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**REVISION OF TITLE 2 OF THE CODE OF VIRGINIA**

**REPORT OF THE  
VIRGINIA CODE COMMISSION  
to  
THE GOVERNOR  
and  
THE GENERAL ASSEMBLY OF VIRGINIA**



**COMMONWEALTH OF VIRGINIA  
Department of Purchases and Supply  
RICHMOND  
1965**



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**REVISION OF TITLE 2 OF THE CODE OF VIRGINIA**  
**REPORT OF**  
**THE VIRGINIA CODE COMMISSION**  
**TO**  
**THE GOVERNOR AND THE GENERAL ASSEMBLY**  
**OF VIRGINIA**

Richmond, Virginia, December 17, 1965.

To:

HONORABLE A. S. HARRISON, JR., *Governor of Virginia*  
and

THE GENERAL ASSEMBLY OF VIRGINIA

The General Assembly of Virginia at its Regular Session of 1964 directed the Virginia Code Commission, by Chapter 625 of the Acts of that Session, to revise certain titles of the Code of Virginia, including Title 2, relating to administration of the government generally.

Extracts from Chapter 625 follow :

“§ 1. The Code of Virginia shall be gradually revised by revising one or more titles at a time. In revising each title, all other sections of the Code relating to the same subject matter shall be revised to the extent necessary. Experts shall be employed by the Virginia Code Commission to assist in the project. The Commission may also accept the services of qualified volunteers who are willing to serve without pay. Tentative drafts of proposed revisions shall be printed and circulated among interested persons and their comments solicited.

“§ 2. The Commission shall undertake the revision of Titles 1, 2, 3, 5, 6 and 7, and submit to the Governor and the General Assembly, on or before October one, nineteen hundred sixty-five, a report of its recommendations, together with suggested legislation necessary to carry such recommendations into effect.”

Hugh R. Thompson, Jr., Esquire, of the Richmond City Bar, was retained as Counsel to assist in the revision of Title 2.

Counsel examined the provisions of this Title in detail, and consulted interested officials and agencies of the State government.

The Commission met with Counsel on several occasions, reviewed this Title, and discussed in detail changes recommended by members of the Commission, by Counsel, and by the above-mentioned officials and agencies.

As a result of its efforts, the Commission considered it desirable that there be a general renumberation of the sections, the deletion of certain obsolete sections, and the amendment of other sections. We are of the opinion that this can be better accomplished by the repeal of Title 2, and the enactment of Title 2.1 in lieu thereof.

Included in this Report is the report of Counsel to the Commission on Title 2. Also, following each section of the draft of Title 2.1 are Counsel's notes identifying the source of the provisions of the section and commenting upon any change therein. Furthermore, preceding the draft of Title 2.1 there is set forth a table of comparable sections, for the purpose of tracing each of the provisions of Title 2 into proposed Title 2.1. This table also indicates those sections of Title 2 which have been deleted. Those who are interested in the major features of the revision should read the report of Counsel and the notes following the several sections of Title 2.1, to which reference is hereby made.

## RECOMMENDATIONS

The Code Commission submits this Report, and recommends that the Legislature enact the attached bills in 1966.

The Commission wishes to recognize expressly the valuable assistance rendered the Commission by Counsel in the preparation of this revision. We also express our appreciation for the cooperation of various interested officials and agencies of the State government.

Respectfully submitted,

JAMES M. THOMSON, *Chairman*

E. ALMER AMES, Jr., *Vice-Chairman*

JOHN B. BOATWRIGHT, Jr.

W. MOSCOE HUNTLEY

KENNETH C. PATTY

POOLE, MONCURE & THOMPSON

*Attorneys and Counselors at Law*

Richmond, Virginia, December 17, 1965

The Honorable James M. Thomson, Chairman  
The Honorable E. Almer Ames, Jr.  
The Honorable Kenneth C. Patty  
The Honorable John B. Boatwright, Jr.  
The Honorable W. Moscoe Huntley

Virginia Code Commission  
State Capitol  
Richmond, Virginia

Gentlemen :

Pursuant to your instructions, I have prepared and am transmitting to you a draft of revision of Title 2 of the Code of Virginia, relative to Administration of the Government Generally.

This draft has been prepared in the usual form, i.e., a bill suitable for introduction at the 1966 Session of the General Assembly, together with a table of contents and a table of comparable sections.

The bill is designed to repeal present Title 2 and to provide in substitution therefor a new Title 2.1. This is done (1) to provide appropriate orderliness and accessibility to existing statutes relating to administration of the Government of the Commonwealth of Virginia and (2) to minimize conflicts, redundancy and obsolescence.

Although great care has been exercised in the review of this Title 2, it will be observed that relatively few changes are recommended. Most of the changes may be termed "conforming." The overall revision may be considered a "tidying up." Changes which could be considered substantive and substantial are minimized.

Perhaps the most noteworthy change is found in Article 5 of Chapter 14 of Title 2.1. This article, which includes §§ 2.1-223.1 to 2.1-223.6 (c.f. §§ 2-193 to 2-199) provides a new and more orderly procedure for the processing of claims against the Commonwealth. Currently every claim must be presented to the Comptroller (c.f. § 2-193) who must examine "every claim authorized to be presented" to him and he must "allow so much on account thereof as may appear to be due" (c.f. § 2-196). The difficulty has been, however, that there is no need to rely upon these sections if the claim is "authorized to be presented" and "appears to be due." On the other hand, if those conditions are not met the Comptroller has no choice other than to deny the claim and refer the claimant to the department, institution or agency of the State giving rise to the claim.

The suggested amendment of these sections is designed to (1) avoid the needless process of a perfunctory denial by the Comptroller and (2) to provide an orderly procedure for worthy claims. In addition, the claimant is provided a measure of protection against the possibility of unreasonable delay on the part of the Commonwealth in processing a claim, i.e., the tolling of the statute of limitations during the pendency of State action and the requirement that the Comptroller must act within a reasonable time.

The provisions of Chapter 12 of Title 2, relating to the Division of Statutory Research and Drafting (§§ 2-117 to 2-124) do not appear in the text of Title 2.1. By separate bill, prepared for introduction simultaneously with Title 2.1, those provisions would be transferred to Title 30 as §§ 30-28.1 to 30-28.9. The purpose of this transfer is to place the provisions in more appropriate context. It should be observed that Title 30 relates to the General Assembly whereas Title 2 primarily, although not exclusively, relates to the executive branch. The Division of Statutory Research and Drafting is an agency of the General Assembly.

Other representative changes are:

In §§ 2.1-11 and 2.1-15 (§§ 2-7 and 2-11) "Department of Accounts" is substituted for "Department of Accounts and Purchases" to conform with the recent redesignation of that department.

§ 2-17 relating to procedures and vouchers of the Comptroller, State Treasurer, Secretary of the Commonwealth, Superintendent of Public Instruction and Commissioner of Agriculture and Immigration is deleted as obsolete.

§ 2-18 relating to the examination of accounts for contingency expenses by department heads is deleted as obsolete.

§ 2-24 relating to certain employment practices of the State is deleted as obsolete, having been superseded by more adequate provisions.

§ 2-25 relating to the maintenance of certain records by certain State officers is deleted as obsolete, having been superseded by more adequate provisions.

§ 2-26 relating to certain political disabilities of persons convicted under the former dueling statutes is deleted. The enactment of Title 18.1 in 1960 made this section obsolete.

The amendment of § 2-27 (§ 2.1-30), relating to the disability of certain federal office holders to hold certain State offices was made necessary by the obsolescence and deletion of § 2-26, to which it referred.

§ 2-32 (§ 2.1-36) is amended to remove certain automatic political disabilities attaching to felons under federal law.

§ 2-34 (§ 2.1-38) is amended to permit the Governor to employ such administrative assistants as may be necessary and fix their salaries within the limitation of funds appropriated for executive control of the State.

§ 2-64.8 (§ 2.1-81) relating to fees of the Secretary of the Commonwealth is deleted as obsolete.

In § 2-66 (§ 2.1-83) relating to the powers and duties of the Director of the Division of the Budget certain language is deleted as redundant.

§ 2-71 (§ 2.1-89) extends the responsibility of the Director of the Division of the Budget for maintenance of buildings and grounds to embrace, additionally, the public grounds and all other property at the seat of government not placed in the charge of others.

In § 2.1-91 (§ 2-73) "Department of Accounts" is substituted for "Department of Accounts and Purchases," for the reason stated above.

In § 2.1-98 (§ 2-77.1) "Economic" is added to "Director of Conservation and Economic Development" to conform with the recent change in that title.



§ 2-86 (§ 2.1-118) is amended to exclude clerks of court not of record, but to additionally include “the chairman or secretary of an electoral board” in the listing of persons entitled to opinions of the Attorney General. It also includes officers “similar to” city or county treasurers and commissioners of the revenue.

§ 2-94 (§ 2.1-130) is changed to provide for the appointment, rather than the employment, of assistant Attorneys General.

A number of the provisions of Title 2 refer to other sections of the same title, as well as to provisions found in other titles of the Code. In some instances the references are to outside materials. In the preparation of this draft, counsel has attempted to conform these references with the prospective enactment of Title 2.1 and with other appropriate references as they have come to his attention.

For convenience, following each section of counsel’s draft of Title 2.1 there may be found a reference to the source of the provisions of that section and an explanation of the differences, if any, between the section and the provisions it is to replace.

The accompanying bills and all other proposed legislation introduced at the 1966 Session of the General Assembly relating to the same subject matter should be carefully compared and coordinated to avoid conflicts and to realize the maximum benefits of the Commission’s efforts.

The text of Title 2.1 as prepared by counsel purports to conform with the instructions and desires expressed by the Virginia Code Commission at its various meetings. Careful consideration was given to all of the recommendations received from officers and employees of the Commonwealth and to the Commission’s discussions thereof, as well as its actions with respect thereto.

In conclusion, counsel recommends the accompanying draft of Title 2.1 as a substantial improvement over present Title 2 and suggests its submission, together with the companion bill relating to Title 30, to the Governor and the General Assembly for introduction at the 1966 Session.

Respectfully,

HUGH R. THOMPSON, JR.



## TABLE OF COMPARABLE SECTIONS

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§ 2-7	§ 2.1-11	§ 2-49	§ 2.1-55
§ 2-8	§ 2.1-12	§ 2-50	§ 2.1-56
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§ 2-26	Deleted	§ 2-64.6	§ 2.1-79
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§ 2-27.1	§ 2.1-31	§ 2-64.8	§ 2.1-81
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§ 2-30	§ 2.1-34	§ 2-66.2	§ 2.1-84
§ 2-31	§ 2.1-35	§ 2-67	§ 2.1-85
§ 2-32	§ 2.1-36	§ 2-68	§ 2.1-86
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§ 2-34	§ 2.1-38	§ 2-70	§ 2.1-88
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2-77.2	2.1-99	2-119	* Deleted
2-77.3	2.1-100	2-120	* Deleted
2-77.4	2.1-101	2-121	* Deleted
2-77.5	2.1-102	2-122	* Deleted
2-77.6	2.1-103	2-123	* Deleted
2-77.7	2.1-104	2-124	* Deleted
2-77.8	2.1-105	2-124.1	* Deleted
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2-113	2.1-149	2-161.1	Repealed
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2-186	2.1-217	2-239	Repealed
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2-189	2.1-220	2-241	Repealed
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2-197	2.1-223.4	2-249	2.1-273
2-198	2.1-223.5	2-250	2.1-274
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2-268.6	§ 2.1-300	2-290	§ 2.1-322
2-268.7	§ 2.1-301	2-291	Repealed
2-268.8	§ 2.1-302	2-291.1	§ 2.1-323
2-269	§ 2.1-303	2-292	Repealed
2-270	§ 2.1-304	2-293	Repealed
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*A BILL to revise, rearrange, amend and recodify the general laws of Virginia relating to Administration of Government, and to that end to repeal Title 2 of the Code of Virginia, which title includes Chapters 1 to 19, inclusive, and Sections 2-1 to 2-309, inclusive, of the Code of Virginia, as amended, which title relates to Administration of Government; to amend the Code of Virginia by adding thereto in lieu of the foregoing title, chapters and sections of the Code repealed by this Act, a new title numbered 2.1, which title includes new Chapters 1 to 20, inclusive, and new Sections numbered 2.1-1 to 2.1-339, inclusive, relating to Administration of Government; to prescribe when such revision and recodification shall become effective; and to repeal all acts and parts of acts in conflict with the provisions of this Act.*

Be it enacted by the General Assembly of Virginia:

1. That Title 2 of the Code of Virginia, which includes Chapters 1 to 19 and Sections 2-1 to 2-309, both inclusive, of the Code of Virginia, as amended, is repealed.

2. That the Code of Virginia be amended by adding thereto, in lieu of the title, chapters and sections of the Code of Virginia herein repealed, a new title numbered 2.1, new chapters numbered 1 to 20, inclusive, and new sections numbered 2.1-1 to 2.1-339, inclusive, which new title, chapters and sections are as follows:

**Chapter 1**

**ADMINISTRATIVE DEPARTMENTS GENERALLY**

§§ 2.1-1 to 2.1-8

**Chapter 2**

**STATE OFFICERS AND EMPLOYEES GENERALLY**

§§ 2.1-9 to 2.1-20

**Chapter 3**

**HOLIDAYS AND SPECIAL DAYS; HOURS OF WORK, ETC.**

§§ 2.1-21 to 2.1-29

**Chapter 4**

**DISABILITIES TO HOLD OFFICE**

§§ 2.1-30 to 2.1-37

**Chapter 5**

**GOVERNOR**

§§ 2.1-38 to 2.1-51

**Chapter 6**

**BUDGET SYSTEM**

§§ 2.1-52 to 2.1-63

**Chapter 7**

**DIVISION OF INDUSTRIAL DEVELOPMENT AND PLANNING**

**Chapter 8**

**SECRETARY OF THE COMMONWEALTH**

**ARTICLE 1**

**General Provisions**

§§ 2.1-65 to 2.1-73

**ARTICLE 2**

**Registration of Names, etc., of Fraternal Benefit Societies**

§§ 2.1-74 to 2.1-81

**Chapter 9**

**GROUND AND BUILDINGS**

**ARTICLE 1**

**General Provisions**

§§ 2.1-82 to 2.1-97

**ARTICLE 2**

**Planning and Construction**

§§ 2.1-98 to 2.1-106

**ARTICLE 3**

**Property Records and Insurance**

§§ 2.1-107 to 2.1-109

**Chapter 10**

**PERSONNEL ADMINISTRATION**

§§ 2.1-110 to 2.1-116

**Chapter 11**

**ATTORNEY GENERAL AND DEPARTMENT OF LAW**

§§ 2.1-117 to 2.1-133

**Chapter 12**

**DIVISION OF MOTION PICTURE CENSORSHIP**

§§ 2.1-134 to 2.1-152



**Chapter 13**

**AUDITOR OF PUBLIC ACCOUNTS**

§§ 2.1-153 to 2.1-172

**Chapter 14**

**STATE TREASURY, STATE TREASURER AND COMPTROLLER**

**ARTICLE 1**

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§ 2.1-1. Departments generally.—There shall be, in addition to such others as may be established by law, the following administrative departments and divisions of the State government:

- (1) Department of Accounts.
- (2) Department of Agriculture and Immigration.
- (3) Department of Alcoholic Beverage Control.
- (4) Department of Conservation and Economic Development.
- (5) Department of Corporations.
- (6) Department of Education.
- (7) Department of Health.
- (8) Department of Highways.
- (9) Department of Labor and Industry.
- (10) Department of Law.
- (11) Department of Mental Hygiene and Hospitals.
- (12) Department of Military Affairs.
- (13) Department of Professional and Occupational Registration.
- (14) Department of State Police.
- (15) Department of Taxation.
- (16) Department of the Treasury.
- (17) Department of Welfare and Institutions.
- (18) Department of Workmen's Compensation.
- (19) Division of Motor Vehicles.
- (20) Department of Purchases and Supply.
- (21) Department of Technical Education.

