

2013 SESSION

(HB1398)

GOVERNOR'S EXPLANATION

May 3, 2013

TO THE HOUSE OF DELEGATES:

HOUSE BILL 1398

I have not signed House Bill 1398 allowing it to go into law on July 1, 2013, without my signature. My reasons for not signing the legislation are as follows.

House Bill 1398, as passed by the General Assembly, made two changes related to land conservation programs. The legislation first specified a cap on the total amount of the land preservation tax credits. The legislation also provided that Governors must include funds, according to a formula, for land conservation grant programs in each budget bill introduced after July 1, 2013.

I submitted two sets of amendments to the bill in the recently completed reconvened session. My first set of amendments placed an upper limit on the grant program of \$20 million. These amendments will prevent unchecked growth of the grant program, and I am grateful that the General Assembly approved them. The second set of amendments dealt with the requirement that Governors must fully fund the grant program and include it in their introduced budget bills after July 1, 2013. These amendments were designed to address constitutional impairments in the legislation that infringe on the balance of powers between the Executive and Legislative branches as the Constitution of Virginia gives the Governor the responsibility to "recommend to [the General Assembly's] consideration such measures as he may deem expedient." Unfortunately, the General Assembly failed to approve my second set of amendments.

With the rejection of these amendments, I remain concerned that the legislation violates the constitutional principles of separation of powers. Accordingly, applying these constitutional principles, I do not view these provisions as binding on the Executive branch and view them as recommendations to the Governor as he prepares his biennial budget.

Despite these concerns, the other provisions of the law, primarily the cap on the tax credit program, will prove beneficial from a budgetary standpoint.

Given these considerations, I am not signing HB1398, but I will allow the bill to go into effect without my signature.

GOVERNOR'S RECOMMENDATION

1. Line 10, enrolled, after *shall*

insert

make it a priority to

2. Line 13, enrolled, after *be*

strike

appropriated

insert

allocated

3. Line 173, enrolled, after *shall*

insert

make it a priority to

4. Line 176, enrolled, after *million*,

insert

but not more than \$20 million,

5. At the beginning of line 177, enrolled

strike

appropriated

insert

allocated