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Modernization in the Virginia General Assembly : the Commission on the Legislative Process 1972-73

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MODERNIZATION IN THE VIRGINIA GENERAL ASSEMBLY:
THE COMMISSION ON THE LEGISLATIVE PROCESS 1972-73

BY

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INTRODUCTION

Of the forces which led to institutional modernization in the Virginia General Assembly in the early 1970's, the Commission on the Legislative Process was one of the most significant. The Commission focused its attention on those administrative, managerial and structural problems which were among the most significant impediments to the Assembly's efficient operation. In the administrative and managerial areas the Commission had great success. Administrative improvements in staff support were especially significant. Staff support was recommended and subsequently approved for individual legislators, standing committees and the Assembly as a whole.

The administrative procedures for turning an idea into law were simplified. Legislative procedures were made more accessible and responsive to the needs of the public and Assembly members alike. Computer support of bill preparation has improved the speed and accuracy with which legislation is written and printed. Rule changes and procedural streamlining produced greater economy of effort in the limited time available during annual sessions and made for more liberalized utilization of the interims between sessions for committee and commission work.

In its structural endeavors (and here "structural" signifies both the formal rules of the two houses and the bricks and mortar

which surround it), the Commission was less successful. It is possible that the Commission and Assembly were unwilling to make sweeping structural changes so soon after the adoption of the new state constitution. Legislators wanted incremental change. They wanted to view the effects of the new constitution before making new internal changes. It was also perceived that some of the more significant organizational problems would appear in a clearer light after the successful address of some of the recognizable problems of administration and procedure.

In its efforts to effect brick and mortar changes the Commission was unsuccessful. The Commission suffered from a lack of good timing and political concensus. It did not anticipate public reaction nor was it prepared to rebut adverse reaction when it was encountered. Instead the Commission "best cased" its proposal for new facilities. Public opinion was molded into opposition to the construction of new legislative facilities and may remain so for years.

When all the successes and failures of the Commission are balanced, it may be that its most important contribution to the legislative process was to demonstrate that the leadership of the Assembly recognized the need for change and was open to new ideas. As a result, changes came in its wake, such as the creation of the Joint Legislative Audit and Review Commission, which might not have been favorably considered under different circumstances. While the Commission was not successful in all its efforts, it

established an environment amenable to the modernization of the General Assembly and its agencies.

In addition to the work - the product of the Commission - this paper especially will address the procedures and methodology by which the Commission and its members operated. It is by studying the Commission at work, analyzing problems and proposing solutions, that the observer realizes that the Commission was not attempting to serve partisan ends, but was trying to improve the framework of democracy in Virginia. This attitude was perceived by the members of the General Assembly and contributed substantially to the modernization of the General Assembly which is still progressing.

This paper is concerned principally with the work of the Commission on the Legislative Process during 1972-73. During these two years I worked as Assistant to the Speaker of the Virginia House of Delegates, the Honorable John Warren Cooke. Cooke was chairman of the Commission from its inception and at his direction I worked extensively with the Commission during 1972-73. I prepared many of its papers, assisting in writing the 1973 Report and attended all of the Commission's meetings (regular and subcommittee) from January 1972 - June 1973. Much of what is presented in this paper is the result of my experiences and the records I kept during this time. Chapter I presents what I feel is necessary background to understand the Commission and its work in 1972-73. Chapter II is a brief history of the Commission.

Chapter III details the organization of the 1972-73 Commission. Chapters IV - VI are detailed records and analyses of the Commission at work in 1972-73 in three areas: facilities, staffing and computer technology. My objective is to illustrate how such a legislative study commission works - to detail its assumptions, goals, procedures and work.

CHAPTER I

BACKGROUND TO THE 1972-73 WORK OF THE COMMISSION

In presenting a review of the period prior to and influencing the work of the 1972-73 Commission on the Legislative Process, it is not suggested that the work of the Commission represented the culmination of causative historical factors. The work of the Commission was not a landmark episode in the overall history of the General Assembly. That is not to say that the work of the Commission was not significant. The Commission was an important General Assembly study group which did its job in a relatively successful manner. A study of the Commission is important, however, because it gives an example of how the Virginia legislative system works. The purpose of this chapter is to establish the environment in which the Commission worked. An understanding of this environment will lead to a better understanding of the relative contributions and importance of the Commission.

A number of factors influenced or led to a more satisfactory environment for the modernization¹ of the legislative process in Virginia during the early 1970's.

1. The term "modernization" is not meant to carry a normative bias. The term as used in this paper simply means updating antiquated, unsuitable or inefficient activities or processes.

Among these factors were:

1. The breakdown of the Byrd Organization.
2. The election of a Republican governor.
3. Court-ordered reapportionment of legislative districts.
4. The revision of the state Constitution.
5. The impact of "good government groups" and nationwide reform activity.
6. Recognition on the part of the legislative leadership and membership that the Assembly needed to change its procedures to properly do its job.

The breakdown of the Byrd Organization had and is still having significant political consequences in Virginia. For decades Virginia's primary political party (and consequently her political institutions) operated within the context of the Democratic Party organization which was dominated by Senator Harry Flood Byrd, Sr. The party organization under his domination became known as the "Byrd Organization" or "the Byrd Machine."² The void left by the decline of the Byrd Organization was felt in the General Assembly. A new decision-making framework was needed in the General Assembly to fill the role played by the Byrd Organization. Legislators attempted to fill this void in part by addressing the "formal"

2. It is not necessary to fully develop the history of the Byrd Organization here. The point is that the changing political environment did play a role in the development of an environment more conducive to legislative modernization. For a fuller treatment of the changing political environment in post-war Virginia see Ralph Eisenburg, "Virginia - The Emergence of Two-Party Politics" in The Changing Politics of the South, ed. William C. Havard (Baton Rouge: The Louisiana State University Press, 1972). In addition, Havard's "Bibliographic Essay" in that book references and discusses briefly most well-known political commentaries on the South published since World War II.

framework of the General Assembly as opposed to developing another "informal" decision-making framework similar to the Byrd Organization.

The power of the Virginia General Assembly has historically³ fluctuated vis à vis that of the other branches of state government. It was with the election of a Republican governor, however, that the General Assembly recognized the full extent of its dependence on the executive branch. Since Reconstruction, the General Assembly, no matter how weak in fact, could at least claim the program of the governor as its own. With the election of Linwood Holton, Democratic assemblymen found themselves cut off from the executive. The governor had Republican floor leaders pushing his programs. The Democrats in the General Assembly held three-fourths of the seats and yet had no program of their own. The situation and its meaning to Democratic legislators did not go unnoticed. House Majority Leader James Thomson of Alexandria chastised House Democrats for failing to recognize the new political realities that had come to pass:

It used to be that the governor would come down here with some bills and give them to some of the members. And they would take them and tell everyone - "this is the governor's bill" - and it would pass. Well, I think some of us learned our habits too well, because Linwood Holton came down here asking for six deputy governors and we're about to give them to him. "This is the governor's

3. An excellent history of the fluctuating power of Virginia General Assembly from colonial days into the early twentieth century is contained in James E. Pate, "Constitutional Revision in Virginia Affecting the General Assembly," William and Mary College Quarterly and Historical Magazine, X, No. 2 (1930).

bill." (They say.) Well, we've got a Republican governor now and this is his bill, not ours.⁴

The General Assembly eventually gave the governor the "deputies" he had asked for but it took to heart Thomson's taunt and also many of the arguments the governor had made in support of the proposal. The governor had argued, in essence, that the executive branch of state government could not be properly managed under its existing configuration. He denied that the "Secretaries" he was asking for were "deputy governors" but rather were necessary additional high level staff administrators. It was not difficult for members of the Assembly to apply the same rationale to their own situation. The legislative process was inadequate to the demands made upon it. The election of a Republican governor did not create this situation but it did accentuate it.

In the past, the role of the legislature in relation to the governor was too often limited to passing upon his proposals on the basis of information supplied by his office or some executive agency or even perhaps some lobbyist. Until the election of Governor Holton, it could strongly be argued that not only was the governor the Chief Executive, but also the "Chief Legislator".

A marked change occurred in 1969, however, with the election of a Republican governor in a state in which the legislature was heavily controlled by the Democratic Party. This is not to say that the relationship between the executive and legislative branches has not been good--it has been splendid--but it has meant that the governor's budget proposals and his other programs have been subjected to more critical

4. James M. Thomson, speech given on House Bill 817, Virginia House of Delegates, Richmond, Virginia, February 23, 1972.

constructive analysis. The executive and legislative branches have become more nearly equal branches of state government--the legislature now being more than a rubber stamp or an approver of the governor's proposals. This new found role of independence and importance will likely carry over and remain regardless of who may be elected as Virginia's next governor.⁵

Court-ordered reapportionment of legislative districts was certainly one of the critical political factors which led to modernization on the Virginia General Assembly. During the time period from the Supreme Court edict that legislative districts be apportioned on a one man/one vote basis to the 1972 session, the General Assembly twice had its districts reapportioned. The most recent reapportionment was based directly on the 1971 Reapportionment Act and the 1972 session was the first to be elected under it.⁶

In addition to satisfying the basic objective of reapportionment - that is making each man's vote count the same - reapportionment had practical political consequences. Among the consequences of reapportionment were substantial retirements, defeats of incumbents and large "freshman classes" in the General Assembly.⁷

5. James C. Turk, "A Republican Looks at the 1972 Virginia General Assembly," The University of Virginia News Letter, II, No. 2 (1972), p. 6.

6. Ibid.

7. Thomas L. Wells in "A Pattern Emerges," National Civic Review, October, 1968, discusses those consequences of reapportionment more of a policy than procedural nature. Among the consequences of reapportionment he highlights are the shift from rural to urban majorities and the relative activism of the new membership. Wells acknowledges, however, that "reapportionment was a two-edged sword, affecting the internal processes of the General Assembly on

Regardless of the political attitudes or party affiliation of the new members, an influx of new personalities affects the dynamics of a legislative body. In the 1972 Assembly this was particularly the case. The reapportionments and two large new freshman classes resulted in the turnover of committee chairmanships, the reposition of committees and the caucuses, and in general, a sizeable injection of "new blood."⁸

The 1972 Session of the Virginia General Assembly was also the first to meet under the new Virginia Constitution. The new constitution significantly affected the General Assembly and was itself a giant first step in the modernization process. The most significant change effected by the new constitution with regard to the General Assembly was the reinstatement of annual sessions. Virginia was not unique in moving toward annual sessions. In December, 1973, the Citizen's Conference on State Legislatures

7. (continued) the one hand and the entire political system on the other... The number of seats changed from rural to urban was minimal but the effect was much greater in terms of turnover of legislative members. Many of the freshman members, including some who represented rural districts, were young men who were disappointed with the lack of opportunity for effective legislative action... (p. 456)."

8. In the 1971 elections, seventeen Senate seats (43%) and forty-one House seats (41%) changed hands. Council of State Governments, The Book of the States, 1974-75, p. 69. Also, "from 1963 to 1971 the average proportion of new members in the House of Delegates was 26 per cent, compared to an average for all of the forty-nine state houses of 36 per cent." H. Owen Porter, "Informational Processes in the Virginia House of Delegates," University of Virginia News Letter, Vol. 51, No. 5 (January, 1975), p. 18.

reported that "the number of state legislatures meeting annually in general session - now at forty-one - has more than doubled since 1960."⁹

There was more debate during the 1969 and 1970 sessions on constitutional revision on the subject of reestablishing annual sessions than on other purely legislative matter. The Commission on Constitutional Revision had not recommended annual sessions.

The Commission proposes that regular sessions of the General Assembly continue to be biennial but proposes that, in recognition of the Assembly's increasing workload and responsibilities, the length of regular sessions be extended from sixty to ninety days.¹⁰

(The Commission on the Legislative Process of the General Assembly served as advisors to the Legislature and Judiciary Subcommittee of the Commission on Constitutional Revision, but disagreed with this recommendation.) In addition to advising against annual sessions, the proposed provision for a ninety day session did not allow for extensions of the session.¹¹ The Commission on Constitutional Revision based its arguments on:

1. Virginia tradition.
2. The experience of other states.

9. Rosemary Moeykens, "Legislatures Meet More Often As State Problems Grow," Research Memorandum (Citizens' Conference on State Legislatures), No. 17 (December, 1973), p. 1.

10. Commission on Constitutional Revision, The Constitution of Virginia--Report of the Commission on Constitutional Revision, 1969, p. 16.

11. Ibid., p. 352.

3. The workload of the General Assembly.
(It was argued that legislative work would expand to fill any time period.)
4. The success of biennial budgeting. ✓
5. The success of utilizing interim study groups.
6. The confusion which might result from changing laws annually.
7. The calibre of membership. (It is a frequently expressed attitude of the General Assembly now and traditionally, that the strength of Virginia's government rests with her amateur legislators. It was feared that quality personnel would not seek office if they were required to leave their families and jobs annually. It was feared that a class of professional legislators would result from annual sessions. The other side of the coin, the existence of a legislature of lawyers and the rich, was rarely addressed.)

It should be noted that although the Commission on the Legislative Process advised the Commission on Constitutional Revision with regards to legislative matters, its advice was not always taken. The issue of annual sessions is an obvious example. The Commission on Constitutional Revision recommended ninety day biennial sessions. In its 1969 report to the General Assembly the Commission on the Legislative Process recommended annual sessions.

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

number of regular session days in any biennium would be 150 in place of the present provision for a maximum of 90 days with pay.¹²

The Commission on the Legislative Process was recommending adoption of the provisions voted by the 1969 Special Session on Constitutional Revision. The recommendation to the special session had been:

The General Assembly shall meet once in two years on the second Wednesday in January next succeeding the election of members of the House of Delegates and may continue in session for a period not longer than ninety 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.¹³

The proposal of the Commission on Constitutional Revision never made it to the floor of the House. The proposal was defeated in committee (House Committee on Rules). The Rules Committee draft provided for annual sessions and it was this proposal that was voted by the special session and supported by the Commission on the Legislative Process.

The General Assembly shall meet once each year on the second Wednesday in January. No regular

12. Commission on the Legislative Process, The General Assembly Today--Report of the Commission on the Legislative Process, 1969, p. 6. This particular statement addresses not the report of the Commission on Constitutional Revision which proposed ninety day biennial sessions but the proposal reported by the Rules Committee to the House - annual sessions.

13. Commission on Constitutional Revision, p. 352.

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 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.¹⁴

There was little debate on this amendment in the House of Delegates. Delegate Lewis McMurrin of Newport News argued that "annual sessions of sixty and thirty days will be more conducive to the continuance of a citizen legislature than biennial sessions sessions of ninety days as recommended by the Commission."¹⁵ There was some brief debate relating to the compensation of members during the session. The decision to approve the committee recommendation of annual sessions was made by a vote of 96-0¹⁶-- an impressive unanimity when one considers the disposition of previous gatherings to the General Assembly and its frequency of meetings.