**Source:** § 2-1.

**Note:** No change.

§ 2.1-2. Furnishing annual reports.—The heads of departments, divisions, institutions and agencies of the Commonwealth shall furnish their annual reports to the officer to whom they are required to be made on or before the twentieth day of October of each year, unless otherwise provided by law.

**Source:** § 2-2.

**Note:** The words “unless otherwise provided by law” are added.

§ 2.1-3. Acceptance by departments, etc., of funds from United States.—Any department, agency, bureau or institution of this State may accept grants of funds made by the United States government, or any department or agency thereof, to be applied to purposes within the functions of such State department, agency, bureau or institution, and may administer and expend such funds for the purposes for which they are granted.

**Source:** § 2-3.

**Note:** No change.

§ 2.1-4. State Treasurer custodian of funds granted.—The State Treasurer is hereby appointed custodian of all such funds, and shall disburse them on warrants issued by the department, agency, bureau or institution for whose use they are granted.

Source: § 2-4.

Note: No change.

§ 2.1-5. Transfer of possession of real estate between State agencies.—Real estate owned by the Commonwealth and held in possession by an agency of the Commonwealth may be hereafter transferred to the possession of another agency of the Commonwealth by the execution of an agreement between the department head of such agencies, with the written approval of the Governor, and recorded in the court of record in the county or city in which the land is situate.

Source: § 2-4.1.

Note: No change.

§ 2.1-6. Conveyance of easements to utility companies, public service corporations or companies and political subdivisions by State departments, agencies or institutions.—Any State department or agency, or State institution through its governing board, is authorized, after having first obtained the consent of the Governor in writing, to convey to public utility companies, public services corporations or companies and political subdivisions right of way easements over property owned by it for such consideration as it shall deem proper, when such conveyance is deemed expedient, and to execute the instruments necessary to effectuate such conveyance, such instruments to be subject to the approval of the Attorney General as to form.

All funds received from any such conveyance shall be paid into the State treasury, to be expended as provided by law.

Source: § 2-4.2.

Note: No change.

§ 2.1-7. Purebred livestock raised by State institutions and agencies to be sold instead of slaughtered.—The person in charge of any State institution or agency which raises purebred livestock may, when any of such livestock are to be slaughtered, sell the same to any person desiring to acquire such livestock for breeding purposes, provided the interests of the institution or agency will not be adversely affected thereby.

Source: § 2-4.3.

Note: No change.

§ 2.1-8. Conveyances to Department of Highways by State institutions or public corporations owned by State.—Any State institution or public corporation whose funds and property are owned solely by the Commonwealth is authorized through its governing board to convey to the Commonwealth of Virginia, Department of Highways, after having obtained the consent of the Governor, in writing, such lands as may be necessary for highway purposes or other uses incidental thereto, either for such consideration as shall be deemed proper or in exchange for other lands, and to execute the instruments necessary to effectuate the conveyance, such instruments to be subject to the approval of the Attorney General as to form.

The proceeds realized from such sale, with the approval of the Governor, in writing, may be used by the State institution or public corporation aforesaid for the purchase of other property or for capital improvements.

Any conveyance or agreement heretofore executed which, by its terms, conveys lands from a State institution or other public corporation whose funds and property are owned solely by the Commonwealth, to the Commonwealth of Virginia, Department of Highways, is hereby declared valid and effective.

**Source:** § 2-4.4.

**Note:** No change.

§ 2.1-9. Reproduction of records by photography and microphotography.—The respective heads of the several administrative departments, divisions, institutions and agencies of the State may, with the approval of the State Librarian, cause all or any part of the records and papers kept by or in their respective departments, divisions, institutions and agencies to be photographed or microphotographed, and may acquire, maintain and use such appropriate containers and files as shall be necessary to accommodate and to preserve the photographs and microphotographs so obtained, and such microphotoscopes and microphotoscopic facilities and equipment as shall be necessary for the purpose of examining and using such microphotographs, as well as such other microphotographic apparatus and equipment as shall be necessary or advisable for the purpose of making such microphotographs.

The State Librarian, on request of the heads of such departments, divisions, institutions and agencies, may assist in the photographing, microphotographing and microfilming of their records and papers and, also at the request of such heads, may store such microfilmed or microphotographed records.

**Source:** § 2-5.

**Note:** No change.

§ 2.1-10. Destruction of original records after photographing.—Whenever photographs or microphotographs shall have been made and put in conveniently accessible files, and provision has been made for preserving, examining and using the same, the respective heads of such departments, divisions, institutions and agencies may, with the approval of the Governor, cause the records and papers so photographed or microphotographed, or any part thereof, to be destroyed; but before any such records or papers are authorized to be destroyed, the Governor shall obtain the advice and counsel of the State Librarian or his designated representative as to the desirability of placing such records and papers in the archives of the State Library; whereupon the Governor may cause such records and papers to be so transferred.

**Source:** § 2-6.

**Note:** No change.

§ 2.1-11. The bonds of certain officers and of their clerks.—The officers and clerks mentioned in this section shall each give bond, with sufficient sureties, to be approved by the Governor. Such surety may be either personal or a guaranty or trust company. If any clerk herein required to give bond with surety shall give as such surety a guaranty company, the cost thereof shall be paid by the Commonwealth.

The penalties of the bonds shall be as follows: Of the Secretary of the Commonwealth, ten thousand dollars; of each of his clerks, three thousand dollars; of the State Treasurer, two hundred and fifty thousand dollars; of such of his employees as, in the opinion of the Governor, should be bonded, as fixed by the State Treasurer, subject to the approval of the Governor; of the Superintendent of Public Instruction, ten thousand dollars; of each of his clerks, two thousand dollars; of the Commissioner of Agriculture and Immigration, thirty thousand dollars; of each of his clerks, five thousand dollars; of the Comptroller, as may be fixed by the Governor, but not less than twenty-five thousand dollars; of such of the employees in the office of the Department of Accounts as, in the opinion of the Governor should be bonded, as fixed by the Comptroller, subject to the approval of the Governor.

**Source:** § 2-7.

**Note:** "Department of accounts and Purchases" is changed to "Department of Accounts."

§ 2.1-12. Premiums on such bonds.—The Comptroller may pay out of the State treasury the premiums on the surety bonds of all State officials who are required to be bonded, for a period of more than one year when a discount for advanced payment of such premiums may be obtained under the rates, rules and regulations promulgated by the State Corporation Commission according to law.

If any such surety bond be cancelled prior to its expiration, the portion of the premium to be returned shall be calculated on the basis of the regular annual rate of premiums for the duration of the bond as such refunds are prescribed by the rates, rules and regulations promulgated by the Commission according to law.

**Source:** § 2-8.

**Note:** No change.

§ 2.1-13. Bonds to be submitted to Attorney General.—Each of the officers and clerks required by the preceding section to give bond shall submit his bond to the Attorney General for his examination, and in case of his inability to act, by reason of sickness or otherwise, to such person learned in the law as the Governor may select; and if, after examination, such bond is found to be in proper form and legally executed, the Attorney General, or the person so selected by the Governor, shall make an endorsement on it to that effect.

**Source:** § 2-9.

**Note:** No change.

§ 2.1-14. Governor may require new or additional bonds.—Any such officer or clerk shall be required by the Governor, whenever in his opinion it is necessary for the protection of the public interest, to give a new bond or a bond in addition to one already given, to be approved by the Governor, within such reasonable time after the officer or clerk has been notified of the requirement, as the Governor shall prescribe; and if the officer or clerk fail or refuse to give the bond required, his office shall be deemed vacant.

**Source:** § 2-10.

**Note:** No change.

§ 2.1-15. Where bonds filed.—The bonds of all officers and employees of all the departments, institutions and agencies of the Commonwealth, except the Department of Accounts, shall, after being recorded by the Secretary of the Commonwealth, as required by § 49-12, be transmitted by him to the Comptroller and be filed in the office of the Comptroller, and the bonds of all officers and employees in the Department of Accounts shall be filed in the office of the Secretary of the Commonwealth; provided, however, that nothing in this section shall be construed to apply to notaries public, nor to commissioners of the revenue, attorneys for the Commonwealth, clerks of courts and treasurers of the counties and cities, nor to other similar officers of a purely local character.

**Source:** § 2-11.

**Note:** “Department of accounts and Purchases” is changed to “Department of Accounts.”

§ 2.1-16. When election or appointment of officers and clerks void.—If the bond of the Comptroller be not so approved, or the oath prescribed be not taken by such officer within thirty days after his appointment, the appointment shall be considered as void, and the Governor may proceed to make a new appointment, subject to confirmation by the General Assembly if in session when such appointment is made and, if not in session, then at its next succeeding session. If the bond of the Secretary of the Commonwealth, of the State Treasurer, of the Superintendent of Public Instruction, or of the Commissioner of Agriculture and Immigration, be not given and approved within thirty days from the beginning of the term for which he is appointed, the appointment of such officer shall be deemed void, and his office shall be deemed vacant, and the Governor shall proceed to make a new appointment, subject to confirmation by the General Assembly if in session when such appointment is made and, if not in session, then at its next succeeding session. If the bond of any of the clerks or employees, required by § 2.1-11 to give bond, be not given and approved within thirty days from the date of his appointment, his office shall be deemed vacant, and shall be filled as provided by law.

**Source:** § 2-12.

**Note:** “§ 2-7” is changed to “§ 2.1-11.”

§ 2.1-17. How certain officers removed from office.—The Secretary of the Commonwealth, the State Treasurer, the Comptroller, the Superintendent of Public Instruction or the Commissioner of Agriculture and Immigration may be removed from office by joint vote of the two houses of the General Assembly, or, during the recess thereof, may be suspended by the Governor. This power shall not be exercised by the Governor except for misbehavior, incapacity, neglect of official duty, or acts performed without due authority of law. In any case in which this power is so exercised by the Governor, he shall fill the office by a temporary appointment, and report to the General Assembly, at the beginning of the next session thereof, the fact of such suspension and the cause therefor, whereupon the General Assembly shall determine whether such officer shall be restored or finally removed.

**Source:** § 2-13.

**Note:** No change.

§ 2.1-18. Governor to fill vacancy in any State office where no other provision is made by law.—When a vacancy occurs in any State office,

whether the officer be elected by the people or the General Assembly, or be appointed by the Governor, and no other provision is made for filling the same, it shall be filled by the Governor.

**Source:** § 2-14.

**Note:** No change.

§ 2.1-19. Term of such appointment.—If such office be one filled by election by the people, the appointee shall hold such office until the next general election, and thereafter until his successor qualifies, according to law. If it is to be filled by an election by the General Assembly or appointment by the Governor, and such appointment requires confirmation of the Senate or the General Assembly, the appointee shall hold such office until thirty days after the commencement of the next session of the General Assembly.

**Source:** § 2-15.

**Note:** No change.

§ 2.1-20. Appointment of acting officer in case of temporary disability.—When any officer in charge of or at the head of any division or department of the State government shall because of sickness or for any other reason be unable to perform the duties of his office and no provision is made for someone, or for the appointment of someone, to exercise the powers and perform the duties of such office while such officer is sick or unable to act, the Governor shall have the power to appoint some person temporarily to fill such office as acting head or in charge of such division or department, who shall after qualifying exercise the powers and perform the duties of such office until the incumbent returns or the office be otherwise filled.

**Source:** § 2-16.

**Note:** No change.

§ 2.1-21. Legal holidays.—In each year the first day of January (New Year's Day), January nineteenth (Lee-Jackson Day), the twenty-second day of February (George Washington Day), the thirtieth day of May (Confederate Memorial Day), the fourth day of July (Independence Day), the first Monday in September (Labor Day), the Tuesday next following the first Monday in November (Election Day), the eleventh day of November (Veterans Day), the twenty-fifth day of December (Christmas Day), or, whenever any of such days shall fall on Sunday, the Monday next following such day, and any day so appointed by the Governor of this State or the President of the United States, shall be a legal holiday as to the transaction of all business.

**Source:** § 2-19.

**Note:** No change.

§ 2.1-22. Acts, business transactions, legal proceedings, etc., on holidays valid.—No contract made, instrument executed, or act done on any of the legal holidays named in the preceding section, or on any Saturday, whether before or after twelve o'clock, noon, shall be thereby rendered invalid, and nothing in such section shall be construed to prevent or invalidate the entry, issuance, service or execution of any writ, summons, confession, judgment, order or decree, or other legal process whatever, or



the session of the proceedings of any court or judge on any of such legal holidays or Saturdays, either before or after twelve o'clock, noon, nor to prevent any bank, banker, banking corporation, firm or association from keeping their doors open and transacting any lawful business on any of such legal holidays or Saturdays.

