

VIRGINIA



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.



Southern Legislative Conference



The Council of State Governments
Sharing capitol ideas

Division of Legislative Services
2007 New Member Orientation
November 29, 2007

- 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 Felch

- 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
6. Legislators' Guide to Judicial Selection Process

District Map to be distributed:

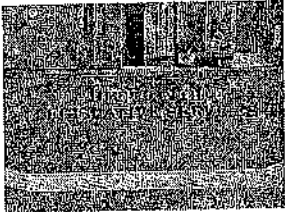
Virginia **DIVISION of LEGISLATIVE SERVICES**



E.M. Miller, Jr., Director

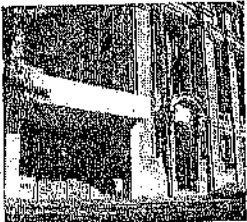
Who We Are

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



Where We Are Located

- Second Floor of General Assembly Building
- Find us on the web at: <http://dls.state.va.us>

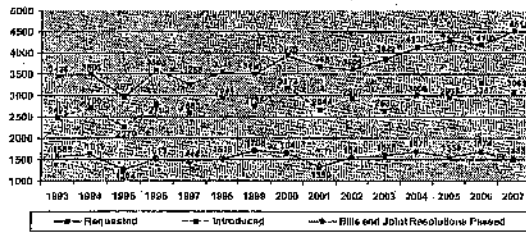


What We Do

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

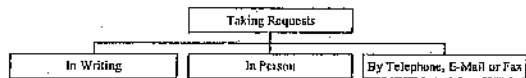
Legislation

Legislation Requested*, Introduced and Passed
*before Deadline
 (1993-2007)



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



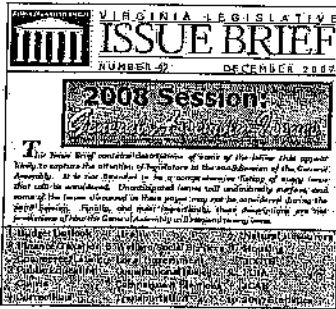
Drafting Legislation

Final Processing

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



2008 Issues



2008 Issues – Mental Health

- Virginia Tech tragedy spotlighted some of the issues
- Chief Justice's Commission on Mental Health Law Reform has been ongoing
- Legislative and Executive Branch studies and conferences

Involuntary Commitment

- Criteria
 - Present: Imminent danger to self or others
 - Alternative: Need of treatment to prevent becoming a danger
- Commitment process
 - Longer time to evaluate through BCO and TDO
 - Community Services Board involvement
 - "Safe Harbor" for information sharing
- Involuntary Outpatient Treatment
 - Improve monitoring/enforcement of compliance with treatment orders

2008 Issues – Mental Health

Service Delivery

- Revise models of out-patient services
- Role of Community Services Boards
- Enhanced community-based programs
- Increased service delivery oversight

Records Disclosure

- Perception: federal law (FERPA, HIPAA) prohibits disclosure and precludes state action
- Virginia Tech Review Panel - areas exist where state law determines whether disclosure is permitted
- Panel recommends clarification of disclosure avenues to extent possible

2008 Issues - Firearms

- Prohibit person involuntarily committed, including out-patient, from purchasing firearm
- 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 firearms at gun shows

2008 Issues - Immigration

- Dominating national, state, and local concerns
- Issue in elections, including several General Assembly elections

Higher Education

- Deny admission to higher education institutions to illegal immigrants

Law Enforcement

- Crime Commission is making several recommendations
- Local jails and state prisons to confirm status and identification
- Training programs for law enforcement and corrections personnel
- Programs to build law enforcement - immigrant community relationships

Business

- Employers to check status of employees
- Suspend business license if hiring illegal immigrants

2008 Issues Real Estate Tax Reform

- Numerous proposals in this area are certain
- Assessment/Reassessment procedures and property tax consequences are a likely focus - notice to taxpayers
- Bills addressing the tax rate - budget adoption nexus also are likely
- Pending Constitutional Amendments
 - Homestead Property Tax Relief
 - Exempt, or defer taxes on, up to 20% of owner-occupied residential or farm property
 - Servicemember's Car Tax Relief
 - Exempt or partially exempt vehicle owned or leased by member of armed forces serving in area of military conflict
 - New Amendment Proposals can be expected

2008 Issues – Payday Loans

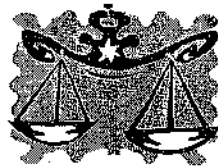
- First allowed in Virginia in 2002 - rapid growth since
- Efforts to curtail in recent years include:
 - Repeal 2002 Act
 - Cap annual rate (e.g. 36%)
 - "Cooling off" period between loans
 - Central database: lender can confirm no other loans outstanding

2008 Issues Smoking in Restaurants

- Ban on smoking in restaurants/public 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



