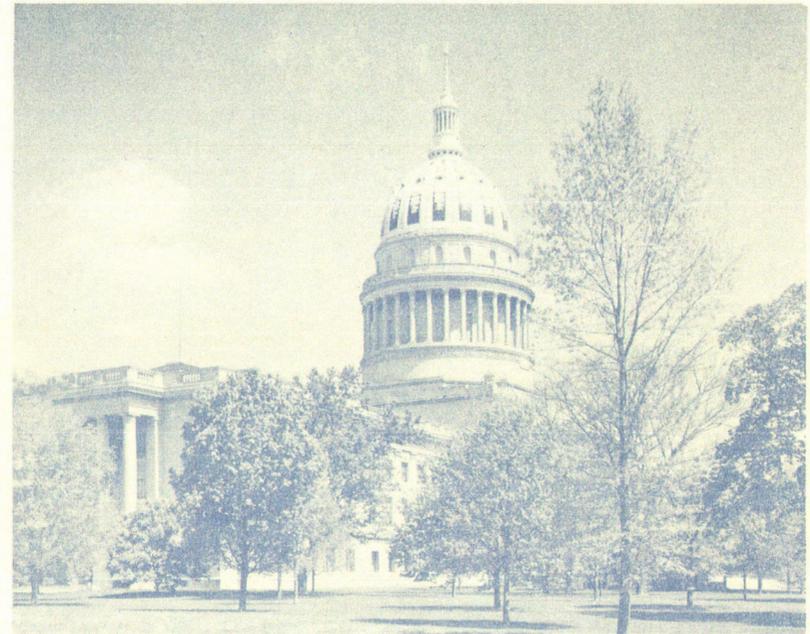


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**RECOMMENDATIONS
FOR
STRENGTHENING
THE
WEST VIRGINIA LEGISLATURE**



**FINAL REPORT
OF THE
CITIZENS ADVISORY COMMISSION
ON THE
LEGISLATURE OF WEST VIRGINIA**

RECOMMENDATIONS
FOR
STRENGTHENING
THE
WEST VIRGINIA LEGISLATURE



**Final Report of the Citizens Advisory
Commission on the Legislature of
West Virginia**

December 15, 1968

**CITIZENS ADVISORY COMMISSION
ON THE
LEGISLATURE OF WEST VIRGINIA**

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West Virginia University
Morgantown 26505



DAVID L. FRANCIS, Vice Chairman
West Virginia Building
Huntington 25701

**STATE CAPITOL
CHARLESTON, WEST VIRGINIA 25305**

December 15, 1968

West Virginia Legislature
State Capitol
Charleston, West Virginia

Dear Sirs:

On behalf of the Citizens Advisory Commission on the Legislature of West Virginia, constituted pursuant to Senate Concurrent Resolution No. 12, Regular Session, West Virginia Legislature, 1967, I have the honor to submit to you for your consideration our final report entitled *Recommendations for Strengthening the West Virginia Legislature*.

We wish to express our appreciation for the opportunity of having been called to the important task of making a comprehensive study of the legislative process in West Virginia and to submit our recommendations to strengthen the West Virginia Legislature. We have endeavored to honor both the letter and spirit of the resolution which initiated this study.

Our report includes 53 recommendations, some of a constitutional character, some requiring statutory changes, some requiring rule changes, and others that can be effected by simple agreement between and implementation by those offices, officers or persons who are involved. Some, although of a miscellaneous nature, are important nevertheless. Some of our recommendations propose additional studies in certain areas.

We ask that you study and give careful consideration to our report and our proposals. We believe that the constitutional amendments we propose are vital to the improvement of the West Virginia Legislature. We believe that successful effort can be made to achieve these constitutional changes. We believe the legislative branch must be a co-equal branch of our State government and that the recommendations we have made will do much to achieve this end.

The Citizens Advisory Commission acknowledges its great indebtedness and appreciation to the many persons and groups who cooperated in this study. Particular appreciation is expressed to the Citizens Conference on State Legislatures and especially to C. Alden Baker, Area Representative of the Conference, who frequently consulted with us in our deliberations; to J. Howard Myers, Senate Clerk, C. A. Blankenship, Clerk of the House of Delegates, and Oshel C. Parsons, House Parliamentarian, who supplied so many facts and figures and whose advice was so valuable; and to the Legislative Auditor's Office and the Office of Legislative Services for cooperation in the study and for the staff assistance which they provided.

We particularly want to express our appreciation to the two presiding officers of the West Virginia Legislature, Howard W. Carson, Senate President and H. Laban White, Speaker of the House of Delegates. Their enthusiasm, in large part, was responsible for the creation of the Commission. They participated fully and constructively in all aspects of the Commission's work from the appointment of Commission members to the final deliberations. It is a tribute to the public spirit of this leadership that they put aside all partisanship and dedicated themselves with objectivity to the task of improving the legislative process.

Very truly yours,



Carl M. Frasure
Chairman

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government of the State of West Virginia. The Citizens Advisory Commission was appointed to aid in implementing this policy.

The Citizens Advisory Commission has concluded its efforts. It proposes 53 recommendations which are designed to provide the legislative process with more flexibility and efficiency, which in turn will bring about economy. West Virginia will have a stronger Legislature that will be able to pass better laws. This will result in better government for the State and its people.

The quality of the legislative process in West Virginia is dependent on the following:

- a. The West Virginia Constitution which is the basic organic law of the State that creates the Legislature and outlines its powers.
- b. The statutes that must conform to the Constitution of the State and which carry its basic provisions into action.
- c. The rules and procedures by which the Legislature functions.
- d. The people who are involved in the legislative process—the legislators, officers and staff personnel of the Legislature.
- e. The physical tools provided to those involved in the legislative process.

The Citizens Advisory Commission has studied these five aspects, which include the total gamut of the legislative process in West Virginia.

Included in the Commission's recommendations are proposed changes to the Constitution of West Virginia, to the statutes that pertain to the legislative process and to the rules and procedures by which the legislative process is governed and by which it functions.

These changes will provide the Legislature with the flexibility it needs to meet today's needs—the State's needs—its citizens' needs.

Our recommendations suggest salaries and expenses that attract qualified persons to seek the office of state legislator. The Commission recommends that these legislators then be provided with the constitutional and statutory framework and tools necessary to do the job for which they are elected.

Foremost in importance is that the legislators meet often enough and long enough to enact the legislation required in the fast-paced modern world of today. Our proposals will equip the Legislature to meet this responsibility.

The Legislature must have modern facilities and tools. Tools the Legislature needs include space in which to work, research materials, research staff and personal staff necessary to get the job done. Mechanical devices are just as necessary in the legislative process as they are in the private or business sector. Without these modern tools businesses could not function—could not compete—could not meet today's needs.

The Legislature of West Virginia cannot meet its responsibilities to our citizens and cannot meet today's challenges unless it is dynamic, viable, flexible and equipped for the task.

The members of this Commission, citizens of this State, have studied the Legislature of West Virginia. We have seen its needs and have made the recommendations set forth in this report to meet its needs which are really the needs and for the best interests of the citizens of West Virginia.

The Legislature of West Virginia is the lawmaking body of the State. It can only do what the citizens of West Virginia allow it to do. The Commission now asks for the support of the Legislature and the citizens of West Virginia in effecting the recommendations we make for strengthening the Legislature of West Virginia.

Our proposed constitutional amendments must first be approved by the Legislature and then be approved by the citizens of West Virginia. We have recommended these constitutional changes based on long hours of toil and study. We make them in the interest of the State and its citizens. We ask your support in getting these provisions passed.

The statutory changes the Commission recommends need only be approved by the Legislature and the Governor. The Legislature can implement our recommended changes with regard to rules and procedures and our proposals for providing facilities, staff and services to the Legislature. However, the Legislature will be more favorably disposed to adopt these recommendations if they have wide public support.

The Commission asks the citizens of West Virginia to consider its report and to support its recommendations.

COMMISSION MEMBERSHIP

S. C. R. No. 12 provides for a commission comprised of thirty-two members: the President of the Senate and Speaker of the House of Delegates as ex officio members; three senators and three delegates; and twenty-four private citizens of the State. Membership is as follows:

SENATE

Hon. Howard W. Carson
President of the Senate
Ex officio member
Fayetteville, West Virginia

Hon. John H. Bowling, Jr.
White Sulphur Springs
West Virginia

Hon. J. Frank Deem
St. Marys, West Virginia

Hon. Tracy W. Hylton
Mullens, West Virginia

HOUSE

Hon. H. Laban White
Speaker, House of Delegates
Ex officio member
Clarksburg, West Virginia

Hon. Wilfred L. Dickerson
Kimball, West Virginia

Hon. Brereton C. Jones
Pt. Pleasant, West Virginia

Hon. J. E. Watson
Fairmont, West Virginia

CITIZEN MEMBERS

Mr. Earle T. Andrews,¹ President
Pennsylvania Glass Sand Corp.
Berkeley Springs, West Virginia

Mr. Thomas J. Boyd
General Manager
Follansbee Steel Corporation
Follansbee, West Virginia

Mr. E. A. Carter,² President
Teamsters Local Union No. 175
Charleston, West Virginia

Mr. W. E. Chilton, III, Publisher
The Charleston Gazette
Charleston, West Virginia

Mr. James H. Davis, III
Attorney at Law
Charleston, West Virginia

Mr. W. A. Davis, President
The Peoples Bank of Mullens
Mullens, West Virginia

Mr. D. Boone Dawson
Attorney at Law
Charleston, West Virginia

Mr. William D. Evans²
Editor, The Fairmont Times
Fairmont, West Virginia

Mr. B. W. Fertig
State Representative
Brotherhood of Railroad Trainmen
Keyser, West Virginia

Mr. Richard E. Ford
Attorney at Law
Lewisburg, West Virginia

Mr. David L. Francis
Chairman of the Board
Princess Coals, Inc.
Huntington, West Virginia

Dr. Carl M. Frasure, Dean
College of Arts and Sciences
West Virginia University
Morgantown, West Virginia

Mr. J. Taylor Frazier
President, Bluefield Supply
Company
Bluefield, West Virginia

¹Appointed to fill vacancy.

²Original member of the Commission. Resigned prior to completion of the final report due to press of business.

Mr. J. Duane Gorman
Vice President
Monongahela Power Company
Fairmont, West Virginia

Mr. Harry Hamm, Editor
Wheeling News-Register
Wheeling, West Virginia

Mr. Herbert H. Henderson
State President
State Conference of Branches of
the National Association for the
Advancement of Colored People
Huntington, West Virginia

Mrs. Howard J. Jackson, President
League of Women Voters of W. Va.
Charleston, West Virginia

Mr. Hugh A. Latimer
Vice President, The C & P
Telephone Company of W. Va.
Charleston, West Virginia

Mrs. Delmas Miller, President
W. Va. Federation of Women's
Clubs
Morgantown, West Virginia

Mr. Ford R. Morrow³
Commercial Banking & Trust
Company
Parkersburg, West Virginia

Mr. Miles C. Stanley, President
W. Va. Labor Federation,
AFL-CIO
Charleston, West Virginia

Mr. Luke E. Terry, Counsel
West Virginia Farm Bureau
Martinsburg, West Virginia

Mr. C. J. Urbaniak, President
District No. 31, U. M. W. of A.
Fairmont, West Virginia

Mr. A. Hale Watkins
Secretary-Treasurer
W. Va. Oil and Natural Gas Assoc.
Charleston, West Virginia

Mr. William G. Wilson
Attorney at Law
Logan, West Virginia

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Research Assistant, Office
of Legislative Services
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Constitution and Statutes

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Rules and Procedures

Encil Bailey, Legislative Auditor
Staff Assistant
Committee on Facilities,
Staff and Services

William E. Richardson
Director, Budget Analysis
and Research Division
Office of Legislative Auditor
General Staff Assistant

Mrs. Mary Lou Gardner
Research Assistant
Office of Legislative Services
Commission Secretary

Miss Eleanor McGrady, Secretary
Office of Legislative Services
Commission Secretary

³Recently retired Public Affairs Manager, Eastern Region, Kaiser Aluminum and Chemical Corp., Ravenswood, W. Va.

ADVISORY COMMITTEE ON PUBLIC INFORMATION

Hazlett A. Cochran, Vice President Public Relations Fahlgren & Associates, Inc. Parkersburg, West Virginia	Norman W. Laughlin Director, Public Relations Monongahela Power Company Fairmont, West Virginia
Philip Dupont, President Dupont, Crummett, Williamson Advertising Charleston, West Virginia	K. Whitney Weihe General Public Relations Supervisor The C & P Telephone Company Charleston, West Virginia

COMMISSION PROCEDURES

At its first meeting on July 18, 1967, the Commission elected Dr. Carl M. Frasure, Dean of the College of Arts and Sciences at West Virginia University, as Chairman.

At the August 16, 1967, meeting, David L. Francis was elected Vice Chairman of the Commission. It was decided, at that meeting, to establish three committees each with a designated area of responsibility for study. In addition, an executive committee was established to coordinate Commission activities. The four committees and their respective members are as follows:

CONSTITUTION AND STATUTES

James H. Davis, III, Chairman, Howard W. Carson, W. A. Davis, D. Boone Dawson, J. Frank Deem, David L. Francis, Mrs. Howard J. Jackson, Hugh A. Latimer, Luke E. Terry, C. J. Urbaniak and William G. Wilson.

RULES AND PROCEDURES

Miles C. Stanley, Chairman, William E. Chilton, III, Richard E. Ford, Herbert H. Henderson, Tracy W. Hylton, Brereton C. Jones, Mrs. Delmas Miller, A. Hale Watkins, J. E. Watson and H. Laban White.

FACILITIES, STAFF AND SERVICES

Ford R. Morrow, Chairman, Earle T. Andrews (filled vacancy), John H. Bowling, Jr., Thomas J. Boyd, E. A. Carter (resigned), Wilfred L. Dickerson, B. W. Fertig, J. Taylor Frazier, J. Duane Gorman and Harry Hamm.

EXECUTIVE COMMITTEE

Carl M. Frasure, Chairman of the Commission, Davis L. Francis, Vice Chairman of the Commission, James H. Davis, III, Chairman, Committee on Constitution and Statutes, Miles C. Stanley, Chairman, Committee on Rules and Procedures and Ford R. Morrow, Chairman, Committee on Facilities, Staff and Services.

The Citizens Advisory Commission, with two exceptions, met monthly since its first meeting in July, 1967. Committees often met more frequently. All meetings were open to the public and news media.

SUMMARY OF RECOMMENDATIONS

BASIC STRUCTURE AND ORGANIZATION OF THE WEST VIRGINIA LEGISLATURE

1. Time and Place of Legislative Session.

We propose that Section 18, Article VI, of the West Virginia Constitution be amended to provide that the Legislature, in odd-numbered years following each General Election, convene on the second Wednesday in January; that each house proceed to organize by the election of its officers for two-year terms; and that both houses in joint assembly receive and publish the certificates of election results as prescribed by the West Virginia Constitution and by general law. Each house could then conduct such preliminary committee meetings and briefings that are deemed appropriate. After these matters are completed in odd numbered years, the Legislature would adjourn until the second Wednesday of the February following at which time the regular legislative session would be held. In even-numbered years, the Legislature would convene on the second Wednesday in February for its regular session.

We also propose that Section 18 be amended to provide that the budget and budget bill for the next ensuing fiscal year be submitted to the Legislature on the second Wednesday of February of each year, unless a later time is fixed by the Legislature.

This procedural arrangement would allow the Legislature, in odd-numbered years, following each General Election, to organize and conduct all of its preliminary business prior to the time the sixty-day legislative session begins, thereby saving time during the session for lawmaking activities. Our recommendation permits more effective use of session time and legislators' time.

Providing for the actual working session of the Legislature to begin on the second Wednesday in February of each year would allow time for a newly elected Governor to bring his influence into the budget process even though budget work would begin prior to his taking office. The incoming Governor would have sufficient time to review the budget prepared by the outgoing Governor, hold additional hearings and revise the budget prepared by the outgoing Governor as he desires.

2. Length of Legislative Session.

The complexity of state government has increased and continues to increase. Each session the Legislature is faced with complex matters that demand attention. Workloads have steadily increased in size. There are many matters, besides the budget and items in the Governor's proclamation, that require attention during even-numbered years.

The solution to this challenge is to permit the Legislature to meet in sessions that are long enough for it to consider problems and legislation, to permit enough time to allow wise and judicious decisions and to allow the Legislature to determine the matters it will consider during any regular session.

We recommend Section 22, Article VI, of the Constitution be amended to provide that commencing on the second Wednesday in February of each year the Legislature convene and remain in session for sixty calendar days and that during any regular session the Legislature could consider any matter or subject it desires.

3. Compensation and Expenses of Legislators.

Present compensation of legislators is inadequate for the amount of work they must do and for the responsibilities they shoulder. We believe legislators should have a sizeable but a fair and justifiable increase in compensation.

In many instances legislators must pay their expenses from their compensation or from their own pocket. Expense allowances should be liberalized to the extent that legislators are reimbursed for all necessary expenses and travel costs actually incurred in the performance of their duties, but not to exceed specific maximum amounts.

We believe that these recommendations should be effected by provision of general law. We recommend, as our optimum proposal, that Section 33, Article VI, of the West Virginia Constitution be amended to provide that legislators shall receive such compensation and shall be entitled to be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their duties as provided by general law. Increasingly states are amending their constitutions to provide for payment of compensation and expenses of their legislators by general law. We urge the Legislature to adopt this recommendation.

In the event the Legislature does not believe that compensation and expenses should be set by general law, we also submit an alternate recommendation. In this alternate we recommend that specific provision for the amount of compensation and expenses that legislators are to receive be retained in Section 33, Article VI, of the Constitution.

In this alternate proposal, we recommend that each legislator receive \$3,000 per year compensation for his normal services; that the presiding officer of each house receive an additional compensation of \$15 per day for each day served as a presiding officer; and that each legislator who serves as a member of an interim committee operating under general law receive an additional compensation of \$25 per day engaged in the actual performance of his duties.

We further recommend that each legislator be reimbursed for all necessary expenses actually incurred in connection with any regular or extraordinary session of the Legislature not to exceed \$1500 in any one year exclusive of travel expenses and that each legislator who serves as a member of an interim committee operating under general law be reimbursed for all necessary expenses actually incurred in the performance of his duties up to a maximum of \$25 per day exclusive of travel expenses.

We also recommend that legislators be reimbursed for all travel expenses actually incurred in connection with any regular session up to four round trips to and from the seat of government and his place of residence and for one such round trip during any extraordinary session and that each legislator who serves as a member of an interim committee operating under general law be reimbursed for all actual travel expenses incident to the performance of his duties.

4. Eligibility to Seat in Legislature.

We recommend that Section 13, Article VI, of the Constitution be amended to provide that those persons who hold any other lucrative office or employment under this State, the United States, or any foreign government be prohibited from holding a seat in the Legislature and that the constitutional provision prohibiting salaried railroad officers from holding a seat in the Legislature be removed.

5. Rules Governing Legislative Proceedings.

We recommend that Section 24, Article VI, of the Constitution regarding rules governing legislative proceedings be clarified by amending it to provide that the oldest member of each house in point of continuous service shall preside over the house of which he is a member until that house selects its permanent officers. If two or more delegates have equal continuous service, one should be chosen by agreement or by lot by the members of the house involved.

6. Ratification of the Modern Budget Amendment.

The Citizens Advisory Commission endorsed and worked actively for ratification of the Modern Budget Amendment. It was ratified by the voters on November 5, 1968.

We believe that a strong executive is as vital to the strength of our State government as a strong Legislature. The Governor should be the chief executive in fact as well as name. Responsibility for formulation of the budget is properly a function of the chief executive, one that is unitary and should not be shared by others.

The Governor should be the budget-making authority. There is no way the Governor can effectively plan and coordinate unless he has the authority to prepare and submit the budget to the Legislature.

The Modern Budget Amendment, amending Section 51, Article VI, of the Constitution makes the Governor responsible for budget formulation rather than the seven-member Board of Public Works.

The Amendment also strengthens the Legislature's role in the budget process by broadening its powers to increase, strike or reduce items in the budget. The Legislature can now increase any item and strike or reduce any item except those relating to the judiciary, but the Legislature cannot amend the budget bill to create a deficit budget.

The Governor, by the provisions of the Amendment, can now veto the budget bill or any item contained therein. This new power given to the Governor properly balances the increased power of the Legislature in the budget process.

Finally, the Amendment provides that the Legislature can override any veto the Governor might make of any budget bill by a two-thirds vote of members elected to each house.

We believe that ratification of the Modern Budget Amendment was essential to the improvement of the budget process. We believe by its ratification the citizens of the state will benefit.

7. The Governor's Veto Power.

The Governor of West Virginia can now exercise the veto on any bill. Until the Modern Budget Amendment was ratified on November 5, 1968, the Governor could not veto the budget bill but he could veto all others. After the Legislature adjourns, the Governor must exercise the veto within five days, Sundays excepted.

Because of the ambiguity of the meaning of adjournment in Section 14, Article VII, of the Constitution of West Virginia, because the five-day limit does not allow the Governor sufficient time to review properly bills presented to him during the last days of the legislative session to determine if he desires to exercise the veto power and because constitutional questions have been raised by the present constitutional provision, we recommend that adjournment be clarified to mean adjournment of the Legislature sine die; that the time limit by which the veto can be exercised be extended to fifteen days after adjournment sine die, Sundays excepted; that the Legislature have the power to override any veto by a two-thirds vote of the members elected to each house even if in an extended session; and if the bill upon reconsideration by the Legislature be amended and reenacted, that it be presented to the Governor as a new bill for his consideration.

We further recommend that Section 15, Article VII, of the Constitution of West Virginia, entitled "Respecting Appropriations of Moneys" be amended to make it consistent with the present provisions of Section 51, Article VI, as ratified by West Virginia voters on November 5, 1968.

8. Senate Confirmation of Executive Appointments.

We have reviewed the positions now filled by executive appointments, both those that require Senate confirmation and those that do not. We believe that Senate confirmation should be required for appointees who exercise or who are at least authorized to exercise some measure of power, responsibility and discretion; who exercise licensing or registration authority; or who are members of a commission or board whose members

with quasi-departmental status in turn appoint a director or other administrative head. An appointee need not be subject to Senate confirmation who is responsible directly to a department head who is subject to such confirmation.

Based on these criteria we recommend that twenty-one positions now filled by executive appointment which require Senate confirmation be no longer made subject to Senate confirmation. We recommend that three positions now filled by executive appointment but not subject to Senate confirmation be made subject to Senate confirmation.

We further recommend that there be established in the Senate a standing committee on executive appointments.

COMMITTEE ORGANIZATION AND OPERATION

9. Staff Assistance for Committees.

Major legislative committees should be staffed during legislative sessions with at least one professional clerk to provide competent research assistance and routine bill drafting service for committee substitutes, amendments, etc. These committees should also be provided with at least one secretary during legislative sessions.

These committees should be provided with additional staff and secretarial help as needed and be staffed for reasonable periods before and after legislative sessions or possibly throughout the year.

Minor committees should be staffed on an individual basis during session but until more personnel are available they should be staffed on a shared basis. Minor committees could be arranged in groups of two or three committees. Each group should be staffed with at least one clerk to provide services as enumerated above and one or two secretaries.

Insofar as it is possible, desirable, practicable and as the number of staff personnel permits, the Clerks and committee chairmen should request staff from the Office of Legislative Services during sessions for committee staffing. This is not intended to preclude the Clerks, any committee chairman, any committee or the legislative leadership from selecting such other staff or secretarial personnel as they may deem necessary.

10. Reducing Number of Committees.

Consideration should be given to a further reduction of committees as soon as there has been sufficient experience

under the reduced committee structure established in 1967 to indicate propriety and direction of further reductions.

11. Assignment of Bills to Committees.

We recommend that the full legislative membership be utilized in committee actions by a more even assignment of bills to committees.

12. Open Committee Meetings.

In order to better inform the people of West Virginia how the Legislature operates, we recommend that committee meetings be open to the public, unless a committee would otherwise direct, recognizing that the committee must remain in charge of its own operation and executive sessions may, on occasion, be necessary.

13. Committee Hearings.

We recommend that the Senate and House of Delegates each consider adopting a rule that would require all committees to provide public notice at least 24 hours in advance of committee hearings and provide that all persons who request in writing to be heard at a committee hearing be notified of the time and place of such hearing.

We also recommend that a public bulletin board in the vicinity of the legislative chambers be used to show time and place of hearings.

14. Preservation of Committee Records.

We recommend that competent staff be employed in the numbers necessary for the purposes of recording committee meetings in the manner and to the extent desired by committee chairmen and as necessary to maintain and preserve all committee records.

BILL PROCEDURES, DRAFTING, STANDARDS AND FORMS

15. Orderly Progress of Bills.

We recommended in 1967 that House Rules be changed to permit pre-filing of bills with the House Clerk in advance of the first day of legislative sessions. Senate Rules permitted this. House Rules were changed in 1968 to permit this.

We also recommended that the Senate and House amend their rules to provide that a bill for introduction shall be filed

not later than 12:00 noon on the day next preceding its introduction. The House of Delegates amended its Rules during the 1968 Regular Session to do this, and the Senate Rules were changed during the 1968 Second Extraordinary Session.

16. Establishment of Central Bill Drafting.

We recommended in an interim report that a central bill drafting service be established under the direction of the Office of Legislative Services and that a uniform bill form be established. These recommendations were implemented and Central Bill Drafting operated during the 1968 Regular Session and the 1968 Second Extraordinary Session in September. It should continue to operate during future sessions.

17. Routing of Bills and Drafting Requests Through Central Bill Drafting.

We recommended that both houses of the Legislature encourage the routing of all regular bill drafting requests of legislators and all bills drafted elsewhere through Central Bill Drafting before introduction for the purpose of upgrading the quality of bill drafts; however, the right of a legislator to introduce bills shall not be restricted in any manner.

We recommend continuation of the past practice of keeping confidential bill drafting requests and the contents of all bills drafted until released by the legislator who made the drafting request.

18. Bill Drafting Manual.

In order to upgrade the quality of bills, to make all bills more readily understandable to legislators and to the public and in order to give authority to efforts to improve and standardize such bill drafting problems as capitalization, punctuation, spelling, size of paper and clearly show changes to the existing law, we recommend the Senate and House of Delegates formally approve by individual or joint rule or otherwise, possibly through adoption of a bill drafting manual, certain minimum standards as to form for bills.

19. Fiscal Notes.

We recommend either (a) that the Senate adopt a fiscal note rule compatible with House Rule No. 92 and a fiscal note manual similar to that which has been adopted by the House in accordance with its Rule No. 92, or (b) that fiscal notes be

provided for by joint rule and a common manual to make requirements and procedures uniform.

20. Explanatory Notes on Bills.

We recommend that the accepted practice of placing explanatory notes on bills be provided for formally by the Senate and House of Delegates by their adoption of a joint rule. The rule should provide that explanatory notes shall include all substantive changes made by a bill.

21. Underlining in Bills.

We recommend that the established practice of underlining new language or additions to existing law in bills be provided for by proper rule or included in a bill drafting manual approved and adopted by both houses of the Legislature.

22. Copies of House Bills and Resolutions Required for Filing.

In our interim report to the 1968 Regular Session of the Legislature, we recommended that House Rules Nos. 93 and 109 be amended to require four copies of bills and resolutions to be filed for introduction with the House Clerk in keeping with current needs and practices. The House amended these Rules at the 1968 Regular Session of the Legislature.

23. Joint Rules Requiring Copies of Bills.

In our interim report to the 1968 Regular Session of the Legislature, we recommended that Joint Rule No. 5 of the Senate and House be amended to require that quadruplicate copies of bills accompany resolutions requesting permission to introduce bills during thirty-day sessions. Joint Rule No. 5 was so amended at the 1968 Regular Session of the Legislature.

24. Copies of Enrolled Bills.

In our interim report to the 1968 Regular Session of the Legislature, we recommended that Joint Rule No. 14 be amended to increase the number of enrolled bills to be printed from two hundred to three hundred fifty copies in keeping with current needs and practices. Joint Rule No. 14 was so amended at the 1968 Regular Session of the Legislature.

25. Complete Review of Legislative Rules.

We have reviewed the Senate Rules, House Rules and Joint Rules of the Senate and House and we find need only for the

limited changes discussed elsewhere in this report. The Rules were found to contain no provisions or conflicts which seriously impair the orderly legislative process.

**STAFF ASSISTANCE FOR LEGISLATORS
AND CLERKS' OFFICES**

26. Legislative Leaders and Other Legislators.

Professional clerks should be made available to legislative leaders in numbers sufficient to allow them to perform their duties. They are the best judges of their needs and should request help as they deem necessary.

The practice of maintaining a steno or secretarial pool during legislative sessions by each house through the Clerks' offices should be continued. The Clerks should continue to employ and supervise these personnel and to be responsible for their pay. As is present practice, these pools should be for use of individual legislators. They would also be used to provide additional secretarial assistance to legislative leaders and committees over and above that assigned to them during sessions.

The number of secretaries in these pools should be of sufficient number to meet the need.

Our main recommendation concerns the basis on which professional clerks and clerical-secretarial personnel are hired to provide staff assistance for legislative leaders and other legislators. They should be employed based on knowledge, experience and ability and should be compensated for the same.

Political favoritism should not be used as a basis for employing these personnel or any personnel serving the Legislature. The goal should always be to obtain qualified personnel and to build up a pool of experienced personnel.

27. Staff for Clerks' Offices.

The offices of both Clerks should be adequately staffed with full-time year-around employees to permit those offices to carry out their day-to-day functions. Members of this staff should be removable for cause, should be paid a salary commensurate with their ability and experience, and sufficient to assure the obtaining and retaining of qualified and experienced employees. Only those persons of proven ability and competence should be employed and staff positions should not be used for pure patronage purposes.

During sessions the Clerks should employ enough part-time employees, clerks and secretaries to staff committees, serve legislators and to assure that their offices can efficiently carry out their functions. These employees should be part of the pools hired by the two Clerks and would be under their supervision.

**STAFF ASSISTANCE FOR THE HOUSE PARLIAMENTARIAN
AND COURT OF CLAIMS**

28. Staff for the House Parliamentarian.

We have reviewed the House Parliamentarian's duties, functions and his staff and see no need for any changes in his staff at this time. We recognize his duties are important to the legislative process. He should be provided with any staff assistance that he needs to perform his duties.

29. Staff for Court of Claims.

We have reviewed the staff of the Court of Claims and see no need to make any recommendations at this time.

PERSONNEL PRACTICES FOR LEGISLATIVE EMPLOYEES

30. Abolish Attache System.

The attache system, as it has existed in the past, whereby during legislative sessions jobs are given to individuals solely because of the recommendation or request of legislators, should be abolished permanently. Too frequently these jobs have been given to individuals as a political reward or because of favoritism without regard for ability and the need to fill a number of positions requiring great experience and skill. While they may be qualified for the job, frequently they may not be. As staffs expand, professionalism, competence, and retention of qualified employees through the years should be the goal of the Legislature.

31. Pay for Legislative Staff Employees.

We recommend that in order for the Legislature to attract qualified staff employees, and to retain them as they gain competence and experience, salaries that are competitive with private employers and other units of government must be paid. Obtaining qualified employees and their retention as they become more experienced will increase efficiency and the

Legislature will be strengthened. We recommend that pay scales that are competitive be adopted for legislative staff employees.

32. Use of Legislative Interns.

The legislative intern program, initiated in the sixty-day 1967 Regular Session of the Legislature, should be continued. Interns should be obtained through the Office of Legislative Services by the Director of that office. While the educational institutions involved should set certain basic requirements and standards for the program and for the interns, the Director of Legislative Services should be responsible for directing, assigning duties and supervising the interns while they are employed by the Legislature.

Interns should be graduate students or college seniors with good scholastic records with a background in economics, political science, accounting, law or other disciplines which would qualify them for their duties or assignments. Their pay should be commensurate with their duties and responsibilities and be sufficient to attract qualified students.

We believe the use of interns would be better received and that they would benefit more by being assigned by the Director of Legislative Services to a particular office, committee or job and remain there during the term of their employment. After such assignment, interns would be supervised by the person in charge where they are assigned. Assignments would be made on approval of the office, legislative leader, committee chairman, etc., to which their assignment is anticipated.

ORGANIZATION OF FISCAL AND NONFISCAL SERVICES FOR THE LEGISLATURE

33. Legislative Auditor.

After careful review of the present situation regarding the Legislative Auditor's Office, including his duties, functions, responsibility and staff, we recommend the following:

- a. In order to assure the fullest independence of the Legislative Auditor and his staff from extraneous influences and to afford the function the continuity that it deserves, the Legislative Auditor should be appointed by the Joint Committee on Government and Finance for a term of eight years, and he should be removable by the

Joint Committee for cause only. The Legislative Auditor should be eligible for reappointment for additional terms.

- b. The Legislative Auditor should be the appointing authority for all staff of the agency on the sole basis of merit, and personnel of the office should be removable only for cause.
- c. The Legislative Auditor should have the authority, subject to the limitation of appropriations, to use certified public accountant firms for the performance of audits. The selection of such firms should be subject to his approval and their work should be required to conform with standards and specifications to be established by the Legislative Auditor.
- d. All postauditing for state, county, and municipal governments and their subdivisions should be performed by the Legislative Auditor. The responsibilities of the State Tax Department in auditing local governments should be transferred to the Legislative Auditor, and the State Auditor be limited, to avoid duplication in the auditing area, to preaudits.

All personnel performing postauditing functions in state agencies (except internal audits), should be transferred to the Legislative Auditor's Office and personnel adjustments be made as are required. Enough personnel should be obtained to enable the Legislative Auditor to perform all of the duties assigned to him by this recommendation.

- e. Postauditing should be conducted after the receipt and disbursement transactions have been consummated and should serve to assure the appropriating authority, the Chief Executive and his subordinates, and the public that such transactions have been made correctly and in accordance with law. To provide such assurances, it is imperative the conduct of postauditing be made independent of the executive branch of government and of all partisan influences.
- f. An annual audit schedule, for all subject jurisdictions should be maintained. Audit reports of state agencies

should be submitted by the Legislative Auditor to the Governor, the Attorney General, the State Auditor, the head of the agency audited, and to the appropriate committees of the Legislature, and all such reports should be matters of public record. Reports of local audits should be submitted to the executive head of the local agency and to its governing body, to the Governor and Attorney General, to the state agency principally concerned, and to the appropriate committees of the Legislature.

- g. Because state government is growing and the complexity of state government is increasing, and management audits provide more useful and complete fiscal information than do present type audits, a study should be made to determine if management audits should be used, in the future, by the Legislative Auditor.
- h. It is probable that in the near future West Virginia will use a Planning, Programming, Budget System for budget analysis and research, which system would provide the Legislature with better information regarding fiscal matters. When this system is effected the Legislative Auditor should be provided with staff adequate to carry out his necessary responsibilities.
- i. Because the Legislative Auditor is responsible for providing fiscal services to the Legislature, and this is a specialized and full-time duty, any nonfiscal service functions or duties the Legislative Auditor now performs should be transferred to Legislative Services.

34. Office of Legislative Services.

We recommend the following concerning the Office of Legislative Services:

- a. The Legislature should provide by law for Legislative Services with the organization and functions enumerated below.
- b. Legislative Services under its director should be responsible to the Joint Committee on Government and Finance.

- c. Legislative Services should provide all services required by the Legislature except fiscal services provided by the Legislative Auditor, and services historically provided by the Clerks' offices.
- d. Legislative Services should provide competent research by a staff of qualified analysts and researchers. This staff would perform research projects authorized by the Joint Committee on Government and Finance. This research would include those research projects requested by the Legislature by concurrent resolution and also research projects initiated and assigned to Legislative Services by the Joint Committee.
- e. Legislative Services, subject to approval of the Joint Committee, should undertake pertinent research projects on its own. A competent staff would be able to anticipate or foresee the need for research in many areas before the Legislature could meet and take action. Legislative Services, using its own initiative, could have data ready in these areas for presentation when the Legislature convenes.
- f. Legislative Services should obtain and make available factual information when questions and problems coming before the Legislature are raised by individual legislators. Called spot research, this service may range from a brief answer to a query or a concise summary of a law or factual information which might require several days' time on the part of a researcher to compile.
- g. Legislative Services should provide legal services for the Legislature to include bill drafting services, legal analyses of bills, and provide legal counseling services upon request. It should also be charged with continuing comprehensive statutory code revision, law revision, and such other legal assignments as may be authorized by the Joint Committee.
- h. Because the legislative library is a general service facility for use by legislators and legislative staff employees, responsibility for maintaining the legislative library should be a duty of Legislative Services.

- i. Legislative Services should be empowered by the Joint Committee on Government and Finance to explore all uses of computers in the legislative process and to recommend the establishment of computer service where the cost and service are justified. This study of the use of computers to provide service to the Legislature should include study of their utilization for statutory retrieval and search, statutory code revision, bill drafting, bill printing, compilation and printing of the daily Journal, calendar, bill status reports, Acts, and all other matters where the use of computers might be more efficient, speedier and less costly than present systems and procedures.

At least one person from Legislative Services should be appointed as soon as possible to work with the recently created Information System Services Division of the Department of Finance and Administration, which is presently developing data processing functions in the various agencies of the state government, in the development of computer services for legislative purposes.

