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SUPREME COURT OF VIRGINIA
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RICHMOND, VIRGINIA

IN THE
SUPREME COURT OF VIRGINIA
AT RICHMOND

Record No. 780619

MARSHALL COLEMAN,
Attorney General of Virginia,
Petitioner,

v.

VINCENT J. PROSS,
Acting Comptroller of Virginia,
Respondent.

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780619

IN THE SUPREME COURT OF VIRGINIA

AT RICHMOND

CLERK
SUPREME COURT OF VIRGINIA
RECORDED
MAY 3 1978
RICHMOND, VIRGINIA

Marshall Coleman
Attorney General of Virginia

Petitioner,

against

Vincent J. Pross
Acting Comptroller of Virginia

Respondent.

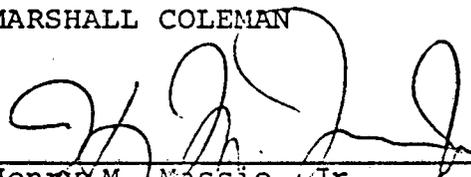
NOTICE OF PETITION FOR WRIT OF MANDAMUS

To: Vincent J. Pross, Acting Comptroller of Virginia

Please take notice that on May 9, 1978, the undersigned, by counsel, will make application to the Supreme Court of Virginia for a writ of mandamus against you in your official capacity; by filing a copy of the petition for said writ attached hereto in the Office of the Clerk of that Court in accordance with Va. Code § 8.01-644 and Rule 5:5 of the Rules of the Supreme Court of Virginia.

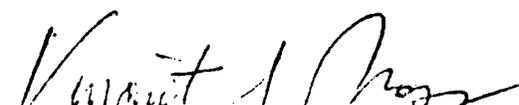
MARSHALL COLEMAN

By:


Henry M. Massie, Jr.
Assistant Attorney General

ACCEPTANCE OF SERVICE

Service of the foregoing Notice of Petition for Writ of Mandamus with copy of the petition is hereby accepted this 8 day of May, 1978.


Vincent J. Pross
Acting Comptroller of Virginia App. 1

IN THE SUPREME COURT OF VIRGINIA

IN RICHMOND

Marshall Coleman
Attorney General of Virginia

Petitioner,

against

Vincent J. Pross
Acting Comptroller of Virginia

Respondent.

PETITION FOR A WRIT OF MANDAMUS

Now comes Marshall Coleman, Attorney General of Virginia, in accordance with Rule 5:5 of the Rules of the Supreme Court of Virginia and § 8.01-653 of the Code of Virginia (1950), as amended, and by this petition for a writ of mandamus respectfully represents to the Court as follows:

I.

In the 1977 Session, a majority of the members elected to each of the two houses of the General Assembly of Virginia agreed to Senate Joint Resolution No. 81, Acts of Assembly of 1977, Chapter 688, proposing certain amendments to the Virginia Constitution and referring the same 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. The Resolution proposed to amend Sections 6, 11, and 13 of Article IV and Section 6 of Article V of the Constitution. (A copy of the Resolution is attached to this petition as Exhibit A.)

II.

In the 1978 Session, a majority of all the members elected to each house of the General Assembly of Virginia agreed to Senate Joint Resolution No. 95, Acts of Assembly of 1978, Chapter 852, proposing the aforesaid amendments to Sections 6 and 11 of Article IV and Section 6 of Article V of the Constitution. (A copy of the Resolution is attached to this petition as Exhibit B.) The amendment to Section 13 of Article IV of the Constitution that had been included in Senate Joint Resolution No. 81 was not proposed.

III.

In the 1978 Session, the General Assembly of Virginia also approved passage of Senate Bill 523 which became effective upon signature of the Governor on April 9, 1978. This Act, which has been codified as Chapter 806 of the 1978 Acts of Assembly, is entitled:

"An Act to provide for the submission of proposed amendments to Sections 6 and 11 of Article IV and Section 6 of Article V of the Constitution of Virginia to the qualified voters for ratification or rejection, and

to prescribe when and how such referendum shall be conducted and when such amendments shall take effect."

(A copy of the Act is attached to this petition as Exhibit C.)

IV.

Your petitioner has been notified in writing by Vincent J. Pross, Acting Comptroller of Virginia, that he entertains doubt respecting the constitutionality and proper construction and interpretation of Chapter 806 of the 1978 Acts of Assembly which directs payment of money out of the treasury of the Commonwealth and states that the will not make such payments until the matter has been finally adjudicated by the Supreme Court of Virginia.

(A copy of the letter of the Acting Comptroller of Virginia is attached to this petition as Exhibit D.)

V.

The issues your petitioner believes to be raised by the Acting Comptroller of Virginia and which your petitioner raises by this petition are as follows:

1. Whether the 1978 Session of the General Assembly has acted in accordance with the requirements of Article XII, Section 1 of the Virginia Constitution in directing submission to the voters of proposed amendments to Sections 6 and 11 of Article IV and Section 6 of Article V of the Constitution referred to it by the 1977 Session in Senate Joint Resolution No. 81 and not the amendment to Section 13 of Article IV also contained in and referred to it by Senate Joint Resolution No. 81.

2. Whether the proposed amendments to Sections 6 and 11 of Article IV and Section 6 of Article V of the Constitution would be valid if submitted to and ratified by the voters qualified to vote in the election to be held on November 7, 1978, in accordance with Chapter 806 of the 1978 Acts of Assembly.

VI.

The letter from the Acting Comptroller of Virginia to your petitioner constitutes sufficient grounds for this Court to exercise jurisdiction in this case and to consider and determine all questions raised in such letter or in this petition or in respondent's answer, such jurisdiction being expressly conferred by Section 8.01-653 of the Code of Virginia (1950), as amended.

VII.

Your petitioner believes and so avers that Chapter 688 of the 1977 Acts of Assembly and Chapters 806 and 852 of the 1978 Acts of Assembly constitute lawful compliance with Article XII, Section I of the Virginia Constitution in all respects, and, in any case, your petitioner believes that the amendments proposed by Chapter 806 of the 1978 Acts of Assembly to be submitted to the voters qualified to vote in the November 7, 1978, election would be valid if ratified. Additionally your petitioner believes that it is in the best interest of the citizens of the Commonwealth of Virginia and required by Va. Code § 8.01-653 that this Court take jurisdiction of this matter and render a

final adjudication on all questions raised in this petition.

VIII.

It is the opinion of your petitioner that the taking of evidence other than that attached hereto as Exhibits A - D is not necessary for the proper disposition of this matter.

WHEREFORE, your petitioner prays that this Court will consider and determine all questions raised or to be raised in this proceeding and will adjudge that all of the aforesaid Acts of Assembly are in compliance with the requirements of Article XII, Section 1 of the Constitution of Virginia, or, in the alternative, that the amendments so proposed would be valid if submitted to and ratified by the voters qualified to vote in the election to be held on November 7, 1978; that Vincent J. Pross, Acting Comptroller of Virginia, be made a party defendant to this petition and required to answer the same; that a writ of mandamus be issued by this Court directed to the said Vincent J. Pross, Acting Comptroller of Virginia, requiring him to pay the appropriate monies out of the treasury of the Commonwealth to carry out the provisions and requirements of Chapter 806 of the 1978 Acts of Assembly.

MARSHALL COLEMAN
Attorney General of Virginia

Marshall Coleman

Marshall Coleman
Attorney General

Henry M. Massie, Jr.
Assistant Attorney General

Supreme Court Building
1101 East Broad Street
Richmond, Virginia 23219

AFFIDAVIT

COMMONWEALTH OF VIRGINIA

to wit:

CITY OF RICHMOND

This day personally appeared before me, Marian N. Schuttmann,
a Notary Public in and for the city aforesaid, Marshall Coleman,
who stated on oath that he is the Attorney General of Virginia and
that the matters and things stated in the foregoing petition are
true to the best of his knowledge, information and belief.

Given under my hand this 8th day of May, 1978.

Marian N. Schuttmann
Notary Public

My Commission expires: April 18, 1981.

may directly exempt or partially exempt such property from taxation.

(f) Exemptions of property from taxation as established or authorized hereby shall be strictly construed; provided, however, that all property exempt from taxation on the effective date of this section shall continue to be exempt until otherwise provided by the General Assembly as herein set forth.

(g) The General Assembly may by general law authorize any county, city, town, or regional government to impose a service charge upon the owners of a class or classes of exempt property for services provided by such governments.

CHAPTER 688

SENATE JOINT RESOLUTION NO. 81

Proposing amendments to Sections 6, 11 and 13 of Article IV and Section 6 of Article V of the Constitution of Virginia, relating to legislative sessions, enactment of laws, effective dates of laws, presentation of bills to the Governor and veto powers.

Agreed to by the House of Delegates, March 4, 1977

Agreed to by the Senate, March 4, 1977

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 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, 11 and 13 of Article IV and Section 6 of Article V of the Constitution as follows:

Article IV.

Section 6. Legislative sessions.

The General Assembly shall meet once each year on the second Wednesday in January. 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 General Assembly shall reconvene on the sixth Wednesday after adjournment, sine die, 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 a majority of the members elected to each house.

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. Section 11. Enactment of laws.

No law shall be enacted except by bill. A bill may originate in either house, may be approved or rejected by the other, or may be amended by either, with the concurrence of the other.

No bill shall become a law unless, prior to its passage:

(a) it has been referred to a committee of each house, considered by such committee in session, and reported;

(b) it has been printed by the house in which it originated prior to its passage therein;

(c) it has been read by its title, or its title has been printed in a daily calendar, on three different calendar days in each house; and

(d) upon its final passage a vote has been taken thereon in each house, the name of each member voting for and against recorded in the journal, and a majority of those voting in each house, which majority shall include at least two-fifths of the members elected to that house, recorded in the affirmative.

Only in the manner required in subparagraph (d) of this section shall an amendment to a bill by one house be concurred in by the other, or a conference report be adopted by either house, or either house discharge a committee from the consideration of a bill and consider the same as if reported. The printing and reading, or either, required in subparagraphs (b) and (c) of this section, may be dispensed with in a bill to codify the laws of the Commonwealth, and in the case of an emergency by a vote of four-fifths of the members voting in each house, the name of each member voting and how he voted to be recorded in the journal.

No bill which creates or establishes a new office, or which creates, continues, or revives a debt or charge, or which makes, continues, or revives any appropriation of public or trust money or property, or which releases, discharges, or commutes any claim or demand of the Commonwealth, or which imposes, continues, or revives a tax, shall be passed except by the affirmative vote of a majority of all the members elected to each house, the name of each member voting and how he voted to be recorded in the journal.

Every law imposing, continuing, or reviving a tax shall specifically state such tax. However, any law by which taxes are imposed may define or specify the subject and provisions of such tax by reference to any provision of the laws of the United States as those laws may be or become effective at any time or from time to time, and may prescribe exceptions or modifications to any such provision.

The presiding officer of each house or upon his inability or failure to act a person designated by a majority of the members elected to each house shall, not later than ~~twenty-three~~ days after adjournment ~~each bill is enrolled, sign every~~ each bill that has been passed by both houses and duly enrolled. The fact of signing shall be recorded in the journal. Section 13. Effective date of laws.

All laws, ~~except a general appropriation law including laws which are enacted by reason of actions taken during reconvened sessions,~~ shall take effect on the first day of the ~~fourth month~~ July following the month of adjournment of the session of the General Assembly at which it has been enacted, unless a subsequent date is specified or unless in the

case of an emergency (which emergency shall be expressed in the body of the bill) the General Assembly shall specify an earlier date by a vote of four-fifths of the members voting in each house, the name of each member voting and how he voted to be recorded in the journal, or unless a subsequent date is specified in the body of the bill or by general law.

Article V.

Section 6. Presentation of bills; veto powers of Governor.

Every bill which shall have passed the Senate and House of Delegates shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it; but, if not, he may return it with his objections to the house in which it originated, which shall enter the objections at large on its journal and proceed to reconsider the same. If, after such consideration, two-thirds of the members present, which two-thirds shall include a majority of the members elected to that house, shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members present, which two-thirds shall include a majority of the members elected to that house, it shall become a law, notwithstanding the objections.

The Governor shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to bills returned to the General Assembly without his approval.

If the Governor approve the general purpose of any bill but disapprove any part or parts thereof, he may return it, with recommendations for its amendment, to the house in which it originated, whereupon the same proceedings shall be had in both houses upon the bill and his recommendations in relation to its amendment as is above provided in relation to a bill which he shall have returned without his approval, and with his objections thereto; provided that, if after such reconsideration both houses, by a vote of a majority of the members present in each, shall agree to amend the bill in accordance with his recommendation in relation thereto, or either house by such vote shall fail or refuse to so amend it, then and in either case the bill shall be again sent to him, and he may act upon it as if it were then before him for the first time; provided further that if the Governor so return any bill to a reconvened session and (i) a majority of the members present in each house shall agree to amend the bill in accordance with his recommendation, the bill as amended shall become law or (ii) two-thirds of all the members present in each house, which two-thirds shall include a majority of the members elected to that house, shall agree to the bill in the form sent to the Governor, the bill shall become law.

In all cases above set forth, the names of the members voting for and against the bill or item or items of an appropriation bill, shall be entered on the journal of each house.

If any bill shall not be returned by the Governor within seven days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly shall, by final adjournment, prevent such return; in which case it shall be a law if approved by the Governor, in the manner and to the extent above provided, within thirty days after adjournment; but not otherwise except that, if the General Assembly shall have adjourned pending a reconvened session, the Governor need not act upon the bill until thirty days after such adjournment. If the General Assembly shall, by final adjournment

other than pending a reconvened session, prevent the return of a bill, it shall be a law if approved by the Governor, in the manner and to the extent above provided, within thirty days after adjournment, but not otherwise.

SENATE JOINT RESOLUTION NO. 95

Proposing amendments to Sections 6 and 11 of Article IV and Section 6 of Article V of the Constitution of Virginia, relating to legislative sessions, enactment of laws, presentation of bills to the Governor and veto powers.

Agreed to by the House of Delegates, March 2, 1978

Agreed to by the Senate, March 4, 1978

WHEREAS, proposed amendments to the Constitution of Virginia, hereinafter set forth, were agreed to by a majority of the members elected to each of the two houses of the General Assembly at the session of nineteen hundred seventy-seven and referred to this, the next regular session held after the general election of members of the House of Delegates, as required by the Constitution of Virginia; now, therefore, be it

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 in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia; namely:

Amend Sections 6 and 11 of Article IV and Section 6 of Article V of the Constitution as follows:

Article IV.

Section 6. Legislative sessions.

The General Assembly shall meet once each year on the second Wednesday in January. 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 General Assembly shall reconvene on the sixth Wednesday after adjournment, sine die, 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 a majority of the members elected to each house.

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.

Section 11. Enactment of laws.

No law shall be enacted except by bill. A bill may originate in either house, may be approved or rejected by the other, or may be amended by either, with the concurrence of the other.

No bill shall become a law unless, prior to its passage:

(a) it has been referred to a committee of each house, considered by such committee in session, and reported;

(b) it has been printed by the house in which it originated prior

to its passage therein:

(c) it has been read by its title, or its title has been printed in a daily calendar, on three different calendar days in each house; and

(d) upon its final passage a vote has been taken thereon in each house, the name of each member voting for and against recorded in the journal, and a majority of those voting in each house, which majority shall include at least two-fifths of the members elected to that house, recorded in the affirmative.

Only in the manner required in subparagraph (d) of this section shall an amendment to a bill by one house be concurred in by the other, or a conference report be adopted by either house, or either house discharge a committee from the consideration of a bill and consider the same as if reported. The printing and reading, or either, required in subparagraphs (b) and (c) of this section, may be dispensed with in a bill to codify the laws of the Commonwealth, and in the case of an emergency by a vote of four-fifths of the members voting in each house, the name of each member voting and how he voted to be recorded in the journal.

No bill which creates or establishes a new office, or which creates, continues, or revives a debt or charge, or which makes, continues, or revives any appropriation of public or trust money or property, or which releases, discharges, or commutes any claim or demand of the Commonwealth, or which imposes, continues, or revives a tax, shall be passed except by the affirmative vote of a majority of all the members elected to each house, the name of each member voting and how he voted to be recorded in the journal.

Every law imposing, continuing, or reviving a tax shall specifically state such tax. However, any law by which taxes are imposed may define or specify the subject and provisions of such tax by reference to any provision of the laws of the United States as those laws may be or become effective at any time or from time to time, and may prescribe exceptions or modifications to any such provision.

The presiding officer of each house *or upon his inability or failure to act a person designated by a majority of the members elected to each house* shall, not later than ~~twenty~~ *three* days after ~~adjournment~~ *each bill is enrolled*, sign ~~every~~ *each* bill that has been passed by both houses and duly enrolled. The fact of signing shall be recorded in the journal.

Article V.

Section 6. Presentation of bills; veto powers of Governor.

Every bill which shall have passed the Senate and House of Delegates shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it; but, if not, he may return it with his objections to the house in which it originated, which shall enter the objections at large on its journal and proceed to reconsider the same. If, after such consideration, two-thirds of the members present, which two-thirds shall include a majority of the members elected to that house, shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members present, which two-thirds shall include a majority of the members elected to that house, it shall become a law.

notwithstanding the objections.

The Governor shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to bills returned to the General Assembly without his approval.

If the Governor approve the general purpose of any bill but disapprove any part or parts thereof, he may return it, with recommendations for its amendment, to the house in which it originated, whereupon the same proceedings shall be had in both houses upon the bill and his recommendations in relation to its amendment as is above provided in relation to a bill which he shall have returned without his approval, and with his objections thereto; provided that, if after such reconsideration both houses, by a vote of a majority of the members present in each, shall agree to amend the bill in accordance with his recommendation in relation thereto, or either house by such vote shall fail or refuse to so amend it, then and in either case the bill shall be again sent to him, and he may act upon it as if it were then before him for the first time. *provided further that if the Governor so return any bill to a reconvened session and (i) a majority of the members present in each house shall agree to amend the bill in accordance with his recommendation, the bill as amended shall become law or (ii) two-thirds of all the members present in each house, which two-thirds shall include a majority of the members elected to that house, shall agree to the bill in the form sent to the Governor, the bill shall become law.*

In all cases above set forth, the names of the members voting for and against the bill or item or items of an appropriation bill, shall be entered on the journal of each house.

If any bill shall not be returned by the Governor within seven days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, ~~unless the General Assembly shall, by final adjournment, prevent such return; in which case it shall be a law if approved by the Governor, in the manner and to the extent above provided, within thirty days after adjournment; but not otherwise except that, if the General Assembly shall have adjourned pending a reconvened session, the Governor need not act upon the bill until thirty days after such adjournment. If the General Assembly shall, by final adjournment other than pending a reconvened session, prevent the return of a bill, it shall be a law if approved by the Governor, in the manner and to the extent above provided, within thirty days after adjournment, but not otherwise.~~

A TRUE COPY, TESTE: MAY 4 1978

Joseph H. Holloman Jr.
Clerk of the House of Delegates and
Keeper of the Rolls of the State

/s/ Charles S. Robb

President of the Senate

/s/ John Warren Cooke

Speaker of the House of Delegates

Approved:

/s/ John N. Dalton

Governor

EXHIBIT C

CHAPTER 806

An Act to provide for the submission of proposed amendments to Sections 6 and 11 of Article IV and Section 6 of Article V of the Constitution of Virginia to the qualified voters for ratification or rejection, and to prescribe when and how such referendum shall be conducted and when such amendments shall take effect.

[S 523]

Approved APR 9 1978

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, nineteen hundred seventy-eight, 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 amendments to the Constitution of Virginia, contained herein and in the joint resolutions proposing such amendments, to wit:

Amend Sections 6 and 11 of Article IV and Section 6 of Article V of the Constitution as follows:

Article IV.

Section 6. Legislative sessions.

The General Assembly shall meet once each year on the second Wednesday in January. 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 General Assembly shall reconvene on the sixth Wednesday after adjournment, sine die, 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 a majority of the members elected to each house.

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.

Section 11. Enactment of laws

No law shall be enacted except by bill. A bill may originate in either house, may be approved or rejected by the other, or may be amended by either, with the concurrence of the other.

No bill shall become a law unless, prior to its passage:

(a) it has been referred to a committee of each house, considered by such committee in session, and reported;

(b) it has been printed by the house in which it originated prior

to its passage therein;

(c) it has been read by its title, or its title has been printed in a daily calendar, on three different calendar days in each house; and

(d) upon its final passage a vote has been taken thereon in each house, the name of each member voting for and against recorded in the journal, and a majority of those voting in each house, which majority shall include at least two-fifths of the members elected to that house, recorded in the affirmative.

Only in the manner required in subparagraph (d) of this section shall an amendment to a bill by one house be concurred in by the other, or a conference report be adopted by either house, or either house discharge a committee from the consideration of a bill and consider the same as if reported. The printing and reading, or either, required in subparagraphs (b) and (c) of this section, may be dispensed with in a bill to codify the laws of the Commonwealth, and in the case of an emergency by a vote of four-fifths of the members voting in each house, the name of each member voting and how he voted to be recorded in the journal.

No bill which creates or establishes a new office, or which creates, continues, or revives a debt or charge, or which makes, continues, or revives any appropriation of public or trust money or property, or which releases, discharges, or commutes any claim or demand of the Commonwealth, or which imposes, continues, or revives a tax, shall be passed except by the affirmative vote of a majority of all the members elected to each house, the name of each member voting and how he voted to be recorded in the journal.

Every law imposing, continuing, or reviving a tax shall specifically state such tax. However, any law by which taxes are imposed may define or specify the subject and provisions of such tax by reference to any provision of the laws of the United States as those laws may be or become effective at any time or from time to time, and may prescribe exceptions or modifications to any such provision.

The presiding officer of each house *or upon his inability or failure to act a person designated by a majority of the members elected to each house* shall, not later than ~~twenty~~ *twenty three* days after ~~adjournment~~ *each bill is enrolled*, sign ~~every~~ *each* bill that has been passed by both houses and duly enrolled. The fact of signing shall be recorded in the journal.

Article V.

Section 6. Presentation of bills; veto powers of Governor.

Every bill which shall have passed the Senate and House of Delegates shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it; but, if not, he may return it with his objections to the house in which it originated, which shall enter the objections at large on its journal and proceed to reconsider the same. If, after such consideration, two-thirds of the members present, which two-thirds shall include a majority of the members elected to that house, shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members present, which two-thirds shall include a majority of the members elected to that house, it shall become a law,

notwithstanding the objections.

The Governor shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to bills returned to the General Assembly without his approval.

If the Governor approve the general purpose of any bill but disapprove any part or parts thereof, he may return it, with recommendations for its amendment, to the house in which it originated, whereupon the same proceedings shall be had in both houses upon the bill and his recommendations in relation to its amendment as is above provided in relation to a bill which he shall have returned without his approval, and with his objections thereto; provided that, if after such reconsideration both houses, by a vote of a majority of the members present in each, shall agree to amend the bill in accordance with his recommendation in relation thereto, or either house by such vote shall fail or refuse to so amend it, then and in either case the bill shall be again sent to him, and he may act upon it as if it were then before him for the first time : *provided further that if the Governor so return any bill to a reconvened session and (i) a majority of the members present in each house shall agree to amend the bill in accordance with his recommendation, the bill as amended shall become law or (ii) two-thirds of all the members present in each house, which two-thirds shall include a majority of the members elected to that house, shall agree to the bill in the form sent to the Governor, the bill shall become law .*

In all cases above set forth, the names of the members voting for and against the bill or item or items of an appropriation bill, shall be entered on the journal of each house.

If any bill shall not be returned by the Governor within seven days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, ~~unless the General Assembly shall, by final adjournment, prevent such return; in which case it shall be a law if approved by the Governor, in the manner and to the extent above provided, within thirty days after adjournment, but not otherwise except that, if the General Assembly shall have adjourned pending a reconvened session, the Governor need not act upon the bill until thirty days after such adjournment. If the General Assembly shall, by final adjournment other than pending a reconvened session, prevent the return of a bill, it shall be a law if approved by the Governor, in the manner and to the extent above provided, within thirty days after adjournment; but not otherwise .~~

The ballot shall contain the following question:

Question: Shall the Constitution of Virginia be amended to require the General Assembly to reconvene after the adjournment of a session in order to act on gubernatorial vetoes and amendments suggested by the Governor to legislation passed by the General Assembly during its session, and be amended to change the procedures for signing bills by the presiding officers of the General Assembly?

Yes

No

The ballots shall be prepared, distributed and voted, and the results thereof ascertained and certified, in the manner prescribed by § 24.1-165 of the Code of Virginia. The State Board of Elections shall cause to be sent to the clerks of each county and city, at least thirty days before the election, a copy of this act. Each such clerk shall forthwith post a copy of such act at the courthouse of such county or city. The State Board of Elections shall cause to be sent to the electoral boards of each county and city sufficient copies of the full text of the amendments 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 amendments 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 amendments 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 shall make out and transmit to the Governor of the Commonwealth 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 such amendments.

If a majority of those voting vote in favor of such amendments, they shall become effective on January one, nineteen hundred seventy-nine.

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

/s/ C. S. Robb
President of the Senate

/s/ J. W. Cooke
Speaker of the House of Delegates

Approved:

/s/ John N. Dalton
Governor

A TRUE COPY, TESTE: MAY 4 1978

Joseph H. Holloman Jr. App. 20
Clerk of the House of Delegates and
Keeper of the Rolls of the State

EXHIBIT D

May 3, 1978

The Honorable J. Marshall Coleman
Attorney General of Virginia
Supreme Court Building
1101 E. Broad Street
Richmond, Virginia 23219

Dear Attorney General Coleman:

Pursuant to the terms of § 8.01-653 of the Code of Virginia, this will notify you that I have doubt respecting the constitutionality and proper construction or interpretation of Chapter 806 of the 1978 Acts of Assembly (sometimes referred to as Senate Bill 523), which Act directs the payment of money out of the treasury of the Commonwealth. I do not feel that it would be proper or safe to pay such money until there has been final adjudication by the Supreme Court determining any and all such questions. For such reasons, I will not make payments pursuant to the above Act until such adjudication has been made.

