The Virginia Division of Legislative Services holds a one-day orientation for all newly elected members of the Virginia General Assembly.

The program is facilitated by the legislative staff and the agenda consist of discussions on bill drafting, upcoming legislative issues, bill introduction and committee staffing, general research publications, judicial selection, the reference center, administrative law, and the Conflict of Interest Act.

The orientation participants are given a reference handout that includes a legislator's guide to legislative services and the judicial selection process, as well as request forms for bill drafting.
I. Welcome - E. M. Miller
   A. Who we are
   B. Where we are
   C. What we do

II. Drafting
    A. Taking request and processing draft - Bill Crammé
    B. Constitutional issues - Bill Crammé

III. Issues - 2008 - Jack Austin

IV. Bill Introduction and Committee Staffing
    A. Introduction of legislation, Profile advantages/Deadlines, 1st day legislation and fiscal impact statements - John Garka
    B. Staffing committees - Frank Munyan

V. Interim Activity - Research/Information
    A. General Research Studies/Commissions - Frank Munyan
    B. Publications and Mapping - Jack Austin

VI. Reference Center - Cheryl Jackson

VII. Judicial Selection - Mary Pelch

VIII. Administrative Law - Jane Chaffin

IX. General Assembly - Conflicts of Interests Act - Mary Spain

X. Conclusion - E. M. Miller
Packet Handout

1. Legislators' Guide to Legislative Services
2. Request Forms for drafting
3. Outline of and PowerPoint presentation
4. Legislative Process (illustration)
5. Session Issue Brief

District Map to be distributed
Who We Are

- Legislative Branch
- Central Agency
- Non-Partisan
- Confidentiality

Where We Are Located

- Second Floor of General Assembly Building
- Find us on the web at: http://ils.state.va.us
What We Do

- Draft Legislation
- Counsel to Committees and Commissions
- Research/Analysis
- Support Interim Studies
- General Assistance
- Publications
- Registrar of Regulations
- Special Assignments (Redistricting, Judicial Selection)

Legislation
Legislation Requested*, Introduced and Passed

(1999-2007)

Drafting

Drafting Legislation
Drafting Legislation

Consultation

- Options
  - What Other States are Doing to Address the Problem
  - Legislative History
  - Policy Analysis
  - Pros and Cons
  - Fiscal Considerations

Drafting Legislation

Bill Preparation

- Experienced Staff
- Constitutionality
- Quality Control

Drafting Legislation

Final Processing

- "Covered" Bill Draft
  - December 26th: Final Mailing
- Two Deliveries Daily During Session
- Your Review
  - January 4th
2008 Issues

2008 Sessions

Virginia's 2008 legislative session has been ongoing. The focus of the session has been on health and mental health issues.

2008 Issues – Mental Health

* Virginia's 2008 legislation highlighted some of the issues
* The Virginia Commission on Mental Health Law has been ongoing
* Legislative and Executive Branch studies and conferences

Involuntary Commitment

Criteria:
- Present imminent danger to self or others
- Alternative: Need for treatment is present but not becoming a danger

Consent/Consent
- Longer time to exclude through RCD and TDD
- Community Service Based Investment
- "Safe Harbor" for information sharing

Involuntary Emergency Treatment
- Increase in the number of treatments

2008 Issues – Mental Health

Service Delivery
- Service models of one-provider services
- Role of Community Service Boards
- Enhanced community-based programs
- Increased service delivery oversight

Records Disclosure
- Federal law (HIPPA, HITEA) prohibits disclosure and protects state action
- Virginia Tech Review Panel – no state wide state law determines whether disclosure is permitted
- Panel recommends clarification of disclosure process to ensure possible

2008 Issues – Mental Health

VIRGINIA LEGISLATURE
ISSUE BRIEF

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2008 Issues - Firearms

- Prohibit person involuntarily committed, including outpatients, from purchasing firearms
- Would codify Governor's Executive Order 50
- Clarify authority of higher education institutions to regulate possession and carrying of firearms
- Alternative: expressly authorize students and faculty to possess and carry firearms
- Require background check for purchase of firearm at gun shows

2008 Issues - Immigration

- Develop national, state, and local systems to deter fraud
- Ban on aliens, including arrested Congress elections

Higher Education

- Develop guidelines to higher education curriculum in illegal immigration

Law Enforcement

- Chinese government's minimum sentencing recommendations
- Local jails and state prisons to maintain data and identification records
- Training programs for law enforcement to improve immigration enforcement
- Programs to build relationships between communities