- j. If the Legislature directs that orientation conferences be held on a regular basis for legislators, we recommend that Legislative Services be charged with the responsibility for planning and holding these conferences. This would include sponsoring, planning and providing an orientation meeting following the election of new members and in advance of the legislative session; explaining legislative organization, procedures, and services; and reviewing and discussing current legislative proposals, and budget and fiscal matters.
- k. Legislative Services, upon request by the Legislature, should prepare a legislative manual or handbook which manual would explain legislative procedures in brief and concise detail.
- l. For Commission recommendations concerning the responsibility of the Office of Legislative Services regarding legislative printing refer to Item 40, p. 25.

35. Legislative Library Services.

The existing legislative library facility should be upgraded. It should provide legislators, legislative services offices and legislative staffs with adequate and needed research materials, whether through its own collection of materials or through other libraries. To provide this needed service, we recommend:

- a. Because maintaining a legislative library, though some reference materials may be fiscal in nature, is primarily a nonfiscal, service function, the responsibility for maintaining the legislative library should be assigned to Legislative Services.
- b. The library should be professionally staffed, which staff should include a librarian trained in research, and such additional researchers as are needed to provide adequate services.
- c. Books, magazines, publications and all other research materials necessary to provide adequate information and research data to the Legislature should be procured as fast as funds permit.
- d. The library should be located centrally and conveniently for use of the Legislature. While no specific recommendation as to location of the library is made, for convenience it should be located either on the second floor of the Capitol, between the chambers, where no space appears to be available, or on the main floor of the Capitol, where space may become available in the future.

Of the two proposals for location, the Commission believes that location on the main floor is preferable. It would be convenient for both the Legislative Auditor and Legislative Services, while at the same time it would be convenient to the Legislature. This is particularly true since a professionally trained library staff, aided by messengers during session, could get required reference materials quickly to the legislative areas.

- e. A thorough study should be made of existing reference and library facilities available to the executive, legislative, and judicial branches of the state government. The purpose of the study would be to determine if some or all present facilities could be combined or coordinated to avoid unnecessary duplication of materials where possible and to develop methods of sharing materials and personnel.

36. Pre-session Legislator's Orientation Conference.

Shortly after the Citizens Advisory Commission was created, a proposal was presented to the Joint Committee on Government and Finance, an interim committee of the Legislature, that a pre-legislative orientation conference be held in December, 1968 for all legislators. Because we believe the need for such orientation conferences is so great, in our interim report to the 1968 Regular Session of the Legislature, we recommended that this proposal be approved. We also agreed that the Commission would cooperate in the planning and conducting of this conference, and we recommended that the program planning committee for this conference carry out the conference in the most economical fashion possible.

The proposal for the pre-legislative conference has since been approved for funding under Title I of the Higher Education Act of 1965. The orientation conference will be held on December 16-19, 1968, in Charleston.

If this conference is a success, we recommend that consideration be given to holding a pre-legislative orientation conference every two years after each General Election. If a full conference is not acceptable to the Legislature, at least freshmen legislators should be afforded this opportunity.

37. Bipartisan Joint-State Legislator-Congressional Conference.

We recommend that the Legislature hold at least annually a bipartisan conference of state legislators, appointed by the President of the Senate and Speaker of the House of Delegates, with West Virginia's representatives in the United States Senate and House of Representatives in order to establish a closer relationship between state legislators and West Virginia's congressional delegation and to facilitate the exchange of informa-

tion in the area of federal-state relations and programs, which area is increasing in importance and complexity.

38. Establish an Information Office on Federal Programs.

We recommend that an office on federal programs be established in the Governor's office or in some existing state agency to serve the Legislature and state and local units of government.

39. Data Processing for the Legislature.

We recommend that the Legislature make a continuing study of the possible use of data processing equipment in the legislative process and that it expand the use of data processing equipment where better service can be provided, and efficiency can be promoted by its use.

40. Legislative Printing.

Legislative Services should continue to operate the central duplicating facility for use of the Legislature and its arms. This duplicating facility should be equipped to provide duplicating services needed by the Clerks' offices, Legislative Auditor, Legislative Services, the standing committees, the Joint Committee on Government and Finance, the Senate, the House of Delegates, the Court of Claims, and all other needs of the Legislature both during and between sessions. Sufficient full-time and part-time personnel should be provided to assure adequate service. The Commission recognizes that current bill and daily Journal printing by letterpress is providing good service to the Legislature. However, we recommend consideration be given to the use of photographic reproduction and offset printing where such process can be justified by improved efficiency, effectiveness, utility, saving in time, and reduction in cost.

The Commission has not been able, by time limitation and the complexity of the task, to provide an accurate comparison of letterpress versus photographic processes and offset printing. We must leave to the Legislature the task of gathering the necessary data and making the appropriate comparison as a prerequisite to any major change in printing of legislative materials.

Since a two-year printing contract has just been awarded, and since no drastic change would seem proper until the end of that contract, the Legislature will have sufficient time to make this analysis and to revise its processes as may be warranted.

It is also recommended that a study be made of the contract procedure relative to legislative printing.

41. Legislative Publications.

The Commission recommends that every effort be made to economize on legislative printing and that the daily Journals of both the Senate and House of Delegates be reduced in size.

Note: The House of Delegates has reduced the size of the House Journal by printing the House Calendar and Abstract separately for mass distribution and by reducing the number of Journals printed. In addition, the House now only prints roll call votes in the House Journal when required by the Constitution or requested by a member. When roll calls are printed in the House Journal, an abbreviated form is now used in most instances. The Senate has made no similar change in the format of its Journal but we ask the Senate to consider making changes similar to those made by the House.

We have reviewed all other publications and documents now produced by the Legislature and see no need to make any other recommendations.

SPACE FOR THE LEGISLATURE

42. Additional Space Needed for Legislature.

Our general recommendation is that the Capitol building be utilized primarily for the space needs of the Legislature and that administrative offices be moved outside of the Capitol building as necessary to provide the Legislature with the space it requires.

The Senate and House chambers provide adequate space. Chambers require a great deal of space, making reconstruction of them in a new building impractical. The construction of new buildings for administrative offices is already in progress. In view of these facts, the logical approach is to provide needed space for the Legislature in the Capitol building and to provide administrative offices in other buildings as necessary.

Specifically we recommend the following:

- a. Executive department offices on the ground floor of the Capitol building, including the wings, should be vacated as is necessary to provide the Legislature with the space it needs as soon as new space is available in the administrative office buildings now being constructed or proposed, except for the offices of the Board of Public Works

and six of its seven members (the Governor, Attorney General, Secretary of State, Treasurer, Commissioner of Agriculture and State Superintendent of Schools). These offices should remain in the Capitol building. The State Auditor, the seventh Board member, should be moved from the second floor of the Capitol building to its first floor.

If the Legislature does use space on the second floor of the wings of the Capitol building, covered walkways should be constructed from the second floor of each wing to the second floor of the Main Unit. Now there is no direct access from the second and higher floors of the wings to the Main Unit.

- b. There is a large area in the dome of the Capitol building that at present is unused except for storage of some old records and books.

We caused a preliminary architectural study to be made of the dome area to determine if it is feasible for the Legislature to use the dome area for offices, committee rooms, etc. The preliminary study indicates that it is.

We recommend that the Legislature give serious consideration to utilization of the dome area. The Board of Public Works, which is responsible for the Capitol building and its use, has agreed that the Legislature can have the dome area for its use. The area is large enough at least for four committee rooms in addition to a number of private offices for committee chairmen, committee clerks and secretaries. It is a large area, immediately accessible to the legislative chambers and the areas currently occupied by the Legislature. The area is now available, requiring only renovation. Use of the dome would provide needed space economically.

We have made several specific recommendations concerning purposes for which additional space, as it is acquired by the Legislature, should be utilized. Among these we recommend that such space be utilized for one large hearing room, additional committee rooms, offices for committee chairmen and to provide additional offices for the Clerks. We also recommend that certain new facilities be provided.

FACILITIES AND EQUIPMENT

43. General Equipment Needs.

The Legislature knows its specific equipment needs better than this Commission. We recommend that each office, committee or individual legislator study and determine these needs and make this known to the proper authority and that every effort be made to satisfy these needs.

44. Overhead Projection Equipment.

We had experts from a manufacturer to give a test demonstration of such equipment in the House chamber. The results were so unsatisfactory that it was not tested in the Senate chamber. The image was not bright enough or sharp enough for viewing and those persons sitting to the sides of the dais were unable to see the screen. We recommend that, until the technical difficulties can be properly overcome, no further consideration be given to installation of overhead projection equipment in the legislative chambers.

We recommend that overhead projectors, machines to make the transparencies for projection and screens be provided as needed for other use by the Legislature. The number can best be determined by the Clerks.

45. Mechanical Equipment to Transport Materials.

We recommend that the Legislature make a study to determine if the use of mechanical devices such as pneumatic tubes can be used to transport bills, notes and other materials between the two chambers and the various legislative offices. If it is determined that the use of such systems is practical and feasible, we recommend that such equipment be installed.

46. Automated Bill Rooms.

We recommend that the Legislature make a study to determine the economy that could be derived from and the efficiency and speed that could be obtained by the use of automated equipment in the Bill Rooms of the Senate and House of Delegates.

Such automated filing equipment can be used in any office for the efficient filing and indexing of various materials that must be preserved.

47. Elevators in the Capitol Building.

We recommend that a study be made of the elevator service within the Capitol building. The need for this study will be

more pronounced if space in the dome is utilized by the Legislature and if eating facilities are provided in the basement of the Capitol building. Sufficient elevator service should be provided to meet needs.

48. Electronic Voting—Senate.

We recommend that a cost analysis study be made to determine if time versus cost would justify installation of an electronic voting machine in the Senate. If it is so justified, we recommend that an electronic voting machine be installed in the Senate.

49. Provision for the Handicapped.

Provision should be made for handicapped persons to enable them to enter and leave the building without aid and to permit them to get around the building and to use its facilities easily. A study should be conducted to determine what improvements need to be made to accommodate handicapped persons. The State Capitol as a symbol should be the most accessible public building in the state.

50. First Aid Facility.

We recommend that a first aid facility be established and maintained in the Capitol complex.

The facility should be furnished with modern first aid equipment, including facilities for administering oxygen, with trained personnel maintaining the facility at all times. One or two trained personnel could competently maintain the facility.

We realize that this may not be considered an item for "legislative improvement" but feel the need is so great that we should make this recommendation. The facility should be available for use of all of the state government and for visitors, many of whom come to visit the Legislature. The facility should be maintained by the executive department.

51. Parking.

We support the proposal by the State Building Commission that a parking building be constructed to fill this need; moreover, we urge that priority for its construction be moved up from Phase 5 to Phase 2 of the State Capitol Master Plan.

We recommend that a study be made of the feasibility of cutting the land area down at the end of each wing of the

Capitol and moving the sidewalk closer to the end of each wing in order to establish diagonal parking on both sides of Washington Street, which space would be for visitors.

The Capitol circle sidewalk should be brought in closer to the Capitol building in order to increase the depth of the parking area and to provide more road area. Parking in the circle should be on a limited time basis for visitors only, except during legislative session, when the House of Delegates needs this space.

California and Duffy Streets next to the Capitol should be reserved only for use of visitors on a limited time basis except during legislative sessions when the Senate needs some of this space.

All parking needs not met by these proposals should be provided by facilities located away from the Capitol complex to and from which local public transportation can be provided.

52. Establishment of a Second Capitol Complex.

The State Building Commission should acquire a large acreage area in the Charleston vicinity as close as practical to the Capitol complex. This area should be of sufficient size to accommodate the long-range future building requirements (fifty years) for facilities not presently needed in the Capitol complex itself. Legislation should be proposed or the Legislature should take such other steps as may be necessary, such as designating the area for urban renewal, zoning, or acquisition of properties, to prevent construction of any buildings within the present Capitol complex which would not conform to the State Capitol Master Plan.

FOLLOW UP ON RECOMMENDATIONS

53. Designation of Agent to Carry Out Commission's Recommendations.

The items which this Commission has recommended, if approved by the Legislature, can only be effected over a considerable period of time. Many will not be completed before the authority of this Commission expires; therefore, we believe that someone or some office, representative of the Legislature, should be appointed to work with the various bodies or groups, that will implement those of our proposals which are approved, in order to coordinate activities and to see that the proposals are carried out in the best interests of the Legislature.

DISCUSSION OF RECOMMENDATIONS

BASIC STRUCTURE AND ORGANIZATION OF THE WEST VIRGINIA LEGISLATURE

1. Time and Place of Legislative Session.¹

The Present Situation—

The Legislature shall assemble annually at the seat of government, and not oftener, unless convened by the governor. Regular sessions of the Legislature shall commence on the second Wednesday of January of each year. Notwithstanding any other provisions of the Constitution, the board of public works shall, on and after the effective date hereof, submit to the Legislature an annual budget prepared as otherwise required by the Constitution. (Section 18, Article VI, Constitution).

Paraphrased this section states that the Legislature must assemble each year; that it must meet at the seat of government, which Section 20, Article VI, provides shall be at Charleston, West Virginia, unless otherwise provided by law; that it cannot meet oftener unless convened by the Governor; that each regular session of the Legislature must convene on the second Wednesday of January; that each year the Board of Public Works must submit a budget to the Legislature; and that the budget must be prepared and submitted to the Legislature as required by the Constitution, which means that the budget must be submitted to the Legislature within ten days after it convenes unless the time is extended by the Legislature as provided in Subsection B, Section 51, Article VI.

Commission Findings—

There are several problems caused by the present provisions of Section 18, Article VI, concerning the time and place of assembly of the Legislature.

a. Title:

The section is entitled "Time of Assembly of Legislature." In fact the section provides for both the time and place of assembly of the Legislature. The title of the section should be changed accordingly.

¹This section was written prior to ratification on November 5, 1968, of the Modern Budget Amendment. The Governor is now responsible for preparing and submitting the budget document and budget bill to the Legislature rather than the Board of Public Works, which now has no authority in the budget making process. In reading this section "Governor" should be substituted for "Board of Public Works"; otherwise the budget making process, deadlines and problems described remain the same. See Section 6, pp. 61-64, for a brief discussion of the provisions of the Modern Budget Amendment.

b. **Organization:**

In odd numbered years following each General Election, each house must judge the elections, returns and qualifications of its own members. Each house elects new presiding officers. (Section 24, Article VI). The presiding officers appoint members of their respective houses as committees and designate committee chairmen and vice-chairmen. (Senate and House Rules).

Bills are introduced and referred to committees starting on the first day of the sixty-day legislative sessions. However, until recent years, committees did not begin effective work on legislation until the fourth or fifth day of the sixty-day sessions. In the past few sixty-day sessions, efforts of the Clerks, insistence that so called "administration bills" be delivered early and advance work by bill drafting staffs have made available on the first day of legislative sessions a larger number of significant bills. Significant committee work has been possible on the second or third day by this effort.

c. **Budget:**

The Legislature must meet annually in sessions that commence on the second Wednesday in January. The Board of Public Works must submit to the Legislature an annual budget. (Section 18, Article VI, Constitution). The budget must be submitted to the Legislature within ten days after each session convenes unless this time is extended by the Legislature. (Subsection B, Section 51, Article VI, Constitution).

The requirement that legislative sessions begin on the second Wednesday in January means that the Legislature must meet in sessions that could begin as early as January 8 or as late as January 14.

The Governor and five members of the seven-member Board of Public Works are elected officials.² They are elected for four-year terms. Their terms of office commence on the first Monday after the second Wednesday in January. This means that the terms of office of six of the seven members of the Board of Public Works

²State Superintendent of Free Schools is the seventh member of the Board of Public Works. He is appointed by the State Board of Education.

could begin as early as January 13 or as late as January 19.

Because a new Board of Public Works might have only six days after taking office to submit a budget it is fortunate that the budget is prepared by the outgoing Board of Public Works. It submits the budget to the Legislature. Basically, the procedure for formulation of the budget is as follows: Each spending unit of the State government, except the Legislature and the judicial branch of the State government, must submit to the Commissioner of the Department of Finance and Administration, before August 15 of each year, a request for appropriations for the next fiscal year. The Governor must, on or before September 1 of each year, transmit to the Commissioner the appropriations required by law for the judiciary for the next fiscal year which have been certified by the State Auditor. The estimated appropriations for the Legislature for the next fiscal year, certified by the presiding officer of each house, must be submitted to the Commissioner by September 1 of each year. These appropriation requests, along with other information required by the Constitution and by law, are compiled into a tentative budget by the Commissioner and submitted by the Commissioner to the Board by November 15. The Board reviews the tentative budget and by the last week in November or the first week of December begins to hold hearings which usually last until the latter part of December. The Board then revises any estimates that it deems appropriate as permitted by the Constitution and law. Finally, it prepares the budget document and budget bill, copies of which the Board submits to the presiding officer of each house of the Legislature. The budget bill is introduced promptly in each house, usually on the first day.

Preparation of the budget is a time consuming procedure extending over a period of about five months. Under present constitutional provisions there is no alternative in order to meet deadlines than for the Board of Public Works, prior to the expiration of their

four-year terms, to prepare the budget. Newly elected members of the Board are permitted to attend the public hearings held by the Board but they do not have any official capacity or authority until after taking office in the middle of January.

In the short time remaining after taking office the newly constituted Board of Public Works can do little with the budget due to unfamiliarity and the short time available. However, the new Board, especially if constituted entirely of new members, has little influence over the programs and concepts that are built into the budget as presented to the Legislature. This is not a good situation and each four years this problem occurs.

Our Proposal—

We propose that the title of Section 18, Article VI, be amended to read, "Time *and Place* of Assembly of the Legislature," since Section 18 does in fact provide for both the time and place of assembly of the Legislature.

We propose that the language of Section 18, Article VI, be amended to read as follows:

The Legislature shall assemble annually at the seat of government, and not oftener unless convened by the governor. *In the year one thousand nine hundred seventy-one and every second year thereafter, the regular session shall commence on the second Wednesday of January, and in the year one thousand nine hundred seventy-two and every second year thereafter, the regular session shall commence on the second Wednesday of February. Upon the convening of the Legislature in each odd-numbered year, each house shall proceed to organize by the election of its officers for two-year terms, both houses shall then in joint assembly open and publish the election returns delivered to the Legislature as prescribed by other provisions of this Constitution and by general law, and each house may then conduct such preliminary committee meetings and briefings as are deemed appropriate. When all of these matters have been completed in each odd-numbered year, the Legislature shall adjourn until the second Wednesday of February following. Notwithstanding the provisions of section fifty-one of this article and any other provisions of this Constitution, on and after the effective date hereof, there shall be submitted to the Legislature, on the second Wednesday of February of each year, unless a later time be fixed by the Legislature, a budget for the next ensuing fiscal year and a bill for the proposed appropriation of such budget.*³

³New language or additions to the present provisions of Section 18, Article VI, are in italics. See Appendix B, p. 153, for both deletions from and additions to Section 18, Article VI.

Our proposed amendment would minimize the problems previously discussed. It would permit the Legislature, following each general election which occurs once each two years, to continue to convene on the second Wednesday in January; however, the Legislature would convene only for a period long enough to organize. Officers would be elected and committees appointed. The Legislature would publish election returns as prescribed by the Constitution and general law. Each house would be permitted to hold preliminary committee meetings and briefings as they deem necessary after which the Legislature would adjourn until the second Wednesday of the following February at which time the sixty-day working session would begin.

This procedural arrangement would allow the Legislature, prior to the sixty-day session, to organize and conduct all of its preliminary business thereby saving time during the sixty-day session for lawmaking activities. This procedure permits more effective use of session time and legislators' time.

The regular session of the Legislature in each intervening year would begin on the second Wednesday in February. At present, these are thirty-day sessions that begin on the second Wednesday in January.

Our proposed amendment would allow time for a new Board of Public Works to bring its influence into the budget process even though budget work would still have to begin prior to their taking office. Moving the beginning date of the sixty-day legislative sessions to the second Wednesday of February and requiring the budget to be presented to the Legislature at that time would give the incoming Governor and other newly elected officials who are members of the Board of Public Works a minimum of twenty-four days and a maximum of thirty-one days in which to review and revise, as they deem necessary, the budget prepared by the outgoing Governor and other members of the Board of Public Works.

The time would be sufficient to permit the newly constituted Board to hold additional hearings on its own and indeed formulate a completely new budget should it so desire. This arrangement would eliminate the possibility that an incoming administration would be hamstrung, at least to some degree, by a budget prepared by an outgoing administration.

Our proposal would eliminate one last problem caused by the present language of Section 18, Article VI, which provides that the budget be submitted to the Legislature by the Board of Public Works. This language is inflexible in that it provides specifically who will submit the budget and does not allow for the fact that the budget system may be altered and that the Board of Public Works may not retain its function as the preparer of the budget.⁴

In our proposed amendment, the language that requires that the budget be submitted by the Board of Public Works has been deleted to provide simply that the budget and an appropriations bill must be submitted to the Legislature on the second Wednesday of February of each year, unless this time is extended by the Legislature. This language would retain its validity and be correct no matter who or what agency might in the future be assigned, in another part of the Constitution, the responsibility for preparing the budget and the appropriations bill.

2. Length of Legislative Session.

The Present Situation—

At the present time, the Legislature, in odd numbered years, meets in sessions that last for sixty calendar days. In even numbered years, the Legislature meets in sessions that last for thirty calendar days. Both sixty and thirty-day sessions are "regular sessions." (Section 22, Article VI).

Popular designation of thirty-day sessions as "budget sessions" arises from the provision in Section 22, Article VI, that during the thirty-day sessions the Legislature is prohibited from considering any business other than the budget bill, except such matters that are stated in a proclamation issued by the Governor at least ten days prior to the convening of any thirty-day session or such matters the Legislature initiates on its own motion by concurrent resolution adopted by a two-thirds vote of the members elected to each house.

The regular session of the Legislature held in the year one thousand nine hundred fifty-five and every second year thereafter shall not exceed sixty days, and the regular session held in the year one thousand nine hundred fifty-six and every second year thereafter shall not exceed thirty days. During any thirty-day session the legislature shall consider no other business than the annual budget bill, except such as may be stated

⁴This is already the case. The Governor is now responsible for preparation of the budget document and the budget bill as provided for by the Modern Budget Amendment, ratified on November 5, 1968.

in a proclamation issued by the governor at least ten days prior to the convening of the session, or such business as may be stated by the Legislature on its own motion in a concurrent resolution adopted by a two-thirds vote of the members elected to each house. All regular sessions may be extended by the concurrence of two-thirds of the members elected to each house. (Section 22, Article VI).

Commission Findings—

There are certain problems created by the present provisions of Section 22, Article VI, which should be eliminated.

- a. Until 1954, West Virginia operated with a Legislature that met biennially. On November 2, 1954, the voters ratified the present provisions for annual sessions. Sixty-day sessions alternate with thirty-day sessions. Though subject matter is unlimited during the sixty-day sessions, the Legislature during thirty-day sessions is limited to consideration only of the budget and the appropriations bill, except for those items that can be considered by the Legislature through the consent of the Governor by his proclamation or by resolution introduced into the Legislature and approved by a two-thirds vote of the members elected to each house.

Since the main subject matter for a thirty-day session is the budget and budget appropriations bills, framers of this provision must have believed that thirty days are sufficiently long only to deal with the budget and the appropriations, except for important emergency matters that would justify a special (extraordinary) session of the Legislature. Development of thirty-day sessions into little sixty-day sessions, with the widest scope of business, could not have been intended.

Table 1
LEGISLATIVE WORKLOAD—BILLS
Thirty-day Sessions 1956-1968

Regular Sessions	Bills Introduced			Bills Passed			% Passed
	Senate	House	Total	Senate	House	Total	
1956	25	35	60	5	11	16	26.6
1958	41	46	87	13	7	20	22.9
1960	48	61	109	14	25	39	35.7
1962	60	74	134	23	16	39	29.1
1964	38	63	101	7	32	39	38.6
1966	85	107	192	41	25	66	34.3
1968	139	151	290	27	40	67	23.1
Total	436	537	973	130	156	286	29.3%

Source: Compiled from Journals of the Senate and House of Delegates and the Acts of the Legislature.

Table 2
LEGISLATIVE WORKLOAD—RESOLUTIONS
SENATE
Thirty-day Sessions 1956-1968

Regular Sessions	Concurrent		Senate Joint		Senate	
	Introduced	Adopted	Introduced	Adopted	Introduced	Adopted
1956	8	3	2	0	11	10
1958	10	5	0	0	9	9
1960	25	17	3	0	11	11
1962	27	12	4	1	13	13
1964	20	10	1	0	10	10
1966	29	21	3	1	13	13
1968	42	24	2	1	13	13
Total	161	92	15	3	80	79

Source: Compiled from the Journal of the Senate and the Acts of the Legislature.

Table 3
LEGISLATIVE WORKLOAD—RESOLUTIONS
HOUSE OF DELEGATES
Thirty-day Sessions 1956-1968

Regular Sessions	Concurrent		House Joint		House	
	Introduced	Adopted	Introduced	Adopted	Introduced	Adopted
1956	14	6	1	0	14	14
1958	22	7	1	0	19	15
1960	44	20	3	1	16	16
1962	45	20	6	2	30	29
1964	50	29	0	0	32	29
1966	55	30	4	3	19	18
1968	65	31	7	0	14	14
Total	295	143	22	6	144	135

Source: Compiled from the Journal of the House of Delegates and the Acts of the Legislature.

Table 1, p. 37, and Tables 2 and 3, show the workload of the Legislature during thirty-day sessions from their inception to the present. Bear in mind that the budget bill is only one bill and observe in Table 1 how many bills were introduced in each session.

Tables 4 and 5, p. 39, show how much of the workload during thirty-day sessions is initiated by the Legislature. These tables show how many concurrent resolutions are adopted that grant permission to introduce bills, the number of bills introduced by adoption of the resolutions, and how many of the bills are passed.

Table 4

**SENATE CONCURRENT RESOLUTIONS GRANTING
PERMISSION TO INTRODUCE BILLS**

ADOPTED BY BOTH HOUSES

Thirty-day Sessions 1956-1968

Regular Sessions	Resolutions Adopted	Bills Originating from Resolutions	Bills Passed Senate	Bills Passed House	Approved by Governor
1956	0	0	0	0	0
1958	2	3	1	1	1
1960	2	2	2	2	2
1962	1	1	1	0	0
1964	1	SJR-1	0	0	0†
1966	9	10	7	7	7
1968	11	11	6	5	5
Total	26	28	17	15	15

Source: Compiled from Journal of the Senate.
†Joint Resolutions do not require Governor's approval.

Table 5

**HOUSE CONCURRENT RESOLUTIONS GRANTING
PERMISSION TO INTRODUCE BILLS**

ADOPTED BY BOTH HOUSES

Thirty-day Sessions 1956-1968

Regular Sessions	Resolutions Adopted	Bills Originating from Resolutions	Bills Passed House	Bills Passed Senate	Approved by Governor
1956	0	0	0	0	0
1958	0	0	0	0	0
1960	6	6	6	6	6
1962	6	6	5	5	5
1964	16	15	13	12	12
1966	14	13 HJR-1	13 HJR-1	13 HJR-1	12†
1968	19	19	7	5	4
Total	61	60	45	42	39

Source: Compiled from Journal of the House of Delegates.
†Joint Resolutions do not require Governor's approval.

Comparison of Tables 4 and 5 with Tables 1, 2 and 3 clearly show most concurrent resolutions deal with matters other than requests for permission to introduce bills and that few bills of the total introduced each thirty-day session are initiated by the Legislature.

Most bills result from the items contained in the Governor's proclamation. Table 6, p. 40, shows how the number of items in the Governor's proclamation have increased in the last fourteen years. Any number of bills may be introduced concerning the subject matter of each item.

Table 6

NUMBER OF ITEMS IN GOVERNOR'S PROCLAMATION OR CALL

Regular Session	Items
1956	7
1958	20
1960	26
1962	30
1964	23
1966	46
1968	52
Total	204

Source: Compiled from the Acts of the Legislature.

The Legislature cannot control the content or subject matter of the Governor's proclamation, and most of the legislative workload during thirty-day sessions arises from it.

Though this is true and it is clearly evident that the Legislature is now overworked during the thirty-day sessions, it must be realized that most items are in a proclamation because the need exists for such legislation, because of public pressure on the Governor and because of requests from legislators to the Governor. West Virginia is faced with a burgeoning load of legislation. The load has increased steadily each session both during sixty-day sessions and during thirty-day sessions.

The sixty-day sessions are long enough for consideration of the budget as well as other legislation. The thirty-day sessions, however, are not sufficient in length. The workload now imposed on the Legislature during thirty-day sessions makes impossible proper deliberation on the budget and other legislation.

We do not quibble with the fact that bills presented in thirty-day sessions are necessary proposals for action. All may have been very meritorious. What we do say is that, if they are deserving, they should receive careful, considered deliberation. The session must be long enough for such action.

- b. Section 22, Article VI, gives the Governor virtual control of the Legislature's agenda during the thirty-day sessions. Though the Legislature can initiate legisla-

tion, it hesitates to do so realizing that the budget and the items in the Governor's proclamation will overload the session. This coupled with the fact that the required two-thirds vote of each house is a deterrent to passage of concurrent resolutions assures the Governor's control of the Legislature's agenda.

We feel that Section 22, Article VI, gives the Governor unwarranted and unnecessary control of the Legislature's business of originating bills and passing legislation. Furthermore, there is no valid reason for the Legislature being restricted in the introduction of bills during thirty-day sessions by the requirement that it must approve business it would consider by adopting resolutions regarding such business by a two-thirds vote of the members elected to each house.

Restrictions on legislative business and control by the Governor of the subjects to be considered by the Legislature, serve only to weaken the legislative process in West Virginia. Control of the Legislature's agenda by the executive department violates the principles of separation of powers. It prohibits the Legislature from responding to the needs of people.

Our Proposal—

We believe that the foregoing problems will be eliminated by removing restrictions upon the subject matter which the Legislature may consider during the thirty-day sessions. The present thirty-day legislative sessions should be lengthened to sixty days and should be unrestricted as to subject matter. We believe that to be strong and to fulfill its proper role in our State government the Legislature must be unfettered. The purpose of the Legislature is to make laws to govern the people. This is a constant function—one that never ends.

There are many matters that require legislative attention each year. We no longer live in a time when the Legislature can meet only once each two years and conduct the business required for the public welfare. This fact has been recognized by the Legislature and the people of West Virginia since 1954 when annual sessions of the Legislature were authorized.

We wholeheartedly believe that the Legislature should meet annually. Two years, in the fast moving, dynamically changing

world, is too long to postpone even the simplest, needed legislation. Most legislation is far from simple. A great part of it has a degree of urgency. If it is needed, it is needed now. The Legislature should be able to respond to changing needs of the State and its people at least once a year.

The inauguration of annual sessions was a real step forward in improving the Legislature of West Virginia. West Virginia was a leader in the continuing move of states to hold annual sessions. At present twenty-one states hold annual sessions. Four of these began annual sessions in 1967, and it appears that others will follow rapidly.⁵

While the Legislature and the people of West Virginia took a progressive step forward to improve the Legislature by approving annual sessions, the step forward was not as long as it should have been. The step forward would have been the step of a giant if the Legislature had been allowed to consider any subject matter and initiate any legislation it felt necessary. Now the Legislature is impeded from action by the restrictions placed upon it regarding the subject matter it can consider during thirty-day sessions. The restriction on subject matter weakens the Legislature. Any restriction placed upon the Legislature that limits its scope of action serves only to weaken the legislative branch of government. Freedom to act strengthens the legislative branch of government. We feel that the Legislature of West Virginia should be strong. We feel that it should be free to act just as the executive branch is free to act.

The restrictions imposed now by the Constitution as to the subject matter the Legislature may consider during thirty-day sessions should be removed. The Legislature should be allowed to consider any subject matter or any piece of legislation during any session. Removing the present restrictions will make a more responsive Legislature—one able to act at the time action is needed. This is the practice in most states. Of the twenty-one states having annual sessions only six are limited as to subject matter during alternate-year sessions. West Virginia is one of the six. Over two-thirds of the states having annual sessions allow consideration of any subject during any session.⁶

⁵See Appendix O, page 172, "Legislative Sessions," 50 states.

⁶Frank Smothers (ed.), *The Book of the States, 1968-1969*, Vol. XVII, *The Council of State Governments*, (Chicago 1968), pp. 42-44. Also see Appendix O, p. 172, "Legislative Sessions," 50 states.

We believe that sixty-day annual sessions should be held. The justification for increasing the alternate-year thirty-day sessions to sixty days is the need for more time to give adequate consideration to legislation and to deal with the ever increasing legislative workload.⁷

The legislative workload continues to increase during thirty day sessions in the face of "restricted" subject matter. We believe the answer to the present dilemma is not to further restrict subject matter which would weaken the Legislature, but to remove the subject matter restrictions and increase the thirty-day sessions to sixty days. This change will allow the Legislature the time it needs to act responsively, knowledgeably and responsibly.

We propose that the language of Section 22, Article VI, of the West Virginia Constitution be amended to read as follows:

The regular session of the Legislature held in the year one thousand nine hundred *seventy-one* and every second year thereafter shall, *in addition to the meeting days preceding the adjournment provided for in section eighteen of this article, not exceed sixty calendar days computed from and including the second Wednesday of February*, and the regular session held in the year one thousand nine hundred *seventy-two* and every second year thereafter shall not exceed *sixty calendar days computed from and including the second Wednesday of February*. Any such regular session may be extended by a concurrent resolution adopted by a two-thirds vote of the members elected to each house.⁸

Note: This amendment works in conjunction with our proposed amendment to Section 18, Article VI, by providing that during odd numbered years sixty-day sessions which will commence in February will be held, in addition to any time spent in the organizational January session and during even years the regular session will begin in February.

The amendment also clarifies the word "day" to mean "calendar day" and defines limits for computation of calendar days.

The amendment removes all restrictions as to subject matter that can be considered by the Legislature during any regular session. The provision remains unchanged whereby any regular session of the Legislature may be extended by that body by a concurrent resolution adopted by a two-thirds vote of the members elected to each house.

⁷See Table 1, p. 37, Tables 2 & 3, p. 38, Tables 4 & 5, p. 39, Table 6, p. 40, Table 8, p. 51, and Tables 9 & 10, p. 52.

⁸New language or additions to the present provisions of Section 22, Article VI, are in italics. See Appendix C, p. 153, for both deletions and additions to Section 22, Article VI.

3. Compensation and Expenses of Legislators.

The Present Situation—

Each member of the Legislature shall receive for his services the sum of one thousand five hundred dollars a year, and expenses for one round trip in connection with any session, at the rate of ten cents a mile traveled in going to and returning from the seat of government by the most direct route: Provided, that if party caucuses are held in advance of the date of the assembly of the Legislature in odd-numbered years for the purpose of selecting candidates for officers of the two houses, expenses for travel at the rate herein fixed shall be allowed each member for one round trip in connection with attending such caucus. The speaker of the house of delegates and the president of the senate shall each receive an additional compensation of five dollars a day for each day served as presiding officer. No other allowance or emolument than that by this section provided shall directly or indirectly be made or paid to the members of either house for postage, stationery, newspapers, or any other purpose whatever. Notwithstanding any other provision of the Constitution, the compensation herein provided for shall be paid to each member of the legislature on and after the adoption of this amendment. (Section 33, Article VI).

By this constitutional provision, legislators each receive a yearly compensation of \$1500 per year.

In addition, the presiding officers of the Legislature, the President of the Senate and the Speaker of the House of Delegates, each receive an additional compensation of five dollars per day for each day served as a presiding officer. They receive this additional five dollars per day only if and when the Legislature is in session. It is paid during any regular, extended or extraordinary session of the Legislature on a calendar day basis. The constitutional provision also allows each legislator to be reimbursed for one round trip to and from party caucuses which are held once every two years to select candidates for offices of the two houses of the Legislature. Reimbursement is made at the rate of ten cents per mile.

Legislators receive no other compensation, allowances, emoluments or expenses in connection with participation in legislative sessions. Any payments a legislator must make for room and board during any session must be paid from the \$1500 he is paid per year or from his own pocket if his expenses exceed that amount.

In the interim between legislative sessions, certain necessary duties and functions of the Legislature are performed by the

Joint Committee on Government and Finance. The Joint Committee on Government and Finance was created by a Joint Rule of the Legislature in 1947 and was made a statutory body in 1965. It is composed of seven members of the Senate and seven members of the House of Delegates. The President of the Senate and the Speaker of the House of Delegates are members of the Committee and serve as cochairmen. They each appoint six members from their respective houses to the Committee. Not more than five of the members appointed from each house can be of the same political party. The Joint Committee usually meets three days each month. Members must travel from their residence to Charleston, stay the three days and two nights and travel back to their residence.

To provide for reimbursement of members of the Joint Committee for their necessary expenses and travel and to assure that they would not be out of pocket for expenses incurred in the performance of their duties as members of the Joint Committee, Section 2, Article 3, Chapter 4 of the West Virginia Code provides, "The expenses of the Committee shall be paid from the contingent fund of the Senate and the contingent fund of the House of Delegates in equal amounts. The members of the Committee shall receive no remuneration for their services, other than the actual expenses, incurred in the discharge of their duties hereunder as approved by the Committee."

Though the provisions of this section provided for the payment of expenses and cost of travel incurred by members of the Joint Committee in the performance of their duties, it made no provision for legislators who were members of any other legislative interim committee or for individual legislators who incur expenses while on official business for the State.

To cure this problem, the Legislature adopted Senate Concurrent Resolution No. 16 in 1967. In addition to other matters,⁹ it provides for the payment of travel and related expenses incurred by members of the Legislature in the performance of their official duties in the interim between legislative sessions.