The debate on the Senate side of the house was more extensive. To begin with, the Senate Rules Committee reported the amendment as it had been proposed by the Commission on Constitutional

14. Virginia General Assembly, House of Delegates, Proceedings and Debates of the House of Delegates Pertaining to the Amendment of the Constitution, Extra Session, 1969, Regular Session, 1970, p. 827.

15. Ibid., p. 85.

16. Ibid.

Revision.¹⁷ The provision that members would not be paid for their expenses or time at special sessions exceeding thirty days was, however, deleted.¹⁸ There was little support in the Senate for the ninety day biennial sessions. The first business with regard to the proposal was a substitute floor amendment offered by Senators Andrews and Hirst to bring Senate language into conformance with that agreed to by the House - that is, annual sessions.¹⁹

Senator Hunter Andrews of Newport News expressed the view of the Commission on the Legislative Process in support of annual sessions.²⁰ He also referred to the "carry-over" proposal, a popular procedure which would in effect make the General Assembly a continuous body between its long and short annual sessions. Proponents cited the increasing demands of constituents, the increasing volume of legislation, the increasing population of the state and the need for more continuity between sessions of the General Assembly. "All states of the nation," he pointed out, "for whatever it may be worth, that are in our population bracket and higher have gone to annual sessions."²¹ Senator Willard J. Moody argued

17. Virginia General Assembly, Senate of Virginia, Proceedings and Debates of the Senate of Virginia Pertaining to Amendment of the Constitution, Extra Session, 1969, Regular Session, 1970, pp. 698-99. Information extracted from parallel tables.

18. Ibid.

19. Ibid., p. 350.

20. Ibid., p. 352.

21. Ibid., p. 353.

that the burden of meeting once every two years for ninety days would be greater than that of meeting sixty days one year and thirty the other.²²

Senator Omer Hirst, making a point of the fact that he was rising to speak for the first time in a session more than half over, reminded Senators that the General Assembly was already haphazardly approaching annual sessions with recent special sessions held in 1955, 1956, 1959, 1964 and 1969. "We would all be better off were we planning to come here annually than were we getting the consequences of annual sessions without having planned."²³ Hirst also noted that "the importance of meeting annually instead of biennially is, very simply, that the world will not wait."²⁴ Hirst gave as an example a proposed ten word amendment to the interstate compact between Virginia, Maryland and the District of Columbia which was necessary before action on a rail rapid transit system could proceed. Without General Assembly action the whole project, he maintained, would "grind to a halt". Numerous other examples of legislation, corrections to Acts of Assembly which had small technical errors that prevented their becoming law, and "service to the people" that languished in the two year interim were also given. The

22. Ibid., p. 360.

23. Ibid., p. 359.

24. Ibid.

business of the state, it was argued, could not wait.²⁵

Opposition to annual sessions was strongly felt and passionately expressed. Senator William F. Stone summed up many attitudes of the opposition:

It would be expensive for the state to have annual sessions. We would have more laws put on the books, we would have more changes...the heads of the departments and heads of universities and our state supported colleges (you know how long it takes them to prepare their budget, how long they put in down here in Richmond) would not have much time to look after their institutions or their departments if we go to annual sessions.²⁶

The bulwark of Virginia's government over the years has been her citizen legislators. Every lawyer in the Assembly is losing money when he is here. I know I am losing money, and most of you businessmen are. But I come down here because it is the highest honor I have ever sought. I would rather be sitting in the Senate of Virginia than be President of the United States. It is the oldest lawmaking body in the whole western hemisphere. This is high honor. But by annual sessions you are going to eliminate everyone except the rich and the man who wants a job. I say again, the bulwark of Virginia's government has been citizen legislators; and you are going to get rid of these.²⁷

Senator M. M. Long voiced the ages old concern that "annual sessions would simply mean there would be more taxes, more costs..."²⁸
The normative, "gut" attitude of the individual members seemed to

25. Ibid., pp. 358-360.

26. Ibid., p. 351.

27. Ibid., p. 354.

28. Ibid., p. 352.

be the critical factor in the debate. The protection of the citizen legislator, and virtually every other argument, was used in earnest by both sides during the debate. In the end, the members seemed to vote their own attitude. The amendment authorizing annual sessions was approved by a vote of 27-13.²⁹ Annual sessions would begin effective in 1973.³⁰ *See also p. 10* *W. Cooke UVA Newsletter 9/72, p. 2* The fact that Senators knew they were guaranteed two sessions by virtue of their four year tenure is one of several explanations offered for the difference in the House and Senate votes.

While the provision for annual sessions was by far the most important legislative change in the new constitution, a corollary provision allowing continuity between the two sessions of a General Assembly was also approved. This provision allowed that "the houses may jointly provide for legislative continuity between

29. Ibid., p. 361.

30. It should be remembered that Virginia is still a long way from unrestricted annual sessions. In effect, only ninety days over two years are regularly scheduled for General Assembly sessions. Because of differences in definitions of actual days of meetings it is difficult to determine precisely where Virginia stands in terms of meeting frequency. Virginia's sessions are counted by calendar, rather than meeting days. The "short" thirty day session, however, is regularly extended. In addition, the Virginia General Assembly is virtually "all business" once the session convenes, whereas many other states adjourn frequently and return home. There is a good deal of interim study and committee activity in Virginia which frequently escapes the observer's eye. Overall, however, it can be accurately stated that Virginia meets less frequently than most other state legislatures.

sessions occurring during the term for which members of the House of Delegates are elected."³¹ This provision was adopted in the House by a vote of 90-4³² and in the Senate by a vote of 34-4.³³ There was substantial debate on the continuity provision in the House, most of it of a clarifying nature. There was no debate at all in the Senate on this subject.

Significantly, no further restrictions on the powers of the General Assembly were added by the revisors of the constitution. "In particular it should be remembered that the Virginia Constitution, unlike the Federal Constitution, is a limitation on power, not a grant of power. The General Assembly has all legislative powers not denied it by the Virginia or Federal Constitutions."³⁴ The power of General Assembly was expanded when specific prohibitions on legislation on such subjects as lotteries were dropped. The removal of constitutional prohibitions in an area leaves the matter subject to general law. The extent to which specific prohibitions were deleted in all areas is apparent by the dramatic reduction in size of the constitution. The 1971 constitution is

31. Ibid., p. 826.

32. House Debates, p. 564.

33. Senate Debates, p. 361.

34. Commission on Constitutional Revision, p. 124.

only slightly larger than half the size of the previous constitution.³⁵ A side effect of the debates and revision of the constitution was to bring into clearer focus some of the procedural problem areas experienced by the General Assembly but inappropriate for address in the state constitution. These problem areas would be addressed later by changes to the rules of the two houses and by the work of the Commission on the Legislative Process.

Another factor which impacted on the context in which the 1972-73 Commission on the Legislative Process was to operate was the attempt by "good government groups" to revitalize federalism. In a broad sense, federalism was under fire in the early 1970's.³⁶ Theoretically, federalism should be one of the most innovative forms of government. Responsibilities of government are divided as a means of serving and protecting the people. One could argue that federalism is more responsive to change and better able to anticipate the future because of the variety of approaches used by the

35. Without departing too far from the focus of this paper - the role of the 1972-73 Commission on the Modernization of the General Assembly - there are a few elements of the new constitution which impacted significantly on the Assembly's powers, if not its procedures themselves. The constitution signified a break with the "pay as you go" policy. The equal protection clause of the Bill of Rights (Article I, Section 11) was extended to include women. A proviso was added stating that "the mere separation of the sexes shall not be considered discrimination." One of the most impressive facets of the 1971 Constitution is Article VIII, Section 1, which establishes a free public education as a right.

36. "State Legislatures throughout the country are experiencing a time of self-scrutiny and reexamination." (Cal Ledbetter, Jr., "Legislative Improvement in Arkansas," State Government, Spring, 1973).

different governments within the federal structure. The states might be seen as fifty laboratories in which experiments in government take place, serving as examples to the national government and each other. In reality, however, it had been the national government and not the states that had led. The states had been parochial instead of cooperative. They had acceded to the expansion of power by the national government.

As a result of the growing dominance of the national government, coupled with the growing failure of the federal government to satisfy the demands of the electorate, there emerged in the 60's and 70's good government groups whose purpose was to revitalize federalism by strengthening state governments. A principal focus of these groups was the revitalization of the state legislatures.³⁷

The legislature is at the heart of the state governmental system. The quality of state government is no better than that which the legislature permits it to be. The legislature is the funnel or the bottleneck through which the development of state government must flow.³⁸

The revitalization of state governments through legislative

37. Examples of these groups are the Citizens' Conference on State Legislatures and the various state citizens' committees and conferences (i.e. the Citizens' Committee on the Georgia General Assembly), the Council of State Governments, the Eagleton Institute of Politics, League of Women Voters, National Municipal League, National Conference of State Legislative Leaders, National Legislative Conference, National Society of State Legislators and many others.

38. Larry Margolis, "Revitalizing State Legislatures," in Strengthening the States: Essays on Legislative Reform, ed. Donald G. Herzberg and Alan Rosenthal (New York: Doubleday and Company, 1972), p. 27.

modernization was one subject on which both both Virginia conservatives and liberals could agree. To some it may have appeared a return to states rights; to others a necessary revitalization of the federal system at a subordinate or at least component level. Senator Turk, in his review of the 1972 Session of the General Assembly, wrote that "...the Federal Government is hard pressed to perform its proper role effectively unless the states have the opportunity and are willing to perform theirs."³⁹ Turk was speaking for many conservatives when he called for an active state government to balance what he considered the excesses of the national government. Even with this attitude, however, he recognized that "there are those, some of them in the Virginia General Assembly, who regard the relative weakness of the state legislatures as a good thing. They want to see the Commonwealth involved in as few activities as possible."⁴⁰

Most legislators, however, recognized that inactivity by the state usually led to vacuums quickly filled by an encroaching national government. Legislators were spurred from recognition to action in many cases by the wide array of good government groups which clamored incessantly for action. That these good government groups and the nationwide movement to revitalize state legislatures had some effect can be seen in the resolution which created the

39. Turk, The 1972 Virginia General Assembly, p. 5.

40. Ibid.

Commission on the Legislative Process. The second paragraph of the resolution⁴¹ reads "whereas, other states are already seeking solutions, with nearly four-fifths of them having undertaken studies of some or all phases of the legislative process in the last two years..." It was not by coincidence that forty of the fifty states initiated studies of legislative procedures during the period 1966-68. It was, at least in part, the result of conscientious and effective lobbying in all of the states by interested good government groups.

What other states were doing was important to the General Assembly. Among the leadership especially, there was an enormous pride in the history and traditions of the General Assembly.⁴² The pride of many legislators was severely shaken when reports were published saying that the Assembly was no longer a legislative leader among the states, nor even a very good follower. One report in particular shook the members. The Sometimes Governments, published by the Citizens Conference on State Legislatures, ranked the

41. Virginia General Assembly, Senate, Senate Joint Resolution No. 20, Creating a Commission to Study the Legislative Process in Virginia, 1968 Session, S.J.R. 20, p. 1.

42. "A bronzed plaque on a wall in Mr. Jefferson's Capitol, which was constructed in 1785-89, sums up the Virginia State Legislature's proud claim to historic priorities. 'In this building,' it says, 'meets the General Assembly of Virginia, the oldest law-making body in America and the first in the world to function under a written Constitution of a free and independent people.'" James Latimer, "Virginia's General Assembly: Study in Evolution of Democracy - American Style," Richmond Times-Dispatch, January 11, 1976, p. F-1.

state legislatures from best to worst according to "minimum standards of legislative capability."⁴³ Using basic criteria of functionality, accountability, informedness and independence, the Conference ranked Virginia thirty-fourth among the fifty states. The ratings were published in August of 1971. (The impact of the new constitution on legislative effectiveness was taken into account.)

While the leadership of the Assembly publically rejected the findings of the Citizens Conference, privately they admitted to the objectivity and accuracy of the study.⁴⁴ The report of the Citizens Conference and similar reports and findings by other groups,⁴⁵ as well as the genuine interest of the members of the General Assembly and Commission, signalled a revitalization of interest in the Virginia General Assembly's processes. The Commission on the Legislative Process, formed in 1968 and relatively

43. John Burns, The Sometimes Governments--A Critical Study of the 50 American Legislatures by the Citizens Conference on State Legislatures (New York: Bantam Books, Inc., 1971), p. 48.

44. One of my first projects for the Speaker in December, 1971 and January, 1972 was to assist in preparing a reply to a questionnaire forwarded by the Citizens Conference on State Legislatures. In ensuing discussions and interviews with members I frequently heard The Sometimes Government cited as a reason for increased activity by the Commission on the Legislative Process.

45. The importance of the role of good government groups is difficult to establish. As an observer, however, I can testify that these groups were a specific, identifiable factor that affected the deliberations of some members. The recommendations and criticisms of these groups may not have been followed, but they were, at least, not ignored.

dormant during the years of revision of the state constitution,
was to be given a clear mandate to propose improvements in every
area of legislative activity.

CHAPTER II

THE COMMISSION ON THE LEGISLATIVE PROCESS, 1968-1972

The Commission on the Legislative Process was created in 1968 with the passage of Senate Joint Resolution No. 20. The resolution stated that:

Under the existing legislative process, the members of the General Assembly no longer have the time, information or facilities to consider the vastly increased volume and complexity of subjects of legislation in the efficient and effective manner which the people of Virginia have a right to expect and demand...¹

The Resolution also specified the composition of the Commission. (This later became an important consideration, particularly when Henry E. Howell was Lieutenant Governor.) The Commission was to consist of eleven members, "The President of the Senate and three persons appointed by him, at least two of whom shall be from the membership of the Senate; and the Speaker of the House and six persons appointed by him, at least five of whom shall be appointed from the membership of the House."² The Commission was to elect its own chairman. The numerical imbalance in favor of the House,

1. S.J.R. 20, 1968, p. 1.

2. Ibid.

combined with the popularity of the Speaker, the Honorable John Warren Cooke of Matthews and Gloucester counties, assured his election. Mr. Cooke has chaired the Commission ever since.

