

# VII

REFERENCE MATERIAL FOR

THE LEGISLATIVE PROCESS

PRESENTATION


Friday, December 2, 2016  
8:20 a.m.

# The Legislative Process

## 101

Office of Legislative Council  
New Member Orientation  
Dec. 2, 2016

# Presentation Overview

- ▶ 1. Legal Staff Services
  - ▶ 2. Bill Drafting Process
    - Making a Draft Request
    - Structure of a Bill
    - Preparing a Bill for Introduction
  - ▶ 3. Committee Process
  - ▶ 4. Floor Action
  - ▶ 5. Second Body
  - ▶ 6. Bill Reconciliation
  - ▶ 7. 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 and amendments
  - 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
<b>Administrative Rules</b>	<b>Aaron Adler</b>
<b>Agriculture</b>	<b>Michael O'Grady</b> <b>Marie Horbar</b> (Law Clerk)
<b>Liquor Control and Lottery</b>	<b>Damien Leonard</b> <b>Tucker Anderson</b> (Law Clerk)
<b>Appropriations</b>	<b>JFO</b>
<b>Commerce</b> Banking, Business Organizations, Consumer Protection, Economic Development, Insurance, Securities, Utilities Regulation	<b>David Hall</b> (banking, business organizations, consumer protection, economic development, securities) <b>Maria Royle</b> (insurance, utilities regulation)
<b>Capital Construction and State Bonding</b>	<b>Becky Wasserman</b> <b>Sebastian Arduengo</b> (Law Clerk)
<b>Education</b> Education Policy, School Governance, Higher Ed., Education Finance, Labor Issues	<b>Jim DesMarais</b>
<b>Energy</b>	<b>Aaron Adler</b> <b>Marie Horbar</b> (Law Clerk)
<b>Fee Bill</b>	<b>Peter Griffin</b> <b>Becky Wasserman</b> <b>Sebastian Arduengo</b> (Law Clerk)
<b>Fish and Wildlife</b> Hunting, Fishing, and Animal Importation	<b>Michael O'Grady</b> <b>Marie Horbar</b> (Law Clerk)
<b>Government Operations</b> Campaign Finance, Elections, Local and State Government, Professional Regulation, Public Records Access, Open Meetings, Government Oversight	<b>Betsy Ann Wrask</b> <b>Helena Gardner</b> (public records, open meetings) <b>Tucker Anderson</b> (Law Clerk)
<b>Health Care</b> Health Care Reform, Health Insurance, Medicaid, Mental Health, Prescription Drugs, Public Health, Tobacco	<b>Jennifer Carbee</b> <b>Katie McLinn</b>
<b>Housing</b>	<b>Damien Leonard</b> <b>David Hall</b> (condominiums and mobile homes) <b>Tucker Anderson</b> (Law Clerk)
<b>Human Services</b> Children and Families, Public Assistance, Persons with Disabilities, Long-Term Care	<b>Jennifer Carbee</b> <b>Katie McLinn</b>

