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SENATE JOINT RESOLUTION NO. 338

Offered January 10, 2007

Prefiled January 5, 2007

Proposing amendments to Sections 6 and 14 of Article IV, Section 1 of Article V, and Section 4 of Article VIII of the Constitution of Virginia, relating to the legislature's sessions and powers and the Governor's term and powers.

Patron—Devolites Davis

Referred to Committee on Privileges and Elections

RESOLVED by the Senate, the House of Delegates concurring, a majority of the members elected to each house agreeing, That the following amendments to the Constitution of Virginia be, and the same hereby are, proposed and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates for its concurrence in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend Sections 6 and 14 of Article IV, Section 1 of Article V, and Section 4 of Article VIII of the Constitution of Virginia as follows:

ARTICLE IV
LEGISLATURE

Section 6. Legislative sessions.

The General Assembly shall meet once each year on the second Wednesday in January. Except as herein provided for reconvened sessions, no regular session of the General Assembly convened in an even-numbered year shall continue longer than sixty days; no regular session of the General Assembly convened in an odd-numbered year shall continue longer than thirty days; but with the concurrence of two-thirds of the members elected to each house, any regular session may be extended ~~for a period not exceeding thirty days~~. Neither house shall, without the consent of the other, adjourn to another place, nor for more than three days.

The Governor may convene a special session of the General Assembly when, in his opinion, the interest of the Commonwealth may require and shall convene a special session upon the application of two-thirds of the members elected to each house. *The failure to confirm a gubernatorial appointee at a special session shall be deemed a refusal to confirm for the purposes of Section 11 of Article V unless the General Assembly states otherwise.*

The General Assembly shall reconvene on the sixth Wednesday after adjournment of each regular or special session for the purpose of considering bills which may have been returned by the Governor with recommendations for their amendment and bills and items of appropriation bills which may have been returned by the Governor with his objections. No other business shall be considered at a reconvened session. Such reconvened session shall not continue longer than three days unless the session be extended, for a period not exceeding seven additional days, upon the vote of the majority of the members elected to each house.

Section 14. Powers of General Assembly; limitations.

The authority of the General Assembly shall extend to all subjects of legislation not herein forbidden or restricted; and a specific grant of authority in this Constitution upon a subject shall not work a restriction of its authority upon the same or any other subject. The omission in this Constitution of specific grants of authority heretofore conferred shall not be construed to deprive the General Assembly of such authority, or to indicate a change of policy in reference thereto, unless such purpose plainly appear.

The General Assembly shall confer on the courts power to grant divorces, change the names of persons, and direct the sales of estates belonging to infants and other persons under legal disabilities, and shall not, by special legislation, grant relief in these or other cases of which the courts or other tribunals may have jurisdiction.

The General Assembly may regulate the exercise by courts of the right to punish for contempt.

The General Assembly may suspend or nullify any or all portions of any administrative rule or regulation by joint resolution agreed to by a majority of the members elected to each house. When the General Assembly is not in a regular session, the standing committees of each house and joint legislative commissions designated by the General Assembly may suspend any or all portions of any administrative rule or regulation until the end of the next regular session.

The General Assembly's power to define the accrual date for a civil action based on an intentional tort committed by a natural person against a person who, at the time of the intentional tort, was a minor

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59 shall include the power to provide for the retroactive application of a change in the accrual date. No
60 natural person shall have a constitutionally protected property right to bar a cause of action based on
61 intentional torts as described herein on the ground that a change in the accrual date for the action has
62 been applied retroactively or that a statute of limitations or statute of repose has expired.

63 The General Assembly shall not enact any local, special, or private law in the following cases:

64 (1) For the punishment of crime.

65 (2) Providing a change of venue in civil or criminal cases.

66 (3) Regulating the practice in, or the jurisdiction of, or changing the rules of evidence in any judicial
67 proceedings or inquiry before the courts or other tribunals, or providing or changing the methods of
68 collecting debts or enforcing judgments or prescribing the effect of judicial sales of real estate.