The original resolution instructed the Commission to study, but not limit its study to, four areas: (1) facilities, (2) compensation of the membership, (3) staff assistants for the members and committees and (4) staffing of the legislative service agencies. The Commission was directed to "make a comprehensive analysis of the legislative processes in the other states and to include an evaluation thereof in its report."³

The first report of the Commission on the Legislative Process was published on 12 November 1969. It stated that "the basic structure of our law-making body framed by the Constitution of 1902 remains intact today."⁴ It also noted, however, that from 1958 to 1968, the number of measures introduced rose from 1078 to 1724, the number enacted from 642 to 802, and the general fund appropriations from \$365 million to \$1.3 billion. The report concluded that while the Virginia General Assembly was doing many things right,⁵ it could also stand improvement. Specifically, the report concluded

3. Ibid.

4. The General Assembly Today, p. 1.

5. Ibid., p. 20. The report specified eight "good" features of the present system which had been recommended in other states but were already in use in Virginia. Among these features were interim study groups, fixing of pay by statute rather than constitutional amendment, a consent calendar and legislative authority to call for a special session.

that the parsimonious financing of the legislative branch had been restrictive.⁶

The study further noted that the Virginia General Assembly ranked last among the fifty states in both amount of the per capita expenditure for the work of the Assembly (\$0.36) and in the percentage of legislative expenditures as a part of the entire budget. (.064%)⁷ The report reflected a concern that the legislature was too poorly supported to provide the quality of efficient legislative procedures necessary for effective state government. The Commission made recommendations in six major areas:⁸

1. Constitutional provisions
2. Physical facilities of the legislature
3. The processing of bills
4. Organization of and staffing for the legislature
5. Compensation for Legislators
6. Continuation of the study

The most important recommendation was with regard to the pending revision of the constitution. The Commission, as has already been

6. Commission on the Legislative Process, Report of the Commission on the Legislative Process, 1972, unnumbered frontal page. The Commission Chairman, John Warren Cooke, in an introductory letter to the General Assembly, wrote that low expenditures showed, in part, "exaggerated frugality where the General Assembly has been involved."

7. Ibid., p. 3. Virginia perennially was last or next to last in these areas. (I should add that these figures were a considerable source of pride to some of the more conservative members of the General Assembly.) Its percentage of legislative expenditures as a percent of total state expenditures was forty-ninth among the states in FY 65. ("Legislative Fiscal Support in Perspective", Citizens Conference on State Legislatures, Kansas City, Missouri, 1967.)

8. The General Assembly Today, pp. 4-5.

discussed, recommended the adoption of annual sessions. ✓

An initial start was also made in the area of improved facilities. The Commission, in cooperation with the Division of Engineering and Buildings, provided for individual offices for the members during the 1970 session. This was not a small consideration when one remembers that prior to 1970 the membership worked exclusively out of their chamber desks. The 138 new offices were mostly old hotel rooms (some with the plumbing still intact). These offices were relatively out of the way, inconvenient, and often little used. But they were a place to hang one's hat and suitcase, store the massive bill books and sort correspondence.⁹ The Commission clearly emphasized, moreover, that these quarters were temporary and recommended that further study be made of more permanent

9. The Commission Report is quite specific and down to earth in outlining the purpose of the new facilities. "It is the hope of the Commission that every member of the Legislature will do his utmost to make full use of this new space and handle as much as possible of his correspondence, paperwork and conferences in the new facilities. Unless the fullest use possible is made of these new facilities, confusion and congestion in the Capitol itself will not be alleviated and the program will not have succeeded. It is well known to all members that the conditions which exist during any session of the Legislature within the Capitol virtually prohibit efficient functioning. Lobbyists, school children, legislators, staff, and personnel of the offices of the Clerks and Division of Statutory Research and Drafting, as well as personnel of the executive branch, must work in the confines of one building. To add to the confusion, there is no provision for an auditorium in which large public hearings can be held or convenient to the Capitol, with the result that it has been necessary to utilize the former Roof Garden in the Ninth Street Office Building or to set up make-shift arrangements to use two rooms with a closed circuit television connection. Unless the new facilities help to relieve the burden on the Capitol, they will not provide a long range solution." Ibid., p. 7.

offices. Among the long range considerations were to be: (1) the construction of a new legislative office building (long called for in the master plan to the Capitol Square area), (2) the utilization of present buildings adjacent to Capitol Square such as the State Finance Building or the old City Hall, and (3) renovations to the Capitol itself.¹⁰ Although interest in facilities was manifest at this point, specific study recommendations were not made until the 1973 report.¹¹

The third major recommendation of the Commission was "that the General Assembly take full advantage of the automated bill status system which is being installed for use during the 1970 Session of the General Assembly."¹² The Virginia Division of Automated Data Processing was in the process of developing a Legislative Information System which, among other features, would show the status of legislation as it moved from one stage to another. "The purpose of the system is to provide, in an easily accessible and up-to-date

10. The General Assembly Today, p. 8.

11. From the beginning the idea of bold new facilities captivated the members of the Commission in a manner which has yet to be transferred to the membership as a whole. Thorough study was made of progress in other states, particularly Hawaii, which boasted the most imaginative and modern Capitol Building of all of the states. When their fervent and real interest in this regard is considered it is a true testament to the political good sense of the members that they never made a first-hand inspection visit to the site.

12. Ibid., p. 4.

form, a complete history of every bill introduced."¹³ Another important proposal under this section and one which later proved to be an enormous benefit to the public and members alike, was one which provided that deleted material in a proposal revision be visibly printed under strike-out lines rather than omitted from the text altogether.

Under the previous system bills were printed as follows:

"The speed limit on interstate highways shall be fifty-five miles per hour." (Underlining represents italics.)

Under the new system, both the proposed amendment and the material to be deleted are indicated:

"The speed limit on interstate highways shall be ~~seventy~~ fifty-five miles per hour."

Other proposals in this section included a recommendation that amendments passed in one house be photocopied and distributed to the other house for its consideration of the measure.

On the surface house-keeping recommendations, proposals such as the bill printing "strike-out" change, had the effect of demystifying legislative activity and making the General Assembly more comprehensible to both member and citizen alike. The procedures in effect were not intentionally confusing, but were simply systems suitable only for scores of bills, not hundreds and thousands of bills. Upon implementation of the Commission's recommendations the member and the public would be able to follow legislation by

13. Ibid., p. 9.

referring only to the printed bill itself.

Five major recommendations were proposed for the organization of and staffing for the Legislature.

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

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

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

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

Recommendation: That one specific assignment for continuing study relate to means for providing research and non-legal staff assistance for legislators.¹⁴

Of these recommendations, the most significant was the first. At the time of the report the Senate had 22 standing committees.¹⁵ The Senate did not reduce its committees in 1970 but in 1972 reduced the number to 10 and Rules.¹⁶ At the time of the 1969 report the House had 34 committees. The number was reduced to 22 for the 1970 session.¹⁷ 20 for 72 session

The importance of the reduction of the number of committees

14. Ibid., p. 11.

15. General Assembly of Virginia, Manual of the Senate and House of Delegates, Session 1970, pp. 60-64.

16. General Assembly of Virginia, Manual of the Senate and House of Delegates, Session 1972, pp. 77-81.

17. 1970 Manual, pp. 191-196.

X

cannot be overstated. From the standpoint of representation it was significant in that all of the remaining committees were somewhat important. Junior or minority party members were traditionally given seats on Fish and Game, Enrolled Bills, Federal Relations or the like while the work of the Assembly was being done in Finance, Appropriations, Counties, Cities and Towns, etc. While it is still true that some committees are "more equal" than others, important legislation is considered by all committees and minority members were no longer reduced to a "chambers" role only.

Further, reduction in the number of committees simplified procedures, concentrated the diffuse interests of the members, and actually enabled committees in some areas to do their work. A minor committee, for instance, might only have a dozen bills. It may have been unable to consider even these bills carefully, however, because its members, particularly its ranking members, might be tied up in work on more important committees. Some of the committees rarely, if ever, met. The report stated its position simply and directly that "the proliferation of committees makes it difficult to organize the two houses and in our judgement serves no useful purpose."¹⁸

The Commission further recommended that its study be continued.¹⁹ This recommendation was approved. However, due to the Constitutional revision in the 1970-71 session the Commission was relatively

18. The General Assembly Today, p. 14.

19. Ibid., p. 11.

inactive.

The 1972 Report of the Commission on the Legislative Process made several significant recommendations. One of the most important of these was the recommendation that Section 7, Article 4 of the new Constitution be implemented. This provision allowed the committees of the General Assembly to "carry over legislation" from a long session to the next short session. Until this time, bills which were not reported out of or passed by indefinitely (killed) by a committee may have been referred to the Virginia Advisory Legislative Council (VALC) for study. More often a neglected bill simply died. As a report stated,

If the bill carry-over process is adopted, many bills of a controversial nature may now be retained by the legislative committee to which they were assigned for study between sessions of the legislature. Thus the committee would be in a position to report on the bill to the session in the odd-numbered year if it be so advised. This would eliminate the necessity of having an entirely different group of people studying a matter, requiring a report to the Governor and the General Assembly, the preparation of new legislation for introduction, and more than likely, the referral of the same subject matter to the same committee where the process would begin all over again.²⁰

While this procedure seems simplistically logical in retrospect, it was quite impossible without annual sessions. When the Assembly met on a biennial basis, the carry-over of a bill would have meant

20. Commission on the Legislative Process, Report of the Commission on the Legislative Process, 1972, p. 3.

referring a piece of legislation to a different legislature (that is, a different group of elected members). The sponsor of a carry-over bill may have been defeated, and in any event, any action taken on the bill by a committee of the House or Senate would have no bearing on the new group. The Commission also recommended that the General Assembly hire its own fiscal staff. ✓

In Virginia for many years the Governor prepared the budget and submitted it to the General Assembly. The committees in charge of reviewing the budget relied on the services of the same individuals who prepared the budget. We think the time is long overdue when the General Assembly must have its own fiscal staff not only to assist it during sessions of the legislature but to keep it constantly advised as to developments in state revenues and expenditures, and sending periodic and concise reports to the membership. No member can afford to take the time day in and day out throughout the year to keep abreast of these matters. Until this is done we will have to rely on the limited services we now have available which are good but need strengthening immediately.²¹

No direct action was taken by the Assembly on this recommendation until mid-1973. The Commission's recommendation, however, gave its blessing to the concept of increased fiscal independence from the Governor. It was implicitly acknowledged, however, that the real

21. Ibid., p. 6. This same attitude had surfaced in Congress years before. A problem frequently perceived by legislative bodies is that they simply do not have the resources to do the job. The usual solution, at the national and state level, is staff. "It is... clear that Congress can improve its understanding of ever more complicated matters of public policy only if it equips itself to do so. And this means enlarged, increasingly specialized, differentiated staff." (John S. Saloma, Congress and the New Politics, (Boston: Little, Brown and Company, 1969), p. 160.)

impetus in this regard would have to come from the legislative fiscal committee members. The Joint Legislative Audit and Review Commission, for instance, was not the result of a direct Commission proposal but probably indirectly benefited from the blessing given the concept in this report.

The 1972 report was a rough outline of ideas and opinions, with very few substantive specific proposals and no proposed legislation. Other ideas indorsed were continuous numbering of bills from the long session through the short session, modernized bill printing, computer support, and a "digest" of committee recommendations.²² In its conclusion the Commission endorsed the attendance of its members and staff to "interstate and regional conferences." The Commission also recommended its own continuation.

22. 1972 Commission Report, pp. 5-7. These ideas are discussed in a section titled "Other Matters." The entire report is ten pages long.

CHAPTER III

THE 1972-73 COMMISSION - ORGANIZATION OF THE COMMISSION

The work of the Commission on the Legislative Process in 1972 and 1973 was to be primarily of an internal nature. The greatest impediment to an effective General Assembly, biennial sessions, had been removed by the 1971 Constitution. It was now the internal dynamics of the Assembly itself which needed addressing. Legislators recognized many of the problems and were anxious to solve them. Even with annual sessions, the crunch of the Assembly's business was staggering. Almost 2000 bills and resolutions were introduced during the 1972 session. These ranged from one page local government bills to the 200 plus page budget bill. Public and media interest in the General Assembly had increased. Reporters, students, concerned citizens, lobbyists and visitors filled the legislators' day to the brim. The commonly perceived mission of the members of the Commission was to devise means of getting the most efficient use of the Assembly's most valuable commodity-- the legislator's time.

With the experience of the 1972 session fresh in their minds the members of the Commission eagerly approached their duties. The session had not gone poorly but it was the first to be held under the new constitution and much had been learned. The attitude ✓

of the Commission Chairman, John Warren Cooke, was also a significant catalyst in the ambitious attitude of the members. Cooke had stated his intention to retire following his third term as Speaker and he was currently serving it. Significant accomplishments by the Commission would be the culmination of an historic career in the House. Cooke enjoyed widespread bipartisan support in both houses.¹ He was a moderate on the issues, voting as a rule with committee recommendations.² He was progressive on matters relating to the legislative process. In addition, Cooke, almost by birthright, enjoyed enormous prestige among conservatives.³ In the House at least, matters of procedure and organization were uncontestedly the Speaker's prerogative.

In an effort to establish an organized agenda for the Commission the Speaker directed his assistant to interview each member of the Commission in depth prior to the first scheduled meeting.

1. Virginius Dabney, Virginia--The New Dominion (New York: Doubleday and Company, Inc., 1971), p. 579. "In the Virginia General Assembly, a new spirit of co-operation between the Democrats and Republicans was manifesting itself. The process had begun in 1968, when Speaker John Warren Cooke of Matthews County appointed Republicans to several important committees for the first time. He followed this two years later by giving the minority party representation on all major committees."

2. Cooke expressed the attitude that since he had appointed the committees he would as a rule vote with their recommendations. In addition, he generally expected an issue to receive more thoughtful consideration in a committee than on the floor of the House because of committee procedures, discussion and flexibility.

3. Cooke's father had been a member of the staff of Robert E. Lee.

This was accomplished during the late spring and early summer of 1972. As the Speaker's assistant, I travelled to the offices of each of the Commission members and interviewed each on their attitudes, interests and specific objectives for the Commission. Based on these interviews, the Speaker and I tried to formulate alternate approaches to commonly perceived needs. There was substantial consensus in many areas. After all, the members better than anyone else were familiar with the problems of working in the Virginia General Assembly. The most commonly shared attitude was that the physical facilities of the General Assembly were inadequate. Unfortunately, this shared attitude produced a most diverse range of solutions. The members were also unanimous in their attitude that staff support for the General Assembly was inadequate. Other suggested areas of study were computer support for the Assembly, printing support, constituent service, grievance procedures for General Assembly employees, registration of lobbyists, district offices, legislative liaison and a wide range of other subjects.

After the identification of those areas to be addressed by the Commission a series of "Working Notes"⁴ were compiled. This twenty-eight page staff paper was a compilation of the ideas and suggestions of the members. It also outlined proposals in areas where problems had been identified and served as a kind of agenda for the Commission. The "Working Notes" addressed eight general

4. The "Working Notes" are on file at the library of the Division of Legislative Services at the Virginia State Capitol.

areas:⁵

1. The Division of Legislative Services (proposed)
2. Service Agency reorganization (proposed)
3. Miscellaneous staffing proposals
4. Construction of new legislative facilities
5. The master plan (State Capitol area)
6. Procedural matters
7. Computer applications
8. Miscellaneous

The Commission was not limited to a study of these areas. The pre-meeting interviews, however, had succeeded in bringing forward all but a few minor subjects.