# Members of the Legal Staff

## (continued)

General Areas of Law	Legislative Counsel
<p align="center"><b>Judiciary</b></p> <p>Crimes and Criminal Procedure, Corrections, 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</p>	<p><b>Michele Childs</b>  <b>Erik FitzPatrick</b>  <b>Brynn Hare</b>  <b>Luke Martland</b>  <b>Becky Wasserman</b> (corrections)</p>
<p align="center"><b>Labor and Employment Law</b></p> <p>Job Training, Unemployment Compensation, Workers' Compensation</p>	<p><b>Damien Leonard</b>  <b>Tucker Anderson</b> (Law Clerk)</p>
<p align="center"><b>Military and Veterans Issues</b></p>	<p><b>Damien Leonard</b>  <b>Tucker Anderson</b> (Law Clerk)</p>
<p align="center"><b>Natural Resources</b></p> <p>Air Pollution, Land Use, Waste, Water Pollution, Forests, State Lands, Sign Laws</p>	<p><b>Aaron Adler</b>  <b>Michael O'Grady</b>  <b>Marie Horbar</b> (Law Clerk)</p>
<p align="center"><b>Pensions and Retirement</b></p>	<p><b>Luke Martland</b></p>
<p align="center"><b>Public Safety</b></p> <p>Building Code, Fire, Police, VOSHA, Animal Control</p>	<p><b>Erik FitzPatrick, Michele Childs, Brynn Hare</b>            (police, animal control)  <b>Damien Leonard</b> (building code, fire, VOSHA)</p>
<p align="center"><b>Resolutions</b></p>	<p><b>Michael Chernick</b>  <b>Other Attorneys</b> (policy resolutions)</p>
<p align="center"><b>Taxation</b></p> <p>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</p>	<p><b>Peter Griffin</b>  <b>Becky Wasserman</b>  <b>Sebastian Arduengo</b> (Law Clerk)</p>
<p align="center"><b>Transportation</b></p> <p>Airports, Highways, Bridges, Rail, Motor Vehicles, Transportation Capital Program</p>	<p><b>Helena Gardner</b></p>

# 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



# Bill Drafting Process (continued)

Request # 17-

## DRAFTING REQUEST

**Date Received:** 11/9/17  
**Request for:** bill  
**Sponsor(s):** Representative [name] of [town]  
**May I speak with anyone outside the office?** See below  
**Willing to cosponsor?** Yes  
**May I tell another member about your request?** Not yet  
**Are Materials Attached?** No  
**Short Form?** No  
**Subject(s):** Education; state board of education; student  
**Received by:** DRS

## INSTRUCTIONS

Add two student members to the State Board of Ed. One junior (nonvoting); one senior (voting).

Contact Ellen Smith, president of Woodchuck Valley HS Student Council (555-1111).

Sponsor does not want Legislative Council to contact Agency of Ed or professional organizations yet.

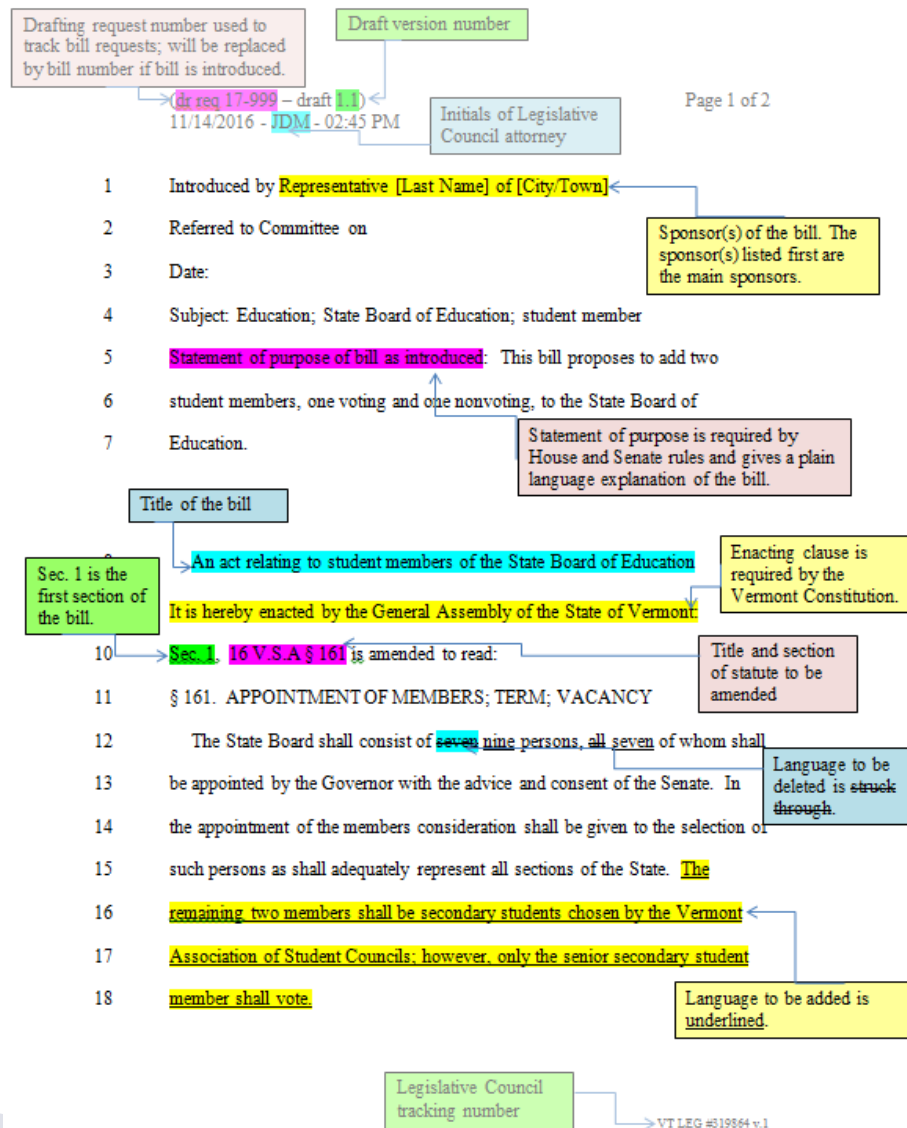
# Bill Drafting Process (continued)

