

## Department of Planning and Budget 2001 Fiscal Impact Statement

1. **Bill Number** HB1861-ER

**House of Origin** ☐ Introduced ☐ Substitute ☐ Engrossed

**Second House** ☐ In Committee ☐ Substitute ☒ Enrolled

2. **Patron** McDonnell

3. **Committee** Passed Both Houses

4. **Title** General provisions; statutory construction of 'reenacted.'

5. **Summary/Purpose:**

Construes the term "reenacted" as used in a title and enactment clause to mean that the changes made by the bill to an act or Code section are in addition to the existing substantive provisions of that act or section, and are effective prospectively unless the bill expressly provides that such changes are effective retroactively on a specified date. Also, this rule of construction is declared to be existing public policy and law. Finally, the legislation states that it is intended to reverse the ruling in *Rubio v. Rubio*, 33 Va. App. \_\_\_\_, 2596691, \_\_\_\_ SE2d \_\_\_\_ (2000).

The bill as engrossed by the House makes a technical amendment providing the exact citation to the decision of the Court of Appeals.

The enrolled bill provides a corrected citation to the decision of the Court of Appeals.

6. **No Fiscal Impact**

7. **Budget amendment necessary:**

No.

8. **Fiscal implications:**

See No. 11 below.

9. **Specific agency or political subdivisions affected:**

None

10. **Technical amendment necessary:**

No.

11. **Other comments:**

This bill has no fiscal implications. Its purpose is to state legislative intent in regard to the meaning of "reenacted" when used in legislation amending the Code of Virginia or other act of Assembly.

In Rubio v. Rubio, the Court of Appeals of Virginia held that the word "reenacted" means that the amending act supersedes in its entirety the statute in its previous forms, even though previous language has not been amended in the amending act.

The Court also held that the amending act applied retroactively to a spousal support decree entered several years prior to the enactment of the amending act.

This bill provides that the word "reenacted" applies only to the amended language and that it applies prospectively, not retroactively, unless the bill itself states otherwise.

It would appear that the Court of Appeals decision is contrary to the opinion of the Supreme Court of Virginia in Gilmore v. Landside (1996), which held that the Governor did not have the power to veto items which had not been amended in an appropriation bill which amended certain items in a prior appropriation act, but not other items.

**Date:** 02/24/01/jbc

**Document:** 01 Bills FIS/HB 1861-ER

cc: Secretary of Finance