Specifically Section 1 of Article XII of the Constitution of Virginia provides, in pertinent part, as follows:

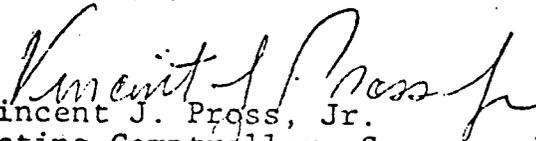
Any amendment or amendments to this Constitution may be proposed in the Senate or House of Delegates, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, the name of each member and how he voted to be recorded, and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates. If at such regular session or any subsequent special session of that General Assembly the proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the voters qualified to vote in elections by the people, in such manner as it shall prescribe and not sooner than ninety days after final passage by the General Assembly....

The Honorable J. Marshall Coleman
May 3, 1978
Page 2.

Pursuant thereto, the General Assembly, in adopting Chapter 688 of the 1977 Acts of Assembly, proposed amendments to Sections 6, 11, and 13 of Article IV and Section 6 of Article V of the Constitution of Virginia. Thereafter, at the first regular session held after the next general election of members of the House of Delegates, the General Assembly adopted Chapter 852 of the 1978 Acts of Assembly. Chapter 852 proposed amendments to Sections 6 and 11 of Article IV and Section 6 of Article V of the Constitution of Virginia.

Therefore, the 1978 General Assembly deleted the proposal to amend Section 13 of Article IV of the Constitution of Virginia which had been proposed by the 1977 session of the General Assembly. Chapter 806 of the 1978 Acts of Assembly, which prescribes the manner of submission of proposed amendments to the voters, likewise deletes Section 13 of Article IV.

Sincerely yours;


Vincent J. Pross, Jr.
Acting Comptroller, Commonwealth of Virginia

VIRGINIA:

*In the Supreme Court of Virginia held at the Supreme Court Building in the
City of Richmond on Thursday the 11th day of May, 1978.*

Marshall Coleman,
Attorney General of Virginia, Petitioner,
against Record No. 780619
Vincent J. Pross,
Acting Comptroller of Virginia, Respondent.

Upon an Application for a Writ of Mandamus

On May 9, 1978, came Marshall Coleman, Attorney General of Virginia, and filed a petition praying that a writ of mandamus do forthwith issue, requiring and compelling Vincent J. Pross, Acting Comptroller of Virginia, respondent, to pay the appropriate monies out of the Treasury of Virginia to carry out the provisions and requirements of Chapter 806 of the 1978 Acts of Assembly, as more fully set out in the said petition.

And it appearing to the Court that service of a copy of said petition has been accepted by the respondent, it is ordered that the cause be docketed.

Upon consideration whereof, Andrew J. Brent, Esquire, is hereby appointed as counsel to represent the respondent in this cause pursuant to the provisions of Code § 8.01-653.

And on further consideration whereof, the cause is hereby placed upon the privileged docket of the June, 1978, session of this court.

A Copy,

Teste:

Allen L. Lucy
Clerk

IN THE
SUPREME COURT OF VIRGINIA
AT RICHMOND

MARSHALL COLEMAN,
Attorney General of Virginia,
Petitioner,

v.

No. 780619

VINCENT J. PROSS,
Acting Comptroller of Virginia,
Respondent.

GROUNDS OF DEFENSE

Comes now Vincent J. Pross, Jr., Acting Comptroller of Virginia, and files his grounds of defense to the Petition for a Writ of Mandamus filed against him herein on May 9, 1978, as follows:

I.
FIRST DEFENSE

A writ of mandamus should not issue against respondent because the actions of the General Assembly as alleged in the Petition for a Writ of Mandamus did not

comply with Article XII, Section 1 of the Constitution of Virginia and are ineffective.

II.

SECOND DEFENSE

1. The allegations contained in Paragraph I of the Petition are admitted.

2. To the extent that Paragraph II of the Petition suggests that the amendments are the same as those adopted in 1978, it is denied. Respondent admits that Senate Joint Resolution No. 95, as amended, and as made Chapter 582 of the Acts of Assembly of 1978, did propose the amendments to the Constitution of Virginia therein set forth.

3. The allegations of Paragraph III of the Petition are admitted.

4. The allegations of Paragraph IV of the Petition are admitted.

5. Paragraph V of the Petition requires no response.

6. With respect to the allegations of Paragraph VI of the Petition, respondent states that the jurisdiction conferred upon this Court by §8.01-653 of the Code of Virginia, as amended, is as stated in that Section of the Code and not otherwise. Respondent admits that in his letter dated May 3, 1978, he expressed doubt respecting the constitutionality and

proper construction or interpretation of Chapter 806 of the 1978 Acts of Assembly which Act directs the payment of money out of the Treasury of the Commonwealth, indicated that he did not feel that it would be proper or safe to pay such money until there had been a final adjudication by the Supreme Court determining any and all such questions and, because of that, said that he will not make payments pursuant to the Act until such adjudication had been made.

7. Respondent denies the allegations contained in the first sentence of Paragraph VII of the Petition. The remaining part of Paragraph VII of the Petition requires no response.

8. Paragraph VIII of the Petition requires no response, but Respondent states that he is not presently aware of any evidence that will be necessary for the proper disposition of this cause, other than that which is to be included in the Appendix of this cause.

WHEREFORE, Respondent prays that the Petition for a Writ of Mandamus be denied and Respondent recover his costs herein incurred.

Vincent J. Pross, Jr.
Acting Comptroller of Virginia

May 22, 1978

A. J. Brent
Lee F. Davis, Jr.
Hullihen W. Moore
Leslie W. Mullins
Christian, Barton, Epps, Brent
& Chappell
1200 Mutual Building
Richmond, Virginia 23219

AFFIDAVIT

STATE OF VIRGINIA

CITY OF RICHMOND, to-wit:

This day personally appeared before me, _____
_____, a Notary Public in and for the City afore-
said, Vincent J. Pross, Jr., who stated on oath that he is
Acting Comptroller of the Commonwealth of Virginia, that he is
authorized to make this affidavit and that the matters stated
in the foregoing Grounds of Defense are true to the best of his
knowledge, information and belief.

Given under my hand this 22nd day of May, 1978.

My commission expires: _____.

Notary Public

The undersigned, counsel for respondent, Vincent J. Pross, Jr., hereby certifies that the foregoing Grounds of Defense has been served, by delivering a true copy thereof to The Honorable Marshall Coleman and Henry M. Massie, Jr., Esquire, Supreme Court Building, 1101 East Broad Street, Richmond, Virginia on May 22, 1978.

A. J. Brent

IN THE
SUPREME COURT OF VIRGINIA
AT RICHMOND

MARSHALL COLEMAN,
Attorney General of Virginia,

Petitioner,

v.

No. 780619

VINCENT J. PROSS,
Acting Comptroller of Virginia,

Respondent.

STIPULATION

COME NOW Marshall Coleman, Attorney General of Virginia, by an Assistant Attorney General, and Vincent J. Pross, Acting Comptroller of Virginia, by counsel, and agree and stipulate that the following matters shall be considered as evidence in this cause:

I. A. That amendments to Sections 6, 11 and 13 of Article IV and Section 6 of Article V of the Constitution of Virginia were proposed in the Senate of Virginia by 1977 Senate Joint Resolution No. 81 [Exhibit A], which resolution contained such proposed amendments and:

1. Was prepared in such form as was in accordance with that prescribed by the Rules of the House of Delegates and the Senate for additions and deletions of language; and

2. Was presented, ordered printed and referred to the Senate Committee on Privileges and Elections [Exhibit B].

B. That the Senate Committee on Privileges and Elections proposed a Committee Amendment in the Nature of a Substitute for Senate Joint Resolution No. 81 [Exhibit C], containing proposed amendments to Sections 6, 11 and 13 of Article IV and Section 6 of Article V of the Constitution of Virginia, and which resolution:

1. Was prepared in such form as was in accordance with that prescribed by the Rules of the House of Delegates and the Senate for additions and deletions of language;

2. Was reported to the Senate on January 31, 1977 [Exhibit D];

3. Was read by title the first time on February 1, 1977 [Exhibit E];

4. Was read by title the second time on February 2, 1977, and spread at length on the Journal of the Senate [Exhibit F];

5. Being engrossed and the third reading waived by suspension of the Rules by a recorded vote of Yeas-38, Nays-0, was agreed to on

February 2, 1977 by a majority of the members elected to the Senate, with the name of each member and how he voted duly recorded [Exhibit G]; and

6. Was communicated to the House of Delegates where it was read, referred to the House Committee on Privileges and Elections and spread at length on the Journal of the House of Delegates [Exhibit H].

C. That the House Committee on Privileges and Elections proposed a different Committee Amendment in the Nature of a Substitute for Senate Joint Resolution No. 81 [Exhibit I], containing proposed amendments to Sections 6, 11 and 13 of Article IV and Section 6 of Article V of the Constitution of Virginia, and which resolution:

1. Was prepared in such form as was in accordance with that prescribed by the Rules of the House of Delegates and the Senate for additions and deletions of language;

2. Was reported to the House of Delegates on February 28, 1977, and read by title [Exhibit J];

3. Was laid before the House of Delegates, agreed to as an amendment to Senate Joint Resolution No. 81, and agreed to on March 4, 1977 by a vote of Yeas-82, Nays-3, being a majority of the members

elected to the House of Delegates, with the names of each member and how he voted duly recorded, and was spread at length on the Journal of the House of Delegates [Exhibit K];

4. Was communicated to the Senate, requesting the concurrence of the Senate [Exhibit L];

5. Was agreed to on March 4, 1977 by a vote of Yeas-34, Nays-0, being a majority of the members elected to the Senate, with the names of each member and how he voted duly recorded, and was spread at length on the Journal of the Senate [Exhibit M]; and

6. Was duly enrolled, and was signed on April 1, 1977 by the Speaker of the House of Delegates and on April 4, 1977 by the President of the Senate, and became Chapter 688 of the 1977 Acts of Assembly [Exhibit M-1].

II. A. That the amendments proposed to Sections 6, 11 and 13 of Article IV and Section 6 of Article V of the Constitution of Virginia by 1977 Senate Joint Resolution No. 81, as amended and agreed to by both houses of the General Assembly at its first regular session held after the next general election of members of the House of Delegates for its concurrence were proposed in the Senate of Virginia in the next regular session held after the general election of members of the House of Delegates, by 1978 Senate Joint Resolution No. 95 [Exhibit N], which resolution contained such proposed amendments and:

1. Was prepared in such form as was in accordance with that prescribed by the Rules of the House of Delegates and the Senate for additions and deletions of language;

2. Was presented, ordered printed and referred to the Senate Committee on Privileges and Elections [Exhibit O];

3. Was reported to the Senate on February 15, 1978 [Exhibit P];

4. Was taken up on February 16, 1978 and by a recorded vote of Yeas-36, Nays-0, had the first reading of its title waived [Exhibit Q];

5. Was read by title the second time on February 18, 1978, and spread at length on the Journal of the Senate [Exhibit R];

6. Being engrossed and the third reading waived by suspension of the Rules by a recorded vote of Yeas-36, Nays-0, was agreed to on February 18, 1978 by a majority of the members elected to the Senate, with the names of each member and how he voted duly recorded [Exhibit S]; and

7. Was communicated to the House of Delegates where it was read, referred to the House Committee on Privileges and Elections and spread at length on the Journal of the House of Delegates [Exhibit T].

B. That the House Committee on Privileges and Elections proposed a Committee Amendment in the Nature of a Substitute for Senate Joint Resolution No. 95 [Exhibit U], containing proposed amendments to Sections 6 and 11 of Article IV and Section 6 of Article V of the Constitution of Virginia, and which resolution:

1. Was prepared in such form as was in accordance with that prescribed by the Rules of the House of Delegates and the Senate for additions and deletions of language;

2. Was reported to the House of Delegates on March 1, 1978 [Exhibit V];

3. Was laid before the House of Delegates, agreed to as amendment to Senate Joint Resolution No. 95, and agreed to on March 2, 1978 by a vote of Ayes-91, Nays-2, being a majority of the members elected to the House of Delegates, with the names of each member and how he voted duly recorded and was spread at length on the Journal of the House of Delegates [Exhibit W];

4. Was communicated to the Senate, requesting the concurrence of the Senate [Exhibit X];

5. Was presented to the Senate on March 4, 1978, the reading thereof being waived by a recorded vote of Yeas-38, Nays-0, agreed to by a vote of Yeas-37, Nays-0, being a majority of the members

elected to the Senate with the names of each member and how he voted duly recorded, and was spread at length on the Journal of the Senate [Exhibit Y]; and

6. Was duly enrolled and signed on March 20, 1978 by the Speaker of the House of Delegates and the President of the Senate, and became Chapter 852 of the 1978 Acts of Assembly [Exhibit Y-1].

III. A. That 1978 Senate Bill 523 [Exhibit Z], providing for the submission of the proposed amendments included in 1978 Senate Joint Resolution No. 95 was offered on February 6, 1978, and referred to the Senate Committee on Privileges and Elections.

B. That the Senate Committee on Privileges and Elections proposed a Committee Amendment in the Nature of a Substitute for Senate Bill No. 523 [Exhibit AA], which was duly adopted by the Senate on February 16, 1978, and communicated to the House of Delegates, where it was referred to the House Committee on Privileges and Elections.

C. The House Committee on Privileges and Elections proposed a different Committee Amendment in the Nature of a Substitute for Senate Bill No. 523 [Exhibit BB], which provided for the submission of the proposed amendments included in the 1978 Committee Amendment in the Nature of a Substitute for Senate Joint Resolution No. 95, and which:

1. Was further amended by striking out, after the word "and" in the sixth line of page 5 the language "suggested amendments of legislation adopted during the

session" and inserting in lieu thereof "amendments suggested by the Governor to legislation passed by the General Assembly during its session" [Exhibit CC]; and

2. As so amended was duly adopted by the House of Delegates and the Senate and signed by the Governor and became Chapter 806 of the Acts of Assembly of 1978 [Exhibit CC-1].

IV. A. That 82 of the 100 members serving in the House of Delegates during its 1977 Session also served in the House of Delegates during its 1978 Session. Of the 82 delegates who were members during both sessions, 69 agreed to the House Committee Amendment in the Nature of a Substitute for Senate Joint Resolution No. 81 on March 4, 1977, and 74 agreed to the Committee Amendment in the Nature of a Substitute for Senate Joint Resolution No. 95 on March 2, 1978.

B. That 39 of the 40 members serving in the Senate during its 1977 Session also served in the Senate during its 1978 Session. Of the 39 senators who were members during both sessions, 34 agreed to the House Committee Amendment in the Nature of a Substitute for Senate Joint Resolution No. 81 on March 4, 1977, and 36 agreed to the Committee Amendment in the Nature of a Substitute for Senate Joint Resolution No. 95 on March 4, 1978.

C. That a majority of those who were members of the House of Delegates in both 1977 and 1978 and a majority of those

who were members of the Senate in both 1977 and 1978 voted Aye on the final adoption by their respective houses of 1978 Senate Bill No. 523, as amended.

V. Adelard L. Brault is the Senator representing the thirty-fourth Senatorial District in the Senate of Virginia and Senate Majority Leader. He was the chief patron of Senate Joint Resolution No. 81 in the 1977 Session of the General Assembly and the patron of Senate Joint Resolution No. 95 in the 1978 Session. He was also patron of Senate Bill 523 which was passed at the 1978 Session of the General Assembly.

If called to testify, Senator Brault would state that:

1. He followed the aforementioned Resolution and Bill closely through the Senate and through the House and is familiar with all changes, revisions, or amendments thereto.

2. His primary purpose in introducing the Resolutions was to require a reconvened session to give the General Assembly the last word on legislation. The amendment proposed to Section 13 of Article IV by 1977 Senate Joint Resolution No. 81, as introduced by him, was originally to express his purpose of making the effective date of legislation, except a general appropriation law, enacted at a reconvened session and that enacted at the preceding regular or special session the same. In the process of amendment at the 1977 session, the original proposed amendment was changed to make the effective date of all laws July 1. It is his belief that the amendment was not agreed to at the 1978 Session because it would not only have had the effect of making laws

enacted at a reconvened or preceding regular or special session the same, but it would also have changed the law applicable to the effective date of a general appropriation law.

VI. That Chapter 806 of the 1978 Acts of Assembly (1978 Senate Bill No. 523), in requiring that the State Board of Elections cause to be sent to the clerks of each county and city copies thereof, and Virginia Code §30-13, in requiring the Clerk of the House of Delegates to cause to be printed and distributed copies of the proposed amendments to the Constitution require the expenditure of funds out of the Treasury of the Commonwealth, that the acting Comptroller of Virginia has doubts respecting the constitutionality and proper construction or interpretation of Chapter 806 (1978 Senate Bill No. 523); that said acting Comptroller does not feel that it would be proper or safe to pay such money until there has been a final adjudication by the Supreme Court determining any and all such questions; and that for such reasons he has stated that he will not make payments pursuant to Chapter 806 (1978 Senate Bill No. 523) until such adjudication has been made; and that the said acting Comptroller informed the Attorney General of the preceding by letter dated May 3, 1978 [Exhibit DD].

The parties further agree and stipulate that the copies of, and excerpts from, documents attached as exhibits hereto are true and correct. The parties reserve the right to challenge

the relevance or materiality of the proffered testimony of Senator Brault or of any fact stipulated herein.

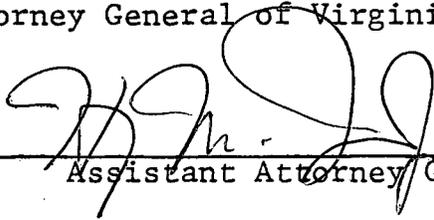
The parties further agree and stipulate that the Appendix shall consist of the following:

1. Notice of Petition for Writ of Mandamus and Acceptance of Service;
2. Petition for a Writ of Mandamus;
3. Order docketing the cause;
4. Grounds of Defense; and
5. This Stipulation, with attached exhibits.

Dated: May 19, 1978

Marshall Coleman
Attorney General of Virginia

By


Assistant Attorney General

Vincent J. Pross, Jr.
Acting Comptroller of Virginia

By


Counsel

Marshall Coleman
Henry M. Massie, Jr.
Supreme Court Building
1101 E. Broad Street
Richmond, Virginia 23219

Counsel for Petitioner

Andrew J. Brent
Lee F. Davis, Jr.
Hullihen W. Moore
Leslie W. Mullins
Christian, Barton, Epps, Brent & Chappell
1200 Mutual Building
Richmond, Virginia 23219

Counsel for Respondent

EXHIBIT A

Page 1 of 5

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✓ SENATE JOINT RESOLUTION NO. 81 ✓

Offered January 12, 1977

Prefiled November 26, 1976

Proposing amendments to Sections 6, 11 and 13 of Article IV and Section 6 of Article V of the Constitution of Virginia, relating to legislative sessions, enactment of laws, effective dates of laws and overriding the Governor's veto.

Patrons—Brault, Moody, Babalas, Michael, and Buchanan

Referred to the 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 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, 11 and 13 of Article IV and Section 6 of Article V of the Constitution as follows:

Article IV.

Section 6. Legislative sessions. The General Assembly shall meet once each year on the second Wednesday in January. 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 General Assembly shall reconvene on the sixth Wednesday after adjournment, sine die, of each regular or special session for the purpose of considering 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 last longer than three days unless the session be extended, for a period not exceeding seven additional

EXHIBIT A

Page 2 of 5

Senate Joint Resolution 81

2

1 days, upon the vote of a majority of the members elected to each house.

2 The Governor may convene a special session of the General
3 Assembly when, in his opinion, the interest of the Commonwealth
4 may require and shall convene a special session upon the
5 application of two-thirds of the members elected to each house.

6 Section 11. Enactment of laws.—No law shall be enacted except
7 by bill. A bill may originate in either house, may be approved or
8 rejected by the other, or may be amended by either, with the
9 concurrence of the other.

10 No bill shall become a law unless, prior to its passage:

11 (a) it has been referred to a committee of each house,
12 considered by such committee in session, and reported;

13 (b) it has been printed by the house in which it originated prior
14 to its passage therein;

15 (c) it has been read by its title, or its title has been printed in a
16 daily calendar, on three different calendar days in each house; and

17 (d) upon its final passage a vote has been taken thereon in each
18 house, the name of each member voting for and against recorded in
19 the journal, and a majority of those voting in each house, which
20 majority shall include at least two-fifths of the members elected to
21 that house, recorded in the affirmative.

22 Only in the manner required in subparagraph (d) of this section
23 shall an amendment to a bill by one house be concurred in by the
24 other, or a conference report be adopted by either house, or either
25 house discharge a committee from the consideration of a bill and
26 consider the same as if reported. The printing and reading, or either,
27 required in subparagraphs (b) and (c) of this section, may be
28 dispensed with in a bill to codify the laws of the Commonwealth,
29 and in the case of an emergency by a vote of four-fifths of the
30 members voting in each house, the name of each member voting
31 and how he voted to be recorded in the journal.

32 No bill which creates or establishes a new office, or which
33 creates, continues, or revives a debt or charge, or which makes,
34 continues, or revives any appropriation of public or trust money or
35 property, or which releases, discharges, or commutes any claim or
36 demand of the Commonwealth, or which imposes, continues, or
37 revives a tax, shall be passed except by the affirmative vote of a

EXHIBIT A

Page 3 of 5

3 Senate Joint Resolution 81

1 majority of all the members elected to each house, the name of each
2 member voting and how he voted to be recorded in the journal.

3 Every law imposing, continuing, or reviving a tax shall
4 specifically state such tax. However, any law by which taxes are
5 imposed may define or specify the subject and provisions of such
6 tax by reference to any provision of the laws of the United States as
7 those laws may be or become effective at any time or from time to
8 time, and may prescribe exceptions or modifications to any such
9 provision.

10 The presiding officer of each house *or in his absence or upon his*
11 *incapacitation a person designated by a majority of the members of each house* shall,
12 not later than ~~twenty~~ three days after ~~adjournment~~ *each bill is enrolled,*
13 sign ~~every~~ *each* bill that has been passed by both houses and duly
14 enrolled. The fact of signing shall be recorded in the journal.

15 Section 13. Effective date of laws.—All laws, except a general
16 appropriation law, shall take effect on the first day of the fourth
17 month following the month of adjournment of the session of the
18 General Assembly at which it has been enacted, unless a subsequent
19 date is specified or unless in the case of an emergency (which
20 emergency shall be expressed in the body of the bill) the General
21 Assembly shall specify an earlier date by a vote of four-fifths of the
22 members voting in each house, the name of each member voting
23 and how he voted to be recorded in the journal. *Laws which are enacted by*
24 *reason of actions taken during reconvened sessions shall take effect on the first day of the*
25 *third month following adjournment of the reconvened session unless another date is*
26 *specified by the laws' earlier passage.*

27 Article V.

28 Section 6. Presentation of bills; veto powers of Governor. Every
29 bill which shall have passed the Senate and House of Delegates
30 shall, before it becomes a law, be presented to the Governor. If he
31 approve, he shall sign it; but, if not, he may return it with his
32 objections to the house in which it originated, which shall enter the
33 objections at large on its journal and proceed to reconsider the
34 same. If, after such consideration, two-thirds of the members
35 present, which two-thirds shall include a majority of the members
36 elected to that house, shall agree to pass the bill, it shall be sent,
37 together with the objections, to the other house, by which it shall

EXHIBIT A

Page 4 of 5

Senate Joint Resolution 81 4

1 likewise be reconsidered, and if approved by two-thirds of all the
2 members present, which two-thirds shall include a majority of the
3 members elected to that house, it shall become a law,
4 notwithstanding the objections.

5 The Governor shall have the power to veto any particular item
6 or items of an appropriation bill, but the veto shall not affect the
7 item or items to which he does not object. The item or items
8 objected to shall not take effect except in the manner heretofore
9 provided in this section as to bills returned to the General Assembly
10 without his approval.

11 If the Governor approve the general purpose of any bill but
12 disapprove any part or parts thereof, he may return it, with
13 recommendations for its amendment, to the house in which it
14 originated, whereupon the same proceedings shall be had in both
15 houses upon the bill and his recommendations in relation to its
16 amendment as is above provided in relation to a bill which he shall
17 have returned without his approval, and with his objections thereto;
18 provided that, if after such reconsideration both houses, by a vote of
19 a majority of the members present in each, shall agree to amend the
20 bill in accordance with his recommendation in relation thereto, or
21 either house by such vote shall fail or refuse to so amend it, then
22 and in either case the bill shall be again sent to him, and he may act
23 upon it as if it were then before him for the first time. In all cases
24 above set forth, the names of the members voting for and against
25 the bill or item or items of an appropriation bill, shall be entered on
26 the journal of each house.

27 If any bill shall not be returned by the Governor within seven
28 days after it shall have been presented to him, the same shall be a
29 law in like manner as if he had signed it, ~~unless the General~~
30 ~~Assembly shall, by final adjournment, prevent such return; in which~~
31 ~~case it shall be a law if approved by the Governor, in the manner~~
32 ~~and to the extent above provided, within thirty days after~~
33 ~~adjournment, but not otherwise—except that, if the General Assembly shall have~~
34 ~~adjourned pending a reconvened session, the Governor need not act upon the bill until~~
35 ~~thirty days after such adjournment. If the General Assembly shall, by final adjournment~~
36 ~~other than pending a reconvened session, prevent the return of a bill, it shall be a law if~~
37 ~~approved by the Governor, in the manner and to the extent above provided, within thirty~~

EXHIBIT A

Page 5 of 5

5 Senate Joint Resolution 81

1 days after adjournment, but not otherwise.

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Official Use by Clerks

Agreed to By The Senate

Agreed to By
The House of Delegates

with
without amendment

with
without amendment

Date:

Date:

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Clerk of the Senate

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Clerk of the House of Delegates

EXHIBIT B

Excerpt from the 1977 Journal of the Senate
(printed p. 52), January 12, 1977

S.J.R. 81. Proposing amendments to Sections 6, 11 and 13 of Article IV and Section 6 of Article V of the Constitution of Virginia, relating to legislative sessions, enactment of laws, effective dates of laws and overriding the Governor's veto.

