

Fix for a Legislative Boo-Boo

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According to cynics of the legislative process, a person is never safe in his or her person or property when the legislature is in session. Certainly the consequences of legislative action intended or not can be significant. Witness the consequences of a one line bill that unintentionally reinstated Virginia's ancient blue laws providing for a Sunday day of rest from working. The bill was intended to clean up the Code by taking laws prohibiting the sale of certain items on Sunday off the books.

Amazingly, the change in the law got by the highly capable staff of the Division of Legislative Services, the 140 members of the General Assembly including their committee review, the full-time lawyers who work for Attorney General Kilgore and who review all legislation, the Governor's legal and policy staff, and the more than 700 lobbyists who follow legislation. A special legislative session was called for this week to fix the boo-boo.

Embarrassing as the situation is, it is amazing that it does not happen more often. The legislature works at lightning speed depending on a lot of external review to ensure that it does not make a mistake. In the 60-day regular session of the General Assembly this year, 3006 bills and resolutions were considered. Of these, 1715 were passed. You can do the math to calculate the average number of minutes each bill was considered.

While more time for the legislature to do its work is desirable, the ability to extend the legislative session and continue with a cross-section of Virginians as citizen legislators may prove difficult. At the same time, I do not think that a full time legislature would be desirable. One of the strong features of the current system is that as citizen, part-time legislators we live in the communities we represent and feel the consequences of our actions on our friends and neighbors rather than living in the isolation that a capital city sometimes provides.

What the General Assembly can do is get rid of some of the work it does by delegation. Local governments should be granted a broader degree of power eliminating the need for constant returns to the state legislature for specific authority to take actions. Who gets a special license plate can be left to a commission rather than an act of the General Assembly as far as I am concerned. Likewise, the Game Commission can take care of hunting and fishing laws. The General Assembly should set broad public policy and not micro-manage state or local governments.

At the same time the General Assembly should resist the urge to pass bills at the demand of certain ideological interests. Recent years have seen a deluge of bills from the conservative right wing to post "In God We Trust" posters in classrooms, to reaffirm marriage, and to eliminate any hint of gun control.

"We can all learn from our mistakes," is another popular adage. The General Assembly should learn from its mistake. Correct the law that needs changing, but reform the system to reduce mistakes in the future.