- ▶ Important dates:
  - House Request Deadline: last day of January
  - House Introduction Deadline: last day of February
  - Senate Request Deadline: no deadline the first year of biennium, but attorneys need enough lead-time to prepare draft
  - Senate Introduction Deadline: no deadline the first year of biennium
- ▶ No deadlines for:
  - Short-form bills; short-form only allowed in the House
  - Committee bills in the first year of the biennium
- ▶ *To be ready in January – submit requests early – now!*
- ▶ Crossover is the date agreed to by House and Senate when bills from each body must be sent to the other body; usually in the week before or after Town Meeting Break

# Bill Drafting Process (continued)

- ▶ Co-sponsorship
  - Any person from the same legislative body may co-sponsor a bill
  - Arrangement of co-sponsors may occur where multiple bills are requested on the same topic

# 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 17-999 - draft 1.1  
11/14/2016 - 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.

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

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, 2017.

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

Legislative Council tracking number

VT LEG #319564 v.1

# Signing Out a Bill for Introduction

Drafting Request No. 17-

Draft No. \_\_\_\_\_

Date \_\_\_\_\_

If you are satisfied with the draft and wish to have the bill or resolution introduced, sign in **ink** in the space provided next to your name, collect on this sheet the signatures in **ink** of all cosponsors, and return the sheet to the Legislative Drafting Technicians at 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 legal staff whose name is checked below.

\_\_\_ Aaron Adler, ADA  
 \_\_\_ Tucker Anderson, TA  
 \_\_\_ E. Sebastian Arduengo, ESA  
 \_\_\_ Jennifer Carbee, JGC  
 \_\_\_ Michael Chernick, MJC

\_\_\_ Michele Childs, MRC  
 \_\_\_ Jim DesMarais, JDM  
 \_\_\_ Erik FitzPatrick, EBF  
 \_\_\_ Helena Gardner, HMG  
 \_\_\_ Peter Griffin, PGG

\_\_\_ David Hall, DPH  
 \_\_\_ Brynn Hare, BNH  
 \_\_\_ Marie Horbar, MCH  
 \_\_\_ Damien Leonard, DJL  
 \_\_\_ Luke Martland, LM

\_\_\_ Katie McLinn, KMM  
 \_\_\_ Michael O'Grady, MOG  
 \_\_\_ Maria Royle, MCR  
 \_\_\_ Rebecca Wasserman, RDW  
 \_\_\_ BetsyAnn Wrask, BAW



