

The Legislative Process

101

Office of Legislative Council
New Member Orientation
Nov. 26, 2018

Presentation Overview

- ▶ Legal Staff Services
- ▶ Bill Drafting Process
 - Making a Draft Request
 - Structure of a Bill
 - Preparing a Bill for Introduction
- ▶ Committee Process
- ▶ Floor Action
- ▶ Second Body
- ▶ Bill Reconciliation
- ▶ After Passage

Working with the Legal Staff

- ▶ Members of legal staff (including clerks) are attorneys
- ▶ Each attorney specializes in a particular subject area(s)
- ▶ Legal staff services are:
 - Nonpartisan
 - Confidential
 - Available to committees & individual members

Working with the Legal Staff

(continued)

The legal staff provides the following services:

- Drafting bills, amendments, and resolutions
- Legal and policy research
- Legal and policy analysis
- Testimony in committee:
 - On the contents of bills and amendments; and
 - On the results of any requested research
- Floor support

Members of the Legal Staff

General Areas of Law	Legislative Counsel
Administrative Rules	Wasserman, Becky Wrask, BetsyAnn
Agriculture	O'Grady, Michael Czajkowski, Ellen (Law Clerk)
Appropriations	JFO
Capital Construction and State Bonding	Wasserman, Becky Gonzalez, Roberto (Law Clerk)
Commerce Banking, Business Organizations, Consumer Protection, Economic Development, Property & Casualty Insurance, Captive Insurance, Securities	Hall, David (banking, business organizations, consumer protection, economic development, securities) Royle, Maria (insurance)
Corrections	Wasserman, Becky (correctional facilities) Note: Other attorneys will handle issues that arise in a correctional context, such as mental health, health care, or education, based on their subject area(s).
Education Education Policy, School Governance, Higher Ed., Education Finance, Labor Issues	DesMarais, Jim Griffin, Peter (education finance)
Energy	Lewis, Sash Martland, Luke Czajkowski, Ellen (Law Clerk)
Fee Bill	Wasserman, Becky Gonzalez, Roberto (Law Clerk)
Fish and Wildlife Hunting, Fishing, and Animal Importation	O'Grady, Michael Czajkowski, Ellen (Law Clerk)
Government Operations Campaign Finance, Elections, Local and State Government, Professional Regulation, Public Records, Open Meetings, Government Oversight	Anderson, Tucker Wrask, BetsyAnn
Health Care Health Care Reform, Health Insurance, Medicaid, Mental Health, Prescription Drugs, Public Health, Tobacco	Carbee, Jennifer McLinn, Katie Adler, Jared (Law Clerk)
Housing	Hall, David
Human Services Children and Families, Substance Abuse, Public Assistance, Persons with Disabilities, Aging, Long-Term Care	Carbee, Jennifer McLinn, Katie Adler, Jared (Law Clerk)
Judiciary Crimes and Criminal Procedure, Courts, Torts, Constitutional Law, Juvenile Proceedings, Civil Rights, Marriage, Civil Unions, Divorce, Child Custody and Support, Domestic Violence, Child Abuse and Neglect, Adoption, Property, Probate, Guardianship, Wills, Trusts, Estates, Judicial Retention, Cannabis	Childs, Michele FitzPatrick, Erik Hare, Brynn Martland, Luke

Members of the Legal Staff (continued)