Senate Concurrent Resolution No. 16, *as it relates to payment of travel and other related expenses incurred by members of the Legislature* is as follows:

⁹S. C. R. No. 16 also provides for the payment of travel and other expenses incurred by officers (except the President and Speaker, who are treated as members of the Legislature) and employees of the Legislature. This matter is of no concern in the present discussion.

Resolved by the Senate, the House of Delegates concurring therein: That the rules and regulations to govern travel and other related expenses incurred by members of the Legislature . . . while on official business for the State, shall be as follows:

1. Members of the Legislature—(a) All travel by members of the Legislature in the course of performing official business for the State shall be governed by these rules and regulations: Provided, That these rules and regulations shall not apply to regular visitations to state health, mental health and penal and correctional institutions during annual legislative sessions as may be specifically authorized and provided for by resolution of the Legislature, and shall not apply to transportation to and from the seat of government for legislative sessions and party caucuses as authorized in article six, section thirty-three of the West Virginia Constitution.

(b) For in-state travel, meaning a trip totally within this State, members of the Legislature shall be reimbursed at the rate of twenty-five dollars per day in lieu of actual and necessary expenses for meals and lodging.

(c) For out of state travel, meaning a trip from West Virginia to an out-of-state point or points and return, members of the Legislature shall be reimbursed at the rate of thirty-five dollars per day in lieu of actual and necessary expenses for meals and lodging.

(d) Members of the Legislature may travel by private automobile or public carrier and shall be reimbursed for the expenses of their transportation on the basis of the actual mode of travel. Members shall be reimbursed for transportation costs at the rate of ten cents per mile for the most direct usually traveled route, if travel is by private automobile; or actual transportation costs for direct route travel, if travel is by public carrier.

Official business as used in S. C. R. No. 16 does not include or encompass payment of expenses that a legislator incurs as a result of traveling to and from and staying in Charleston during any legislative session or any expenses incurred attending any party caucus to nominate legislative officers every two years.

Legislators who are members of the Joint Committee on Government and Finance, any other legislative interim committee or who travel individually on official business authorized by the Joint Committee are covered by the provisions of S. C. R. No. 16.

Table 7, p. 47, summarizes the present provisions for compensation, expenses and travel allowances paid to legislators for their services.

Table 7
COMPENSATION, EXPENSES AND TRAVEL ALLOWANCES OF
LEGISLATORS

Present Situation

Duty, Service or Activity for Legislators Covered	Set By	Compensation	Additional Compensation for Presiding Officers	Expenses Room & Meals	Travel Allowances
Payment for Services/yr.: 30 day sessions— even years 60 day sessions— odd years	Const.	\$1500/yr.	\$5/calendar day when Legislature is in session	None	1 round trip to and from any session. Rate: 10¢/mi.
Caucuses	Const.	None	—	None	1 round trip to and from caucuses to select candidates for presiding officers etc. Rate: 10¢/mi.
Jt. Comm. on Gov't. and Finance Other interim Committees Legislators when engaged in any official interim business for the state	Con-current Resolution	None	—	\$25/day engaged in actual performance of duties in state \$35/day engaged in actual performance of duties out-of-state	Actual travel expenses by public carrier or 10¢/mi. by private auto

Source: Compiled from Section 33, Article VI, West Virginia Constitution and S. C. R. No. 16, 1967.

Commission Findings—

There are two problems that must be considered when dealing with the matter of compensation, expenses and travel allowances to be paid to legislators. The first problem is to determine a fair and adequate remuneration for services rendered by legislators. The second problem is to determine the best method by which to provide for the payment of remuneration to legislators.

Although the basic compensation of West Virginia legislators was raised from \$500 to \$1500 per year in 1954, it is still far too low. In each biennial period, the Legislature meets for at least ninety calendar days. For their services during this period, legislators receive \$3000. Per day of session service, legislators

receive \$33.33. Frequently both sixty and thirty-day sessions run over into extended sessions of several days duration. Special or extraordinary sessions are frequent. These additional days of session service make more inequitable the present compensation. Most legislators live too far away to travel back and forth from their place of residence to Charleston daily. From the \$33.33 legislators receive per day of session service, most must pay for their room and board which is a large item of expense.

The \$1500 per year compensation paid to legislators was intended to remunerate them for their services for an entire year, including regular sessions in Charleston. In odd years, regular sessions are sixty calendar days in length. In even years, regular sessions are thirty calendar days in length. No provision is now made to compensate legislators further or pay their additional expenses should the regular session be extended by the Governor for the necessary purpose of passing the budget. No provision is now made to compensate legislators further or pay their additional expenses if the Governor calls an extraordinary session of the Legislature. In 1968 the Governor called two extraordinary sessions of the Legislature. The first lasted eight days, from January 3 through January 10. The second lasted four days, from September 11 through September 14. In addition, the Governor extended the regular legislative session in 1968 for the purpose of passing the budget bill. This took two additional days.

In 1968, the Legislature met for fourteen calendar days in addition to the thirty-day regular legislative session. During this period legislators received no compensation for their services. They received no reimbursement for their expenses. The only consideration they received for their extra service was a travel allowance of 10¢ per mile traveled for one round trip from their place of residence to and from Charleston for each of the two extraordinary sessions.

Another consideration is the fact that while legislators are serving their State, they are usually losing money from their normal source of income. Many who are self employed only earn an income when they are working at their normal occupation. School teachers, physicians, attorneys, insurance salesmen, wage earners, and many others who frequently serve as legislators earn little or no income from their usual work or profession while attending legislative sessions. Public school

teachers, for example, are taken off the payroll during legislative sessions. Most, if not all, industries and businesses, though they grant leaves of absence to their employees who serve in the Legislature; do not pay them while they are attending legislative sessions.

Legislators also serve the State when the Legislature is not in session. They are expected by their constituents to be available to hear their proposals, complaints, views, to answer questions, attend meetings and provide information and services. This is a function or duty of the legislator to his constituents and this is as it should be. Rendering these services takes time and, frequently, money. The legislator must take time in addition to that spent in attending legislative sessions, from his employment or his own personal time to render these services. No present provision now compensates the legislator for time spent rendering these services. There is no present provision to reimburse him for any expenses incurred in providing these services such as postage, secretarial help, travel expenses, etc.

One last matter should be considered with regard to the service of legislators during legislative sessions. Some legislators must travel from such distances within the State to Charleston that they cannot travel back and forth from their homes daily. Others, who live nearby can travel back and forth as they desire.

While the first group must pay room and board and stay at Charleston and the second does not, both groups receive the same compensation for their services. Neither group is reimbursed for expenses incurred in the performance of their duties except the limited 10¢ per mile one round trip previously noted.

Many times legislators, in addition to their duties during legislative sessions and the services they provide to their constituents, are appointed to serve on legislative interim committees by the presiding officers of the Legislature. These additional duties take additional time and expense. For example, legislators who are appointed to serve on the Joint Committee on Government and Finance or the Commission on Interstate Cooperation, which usually meet three days each month, spend approximately twenty-seven to thirty days per year performing these duties.

Though legislators who serve on interim committees are paid expenses of \$25 per day when engaged in the actual performance of these interim duties, they receive no compensation or salary for their time. The \$25 is expense money to pay for room and board while in Charleston.

Those who live a great distance from Charleston and must pay for room and board receive no more than those who reside in or near Charleston. From this discussion, we summarize our findings as follows:

- a. Legislators should receive compensation or salary sufficient in amount to at least partially offset personal sacrifice measured by loss of income. It is logical that more adequate compensation tends to attract competent persons with a wider variety of backgrounds and experience to the benefit of the Legislature. Though some can, many cannot afford to serve at a financial loss.

Many times capable people who serve in the Legislature find other rewards, either in their business or profession or in the advancement of their political ambitions and leave service in our Legislature at about the time they have reached the point of greatest ability and potential for service. This is a loss to the State, one that could many times be prevented by providing more adequate compensation. Fifteen hundred dollars is *not* sufficient compensation to pay our legislators for their services. In terms of personal sacrifice of time, personal financial loss, services rendered and quality of service demanded, legislators should be compensated far in excess of \$1500 per year.

In 1954, the annual compensation of legislator's was raised from \$500 per year to \$1500 per year. This was a sizeable increase, but one long overdue, and even in 1954 the amount was not sufficient to offset personal financial loss to legislators and pay their necessary expenses. Since 1954, the value of the dollar has depreciated greatly. Now in 1968, the \$1500 legislators receive is not nearly so valuable as it was in 1954.

In addition, the workload of legislators has increased steadily since 1954. Table 8, p. 51, and Tables 9 and 10, p.

52, graphically show this. When considering the amount of compensation legislators should receive, the fact that their work has increased should be considered.

The \$1500 compensation legislators now receive is for their services for a full year, including session time and no provision is now made to compensate legislators further for time they spend in extended or extraordinary sessions which are called by the Governor. Legislators receive no reimbursement for their expenses during extended or extraordinary sessions. In determining a fair and adequate compensation for legislators, this matter should also be considered.

The Commission also recommends that the thirty-day legislative sessions now held in even number years be increased to sixty days.

For all of the foregoing reasons and considerations, we find that legislators are not adequately compensated

Table 8
LEGISLATIVE WORKLOAD—BILLS
1955—1968

Regular Session	Bills Introduced†			Bills Passed†			Bills Approved by Governor*	Bills Vetoed	Bills Becoming Law Without Approval
	Senate	House	Total	Senate	House	Total			
1955	398	533	931	77	139	216	206	6	3
1956‡	25	35	60	5	11	16	15	0	0
1957	353	479	832	94	105	199	189	7	2
1958‡	41	46	87	13	7	20	17	0	2
1959	374	502	876	96	113	209	192	10	6
1960‡	48	61	109	14	25	39	33	2	3
1961	297	488	785	75	101	176	169	3	3
1962‡	60	74	134	23	16	39	38	0	0
1963	352	578	930	97	122	219	218	0	0
1964‡	38	63	101	7	32	39	38	0	0
1965	291	504	795	76	109	185	183	1	0
1966‡	85	107	192	41	25	66	65	0	0
1967	415	649	1064	127	101	228	224	1	2
1968‡	139	151	290	27	40	67	64	2	0

†Includes Budget Bill.

‡Thirty-day budget session.

*The Budget Bill is not submitted to the Governor for approval.

Source: Compiled from the Journals of the Senate and House of Delegates and the Acts of the Legislature.

Table 9
LEGISLATIVE WORKLOAD—RESOLUTIONS
1955-1968

Senate

Regular Session	Concurrent		Senate Joint		Senate	
	Introduced	Adopted	Introduced	Adopted	Introduced	Adopted
1955	29	17	9	1	12	12
1956	8	3	2	0	11	10
1957	23	17	10	4	15	15
1958	10	5	0	0	9	9
1959	22	10	9	0	16	15
1960	25	17	3	0	11	11
1961	27	13	10	1	15	15
1962	27	12	4	1	13	13
1963	50	27	5	1	16	14
1964	20	10	1	0	10	10
1965	34	20	4	1	14	12
1966	29	21	3	1	13	13
1967	26	11	5	0	14	13
1968	42	24	2	1	13	13

Source: Compiled from the Journal of the Senate and the Acts of the Legislature.

Table 10
LEGISLATIVE WORKLOAD—RESOLUTIONS
1955-1968

House of Delegates

Regular Session	Concurrent		House Joint		House	
	Introduced	Adopted	Introduced	Adopted	Introduced	Adopted
1955	29	10	15	2	31	28
1956	14	6	1	0	14	14
1957	34	10	16	0	24	24
1958	22	7	1	0	19	15
1959	47	26	10	2	36	33
1960	44	20	3	1	16	16
1961	54	30	12	3	36	30
1962	45	20	6	2	30	29
1963	59	14	11	1	36	32
1964	50	29	0	0	32	29
1965	54	21	18	3	52	43
1966	55	30	4	3	19	18
1967	49	16	26	1	40	29
1968	65	31	7	0	14	14

Source: Compiled from the Journal of the House of Delegates and the Acts of the Legislature.

for their services, personal financial losses and their time; therefore, their compensation should be increased.

- b. The five dollars per day that the President of the Senate and the Speaker of the House of Delegates receive as additional compensation for each day they serve as pre-

siding officers is too low. Actually they serve as presiding officers all year and perform many duties during that period. They appoint committees and serve as co-chairmen of the Joint Committee on Government and Finance and of the Commission on Interstate Cooperation which meet monthly. As the leaders of their respective houses they have the duties that naturally grow out of such positions of authority and responsibility. We do not recommend that the presiding officers be paid additional compensation for each day in the year, but we do feel that they should receive more than five dollars additional compensation for each day they serve as presiding officers during legislative sessions.

- c. Legislators should be reimbursed for all reasonable and necessary expenses actually incurred in connection with any legislative session. Those who live away from Charleston and must room and board in Charleston while attending legislative sessions have greater expenses than those who can live at home. Reimbursement for actual expenses incurred would assure that no legislator will be out of pocket for his expenses and it is equally fair for all concerned.

Reimbursement for expenses incurred should be paid in addition to any compensation paid for services. This is not true at the present time. Now legislators pay their expenses from the \$1500 which the West Virginia Constitution states is payment for their services.

- d. Legislators who serve as members of the Joint Committee on Government and Finance and Commission on Interstate Cooperation, and other legislative regularly authorized interim committees, should receive compensation for those days, they are actually engaged in the performance of their duties on the committees. Now they do not. This should be in addition to any other compensation received for their services.
- e. Members of the Joint Committee on Government and Finance and Commission on Interstate Cooperation, and other regularly authorized legislative interim committees, should be reimbursed for all reasonable and nec-

essary expenses including travel expenses actually incurred in the performance of their duties as members of these committees.

- f. The number of trips for which travel expenses are reimbursed during legislative sessions should be increased. With the advent of modern means of transportation and good roads, the legislators generally can go to their homes on weekends during legislative sessions. This allows them to tend, at least to some degree, to their business affairs, and at the same time to perform their legislative duties. However, as a matter of fact, many legislators spend much of their weekend time at home on legislative business, meeting with groups regarding pending legislation, etc.

Our Proposal—

Our basic and optimum proposal is that provision for compensation, expenses and travel allowances to be paid to legislators for their services and as reimbursement for their necessary expenses should be determined by general law and not by the State Constitution. The basic law of the State should be limited to fundamental matters. Twenty-seven other states handle compensation and expenses by statute.¹⁰ Others are now proposing this change. The Advisory Commission on Intergovernmental Relations makes this recommendation.

The present provisions of Section 33, Article VI of the West Virginia Constitution should be amended to provide general authorization for payment of compensation, expenses and travel allowances to legislators. Details would be prescribed by general law.

Our optimum proposal is as follows:

Compensation and Expenses of Members

§33. Each member of the Legislature shall receive such compensation and shall also be entitled to be reimbursed for such reasonable and necessary expenses actually incurred in connection with the performance of duties as a member of the Legislature as shall be provided for by, and subject to such requirements and conditions as shall be prescribed by, general law enacted at a regular session of the Legislature. No such general law shall become effective until the first day of December following the first general election held subsequent to the regular session at which such general law was enacted. Notwithstanding any other provision of this Constitution, such

¹⁰See Appendix P, p. 174, "Salaries and Compensation of Legislators," 50 states.

*compensation and expenses as may be provided for by any such general law shall be paid to each member of the Legislature on and after the effective date of such general law as specified in this section. Until the first such general law becomes effective, the provisions of this section in effect immediately prior to the ratification of this amendment shall continue to govern.*¹¹

The details prescribed by general law should be of sufficiently liberal proportions to attract outstanding citizens from all walks of life to legislative service and to relieve those who serve in the Legislature from financial sacrifice. The provisions should meet the needs previously discussed under "Commission Findings," pages 47 through 54.

In the event the Legislature does not believe that compensation and expenses should be set by general law, we also submit an alternate proposal. In this alternate proposal, provision for compensation to be paid to legislators for their services is retained in Section 33, Article VI, of the West Virginia Constitution; however, compensation is increased to \$3000, which we believe is reasonable at the present time. Also note that we propose that present thirty-day, even-year sessions be lengthened to sixty days without subject matter limitations.

Also included in this proposal is a provision to reimburse legislators for the actual expenses they incur in the performance of their duties during legislative sessions; *but, the provision limits the total reimbursement to \$1500 in any one year.*

Provision is also made to compensate legislators who serve on the Joint Committee on Government and Finance and the Commission on Interstate Cooperation or any other interim committee at the rate of \$25 per day engaged in the actual performance of their duties. In addition, they would receive reimbursement for their actual expenses incurred while engaged in these duties, *but, limited to a maximum of \$25 per day.*

Our second proposal also provides that all actual travel expenses be reimbursed to legislators while engaged in the actual performance of their duties except that they are limited to four round trips to and from any regular session and one round trip to and from any extraordinary session and their place of residence.

¹¹New language or additions to the present provisions of Section 33, Article VI, are in italics. See Appendix D, Alternative 1, p. 184, for both deletions from and additions to Section 33, Article VI, as amended by this proposal.

Our alternative proposal is as follows:

Compensation and Expenses of Members

§33. Each member of the Legislature shall receive as compensation for his services the sum of three thousand dollars per year. The speaker of the house of delegates and the president of the senate shall each receive an additional compensation of fifteen dollars per day for each day served during any session as presiding officer. Each member of the Legislature serving as a member of any committee of the Legislature established by and operating under general law and designated for the performance of interim assignments by the Legislature shall receive an additional compensation of twenty-five dollars per day for each day actually engaged in the performance of duties as a member of any such committee, subject to such requirements and conditions as shall be prescribed by general law.

Each member of the Legislature shall receive travel expenses incident to the performance of his duties as a member of the Legislature or any committee thereof to the extent provided for and subject to such requirements and conditions as shall be prescribed by general law, but during any regular session travel expenses shall not be paid to any member for more than four round trips to and from the seat of government and his place of residence and during any extraordinary session travel expenses shall not be paid to any member for more than one round trip to and from the seat of government and his place of residence.

In addition to any travel expenses, each member of the Legislature shall also be entitled to be reimbursed for all reasonable and necessary expenses actually incurred in connection with any regular session and extraordinary sessions to the extent provided for and subject to such requirements and conditions as shall be prescribed by general law, but the total of any and all such reimbursed session expenses, exclusive of any travel expenses, for any member shall not under any circumstances exceed the sum of one thousand five hundred dollars per year.

In addition to any travel expenses and any such reimbursements for any and all such session expenses as authorized in the immediately preceding paragraph of this section, each member of the Legislature serving as a member of any committee of the Legislature established by and operating under general law and designated for the performance of interim assignments by the Legislature shall also be entitled to be reimbursed for all reasonable and necessary expenses actually incurred incident to the performance of duties as a member of any such committee to the extent provided for and subject to such requirements and conditions as shall be prescribed by general law, but the total of any and all such reimbursed interim expenses, exclusive of any travel expenses and any such reimbursements for any such session expenses as authorized in the immediately preceding paragraph of this section, for any such member shall not under any circumstances exceed the sum of twenty-five dollars per day for each day actually engaged in the performance of duties as a member of any such committee.

Notwithstanding any other provision of this Constitution, the compensation herein provided for, and such expenses as may be

provided for by general law subject to the limitations set forth in this section, shall be paid to each member of the Legislature on and after the ratification of this amendment.¹²

Table 11, p. 57, summarizes the proposed changes to Section 33, Article VI, by our alternate proposal. Comparison of Table 11 with Table 7, p. 47, will show the differences between the present situation and our alternate proposal.

Table 11
COMPENSATION, EXPENSES AND TRAVEL ALLOWANCES OF
LEGISLATORS
Commission Proposal—Alternative 2

Duty, Service or Activity for Legislators Covered	Set By	Compensation	Additional Compensation for Presiding Officers	Expenses Room & Meals	Travel Allowances
Payment for services/yr.: 30-day sessions—even years† 60-day sessions—odd years. Extraordinary sessions.	Const.	\$3000/yr.	\$15/calendar day when Legislature is in session.	Actual expenses, not to exceed \$1500/yr. including both regular and extraordinary sessions.	4 round trips to and from any regular session. 1 round trip to and from any extraordinary session. Rate: Actual as provided by general law.
Caucuses‡	—	—	—	—	—
Members of legislative committees operating under general law performing interim assignments including Joint Committee on Government and Finance* & Commission on Interstate Cooperation	Const.	\$25/day engaged in actual performance of duties	—	Actual expenses up to a maximum of \$25/day engaged in actual performance of duties.**	Travel expenses. Rate: Actual as provided by general law.

Source: Compiled from Commission's proposal—Alternative 2.

†The Commission proposes that 30-day sessions be extended to 60-days.

‡The Commission makes no provision for payment of expenses or travel allowances to legislators for attending any caucuses.

*The Commission's proposal makes no provision for payment of expenses of travel allowances to individual legislators engaged in the actual performances of official duties for the state unless they are members of a statutory committee.

**Legislators receive no additional expenses for out-of-state duties by this proposal.

¹²New language or additions to the present provisions of Section 33, Article VI, are in italics. See Appendix D, Alternative 2, p. 154, for both deletions and additions to Section 33, Article VI, as amended by this proposal.

4. Eligibility to Seat in Legislature.

The Present Situation—

No person holding a lucrative office under this State, the United States, or any foreign government; no member of Congress; no person who is a salaried officer of any railroad company, or who is sheriff, constable, or clerk of any court of record, shall be eligible to a seat in the Legislature. (Section 13, Article VI).

This provision prohibits any person, while serving as an officer of the State of West Virginia, the United States or any foreign government from holding a seat in the West Virginia Legislature. However, an employee of the State, as distinguished from an officer of the State, may be a member of the Legislature so long as he does not accept a salary from such employment during any period in which the Legislature is in session.¹³

The provision also prohibits salaried officers of railroad companies, sheriffs, constables and clerks of any court of record from holding a seat in the Legislature.

Commission Findings—

We believe that all persons who hold lucrative office or employment under this State, the United States or any foreign government should be prohibited from holding a seat in the Legislature, even though during the period of holding such office or employment the person would not receive a salary or compensation (lucrative reward) for services rendered.

Our State Constitution, written during the troubled days of the Reconstruction Period, contains many hampering restrictions on the Legislature that were typically written into post-Civil War state constitutions. The prohibition against railroad officials is one of these.

Our Proposal—

Any person who holds lucrative employment as well as those who are officers under the State, the United States, or any foreign government should be prohibited from holding a seat in the Legislature.

The constitutional provision that prohibits salaried railroad officers from holding a seat in the Legislature is no longer valid, if it ever was, and is an anachronism. The prohibition against salaried railroad officers from holding a seat in the Legislature should be removed.

¹³49 ops. Atty. Gen. 80 (1961).

We propose that Section 13, Article VI, entitled, "Eligibility to Seat in the Legislature," be amended to read:

No person holding *any other* lucrative office or employment under this State, the United States, or any foreign government; no member of Congress; *and* no person who is sheriff, constable, or clerk of any court of record, shall be eligible to a seat in the Legislature.¹⁴

5. Rules Governing Legislative Proceedings.

The Present Situation—

A majority of the members elected to each house of the Legislature shall constitute a quorum. But a smaller number may adjourn from day to day, and shall be authorized to compel the attendance of absent members, as each house may provide. Each house shall determine the rules of its proceedings and be the judge of the elections, returns and qualifications of its own members. The senate shall choose, from its own body, a president; and the house of delegates, from its own body, a speaker. Each house shall appoint its own officers, and remove them at pleasure. The oldest delegate present shall call the house to order, at the opening of each new house of delegates, and shall preside over it until the speaker thereof shall have been chosen, and have taken his seat. The oldest member of the senate present at the commencement of each regular session thereof, shall call the senate to order, and preside over the same until a president of the senate shall have been chosen, and have taken his seat. (Section 24, Article VI).

Commission Findings—

Section 24, Article VI, sets forth general rules of procedures for the Legislature. Certain language of the section is not clear.

- a. Section 24, Article VI, states that the "oldest" delegate present shall call the house to order at the opening of each new House of Delegates, and the "oldest" member of the Senate present at the commencement of each regular session of the Senate shall call the Senate to order. What is meant by the term "oldest"? Though it is not clear in the constitutional provision, "oldest" by custom is interpreted to mean the oldest member present in point of continuous service.
- b. What occurs when two members of the house or two members of the Senate have served the same number of consecutive years? Section 24, Article VI, is not clear on this point. Custom, however, has established in these cases that the temporary presiding officer shall be

¹⁴New language or additions to the present provisions of Section 13, Article VI, are in italics. See Appendix E p. 156, for both deletions or additions to Section 13, Article VI.

chosen by agreement of the members of the respective houses or be chosen by lot. On occasion, two have presided jointly.

- c. Section 24, Article VI, refers to selection of presiding officers of the house at the opening of each new House of Delegates, and of the Senate at the commencement of each regular session thereof. The language referring to the House is technically correct. The language referring to the Senate is confusing in that it refers to "commencement of each regular session thereof," meaning every January when it actually means every two years, or every other January.

Section 24, Article VI, has not been amended since our State Constitution was ratified in 1872. Originally the Legislature met once each two years, in odd numbered years, following general elections. Now the Legislature meets annually. Both sixty-day and thirty-day sessions are referred to in the Constitution as regular sessions, though thirty-day sessions are commonly called "budget sessions."

Senators serve four-year terms and one half of the total membership of the Senate is elected every two years.

Though understood by the original provisions of the Constitution, by election procedures, and by the facts of election of senators that the Senate is still to choose presiding officers only each two years, the language technically states that the Senate shall meet each year i.e., at the commencement of each regular session (held now each year) and choose officers.

The problem areas discussed above should be eliminated, the language of Section 24, Article VI, clarified and the existing erroneous language eliminated.

Our Proposal—

We recommend that Section 24, Article VI, of the West Virginia Constitution be amended to read as follows:

A majority of the members elected to each house of the Legislature shall constitute a quorum. But a smaller number may adjourn from day to day, and shall be authorized to compel the attendance of absent members, as each house may provide. Each house shall determine the rules of its proceedings and be the judge of the elections, returns and qualifications of its own members. The senate shall choose, from its own body, a presi-

dent; the house of delegates, from its own body, a speaker. Each house shall appoint its own officers, and remove them at pleasure. The oldest delegate *in point of continuous service present at the assembly of the Legislature at which officers thereof are to be selected, and if there be two or more such delegates with equal continuous service the one agreed upon by such delegates or chosen by such delegates by lot,* shall call the house to order, and preside over it until the speaker thereof shall have been chosen, and have taken his seat. The oldest member of the senate *in point of continuous service present at the assembly of the Legislature at which officers thereof are to be selected, and if there be two or more such members with equal continuous service the one agreed upon by such members or chosen by such members by lot,* shall call the senate to order, and preside over the same until a president of the senate shall have been chosen, and have taken his seat.¹⁵

6. Ratification of the Modern Budget Amendment.

Prior to the General Election on November 5, 1968, we endorsed and worked actively for ratification of the Modern Budget Amendment approved by the Legislature during the 1967 Regular Session. At the General Election on November 5, 1968, the amendment was ratified by West Virginia voters.

The service and functional potential of every state depends upon the financial provisions of its constitution. Next to personnel, money is the most essential resource for the effective operation of the government. Adequate provision for sound financial practices and budgetary procedures, therefore, is prerequisite to the efficient functioning of state government.

The Citizens Advisory Commission examined the budget system as provided for in Section 51, Article VI, of the West Virginia Constitution prior to ratification of the Modern Budget Amendment. We found several weaknesses and deficiencies in that budget system as many learned and informed persons, as well as groups and organizations, who had worked with or studied that budget system had also found.

We endorsed the Modern Budget Amendment, which amended Section 51, Article VI, of the West Virginia Constitution because it overcomes the weaknesses and problems of the budget system as they existed prior to its ratification.

- a. *The Modern Budget Amendment provides for an executive budget which shall be prepared by the Governor and submitted by him to the Legislature. In the old system, the budget was prepared by the seven-member Board of Public Works.*

¹⁵New language or additions to the present provisions of Section 24, Article VI, are in italics. See Appendix F, p. 156, for both deletions from and additions to the section.

- b. *The Modern Budget Amendment provides that the Legislature may increase or decrease any item except those relating to the judiciary, which it can only increase. The old budget system provided that the Legislature could increase items relating only to the Legislature and the judiciary. It could reduce or strike out any item, except items relating to the judiciary.*

Note: The modern Budget Amendment retains the restrictions from the old budget system that the salary or compensation of any public officer shall not be increased or diminished during his term of office and that the budget bill cannot be amended so as to create a deficit.

- c. *The Modern Budget Amendment allows the Legislature to increase the estimate of revenue providing the Governor approves such an increase. Under the old budget system, the Board of Public Works estimated the amount of money that was to be available for expenditure during the next fiscal year. The Legislature had no authority to increase this estimate or to recommend that it be increased.*
- d. *The Modern Budget Amendment provides that the Governor shall have the power to veto the budget bill disapprove or reduce items or parts thereof. Under the old system, the Governor had no power to veto or alter the budget bill after it was passed by the Legislature.*
- e. *The Modern Budget Amendment provides that the Legislature may, by a two-thirds vote of the members elected to each house, override the Governor's veto of the budget bill or by such a vote restore any items disapproved or reduced by the Governor. Under the old system, the Governor had no veto power with regard to the budget bill.*

The Modern Budget Amendment provides in the Constitution for four definite divisions or steps in passage of the budget bill and allows it to be considered in detail four times—twice by the Governor and twice by the Legislature. The steps are as follows:

- a. Preparation of the budget and the budget bill by the Governor.

- b. Consideration of the budget and the budget bill by the Legislature and passage of the bill.
- c. Reconsideration of the budget bill by the Governor and possible exercise of his veto.
- d. Consideration by the Legislature of any veto exercised by the Governor and possible override of any veto.

The old budget system provided only for a two-step budget process:

- a. Preparation of the budget and the budget bill by the Board of Public Works.
- b. Consideration of the budget and the budget bill by the Legislature and passage of the budget bill.¹⁶

Ratification of the Modern Budget Amendment allows West Virginia to catch up with the vast majority of states in providing West Virginia with an up-to-date budget system.

The amendment provides for an executive budget. The Governor is now solely responsible for its initial formulation. Our old budget system diluted the authority of the chief executive officer of the State over budget matters among the seven-member Board of Public Works and prevented pinpointing budget responsibility.

The increased authority of the Governor is balanced properly by providing to the Legislature the power to increase or decrease most items of the budget so long as such action by the Legislature does not create a deficit budget and does not increase the salary or compensation of any public officer during his term of office.

The new budget system is rounded out by providing that the Governor may reconsider the budget bill after passage by the Legislature and exercise the veto as he deems necessary after which the Legislature may consider any items vetoed by the Governor and override any veto by a two-thirds vote of the members elected to each house.

The new budget system establishes a healthy balance between the Governor and the Legislature, providing a more comprehensive review of the budget.

¹⁶For a comparison of the new budget system with the old budget system, see Chart 1, p. 64.

Chart 1

**COMPARISON OF PRESENT BUDGET SYSTEM AS RATIFIED ON
NOVEMBER 5, 1968 WITH PROVISIONS OF OLD BUDGET SYSTEM**

	Budget Making Authority	Date Submitted to Legislature	Power of Legislature to Change Budget	Power of Item Veto by Governor	Provisions for Overriding the Governor's Veto	Fiscal Year Begins
Provisions of old Budget System	Board of Public Works: Governor as Chairman, Secretary of State, Auditor, Attorney General, Treasurer, Superintendent of Schools and and Commissioner of Agriculture	Within 10 days after convening of any regular session.	Limited: May not increase items of budget bill except appropriations for Legislature and judiciary. The Legislature can decrease or strike any item except those relating to judiciary.	No. Governor has no veto power.	None.	July 1
Provisions of present Budget System, ratified on November 5, 1968	Governor	Within 10 days after convening of the Legislature in odd-numbered years and on the day the Legislature convenes in even-numbered years.	Limited: The Legislature shall not amend budget bill so as to create a deficit. Subject to this restriction, the Legislature may increase or decrease any item in the budget bill with the exception that it shall not decrease any item relating to the judiciary. Note: The Legislature shall not increase estimate of revenue submitted in budget without approval by Governor.	Yes. The Governor may veto the budget bill or any item thereof or reduce any item or parts of items.	2/3's vote of the members elected to each house to override Governor's veto or restore reduced items.	July 1

7. The Governor's Veto Power.¹⁷

The Present Situation—

The veto is a function of the executive department rather than of the legislative body of a state; however, the veto is so directly involved in the lawmaking process and plays such a major role in the function of the Legislature that the Commission believes that review of the Governor's veto power in West Virginia is within the confines of its study. Particularly this was the view of the Commission as the result of the attention given to this matter before the West Virginia Supreme Court of Appeals following the 1968 Regular Session of the West Virginia Legislature and subsequent to exercise of the veto by the Governor in regard to House Bill No. 334 (1968).

Section 51, Article VI, and Sections 14 and 15, Article VII, each contain provisions relating to the Governor's veto power. These are as follows:

- a. Subsection B, Section 51, Article VI, provides that . . .

such bill (the budget bill) when and as passed by both houses shall be a law immediately without further action by the governor.

Subsection C, Section 51, Article VI, provides that,

Each supplementary appropriation bill shall be presented to the governor of the State as provided in section fourteen of article seven of the Constitution and thereafter all the provisions of said section shall apply.

- b. Section 14, Article VII, contains the heart of the provisions for the Governor's veto power and provides as follows:

¹⁷This section was written prior to ratification on November 5, 1968, of the Modern Budget Amendment, amending Section 51, Article VI, of the Constitution. Section 51, Article VI, now provides that every budget bill or supplementary appropriations bill passed by the Legislature must be presented to the Governor. He may veto any such bills, or he may disapprove or reduce items or parts of items contained therein. Prior to ratification of this Amendment to Section 51, Article VI, the Governor could not veto the budget bill. He could veto supplementary appropriations bills.

Any such vetoed bill, items or parts thereof, disapproved or reduced by the Governor must now be returned to the Legislature, which can override the Governor's action by a two-thirds vote of the members elected to each house. Prior to ratification of the Amendment the Legislature could override the Governor's veto of any supplementary appropriations bill by a majority vote of the members elected to each house as provided in Section 14, Article VII.

The present provisions of Section 51, Article VI, as amended by the Modern Budget Amendment, now contains all provisions for the Governor's veto with regard to the budget bill and supplementary appropriations bills and also provides for the Legislature's possible override of the Governor's veto of any such bills. Section 14, Article VII, provides for the Governor's veto regarding all other bills and also the Legislature's action regarding any such veto. Except for the changes made with regard to the Governor's veto power and the Legislature's actions concerning the same by the Modern Budget Amendment amending Section 51, Article VI, the discussion relating to Sections 14 and 15, Article VII, remains unchanged.

See Section 6, p. 61, for a discussion of the provisions of the Modern Budget Amendment.

Every bill passed by the Legislature shall, before it becomes a law, be presented to the governor. If he approves, he shall sign it, and thereupon it shall become a law; but if not, he shall return it, with his objections, to the house in which it originated, which house shall enter the objections at large upon its journal, and proceed to reconsider it. If, after such reconsideration, a majority of the members elected to that house, agree to pass the bill, it shall be sent, together with the objections to the other house, by which it shall likewise be reconsidered, and if approved by a majority of the members elected to that house, it shall become a law, notwithstanding the objections of the governor. But in all such cases, the vote of each house shall be determined by yeas and nays to be entered on the journal. Any bill which shall not be returned by the governor within five days (Sundays excepted) after it shall have been presented to him, shall be a law, in like manner as if he had signed it, unless the Legislature shall, by their adjournment prevent its return, in which case it shall be filed with his objections in the office of the secretary of state within five days after such adjournment, or become a law.

- c. The veto provisions contained in Section 15, Article VII, supplement these veto provisions but pertain only to appropriation bills. The provisions of this section are as follows:

Every bill passed by the Legislature making appropriations of money, embracing distinct items, shall before it becomes a law, be presented to the governor; if he disapproves the bill, or any item or appropriation therein contained, he shall communicate such disapproval with his reasons therefor to the house in which the bill originated; but all items not disapproved shall have the force and effect of law according to the original provisions of the bill. Any item or items so disapproved shall be void, unless repassed by a majority of each house according to the rules and limitations prescribed in the preceding section in reference to other bills.

The above parts of the West Virginia Constitution contain all of the references to the veto power. Chart 2, p. 68, shows in graphic and summary form the present veto provisions of the West Virginia Constitution.

Section 14, Article VII, though it refers to "every bill" originally only pertained to general bills and did not apply to budget or appropriation bills. *May v. Topping*, 65 W. Va. 656, 64 S.E. 848 (1909). At the present time, however, Section 14, Article VII, does control the Governor's veto power with regard to supplementary appropriation bills (any appropriation bill passed after the budget bill). Section 51 of Article VI which was ratified in 1918 subsequent to ratification of Section 14, Article VII, gives the Governor power to veto any supplementary appropriation bill as provided in Section 14, Article VII.

Section 15, Article VII, which provides for the Governor's veto action with regard to appropriation bills has no validity at the present time. It has been superseded by Section 51, Article VI, ratified in 1918 subsequent to ratification of Section 15, Article VII. At present only Section 14, Article VII, actually provides in detail for any veto action by the Governor since Section 15, Article VII, is dead and Section 51, Article VI, refers to Section 14, Article VII.

Commission Findings—

Certain problems have arisen from the present constitutional provisions for the Governor's veto.

- a. The exact meaning of the term "adjournment" in Section 14, Article VII, is not clear. It is not clear if adjournment in this case means adjournment on the day a final session would normally end or the final day of a session even though the regular session is extended for the limited purpose of considering the budget bill as provided for in Section 51, Article VI.