69 (4) Changing or locating county seats.

70 (5) For the assessment and collection of taxes, except as to animals which the General Assembly
71 may deem dangerous to the farming interests.

72 (6) Extending the time for the assessment or collection of taxes.

73 (7) Exempting property from taxation.

74 (8) Remitting, releasing, postponing, or diminishing any obligation or liability of any person,
75 corporation, or association to the Commonwealth or to any political subdivision thereof.

76 (9) Refunding money lawfully paid into the treasury of the Commonwealth or the treasury of any
77 political subdivision thereof.

78 (10) Granting from the treasury of the Commonwealth, or granting or authorizing to be granted from
79 the treasury of any political subdivision thereof, any extra compensation to any public officer, servant,
80 agent, or contractor.

81 (11) For registering voters, conducting elections, or designating the places of voting.

82 (12) Regulating labor, trade, mining, or manufacturing, or the rate of interest on money.

83 (13) Granting any pension.

84 (14) Creating, increasing, or decreasing, or authorizing to be created, increased, or decreased, the
85 salaries, fees, percentages, or allowances of public officers during the term for which they are elected or
86 appointed.

87 (15) Declaring streams navigable, or authorizing the construction of booms or dams therein, or the
88 removal of obstructions therefrom.

89 (16) Affecting or regulating fencing or the boundaries of land, or the running at large of stock.

90 (17) Creating private corporations, or amending, renewing, or extending the charters thereof.

91 (18) Granting to any private corporation, association, or individual any special or exclusive right,
92 privilege, or immunity.

93 (19) Naming or changing the name of any private corporation or association.

94 (20) Remitting the forfeiture of the charter of any private corporation, except upon the condition that
95 such corporation shall thereafter hold its charter subject to the provisions of this Constitution and the
96 laws passed in pursuance thereof.

97 The General Assembly shall not grant a charter of incorporation to any church or religious
98 denomination, but may secure the title to church property to an extent to be limited by law.

99 ARTICLE V

100 EXECUTIVE

101 Section 1. Executive power; Governor's term of office.

102 The chief executive power of the Commonwealth shall be vested in a Governor. He shall hold office
103 for a term commencing upon his inauguration on the Saturday after the second Wednesday in January,
104 next succeeding his election, and ending in the ~~fourth~~ sixth year thereafter immediately upon the
105 inauguration of his successor. He shall be ineligible to the same office for the term next succeeding that
106 for which he was elected, and to any other office during his term of service.

107 ARTICLE VIII

108 EDUCATION

109 Section 4. Board of Education.

110 The general supervision of the public school system shall be vested in a Board of Education of nine
111 members; ~~to be. Four members, including one member designated to serve as president of the Board,~~
112 ~~shall be~~ appointed by the Governor, subject to confirmation by the General Assembly. ~~Three members~~
113 ~~shall be appointed by the House of Delegates in accordance with the rules of the House, and two~~
114 ~~members shall be appointed by the Senate in accordance with the rules of the Senate.~~ Each appointment
115 shall be for ~~four years~~ a four-year term beginning February 1, except that those to fill vacancies shall
116 be for the unexpired terms. Terms shall be staggered, so that no more than three regular appointments
117 shall be made in the same year. ~~No person shall be appointed to serve more than two consecutive full~~
118 ~~terms. Upon being inaugurated in 2010, the Governor shall appoint the president and one additional~~
119 ~~member. The Governor shall appoint one additional member in each of the two years following 2010.~~
120 ~~The House of Delegates shall appoint one member in each of the three years following 2010. The~~

- 121** *Senate shall appoint one member in the second year and one member in the third year following 2010.*
122 *Succeeding appointments shall be made by the appropriate authority as terms expire. Each member in*
123 *office on the effective date of this provision shall serve until his successor has been appointed.*

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