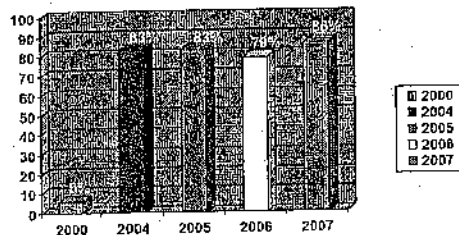
Making Better Use of the Time Available

- Prefiling* and Bill Introduction Limits, beginning with 2001 Procedural Resolution**
- Legislators may introduce as many bills and resolutions as they want before the session (Prefile cutoff is 10:00 a.m. on the morning 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 once the session starts also has been reduced slightly
- Prefiling incentives 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 (filing legislation with the appropriate clerk for the next session) by statute can begin on the third Monday in July in even years and the third Monday in November in odd years (legislative election years)
- Procedural Resolution: The joint resolution adopted at the beginning of each legislative session to establish the legislative schedule and set procedural rules.
The Joint Rules Committee initially adopts the resolution, usually in December, so that the proposed schedule is known ahead of time.

Percent of Legislation Prefiled (Bills Only)

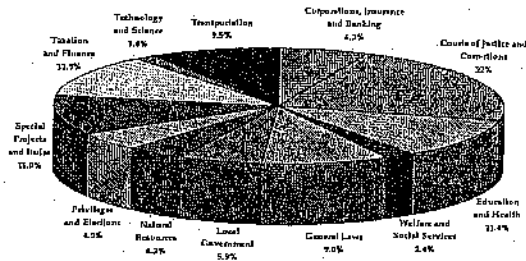


Bill Introduction

First-Day Introductions & Fiscal Impacts

- Charter Bills/County Optional Forms of Government
- Net Reduction of Revenues Collected by Local Government
- Net Additional Expenditure by Local Government
- Sales Tax Exemption
- Claims/Relief Bills
- Virginia Retirement System
- Corrections Impact Legislation
- Bills Continuing or Creating a Study
- Fiscal Impacts

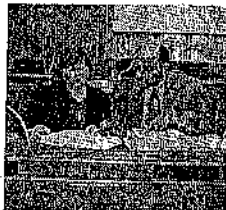
Draft* Legislation-2007 Session



* Bill drafts prepared by Division of Legislative Services Total Number = 6616

Staffing Committees

- DLS staff work at direction of chair
- Counsel 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



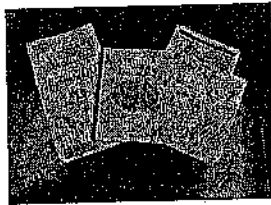
Interim Activity Studies/Commissions/Research

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

Publications - Session

Jack Austin, Section Manager, Special Projects

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



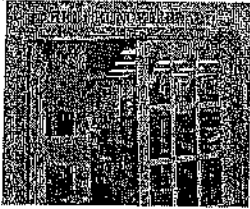
District Maps



Legislative Reference Center

Ceryl Jackson, Manager, Information and Resource Services

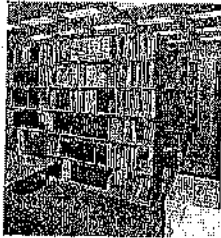
- Serving Your Information Needs
- Law and Public Administration
- Research Services
 - Other State Statutes and Cases
 - Journal and Newspaper Articles
 - Statistics
 - Legislative History
- Online Databases/Internet Research Sites



Reference Center Orientation

Tuesday, January 8
2:00 p.m.

Division of Legislative Services
General Assembly Building
Second Floor



Virginia Judges

The Justices of the Supreme Court of Virginia are elected by a majority vote of each House of the General Assembly for a term of twelve years. By law, the Chief Justice is selected by a vote of the seven members of the Court.

The Court of Appeals Judges are elected by a majority vote of each House of the General Assembly. They serve for eight-year terms. The Chief Judge is elected by a vote of the eleven judges for a term of four years.

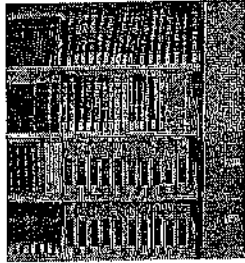
The Judges of the Circuit Courts are elected and receive interim appointments in the same manner as the Court of Appeals Judges. The Chief Judge of the circuit is elected for a two-year term by a vote of the judges serving in the circuit.

The Judges of Virginia's District Courts are elected by a majority vote of each House of the General Assembly for terms of six years. Each district has a Chief General District Court Judge and a Chief Juvenile & Domestic Relations District Court Judge, both elected by peer vote for a two-year term.



Regulations in Virginia

- **Administrative Code**
 - Updated daily on the web
- **Virginia Register**
 - Biweekly publication
 - Supplements 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 GACOLA
- 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 (i) citizen legislative members representing fully the public in the legislative process and (ii) 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 offenses 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 3% business stake, equity or liability, a \$10,000 nonbusiness 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 recognizable group.

Disclosure
§§ 30-109, 30-110 and 30-111

- You must file your disclosure statement (Statement of Economic Interests) on or before January 8, 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 GACOIA.
- § 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