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HOUSE JOINT RESOLUTION NO. 543

Offered January 11, 2017

Prefiled September 28, 2016

Proposing an amendment to Section 6 of Article V of the Constitution of Virginia and proposing an amendment to the Constitution of Virginia by adding in Article X a section numbered 7-B, relating to the failure to pass an appropriation act.

Patrons—Cole and Fariss

Referred to Committee on Privileges and Elections

RESOLVED by the House of Delegates, the Senate 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 Section 6 of Article V of the Constitution of Virginia and amend the Constitution of Virginia by adding in Article X a section numbered 7-B as follows:

ARTICLE V
EXECUTIVE

Section 6. Presentation of bills; powers of Governor; vetoes and amendments.

(a) ~~Every~~ Except as provided in Article X, Section 7-B of this Constitution, every bill which passes the Senate and House of Delegates, before it becomes law, shall be presented to the Governor.

(b) During a regular or special session, the Governor shall have seven days in which to act on the bill after it is presented to him and to exercise one of the three options set out below. If the Governor does not act on the bill, it shall become law without his signature.

(i) The Governor may sign the bill if he approves it, and the bill shall become law.

(ii) The Governor may veto the bill if he objects to it by returning the bill with his objections to the house in which the bill originated. The house shall enter the objections in its journal and reconsider the bill. The house may override the veto by a two-thirds vote of the members present, which two-thirds shall include a majority of the members elected to that house. If the house of origin overrides the Governor's veto, it shall send the bill and Governor's objections to the other house where the bill shall be reconsidered. The second house may override the Governor's veto by a two-thirds vote of the members present, which two-thirds shall include a majority of the members elected to that house. If both houses override the Governor's veto, the bill shall become law without his signature. If either house fails to override the Governor's veto, the veto shall stand and the bill shall not become law.

(iii) The Governor may recommend one or more specific and severable amendments to a bill by returning it with his recommendation to the house in which it originated. The house shall enter the Governor's recommendation in its journal and reconsider the bill. If both houses agree to the Governor's entire recommendation, the bill, as amended, shall become law. Each house may agree to the Governor's amendments by a majority vote of the members present. If both houses agree to the bill in the form originally sent to the Governor by a two-thirds vote of all members present in each house, which two-thirds shall include a majority of the members elected to that house, the original bill shall become law. If the Governor sends down specific and severable amendments then each house may determine, in accordance with its own procedures, whether to act on the Governor's amendments en bloc or individually, or any combination thereof. If the house of origin agrees to one or more of the Governor's amendments, it shall send the bill and the entire recommendation to the other house. The second house may also agree to one or more of the Governor's amendments. If either house fails to agree to the Governor's entire recommendation or fails to agree to at least one of the Governor's amendments agreed to by the other house, the bill, as originally presented to the Governor, shall be returned to the Governor. If both houses agree to one or more amendments but not to the entire recommendation of the Governor, the bill shall be reenrolled with the Governor's amendments agreed to by both houses and shall be returned to the Governor. If the Governor fails to send down specific and severable amendments as determined by the majority vote of the members present in either house, then the bill shall be before that house, in the form originally sent to the Governor and may be acted upon in accordance with Article IV, Section 11 of this Constitution and returned to the Governor. The Governor shall either sign or veto a bill returned as provided in this subsection or, if there are fewer than seven days remaining in the session, as provided in subsection (c).

(c) When there are fewer than seven days remaining in the regular or special session from the date a

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59 bill is presented to the Governor and the General Assembly adjourns to a reconvened session, the
60 Governor shall have thirty days from the date of adjournment of the regular or special session in which
61 to act on the bills presented to him and to exercise one of the three options set out below. If the
62 Governor does not act on any bill, it shall become law without his signature.

63 (i) The Governor may sign the bill if he approves it, and the bill shall become law.

64 (ii) The Governor may veto the bill if he objects to it by returning the bill with his objections to the
65 house in which the bill originated. The same procedures for overriding his veto are applicable as stated
66 in subsection (b) for bills vetoed during the session.

67 (iii) The Governor may recommend one or more specific and severable amendments to a bill by
68 returning it with his recommendation to the house in which it originated. The same procedures for
69 considering his recommendation are applicable as stated in subsection (b) (iii) for bills returned with his
70 recommendation. The Governor shall either sign or veto a bill returned to him from a reconvened
71 session. If the Governor vetoes the bill, the veto shall stand and the bill shall not become law. If the
72 Governor does not act on the bill within thirty days after the adjournment of the reconvened session, the
73 bill shall become law without his signature.

74 (d) The Governor shall have the power to veto any particular item or items of an appropriation bill,
75 but the veto shall not affect the item or items to which he does not object. The item or items objected
76 to shall not take effect except in the manner provided in this section for a bill vetoed by the Governor.

77 (e) In all cases set forth above, the names of the members voting for and against the bill, the
78 amendment or amendments to the bill, or the item or items of an appropriation bill shall be entered on
79 the journal of each house.

80 ARTICLE X

81 TAXATION AND FINANCE

82 *Section 7-B. Failure to pass an appropriation act.*

83 *In the event that an appropriation act has not been adopted thirty days prior to the expiration of the*
84 *current appropriation act, a joint session of the General Assembly shall be convened, with both houses*
85 *sitting in joint session in the hall of the House of Delegates and the Speaker of the House of Delegates*
86 *presiding. The General Assembly shall vote on an appropriation act as a single body, with the votes of*
87 *the members of the Senate weighted in accordance with the ratio of the average population of a Senate*
88 *district to the average population of a House district. The appropriation act passed by the joint session*
89 *shall become the state budget without the signature of the Governor.*