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SENATE BILL NO. 826

Offered January 15, 2018

A *BILL to provide for the submission to the voters of a proposed amendment to the Constitution of Virginia by adding in Article IV a section numbered 19, relating to legislative review of administrative rules.*

Patron—Vogel

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. § 1. It shall be the duty of the officers conducting the election directed by law to be held on the Tuesday after the first Monday in November 2018, at the places appointed for holding the same, to open a poll and take the sense of the qualified voters upon the ratification or rejection of the proposed amendment to the Constitution of Virginia, contained herein and in the joint resolution proposing such amendment, to wit:

Amend the Constitution of Virginia by adding in Article IV a section numbered 19 as follows:

**ARTICLE IV
LEGISLATURE**

Section 19. Legislative review of administrative rules.

The General Assembly may review any administrative rule to ensure it is consistent with the legislative intent of the statute that the rule was written to interpret, prescribe, implement, or enforce. After that review, the General Assembly may approve or reject, in whole or in part, any rule as provided by law. The approval or rejection of a rule by the General Assembly shall not be subject to gubernatorial veto under Article V, Section 6 of this Constitution.

§ 2. The ballot shall contain the following question:

"Question: Shall the General Assembly be allowed (i) to review any administrative rule to ensure it is consistent with the General Assembly's intent for the law that the rule was written to interpret, prescribe, implement, or enforce and (ii) to approve or reject any administrative rule or any part of an administrative rule, without such approval or rejection being subject to veto by the Governor, after that review?"

The ballots shall be prepared, distributed and voted, and the results of the election shall be ascertained and certified, in the manner prescribed by § 24.2-684 of the Code of Virginia. The State Board of Elections shall comply with § 30-19.9 of the Code and shall cause to be sent to the electoral boards of each county and city sufficient copies of the full text of the amendment and question contained herein for the officers of election to post in each polling place on election day.

The electoral board of each county and city shall make out, certify and forward an abstract of the votes cast for and against such proposed amendment in the manner now prescribed by law in relation to votes cast in general elections.

The State Board of Elections shall open and canvass such abstracts and examine and report the whole number of votes cast at the election for and against such amendment in the manner now prescribed by law in relation to votes cast in general elections. The State Board of Elections shall record a certified copy of such report in its office and without delay make out and transmit to the Governor an official copy of such report, certified by it. The Governor shall without delay make proclamation of the result, stating therein the aggregate vote for and against the amendment.

If a majority of those voting vote in favor of the amendment, it shall become effective on January 1, 2019.

The expenses incurred in conducting this election shall be defrayed as in the case of election of members of the General Assembly.

INTRODUCED

SB826