**Source:** § 2-20.

**Note:** No change.

§ 2.1-23. Permissive Saturday closing of banks.—It shall be lawful for any bank as defined in § 6-6, including national banking associations and federal reserve banks, to permit any one or more or all of its offices to remain closed on any one or more or all Saturdays, as the bank, by resolution of its board of directors, may from time to time determine. Any Saturday on which an office of a bank shall remain closed, as herein permitted, shall as to such office, constitute a legal holiday, and any act authorized, required or permitted to be performed at, by or with respect to any such office on a Saturday on which the office is so closed, may be performed on the next succeeding business day and no liability or loss of rights of any kind shall result from such delay.

**Source:** § 2-20.1.

**Note:** No change.

§ 2.1-24. Mother's Day; display of flags.—The Governor is authorized to issue annually a proclamation calling upon State officials to display the flag of the United States and of the Commonwealth on all public buildings, and the people of the State to display such flags at their homes and other suitable places on the second Sunday in May, known as "Mother's Day," as a public expression of love and reverence for the mothers of this State.

**Source:** § 2-21.

**Note:** No change.

§ 2.1-25. Arbor Day.—The second Friday in March of each year shall be designated and known as "Arbor Day."

**Source:** § 2-22.

**Note:** No change.

§ 2.1-26. Dogwood Day.—The third Saturday in April of each year shall be known and designated as "Dogwood Day."

**Source:** § 2-22.1.

**Note:** No change.

§ 2.1-27. First Lady's Day in Virginia.—Martha Washington's birthday, the second day of June, nineteen hundred sixty, and the same day of each succeeding year is designated as First Lady's Day in Virginia in special tribute to Martha Washington as America's first First-Lady and to each of her successors as First Ladies of this Nation; and upon this date, in perpetuity, all citizens, groups and appropriate agencies in and of the Commonwealth of Virginia and of the Nation are urged to reflect upon and give appropriate recognition to the magnificent contribution of this Nation's First Ladies to the heritage of the United States of America.

**Source:** § 2-22.3.

**Note:** No change.

§ 2.1-28. Virginia and American History Month.—That period of time between January nineteen and February twenty-second, nineteen hundred sixty-one, both inclusive, and the same period of time of each succeeding year is designated as Virginia and American History Month in special tribute to the founders, builders, and preservers of this Commonwealth and Nation.

Source: § 2-22.4.

Note: No change.

§ 2.1-29. Office hours to be in accordance with executive orders of Governor.—The offices of all State officers, departments, boards, bureaus, commissions, divisions and institutions required by law to maintain regular business quarters at the seat of government shall hereafter be kept open for the transaction of public business in accordance with such executive order or orders of the Governor as may be issued from time to time.

This section shall not apply to the offices of the legislative and judicial departments of the State government.

Source: § 2-23.

Note: No change.

§ 2.1-30. Holding office under United States.—No person shall be capable of holding any office of honor, profit or trust under the Constitution of Virginia, who holds any office or post of profit, trust, or emolument, civil or military, legislative, executive, or judicial, under the government of the United States, or who is in the employment of such government, or who receives from it in any way any emolument whatever; and the acceptance of any such office, post, trust, or emolument, or the acceptance of any emolument whatever under such government, shall, ipso facto, vacate any office, or post of profit, trust or emolument under the government of this Commonwealth or under any county, city, or town thereof.

Source: § 2-27.

Note: The words "of honor, profit or trust under the Constitution of Virginia" are substituted for the words "or post mentioned in the preceding section."

§ 2.1-31. Exception as to public officer or employee engaging in war service or called to active duty with the armed forces.—No State, county or municipal officer or employee shall forfeit his title to office or position or vacate the same by reason of either engaging in the war service of the United States or when called forth by the Governor pursuant to the provisions of § 44-75 or when called to active duty in the armed forces of the United States; and any such officer or employee who, voluntarily or otherwise, enters upon such war service or is called to service as provided may notify the officer or body authorized by law to fill vacancies in his office, of such fact, and thereupon be relieved from the duties of his office or position during the period of such service; and the officer or body authorized to fill vacancies shall designate some suitable person to perform the duties of such office as acting officer during the period the regular officer is engaged in such service, and during such period the acting officer shall be vested with all the powers, authority, rights and duties of the regular officer for whom he is acting.

Source: § 2-27.1.

Note: No change.

§ 2.1-32. Exception as to public officer or employee serving in the Selective Service System of the United States.—No State, county or municipal officer or employee shall forfeit or vacate, or be held to have forfeited or vacated, his office or position, by reason of serving or of having served as an officer, member, agent or employee, or in any other position or capacity, in the Selective Service System of the United States.

No person shall be ineligible to hold any State, county or municipal office or position by reason of being engaged in service in Virginia in the Selective Service System of the United States.

**Source:** § 2-27.2.

**Note:** No change.

§ 2.1-33. Further exceptions.—§ 2.1-30 shall not be construed:

(1) To prevent members of Congress from acting as justices of the peace, visitors of the University of Virginia or the Virginia Military Institute, or from holding offices in the militia;

(2) To exclude from offices under the State, city or town government of offices under any county, a person to whom a pension has been granted by the United States or who receives retirement compensation in any manner from the United States, or any person receiving or entitled to receive benefits under the Federal Old-Age and Survivors' Insurance System or under the Federal Railroad Retirement Act;

(3) To exclude from such office or post officers or soldiers on account of the recompense they may receive from the United States when called out in actual duty;

(4) To prevent United States commissioners or United States census enumerators, supervisors, or the clerks under the supervisor of the United States census, or fourth-class or third-class postmasters, or United States caretakers of the National Guard of Virginia, from acting as notaries, school trustees, justices of the peace, or supervisors, or from holding any district office under the government of any county, or the office of councilman of any town or city in this State;

(5) To prevent any United States rural mail carrier, or star route mail carrier from being appointed and acting as notary public or holding any county or district office;

(6) To prevent any civilian employee of the United States government from being appointed and acting as notary public;

(7) To prevent any United States commissioners of United States park commissioners or referees in bankruptcy from holding the office of commissioner in chancery, bail commissioner, jury commissioner, commissioner of accounts, assistant commissioner of accounts, assistant police justice or substitute or assistant civil justice, or assistant judge of a municipal court of any city or assistant judge of a juvenile and domestic relations court of any city, or judge of any county court or juvenile and domestic relations court of any county, or the municipal court or court of limited jurisdiction, by whatever name designated, or any incorporated town;

(8) To prevent any person holding office or a post of profit, trust or emolument, civil, legislative, executive or judicial, under the government of the United States, from being a member of the militia, or holding office therein, or from being a director in a State institution;

(9) To prevent foremen, quartermen, leading men, artisans, clerks or laborers, employed in any navy yard or naval reservation in Virginia from holding any office under the government of any city, town or county in this Commonwealth;

(10) To prevent any United States government clerk from holding any office under the government of any town or city; or from being appointed as special policemen for a county by the circuit court or judge thereof as provided for in § 15.1-144;

(11) To prevent any United States government employee, otherwise eligible, from holding any office under the government of any county in this State having a population in excess of three hundred inhabitants per square mile, or of any city or county adjoining any county having a population in excess of two thousand inhabitants per square mile;

(12) To prevent any person holding an office under the United States government from holding a position under the management and control of the State Board of Health;

(13) To prevent any State federal director of this State in the employment service of the United States Department of Labor from holding the office of Commissioner of Labor of this State; or

(14) To prevent clerks and employees of the Federal government engaged in the departmental service in Washington from acting as school trustees.

**Source:** § 2-29.

**Note:** No change.

§ 2.1-34. Members of military or naval reserve force, etc.—No person shall, by reason of being a member of the United States military or naval reserve force, or by reason of being a retired officer of the United States army, navy or marine corps and receiving pay therefor, be disqualified from holding any office under the government of the Commonwealth, or under any county, city, town, magisterial district or school district thereof.

**Source:** § 2-30.

**Note:** No change.

§ 2.1-35. Holding other office by officers of State institutions.—No person serving as a member of the governing board of any institution, supported in whole or in part by funds paid out of the State treasury, or as rector of such institution, or as president or chairman of the governing board thereof, shall hereafter hold, during his term of office, any other office or position with the institution on the board of which he is serving; and if any such person shall hereafter accept any such office or position such acceptance shall ipso facto vacate his office as a member of such board. Nothing in this section shall be construed to prevent members of boards of agricultural colleges from doing field or extension work.

**Source:** § 2-31.

**Note:** No change.

§ 2.1-36. Forfeiture of office by person sentenced for felony.—A person holding any office of honor, profit or trust under the Constitution of this State who may be sentenced for felony by any court of this State

shall by such sentence forfeit his office or post and be thereafter incapable of acting therein under his previous election or appointment; and though a pardon be afterwards granted him, such pardon shall not avoid the forfeiture.

**Source:** § 2-32.

**Note:** The words "or of the United States" which appeared after the word "State" are deleted.

§ 2.1-37. Acts under color of office; contracts in violation of chapter.—All judgments given, and all acts executed or done by any person by authority or color of any office or post, or the deputation thereof, before his removal therefrom, shall be as valid as they would be if this chapter had not been enacted; but every contract or security made or obtained in violation of this chapter shall be void.

**Source:** § 2-33.

**Note:** No change.

§ 2.1-38. Divisions in the Governor's office.—In the Governor's office there shall be the following divisions: Division of the Budget, Division of Records and Division of Industrial Development and Planning. In addition thereto, the Governor may employ such administrative assistants as may be necessary and may fix their salaries within the limitation of funds appropriated for executive control of the State.

**Source:** § 2-34.

**Note:** The second sentence is added.

§ 2.1-39. Appointments to office.—No person appointed to any office by the Governor, whose appointment is subject to confirmation by the General Assembly, shall enter upon, or continue in, office after the General Assembly shall have refused to confirm his appointment, nor shall such person be eligible for reappointment during the recess of the General Assembly to fill the vacancy caused by such refusal to confirm.

**Source:** § 2-35.

**Note:** No change.

§ 2.1-40. Personal staff.—The personal staff of the Governor and commander-in-chief shall consist of the Adjutant General of the State and such additional aides as may be detailed by the Governor and commander-in-chief from the commissioned personnel of the National Guard of Virginia, the officers reserve corps or the naval reserve corps, or officers of the army or navy of the United States, retired or former officers of the army or navy of the United States not to exceed five at any one time, which detail shall operate for the time being as a commission to each officer so detailed as aide-de-camp, but shall not add to the actual grade of any such officer. No officer so detailed shall be compelled to serve, nor shall any officer so detailed who consents to serve be entitled to or receive any compensation as such aide. Officers so detailed shall not be relieved from their ordinary duties, except when actually on duty with the Governor and commander-in-chief. No officer shall be detailed under this section unless he be a qualified voter of the State. In addition to the officers above detailed, the Governor may appoint and commission with the rank of colonel as a

personal aide, the Clerk of the House of Delegates and Keeper of the Rolls of Virginia.

**Source:** § 2-36.

**Note:** No change.

§ 2.1-41. Civil contingent fund.—Out of the sum annually appropriated as a civil contingent fund, there may be paid all expenses in the execution of any law for which there is no special appropriation, and any other sums which the Governor may deem necessary or proper. No payment shall be made out of such contingent fund, except upon the order of the Governor, directed to the Comptroller.

**Source:** § 2-37.

**Note:** No change.

§ 2.1-42. Officers of State and its institutions to make reports to Governor.—The officers of the executive department at the seat of government, and superintendents and boards of State institutions, shall make to the Governor in writing, under oath, reports at such times as may be prescribed by law, and they shall also make in writing, under oath, reports at any time that the Governor may require upon any subject relating to their respective offices and institutions. The reports shall be in such form and with such particulars as the Governor may require. They shall be filed in the office of the Secretary of the Commonwealth, and under his supervision summarized and recorded in proper books kept for the purpose.

**Source:** § 2-38.

**Note:** No change.

§ 2.1-43. Removal of members of boards of visitors, examining boards, etc.—The Governor is hereby authorized to remove from office for malfeasance, misfeasance, incompetency, gross neglect of duty, or for unlawful or willful neglect of duty, any person appointed by the Governor as a member of the board of visitors of any State college, university, institution, or agency, or as a member of any examining or licensing board, of the State, and to fill the vacancy resulting from such removal.

**Source:** § 2-39.

**Note:** No change.

§ 2.1-44. Governor may require production of records and vouchers and may inspect books, etc.—Whenever the Governor deems it necessary and proper, he may require any such officer, superintendent, board, State employee, or any person to appear before him, and he may also require the production of any official books, accounts, vouchers, and other papers relating to their offices and duties. The Governor shall have the power to issue subpoenas or other writs for the purpose of enforcing the provisions of this section. For the proper inspection of such records, vouchers, and other papers he may employ accountants.

**Source:** § 2-40.

**Note:** No change.

§ 2.1-45. Disposal of official correspondence.—The Governor preceding the end of his term of office shall have delivered to the State Library

for safekeeping all correspondence of his office during his term; provided that this shall not apply to correspondence of a personal or private nature, the decision thereon to be made by the Governor.

**Source:** § 2-40.1.

**Note:** No change.

§ 2.1-46. Authority over rooms and space in public buildings.— Rooms and space in the State Office Building and other public buildings at the seat of government, other than the Capitol, whether such rooms or space be occupied or not, may be vacated, assigned, and reassigned by the Governor to such departments, divisions, agencies, and officers of the State as the Governor shall deem proper. Nothing herein contained, however, shall authorize the Governor to vacate, assign or reassign any rooms or space now occupied by the Supreme Court of Appeals and the justices thereof, without the consent and approval of that body.

**Source:** § 2-41.

**Note:** No change.

§ 2.1-47. Powers with respect to State-owned motor vehicles.—

(1) The Governor may prescribe, by general or special executive orders, rules and regulations for the purchase, use, storage, maintenance and repair of all motor vehicles owned by the Commonwealth, and in the possession of any department, institution or agency thereof, his supervision over which is not forbidden by the Constitution. If in his judgment considerations of economy or convenience indicate the expediency thereof, he may require all such vehicles, or such of them as he may designate, to be kept in such garages, or other places of storage, and to be made available in such manner and under such terms for the official use of such departments, institutions, agencies, officers, agents and employees of the State, as he may designate in any such general or special order.