Patrons—Brault, Moody, Babalas, Michael, and Buchanan

Referred to the Committee on Privileges and Elections

EXHIBIT C

Page 1 of 5

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R

1 COMMITTEE AMENDMENT IN THE NATURE OF A
2 SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 81
3 (Proposed by the Senate Committee on Privileges and Elections)
4 (Patron Prior to Substitute—Sen. Brault)
5 *Proposing amendments to Sections 6, 11 and 13 of Article IV and Section 6 of Article V of*
6 *the Constitution of Virginia, relating to legislative sessions, enactment of laws,*
7 *effective dates of laws, presentation of bills to the Governor and veto powers.*
8 RESOLVED by the Senate, the House of Delegates concurring,
9 a majority of the members elected to each house agreeing, That the
10 following amendments to the Constitution be, and the same hereby
11 are, proposed and referred to the General Assembly at its first
12 regular session held after the next general election of members of
13 the House of Delegates for its concurrence in conformity with the
14 provisions of Section 1 of Article XII of the Constitution of Virginia,
15 namely:
16 Amend Sections 6, 11 and 13 of Article IV and Section 6 of
17 Article V of the Constitution as follows:
18 Article IV.
19 Section 6. Legislative sessions.
20 The General Assembly shall meet once each year on the second
21 Wednesday in January. No regular session of the General Assembly
22 convened in an even-numbered year shall continue longer than sixty
23 days; no regular session of the General Assembly convened in an
24 odd-numbered year shall continue longer than thirty days; but with
25 the concurrence of two-thirds of the members elected to each house,
26 any regular session may be extended for a period not exceeding
27 thirty days. Neither house shall, without the consent of the other,
28 adjourn to another place, nor for more than three days.
29 *The General Assembly shall reconvene on the sixth Wednesday after adjournment,*
30 *sine die, of each regular or special session for the purpose of considering bills which may*
31 *have been returned by the Governor with recommendations for their amendment and bills*
32 *and items of appropriation bills which may have been returned by the Governor with his*
33 *objections. No other business shall be considered at a reconvened session. Such*
34 *reconvened session shall not continue longer than three days unless the session be*
35 *extended, for a period not exceeding seven additional days, upon the vote of a majority of*
36 *the members elected to each house.*
37 The Governor may convene a special session of the General

EXHIBIT C

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Substitute for S.J.R. 81 2

1 Assembly when, in his opinion, the interest of the Commonwealth
2 may require and shall convene a special session upon the
3 application of two-thirds of the members elected to each house.

4 Section 11. Enactment of laws.

5 No law shall be enacted except by bill. A bill may originate in
6 either house, may be approved or rejected by the other, or may be
7 amended by either, with the concurrence of the other.

8 No bill shall become a law unless, prior to its passage:

9 (a) it has been referred to a committee of each house,
10 considered by such committee in session, and reported;

11 (b) it has been printed by the house in which it originated prior
12 to its passage therein;

13 (c) it has been read by its title, or its title has been printed in a
14 daily calendar, on three different calendar days in each house; and

15 (d) upon its final passage a vote has been taken thereon in each
16 house, the name of each member voting for and against recorded in
17 the journal, and a majority of those voting in each house, which
18 majority shall include at least two-fifths of the members elected to
19 that house, recorded in the affirmative.

20 Only in the manner required in subparagraph (d) of this section
21 shall an amendment to a bill by one house be concurred in by the
22 other, or a conference report be adopted by either house, or either
23 house discharge a committee from the consideration of a bill and
24 consider the same as if reported. The printing and reading, or either,
25 required in subparagraphs (b) and (c) of this section, may be
26 dispensed with in a bill to codify the laws of the Commonwealth,
27 and in the case of an emergency by a vote of four-fifths of the
28 members voting in each house, the name of each member voting
29 and how he voted to be recorded in the journal.

30 No bill which creates or establishes a new office, or which
31 creates, continues, or revives a debt or charge, or which makes,
32 continues, or revives any appropriation of public or trust money or
33 property, or which releases, discharges, or commutes any claim or
34 demand of the Commonwealth, or which imposes, continues, or
35 revives a tax, shall be passed except by the affirmative vote of a
36 majority of all the members elected to each house, the name of each
37 member voting and how he voted to be recorded in the journal.

EXHIBIT C

Page 3 of 5

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Substitute for S.J.R. 81

1 Every law imposing, continuing, or reviving a tax shall
2 specifically state such tax. However, any law by which taxes are
3 imposed may define or specify the subject and provisions of such
4 tax by reference to any provision of the laws of the United States as
5 those laws may be or become effective at any time or from time to
6 time, and may prescribe exceptions or modifications to any such
7 provision.

8 The presiding officer of each house *or upon his inability or failure to act*
9 *a person designated by a majority of the members elected to each house shall, not*
10 *later than ~~twenty-three~~ days after adjournment each bill is enrolled, sign*
11 *every each bill that has been passed by both houses and duly*
12 *enrolled. The fact of signing shall be recorded in the journal.*

13 Section 13. Effective date of laws.

14 All laws, except a general appropriation law, shall take effect on
15 the first day of the fourth month following the month of
16 adjournment of the session of the General Assembly at which it has
17 been enacted, unless a subsequent date is specified or unless in the
18 case of an emergency (which emergency shall be expressed in the
19 body of the bill) the General Assembly shall specify an earlier date
20 by a vote of four-fifths of the members voting in each house, the
21 name of each member voting and how he voted to be recorded in the
22 journal. *Laws which are enacted by reason of actions taken during reconvened sessions*
23 *shall take effect on the first day of the third month following adjournment of the*
24 *reconvened session unless another date is specified by the laws' earlier passage or unless*
25 *the General Assembly shall by amendment specify another date during such reconvened*
26 *session by the same procedure as required above for an emergency.*

27

Article V.

28 Section 6. Presentation of bills; veto powers of Governor.

29 Every bill which shall have passed the Senate and House of
30 Delegates shall, before it becomes a law, be presented to the
31 Governor. If he approve, he shall sign it; but, if not, he may return it
32 with his objections to the house in which it originated, which shall
33 enter the objections at large on its journal and proceed to reconsider
34 the same. If, after such consideration, two-thirds of the members
35 present, which two-thirds shall include a majority of the members
36 elected to that house, shall agree to pass the bill, it shall be sent,
37 together with the objections, to the other house, by which it shall

EXHIBIT C

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Substitute for S.J.R. 81

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1 likewise be reconsidered, and if approved by two-thirds of all the
2 members present, which two-thirds shall include a majority of the
3 members elected to that house, it shall become a law,
4 notwithstanding the objections.

5 The Governor shall have the power to veto any particular item
6 or items of an appropriation bill, but the veto shall not affect the
7 item or items to which he does not object. The item or items
8 objected to shall not take effect except in the manner heretofore
9 provided in this section as to bills returned to the General Assembly
10 without his approval.

11 If the Governor approve the general purpose of any bill but
12 disapprove any part or parts thereof, he may return it, with
13 recommendations for its amendment, to the house in which it
14 originated, whereupon the same proceedings shall be had in both
15 houses upon the bill and his recommendations in relation to its
16 amendment as is above provided in relation to a bill which he shall
17 have returned without his approval, and with his objections thereto;
18 provided that, if after such reconsideration both houses, by a vote of
19 a majority of the members present in each, shall agree to amend the
20 bill in accordance with his recommendation in relation thereto, or
21 either house by such vote shall fail or refuse to so amend it, then
22 and in either case the bill shall be again sent to him, and he may act
23 upon it as if it were then before him for the first time; *provided further*
24 *that if the Governor so return any bill to a reconvened session and (i) a majority of the*
25 *members present in each house shall agree to amend the bill in accordance with his*
26 *recommendation, the bill as amended shall become law or (ii) two-thirds of all the*
27 *members present in each house, which two-thirds shall include a majority of the members*
28 *elected to that house, shall fail or refuse to so amend the bill, the bill shall become law.*

29 In all cases above set forth, the names of the members voting
30 for and against the bill or item or items of an appropriation bill,
31 shall be entered on the journal of each house.

32 If any bill shall not be returned by the Governor within seven
33 days after it shall have been presented to him, the same shall be a
34 law in like manner as if he had signed it, ~~unless the General~~
35 ~~Assembly shall, by final adjournment, prevent such return; in which~~
36 ~~case it shall be a law if approved by the Governor, in the manner~~
37 ~~and to the extent above provided, within thirty days after~~

EXHIBIT C

Page 5 of 5

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Substitute for S.J.R. 81

1 ~~adjournment, but not otherwise~~ except that, if the General Assembly shall have
2 adjourned pending a reconvened session, the Governor need not act upon the bill until
3 thirty days after such adjournment. If the General Assembly shall, by final adjournment
4 other than pending a reconvened session, prevent the return of a bill, it shall be a law if
5 approved by the Governor, in the manner and to the extent above provided, within thirty
6 days after adjournment, but not otherwise.

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Official Use by Clerks

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32 **Agreed to By The Senate**

**Agreed to By
The House of Delegates**

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with
without amendment

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without amendment

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35 Date:

Date:

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Clerk of the Senate

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Clerk of the House of Delegates

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EXHIBIT D

Excerpt from the 1977 Journal of the Senate
(printed p. 266) January 31, 1977:

The following resolution, having been considered by the committee in session, was reported by Mr. Hirst from the Committee on Privileges and Elections:

Senate Joint Resolution No. 81 (eighty-one) with a substitute.

EXHIBIT E

Excerpt from the 1977 Journal of the Senate
(printed p. 299), February 1, 1977:

Senate Joint Resolution No. 81 (eighty-one) was read by title the first time.

EXHIBIT F

Page 1 of 4

Excerpt from the 1977 Journal of the Senate
(printed pp. 310-313), February 2, 1977:

Senate Joint Resolution No. 81 was read by title the second time.

EXHIBIT F

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JOURNAL OF THE SENATE

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Wednesday, February 2, 1977

The following substitute proposed by the Committee on Privileges and Elections was agreed to:

COMMITTEE AMENDMENT IN THE NATURE OF A
SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 81
(Proposed by the Senate Committee on Privileges and Elections)

Proposing amendments to Sections 6, 11 and 13 of Article IV and Section 6 of Article V of the Constitution of Virginia, relating to legislative sessions, enactment of laws, effective dates of laws, presentation of bills to the Governor and veto powers.

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 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, 11 and 13 of Article IV and Section 6 of Article V of the Constitution as follows:

Article IV.

Section 6. Legislative sessions.

The General Assembly shall meet once each year on the second Wednesday in January. 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 General Assembly shall reconvene on the sixth Wednesday after adjournment, sine die, 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 a majority of the members elected to each house.

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.

Section 11. Enactment of laws.

No law shall be enacted except by bill. A bill may originate in either house, may be approved or rejected by the other, or may be amended by either, with the concurrence of the other.

No bill shall become a law unless, prior to its passage:

(a) it has been referred to a committee of each house, considered by such committee in session, and reported;

EXHIBIT F

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Wednesday, February 2, 1977

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JOURNAL OF THE SENATE

(b) it has been printed by the house in which it originated prior to its passage therein;

(c) it has been read by its title, or its title has been printed in a daily calendar, on three different calendar days in each house; and

(d) upon its final passage a vote has been taken thereon in each house, the name of each member voting for and against recorded in the journal, and a majority of those voting in each house, which majority shall include at least two-fifths of the members elected to that house, recorded in the affirmative.

Only in the manner required in subparagraph (d) of this section shall an amendment to a bill by one house be concurred in by the other, or a conference report be adopted by either house, or either house discharge a committee from the consideration of a bill and consider the same as if reported. The printing and reading, or either, required in subparagraphs (b) and (c) of this section, may be dispensed with in a bill to codify the laws of the Commonwealth, and in the case of an emergency by a vote of four-fifths of the members voting in each house, the name of each member voting and how he voted to be recorded in the journal.

No bill which creates or establishes a new office, or which creates, continues, or revives a debt or charge, or which makes, continues, or revives any appropriation of public or trust money or property, or which releases, discharges, or commutes any claim or demand of the Commonwealth, or which imposes, continues, or revives a tax, shall be passed except by the affirmative vote of a majority of all the members elected to each house, the name of each member voting and how he voted to be recorded in the journal.

Every law imposing, continuing, or reviving a tax shall specifically state such tax. However, any law by which taxes are imposed may define or specify the subject and provisions of such tax by reference to any provision of the laws of the United States as those laws may be or become effective at any time or from time to time, and may prescribe exceptions or modifications to any such provision.

The presiding officer of each house or upon his inability or failure to act a person designated by a majority of the members elected to each house shall, not later than ~~twenty~~ three days after ~~adjournment~~ each bill is enrolled, sign ~~every~~ each bill that has been passed by both houses and duly enrolled. The fact of signing shall be recorded in the journal.

Section 13. Effective date of laws.

All laws, except a general appropriation law, shall take effect on the first day of the fourth month following the month of adjournment of the session of the General Assembly at which it has been enacted, unless a subsequent date is specified or unless in the case of an emergency (which emergency shall be expressed in the body of the bill) the General Assembly shall specify an earlier date by a vote of four-fifths of the members voting in each house, the name of each member voting and how he voted to be recorded in the journal. *Laws which are enacted by reason of actions taken during reconvened sessions shall take effect on the first day of the third month following adjournment of the reconvened session unless another date is specified by the laws' earlier passage or unless the General Assembly shall by amendment specify another date during such reconvened session by the same procedure as required above for an emergency.*

Article V.

Section 6. Presentation of bills; veto powers of Governor.

Every bill which shall have passed the Senate and House of Delegates shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it; but, if not, he

EXHIBIT F

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JOURNAL OF THE SENATE

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Wednesday, February 2, 1977

may return it with his objections to the house in which it originated, which shall enter the objections at large on its journal and proceed to reconsider the same. If, after such consideration, two-thirds of the members present, which two-thirds shall include a majority of the members elected to that house, shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members present, which two-thirds shall include a majority of the members elected to that house, it shall become a law, notwithstanding the objections.

The Governor shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to bills returned to the General Assembly without his approval.

If the Governor approve the general purpose of any bill but disapprove any part or parts thereof, he may return it, with recommendations for its amendment, to the house in which it originated, whereupon the same proceedings shall be had in both houses upon the bill and his recommendations in relation to its amendment as is above provided in relation to a bill which he shall have returned without his approval, and with his objections thereto; provided that, if after such reconsideration both houses, by a vote of a majority of the members present in each, shall agree to amend the bill in accordance with his recommendation in relation thereto, or either house by such vote shall fail or refuse to so amend it, then and in either case the bill shall be again sent to him, and he may act upon it as if it were then before him for the first time; provided further that if the Governor so return any bill to a reconvened session and (i) a majority of the members present in each house shall agree to amend the bill in accordance with his recommendation, the bill as amended shall become law or (ii) two-thirds of all the members present in each house, which two-thirds shall include a majority of the members elected to that house, shall fail or refuse to so amend the bill, the bill shall become law.

In all cases above set forth, the names of the members voting for and against the bill or item or items of an appropriation bill, shall be entered on the journal of each house.

If any bill shall not be returned by the Governor within seven days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly shall, by final adjournment, prevent such return; in which case it shall be a law if approved by the Governor, in the manner and to the extent above provided; within thirty days after adjournment; but not otherwise except that, if the General Assembly shall have adjourned pending a reconvened session, the Governor need not act upon the bill until thirty days after such adjournment. If the General Assembly shall, by final adjournment other than pending a reconvened session, prevent the return of a bill, it shall be a law if approved by the Governor, in the manner and to the extent above provided, within thirty days after adjournment, but not otherwise.

EXHIBIT G

Excerpt from the 1977 Journal of the Senate
(printed pp. 313-314), February 2, 1977:

The joint resolution, as amended, was ordered to be engrossed and read by title the third time.

On motion of Mr. Brault, the Rules were suspended and the third reading of the title of the joint resolution was waived.

The recorded vote is as follows:

Yeas—38. Nays—0.

Yeas—Anderson, Andrews, Babalas, Bateman, Bird, Boucher, Brault, Buchanan, Canada, Coleman, Colgan, Cross, DuVal, Edmunds, Emick, Fears, Fitzpatrick, Gartlan, Goode, Gray, E.T., Gray, F.T., Hirst, Holland, Hopkins, Marye, Michael, Miller, Mitchell, Moody, Parkerson, Rawls, Schewel, Townsend, Truban, Waddell, Wilder, Willey, Yeatts—38.

Nays—0.

On further motion of Mr. Brault, Senate Joint Resolution No. 81 (eighty-one), being forthwith engrossed, was agreed to.

The recorded vote is as follows:

Yeas—38. Nays—0.

Yeas—Anderson, Andrews, Babalas, Bateman, Bird, Boucher, Brault, Buchanan, Canada, Coleman, Colgan, Cross, DuVal, Edmunds, Emick, Fears, Fitzpatrick, Gartlan, Goode, Gray, E.T., Gray, F.T., Hirst, Holland, Hopkins, Marye, Michael, Miller, Mitchell, Moody, Parkerson, Rawls, Schewel, Townsend, Truban, Waddell, Wilder, Willey, Yeatts—38.

Nays—0.

EXHIBIT H

Page 1 of 4

Excerpt from the 1977 Journal of the House of Delegates (printed pp. 512-515), February 3, 1977:

S. J. R. 81, reading as follows:

SENATE JOINT RESOLUTION NO. 81

Proposing amendments to Sections 6, 11 and 13 of Article IV and Section 6 of Article V of the Constitution of Virginia, relating to legislative sessions, enactment of laws, effective dates of laws, presentation of bills to the Governor and veto powers.

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 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, 11 and 13 of Article IV and Section 6 of Article V of the Constitution as follows:

Article IV.

Section 6. Legislative sessions.

The General Assembly shall meet once each year on the second Wednesday in January. 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

EXHIBIT H

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Journal of the House of Delegates

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Thursday, February 3, 1977

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 General Assembly shall reconvene on the sixth Wednesday after adjournment, sine die, 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 a majority of the members elected to each house.

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.

Section 11. Enactment of laws.

No law shall be enacted except by bill. A bill may originate in either house, may be approved or rejected by the other, or may be amended by either, with the concurrence of the other.

No bill shall become a law unless, prior to its passage:

(a) it has been referred to a committee of each house, considered by such committee in session, and reported;

(b) it has been printed by the house in which it originated prior to its passage therein;

(c) it has been read by its title, or its title has been printed in a daily calendar, on three different calendar days in each house; and

(d) upon its final passage a vote has been taken thereon in each house, the name of each member voting for and against recorded in the journal, and a majority of those voting in each house, which majority shall include at least two-fifths of the members elected to that house, recorded in the affirmative.

Only in the manner required in subparagraph (d) of this section shall an amendment to a bill by one house be concurred in by the other, or a conference report be adopted by either house, or either house discharge a committee from the consideration of a bill and consider the same as if reported. The printing and reading, or either, required in subparagraphs (b) and (c) of this section, may be dispensed with in a bill to codify the laws of the Commonwealth, and in the case of an emergency by a vote of four-fifths of the members voting in each house, the name of each member voting and how he voted to be recorded in the journal.

No bill which creates or establishes a new office, or which creates, continues, or revives a debt or charge, or which makes, continues, or revives any appropriation of public or trust money or property, or which releases, discharges, or commutes any claim or demand of the Commonwealth, or which imposes, continues, or revives a tax, shall be passed except by the affirmative vote of a majority of all the members elected to each house, the name of each member voting and how he voted to be recorded in the journal.

Every law imposing, continuing, or reviving a tax shall specifically state such tax. However, any law by which taxes are imposed may define or specify the subject and

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provisions of such tax by reference to any provision of the laws of the United States as those laws may be or become effective at any time or from time to time, and may prescribe exceptions or modifications to any such provision.

The presiding officer of each house or upon his inability or failure to act a person designated by a majority of the members elected to each house shall, not later than ~~twenty~~ three days after ~~adjournment~~ each bill is enrolled, sign ~~every~~ each bill that has been passed by both houses and duly enrolled. The fact of signing shall be recorded in the journal.

Section 13. Effective date of laws.

All laws, except a general appropriation law, shall take effect on the first day of the fourth month following the month of adjournment of the session of the General Assembly at which it has been enacted, unless a subsequent date is specified or unless in the case of an emergency (which emergency shall be expressed in the body of the bill) the General Assembly shall specify an earlier date by a vote of four-fifths of the members voting in each house, the name of each member voting and how he voted to be recorded in the journal. *Laws which are enacted by reason of actions taken during reconvened sessions shall take effect on the first day of the third month following adjournment of the reconvened session unless another date is specified by the laws' earlier passage or unless the General Assembly shall by amendment specify another date during such reconvened session by the same procedure as required above for an emergency.*

Article V.

Section 6. Presentation of bills; veto powers of Governor.

Every bill which shall have passed the Senate and House of Delegates shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it; but, if not, he may return it with his objections to the house in which it originated, which shall enter the objections at large on its journal and proceed to reconsider the same. If, after such consideration, two-thirds of the members present, which two-thirds shall include a majority of the members elected to that house, shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members present, which two-thirds shall include a majority of the members elected to that house, it shall become a law, notwithstanding the objections.

The Governor shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to bills returned to the General Assembly without his approval.

If the Governor approve the general purpose of any bill but disapprove any part or parts thereof, he may return it, with recommendations for its amendment, to the house in which it originated, whereupon the same proceedings shall be had in both houses upon the bill and his recommendations in relation to its amendment as is above provided in relation to a bill which he shall have returned without his approval, and with his objections thereto; provided that, if after such reconsideration both houses, by a vote of a majority of the members present in each, shall agree to amend the bill in accordance with his recommendation in relation thereto, or either house by such vote shall fail or refuse to so amend it, then and in either case the bill shall be again sent to him, and he may act upon it as if it were then before him for the first time; *provided further that if the Governor so return any bill to a reconvened session and (i) a majority of the members present in each house shall agree to amend the bill in accordance with his recommendation, the bill as amended shall become law or (ii) two-thirds of all the members present in each house, which two-thirds shall include a majority of the members elected to that house, shall fail or refuse to so amend the bill, the bill shall become law.*

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In all cases above set forth, the names of the members voting for and against the bill or item or items of an appropriation bill, shall be entered on the journal of each house.

If any bill shall not be returned by the Governor within seven days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly shall, by final adjournment, prevent such return; in which case it shall be a law if approved by the Governor, in the manner and to the extent above provided, within thirty days after adjournment; but not otherwise except that, if the General Assembly shall have adjourned pending a reconvened session, the Governor need not act upon the bill until thirty days after such adjournment. If the General Assembly shall, by final adjournment other than pending a reconvened session, prevent the return of a bill, it shall be a law if approved by the Governor, in the manner and to the extent above provided, within thirty days after adjournment, but not otherwise .

was referred to the Committee on Privileges and Elections.

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LD7549

1 COMMITTEE AMENDMENT IN THE NATURE OF A
2 SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 81
3 (Proposed by the House Committee on Privileges and Elections)
4 *Proposing amendments to Sections 6, 11 and 13 of Article IV and Section 6 of Article V of*
5 *the Constitution of Virginia, relating to legislative sessions, enactment of laws,*
6 *effective dates of laws, presentation of bills to the Governor and veto powers.*
7 RESOLVED by the Senate, the House of Delegates concurring,
8 a majority of the members elected to each house agreeing, That the
9 following amendments to the Constitution be, and the same hereby
10 are, proposed and referred to the General Assembly at its first
11 regular session held after the next general election of members of
12 the House of Delegates for its concurrence in conformity with the
13 provisions of Section 1 of Article XII of the Constitution of Virginia,
14 namely:
15 Amend Sections 6, 11 and 13 of Article IV and Section 6 of
16 Article V of the Constitution as follows:
17 Article IV.
18 Section 6. Legislative sessions.
19 The General Assembly shall meet once each year on the second
20 Wednesday in January. No regular session of the General Assembly
21 convened in an even-numbered year shall continue longer than sixty
22 days; no regular session of the General Assembly convened in an
23 odd-numbered year shall continue longer than thirty days; but with
24 the concurrence of two-thirds of the members elected to each house,
25 any regular session may be extended for a period not exceeding
26 thirty days. Neither house shall, without the consent of the other,
27 adjourn to another place, nor for more than three days.
28 *The General Assembly shall reconvene on the sixth Wednesday after adjournment,*
29 *sine die, of each regular or special session for the purpose of considering bills which may*
30 *have been returned by the Governor with recommendations for their amendment and bills*
31 *and items of appropriation bills which may have been returned by the Governor with his*
32 *objections. No other business shall be considered at a reconvened session. Such*
33 *reconvened session shall not continue longer than three days unless the session be*
34 *extended, for a period not exceeding seven additional days, upon the vote of a majority of*
35 *the members elected to each house.*
36 The Governor may convene a special session of the General
37 Assembly when, in his opinion, the interest of the Commonwealth

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Substitute for S.J.R. 081

2

1 may require and shall convene a special session upon the
2 application of two-thirds of the members elected to each house.

3 Section 11. Enactment of laws.

4 No law shall be enacted except by bill. A bill may originate in
5 either house, may be approved or rejected by the other, or may be
6 amended by either, with the concurrence of the other.

7 No bill shall become a law unless, prior to its passage:

8 (a) it has been referred to a committee of each house,
9 considered by such committee in session, and reported;

10 (b) it has been printed by the house in which it originated prior
11 to its passage therein;

12 (c) it has been read by its title, or its title has been printed in a
13 daily calendar, on three different calendar days in each house; and

14 (d) upon its final passage a vote has been taken thereon in each
15 house, the name of each member voting for and against recorded in
16 the journal, and a majority of those voting in each house, which
17 majority shall include at least two-fifths of the members elected to
18 that house, recorded in the affirmative.

19 Only in the manner required in subparagraph (d) of this section
20 shall an amendment to a bill by one house be concurred in by the
21 other, or a conference report be adopted by either house, or either
22 house discharge a committee from the consideration of a bill and
23 consider the same as if reported. The printing and reading, or either,
24 required in subparagraphs (b) and (c) of this section, may be
25 dispensed with in a bill to codify the laws of the Commonwealth,
26 and in the case of an emergency by a vote of four-fifths of the
27 members voting in each house, the name of each member voting
28 and how he voted to be recorded in the journal.

29 No bill which creates or establishes a new office, or which
30 creates, continues, or revives a debt or charge, or which makes,
31 continues, or revives any appropriation of public or trust money or
32 property, or which releases, discharges, or commutes any claim or
33 demand of the Commonwealth, or which imposes, continues, or
34 revives a tax, shall be passed except by the affirmative vote of a
35 majority of all the members elected to each house, the name of each
36 member voting and how he voted to be recorded in the journal.