<u>Ancl</u>	<u>Colburn</u>	<u>Gardner</u>	<u>Kitzmiller</u>	<u>Nolan</u>	<u>Strong</u>
<u>Bancroft</u>	<u>Condon</u>	<u>Giambatista</u>	<u>Krowinski</u>	<u>Noyes</u>	<u>Stuart</u>
<u>Bartholomew</u>	<u>Conlon</u>	<u>González</u>	<u>LaClair</u>	<u>Ode</u>	<u>Sullivan, L.</u>
<u>Baser</u>	<u>Connor</u>	<u>Grad</u>	<u>LaLonde</u>	<u>Olsen</u>	<u>Sullivan, M.</u>
<u>Batchelor</u>	<u>Conquest</u>	<u>Graham</u>	<u>Lanpher</u>	<u>O'Sullivan</u>	<u>Tate</u>
<u>Beck</u>	<u>Copeland-Hanzas</u>	<u>Greshin</u>	<u>Lawrence</u>	<u>Parent</u>	<u>Taylor</u>
<u>Belaski</u>	<u>Corcoran</u>	<u>Haas</u>	<u>Lefebvre</u>	<u>Partridge</u>	<u>Terenzini</u>
<u>Beyor</u>	<u>Cupoli</u>	<u>Head</u>	<u>Lewis</u>	<u>Pearce</u>	<u>Till</u>
<u>Bissonnette</u>	<u>Dakin</u>	<u>Hebert</u>	<u>Lippert</u>	<u>Poirier</u>	<u>Toleno</u>
<u>Bock</u>	<u>Deen</u>	<u>Helm</u>	<u>Long</u>	<u>Potter</u>	<u>Toll</u>
<u>Botzow</u>	<u>Devereux</u>	<u>Higley</u>	<u>Lucke</u>	<u>Pugh</u>	<u>Townsend</u>
<u>Brenman</u>	<u>Dickinson</u>	<u>Hill</u>	<u>Macaig</u>	<u>Quimby</u>	<u>Trieber</u>
<u>Briglin</u>	<u>Donahue</u>	<u>Hooper, J.</u>	<u>Marcotte</u>	<u>Rachelson</u>	<u>Troiano</u>
<u>Browning</u>	<u>Donovan</u>	<u>Hooper, M.</u>	<u>Martel</u>	<u>Rosenquist</u>	<u>Turner</u>
<u>Brumsted</u>	<u>Dunn</u>	<u>Houghton</u>	<u>Masland</u>	<u>Savage</u>	<u>Van Wyck</u>
<u>Buckholz</u>	<u>Eastman</u>	<u>Howard</u>	<u>McCormack</u>	<u>Scheu</u>	<u>Viens</u>
<u>Burditt</u>	<u>Emmons</u>	<u>Hubert</u>	<u>McCoy</u>	<u>Scheuermann</u>	<u>Walz</u>
<u>Burke</u>	<u>Fagan</u>	<u>Jessup</u>	<u>McCullough</u>	<u>Sharpe</u>	<u>Webb</u>
<u>Buxton</u>	<u>Feltus</u>	<u>Jickling</u>	<u>McFaun</u>	<u>Shaw</u>	<u>Weed</u>
<u>Canfield</u>	<u>Fields</u>	<u>Johnson</u>	<u>Miller</u>	<u>Sheldon</u>	<u>Willhoit</u>
<u>Carr</u>	<u>Forguites</u>	<u>Joseph</u>	<u>Morris</u>	<u>Sibilia</u>	<u>Wood</u>
<u>Chesnut-Tangerman</u>	<u>Frenier</u>	<u>Juskiewicz</u>	<u>Morrissey</u>	<u>Smith, B.</u>	<u>Wright</u>
<u>Christensen</u>	<u>Gage</u>	<u>Keefe</u>	<u>Mrowicki</u>	<u>Smith, H.</u>	<u>Yacovone</u>
<u>Christie</u>	<u>Gamache</u>	<u>Keenan</u>	<u>Murphy</u>	<u>Squirrel</u>	<u>Yantachka</u>
<u>Cina</u>	<u>Gannon</u>	<u>Kimbell</u>	<u>Myers</u>	<u>Stevens</u>	<u>Young</u>

