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HOUSE JOINT RESOLUTION NO. 670

Offered January 9, 2013

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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.

Patron—Brink

Referred to Committee on Rules

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 previous efforts to allow the Governor of Virginia to succeed himself have 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 previous efforts to allow the Governor of Virginia to succeed himself have 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, in 2005, the Joint Subcommittee to Study the Appropriate Balance of Power between the Legislative and Executive Branches to Support a Two-Term Governor in the Commonwealth issued its report and that the findings of the Joint Subcommittee are ripe for reconsideration; 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 have a total membership of 10 members that shall consist of six legislative members and four nonlegislative citizen members. Members shall be appointed 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 to be appointed by the Speaker of the House of Delegates; and two nonlegislative citizen members 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 Governor's powers to those 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 legislative 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 2013 interim, and the direct costs of this study shall not exceed \$16,080 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

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59 or a majority of the Senate members appointed to the joint subcommittee (i) vote against the
60 recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the
61 joint subcommittee.

62 The joint subcommittee shall complete its meetings by November 30, 2013, and the chairman shall
63 submit to the Division of Legislative Automated Systems an executive summary of its findings and
64 recommendations no later than the first day of the 2014 Regular Session of the General Assembly. The
65 executive summary shall state whether the joint subcommittee intends to submit to the General
66 Assembly and the Governor a report of its findings and recommendations for publication as a House or
67 Senate document. The executive summary and the report shall be submitted as provided in the
68 procedures of the Division of Legislative Automated Systems for the processing of legislative documents
69 and reports and shall be posted on the General Assembly's website.

70 Implementation of this resolution is subject to subsequent approval and certification by the Joint
71 Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or
72 delay the period for the conduct of the study, or authorize additional meetings during the 2013 interim.