General Areas of Law	Legislative Counsel
Labor and Employment Law Job Training, Unemployment Compensation, Workers' Compensation	Leonard, Damien Gonzalez, Roberto (Law Clerk)
Liquor Control and Lottery	Leonard, Damien Gonzalez, Roberto (Law Clerk)
Military and Veterans Issues	Leonard, Damien Gonzalez, Roberto (Law Clerk)
Natural Resources Air Pollution, Land Use, Waste, Water Pollution, Forests, State Lands, Sign Laws	Lewis, Sash O'Grady, Michael Czajkowski, Ellen (Law Clerk)
Pensions and Retirement	Wasserman, Becky
Public Safety Building Code, Fire, Police, VOSHA, Animal Control	Childs, Michele FitzPatrick, Erik Hare, Brynn Leonard, Damien (building code, fire, VOSHA) Wrask, BetsyAnn
Resolutions	Chernick, Michael Other Attorneys (policy resolutions)
Taxation Current Use, Education Finance, Health Care Finance, Income Tax, Meals and Rooms Tax, Motor Fuel Tax, Property Tax, Property Transfer Tax, Provider Taxes, Land Gains Tax, Sales and Use Tax, Tobacco and Cigarette Tax	Carbee, Jennifer (health care finance, provider taxes) Dexter-Cooper, Anthea Griffin, Peter Wasserman, Becky Gonzalez, Roberto (Law Clerk)
Telecommunications and Information Technology (IT)	Royle, Maria (telecommunications) Wasserman, Becky (IT)
Transportation Airports, Highways, Bridges, Rail, Motor Vehicles, Transportation Capital Program	Dexter-Cooper, Anthea
Utilities	Lewis, Sash Martland, Luke Royle, Maria

Bill Drafting Process

- ▶ Making a draft request:
 - Requests can be given to **ANY** member of legal staff
 - All requests are confidential
 - Each request is assigned to the attorney with subject matter expertise
- ▶ Drafting process is a dialogue between member and attorney and may include research, analysis of policy options, and redrafts
- ▶ Co-sponsorship
 - Any person from the same legislative body may co-sponsor a bill
 - Members are responsible for gathering co-sponsors' signatures
 - Attorneys may attempt to arrange co-sponsors when multiple bills are requested on the same topic

Bill Drafting Process (continued)

▶ Important dates:

- House Request Deadline: **January 31, 2019**
- House Introduction Deadline: **February 21, 2019**
- Senate Request Deadline: no deadline in first year of biennium, **but** attorneys will need enough lead-time to prepare draft
- Senate Introduction Deadline: no deadline in first year of biennium

▶ No deadlines for:

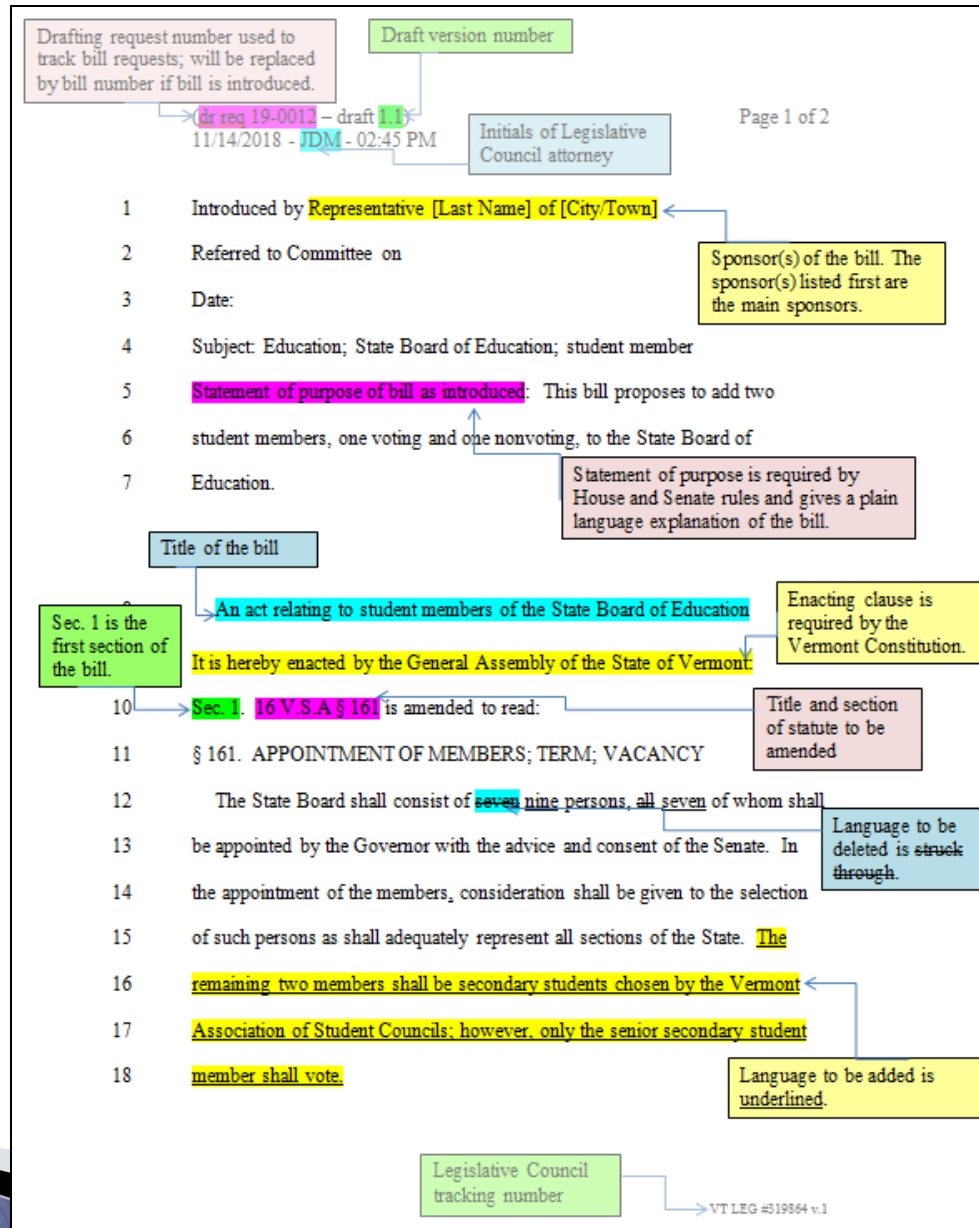
- Short-form bills; short-form only allowed in House
- Committee bills in first year of biennium
- Resolutions