(2) If any such State officer, agent or employee fails to comply with any rule, regulation or order of the Governor made pursuant to the provisions of this section, the Comptroller shall, upon order of the Governor, refuse to issue any warrant or warrants on account of expenses incurred, or to be incurred, in the purchase, operation, maintenance, or repair of any motor vehicle now or to be in the possession or under the control of such officer, agent or employee, or the Governor may order some officer or agent of the State to take possession of any such vehicle and to transfer it to some other department, institution, agency, officer, agent or employee, or to make such other disposition thereof as the Governor may direct.

(3) The Governor may utilize any building or land owned by the State and not required to be used for other purposes, for the storing and garaging of such motor vehicles. He may provide for the employment of watchmen or guards, and also mechanics and other labor to repair and service such vehicles, and for the purchase of gasoline, oil and other supplies for use in connection therewith, and provide for the allocation among the various departments and agencies utilizing same of their proper proportionate part of the cost of such repairs, servicing, gasoline, oil, and other supplies.

(4) The Governor is hereby authorized to create in the State Treasurer's Office a special fund to be reflected on the books of the Comptroller, out of which all costs and expenses incurred pursuant to this section shall be paid. All allocations of costs and charges for repairing and servicing

motor vehicles made against any institution, agency, or department shall, when approved by the department head against which same is made, be paid into such special fund by interdepartmental transfers on the Comptroller's books. All funds so paid or transferred into such special fund are hereby appropriated for the purposes of this section and shall be paid out on warrants of the Comptroller issued upon vouchers signed by such officer or employee of the State as the Governor may designate.

(5) The Governor is authorized by executive order or regulation to impose upon the Director of the Division of the Budget, or any other agency of the Executive Department of the Government, any or all administrative duties pertaining to the administration of this section.

(6) All proper charges for repairing and servicing motor vehicles which have heretofore been incurred by any department, agency or institution in connection with the garaging, servicing and repairing of State cars under any former executive order and the regulations incident thereto, shall be paid by every such department, institution or agency into the special fund provided for in subsection (4) hereof when same is established by the Governor.

**Source:** § 2-42.

**Note:** No change.

§ 2.1-48. Approval of purchase of passenger type automobile; transfer of surplus vehicles among departments, etc.—No passenger type automobile shall be purchased by the State or any officer or employee on behalf of the State without the written approval of the Governor first obtained. The Governor shall have authority to transfer surplus motor vehicles among the departments, institutions and agencies, and the Director of the Department of Accounts shall determine the value of such surplus equipment for the purpose maintaining the financial accounts of the departments, agencies and institutions affected by such transfers.

**Source:** § 2-42.1.

**Note:** The words "and Purchases" are deleted.

§ 2.1-49. Suits by Governor.—In order to protect or preserve the interests or legal rights of the Commonwealth in all cases not provided for by existing law, the Governor may, by and with the advice of the Attorney General, institute and prosecute any requisite and appropriate action, suit, motion or other proceeding, in the name of the Commonwealth, in the Supreme Court of the United States or any other court or tribunal in which such action, suit, motion or other proceeding may be properly commenced and prosecuted.

**Source:** § 2-43.

**Note:** No change.

§ 2.1-50. To whom return on warrant of Governor to be made.—Any officer to whom any order or warrant of the Governor is directed shall make return thereof to the Secretary of the Commonwealth, who shall preserve the same in his office.

**Source:** § 2-44.

**Note:** No change.



§ 2.1-51. Power to remove restrictions and penalties and to reinstate licenses of attorneys at law.—Whenever in his opinion the ends of justice and the best interests of the State will be subserved thereby, the Governor, upon the recommendation of the Supreme Court of Appeals, may remove any restrictions or disabilities theretofore imposed in connection with the suspension or revocation of any license or certificate issued under the laws of this State to any attorney at law, and restore and reinstate such license or certificate to the holder deprived thereof with all the rights and privileges thereto belonging; provided, that at the time of application for such relief there is no other adequate remedy for obtaining the same at law.

**Source:** § 2-45.

**Note:** No change.

§ 2.1-52. Governor chief budget officer; assistants.—The Governor shall be the chief budget officer of the State. The Governor shall appoint a Director of the Division of the Budget, who shall hold his position at the pleasure of the Governor. The Governor also shall appoint such other competent budget assistants and special help as may be required to carry out the provisions of this chapter. Such assistants and employees shall receive such compensation as shall be fixed from time to time in the general appropriation acts or such as shall be otherwise provided in accordance with law for the purpose.

**Source:** § 2-46.

**Note:** No change.

§ 2.1-53. Director of the Division of the Budget; powers and duties.—The Director of the Division of the Budget shall, under the direction and control of the Governor, exercise such powers and perform such duties as are conferred or imposed by law upon him; and he shall perform such other duties as may be required of him by the Governor.

In addition thereto, such Director shall requisition the number of and designate the quality and manner of binding of every annual or biennial report, including catalogs of State supported institutions of higher learning, proposed by any State department, division, institution, officer or agency, to be printed out of public funds; and it shall be unlawful for any such report or catalog to be printed unless and until it shall have been submitted to such Director and a certificate thereof, signed by such Director, shall have been attached to the report or other catalog.

The Director of the Division of the Budget shall not, however, edit or change in any respect any such report or catalog.

**Source:** § 2-47.

**Note:** No change.

§ 2.1-54. Estimates by officers and institutions.—(a) On or before the first day of November biennially in the odd numbered years each of the several State departments, bureaus, divisions, officers, commissions, institutions, and other agencies and undertakings receiving or asking financial aid from the State shall report to the Governor, on official estimate blanks furnished for such purpose, an estimate in itemized form showing the amount needed for each year of the ensuing biennial period beginning with the first day of July thereafter. The official estimate blanks which must be used in making these reports shall be furnished by the Governor, shall be uniform and shall clearly designate the kind of information to be given thereon.

(b) To facilitate regular payments into the Insurance Reserve Trust Fund, the official estimate blanks provided each agency by the Governor shall contain a column headed "State Insurance Reserve Trust Fund." Each agency shall set forth in this column the amount of the savings, if any, for each year of the biennium based on the formulas set forth in § 2.1-107.

Source: § 2-48.

Note: No change.

§ 2.1-55. Estimates for General Assembly and judiciary.—On or before the first day of December biennially in the odd numbered years the Comptroller shall furnish the Governor an estimate of the financial needs of the General Assembly, itemized in strict accordance with the budget classifications adopted by the Governor, and certified and approved by the presiding officer of each house, for each year of the ensuing biennial period beginning with the first day of July thereafter; and the Supreme Court of Appeals of Virginia shall furnish to the Governor an estimate of the financial needs of the judiciary, as provided by law, itemized in strict accordance with the budget classifications adopted by the Governor, for each year of the ensuing biennial period beginning with the first day of July thereafter. The Comptroller and the Supreme Court of Appeals shall transmit to the Governor with these estimates full and detailed explanations of all increases or decreases.

Source: § 2-49.

Note: No change.

§ 2.1-56. Financial statements by Comptroller.—On or before the first day of November biennially in the odd numbered years the Comptroller shall furnish to the Governor the following statements, classified and itemized in strict accordance with the budget classifications adopted by the Governor:

(1) A statement showing the balance standing to the credit of the several appropriations for each department, bureau, division, officer, board, commission, institution, or other agency or undertaking of the State at the end of the last preceding appropriation year.

(2) A statement showing the monthly expenditures and revenues from each appropriation account, and the total monthly expenditures and revenues from all the appropriation accounts, including special and all other appropriations, in the twelve months of the last preceding appropriation year.

(3) A statement showing the annual expenditures in each appropriation account, and the revenues from all sources, including expenditures and revenues from special and all other appropriations, for each year of the last two appropriation years, with a separate column showing the increase or decrease for each item.

(4) An itemized and complete financial balance sheet for the State at the close of the last preceding fiscal year ending September thirtieth.

(5) Such other statements as the Governor shall request.

Source: § 2-50.

Note: No change.

§ 2.1-57. Reports by officers and institutions.—The departments, bureaus, divisions, officers, boards, commissions, institutions, or other agen-

cies or undertakings of the State, upon request, shall immediately furnish to the Governor, in such form as he may require, any information desired by him in relation to their respective affairs or activities.

**Source:** § 2-51.

**Note:** No change.

§ 2.1-58. Hearings on estimates. The Governor shall provide for public hearings on any and all estimates to be included in the budget, which shall be held during the month of November biennially in the odd numbered years. The Governor shall require the attendance at these hearings of the heads or responsible representatives of all State departments, bureaus, divisions, officers, boards, commissions, institutions, or other agencies or undertakings receiving or asking financial aid from the State.

**Source:** § 2-52.

**Note:** No change.

§ 2.1-59. Financial survey by Governor.—On or before the first day of December biennially in the odd numbered years the Governor and his assistants must have completed a careful survey of all the departments, bureaus, divisions, officers, boards, commissions, institutions, and other agencies and undertakings of the State through which he shall be in possession of the working knowledge upon which to base his recommendations to the General Assembly.

**Source:** § 2-53.

**Note:** No change.

§ 2.1-60. Submission of budget to General Assembly.—Within five days after the beginning of each regular session of the General Assembly, the Governor shall submit to the presiding officer of each house printed copies of a budget, based on his own conclusions and judgment, containing a complete and itemized plan of all proposed expenditures for each State department, bureau, division, officer, board, commission, institution, or other agency or undertaking, classified by function character and object, and of estimated revenues and borrowings, for each year in the ensuing biennial period beginning with the first day of July thereafter. Opposite each item of the proposed expenditures the budget shall show in separate parallel columns the amount appropriated for the last preceding appropriation year, for the current appropriation year, and the increase or decrease.

The Governor shall accompany the budget with :

(1) A statement of the revenues and expenditures for each of the two appropriation years next preceding, classified and itemized in accordance with the official budget classifications adopted by the Governor.

(2) A statement of the current assets, liabilities, reserves and surplus or deficit of the State.

(3) A statement of the debts and funds of the State.

(4) A statement showing the Governor's itemized estimates of the condition of the State treasury as of the beginning and end of each of the next two appropriation years.

(5) An itemized and complete financial balance sheet for the State at the close of the last preceding fiscal year ending June thirtieth.

(6) A general survey of the State's financial and natural resources, with a review of the general economic industrial and commercial condition of the Commonwealth.

(7) Statements showing the estimated additional annual costs of the maintenance and the use of each item of capital outlay and the estimated additional annual costs of each new service recommended in the plan of proposed expenditures. The statements shall set forth separately estimates of the number of additional personnel and their salaries, and estimates of other costs.

Source: § 2-54.

Note: No change.

§ 2.1-61. Budget bill.—The Governor also shall submit to the presiding officer of each house of the General Assembly, at the same time he submits his budget, copies of a tentative bill for all proposed appropriations of the budget, clearly itemized and properly classified, for each year in the ensuing biennial appropriation period, which shall be known as "The Budget Bill." No such budget bill shall contain any appropriation the expenditure of which is contingent upon the receipt of revenues in excess of funds unconditionally appropriated.

Source: § 2-55.

Note: No change.

§ 2.1-62. Consideration of budget by committees.—The standing committees of the House of Delegates and of the Senate being in charge of appropriation measures shall sit jointly in open sessions while considering the budget, and shall begin such joint meetings within five days after the budget has been submitted to the General Assembly by the Governor. This joint committee may cause the attendance of heads or responsible representatives of the departments, institutions and all other agencies of the State to furnish such information and answer such questions as the joint committee shall require, and to these sessions shall be admitted, with the right to be heard, all persons interested in the estimates under consideration. The Governor, or his representative, and the Governor-elect, shall have the right to sit at these public hearings and be heard on all matters coming before the joint committee.

Source: § 2-56.

Note: No change.

§ 2.1-63. Changes in budget bill by General Assembly.—The General Assembly may increase or decrease items in the budget bill as it may deem to be in the interest of greater economy and efficiency in the public service, but neither house shall consider further or special appropriations, except in case of an emergency, which fact shall be clearly stated in the bill therefor, until the budget bill shall have been finally acted upon by both houses. All bills introduced in either house carrying appropriations shall be itemized in accordance with the classifications used in the budget.

Source: § 2-57.

Note: No change.

§ 2.1-64. Supervision and direction of Governor; Director of Division; Advisory Board; State's program of industrial development; ac-

ceptance and authorization of grants and other assistance; interstate compacts; expenditure of funds.—The Division of Industrial Development and Planning, hereinafter referred to as Division, shall be under the supervision and direction of the Governor. The Governor shall appoint an executive assistant as Director of the Division who shall hold his position at the pleasure of the Governor, and who shall be paid such compensation as the Governor may fix. The Governor shall also appoint an Advisory Board consisting of eleven members. The executive assistant serving as Director shall be an ex officio member of the Board. The members of the Advisory Board shall be appointed initially as follows: Three members for terms of two years, four members for terms of three years and four members for terms of four years, and thereafter all members shall be appointed for terms of four years. The appointments to membership on the Advisory Board shall be subject to confirmation by the General Assembly, if in session, and, if not, then at the succeeding session. Vacancies on the Advisory Board shall be filled for the unexpired term, subject to confirmation as original appointees.

The members of the Advisory Board shall receive no salaries but shall be paid their necessary travelling and other expenses incurred in attendance upon meetings, or while otherwise engaged in the discharge of their duties.

The Division, under the supervision and direction of the Governor, is charged with the responsibilities for carrying out all phases of the State's program in the field of industrial development including specifically the duty to (a) see that there is prepared and carried out an effective industrial advertising and promotional program and respond to inquiries resulting from the advertising program for new industries and received from other sources; (b) make available, in conjunction and co-operation with localities, chambers of commerce, and other private or public groups, to prospective new industries basic information regarding industrial sites, natural resources and labor supply, and other pertinent factors of interest and concern to such industries; (c) encourage and foster the development of the planning process at the local, regional, and State levels; (d) administer and perform a program of comprehensive planning, research and other activities related thereto, for the State, its metropolitan or other urban areas, regions, and local jurisdictions, including the disbursement of regional planning funds; (e) provide planning assistance, upon request, to any county or municipality, or any group of adjacent communities, incorporated or unincorporated, having common or related planning or development problems, or any metropolitan or regional planning agency; (f) maintain an account of the planning work already accomplished in Virginia including the status of local, regional, and State planning activity and upon request of the Governor, prepare recommendations regarding plans and projects; (g) formulate, promulgate and advance programs throughout the State for the purpose of encouraging the location of new industries in the State and the expansion of existing industries; in general, to encourage, stimulate and support the industrial development and the expansion of the economy of the Commonwealth.