Business

- Employees to check status of employees
- Employer must not hire illegal immigrants

2008 Issues
Real Estate Tax Reform

- Nationwide property tax increases
- Assessors to determine property tax implications for a neighboring county
- With differential in property - affects ad valorem property

School District Amendment

- Homeowner's Property Tax Relief
  - Exempt, or Order limed, first 25% of owner's assessed, residence or farm property
  - Homeowners must apply by January 1

- Exempt or partially exempt veterans, minors, blind or disabled veterans

- New Assessment Rules can be enacted
2008 Issues – Payday Loans

- First allowed in Virginia in 2002 - rapid growth since
- Efforts to curtail in recent years include:
  - Repeal 2002 Act
  - Cap annual rate (e.g. 36%)
  - "Cooling off" period between loans
  - Central database; lender can confirm no other loans outstanding

2008 Issues
Smoking in Restaurants

- Ban on smoking in restaurants/publc places a regular proposal
- 2007 - Prohibited unless "Smoking Permitted" sign posted - Vetoed
- Health Commissioner convened stakeholder meetings in interim
- Defining "Restaurant" a key issue (patios, carts, etc.)
- Local ordinances may force issue - uniform policy

Prefile Advantages

- No limit on number of bills that may be prefiled
- Draft requests must be received by DLS no later than December 5th at 5 p.m.
- Quality
- Time to review and refine
- Expedites business
  - Introduction by 10 a.m. January 9th
Making Better Use of the Time Available

- Prefiling* and Bill Introduction Limits, beginning with 2004
  Penciled Resolution**

- Legislators may introduce as many bills and resolutions as they
  want before the session (Prefile cutoff is 9:00 a.m. on the evening
  of the session's first day)

- Legislators may introduce only a limited number of bills and joint
  resolutions once the session begins as a means of encouraging
  prefiling:
  > House limit is five (initially six)
  > Senate limit is eight (initially ten)

Making Better Use of the Time Available Cont’d

- The number of days allowed for filing bills after the session starts also
  has been reduced slightly

- Prefiling instructions have dramatically affected the flow of work, especially
  in the first week or two of the session. Most legislation is now available
  when the session begins and committees can start work right away.

- Prefiling (Bill Introductions Only the previous day at 9:00 a.m.)
  begins on the first Monday in February each year and the final day is
  December 21 each year

- Prefiled legislation can be introduced on the first day

- Estimated Benefits: The first two days prior to the beginning of each legislative
  year is to review the subject matter and not proceed with files

The John S. Davis Committee likely urges the reduction in committee to take the
portion to be proposed in a reduction in time.

Percent of Legislation Prefiled
(Bills Only)

[Graph showing percent of legislation prefiled from 2000 to 2007]
Bill Introduction

First-Day Introductions & Fiscal Impacts
- Charter Bill/County Optimal Forms of Government
- Net Reduction of Revenues Collected by Local Government
- Net Additional Expenditure by Local Government
- Sales Tax Exemptions
- Claims/Relief Bills
- Virginia Retirement System
- Corrections Impact Legislation
- Bills Continuing or Creating a Study
- Fiscal Impacts

Draft Legislation-2007 Session

Staffing Committees
- DLS staff work at discretion of chair
- Counseled to Standing Committees and subcommittees
- Provide members with information regarding the bills before the committee
- Drafting line amendments and substitutes
- Provide drafting assistance for Floor Sessions
- Research and drafting during interim
- Conference Committee Reports
Interim Activity
Studies/Commissions/Research

- DLS staffs Joint Subcommittees and Commissions
- Staffing for meetings on carryover legislation
- Committee studies pursuant to House Rule 19/Senate Rule 20(3)
- Work at direction of chair
- Research and drafting assistance
- Assistance with inquiries from constituents

Publications - Session
Jack Auville, Section Manager, Special Projects

- Issue Brief Session Preview
- Session Highlights
- Session Summary
- Digest
- Liaison Officer Directory
- Legislative Record

District Maps
Legislative Reference Center

- Serving Your Information Needs
- Law and Public Administration
- Research Services
  - Other State Statutes and Cases
  - Journal and Newspaper Articles
  - Statistics
  - Legislative History
- Online Databases/Internet Research Sites

Reference Center Orientation

Tuesday, January 8
2:00 p.m.
Division of Legislative Services
General Assembly Building
Second Floor

Virginia Judges

The Governor of the Commonwealth of Virginia appoints a majority of each Judicial District of the General Assembly for terms of six years by law. The Chief Judge is elected for a term of two years.