To be ready in January, submit requests early - start today!

Bill Drafting Process (continued)

- ▶ “Crossover” is the date agreed to by House and Senate when bills from each body must be sent to the other body
 - Usually during the week before or after Town Meeting Break; extra week for “money” committees
- ▶ Drafting statistics from 2017-2018 biennium
 - House bill requests: 1,463, of which 944 were introduced
 - Senate bill requests: 455, of which 302 were introduced
 - Bills passed by both House and Senate: 251
 - Resolutions: 546 introduced by House and/or Senate, of which 501 were adopted

Structure of a Draft Bill



Structure of a Draft Bill (continued)

Drafting request number used to track bill requests; will be replaced by bill number if bill is introduced.

Draft version number

Dr req 19-0012 - draft 1.1
11/14/2018 - JDM - 02:45 PM

Initials of Legislative Council attorney

Page 2 of 2

1 (1) Upon the expiration of the respective terms of those members of the
2 Board previously appointed, excluding the student members, the Governor
3 shall, biennially in the month of February with the advice and consent of the
4 Senate, appoint members ~~thereto~~ for terms of six years. The terms shall begin
5 March 1 of the year in which the appointments are made. A member serving a
6 term of six years shall not be eligible for reappointment for successive terms.

7 (2) In the event of any vacancy occurring in the nonstudent membership
8 of the Board, the Governor shall fill the vacancy with a qualified person whose
9 appointment shall be for the unexpired portion of the term.

10

11 (4) Annually, the student officers of the Vermont Association of Student
12 Councils shall appoint a Vermont secondary school student, who will continue
13 to be a secondary student for at least two years following appointment, to serve
14 on the State Board for two years beginning on July 1 of the year of
15 appointment. The officers shall choose the student member by soliciting
16 letters of interest and choosing from among those who respond. If a vacancy
17 occurs, the student officers of the Vermont Association of Student Councils
18 shall choose a student to serve for the unexpired portion of the term.

19 **Sec. 2. EFFECTIVE DATE**

20 This act shall take effect on July 1, 2019.

21 |

These ellipses mean that existing statutory language to which amendments are not proposed is not shown and remains unchanged.

Some bill sections are "session law" and are not codified, but are still valid Vermont law.