The Division is authorized to apply for and accept and utilize grants and other assistance from any governmental agency or department, and from any public or private foundation, fund or trust, to contract with such governmental agency or department and any other public or private sources, to receive advances or progress payments, to enter into interstate compacts with respect to comprehensive planning for an area extending into an adjoining state or states where such compacts have been authorized by law by such state or states but no such compact shall be

effective in this State and no obligation shall arise thereunder until such compact is ratified by the General Assembly of Virginia, to contract with other planning agencies, public agencies and political subdivisions, and to exercise all other powers necessary to carry out the purposes of this section; provided, however, that no compact which relates to the powers and duties of the State Water Control Board and the functions of the Water Control Board over the State water reserved by chapter 2 (Sec. 62-10 et seq.) of Title 62 shall supersede or affect such chapter and the powers, duties and functions of such Board without its prior approval in writing being first obtained, and then only to the extent stated in such approval.

The Governor shall have control of the expenditure of any funds appropriated for the industrial advertising and promotional program administered under the provisions of this section.

**Source:** § 2-57.01.

**Note:** No change.

§ 2.1-65. Appointment and term of office; filling vacancies.—The Governor, subject to confirmation by the General Assembly, shall appoint a Secretary of the Commonwealth for a term commencing on the Monday after the third Wednesday in January after his inauguration. The appointment shall be for a term of four years. Vacancies shall be filled by appointment by the Governor for the unexpired term and shall be effective until thirty days after the next meeting of the ensuing General Assembly and, if confirmed, thereafter for the remainder of the term.

**Source:** § 2-57.1.

**Note:** No change.

§ 2.1-66. Division of records; ex officio Secretary to Governor.—The Secretary of the Commonwealth, who shall be ex officio Secretary to the Governor, shall be in direct charge of the division of records.

**Source:** § 2-58.

**Note:** No change.

§ 2.1-67. Oath of Secretary.—The Secretary of the Commonwealth, before he acts as such, shall, in addition to the other oaths prescribed by law, take an oath to keep secret such matters as he may be required by the Governor to conceal.

**Source:** § 2-59.

**Note:** No change.

§ 2.1-68. Keeper of seals of Commonwealth; general duties.—He shall be keeper of the seals of the Commonwealth; keep a record of all executive acts, arrange and preserve all records and papers belonging to the executive department; be charged with the clerical duties of that department, and render to the Governor, in the dispatch of executive business, such services as he requires. He shall record or register all papers or documents required by law to be registered or recorded in his office, and when required furnish a copy of any record in his office under the seal of the Commonwealth.

He is authorized to authenticate records of any court of the State and of any department of the government. He shall keep a register of

all city, incorporated town, county, and district officers, and when required give a certificate of the election and qualification of any such officer.

He shall make an annual report to the Governor, embracing (a) the Boards of Visitors of all public institutions, and other boards appointed by the Governor; (b) all commissions issued under appointments made by the Governor, except commissions to notaries public; (c) and such matters as the Governor requires. The reports shall be transmitted by the Governor to the General Assembly, printed as other such annual reports are printed, bound in a separate volume, and disposed of according to law.

**Source:** § 2-60.

**Note:** No change.

§ 2.1-69. Certifying records for use in other states.—Whenever any record of any court in this State or of any department of the Government is to be used in another state in the United States the Secretary of the Commonwealth is authorized and directed to authenticate the same in the manner and give the certificates required by the laws of the state when such record is to be used, as far as practicable.

**Source:** § 2-61.

**Note:** No change.

§ 2.1-70. Report of taxes received; commissions.—The Secretary of the Commonwealth shall make out a monthly account, verified by oath, of all taxes received by him during the preceding month, render the same to the Comptroller and pay the amount shown to be due thereby. If the Secretary of the Commonwealth shall fail to render such account and pay such taxes, as herein prescribed, he shall forfeit one hundred and fifty dollars, and for every month such failure may continue after that time there shall be an addition to such forfeiture of one-twelfth of the amount thereof.

**Source:** § 2-62.

**Note:** No change.

§ 2.1-71. Certain public bodies and political subdivisions to file information with Secretary; publication; public money withheld until report filed.—Each county, city, and town, and each authority, commission, district or other political subdivision of the State to which any money is appropriated by the State or any county, city or town or which levies any taxes or collects any fees or charges for the performance of public services under authority of any statute or expends public moneys derived from any revenue producing activity or derived from the State shall annually on or before June thirtieth file with the Secretary of the Commonwealth, on forms prescribed by him, a statement of its official title, its location, the names of the members of its governing board or body and executive officer, if any, and the statutory authority under which it was created. The Secretary of the Commonwealth shall publish such information in his annual report to the Governor. No public moneys shall be paid to or received by any such authority, commission, district or other political subdivision unless such information has been filed.

**Source:** § 2-62.1.

**Note:** No change.

§ 2.1-72. Appointment of clerks.—The Secretary of the Commonwealth shall appoint in his office the clerks allowed by law.

Source: § 2-63.

Note: No change.

§ 2.1-73. When absent, chief clerk to act.—During the necessary absence of the Secretary of the Commonwealth from his office his duties shall be performed by his chief clerk, but when such absence is for more than five days at a time, notice thereof shall be given to the Governor.

Source: § 2-64.

Note: No change.

§ 2.1-74. Registration of names, buttons, badges, etc., of fraternal benefit societies.—Any association, lodge, order, fraternal society, beneficial association, or fraternal and beneficial society or association, historical, military, or veterans' organization, labor union, foundation, federation, or any other society, organization or association, degree, branch, subordinate lodge, or auxiliary thereof, whether incorporated or unincorporated, the principles and activities of which are not repugnant to the Constitution and laws of the United States or this State, may register, in the office of the Secretary of the Commonwealth, a facsimile, duplicate, or description of its name, badge, motto, button, decoration, charm, emblem, rosette or other insignia, and may, by reregistration alter or cancel the name.

Source: § 2-64.1.

Note: No change.

§ 2.1-75. Application for registration.—Application for such registration, alteration, or cancellation, shall be made by the chief officer or officers of such association, lodge, order, fraternal society, beneficial association, or fraternal and beneficial society or association, historical, military, or veterans' organization, labor union, foundation, federation, or other society, organization, or association, degree, branch, subordinate lodge, or auxiliary thereof, upon blanks to be provided by the Secretary of the Commonwealth.

Source: § 2-64.2.

Note: No change.

§ 2.1-76. Registration for benefit of associated branches, etc.—Such registration shall be for the use, benefit, and on behalf of all associations, degrees, branches, subordinate lodges, and auxiliaries of such associations, lodge, order, fraternal society, beneficial association, or fraternal and beneficial society or association, historical, military, or veterans' organization, labor union, foundation, federation, or other society, organization, or association, degree, branch, subordinate lodge, or auxiliary thereof, and the individual members and those hereafter to become members thereof, throughout this State.

Source: § 2-64.3.

Note: No change.

§ 2.1-77. Record of registration.—The Secretary of the Commonwealth shall keep a properly indexed record of the registration provided



for by § 2.1-74, which record shall also show any altered or cancelled registration.

**Source:** § 2-64.4.

**Note:** Internal section reference is conformed.

§ 2.1-78. Names, badges, buttons, etc., must not be imitative.—No registration shall be granted or alteration permitted to any association, lodge, order, fraternal society, beneficial association, or fraternal and beneficial society or association, historical, military, or veterans' organization, labor union, foundation, federation, or other society, organization, or association, degree, branch, subordinate lodge, or auxiliary thereof, having a name, badge, motto, button, decoration, charm, emblem, rosette, or other insignia, similar to, imitating, or so nearly resembling as to be calculated to deceive, any other name, badge, button, decoration, charm, emblem, rosette, or other insignia whatsoever, already registered pursuant to the provisions of § 2.1-74.

**Source:** § 2-64.5.

**Note:** Internal section reference is conformed.

§ 2.1-79. Certificate of registration.—Upon granting registration as aforesaid, the Secretary of the Commonwealth shall issue his certificate to the petitioners, setting forth the fact of such registration.

**Source:** § 2-64.6.

**Note:** No change.

§ 2.1-80. Penalty for illegal use.—Any person who shall willfully wear, exhibit, display, print, or use, for any purpose, the badge, motto, button, decoration, charm, emblem, rosette, or other insignia of any such association or organization mentioned in § 2.1-74, duly registered under this article, unless he or she shall be entitled to use and wear the same under the constitution and by-laws, rules and regulations of such association or organization, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not exceeding one hundred dollars, and, in default of payment, committed to jail for a period of not to exceed sixty days.

**Source:** § 2-64.7.

**Note:** Internal section reference is conformed.

§ 2.1-81. Fees.—The fees of the Secretary of the Commonwealth for registration, alteration, cancellation, searches made by him, and certificates issued by him, pursuant to this article, shall be the same as provided by law for similar services.

**Source:** § 2-64.8.

**Note:** The last sentence of § 2-64.8 is deleted as redundant. See § 14.1-14.

§ 2.1-82. Division of Grounds and Buildings abolished; duties and powers transferred.—The Division of Grounds and Buildings is hereby abolished and the tenure of office of the Director thereof is hereby terminated. All the powers and duties heretofore vested in and performed by the former Director of the Division of Grounds and Buildings are

transferred to and shall hereafter be vested in and exercised by the Director of the Division of the Budget.

**Source:** § 2-65.

**Note:** No change.

§ 2.1-83. General powers and duties of Director.—The Director of the Division of the Budget, hereinafter referred to as Director, shall have under his care the Capitol, the public grounds and all other property at the seat of Government not placed in the charge of others, and shall protect the same from depredations and injury. He shall perform such other duties as may be prescribed by law or as may be required by him by the Governor. The Director may employ such assistants and other personnel as may be required to perform his duties hereunder.

**Source:** § 2-66.

**Note:** The words “the State Finance Building, the State Office Building” which followed the word “Capitol” are deleted as surplusage.

§ 2.1-84. Director may lease certain State property, rentals paid into general fund of State treasury.—The Director of the Budget, with the written approval of the Governor first obtained, may lease property owned by the Commonwealth which has been or is hereafter acquired for the development of the State site plan for permanent State office buildings and related structures and facilities lying near the Capitol Square. All such leases shall be prepared by the Attorney General; they may run for such time as the Governor may prescribe and shall be for such rental as appears proper. All rentals received therefrom shall be paid into the general fund of the State treasury.

**Source:** § 2-66.2.

**Note:** No change.

§ 2.1-85. Furniture for State buildings; repairs to buildings and furniture.—The Director shall purchase, under the orders of the Governor, all such furniture as may be required in the Capitol, State Finance Building or the State Office Building, and have all such repairs made of either building or furniture thereof, as may be directed by the Governor, the cost of such repairs and furniture to be paid on the order of the Governor. The Director may sell the old furniture which may be no longer wanted, and pay the proceeds into the State treasury.

**Source:** § 2-67.

**Note:** No change.

§ 2.1-86. Inventory of property in Governor’s house.—When the term of office of any Governor shall expire, or he shall die or resign, the Director shall take an inventory of all the public property and furniture in the Governor’s house and out houses, and deliver such inventory to the Comptroller; to be preserved in his office; and he shall, unless the house be occupied by the Lieutenant Governor, have charge of the house, furniture, and other public property, until a Governor shall be elected and take possession thereof.

**Source:** § 2-68.

**Note:** No change.

§ 2.1-87. Furniture for Governor's house.—The Director shall purchase for the Governor's house such furniture as may be required by the Governor, and sell such old furniture as the Governor may direct, taking care not to exceed in his expenditures such sums as may be appropriated therefor, in addition to the proceeds of old furniture sold. An account both of the sales and purchases shall be returned to the Comptroller before any warrant shall issue for any part of the sum appropriated, and then the warrant shall only be for so much as by the account shall appear to be proper.

**Source:** § 2-69.

**Note:** No change.

§ 2.1-88. Water for Capitol and other State buildings.—The Director shall contract with the city of Richmond for a supply of water for the use of the Capitol, the State Finance Building and the State Office Building; and after any such contract is approved by the Governor, the Comptroller shall issue his warrant upon the State treasury for what may appear to be payable, in favor of the person authorized to receive the same.

**Source:** § 2-70.

**Note:** No change.

§ 2.1-89. Rooms to be kept in order.—The Director shall have all the rooms in the Capitol (other than the rooms excepted in § 2.1-91), and the furniture thereof, and also the open parts of the Capitol, the public grounds and all other property at the seat of Government not placed in the charge of others, kept in proper order and cleanliness at all times.

**Source:** § 2-71.

**Note:** Internal section reference conformed. The words "the public grounds and all other property at the seat of Government not placed in the charge of others" has been substituted for the words "the State Finance Building and the State Office Building."

§ 2.1-90. Light and heat plant.—The Director shall superintend the general lighting and heating systems installed in the light and heat plant, and shall have control and supervision over all the employees thereof, and shall contract for fuel therefor to be paid out of the contingent fund of his office.

**Source:** § 2-72.

**Note:** No change.

§ 2.1-91. Control of Capitol Square.—The Director, under the direction and control of the Governor, shall have control of the Capitol Square, the expense of keeping the same in order to be paid by him out of the fund appropriated for that purpose, shall keep the keys of the Capitol and, subject to the right of the several departments, divisions and agencies to use in the performance of their duties such rooms as are or may hereafter be assigned to them, shall take charge of all the rooms in the Capitol, the public grounds and all other property at the seat of Government not placed in the charge of others. But he shall not take charge of the executive chambers, the office of the Secretary of the Commonwealth or of the Department of Accounts, the old and new Senate chambers, the

old and new halls of the House of Delegates, the offices of the Clerks of the Senate and House of Delegates, the committee rooms, the enrolling office, the general library and the offices and court room of the Supreme Court of Appeals. He is to do such work and make such repairs, without expense to his division other than the reasonable use of his regular employees, for the respective bodies of the General Assembly as may be requested by the Clerks thereof, and in and about the several other rooms enumerated above as shall be requested by the officers in charge thereof.

**Source:** § 2-73.

**Note:** "Department of Accounts" is substituted for "Department of Accounts and Purchases." The words "the public grounds and all other property at the seat of Government not placed in the charge of others" has been substituted for the words "the State Finance Building and the State Office Building."