At the first meeting of the Commission, the Speaker divided the main body of the Commission into different study groups to address the issues raised in the "Working Notes". The following appointments were made:⁶

From the Senate

From the House

FACILITIES

Edward E. Willey
Hunter B. Andrews

James M. Thomson (chairman)
Lewis A. McMurrin, Jr.
J. Lewis Rawls, Jr.

STAFFING

Edward E. Willey
(chairman)
James C. Turk

Robert R. Gwathmey, III
J. Lewis Rawls, Jr.
Ford C. Quillen

PROCEDURES

Hunter B. Andrews
(chairman)
Joseph V. Gartlan, Jr.

James M. Thomson
Don E. Earman

5. Working Notes, p. 2.

6. 1972 Commission Report, p. 3.

COMPUTER TECHNOLOGY

Joseph V. Gartlan, Jr.
(chairman)

Robert R. Gwathmey, III
Don E. Earman

MISCELLANEOUS

James C. Turk

Lewis A. McMurrin, Jr. (chairman)
Ford C. Quillen

The Speaker did not appoint himself or Lieutenant Governor Howell to a subcommittee.⁷ Both, however, were kept informed of the progress of the subcommittees and participated in varying degrees in their work. Less was accomplished by the Procedures and Miscellaneous Subcommittees. The Procedures Subcommittee in particular quickly found out that the areas under its consideration were primarily under the jurisdiction of the separate houses and not common legislative concerns.⁸ The Procedures Subcommittee recommended legislation limiting the introduction of charter bills to the first calendar day of the session and proposed a study of legislative compensation.⁹ Another bill was proposed to give committees broadened subpoena powers.¹⁰ A proposal authorizing the Speaker

7. The study groups are referred to in the Commission Report as subcommittees.

8. In spite of this, the subcommittee made ten recommendations in all. In effect, these were just that - recommendations. One "encouraged" pre-filing. Another recommended a study by the Governor of legislative compensation. Others recommended modernized procedures for adoption by the Clerks of the respective houses. The recommendation of the Subcommittee on Procedures are on pp. 19-24 of the 1972 Commission Report.

9. 1972 Commission Report, pp. 140-141.

10. Ibid., p. 142.

and the President pro tempore of the Senate to require the distribution of information relating to the meeting schedules of legislative committees and commissions was also drafted.¹¹

The Miscellaneous Subcommittee proposed three resolutions: House and Senate Resolutions authorizing members to use telephone credit cards¹² and a Joint Resolution directing the Virginia General Accounting Office to study and evaluate professional associations to which state employees belonged.¹³

The most significant work of the Commission was performed by the subcommittees on staffing, facilities and computer technology. Whether or not the Commission's recommendations were implemented is not the primary interest of this paper. While information will generally be given with regard to the ultimate disposition of a proposal, the real interest of the paper is the work of the study commission itself. That its recommendations were accepted or rejected is germane but somewhat beyond the scope of this project. In some areas, facilities in particular, significant Commission activity is still taking place. It is the procedures and activity of the Commission during 1972 and 1973 which are the real interest of this paper.

11. Ibid., p. 143.

12. Ibid., pp. 145-146.

13. Ibid., p. 147.

CHAPTER IV

THE SUBCOMMITTEE ON STAFFING

The Subcommittee on Staffing of the Commission was appointed to study those staff related issues raised in the "Working Notes". Senator Edward E. Willey, President pro tempore of the Senate, was chairman of the subcommittee. Mr. Cooke, in his instructions to the Commission, had emphasized facilities and staffing as the Commission's two most important areas of study.¹ There were several alternatives to the existing staff configuration proposed

1. Virginia General Assembly, Commission on the Legislative Process, Minutes of the Commission, meeting of July 27, 1972, p. 1. (Typewritten.) Much has been said about the need for the General Assembly, and state legislatures in general, to have adequate staffs. Much has been done in the last five years to correct the lack of independent staff and information on which the Assembly can base its decisions. In past years the governor proposed a budget and his own budget director briefed it and assisted the Appropriations (House) and Finance (Senate) Committees. These committees also held hearings at which the state agencies, special interests and lobbyists would plead their cases. A single legislative fiscal officer assisted the committees. The rest of the General Assembly had virtually no assistance. This situation existed in many states. The result was that "the legislature is...incapable of making its own decisions. It is forced to referee debates between special interests without any means of holding the participants accountable for what they say or for determining how much of what is said is the truth." (Felton West and Henry Holcomb, Recipe for Reform, Kansas City, Missouri: The Citizens' Conference on State Legislatures, 1972.) The work of the 1972-73 Commission on the Legislative Process was in progress at the time when members were first authorized aides. This was also before the research assistants of the Division of Legislative Services and the Joint Legislative Audit and Review Agency were available.

in the "Working Notes". The members showed a strong interest in the overall reorganization of General Assembly staff support. Discussion, therefore, centered around the expansion of services in terms of a new staff section rather than in giving additional services to existing offices.

The "Working Notes" had proposed:²

1. The reorganization of General Assembly services under the direction of the Rules Committees of the two houses.
2. The creation of a Division of Legislative Services.
3. Staffing for committees.

The proposed reorganization of General Assembly services was broken down into a basic model consisting of the Rules Committees jointly supervising the Director of Legislative Services. Thus one man would be accountable to the General Assembly for all of its support. The only exceptions would be the Clerks of the House and Senate who would remain independent, answerable only to their respective houses.³ The moving factor behind having a specific group (the Joint Rules Committees) supervise a single director of service agencies was the lack of responsiveness on the part of the existing support agencies.⁴ The problem of lack of

2. Working Notes, p. 4.

3. An alternate proposal, subordinating all support activities, including the clerks, was rejected.

4. These support staffs included the Clerk of the House and the Clerk of the Senate and their staffs, the Division of Statutory Research and Drafting, the Legislative Fiscal Officer, the Capitol Police and Hostesses, the Code Commission and the State Division of Data Processing and other "shared" support.

responsiveness was two sided. Legislators did not have appropriate means of articulating their needs to the staff nor did the staff have a coherent means of interpreting confusing or conflicting demands.

The problems in communication between legislators and the staff were usually in matters where more than one member of the General Assembly was involved. Support for committees in particular was poor because lawyers from the Division of Statutory Research and Drafting were not specifically authorized to sit in on a committee meeting. An attorney, for instance, might draft a significant piece of legislation on a subject. If the bill was revised in committee, however, it would probably go back to the lawyer who drafted it for revision but this lawyer would have only a limited understanding of the required revisions. Dissatisfaction on this point was widely shared by members and attorneys.⁵

The problem of trying to meet concurrent, conflicting demands from Delegates, Senators, committees and commissions was also a significant problem, particularly within the Division of Statutory Research and Drafting. The only means that the attorneys had to

5. Results obtained when committees hired their own counsel were usually not much better. "An enormous proportion of the bad mistakes in legislation occur at the committee level. The average committee amendment is sloppy or ambiguous. Amendments are made at the suggestion of a committee member and the effect on the overall scheme of a bill not discovered. To a degree this problem is due to haste, but a great many of the bad mistakes could be eliminated with proper training of committee counsel. In addition, a greater effort should be made to communicate with the original draftsmen of more complicated legislation." Interview with Sally T. Warthen, Staff Attorney, Division of Statutory Research and Drafting, May 18, 1972.

determine priority was "first come, first serve". This procedure was often patently unsatisfactory and the Rules Committees were considered possible arbiters when conflicting demands were made.⁶ In reality, no one envisioned the Rules Committees overseeing routine staff matters. Rather the chairmen of the two committees would consult with the Director of Legislative Services on an as needed basis. There was interest in this "Working Notes" proposal⁷ by Senate members in particular. In this matter the Senate had no existing prerogatives under established procedures. The Senate, unlike the House, did not elect its own presiding officer. In recent years it had also stripped the Lieutenant Governor of many of his duties. In some cases it had given these duties to a committee. In others, the Senate as a whole was responsible and for all practical purposes having forty senators supervise an activity was tantamount to no supervision at all. The delegation of authority to the Rules Committee was a step toward giving the Senate a voice in supervision of the General Assembly staff.⁸

6. Laurens Sartoris and Sally T. Warthen, private interviews held with staff attorneys of the Division of Statutory Research and Drafting, Richmond, Virginia, May, 1972. Most observations on the Division of Statutory Research and Drafting are based on these interviews and many discussions during my employment at the division and later by the Speaker.

7. "Working Notes," p. 2.

8. Virginia General Assembly, Commission on the Legislative Process, Minutes of the Subcommittee on Staffing, meeting of September 6, 1972. (Typewritten.) The minutes of the first meeting of the subcommittee reflected the general attitude of the members. "The proposal that all persons directly serving the General Assembly would be responsible to the Joint Rules Committees was first

House members encouraged Senate participation in the management of the Assembly staff. Identified problems were primarily managerial and not political. While the House enjoyed some small advantage exercising exclusive authority over Assembly staffs through the power of the Speaker, the nonpartisan management of the staff was considered essential to the effective operation of the General Assembly. At no time did the Speaker object to losing his exclusive authority in areas where the Senate had no voice. Rather he viewed these responsibilities as a headache better shared. The Speaker's objectivity in this regard resulted in a spirit of House/Senate cooperation throughout the study.

The proposal of a Division of Legislative Services was made in response to member attitudes as expressed in the Spring-Summer interviews. Extensive services, not provided by the Division of Statutory Research and Drafting - primarily a bill drafting office-- were desired. Members were interested in committee and commission staffing, spot research, fiscal analysis, subject matter specialists, caseworkers for constituent service, interim committee clerking/staffing, public information support and liaison with state, local

8. (continued) considered...the purpose of the proposal is not to suggest that the functions delegated to those currently elected by the General Assembly are not being carried out efficiently, but rather to centralize the management control which the General Assembly has over its employees. Concerning the Director of Statutory Research and Drafting, general supervisory power has been conferred by law upon the Speaker of the House of Delegates with the Senate having no voice in the supervision of that agency."

and federal governments and agencies. The Division of Legislative Services was proposed as the vehicle for providing these services.

The primary thrust of the subcommittee's work involved a review of the proposed Division of Legislative Services. While in agreement on the need for additional services, the subcommittee was reluctant to give one office such total authority over General Assembly support. The subcommittee was also concerned with the Rules Committees getting too involved in the day to day operations of the agencies they were to supervise.⁹ What the subcommittee was seeking was a means of providing services to members of both houses on an economical, organic basis. Staff support was sought during the interim as well as during the annual sessions. The requirement for year round staff support was difficult to justify when the legislature met once every two years. Thus the Assembly was understaffed during the 1972-73 session and in particular during the interim between the sessions. (This made an important impression on the Commission which met so often during this first interim.)

Various proposals to provide better staff support were debated by the subcommittee. If nothing else, the brainstorming and research by subcommittee members would be valuable for the issues

9. Ibid., "Should the Rules Committees be given overall supervision of these agencies, their day to day functions would of course remain with the respective administrators."

that were raised and the alternatives that were discussed. In October of 1972, the members of the subcommittee were polled as a means of preparing proposals for referral to the full Commission. The subcommittee report, in fact, was prepared based on the results of the poll.¹⁰ Based on guidance received in the questionnaire, a recommendation endorsing the proposed Division of Legislative Services was not included in the subcommittee report. Senator Willey preferred, and the subcommittee recommended, "that provision be made in the law for the creation of a research agency to be administered by a director appointed by the Joint Rules Committees."¹¹ There was some debate on this subject by the Commission as a whole. Several members, including Senator Hunter Andrews, preferred the concept of all services under the umbrella of the proposed Division of Legislative Services. The subcommittee's alternative was to keep the agencies themselves separate but to appoint an overall "coordinator" of legislative services to supervise the different

10. I mailed questionnaires to subcommittee members in October, 1972. The surveys were compiled by myself and reviewed by Senator Willey, who added his remarks and votes orally. The results of the poll and a copy of the proposed recommendations were mailed to subcommittee members on November 22, 1972. The accompanying letter stated in part, "based on the results of this poll, Senator Willey directed us (the subcommittee staff) to draft a tentative subcommittee report consistent with the sentiments expressed by the poll and the comments made by the members." The subcommittee members concurred unanimously by letter and telephonic reply. A copy of the subcommittee report was forwarded to the full Commission on December 6, 1972.

11. Subcommittee on Staffing memorandum.

staff agencies.¹² Both the Director of the Division of Legislative Research and the "coordinator" were to be appointed by and serve at the pleasure of the Rules Committee.

Although Commission members expressed reservations about the proposed alternatives to the Division of Legislative Services it adopted the subcommittee report with one substantial change. Where the subcommittee had given supervisory authority to the Committees on Rules, the Commission gave supervisory authority and power of appointment to the Speaker of the House of Delegates and the President pro tempore of the Senate. The logic for this change was that the initial object of the proposals were to give the House and Senate effective, combined operational control over legislative support staffs. This could be accomplished, it was argued, by the Speaker and President pro tempore with far greater economy of effort than by the utilization of the Joint Rules Committees. The adopted recommendations of the Commission in these two areas, then, were:

Provisions should be made in the law for the creation of a research agency to be administered by a Director and to be appointed by the Speaker of the House and President pro tempore of the Senate.¹³

12. With the exception of the Clerks of the House and Senate, Senator Willey felt that this method would cost less than the expansion of the Division of Statutory Research and Drafting into Division of Legislative Services.

13. Virginia General Assembly, Commission on the Legislative Process, Report of the Commission on the Legislative Process, House Document No. 13, 1973 Session, p. 7.

A single coordinator should be appointed by the Speaker of the House and the President pro tempore of the Senate to oversee all General Assembly agencies with the exception of the Clerks.¹⁴

In addition to giving the Speaker and President pro tempore authority over the Director of the proposed Division of Legislative Research, the Commission recommended that:

The Speaker of the House and the President pro tempore of the Senate should be vested with general supervisory responsibility over all key personnel jointly serving the General Assembly. The Speaker of the House and President pro tempore of the Senate should appoint these key personnel (not to include the Clerks). Day to day administration will be left to the agency heads.¹⁵

Implementing legislation was prepared for each of the three above listed proposals.