# Bill as Introduced

BILL AS INTRODUCED  
2015

H.234  
Page 1 of 3

1 H.234  
2 Introduced by Representatives [name] of [town] and [name] of [town]  
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 of  
16 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



# 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. child welfare bill
  - Gaps in law
  - Popular support—e.g., GMO labeling, vaccinations
  - Chair preference—i.e., 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
- ▶ 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

# Calendars & Journals

## House Calendar

Tuesday, April 26, 2016

113th DAY OF THE ADJOURNED SESSION

House Convenes at 10:00 AM

### TABLE OF CONTENTS

Page No.

#### ACTION CALENDAR

##### Unfinished Business of Monday, April 25 2016

###### Third Reading

S. 20 An act relating to establishing and regulating dental therapists.....	1922
Rep. Shaw Amendment.....	1922
S. 132 An act relating to the prohibition of conversion therapy on minors	1922
S. 224 An act relating to warranty obligations of equipment dealers and suppliers.....	1922
Rep. Helm Amendment.....	1922
S. 255 An act relating to regulation of hospitals, health insurers, and managed care organizations.....	1922

###### Favorable with Amendment

H. 866 Prescription drug manufacturer cost transparency.....	1922
Rep. Pearson for Health Care	
S. 189 An act relating to foster parents' rights and protections.....	1929
Rep. Haas for Human Services	
Rep. Trieber for Appropriations.....	1926
Rep. Wilhoit Amendment.....	1926
S. 215 An act relating to the regulation of vision insurance plans.....	1926
Rep. Poirier for Health Care	
Rep. Poirier Amendment.....	1928

###### Senate Proposal of Amendment

H. 249 Intermunicipal services.....	1928
H. 297 The sale of ivory or rhinoceros horn.....	1930
H. 512 Adequate shelter of dogs and cats.....	1934

## Journal of the House

Tuesday, April 26, 2016

At ten o'clock in the forenoon the Speaker called the House to order.

#### Devotional Exercises

Devotional exercises were conducted by Second grade singers, Rutland Northeast and Northwest Primary schools, Rutland, Vt.

#### Pledge of Allegiance

Page Samuel Thompson of Milton led the House in the Pledge of Allegiance.

#### Message from the Senate No. 49

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

Mr. Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

H. 580. An act relating to conservation easements.

And has concurred therein.

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

H. 74. An act relating to safety protocols for social and mental health workers.

H. 183. An act relating to security in the Capitol Complex.

H. 367. An act relating to miscellaneous revisions to the municipal plan adoption, amendment, and update process.

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 joint resolution of the following title:

J.R.S. 53. Joint resolution relating to weekend adjournment.

In the adoption of which the concurrence of the House is requested.

# Sample Bill As Passed House (or Senate)

BILL AS PASSED THE HOUSE  
2015

H.234  
Page 1 of 4

1 H.234  
2 Introduced by Representative A \_\_\_ of B \_\_\_ and C \_\_\_ of D \_\_\_  
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.

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 of  
16 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 & legal applications
- ▶ 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, 2015, 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, 2015.

# 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 vote not to concur and seek a conference committee



# Sample Conference Committee Report

(Draft No. 2.1 – H.234)  
5/1/2015 - DRS - 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, 2016 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. A \_\_\_\_\_