§ 2.1-92. Quarters for veterans' organizations.—The Director shall, when he deems it practicable, provide in the State Office Building, or other office space owned or under lease by the State, quarters for all organizations composed entirely of war veterans, upon the application of the department commander thereof.

Such quarters shall consist of two contiguous rooms which shall be for the exclusive use of the State or department headquarters of such organizations.

Until such time as space is furnished as hereinbefore provided, the Governor may permit the use of such room or rooms in the State Capitol as have not been specifically otherwise assigned.

**Source:** § 2-74.

**Note:** No change.

§ 2.1-93. Powers, duties and functions of Capitol Police.—The Capitol Police may exercise within the limits of the Capitol Square and, when assigned by the Governor, on any other property owned or controlled by the State or any agency, department, institution or commission thereof, all the powers, duties and functions which are exercised by the police of the city or the police or sheriff of the county within which said property is located.

**Source:** § 2-75.

**Note:** No change.

§ 2.1-94. Parking of vehicles in Capitol Square; parking facilities for State officers and employees.—(1) Except as hereinafter provided all parking in the Capitol Square of motor vehicles and animal drawn vehicles is hereby prohibited; provided, that during the recess of the General Assembly the Director may, in his discretion, cause to be marked off certain portions of the driveways in the Capitol Square and permit such vehicles to be parked therein under such rules and regulations as he may prescribe. The Director shall, at all times, reserve parking areas on the west of the Capitol for parking by members of the General Assembly.

(1a) During sessions of the General Assembly parking in the Capitol Square shall be subject to rules and regulations promulgated jointly by the Speaker of the House of Delegates and the President of the Senate and such rules and regulations shall be enforced by the Capitol Police.

(2) The Director is authorized, by and with the approval of the Governor, to utilize any vacant property owned by the State and located near the Capitol Square for the purpose of providing parking facilities for officers and employees of the State, and to allocate spaces therein and operate the same under such rules and regulations as he may prescribe. In the event any attendant is employed to supervise such parking of vehicles in any such lot utilized for parking purposes, the salary of such attendant shall be paid by the State officers and employees using such lot for parking purposes under such rules and regulations as the Director may prescribe.

(3) Any person parking any vehicle contrary to the rules and regulations referred to in paragraph (1a) or contrary to the other provisions of this section, or contrary to any parking sign or "no parking" sign erected by the Director pursuant to rules and regulations promulgated by him, shall be subject to a fine of not less than one dollar nor more than twenty-five dollars for each offense.

**Source:** § 2-75.1.

**Note:** No change.

§ 2.1-95. Trespassing upon grass in Capitol Square.—It shall be unlawful for any person without the permission of the Director to trespass upon any of the grass in the Capitol Square. Any person violating this section shall be subject to a fine of five dollars.

**Source:** § 2-75.2.

**Note:** No change.

§ 2.1-96. Dogs not permitted at large in Capitol Square.—It shall be unlawful for any person to bring any dog, or to allow any dog over which for the time being he has control, to follow or come with him into the Capitol Square unless such dog is held in control by leash or otherwise. Any person violating this section shall be deemed guilty of a misdemeanor and shall be fined not less than one dollar nor more than ten dollars. Moreover, any dog found on the Capitol Square without its owner may be driven from the limits of the Square, and, if necessary, clubbed or killed.

**Source:** § 2-76.

**Note:** No change.

§ 2.1-97. Jurisdiction over offenses committed in Capitol Square.—The police justice of the city of Richmond shall have jurisdiction to try cases of misdemeanor arising under the preceding section, and all other offenses committed in the Capitol Square of which he would have jurisdiction if committed within the corporate limits and jurisdiction of the city; and the Capitol Police, or any member thereof, shall have the same authority to arrest and to swear out warrants for offenses committed on the Capitol Square as policemen of the city of Richmond have to arrest or to swear out warrants for offenses committed within the jurisdiction of the city.

**Source:** § 2-77.

**Note:** No change.

§ 2.1-98. Public Buildings Commission.—There is hereby created a commission to be known as the Virginia Public Buildings Commission, hereinafter in this article referred to as the Commission. The Commis-

sion shall consist of nine members, three of whom shall be appointed by the Speaker of the House of Delegates from the membership of the House of Delegates, two of whom shall be appointed by the President of the Senate from the membership of the Senate; such members shall be appointed for a term to expire on the date of the convening of the first regular session of the General Assembly following their appointment; and the Governor shall appoint two members of the Commission from the public at large. The terms of office of such members shall expire June thirty, nineteen hundred fifty-two, and subsequent appointments shall be made for terms expiring every four years thereafter. The Director of the Division of the Budget, hereinafter in this article referred to as the Director, and the Director of Conservation and Economic Development shall be members ex officio of the Commission.

**Source:** § 2-77.1.

**Note:** "Economic" is added in last sentence.

§ 2.1-99. Powers and duties of Director.—The Director shall, subject to the written approval of the Governor:

(a) Have prepared and, when necessary to meet changing conditions, amend a long-range site plan for the location of all State buildings, and improvements related thereto, in or adjacent to the city of Richmond.

(b) Acquire with such funds as may be appropriated for that purpose the necessary land for effectuation of the plan.

(c) Direct and control the execution of all authorized projects for the construction of State buildings and related improvements in or adjacent to the city of Richmond.

**Source:** § 2-77.2.

**Note:** No change.

§ 2.1-100. Exemptions from preceding section.—The Governor is authorized to exempt from the provisions of subsections (b) and (c) of § 2.1-99 those buildings and improvements which, in his opinion, should be planned and constructed under the direction of other State agencies and institutions.

**Source:** § 2-77.3.

**Note:** Internal section reference has been conformed.

§ 2.1-101. Commission to assist and advise Governor and Director.—The Commission shall assist and advise the Governor and the Director in the preparation and maintenance of the long-range site plan, and in the review of specifications and plans incident to the construction of buildings and improvements under this article.

**Source:** § 2-77.4.

**Note:** No change.

§ 2.1-102. Buildings and property to conform to site plan.—No building for State use shall be erected or acquired nor other property acquired for State use, in or adjacent to the city of Richmond, unless it shall first have been approved by the Governor as conforming to the site plan as approved by him.

**Source:** § 2-77.5.

**Note:** No change.

§ 2.1-103. Information and assistance from other state agencies and institutions.—To execute the duties imposed upon him by this article, the Director may obtain information and assistance from other state agencies and institutions.

**Source:** § 2-77.6.

**Note:** No change.

§ 2.1-104. Transfer of funds; acceptance of donations.—The Governor may transfer to the Division of the Budget funds appropriated to any State department, agency or institution for the construction, alteration, reconstruction and repair of any building to be erected or acquired for the use of such department, institution or agency, or for the acquisition of land therefor, or for planning, architectural, engineering or other studies in connection therewith, and may accept any funds donated for such purposes.

**Source:** § 2-77.7.

**Note:** No change.

§ 2.1-105. Expenses of members of Commission.—The members of the Commission shall receive their actual expenses incurred in the performance of the duties imposed by this article to be paid from the funds transferred to the Division of the Budget under § 2.1-104, or from any funds which may be appropriated or made available to the Division for such purposes.

**Source:** § 2-77.8.

**Note:** Internal section reference is conformed.

§ 2.1-106. Authority of existing special commissions not affected.—The provisions of this article shall not be construed to abolish or limit the authority of any special commission, now in existence, specifically charged by law with the acquisition or construction of any building for the use or occupancy of any State department or agency.

**Source:** § 2-77.9.

**Note:** No change.

§ 2.1-107. Bureau of Property Records and Insurance; Administrator; insurance on State-owned buildings.—(a) The Bureau of Property Records and Insurance, heretofore created and now existing within the Division of the Budget, is continued, and is hereby established as a separate agency of the State government. The Bureau shall establish and maintain a permanent file showing the date and cost of construction of State-owned buildings and contents (hereinafter inclusively referred to as buildings or properties) and the actual cash value thereof and the amount of fire and extended coverage, including vandalism and malicious mischief insurance coverage thereon.

(b) The State Insurance Board shall appoint a person, hereafter called the Administrator, who is familiar with property insurance and engineering to be Administrator of the Bureau. Nevertheless, any person in charge of the Bureau heretofore appointed and in office on June twenty-sixth, nineteen hundred and sixty-four, shall be deemed to have been appointed Administrator hereunder. It shall be the duty of the Administrator to supervise and keep the information and records required by this

section; to inspect the properties and confer with the proper officials or employees of the several agencies of the State and determine for them the insurance coverages which shall be carried on or with respect to properties under their control; and to determine the manner whereby savings in the cost of such insurance may be made. He shall seek the assistance of insurance companies, and their representatives, the Fire Marshal of the State and the State Insurance Board in devising means by which hazards may be reduced or eliminated to the end that the lowest possible insurance costs may obtain with respect to State-owned buildings and their contents.

(b1) The State Insurance Board shall have the authority to change or discontinue fire and extended coverage, including vandalism and malicious mischief insurance coverage carried pursuant to bond indentures and other contractual requirements, provided such change or discontinuance meets with the written approval of the trustee or trustees of the bond indenture and those signatory to the contracts.

The Board shall not have the authority to place or to recommend that insurance, which is or may be carried by the several agencies of the State on the properties under their control, be placed with any particular insurance agency or agencies, unless so authorized by the proper officials of the agency affected. The Board shall have final responsibility with respect to coverage, noncoverage, provisions of policies, quantity, and type of fire and extended coverage, including vandalism and malicious mischief insurance coverage; such responsibility shall be consonant with sound insuring practices.

Whenever the Board determines it is practicable and economical to do so, insurance to be carried on State-owned properties shall be placed with insurance agents whose principal offices are located within reasonable proximity to the properties to be insured.

(c) All agencies of the State shall keep the Bureau informed as to the status of all properties under their control in order that the Bureau maintain the records as specified in paragraph (a) of this section. On properties that are insured, the Bureau shall also be informed as to the type and amounts of insurance, the term, premium, the dates when such insurance will expire and such other information as may be required by the Bureau. The Bureau shall notify each agency, at least sixty days in advance of the date of expiration of insurance and any modifications required thereon. Not less than five days before such expiration date each agency shall notify the Bureau as to compliance with the Bureau's instructions along with the insurance information required in this paragraph.

For the purpose of determining the amount each agency, department, division or institution of the State government having jurisdiction and control over State properties shall pay into the Insurance Reserve Trust Fund, the Bureau shall determine the savings in insurance each year by said agencies, departments, divisions or institutions on the following basis: As to structures existing on January one, nineteen hundred sixty-one, the insurance savings will be the savings in insurance made over insurance costs prior to that date on such structures, exclusive of any extra insurance coverages added subsequent to that date. As to structures coming into existence after January one, nineteen hundred sixty-one, the savings will be the difference between the cost of the actual coverage carried by the State on such structures and the cost of insuring said structures at one hundred per centum of actual value. When dates of expiration occur in June in the second year of a biennium, the Bureau



may compute the amount of the insurance savings on the basis of information then on record. Whenever the payments provided for herein cause the Insurance Reserve Trust Fund to exceed the amount specified in § 2.1-109, the excess of such payments shall be returned to said agencies, departments, divisions and institutions in pro rata amounts.

Source: § 2-77.10.

Note: Internal section reference is conformed.

§ 2.1-108. State Insurance Board.—The Insurance Advisory Board, heretofore created, is continued and is hereby designated as the State Insurance Board. The Board shall consist of six members who shall be qualified by their experience in the fields of insurance, self-insurance, business, law or engineering. Five of the members shall be appointed by the Governor. The sixth member shall be the Administrator of the Bureau of Property Records and Insurance who shall act as secretary of the Board.

The first appointed members shall be appointed as follows: One for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. Succeeding appointments shall be for terms of five years each but other vacancies shall be filled by appointment for the unexpired term.

The Board shall annually select a chairman from its membership. The Administrator shall not be eligible to serve as chairman of the Board, or to vote concerning his own appointment. The Board shall meet at least once every six months; other meetings may be held upon call of the chairman or the Administrator of the Bureau of Property Records and Insurance or any four members of the Board. Four members of the Board shall constitute a quorum. The members of the Board except the Administrator shall receive a per diem of ten dollars for each day or portion thereof on which they are engaged upon business of the Board. All members shall receive their necessary expenses incurred in attendance upon meetings or otherwise incurred in the performance of their duties.

The Board shall study and investigate all phases of fire and extended coverage, including vandalism and malicious mischief insurance, the advisability of blanket coverage, noncoverage, deductible program, the rate credit entitlement of the State due to diversity of risk and any other aspects of property insurance which might lead to a more favorable insurance coverage of State property. The Board shall instruct the Bureau as to policies, the application of which would be in the best interest of the State.

No member of the Board shall participate, directly or indirectly, in the consideration of the insurance to be effected upon any property when such property is insured by or through an insurance agency in which such member has any interest of whatsoever nature.

Source: § 2-77.11.

Note: No change.

§ 2.1-109. State Insurance Reserve Trust Fund.—(a) Each agency, department, division, or institution of the State government having control over any State structure and contents thereof shall pay each year into the Fund hereinafter created, an amount equivalent to its savings in insurance as determined by the Bureau of Property Records and Insurance under the formula set out in § 2.1-107, and such amount shall

be paid in such installments as the Administrator of the Bureau may require. Whenever any building or structure is under the control of two or more agencies, departments, divisions or institutions of the State, the payment required herein shall be prorated upon the basis of percentage of the area controlled.

(b) There is hereby established and created in the State treasury the State Insurance Reserve Trust Fund. Such Fund shall consist of the payments required in paragraph (a) of this section. Such Fund shall be under the management and control of the State Insurance Board, and any claims for losses payable out of such Fund shall be at the direction of the Board. Such Fund shall be invested in the manner provided for in § 2.1-185 of the Code of Virginia and interest earned shall be added to the Fund as earned; provided, however, such fund shall not exceed the total sum of one million dollars exclusive of interest.

(c) In the event of loss of damage to property on which there is no insurance recovery or limited insurance recovery as a consequence of any action by the Bureau of Property Records and Insurance, resulting in noncoverage, reduced insurance, elimination of insured perils or otherwise, the Administrator shall determine the amount, if any, payable out of the Fund, and such amount, when approved by the Governor, shall be final. The amount payable shall be used for the purpose of restoring the damaged structure, or rebuilding the same, as the circumstances may require, but in no event shall the amount payable on account of such loss exceed the actual cash value of the property, nor shall the amount payable when added to the insurance recovered exceed the actual cash value of the property, as recorded in the Bureau of Property Records and Insurance.