Legislative Council tracking number

VT LEG #S19064 v.1

Signing Out a Bill for Introduction

Drafting Request No. 19- _____

Draft No. _____

Date _____

If you are satisfied with the draft and wish to have the bill or resolution introduced, please sign in **blue or black ink** in the space provided next to your name. Collect on this sheet the signatures in **blue or black ink** of all cosponsors, and return the sheet to the Legislative Drafting Technicians in the Office of Legislative Council. Each representative signing this sheet authorizes publication of his or her name as a sponsor on the bill or resolution when it is introduced. If changes to this draft are needed, please contact the member of the legal staff whose name is checked below.

____ Aaron Adler, ADA
 ____ Jared Adler, JMA
 ____ Tucker Anderson, TA
 ____ Jennifer Carbee, JGC
 ____ Michael Chernick, MJC
 ____ Michele Childs, MRC

____ Ellen Czajkowski, EMC
 ____ Anthea Dexter-Cooper, ADC
 ____ Jim DesMarais, JDM
 ____ Erik FitzPatrick, EBF
 ____ Roberto Gonzalez, RRG
 ____ Peter Griffin, PGG

____ David Hall, DPH
 ____ Brynn Hare, BNH
 ____ Damien Leonard, DJL
 ____ Sash Lewis, SL
 ____ Luke Martland, LM
 ____ Katie McLinn, KMM

____ Michael O'Grady, MOG
 ____ Maria Royle, MCR
 ____ Rebecca Wasserman, RDW

Aldrich	Christie	Giambatista	Kornheiser	Norris	Sibilia
Ancel	Cina	González	Krowinski	Notte	Smith, B.
Anthony	Coffey	Goslant	LaClair	Noyes	Smith, H.
Austin	Colburn	Grad	LaLonde	O'Brien	Squirrel
Bancroft	Conlon	Graham	Lanpher	Ode	Stevens
Bartholomew	Conquest	Gregoire	Lefebvre	O'Sullivan	Strong
Batchelor	Copeland-Hanzas	Haas	Leffler	Page	Sullivan, L.
Bates	Corcoran	Harrison	Lippert	Pajala	Sullivan, M.
Beck	Cordes	Hashim	Long	Palasik	Szott
Birong	Cupoli	Helm	Macaig	Partridge	Taylor
Bissonnette	Demrow	Higley	Marcotte	Patt	Terenzini
Bock	Dickinson	Hill	Martel	Potter	Till
Brennan	Dolan	Hooper, M.	Masland	Pugh	Toleno
Briglin	Donahue	Hooper, P.J.	Mattos	Quimby	Toll
Brownell	Donovan	Hooper, R.	McCarthy	Rachelson	Toof
Browning	Durfee	Houghton	McCormack	Ralph	Townsend
Brumsted	Elder	Howard	McCoy	Redmond	Trieber
Burditt	Emmons	James,	McCullough	Rogers	Troiano
Burke	Fagan	Jerome	McFaun	Rosenquist	Walz
Campbell	Fegard	Jessup	Morgan	Savage	Webb
Canfield	Feltus	Jickling	Morrissey	Scheu	White
Carroll	Forguites	Johnson	Mrowicki	Scheuermann	Wood
Chase	Gamache	Killacky	Murphy	Seymour	Yacovone
Chesnut-Tangerman	Gannon	Kimbell	Myers	Shaw	Yantachka
Christensen	Gardner	Kitzmiller	Nicoll	Sheldon	Young

Bill as Introduced

BILL AS INTRODUCED
2019

H.234
Page 1 of 3

1 H.234
2 Introduced by Representatives Alpha of Bravotown and Charlie of Deltaville
3 Referred to Committee on
4 Date:
5 Subject: Education; State Board of Education; student member
6 Statement of purpose of bill as introduced: This bill proposes to add two
7 student members, one voting and one nonvoting, to the State Board of
8 Education.

9 An act relating to student members of the State Board of Education

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 16 V.S.A § 161 is amended to read:

12 § 161. APPOINTMENT OF MEMBERS; TERM; VACANCY

13 The State Board shall consist of ~~seven~~ nine persons, ~~all seven~~ of whom shall
14 be appointed by the Governor with the advice and consent of the Senate. In
15 the appointment of the members, consideration shall be given to the selection
16 of such persons as shall adequately represent all sections of the State. The
17 remaining two members shall be secondary students chosen by the Vermont
18 Association of Student Councils; however, only the senior secondary student
19 member shall vote.

