

(HB30)

GOVERNOR'S VETO

May 9, 2008

TO THE HOUSE OF DELEGATES

HOUSE BILL 30

I have signed House Bill 30, the appropriation bill for the 2008-2010 biennium, including an item veto.

I have exercised the authority given to the Governor under the Constitution of Virginia to veto specific provisions in the reenrolled appropriation bill. My veto preserves the separation of powers between the legislative and executive branches. The rationale for this veto is set out below.

*§ 4 - 6.01b.*

House Bill 30 includes amended language that attempts to prohibit a Governor from withdrawing a Cabinet nomination during a General Assembly session and then reappointing the same person after adjournment of that legislative session. This provision is vague in that reappointment is not defined. The term could mean the reappointment of the same person to the same Cabinet position, reappointment of the same person to a different Cabinet position, or reappointment of the same person to a position that does not require confirmation. As to the first two possible interpretations, the provision is unnecessary because it addresses a situation that has never occurred. The third possible interpretation would be unconstitutional as a violation of the separation of powers.

The present Constitutional provisions governing the appointment and confirmation process for Cabinet level positions are explicit. Ultimately, any nominee is subject to confirmation by the General Assembly if that person is to serve in the Cabinet. As such, the provision in question is unnecessary.

My amendment to revise this language was not adopted. I have vetoed *§ 4 - 6.01b.*, which constitutes a matter of general law, not a condition or restriction on an appropriation item, and to the extent it could be interpreted to prohibit a reappointment to a position not requiring confirmation, would constitute a violation of the separation of powers. The positions listed in this item will continue to be paid consistent with the amounts specified in House Bill 30 as reenrolled.