The Supreme Court of Appeals in *State ex rel Kidd v. Bailey*, — W. Va. —, 160 S.E. 2d 142 (1968), has interpreted adjournment in Section 14, Article VII, to mean final adjournment, i.e., adjournment sine die of the Legislature, even though the time allotted by the Constitution for the regular session has expired and the session has been extended by the Governor for the limited purpose of consideration and passage of the budget bill.

It should be clarified by the amendment of Section 14, Article VII, that adjournment means adjournment sine die.

- b. By the provisions of Section 14, Article VII, when the Legislature adjourns and prevents the return of a bill to it by the Governor, he has five days, Sundays excluded, in which to consider such a bill and exercise his veto power. This five-day limit is much too short. A great number of the bills are passed by the Legislature in the final week of a session and necessarily are presented to the Governor in the last days of the legislative session or after adjournment. For example, thirty-

Chart 2

VETO PROVISIONS OF THE CONSTITUTION OF WEST VIRGINIA — PRESENT AND PROPOSED

Location of Reference to Veto in Constitution	Date Ratified	Valid Now	Provisions of the Constitution for Governors' Veto At the Present Time	Provisions of the Constitution for Governor's Veto as proposed by the Citizens Advisory Commission	RATIFIED ON NOVEMBER 5, 1968 Provisions of the Constitution for Governor's Veto as proposed by the Modern Budget Amendment
Subsection B, Section 51, Article VI	1918	yes	Provides that the Governor has no veto with regard to the budget bill. (Superseded by provisions of Modern Budget Amendment—see last column).	None	None contained in Subsection B or C, Section 51, Article VI. Subsection D, Section 51, Article VI, provides: 1. Every budget or supplementary appropriation bill passed by the Legislature must be presented to the Governor. 2. The Governor may veto the bill or disapprove or reduce items or parts of items. 3. The Legislature may override the Governor's veto or restore reduced items by a 2/3's vote of the members elected to each house. 4. The Governor, if he desires to use the veto or reduce items must do so within 5 days after a bill is presented to him, Sundays excepted, and be returned to the Legislature within the 5 day period unless the Legislature by its adjournment prevents its return, in which case the Governor has 5 days to
Subsection C, Section 51, Article VI	1918	yes	Provides that the Governor can veto supplementary appropriation bills in accordance with the provisions contained in Section 14, Article VII, enumerated below. (Superseded by provisions of Modern Budget Amendment—see last column).	None	
Section 14, Article VII	1872	yes	Provides the following: 1. Every bill passed by the Legislature must be presented to the Governor.* 2. The Governor may approve the bills or veto the bills presented to him. 3. The Legislature may override the Governor's veto by a majority vote of the members elected to each house. 4. The Governor if he desires to veto a bill must do so within 5 days after a bill is presented to him, Sundays excepted, and be returned to the Legislature within the five-day period unless the Legislature	Provides as follows: 1. Every bill, except appropriation bills, must be presented to the Governor. 2. The Governor may approve the bills or veto the bills presented to him. 3. The Legislature may override the Governor's veto by a 2/3's vote of the members elected to each house even when it is in extended session for the sole purpose of considering the budget bill. If the bill is amended and reenacted by the Legislature it must	

by its adjournment prevents its return, in which case the Governor has 5 days to veto a bill after adjournment of the Legislature, Sundays excepted.

be again sent to the Governor for his approval or disapproval.

4. The Governor, if he desires to veto a bill must do so within 5 days, Sundays excepted, and be returned to the Legislature within the 5 day period unless the Legislature by its adjournment sine die prevents its return, in which case the Governor has 15 days to veto a bill after adjournment of the Legislature sine die, Sundays excepted.

veto a bill after adjournment of the Legislature, Sundays excepted.

None

Section 15, Article VII	1872 No	<p>Provides the following:</p> <ol style="list-style-type: none"> 1. Every appropriation bill passed by the Legislature, before it becomes law, must be presented to the Governor. 2. The Governor may approve such bills or veto such bills or items contained therein.† 3. Veto of appropriation bills or items thereof must be communicated to the Legislature. The Legislature may override such veto according to the rules and limitations prescribed by Section 14, Article VII. 4. Governor's veto action must be communicated to the Legislature before it adjourns.‡ 	<p>Provides that every appropriation bill must be submitted to the Governor only as provided for and as specified in Section 51, Article VI, of the Constitution.</p>	None
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*Appropriation bills were not included originally within the meaning of "every bill." Appropriation bills provided for in Section 15, Article VII. *May v. Topping*, 65 W. Va. 656, 64 S.E. 848 (1909). Section 15, Article VII, has no validity having been superseded by Section 51, Article VI, ratified in 1918 which provides that the Governor cannot veto a budget bill but can veto supplementary appropriation bills in accordance with the provisions of Section 14, Article VII. (Also see Modern Budget Amendment).

†Provisions of Section 15, Article VII, part of the Constitution as ratified in 1872 now have no validity having been superseded by Section 51, Article VI, ratified in 1918, and again amended on November 5, 1968, by ratification of the Modern Budget Amendment.

‡Interpreted in *May v. Topping*, 65 W. Va. 656, 64 S.E. 848 (1909).

seven of the sixty-seven bills (more than one-half) passed during the regular session of the Legislature in 1968 were presented to the Governor on February 12, or one day, excluding Sunday, after adjournment of the thirty-day extended session. Nine were presented to him on February 13.

The Legislature needs more time to prepare for the Governor the mass of bills passed late in a session. The Governor needs more time to consider the bills presented to him at the end of sessions. This need is magnified by the fact that the more complex bills frequently fall in this group. The five-day squeeze must be stretched. This can be accomplished only through constitutional amendment.

- c. Section 14, Article VII, provides that any bill the Governor vetoes must be returned to the Legislature for its reconsideration if it is still in session. The language is not clear as to the meaning of session in this case. It is not clear if the Legislature can reconsider bills vetoed by the Governor during an extension of the session proclaimed by the Governor under the provisions of Section 51, Article VI.

The Supreme Court of Appeals in *State ex rel Kidd v. Bailey*, — W. Va. —, 160 S.E. 2d 142 (1968), stated, "We do not have before us . . . the question of whether the Legislature, during an extension proclaimed by the Governor under the provisions of Section 51 could . . . take up for consideration any bill disapproved by the Governor and returned with his objections in that period, although we admit to serious misgivings with regard thereto." In this case, the meaning of session is ambiguous and should be clarified.

In addition to these three specific problem areas, two other matters require attention. The first is that Section 14, Article VII, provides that the Legislature can override the Governor's veto by a simple majority vote of the members elected to each house. Only seven states use a majority vote as the base for overriding the governor's veto.

Thirty-six states require a two-thirds vote. Twenty-two of them require a two-thirds vote of the members elected to each

house, while the remaining fourteen require a two-thirds vote of the members present.

Six states provide that the governor's veto can be overridden either by a three-fifths vote or a three-fourths vote. In these six states the requirement varies between members present and members elected.¹⁸

In North Carolina, the governor has no veto power.¹⁹

Table 12
LEGISLATIVE PROCEDURES—EXECUTIVE VETO

No. of States	Vote required to override veto	Elected	Present
36	2/3's	22	14
6	3/5's or 3/4's	5	1
7	Majority	6	1
1	Governor has no veto power	—	—
50 — TOTAL			

Source: Book of the States 1968-69. See Appendix N, p. 171, "Legislative Procedure—Executive Veto," 50 states.

Passage of the bills by the West Virginia Legislature requires a majority vote of the members elected to each house. It is general constitutional theory that, if the veto power is granted to the chief executive officer, more than a majority vote should be required to override the veto when it is exercised. The veto should have some real authority and significance, the theory holds. If the veto can be overridden by a majority vote, then the same majority that originally passed a vetoed bill could override the veto. Consequently, nothing would have been accomplished. On the other hand, if a two-thirds vote is required to override the veto, then the Legislature is forced to take a long, hard look at the vetoed bill and decide whether it really wants the measure to become law. If it does and the Legislature really wants the bill then a two-thirds vote could be obtained to override the veto. The theory has real merits, and a two-thirds vote to override the veto is justified. The Constitution of the United States requires a two-thirds vote of both houses of Congress to override the President's veto. Thirty-six states require a two-thirds vote to override the governor's veto.

¹⁸Nebraska is one of these six states, but because it has a unicameral legislature the governor's veto can be overridden by a vote of three-fifths of the members elected to its one house.

¹⁹See Appendix N, page 171, "Legislative Procedure—Executive Veto," 50 states.

The West Virginia Constitution should provide that more than a majority vote be required to override the Governor's veto. A two-thirds vote is realistic. It would allow the veto, when exercised properly, to do what it is supposed to do and yet not thwart enactment of necessary, sound legislation.

The last matter that requires consideration is the fact that Section 15, Article VII, is dead but remains a part of the West Virginia Constitution. Originally this section related to the Governor's powers to veto appropriation bills but it is now superseded by provisions contained in Section 51, Article VI. Section 15, Article VI, should be revised to bring it into conformity with Section 51, Article VI, and with Section 14, Article VII, which contains the other provisions for the veto.

Our Proposal—

Since Section 14, Article VII, really pertains specifically to the Governor's authority to approve or disapprove bills rather than generally with how bills become laws, the title of Section 14, Article VII, should be changed to "*Governor's Approval or Disapproval of Bills Passed by the Legislature.*"

We further propose that Section 14, Article VII, be amended to read as follows:

Subject to the provisions of section fifteen of this article, every bill passed by the Legislature shall, before it becomes law, be presented to the governor. If he approves, he shall sign it, and thereupon it shall become a law; but if not, he shall return it, with his objections, to the house in which it originated, which house shall enter the objections at large upon its journal, and may proceed to reconsider the returned bill. Notwithstanding the provisions of section fifty-one, article six of this Constitution, any such bill may be reconsidered even if the Legislature is at the time in extended session for the sole purpose of considering the budget bill, as specified in said section fifty-one. If, after any such reconsideration, two-thirds of the members elected to that house agree to pass the bill, it shall be sent, together with the objections of the governor to the other house, by which it may likewise be reconsidered, and if approved by two-thirds of the members elected to that house, it shall become a law, notwithstanding the objections of the governor. If upon any such reconsideration the bill is amended and reenacted, then it shall be again sent to the governor and he shall act upon it as if it were before him for the first time. In all cases, the vote of each house shall be determined by yeas and nays and the result entered on the journal. Any bill which shall not be returned by the governor within five days, Sundays excepted, after it shall have been presented to him shall be a law, in the same manner as if he had signed it, unless the Legislature shall, by adjournment sine die, prevent its return, in which case it shall be filed with his objections in the office

of the secretary of state within *fifteen days, Sundays excepted*, after such adjournment, or become a law.²⁰

Our proposal would eliminate the problems now existing because of the present language of Section 14, Article VII, which were previously discussed. It eliminates them in the following manner:

- a. Our amended version of Section 14 clarifies the meaning of adjournment as used in this section by specifying that it means adjournment of the Legislature sine die, i.e., final adjournment of the Legislature. The period in which the governor could consider bills and exercise his veto power, if he so chose, would begin on the day after adjournment sine die, though the adjournment sine die might come when the Legislature was in extended session solely for the purpose of passage of the budget bill. Our provision is also compatible with the ruling of the Supreme Court of Appeals.
- b. To give the Governor the time he needs to consider the mass of bills presented to him at the close of legislative sessions, our proposal lengthens the time from five days to fifteen days in which he can consider bills after adjournment sine die of the Legislature.

Based on the volume of bills that are sent to the Governor during and after the end of legislative sessions and past experience, fifteen days will give the governor sufficient time in which to consider bills after the session ends and to exercise the veto if he so chooses.

- c. Though the Supreme Court of Appeals in *State ex rel Kidd v. Bailey*, — W. Va. —, 160 S.E. 2d 142 (1968), did not rule on whether the Legislature could reconsider any bills vetoed by the governor when it was in extended sessions under the provisions of Section 51, Article VI, solely for the purpose of considering the budget bill, the court did indicate this was a problem area.

Our proposed amendment specifically provides that the Legislature can reconsider any bills vetoed and returned to it during such a period.

²⁰New language or additions to the present provisions of Section 14, Article VII, are in italics. See Appendix G, p. 157, for both deletions from and additions to Section 14, Article VII.

Reconsideration of vetoed bills, which history shows are few in any case, and consideration of the budget bill and its passage would be the only matters, by our provision, that could be considered during a session extended for passage of the budget bill. We do not feel this would place any burden on the Legislature or in any way jeopardize passage or adequate consideration of the budget bill. At the same time, it would permit the Legislature to exercise its power to reconsider bills while it must remain in session to consider the budget bill—in other words the Legislature could kill two birds at the same time.

- d. Our amended version of Section 14 increases the vote required to override the Governor's veto from the present requirement of a majority vote of the members elected to each house. We believe this is proper and realistic. It gives real significance and authority to the veto. By forcing the Legislature to muster a greater vote to override the veto than was necessary to pass the bill, it requires the Legislature to consider carefully its action to override. This is what the veto is designed to do. The Governor has real veto power, but the Legislature can override ill conceived or purely vindictive veto action by the Governor.

Section 15, Article VII, now entitled, "Respecting Appropriation of Monies," really pertains to the provisions for the Governor's veto power of appropriation bills. The title of the section should be clarified by changing it to, "*Governor's Approval or Disapproval of Bills Making Appropriations of Money.*"

We propose that the present language of Section 15, Article VII, be amended to read as follows:

*A bill passed by the Legislature making appropriations of money must be submitted to the governor for his approval or disapproval to the extent and only to the extent required by section fifty-one, article six of this Constitution, and any provision therein contained as to such approval or disapproval shall govern and control as to any such bill.*²¹

As previously discussed, Section 15, Article VII, has no present validity because Section 51, Article VI, and

²¹New language or additions to the present provisions of Section 15, Article VII, are in italics. See Appendix H, p. 157, for both deletions from and additions to Section 15, Article VII.

Section 14, Article VII, now provide for and govern the Governor's veto power over appropriation bills. Our proposed amendment would restore the validity of Section 15, Article VII, by tying the section into Section 51, Article VI, which in turn refers to Section 14, Article VII. Even if either Section 51, Article VI, or Section 14, Article VII, were amended in the future, our amendment would retain its validity.

8. Senate Confirmation of Executive Appointments.

The Present Situation—

The Governor makes many appointments, many of which require confirmation by the Senate. Several do not require Senate confirmation.²² Appendixes I and J, pp. 158-161, are two lists entitled respectively: "Executive Appointments Made by Governor Requiring Senate Confirmation," and "Executive Appointments Made by Governor Not Requiring Senate Confirmation," which give the present situation concerning executive appointments.

Commission Findings—

The Commission has reviewed the statutory provisions pertaining to those offices or positions on each list concerning which there seemed to be any question as to the wisdom of a requirement of Senate confirmation or the lack thereof, as the case might be.²³ The statutory provisions pertaining to the selected offices or positions were analyzed keeping certain guiding principles in mind, viz.: (a) that those appointees who exercise or who are at least authorized to exercise some measure of power, responsibility and discretion should be subject to Senate confirmation even though the title of the office or po-

²²The term "confirmation" is used herein to refer to the Senate action contemplated in Section 8, Article VII, of the West Virginia Constitution, and *not* to Senate action with respect to the filling of a vacancy as contemplated in Section 9 of said Article VII, which action as to the filling of a vacancy is apparently mandatory as to all nonelective offices. See *State ex rel. Fox v. Brewster*, 140 W.Va. 235, 84 S.E.2d 235 (1954).

²³It should be noted that appointments to the State Civil Defense advisory Council are *not* required by the provisions of Section 4, Article 5, Chapter 15 of the West Virginia Code to be submitted to the Senate for confirmation; that appointments to the Ohio-West Virginia Interstate Air Pollution Control Commission *are* required by the provisions of Section 3, Article 1G, Chapter 29 of the West Virginia Code to be submitted to the Senate for confirmation; and that as to the Director of the West Virginia Civil Service System, there is an apparent conflict as to the requirement of Senate confirmation. As to this latter office, it is implied in Section 4, Article 6, Chapter 29 of the West Virginia Code that Senate confirmation is not required; however, the provisions of Section 2a, Article 7, Chapter 6 of the West Virginia Code, commonly referred to as the "omnibus salary statute," specify that any such appointment shall be subject to Senate confirmation. Consideration should be given to possible corrective legislation to this regard.

sition to which appointed would indicate that such office or position is advisory only and those who do not exercise and are not authorized to exercise some measure of power, responsibility and discretion need not be subject to Senate confirmation; (b) that, aside from the above guiding principle, all appointees exercising licensing or registration authority should be subject to Senate confirmation; (c) that certain appointees who are directly responsible to departmental heads who are subject to Senate confirmation need not themselves be subject to Senate confirmation; and (d) that Senate confirmation should be required of members of a commission or a board whose members with quasi-departmental status in turn appoint a director or other administrative head.

Our Proposal—

On the basis of the foregoing, it is recommended that the Senate give consideration to have a bill or bills prepared for consideration by the Legislature which would delete the requirement of Senate confirmation of appointees to the following offices or positions:

- (a) Advisory Board to the State Board of Health (7 members)
- (b) Advisory Committee to State Commission on Mental Retardation (15 members)
- (c) Andrew S. Rowan Memorial Home, Superintendent
- (d) Berkeley Springs Sanitarium, Superintendent
- (e) Denmar State Hospital, Superintendent
- (f) Department of Employment Security, State Advisory Council (9 members)
- (g) Fairmont Emergency Hospital, Superintendent
- (h) Hopemont State Hospital, Superintendent
- (i) Medium Security Prison, Warden
- (j) Pinecrest Sanitarium, Superintendent
- (k) Welch Emergency Hospital, Superintendent
- (l) West Virginia Antiquities Commission (9 members)
- (m) West Virginia Arts and Humanities Commission (15 members)
- (n) West Virginia Children's Home, Superintendent
- (o) West Virginia Commission on Manpower, Technology and Training (15 members)
- (p) West Virginia Forestry Camp for Boys, Superintendent

- (q) West Virginia Historic Commission (5 members)
- (r) West Virginia Industrial Home for Girls, Superintendent
- (s) West Virginia Industrial School for Boys, Superintendent
- (t) West Virginia Penitentiary, Warden
- (u) West Virginia State Prison for Women, Superintendent

It is recommended that the Senate give consideration to having a bill or bills prepared for consideration by the Legislature which would require Senate confirmation of appointees to the following offices or positions:

- (a) State Athletic Commission of West Virginia (3 members)
- (b) State Licensing Board, Department of Welfare (3 members appointed by Governor)
- (c) West Virginia Board of Engineers—(State Board of Registration for Professional Engineers) (5 members)

We further recommend that there be established in the Senate a standing committee on executive appointments to investigate the qualifications of those persons appointed by the Governor who are subject to Senate confirmation and to make recommendations to the Senate regarding such appointments. The number of such a standing Senate committee, its authority and procedures shall be prescribed by Senate rules.

COMMITTEE ORGANIZATION AND OPERATION

9. Staff Assistance for Committees.

The Present Situation—

The Finance and Judiciary Committees of both the Senate and House of Delegates are professionally staffed during legislative sessions.

The Senate Finance Committee is professionally staffed during legislative sessions by the Assistant Legislative Auditor. He is also available to carry out any Committee tasks that arise when the Legislature is not in session. The Committee is also staffed by one secretary year around and during legislative sessions by three or more secretaries.

The Senate Judiciary Committee is professionally staffed during legislative sessions by two attorneys. One of these is available at any time during the year to perform assignments.

During session two secretaries are assigned to the Committee. The remaining Senate committees, while not individually staffed, share clerks and secretarial personnel.

The House Finance Committee, during legislative sessions, is professionally staffed by the Director of Budget Analysis and Research Division of the Legislative Auditor's Office. He is available to perform any committee assignments throughout the year. One secretary is assigned to the Committee the year around and during session two additional secretaries are assigned to the Committee.

During legislative sessions the House Judiciary Committee is staffed by two attorneys and by three secretaries. The remaining House committees, though not staffed individually, share clerks and secretarial personnel during legislative sessions.

Additional secretarial help is now available to committees from secretarial pools that are maintained during legislative sessions by the Clerks of each house.

Until the 1950's, no committees really were staffed, either by professional clerks or by assigned secretarial help. The Legislature has made great strides in recent years to upgrade itself in every respect and particularly with regard to staffing committees. In a large part this has been done through efforts made by the Clerks of the Senate and the House of Delegates. They have personally sought out qualified professional people and hired them to staff committees. This effort by the Clerks is very commendable.

Commission Findings—

The bulk of the work of the Legislature is accomplished in committees. To a large extent the quality of a committee's work and its efficiency are dependent upon the quality and numbers of staff assigned to it during legislative sessions. The quality of the legislation coming from both the Senate and House Committees on Finance and Judiciary has greatly improved since those Committees have been professionally and adequately staffed. Their efficiency has also increased. Other states that are staffing committees have had the same experience. When committees are professionally and adequately staffed, quality of legislation improves and committees function more efficiently.

We realize that at present some committees have much more work to do than others; but, we recommend, as is more fully detailed in another part of this report, that the number of committees be reduced to the fullest degree practicable, recognizing that recent reductions have been made. When this is done, it becomes practicable to staff all committees during legislative sessions since all committees are sharing more equally in the legislative work.

Recent development has increased the possibility of professionally staffing committees during legislative sessions. In 1965, the Office of Legislative Services was established. Since that time its initial functions gradually have been expanded as well as its staff.

It is a recognized fact that the staff of the Office of Legislative Services is not now large enough to perform all of the duties that are assigned to it by the Legislature or that the Legislature might like to assign to it during the interim between legislative sessions.

At some point in the future the staff will increase to the point where it will be able to carry out all duties and functions assigned to it. When that point is reached, staff from the Office of Legislative Services can be made available during legislative sessions to professionally staff committees upon the request of the Clerks and committee chairmen.

The Office of Legislative Auditor now provides professional staff for both the Senate and House Finance Committees. The Office of Legislative Auditor also needs additional full-time professional staff. As these are obtained, they should be made available during legislative sessions to staff other committees upon the request of the Clerks and committee chairmen.

Most states are attempting to staff their legislative committees more fully. They are using their professional full-time legislative staffs for this purpose, and the system has worked well. These staff personnel are already working full time. They are available and they are experienced. As new or additional staff is needed for committees during legislative sessions, the Clerks and committee chairmen should be able to draw on personnel of the Legislative Auditor and Legislative Services. The personnel assigned to the two Finance Committees from the Office of Legislative Auditor have demonstrated that this system will work well.

Our Proposal—

Legislative committees that consider a heavy load of legislation should be staffed during legislative sessions with at least one professional clerk who can provide competent research assistance and routine bill drafting service for committee substitute bills, amendments to bills, etc. These committees should be provided with at least one secretary during legislative sessions. At present, such committees are the Finance, Judiciary and Education Committees of both houses.

Sometimes other committees, because of the number of bills referred to them or the complexity of bills, need professional and secretarial assistance during sessions.

These committees should be provided with additional staff and secretarial help as is needed. If necessary due to increased work loads, these committees should be staffed for reasonable periods before and after legislative sessions or possibly throughout the year.

Other committees that consider a lesser load of legislation also should be staffed on an individual basis during legislative sessions. However, until more staff personnel are available they should be staffed on a shared basis. Such committees can be arranged in groups of two to three committees. Each group should be staffed with one professional clerk to provide competent research assistance and bill drafting service for committee substitute bills, amendments to bills, etc. Each group should be assigned one or two secretaries.

Again we point out that we are recommending that the number of committees be reduced to the fullest extent practicable. When this is done, all committees will be sharing more equally in legislative process and staffing of all committees becomes possible and important.

We know that the Finance and Judiciary Committees of both houses are now well staffed. This has been possible largely through the efforts of the Clerks of the Senate and House and the committee chairmen, and we commend their efforts to provide committee staffing and upgrade the legislative process. We make no recommendations to change the present system of staffing those Committees.

Insofar as is possible, desirable, practicable and as the number of staff personnel permits, the Clerks and committee chairmen should request staff from the Office of Legislative

Services and Legislative Auditor during sessions to staff committees. This is not intended to preclude the Clerks, any committee chairmen, any committee or the legislative leadership from selecting such other staff or secretarial personnel as they may deem necessary.

We make our recommendations for more complete staffing of all committees based on the splendid example of what committee staffing has done for the Finance and Judiciary Committees of both houses. We believe it will do the same for other committees. We recommend that the staffs of the Office of Legislative Services and Legislative Auditor be used for this purpose based on the fact that personnel from the Office of Legislative Auditor have demonstrated what they can do and their excellent example encourages us to recommend fuller use of the personnel from both of the offices that provide services to the Legislature.

As the staffs of these two offices gradually increase to perform their duties and functions assigned to them, we recommend that full advantage be taken of their services by the Legislature. Staffing committees is a function for which they are ably suited. During the year they study and prepare legislation for the Joint Committee on Government and Finance and for the Legislature. They are fulltime employees and experience will make them fully familiar with the legislative process and the business at hand.

Until the staffs of the Office of Legislative Services and Legislative Auditor increase sufficiently to permit our recommendations for committee staffing to be carried out, we recommend that staff be provided to committees other than Finance and Judiciary as is necessary and in the same manner by which staff is provided to those two Committees in each house.

10. Reducing the Number of Legislative Committees.

The Present Situation—

As in all other states, most of the work of the West Virginia Legislature is accomplished in committees. The Rules of both the Senate and the House of Delegates require that all bills must be referred to a committee. Only by unanimous consent of the members or by two-thirds vote to suspend the Rules can this mandate be by-passed.

There are two types of committees. The first type considers legislation which is referred to it, makes initial determinations on the merits of the legislation, perhaps rewrites or amends the legislation and finally either holds the legislation (usually a bill, but sometimes a resolution) in committee or reports it to the floor for further action by the full body. The second type of committee has other responsibilities, such as procedural duties (Joint Committees on Rules and on Enrolled Bills) or duties primarily exercised in the interim between legislative sessions, such as the Joint Committee on Government and Finance and the Commission on Interstate Cooperation. This discussion only pertains to the first type.

Until the 1967 Regular Session of the Legislature, there were twenty-nine committees in the Senate and twenty-four committees in the House of Delegates to which legislation was referred. Preceding the convening of the 1967 Regular Session, legislative leaders in each house agreed to reorganize and reduce the number of these committees. In the Senate there are now fifteen committees to which legislation is referred with twelve in the House of Delegates. This material reduction in the number of committees resulted from combining related duties of a number of committees.

Commission Findings—

Most states in recent years have reduced the number of their legislative committees. West Virginia has been no exception. Reducing the number of committees results in several desirable effects. Usually when there are large numbers of committees, workloads tend to become very unequal with a few committees performing the bulk of the work. Reducing committees can result in a better equalization of work assignments.

A reduction in the number of committees also reduces the number of committees on which each legislator must serve. Fewer committee assignments permit the legislator to become more familiar with his committee's work and allows him more time to study legislation properly. He becomes a more capable legislator. He is able to participate more and to contribute more.

Fewer committees increase the likelihood of professional staffing. This is true particularly since the number of available professional people is limited and cost is a consideration. Elsewhere in this report it is recommended that committees (those

to which legislation is referred as distinguished from procedural committees) be professionally staffed during legislative sessions.

For these reasons, we think the previous reduction of legislative committees was desirable and that the number of committees should be reduced further if possible.

Our Proposal—

It is realized that committees can be reduced only to a certain point and that their functions and duties can be combined only to a certain extent. If these limits are exceeded, an adverse effect is experienced resulting in an insufficient number of committees to perform the task with a consequent lowering of efficiency in the legislative process. Bearing this in mind, we recommend consideration be given to a further, but reasonable, reduction of committees as soon as there has been sufficient experience under the reduced committee structure established in 1967 to indicate the propriety and the direction of further reductions.

11. Assignment of Bills to Committees.

The Present Situation—

Table 13, p. 84, shows the number of bills referred to Senate and House committees during the 1967 and 1968 legislative sessions under the reduced committee structure established prior to the 1967 Regular Session. Note that assignment of bills to committees is very unequal.

Commission Findings—

Unequal assignment of bills to committees results in some committees being overworked while others have little or nothing to do. This is unfair to both the legislators who work on overworked committees and those on the underworked committees. While some legislators are overworked other legislators are denied the privilege of participating in the committee process. Overworking some committees can result in hasty consideration of legislation.

Our Proposal—

For these reasons, we recommend that the full legislative membership be utilized in committee actions by a more even assignment of bills to committees.

Table 13
SENATE AND HOUSE BILLS
Referred to Senate Committees

Committees	60-day 1967	30-day 1968	Total
Agriculture	17	3	20
Education	35	13	48
Elections	0	0	0
Finance	75	42	117
Health	6	0	6
Insurance and Corporations	43	0	43
Judiciary	271	97	368
Labor	1	0	1
Local Government	48	0	48
Military	3	0	3
Mines and Mining	1	2	3
Natural Resources	43	14	57
Public Institutions	0	0	0
Rules	0	0	0
Transportation	43	15	58
Total No. of Bills Referred to Senate Committees	607	199	806
Bills with Double Reference	14	8	22
Bills w/o Committee Reference	22	24	46

Referred to House Committees

Committees	60-day 1967	30-day 1968	Total
Agriculture and Natural Resources	77	3	80
Banking and Insurance	42	4	46
Constitutional Revision	3	7	10
Education	64	14	78
Finance	115	44	159
Health and Welfare	6	0	6
Industry and Labor	2	0	2
Judiciary	425	100	525
Political Subdivisions	77	13	90
Roads and Transportation	43	1	44
Rules	3	0	3
State and Federal Affairs	3	1	4
Total No. of Bills Referred to House Committees	813	193	1006
Bills with Double Reference	89	14	103
Bills w/o Committee Reference	27	22	49

Source: Compiled from records maintained by the
Senate and House Clerk

12. Open Committee Meetings.

The Present Situation—

The Senate Rules state that all meetings of Senate committees other than executive sessions shall be open to the public. The House Rules make no comment as to whether committee meetings shall be open to the public. They do provide that committee "hearings" shall be open to the public.

Most meetings of Senate and House committees are now closed to the public. The common practice is for committees,

when they go into session, to proceed automatically in executive session with the meeting closed to the public.

Commission Findings—

Legislative rules must assure that the work of legislative committees can proceed without undue restraints. Opening committee meetings to the public will not impede the legislative process. This procedure generally will increase the accuracy, completeness and promptness of news reports on the Legislature and result in a better informed public. A better informed public generally will be more friendly towards the Legislature as an institution and more understanding of and sympathetic toward its problems. We understand that some committee meetings must be conducted in executive sessions because of the subject matter being considered or because of the nature of the particular task at hand. Except for such instances, the legislative process will be strengthened by conducting open public meetings.

Our Proposal—

In order to better inform the people of West Virginia, it is recommended that committee meetings be open to the public unless the committee otherwise directs. We recognize that each committee must remain in charge of its own operation and executive sessions may be necessary on occasion.

13. Planning Committee Hearings.

The Present Situation—

Senate and House committee hearings are announced from the chamber floors of the respective houses one or more days in advance of the date on which they are scheduled. The time and place of the hearings are printed in the Senate and House Calendars which are printed daily.

If hearings are announced sufficiently in advance of the time they are to be held, the news media are notified and the public is notified by subsequent news reports.

Those persons who have formally requested a hearing or who have expressed interest in the matters to be discussed at a hearing are notified by the committee chairman or staff.

Commission Findings—

A more orderly method of making public the time and place of committee hearings is needed. Because legislative enactments may substantially affect private rights or the public

interest, interested persons are entitled to a reasonable opportunity to attend committee hearings on legislation of concern to them.

Hearings should be scheduled far enough in advance to permit interested persons enough time to prepare for and to attend the hearing. All interested persons who request a hearing should be notified in writing in advance of the hearing.

Our Proposal—

The Commission recommends that the Senate and House of Delegates each consider adopting a rule that would require all committees to provide public notice at least twenty-four hours in advance of committee hearings. Such advance notice should be printed in the daily Senate and House Calendars. In addition, the news media should be furnished with the notice.

We further recommend that the rule provide that all persons who request in writing to be heard at a committee hearing be notified of the time and place of such hearing.

We also recommend that a bulletin board be placed in a prominent public place in the vicinity of each legislative chamber which would be used to show the time and place of hearings.

14. Preservation of Committee Records.

The Present Situation—

The Rules of both the Senate and the House of Delegates require that committees keep certain records and provide that these records shall be preserved.

Both the Senate and House Rules provide that the chairman of each standing committee shall cause to be kept the following records:

- a. The time and place of each committee meeting and every hearing had before the committee.
- b. The attendance of members of the committee at each committee meeting.
- c. The name of any person appearing before the committee and the interest represented by him.²⁴

²⁴In addition to this information the House Rules provide that the addresses of all persons appearing before committees as well as the addresses of those in whose behalf such appearance is made shall be kept.

The House Rules also provide that the vote of committee members on all motions, bills, resolutions and amendments acted upon, when a yea and nay vote is taken, shall be recorded. Senate Rules do not contain a similar provision.

The Senate Rules provide that any committee member may cause a notation to be made in the record of the reason for his absence at any former meeting of the committee and in the absence of such an explanatory note, it shall be assumed his absence was without reasonable cause. The House Rules do not contain a similar provision.

These records, at the close of the legislative session, are filed with the Clerks of the respective houses who are then responsible for preserving the committee records. These records are open to the public.

Commission Findings—

The world we live in becomes more complex each day and consequently the matters with which legislators must deal also become more complex. Legislators must wrestle with the problems of the day and attempt to foresee into the future in order to head-off or to keep additional problems from arising.

Increasingly it becomes important for committees to accumulate and have available accurate and complete records of their past meetings, deliberations and actions; also very important is the record of any testimony presented before and statements filed with committees. Many times new legislation proposed duplicates or is similar to legislation previously proposed, dealt with and disposed of in some manner by a committee. Committee records of past proceedings can serve as a starting point in dealing with this legislation. Many times the records serve as a building block in compiling the information necessary to evaluate and process proposed legislation properly.

Committees of the West Virginia Legislature are becoming more interested in and are increasing their endeavors to keep complete records of their meetings. These records are much more complete than those demanded by the present rules.

The Finance and Judiciary Committees of both houses have clerical staff assigned to them during legislative sessions. Their meetings are recorded both by the use of tape recorders and by stenographers. Most other committees are not staffed to permit such records to be made.

The key to obtaining full and complete committee records is committee staff. Each committee has to have at least one competent clerk present during its meetings if full and accurate records are to be kept. Clerical staff and file clerks are necessary to maintain the committee records, which should be labeled and filed in a manner to permit quick retrieval when legislators and legislative staff desire to refer to them.

Our Proposal—

We recommend that competent staff be employed in the numbers necessary for the purposes of recording committee meet-

ings in the manner and to the extent desired by committee chairmen and as necessary to properly maintain and preserve all committee records.

We believe implementation of this recommendation will assure that more complete committee records will be kept and in a manner to facilitate subsequent reference to them. A better informed and more efficient Legislature will result.

BILL PROCEDURES, DRAFTING, STANDARDS AND FORMS

15. Orderly Progress of Bills

The Present Situation—

The matters considered under this heading are the pre-filing of bills in advance of the first day of legislative sessions and the time by which bills that are to be introduced must be filed in the Clerks' offices.

Since the time the recommendations under this heading were approved by the Commission, they have been partially effected by the necessary rule changes prior to the 1968 Regular Session. These changes will be described under "Our Proposal."

When the Commission first framed its proposals regarding the pre-filing of bills in advance of the first day of legislative sessions the Rules of the Senate permitted this but House Rules did not. Senate rules provided that bills for introduction after the first day had to be filed with the Senate Clerk not later than two p. m. of the legislative day next preceding its introduction. House Rules set the time at four p.m.

Commission Findings—

Since establishment of the Joint Committee on Government and Finance as a statutory interim body to carry out duties and functions of the Legislature in the interim between sessions and the creation of the Office of Legislative Services to work with the previously created Office of Legislative Auditor to carry out work of the Legislature and the Joint Committee, some legislation is prepared and ready to submit to the Legislature before the time it convenes. Such bills result from studies and assignments carried out at the request of the Legislature at prior sessions.

During the interim between sessions many legislators request that the Office of Legislative Services draft bills for the next

session. These are ready to submit to the Legislature by the first day of the session.

Administration bills are prepared frequently before the legislative session begins.

Permitting the pre-filing, or pre-lodging as it is more accurately called under our procedures and practices, in advance of the first day of legislative sessions allows the Clerks to have the time to edit and correct them as necessary as to form, number them, and prepare them for introduction. Then on the first day of the legislative session they can be formally introduced and referred to committees thereby assuring that effective work of the Legislature will not be delayed.

The effect of requiring that bills be filed with the Clerks by a certain time to allow for their proper preparation for introduction on the following day is to assure the orderly and efficient processing of bills. In our study, we found that bills were being filed too late in the day to allow for them to be checked properly and prepared for introduction on the next legislative day without creating a rush or log jam of bills in the Clerk's offices at the end of the day. This made it necessary for personnel to work late in those offices to discharge their duties.

Our Proposal—

We recommended in 1967 that House Rule No. 92 be changed to permit pre-filing of bills with the House Clerk in advance of the first day of legislative sessions. Senate Rule No. 33 permitted this already. House Rule No. 92 was changed to permit this for the 1968 Regular Session.