37 Every law imposing, continuing, or reviving a tax shall

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3

Substitute for S.J.R. 081

1 specifically state such tax. However, any law by which taxes are
2 imposed may define or specify the subject and provisions of such
3 tax by reference to any provision of the laws of the United States as
4 those laws may be or become effective at any time or from time to
5 time, and may prescribe exceptions or modifications to any such
6 provision.

7 The presiding officer of each house *or upon his inability or failure to act*
8 *a person designated by a majority of the members elected to each house shall, not*
9 *later than ~~twenty-three~~ days after ~~adjournment~~ each bill is enrolled, sign*
10 *every* each bill that has been passed by both houses and duly
11 enrolled. The fact of signing shall be recorded in the journal.

12 Section 13. Effective date of laws.

13 All laws, ~~except a general appropriation law including laws which are~~
14 ~~enacted by reason of actions taken during reconvened sessions, shall take effect on~~
15 the first day of ~~the fourth month~~ July following the ~~month of~~
16 adjournment of the session of the General Assembly at which it has
17 been enacted, unless a ~~subsequent date is specified or unless in the~~
18 case of an emergency (which emergency shall be expressed in the
19 body of the bill) the General Assembly shall specify an earlier date
20 by a vote of four-fifths of the members voting in each house, the
21 name of each member voting and how he voted to be recorded in the
22 journal , *or unless a subsequent date is specified in the body of the bill or by general*
23 *law.*

24

Article V.

25 Section 6. Presentation of bills; veto powers of Governor.

26 Every bill which shall have passed the Senate and House of
27 Delegates shall, before it becomes a law, be presented to the
28 Governor. If he approve, he shall sign it; but, if not, he may return it
29 with his objections to the house in which it originated, which shall
30 enter the objections at large on its journal and proceed to reconsider
31 the same. If, after such consideration, two-thirds of the members
32 present, which two-thirds shall include a majority of the members
33 elected to that house, shall agree to pass the bill, it shall be sent,
34 together with the objections, to the other house, by which it shall
35 likewise be reconsidered, and if approved by two-thirds of all the
36 members present, which two-thirds shall include a majority of the
37 members elected to that house, it shall become a law,

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Substitute for S.J.R. 081

4

1 notwithstanding the objections.

2 The Governor shall have the power to veto any particular item
3 or items of an appropriation bill, but the veto shall not affect the
4 item or items to which he does not object. The item or items
5 objected to shall not take effect except in the manner heretofore
6 provided in this section as to bills returned to the General Assembly
7 without his approval.

8 If the Governor approve the general purpose of any bill but
9 disapprove any part or parts thereof, he may return it, with
10 recommendations for its amendment, to the house in which it
11 originated, whereupon the same proceedings shall be had in both
12 houses upon the bill and his recommendations in relation to its
13 amendment as is above provided in relation to a bill which he shall
14 have returned without his approval, and with his objections thereto;
15 provided that, if after such reconsideration both houses, by a vote of
16 a majority of the members present in each, shall agree to amend the
17 bill in accordance with his recommendation in relation thereto, or
18 either house by such vote shall fail or refuse to so amend it, then
19 and in either case the bill shall be again sent to him, and he may act
20 upon it as if it were then before him for the first time ; *provided further*
21 *that if the Governor so return any bill to a reconvened session and (i) a majority of the*
22 *members present in each house shall agree to amend the bill in accordance with his*
23 *recommendation, the bill as amended shall become law or (ii) two-thirds of all the*
24 *members present in each house, which two-thirds shall include a majority of the members*
25 *elected to that house, shall agree to the bill in the form sent to the Governor, the bill shall*
26 *become law.*

27 In all cases above set forth, the names of the members voting
28 for and against the bill or item or items of an appropriation bill,
29 shall be entered on the journal of each house.

30 If any bill shall not be returned by the Governor within seven
31 days after it shall have been presented to him, the same shall be a
32 law in like manner as if he had signed it, ~~unless the General~~
33 ~~Assembly shall, by final adjournment, prevent such return; in which~~
34 ~~case it shall be a law if approved by the Governor, in the manner~~
35 ~~and to the extent above provided, within thirty days after~~
36 ~~adjournment, but not otherwise-except that, if the General Assembly shall have~~
37 ~~adjourned pending a reconvened session, the Governor need not act upon the bill until~~

EXHIBIT I

1 thirty days after such adjournment. If the General Assembly shall, by final adjournment
2 other than pending a reconvened session, prevent the return of a bill, it shall be a law if
3 approved by the Governor, in the manner and to the extent above provided, within thirty
4 days after adjournment, but not otherwise.
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30 Official Use by Clerks

31		
32	Agreed to By The Senate	Agreed to By The House of Delegates
33	with	with
34	without amendment	without amendment
35	Date:	Date:
36
37	Clerk of the Senate	Clerk of the House of Delegates

EXHIBIT J

Excerpt from the 1977 Journal of the House of
Delegates (printed pp. 1295-1296), February 28, 1977:

The following Senate joint resolutions, having been considered by the several committees
in session, were reported:

FROM THE COMMITTEE ON PRIVILEGES AND ELECTIONS:

S. J. R. 81 (eighty-one). With amendment in the nature of a substitute. 19-1-0.
Printed separately, with its title reading as follows:

Proposing amendments to Sections 6, 11 and 13 of Article IV and Section 6 of Article V
of the Constitution of Virginia, relating to legislative sessions, enactment of laws,
effective dates of laws, presentation of bills to the Governor and veto powers.

EXHIBIT K

Page 1 of 4

Excerpt from the 1977 Journal of the House of Delegates
(printed pp. 1604-1607), March 4, 1977:

S. J. R. 81 (eighty-one) came up.

The Speaker laid the joint resolution before the House.

An amendment in the nature of a substitute was proposed by the Committee on Privileges and Elections, and printed separately, as follows:

Proposing amendments to Sections 6, 11 and 13 of Article IV and Section 6 of Article V of the Constitution of Virginia, relating to legislative sessions, enactment of laws, effective dates of laws, presentation of bills to the Governor and veto powers.

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 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, 11 and 13 of Article IV and Section 6 of Article V of the Constitution as follows:

Article IV.

Section 6. Legislative sessions.

The General Assembly shall meet once each year on the second Wednesday in January. 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 General Assembly shall reconvene on the sixth Wednesday after adjournment, sine die, 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 a majority of the members elected to each house.

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.

Section 11. Enactment of laws.

EXHIBIT K

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Journal of the House of Delegates

-1605-

Friday, March 4, 1977

No law shall be enacted except by bill. A bill may originate in either house, may be approved or rejected by the other, or may be amended by either, with the concurrence of the other.

No bill shall become a law unless, prior to its passage:

(a) it has been referred to a committee of each house, considered by such committee in session, and reported;

(b) it has been printed by the house in which it originated prior to its passage therein;

(c) it has been read by its title, or its title has been printed in a daily calendar, on three different calendar days in each house; and

(d) upon its final passage a vote has been taken thereon in each house, the name of each member voting for and against recorded in the journal, and a majority of those voting in each house, which majority shall include at least two-fifths of the members elected to that house, recorded in the affirmative.

Only in the manner required in subparagraph (d) of this section shall an amendment to a bill by one house be concurred in by the other, or a conference report be adopted by either house, or either house discharge a committee from the consideration of a bill and consider the same as if reported. The printing and reading, or either, required in subparagraphs (b) and (c) of this section, may be dispensed with in a bill to codify the laws of the Commonwealth, and in the case of an emergency by a vote of four-fifths of the members voting in each house, the name of each member voting and how he voted to be recorded in the journal.

No bill which creates or establishes a new office, or which creates, continues, or revives a debt or charge, or which makes, continues, or revives any appropriation of public or trust money or property, or which releases, discharges, or commutes any claim or demand of the Commonwealth, or which imposes, continues, or revives a tax, shall be passed except by the affirmative vote of a majority of all the members elected to each house, the name of each member voting and how he voted to be recorded in the journal.

Every law imposing, continuing, or reviving a tax shall specifically state such tax. However, any law by which taxes are imposed may define or specify the subject and provisions of such tax by reference to any provision of the laws of the United States as those laws may be or become effective at any time or from time to time, and may prescribe exceptions or modifications to any such provision.

The presiding officer of each house or upon his inability or failure to act a person designated by a majority of the members elected to each house shall, not later than ~~twenty~~ ~~three~~ days after adjournment each bill is enrolled, sign every each bill that has been passed by both houses and duly enrolled. The fact of signing shall be recorded in the journal.

Section 13. Effective date of laws.

All laws, except a general appropriation law including laws which are enacted by reason of actions taken during reconvened sessions, shall take effect on the first day of the fourth month July following the month of adjournment of the session of the General Assembly at which it has been enacted, unless a subsequent date is specified or unless in the case of an emergency (which emergency shall be expressed in the body of the bill) the General Assembly shall specify an earlier date by a vote of four-fifths of the members voting in each house, the name of each member voting and how he voted to be recorded in the journal, or unless a subsequent date is specified in the body of the bill or by general law.

EXHIBIT K

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Friday, March 4, 1977

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Article V.

Section 6. Presentation of bills; veto powers of Governor.

Every bill which shall have passed the Senate and House of Delegates shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it; but, if not, he may return it with his objections to the house in which it originated, which shall enter the objections at large on its journal and proceed to reconsider the same. If, after such consideration, two-thirds of the members present, which two-thirds shall include a majority of the members elected to that house, shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members present, which two-thirds shall include a majority of the members elected to that house, it shall become a law, notwithstanding the objections.

The Governor shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to bills returned to the General Assembly without his approval.

If the Governor approve the general purpose of any bill but disapprove any part or parts thereof, he may return it, with recommendations for its amendment, to the house in which it originated, whereupon the same proceedings shall be had in both houses upon the bill and his recommendations in relation to its amendment as is above provided in relation to a bill which he shall have returned without his approval, and with his objections thereto; provided that, if after such reconsideration both houses, by a vote of a majority of the members present in each, shall agree to amend the bill in accordance with his recommendation in relation thereto, or either house by such vote shall fail or refuse to so amend it, then and in either case the bill shall be again sent to him, and he may act upon it as if it were then before him for the first time; *provided further that if the Governor so return any bill to a reconvened session and (i) a majority of the members present in each house shall agree to amend the bill in accordance with his recommendation, the bill as amended shall become law or (ii) two-thirds of all the members present in each house, which two-thirds shall include a majority of the members elected to that house, shall agree to the bill in the form sent to the Governor, the bill shall become law.*

In all cases above set forth, the names of the members voting for and against the bill or item or items of an appropriation bill, shall be entered on the journal of each house.

If any bill shall not be returned by the Governor within seven days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, ~~unless the General Assembly shall, by final adjournment, prevent such return; in which case it shall be a law if approved by the Governor, in the manner and to the extent above provided; within thirty days after adjournment; but not otherwise except that, if the General Assembly shall have adjourned pending a reconvened session, the Governor need not act upon the bill until thirty days after such adjournment. If the General Assembly shall, by final adjournment other than pending a reconvened session, prevent the return of a bill, it shall be a law if approved by the Governor, in the manner and to the extent above provided, within thirty days after adjournment, but not otherwise.~~

The Committee substitute was agreed to.

The joint resolution was agreed to.

Yeas, 82. Nays, 3.

The vote required by the Constitution was recorded as follows:

EXHIBIT K

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Friday, March 4, 1977

Yeas—Anderson, Ashworth, Bagley, F.C., Bagley, R.M., Ball, Barrow, Barry, Bell, Brickley, Callahan, Campbell, Cantrell, Councill, Cranwell, Creekmore, DeBruhl, Diamonstein, Dickinson, Dunford, Durette, Elliott, Fickett, Fowler, Garland, Giesen, Glasscock, Grayson, Guest, Gunn, Gwathmey, Hailey, Hall, Heilig, Hobson, James, Joannou, Johnson, Jones, G.W., Jones, J.S., Leafe, Manning, Marks, Marshall, McDiarmid, McGlothlin, Melnick, Michie, Miller, Morrison, Moss, Murray, O'Brien, Parker, L.W., Parker, W.T., Paul, Pendleton, Philpott, Pickett, Putney, Quillen, Quinn, Reynolds, Robinson, Robrecht, Rothrock, Sanford, Saslaw, Sheppard, Sisisky, Slaughter, Slayton, Smith, Solomon, Stambaugh, Swanson, Teel, Thomas, Thomson, White, Williams, Wilson, Mr. Speaker—82.

Nays—McClanan, McMurrin, Scott—3.

Ordered that Mr. Philpott inform the Senate that the House has agreed to, with amendment in the nature of a substitute, S. J. R. 81 and requests its concurrence.

EXHIBIT L

Excerpt from 1977 Journal of the Senate
(printed p. 1446), March 4, 1977

A message was received from the House of Delegates by Mr. Philpott, who informed the Senate that the House has agreed to Senate Joint Resolution No. 81 (eighty-one) with a substitute; in which substitute it requests the concurrence of the Senate.

EXHIBIT M

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Excerpt from 1977 Journal of the Senate
(printed pp. 1447-1449), March 4, 1977:

JOURNAL OF THE SENATE

-1447-

Friday, March 4, 1977

Senate Joint Resolution No. 81 (eighty-one) was taken up.

On motion of Mr. Brault, the following substitute proposed by the House of Delegates was agreed to:

COMMITTEE AMENDMENT IN THE NATURE OF A
SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 81
(Proposed by the House Committee on Privileges and Elections)

Proposing amendments to Sections 6, 11 and 13 of Article IV and Section 6 of Article V of the Constitution of Virginia, relating to legislative sessions, enactment of laws, effective dates of laws, presentation of bills to the Governor and veto powers.

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 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, 11 and 13 of Article IV and Section 6 of Article V of the Constitution as follows:

Article IV.

Section 6. Legislative sessions.

The General Assembly shall meet once each year on the second Wednesday in January. 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 General Assembly shall reconvene on the sixth Wednesday after adjournment, sine die, 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 a majority of the members elected to each house.

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.

Section 11. Enactment of laws.

No law shall be enacted except by bill. A bill may originate in either house, may be approved or rejected by the other, or may be amended by either, with the concurrence of the other.

No bill shall become a law unless, prior to its passage:

(a) it has been referred to a committee of each house, considered by such committee in

EXHIBIT M

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Friday, March 4, 1977

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JOURNAL OF THE SENATE

session, and reported;

(b) it has been printed by the house in which it originated prior to its passage therein;

(c) it has been read by its title, or its title has been printed in a daily calendar, on three different calendar days in each house; and

(d) upon its final passage a vote has been taken thereon in each house, the name of each member voting for and against recorded in the journal, and a majority of those voting in each house, which majority shall include at least two-fifths of the members elected to that house, recorded in the affirmative.

Only in the manner required in subparagraph (d) of this section shall an amendment to a bill by one house be concurred in by the other, or a conference report be adopted by either house, or either house discharge a committee from the consideration of a bill and consider the same as if reported. The printing and reading, or either, required in subparagraphs (b) and (c) of this section, may be dispensed with in a bill to codify the laws of the Commonwealth, and in the case of an emergency by a vote of four-fifths of the members voting in each house, the name of each member voting and how he voted to be recorded in the journal.

No bill which creates or establishes a new office, or which creates, continues, or revives a debt or charge, or which makes, continues, or revives any appropriation of public or trust money or property, or which releases, discharges, or commutes any claim or demand of the Commonwealth, or which imposes, continues, or revives a tax, shall be passed except by the affirmative vote of a majority of all the members elected to each house, the name of each member voting and how he voted to be recorded in the journal.

Every law imposing, continuing, or reviving a tax shall specifically state such tax. However, any law by which taxes are imposed may define or specify the subject and provisions of such tax by reference to any provision of the laws of the United States as those laws may be or become effective at any time or from time to time, and may prescribe exceptions or modifications to any such provision.

The presiding officer of each house or upon his inability or failure to act a person designated by a majority of the members elected to each house shall, not later than twenty three days after adjournment each bill is enrolled, sign every each bill that has been passed by both houses and duly enrolled. The fact of signing shall be recorded in the journal.

Section 13. Effective date of laws.

All laws, except a general appropriation law including laws which are enacted by reason of actions taken during reconvened sessions, shall take effect on the first day of the fourth month July following the month of adjournment of the session of the General Assembly at which it has been enacted, unless a subsequent date is specified or unless in the case of an emergency (which emergency shall be expressed in the body of the bill) the General Assembly shall specify an earlier date by a vote of four-fifths of the members voting in each house, the name of each member voting and how he voted to be recorded in the journal, or unless a subsequent date is specified in the body of the bill or by general law.

Article V.

Section 6. Presentation of bills; veto powers of Governor.

Every bill which shall have passed the Senate and House of Delegates shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it; but, if not, he may return it with his objections to the house in which it originated, which shall enter the

EXHIBIT M

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-1449-

Friday, March 4, 1977

objections at large on its journal and proceed to reconsider the same. If, after such consideration, two-thirds of the members present, which two-thirds shall include a majority of the members elected to that house, shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members present, which two-thirds shall include a majority of the members elected to that house, it shall become a law, notwithstanding the objections.

The Governor shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to bills returned to the General Assembly without his approval.

If the Governor approve the general purpose of any bill but disapprove any part or parts thereof, he may return it, with recommendations for its amendment, to the house in which it originated, whereupon the same proceedings shall be had in both houses upon the bill and his recommendations in relation to its amendment as is above provided in relation to a bill which he shall have returned without his approval, and with his objections thereto; provided that, if after such reconsideration both houses, by a vote of a majority of the members present in each, shall agree to amend the bill in accordance with his recommendation in relation thereto, or either house by such vote shall fail or refuse to so amend it, then and in either case the bill shall be again sent to him, and he may act upon it as if it were then before him for the first time ; *provided further that if the Governor so return any bill to a reconvened session and (i) a majority of the members present in each house shall agree to amend the bill in accordance with his recommendation, the bill as amended shall become law or (ii) two-thirds of all the members present in each house, which two-thirds shall include a majority of the members elected to that house, shall agree to the bill in the form sent to the Governor, the bill shall become law .*

In all cases above set forth, the names of the members voting for and against the bill or item or items of an appropriation bill, shall be entered on the journal of each house.

If any bill shall not be returned by the Governor within seven days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, *unless the General Assembly shall, by final adjournment, prevent such return; in which case it shall be a law if approved by the Governor, in the manner and to the extent above provided; within thirty days after adjournment; but not otherwise except that, if the General Assembly shall have adjourned pending a reconvened session, the Governor need not act upon the bill until thirty days after such adjournment. If the General Assembly shall, by final adjournment other than pending a reconvened session, prevent the return of a bill, it shall be a law if approved by the Governor, in the manner and to the extent above provided, within thirty days after adjournment, but not otherwise .*

The recorded vote is as follows:

Yeas—34. Nays—0.

Yeas—Anderson, Babalas, Bateman, Bird, Boucher, Brault, Buchanan, Canada, Colgan, Cross, DuVal, Emick, Fears, Fitzpatrick, Gartlan, Goode, Gray, E.T., Gray, F.T., Hirst, Holland, Marye, Michael, Miller, Mitchell, Moody, Parkerson, Rawls, Schewel, Townsend, Truban, Waddell, Wilder, Willey, Yeatts—34.

Nays—0.

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CHAPTER 688

SENATE JOINT RESOLUTION NO. 81

Proposing amendments to Sections 6, 11 and 13 of Article IV and Section 6 of Article V of the Constitution of Virginia, relating to legislative sessions, enactment of laws, effective dates of laws, presentation of bills to the Governor and veto powers.

Agreed to by the House of Delegates, March 4, 1977

Agreed to by the Senate, March 4, 1977

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 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, 11 and 13 of Article IV and Section 6 of Article V of the Constitution as follows:

Article IV.

Section 6. Legislative sessions.

The General Assembly shall meet once each year on the second Wednesday in January. 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 General Assembly shall reconvene on the sixth Wednesday after adjournment, one day, 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

EXHIBIT M-1

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extended, for a period not exceeding seven additional days, upon the vote of a majority of the members elected to each house.

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.

Section 11. Enactment of laws.

No law shall be enacted except by bill. A bill may originate in either house, may be approved or rejected by the other, or may be amended by either, with the concurrence of the other.

No bill shall become a law unless, prior to its passage:

(a) it has been referred to a committee of each house, considered by such committee in session, and reported;

(b) it has been printed by the house in which it originated prior to its passage therein;

(c) it has been read by its title, or its title has been printed in a daily calendar, on three different calendar days in each house; and

(d) upon its final passage a vote has been taken thereon in each house, the name of each member voting for and against recorded in the journal, and a majority of those voting in each house, which majority shall include at least two-fifths of the members elected to that house, recorded in the affirmative.

Only in the manner required in subparagraph (d) of this section shall an amendment to a bill by one house be concurred in by the other, or a conference report be adopted by either house, or either house discharge a committee from the consideration of a bill and consider the same as if reported. The printing and reading, or either, required in subparagraphs (b) and (c) of this section, may be dispensed with in a bill to codify the laws of the Commonwealth, and in the case of an emergency by a vote of four-fifths of the members voting in each house, the name of each member voting and how he voted to be recorded in the journal.

No bill which creates or establishes a new office, or which creates, continues, or revives a debt or charge, or which makes, continues, or revives any appropriation of public or trust money or property, or which releases, discharges, or commutes any claim or demand of the Commonwealth, or which imposes, continues, or revives a tax, shall be passed except by the affirmative vote of a majority of all the members elected to each house, the name of each member voting and how he voted to be recorded in the journal.

Every law imposing, continuing, or reviving a tax shall specifically state such tax. However, any law by which taxes are imposed may define or specify the subject and provisions of such tax by reference to any provision of the laws of the United States as those laws may be or become effective at any time or from time to time, and may prescribe exceptions or modifications to any such provision.

The presiding officer of each house or upon his inability or failure to act a person designated by a majority of the members elected to each house shall, not later than ~~twenty-three~~ days after adjournment—each bill is enrolled, sign ~~every~~—each bill that has been passed by both houses and duly enrolled. The fact of signing shall be recorded in the journal.

Section 13. Effective date of laws.

All laws, except a general appropriation law—including laws which are enacted by reason of actions taken during reconvened sessions, shall take effect on the first day of the fourth month—July following the month of adjournment of the session of the General Assembly at which it has been enacted, unless a subsequent date is specified or unless in the

case of an emergency (which emergency shall be expressed in the body of the bill) the General Assembly shall specify an earlier date by a vote of four-fifths of the members voting in each house, the name of each member voting and how he voted to be recorded in the journal, or unless a subsequent date is specified in the body of the bill or by general law.

Article V.

Section 6. Presentation of bills; veto powers of Governor.

Every bill which shall have passed the Senate and House of Delegates shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it; but, if not, he may return it with his objections to the house in which it originated, which shall enter the objections at large on its journal and proceed to reconsider the same. If, after such consideration, two-thirds of the members present, which two-thirds shall include a majority of the members elected to that house, shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members present, which two-thirds shall include a majority of the members elected to that house, it shall become a law, notwithstanding the objections.

The Governor shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to bills returned to the General Assembly without his approval.

If the Governor approve the general purpose of any bill but disapprove any part or parts thereof, he may return it, with recommendations for its amendment, to the house in which it originated, whereupon the same proceedings shall be had in both houses upon the bill and his recommendations in relation to its amendment as is above provided in relation to a bill which he shall have returned without his approval, and with his objections thereto; provided that, if after such reconsideration both houses, by a vote of a majority of the members present in each, shall agree to amend the bill in accordance with his recommendation in relation thereto, or either house by such vote shall fail or refuse to so amend it, then and in either case the bill shall be again sent to him, and he may act upon it as if it were then before him for the first time; provided further that if the Governor so return any bill to a reconvened session and (i) a majority of the members present in each house shall agree to amend the bill in accordance with his recommendation, the bill as amended shall become law or (ii) two-thirds of all the members present in each house, which two-thirds shall include a majority of the members elected to that house, shall agree to the bill in the form sent to the Governor, the bill shall become law.

In all cases above set forth, the names of the members voting for and against the bill or item or items of an appropriation bill, shall be entered on the journal of each house.

If any bill shall not be returned by the Governor within seven days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly shall, by final adjournment, prevent such return; in which case it shall be a law if approved by the Governor, in the manner and to the extent above provided; within thirty days after adjournment; but not otherwise except that, if the General Assembly shall have adjourned pending a reconvened session, the Governor need not act upon the bill until thirty days after such adjournment. If the General Assembly shall, by final adjournment

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other than pending a reconvened session, prevent the return of a bill, it shall be a law if approved by the Governor, in the manner and to the extent above provided, within thirty days after adjournment, but not otherwise.

EXHIBIT N

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Senate Joint Resolution 95 2

1 *after adjournment, sine die, of each regular or special session for*
2 *the purpose of considering bills which may have been returned by*
3 *the Governor with recommendations for their amendment and bills*
4 *and items of appropriation bills which may have been returned by*
5 *the Governor with his objections. No other business shall be*
6 *considered at a reconvened session. Such reconvened session shall*
7 *not continue longer than three days unless the session be extended,*
8 *for a period not exceeding seven additional days, upon the vote of*
9 *a majority of the members elected to each house.*

10 The Governor may convene a special session of the General
11 Assembly when, in his opinion, the interest of the Commonwealth
12 may require and shall convene a special session upon the
13 application of two-thirds of the members elected to each house.

14 § 11. Enactment of laws.

15 No law shall be enacted except by bill. A bill may originate in
16 either house, may be approved or rejected by the other, or may be
17 amended by either, with the concurrence of the other.

18 No bill shall become a law unless, prior to its passage:

19 (a) it has been referred to a committee of each house,
20 considered by such committee in session, and reported;

21 (b) it has been printed by the house in which it originated prior
22 to its passage therein;

23 (c) it has been read by its title, or its title has been printed in a
24 daily calendar, on three different calendar days in each house; and

25 (d) upon its final passage a vote has been taken thereon in each
26 house, the name of each member voting for and against recorded in
27 the journal, and a majority of those voting in each house, which
28 majority shall include at least two-fifths of the members elected to
29 that house, recorded in the affirmative.