\_\_\_\_\_  
SEN. X \_\_\_\_\_

\_\_\_\_\_  
SEN. B \_\_\_\_\_

COMMITTEE ON THE PART OF  
THE HOUSE

\_\_\_\_\_  
REP. Z \_\_\_\_\_

\_\_\_\_\_  
REP. G \_\_\_\_\_

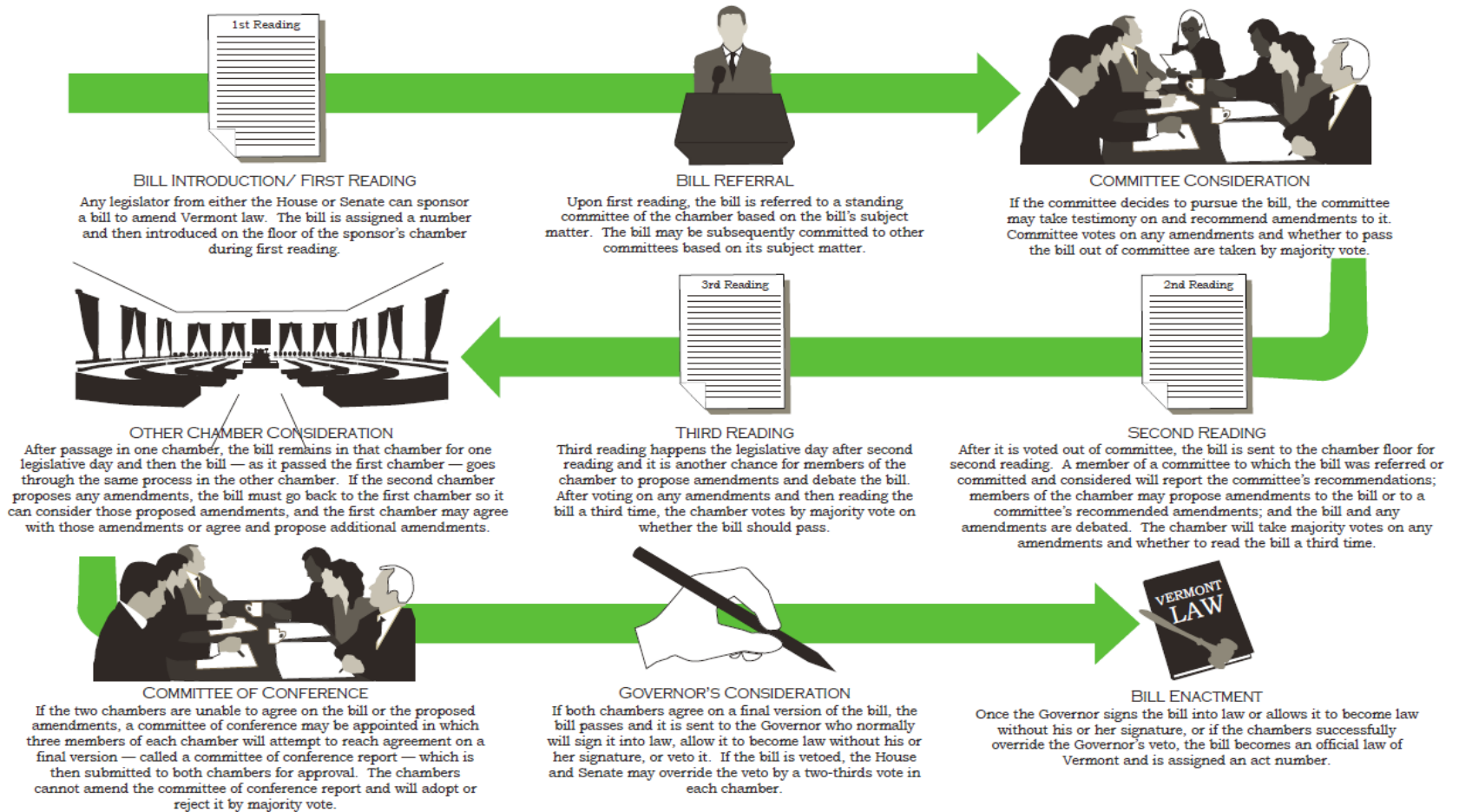
\_\_\_\_\_  
REP. H \_\_\_\_\_

# 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



# Questions?

- ▶ Contact the Office of Legislative Council
  - Main Office: (802) 828-2231
  - Luke Martland, Director and Chief Counsel:  
[lmartland@leg.state.vt.us](mailto:lmartland@leg.state.vt.us)
- ▶ Visit the General Assembly's Website:  
<http://legislature.vermont.gov/>