We also recommended in 1967 that all bills for introduction be filed in the appropriate Clerk's office not later than twelve noon on the day next preceding its introduction. House Rule No. 92 was changed for the 1968 Regular Session to permit this. Senate Rule No. 33 was changed during the 1968 Second Extraordinary Session to permit this.

16. Establishment of Central Bill Drafting.

The Present Situation—

Prior to the 1968 Regular Session, bill drafting was a function of several different groups and offices. Administration bills were most often drafted by executive offices and departments. Many times they were drafted by the Attorney General's Office. They were then submitted through a legislator sponsor

to the appropriate Clerk for introduction. Administration bills are still handled basically in this manner with the major change that, before they are filed with the Clerks for introduction, they are first processed through Central Bill Drafting.

Before the 1968 Regular Session, bills arising from the legislative branch may have been drafted by anyone of several offices, committees or persons. They were drafted by committee chairmen, committee staff personnel, the Clerks and by legislators. Both the Senate and House of Delegates had a separate bill drafting office during legislative sessions.

Through the combined efforts of the Senate and House Clerks, the House Parliamentarian, the Director of Legislative Services, and the leadership of the Legislature an effort to improve this system resulted in the creation of a central bill drafting office.

When the Citizens Advisory Commission began its labors in 1967, Central Bill Drafting was not yet a reality. We recommended establishment of such an office in our interim report to the 1968 session of the Legislature. Central Bill Drafting was operated for the first time during the January 1968 First Extraordinary Session under the direction of the Office of Legislative Services.

Though there were a few problems, general response to Central Bill Drafting was favorable. Central Bill Drafting functioned also during the 1968 Regular Session and during the September 1968 Second Extraordinary Session. Problems are being corrected. The intention is to iron out the remaining bugs in the system.

Commission Findings—

We recommended that Central Bill Drafting be established for several reasons. It allows functional specialization which normally brings about an increase in efficiency and an upgrading of quality of the bills. When the bill drafting function is centralized, the personnel become experts in preparing high quality bills. Of course, time, experience and continuity of personnel are prerequisites to high quality bill drafting service. In this case, we are not speaking of the merits of the legislation proposed in any bill, but rather the quality of the form and language of the bills.

Making one office responsible for preparing bills and checking them for form assures that bills will be uniform. They will be

on paper of uniform size, margins and spacing will be the same and rules of general format will be standardized which has not been true in the past. This allows persons drafting bills to learn one system—one that does not change repeatedly. This promotes bill drafting speed and efficiency. It also facilitates the reproduction of bills for the Legislature, legislative offices and the public. It reduces problems of storage since all bills are of uniform size and storage space can be planned accordingly. Assuring that bills will be drafted uniformly and thoroughly checked before they are presented to the Clerks for introduction reduces work of editing and correcting bills as to form. This reduces the burden on the Clerks and their staffs who are overworked already and rushed for time.

The Legislature bears the final responsibility for the form and substance of all State legislation. Central Bill Drafting is an effort to assure that both the form and the technical content of bills will be of the highest quality.

Our Proposal—

For the foregoing reasons, we recommended in an interim report to the 1968 Regular Session of the Legislature that a central bill drafting service be established under the direction of the Office of Legislative Services. We further recommended that a uniform bill form be established. These recommendations were implemented and Central Bill Drafting operated during all of the legislative sessions held in 1968. It should continue to operate during future sessions.

17. Routing of Bills and Drafting Requests Through Central Bill Drafting.

The Present Situation—

As with any new idea or system, there was some opposition to the establishment of a central bill drafting service. Some said the old system worked well. Others voiced concern that a legislator's right to introduce bills might be curtailed if his bills had to conform to a particular format. Other legislators feared that legislation they proposed, if drafted by Central Bill Drafting, would not remain confidential until the legislator wished to make it public knowledge.

Some of this opposition still remains. Frankly, the greatest cause for concern now seems to be that Central Bill Drafting

was a little slower in preparing bills during the 1968 Regular Session than was anticipated or desired.

Commission Findings—

A new system cannot be perfected in one trial. It takes time to see what is needed and make necessary changes to make any system work well. It was demonstrated during the 1968 legislative sessions that Central Bill Drafting will work. The quality of bills definitely was upgraded according to the legislative leadership and the majority of the legislators. It also became apparent that some changes are necessary to make Central Bill Drafting fully efficient in the quick processing of bills. The biggest problem in getting bills ready was in proofreading bills after they had been typed. Proofreading is a very tedious and time-consuming process but one absolutely necessary. It is imperative that bills be proofread and are accurate when introduced on the floor. It saves legislative time otherwise taken to amend bills to correct mistakes. It assures that bills do not contain errors that might perhaps lead to unintended results, ones that might be of a very serious nature. The solution to this problem is to staff Central Bill Drafting with more skilled proofreaders. This will be done for the 1969 legislative session.

The Commission feels that the worth of Central Bill Drafting has been demonstrated. We believe it should be continued and every effort made to correct present defects as well as others that may arise. The answer now is not to quit but to move ahead.

Our Proposal—

We recommend that both houses of the Legislature encourage the routing of all regular bill drafting requests of legislators and all bills drafted elsewhere through Central Bill Drafting before introduction for the purpose of upgrading the quality of bill drafts; however, the right of a legislator to introduce bills shall not be restricted in any manner.

During the 1968 Regular Session, some members expressed apprehension about sending *all* bills through Central Bill Drafting because this procedure seemed to place in Central Bill Drafting the right to veto a member's right to introduce any bill that he desired. Even though Central Bill Drafting is authorized to process all bills for introduction, it cannot withhold from introduction any bill desired by a member. Its function

is to process the bill in the best form possible and release it for introduction.

We recommend continuation of the past practice of keeping confidential bill drafting requests and the content of all bills drafted until released by the Legislator who made the drafting request. This release usually occurs by his introduction of the legislation.

18. Bill Drafting Manual.

The Present Situation—

To assist in the drafting and typing of bills by the personnel of Central Bill Drafting, a bill drafting manual was prepared by the Office of Legislative Services. It has been in use since just prior to the beginning of the 1968 Regular Session of the Legislature. Based on the experience gained since then, the manual is being revised for use during the 1969 session.

Commission Findings—

The bill drafting manual serves as a ready reference concerning items that cause drafting problems such as capitalization, punctuation, spelling, language of titles and enacting sections, and many other such matters.

A drafting manual establishes certain minimum standards as to form for bills. It gives authority to efforts to standardize and upgrade the quality of bills. It provides guidelines so that problems of form will not plague the Clerks' staffs, committees or legislators.

Our Proposal—

Though a bill drafting manual that provides this information is in use it has not been approved formally by either house; therefore, we recommend that the Senate and House of Delegates formally approve by proper rule or otherwise, possibly through adoption of a drafting manual, certain minimum standards as to form for bills in order to give authority to efforts to upgrade the quality of bills and to standardize solutions to such bill drafting problems as capitalization, punctuation, spelling, indentation, size of paper, etc.

19. Fiscal Notes.

The Present Situation—

Prior to the 1967 Regular Session, the House amended its Rule No. 92 to provide that any House bill that either increases

or decreases the revenue or fiscal liability of the State or in any manner changes or modifies any existing tax or rate of taxation shall have attached to it a fiscal note. The Senate has not adopted a fiscal note rule or fiscal note manual at this time.

A fiscal note simply is an explanation of such proposed fiscal changes made by bills. To explain how to prepare fiscal notes a booklet entitled "Fiscal Note Manual" was prepared by the House of Delegates and widely distributed prior to the 1967 Regular Session.

Commission Findings—

A fiscal note aids the legislator in understanding the impact of those bills that affect the revenues or expenditures of state government. It is a most beneficial aid and source of vital information to the Finance Committees in amending the budget to appropriate funds required by passage of bills. It also flags bills requiring additional funds that might not be referred to the Finance Committees for study prior to floor consideration. To evaluate intelligently proposed legislation, fiscal information as provided by accurate and complete fiscal notes is essential.

Our Proposal—

We recommend either (a) that the Senate adopt a fiscal note rule compatible with House Rule No. 92 and a fiscal note manual similar to that which has been adopted by the House in accordance with its Rule No. 92, or (b) that fiscal notes be provided for by joint rule and a common manual to make requirements and procedures uniform.

20. Explanatory Notes on Bills:

The Present Situation—

By custom, the practice has been established in our legislative procedure to place a brief explanatory note on the last page of all bills. General Rule No. 16 of the bill drafting manual, discussed previously, states that "All bills must have added at the end of the bill a brief single-spaced note of explanation . . .". This rule contained in the bill drafting manual is the most authoritative statement, at present, to encourage the use of explanatory notes.

Commission Findings—

An explanatory note summarizes a bill as briefly as possible. It should give all the substantive changes in the law that a bill

would cause if passed and if possible explain concisely the effects or possible ramifications of such changes.

In some states, the explanatory note is called a bill analysis. Practice varies from state to state as to the use of explanatory notes. Many states do not use them. Increasingly, however, they are being used by more and more states. In those states that use explanatory notes their location on bills varies. In Ohio, for example, the explanatory note is on a separate page attached to the front of bills. Others use a separate sheet attached to the back of bills. Apparently, most states that use explanatory notes place them on the last page of bills.

As a practical matter, we see little difference in the effectiveness of the explanatory note as long as it is always located in the same place on each bill and located where it is seen easily. It should be determined that all explanatory notes are to be located in a particular place in bills and then the rule should be followed.

Explanatory notes should be on all bills with the exception of the budget bill itself. A note on the budget bill might be useless unless it was longer than the bill itself. Notes help legislators at a glance to become familiar generally with a particular bill. It helps to identify a bill quickly. Explanatory notes also materially aid the public and members of the news media to familiarize themselves with legislation.

Our Proposal—

We recommend that the accepted practice of placing explanatory notes on bills be provided for formally by the Senate and House of Delegates by their adoption of a joint rule. The rule should provide that explanatory notes shall include all substantive changes made by a bill.

21. Underlining in Bills.

The Present Situation—

It is now the accepted practice to underline new language or additions to existing law in bills when they are drafted. However, underlining would be of no help in cases where a complete section, article or chapter of the existing law is completely rewritten or added to the existing law. In these cases, none of the language is underlined, but the explanatory note at the end of the bill states that the section, article or chapter is

new in its entirety. Though it is the practice to underline in bills the new language or addition to existing law, there is no official rule or regulation that requires it.

Commission Findings—

Underlining new language or additions to existing law has proved very helpful to legislators and to committees in their work. This is the reason that the practice has become established. It allows any interested person to look at a bill and to discern easily what is new in the bill without reference to the West Virginia Code or Acts of the Legislature. Underlining promotes understanding and efficiency in processing legislation.

Our Proposal—

We recommend that the established practice of underlining new language or additions to existing law in bills be provided for by proper rule or included in a bill drafting manual approved and adopted by both houses of the Legislature.

22. Copies of House Bills and Resolutions Required for Filing.

The Present Situation—

At the time our recommendation under this heading was made (1967), copies of bills and resolutions for introduction in the House of Delegates were filed in triplicate with the House Clerk. In the Senate, they were filed in quadruplicate.

Commission Findings—

The House also needed four copies of each bill or resolution that was to be introduced. As in the Senate, the original is the official bill to be used by committees and is filed permanently in the House, one is used for printing and copying, one for use and accommodation of the news media and one for the Clerk's office file.

Our Proposal—

In our interim report to the 1968 Regular Session of the Legislature, we recommended that House Rules Nos. 93 and 109 be amended to require four copies of bills and resolutions to be filed for introduction with the House Clerk.

The House amended these Rules at the 1968 Regular Session of the Legislature.

23. Joint Rules Requiring Copies of Bills.

The Present Situation—

When we made our interim report to the 1968 Regular Session of the Legislature, Joint Rule No. 5 of the Senate and House required that only three copies of bills had to accompany concurrent resolutions granting permission to introduce a bill during regular sessions held in even-numbered years.

Sessions in those years are thirty-day sessions. Only the budget bill and those subjects contained in the Governor's proclamation can be considered during those sessions unless permission is granted to introduce a bill relating to other subjects by a concurrent resolution adopted by a two-thirds vote of all the members elected to each house of the Legislature.

Commission Findings—

Four copies of bills were needed by the Clerks rather than three copies.

Our Proposal—

In our interim report of the 1968 Regular Session of the Legislature, we recommended that Joint Rule No. 5 of the Senate and House be amended to require that quadruplicate copies of bills accompany resolutions requesting permission to introduce bills during thirty-day sessions. Joint Rule No. 5 was so amended at the 1968 Regular Session of the Legislature.

24. Copies of Enrolled Bills.

The Present Situation—

An enrolled bill is one that has passed both houses of the Legislature.

In our interim report to the 1968 Regular Session of the Legislature, we recommended that the number of printed copies of each enrolled bill be increased. When we made our recommendation, Joint Rule No. 14 of the Senate and House required that two hundred copies of each enrolled bill be printed.

Commission Findings—

We made our recommendation based on the fact that more than two hundred copies of each enrolled bill were needed. In fact, the practice had been established to print three hundred fifty copies of each enrolled bill.

It is very important for there to be enough copies of enrolled

bills to provide for all needs. Several copies are needed for records preservation purposes. Legislators want copies of them. All judges of any state court receive a copy of each enrolled bill. Members of the news media need them.

In providing general daily information on bills as they go through the legislative process and providing adequate numbers of copies of them as they pass each step of the legislative process for use of legislative offices, legislators, and the general public our system ranks with the best of other states in the Union.

Our Proposal—

In our interim report to the 1968 Regular Session of the Legislature, we recommended that Joint Rule No. 14 be amended to increase the number of enrolled bills to be printed from two hundred to three hundred fifty copies in keeping with current needs and practices. Joint Rule No. 14 was so amended at the 1968 Regular Session of the Legislature.

25. Complete Review of Legislative Rules.

The Present Situation—

There are three different sets of legislative Rules. There are Senate Rules, House Rules and Joint Rules of the Senate and House. Senate Rules are applicable only to the Senate, while House Rules apply only to the House. Joint Rules apply equally to both houses. Review of legislative Rules is constantly being made.

Commission Findings—

Nothing is more important to the efficient operation of a large and complicated organization such as the Legislature than rules of procedure that provide efficient operation. The Legislature's Rules must permit orderly progress of the legislative process.

Though rules are not the most colorful of topics to persons unfamiliar with the legislative process and perhaps not even to those involved in the process, they are of major importance; therefore, we made a complete review of the legislative Rules. We did this by three methods.

- a. We designated a committee composed of the Senate Clerk, House Clerk, House Parliamentarian and the Director of Legislative Services to study all legislative

Rules and procedures and to make recommendations as the committee believed necessary to provide for an orderly, efficient legislative process.

- b. We requested that several key persons involved in the legislative process respond in writing with comments and suggestions for the improvement of the legislative process. Among topics to which they were to respond was the need for change of legislative Rules and procedures. The persons who were queried and responded were:

- The Governor
- The President of the Senate
- The Speaker of the House of Delegates
- The Senate Majority Leader
- The Senate Minority Leader
- The House Majority Leader
- The House Minority Leader
- The Senate Clerk
- The House Clerk

We compiled their comments and evaluated them very carefully in framing our recommendations.

- c. We carefully reviewed a complete compilation of all Senate and House Rules which compared each Rule of one house with its counterpart in the other house.

Our comprehensive review lead us to conclude that generally the Rules and procedures of the West Virginia Legislature provide for an orderly and efficient legislative process. In our study and in comparing our legislative Rules and procedures with those of other states, we conclude that ours rank on a par with those of most other states.

We do not mean to imply that there can be no improvement. Rules and procedures must change with the times. Ours are constantly reviewed. We have, in our study, recommended certain changes in the legislative Rules. We do mean that our Rules and procedures are good and that we can be assured that they provide for an efficient legislative process.

Our Proposal—

We have reviewed the Senate Rules, House Rules and Joint Rules of the Senate and House and we find need only for the limited changes discussed elsewhere in this report. The Rules

were found to contain no provisions or conflicts which seriously impair the orderly legislative process.

**STAFF ASSISTANCE FOR LEGISLATORS AND
CLERKS' OFFICES**

26. Legislative Leaders and Other Legislators.

The Present Situation—

Until recent years, the legislative leaders, as considered here, did not have the assistance of professional clerks and had little secretarial assistance. Now professional clerks, usually attorneys, are provided to many of the legislative leaders and clerical-secretarial assistance is furnished to all of them.

Since staff for committee chairmen is discussed elsewhere, legislative leaders as considered here include the Senate President, the Speaker of the House of Delegates and the Majority and Minority Leaders of both houses. Staff of committees and committee chairmen is discussed under Section 9, p. 77 of this report.

It is impossible to state specifically how each legislative leader is staffed during legislative sessions since this varies from session to session; however, generally legislative leaders are staffed as follows:

Senate President	No Clerk	1 Secretary
Senate Majority Leader	1 Clerk	1 Secretary
Senate Minority Leader	No Clerk	1 Secretary
House Speaker	1 Clerk	2 Secretaries
House Majority Leader	1 Clerk	1 Secretary
House Minority Leader	2 Clerks	2 Secretaries

Professional clerks are usually recommended or requested by the legislative leaders and are actually hired and paid through the Clerks' offices. Secretaries may also be recommended by the legislative leaders or may be assigned to the legislative leaders from the steno pools that are maintained during sessions by each house. The fact that all legislative leaders during each session do not have professional clerks to assist them does not mean that they have no help or that none is available. Many times they share the time of a clerk who primarily serves a committee or another legislative leader.

Professional clerks are available to legislative leaders both of the majority and the minority of both houses. Staffing varies

from session to session. Some are staffed individually while others share clerks.

Individual legislators, those other than the legislative leaders, are not provided with individual clerks or clerical-secretarial assistance. Some limited assistance is available to them from committee clerks and those who serve individual legislative leaders. Additional professional assistance is available to legislators from legislative service offices: The Legislative Auditor and Legislative Services, Legislative Library and Central Bill Drafting.

Secretarial assistance is available to legislators from steno pools that are maintained by the Clerks of each house during legislative sessions.

Commission Findings—

The legislative leaders of both houses are provided with professional clerks and clerical-secretarial assistance as are needed or requested by them. Our research indicates that there is little sentiment for providing professional clerks or clerical-secretarial assistance to individual legislators on a general basis during legislative sessions; however, twenty-one persons of forty-seven who responded to our questionnaire²⁵ stated that required clerical-secretarial assistance should be provided to legislators from pools maintained for this purpose.

We believe that our part-time, citizen Legislature, as opposed to a full-time professional legislature such as we found in such states as California and New York, is best for a law-making body for the State of West Virginia if it has the tools to perform its duties in an informed and efficient manner. Efficient, trained, competent staff assistance is the key to an effective part-time citizen legislature.

Legislative leaders, committee chairmen, committees and individual legislators must have professional staff and clerical-secretarial assistance available to them during legislative sessions to permit them to perform their duties in an informed, efficient manner. The goal that must be attained is that of providing competent, knowledgeable staff assistance to our part-time Legislature in adequate numbers in order that it can continue to do its job in today's complex world.

²⁵See Appendix K, p. 161, "Report of Results from Questionnaire."

Our Proposal—

Professional clerks should be made available to legislative leaders in numbers sufficient to allow them to perform their duties. They are the best judges of their needs and should request help as they deem necessary. Concurrence of the Clerks is necessary in hiring such help since they should continue to be responsible for hiring and paying them.

The practice of maintaining a steno or secretarial pool during legislative sessions by each house through the Clerks' offices should be continued. The Clerks should continue to employ and supervise these personnel and to be responsible for their pay. As is present practice, these pools should be for the use of individual legislators. Personnel from the pools would also be used to provide additional secretarial assistance as may be required to legislative leaders and to committees over and above that assigned to them during sessions.

We do not feel qualified to determine the number of secretaries that should be in these pools except to say the number should be sufficient to meet the need.

Our main recommendation concerns the basis on which professional clerks and clerical-secretarial personnel are hired to provide staff assistance for legislative leaders and other legislators. They should be employed based on knowledge, experience and ability and should be compensated for the same.

Political favoritism or patronage should not be used as a basis for employing this personnel, or any personnel serving the Legislature. The goal should always be to obtain qualified personnel and hopefully to get large numbers of those employed during any session to continue to serve during future sessions to build up a pool of experience.

27. Staff for Clerks' Offices.

The Present Situation—

The Senate and House Clerks are elected by the membership of the respective houses of the Legislature. They are elected for two-year terms. They are officers of the house by which they are elected. Their offices are maintained on a year around basis. Generally the Clerks are responsible for keeping all official records of the Legislature, of their respective houses and for all of the housekeeping functions of the Legislature. The Clerks are responsible for the publication of the daily Journals

during session and the final bound Journals at the end of sessions, for maintaining committee records, for the numbering of bills for introduction, for the printing of bills, and the maintenance of records of all bills as they are acted on at various stages.

The Senate Clerk is responsible for the annual publication of the West Virginia Blue Book, which contains complete data and information concerning the State government. The House Clerk has the duty of publishing the Acts of each session.

The Clerks hire such employees as are needed by their own offices, by committees, by legislative leaders and by individual legislators to perform their duties during legislative sessions and throughout the year. They supervise and assign these employees as necessary.

Commission Findings—

Many states do not have the benefit of the services of their clerks on a year around basis. Our Clerks' offices serve as a model. Our Clerks are responsible for and perform many duties essential to maintaining an orderly, efficient legislative process. They do the job well. If they did not do these jobs, they would have to be performed by other service offices or they would not be done and the legislative process would suffer.

With the advent of annual sessions and sessions that are increasing in length, the duties and workloads of the Clerks' offices have greatly increased.

We feel that the Clerks' offices play a vital role in our State's legislative process and that everything should be done to promote their efficient operation.

Our Proposal—

The offices of both Clerks should be adequately staffed with full-time year around employees to permit those offices to carry out their day-to-day functions. Members of this staff should be removable only for cause, should be paid a salary commensurate with their ability and experience, and sufficient to assure the obtaining and retaining of qualified and experienced employees. Only those persons of proven ability and competence should be employed and staff positions should not be used for pure patronage purposes.

During session the Clerks should employ enough part-time

clerks, secretaries and other personnel, in addition to their full-time employees, clerks and secretaries, to staff committees, serve legislators and to assure that their offices can efficiently carry out their functions. These employees should be part of the pools hired by the two Clerks and would be under their supervision.

The number of full-time employees (those employed year around) and part-time employees (those employed for a limited period of a year) employed by the two Clerks should be of sufficient number so that those offices will not have to use the employees of any other legislative office during sessions in order to perform their functions.

STAFF ASSISTANCE FOR THE HOUSE PARLIAMENTARIAN AND COURT OF CLAIMS

28. Staff for the House Parliamentarian.

The Present Situation—

The Senate Clerk serves as parliamentarian of that body. The House has a special parliamentarian. The House Parliamentarian fills that role from shortly prior to the beginning of legislative sessions through adjournment sine die. During the remainder of the year, he has both legislative and non-legislative duties. The House Parliamentarian usually works with the Legislature from the middle of each December to July or August of each following year when the Acts are published.

The House Parliamentarian has a variety of duties. He is the technical editor of bills for the House. He is an advisor to the Rules Committees. He is responsible for compiling, editing and publishing the daily and final House Journals and the Acts of the Legislature.

From shortly before legislative sessions begin until the final House Journal and the Acts are published, he is usually assisted by a staff of four persons. These persons have clerical-secretarial skills and technical knowledge of the legislative process, which is necessary in their work.

Commission Findings—

The House Parliamentarian performs many necessary and very technical services for the Legislature. He should have

such assistance as he needs to allow performance of his duties in an efficient manner.

Our Proposal—

We have reviewed the House Parliamentarian's duties and functions and considered the staff assistance with which he is provided. We see no need for any changes in his staff at this time. We recognize that his duties and functions are important to the legislative process. He should be provided with any staff assistance that he needs to perform his duties.

29. Staff for Court of Claims.

The Present Situation—

The Court of Claims was established by Act of the Legislature in 1967. The Court was established to provide a simple, expeditious method for the consideration of claims against the State, which because of constitutional and statutory restrictions, cannot be determined in the regular courts of the State.

The Court of Claims is an arm of the Legislature. The Joint Committee on Government and Finance is responsible for providing staff for the Court. The Court of Claims has three judges. The Court is staffed by one clerk, who is an attorney, and one secretary.

Commission Findings—

The Court of Claims fills an important and needed role. Every effort should be made to provide for the needs of the Court which includes providing necessary staff for it to perform its duties.

Our Proposal—

We have reviewed the staff of the Court of Claims and see no need to make any recommendations at this time.

**PERSONNEL PRACTICES FOR
LEGISLATIVE EMPLOYEES**

30. Abolish Attache System.

The Present Situation—

An attache system has come to mean that system by which personnel are hired purely because of favoritism rather than because they possess knowledge, skill and experience required to perform the task.

The old attache system as it has existed with regard to the West Virginia Legislature, whereby a legislator could request and have one or two attaches placed on the legislative payroll, is disappearing. It still exists in some degree but the Legislature has endeavored, and continues to endeavor, to get away from the attache system.

Commission Findings—

The Legislature is commended for its real efforts to provide competent, skilled staff personnel for legislative leaders, committee chairmen, committees, legislators and for the service offices. Many persons share the credit for this effort to move forward.

The effort is continuing to move away from practices of the past of employing people merely because they were recommended by a member of the Legislature. Legislators are suggesting better qualified people for employment by the Clerks during sessions. We should, in all fairness, point out that under the worst of the old attache system many competent people were employed. These people kept the wheels of the legislative process rolling. Because a person is hired on the recommendation of a member of the Legislature does not mean the person is incompetent to perform a real service. However, in too many cases in the past such "attaches" have been unqualified to perform the many difficult tasks required for our Legislature.

Our State government functions in a world of rising costs and one of increasing complexity. The Legislature faces these problems. It must encourage competence and efficiency in staff personnel in order to carry out its growing responsibilities. We feel the Legislature can do this by a complete abandonment of the attache system of the past. It should institute personnel practices that assure employment based solely on knowledge, skill and competence, i.e., merit alone.

We have a part-time citizen Legislature. Our research indicates that this is the type of legislature the people want and should have in West Virginia. They do not want or need a full-time professional legislature; but, they want and need a competent, efficient legislature. We believe that competent staffing of our part-time citizen Legislature will go a long way

to provide the people of West Virginia with the legislature they desire and need.

The staffing of the Legislature with competent, qualified personnel will save the State money. Smaller numbers of qualified personnel can provide better services than larger numbers of unqualified, inept personnel. This is the first savings. The second savings comes through a Legislature, that is adequately and competently staffed, passing better legislation and doing it more efficiently than one that is not so staffed.

Many people knowledgeable of the legislative process in West Virginia and of its Legislature are amazed, not at the cost of maintaining the Legislature and of the amount it expends to do its work, but rather by the fact that the West Virginia Legislature has been able to do so much for so little. We think it can do even more by completely abolishing the attache system for a system of employing only qualified personnel.

To demonstrate what can be accomplished by using a combination of modern equipment and competent personnel we give this example. The House of Delegates has had about twenty-five secretaries in its secretarial pool for some years. Until recently most of the secretaries had only typing skill and were used mainly to type stencils of bills for mimeographing purposes. A few of the secretaries could take shorthand. The secretarial assistance the pool could provide to legislators was limited because of their duties in preparing bills and their inability to take shorthand dictation. When modern duplicating equipment became available, a Xerox machine was employed to make offset masters directly from bills, thus eliminating the typing and proofreading of stencils. Now almost all of the secretaries employed for this pool have shorthand skills and, now freed from previous duties, are providing better secretarial assistance to legislators. The Senate has had a similar experience. This is but one example of how the Legislature has moved forward in recent years in upgrading itself. It continues to do so.

Our Proposal—

The attache system, as it has existed in the past, whereby during legislative sessions jobs are given to individuals solely because of the recommendation or request of legislators, should

be abolished permanently. Too frequently these jobs have been given to individuals as a political award or because of favoritism without regard for ability and the need to fill a number of positions requiring great experience and skill. While they may be qualified for the job, frequently they may not be. As staffs expand, professionalism, competence, and retention of qualified employees through the years should be the goal of the Legislature.

31. Pay for Legislative Staff Employees.

The Present Situation—

In recent years, the compensation of legislative staff employees, both full-time and part-time, has been boosted considerably in an effort to make it comparable to that paid by other governmental and non-governmental employers. This has become necessary to match their competition for qualified staff personnel.

Commission Findings—

It is a well documented fact that the numbers of skilled personnel available to various employers is limited and demand normally exceeds the supply. Our state Legislature, as an employer that needs qualified personnel to fill staff positions, must pay salaries competitive with other employers to get the help it needs. It is also necessary to retain experienced staff. As an employee gains experience his value increases. If this experience is not rewarded with better pay, the employee may move to a better paying position elsewhere in state government or in private employment. To prevent a high rate of employee turnover and a consequent loss of experienced personnel, pay must be competitive.

Our Proposal—

Compensation for both full and part-time legislative staff personnel must be maintained at a reasonable level to attract and retain qualified personnel.

We recommend that in order for the Legislature to attract qualified staff employees, and to retain them as they gain competence and experience, salaries that are competitive with private employers and other units and levels of government must be paid. Obtaining qualified employees and their retention as they become more experienced will increase efficiency

and the Legislature will be strengthened. We recommend that pay scales that are competitive be adopted for legislative staff employees.

32. Use of Legislative Interns.

The Present Situation—

The use of legislative interns to aid legislatures has increased in recent years. A legislative intern program is one whereby college students are employed as interns by the Legislature. They are assigned various duties.

During the 1967 Regular Session of the Legislature, a sixty-day session, the West Virginia Legislature employed four graduate students as legislative interns. Three of the interns were from West Virginia University and one was from Marshall University. The intern program was directed by the Political Science Department of West Virginia University. Interns were assigned to work out of the Office of Legislative Services. They were directly supervised by the Director of Legislative Services. Each intern received \$425 per month for three months for his services. Upon the successful completion of his intern duties each was granted six hours of college credit.

The intern program was not considered practical for the thirty-day budget session in 1968.

Commission Findings—

The purposes of a legislative intern program are many. The primary purposes of such a program are to have the talents of college students from universities and colleges in the State who are interested in politics, government and public service, and to whet their interest to the point that they may enter government service, hopefully staff services for the Legislature. Hopefully the interns will after graduation seek jobs within their own State. The basic reward to the Legislature is that a flow of well qualified public servants is established which, as they enter into state public service, will upgrade the State government.

The intern can be used to provide needed staff assistance to legislative officers, committees and legislators during sessions. From a practical standpoint such a program aids talented students to earn some money for their college expenses, provides them with college credit as a reward for their labors and in-

creases their knowledge at the same time the Legislature is benefiting through their work.

Experience varies from state-to-state as to the effectiveness and benefit realized from a legislative intern program. For example, in Illinois, North Carolina, California, and in most states where it has been tried, the program has been well received and has proven helpful to the legislatures.²⁶ In Minnesota, the program has failed because of disagreements on the role of the Minnesota Legislature in supervising interns. There renewed attempts to establish an intern program are now under way.²⁷

Since our program has only functioned during one legislative session, it is hard to evaluate its usefulness or effectiveness. There were several problems. The program was begun on short notice and time to plan adequately was too short. It was hard to introduce the interns into the legislative system to provide useful work outside of their work in Legislative Services. The interns felt that at times they were given routine or menial tasks rather than tough jobs which would take advantage of their talents and abilities. We feel the program should be continued in spite of the trouble experienced the first time it was operated.

Our Proposal—

The legislative intern program, initiated in the 1967 sixty-day Regular Session of the Legislature, should be continued. Interns should be obtained through the Office of Legislative Services by the Director of that office. While the educational institutions involved should set certain basic requirements and standards for the program and for the interns, the Director of Legislative Services should be responsible for directing, assigning duties and supervising the interns while they are employed by the Legislature. Interns should be graduate students or college seniors with good scholastic records with a background in economics, political science, accounting, law or other disciplines which would qualify them for their duties or assignments. Their pay should be commensurate with their duties and responsibilities and be sufficient to attract qualified students.

²⁶*Improving the State Legislature, A Report of the Illinois Commission on the Organization of the General Assembly, 1967, pp. 84-85.*

²⁷*Organization for State Policy Making, Citizens League Report, Minneapolis, Minn., 1968, pp. 39-40.*

We believe the use of interns would be better received and that they would benefit more by being assigned by the Director of Legislative Services to a particular office, committee or job and remain there during the term of their employment. After such assignment, interns would be supervised by the person in charge where they are assigned. Assignments would be made on approval of the office, legislative leader, committee chairman, etc., to which they are to be assigned.

ORGANIZATION OF FISCAL AND NONFISCAL SERVICES FOR THE LEGISLATURE

33. Legislative Auditor

The Present Situation—

At the present time the Legislative Auditor is responsible by statute to the Legislature to compile fiscal information for the Senate and House of Delegates; to make a continuous audit and analysis of the state budget, revenues and expenditures; during and between sessions of the Legislature, to make postaudits of the revenues and expenditures of the spending units of the State government, at least once every two years, if practicable; to report any misapplication of state funds or erroneous, extravagant or unlawful expenditures by any spending unit; to ascertain facts and to make recommendations to the Legislature concerning postaudit findings, the revenues and expenditures of the State and of the organization and functions of the State and its spending units.

In addition to these statutory duties, the Legislative Auditor maintains a legislative library, does some spot research and answers inquiries from other governmental agencies in West Virginia and other states. Employees of the Legislative Auditor's Office, during legislative sessions, provide the chief staff services to the Senate Finance and House Finance Committees.

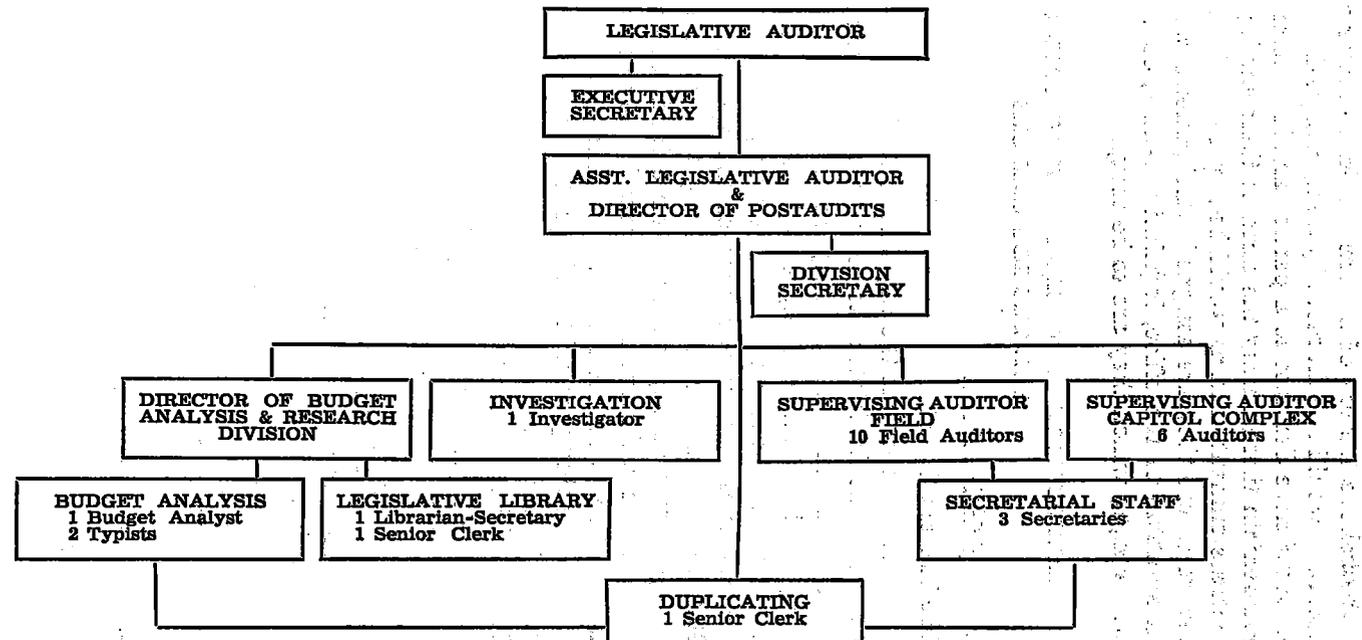
At present, the Legislative Auditor's office has a thirty-three member staff. Chart 3, p. 112, provides the organization of the office. The office is divided into two divisions, division of budget analysis and research, and division of postaudit.

Commission Findings—

At present the Legislative Auditor is required to make a post-audit of spending units of the State every two years. The pres-

Chart 3
ORGANIZATIONAL CHART OF THE OFFICE OF LEGISLATIVE AUDITOR

- Functions: 1. Postauditing**
2. Budget Analysis
3. Research



ent staff is not large enough to perform this task, and to provide fiscal analysis and research as required.

Postaudits of county and municipal governments, and of their subdivisions, such as boards of education, justices of the peace, airport authorities, locally owned hospitals, flood control projects, and other various and sundry projects, are performed by the State Tax Department. Two organizations within the State government, while not duplicating each other's work, do perform the same functions.

The justification of state audits of local governments and their subdivisions is founded in their need for this service, for need of this service being performed by an agency or organization independent from the units being audited, and in the significance of state funds as sources of support for local activities.

The assignment to one agency of all postauditing responsibilities of the State as well as local agencies has much to commend it. The objective is the same in both cases; the larger operation would afford greater opportunity for the development of professional competence, the maintenance of high standards in the conduct of audits, and the flexibility in the use of staff. These responsibilities are both grave and complex, and the agency charged with them should not be encumbered with extraneous duties.