30 Only in the manner required in subparagraph (d) of this section
31 shall an amendment to a bill by one house be concurred in by the
32 other, or a conference report be adopted by either house, or either
33 house discharge a committee from the consideration of a bill and
34 consider the same as if reported. The printing and reading, or
35 either, required in subparagraphs (b) and (c) of this section, may
36 be dispensed with in a bill to codify the laws of the Commonwealth,
37 and in the case of an emergency by a vote of four-fifths of the

EXHIBIT N

Page 3 of 5

3 Senate Joint Resolution 95

1 members voting in each house, the name of each member voting
2 and how he voted to be recorded in the journal.

3 No bill which creates or establishes a new office, or which
4 creates, continues, or revives a debt or charge, or which makes,
5 continues, or revives any appropriation of public or trust money or
6 property, or which releases, discharges, or commutes any claim or
7 demand of the Commonwealth, or which imposes, continues, or
8 revives a tax, shall be passed except by the affirmative vote of a
9 majority of all the members elected to each house, the name of
10 each member voting and how he voted to be recorded in the
11 journal.

12 Every law imposing, continuing, or reviving a tax shall
13 specifically state such tax. However, any law by which taxes are
14 imposed may define or specify the subject and provisions of such
15 tax by reference to any provision of the laws of the United States
16 as those laws may be or become effective at any time or from time
17 to time, and may prescribe exceptions or modifications to any such
18 provision.

19 The presiding officer of each house *or upon his inability or*
20 *failure to act a person designated by a majority of the members*
21 *elected to each house shall, not later than twenty three days after*
22 *adjournment each bill is enrolled , sign every each bill that has*
23 *been passed by both houses and duly enrolled. The fact of signing*
24 *shall be recorded in the journal.*

25 § 13. Effective date of laws.

26 All laws, ~~except a general appropriation law including laws~~
27 *which are enacted by reason of actions taken during reconvened*
28 *sessions , shall take effect on the first day of the fourth month July*
29 *following the month of adjournment of the session of the General*
30 *Assembly at which it has been enacted, unless a subsequent date is*
31 *specified or unless in the case of an emergency (which emergency*
32 *shall be expressed in the body of the bill) the General Assembly*
33 *shall specify an earlier date by a vote of four-fifths of the members*
34 *voting in each house, the name of each member voting and how he*
35 *voted to be recorded in the journal , or unless a subsequent date is*
36 *specified in the body of the bill or by general law .*

37

Article V.

EXHIBIT N

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Senate Joint Resolution 95

4

1 § 6. Presentation of bills; veto powers of Governor.

2 Every bill which shall have passed the Senate and House of
3 Delegates shall, before it becomes a law, be presented to the
4 Governor. If he approve, he shall sign it; but, if not, he may return
5 it with his objections to the house in which it originated, which shall
6 enter the objections at large on its journal and proceed to
7 reconsider the same. If, after such consideration, two-thirds of the
8 members present, which two-thirds shall include a majority of the
9 members elected to that house, shall agree to pass the bill, it shall
10 be sent, together with the objections, to the other house, by which it
11 shall likewise be reconsidered, and if approved by two-thirds of all
12 the members present, which two-thirds shall include a majority of
13 the members elected to that house, it shall become a law,
14 notwithstanding the objections.

15 The Governor shall have the power to veto any particular item
16 or items of an appropriation bill, but the veto shall not affect the
17 item or items to which he does not object. The item or items
18 objected to shall not take effect except in the manner heretofore
19 provided in this section as to bills returned to the General Assembly
20 without his approval.

21 If the Governor approve the general purpose of any bill but
22 disapprove any part or parts thereof, he may return it, with
23 recommendations for its amendment, to the house in which it
24 originated, whereupon the same proceedings shall be had in both
25 houses upon the bill and his recommendations in relation to its
26 amendment as is above provided in relation to a bill which he shall
27 have returned without his approval, and with his objections thereto;
28 provided that, if after such reconsideration both houses, by a vote of
29 a majority of the members present in each, shall agree to amend
30 the bill in accordance with his recommendation in relation thereto,
31 or either house by such vote shall fail or refuse to so amend it,
32 then and in either case the bill shall be again sent to him, and he
33 may act upon it as if it were then before him for the first time ;
34 *provided further that if the Governor so return any bill to a*
35 *reconvened session and (i) a majority of the members present in*
36 *each house shall agree to amend the bill in accordance with his*
37 *recommendation, the bill as amended shall become law or (ii)*

EXHIBIT N

1 *two-thirds of all the members present in each house, which*
2 *two-thirds shall include a majority of the members elected to that*
3 *house, shall agree to the bill in the form sent to the Governor, the*
4 *bill shall become law .*

5 In all cases above set forth, the names of the members voting
6 for and against the bill or item or items of an appropriation bill,
7 shall be entered on the journal of each house.

8 If any bill shall not be returned by the Governor within seven
9 days after it shall have been presented to him, the same shall be a
10 law in like manner as if he had signed it, unless the General
11 Assembly shall, by final adjournment, prevent such return; in which
12 case it shall be a law if approved by the Governor, in the manner
13 and to the extent above provided, within thirty days after
14 adjournment, but not otherwise except that, if the General Assembly
15 shall have adjourned pending a reconvened session, the Governor
16 need not act upon the bill until thirty days after such adjournment.
17 If the General Assembly shall, by final adjournment other than
18 pending a reconvened session, prevent the return of a bill, it shall
19 be a law if approved by the Governor, in the manner and to the
20 extent above provided, within thirty days after adjournment, but
21 not otherwise .

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Official Use By Clerks	
Agreed to By The Senate	Agreed to By The House of Delegates
without amendment <input type="checkbox"/>	without amendment <input type="checkbox"/>
with amendment <input type="checkbox"/>	with amendment <input type="checkbox"/>
substitute <input type="checkbox"/>	substitute <input type="checkbox"/>
substitute w/amdt <input type="checkbox"/>	substitute w/amdt <input type="checkbox"/>
Date: _____	Date: _____
_____ Clerk of the Senate	_____ Clerk of the House of Delegates

EXHIBIT O

Excerpt from the 1978 Journal of the Senate,
February 6, 1978:

The following, by leave, were presented, ordered to be printed
and referred under Rule 26:

S. J. R. 95. Proposing amendments to Sections 6, 11 and 13 of
Article IV and Section 6 of Article V of the Constitution of Virginia,
relating to legislative sessions, enactment of laws, effective dates
of laws, presentation of bills to the Governor and veto powers.

(LD 2592)

Patron -- Brault

Referred to the Committee on Privileges and Elections

EXHIBIT P

Page 1 of 2

Excerpt from 1978 Journal of the Senate
February 15, 1978:

The following bills and resolutions,
having been considered by the committee
in session, ~~and~~ were reported by

Mr. Harst from the Committee on
Privileges and Elections:

Senate Joint Resolution No. 95 (ninety-five

SENATE JOINT RESOLUTION NO. 95

~~Enacted February 9, 1978~~

*Proposing amendments to Sections 6, 11 and 13 of Article IV and
Section 6 of Article V of the Constitution of Virginia, relating to
legislative sessions, enactment of laws, effective dates of laws,
presentation of bills to the Governor and veto powers.*

Patron—Brault

EXHIBIT P

Page 2 of 2

(12-0)

Reported from the Committee on PRIVILEGES AND ELECTIONS

~~With a Substitute~~ ~~with the recommendation it be rereferred to the Committee.~~
~~With Amendment (3)~~

~~on~~
~~for~~

YEAS	Hirst	Brault	Yeatts	Buchanan	Fitzpatrick
	Manns	Hopkins	Anderson	Gray, E. T.	Bird
<u>12</u>	Andrews	Wilder	Cartlan	Townsend	Truban

NAYS	Hirst	Brault	Yeatts	Buchanan	Fitzpatrick
	Manns	Hopkins	Anderson	Gray, E. T.	Bird
<u>0</u>	Andrews	Wilder	Cartlan	Townsend	Truban

ABSTENTIONS: 0

EXHIBIT Q

Page 1 of 2

Excerpt from the 1978 Journal of The Senate, February 16, 1978:

The following joint resolutions were taken up:

Senate Joint Resolution No. 95 ninety-five

On motion of Mr. Braun, the Rules were suspended and the first reading of the titles of the foregoing joint resolutions was waived.

The recorded vote is as follows:

Yeas - 36 .. Nays - 0 ..

ROLL CALL

YEAS N-V NAYS
 ● Anderson _____
 ● Andrews _____
 ● Babalas _____
 ● Bateman _____
 ● Bird _____
 ● Boucher _____
 ● Brault _____
 ● Buchanan _____
 ● Canada _____
 ● Celgan _____

YEAS N-V NAYS
 ● Cross _____
 ● DuVal _____
 ● Edmunds _____
 ● Emick _____
 ● Fears ● _____
 ● Fitzpatrick _____
 ● Gartlan _____
 ● Goode _____
 ● Gray, E.T. _____
 ● Gray, F.T. _____

YEAS N-V NAYS
 ● Hirst _____
 ● Holland _____
 ● Hopkins _____
 ● Manns ● _____
 ● Marye _____
 ● Michael _____
 ● Miller _____
 ● Mitchell _____
 ● Moody _____
 ● Nolen _____

YEAS N-V NAYS
 ● Parkerson _____
 ● Rawls ● _____
 ● Schewel _____
 ● Townsend _____
 ● Truban _____
 ● Waddell _____
 ● Walker _____
 ● Wilder _____
 ● Willey _____
 ● Yeatts _____

wk - 1st

Hon. Charles S. Robb

EXHIBIT Q
Page 2 of 2

Suspend Rules, waived first reading
SJR's 15, 16, 24, 30, 35, 36, 38, 47, 49,
51, 56, 62, 65, 67, 69, 73, 83, 85, 95,
96

36		TOTALS		0	
YEAS	N-V	YEAS	N-V	NAYS	
100-200	100-200	100-200	100-200	100-200	
0	0	0	0	0	0
1	1	1	1	1	1
2	2	2	2	2	2
3	3	3	3	3	3
4	4	4	4	4	4
5	5	5	5	5	5
6	6	6	6	6	6
7	7	7	7	7	7
8	8	8	8	8	8
9	9	9	9	9	9

SJR

BILL NUMBER	
HOUSE	SENATE
1000	100
2000	200
3000	300
4000	400
J't.	500
Crd.	600
2nd R	700
3rd R	800
Quo.	900
And	000

BILL		DATE
RESO.		
10	1	Jan. 2
20	2	Feb. 3
30	3	Mar. 1
40	4	Apr. 2
50	5	May 3
60	6	June 4
70	7	July 5
80	8	Aug. 6
90	9	Sept. 7
00	0	Oct. 8
00	0	Nov. 9
00	0	Dec. 0

EXHIBIT R

Page 1 of 6

Excerpts from the 1978 Journal of the Senate,
February 18, 1978:-

Senate Joint Resolution No. 95 was read by title the second
time.

The joint resolution was ordered to be engrossed and read
by title the third time.

EXHIBIT R

Page 2 of 6

The following joint resolution was taken up:

1 **SENATE JOINT RESOLUTION NO. 95**

2 *Offered February 6, 1978*

3 *Proposing amendments to Sections 6, 11 and 13 of Article IV and*
4 *Section 6 of Article V of the Constitution of Virginia, relating to*
5 *legislative sessions, enactment of laws, effective dates of laws,*
6 *presentation of bills to the Governor and veto powers.*

7
8 **Patron—Brault**

9
10 *Referred to the Committee on Privileges and Elections*

11
12 WHEREAS, proposed amendments to the Constitution of Virginia,
13 hereinafter set forth, were agreed to by a majority of the members
14 elected to each of the two houses of the General Assembly at the
15 session of nineteen hundred seventy-seven and referred to this, the
16 next regular session held after the general election of members of
17 the House of Delegates, as required by the Constitution of Virginia;
18 now, therefore, be it

19 RESOLVED by the House of Delegates, the Senate concurring, a
20 majority of the members elected to each house agreeing, That the
21 following amendments to the Constitution of Virginia be, and the
22 same hereby are, proposed in conformity with the provisions of
23 Section 1 of Article XII of the Constitution of Virginia; namely:

24 Amend Sections 6, 11 and 13 of Article IV and Section 6 of
25 Article V of the Constitution as follows:

26 Article IV.

27 § 6. Legislative sessions.

28 The General Assembly shall meet once each year on the second
29 Wednesday in January. No regular session of the General Assembly
30 convened in an even-numbered year shall continue longer than sixty
31 days; no regular session of the General Assembly convened in an
32 odd-numbered year shall continue longer than thirty days; but with
33 the concurrence of two-thirds of the members elected to each house,
34 any regular session may be extended for a period not exceeding
35 thirty days. Neither house shall, without the consent of the other,
36 adjourn to another place, nor for more than three days.

37 *The General Assembly shall reconvene on the sixth Wednesday*

EXHIBIT R

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Senate Joint Resolution 95

2

1 *after adjournment, sine die, of each regular or special session for*
2 *the purpose of considering bills which may have been returned by*
3 *the Governor with recommendations for their amendment and bills*
4 *and items of appropriation bills which may have been returned by*
5 *the Governor with his objections. No other business shall be*
6 *considered at a reconvened session. Such reconvened session shall*
7 *not continue longer than three days unless the session be extended,*
8 *for a period not exceeding seven additional days, upon the vote of*
9 *a majority of the members elected to each house.*

10 The Governor may convene a special session of the General
11 Assembly when, in his opinion, the interest of the Commonwealth
12 may require and shall convene a special session upon the
13 application of two-thirds of the members elected to each house.

14 § 11. Enactment of laws.

15 No law shall be enacted except by bill. A bill may originate in
16 either house, may be approved or rejected by the other, or may be
17 amended by either, with the concurrence of the other.

18 No bill shall become a law unless, prior to its passage:

19 (a) it has been referred to a committee of each house,
20 considered by such committee in session, and reported;

21 (b) it has been printed by the house in which it originated prior
22 to its passage therein;

23 (c) it has been read by its title, or its title has been printed in a
24 daily calendar, on three different calendar days in each house; and

25 (d) upon its final passage a vote has been taken thereon in each
26 house, the name of each member voting for and against recorded in
27 the journal, and a majority of those voting in each house, which
28 majority shall include at least two-fifths of the members elected to
29 that house, recorded in the affirmative.

30 Only in the manner required in subparagraph (d) of this section
31 shall an amendment to a bill by one house be concurred in by the
32 other, or a conference report be adopted by either house, or either
33 house discharge a committee from the consideration of a bill and
34 consider the same as if reported. The printing and reading, or
35 either, required in subparagraphs (b) and (c) of this section, may
36 be dispensed with in a bill to codify the laws of the Commonwealth,
37 and in the case of an emergency by a vote of four-fifths of the

EXHIBIT R

Page 4 of 6

3

Senate Joint Resolution 95

1 members voting in each house, the name of each member voting
2 and how he voted to be recorded in the journal.

3 No bill which creates or establishes a new office, or which
4 creates, continues, or revives a debt or charge, or which makes,
5 continues, or revives any appropriation of public or trust money or
6 property, or which releases, discharges, or commutes any claim or
7 demand of the Commonwealth, or which imposes, continues, or
8 revives a tax, shall be passed except by the affirmative vote of a
9 majority of all the members elected to each house, the name of
10 each member voting and how he voted to be recorded in the
11 journal.

12 Every law imposing, continuing, or reviving a tax shall
13 specifically state such tax. However, any law by which taxes are
14 imposed may define or specify the subject and provisions of such
15 tax by reference to any provision of the laws of the United States
16 as those laws may be or become effective at any time or from time
17 to time, and may prescribe exceptions or modifications to any such
18 provision.

19 The presiding officer of each house *or upon his inability or*
20 *failure to act a person designated by a majority of the members*
21 *elected to each house shall, not later than ~~twenty~~ three days after*
22 *adjournment each bill is enrolled , sign every each bill that has*
23 *been passed by both houses and duly enrolled. The fact of signing*
24 *shall be recorded in the journal.*

25 § 13. Effective date of laws.

26 All laws, ~~except a general appropriation law including laws~~
27 *which are enacted by reason of actions taken during reconvened*
28 *sessions , shall take effect on the first day of the fourth month July*
29 *following the month of adjournment of the session of the General*
30 *Assembly at which it has been enacted, unless a subsequent date is*
31 *specified or unless in the case of an emergency (which emergency*
32 *shall be expressed in the body of the bill) the General Assembly*
33 *shall specify an earlier date by a vote of four-fifths of the members*
34 *voting in each house, the name of each member voting and how he*
35 *voted to be recorded in the journal , or unless a subsequent date is*
36 *specified in the body of the bill or by general law .*

37

Article V.

EXHIBIT R

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Senate Joint Resolution 95 4

1 § 6. Presentation of bills; veto powers of Governor.

2 Every bill which shall have passed the Senate and House of
3 Delegates shall, before it becomes a law, be presented to the
4 Governor. If he approve, he shall sign it; but, if not, he may return
5 it with his objections to the house in which it originated, which shall
6 enter the objections at large on its journal and proceed to
7 reconsider the same. If, after such consideration, two-thirds of the
8 members present, which two-thirds shall include a majority of the
9 members elected to that house, shall agree to pass the bill, it shall
10 be sent, together with the objections, to the other house, by which it
11 shall likewise be reconsidered, and if approved by two-thirds of all
12 the members present, which two-thirds shall include a majority of
13 the members elected to that house, it shall become a law,
14 notwithstanding the objections.

15 The Governor shall have the power to veto any particular item
16 or items of an appropriation bill, but the veto shall not affect the
17 item or items to which he does not object. The item or items
18 objected to shall not take effect except in the manner heretofore
19 provided in this section as to bills returned to the General Assembly
20 without his approval.

21 If the Governor approve the general purpose of any bill but
22 disapprove any part or parts thereof, he may return it, with
23 recommendations for its amendment, to the house in which it
24 originated, whereupon the same proceedings shall be had in both
25 houses upon the bill and his recommendations in relation to its
26 amendment as is above provided in relation to a bill which he shall
27 have returned without his approval, and with his objections thereto;
28 provided that, if after such reconsideration both houses, by a vote of
29 a majority of the members present in each, shall agree to amend
30 the bill in accordance with his recommendation in relation thereto,
31 or either house by such vote shall fail or refuse to so amend it,
32 then and in either case the bill shall be again sent to him, and he
33 may act upon it as if it were then before him for the first time ;
34 *provided further that if the Governor so return any bill to a*
35 *reconvened session and (i) a majority of the members present in*
36 *each house shall agree to amend the bill in accordance with his*
37 *recommendation, the bill as amended shall become law or (ii)*

EXHIBIT R

Page 6 of 6

5 Senate Joint Resolution 95

1 *two-thirds of all the members present in each house, which*
2 *two-thirds shall include a majority of the members elected to that*
3 *house, shall agree to the bill in the form sent to the Governor, the*
4 *bill shall become law .*

5 In all cases above set forth, the names of the members voting
6 for and against the bill or item or items of an appropriation bill,
7 shall be entered on the journal of each house.

8 If any bill shall not be returned by the Governor within seven
9 days after it shall have been presented to him, the same shall be a
10 law in like manner as if he had signed it, ~~unless the General~~
11 ~~Assembly shall, by final adjournment, prevent such return; in which~~
12 ~~case it shall be a law if approved by the Governor, in the manner~~
13 ~~and to the extent above provided, within thirty days after~~
14 ~~adjournment, but not otherwise except that, if the General Assembly~~
15 ~~shall have adjourned pending a reconvened session, the Governor~~
16 ~~need not act upon the bill until thirty days after such adjournment.~~
17 ~~If the General Assembly shall, by final adjournment other than~~
18 ~~pending a reconvened session, prevent the return of a bill, it shall~~
19 ~~be a law if approved by the Governor, in the manner and to the~~
20 ~~extent above provided, within thirty days after adjournment, but~~
21 ~~not otherwise .~~

22
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Official Use By Clerks	
Agreed to By The Senate	Agreed to By The House of Delegates
without amendment <input type="checkbox"/>	without amendment <input type="checkbox"/>
with amendment <input type="checkbox"/>	with amendment <input type="checkbox"/>
substitute <input type="checkbox"/>	substitute <input type="checkbox"/>
substitute w/amdt <input type="checkbox"/>	substitute w/amdt <input type="checkbox"/>
Date: _____	Date: _____
Clerk of the Senate	Clerk of the House of Delegates

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EXHIBIT S

Page 1 of 4

Excerpts from the 1978 Journal of the Senate,
February 18, 1978:-

Senate Joint Resolution No. 95 (ninety-five)
was taken up.

The joint resolution being forthwith engrossed,

Mr. Braut moved that the Rules be suspended
and the third reading of the title of the joint resolution be
waived, which was agreed to.

The recorded vote is as follows:

Yeas - 36. Nays - 0.

ROLL CALL

YEAS N-V NAYS
 ● Anderson _____
 ● Andrews _____
 ● Babalas _____
 ● Bateman _____
 ● Bird _____
 ● Boucher _____
 ● Brault _____
 ● Buchanan _____
 ● Canada ● _____
 ● Colgan _____

YEAS N-V NAYS
 ● Cross _____
 DuVal ● _____
 ● Edmunds _____
 ● Emick _____
 ● Fears _____
 ● Fitzpatrick _____
 ● Gartlan _____
 ● Goode _____
 ● Gray, E.T. _____
 ● Gray, F.T. _____

YEAS N-V NAYS
 ● Hirst _____
 ● Holland _____
 ● Hopkins ● _____
 ● Manns ● _____
 ● Marye _____
 ● Michael _____
 ● Miller _____
 ● Mitchell _____
 ● Moody _____
 ● Nolen _____

YEAS N-V NAYS
 ● Parkerson _____
 ● Rawls _____
 ● Schewel _____
 ● Townsend _____
 ● Truban _____
 ● Waddell _____
 ● Walker _____
 ● Wilder _____
 ● Willey _____
 ● Yeatts _____

CR

—Hon. Charles S. Robb —

Suspend Rules - business 3rd Reading

158

36

YEAS		N-V		NAYS	
100-200		100-200		100-200	
0	0	0	0	0	0
1	1	1	1	1	1
2	2	2	2	2	2
3	3	3	3	3	3
4	4	4	4	4	4
5	5	5	5	5	5
6	6	6	6	6	6
7	7	7	7	7	7
8	8	8	8	8	8
9	9	9	9	9	9

SJR

HOUSE SENATE		BILL RESO.	
100	100	10	1
200	200	20	2
300	300	30	3
400	400	40	4
J't.	500	50	5
Crd.	600	60	6
2nd R	700	70	7
3rd R	800	80	8
Quo.	900	90	9
And	000	00	0

BILL NUMBER 95

DATE	
Jan.	1
Feb.	2
Mar.	3
Apr.	4
May	5
June	6
July	7
Aug.	8
Sept.	9
Oct.	0
Nov.	1
Dec.	2

EXHIBIT S

Page 3 of 4

On further motion of Mr. Braun, Senate Joint
Resolution No. 95 was agreed to.

The recorded vote is as follows:

Yeas - 36. Nays - 0.

ROLL CALL

YEAS N-V NAYS

• Anderson _____

• Andrews _____

• Babalas _____

• Bateman _____

• Bird _____

• Boucher _____

• Brault _____

• Buchanan _____

• Canada • _____

• Colgan _____

YEAS N-V NAYS

• Cross _____

• DuVal • _____

• Edmunds _____

• Emick _____

• Fears _____

• Fitzpatrick _____

• Gartlan _____

• Goode _____

• Gray, E.T. _____

• Gray, F.T. _____

YEAS N-V NAYS

• Hirst _____

• Holland _____

• Hopkins • _____

• Manns • _____

• Marye _____

• Michael _____

• Miller _____

• Mitchell _____

• Moody _____

• Nolen _____

YEAS N-V NAYS

• Parkerson _____

• Rawls _____

• Schewel _____

• Townsend _____

• Truban _____

• Waddell _____

• Walker _____

• Wilder _____

• Willey _____

• Yeatts _____

—Hon. Charles S. Robb —

659
355

36

YEAS

100-200

0 0

1 1

2 2

3 3

4 4

5 5

6 6

7 7

8 8

9 9

App. 98

TOTALS

N-V

100-200

0 0

1 1

2 2

3 3

4 4

5 5

6 6

7 7

8 8

9 9

0

NAYS

100-200

0 0

1 1

2 2

3 3

4 4

5 5

6 6

7 7

8 8

9 9

892 BILL NUMBER 95

HOUSE

SENATE •

1000 100

2000 200

3000 300

4000 400

• J'nt. 500

• Crd. 600

• 2nd R 700

• 3rd R 800

• Quo. 900

• Amd. 000

BILL

RESO.

10 1

20 2

30 3

40 4

50 5 •

60 6

70 7

80 8

90 9

00 0

DATE

1 •

Jan. 2

• Feb. 3

Mar. 1

Apr. 2

May 3

June 4

July 5

Aug. 6

Sept. 7

Oct. 8 •

Nov. 9

Dec. 0

EXHIBIT T

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Excerpt from the 1978 Journal of the House of Delegates,
February 20, 1978:

A communication from the Senate, by its Clerk, was read
as follows:

It has agreed to the following Senate joint resolutions:

S.J.R. 95. Proposing amendments to Sections 6, 11 and 13 of Article IV and Section 6 of Article V of the Constitution of Virginia, relating to legislative sessions, enactment of laws, effective dates of laws, presentation of bills to the Governor and veto powers.

Patron—Brault

~~REFERRED TO THE COMMITTEE ON~~ PRIVILEGES AND ELECTIONS

EXHIBIT T

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S. J. R. 95, reading as follows:

SENATE JOINT RESOLUTION NO. 95

~~Offered February 6, 1978~~

Proposing amendments to Sections 6, 11 and 13 of Article IV and Section 6 of Article V of the Constitution of Virginia, relating to legislative sessions, enactment of laws, effective dates of laws, presentation of bills to the Governor and veto powers.

~~Patron Brault~~

~~Referred to the Committee on Privileges and Elections~~

WHEREAS, proposed amendments to the Constitution of Virginia, hereinafter set forth, were agreed to by a majority of the members elected to each of the two houses of the General Assembly at the session of nineteen hundred seventy-seven and referred to this, the next regular session held after the general election of members of the House of Delegates, as required by the Constitution of Virginia; now, therefore, be it

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 in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia; namely:

Amend Sections 6, 11 and 13 of Article IV and Section 6 of Article V of the Constitution as follows:

Article IV.

Section 6 6. Legislative sessions.