The Judges of the General Court are elected and removed in the same manner as the Chief Judge of the General Court. The Chief Judge of the General Court is elected by a vote of the judges sitting in the circuit.

The Judges of the General Court are elected for a term of six years, each elected on the eleventh day of December in the year of the election of the Judges, and for terms of six years, in the year of the election of the Judges, and for terms of six years, in the year of the election of the Judges.
Regulations in Virginia

- Administrative Code
  - Updated daily on the web
- Virginia Register
  - Biweekly publication
  - Supplement Virginia Administrative Code
- Virginia Code Commission
  - Official Source of regulations in Virginia
  - Central repository for state agency regulations

The General Assembly
Conflicts of Interests Act

- Code of Virginia §§ 30-100 through 30-129.
The GACOA
- Six Key Components:
  1. Purpose
  2. Generally Prohibited & Unlawful Conduct
  3. Prohibited Conduct Regarding Contracts
  4. Conduct Regarding Transactions
  5. Disclosure
  6. Advice

Purpose — § 30-100

"The General Assembly, recognizing that our system of representative government is dependent in part upon (1) citizen legislative members representing fully the public in the legislative process and (2) its citizens maintaining the highest trust in their public officers, finds and declares that the citizens are entitled to be assured that the judgment of the members of the General Assembly will not be compromised or affected by inappropriate conflicts."
Generally Prohibited & Unlawful Conduct — §§ 30-102 and 30-103

- Quid pro quo offers such as taking money for performing a legislative duty, obtaining employment for someone in the government, obtaining a government contract for someone, or using confidential information — for his economic benefit.
- Accepting money or opportunities that may influence ("reasonably tends to influence") his actions as a legislator.
- A revolving door prohibition. A ban on honoraria for speeches drawing on his legislative expertise. A ban on accepting excessive gifts. A ban on serving on the board of certain regulated industries.

Prohibited Conduct Regarding Contracts — §§ 30-104, 30-105, and 30-106

- Neither you nor your business can have a "personal interest in a contract" with a legislative branch agency. A personal interest includes a three percent ownership interest in a business or a $10,000 annual income.
- Neither you nor your business can have a "personal interest in a contract" with a state government agency unless the contract is the result of competitive bidding or negotiation.
- Neither you nor your business can have a "personal interest in a contract" with a local government agency unless the contract is the result of competitive bidding, competitive negotiation, or an otherwise authorized competitive procedure.
- Note: there are a number of exceptions.

Conduct Regarding Transactions §§ 30-107 and 30-108

- Voting on a bill is prohibited when a member (or a member of his immediate family) has a personal interest in the bill.
- A personal interest is triggered by an annual income over $10,000; a 5% business stake; equity or liability; a $10,000 non-business ownership interest; or representation of a client (any amount).
- A personal interest in a transaction has two elements: (1) the legislator’s or immediate family member’s property or business interest or client is the subject of the bill; AND it is affected in a substantially different way than the general public or other recognizably group.
Disclosure
§§ 30-109, 30-110 and 30-111

- You must file your disclosure statement (Statement of Economic Interests) on or before January 6, 2008, "as a condition to assuming office," with the House or Senate Clerk as appropriate.
- The House or Senate Clerk will provide the form to you by November 30.
- The Statement sets out definitions and a series of questions and related schedules.
- You sign the Statement and have it notarized.

Advice
§§ 30-120 and 30-124

- You may call on other members of the Clerks for advice of an informal nature.
- § 30-120 provides for a three-member Committee on Standards of Conduct in each house that will consider any request by a member of its house for an advisory opinion as to whether the facts in a particular case will violate the CACOA.
- § 30-124 states that a member may rely on an opinion of the Committee or of the Attorney General as a defense against prosecution or discipline.

Special Prohibition on Campaign Fundraising During the Session — § 24.2-954

- General Assembly members and statewide elected officials are prohibited from soliciting or accepting campaign contributions during a regular session from the first day to adjournment sine die.
- Persons and political committees are prohibited from making or promising to make campaign contributions to members and statewide elected officials during the session.
- There is a civil penalty for violations equal to the amount of the contribution or $500, whichever amount is greater.
Division of Legislative Services

Mission Statement:
We provide the Virginia General Assembly with the highest quality legal and analytical information, support services and advice.

Conclusion and Questions