The State Tax Department's function is not auditing, but rather it performs postaudits as an adjunct to its main duties. Postauditing is a primary function of the Legislative Auditor. The State Tax Department should not be encumbered with duties outside of its primary responsibilities; therefore, all postauditing should be done by the Legislative Auditor.

The Legislative Auditor should be responsible for those functions that pertain to fiscal affairs. Maintaining a legislative library is a nonfiscal function and provision of the same is a service that should be provided by Legislative Services, a general reference and research agency.

Our Proposal—

We have carefully reviewed the present situation regarding the Legislative Auditor's Office, including his duties, functions, responsibility and staff. We have reviewed the present situation regarding the postaudit function. Existing documents and reports concerning these matters have been examined includ-

ing, *Administrative Organization of the Executive Branch, State of West Virginia*, Report of the Public Administration Service, published in October 1964, and a companion report, *Memorandum Report on Legislative Services, State of West Virginia*, Report of the Public Administration Service, published in December 1964.

Based on the information that this Commission has obtained, we make the following recommendations regarding the Legislative Auditor:

- a. In order to assure the fullest independence of the Legislative Auditor and his staff from extraneous influences and to afford the function the continuity that it deserves, the Legislative Auditor should be appointed by the Joint Committee on Government and Finance for a term of eight years, and he should be removable by the Joint Committee for cause only. The Legislative Auditor should be eligible for reappointment for additional terms.
- b. The Legislative Auditor should be the appointing authority for all staff of the agency on the sole basis of merit, and personnel of the office should be removable only for cause.
- c. The Legislative Auditor should have the authority, subject to the limitation of appropriations, to use certified public accountant firms for the performance of audits. The selection of such firms should be subject to his approval and their work should be required to conform with standards and specifications to be established by the Legislative Auditor.
- d. All postauditing for State, county, and municipal governments and their subdivisions should be performed by the Legislative Auditor. The responsibilities of the State Tax Department in auditing local governments should be transferred to the Legislative Auditor, and the State Auditor be limited, to avoid duplication in the auditing area, to preaudits.

All personnel performing postauditing functions in state agencies, (except internal auditors), should be transferred to the Legislative Auditor's Office and per-

sonnel adjustments be made as are required. Enough personnel should be obtained to enable the Legislative Auditor to perform all the duties assigned to him by this recommendation.

- e. Postauditing should be conducted after the receipt and disbursement transactions have been consummated and should serve to assure the appropriating authority, the Chief Executive and his subordinates, and the public that such transactions have been made correctly and in accordance with law. To provide such assurances, it is imperative the conduct of postauditing be made independent of the executive branch of government and of all partisan influences.
- f. An annual audit schedule, for all subject jurisdictions, should be maintained. Audit reports of state agencies should be submitted by the Legislative Auditor to the Governor, the Attorney General, the State Auditor, the head of the agency audited, and to the appropriate committees of the Legislature, and all such reports should be matters of public record. Reports of local audits should be submitted to the executive head of the local agency and to its governing body, to the Governor and Attorney General, to the state agency principally concerned, and to the appropriate committees of the Legislature.
- g. Because state government is growing and the complexity of state government is increasing, and management audits provide more useful and complete fiscal information than do present type audits, a study should be made to determine if management audits should be used, in the future, by the Legislative Auditor.
- h. It is probable that in the near future West Virginia will use a Planning, Programming, Budget System for budget analysis and research, which system would provide the Legislature with better information regarding fiscal matters. When this system is effected, the Legislative Auditor should be provided with staff adequate to carry out his responsibilities.
- i. Because the Legislative Auditor is responsible for

providing fiscal services to the Legislature, and this is a specialized and full-time duty, any nonfiscal service functions or duties the Legislative Auditor now performs should be transferred to Legislative Services.

34. Office of Legislative Services.

The Present Situation—

An office to provide nonfiscal legislative services was established in 1965 under the statutory authority of the Joint Committee on Government and Finance to employ such technical and clerical personnel as it deems necessary. The office performs those tasks that are assigned to it by the Joint Committee.

When the office was first established, the staff was comprised of a director and a secretary. At present, the permanent staff is comprised of a director, four research assistants, three stenographers, one secretary and two clerks. During the legislative session, when central bill drafting is operated, at least four attorney-bill drafters and four stenographers are added. Chart 4, p. 117, is an organizational chart of the office of Legislative Services.

The staff has been increased in number because the duties and functions of the Legislative Services have been expanded. The services provided are necessary ones in order for the Legislature to function efficiently and in an intelligent and informed manner. The necessity for a trained, professional staff to provide various services for the Legislature is recognized widely. Development of legislative service agencies and expansion of their functions as needs increase is a pattern that is established in most states.

Legislative Services now provides for the Legislature research services, bill drafting, and duplicating. The office also answers inquiries from other governmental agencies, both of West Virginia and those of other states.

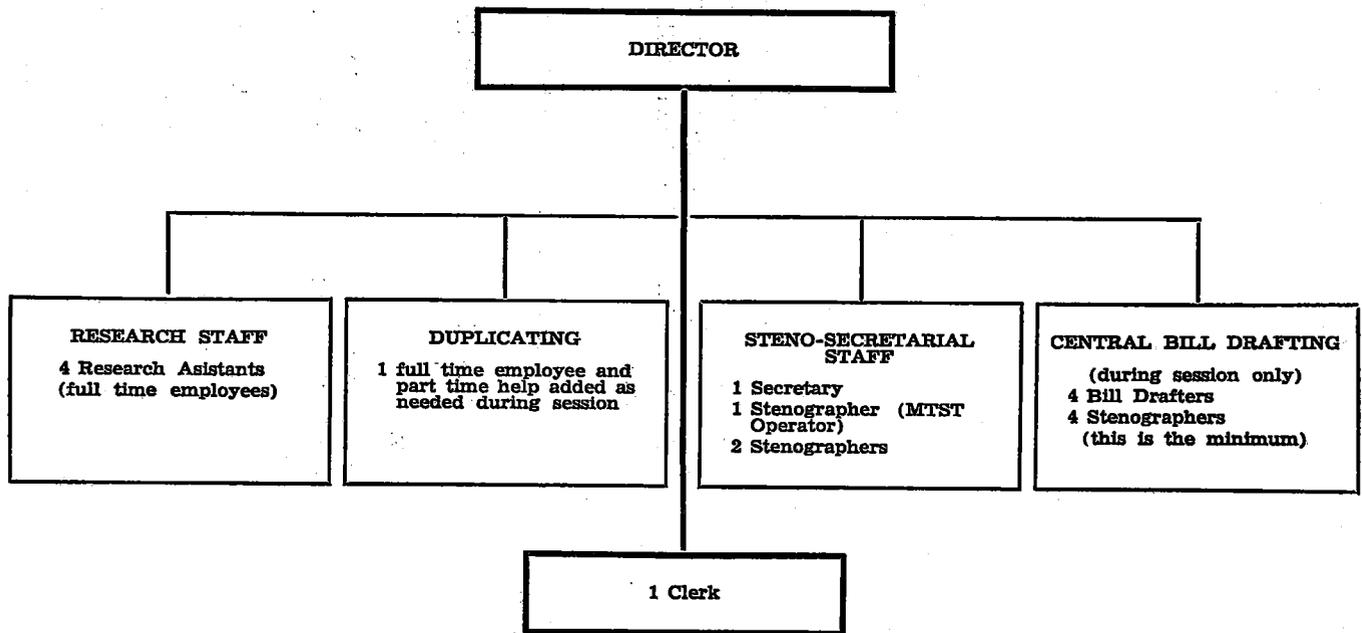
Commission Findings—

We feel the value of Legislative Services has been demonstrated to the Legislature and that Legislative Services is sufficiently important and its service so necessary to an informed Legislature that statutory provision should be made for that office just as it has been made for the Legislative Auditor. We feel the two offices have the same level of responsibil-

Chart 4
ORGANIZATIONAL CHART OF THE OFFICE OF LEGISLATIVE SERVICES

- Functions: 1. Research**
2. Bill Drafting
3. Duplicating

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ity and are co-equal service organizations; therefore, each should have statutory authority and both should be responsible to the Joint Committee on Government and Finance. Statutory provision for an office similar to Legislative Services is recommended in, *Memorandum Report on Legislative Services, State of West Virginia*, a report of the Public Administration Service, dated December 1964.

The services provided to the Legislature should be expanded as the Legislature's responsibilities increase and the problems it must solve continue to become more complex. This expansion should include not only an increase in staff personnel to more adequately provide for present needs but also should include expansion of functions and increase of services provided in order that the Legislature may have available all the information and materials that it needs and requires in its role of the state's lawmaking body.

Full-time staff should be supplemented as necessary during legislative sessions by part-time employees. The staffs of colleges and universities should be used but not at the expense of the development of a full-time legislative services staff which can continuously serve the needs of the Legislature. Experts or consultants should be hired when their skills and special knowledge are demanded.

Our Proposal—

The Commission recommends the following concerning Legislative Services:

- a. The Legislature should provide by law for Legislative Services with the organization and functions enumerated below.
- b. Legislative Services under its Director should be responsible to the Joint Committee on Government and Finance.
- c. Legislative Services should provide all services required by the Legislature except fiscal services provided by the Legislative Auditor, and services historically provided by the Clerks' offices.
- d. Legislative Services should provide competent research by a staff of qualified analysts and researchers. This staff would perform research projects authorized by the

Joint Committee on Government and Finance. This research would include those research projects requested by the Legislature by concurrent resolution and also research projects initiated and assigned to Legislative Services by the Joint Committee.

- e. Legislative Services, subject to approval of the Joint Committee, should undertake pertinent research projects on its own. A competent staff would be able to anticipate or foresee the need for research in many areas before the Legislature could meet and take action. Legislative Services, using its own initiative, could have data ready in these areas for presentation when the Legislature convened.
- f. Legislative Services should obtain and make available factual information when questions and problems coming before the Legislature are raised by individual legislators. Called spot research, this service may range from a brief answer to a query or a concise summary of a law or factual information which might require several days' time on the part of a researcher to compile.
- g. Legislative Services should provide legal services for the Legislature to include bill drafting services, legal analyses of bills, and provide legal counseling services upon request. It should also be charged with continuing comprehensive statutory code revision, law revision, and such other legal assignments as may be authorized by the Joint Committee.
- h. Because the legislative library is a general service facility for use by legislators and legislative staff employees, responsibility for maintaining the legislative library should be a duty of Legislative Services.
- i. Legislative Services should be empowered by the Joint Committee on Government and Finance to explore all uses of computers in the legislative process and to recommend the establishment of computer service where the cost and service are justified. This study of the use of computers to provide service to the Legislature should include study of their utilization for statutory retrieval and search, statutory code revision, bill drafting, bill

printing, compilation and printing of the daily Journal, Calendar, bill status reports, Acts, and all other matters where the use of computers might be more efficient, speedier and less costly than present systems and procedures.

At least one person from Legislative Services should be appointed as soon as possible to work with the recently created Information System Services Division of the Department of Finance and Administration, which is presently developing data-processing functions in the various agencies of the State government, in the development of computer services for legislative purposes.

- j. If the Legislature directs that orientation conferences be held on a regular basis for legislators, we recommend that Legislative Services be charged with the responsibility for planning and holding these conferences. This would include sponsoring, planning and providing an orientation meeting following the election of new members and in advance of the legislative session; explaining legislative organization, procedures, and services; and reviewing and discussing current legislative proposals, and budget and fiscal matters.
- k. Legislative Services, upon request by the Legislature, should prepare a legislative manual or handbook which manual would explain legislative procedures in brief and concise detail.
- l. For Commission recommendations concerning the responsibility of the Office of Legislative Services regarding legislative printing refer to Section 40, p. 127

ADDITIONAL LEGISLATIVE SERVICES

35. Legislative Library Services.

The Present Situation—

The Legislative Auditor now maintains a legislative library. The library is for the use of the Legislature. The library is staffed by a librarian-clerk and a senior clerk.

Commission Findings—

A good library facility, well stocked with pertinent research

materials, is essential for the use of the service organizations of the Legislature in order for them properly to perform their duties and functions. Committees and individual legislators also have a major need for a good research library.

A legislative library is now being maintained, but investigation reveals that the materials available in the library are not adequate for many research purposes. Maintaining a research library for use of the Legislature is primarily a nonfiscal function. As a nonfiscal, service function, maintaining of the legislative library should be the duty of Legislative Services.

Currently being maintained in the State government are the following research or reference libraries: State Supreme Court of Appeals Law Library, Library Commission, Archives and History, and a legislative library. In the maintenance of four library facilities, duplication undoubtedly occurs. Personnel efforts and functions, and probably research materials as well, are duplicated. This is costly and tends to prohibit the development of one library fully stocked with needed research materials and competently staffed by professional librarians and researchers.

Our Proposal—

Realizing the need for a good library facility for use of the Legislature, the Commission makes the following recommendations:

- a. Because maintaining a legislative library, though some reference materials may be fiscal in nature, is primarily a nonfiscal, service function, the responsibility for maintaining the legislative library should be assigned to Legislative Services.
- b. The library should be professionally staffed, which staff should include a librarian trained in research, and such additional researchers as are needed to provide adequate services.
- c. Books, magazines, publications and all other research materials necessary to provide adequate information and research data to the Legislature should be procured as fast as funds permit.
- d. The library should be located centrally and conveniently for use of the legislature. While no specific rec-

ommendation as to the location of the library is made, for convenience it should be located either on the second floor of the Capitol, between the chambers, where no space appears to be available, or on the main floor of the Capitol, where space may become available in the future. Of the two proposals for location, the Commission believes that location on the main floor is preferable. It would be convenient for both the Legislative Auditor and Legislative Services, while at the same time it would be convenient to the Legislature. This is particularly true since a professionally trained library staff, aided by messengers during session could get required reference materials quickly to the legislative areas.

- e. A thorough study should be made of existing reference and library facilities available to the executive, legislative, and judicial branches of the State government. The purpose of the study would be to determine if some or all present facilities could be combined or coordinated to avoid unnecessary duplication of materials where possible and to develop methods of sharing materials and personnel.

36. Pre-session Legislator's Orientation Conference.

The Present Situation—

When a legislator is elected in West Virginia, he receives little or no orientation in the workings of the State Legislature. Generally his orientation is the experience he gains in the session. Although brief orientation sessions have been held in the House of Delegates in recent years, the content generally is limited to Rules and procedures. He is not provided with any manual outlining how he should introduce legislation or how to perform his functions as a legislator. Each legislator does receive a manual entitled, *Manual of the Senate and House of Delegates*. A new edition is published every two years. It contains all of the legislative Rules, the State Constitution, as well as general information on the members of the Senate and House, composition of committees, officers, etc.

Commission Findings—

A newly elected member of the Legislature undoubtedly will not begin to understand the complexities of the legislative process immediately. This can come only with experience.

Nevertheless he urgently needs to know what takes place on the legislative floor, in committees and what various motions mean. He needs to be informed of services that exist for him and where he can turn for information. He needs to know basic information on substantive matters, especially on major proposals that will be before the Legislature.

The change of membership, or turnover is very high in the House of Delegates and few members serve more than two terms. In the 1967-68 Legislature, thirty-eight per cent of the members were freshmen legislators. In the Senate the change of membership is not so great but freshmen are elected to the Senate frequently.²⁸ These freshmen legislators, elected to the Legislature for the first time, need to be informed in order to serve those who elected them.

Sessions are short and it is important that time be utilized efficiently. Freshmen legislators, unless they have some kind of orientation, can easily "use up" much of their first session learning the ropes of the legislative process.

Our Proposal—

Shortly after the Citizens Advisory Commission was created, a proposal was presented to the Joint Committee on Government and Finance, an interim committee of the Legislature, that a pre-legislative orientation conference be held in December 1968 for all legislators. Because we believe the need for such orientation conferences is so great, in our interim report to the 1968 Regular Session of the Legislature, we recommended that this proposal be approved. We also agreed that the Commission would cooperate in the planning and conducting of this conference, and we recommend that the program planning committee for this conference carry out the conference in the most economical fashion possible.

The proposal for the pre-legislative conference has since been approved for funding under Title I of the Higher Education Act of 1965 as follows: Federal funds \$27,450, state matching funds \$15,530, total \$42,980. The orientation conference will be held on December 16-19, 1968 in Charleston.

If this conference is a success, we recommend that consideration be given to holding a pre-legislative orientation conference each two years after each General Election. If a full con-

²⁸Carl M. Frasure, *Some Reflections on the Legislature Process in West Virginia*, Bureau for Government Research, West Virginia University, (Morgantown, West Virginia, 1966), p. 15.

ference is not acceptable to the Legislature, at least freshmen legislators should be afforded this opportunity. (Also refer to Section 34, Item j, p. 120).

37. Bipartisan Joint-State Legislator-Congressional Conference.

The Present Situation—

At the present time, the West Virginia Legislature does not hold regular, planned meetings with the West Virginia congressional delegation.

Commission Findings—

The purpose of holding bipartisan joint-state legislator-congressional conferences is to establish a closer relationship between state legislators and their congressional delegations.

These conferences are recommended by the Advisory Commission on Intergovernmental Relations and at this time three states have been holding them. The practice is to have key state legislators from both political parties, usually twenty to thirty members, to meet with the entire congressional delegation to discuss common problems, to allow the state an opportunity to make its position and views known and felt, and to allow the state to have a hand in the formulation, financing, and operation of federal programs. Such a conference can inform legislators on state problems they will face in such matters as new federal grant and matching fund programs. The Council of State Governments offers assistance to states considering such conferences.

Our Proposal—

We recommend that the Legislature hold at least annually a bipartisan conference of state legislators, appointed by the President of the Senate and Speaker of the House of Delegates, with West Virginia's representatives in the United States Senate and House of Representatives in order to establish a closer relationship between state legislators and West Virginia's congressional delegation and to facilitate the exchange of information in the area of federal-state relations and programs, which area is increasing in importance and complexity.

38. Establish an Information Office on Federal Programs.

The Present Situation—

At the present time, there is no single office within our State government that keeps track of all federal programs and

legislation that affect our State. Any division, department or agency within the State government that desires this information must ferret it out themselves. The Legislature's interest crosses all agency lines.

Commission Findings—

Keeping track of federal programs and legislation is a time consuming and demanding job due to the multitudes of federal programs and their complexity. Many of these affect the State directly, or because many of the programs involve grants, loans, etc., indirectly affect the State.

One office should be responsible within the State government to compile and keep up to date information and knowledge on federal programs and legislation. The information maintained by this office and the expertise of its staff should be made available to anyone in State or local government, including the Legislature, who requests it.

Our Proposal—

We recommend that an office on federal programs be established in the Governor's office or in some existing state agency to serve the Legislature and state and local units of government.

39. Data Processing for the Legislature.

The Present Situation—

During 1968, the first attempt has been made to use data processing equipment in our legislative process. Through a contract arrangement between the Legislature and Aspen Systems Corporation, located in Pittsburgh, Pennsylvania, Aspen has put the United States Constitution, the West Virginia Constitution, the West Virginia Rules of Civil Procedure for Trial Courts of Record and the West Virginia Code on magnetic tape.

This magnetic tape will be used by the Legislature, the Attorney General, the Supreme Court of Appeals and other state offices for search and retrieval of any of the information on the tape. This method is tremendously faster than the present method of manual searching by trained personnel. It is not only faster, it is much more accurate. Data processing equipment, properly used, will assure a maximum likelihood that the information on the tape that is pertinent to a research

problem will be located. In manual searching, pertinent materials frequently can be overlooked. After experience is gained in searching and retrieval, it is planned that many additional materials such as Supreme Court decisions, state administrative rules and regulations, the Attorney General's opinions etc., will also be placed on tape. This will expand greatly the use and value of the system.

Future use of data processing equipment is possible for bill drafting. The first step in bill drafting by data processing equipment is to place the State Constitution and statutes on tape. This has been accomplished. Although not essential, it is desirable as the next step to have data processing equipment and the tape library located proximate to or in the Capitol building so that it is readily available. This will be accomplished by 1970, if not before. At present, several departments and agencies of the State government own and use data processing equipment; however, the equipment in many cases is not compatible—that is equipment cannot be interchanged or combined. Tapes or memory banks that store information cannot be interchanged or used by all of the data processing equipment now in use by the State. The State does not, at present, have data processing equipment that can be used to search the tapes Aspen has made for our use. Until we have such equipment, Aspen will make searches that are requested using their data processing equipment.

The Lockheed Missiles and Space Company has been making a study of all of the state's data processing equipment. The study is intended to bring about consolidation of state data processing equipment where possible. Maximum compatibility and interchangeability of equipment and tapes or memory banks will also be achieved. Newer, advanced models of data processing equipment will also be installed in this consolidation. When Lockheed completes its work we will have data processing equipment here with which we can use the tapes Aspen has made for us. Then we will do our searches and retrieval from those tapes here. This will also result in the ability to do bill drafting by data processing equipment as well as its possible use by the Legislature for many other tasks.

Commission Findings—

Most people, when they think of data processing equipment,

think of computers. While any data processing equipment must have a computer as one of its parts, the computer is merely one part of a large system. Key punch machines, computers, collators, printers etc., are all part of a computer or data processing system.

In the legislative process, data processing equipment has been proven by several states to be of great value. It is used for a great variety of functions including but not limited to Constitutional and statutory search and retrieval, bill drafting, to collect data for and to print a daily journal of legislative proceedings, to collect data for and to print synopses and digests of bills, to store any information desired for ready retrieval, to aid in budget and fiscal analysis and to do computations.

Data processing equipment can perform many kinds of tasks much faster than human effort alone and, if the equipment is properly used, in many cases, do the work much more accurately. Use of the equipment frees personnel from doing tasks the equipment does and permits them to perform tasks the equipment cannot do. Data processing equipment allows human effort to be used more efficiently.

Our Proposal—

We recommend that the Legislature make a continuing study of the possible use of data processing equipment in the legislative process and that it expand the use of data processing equipment where better service can be provided, and efficiency can be promoted by its use. (Also refer to Section 34, Item i, p. 119).

40. Legislative Printing.

The Present Situation—

Prior to the 1968 Regular Session, both the Senate and House of Delegates operated their own duplicating service. Several of the individual offices of the Legislature also had limited duplicating facilities such as a Xerox or thermafax machine. These facilities were used to make necessary copies of materials for use by the Legislature and the various legislative offices and committees. In the Fall of 1967, the Senate and House combined their duplicating facilities into one central duplicating facility except for the small machines used in individual offices for limited runs. The facility now provides all necessary bulk duplicating service for the Legislature and its various offices. The facility is operated by the Office of Legislative Services.

The need and demand for various printed legislative materials has increased in the last year. Much of this demand can be met by a properly equipped central duplicating facility; therefore, at the present time, the central duplicating facility is being updated and expanded. The facility is being provided with the equipment and personnel to meet current need for duplicating service.

Many printed materials and publications of the Legislature are printed by contract let to the lowest responsible bidder as provided by the West Virginia Constitution. This is necessary because printing and binding of some materials such as hard-bound publications cannot be done by the central duplicating facility. Several other materials, such as bills from the time they are reported from committee through enrolling, daily Journals etc., do not, at present, lend themselves to duplication by our facility. These must now be printed by letterhead press by private printers.

Commission Findings—

Creation of a central duplicating facility was a step by the Legislature in the right direction. Usually the operation by one organization of several facilities or services that parallel or duplicate each other results in uneconomical and inefficient operation. Centralization usually results in increased economy and improved efficiency. We think this will be the result of establishing a central duplicating facility.

This facility should now receive maximum use by the Legislature to provide all duplicating services of which it is capable. Study frequently reveals new procedures and methods which will provide better service more economically and more efficiently. New and improved equipment in the future will allow an expansion of services that cannot be provided feasibly by present methods. Such may be the case concerning legislative printing. Study may show that expanded use of offset press or photographic process by Central Duplicating and changes in present procedure may permit printing now done by letterpress by outside vendor to be done by our own facility.

Our Proposal—

Legislative Services should continue to operate the central duplicating facility for use of the Legislature and its arms. This duplicating facility should be equipped to provide duplicating

services needed by the Clerks' offices, Legislative Auditor, Legislative Services, the standing committees, the Joint Committee on Government and Finance, the Senate, the House of Delegates, the Court of Claims, and all other needs of the Legislature both during and between sessions. Sufficient full-time and part-time personnel should be provided to assure adequate service. The Commission recognizes that current bill and daily Journal printing by letterpress is providing good service to the Legislature. However, we recommend consideration be given to the use of photographic reproduction and offset printing where such process can be justified by improved efficiency, effectiveness, utility, saving in time, and reduction in cost.

The Commission has not been able, by time limitation and the complexity of the task, to provide an accurate comparison of letterpress versus photographic processes and offset printing. We must leave to the Legislature the task of gathering the necessary data and making the appropriate comparison as a prerequisite to any major change in printing of legislative materials.

Since a two-year printing contract has just been awarded, and since no drastic change would seem proper until the end of that contract, the Legislature will have sufficient time to make this analysis and to revise its processes as may be warranted.

It is also recommended that a study be made of the contract procedure relative to legislative printing.

41. Legislative Publications.

The Present Situation—

By provision of the West Virginia Constitution, the Legislature must keep a Journal of its proceedings and publish it periodically. All bills and resolutions must be described therein and votes on any question must be entered in the Journal.

The West Virginia Code makes provision for the printing and distribution of bills, the printing of the Acts of the Legislature and of the Senate and House Journals.

The constitutional and statutory provisions are augmented by the Rules of the Senate and House of Delegates and by the Joint Rules.

Commission Findings—

The Legislature enacts the laws of our State. These affect

everyone in the State. It is essential that adequate records be kept, published and distributed to the public so that it is informed. The West Virginia Constitution and the West Virginia Code assure that the public must be so informed.

Publication of these materials is expensive. Every effort should be made to assure that they are as brief as possible, while fulfilling the purpose for which they are intended. Only enough copies to do the job should be printed. Every effort should be made to economize on costs of legislative publications.

Our Proposal—

The Commission recommends that every effort be made to economize on legislative printing.

We recommend that the daily Journals of both the Senate and House of Delegates be reduced in size.

Note: The House of Delegates has reduced the size of the House Journal by printing the House Calendar and Abstract separately for mass distribution and by reducing the number of Journals printed. In addition, the House now only prints roll call votes in the House Journal when required by the Constitution or requested by a member. When roll calls are printed in the House Journal, an abbreviated form is now used in most instances. The Senate has made no similar change in the format of its Journal but we ask the Senate to consider making changes similar to those made by the House.

We have reviewed all other publications and documents now produced by the Legislature and see no need to make any other recommendations.

SPACE FOR THE LEGISLATURE

42. Additional Space Needed for the Legislature.

The Present Situation—

All space now assigned for use by the Legislature is located in the Main Unit, Capitol building or in the East Wing of the Capitol building.

The Legislature now uses all of the first and second floors of the Main Unit, Capitol building. At present, the ground floor of the Main Unit, Capitol building is occupied by the offices of the Governor, some of the other members of the Board of Public Works and the Department of Public Safety. The offices of the

Court of Claims are located on the ground floor of the Main Unit of the Capitol building.

The Office of Legislative Services is now located on the ground floor of the East Wing of the Capitol building.

During the Regular Session of the Legislature in 1967, the Legislature adopted Senate Concurrent Resolution No. 25²⁹ requesting that the space on the ground floor of the Main Unit of the Capitol building occupied by the Department of Public Safety and the Alcohol Beverage Control Commissioner be made available for use by the Legislature no later than the beginning of the Regular Session of the Legislature in 1968. The space then occupied by the Alcohol Beverage Control Commissioner is now occupied by the Office of Legislative Services. The Department of Public Safety has not yet moved its offices from the Capitol building, although plans are underway to accomplish this.

The resolution also requested that all offices on the ground floor of the Main Unit, Capitol building, except those occupied by the Governor and the Attorney General and offices in part of the East and West Wings, be made available for use of the Legislature within five years after the resolution was adopted.

At this time, some of the space requested in the East Wing is occupied by the Office of Legislative Services. None of the other space requested in the Main Unit or the West Wing has been made available.

Space now available to the Legislature is utilized generally as follows:

a. Legislators:

Legislators, other than legislative leaders and some committee chairmen, do not have private offices, nor do they share office space. Their primary working area is their desk within the chambers and sometimes a vacant committee room.

b. Lounges:

Separate lounges are provided for male and female members of the House. The Senate does not have separate lounge facilities for its male and female members but does have lounge facilities which are shared by Senate members.

²⁹For copy of S. C. R. No. 25 see Appendix L, p. 168.

c. Committee Rooms:

In the Senate, there are fifteen committees that consider legislation, and in the House of Delegates there are twelve such committees. The Rules Committee of the Senate normally meets in the office of the President of the Senate and the Rules Committee of the House of Delegates usually meets in the office of the Speaker of the House of Delegates.

The remaining fourteen Senate committees share three permanent committee rooms. The remaining eleven House committees are served by five committee rooms. The House Finance Committee and House Judiciary each have an individual committee room. The House Judiciary committee room is used occasionally by other committees. The other nine committees share three committee rooms, three committees sharing each of the three rooms.

The Joint Committee on Government and Finance and the Commission on Interstate Cooperation meet in the Senate Judiciary committee room. Other joint committees (Enrolled Bills and Joint Rules) use committee rooms or offices that are available when they desire to meet.

d. Offices for Committee Chairmen:

The Chairman of the House Finance Committee and of the House Judiciary Committee each has a private office. The Chairman of the Senate Finance Committee has a private office. The Chairman of the Senate Judiciary Committee does not have a private office but shares an office adjacent to the committee room with committee staff. The Chairman of the Senate Committee on Natural Resources and the Chairman of the Senate Committee on Transportation share an office borrowed from the Legislative Auditor during sessions. The remaining chairmen of committees that consider legislation use a committee room proper as their office or their desk within the legislative chamber.

e. Offices for Committee Staffs:

The Finance and Judiciary Committees in both houses

have permanent staffs assigned to them during legislative sessions. Office space is available for these staff personnel in and adjacent to their respective committee rooms. The other committees that consider legislation share clerks and secretarial staff during legislative sessions as the need arises or use secretarial personnel from the steno pools. These staff personnel work in the committee rooms or where they can find a place. Both the Senate and House have a large room for their respective steno pools.

f. Offices for Legislative Leaders:

Both the President of the Senate and Speaker of the House have private offices. Both have a reception room and space is provided for their secretaries.

The Senate and the House Majority Leaders each use one room for their office and share it with a secretary and law clerk.

Provision for office space is made for both the Senate and the House Minority Leader. The Senate Minority Leader has one large room which he uses as his office. He shares it with his secretaries, and it doubles as a reception room and meeting room for the Senate minority. The House Minority Leader has two rooms. One serves as his private office and as a House minority room. The other room is used by secretaries and also serves as a reception room.

g. Offices of the Clerks:

Office space is provided for both Clerks and their staffs. Neither Clerk has a private office, but each share an office with secretarial staff. Each Clerk has room for additional secretarial staff and for Journal and Bill Clerks. In the House Clerk's offices, space is made available to the House Parliamentarian and his assistants for his use during sessions.

h. Offices for the Legislative Auditor and Legislative Services:

Separate office space is now provided for the Legislative Auditor and for the Office of Legislative Services.

i. **Senate and House Chambers:**

Each house has a large comfortable and attractive chamber. The chambers are used as hearing rooms when committee rooms are not large enough for the purpose.

j. **Legislative Hearing Room:**

All committees that consider legislation on occasion hold public hearings on bills referred to them. Major committees hold hearings very frequently. Many times the present committee rooms are not large enough for this purpose due to the large numbers of people that wish to attend the hearings. At present, the Legislature does not have a large enough committee or hearing room to take care of such cases. When this happens such hearings are now held in the Senate or House legislative chambers thereby eliminating members desks on the floor as work space for members not involved in the hearing.

k. **Eating Facilities Available to the Legislature:**

A public snack bar is operated in each of the two wings of the Capitol building on a full-time basis. During legislative sessions, a small cafeteria is operated on the second floor of the Capitol between the chambers. This facility is operated primarily for the convenience of legislators and legislative staff employees. It is crowded frequently by visitors to the Capitol and by nonlegislative state employees.

l. **Space for Other Services and Storage:**

Space is provided for janitors, their equipment and supplies. Other services, such as duplicating and mailing, occupy some space. Additional areas are used for general storage, filing, etc.

Commission Findings—

To determine the needs of the Legislature for space and in order to make intelligent and useful recommendations to provide for present and future space needs, the Commission has made a survey tour of present legislative facilities and of those areas proposed for acquisition by the Legislature; con-

sulted the various legislative leaders and employees of the Legislature regarding needs; studied reports previously made regarding these matters; consulted architects' reports, drawings, and blueprints of the Capitol building; consulted with members of the executive branch of the State government concerning acquisition of additional space for the Legislature; evaluated responses of forty-seven questionnaires returned from one hundred forty-eight mailed to persons knowledgeable concerning the work and needs of the Legislature;³⁰ and made a survey tour of five states proximate to West Virginia to see what problems other states have faced in this area, what solution they have developed to their problems and determine if some of these can be applied in West Virginia.³¹

These efforts have convinced us that the Legislature needs more space than it has at present. We have recommended that additional services be provided to the Legislature as well as additional staff. Providing these additional services and personnel will create the need for some space in addition to that presently required. These space requirements must be met if at all possible. There is no office, committee, or facility that could not utilize more space and do so efficiently. There is a need for more office space for the Clerks, the House Parliamentarian, and for the Majority and Minority Leaders. More space is needed for the Journal and Bill Rooms. More committee rooms are needed. At least one large hearing room is required.

S. C. R. No. 25 stated that the Legislature needs more space because, "the space available for use of the Legislature and its offices, staff and employees is severely limited," because, "the ever-expanding work load of the Legislature creates a pressing need for more space to carry on the work of the Legislature," and because, "the present assignment of space within the Capitol building leaves no space in which to house the expanding functions of the Legislature."

We concur wholeheartedly in this statement by the Legislature. Some Commission members have served in the Legislature and are intimately aware of the Legislature's need for additional space. Commission members have met in committee

³⁰See Appendix K, p. 161, "Report of Results from Questionnaire."

³¹This tour generated a report entitled, "Tour of the Capitols of Kentucky, North Carolina, Ohio, Tennessee and Virginia." Limited copies of this report are available from the Office of Legislative Services, State Capitol, Charleston, West Virginia.

rooms for almost two years. We have examined and toured the building. We have consulted building plans and with architects familiar with the Capitol building. Our research and examination of the Legislature confirms the fact the Legislature so keenly realizes—it needs more space in which to do its work.

After definitely concluding that the Legislature needs more space, we examined two propositions: (a) whether a separate building should be provided for the Legislature, as has been done in North Carolina, or (b) whether to give the Legislature the space it needs in the Capitol building. We reached the same conclusion that the Legislature reached in S. C. R. No. 25. It should have the space it needs in the Capitol building.

On one point we differ from the Legislature's view as expressed in S. C. R. No. 25. We feel that the offices of the Governor and the other members of the Board of Public Works should remain in the Capitol building. We believe the space the Legislature requires can be obtained by removing other administrative offices from the wings as needed, by removing the offices of the Department of Public Safety from the Main Unit, Capitol building and by utilizing space in the dome of the Capitol building that is now unused.

Our proposal is made after detailed study of the problem of providing needed space for the Legislature. It is made to accomplish the objective of providing the space as soon as possible while keeping costs to a minimum.

We propose no new buildings for the Legislature. We suggest use of present facilities and utilization of unused space.

Our Proposal—

The general recommendation of this Commission is that the Capitol building be utilized primarily for the space needs of the Legislature and that certain executive department offices be moved outside of the Capitol building as necessary to provide the Legislature with the space it requires.

The majority of the persons who responded to the questionnaire sent out by this Commission indicated that the Senate and House chambers provide adequate space. Chambers require a great deal of space making reconstruction of them in a new building impractical. The construction of new buildings for administrative offices is already in progress.

In view of these facts, the logical approach is to provide

needed space for the Legislature in the Capitol building and to provide executive department offices in other buildings as necessary. Specifically we recommend the following:

- a. Executive department offices on the ground floor of the Capitol building, including the wings, should be vacated as is necessary to provide the Legislature with the space it needs as soon as new space is available in the administrative office buildings now being constructed or proposed, except for the offices of the Board of Public Works and six of its seven members (the Governor, Attorney General, Secretary of State, Treasurer, Commissioner of Agriculture and State Superintendent of Schools). These offices should remain in the Capitol building. The State Auditor, the seventh Board member, should be moved from the second floor of the Capitol building to its first floor.

If the Legislature does use space on the second floor of the wings of the Capitol building, covered walkways should be constructed from the second floor of each wing to the second floor of the Main Unit. Now there is no direct access from the second and higher floors of the wings to the Main Unit.

- b. There is a large area in the dome of the Capitol building that at present is unused except for storage of some old records and books. This area contains floors designated as the third, fourth, fifth and sixth floors of the Capitol building.

We caused a preliminary architectural study³² to be made of the dome area to determine if it is feasible for the Legislature to use the dome area for offices, committee rooms, etc. The preliminary study indicates that it is. The structural integrity of the dome is apparently such that it will permit use for such purposes, including construction of a mezzanine floor between what is now the third and fourth floor.

³²See Appendix M, p. 169, for a copy of the letter from Robert Y. Hayne, Consulting Engineer, Appalachian Engineers, Inc., reporting his findings from his preliminary study of the dome area.
Blueprints of the dome area are available to members of the Legislature and other interested parties in the Office of Legislative Services.