The General Assembly shall meet once each year on the second Wednesday in January. 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,

EXHIBIT T

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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 General Assembly shall reconvene on the sixth Wednesday after adjournment, sine die, 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 a majority of the members elected to each house.

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.

Section § 11. Enactment of laws.

No law shall be enacted except by bill. A bill may originate in either house, may be approved or rejected by the other, or may be amended by either, with the concurrence of the other.

No bill shall become a law unless, prior to its passage:

(a) it has been referred to a committee of each house, considered by such committee in session, and reported;

(b) it has been printed by the house in which it originated prior to its passage therein;

(c) it has been read by its title, or its title has been printed in a daily calendar, on three different calendar days in each house; and

(d) upon its final passage a vote has been taken thereon in each house, the name of each member voting for and against recorded in the journal, and a majority of those voting in each house, which majority shall include at least two-fifths of the members elected to that house, recorded in the affirmative.

Only in the manner required in subparagraph (d) of this section shall an amendment to a bill by one house be concurred in by the

EXHIBIT T

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other, or a conference report be adopted by either house, or either house discharge a committee from the consideration of a bill and consider the same as if reported. The printing and reading, or either, required in subparagraphs (b) and (c) of this section, may be dispensed with in a bill to codify the laws of the Commonwealth, and in the case of an emergency by a vote of four-fifths of the members voting in each house, the name of each member voting and how he voted to be recorded in the journal.

No bill which creates or establishes a new office, or which creates, continues, or revives a debt or charge, or which makes, continues, or revives any appropriation of public or trust money or property, or which releases, discharges, or commutes any claim or demand of the Commonwealth, or which imposes, continues, or revives a tax, shall be passed except by the affirmative vote of a majority of all the members elected to each house, the name of each member voting and how he voted to be recorded in the journal.

Every law imposing, continuing, or reviving a tax shall specifically state such tax. However, any law by which taxes are imposed may define or specify the subject and provisions of such tax by reference to any provision of the laws of the United States as those laws may be or become effective at any time or from time to time, and may prescribe exceptions or modifications to any such provision.

The presiding officer of each house *or upon his inability or failure to act a person designated by a majority of the members elected to each house* shall, not later than ~~twenty~~ *three* days after ~~adjournment~~ *each bill is enrolled*, sign ~~every~~ *each* bill that has been passed by both houses and duly enrolled. The fact of signing shall be recorded in the journal.

§ 13. Effective date of laws.

All laws, ~~except a general appropriation law~~ *including laws which are enacted by reason of actions taken during reconvened sessions*, shall take effect on the first day of the ~~fourth~~ *month* July

Section

EXHIBIT T

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following the ~~month~~ of adjournment of the session of the General Assembly at which it has been enacted, unless a ~~subsequent date is specified or unless~~ in the case of an emergency (which emergency shall be expressed in the body of the bill) the General Assembly shall specify an earlier date by a vote of four-fifths of the members voting in each house, the name of each member voting and how he voted to be recorded in the journal , *or unless a subsequent date is specified in the body of the bill or by general law .*

Article V.

6. Presentation of bills; veto powers of Governor.

Section Every bill which shall have passed the Senate and House of Delegates shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it; but, if not, he may return it with his objections to the house in which it originated, which shall enter the objections at large on its journal and proceed to reconsider the same. If, after such consideration, two-thirds of the members present, which two-thirds shall include a majority of the members elected to that house, shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members present, which two-thirds shall include a majority of the members elected to that house, it shall become a law, notwithstanding the objections.

The Governor shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to bills returned to the General Assembly without his approval.

If the Governor approve the general purpose of any bill but disapprove any part or parts thereof, he may return it, with recommendations for its amendment, to the house in which it originated, whereupon the same proceedings shall be had in both houses upon the bill and his recommendations in relation to its amendment as is above provided in relation to a bill which he shall

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have returned without his approval, and with his objections thereto; provided that, if after such reconsideration both houses, by a vote of a majority of the members present in each, shall agree to amend the bill in accordance with his recommendation in relation thereto, or either house by such vote shall fail or refuse to so amend it, then and in either case the bill shall be again sent to him, and he may act upon it as if it were then before him for the first time ; *provided further that if the Governor so return any bill to a reconvened session and (i) a majority of the members present in each house shall agree to amend the bill in accordance with his recommendation, the bill as amended shall become law or (ii) two-thirds of all the members present in each house, which two-thirds shall include a majority of the members elected to that house, shall agree to the bill in the form sent to the Governor, the bill shall become law .*

In all cases above set forth, the names of the members voting for and against the bill or item or items of an appropriation bill, shall be entered on the journal of each house.

If any bill shall not be returned by the Governor within seven days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, *unless the General Assembly shall, by final adjournment, prevent such return; in which case it shall be a law if approved by the Governor, in the manner and to the extent above provided, within thirty days after adjournment, but not otherwise except that, if the General Assembly shall have adjourned pending a reconvened session, the Governor need not act upon the bill until thirty days after such adjournment. If the General Assembly shall, by final adjournment other than pending a reconvened session, prevent the return of a bill, it shall be a law if approved by the Governor, in the manner and to the extent above provided, within thirty days after adjournment, but not otherwise .*

was referred to the Committee on ~~the~~ Privileges and Elections

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Substitute for S.J.R. 95

2

1 *the Governor with his objections. No other business shall be*
2 *considered at a reconvened session. Such reconvened session shall*
3 *not continue longer than three days unless the session be extended.*
4 *for a period not exceeding seven additional days, upon the vote of*
5 *a majority of the members elected to each house.*

6 The Governor may convene a special session of the General
7 Assembly when, in his opinion, the interest of the Commonwealth
8 may require and shall convene a special session upon the
9 application of two-thirds of the members elected to each house.

10 § 11. Enactment of laws.

11 No law shall be enacted except by bill. A bill may originate in
12 either house, may be approved or rejected by the other, or may be
13 amended by either, with the concurrence of the other.

14 No bill shall become a law unless, prior to its passage:

15 (a) it has been referred to a committee of each house,
16 considered by such committee in session, and reported;

17 (b) it has been printed by the house in which it originated prior
18 to its passage therein;

19 (c) it has been read by its title, or its title has been printed in a
20 daily calendar, on three different calendar days in each house; and

21 (d) upon its final passage a vote has been taken thereon in each
22 house, the name of each member voting for and against recorded in
23 the journal, and a majority of those voting in each house, which
24 majority shall include at least two-fifths of the members elected to
25 that house, recorded in the affirmative.

26 Only in the manner required in subparagraph (d) of this section
27 shall an amendment to a bill by one house be concurred in by the
28 other, or a conference report be adopted by either house, or either
29 house discharge a committee from the consideration of a bill and
30 consider the same as if reported. The printing and reading, or
31 either, required in subparagraphs (b) and (c) of this section, may
32 be dispensed with in a bill to codify the laws of the Commonwealth,
33 and in the case of an emergency by a vote of four-fifths of the
34 members voting in each house, the name of each member voting
35 and how he voted to be recorded in the journal.

36 No bill which creates or establishes a new office, or which
37 creates, continues, or revives a debt or charge, or which makes,

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3

Substitute for S.J.R. 95

1 continues, or revives any appropriation of public or trust money or
2 property, or which releases, discharges, or commutes any claim or
3 demand of the Commonwealth, or which imposes, continues, or
4 revives a tax, shall be passed except by the affirmative vote of a
5 majority of all the members elected to each house, the name of
6 each member voting and how he voted to be recorded in the
7 journal.

8 Every law imposing, continuing, or reviving a tax shall
9 specifically state such tax. However, any law by which taxes are
10 imposed may define or specify the subject and provisions of such
11 tax by reference to any provision of the laws of the United States
12 as those laws may be or become effective at any time or from time
13 to time, and may prescribe exceptions or modifications to any such
14 provision.

15 The presiding officer of each house *or upon his inability or*
16 *failure to act a person designated by a majority of the members*
17 *elected to each house shall, not later than ~~twenty~~ three days after*
18 *adjournment each bill is enrolled*, sign ~~every~~ each bill that has
19 been passed by both houses and duly enrolled. The fact of signing
20 shall be recorded in the journal.

21 Article V.

22 § 6. Presentation of bills; veto powers of Governor.

23 Every bill which shall have passed the Senate and House of
24 Delegates shall, before it becomes a law, be presented to the
25 Governor. If he approve, he shall sign it; but, if not, he may return
26 it with his objections to the house in which it originated, which shall
27 enter the objections at large on its journal and proceed to
28 reconsider the same. If, after such consideration, two-thirds of the
29 members present, which two-thirds shall include a majority of the
30 members elected to that house, shall agree to pass the bill, it shall
31 be sent, together with the objections, to the other house, by which it
32 shall likewise be reconsidered, and if approved by two-thirds of all
33 the members present, which two-thirds shall include a majority of
34 the members elected to that house, it shall become a law,
35 notwithstanding the objections.

36 The Governor shall have the power to veto any particular item
37 or items of an appropriation bill, but the veto shall not affect the

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Substitute for S.J.R. 95

4

1 item or items to which he does not object. The item or items
2 objected to shall not take effect except in the manner heretofore
3 provided in this section as to bills returned to the General Assembly
4 without his approval.

5 If the Governor approve the general purpose of any bill but
6 disapprove any part or parts thereof, he may return it, with
7 recommendations for its amendment, to the house in which it
8 originated, whereupon the same proceedings shall be had in both
9 houses upon the bill and his recommendations in relation to its
10 amendment as is above provided in relation to a bill which he shall
11 have returned without his approval, and with his objections thereto;
12 provided that, if after such reconsideration both houses, by a vote of
13 a majority of the members present in each, shall agree to amend
14 the bill in accordance with his recommendation in relation thereto,
15 or either house by such vote shall fail or refuse to so amend it,
16 then and in either case the bill shall be again sent to him, and he
17 may act upon it as if it were then before him for the first time ;
18 *provided further that if the Governor so return any bill to a*
19 *reconvened session and (i) a majority of the members present in*
20 *each house shall agree to amend the bill in accordance with his*
21 *recommendation, the bill as amended shall become law or (ii)*
22 *two-thirds of all the members present in each house, which*
23 *two-thirds shall include a majority of the members elected to that*
24 *house, shall agree to the bill in the form sent to the Governor, the*
25 *bill shall become law .*

26 In all cases above set forth, the names of the members voting
27 for and against the bill or item or items of an appropriation bill,
28 shall be entered on the journal of each house.

29 If any bill shall not be returned by the Governor within seven
30 days after it shall have been presented to him, the same shall be a
31 law in like manner as if he had signed it, ~~unless the General~~
32 ~~Assembly shall, by final adjournment, prevent such return; in which~~
33 ~~case it shall be a law if approved by the Governor, in the manner~~
34 ~~and to the extent above provided, within thirty days after~~
35 ~~adjournment, but not otherwise except that, if the General Assembly~~
36 ~~shall have adjourned pending a reconvened session, the Governor~~
37 ~~need not act upon the bill until thirty days after such adjournment.~~

EXHIBIT U

1 *If the General Assembly shall, by final adjournment other than*
2 *pending a reconvened session, prevent the return of a bill, it shall*
3 *be a law if approved by the Governor, in the manner and to the*
4 *extent above provided, within thirty days after adjournment, but*
5 *not otherwise .*

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Official Use By Clerks	
Agreed to By The Senate	Agreed to By The House of Delegates
without amendment <input type="checkbox"/>	without amendment <input type="checkbox"/>
with amendment <input type="checkbox"/>	with amendment <input type="checkbox"/>
substitute <input type="checkbox"/>	substitute <input type="checkbox"/>
substitute w/amdt <input type="checkbox"/>	substitute w/amdt <input type="checkbox"/>
Date: _____	Date: _____
_____ Clerk of the Senate	_____ Clerk of the House of Delegates

EXHIBIT V

Excerpt from the 1978 Journal of the House of
Delegates, March 1, 1978:

The following Senate joint resolutions, having been considered by the
several committees in session, ~~was~~ were reported:

* FROM THE COMMITTEE ON Privileges and Elections ;

S. J. R. 95 (ninety-five). With amendment
in the nature of a substitute. 18-0-0. Printed
separately, with its title reading as follows:

Proposing amendments to Sections 6 and 11 of Article IV and
Section 6 of Article V of the Constitution of Virginia,
relating to legislative sessions, enactment of laws,
presentation of bills to the Governor and veto powers.

EXHIBIT W

Page 1 of 6

Excerpt from the 1978 Journal of the House of Delegates,
March 2, 1978:

S. J. R. 95 (ninety-five)
came up.

The Speaker laid the joint resolution before the House.

An amendment in the nature of a substitute was proposed by
the Committee on ~~for~~ Privileges and Elections, and printed
separately, as follows:

*Proposing amendments to Sections 6 and 11 of Article IV and
Section 6 of Article V of the Constitution of Virginia, relating to
legislative sessions, enactment of laws, presentation of bills to
the Governor and veto powers.*

WHEREAS, proposed amendments to the Constitution of Virginia,
hereinafter set forth, were agreed to by a majority of the members
elected to each of the two houses of the General Assembly at the
session of nineteen hundred seventy-seven and referred to this, the
next regular session held after the general election of members of
the House of Delegates, as required by the Constitution of Virginia;
now, therefore, be it

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 in conformity with the provisions of
Section 1 of Article XII of the Constitution of Virginia; namely:

Amend Sections 6 and 11 of Article IV and Section 6 of Article
V of the Constitution as follows:

Article IV.

Section § 6. Legislative sessions.

The General Assembly shall meet once each year on the second
Wednesday in January. No regular session of the General Assembly
convened in an even-numbered year shall continue longer than sixty

EXHIBIT W

Page 2 of 6

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 General Assembly shall reconvene on the sixth Wednesday after adjournment, sine die, 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 a majority of the members elected to each house.

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.

Section § 11. Enactment of laws.

No law shall be enacted except by bill. A bill may originate in either house, may be approved or rejected by the other, or may be amended by either, with the concurrence of the other.

No bill shall become a law unless, prior to its passage:

(a) it has been referred to a committee of each house, considered by such committee in session, and reported;

(b) it has been printed by the house in which it originated prior to its passage therein;

(c) it has been read by its title, or its title has been printed in a daily calendar, on three different calendar days in each house; and

(d) upon its final passage a vote has been taken thereon in each house, the name of each member voting for and against recorded in the journal, and a majority of those voting in each house, which majority shall include at least two-fifths of the members elected to that house, recorded in the affirmative.

EXHIBIT W

Page 3 of 6

Only in the manner required in subparagraph (d) of this section shall an amendment to a bill by one house be concurred in by the other, or a conference report be adopted by either house, or either house discharge a committee from the consideration of a bill and consider the same as if reported. The printing and reading, or either, required in subparagraphs (b) and (c) of this section, may be dispensed with in a bill to codify the laws of the Commonwealth, and in the case of an emergency by a vote of four-fifths of the members voting in each house, the name of each member voting and how he voted to be recorded in the journal.

No bill which creates or establishes a new office, or which creates, continues, or revives a debt or charge, or which makes, continues, or revives any appropriation of public or trust money or property, or which releases, discharges, or commutes any claim or demand of the Commonwealth, or which imposes, continues, or revives a tax, shall be passed except by the affirmative vote of a majority of all the members elected to each house, the name of each member voting and how he voted to be recorded in the journal.

Every law imposing, continuing, or reviving a tax shall specifically state such tax. However, any law by which taxes are imposed may define or specify the subject and provisions of such tax by reference to any provision of the laws of the United States as those laws may be or become effective at any time or from time to time, and may prescribe exceptions or modifications to any such provision.

The presiding officer of each house *or upon his inability or failure to act a person designated by a majority of the members elected to each house* shall, not later than ~~twenty~~ *three* days after ~~adjournment~~ *each bill is enrolled*, sign ~~every~~ *each* bill that has been passed by both houses and duly enrolled. The fact of signing shall be recorded in the journal.

Article V.

Section X 6. Presentation of bills; veto powers of Governor.

Every bill which shall have passed the Senate and House of Delegates shall, before it becomes a law, be presented to the

EXHIBIT W

Page 4 of 6

Governor. If he approve, he shall sign it; but, if not, he may return it with his objections to the house in which it originated, which shall enter the objections at large on its journal and proceed to reconsider the same. If, after such consideration, two-thirds of the members present, which two-thirds shall include a majority of the members elected to that house, shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members present, which two-thirds shall include a majority of the members elected to that house, it shall become a law, notwithstanding the objections.

The Governor shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to bills returned to the General Assembly without his approval.

If the Governor approve the general purpose of any bill but disapprove any part or parts thereof, he may return it, with recommendations for its amendment, to the house in which it originated, whereupon the same proceedings shall be had in both houses upon the bill and his recommendations in relation to its amendment as is above provided in relation to a bill which he shall have returned without his approval, and with his objections thereto; provided that, if after such reconsideration both houses, by a vote of a majority of the members present in each, shall agree to amend the bill in accordance with his recommendation in relation thereto, or either house by such vote shall fail or refuse to so amend it, then and in either case the bill shall be again sent to him, and he may act upon it as if it were then before him for the first time ; *provided further that if the Governor so return any bill to a reconvened session and (i) a majority of the members present in each house shall agree to amend the bill in accordance with his*

EXHIBIT W

Page 5 of 6

recommendation, the bill as amended shall become law or (ii) two-thirds of all the members present in each house, which two-thirds shall include a majority of the members elected to that house, shall agree to the bill in the form sent to the Governor, the bill shall become law .

In all cases above set forth, the names of the members voting for and against the bill or item or items of an appropriation bill, shall be entered on the journal of each house.

If any bill shall not be returned by the Governor within seven days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly shall, by final adjournment, prevent such return; in which case it shall be a law if approved by the Governor, in the manner and to the extent above provided, within thirty days after adjournment, but not otherwise except that, if the General Assembly shall have adjourned pending a reconvened session, the Governor need not act upon the bill until thirty days after such adjournment.

If the General Assembly shall, by final adjournment other than pending a reconvened session, prevent the return of a bill, it shall be a law if approved by the Governor, in the manner and to the extent above provided, within thirty days after adjournment, but not otherwise .

The Committee substitute was agreed to.

The joint resolution was agreed to.

Yeas, 91. Nays, 2.

The vote required by the Constitution
was recorded as follows:

VIRGINIA HOUSE OF DELEGATES

1978 SESSION

GENERAL ASSEMBLY

ROLL CALL

YEAS N-V NAYS

- Allen _____
- Almand _____
- Anderson _____
- Ashworth _____
- Axselle _____
- Bagley, F. C. _____
- Bagley, R. M. _____
- Baliles _____
- Ball _____
- Barrow _____
- Barry _____
- Beard _____
- Bell _____
- Bloxom _____
- Brickley _____
- Callahan _____
- Campbell _____
- Cantrell _____
- Christian _____
- Councill _____
- Cranwell _____
- Creekmore _____
- Crouch _____
- Diamonstein _____
- Dickinson _____

YEAS N-V NAYS

- Dunford _____
- Emroch _____
- Fickett _____
- Fowler _____
- Garland _____
- Geisler _____
- Giesen _____
- Glasscock _____
- Gray _____
- Grayson _____
- Guest _____
- Gunn _____
- Hailey _____
- Hall _____
- Harris _____
- Heilig _____
- Heinz _____
- Hobson _____
- James _____
- Joannou _____
- Johnson _____
- Jones, G. W. _____
- Jones, J. S. _____
- Keating _____
- Lambert _____

YEAS N-V NAYS

- Leafe _____
- Lemmon _____
- Manning _____
- Marks _____
- Marshall _____
- McClanan _____
- McDiarmid _____
- McGlothlin _____
- McMurtrie _____
- Michie _____
- Miller _____
- Morrison _____
- Moss _____
- Murray _____
- Myers _____
- O'Brien, J. W. _____
- O'Bryan, D. W. _____
- Parker, L. W. _____
- Parker, W. T. _____
- Paul _____
- Perper _____
- Philpott _____
- Pickett _____
- Plum _____
- Putney _____

YEAS N-V NAYS

- Quillen _____
- Robinson _____
- Robrecht _____
- Sanford _____
- Saslaw _____
- Scott, E. F. _____
- Scott, R. C. _____
- Sisisky _____
- Slayton _____
- Smith _____
- Solomon _____
- Stafford _____
- Stambaugh _____
- Stieffen _____
- Swanson _____
- Teel _____
- Terry _____
- Thoburn _____
- Thomas _____
- Vickery _____
- Washington _____
- White _____
- Wilkins _____
- Wilson _____
- Mr. Speaker _____

Page 6 of 6

EXHIBIT W

AGREED TO

91		TOTALS		2	
YEAS	N-V	YEAS	N-V	YEAS	NAYS
100-200	100-200	100-200	100-200	100-200	100-200
0	0	0	0	0	0
1	1	1	1	1	1
2	2	2	2	2	2
3	3	3	3	3	3
4	4	4	4	4	4
5	5	5	5	5	5
6	6	6	6	6	6
7	7	7	7	7	7
8	8	8	8	8	8
9	9	9	9	9	9

51R BILL NUMBER 95	
HOUSE	BILL
SENATE	RESO.
1000	100
2000	200
3000	300
4000	400
Joint	500
Con. R.	600
2nd R	700
3rd R	800
Amdt.	900
Mot.	000

DATE	
1	2
Jan.	2
Feb.	3
Mar.	1
Apr.	2
May	3
June	4
July	5
Aug.	6
Sept.	7
Oct.	8
Nov.	9
Dec.	0

EXHIBIT X

1978: Excerpt from the 1978 Journal of The Senate, March 3,

MAR 3 1978

*In the House of Delegates
March 2, 1978*

*The House of Delegates has passed the
following Senate bills:*

*It has agreed to, with amendment in
the nature of a substitute, the following
Senate joint resolution:*

S.J.R. 95. Proposing amendments to Sections 6, 11 and 13 of Article IV and Section 6 of Article V of the Constitution of Virginia, relating to legislative sessions, enactment of laws, effective dates of laws, presentation of bills to the Governor and veto powers.

Patron—Brault

EXHIBIT Y

Page 1 of 11

1978: Excerpt from the 1978 Journal of The Senate, March 4,

Senate Joint Resolution No. 95 (*ninety-five*)
was taken up.

On motion of Mr. Braut, the substitute proposed
by the House of Delegates was presented:

EXHIBIT Y

Page 2 of 11

AMENDMENT PROPOSED BY THE HOUSE OF DELEGATES

TO

SENATE JOINT RESOLUTION NO. 95

LD3395

COMMITTEE AMENDMENT IN THE NATURE OF A

SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 95

(Proposed by the House Committee on Privileges and Elections)

Proposing amendments to Sections 6 and 11 of Article IV and

Section 6 of Article V of the Constitution of Virginia, relating to

legislative sessions, enactment of laws, presentation of bills to

the Governor and veto powers.

WHEREAS, proposed amendments to the Constitution of Virginia, hereinafter set forth, were agreed to by a majority of the members elected to each of the two houses of the General Assembly at the session of nineteen hundred seventy-seven and referred to this, the next regular session held after the general election of members of the House of Delegates, as required by the Constitution of Virginia; now, therefore, be it

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 in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia; namely:

Amend Sections 6 and 11 of Article IV and Section 6 of Article V of the Constitution as follows:

EXHIBIT Y

Page 3 of 11

22 Article IV.

23 § 6. Legislative sessions.

24 The General Assembly shall meet once each year on the second
25 Wednesday in January. No regular session of the General Assembly
26 convened in an even-numbered year shall continue longer than sixty
27 days; no regular session of the General Assembly convened in an
28 odd-numbered year shall continue longer than thirty days; but with
29 the concurrence of two-thirds of the members elected to each house,
30 any regular session may be extended for a period not exceeding
31 thirty days. Neither house shall, without the consent of the other,
32 adjourn to another place, nor for more than three days.

33 *The General Assembly shall reconvene on the sixth Wednesday*
34 *after adjournment, sine die, of each regular or special session for*
35 *the purpose of considering bills which may have been returned by*
36 *the Governor with recommendations for their amendment and bills*
37 *and items of appropriation bills which may have been returned by*

EXHIBIT Y

Page 4 of 11

Substitute for S.J.R. 95

2

1 *the Governor with his objections. No other business shall be*
2 *considered at a reconvened session. Such reconvened session shall*
3 *not continue longer than three days unless the session be extended,*
4 *for a period not exceeding seven additional days, upon the vote of*
5 *a majority of the members elected to each house.*

6 The Governor may convene a special session of the General
7 Assembly when, in his opinion, the interest of the Commonwealth
8 may require and shall convene a special session upon the
9 application of two-thirds of the members elected to each house.

10 § 11. Enactment of laws.

11 No law shall be enacted except by bill. A bill may originate in
12 either house, may be approved or rejected by the other, or may be
13 amended by either, with the concurrence of the other.

14 No bill shall become a law unless, prior to its passage:

15 (a) it has been referred to a committee of each house,
16 considered by such committee in session, and reported;

17 (b) it has been printed by the house in which it originated prior
18 to its passage therein;

19 (c) it has been read by its title, or its title has been printed in a
20 daily calendar, on three different calendar days in each house; and

21 (d) upon its final passage a vote has been taken thereon in each
22 house, the name of each member voting for and against recorded in
23 the journal, and a majority of those voting in each house, which
24 majority shall include at least two-fifths of the members elected to
25 that house, recorded in the affirmative.

26 Only in the manner required in subparagraph (d) of this section
27 shall an amendment to a bill by one house be concurred in by the
28 other, or a conference report be adopted by either house, or either
29 house discharge a committee from the consideration of a bill and
30 consider the same as if reported. The printing and reading, or
31 either, required in subparagraphs (b) and (c) of this section, may
32 be dispensed with in a bill to codify the laws of the Commonwealth,
33 and in the case of an emergency by a vote of four-fifths of the
34 members voting in each house, the name of each member voting
35 and how he voted to be recorded in the journal.

36 No bill which creates or establishes a new office, or which
37 creates, continues, or revives a debt or charge, or which makes,

EXHIBIT Y

Page 5 of 11

3

Substitute for S.J.R. 95

1 continues, or revives any appropriation of public or trust money or
2 property, or which releases, discharges, or commutes any claim or
3 demand of the Commonwealth, or which imposes, continues, or
4 revives a tax, shall be passed except by the affirmative vote of a
5 majority of all the members elected to each house, the name of
6 each member voting and how he voted to be recorded in the
7 journal.