The narrative in support of these three proposals is of interest. The arguments in support of the Division of Legislative

14. Ibid., pp. 9-10.

15. Ibid., p. 9. There was very little said in the press about the centralization of administrative power under the Speaker and President pro tempore. These proposals drew no fire and little attention. One of the few articles I saw on this subject stated very straightforwardly that the "Commission also has launched legislation for recommended changes that would...give broad new power to the Speaker of the House of Delegates and President pro tempore of the Senate, including the power to appoint and recruit key personnel serving the legislature." (George M. Kelly, "General Assembly Seeking Relocation of Some Powers", The Roanoke Times (Virginia), January 28, 1973, p. C-6.) Kelly made no comment, pro or con, on these proposals. Most likely these issues were simply buried under the avalanche of publicity received by the facilities proposal.

Research did not address the need for a separate division but the acknowledged need for research, particularly "in those many areas where the information required for an intelligent decision is beyond the personal resources of the members¹⁶ and yet not of such magnitude to authorize a study commission."¹⁷ The research division was to provide spot research and replies to constituent inquiries. Its mission was basically to fill the gap between those services desired by the members and those offered by the Division of Statutory Research and Drafting.

The rationale for giving the Speaker of the House and President pro tempore of the Senate general supervisory responsibility was given in the following manner.

Coinciding with the recurring arguments in favor of expanded staffing...is the need for more direct channels of control over already existing and future staffs. When, for instance, a division director is responsible by Joint Resolution to 140 members of the Assembly, it is very difficult for the Assembly, as a whole, to have much collective input.¹⁸

These three proposals were recommended by the Commission. Implementing legislation, already drafted, however, was never introduced. The lukewarm support for the three proposals, voted

16. Delegates and Senators had been authorized to hire part time legislative assistants for the first time in 1972.

17. 1973 Commission Report, p. 7.

18. Ibid., p. 9.

primarily out of deference to the subcommittee and its chairman, dissipated soon after the December 28, 1972 meeting at which the recommendations were indorsed. Instead, Senator Hunter Anrews introduced Senate Bill No. 844 which changed the name of the Division of Statutory Research and Drafting to the Division of Legislative Services and assigned it those duties outlined in the "Working Notes".¹⁹ The bill vested supervisory control in the Committees on Rules, meeting jointly and provided that the Rules Committees would appoint the Director, subject to confirmation by the General Assembly. The Speaker of the House and the President pro tempore were charged to provide the Division with adequate facilities. Significantly, the facilities were limited only to the City of Richmond and not the State Capitol complex. Senate Bill 844 was passed by both houses and approved by Governor Holton on March 15, 1973.²⁰

The reasons for the rejection of the subcommittee/Commission proposal in favor of the Division of Legislative Services are relatively obvious. The Legislative Services proposal was simpler, more efficient and less confusing. Why then did the Commission

19. If Senator Willey was miffed by this development his displeasure was shortlived. While Willey would have preferred the system he proposed, he was so delighted by the elevated position of the President pro tempore of the Senate as provided by the Commission that he had nothing but praise for the Commission and its judgement.

20. General Assembly of Virginia, Acts of Assembly, Chapter 322, 1973 Session.

not reject the subcommittee findings and make the Legislative Services concept part of the Commission report? The reasons are twofold. First, the subcommittee proposals were plausible, if complicated. Under favorable circumstances the system might have worked. It addressed the problems perceived by the members, if in an unorthodox manner. Further, the Commission voted on the recommendations the same day it heard them. Upon repeated evaluation, on second thought, so to speak, the subcommittee proposals appeared confusing. Senator Willey neglected to introduce the measures and it is possible that no one else understood them well enough to sponsor the legislation. Certainly no one was enthusiastic enough to take the initiative. Into this vacuum moved Senator Andrews.

The second and most important explanation of the Commission's endorsement of the subcommittee report is that it simply was not the practice of the Commission to reject its subcommittees' recommendations. While unanimity of viewpoints did not exist on all subjects, most Commission members deferred to the judgement of the "experts" in a given area--the subcommittee members. The single exception to this general rule was Lieutenant Governor Howell who filed a three page dissent.²¹ The other members of the Commission would generally make their opposition to a point known and amend the disagreeable sections if possible. Only if a member

21. 1973 Commission Report, pp. 29-31.

had exceptionally strong feelings on a subject would he dissent from the persistent recommendations of another member. That is not to say that a persistent member with an oddball idea could get his proposal endorsed by the Commission. It is to say that a minority of members would generally quietly defer to the judgement of the majority. In the case of the Subcommittee on Staffing report, the Commission deferred to what was apparently perceived as the majority opinion. Had the subcommittee made its report prior to the last meeting of the Commission before the session, the proposal may have been scrutinized more carefully. One is obviously led to the conclusion that the method of study did not yield the best solution to the problem. Such a conclusion is logical and probably correct. It is not unusual, however, for legislators to agree quietly to the facesaving of another member, then just as quietly make an intended change.

Several other matters were addressed in the staffing area which should be examined. (The subcommittee made recommendations of staff for committees, a fiscal officer for the Senate and liaison with the state agencies.) The Commission adopted all of the proposals of the subcommittee but deleted all references to the Joint Rules Committees, substituting instead supervisory authority by the Speaker and President pro tempore. The proposal authorizing the Senate a legislative fiscal officer was indorsed by the Commission and ratified by the Assembly. Very little came

of it. Senator Willey's cousin was hired for the 1974 Session.²²

An attorney for the Division of Legislative Services, E. M. Miller, assisted the Finance Committee in 1975.²³

The Subcommittee on Staffing recommended and the Commission endorsed a proposal that:

During the 1973 Session an experimental blend of centralized and decentralized committee staffing should be used. The Division of Statutory Research and Drafting should allocate staff to some standing committees and other committees should retain temporary counsel; the results of this experiment to be evaluated before a final decision on the nature of committee staffing is made.²⁴

The recommendation basically speaks for itself. However, to clarify the precise intent of the Commission, two detailed staffing models were proposed and outlined in the appendix to the Commission Report.²⁵ The basic effect of this recommendation was to require the Director of Statutory Research and Drafting to release some staff attorneys to the committees so that an analysis of their effectiveness could be made. In the past, Statutory Research and Drafting attorneys had drafted legislation on a random basis. There was very little specialization and legislation was generally

22. Letter from Gary O'Neal, Administrative Assistant to the Chairman of the Joint Legislative Audit and Review Commission; December 8, 1975.

23. Ibid.

24. 1973 Commission Report, p. 4.

25. Ibid., pp. 119-120.

drafted by whatever attorney was available at the time of the request.²⁶ The Commission was interested in developing some in-house expertise on the part of the staff attorneys. It was the attitude of the Commission that attorneys be delegated subject matters in the same general areas as the committees of the Assembly. An attorney would draft legislation in the subject area of a committee(s), prepare amendments for the committee(s) and in general become an expert in those areas. *

Committees were not required to use attorneys from the Division of Statutory Research and Drafting (and later the Division of Legislative Services) and some continued to hire attorneys for the session. The use of staff attorneys in the committees is becoming a more common practice with each session, however. The need for legal assistance during the interim makes the use of staff attorneys more practical. In addition, the system seems to be working. During 1977 all standing committees were staffed to some extent by members of the Division of Legislative Services, some by attorneys, some by research assistants.²⁷ *

It appears, then, that the significant staff modifications in the General Assembly came about rather indirectly. What were ✓

26. Staff attorneys generally did become fairly well rounded in their knowledge of the Code as a whole.

27. On March 23, 1977, John Banks, the Director of Legislative Services, told me that even the Senate Committee on Local Government, which hired its own attorney, received periodic assistance from the Division of Legislative Services.

the contributions of the Commission in this regard then? The answer is this--the Commission developed and its members proposed (even if the Commission did not) models of staff support which were adopted by law and, in the case of committee staffing, successful practice. Had the Commission and its members not developed and articulated the systems now in effect it is possible that different systems would exist altogether. The tendency of each committee to seek out and hire its own part time assistants might have been continued. This system produced very uneven results in the past. In some instances professional lawyers were hired; in others, the cousin of the chairman got the job. The Commission articulated support for expanded professional and independent legislative staffing.

CHAPTER V

THE SUBCOMMITTEE ON COMPUTER TECHNOLOGY

One of the most substantial accomplishments of the Commission on the Legislative Process was the further development of an effective legislative information system. The principle motivation for improvements in this area came from the business experience of the membership. Lawyers, manufacturers, newspaper editors and businessmen--the members were unimpressed by the assembly staff's heavy dependence on scissors, paste and scotch tape. An equally important factor was overall member satisfaction with the legislative information system already in operation.

The information available to the General Assembly in 1972 and 1973 consisted of both single inquiry and batch reports. The following single inquiry and batch reports were available.¹

Single Inquiry Reports (on call)

Standard Inquiry (bill
identification)
Patron Inquiry
Title Affected Inquiry
Last Actions Inquiry
(3 last actions)
Passed Bill Inquiry

Batch Reports (available daily)

Patron Status Report
Code Section Status Report
Committee History Report
Calendar of Actions Report
Approved Report
Failed Report
Passed Bill Status Report

1. Virginia General Assembly, A Legislative Information System for the General Assembly, Richmond, Division of Automated Data Processing, 1971.

Appropriation Inquiry
Committee Schedule
Chamber Activity Inquiry

Appropriation Tabulation
Report
Subject Index Report

In addition, subject matter searches of the Code of Virginia were available. These statutory retrieval searches could identify to a legislator those sections of the code which would be affected by proposed legislation. As such, the basis for a bill drafting system was available. If, for instance, a legislator wished to introduce a bill on automobile registration, he could query the computer for a list of all code section titles which referenced automobile registration. This technique greatly aided bill draftsmen who had formerly been required to manually search the Code and its index for pertinent references. The statutory retrieval system surpassed the manual/index method in both speed and accuracy. Lawyers in particular were impressed with this feature and were eager to implement similar applications throughout the bill drafting process. All three members of the subcommittee were attorneys and recognized the potential advantages of a computer supported bill drafting system.

The success of the existing applications was encouraging. For one thing, all existing systems were used exhaustively. The most frequently used services were the on-call inquiries.² Probably the

2. A memorandum from Dan O'Connell of the Division of Automated Data Processing to George R. Rich, Clerk of the House, dated May 25, 1973, states that 66,971 inquiries were made from December, 1972 - April, 1973. In December, 201 inquiries were made, in January--19,845, in February--30,167, in March--16,094 and in April--663. Terminals were located in eight locations in the Capitol Building itself and in two locations in the Eighth Street Office Bldg.

most useful and most requested inquiries were the standard inquiry and the last actions inquiry. In combination, these inquiries identified a bill and indicated its current status and recent disposition. One has to remember tracking down committee clerks, using the index files of the clerks, asking committee members and clerks what happened to what, and in general searching exhaustively for the most basic information to fully appreciate the convenience of a ready, reliable reply.³ The Commission was interested in further applications of computer-supported information technology. The Speaker was hopeful that subcommittee members would be able to develop sufficient expertise to intelligently study alternative systems and make specific recommendations for the implementation of a complete system of computer support for the General Assembly. For that reason he kept the subcommittee small and filled it with lawyers.

The Subcommittee on Computer Technology consisted of Senator Joseph V. Gartlan, Jr. (Chairman) (D), Delegate Robert R. Gwathmey, III (D) and former delegate, Don E. Earman (R). The subcommittee was assisted in its study by Dan O'Connell of the

3. In addition to use by the General Assembly and the press and public, state agencies also made extensive use of the bill status system. In a June 4, 1973 memorandum to Dan O'Connell, Ms. Jan Haddrell of the Division of Automated Data Processing reported that state agencies made 4,799 inquiries. In following legislation related to their departments, state agencies made the following inquiries: Department of Welfare and Institutions--1066, the Departments of Health and the Visually Handicapped (combined)--921, the Attorney General's office--444.

Division of Automated Data Processing and representatives of the Division of Statutory Research and Drafting and the Clerks Offices. Dr. Richard Powers, Acting Director of the Division of Automated Data Processing also assisted the subcommittee.

The recommendations of the "Working Notes" were refined and expanded after extensive additional research had been concluded. Surveys of existing systems in other states were particularly beneficial. A Congressional report by the Joint Committee on Congressional Operations credited development of modern information technology in the state legislatures to a recognized need for information.

It stated that legislatures share a need for...

Assembly of salient facts and data, independently developed, accurate, as complete as possible, of maximum currency, and readily available for use.

Access to and an understanding of the executive branch planning, budgeting, and program performance data required for effective review of governmental operations.

Assistance in analysis of policy problems, which requires the additional capability to assess and apply policy-relevant information.⁴

Factors contributing to this need for modern information technology were, according to the report, "the brevity of legislative sessions ...the growing workload...multiple committee assignments...the rapid turnover among members, the limited research support staff and

4. U.S. Congress, Joint Committee on Congressional Operations, Modern Information Technology in the State Legislatures (Hereinafter referred to as Information Technology.), prepared by Congressional Research Section, 92d Cong., 2d sess., 1972, p. 1.

other services available."⁵

The Congressional report indicated that nine basic applications of computer-supported services were in use by the various states. Of these only bill drafting/statutory revision, legislative printing and use of computer-prepared digests of bill contents were not already in use in Virginia.⁶ Implementation of the most involved and potentially most valuable system, bill drafting/statutory revision, was the primary goal of the subcommittee.

The use of computer-supported bill drafting and statutory revision aroused the greatest interest. The increasing volume of bills and the complexity of statutory revision brought into question traditional drafting principles. In simpler days an attorney would interview a bill patron, incorporate the member's proposal into a legal jargon and then revise the Code in accordance with the member's views.⁷ The member would review the prepared bill, make desired revisions, if any, and introduce the bill. The clerk, upon receiving the bill, would arrange for its printing. Upon the bill's passage and subsequent amendment (if any) it would be reprinted again as an Act of Assembly and then reprinted again as part of the Code

5. Ibid.

6. Ibid., p. 3.

7. When Virginia law is changed, the entire section relating to the change is amended. Thus given sections are complete and do not have to be cross-referenced against recent amendments and revisions.

of Virginia. Today, amended bills are reprinted again prior to being forwarded to the opposite house as an approved bill. It is often desirable and sometimes necessary to reprint a bill which has been substantially amended in committee prior to house consideration. Thus, the following rewrites or reprints of a bill could be necessary:

1. Initial drafting (writing)
2. Redrafting to satisfy patron (writing)
3. Initial printing (printing)
4. Reprinting for committee amendment (writing/
printing)
5. Reprinting for house amendment prior to
forwarding to opposite house (writing/printing)
6. Reprinting for committee amendment (writing/
printing)
7. Reprinting for house amendment (writing/printing)
8. Conference committee reprinting (writing/
printing)
9. Reprinting for Acts of Assembly (printing)
10. Reprinting for Code of Virginia (printing)

Usually, less revision is required. However, steps 1,3,9 and 10 will always be required and usually several other rewrites and reprints are required. With each rewrite/reprint, extensive preparation and proofreading is required. The bonus of computer-supported bill preparation is that the computer can retain memory of all "correct" information and allow the drafter to concentrate on the change. Thus, if one word in a thousand word bill needs to be changed, the computer is programmed to change that one word alone. The other 999 require no reparation, proofreading, etc. The computer memory, as will be shown later, can be utilized from the first to the last stage.