Resolutions

- ▶ In addition to bills, legislators may request and introduce resolutions.
- ▶ There are three types of resolutions:
 - Policy resolutions
 - Parliamentary resolutions
 - Concurrent resolutions
- ▶ No official request deadlines for resolutions

Committee Process

- ▶ Chair selects which bills are taken up
- ▶ Notice of committee action is on agenda; documents relevant to committee's work are available on committee's website
- ▶ Witnesses are invited to testify at hearings
- ▶ Committee marks-up bill
- ▶ Committee votes on bill
- ▶ Committee's clerk records the vote
- ▶ Committee reports to House or Senate, as applicable

Reasons for Bill Consideration

- ▶ Reasons why a bill may be reviewed by a Committee:
 - Necessity—e.g., appropriations, federal requirement
 - Administration request
 - Request of legislative leadership
 - Advocate influence
 - Controversy—e.g., firearms legislation
 - Gaps in law—e.g., search and rescue
 - Popular support—e.g., GMO labeling, vaccinations
 - Chair preference— chairs have significant control over what a committee reviews
 - Committee process—e.g., a chair may give a committee member a chance to advance a bill

Floor Amendments

- ▶ Amendments can be requested by a committee or by an individual member
- ▶ Individual members' amendment requests are confidential
- ▶ Sponsor gives amendment to House Clerk or Senate Secretary for publication on the calendar once sponsor is ready to present it to entire body

Sample individual amendment

(Draft No. 2.1 – H.234)
11/16/2018 - JDM - 10:21 AM

Page 1 of 1

1 H.234

2 Representative Foxtrot of Golfsboro moves that the bill be amended in
3 Sec. 1, 16 V.S.A. § 161, in the third sentence, by striking out “however, only
4 the senior secondary student member shall vote” and inserting in lieu thereof
5 “and both students shall be voting members”

Calendars & Journals

House Calendar

Thursday, April 19, 2018

107th DAY OF THE ADJOURNED SESSION

House Convened at 1:00 P.M.

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ACTION CALENDAR

Action Postponed Until April 19, 2018

Senate Proposal of Amendment

H. 874 Inmate access to prescription drugs..... 1571

NEW BUSINESS

Third Reading

H. 926 Approval of amendments to the charter of the Town of Colchester..... 1572

S. 92 An act relating to interchangeable biological products..... 1572

S. 173 An act relating to sealing criminal history records when there is no conviction..... 1572

S. 289 An act relating to protecting consumers and promoting an open Internet in Vermont..... 1572

Rep. Kimbell, et al. Amendment..... 1573

Favorable

H. 927 Approval of amendments to the charter of the City of Montpelier. 1573
Rep. Lewis for Government Operations

Rep. Canfield for Ways and Means..... 1573

Rep. Lewis, et al. Amendment..... 1573

Action Postponed Until April 20, 2018

Called Up

S. 267 An act relating to timing of a decree nisi in a divorce proceeding.. 1574
Rep. LaLonde for Judiciary

NOTICE CALENDAR

Committee Bill for Second Reading

H. 928 Compensation for certain State employees (Pay Act)..... 1588
Rep. Brumsted for Government Operations

Journal of the House

Wednesday, April 18, 2018

At one o'clock in the afternoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Celine Morris, Barton, VT.

Message from the Senate No. 51

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has considered bills originating in the House of the following titles:

H. 300. An act relating to the statute of limitations for recovery and possession of property actions against the grantee of a tax collector's deed.

H. 429. An act relating to establishment of a communication facilitator program.

And has passed the same in concurrence with proposals of amendment in the adoption of which the concurrence of the House is requested.

The Senate has on its part adopted concurrent resolutions originating in the House of the following titles:

H.C.R. 316. House concurrent resolution congratulating the 2018 Mount St. Joseph Academy Mounties on winning a fourth consecutive Division IV girls' basketball championship.