8 Every law imposing, continuing, or reviving a tax shall
9 specifically state such tax. However, any law by which taxes are
10 imposed may define or specify the subject and provisions of such
11 tax by reference to any provision of the laws of the United States
12 as those laws may be or become effective at any time or from time
13 to time, and may prescribe exceptions or modifications to any such
14 provision.

15 The presiding officer of each house *or upon his inability or*
16 *failure to act a person designated by a majority of the members*
17 *elected to each house shall, not later than ~~twenty three~~ days after*
18 *adjournment each bill is enrolled*, sign ~~every~~ each bill that has
19 been passed by both houses and duly enrolled. The fact of signing
20 shall be recorded in the journal.

21

Article V.

22 § 6. Presentation of bills; veto powers of Governor.

23 Every bill which shall have passed the Senate and House of
24 Delegates shall, before it becomes a law, be presented to the
25 Governor. If he approve, he shall sign it; but, if not, he may return
26 it with his objections to the house in which it originated, which shall
27 enter the objections at large on its journal and proceed to
28 reconsider the same. If, after such consideration, two-thirds of the
29 members present, which two-thirds shall include a majority of the
30 members elected to that house, shall agree to pass the bill, it shall
31 be sent, together with the objections, to the other house, by which it
32 shall likewise be reconsidered, and if approved by two-thirds of all
33 the members present, which two-thirds shall include a majority of
34 the members elected to that house, it shall become a law,
35 notwithstanding the objections.

36 The Governor shall have the power to veto any particular item
37 or items of an appropriation bill, but the veto shall not affect the

EXHIBIT Y

Page 6 of 11

Substitute for S.J.R. 95

4

1 item or items to which he does not object. The item or items
2 objected to shall not take effect except in the manner heretofore
3 provided in this section as to bills returned to the General Assembly
4 without his approval.

5 If the Governor approve the general purpose of any bill but
6 disapprove any part or parts thereof, he may return it, with
7 recommendations for its amendment, to the house in which it
8 originated, whereupon the same proceedings shall be had in both
9 houses upon the bill and his recommendations in relation to its
10 amendment as is above provided in relation to a bill which he shall
11 have returned without his approval, and with his objections thereto;
12 provided that, if after such reconsideration both houses, by a vote of
13 a majority of the members present in each, shall agree to amend
14 the bill in accordance with his recommendation in relation thereto,
15 or either house by such vote shall fail or refuse to so amend it,
16 then and in either case the bill shall be again sent to him, and he
17 may act upon it as if it were then before him for the first time ;
18 *provided further that if the Governor so return any bill to a*
19 *reconvened session and (i) a majority of the members present in*
20 *each house shall agree to amend the bill in accordance with his*
21 *recommendation, the bill as amended shall become law or (ii)*
22 *two-thirds of all the members present in each house, which*
23 *two-thirds shall include a majority of the members elected to that*
24 *house, shall agree to the bill in the form sent to the Governor, the*
25 *bill shall become law .*

26 In all cases above set forth, the names of the members voting
27 for and against the bill or item or items of an appropriation bill,
28 shall be entered on the journal of each house.

29 If any bill shall not be returned by the Governor within seven
30 days after it shall have been presented to him, the same shall be a
31 law in like manner as if he had signed it, unless the General
32 Assembly shall, by final adjournment, prevent such return; in which
33 case it shall be a law if approved by the Governor, in the manner
34 and to the extent above provided, within thirty days after
35 adjournment, but not otherwise except that, if the General Assembly
36 shall have adjourned pending a reconvened session, the Governor
37 need not act upon the bill until thirty days after such adjournment.

EXHIBIT Y

1 *If the General Assembly shall, by final adjournment other than*
 2 *pending a reconvened session, prevent the return of a bill, it shall*
 3 *be a law if approved by the Governor, in the manner and to the*
 4 *extent above provided, within thirty days after adjournment, but*
 5 *not otherwise .*

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Official Use By Clerks	
Agreed to By The Senate	Agreed to By The House of Delegates
without amendment <input type="checkbox"/>	without amendment <input type="checkbox"/>
with amendment <input type="checkbox"/>	with amendment <input type="checkbox"/>
substitute <input type="checkbox"/>	substitute <input type="checkbox"/>
substitute w/amdt <input type="checkbox"/>	substitute w/amdt <input type="checkbox"/>
Date: _____	Date: _____
_____ Clerk of the Senate	_____ Clerk of the House of Delegates

EXHIBIT Y

Page 8 of 11

On motion of Mr. Braun, the reading of the ^{Substitute} ~~amendments~~ was waived.

The recorded vote is as follows:

Yeas - 38. Nays - 0.

ROLL CALL

YEAS N-Y NAYS

Anderson _____

Andrews _____

Babalas _____

Bateman _____

Bird _____

Boucher _____

Brault _____

Buchanan _____

Canada _____

Colgan _____

YEAS N-Y NAYS

Cross _____

DuVal _____

Edmunds _____

Emick _____

Fears _____

Fitzpatrick _____

Gartlan _____

Goode _____

Gray, E.T. _____

Gray, F.T. _____

YEAS N-Y NAYS

Hirst _____

Holland _____

Hopkins _____

Manns _____

Marye _____

Michael _____

Miller _____

Mitchell _____

Moody _____

Nolen _____

YEAS N-Y NAYS

Parkerson _____

Rawls _____

Schewel _____

Townsend _____

Truban _____

Waddell _____

Walker _____

Wilder _____

Willey _____

Yeatts _____

Hon. Charles S. Robb

Waive reading all amendments

38

YEAS	N-Y	NAYS
100-200	100-200	100-200
0	0	<input checked="" type="radio"/> 0
1	1	1
2	2	2
3	3	3
4	4	4
5	5	5
6	6	6
7	7	7
8	8	8
9	9	9

HOUSE	SENATE	BILL	RESO.
1000	100	10	1
2000	200	20	2
3000	<input checked="" type="radio"/> 300	30	3
4000	400	40	4
Jnt.	500	50	<input checked="" type="radio"/> 5
Crd.	600	60	6
2nd R	700	70	7
3rd R	800	80	8
Quo.	900	<input checked="" type="radio"/> 90	9
Amd.	000	00	0

DATE
Jan. 1
Feb. 2
<input checked="" type="radio"/> Mar. 3
Apr. 4
May 5
June 6
July 7
Aug. 8
Sept. 9
Oct. 0
Nov. 1
Dec. 2

EXHIBIT Y

Page 10 of 11

On further motion of Mr. Braut, the substitute ~~amendments~~ proposed by the House of Delegates ~~was~~ ^{was} agreed to.

The recorded vote is as follows:

Yeas - 37. Nays - 0.

ROLL CALL

YEAS N-V NAYS

- Anderson _____
- Andrews _____
- Babalas _____
- Bateman _____
- Bird _____
- Boucher _____
- Brault _____
- Buchanan _____
- Canada _____
- Colgan _____

YEAS N-V NAYS

- Cross _____
- DuVal _____
- Edmunds _____
- Emick _____
- Fears ● _____
- Fitzpatrick _____
- Gartlan _____
- Goode _____
- Gray, E.T. _____
- Gray, F.T. _____

YEAS N-V NAYS

- Hirst _____
- Holland _____
- Hopkins _____
- Manns ● _____
- Marye _____
- Michael _____
- Miller _____
- Mitchell _____
- Moody _____
- Nolen _____

YEAS N-V NAYS

- Parkerson _____
- Rawls _____
- Schewel _____
- Townsend _____
- Truban ● _____
- Waddell _____
- Walker _____
- Wilder _____
- Willey _____
- Yeatts _____

—Hon. Charles S. Robb —

Handled as mat

124

37

YEAS		TOTALS		NAYS	
100-200	N-V	100-200	N-V	100-200	N-V
0	0	0	0	0	0
1	1	1	1	1	1
2	2	2	2	2	2
3	3	3	3	3	3
4	4	4	4	4	4
5	5	5	5	5	5
6	6	6	6	6	6
7	7	7	7	7	7
8	8	8	8	8	8
9	9	9	9	9	9

Spl BILL NUMBER *95*

HOUSE	BILL
SENATE	RESO.
1000	100
2000	200
3000	300
4000	400
J'nt.	500
Ord.	600
2nd R	700
3rd R	800
Quo.	900
Amd.	000

DATE	
Jan.	1
Feb.	2
Mar.	3
Apr.	1
May	2
June	3
July	4
Aug.	5
Sept.	6
Oct.	7
Nov.	8
Dec.	9

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CHAPTER 352

SENATE JOINT RESOLUTION NO. 95

Proposing amendments to Sections 6 and 11 of Article IV and Section 6 of Article V of the Constitution of Virginia, relating to legislative sessions, enactment of laws, presentation of bills to the Governor and veto powers.

Agreed to by the House of Delegates, March 2, 1978

Agreed to by the Senate, March 4, 1978

WHEREAS, proposed amendments to the Constitution of Virginia, hereinafter set forth, were agreed to by a majority of the members elected to each of the two houses of the General Assembly at the session of nineteen hundred seventy-seven and referred to this, the next regular session held after the general election of members of the House of Delegates, as required by the Constitution of Virginia; now, therefore, be it

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 in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia; namely:

Amend Sections 6 and 11 of Article IV and Section 6 of Article V of the Constitution as follows:

Article IV.

Section 6. Legislative sessions.

The General Assembly shall meet once each year on the second Wednesday in January. 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 General Assembly shall reconvene on the sixth Wednesday after adjournment, sine die, 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 a majority of the members elected to each house.

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.

Section 11. Enactment of laws.

No law shall be enacted except by bill. A bill may originate in either house, may be approved or rejected by the other, or may be amended by either, with the concurrence of the other.

No bill shall become a law unless, prior to its passage:

(a) it has been referred to a committee of each house, considered by such committee in session, and reported;

(b) it has been printed by the house in which it originated prior

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to its passage therein;

(c) it has been read by its title, or its title has been printed in a daily calendar, on three different calendar days in each house; and

(d) upon its final passage a vote has been taken thereon in each house, the name of each member voting for and against recorded in the journal, and a majority of those voting in each house, which majority shall include at least two-fifths of the members elected to that house, recorded in the affirmative.

Only in the manner required in subparagraph (d) of this section shall an amendment to a bill by one house be concurred in by the other, or a conference report be adopted by either house, or either house discharge a committee from the consideration of a bill and consider the same as if reported. The printing and reading, or either, required in subparagraphs (b) and (c) of this section, may be dispensed with in a bill to codify the laws of the Commonwealth, and in the case of an emergency by a vote of four-fifths of the members voting in each house, the name of each member voting and how he voted to be recorded in the journal.

No bill which creates or establishes a new office, or which creates, continues, or revives a debt or charge, or which makes, continues, or revives any appropriation of public or trust money or property, or which releases, discharges, or commutes any claim or demand of the Commonwealth, or which imposes, continues, or revives a tax, shall be passed except by the affirmative vote of a majority of all the members elected to each house, the name of each member voting and how he voted to be recorded in the journal.

Every law imposing, continuing, or reviving a tax shall specifically state such tax. However, any law by which taxes are imposed may define or specify the subject and provisions of such tax by reference to any provision of the laws of the United States as those laws may be or become effective at any time or from time to time, and may prescribe exceptions or modifications to any such provision.

The presiding officer of each house *or upon his inability or failure to act a person designated by a majority of the members elected to each house* shall, not later than ~~twenty three~~ *twenty* days after adjournment *each bill is enrolled*, sign ~~every~~ *each* bill that has been passed by both houses and duly enrolled. The fact of signing shall be recorded in the journal.

Article V.

Section 6. Presentation of bills; veto powers of Governor.

Every bill which shall have passed the Senate and House of Delegates shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it; but, if not, he may return it with his objections to the house in which it originated, which shall enter the objections at large on its journal and proceed to reconsider the same. If, after such consideration, two-thirds of the members present, which two-thirds shall include a majority of the members elected to that house, shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members present, which two-thirds shall include a majority of the members elected to that house, it shall become a law.

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notwithstanding the objections.

The Governor shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to bills returned to the General Assembly without his approval.

If the Governor approve the general purpose of any bill but disapprove any part or parts thereof, he may return it, with recommendations for its amendment, to the house in which it originated, whereupon the same proceedings shall be had in both houses upon the bill and his recommendations in relation to its amendment as is above provided in relation to a bill which he shall have returned without his approval, and with his objections thereto; provided that, if after such reconsideration both houses, by a vote of a majority of the members present in each, shall agree to amend the bill in accordance with his recommendation in relation thereto, or either house by such vote shall fail or refuse to so amend it, then and in either case the bill shall be again sent to him, and he may act upon it as if it were then before him for the first time. *provided further that if the Governor so return any bill to a reconvened session and (i) a majority of the members present in each house shall agree to amend the bill in accordance with his recommendation, the bill as amended shall become law or (ii) two-thirds of all the members present in each house, which two-thirds shall include a majority of the members elected to that house, shall agree to the bill in the form sent to the Governor, the bill shall become law.*

In all cases above set forth, the names of the members voting for and against the bill or item or items of an appropriation bill, shall be entered on the journal of each house.

If any bill shall not be returned by the Governor within seven days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly shall, by final adjournment, prevent such return; in which case it shall be a law if approved by the Governor, in the manner and to the extent above provided; within thirty days after adjournment; but not otherwise except that, if the General Assembly shall have adjourned pending a reconvened session, the Governor need not act upon the bill until thirty days after such adjournment. If the General Assembly shall, by final adjournment other than pending a reconvened session, prevent the return of a bill, it shall be a law if approved by the Governor, in the manner and to the extent above provided, within thirty days after adjournment, but not otherwise.

A TRUE COPY, TESTE: MAY 4 1978

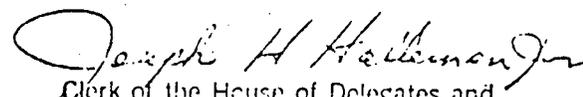

Clerk of the House of Delegates and
Keeper of the Rolls of the State

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/s/ Charles S. Robb

President of the Senate

/s/ John Warren Cooke

Speaker of the House of Delegates

Approved:

/s/ John N. Dalton

Governor

EXHIBIT Z

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Senate Bill No. 523

2

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

11 The Governor may convene a special session of the General
12 Assembly when, in his opinion, the interest of the Commonwealth
13 may require and shall convene a special session upon the
14 application of two-thirds of the members elected to each house.

15 Section 11. Enactment of laws.

16 No law shall be enacted except by bill. A bill may originate in
17 either house, may be approved or rejected by the other, or may be
18 amended by either, with the concurrence of the other.

19 No bill shall become a law unless, prior to its passage:

20 (a) it has been referred to a committee of each house,
21 considered by such committee in session, and reported;

22 (b) it has been printed by the house in which it originated prior
23 to its passage therein;

24 (c) it has been read by its title, or its title has been printed in a
25 daily calendar, on three different calendar days in each house; and

26 (d) upon its final passage a vote has been taken thereon in each
27 house, the name of each member voting for and against recorded in
28 the journal, and a majority of those voting in each house, which
29 majority shall include at least two-fifths of the members elected to
30 that house, recorded in the affirmative.

31 Only in the manner required in subparagraph (d) of this section
32 shall an amendment to a bill by one house be concurred in by the
33 other, or a conference report be adopted by either house, or either
34 house discharge a committee from the consideration of a bill and
35 consider the same as if reported. The printing and reading, or
36 either, required in subparagraphs (b) and (c) of this section, may
37 be dispensed with in a bill to codify the laws of the Commonwealth,

EXHIBIT Z

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3

Senate Bill No. 523

1 and in the case of an emergency by a vote of four-fifths of the
2 members voting in each house, the name of each member voting
3 and how he voted to be recorded in the journal.

4 No bill which creates or establishes a new office, or which
5 creates, continues, or revives a debt or charge, or which makes,
6 continues, or revives any appropriation of public or trust money or
7 property, or which releases, discharges, or commutes any claim or
8 demand of the Commonwealth, or which imposes, continues, or
9 revives a tax, shall be passed except by the affirmative vote of a
10 majority of all the members elected to each house, the name of
11 each member voting and how he voted to be recorded in the
12 journal.

13 Every law imposing, continuing, or reviving a tax shall
14 specifically state such tax. However, any law by which taxes are
15 imposed may define or specify the subject and provisions of such
16 tax by reference to any provision of the laws of the United States
17 as those laws may be or become effective at any time or from time
18 to time, and may prescribe exceptions or modifications to any such
19 provision.

20 The presiding officer of each house *or upon his inability or*
21 *failure to act a person designated by a majority of the members*
22 *elected to each house shall, not later than twenty three days after*
23 *adjournment each bill is enrolled , sign every each bill that has*
24 *been passed by both houses and duly enrolled. The fact of signing*
25 *shall be recorded in the journal.*

26 Section 13. Effective date of laws.

27 All laws, ~~except a general appropriation law including laws~~
28 ~~which are enacted by reason of actions taken during reconvened~~
29 ~~sessions , shall take effect on the first day of the fourth month July~~
30 ~~following the month of adjournment of the session of the General~~
31 ~~Assembly at which it has been enacted, unless a subsequent date is~~
32 ~~specified or unless in the case of an emergency (which emergency~~
33 ~~shall be expressed in the body of the bill) the General Assembly~~
34 ~~shall specify an earlier date by a vote of four-fifths of the members~~
35 ~~voting in each house, the name of each member voting and how he~~
36 ~~voted to be recorded in the journal , or unless a subsequent date is~~
37 ~~specified in the body of the bill or by general law .~~

EXHIBIT Z

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Senate Bill No. 523

4

1 Article V.

2 Section 6. Presentation of bills; veto powers of Governor.

3 Every bill which shall have passed the Senate and House of
4 Delegates shall, before it becomes a law, be presented to the
5 Governor. If he approve, he shall sign it; but, if not, he may return
6 it with his objections to the house in which it originated, which shall
7 enter the objections at large on its journal and proceed to
8 reconsider the same. If, after such consideration, two-thirds of the
9 members present, which two-thirds shall include a majority of the
10 members elected to that house, shall agree to pass the bill, it shall
11 be sent, together with the objections, to the other house, by which it
12 shall likewise be reconsidered, and if approved by two-thirds of all
13 the members present, which two-thirds shall include a majority of
14 the members elected to that house, it shall become a law,
15 notwithstanding the objections.

16 The Governor shall have the power to veto any particular item
17 or items of an appropriation bill, but the veto shall not affect the
18 item or items to which he does not object. The item or items
19 objected to shall not take effect except in the manner heretofore
20 provided in this section as to bills returned to the General Assembly
21 without his approval.

22 If the Governor approve the general purpose of any bill but
23 disapprove any part or parts thereof, he may return it, with
24 recommendations for its amendment, to the house in which it
25 originated, whereupon the same proceedings shall be had in both
26 houses upon the bill and his recommendations in relation to its
27 amendment as is above provided in relation to a bill which he shall
28 have returned without his approval, and with his objections thereto;
29 provided that, if after such reconsideration both houses, by a vote of
30 a majority of the members present in each, shall agree to amend
31 the bill in accordance with his recommendation in relation thereto,
32 or either house by such vote shall fail or refuse to so amend it,
33 then and in either case the bill shall be again sent to him, and he
34 may act upon it as if it were then before him for the first time ;
35 *provided further that if the Governor so return any bill to a*
36 *reconvened session and (i) a majority of the members present in*
37 *each house shall agree to amend the bill in accordance with his*

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5

Senate Bill No. 523

1 *recommendation, the bill as amended shall become law or (ii)*
2 *two-thirds of all the members present in each house, which*
3 *two-thirds shall include a majority of the members elected to that*
4 *house, shall agree to the bill in the form sent to the Governor, the*
5 *bill shall become law .*

6 In all cases above set forth, the names of the members voting
7 for and against the bill or item or items of an appropriation bill,
8 shall be entered on the journal of each house.

9 If any bill shall not be returned by the Governor within seven
10 days after it shall have been presented to him, the same shall be a
11 law in like manner as if he had signed it, unless the General
12 Assembly shall, by final adjournment, prevent such return; in which
13 case it shall be a law if approved by the Governor, in the manner
14 and to the extent above provided, within thirty days after
15 adjournment, but not otherwise except that, if the General Assembly
16 shall have adjourned pending a reconvened session, the Governor
17 need not act upon the bill until thirty days after such adjournment.
18 If the General Assembly shall, by final adjournment other than
19 pending a reconvened session, prevent the return of a bill, it shall
20 be a law if approved by the Governor, in the manner and to the
21 extent above provided, within thirty days after adjournment, but
22 not otherwise .

23 At such election a ballot shall be furnished each voter which
24 shall have printed thereon the following question:

25 Question: Shall the Constitution of Virginia be amended to
26 require the General Assembly to reconvene after the adjournment of
27 a session in order to act on gubernatorial vetoes and suggested
28 amendments of legislation adopted during the session, and be
29 amended to change the procedures for signing bills by the presiding
30 officers of the General Assembly and to set July one as the usual
31 effective date for legislation?

32 Yes

33 No

34 The ballot shall be prepared, distributed and voted, and the
35 results thereof ascertained and certified, in the manner prescribed
36 by § 24.1-165 of the Code of Virginia. It shall be the duty of the
37 electoral board of each county and city, respectively, to make out,

EXHIBIT Z

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Senate Bill No. 523

6

1 certify and forward an abstract of the votes cast for and against
2 said proposed amendments in the manner now prescribed by law in
3 relation to votes cast in general elections.

4 It shall be the duty of the State Board of Elections to open and
5 canvass the said abstracts of returns, and to examine and make
6 statement of the whole number of votes given at said election for
7 said proposed amendments and against said proposed amendments
8 respectively, in the manner now prescribed by law in relation to
9 votes cast in general elections; and it shall be the duty of the State
10 Board of Elections to record said certified statement in its office,
11 and without delay to make out and transmit to the Governor of the
12 Commonwealth an official copy of said statement, certified by it.

13 The Governor shall, without delay, make proclamation of the
14 result, stating therein the aggregate vote for and against said
15 amendments to be published in such newspapers in the State as may
16 be deemed requisite for general information; and if a majority of
17 said votes be cast for the ratification of the amendments, he shall
18 annex to his proclamation a copy thereof. The State Board of
19 Elections shall cause to be sent to the clerks of each county and
20 city, at least thirty days before the election, a copy of this act. Each
21 such clerk shall forthwith post a copy of such act at the courthouse
22 of such county or city. The State Board of elections shall cause to
23 be sent to the electoral boards of each county and city sufficient
24 copies of the full text of the amendments and questions contained
25 herein for the officers of election to post in each polling place on
26 election day.

27 If such amendments be approved by the voters they shall
28 become effective on the first day of January next succeeding such
29 election.

30 The expense incurred in conducting this election shall be
31 defrayed as in the case of election of members of the General
32 Assembly.

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EXHIBIT Z

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7

Senate Bill No. 523

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Official Use By Clerks	
Passed By The Senate without amendment <input type="checkbox"/> with amendment <input type="checkbox"/> substitute <input type="checkbox"/> substitute w/amdt <input type="checkbox"/>	Passed By The House of Delegates without amendment <input type="checkbox"/> with amendment <input type="checkbox"/> substitute <input type="checkbox"/> substitute w/amdt <input type="checkbox"/>
Date: _____	Date: _____
Clerk of the Senate	Clerk of the House of Delegates

LD3139

1 **COMMITTEE AMENDMENT IN THE NATURE OF A**
2 **SUBSTITUTE FOR SENATE BILL NO. 523**

3 (Proposed by the Senate Committee on Privileges and Elections)

4 *A BILL to provide for the submission of proposed amendments to*
5 *Sections 6, 11 and 13 of Article IV and Section 6 of Article V of*
6 *the Constitution of Virginia to the qualified voters for*
7 *ratification or rejection, and to prescribe when and how such*
8 *referendum shall be conducted and when such amendments shall*
9 *take effect.*

10 Be it enacted by the General Assembly of Virginia:

11 1. § 1. It shall be the duty of the officers conducting the election
12 directed by law to be held on the Tuesday after the first Monday in
13 November, nineteen hundred seventy-eight, at the places appointed
14 for holding the same, to open a poll and take the sense of the
15 qualified voters upon the ratification or rejection of the proposed
16 amendments to the Constitution of Virginia, contained herein and in
17 the joint resolutions proposing such amendments, to wit:

18 Amend Sections 6, 11 and 13 of Article IV and Section 6 of
19 Article V of the Constitution as follows:

20 Article IV.

21 Section 6. Legislative sessions.

22 The General Assembly shall meet once each year on the second
23 Wednesday in January. No regular session of the General Assembly
24 convened in an even-numbered year shall continue longer than sixty
25 days; no regular session of the General Assembly convened in an
26 odd-numbered year shall continue longer than thirty days; but with
27 the concurrence of two-thirds of the members elected to each house,
28 any regular session may be extended for a period not exceeding
29 thirty days. Neither house shall, without the consent of the other,
30 adjourn to another place, nor for more than three days.

31 *The General Assembly shall reconvene on the sixth Wednesday*
32 *after adjournment, sine die, of each regular or special session for*
33 *the purpose of considering bills which may have been returned by*
34 *the Governor with recommendations for their amendment and bills*
35 *and items of appropriation bills which may have been returned by*
36 *the Governor with his objections. No other business shall be*
37 *considered at a reconvened session. Such reconvened session shall*

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Substitute for S.B. 523

2

1 *not continue longer than three days unless the session be extended,*
2 *for a period not exceeding seven additional days, upon the vote of*
3 *a majority of the members elected to each house.*

4 The Governor may convene a special session of the General
5 Assembly when, in his opinion, the interest of the Commonwealth
6 may require and shall convene a special session upon the
7 application of two-thirds of the members elected to each house.

8 Section 11. Enactment of laws.

9 No law shall be enacted except by bill. A bill may originate in
10 either house, may be approved or rejected by the other, or may be
11 amended by either, with the concurrence of the other.

12 No bill shall become a law unless, prior to its passage:

13 (a) it has been referred to a committee of each house,
14 considered by such committee in session, and reported;

15 (b) it has been printed by the house in which it originated prior
16 to its passage therein;

17 (c) it has been read by its title, or its title has been printed in a
18 daily calendar, on three different calendar days in each house; and

19 (d) upon its final passage a vote has been taken thereon in each
20 house, the name of each member voting for and against recorded in
21 the journal, and a majority of those voting in each house, which
22 majority shall include at least two-fifths of the members elected to
23 that house, recorded in the affirmative.