The "bonus" of coordinated drafting and printing made the possibility of a computer-supported system attractive. It could be cost effective, increase accuracy⁸ and save time. The Minnesota system of computer-supported bill drafting and printing seemed to offer the greatest promise. It operated in the following manner.

A terminal operator may, upon request, retrieve and display on the videoscreen textual material previously stored on the basis of an entire document, a statutory section, a subdivision, a line, or a word. Additions, substitutions, and deletions may be keyed into the text by the operator as the appropriate section is displayed on the screen. This technique allows the rapid preparation of selected material by taking over the operation of reformatting the text, in this way relieving the operator of the chores of retyping, proofreading, or cutting and pasting. Hard copy is produced by a high-speed printer (manufactured by Data Products Corp.) located in the Revisor's office.⁹

Subcommittee research also created an interest in the system of information retrieval used in Wisconsin, which appeared to have achieved significant integration of its system to new legislative demands. Based on preliminary research and phone conversations with principle staff officials in Minnesota and Wisconsin, trips were arranged for on site inspections of the systems in these two

8. The importance of accuracy cannot be overemphasized. The enrolled bill as voted on as written is the law. Typographical errors at a critical stage can force reconsideration, cause a veto or result in court problems. The bonus of computer-supported bill drafting is that not only is rewriting simplified, but reprinting is error free. The bill, once amended, is produced by the computer camera ready for offset printing.

9. Information Technology, p. 27.

states. Accompanying the members of the subcommittee on the trip were Kirk Jonas of the Speaker's Office, George Rich, Clerk of the House, John B. Boatwright, Director of the Division of Statutory Research and Drafting, Jonah T. Shropshire, Assistant Clerk of the Senate and Dan O'Connell. The trip took place in October of 1972.

The Minnesota system was designed by Aspen Systems Corporation. The system was operational and in a final stage of expanded installation when the subcommittee visited. Mr. Joseph Bright, the Minnesota Revisor of Statutes, hosted the group and explained the system. As explained previously, a terminal operator can visualize copy on a cathode ray tube (CRT - a television screen) and insert changes, additions, deletions as necessary. The CRT operator can see the revised bill exactly as it will appear in hard copy. When the bill is satisfactorily revised, hard copy is produced by a printer terminal. The text of the revised bill is stored electronically for future retrieval/alteration/printing. A key selling point of the Aspen System was that each member of the subcommittee understood it. Every operation can be visually observed and the system, though supported by complicated technology, is simple to use and understand. Basically, a typist sits at a typewriter which is hooked up to a television screen and printer. The jargon of computer science was unnecessary at the operational level.

Mr. Bright and his staff were pleased with the system and endorsed it fully. Bright told the subcommittee that the Aspen

system had enabled him to prepare a "hundred plus" page sales tax bill in less than half the time it could have been done manually. He estimated that the bill "saved the state" (or cost the taxpayer) more than a million dollars because the system enabled the bill to take effect earlier. Representatives of Aspen Systems Corporation were also on hand and did a professional job of selling their product.

The second stop for the group was Madison, Wisconsin to evaluate the ALTER (Automated Legal Text Entry and Revision) and SIRS (Statutory Information Retrieval System) systems developed by the Data Retrieval Corporation of America. These systems and the corporation were developed and owned by Mr. Jim Heller, the president of the corporation. Mr. Heller explained the systems to the subcommittee and guided the group through his plant. On paper, the ALTER/SIRS systems had appeared promising. The principle of retrieval was essentially the same as the Aspen system. The ALTER/SIRS displays, however, were confined exclusively to paper--hard copy typewriter terminals linked to the retrieval system. The system had no video display capability equivalent to Aspen's. Use of the system practically required the concurrent use of a law book. Sections of statutes could be reproduced but only at the rate of 15 words per second. (The Aspen system could display 2400 characters per second and could be linked to high speed line printers.) The ALTER/SIRS system worked rather like a memory typewriter on a grand scale. In all, only the final editing

features and the ability of the system to produce camera-ready copy were improvements over the manual cut and paste method. The main drawback was the binding of the code retrieval system exclusively to hard copy output. Without visual representation the SIRS system was severely limited.

The price of the Data Retrieval systems, ALTER/SIRS, was \$85,750. The Aspen system cost \$60,000. (These figures are somewhat misleading, however, in that they represent basic program costs. Actual implementation would run much higher.) Aspen offered an on site installation adviser as part of its \$60,000 package. Data Retrieval offered this same service for \$100.00 per day. Both systems were adaptable to the state's existing programs and equipment. Aspen's system, however, had "developed a system recovery program that enables the terminal operator to continue with her work five minutes after a computer hardware failure. Data Retrieval has no such provision."¹⁰

O'Connell's recommendation, and the overwhelming consensus of the subcommittee and staff, was that the General Assembly purchase the Aspen system. Arrangements were made for a representative of Aspen to brief the Commission as a whole. On December 13, 1972, Aspen representatives presented a movie of the system and explained

10. Dan O'Connell, "A Review, Aspen Systems Corporation and Data Retrieval Corporation of America", memorandum prepared for subcommittee and commission use.

the application of the system in Minnesota.¹¹ Senator Gartlan then presented the report of the subcommittee. Its recommendations were that the Assembly adopt the Aspen system for use during the 1974 session. The subcommittee recommended and the Commission endorsed that the Commission report specify the firm and program desired. The Commission wanted to preclude later duplication of the study effort. For the same reason, the subcommittee and Commission specified in the Commission report the quantity of equipment and that the equipment be leased.¹² As a practical matter, the Commission wanted leased equipment so that the Assembly would not be tied to a static system that might become antiquated quickly in a rapidly developing field.¹³

The subcommittee further recommended that "the two houses... aim for implementation of computer-supported journal preparation at the earliest feasible time."¹⁴ George Rich, the Clerk of the House, was particularly impressed with the CRT and wanted it adapted to aid the clerks in their preparation of the Journal.

11. Virginia General Assembly, Commission on the Legislative Process, Minutes of the Commission, meeting of December 13, 1972. (Typewritten).

12. 1973 Commission Report, p. 12.

13. Ibid., p. 14. "By leasing the equipment, the General Assembly is not committed to one particular terminal. When a better or cheaper one comes along, we will be able to use it. The computer hardware business is highly competitive and technological improvements are the rule rather than the exception."

14. Ibid., pp. 14-15.

While the Journal did not require a data base such as that required for statutory retrieval/bill drafting, the use of a memory capability linked to a CRT terminal would facilitate the organization, formatting, editing and proofreading of the Journals.

Another adaption of the system recommended by the subcommittee and endorsed by the Commission was that

The Cumulative Index of Bills and Resolutions... be offset printed semi-weekly from the computer printout. The midweek edition to be printed on a limited basis (175 copies), primarily for the membership. The end-of-week edition to be printed for general distribution (1200 copies).¹⁵

The "Cumulative Index" was a cumulative subject matter index of General Assembly bills and resolutions. The index was printed weekly in 1200 copies by the letter press (linotype) method. In 1972, six issues were printed at a cost of approximately \$28,000. Because of the use of the linotype method, there was usually a working week's delay and thus the index was outdated by the time of its distribution. The Commission report stated that "by using the computer printout of the index and reproducing it with an offset process, a savings on printing costs of approximately one-third could be affected and the time lag could be reduced from 4-5 days to one day or less, depending on the volume of legislation."¹⁶ This recommendation was effected successfully during the 1973 session.

15. Ibid., p. 17.

16. Ibid.

The recommendations of the subcommittee were unanimously endorsed by the Commission. In its report the Commission cited

"...an increasing need for the General Assembly to modernize its methods of preparing, distributing and processing legislation. The need for streamlining the preparation of legislation is dictated by many convincing reasons. Most importantly, the increasingly large number of bills drafted and introduced is reaching proportions which necessitate modernization. During the 1972 Session of the General Assembly, 1722 House and Senate Bills were introduced and printed. When bills, resolutions, substitutes and amendments are included, the number of drafting requests processed by the Division of Statutory Research and Drafting soars to over 3140. In addition to putting a tremendous burden on that division, such quantities of legislation inevitably lead to some dilution of quality and long delays between a member's request for and receipt of drafted bills. This circumstance can affect the quality of each bill, the amount of time available for its consideration in committee and on the floor, and eventually the quality and application of Virginia law. Although additional personnel may be a temporary answer to this situation, there now exists cost-competitive technology which is efficient and accurate, and should mitigate the need for continuing staff expansion."¹⁷

Finally, as previously indicated, the Commission recommended that "the computer technology subcommittee...be continued for study of other long-range applications of computer-supported information technology."¹⁸ The report emphasized that the members of the

17. Ibid., p. 10.

18. Ibid., p. 18.

subcommittee had "developed an expertise in this area which, coupled with a legislative point of view, should be most useful in aiding the implementation of the preceding recommendations and in evaluating further applications of computer-supported information technology."¹⁹

To implement the proposed computer-supported legislative support systems, the Commission recommended and the Assembly passed Senate Joint Resolution No. 110 which stated:

Resolved by the Senate, the House of Delegates concurring, that the Committees on Rules of each House of this General Assembly acting in concert, are hereby authorized to direct the development of a comprehensive computerized legislative system adequate to serve the present and future needs of the legislative process.

All agencies of the Commonwealth shall assist such Committees to the extent required by the Committees by furnishing staff, space and facilities.

For the purposes of implementation of any program developed by the Committees and matters ancillary thereto, there is hereby appropriated from the contingent fund of the General Assembly a sum sufficient ²⁰estimated at one hundred forty thousand dollars.

Implementation of the computer-supported bill drafting system was effected during 1973. It had progressed to such a point that the 1974 Report of the Commission was able to state that "we now have

19. Ibid., p. 18.

20. Virginia General Assembly, Senate, Authorizing the Development of a Comprehensive Computerized Legislative System, S.J.R. No. 110, 1973 Session.

a computerized program which is as advanced as any in the nation."²¹
The report further stated that the "system has been installed
and the legislative material introduced into the 1974 Session will
all be prepared on it."²² The 1974 Commission recommended further
implementation, development and research in computer-supported
legislative information systems. The fact that the present
system was advanced "should not deter us from seeking additional
ways in which programs and performance can be improved."²³

21. Virginia General Assembly, Commission on the Legislative Process, Report of the Commission on the Legislative Process, House Document No. 35, 1974 Session, p. 7.

22. Ibid., p. 6.

23. Ibid., p. 7.

CHAPTER VI

THE SUBCOMMITTEE ON FACILITIES

The conduct of the Subcommittee on Facilities was significantly different than that of the other subcommittees. There were several primary differences:

1. Research and formulation of proposals were accomplished by professional consultants. While the subcommittee was the most active of the Commission, much of its work was done by professionals and not the members or staff of the General Assembly.
2. The Subcommittee on Facilities proposals were the subject of intense public interest and scrutiny. Its recommendations had a much more "political" impact than those of the other subcommittees.
3. While the general membership of the Assembly deferred in other cases to the expertise of the Commission, the work of the Subcommittee on Facilities enjoyed no such "respect". With buildings, as with art, everyone knows what they like.
4. The Commission was not interested in incremental measures where facilities were concerned. While it was willing to accept gradual increases in staff or computer support, the attitude of the Commission was that interim facilities would only postpone the inevitable - new facilities, offices and chambers for the General Assembly.

The Subcommittee on Facilities was the "prestige" group of the Commission and its membership reflected it. Of all the subcommittees, membership on this one was most coveted. The two senior

Senators, Willey (the President pro tempore) and Andrews were Senate members. The House members were James M. Thomson (House Majority Leader) who served as Chairman of the Subcommittee, Lewis A. McMurrin, Jr., the second most senior member of the House and the Chairman of the House Roads Committee, and J. Lewis Rawls, Jr., a former House member and successful businessman. The Speaker did not serve on any subcommittee but followed this one very carefully and received periodic reports from Thomson on its progress.

The "Working Notes"¹ were not really a factor in the deliberations of the Facilities Subcommittee. The interviews with members on which the "Working Notes" were based did demonstrate to the Speaker and Thomson, however, more support for new facilities than they had anticipated.

If there was a single moving force behind the work of the subcommittee, it was Majority Leader Thomson. Thomson understood the attitude of the Commission members and Speaker and directed the energy of the subcommittee and Commission toward specific objectives--the decision to hire consultants, the choice of consultants, the setting of milestones and deadlines. Without Thomson the study might have meandered. It was Thomson, for better or worse, who engineered the completion of the study during the 1972-73 interim and the presentation of a specific concept at the 1973

1. See explanation of "Working Notes" on p. 39.

Session of the General Assembly.²

Although the decision to hire consultants was made on December 30, 1971, no firm move in this regard was taken until August 28, 1972.³ The interviews of members in the Spring and Summer of 1972 had indicated such strong feelings towards new facilities that Thomson pushed for specific recommendations to the 1973 Session of the General Assembly. At the August 28 meeting the Subcommittee on Facilities reviewed the past work of this and other studies on the Capitol. The "Working Notes" were briefly reviewed. The most current "master plan" for the Capitol area was distributed and reviewed. New legislative facilities in Hawaii and New York were studied and discussed. In particular, the subcommittee focused on the shortcomings of the existing offices and committee rooms. "It was agreed that present facilities are makeshift and that professional aid in determining

2. Thomson was chairman of the Facilities Subcommittee which was established at the July 27, 1972 meeting (Minutes, July 27, 1972). Thomson briefed the full Commission at its September 29, 1972 meeting (Minutes, September 29, 1972) and recommended the retention of the architectural firms which received the contract. Thomson briefed the overall concept of the proposal to the Commission and moved that it be adopted at the December 28, 1972 meeting of the Commission (Minutes, December 28, 1972). The motion was approved and the report to the General Assembly was based on the vote at the December 28, 1972 meeting.

3. It is not unusual for a lapse of Assembly study Commission activity of this sort to take place. The 60 day session ends in mid-March and members invariably devote the next few months to straightening out their business and personal interests.

location and space needs should be sought."⁴ Delegates Thomson and McMurran said they would invite architects "to make their recommendations as to the initial study which should be made prior to the construction of any facility."⁵

The selection of architects was made at the September 29, 1972 meeting. The subcommittee recommended that the "Commission retain the services of the architectural firms of Oliver, Smith, Cooke and Lindner and Saunders, Pearson, Appleton and Partners."⁶ The Commission elected to retain the consultants unanimously. This was actually only a formalization of the subcommittee's commitment. The architects had, in fact, "already begun interviewing members of the subcommittee and examining existing facilities."⁷

Three basic decisions of the subcommittee significantly influenced the course of the Commission study and, later, report. At the September 29, 1972 meeting the Commission accepted the subcommittee recommendation that the study address only facilities for the General Assembly. The Governor and General Assembly share the Capitol and it was Lieutenant Governor Howell's view that

4. Virginia General Assembly, Commission on the Legislative Process, Minutes of the Subcommittee on Facilities, meeting of August 28, 1972. (Typewritten).