(d) In addition to the amounts payable under (c) above, the costs of operating the Bureau which are properly allocated to its functions concerning the State Insurance Reserve Trust Fund and the costs of operating the State Insurance Board shall be paid out of the State Insurance Reserve Trust Fund, for which purposes said Fund is hereby appropriated.

Source: § 2-77.12.

Note: Internal section references are conformed.

§ 2.1-110. Short title.—This chapter shall be known and may be cited as the “Virginia Personnel Act.”

Source: § 2-78.

Note: No change.

§ 2.1-111. Appointments, promotions, and tenure based upon merit and fitness.—In accordance with the provisions of this chapter all appointments and promotions to and tenure in positions in the service of the Commonwealth shall be based upon merit and fitness, to be ascertained, as far as possible, by the competitive rating of qualifications by the respective appointing authorities.

Persons holding positions in the service of the Commonwealth on July first, nineteen hundred and fifty-two, shall be deemed to be holding their positions as though they had received appointment under the terms of this chapter.

Persons who, on such date, had left the service of the Commonwealth for service in any of the armed forces of the United States shall be deemed to have held the positions which they had thus left as though

they had received appointment under the terms of this chapter, and all such persons, as well as persons who thereafter leave the service of the Commonwealth for service in such armed forces, shall be entitled to be restored to such positions upon the termination of their service with the armed forces, provided such persons, except for good cause shown, have filed an application for restoration to such positions within ninety calendar days following such termination of military service, accompanied by a certificate attesting that the military duty was satisfactorily performed. Such persons shall thereafter hold such positions as though they had received appointment under the terms of this chapter, except as to any such position which, in the meantime, may have been abolished; and any such former employee returning to, or applying for, employment in the State service, as provided by this section, shall be considered as having at least as favorable a status with reference to this chapter as he would have occupied if his service had been continuous.

Provided, however, that with respect to State employees who enter an active military duty in the armed forces of the United States after June thirtieth, nineteen hundred and fifty-six, such rights shall extend only to such employees who (a) have appointments other than temporary in State service prior to entering on active military duty, and (b) serve not more than four years on active military duty or such longer periods as shall be fixed by the Governor, and (c) have a certificate attesting that the military duty was satisfactorily completed, and (d) apply for reinstatement in State service not later than ninety calendar days following separation from active military duty unless a longer period be approved by the Governor.

No establishment of a position or rate of pay, and no change in rate of pay shall become effective except on order of the appointing authority and approval by the Governor; provided, however, that this paragraph shall not apply to any position the compensation of which is at a rate of twelve hundred dollars per annum or less.

**Source:** § 2-79.

**Note:** No change.

§ 2.1-112. Increase given veterans in ratings on examinations.—In the event a person who has served in the armed forces of the United States in World War I or subsequent to December sixth, nineteen hundred forty-one having a discharge not dishonorable is an applicant for a position in the State service which is filled after an examination given by the Merit System Council under the merit system plan applicable to personnel employed by the Unemployment Compensation Commission, the State and local Boards of Public Welfare, the State Board of Health, and the Virginia Commission for the Blind, or any other State agency whose employees are so examined, the grade or rating of the applicant on such examination shall be increased by five per centum; and if such applicant shall have a service connected disability rating fixed by the United States Veterans Administration, his grade or rating shall be increased by ten per centum. Such additions shall only be made if any such applicant passes such examination.

**Source:** § 2-80.

**Note:** No change.

§ 2.1-113. Chief Personnel Officer; Director of Personnel; assistants and employees.—The Governor shall be the Chief Personnel Officer of

the Commonwealth. He shall direct the execution of this chapter and he may appoint a deputy personnel officer, who shall be known as Director of Personnel. He may employ such other competent personnel assistants and employees as he may require to carry out its provisions. If he so desires, he may appoint to serve at his pleasure an advisory committee on personnel administration, composed of members of the General Assembly and such other persons as he may designate. At his discretion he may assign to officers and employees of the Commonwealth such duties as he sees fit in connection with the administration of this chapter; such officers and employees shall receive no extra compensation for such duties but shall be reimbursed for necessary travel and other expenses.

**Source:** § 2-81.

**Note:** No change.

§ 2.1-114. Duties of Governor as Chief Personnel Officer.—The Governor shall establish and maintain:

(1) A roster of all employees in the service of the Commonwealth, in which there shall be set forth as to each employee, the employing agency, the class title, pay and status, and such other data as may be deemed desirable to produce significant facts pertaining to personnel administration.

(2) A classification plan for the service of the Commonwealth, and he shall from time to time, make such amendments thereto as may be necessary. The classification plan shall provide for the grouping of all positions in classes based upon the respective duties, authority, and responsibilities. The Governor shall allocate each position in the service of the Commonwealth to the appropriate class title therein, and make reallocations from time to time.

(3) A compensation plan for all employees, and he shall, from time to time, make necessary amendments thereto. The compensation plan shall be uniform, and for each class of positions there shall be set forth a minimum and a maximum rate of compensation and such intermediate rates as shall be considered necessary or equitable.

(4) A system of service ratings, for all employees in the service of the Commonwealth, based upon the quality of service rendered.

(5) An open register, or employment file, of the applications of all persons seeking employment in the service of the Commonwealth. Applications shall be rated on the basis of relative merit and classified in accordance with their suitability for the various classes of positions in the service of the Commonwealth, and a record thereof shall be maintained in the open register.

The Governor shall promulgate such rules, not in conflict with this chapter, as he may consider necessary to provide for the administration of the classification plan, the compensation plan and the system of service ratings, and to govern minimum hours of work, attendance regulations, leaves of absence for employees, and the order and manner in which layoffs shall be made.

The Governor shall, from time to time, investigate the operation and effect of this chapter and of the rules made pursuant thereto, and he shall make, to the General Assembly, a biennial report regarding the operation of the chapter, and such special reports as he may consider desirable.

**Source:** § 2-82.

**Note:** No change.

§ 2.1-115. Personnel standards; agency personnel officers.—The appointing authorities of State agencies shall establish and maintain within their agencies such methods of administration relating to the establishment and maintenance of personnel standards on a merit basis as are approved by the Governor for the proper and efficient enforcement of this chapter. But the Governor shall exercise no authority with respect to the selection or tenure of office of any individual employed in accordance with such methods, except when the Governor is the appointing authority.

The appointing authorities of State agencies shall be the personnel officers of their respective agencies. At their discretion they may assign to officers and employees of their agencies such personnel duties as they see fit.

Agency personnel officers shall establish and maintain rosters of the employees of their agencies, in which shall be set forth, as to each employee, the class, title, pay and status and such other data as they may deem desirable to produce significant facts pertaining to personnel administration.

Agency personnel officers shall establish and maintain in their agencies such promotion and employment lists, rated according to merit and fitness, as they deem desirable; but such agency personnel officers as desire to do so may make use of the employment list kept by the Governor in lieu of keeping employment lists for their agencies.

Agency personnel officers shall supply the Governor, at his request, with any information he deems necessary for the performance of his duties in connection with the administration of this chapter.

**Source:** 2-83.

**Note:** No change.

§ 2.1-116. Officers and employees exempt from chapter.—The provisions of this chapter shall not apply to:

(1) Officers and employees for whom the Constitution specifically directs the manner of selection;

(2) Officers and employees of the Supreme Court of Appeals;

(3) Officers appointed by the Governor, whether confirmation by the General Assembly or by either house thereof be required or not;

(4) Officers elected by popular vote or by the General Assembly or either house thereof;

(5) Members of boards and commissions however selected;

(6) Judges, referees, receivers, arbiters, masters and commissioners in chancery, commissioners of accounts, and any other persons appointed by any court to exercise judicial functions, and jurors and notaries public, as such;

(7) Officers and employees of the General Assembly and persons employed to conduct temporary or special inquiries, investigations, or examinations on its behalf;

(8) The presidents, and teaching and research staffs of State educational institutions;

(9) Commissioned officers and enlisted men of the national guard and the naval militia, as such;

(10) Student employees in institutions of learning, and patient or inmate help in other State institutions;

(11) Upon general or special authorization of the Governor, laborers, temporary employees and employees compensated on an hourly or daily basis; and,

(12) County, city, town and district officers, deputies, assistants and employees.

Source: § 2-84.

Note: No change.

§ 2.1-117. Attorney General chief executive officer; duties.—The Attorney General shall be the chief executive officer of the Department of Law, and as such shall perform such duties as may be provided by law.

Source: § 2-85.

Note: No change.

§ 2.1-118. Official opinions of Attorney General.—The Attorney General shall give his advice and render official opinions in writing only when requested in writing so to do by one of the following: The Governor; a member of the General Assembly; a judge of a court of record or a justice of the peace or trial justice; the State Corporation Commission; an attorney for the Commonwealth; a clerk of a court of record; a city or county sheriff or city sergeant; a city or county treasurer or similar officer; a commissioner of the revenue or similar officer; a chairman or secretary of an electoral board; the head of a State department, division, bureau, institution or board. Except in cases where such opinion is requested by the Governor or a member of the General Assembly the Attorney General shall have no authority to render an official opinion unless the question dealt with is directly related to the discharge of the duties of the official requesting same.

Source: § 2-86.

Note: After "court," the words "of record" are added. The words "a chairman or secretary of an electoral board" are new. In lines 7 and 8, the words "or similar officer" are new. The last sentence of § 2-86 is deleted.

§ 2.1-119. Advice and legal assistance to local school boards.—The Attorney General shall give such advice and render such legal assistance as he deems necessary, when requested so to do by resolution adopted by a county, city or town school board, upon matters relating to the commingling of the races in the public schools of the State.

Source: § 2-86.1.

Note: No change.

§ 2.1-120. Legal services to attorneys for the Commonwealth in certain proceedings.—The Attorney General shall at the request of an attorney for the Commonwealth, provide legal service to such attorney for the Commonwealth in any proceedings brought against him seeking to restrain the enforcement of any State law.

Any costs chargeable against the defendant in any such case shall be paid by the Commonwealth from the appropriation for the payment of criminal charges.

Source: § 2-86.2.

Note: No change.

§ 2.1-121. Legal service in civil matters.—All legal service in civil matters for the Commonwealth, the Governor, the State Corporation Commission and every State department, institution, division, commission, board, bureau or official, including the conduct of all civil litigation in which any of them are interested, shall be rendered and performed by the Attorney General, except as hereinafter provided in this chapter. No regular counsel shall be employed for or by the Governor, the State Corporation Commission or any State department, institution, division, commission, board, bureau or official. The Attorney General in his discretion may represent personally or through one of his assistants any member, agent or employee of the Alcoholic Beverage Control Board; agent, inspector or investigator appointed by the State Corporation Commission; person employed by the State Highway Commission; persons employed by the Commissioner of Motor Vehicles; any guard or other authorized person acting as custodian of any prisoner under the supervision of the Director of the Department of Welfare and Institutions; or police officer appointed by the Superintendent of State Police; who shall be made defendant in any civil action for damages arising out of any matter connected with his official duties. If in the opinion of the Attorney General, it is impracticable or uneconomical for such legal service to be rendered by him or one of his assistants, he may employ special counsel for this purpose, whose compensation shall be fixed by the Attorney General.

The compensation for such special counsel shall be paid out of the funds appropriated for the administration of the Board, Commission, Division or Department whose members, officers, inspectors, investigators, or other employees are defended pursuant to this section.

**Source:** § 2-87.

**Note:** No change.

§ 2.1-122. When special counsel may be employed in general.—No special counsel shall be employed for or by the Governor, the State Corporation Commission or any State department, institution, division, commission, board, bureau or officer, except in the following cases:

(a) In case of an emergency, proclaimed by the Governor, where because of the nature of the service to be performed, the Attorney General's office is unable to render same, the Governor may employ special counsel to render such service as the Governor may deem necessary and proper.

(b) In cases of legal services in civil matters to be performed for the Commonwealth, where it is impracticable or uneconomical for the Attorney General to render same, he may employ special counsel whose compensation shall be paid out of the appropriation for the Attorney General's office.

(c) In cases of legal services in civil matters to be performed for the State Corporation Commission or any State department, institution, division, board, bureau or officer, where it is impracticable or uneconomical for the Attorney General's office to render same, special counsel may be employed but only upon the written recommendation of the Attorney General, who shall approve all requisitions drawn upon the Comptroller for warrants as compensation for such special counsel before the Comptroller shall have authority to issue such warrants.

**Source:** § 2-88.

**Note:** No change.

§ 2.1-123. Commerce counsel.—The State Corporation Commission may employ one attorney, to be known as commerce counsel, who shall conduct such matters and litigation before the Interstate Commerce Commission as the State Corporation Commission may direct, and whose compensation shall be provided for in the appropriation for the Commission. The State Corporation Commission may also require the services of the commerce counsel in appropriate proceedings before the State Corporation Commission and public service commissions of other states. When authorized so to do by the Attorney General and the State Corporation Commission, he shall perform such other services as they may jointly direct.

Source: § 2-89.

Note: No change.

§ 2.1-124. Criminal cases.—Unless specifically requested by the Governor so to do, the Attorney General shall have no authority to institute or conduct criminal prosecutions in the circuit or corporation courts of the State except in cases involving violations of the Alcoholic Beverage Control Act and laws relating to motor vehicles and their operation, the handling of funds by a State bureau, institution, commission or department, and cases involving the practice of law without being duly authorized or licensed or the illegal practice of law, in which cases the Attorney General may leave the prosecution to the local attorney for the Commonwealth, or he may, in his discretion, institute proceedings by information, presentment or indictment, as the one or the other may be appropriate, and conduct the same. In all other criminal cases in the circuit and corporation courts, except where the law provides otherwise, the authority of the Attorney General to appear or participate in the proceedings shall not attach unless and until a writ of error has been granted by the Supreme Court of Appeals. In all criminal cases before the Supreme Court of Appeals in which the Commonwealth is a party or is directly interested, the Attorney General shall appear and represent the Commonwealth.

Source: § 2-90.

Note: No change.

§ 2.1-125. Attorney General may expend funds for special counsel to prosecute persons illegally practicing law.—Notwithstanding any other provision of law, the Attorney General is hereby authorized to expend funds appropriated to his office for the purpose of employing special counsel to investigate and prosecute any complaint that any person is engaged in the practice of law without being duly authorized or licensed so to do or is practicing law in violation of law. The compensation of such special counsel shall be paid out of the appropriation for the Attorney General's office. No such special counsel shall be employed and paid except upon the request of a duly constituted district committee of the Virginia State Bar.