24 Only in the manner required in subparagraph (d) of this section
25 shall an amendment to a bill by one house be concurred in by the
26 other, or a conference report be adopted by either house, or either
27 house discharge a committee from the consideration of a bill and
28 consider the same as if reported. The printing and reading, or
29 either, required in subparagraphs (b) and (c) of this section, may
30 be dispensed with in a bill to codify the laws of the Commonwealth,
31 and in the case of an emergency by a vote of four-fifths of the
32 members voting in each house, the name of each member voting
33 and how he voted to be recorded in the journal.

34 No bill which creates or establishes a new office, or which
35 creates, continues, or revives a debt or charge, or which makes,
36 continues, or revives any appropriation of public or trust money or
37 property, or which releases, discharges, or commutes any claim or

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3

Substitute for S.B. 523

1 demand of the Commonwealth, or which imposes, continues, or
2 revives a tax, shall be passed except by the affirmative vote of a
3 majority of all the members elected to each house, the name of
4 each member voting and how he voted to be recorded in the
5 journal.

6 Every law imposing, continuing, or reviving a tax shall
7 specifically state such tax. However, any law by which taxes are
8 imposed may define or specify the subject and provisions of such
9 tax by reference to any provision of the laws of the United States
10 as those laws may be or become effective at any time or from time
11 to time, and may prescribe exceptions or modifications to any such
12 provision.

13 The presiding officer of each house *or upon his inability or*
14 *failure to act a person designated by a majority of the members*
15 *elected to each house shall, not later than ~~twenty three~~ days after*
16 *adjournment each bill is enrolled*, sign ~~every~~ each bill that has
17 been passed by both houses and duly enrolled. The fact of signing
18 shall be recorded in the journal.

19 Section 13. Effective date of laws.

20 All laws, ~~except a general appropriation law including laws~~
21 *which are enacted by reason of actions taken during reconvened*
22 *sessions*, shall take effect on the first day of ~~the fourth month~~ July
23 following the ~~month~~ of adjournment of the session of the General
24 Assembly at which it has been enacted, unless a ~~subsequent~~ date is
25 specified ~~or unless~~ in the case of an emergency (which emergency
26 shall be expressed in the body of the bill) the General Assembly
27 shall specify an earlier date by a vote of four-fifths of the members
28 voting in each house, the name of each member voting and how he
29 voted to be recorded in the journal, *or unless a subsequent date is*
30 *specified in the body of the bill or by general law*.

31 Article V.

32 Section 6. Presentation of bills; veto powers of Governor.

33 Every bill which shall have passed the Senate and House of
34 Delegates shall, before it becomes a law, be presented to the
35 Governor. If he approve, he shall sign it; but, if not, he may return
36 it with his objections to the house in which it originated, which shall
37 enter the objections at large on its journal and proceed to

EXHIBIT AA

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Substitute for S.B. 523

4

1 reconsider the same. If, after such consideration, two-thirds of the
2 members present, which two-thirds shall include a majority of the
3 members elected to that house, shall agree to pass the bill, it shall
4 be sent, together with the objections, to the other house, by which it
5 shall likewise be reconsidered, and if approved by two-thirds of all
6 the members present, which two-thirds shall include a majority of
7 the members elected to that house, it shall become a law,
8 notwithstanding the objections.

9 The Governor shall have the power to veto any particular item
10 or items of an appropriation bill, but the veto shall not affect the
11 item or items to which he does not object. The item or items
12 objected to shall not take effect except in the manner heretofore
13 provided in this section as to bills returned to the General Assembly
14 without his approval.

15 If the Governor approve the general purpose of any bill but
16 disapprove any part or parts thereof, he may return it, with
17 recommendations for its amendment, to the house in which it
18 originated, whereupon the same proceedings shall be had in both
19 houses upon the bill and his recommendations in relation to its
20 amendment as is above provided in relation to a bill which he shall
21 have returned without his approval, and with his objections thereto;
22 provided that, if after such reconsideration both houses, by a vote of
23 a majority of the members present in each, shall agree to amend
24 the bill in accordance with his recommendation in relation thereto,
25 or either house by such vote shall fail or refuse to so amend it,
26 then and in either case the bill shall be again sent to him, and he
27 may act upon it as if it were then before him for the first time :
28 *provided further that if the Governor so return any bill to a*
29 *reconvened session and (i) a majority of the members present in*
30 *each house shall agree to amend the bill in accordance with his*
31 *recommendation, the bill as amended shall become law or (ii)*
32 *two-thirds of all the members present in each house, which*
33 *two-thirds shall include a majority of the members elected to that*
34 *house, shall agree to the bill in the form sent to the Governor, the*
35 *bill shall become law .*

36 In all cases above set forth, the names of the members voting
37 for and against the bill or item or items of an appropriation bill,

EXHIBIT AA

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5

Substitute for S.B. 523

1 shall be entered on the journal of each house.

2 If any bill shall not be returned by the Governor within seven
3 days after it shall have been presented to him, the same shall be a
4 law in like manner as if he had signed it, unless the General
5 Assembly shall, by final adjournment, prevent such return; in which
6 case it shall be a law if approved by the Governor, in the manner
7 and to the extent above provided, within thirty days after
8 adjournment, but not otherwise except that, if the General Assembly
9 shall have adjourned pending a reconvened session, the Governor
10 need not act upon the bill until thirty days after such adjournment.
11 If the General Assembly shall, by final adjournment other than
12 pending a reconvened session, prevent the return of a bill, it shall
13 be a law if approved by the Governor, in the manner and to the
14 extent above provided, within thirty days after adjournment, but
15 not otherwise .

16 The ballot shall contain the following question:

17 Question: Shall the Constitution of Virginia be amended to
18 require the General Assembly to reconvene after the adjournment of
19 a session in order to act on gubernatorial vetoes and suggested
20 amendments of legislation adopted during the session, and be
21 amended to change the procedures for signing bills by the presiding
22 officers of the General Assembly and to set July one as the usual
23 effective date for legislation?

24 Yes

25 No

26 The ballots shall be prepared, distributed and voted, and the
27 results thereof ascertained and certified, in the manner prescribed
28 by § 24.1-165 of the Code of Virginia. The State Board of Elections
29 shall cause to be sent to the clerks of each county and city, at least
30 thirty days before the election, a copy of this act. Each such clerk
31 shall forthwith post a copy of such act at the courthouse of such
32 county or city. The State Board of Elections shall cause to be sent
33 to the electoral boards of each county and city sufficient copies of
34 the full text of the amendments and question contained herein for
35 the officers of election to post in each polling place on election day.

36 The electoral board of each county and city shall make out.
37 certify and forward an abstract of the votes cast for and against

EXHIBIT AA

Substitute for S.B. 523

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1 such proposed amendments in the manner now prescribed by law in
2 relation to votes cast in general elections.

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

13 If a majority of those voting vote in favor of such amendments,
14 they shall become effective on January one, nineteen hundred
15 seventy-nine.

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

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Official Use By Clerks	
Passed By The Senate without amendment <input type="checkbox"/> with amendment <input type="checkbox"/> substitute <input type="checkbox"/> substitute w/amdt <input type="checkbox"/>	Passed By The House of Delegates without amendment <input type="checkbox"/> with amendment <input type="checkbox"/> substitute <input type="checkbox"/> substitute w/amdt <input type="checkbox"/>
Date: _____	Date: _____
_____ Clerk of the Senate	_____ Clerk of the House of Delegates

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EXHIBIT BB

Page 1 of 6

LD3344

1 **COMMITTEE AMENDMENT IN THE NATURE OF A**
2 **SUBSTITUTE FOR SENATE BILL NO. 523**

3 (Proposed by the House Committee on Privileges and Elections)

4 *A BILL to provide for the submission of proposed amendments to*
5 *Sections 6 and 11 of Article IV and Section 6 of Article V of the*
6 *Constitution of Virginia to the qualified voters for ratification or*
7 *rejection, and to prescribe when and how such referendum shall*
8 *be conducted and when such amendments shall take effect.*

9 Be it enacted by the General Assembly of Virginia:

10 1. § 1. It shall be the duty of the officers conducting the election
11 directed by law to be held on the Tuesday after the first Monday in
12 November, nineteen hundred seventy-eight, at the places appointed
13 for holding the same, to open a poll and take the sense of the
14 qualified voters upon the ratification or rejection of the proposed
15 amendments to the Constitution of Virginia, contained herein and in
16 the joint resolutions proposing such amendments, to wit:

17 Amend Sections 6 and 11 of Article IV and Section 6 of Article
18 V of the Constitution as follows:

19 Article IV.

20 Section 6. Legislative sessions.

21 The General Assembly shall meet once each year on the second
22 Wednesday in January. No regular session of the General Assembly
23 convened in an even-numbered year shall continue longer than sixty
24 days; no regular session of the General Assembly convened in an
25 odd-numbered year shall continue longer than thirty days; but with
26 the concurrence of two-thirds of the members elected to each house,
27 any regular session may be extended for a period not exceeding
28 thirty days. Neither house shall, without the consent of the other,
29 adjourn to another place, nor for more than three days.

30 *The General Assembly shall reconvene on the sixth Wednesday*
31 *after adjournment, sine die, of each regular or special session for*
32 *the purpose of considering bills which may have been returned by*
33 *the Governor with recommendations for their amendment and bills*
34 *and items of appropriation bills which may have been returned by*
35 *the Governor with his objections. No other business shall be*
36 *considered at a reconvened session. Such reconvened session shall*
37 *not continue longer than three days unless the session be extended.*

EXHIBIT BB

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Substitute for S.B. 523

2

1 *for a period not exceeding seven additional days, upon the vote of*
2 *a majority of the members elected to each house.*

3 The Governor may convene a special session of the General
4 Assembly when, in his opinion, the interest of the Commonwealth
5 may require and shall convene a special session upon the
6 application of two-thirds of the members elected to each house.

7 Section 11. Enactment of laws.

8 No law shall be enacted except by bill. A bill may originate in
9 either house, may be approved or rejected by the other, or may be
10 amended by either, with the concurrence of the other.

11 No bill shall become a law unless, prior to its passage:

12 (a) it has been referred to a committee of each house,
13 considered by such committee in session, and reported;

14 (b) it has been printed by the house in which it originated prior
15 to its passage therein;

16 (c) it has been read by its title, or its title has been printed in a
17 daily calendar, on three different calendar days in each house; and

18 (d) upon its final passage a vote has been taken thereon in each
19 house, the name of each member voting for and against recorded in
20 the journal, and a majority of those voting in each house, which
21 majority shall include at least two-fifths of the members elected to
22 that house, recorded in the affirmative.

23 Only in the manner required in subparagraph (d) of this section
24 shall an amendment to a bill by one house be concurred in by the
25 other, or a conference report be adopted by either house, or either
26 house discharge a committee from the consideration of a bill and
27 consider the same as if reported. The printing and reading, or
28 either, required in subparagraphs (b) and (c) of this section, may
29 be dispensed with in a bill to codify the laws of the Commonwealth,
30 and in the case of an emergency by a vote of four-fifths of the
31 members voting in each house, the name of each member voting
32 and how he voted to be recorded in the journal.

33 No bill which creates or establishes a new office, or which
34 creates, continues, or revives a debt or charge, or which makes,
35 continues, or revives any appropriation of public or trust money or
36 property, or which releases, discharges, or commutes any claim or
37 demand of the Commonwealth, or which imposes, continues, or

EXHIBIT BB

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3

Substitute for S.B. 523

1 revives a tax, shall be passed except by the affirmative vote of a
2 majority of all the members elected to each house, the name of
3 each member voting and how he voted to be recorded in the
4 journal.

5 Every law imposing, continuing, or reviving a tax shall
6 specifically state such tax. However, any law by which taxes are
7 imposed may define or specify the subject and provisions of such
8 tax by reference to any provision of the laws of the United States
9 as those laws may be or become effective at any time or from time
10 to time, and may prescribe exceptions or modifications to any such
11 provision.

12 The presiding officer of each house *or upon his inability or*
13 *failure to act a person designated by a majority of the members*
14 *elected to each house shall, not later than ~~twenty~~ three days after*
15 *adjournment each bill is enrolled*, sign ~~every~~ each bill that has
16 been passed by both houses and duly enrolled. The fact of signing
17 shall be recorded in the journal.

18 Article V.

19 Section 6. Presentation of bills; veto powers of Governor.

20 Every bill which shall have passed the Senate and House of
21 Delegates shall, before it becomes a law, be presented to the
22 Governor. If he approve, he shall sign it; but, if not, he may return
23 it with his objections to the house in which it originated, which shall
24 enter the objections at large on its journal and proceed to
25 reconsider the same. If, after such consideration, two-thirds of the
26 members present, which two-thirds shall include a majority of the
27 members elected to that house, shall agree to pass the bill, it shall
28 be sent, together with the objections, to the other house, by which it
29 shall likewise be reconsidered, and if approved by two-thirds of all
30 the members present, which two-thirds shall include a majority of
31 the members elected to that house, it shall become a law,
32 notwithstanding the objections.

33 The Governor shall have the power to veto any particular item
34 or items of an appropriation bill, but the veto shall not affect the
35 item or items to which he does not object. The item or items
36 objected to shall not take effect except in the manner heretofore
37 provided in this section as to bills returned to the General Assembly

EXHIBIT BB

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Substitute for S.B. 523

4

1 without his approval.

2 If the Governor approve the general purpose of any bill but
3 disapprove any part or parts thereof, he may return it, with
4 recommendations for its amendment, to the house in which it
5 originated, whereupon the same proceedings shall be had in both
6 houses upon the bill and his recommendations in relation to its
7 amendment as is above provided in relation to a bill which he shall
8 have returned without his approval, and with his objections thereto;
9 provided that, if after such reconsideration both houses, by a vote of
10 a majority of the members present in each, shall agree to amend
11 the bill in accordance with his recommendation in relation thereto,
12 or either house by such vote shall fail or refuse to so amend it,
13 then and in either case the bill shall be again sent to him, and he
14 may act upon it as if it were then before him for the first time ;
15 *provided further that if the Governor so return any bill to a*
16 *reconvened session and (i) a majority of the members present in*
17 *each house shall agree to amend the bill in accordance with his*
18 *recommendation, the bill as amended shall become law or (ii)*
19 *two-thirds of all the members present in each house, which*
20 *two-thirds shall include a majority of the members elected to that*
21 *house, shall agree to the bill in the form sent to the Governor, the*
22 *bill shall become law .*

23 In all cases above set forth, the names of the members voting
24 for and against the bill or item or items of an appropriation bill,
25 shall be entered on the journal of each house.

26 If any bill shall not be returned by the Governor within seven
27 days after it shall have been presented to him, the same shall be a
28 law in like manner as if he had signed it, ~~unless the General~~
29 ~~Assembly shall, by final adjournment, prevent such return; in which~~
30 ~~case it shall be a law if approved by the Governor, in the manner~~
31 ~~and to the extent above provided, within thirty days after~~
32 ~~adjournment, but not otherwise except that, if the General Assembly~~
33 ~~shall have adjourned pending a reconvened session, the Governor~~
34 ~~need not act upon the bill until thirty days after such adjournment.~~
35 ~~If the General Assembly shall, by final adjournment other than~~
36 ~~pending a reconvened session, prevent the return of a bill, it shall~~
37 ~~be a law if approved by the Governor, in the manner and to the~~

EXHIBIT BB

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5

Substitute for S.B. 523

1 *extent above provided, within thirty days after adjournment, but*
2 *not otherwise .*

3 The ballot shall contain the following question:

4 Question: Shall the Constitution of Virginia be amended to
5 require the General Assembly to reconvene after the adjournment of
6 a session in order to act on gubernatorial vetoes and suggested
7 amendments of legislation adopted during the session, and be
8 amended to change the procedures for signing bills by the presiding
9 officers of the General Assembly?

10 Yes

11 No

12 The ballots shall be prepared, distributed and voted, and the
13 results thereof ascertained and certified, in the manner prescribed
14 by § 24.1-165 of the Code of Virginia. [The State Board of Elections
15 shall cause to be sent to the clerks of each county and city, at least
16 thirty days before the election, a copy of this act. Each such clerk
17 shall forthwith post a copy of such act at the courthouse of such
18 county or city. The State Board of Elections shall cause to be sent
19 to the electoral boards of each county and city sufficient copies of
20 the full text of the amendments and question contained herein for
21 the officers of election to post in each polling place on election day.]

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

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

36 If a majority of those voting vote in favor of such amendments,
37 they shall become effective on January one, nineteen hundred

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Substitute for S.B. 523

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1 seventy-nine.

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

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Official Use By Clerks

Passed By The Senate

- without amendment
- with amendment
- substitute
- substitute w/amdt

Passed By
The House of Delegates

- without amendment
- with amendment
- substitute
- substitute w/amdt

35 Date: _____

Date: _____

36
37 Clerk of the Senate

Clerk of the House of Delegates

EXHIBIT CC

Excerpt from the 1978 Journal of The House of Delegates, March 1, 1978:

The following Senate bills, having been considered by the several committees in session, were reported and read by title a second time:

S. B. 523 (Five, twenty-three). With amendment in the nature of a substitute. 15-0-0. Printed separately, with its title reading as follows:

A BILL to provide for the submission of proposed amendments to Sections 6 and 11 of Article IV and Section 6 of Article V of the Constitution of Virginia to the qualified voters for ratification or rejection, and to prescribe when and how such referendum shall be conducted and when such amendments shall take effect.

and with amendment to the substitute.

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CHAPTER 8.06

An Act to provide for the submission of proposed amendments to Sections 6 and 11 of Article IV and Section 6 of Article V of the Constitution of Virginia to the qualified voters for ratification or rejection, and to prescribe when and how such referendum shall be conducted and when such amendments shall take effect.

[S 523]

Approved APR 9 1978

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, nineteen hundred seventy-eight, 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 amendments to the Constitution of Virginia, contained herein and in the joint resolutions proposing such amendments, to wit:

Amend Sections 6 and 11 of Article IV and Section 6 of Article V of the Constitution as follows:

Article IV.

Section 6. Legislative sessions.

The General Assembly shall meet once each year on the second Wednesday in January. 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 General Assembly shall reconvene on the sixth Wednesday after adjournment, sine die, 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 a majority of the members elected to each house.

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.

Section 11. Enactment of laws

No law shall be enacted except by bill. A bill may originate in either house, may be approved or rejected by the other, or may be amended by either, with the concurrence of the other.

No bill shall become a law unless, prior to its passage:

(a) it has been referred to a committee of each house, considered by such committee in session, and reported;

(b) it has been printed by the house in which it originated prior

EXHIBIT CC-1

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to its passage therein:

(c) it has been read by its title, or its title has been printed in a daily calendar, on three different calendar days in each house; and

(d) upon its final passage a vote has been taken thereon in each house, the name of each member voting for and against recorded in the journal, and a majority of those voting in each house, which majority shall include at least two-fifths of the members elected to that house, recorded in the affirmative.

Only in the manner required in subparagraph (d) of this section shall an amendment to a bill by one house be concurred in by the other, or a conference report be adopted by either house, or either house discharge a committee from the consideration of a bill and consider the same as if reported. The printing and reading, or either, required in subparagraphs (b) and (c) of this section, may be dispensed with in a bill to codify the laws of the Commonwealth, and in the case of an emergency by a vote of four-fifths of the members voting in each house, the name of each member voting and how he voted to be recorded in the journal.

No bill which creates or establishes a new office, or which creates, continues, or revives a debt or charge, or which makes, continues, or revives any appropriation of public or trust money or property, or which releases, discharges, or commutes any claim or demand of the Commonwealth, or which imposes, continues, or revives a tax, shall be passed except by the affirmative vote of a majority of all the members elected to each house, the name of each member voting and how he voted to be recorded in the journal.

Every law imposing, continuing, or reviving a tax shall specifically state such tax. However, any law by which taxes are imposed may define or specify the subject and provisions of such tax by reference to any provision of the laws of the United States as those laws may be or become effective at any time or from time to time, and may prescribe exceptions or modifications to any such provision.

The presiding officer of each house *or upon his inability or failure to act a person designated by a majority of the members elected to each house* shall, not later than ~~twenty~~ *three* days after ~~adjournment~~ *each bill is enrolled*, sign every ~~each~~ bill that has been passed by both houses and duly enrolled. The fact of signing shall be recorded in the journal.

Article V.

Section 6. Presentation of bills; veto powers of Governor.

Every bill which shall have passed the Senate and House of Delegates shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it; but, if not, he may return it with his objections to the house in which it originated, which shall enter the objections at large on its journal and proceed to reconsider the same. If, after such consideration, two-thirds of the members present, which two-thirds shall include a majority of the members elected to that house, shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members present, which two-thirds shall include a majority of the members elected to that house, it shall become a law,

EXHIBIT CC-1

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notwithstanding the objections.

The Governor shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to bills returned to the General Assembly without his approval.

If the Governor approve the general purpose of any bill but disapprove any part or parts thereof, he may return it, with recommendations for its amendment, to the house in which it originated, whereupon the same proceedings shall be had in both houses upon the bill and his recommendations in relation to its amendment as is above provided in relation to a bill which he shall have returned without his approval, and with his objections thereto; provided that, if after such reconsideration both houses, by a vote of a majority of the members present in each, shall agree to amend the bill in accordance with his recommendation in relation thereto, or either house by such vote shall fail or refuse to so amend it, then and in either case the bill shall be again sent to him, and he may act upon it as if it were then before him for the first time : *provided further that if the Governor so return any bill to a reconvened session and (i) a majority of the members present in each house shall agree to amend the bill in accordance with his recommendation, the bill as amended shall become law or (ii) two-thirds of all the members present in each house, which two-thirds shall include a majority of the members elected to that house, shall agree to the bill in the form sent to the Governor, the bill shall become law .*

In all cases above set forth, the names of the members voting for and against the bill or item or items of an appropriation bill, shall be entered on the journal of each house.

If any bill shall not be returned by the Governor within seven days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly shall, by final adjournment, prevent such return; in which case it shall be a law if approved by the Governor, in the manner and to the extent above provided, within thirty days after adjournment, but not otherwise *except that, if the General Assembly shall have adjourned pending a reconvened session, the Governor need not act upon the bill until thirty days after such adjournment. If the General Assembly shall, by final adjournment other than pending a reconvened session, prevent the return of a bill, it shall be a law if approved by the Governor, in the manner and to the extent above provided, within thirty days after adjournment; but not otherwise .*

The ballot shall contain the following question:

Question: Shall the Constitution of Virginia be amended to require the General Assembly to reconvene after the adjournment of a session in order to act on gubernatorial vetoes and amendments suggested by the Governor to legislation passed by the General Assembly during its session, and be amended to change the procedures for signing bills by the presiding officers of the General Assembly?

Yes

EXHIBIT CC-1

Page 4 of 4

No

The ballots shall be prepared, distributed and voted, and the results thereof ascertained and certified, in the manner prescribed by § 24.1-165 of the Code of Virginia. The State Board of Elections shall cause to be sent to the clerks of each county and city, at least thirty days before the election, a copy of this act. Each such clerk shall forthwith post a copy of such act at the courthouse of such county or city. The State Board of Elections shall cause to be sent to the electoral boards of each county and city sufficient copies of the full text of the amendments 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 amendments 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 amendments 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 shall make out and transmit to the Governor of the Commonwealth 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 such amendments.

If a majority of those voting vote in favor of such amendments, they shall become effective on January one, nineteen hundred seventy-nine.

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

/s/ C. S. Robb
President of the Senate

/s/ J. W. Cooke
Speaker of the House of Delegates

Approved:

/s/ John N. Dalton
Governor

A TRUE COPY, TESTE: MAY 4 1978

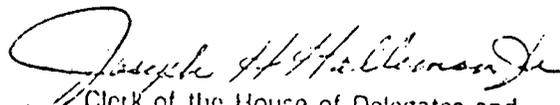

Clerk of the House of Delegates and
Keeper of the Rolls of the State

EXHIBIT DD

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May 3, 1978

The Honorable J. Marshall Coleman
Attorney General of Virginia
Supreme Court Building
1101 E. Broad Street
Richmond, Virginia 23219

Dear Attorney General Coleman:

Pursuant to the terms of § 8.01-653 of the Code of Virginia, this will notify you that I have doubt respecting the constitutionality and proper construction or interpretation of Chapter 806 of the 1978 Acts of Assembly (sometimes referred to as Senate Bill 523), which Act directs the payment of money out of the treasury of the Commonwealth. I do not feel that it would be proper or safe to pay such money until there has been final adjudication by the Supreme Court determining any and all such questions. For such reasons, I will not make payments pursuant to the above Act until such adjudication has been made.

Specifically Section 1 of Article XII of the Constitution of Virginia provides, in pertinent part, as follows:

Any amendment or amendments to this Constitution may be proposed in the Senate or House of Delegates, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, the name of each member and how he voted to be recorded, and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates. If at such regular session or any subsequent special session of that General Assembly the proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the voters qualified to vote in elections by the people, in such manner as it shall prescribe and not sooner than ninety days after final passage by the General Assembly....

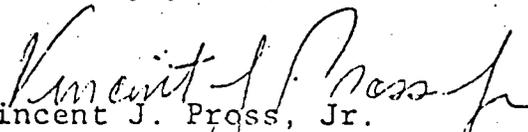
EXHIBIT DD

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Pursuant thereto, the General Assembly, in adopting Chapter 688 of the 1977 Acts of Assembly, proposed amendments to Sections 6, 11, and 13 of Article IV and Section 6 of Article V of the Constitution of Virginia. Thereafter, at the first regular session held after the next general election of members of the House of Delegates, the General Assembly adopted Chapter 852 of the 1978 Acts of Assembly. Chapter 852 proposed amendments to Sections 6 and 11 of Article IV and Section 6 of Article V of the Constitution of Virginia.

Therefore, the 1978 General Assembly deleted the proposal to amend Section 13 of Article IV of the Constitution of Virginia which had been proposed by the 1977 session of the General Assembly. Chapter 806 of the 1978 Acts of Assembly, which prescribes the manner of submission of proposed amendments to the voters, likewise deletes Section 13 of Article IV.

Sincerely yours;



Vincent J. Pross, Jr.
Acting Comptroller, Commonwealth of Virginia