5. Ibid.

6. Virginia General Assembly, Commission on the Legislative Process, Minutes of the Commission, meeting of September 29, 1972. (Typewritten).

7. Ibid.

the Commission study executive as well as legislative facilities.⁸
The Commission rejected Howell's approach and the Lieutenant Governor later used this point as a basis for his non-concurrence with the 1973 Report conclusions and recommendations.

The second basic decision was made at the November 1, 1972 meeting. Here the subcommittee elected to propose the construction of new chambers. The minutes for this meeting state that the consultants had "reviewed the options available for site location in and around Capitol Square; their basic proposal providing for an extension of the Capitol itself... the majority of the members favoring construction of new chambers for the General Assembly. A minority of the members opposed this approach or reserved the right to oppose same at a later date."⁹ This decision was also subsequently endorsed by the full Commission. The third basic decision was to limit Capitol expansion to the square itself.¹⁰ This decision was also made at the November first meeting and later endorsed by the full Commission. With these three decisions made,

8. October 11, 1972 change to September 29, 1972 minutes of the Commission. (Change was requested in letter from Lieutenant Governor Howell.)

9. Virginia General Assembly, Commission on the Legislative Process, Minutes of the Subcommittee on Facilities, meeting of November 1, 1972. (Typewritten).

10. Ibid. "The consultants reviewed the options available for site location in and around Capitol Square; their basic proposal providing for an extension of the Capitol itself. The subcommittee members gave direction for final preparation of its report..."

the direction of the Commission's recommendations were set.

The architects also presented the Chairman of the Commission a five page letter setting forth the modus operandi of the firms. The letter established a \$32,000 fee and outlined a complete range of services available should the recommendations of the Commission be implemented.¹¹ As in many such ventures of this scope, the interest of the firms was not so much the study as the architectural services which would accompany construction. As a result the study was an "investment" by the firms and they dedicated far more than \$32,000 worth of effort.

The most important element of the letter was the agreement on Phase I Services - the feasibility study (which was what the \$32,000 contracted for). The feasibility study was to consist of three major tasks, (1) a program analysis, (2) site analysis and (3) project cost analysis. The program analysis was to consist of the following elements:

Determination of Commission's Objectives and Goals.

Determination of existing and future operational procedures, activities and inter-relationships in terms of people, functions and space.

Determination of those functions to be included.
Outline of space requirements.¹²

11. 1973 Commission Report, pp. 35-39. The letter detailed six phases of service--(1) feasibility study, (2) detailed programming, (3) schematic design, (4) design development, (5) contract documents and (6) construction administration.

12. 1973 Commission Report, p. 36.

Upon approval of this program for the feasibility study, the architects began the compilation of their report.

From their selection on September 29 until mid-December (study and preparation took longer than anticipated) the Joint Venture Architects exhaustively studied the Capitol, its people and their space requirements, the area, previous studies, etc. The architects and consultant plunged into their work with energy, zeal and enthusiasm. They interviewed members, staff, press, public, users and visitors. Their analysis of the operational problems touched on every major physical constraint offered by existing facilities.¹³

1. House and Senate Chambers: Lack of adequate communications systems, insufficient storage at members' desks, inappropriate location of the press in the floor directly between the members and the presiding officers, some members report difficulty in hearing and seeing activity on the floor, disturbances from noise in the galleries, insufficient seating in the galleries, insufficient exits from the galleries.
2. Office space for members and staffs: Most of the office space now made available is in the former Murphy Hotel at Eighth and Broad. As predicted in the Gray Commission's 1951 report, some members have never used these offices because of their remoteness from the Capitol.

13. A word should be said about the selection of this group of architects over the other group considered. Thomson's support of the firm was no doubt the decisive factor. However, the members were willing to give these "newcomers" a chance because they were dissatisfied with recent work done for the state, particularly the Madison and Jefferson buildings. The firm was broad-based, a joint venture, representing Alexandria, Richmond and Norfolk firms. The architects had also contracted a specialized New York consulting firm, TECTON, Inc., to assist with the study.

Office space is needed in a convenient relationship to chambers without requiring a trip across Capitol Square in January or February weather.

3. Committee rooms and support facilities: With one exception, none of the committee rooms have adjoining offices for committee chairmen and staff. In addition, the committee rooms are insufficient in size, number and capability for media coverage.
4. Public hearing rooms: There is none adequate in size and access for issues of major public interest.
5. Engrossing, Enrolling and Filing Facilities: These are inadequate, placing considerable operational impediments to the work of the staff at a time when in the first weeks of session, speed may be of considerable importance.
6. Facilities of the Division of Statutory Research: These facilities are split between the 9th Street Office Building (Old Richmond Hotel) and the 3rd floor of the Capitol, resulting in considerable operational inconvenience.
7. Facilities for eating: There is only a snack bar for members, staff and visitors.
8. Facilities for the Press & Radio & Television: The rooms now available for reporters and crews are not adequate for effective use of the media to keep the citizens of Virginia informed.
9. Facilities for Visitors: Tour groups, in particular, place great stress on facilities for the numbers to be accommodated.
10. Parking Facilities: The surface parking currently available is grossly insufficient for the number of vehicles to be accommodated, especially during session.¹⁴

14. 1973 Commission Report, pp. 54-56. These remarks are published in detail to specify the extent of revision required as determined by the architects and Commission. It is difficult for one who has not worked under the constraints of the existing facilities to appreciate the magnitude of the problem. For the most part, these observations were accepted with little criticism. There was some disagreement over the need for new chambers but most criticism was to be directed at the proposed solutions, not the analysis of the problems. The serviceability of virtually

The desire for completely new facilities conflicted with another basic consideration--the retention of the General Assembly in Capitol Square. Architectural and aesthetic considerations weighted against building another capitol building in the square which would compete with the Jefferson Capitol. Seven alternate sites adjacent to Capitol Square were therefore considered: (1) the Federal Reserve Building, (2) the old city hall, (3) the 14th Street parking lot, (4) the Life of Virginia Building, (5) the 9th Street Office Building, (6) the State Finance Building and (7) the State Office Building.¹⁵ The architects concluded, however, that the use of these facilities would in effect require the General Assembly to force its specialized functions to adapt to unsuitable quarters.¹⁶ They further concluded that makeshift quarters would also "duplicate the present circumstance of the members in which the operational needs of the legislature for the

14. (continued) every facility was criticized, persuading the Commission to recommend the construction of a new Capitol complex. I felt throughout that the consultants' study did not cause the Commission to recommend new facilities. The study, if anything, seemed supportive of the well-known views of the Commission members. If there was a cause and effect relationship, it was reversed. Commission attitudes influenced consultant findings much more than did consultant findings influence Commission attitudes. Commission satisfaction with the work of the consultants was partially based on this circumstance.

15. Ibid., p. 87.

16. The members of the subcommittee and Commission also disliked the idea of taking over someone else's old building, thereby moving the displacees into a new facility while taking over their old one.

past quarter century have been frustrated by the physical context that has worked to limit rather than enlarge the possibilities of service to the Commonwealth."¹⁷ The report continued in a similar vein.

We clearly concur with the Churchillian dictum that there is a significant relationship between the facilities available and the nature of government.¹⁸ During the urgencies of Session, the ready access to private offices, committee rooms, conference rooms, etc. may on occasion affect the ability of the members to resolve differences. The legislative process should not be allowed to be impeded by physically splitting related activities.¹⁹

The task of the architects, then, was to propose a single, integrated Capitol complex with new chambers that would not compete with the Jeffersonian capitol nor leave it an empty museum. The alternative designed by the joint venture architects met all of the requirements...new construction, including chambers, attached to and integral to the old capitol; a terraced capitol, burrowing into the hill around the Capitol under and around Jefferson's "temple of government". The idea which the architects proposed was innovative and daring and inspired the imaginations of the members. From the start the members had wanted to effect sweeping, historic changes. This radical, ingenious proposal was greatly

17. Ibid., p. 88.

18. "We shape our buildings and they shape us." Winston Churchill - a statement made during the debate on restoring the House of Commis in 1946. (1973 Commission Report, p. 41.).

19. Ibid., p. 88.

admired as it was briefed to the Commission on December 28, 1972. It was titled "Toward the Year 2000 - And Beyond, Facilities for the General Assembly of Virginia".

The building was to burrow seven stories into the Capitol hill. It would contain chambers, committee and hearing rooms, offices and "all necessary legislative support facilities."²⁰

The building would constitute a series of landscaped terraces interspersed with courtyards containing trees and other plantings. These terraces would in a sense, represent a development of the park of Capitol Square with the uppermost terrace providing a major public plaza²¹ at the foot of the present Capitol steps.

The terraces were to be of a darker stone than the Jeffersonian Capitol, thus emphasizing the old Capitol as "the center and focus of the overall design."²²

The Commission endorsed the proposal by a ten to one vote.²³ Lieutenant Governor Howell alone voted in opposition and he primarily on the grounds that it did not include the executive branch. He was also opposed to voting on the proposal the same day it was offered. "The Commission praised the innovative and

20. Ibid., p. 94.

21. Ibid., p. 95.

22. Ibid., p. 96.

23. Virginia General Assembly, Commission on the Legislative Process, Minutes of the Commission, meeting of December 28, 1972. (Typewritten).

creative concept and complimented the architects for their diligence in preparing the report in such a short time span."²⁴

The Commission further emphasized its conclusion that new chambers were necessary. Finally,

Mr. Thomson noted that the continuation of the study was not binding in terms of the actual designation of space and that this matter would be considered by the General Assembly. He recommended the Commission propose to the General Assembly that the planning and construction of the building be placed in the hands of standing committees, preferably the Joint Rules Committees since they comprise a small body which could effectively carry out the concept planning and work closely with the Commission.²⁵

Thomson further proposed that the Joint Rules Committees be given legal responsibility for contracting and supervising construction. Legislation would further request two to three million dollars for detailed plans and renderings. This, then, would be the legislative approach of the Commission. It would ask that the General Assembly, without approving or disapproving a specific plan, authorize the Joint Rules Committees to act on behalf of the General Assembly.²⁶

24. Ibid.

25. Minutes, December 28, 1972.

26. 1973 Commission Report, pp. 27-28. Recommendation number 34 of the report (number 1 of the Facilities Subcommittee) stated that "The General Assembly should endorse, as does this Commission, the concept of the renovation of the Capitol Building as outlined in the appended consultant's report." The report continued, "We emphasize our support for the concept (italicized in original) of the proposed renovation. The consultants were directed to make a study of the space needs of the General Assembly and suggest

This would preclude the restrictions of having to refer details to the General Assembly for a vote. It also was a promise of improved facilities without forcing each member to vote on a particular plan that his constituents or he may or may not like. The plan was practical and reflected good political sense. It would be difficult to get either house to endorse a specific plan that changed Capitol Square. Voting on a faceless concept with details left to someone else was another matter.

This strategy may have worked, except for one glaring "tactical" error. The Commission was endorsing a concept, but it was not faceless. Specific (although very preliminary) drawings and a specific (preliminary) model existed. These drawings and the model were almost incidentally briefed to the press and were soon front page copy all over Virginia.²⁷

26. (continued) alternatives for meeting its requirements. This recommendation would not tie the Legislature to any of the exact graphic representations which have been suggested." Recommendation number 36 recommended that "the Retirement Act should be amended to provide for a method of financing the planning and construction of the proposed building." Recommendation number 37 stated that "the General Assembly should designate the Joint Rules Committees to be responsible for the planning, architectural work, actual construction, and other related matters in providing additional facilities for the General Assembly." Recommendation 38 stated that "the appropriation of a sum not to exceed three million dollars from the General Fund of the State Treasury to finance the planning stages for new facilities should be made."

27. A briefing or news conference had not been planned. There were members of the press around, however, and the members, in their enthusiasm, decided to show them the plans.

Though only rough renderings and not a final portrait - the facade was never determined - the drawings and model represented a finality the Commission had never intended and could subsequently never erase. The reaction of the press and public was totally unanticipated. The initial Associated Press, United Press, International and local press dispatches were straightforward and unbiased. The articles accurately depicted the exuberance of the the members and staff. "I think it's just beautiful,"²⁸ was Senator Willey's assessment. The Clerk of the House, George Rich, said that if the enlargement project were approved, Virginia "could easily have the most beautiful Capitol building in the nation."²⁹ Editorial remarks which followed a day later, however, were mixed and some were even sarcastically derogatory:

It may prove a shock to some, even in this day, that a handiwork of Thomas Jefferson could be improved upon.³⁰

28. Alexandria Gazette (Virginia), December 29, 1972, p. 12.

29. Ibid.

30. Editorial, Times Herald (Newport News), December 30, 1972, p. 18. This was a frequent criticism. Contrary to popular (and editorial opinion, the Jefferson Capitol does not exist in its original state. The original Capitol consisted only of what is today the center portion. Jefferson modeled his design after the "Maison Carree", a Roman temple in Nimes, France. The original structure was rather bare looking and most critics admit that it was improved with the addition of its two wings during 1904-1906. Jefferson himself was said to be distressed at the finished construction. "It deviated from his design in the use of two columns instead of three in the portico, the shape and material of the roof, its much larger size and its brick rather than stone construction." ("The Virginia State Capitol", staff paper by Mary Spain, Division

Well, a "crash" recommendation probably deserves a crash evaluation and ours suggests that the plan is outrageous nonsense...our main objections are to the proposed terraced structure itself. It would destroy the parklike atmosphere of Capitol Square for the simple reason that it would destroy the Capitol Square park, which for years has been a refreshing oasis amid a desert of concrete.³¹

To avoid giving the impression that no one liked the plan, it should be added that there was favorable comment. The Washington Post called it "a bold and ingenious solution."³² Adding that the terrace and its "potential for sculpture and fountains, need not lack in delights. What we have here, in a way, is non-architecture, a structure that does not compete with, but enhances..."³³ Indeed, Senator Andrews claimed that statewide, editorials were four to one in favor of the proposal.³⁴ Charles McDowell, a columnist

30. (continued) of Statutory Research and Drafting) An extensive renovation and remodelling of the building was undertaken in 1962 and 1963. The main exterior change was the widening of the halls connecting the chambers to the central portion. A 1951 study commission headed by Carlan Gray recommended that the north wall of each chamber be knocked out and the area be extended by about fifty per cent. Ironically this additional space was not to enlarge the chambers but to provide offices and committee rooms. (Report of the Commission on Improvements to the Capitol Building, (Richmond, Virginia: Division of Purchase and Printing, 1951).) There were also two previous state capitols, in Jamestown (1619-1699) and Williamsburg (1699-1779).

