

HOUSE JOINT RESOLUTION NO. 13

Establishing a joint subcommittee to study the appropriate balance of power between the legislative and executive branches to support a two-term Governor in the Commonwealth. Report.

Agreed to by the House of Delegates, February 17, 2004

Agreed to by the Senate, March 9, 2004

WHEREAS, the Commonwealth is the only state that limits a governor to serving one consecutive term by its Constitution; and

WHEREAS, the Governor of Virginia has extensive formal powers, including the power to fill vacancies in state government, to veto and to propose amendments to legislation passed by the General Assembly, and the responsibility to propose a state budget; and

WHEREAS, opponents of a proposed constitutional amendment defeated at the 2003 Session to allow the Governor of Virginia to succeed himself argued that such power would disrupt the carefully achieved balance of powers between the executive and legislative branch established by the Constitution of Virginia; and

WHEREAS, proponents of the constitutional amendment argued that four years does not provide enough time for long-range planning and that the governor should have some accountability to the electorate for his actions during his term of service; and

WHEREAS, the right of succession should be evaluated with the Governor's other powers to ensure the preservation of the three equal branches of government, the cornerstone of America's democracy; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study the appropriate balance of power between the legislative and executive branches to support a two-term Governor in the Commonwealth. The joint subcommittee shall consist of 10 members that include six legislative members and four nonlegislative citizen members as follows: four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; two members of the Senate to be appointed by the Senate Committee on Rules; two nonlegislative citizen members at large to be appointed by the Speaker of the House of Delegates; and two nonlegislative citizen members at large to be appointed by the Senate Committee on Rules. Nonlegislative citizen members of the joint subcommittee shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall (i) examine the history of the Governor's power in the Commonwealth; (ii) compare the powers of the governors of other states; (iii) determine the balance of power established between the executive and legislative branches in other states, particularly in those states that transitioned from a one-term governor to a two-term governor; and (iv) consider constitutional and statutory options for the equitable distribution of power between the legislature and executive branch to support a two-term Governor in the Commonwealth.

Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2004 interim, and the direct costs of this study shall not exceed \$7,600 without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the House members or a majority of the Senate members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings by November 30, 2004, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and

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recommendations no later than the first day of the 2005 Regular Session of the General Assembly. The executive summary shall state whether the joint subcommittee intends to submit to the Governor and the General Assembly a report of its findings and recommendations for publication as a document. The executive summary and the report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or delay the period for the conduct of the study, or authorize additional meetings during the 2004 interim.