The third and fourth floors of the dome are such that they can be used practicably. These floors have a combined area of approximately 9500 sq. ft. of usable space. Construction of the mezzanine floor would provide an additional 4500 sq. ft. of space. The dome has heat and electricity. Provision must be made for forced ventilation and air conditioning since the area has no windows to the outside. Two passenger elevators from the second to the fourth floor are necessary to utilize properly the dome area. The area would have to be renovated to use it for offices, committee rooms, etc. The preliminary study indicates this work would cost \$300,000 to \$350,000. Renovation of the dome would be much less costly than the construction of a new building.

We recommend that the Legislature give serious consideration to utilization of the dome area. The Board of Public Works, which is responsible for the Capitol building and its use, has agreed that the Legislature can have the dome area for its use. The area is large enough at least for four committee rooms in addition to a number of private offices for committee chairmen, committee clerks and secretaries. It is a large area, immediately accessible to the legislative chambers and the areas currently occupied by the Legislature. The area is now available, requiring only renovation. Use of the dome would provide needed space economically.

Additional space as it is acquired should be used as follows:

a. **Offices for Legislators:**

Individual offices for legislators would be preferable for maximum efficiency. They were recommended by many legislators in responses to our questionnaire. In view of the many demands for space and because additional space will become available somewhat slowly at the present time we recommend, as space becomes available, that offices be provided for individual legislators to be used on a shared basis. These offices would be for legislators other than presiding officers, floor leaders and committee chairmen.

These offices can be provided as space becomes available

in the Main Unit or on the second floor of the wings. It is recommended that each office be of sufficient size so that it may be shared by three to five legislators. Each legislator should have a desk that locks. The desk should either have a file drawer or the legislator be provided with a one or two drawer file cabinet that locks. Each shared office should be provided with at least one telephone and one secretary during sessions.

b. Lounges:

While lounges are now provided for the members of each house, these are not adequate either in size or equipment. Larger lounges should be provided for both houses. Furniture in the lounges in disrepair should be repaired or replaced. The lounges should be provided with tables at which legislators can work and hold conferences. Some telephones for general use should be installed as well as some private telephone booths.

c. Committee Rooms:

As the Legislature acquires additional space, which is at present planned, we recommend that more committee rooms be provided. The three present permanent Senate committee rooms should continue to be assigned to the Senate Committees on Finance, Judiciary and Education. The Senate Rules Committee can still meet in the President's office. The remaining eleven Senate committees that consider legislation should be provided with at least four more committee rooms to be used by them on a shared basis. The House Finance Committee and the House Judiciary Committee should retain their committee rooms for their exclusive use and the House Education Committee should be assigned one of the three House general committee rooms. The House Rules Committee could continue to meet in the Speaker's office. At least two more committee rooms should be provided for the House. These two plus the remaining two unassigned general committee rooms would make four committee rooms available to be used on a shared basis by the remaining eight House committees.

Should it become practicable in the future, we recom-

mend that all committees that consider legislation be assigned individual committee rooms.

d. Offices for Committee Chairmen:

We recommend that, at least during legislative sessions, all committee chairmen be provided with an office, preferably a private office. Should this be impossible we recommend that they be provided office space on a shared basis. These offices should be as close to their respective committees as possible.

e. Offices for Committee Staffs:

We recommend to the fullest extent possible that all committee staffs be provided with office space as close to the committees to which they are assigned as is possible.

f. Offices of the Clerks and House Parliamentarian:

The Clerks should have private offices and at least four other rooms in addition to the Journal and Bill Rooms. Necessary office space should be provided for Senate and House staffs. At least two separate and private offices should be provided for the House Parliamentarian on the second floor of the Capitol proximate to the House chamber and office of the House Clerk.

g. Legislative Hearing Room:

We recommend that the Legislature be provided with at least one large hearing room. The room should be large enough to seat one hundred fifty persons in addition to a committee of up to twenty-five persons. When the Legislature is not in session or when the room is not being used for committee hearings on legislation, the room should be used by the Court of Claims, for meetings of the Joint Committee on Government and Finance and all other legislative meetings where a facility of this size is needed.

The hearing room should be sound-proofed, well ventilated and equipped with visual demonstration equipment (slide projectors, film projectors, overhead projectors, projection screens, black boards, etc.). The room should have permanently installed audio equipment, which equipment should include recording equipment.

Facilities such as a speaker's platform or podium should be present. Filing equipment for reference materials, as needed, should be provided.

h. Dictation Rooms:

In the absence of private or semi-private offices for each legislator, four or five dictation rooms should be provided for members of each house. They should be equipped with dictating equipment, a small desk and chairs. These could be used by members for dictation. Use of such a facility would permit steno pools to be used more efficiently and would offer some privacy to legislators for answering the mounting load of correspondence and for other dictation.

i. Central Mail Room:

A central mail room should be installed, which facility would serve all members. The facility should be centrally and conveniently located. Each legislator would have an individual locked box similar to the usual post office box. We propose that the facility be under the joint supervision of the two Clerks. During session, it should be maintained by a United States postal employee and part-time legislative employees as needed.³³

j. Provision for the News Media:

Space should be provided proximate to the chambers for the news media, which facilities should include a news-wire room and a television studio or room. Responses to our questionnaire indicated that the majority of the Legislature would favor the proposal. Of forty-seven respondents, thirty-eight stated facilities should be provided for the news media in the legislative area.

k. Provision for Eating Facility for Legislature:

The Commission recommends that temporary eating facilities be provided for legislators as soon as possible on the first floor of the East Wing of the Capitol building. This facility would be maintained until a permanent eating facility could be provided. We recommend that as soon as possible permanent eating facilities be estab-

³³The U.S. Post Office Department provides this in-session service to other legislatures.

lished for all state employees in the Capitol complex. The Commission recommends that this facility be located in the basement of the Capitol building.

FACILITIES AND EQUIPMENT

43. General Equipment Needs.

The Present Situation—

Our study indicates the Legislature generally lacks the equipment it needs. There are no dictating machines available for general use by legislators. Committees generally do not have equipment to tape record meetings and hearings. Committee rooms do not have sound systems and acoustics are poor, making it hard to hear or follow proceedings. There is a definite need for more telephones and for intercommunication devices. More copying equipment, file cabinets and file systems are needed.

Commission Findings—

Any organization needs adequate equipment to do its job properly. Every effort should be made to correct present deficiencies.

Our Proposal—

The Legislature knows its specific equipment needs better than this Commission. We recommend that each office, committee and individual legislator study and determine these needs and make this known to the proper authority and that every effort be made to satisfy these needs.

44. Overhead Projection Equipment.

The Present Situation—

When the use of overhead projection equipment is required now by the Legislature, usually by committees, such equipment must be borrowed from other state offices.

Commission Findings—

Interest has been expressed by the Clerks and others in the desirability and need for the Legislature to have its own overhead projection equipment. Specifically we were asked to investigate whether such equipment could be installed and used effectively in the legislative chambers to project bills and amendments for all to see and to use it for the presentation of

various data and information during legislative sessions and public hearings.

The need for such equipment was also expressed for presentation of materials before the Joint Committee on Government and Finance and the Commission on Interstate Cooperation at hearings and for use by the Finance Committees, among others.

Use of overhead projectors is an effective method of visually presenting facts, figures, tables, etc., to a large group. The speaker can use the equipment to demonstrate his facts as he speaks. Our study has indicated that such equipment would be used on a scale that justifies the Legislature having its own equipment.

Our Proposal—

We had experts from a manufacturer to give a test demonstration of such equipment in the House chamber. The results were so unsatisfactory that it was not tested in the Senate chamber. The image was not bright enough or sharp enough for viewing and those persons sitting to the sides of the dais were unable to see the screen. We recommend that, until the technical difficulties can be properly overcome, no further consideration be given to installation of overhead projectors equipment in the legislative chambers.

We recommend that overhead projectors, machines to make the transparencies for projection and screens be provided as needed for other use by the Legislature. The number can best be determined by the Clerks.

45. Mechanical Equipment to Transport Materials.

We recommend that the Legislature make a study to determine if the use of mechanical devices such as pneumatic tubes or automated equipment can be used to transport bills, notes and other materials between the two chambers and the various legislative offices. If it is determined that the use of such systems is practical and feasible, we recommend that such equipment be installed.

46. Automated Bill Rooms.

We recommend that the Legislature make a study to determine the economy that could be derived from and the efficiency and speed that could be obtained by the use of automated equipment in the Bill Rooms of the Senate and House of Delegates.

This type of equipment, observed in operation in Ohio by Commission members, permits copies of bills to be assigned to a particular bin, which are indexed. Copies of each bill can be obtained simply by pressing a button that turns the bill stack to working height where the bill is stored. The use of such equipment terminates confusion and provides an efficient and spacesaving method of filing and pulling a bill when requested. As an example of what this equipment can do, Ohio has automated bill rooms. There one person mans each of their two bill rooms. He does all bill filing, indexing, mailing etc., of bills.

Such automated filing equipment can be used in any office for the efficient filing and indexing of various materials that must be preserved.

47. Elevators in the Capitol Building.

We recommend that a study be made of the elevator service within the Capitol building. The need for this study will be more pronounced if space in the dome is utilized by the Legislature and if eating facilities are provided in the basement of the Capitol building. Sufficient elevator service should be provided to meet needs.

48. Electronic Voting—Senate.

The Present Situation—

The House of Delegates has an electronic voting machine. The Senate does not.

Commission Findings—

In response to the questionnaire sent out by this Commission, it was strongly indicated that electronic voting would be helpful in the Senate. It would save time and promote accuracy. The value of electronic voting has been favorably demonstrated.

Our Proposal—

Because response was so strong in recommending use of electronic voting in the Senate, we recommend that a cost analysis study be made to determine if time versus cost would justify its installation. If justified, it should be used.

49. Provision for the Handicapped.

The Present Situation—

No special provision or equipment is made to permit the handicapped to get in and out of the Capitol building or to get around inside of the building.

Commission Findings—

The Capitol building is a public building. It is visited by a large number of persons and houses a number of state employees. Such a large group always will include a number of persons who are handicapped physically, some very severely handicapped.

Our Proposal—

Provision should be made for handicapped persons to enable them to enter and leave the building without aid and to permit them to get around the building and to use its facilities easily. A study should be conducted to determine what improvements need to be made to accommodate handicapped persons. The State Capitol as a symbol should be the most accessible public building in the State.

50. First Aid Facility.

The Present Situation—

At the present time, there is no first aid facility in the Capitol complex. Such a facility is a major need and provision should be made for the same as quickly as possible.

Commission Findings—

Any business with as many employees as are located in the Capitol complex and which have as many people moving in and out should maintain a well equipped first aid facility staffed by people trained in first aid. Such a facility should be maintained in the Capitol complex.

Our Proposal—

We recommend that a first aid facility be established and maintained in the Capitol complex. The facility should be furnished with modern first aid equipment, including facilities for administering oxygen, with trained personnel maintaining the facility at all times. One or two trained personnel could competently maintain the facility.

We realize that this may not be considered an item for "legislative improvement" but feel the need is so great that we should make this recommendation. The facility should be available for use of all of the State government and for visitors, many of whom come to visit the Legislature. The facility should be maintained by the executive department.

51. Parking.

The Present Situation—

When the Legislature is not in session, reserved parking is provided on California and Duffy Streets next to the Capitol for members of the Board of Public Works, executive department heads, some executive employees, some legislative employees and some members of the judicial branch.

Although there is some reserved parking for state employees in the Capitol circle, most of it is reserved for limited time parking for visitors.

During sessions, the parking space within the circle and part of the parking spaces on the west side of the Capitol building are reserved for members of the Legislature. Nothing is reserved on the east side of the Capitol building for the members of the Legislature during sessions.

Commission Findings—

More parking space is needed generally for state employees, legislators during legislative sessions, and for visitors to the Capitol complex.

Our Proposal—

We support the proposal by the State Building Commission that a parking building be constructed to fill this need; moreover, we urge that priority for its construction be moved up from Phase 5 to Phase 2 of the State Capitol Master Plan.

We recommend that a study be made of the feasibility of cutting the land area down at the end of each wing of the Capitol and moving the sidewalk closer to the end of each wing in order to establish diagonal parking on both sides of Washington Street, which space would be for visitors.

The Capitol circle sidewalk should be brought in closer to the Capitol building in order to increase the depth of the parking area and to provide more road area. Parking in the circle should be on a limited time basis for visitors only, except

during legislative session, when the House of Delegates needs this space.

California and Duffy Streets next to the Capitol should be reserved only for use of visitors on a limited time basis except during legislative sessions when the Senate needs some of this space.

All parking needs not met by these proposals should be provided by facilities located away from the Capitol complex to and from which local public transportation can be provided.

52. Establishment of a Second Capitol Complex.

The Present Situation—

At present, the State has one main complex of buildings. The complex consists of the Capitol and the several buildings and land area that are adjacent to it. In this complex are located many offices and facilities that, because of their nature, could be located away from this complex. Others should be in the Capitol complex. The facilities within the complex are limited. Many state offices now are located at scattered locations because space within the complex is not available.

Commission Findings—

The State should not allow its offices and facilities to be scattered haphazardly about in several locations. They should be concentrated as much as possible in a few locations. Because space in the Capitol complex is limited, it should be used for those offices and facilities that by necessity must be located there. Other offices and facilities should be concentrated at a second complex, one that will meet all future long range needs.

Our Proposal—

The State Building Commission should acquire a large acreage area in the Charleston vicinity as close as practical to the Capitol complex. This area should be of sufficient size to accommodate the long-range future building requirements (fifty years) for facilities not presently needed in the Capitol complex itself. Legislation should be proposed or the Legislature should take such other steps as may be necessary, such as designating the area for urban renewal, zoning, or acquisition of properties, to prevent construction of any buildings within the present Capitol complex area which would not conform to the State Capitol Master Plan.

FOLLOW UP ON RECOMMENDATIONS

53. Designation of Agent to Carry Out Commission's Recommendations.

The items which this Commission has recommended, if approved by the Legislature, can only be effected over a considerable period of time. Many will not be completed before the authority of this Commission expires; therefore, we believe that someone or some office, representative of the Legislature, should be appointed to work with the various bodies or groups, that will implement those of our proposals which are approved, in order to coordinate activities and to see that the proposals are carried out in the best interests of the Legislature.

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APPENDIX A

RESOLUTION CREATING COMMISSION

SENATE CONCURRENT RESOLUTION NO. 12

(By Mr. Carson, Mr. President)

Adopted March 10, 1967.

Providing for a Citizens Advisory Commission on the Legislature of West Virginia; defining its powers and duties; providing for its operational expenses.

WHEREAS, The Legislature of West Virginia is facing everincreasing problems in fulfilling its responsibilities to the people of the State of West Virginia; and

WHEREAS, The declared policy of the Legislature of West Virginia is to improve its legislative processes to the end that it may truly become in the fullest sense an equal and coordinate branch of the government of this State; and

WHEREAS, The effective pursuit of these goals will require a comprehensive study over an extended period of time to determine and define the problems and develop solutions for them; and

WHEREAS, National organizations and foundations headed by outstanding citizens from all walks of life have been formed to encourage and assist in this endeavor, and other long established national organizations have made the improvement of legislatures one of their major objectives, indicating that substantial improvements will be forthcoming on a national scale; and

WHEREAS, The Legislature has great respect for the ability of the people of the State and desires to have and to make use of their knowledge and views concerning legislative improvement; therefore, be it

Resolved by the Senate, the House of Delegates concurring therein:

That the Legislature shall create a Citizens Advisory Commission on the Legislature of West Virginia consisting of outstanding citizens from all walks of life. The President of the Senate and the Speaker of the House of Delegates shall be members ex officio and there shall be thirty other members as follows: Three members of the Senate and twelve private citizens of the State, appointed by the President of the Senate; three members of the House of Delegates and twelve private citizens of the State appointed by the Speaker of the House of Delegates. Of the three members appointed from each chamber, no more than two may be of the same political party. All appointees shall serve until the fifteenth day of April, one thousand nine hundred sixty-nine, at which time the Commission will expire. Any vacancy in the Commission, created by death, resignation or refusal to serve shall be filled by appointment in the same manner; and, be it

Resolved further, That within thirty days of the adoption of this resolution, appointments of the members of the Commission shall be made. Within fifteen days thereafter at the State Capitol and on the day designated by the President of the Senate and the Speaker of the House the Commission shall meet and organize by selecting from its non-legislative members a chairman and such other officers as it considers necessary and shall provide rules for transacting its business and keeping records thereof. A majority of the members of the Commission constitutes a quorum at any of its meetings. Members of the Commission shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties; and, be it

Resolved further, That the Commission may employ and fix the compensation of such employees and technical assistants as it considers necessary, and the Commission shall have full access and use of all legislative records and facilities, and may, with the consent of the Joint Committee on Government and Finance, be provided professional and clerical assistance from the staff or consultants of that Committee; and, be it

Resolved further, That it shall be the duty of the Commission to study the legislative needs, organization, facilities and functions with the goal of improving and strengthening the ability of the Legislature to fulfill its responsibilities in our representative democracy. The study shall be broad and comprehensive in scope. In order to make its findings known to the Legislature and the citizens of the State, the Commission shall submit interim reports as it deems necessary, and a final report on the fifteenth day of December, one thousand nine hundred sixty-eight. In the final report the Commission shall set out the problems as it has found them to exist, together with its recommendations and proposed legislation; and, be it

Resolved further, That all expenses necessary to conduct the study, draft proposed legislation, reimburse the members of the Commission for expenses actually incurred in the discharge of their duties, and to fulfill the purpose of this resolution, shall be paid out of the legislative appropriations made to the Joint Committee on Government and Finance after prior approval of same by said Joint Committee. In addition, the Commission may, by a four-fifths vote of the members present, accept any offer of services, equipment, supplies, materials or funds by gift or grant made for purposes of assisting the Commission in carrying out its functions.

APPENDIX B

ARTICLE VI

Time and Place of Assembly of Legislature

§18. The Legislature shall assemble annually at the seat of government, and not oftener [,] unless convened by the governor. *In the year one thousand nine hundred seventy-one and every second year thereafter, the regular session shall commence on the second Wednesday of January, and in the year one thousand nine hundred seventy-two and every second year thereafter, the regular session shall commence on the second Wednesday of February. Upon the convening of the Legislature in each odd-numbered year, each house shall proceed to organize by the election of its officers for two-year terms, both houses shall then in joint assembly open and publish the election returns delivered to the Legislature as prescribed by other provisions of this Constitution and by general law, and each house may then conduct such preliminary committee meetings and briefings as are deemed appropriate. When all of these matters have been completed in each odd-numbered year, the Legislature shall adjourn until the second Wednesday of February following. [Regular sessions of the Legislature shall commence on the second Wednesday of January of each year.] Notwithstanding the provisions of section fifty-one of this article and any other provisions of this [the] Constitution, [the board of public works shall,] on and after the effective date hereof, there shall be submitted [submit] to the Legislature, on the second Wednesday of February of each year, unless a later time be fixed by the Legislature, a [an annual] budget for the next ensuing fiscal year and a bill for the proposed appropriations of such budget. [prepared as otherwise required by the Constitution.]*

APPENDIX C

ARTICLE VI

Length of Legislative Session

§22. The regular session of the Legislature held in the year one thousand nine hundred seventy-one [fifty-five] and every second year thereafter shall, *in addition to the meeting days preceding the adjournment provided for in section eighteen of this article, not exceed sixty calendar days computed from and including the second Wednesday of February, and the regular session held in the year one thousand nine hundred seventy-two [fifty-six] and every second year thereafter shall not exceed sixty [thirty] calendar days computed from and including the second Wednesday of February. [During any thirty day session the Legislature shall consider no other business than the annual budget bill, except such as may be stated in a proclamation issued by the governor at least ten days prior to the convening of the session, or such business as may be stated by the Legislature on its own motion in a concurrent resolution adopted by a two-thirds vote of the members elected to each*

house.] *Any such [All] regular session [sessions] may be extended by a concurrent resolution adopted by [the concurrence of] a two-thirds vote of the members elected to each house.*

APPENDIX D

ARTICLE VI

ALTERNATIVE 1

Compensation and Expenses of Members

§33. Each member of the Legislature shall receive *such compensation and shall also be entitled to be reimbursed for such reasonable and necessary expenses actually incurred in connection with the performance of duties as a member of the Legislature as shall be provided for by, and subject to such requirements and conditions as shall be prescribed by, general law enacted at a regular session of the Legislature. No such general law shall become effective until the first day of December following the first general election held subsequent to the regular session at which such general law was enacted.* [the sum of one thousand five hundred dollars a year, and expenses for one round trip in connection with any session, at the rate of ten cents a mile traveled in going to and returning from the seat of government by the most direct route: Provided, that if party caucuses are held in advance of the date of the assembly of the legislature in odd numbered years for the purpose of selecting candidates for officers of the two houses, expenses for travel at the rate herein fixed shall be allowed each member for one round trip in connection with attending such caucus. The speaker of the house of delegates and the president of the senate shall each receive an additional compensation of five dollars a day for each day served as presiding officer. No other allowance or emolument than that by this section provided shall directly or indirectly be made or paid to the members of either house for postage, stationery, newspapers, or any other purpose whatever.] Notwithstanding any other provision of *this [the] Constitution, such [the] compensation and expenses as may be [herein] provided for by any such general law shall be paid to each member of the Legislature on and after the effective date of such general law as specified in this section.* [the adoption of this amendment.] *Until the first such general law becomes effective, the provisions of this section in effect immediately prior to the ratification of this amendment shall continue to govern.*

APPENDIX D

ARTICLE VI

ALTERNATIVE 2

Compensation and Expenses of Members

§33. Each member of the Legislature shall receive *as compensation for his services the sum of three [one] thousand [five hundred] dollars*

per [a] year. The speaker of the house of delegates and the president of the senate shall each receive an additional compensation of fifteen [five] dollars per [a] day for each day served during any session as presiding officer. Each member of the Legislature serving as a member of any committee of the Legislature established by and operating under general law and designated for the performance of interim assignments by the Legislature shall receive an additional compensation of twenty-five dollars per day for each day actually engaged in the performance of duties as a member of any such committee, subject to such requirements and conditions as shall be prescribed by general law.

Each member of the Legislature shall receive travel expenses incident to the performance of his duties as a member of the Legislature or any committee thereof to the extent provided for and subject to such requirements and conditions as shall be prescribed by general law, but during any regular session travel expenses shall not be paid to any member for more than four round trips to and from the seat of government and his place of residence and during any extraordinary session travel expenses shall not be paid to any member for more than one round trip to and from the seat of government and his place of residence. [, and expenses for one round trip in connection with any session, at the rate of ten cents a mile traveled in going to and returning from the seat of government by the most direct route: Provided, That if party caucuses are held in advance of the date of the assembly of the Legislature in odd numbered years for the purpose of selecting candidates for officers of the two houses, expenses for travel at the rate herein fixed shall be allowed each member for one round trip in connection with attending such caucus.]

In addition to any travel expenses, each member of the Legislature shall also be entitled to be reimbursed for all reasonable and necessary expenses actually incurred in connection with any regular session and extraordinary sessions to the extent provided for and subject to such requirements and conditions as shall be prescribed by general law, but the total of any and all such reimbursed session expenses, exclusive of any travel expenses, for any member shall not under any circumstances exceed the sum of one thousand five hundred dollars per year.

In addition to any travel expenses and any such reimbursements for any and all such session expenses as authorized in the immediately preceding paragraph of this section, each member of the Legislature serving as a member of any committee of the Legislature established by and operating under general law and designated for the performance of interim assignments by the Legislature shall also be entitled to be reimbursed for all reasonable and necessary expenses actually incurred incident to the performance of duties as a member of any such committee to the extent provided for and subject to such requirements and conditions as shall be prescribed by general law, but the total of any and all such reimbursed interim expenses, exclusive of any travel expenses and any such reimbursements for any such session expenses as authorized in the immediately preceding paragraph of this section, for any such member shall not under any circumstances exceed the

sum of twenty-five dollars per day for each day actually engaged in the performance of duties as a member of any such committee. [No other allowance or emolument than that by this section provided shall directly or indirectly be made or paid to the members of either house for postage, stationery, newspapers, or any other purpose whatever.]

Notwithstanding any other provision of this [the] Constitution, the compensation herein provided for, and such expenses as may be provided for by general law subject to the limitations set forth in this section, shall be paid to each member of the Legislature on and after the ratification [adoption] of this amendment.

APPENDIX E

ARTICLE VI

Eligibility to Seat in Legislature

§13. No person holding *any other* [a] *lucrative office or employment* under this State, the United States, or any foreign government; no member of Congress; *and* no person [who is a salaried officer of any railroad company, or] who is sheriff, constable, or clerk of any court of record, shall be eligible to a seat in the Legislature.

APPENDIX F

ARTICLE VI

Rules Governing Legislative Proceedings

§24. A majority of the members elected to each house of the Legislature [,] shall constitute a quorum. But a smaller number may adjourn from day to day, and shall be authorized to compel the attendance of absent members, as each house may provide. Each house shall determine the rules of its proceedings and be the judge of the elections, returns and qualifications of its own members. The senate shall choose, from its own body, a president; and the house of delegates, from its own body, a speaker. Each house shall appoint its own officers, and remove them at pleasure. The oldest delegate *in point of continuous service* present at the *assembly of the Legislature at which officers thereof are to be selected, and if there be two or more such delegates with equal continuous service the one agreed upon by such delegates or chosen by such delegates by lot,* shall call the house to order, [opening of each new house of delegates,] and preside over it until the speaker thereof shall have been chosen, and have taken his seat. The oldest member of the senate *in point of continuous service* present at the *assembly of the Legislature at which officers thereof are to be selected, and if there be two or more such members with equal continuous service the one agreed upon by such members or chosen by such members by lot,* [commencement of each regular session thereof,] shall call the senate to order, and preside over the same until a president of the senate shall have been chosen, and have taken his seat.

APPENDIX G

ARTICLE VII

Governor's Approval or Disapproval of Bills Passed by the Legislature

[How Bills Become Laws]

§14. *Subject to the provisions of section fifteen of this article, every bill passed by the Legislature shall, before it becomes a law, be presented to the governor. If he approves, he shall sign it, and thereupon it shall become a law; but if not, he shall return it, with his objections, to the house in which it originated, which house shall enter the objections at large upon its journal, and may proceed to reconsider the returned bill. [it] Notwithstanding the provisions of section fifty-one, article six of this Constitution, any such bill may be reconsidered even if the Legislature is at the time in extended session for the sole purpose of considering the budget bill, as specified in said section fifty-one. If, after any such reconsideration, two-thirds [a majority] of the members elected to that house [,] agree to pass the bill, it shall be sent, together with the objections of the governor to the other house, by which it may [shall] likewise be reconsidered, and if approved by two-thirds [a majority] of the members elected to that house, it shall become a law, notwithstanding the objections of the governor. If upon any such reconsideration the bill is amended and reenacted, then it shall be again sent to the governor and he shall act upon it as if it were before him for the first time. [But] In all [such] cases, the vote of each house shall be determined by yeas and nays and the result [to be] entered on the journal.*

Any bill which shall not be returned by the governor within five days, Sundays excepted, [()] after it shall have been presented to him [,] shall be a law, in the same [like] manner as if he had signed it, unless the Legislature shall, by [their] adjournment *sine die*, prevent its return, in which case it shall be filed with his objections in the office of the secretary of state [,] within fifteen [five] days, *Sundays excepted*, after such adjournment, or become a law.

APPENDIX H

ARTICLE VII

Governor's Approval or Disapproval of Bills Making Appropriations of Money

[Respecting Appropriations of Monies]

§15. A [Every] bill passed by the Legislature making appropriations of money [,] *must be submitted to the governor for his approval or disapproval to the extent and only to the extent required by section fifty-one article six of this Constitution, and any provision therein contained as to such approval or disapproval shall govern and control as to*

any such bill. [embracing distinct items, shall before it becomes a law, be presented to the governor; if he disapprove the bill, or any item or appropriation therein contained, he shall communicate such disapproval with his reasons therefor to the house in which the bill originated; but all items not disapproved shall have the force and effect of law according to the original provisions of the bill. Any item or items so disapproved shall be void, unless repassed by a majority of each house according to the rules and limitations prescribed in the preceding section in reference to other bills.]

APPENDIX I

EXECUTIVE APPOINTMENTS MADE BY GOVERNOR REQUIRING SENATE CONFIRMATION

Adjutant General
Advisory Board of the State Board of Health (7 members)
Advisory Committee to State Commission on Mental Retardation (15 members)
Air Pollution Control Commission (3 members appointed by governor)
Andrew S. Rowan Memorial Home, Superintendent
Berkeley Springs Sanitarium, Superintendent
Board of Control for Southern Regional Education (4 members appointed by governor)
Civil Service Commission (3 members)
Coal Mine Safety Board of Review (4 members appointed by governor)
Commissioner of Public Institutions
Commission on Post-mortem Examination (6 members)
Denmar State Hospital, Superintendent
Department of Banking, Commissioner
Department of Civil and Defense Mobilization, Director
Department of Commerce, Commissioner
Department of Employment Security, Board of Review (3 members)
Department of Employment Security, Commissioner
Department of Employment Security, State Advisory Council (9 members)
Department of Finance and Administration, Commissioner
Department of Labor, Commissioner
Department of Mental Health, Director
Department of Mines, Director,
Department of Motor Vehicles, Commissioner
Department of Natural Resources, Director
Department of Personnel, Director
Department of Public Safety, Board of Commissioners (2 members)
Department of Public Safety, Superintendent
Department of Welfare, Commissioner
Education Commission of the States (6 members appointed by governor)
Fairmont Emergency Hospital, Superintendent
Hopemont State Hospital, Superintendent
Insurance Commissioner of West Virginia

Interstate Commission on the Potomac River Basin (2 appointed by
 governor plus 1 alternate)
 Interstate Compact on Juveniles, Compact Administrator
 License Certificate Appeal Board (Motor Vehicles) (5 members)
 Medical Licensing Board of West Virginia (10 members appointed by
 governor)
 Medium Security Prison, Warden
 Mine Inspectors' Examining Board (4 members appointed by governor)
 Minimum Wage Rate Board (5 members)
 Natural Resources Commission (7 members)
 Nonintoxicating Beer Commissioner
 Ohio River Valley Water Sanitation Commission (2 members appointed
 by governor)
 Oil and Gas Inspectors' Examining Board (5 members)
 Pinecrest Sanitarium, Superintendent
 Public Service Commission (3 members)
 Reclamation Board of Review (5 members)
 Southern Interstate Nuclear Board (1 member plus 1 alternate)
 State Advisory Board to Department of Welfare (5 members)
 State Board of Accountancy (6 members)
 State Board of Examiners and Registration of Physical Therapists (3
 members)
 State Board of Insurance of West Virginia (3 members)
 State Board of Registration for Foresters (5 members)
 State Building Commission of West Virginia (4 members appointed by
 governor)
 State Civil Defense Advisory Council (7 members)
 State Commission on Aging (10 members appointed by governor)
 State Commission on Higher Education (9 members)
 State Committee of Barbers and Beauticians (4 members appointed by
 governor)
 State Election Commission (4 members appointed by governor)
 State Historian and Archivist
 State Road Commission of West Virginia (7 members)
 State Road Commission of West Virginia, Commissioner
 State Tax Department, Commissioner
 State Water Resources Board (5 members)
 Welch Emergency Hospital, Superintendent
 West Virginia Alcohol Beverage Control, Commissioner
 West Virginia Alcohol Beverage Control Licensing Advisory Board
 (3 members)
 West Virginia Antiquities Commission (9 members)
 West Virginia Arts and Humanities Commission (15 members)
 West Virginia Board of Architects (5 members)
 West Virginia Board of Chiropractic Examiners (3 members appointed
 by governor)
 West Virginia Board of Dental Examiners (5 members)
 West Virginia Board of Education (9 members)
 West Virginia Board of Embalmers and Funeral Directors (7 members)

and to persons knowledgeable concerning the Legislature of West Virginia. The purpose of the questionnaire was to make a survey of the needs of the Legislature with regard to facilities, staff and services.

One hundred forty-eight questionnaires were sent out. Forty-nine were returned or 33.1%. Of the forty-nine returned, two persons made no response to the questions. Forty-seven useful replies, or 31.8%, were obtained from one hundred forty-eight questionnaires mailed.

Because of the number, the diversity and the variety of comments, it was impossible to present the results of the questionnaire in meaningful tabular, chart or schematic form. Results have been compiled under certain major headings and summarized.

Generally, respondents to the questionnaire stated there was a need for more facilities, staff and services. Twenty-four respondents said that more space was needed generally for offices, hearing rooms, committee rooms, the Clerks, the Sergeants-at-Arms and for other legislative offices. Equipment needs such as additional typewriters, tape recorders, file cabinets, communication devices, additional telephones, dictating equipment and duplicating equipment were cited. Many respondents stated that eating facilities and facilities for the mass media were needed. Electronic voting in the Senate would save time.

The need for more staff, generally, was mentioned by many, but the need for more skillful and better qualified staff was emphasized.

Concerning services, more legal and technical help is desired for committees. The need was expressed for more research services, for more bill drafters and faster duplicating service.

Without reading each individual questionnaire, it would be impossible to receive full knowledge of the responses. The effort of this report is only to summarize and present the basic recommendations and comments.

SUMMARIZATION OF COMMENTS RECEIVED

Note: The total number of responses to each item out of the forty-seven questionnaires completed are stated numerically at the right margin.

A. OFFICES

The need for increased office space was expressed, particularly the view that legislators should have individual private offices or should share offices in which each legislator would have a desk and other facilities as needed. The comment was generally that working at the desks within the chambers was unsatisfactory and that office facilities for legislators outside the chambers were highly desirable. Conference and dictating rooms were cited as major needs. The need for additional equipment and facilities was cited.

1. Every legislator should have an individual office.
 - a. Yes 17
 - b. No 3

2. Several respondents stated that while individual offices for legislators was the ideal, at present it was not practical, and as an alternative, suggested large offices be provided to be used on a shared basis which would have desks, telephones, file cabinets and other necessary equipment 11
3. The minimum present needs for legislators are rooms in which to hold conferences, give dictation and work 15
4. Each legislator should definitely be provided with an adequate work area away from the chamber 14
5. All committee chairmen should have an office now 22
6. All members of the Joint Committee on Government and Finance should have an office 9
7. All committee chairmen, members of the Joint Committee on Government and Finance and all key personnel should have offices 38
8. More adequate offices should be provided for the minority 3
9. More space should be provided for the Clerks and adequate Journal and Bill Rooms are needed 9
10. The Clerks should have private offices 3
11. The Legislative Auditor needs more office space and better facilities 2
12. More space should be provided to Legislative Services for central duplicating and bill drafting and additional office space should be provided as needed 5
13. All offices should have the equipment required to do their jobs (file cabinets, typewriters, duplicating equipment, etc.) 11
14. The Parliamentarian should be provided with 2 rooms and an office for a secretary in the vicinity of the legislative chambers 2

B. COMMITTEE ROOMS

A major need expressed in the questionnaires was the need for more committee rooms and also the need for more facilities and equipment for them.

1. More committee rooms are needed 26
2. The Senate needs:
 - a. 1 to 2 additional committee rooms 3
 - b. 3 to 4 additional committee rooms 4
3. The House needs:
 - a. 1 to 2 additional committee rooms 5
 - b. 3 to 4 additional committee rooms 2
 - c. More than 4 additional committee rooms 2

4. Present committee rooms are generally too small and should be enlarged and any new committee rooms should be larger than present committee rooms 6
5. Committee rooms need audio equipment or better audio equipment than is now present 6
6. Generally, committee rooms need the following equipment: tape recorders, dictaphones, copying equipment, additional telephones and communication devices between committee rooms and chambers 14
7. More committee rooms should be provided, committee rooms should be shared and schedules to coordinate their use should be worked out 4
8. Committee rooms need new and better furniture and better ventilation should be provided 5
9. File cabinets should be provided in committee rooms and file systems (indexes, uniform size and style, etc.) for reports developed 8

C. HEARING ROOMS

The need for hearing rooms was expressed.

1. One or 2 large hearing rooms should be provided with adequate space for persons involved in hearings, for visitors and for necessary equipment to record hearings and store records 10
2. Such hearing rooms should be provided with audiovisual equipment, tape recorders, black boards, etc. 6

D. CHAMBERS

The present chambers are generally regarded as adequate; however, many commented that if legislators are to continue to use their desks within the chambers as their office and work area that more adequate desks, filing facilities and telephones are needed.