31. Editorial, Richmond Times-Dispatch, January 4, 1973, p. 8. The Richmond newspapers were strongly against the plan and gave the story prominent play until the matter was settled.

32. Editorial, Washington Post, January 12, 1973, p. 12.

33. Ibid.

34. Virginia Pilot (Norfolk), February 1, 1973, p. C-10.

for the Richmond Times-Dispatch, wrote that "the proposal... is not the kind of idea that comes along very often in Virginia...The idea is so ingenious and adventurous that nothing...prepares me for it. So I shall reserve judgement on the grand plan."³⁵

It may be that the opponents of a controversial plan of this sort are more active and more vocal than the supporters. In interviewing people at random, talking to members, people who came by the Capitol to view the model (it was on display in my office for a week and in the rotunda afterwards) I found reaction split, but favorable on the whole. The issue was pretty much dropped in the state press but was kept alive in the Richmond papers with daily articles, letters and editorials. On February 7, 1973, the House Committee on Rules, to which Thomson's resolution on the expansion had been referred, held a public hearing.³⁶ Approximately one hundred and fifty attended and others were turned away, a point made in remarks by Commission members and the architects. The joint venture architects presented a brief summary of their conclusions, explained operational deficiencies of the existing facility and briefed their proposal emphasizing that it was "only a concept - in no sense a final design."

35. Richmond Times-Dispatch (Virginia), January 31, 1973.

36. The narrative on the hearing is based on notes I took at the hearing. James Lattimer's article "15 Denounce Plans for Capitol Square," Richmond Times-Dispatch, February 8, 1973, contains much the same information.

The remarks of the architect were the last kind words heard for the proposal.

Senator William F. Parkerson questioned the architects on the viability of the Federal Reserve Bank property and building which was said to be available in the near future. Parkerson's contention that the Federal Reserve Building was large enough for legislative needs was correct but was dependent on continuing use of the Assembly's current chambers.³⁷ Parkerson was the leading Assembly opponent of the expansion proposal and won loud support from the gathering.

Other speakers in opposition to the proposal were Delegate Phillip Morris of Richmond, Ms. Betty Snider, Vice-President of the Richmond Landmarks Association, Kenneth Mackleroy, President of the Virginia Chapter of the American Institute of Architects, Elmon Cox of the Association for the Preservation of Virginia Antiquities,³⁸ Jane Merrill of the Garden Club of Virginia, etc.

37. The Commission had studied the possible use of the Federal Reserve Building though not in great detail because it was deemed to be unsuitable. The Commission had, in fact, procured a copy of a feasibility study by Lee, King and Poole, Architects, Subject: The Suitability of the Richmond Federal Reserve Bank Properties for Municipal Courts (dated January 24, 1972). The study was performed for the Department of Public Works and concluded that the properties were unsuitable for various reasons, some of which applied to the Assembly. In the end, however, it really boiled down to the matter of chambers and the issue of new or used facilities for the General Assembly.

38. The Association for the Preservation of Virginia Antiquities had already gone on record in opposition to the proposal. A resolution condemning the facility was passed unanimously by the Association on January 2, 1973. (Discovery, Journal of the Association for the Preservation of Virginia Antiquities, Winter 1973, p.2.).

The climax of the hearings was reached when Jacqueline Taylor of the Monument Avenue Association railed that the proposal was "barbaric, an abomination". No one from the audience spoke in favor of the proposal.³⁹

The resolution authorizing a go-ahead on development of new facilities was joined by an amendment authorizing a 30 million dollar loan from the retirement fund for the construction of new facilities. The measure cleared the House where the power of the leadership was keenly felt but failed in the Senate where muscle was lacking.⁴⁰ On February 23, 1973, the Senate rejected by a 22

39. Bill Saunders wrote in the Richmond News Leader, February 7, 1973, that there was "no discernable objection (to the plan) on fiscal grounds...(they) protested the plan on grounds it would deface Capitol Square." While it could be pointed out that the press had reported less vehement opposition, and that non-Richmond letter-writing and criticism was light, I felt that a lasting impression had been made on the members of the General Assembly who had attended the meeting. The opposition was simply too overwhelming not to influence those members in attendance.

40. In the House, Cooke and Thomson had argued exhaustively for the passage of the measure. There was, to be sure, pressure exerted, but it was the pressure of prestige, authority and tradition. There was no covert or overt pressure that I was aware of. Simply the Speaker and Majority Leader let it be known that they firmly supported the proposal and felt it to be in the best interest of the General Assembly. A dissenter would then find himself arguing with the Speaker over what the best interests of the House were. It was a position few members wanted to take. In the Senate side there was not such authority or prestige to be brought to bear. The authority of the Speaker and the prestige of Cooke had, in my opinion, no equivalent in the Senate. The Speaker has real power in the House - committee and commission appointments and the power of being the presiding officer among many. Equivalent Senate powers are divided among the Rules and Privileges and Elections Committees, the President pro tempore, the caucas and the Majority Leader. But at the same time, part and parcel of the House

to 17 vote Thomson's proposal to authorize a necessary loan of funds from the retirement fund.⁴¹ It was a significant victory for Parkerson. He had argued that further study, particularly of the Federal Reserve facility, was essential. He won.

The role of the Legislative Process Commission in the modernization of the General Assembly's facilities continued, despite the 1973 defeat of its proposal. Parkerson was appointed to the Commission in an effort to give the opposition representation and achieve a suitable compromise prior to the 1974 Session.⁴² The strategy failed as Parkerson dissented from the Commission's recommendations in 1974 also. To date, no approval of permanent facilities has been made. The General Assembly is currently

40. (continued) leadership's power are the prestige and tradition of the offices and the men who hold them.

(NOTE - I realize that the above is not documentation. Such documentation is really impossible, however. Few people saw the meetings or heard discussions between Cooke and Thomson and the many members who came to view the scale model of the concept which was kept in the Speaker's Annex. There are no records of committee/floor debate on the subject. The Senators involved just did not have the muscle. They were also hurt when Willey, the President pro tempore, backed down from constituent pressure and flip-flopped on the issue. I could not prove it but would guess that many of the pro Senate votes were secured through the efforts of House members.)

41. Richmond Times-Dispatch (Virginia), February 24, 1973, p. 1.

42. Cooke also appointed Delegate Phillip Morris, the leading House opponent to the Commission for the same reason. ("Mr. Cooke felt the opposition should have additional membership on the commission." Bryan Mitchell, Legislative Assistant to the Speaker, September 4, 1974 letter).

remodelling offices and committee rooms in the former Life of Virginia Building. Occupancy is expected prior to the 1978 Session of the General Assembly.

CHAPTER VII

CONCLUSION

The work of the Commission on the Legislative Process in 1972-73 was only partially successful. It did not, in fact, accomplish all that it set out to achieve. It is the nature of a legislative body, however, that it usually effects evolutionary rather than revolutionary change.

A review of the major contributions of the 1972-73 Commission demonstrates that a good deal was accomplished. Modern information technology of the Virginia General Assembly has been greatly expanded. Computer-supported bill drafting and its related systems are almost exclusively a Commission contribution. These systems impact on virtually every phase of the General Assembly's day to day operations. They have contributed to more efficient and effective General Assembly operations. The modern information technology of the Virginia General Assembly now compares favorably with systems in other states. In all, forty-six state legislatures now use computers in their legislatures to one degree or another.¹ Legislative computer systems "are generally applied

1. Dave Young, "Computers in the Legislatures," State Legislatures, Vol. 2, No. 3 (May/June 1976), p. 6.

in...five areas: statutory retrieval, bill typing, bill drafting, status reporting and photo composition."² Virginia's system, as discussed in Chapter V, offers all of these services and more. This compares with a total of "thirty-seven states which now have some statutory retrieval system which is often linked to statutory revision systems...twenty-six states which currently have some bill drafting/typing system."³ Status reporting systems are in use in twenty-nine states.⁴

As explained in Chapter IV, the creation of the Division of Legislative Services was indirectly a result of Commission study and member-sponsored legislation. The Division provides important services to members and the public alike and has increased the ability of the General Assembly to perform its mission. Perhaps even more significantly, the Division of Legislative Services is an available mechanism for providing new services in the future. The Division of Statutory Research and Drafting had not been so flexible in the past and members found themselves in the position where new services frequently required specific legislative authority. The mandate of the Division of Legislative Services is sufficiently broad to provide most valid legislative services without further authority.

2. Ibid., p. 7.

3. Ibid.

4. Ibid.

Any comparison with Virginia's legislative staff with that in other states must be made carefully. My personal experience has been that the comparative information on state legislatures is very tenuous. The Council of State Governments biennially publishes lists of permanent legislative service agencies and catalogues the services offered by those agencies. However, the degree and quality of the services offered is unknown.⁵ Virginia legislative service agencies offer basically all of the services listed but there are obviously going to be significant qualitative and quantitative differences in the relative depth and availability of services, staff research and oversight capabilities, etc. In a general sense, however, it may be said that the Virginia General Assembly's staff development has followed a fairly normal pattern. In a summary article entitled "Modern Legislative Staffing," the Assistant Research Director of the Council of State Governments outlined the basic pattern of legislative staff development in the states.⁶ The legislatures, she writes, first used clerks, then legislative reference bureaus followed by legislative councils (such as the Virginia Advisory Legislative Council). Forty-four states were organized with such staff systems in the 1960's.⁷ "The newest

5. These lists are published in the Book of the States.

6. Carolyn L. Kenton, "Modern Legislative Staffing," State Government, XLVII, No. 3, Spring, 1974.

7. Ibid., p. 165.

staffing wave has brought in subject matter specialists who are developing substantive information..."⁸ This new wave is apparent in the Virginia General Assembly with the hiring of specialists in the Division of Legislative Services. The general practice of legislatures moving "first...to provide themselves with specialists in the financial management area - fiscal analysts and auditors..." as part of "staff assigned directly to the committees..."⁹ also holds true in Virginia as the legislative fiscal committees, particularly the House Appropriations Committee, are the first to take on full time professional staff.

A direct contribution of the Commission in the staff area was the establishment of coherent supervisory relationships between the General Assembly and its staffs. The lack of specific channels of supervision had caused intermittent management problems over the years. It was, to be sure, such internal Assembly problems where the Commission had its greatest success.

That the 1972-73 Commission was unsuccessful in its bid to create a new Capitol was a clear failure by most standards. The Commission agreed upon and articulated specific goals for facilities and did not achieve those goals. Its recommendations were rejected by the General Assembly. In the overall view of the Commission's lifespan, however, some progress has been made in

8. Ibid., p. 166.

9. Ibid., p. 169.

the area of facilities. To be sure, the 1972-73 Commission failed to convince others of its sweeping vision of a new Capitol. On the other hand, Assembly members have come a long way from the days when their offices were the inside of their desks. The Commission pushed for better facilities throughout its existence and the successes which have been achieved are due to its persistence, the failure of the 1972-73 plans notwithstanding.

Facilities modernization in the Virginia General Assembly has not been unique, nor have the problems associated with facilities modernization been unique. With the increased frequency of meeting time, larger staffs and more legislative activity in general, the physical requirements of legislatures have grown correspondingly. As a result, "state capitals across the country are taking on a bold new face. Older buildings are being completely renovated and new structures built to accommodate the needs of today's State Legislatures."¹⁰ Extensive renovations have taken place nation-wide and some such as "Tallahassee's \$42 million 'skyscraper' Capitol," the \$8.5 million Tennessee Memorial Plaza and the Annapolis Legislative Services building are more ambitious than the temporary Life of Virginia Building renovations decided upon by the Virginia General Assembly. These ambitious schemes, were not more radical than the sweeping concept proposed by the

10. National Conference of State Legislatures, "The New Look in State Capitols," State Legislatures Today, April 1975, p. 1.

1972-73 Commission. That concept was rejected by the General Assembly primarily because of negative public reaction which was based primarily on taste and history. As budget strings are tightened, costs too are evaluated more carefully. It may be that the health of the economy in 1972 was the primary reason opponents of the new Capitol relied on arguments of taste and history. In periods of declining revenues economic issues would probably receive more attention. Similar problems have been encountered in other states as legislatures sought to modernize their facilities. "The \$96 million pricetag attached to the final (California) proposal has met with resistance from both legislators and citizens. Abandonment of the old West Wing would result in an historical loss to the entire state, according to Senate President Pro Tem James R. Mills, who expresses the sentiments of many Californians."¹¹ In many state capitols, as in Virginia, tradition is, no doubt, the single most significant factor in determining the shape of legislative facilities. Thus it is likely that most of the capitols of the United States, including Virginia's, are "unlikely to be replaced, only expanded."¹²

11. Ibid., p. 5.

12. William Seale, "Democracy's Many Mansions - Our State Capitols," State Government, Vol. XLVIII, No. 4 (Autumn, 1975), p. 238.

One of the final benefits of the Commission has been the managerial cooperation between the two houses which was encouraged by the Commission on the Legislative Process. The willingness to vest joint supervisory authority with the Joint Rules Committees was one significant sign of good faith. The sharing of management responsibilities by the Speaker and President pro tempore also reflected some spirit of cooperation between the two houses. The fact that the Commission vested so many member services in a joint office, the Division of Legislative Services, instead of separating them into autonomous House/Senate staffs, demonstrates the degree to which the Commission sought mutually supportive procedures and activities. The later creation of the Joint Legislative Audit and Review Commission demonstrates that joint services were widely accepted at this time. The Commission on the Legislative Process was an interface between the House and Senate which helped reduce day to day operational friction between the two houses and served as an informal forum for the settlement of managerial problems. The House and Senate may have been at political and procedural loggerheads but the joint management of staff, information technology and facilities problems was improved.

The extent to which the Commission mirrored broader political trends as opposed to making an independent contribution of its own is difficult to assess. In large part, the work of the Commission was more of managerial/housekeeping than historic proportions. It is the significance of the institutions involved -

the house which was being kept so to speak - that really lends importance to the accomplishments of the Commission. If the processes of the General Assembly are more efficient and responsive, then, in a small way perhaps, the framework of democracy in Virginia is improved. The Commission was, in large part, a vehicle of change. Certainly it mirrored the political trends of the time but this in itself was significant. The Commission may not have initiated wholly new doctrine of its own, but the implementation of those trends created a new institutional reality which is itself unique. The role of the Commission on the Legislative Process has been to modernize the Virginia General Assembly through the consideration, proposal and implementation of improvements to the legislative process. The 1972-73 Commission was an important segment in a decade of efforts to make and keep the Virginia General Assembly an effective and well managed branch of government.

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