

2020 SPECIAL SESSION I

INTRODUCED

20200248D

HOUSE JOINT RESOLUTION NO. 5001

Offered August 18, 2020

Prefiled July 29, 2020

Proposing an amendment to Section 6 of Article IV of the Constitution of Virginia and proposing an amendment to the Constitution of Virginia by adding in Article V a section numbered 7-A, relating to executive power; state of emergency; special session.

Patrons—Wilt, Austin, Avoli, Batten, Cole, M.L., Edmunds, Fowler, Gilbert, Hodges, Knight, Poindexter, Ransone, Runion, Walker, Ware, Webert, Wright and Wyatt; Senator: Ruff

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 IV of the Constitution of Virginia and amend the Constitution of Virginia by adding in Article V a section numbered 7-A 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 *and as required pursuant to Article V, Section 7-A of this constitution.*

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. The General Assembly may provide, by a joint resolution approved during a regular or special session by the vote of the majority of the members elected to each house, that it shall reconvene on a date after the sixth Wednesday after adjournment of the regular or special session but no later than the seventh Wednesday after adjournment.

ARTICLE V EXECUTIVE

Section 7-A. Emergency powers.

The Governor shall have the powers and duties related to states of emergency as provided by general law, except any executive order related to such an emergency issued by him that restricts, limits, or prohibits otherwise lawful action by a private business, nonprofit entity, or individual shall not exceed a period of forty-five days in duration without approval by the General Assembly. The Governor shall convene a special session of the General Assembly for the purpose of the General Assembly approving the extension of an emergency executive order that restricts, limits, or prohibits otherwise lawful action by a private business, nonprofit entity, or individual beyond the forty-fifth day after its original issuance, and the Governor shall not be permitted to issue a subsequent executive order in the same form for the same declared emergency if an extension of the original executive order is not approved by the General Assembly. The General Assembly may approve the extension of an emergency executive order that restricts, limits, or prohibits otherwise lawful action by a private business, nonprofit entity, or individual beyond the forty-fifth day after its original issuance to a date requested by the Governor or to a date of the General Assembly's choosing. The General Assembly shall not approve the

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58 *extension of an emergency executive order that restricts, limits, or prohibits otherwise lawful action by a*
59 *private business, nonprofit entity, or individual to a date beyond the first full week of the next regular*
60 *session of the General Assembly, unless such date is requested by the Governor.*