H.C.R. 317. House concurrent resolution congratulating the 2018 Windsor High School Yellowjackets Division III championship girls' basketball team.

H.C.R. 318. House concurrent resolution congratulating the 2018 St. Johnsbury Academy Hilltoppers State championship boys' alpine skiing team.

H.C.R. 319. House concurrent resolution congratulating the Boys & Girls Clubs of Vermont's 2018 Youth of the Year honorees.

H.C.R. 320. House concurrent resolution recognizing the centrality of small business in the growth and prosperity of the Vermont economy.

1056

Sample Bill As Passed by House (or Senate)

BILL AS PASSED BY THE HOUSE
2019

H.234
Page 1 of 4

1 H.234
2 Introduced by Representative Alpha of Bravotown and Charlie of Deltaville
3 Referred to Committee on Education
4 Date:
5 Subject: Education; State Board of Education; student member
6 Statement of purpose of bill as introduced: This bill proposes to add two
7 student members, one voting and one nonvoting, to the State Board of
8 Education.

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14 be appointed by the Governor with the advice and consent of the Senate. In
15 the appointment of the members, consideration shall be given to the selection
16 of such persons as shall adequately represent all sections of the State. The
17 remaining two members shall be secondary students chosen by the Vermont
18 Association of Student Councils; however, only the senior secondary student
19 ~~member shall vote.~~

Floor Action & Beyond

- ▶ Attorney staffing a bill can provide assistance to members as they prepare for the floor with regard to a bill's contents and legal applications
 - E.g., section-by-section summaries for long or complex bills (upon request)
 - Not floor speeches or other persuasive materials
- ▶ If a bill is passed by the first body, it moves to the second body where the process is repeated
 - Same attorney continues to staff the bill

Sample Proposal of Amendment from the Second Body

Senate Proposal of Amendment

H. 234

An act relating to student members of the State Board of Education

The Senate proposes to the House to amend the bill in Sec. 2, by inserting the designation “(a)” before the first sentence and by adding a new subsection to be subsection (b) to read:

(b) On or before October 1, 2019, the Governor shall select the first student who will be a full voting student member of the State Board so that the student may attend and observe meetings of the State Board prior to becoming a full voting member on July 1, 2019.

Reconciliation Options

- ▶ House- and Senate-passed versions of the same bill are usually not identical.
- ▶ The bodies have the following options for reconciliation:
 - House/Senate can concur
 - House/Senate can concur with further proposal(s) of amendment
 - House/Senate can vote not to concur and seek a committee of conference

Sample Conference Committee Report

(Draft No. 2.2 – H.234)
5/1/2019 - JDM - 04:40 PM

Page 1 of 1

Report of Committee of Conference

H.234

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

The Committee of Conference, to which were referred the disagreeing votes of the two Houses upon House Bill, entitled:

H.234, An act relating to student members of the State Board of Education.

Respectfully reports that it has met and considered the same and recommends that the Senate recede from its proposal of amendment and that the bill be further amended in Sec. 2, after the third sentence, by adding a new fourth sentence to read: "The Governor shall select the student who will serve as the full voting member no later than March 31, 2020 and shall encourage the student to attend and observe State Board meetings prior to beginning his or her term of appointment.