1. The chambers are adequate at present 35
2. In addition, while some respondents said the chambers are generally adequate, larger desks and file drawers or cabinets are needed, particularly if legislators have to continue using their desks within the chambers as their primary working areas 7
3. An electronic voting machine should be installed in the Senate.
 - a. Yes 22
 - b. No 10
4. The chamber microphones should be fixed to hang around the neck in order to free both hands of the legislator 2
5. If legislators must continue to use the chambers as their pri-

- mary working area, more telephones should be installed for their use within the chambers 6
6. Intercommunication systems should be installed between the two houses, between the chambers and the offices of the President and the Speaker and between the chambers, committee rooms and all other key offices 13
7. Projection equipment should be installed in the chambers 2

E. EATING FACILITIES

Several respondents stated that eating facilities for legislators are totally inadequate. Their general comments were that eating facilities are inadequate, service is too slow and that facilities should not be located in the area between the chambers which results in confusion and congestion. Number of respondents 9

F. FACILITIES—MASS MEDIA

Responses as to whether minimum facilities, such as a small press room for radio and television interviews, equipped with telephones and a place to write should be provided in the legislative area are as follows:

- a. Yes 38
- b. No 7

G. PARKING

The following are the comments and recommendations of the 47 respondents concerning parking facilities:

1. More parking space is needed generally 37
2. Present parking facilities are generally adequate 4
3. All legislators should be provided with a reserved parking space as close to the Capitol as possible 28
4. Generally, employees of the Legislature should be provided reserved parking spaces 23
5. Elected and key employees of the Legislature should be provided a reserved parking space 5
6. All executive officers should be provided a reserved parking space 26
7. Generally, employees of the executive departments should be provided reserved parking spaces 16
8. Judges should have a reserved parking space 27
9. Generally, clerks and employees of the judicial branch should be provided reserved parking spaces 16
10. Citizens who come to the Capitol on business should be provided parking space 30
11. Visitors to the Capitol should be provided parking space.

a. Yes	23
b. No	4
12. A parking building should be constructed	7
13. Parking facilities in the areas now being obtained should be provided to fill all needs	7
14. Parking facilities should be put under the Capitol building ..	2
15. The walks and curbs in the Capitol circle should be cut down. Present parking spaces could then be increased in size, and more spaces provided	5
16. A consultant should be hired to make a survey of parking needs and make recommendations	1

H. STAFF

Generally, respondents felt that more staff and particularly more knowledgeable and expert staff should be provided to legislators, to committees and to the various legislative offices. The need was expressed for more legal and research help and for more reference facilities.

1. Committees:

- a. Major committees should have a minimum staff all year ...15
- b. All committees should have a minimum staff all year 4
- c. In session, committees generally should have full time individual staffs, consisting of legal consultants, clerical and stenographic help and such part-time help as is needed27
- d. More research help for committees is needed and should be provided

2. Clerks' Offices:

The respondents commenting on staff needs for the Clerks' offices generally agreed that the Clerks are the best judges of their needs and should be consulted regarding the same. Judgments regarding staff needs for the Clerks' offices varied widely but generally the respondents stated the Clerks should have the staff required to carry out their functions. Number of respondents

3. Legislators:

- a. Each legislator should have individual aides and secretarial help during session
- b. Required clerical and stenographic help should be provided to legislators from pools. Numerical estimates varied widely but the general comment was that the number required should be provided. The number of respondents addressing themselves to the problem
- c. The attache system should be totally abolished and legislators should be provided expert help based solely on need 6

4. Legislative Auditor:
 - a. While estimates varied regarding staff needs for the Office of Legislative Auditor several respondents addressed themselves to this matter. Generally their comments were that staff should be increased in order to perform the functions of that office, including all postaudits. Number of respondents 13
 - b. The Office of Legislative Auditor should be combined with Legislative Services 1
5. Legislative Services:
 - a. Estimates varied regarding staff needs of Legislative Services. Those respondents addressing themselves to this matter stated that the staff should be increased in order to provide more completely and more quickly needed services, Number of respondents 20
 - b. More staff and facilities should be provided for bill drafting 12
 - c. More staff and facilities should be provided for duplicating 5
 - d. Legislative Services should have the staff needed to develop a comprehensive analysis of all bills 1

I. MISCELLANEOUS

Several respondents offered suggestions of interest but which fall under no large heading or classification. These are listed here.

1. The top or 4th floor of the Capitol building could be used to much better advantage 1
2. The Legislature should meet each year for:
 - a. 60 days 2
 - b. 90 days 1
3. The membership of both houses should be reduced 1
4. Facilities should be provided for the handicapped in order that they might enter the Capitol in dignity 3
5. A legislative building should be provided 2
6. Pre-filing of bills should be provided by statute or at least by rule 3
7. Constitutional restrictions on the Legislature should be removed 1
8. The Legislature should meet later in the year 1

APPENDIX L

RESOLUTION REQUESTING ADDITIONAL SPACE FOR LEGISLATURE

SENATE CONCURRENT RESOLUTION NO. 25

(By Mr. Carson, Mr. President)

Adopted March 11, 1967

Requesting additional space in the State Capitol for use of the Legislature.

WHEREAS, The space available for the use of the Legislature and its officers, staff and employes is severely limited; and

WHEREAS, The ever-expanding work load of the Legislature creates a pressing need for more space to carry on the work of the Legislature; and

WHEREAS, The present assignment of space within the Capitol Building leaves no space in which to house the expanding functions of the Legislature; therefore, be it

Resolved by the Senate, the House of Delegates concurring therein:

That the Governor, the Board of Public Works, the Commissioner of Finance and Administration and the State Building Commission are hereby requested to make available for the use of the Legislature before the beginning of the Regular Session of the Legislature, 1968, the space on the ground floor of the Capitol Building now occupied by the Department of Public Safety and the Alcohol Beverage Control Commissioner and to make other space available to the aforementioned agencies; and, be it

Resolved further, That, with the exception of the offices presently occupied by the Governor and the Attorney General, all offices now located on the ground floor of the main unit of the Capitol Building and all offices in the east wing down to and including room 143 on the east side of the corridor and room 126 on the west side of the corridor on the ground floor and all offices in the west wing down to and including room 129 on the east side of the corridor and room 148 on the west side of the corridor on the ground floor be made available for the use of the Legislature within five years or as soon thereafter as other space for said offices may be made available in the Capitol Building or elsewhere, through the leasing of office space or through the erection of a new office building or buildings, or both.

APPENDIX M

ARCHITECT'S STUDY OF DOME AREA SPACE

Appalachian Engineers, Inc.
301 OTT Building — 215 Dunbar Street
Charleston, West Virginia
25301

304 343-9211

September 10, 1968

Mr. Don Andrews
Legislative Services Division
State of West Virginia
Charleston, West Virginia

Re: Dome Area Space

Dear Mr. Andrews:

In accordance with your request, we have made a preliminary review of the possibility of converting existing space in the Capitol Dome to office use.

The original drawings indicate that the dome space on the 3rd floor and the 4th floor was designated as "storage area." We calculate that there is approximately 4,500 sq. ft. of usable space on the 3rd floor and approximately 5,000 sq. ft. of usable space on the 4th floor.

The distance between the 3rd floor and the 4th floor is 25'-11", which is sufficient for the installation of a mezzanine floor which would provide an additional 4,500 sq. ft. of usable area. The existing stairway landing is 14'-6" above the 3rd floor and 11'-5" below the 4th floor and would be the proper location for the additional floor system and would provide ceiling heights of approximately 12'-0" and 9'-0" respectively. The distance between the 4th floor and the 5th floor is 9'-2" which would provide a ceiling height of approximately 7'-0".

The 3rd floor level is so constructed that the rotunda arches separate the area into four quadrants. The two north quadrants and the two south quadrants are connected by corridors in the portico areas and outside the dome rectangle. The north segment is physically separated from the south segment and it is not possible to connect the segments with passageways. Separate access to each segment is necessary.

Access to the dome area is by existing stairways in the northwest quadrant and the southeast quadrant of the dome area from the 2nd floor to the 3rd floor and 4th floor levels. The stairways are in enclosed stairwells and are of steel construction. The two elevators on the north side of the rotunda operate from the basement to the 2nd floor. It is not considered possible to extend the elevators from the 2nd floor to the 3rd floor. Two new passenger elevators from the 2nd floor to the 4th floor are necessary to properly utilize the dome area.

The usable space on the 3rd floor is totally enclosed by interior and exterior masonry walls and is without light or ventilation. In order to make these areas usable for office space, it will be necessary to install a

complete air conditioning and ventilating system. The building steam system does serve these areas; however, it has not been used in recent years.

In view of the original designation of the 3rd floor and 4th floor as storage areas, it is assumed that the structural system is sufficient for the intended office use. Before a final determination can be made regarding the mezzanine floor system between the 3rd and 4th floor, a detailed structural analysis must be made to determine the sufficiency of the structural system to carry the additional floor without endangering the stability of the dome.

Any work that would be done to provide office use of the dome area should be of first class quality and complete fire proof construction. It is estimated that the contemplated renovation would cost approximately \$20 to \$25 per sq. ft. or \$300,000-\$350,000. These figures are intended for preliminary evaluation of the project and are subject to further adjustment on the basis of a detailed investigation.

We will prepare a feasibility study and make detailed recommendations for your further consideration if you so desire.

Very truly yours
Robert Y. Hayne

RYH:pe
cc-Mr. J. C. Peters

APPENDIX N

LEGISLATIVE PROCEDURE: EXECUTIVE VETO

State or other jurisdiction	Days after which bill becomes law (before adjournment) unless noted*	Date of bill		Item veto on appropriations bills	Votes required in House and Senate to pass bills or items over veto(s)	Constitution prohibits Governor from vetoing	
		Days after adjournment which bill is law unless noted*	Days after which bill dies unless signed*			Initiated measures	Referred measures
Alabama.....	6	..	10	*	Majority elected	(b)	(b)
Alaska.....	15	20	..	*	Three-fourths elected	(c)	(c)
Arizona.....	5	10	..	*	Two-thirds elected	*	*
Arkansas.....	5	20(d)	..	*	Majority elected	*	*
California.....	12(e)	30	..	*	Two-thirds elected	*	*
Colorado.....	10(d)	30(d)	..	*	Two-thirds elected	*	*
Connecticut.....	5(f,g)	15(d,g)	..	*	Majority present	(b)	(b)
Delaware.....	10	..	30(d)	*	Three-fifths elected	(b)	(b)
Florida.....	5	20(d)	..	*	Two-thirds present	(b)	(b)
Georgia (h).....	5	30	..	*	Two-thirds elected	(b)	(b)
Hawaii (h).....	10(f)	45(f,j)	(f,j)	*	Two-thirds elected	(b)	(b)
Idaho.....	5	10	..	*	Two-thirds present	..	..
Illinois.....	10	10	..	*	Two-thirds elected	(b)	(b)
Indiana.....	3	5(d,j)	..	..	Majority elected	(b)	(b)
Iowa.....	3	(k)	(k)	..	Two-thirds elected	(b)	(b)
Kansas.....	3	..	(l,m)	*	Two-thirds elected	(b)	(b)
Kentucky.....	10	10	..	*	Majority elected	(b)	(b)
Louisiana(h).....	10(d,g)	20(n)	..	*	Two-thirds elected	(b)	(b)
Maine.....	5	(o)	..	*	Two-thirds present	(a)	*
Maryland(h).....	6	..	6(g)	*	Three-fifths elected	(b)	(c)
Massachusetts.....	5(f)	..	5(g)	*	Two-thirds present	*	*
Michigan.....	14(d)	..	14	*	Two-thirds elected and serving	*	*
Minnesota.....	3	..	3	*	Two-thirds elected	(b)	(b)
Mississippi.....	5	(o)	..	*	Two-thirds elected	(b)	(b)
Missouri.....	(r)	..	45	*	Two-thirds elected	*	*
Montana.....	5	..	15(d)	*	Two-thirds present	*	*
Nebraska.....	5	5	..	*(e)	Three-fifths elected	*	*
Nevada.....	5	..	..	..	Two-thirds elected	*	*
New Hampshire.....	5	..	(g)	..	Two-thirds present	(b)	(b)
New Jersey.....	10(t)	45	(u)	*	Two-thirds elected	(b)	(b)
New Mexico.....	5	..	20	*	Two-thirds present	(a)	*
New York.....	10	..	30(d)	*	Two-thirds elected	(b)	(b)
North Carolina.....	(w)	(v)	(v)	(v)	..	(b)	(b)
North Dakota.....	3	15(d)	..	*	Two-thirds elected	*	*
Ohio.....	10	10	..	*	Three-fifths elected	*	*
Oklahoma.....	5	..	15	*	Two-thirds elected(x)	*	*
Oregon.....	5	20	..	*(y)	Two-thirds present	..	*
Pennsylvania.....	10(d)	30(d)	..	*	Two-thirds elected	(b)	*
Rhode Island.....	6	10(d)	..	..	Three-fifths present	(b)	(b)
South Carolina.....	3	(o)	..	*	Two-thirds present	(b)	(b)
South Dakota.....	3	10(d)	..	*	Two-thirds present	*	*
Tennessee.....	5	10	..	*(z)	Majority elected	(b)	(b)
Texas.....	10	20	..	*	Two-thirds present	(b)	(b)
Utah.....	5	10	..	*	Two-thirds elected	*	*
Vermont.....	5	..	(f)	..	Two-thirds present	(b)	(b)
Virginia.....	5	..	10(d)	*	Two-thirds present(aa)	(b)	(b)
Washington.....	5	10	..	*	Two-thirds elected	*	*
West Virginia.....	5	5(d)	..	..	Majority elected	(b)	*
Wisconsin.....	6(g)	..	6(g)	*	Two-thirds present	(b)	(b)
Wyoming.....	3	15(d,j)	..	*	Two-thirds elected	(b)	(b)
Puerto Rico.....	10	..	30(d)	*	Two-thirds elected	(b)	(b)
Virgin Islands.....	10(g)	..	30(d,g)	*	Two-thirds elected	(b)	(b)

*Sundays excepted.

(a) Bill returned to house of origin with objections, except in Georgia, where Governor need not state objections, and in Kansas, where all bills are returned to House.

(b) No provision for initiative or referendum, as case may be, by petition of the people in State.

(c) Petition to place referendum on ballot is filed only within 90 days after adjournment of legislative session in which it was passed. Thus Governor has had the opportunity to veto it.

(d) Sundays not excepted.

(e) If Legislature prevents the return of a bill by adjourning a special session, the bill does not become law unless signed within 30 days.

(f) Sundays and legal holidays excepted.

(g) After receipt by Governor, Massachusetts, in practice General Court not prorogued until Governor has acted on all bills.

(h) Constitution withholds right to veto constitutional amendments.

(i) If bill is presented to Governor less than 10 days before adjournment and he indicates he will return it with objections, Legislature can convene on 45th day after adjournment to consider the objections. If, however, Legislature fails to convene, bill does not become law.

(j) Bill becomes law if not filed with objections with Secretary of State within 3 days after adjournment in Indiana and 15 days after adjournment in Wyoming.

(k) Bills forwarded to Governor during the last 3 days of the General Assembly session must be deposited by Governor with Secretary of State within 30 days after the adjournment of the General Assembly. Governor must give his approval if approved or his objections if disapproved.

(l) Bills unsigned at the time of adjournment do not become law. In Vermont, if adjournment occurs within 3 days after passage of a bill and Governor refuses to sign it, the bill does not become law.

(m) In practice, Legislature closes consideration of bills 3 days before adjournment sine die. However, some bills may be "presented" to Governor during last 3 days of session.

(n) Unless an earlier or later date is set in the act.

(o) Bill passed in one session becomes law if not returned within 3 days after reconvening in Maine and Mississippi and within 2 days after convening of the next session in South Carolina.

(p) Constitution provides that Governor may veto initiated measures, and if Legislature sustains veto, measure is referred to vote of people at next general election.

(q) By court decision applies to local bills only; no referendum on statewide bills.

(r) If Governor does not return bill in 15 days, a joint resolution is necessary for bill to become law.

(s) Governor may not veto items in budget submitted by himself after it has passed Legislature with 3/5 vote.

(t) If house of origin is in temporary adjournment on 10th day, Sundays excepted, after presentation to Governor, bill becomes law on day house of origin reconvenes unless returned by Governor on that day. Governor may return bills vetoed, suggesting amendments and bills may be passed in amended form, subject to approval by Governor in amended form within 10 days after presentation to him.

(u) Bills not signed by Governor do not become law if the 45th day after adjournment sine die comes after the legislative year.

(v) Referendum exists only upon petition of the people on certain non-emergency bills after Governor has signed them.

(w) No veto; bill becomes law 30 days after adjournment of session unless otherwise expressly directed.

(x) % in case of an emergency measure.

(y) Also may veto items in new bills declaring an emergency.

(z) Governor may reduce or eliminate items but must give written notice of item veto either 3 days before adjournment or 1 day after bill is presented for signature.

(aa) Including majority elected.

Source: Frank Smothers (ed.) *The Book of the States, 1968-69*, Vol. XVII, *The Council of State Governments*, (Chicago 1968), pp. 62-63.

APPENDIX O
LEGISLATIVE SESSIONS

State or other jurisdiction	Years in which sessions are held	Sessions convene		Limitations on length of sessions		Special sessions	
		Month	Day	Regular	Special	Legislature may call	Legislature may determine sub- ject
Alabama.....	Odd	May	1st Tues.(a)	36 L	36 L	No	2/3 vote those present
Alaska.....	Annual	Jan.	4th Mon.	None	30 C	2/3 of membership	Yes(b)
Arizona.....	Annual	Jan.	2nd Mon.	63 C(c)	20 C(e)	Petition 2/3 members	Yes(d)
Arkansas.....	Odd	Jan.	2nd Mon.	69 C(e)	15 C(f)	No	(f)
California.....	Annual	Jan.	Mon. after Jan. 1	None(g)	None	No	No
Colorado.....	Annual(h)	Jan.	Wed. after 1st Tues.	160 C(c)	None	No	No
Connecticut.....	Odd	Jan.	Wed. after 1st Mon.	150 C(i)	None	Yes	Yes
Delaware.....	Annual(h)	Jan.	Odd-1st Tues.	90 L	30(c)	No	Yes
		Feb.	Even-1st Tues.	30 L			
Florida.....	Odd	Apr.	Tues. after 1st Mon.	60 C(j)	20 C(k)	(k)	Yes(k)
Georgia.....	Annual	Jan.	Odd-2nd Mon.	45 C(l)	(m)	Petition 3/5 members(m)	Yes(d)
		Jan.	Even-2nd Mon.	40 C			
Hawaii.....	Annual(h)	Feb.	Odd-3rd Wed.	60 L(n)	30 L(n)	(o)	(o)
		Feb.	Even-3rd Wed.	30 L(n)			
Idaho.....	Odd	Jan.	Mon. after Jan. 1	60 C(c)	20 C	No	No
Illinois.....	Odd	Jan.	Wed. after 1st Mon.	None(p)	None	No	No
Indiana.....	Odd	Jan.	Thurs. after 1st Mon.	61 C	40 C	No	Yes
Iowa.....	Odd	Jan.	2nd Mon.	None	None	No	Yes(q)
Kansas.....	Annual	Jan.	2nd Tues.	60 C(r)	30 C(c)	No	Yes
Kentucky.....	Even	Jan.	Tues. after 1st Mon.	60 L	None	No	No
Louisiana.....	Annual(h)	May	Even-2nd Mon.	60 C	30 C	Petition 2/3 elected members	No(s)
		May	Odd-2nd Mon.	30 C		each house	
Maine.....	Odd	Jan.	1st Wed.	None	None	No	Yes
Maryland.....	Annual	Jan.	3rd Wed.	70 C	30 C	No	Yes
Massachusetts.....	Annual	Jan.	1st Wed.	None	None	Yes	Yes
Michigan.....	Annual	Jan.	2nd Wed.	None	None	No	No
Minnesota.....	Odd	Jan.	Tues. after 1st Mon.	120 L	None	No	Yes
Mississippi.....	Even	Jan.	Tues. after 1st Mon.	None	None	No	No
Missouri.....	Odd	Jan.	Wed. after Jan. 1	195 C(i)	60 C	No	No
Montana.....	Odd	Jan.	1st Mon.	60 C	60 C	No	No
Nebraska.....	Odd	Jan.	1st Tues.	None	None	Petition 2/3 members	No
Nevada.....	Odd	Jan.	3rd Mon.	None(t)	None(t)	No	No
New Hampshire.....	Odd	Jan.	1st Wed.	July 1(c)	15 L(c)	Yes	Yes
New Jersey.....	Annual	Jan.	2nd Tues.	None	None	(u)	Yes
New Mexico.....	Annual(h)	Jan.	Odd-3rd Tues.	60 C	30 C(v)	Yes(v)	Yes(v)
		Jan.	Even-3rd Tues.	30 C			

New York	Annual	Jan.	Wed. after 1st Mon.	None	None	No	No
North Carolina	Odd	Jan.	Wed. after 2nd Mon.	120 C(e)	25 C(c)	No	Yes
North Dakota	Odd	Jan.	Tues. after 1st Mon.	60 L	None	No	Yes
Ohio	Odd	Jan.	1st Mon.	None	None	No	No
Oklahoma	Annual	Jan.	Tues. after 1st Mon.	90 L	None	No	No
Oregon	Odd	Jan.	2nd Mon.	None	None	No	Yes
Pennsylvania	Annual	Jan.	1st Tues.	None	None	Petition of majority of members	No
Rhode Island	Annual	Jan.	1st Tues.	60 L(c)	40 L(c)	No	No
South Carolina	Annual	Jan.	2nd Tues.	None	None	No	Yes
South Dakota	Annual	Jan.	Odd-Tues. after 3rd Mon.	45 L	None	No	Yes
Tennessee	Odd	Jan.	Even-Tues. after 1st Mon.	30 L	None	No	Yes
Texas	Odd	Feb.	4th Tues.(w)	90L (e,x)	30 L(e)	Petition $\frac{2}{3}$ members	Yes
Utah	Odd	Jan.	2nd Tues.	140 C	30 C	No	No
Vermont	Odd	Jan.	2nd Mon.	60 C	30 C	No	Yes
Virginia	Even	Jan.	Wed. after 1st Mon.	None(y)	None(y)	No	Yes
Washington	Odd	Jan.	2nd Wed.	60 C(e,j)	30 C(e,j)	Petition $\frac{2}{3}$ members	Yes
West Virginia	Annual(h)	Jan.	2nd Mon.	60 C	None	No	Yes
Wisconsin	Annual(h)	Jan.	Odd-2nd Wed.	60 C(z)	None	Petition $\frac{2}{3}$ members	Yes
Wyoming	Odd	Jan.	Even-2nd Wed.	30 C(z)	None	No	No
	Odd	Jan.	2nd Wed.	None	None	No	Yes
	Odd	Jan.	2nd Tues.	40 C	None	No	Yes
Puerto Rico	Annual	Jan.	2nd Mon.	111 C(l,aa)	20	No	No
Virgin Islands	Annual	Jan.	2nd Mon.	60 C	15 C(ab)	No	No

Abbreviations: L—legislative days; C—calendar days.

(a) Convened quadrennially on second Tuesday in January after election to organize.

(b) Unless Governor calls and limits.

(c) Indirect restriction since legislators' pay, per diem or daily allowance stops but session may continue. Colorado 160 day limit is for legislative biennium, and New Hampshire travel allowance stops after July 1, or 90 legislative days, whichever occurs first.

(d) If Legislature convenes itself.

(e) May be extended by $\frac{2}{3}$ vote of members in both houses for indefinite time.

(f) Governor may convene General Assembly for specific purpose. After that business is completed, a $\frac{2}{3}$ vote of members in both houses may extend session up to 15 days.

(g) Reconvenes for limit of 5 days on the Monday after a 30 day recess to reconsider vetoed measures.

(h) Even year session (odd year in Louisiana) is basically limited to budget and fiscal matters; Delaware, to budget, fiscal and general state legislation.

(i) Approximate length. Connecticut session must adjourn by first Wednesday after first Monday in June, Missouri session by July 15 and Puerto Rico session by April 30.

(j) May be extended by 30 days by $\frac{2}{3}$ vote in both houses. Florida not beyond September 1; Virginia; without pay.

(k) Twenty per cent of the membership may petition the Secretary of State to poll the Legislature; upon affirmative vote of $\frac{2}{3}$ of both houses an extra session, no more than 30 days in length, may be called. Extra sessions called by the Governor are limited to 20 days.

(l) Convened for 12 days to organize, recesses and convenes on second Monday in February for limit of 33 calendar days.

(m) Limited to 70 days if called by Governor and 30 days if called by Governor at petition of Legislature, except for impeachment proceedings.

(n) Governor may extend to limit of additional 30 days.

(o) On 45th day after adjournment to reconsider bills submitted to Governor less than 10 days before adjournment if he notifies Legislature he plans to return them with objections.

(p) By custom Legislature adjourns by July 1, since bills passed after that day are not effective until July 1 of following year, except for emergency bills passed by a $\frac{2}{3}$ vote. In 1967, instead of adjourning *sine die*, the General Assembly met again September 11–October 18, and was to meet again on March 4, 1968.

(q) Constitution requires Governor to tell Legislature the purpose for convening.

(r) In even years unless extended by $\frac{2}{3}$ vote of members in both houses. Pay limited to 60 days in odd year.

(s) Unless Legislature petitions for special session. However, no special session may be called during the 30 days before or 30 days after the regular fiscal sessions in the odd years without the consent of $\frac{2}{3}$ of the elected members of each house. Legislature may convene in special session on 31st day after *sine die* adjournment to act on all bills vetoed by the Governor if a simple majority of each house desires to reconsider at least one vetoed bill.

(t) There is no limit for length of regular and special sessions, but there is a limitation on pay to 60 calendar days for a regular session and 20 calendar days for a special session. No limitation on allowances.

(u) Petition by majority of members of each house to Governor, who then "shall" call special session.

(v) Limitation does not apply if impeachment trial is pending or in process. Legislature may call 30-day "extraordinary" session if Governor refuses to call session when requested by $\frac{2}{3}$ of Legislature.

(w) Convened on first Tuesday in January for 15 days to organize and introduce bills.

(x) Legislature may divide session by recess to meet in even year also.

(y) Salary limitation only.

(z) Governor must extend until general appropriation is passed; may be extended by $\frac{2}{3}$ vote of Legislature.

(aa) May be extended by joint resolution.

(ab) Aggregate length may not exceed 30 calendar days during calendar year.

Changes effected in legislative sessions at the November 5, 1968, General Election:

1. Florida, Idaho and Iowa established annual legislative sessions.
2. Utah provided for an even-year budget session of 20 days in addition to its 60-day biennial session.

Source: Frank Smothers (ed.), *The Book of the States, 1968-1969*, Vol. XVII, *The Council of State Governments*, (Chicago 1968), pp. 60-51.

APPENDIX P

SALARIES AND COMPENSATION OF LEGISLATORS

State or other jurisdiction	Compensation set by	Salary and Daily Pay Plans						Travel and Expense Allowances						
		Regular session				Special session		During session			Between sessions			
		Amount per day	Limit on no. of days of pay		Annual salary	Biennial salary	Amount per day	Limit on no. of days of pay	Per mile	Round trips home to capital	Expenses per day†	Per mile	For expenses on committee	
			Annual session	Biennial session									on business per day	Other per month
Alabama	Const.	\$10	36 L	\$ 6,000		\$10	36 L	10c	One	\$20; 300(a)			\$ 300(a)	
Alaska	Stat.							15c	One	35; 500(b)				
Arizona	Const.			1,800		20(d)	20	10c	Unlimited	12(e)	10c	\$20(d); 12(e)		
Arkansas	Const.	20	60 C(f)		\$ 2,400(f)	6		5c	One					
California	Stat.			16,000				15c	One	21	15c	25(g)		
Colorado	Stat.			3,200(h)				(i)	One	(j)	(l)	20(k)		
Connecticut	Stat.				3,250			10c	Daily	750(l)		25(m)		
Delaware	Const.			6,000				15c	Unlimited	25(n)				
Florida	Const.				2,400			10c	Weekly	25			300	
Georgia	Stat.			4,200				10c	Weekly	25	10c	25		
Hawaii	Const. & Stat.			2,500(o)		(o)		20c	One	32.50; 45(p)	20c	(q)		
Idaho	Const.	10	60 C			10	20 C	10c	One	25		25	3.50(r)	
Illinois	Stat.				18,000			15c	Weekly	2,000(s); 50(c)				
Indiana	Stat.				3,600			8c	Weekly	25; 30(t)	8c	25		
Iowa	Stat.	40	(u)			40		10c	One	50(c)	10c	40(v)		
Kansas	Stat.	10(w)				10	30 C	9c	Weekly(x)	25(y)			100(z)	
Kentucky	Stat.	25	60 L(aa)			25		15c	One	25; 50(a)			150	
Louisiana	Stat.	50	60 C(ab)			50	30 C	10c	Eight(ac)				250	
Maine	Stat.				2,000	20		9c	Weekly	5; 7(ad)		(l)		
Maryland	Const.			2,400		30	C	(q)	One	25; 30(c)			1,500(ae)	
Massachusetts	Stat.			10,000		(af)		8c(ag)	Daily	900(ab)				
Michigan	Stat.			12,500				10c	Semi-monthly	2,500(al)		(l)		
Minnesota	Stat.				9,600	25		15c	One	21; 14(aj)		(q)		
Mississippi	Stat.				5,000	22.50		7c	Weekly(ak)	12.50(al)			100	
Missouri	Stat.				9,600(am)			10c	Semi-monthly	10				
Montana	Stat.	20	60 C			20	60 C	8c	One	15		(q)		
Nebraska	Const. & Stat.				4,800			10c	One	100(c)				
Nevada	Stat.	40	60 C			40	20 C	10c	(an)	25; 60(c); 250(ao)				
New Hampshire	Const.				200	3	15 L	25c(ap)	Daily	25	25c(ap)	(l)		
New Jersey	Const. & Stat.			7,500				(aq)		(ar)				
New Mexico	Const. & Stat.	20	60 C(as)			20	30 C	10c	One	(q)	10c	20		
New York	Const. & Stat.			15,000				(i)	Weekly	3,000(l)		(l)		
North Carolina	Const.	15	120 C			15	25 C	8c	Weekly	20		(q)		
North Dakota	Const.	5	60 L			5		10c	One	25; 35(a)			35(a)	
Ohio	Stat.				16,000			10c	Weekly					
Oklahoma	Const.	15(at)	75 L		6,400	15	75 L	10c	Weekly	100(an)		25(av); 100(an)		
Oregon	Stat.				6,000									
Pennsylvania	Stat.			7,200				10c	Weekly	4,800(aw)	8c	(q)		
Rhode Island	Const.	5	60 L		4,000	45	40 L	8c	Unlimited					
South Carolina	Const. & Stat.							9c	Weekly	15(ax)				
South Dakota	Stat.			1,500		10		5c	One					
Tennessee	Const. & Stat.				3,600	10	30 L	10c	Weekly	30(al)				

Texas.....	Const.	..	....	.....	4,800	..	....	10c	One	12(ay)	..	....	200;
Utah.....	Const. & Stat.	..	....	.....	1,000	..	....	10c	Weekly	5	..	....	1,000(az)
Vermont.....	Stat.	..	....	.....	150(ba)	30	40	8c	Weekly	5; 10(bb)	8c	5; 10(bb)	...
Virginia.....	Stat.	..	....	.....	2,100	35	30 C	7c	One	600(aw)	..	....	...
Washington.....	Stat.	..	....	.....	7,200	25	....	10c	One	25	10c	25	50
West Virginia.....	Const.	..	....	.....	1,500	..	....	10c	One	5(bc)	(q)	25	...
Wisconsin.....	Jt. Finance Committee	..	....	.....	18,000	..	....	10c(bd)	(bd)	15(be)	..	....	25;
Wyoming.....	Stat.	12	....	40 C	.....	12	....	8c	One	23(bg)	..	....	40(bf)
Puerto Rico.....	Stat.	..	....	.....	2,700(bh)	..	....	15c	Weekly(bl)	10(bj); 200(ak); 200(c)	(q)	....	...
Virgin Islands....	Stat.	..	....	.....	9,000	..	....	(a)	Weekly	30; 20(bk)	..	....	30; 20(bk)

Abbreviations: L—Legislative days, C—Calendar days.

†Unless otherwise noted.

- (a) Additional monthly expense allowance.
 (b) Additional annual expense allowance for presiding officers.
 (c) Total postage and stationery allowance.
 (d) Limited to \$1,800 total in one year for special session and interim committee work.
 (e) Subsistence for legislators from outside capital city limits and for days required to attend interim committee meetings.
 (f) Per diem pay continues if session extended by ¼ vote in both houses; Speaker receives \$2,700.
 (g) Limited to 60 days.
 (h) Effective in 1969 for legislators elected in 1968: \$9,600 per biennium at \$200 per month and \$30 per day for 160 days.
 (i) Actual and necessary expenses. Colorado, effective during session in 1969 for legislators elected in 1968; legislators living over 25 miles from Denver will receive expenses for one weekly round trip from home to Denver plus one round trip per session. Maine; mileage is paid at same rate received by state employees.
 (j) Effective in 1969 for legislators elected in 1968: legislators living over 25 miles from Denver will receive limit of \$10 per night for lodging; \$20 per day (\$25 for Speaker) limited to \$600 in one year plus travel expenses if legislators go out of Denver.
 (k) Effective in 1969 for legislators elected in 1968: \$20 per day (\$25 for Speaker) limited to \$600 in one year plus travel expenses if legislators go out of Denver.
 (l) Total session expense allowance.
 (m) Or amount specified in act creating committee, whichever is more, plus necessary expenses.
 (n) Total annual stationery and supplies allowance.
 (o) \$2,500 per general session; \$1,500 per budget session; \$750 per special session.
 (p) \$32.50 for legislators from Ohio; \$45 for legislators from neighbor islands.
 (q) Amount not provided. Minnesota: for travel, mileage and meals; Montana: for travel and other expenses; New Mexico: for stationery, postage, telephone and telegraph expenses; North Carolina: reimbursement for subsistence and travel of Speaker and President pro tem; Oregon: for food and lodging; West Virginia: for mileage; Puerto Rico: for trip expenses; Virgin Islands: for full cost of travel.
 (r) Per day.
 (s) For biennial secretarial, clerical, research and technical assistance.
 (t) For Speaker of the House and President of the Senate.
 (u) Unlimited.
 (v) Plus meals.
 (w) Limited to \$900 in odd year by statute; in even year constitution limits per diem to 60 days.
 (x) Mileage payable for 1 round trip for each full week of legislative session.
 (y) Limited to \$2,250 for regular session and \$1,750 for special session.
 (z) Monthly except January, February and March in odd years and January and February in even years.
 (aa) Legislators are paid for Sundays and holidays during session, thus compensation period usually is 72 to 74 days.
 (ab) Even years; 30 day budget session in odd years.
 (ac) Plus 4 round trips during budget session.

- (ad) \$5 per day for meals; \$7 limit per day for lodging plus a small allowance for postage, telephone and other expenses.
 (ae) \$1,500 total for Delegates; \$2,500 for certain committee chairmen; \$5,000 for Speaker; \$4,200 for Senators; \$4,500 for certain committee chairmen; \$5,000 for Senate President.
 (af) Not provided in constitution and may be fixed by special act of Legislature.
 (ag) Within 40 miles, 8¢ per mile for 4 days to amount of minimum of \$7 weekly; beyond 40 miles, 8¢ per mile for one weekly round trip.
 (ah) Annually plus up to \$60 living expenses per week for legislators living over 40 miles from Boston.
 (ai) Total, plus postage, telephone and telegraph allowance.
 (aj) \$14 for legislators not needing to leave home to attend session.
 (ak) Plus 1 extra round trip weekly at 6¢ per mile.
 (al) Limited to 90 legislative days.
 (am) Effective in 1969: \$16,800 per biennium.
 (an) Limited to \$700 per session and \$250 per special session.
 (ao) Total telephone allowance. Nevada: limited to \$100 per special session.
 (ap) For first 45 miles; 8¢ per mile for next 25 miles; 6¢ over 70 miles.
 (aq) State railroad pass is only type of travel allowance.
 (ar) Free stationery, postage and telegram privileges.
 (as) Plus 30 calendar days even-year session.
 (at) Legislators receive \$15 for first 75 legislative days including intervening nonlegislative days for regular or special session, then \$100 per month.
 (au) Per month for office in district and travel.
 (av) Limited to 20 days in lieu of expenses for Interim State Legislative Council meetings or its committee work in the State, plus expenses for Council or its committee work outside the State.
 (aw) Total annual expense allowances.
 (ax) Limited to 40 days per annual session.
 (ay) For first 120 days of regular session and 30 days of each special session plus postage, stationery, supplies, telephone and secretarial assistance.
 (az) \$200 for Representatives; \$1,000 for Senators for district office expenses.
 (ba) Per week during session. Salary and per diem limited to \$4,500 for biennium.
 (bb) \$5 for meals; \$10 per day or \$40 per week, whichever is less, for rooms or travel expense.
 (bc) For President of Senate.
 (bd) For first round trip; thereafter 7¢ per mile for first 2,000 miles per month; 6¢ per mile for each additional mile once a week.
 (be) For legislators required to establish a temporary residence in Madison.
 (bf) \$25 for Assemblymen and \$40 for Senators in districts of one county or less plus \$15 and \$30 for each additional county or part of county in district.
 (bg) Effective January 1969: \$26.
 (bh) Presiding officers of both houses receive \$11,250; Vice Presidents, floor leaders of parties and committee chairmen receive \$3,300.
 (bi) For minimum of \$10.
 (bj) \$10 for legislators living within 25 kilometers of San Juan; \$15 for legislators living 25 to 50 kilometers distant; \$25 for legislators living beyond 50 kilometers.
 (bk) \$30 per day December through April; \$20 per day May through November.

Changes effected in compensation and expenses at the November 5, 1968, General Election:

1. Arizona: Legislative salaries increased from \$1,800 to \$6,000 per year with legislative expense allowance to be set by statute.
2. Florida: Legislative pay is to be set by statute.
3. Iowa: Compensation and expense allowance for legislators to be set by statute.
4. Nebraska: Legislative pay increased from \$200 to \$400 per month.
5. North Carolina: Compensation for legislators to be set by statute.
6. Utah: Increase in compensation for legislators from a salary of \$250 per year and an expense allowance of \$5 per day to \$25 per diem salary and \$15 per diem expense.