COMMITTEE ON THE PART OF
THE SENATE

SEN. ROMEO

SEN. SIERRA

SEN. TANGO

COMMITTEE ON THE PART OF
THE HOUSE

REP. JULIET

REP. KILO

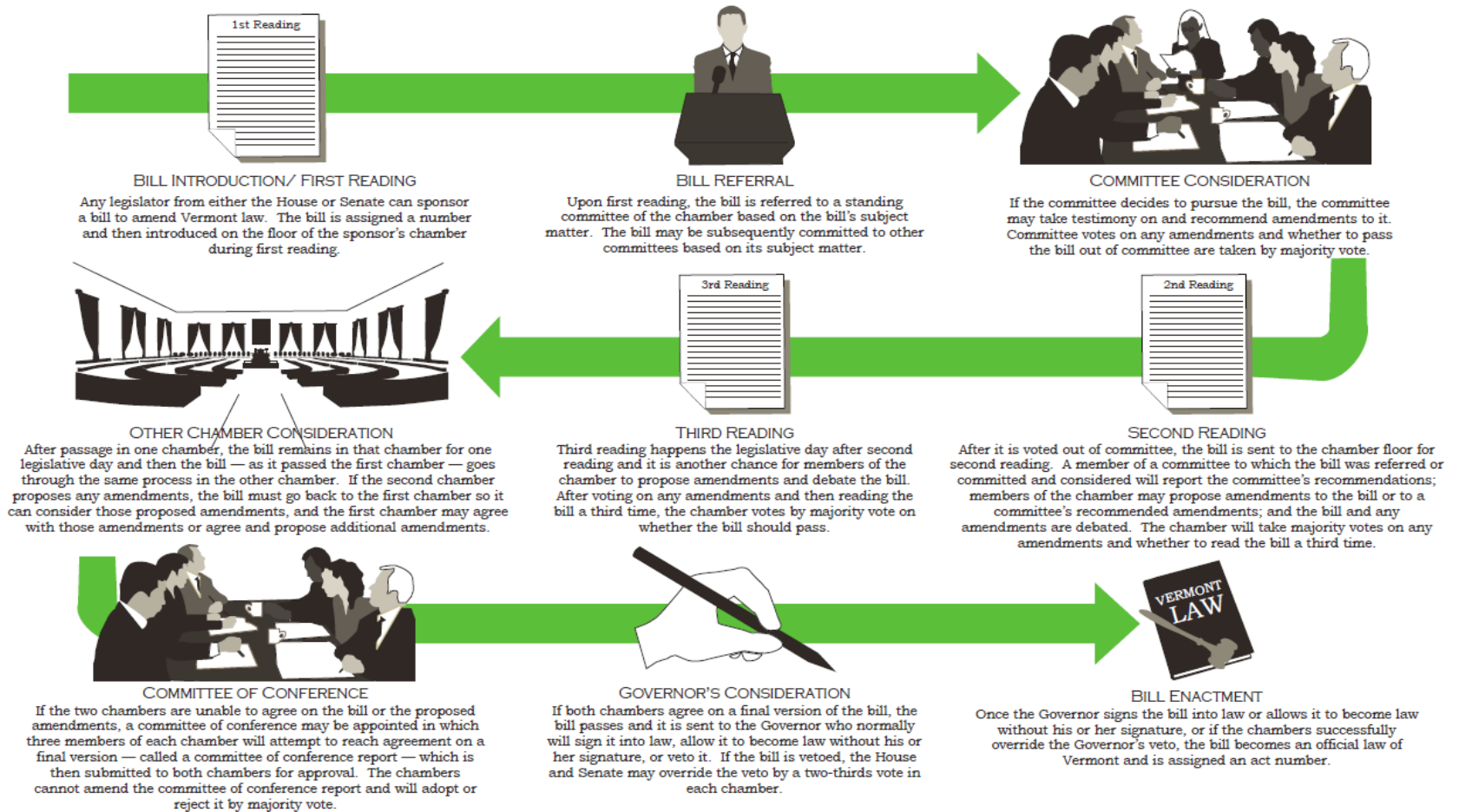
REP. LIMA

After Passage in the Legislature

- ▶ Governor may sign or veto a bill, or let it become law without a signature
- ▶ Statute vs. Session Law

Recap:

HOW A BILL BECOMES LAW



For more information on Vermont's legislative process, see "Vermont's Legislative Process" by the Clerk of the House, <http://www.leg.state.vt.us/HouseClerk/Vermont%20Legislative%20Process.htm>

Questions?

- ▶ Contact the Office of Legislative Council
 - Main Office: (802) 828-2231
 - Luke Martland, Director and Chief Counsel:
lmartland@leg.state.vt.us
 - Jennifer Carbee, Deputy Chief Counsel:
jcarbee@leg.state.vt.us
 - Michael O'Grady, Deputy Chief Counsel:
mogrady@leg.state.vt.us
- ▶ Visit the General Assembly's Website:
legislature.vermont.gov