Source: § 2-90.1.

Note: No change.

§ 2.1-126. Counsel for State in federal matters.—The Attorney General shall represent the interests of the Commonwealth, its departments, boards, institutions and commissions in matters before or controversies with the officers and several departments of the Government of the United States.

Source: § 2-91.

Note: No change.



§ 2.1-127. Compromise and settlement of disputes.—The Attorney General shall have the authority to compromise and settle disputes, claims and controversies involving the interests of the Commonwealth, and to discharge any such claims, but only after the proposed compromise, settlement or discharge, together with the reasons therefor, have been submitted in writing to the Governor and approved by him. Where any dispute, claim or controversy involves the interests of any State department, institution, division, commission, board or bureau, the Attorney General shall have authority to compromise and settle or discharge the same provided such action be approved both by the Governor, in the manner above provided, and by the head of the State department, institution, division, board or bureau which is interested.

**Source:** § 2-92.

**Note:** No change.

§ 2.1-128. Annual report.—The Attorney General shall annually, on or before the first day of December, deliver to the Governor a report of the State and condition of all causes in which he has appeared for the Commonwealth in the courts or before the State Corporation Commission during the preceding fiscal year, as well as other important matters in which he has represented the State during the year. He shall also include in his report such official opinions rendered by him as he believes to be of general interest or helpful in promoting uniformity in the construction of the laws of the State.

**Source:** § 2-93.

**Note:** No change.

§ 2.1-129. Division of War Veterans' Claims—The Attorney General is hereby authorized, with the approval of the Governor, to establish, equip and operate such offices for a Division of War Veterans' Claims as may be necessary and desirable to render adequate assistance to veterans of the armed forces of the United States, their widows, orphans and dependents, domiciled in Virginia, in matters of rehabilitation and in the preparation, presentation and prosecution of all lawful claims by, or on behalf of, such veterans, their widows, orphans and dependents, to obtain the benefit of their rights and privileges under various federal, State and local laws enacted for their benefit; and for these purposes the Attorney General is authorized to employ such personnel as may, in his judgment, be necessary for the proper operation of such offices and for the proper discharge of the duties and functions of such Division; the compensation of such personnel to be determined by the Attorney General with the written approval of the Governor.

Such offices shall be so located as to render the service of the Division conveniently available to such veterans, their widows, orphans and dependents. Appropriate areas shall be assigned from time to time for each office. The various localities in each such area shall be visited by a representative attached to such office, at such intervals as may be necessary and desirable to provide adequate service for the veterans, their widows, orphans and dependents domiciled therein.

**Source:** § 2-93.1.

**Note:** No change.

§ 2.1-130. Assistant Attorneys General.—The Attorney General may appoint such assistant Attorneys General as may be necessary and

may fix their salaries within the limitation of the funds provided for the purpose in the general appropriation acts.

**Source:** § 2-94.

**Note:** The word "appoint" is substituted for "employ."

§ 2.1-131. Clerical force.—The Attorney General shall have power to appoint such clerical force as he may deem necessary for the efficient conduct of his office, and to apportion, out of the appropriation for his office, such salaries among the law clerks, secretaries and stenographers as he may think proper, but the aggregate amount paid them shall not exceed the amount provided by law.

**Source:** § 2-95.

**Note:** No change.

§ 2.1-132. Office space.—The Governor shall assign to the Attorney General office space in the State Library Building or elsewhere for the Attorney General, his assistants and employees suitable for the transaction of the legal business of the State.

**Source:** § 2-96.

**Note:** No change.

§ 2.1-133. Contingent and traveling expenses.—The Attorney General shall have power to expend for the contingent expenses of his office such sums as may be available out of the appropriation for his office made by the General Assembly. The Attorney General, assistant Attorneys General and employees of the office shall be reimbursed for actual travel expenses in the performance of their duties.

**Source:** § 2-97.

**Note:** In the second sentence the word "actual" is substituted for "all." The word "expenses" is added.

§ 2.1-134. Division established.—In the Department of Law there shall be a Division of Motion Picture Censorship, hereinafter called "the Division."

**Source:** § 2-98.

**Note:** No change.

§ 2.1-135. Censors in general.—For such Division three censors with equal powers shall be appointed by the Attorney General from resident citizens of the Commonwealth, well qualified by education and experience to act as censors. They shall hold office at the pleasure of the Attorney General. One of such members shall be selected as director by the other two. The powers and duties of the censors shall be exercised and performed under the supervision and control of the Attorney General as the chief executive officer of the Department of Law.

**Source:** § 2-99.

**Note:** No change.

§ 2.1-136. Oath and bond of censor.—Each censor before assuming the duties of his office, shall take and subscribe the oath prescribed by

section thirty-four of the Constitution in the manner prescribed by § 49-3 of the Code, and shall enter into bond with security approved by the Attorney General in the sum of five thousand dollars conditioned for the faithful performance of his duties under the law and all amendments thereto, the cost of such bonds to be paid out of the State treasury.

**Source:** § 2-100.

**Note:** No change.

§ 2.1-137. Calling in Superintendent of Public Instruction.—When only two members of such Division are acting and they disagree as to approval of any film or reel they shall call in the Superintendent of Public Instruction, who shall view the film or reel and cast the deciding vote as to approval or disapproval of such film or reel.

**Source:** 2-101.

**Note:** No change.

§ 2.1-138. Compensation.—The compensation of the censors and of the employees of the Division shall be fixed by law.

**Source:** § 2-102.

**Note:** No change.

§ 2.1-139. License or permit required from Division.—It shall be unlawful to exhibit, or to sell, lease or lend for exhibition at any place of amusement for pay or in connection with any business in the State, any motion or sound picture film or reel, unless there is at the time in full force and effect a valid license or permit therefor of the Division of Motion Picture Censorship, hereinafter called the Division, and unless such film or reel shall contain for exhibition upon the screen identification matter in the substance, style and length which the Division shall prescribe. The provisions of this chapter shall apply alike to the so-called silent films and to all types of motion pictures reproducing sound through synchronization with spoken words, sounds and music. All sounds, words, songs and spoken dialogues, as well as scenes and written sub-titles, coming within the inhibitions of this chapter, shall be subject to the jurisdiction of the Division.

**Source:** § 2-103.

**Note:** No change.

§ 2.1-140. Fees and applications for licenses or permits.—The Division shall collect from each applicant for a license or permit except as otherwise expressly provided by law, a fee of two dollars for each one thousand feet or fraction thereof of original film licensed or permitted by the Division. If application be made for one or more duplicates at the same time as the application for the original is made or thereafter, the Division shall collect a fee of one dollar for each one thousand feet or fraction of such duplicate film for each permit or license issued. The permit fee for current event films shall be the same as prescribed by this section for license of original and duplicate films; and that for scientific, educational, charitable and religious films shall be fifty cents for each permit. All such fees shall be paid by the Division into the State treasury, as required by law.

No license or permit shall be issued for any film unless and until application therefor shall be made in writing in the form, manner and substance prescribed by the Division, and unless and until such application be accompanied by the required fee as well as by the dialogue words or script of the film should it be a picture reproducing sound. Such application shall immediately be given a serial number which shall correspond with the number appearing in the approval seal issued by the Division.

**Source:** § 2-104.

**Note:** No change.

§ 2.1-141. Examination and approval or rejection of films.—The Division shall promptly examine every motion picture film submitted to it as herein required, and unless such film or any part thereof including subtitles, spoken dialogue, songs, other words or sounds is obscene, indecent, immoral, inhuman, or is of such a character that its exhibition would tend to corrupt morals or incite to crime, shall issue a license therefor. If the Division shall not license any film submitted, it shall furnish to the applicant therefor a written report of the reasons for its refusal and a description of each rejected part of a film not rejected in toto.

**Source:** § 2-105.

**Note:** No change.

§ 2.1-142. Films portraying current events.—The Division may at any time issue a permit for any film portraying current events and not otherwise prohibited by law without inspection thereof.

**Source:** § 2-106.

**Note:** No change.

§ 2.1-143. Films of scientific character.—The Division shall issue a permit for every motion picture film of a strictly scientific character intended for use by the learned professions, without examination thereof, provided that the owner thereof, either personally or by his duly authorized attorney or representative, shall file the prescribed application which shall include a sworn description of the film and statement that the film is not to be exhibited at any public or private place for amusement.

**Source:** § 2-107.

**Note:** No change.

§ 2.1-144. Films of educational, charitable or religious character.—The Division may issue without examination a permit for any motion picture film intended solely for strictly educational, charitable and religious purposes, or by any employer for the instruction or welfare of his employees, provided that the owner thereof, either personally or by his duly authorized attorney or representative, shall file the prescribed application, which shall include a sworn description of the film and statement that the film is to be exhibited only for the above named purposes.

**Source:** § 2-108.

**Note:** No change.

§ 2.1-145. Notice of rejection or elimination; re-examination; appeals.—If any film be rejected in toto or if any elimination of a film or reel whether words, sounds or pictures is ordered by the Division, the applicant submitting such film or reel for examination shall receive immediate notice

of such rejection or elimination, and if appealed from, such film, reel or view shall be promptly re-examined, in the presence of such applicant, or his agent, by all members of the Division, and the same promptly and finally approved or disapproved with the right of appeal from the decision of the Division to the circuit court of the city of Richmond. Such appeal shall be taken within ten days and by giving written notice thereof to the Division. On such notice being given all papers, or copies thereof, relating to the application shall be certified by the director to the clerk of such circuit court and the proceedings on appeal shall be so far as is possible similar to appeals from trial justices. Such picture shall not be exhibited pending the determination of such appeal, nor thereafter without the elimination ordered if the decision of the Division be sustained.

**Source:** § 2-109.

**Note:** In the third sentence, “, or copies thereof,” is added.

§ 2.1-146. Subsequent alteration in film; license or permit issued on false or misleading affidavit.—Any license or permit issued upon a false or misleading affidavit or application shall be void ab initio. Any change or alteration in a film after license or permit, except the elimination of a part or except upon written direction of the Division, shall constitute a misdemeanor and such alteration shall make void from the time of change the license or permit therefor.

**Source:** § 2-110.

**Note:** No change.

§ 2.1-147. Conviction as revoking license or permit.—A conviction for a crime committed by the exhibition or unlawful possession of any film in the State shall per se revoke any outstanding license or permit for such film and the Division shall cause notice thereof to be sent to the applicant or applicants.

**Source:** § 2-111.

**Note:** No change.

§ 2.1-148. Revocation of permit or license after notice.—Any permit or license issued as herein provided may be revoked by the Division five days after notice in writing is sent by registered mail to the applicant at the address named in the application. Any exhibition of such film thereafter, unless a new permit or license has been obtained shall constitute a misdemeanor. After any such revocation such film may be submitted to the Division only in the manner provided for license.

**Source:** § 2-112.

**Note:** No change.

§ 2.1-149. Illegal advertising.—No person or corporation shall exhibit or offer to another for exhibition purposes any poster, banner or other similar advertising matter in connection with any motion picture film, which poster, banner or matter is obscene, indecent, immoral, inhuman, sacrilegious or of such a character that its exhibition would tend to corrupt morals or incite to crime. If such poster, banner or similar advertising matter is so exhibited or offered to another for exhibition it shall be sufficient ground for the revocation of any permit or license issued by the Division.

**Source:** § 2-113.

**Note:** No change.

§ 2.1-150. Enforcement of chapter; rules and regulations.—The Division shall have authority to enforce the provisions and purposes of this chapter; but this shall not be construed to relieve any state or local peace officer in the State from the duty otherwise imposed of detecting and prosecuting violations of the laws of the State. In carrying out and enforcing the purposes of this chapter, the Division may make all needful rules and regulations not inconsistent with the laws of the State.

Source: § 2-114.

Note: No change.

§ 2.1-151. Annual report.—The Division shall, on or before the first day of July in each year, make a detailed report of its work to the Governor. Such report shall be printed and distributed as are the reports of the departments.

Source: § 2-115.

Note: No change.

§ 2.1-152. Penalties.—Any person, firm or corporation who violates any of the provisions of this chapter relating to motion picture censorship shall be guilty of a misdemeanor and on conviction, shall be fined not less than twenty-five dollars, nor more than fifty dollars for the first offense, and shall be fined not less than fifty dollars, nor more than one hundred dollars for any subsequent offense. Every day's exhibition of a film or reel, or of any banner, poster or other like advertising matter used in connection therewith, which violates this chapter, shall constitute a separate offense.

Source: § 2-116.

Note: No change.

§ 2.1-153. Election and compensation.—The Auditor of Public Accounts shall be elected by the joint vote of the two houses of the General Assembly, as provided in section eighty-two of the Constitution, and he shall receive such compensation as may be appropriated by law for the purpose.

Source: § 2-125.

Note: No change.

§ 2.1-154. Official bonds.—The penalty of the bond of the Auditor of Public Accounts shall be fixed by the Governor, but the same shall not be less than five thousand dollars. Such of the employees in the office of the Auditor of Public Accounts as, in the opinion of the Governor, should be bonded shall be bonded, and the penalties of such bonds, respectively, shall be fixed by the Auditor of Public Accounts, subject to the approval of the Governor. The premiums on the bond mentioned in this section shall be paid out of the State treasury.

Source: § 2-126.

Note: No change.

§ 2.1-155. Duties and powers in general.—The Auditor of Public Accounts shall audit all the accounts of every State department, officer, board, commission, institution or other agency in any manner handling

State funds; and in the performance of such duties and the exercise of such powers he may employ the services of certified public accountants, provided the cost thereof shall not exceed such sums as may be available out of the appropriation provided by law for the conduct of his office.

If the Auditor of Public Accounts shall at any time discover any unauthorized, illegal, irregular, or unsafe handling or expenditure of State funds, or if at any time it shall come to his knowledge that any unauthorized, illegal, or unsafe handling or expenditure of State funds is contemplated but not consummated, in either case he shall forthwith lay the facts before the Governor, the members of the auditing committee of the General Assembly, and the Comptroller.

**Source:** § 2-127.

**Note:** No change.

§ 2.1-156. Devising system of bookkeeping and accounting for State and local offices.—The Auditor of Public Accounts, under the direction of the Auditing Committee of the General Assembly, shall devise a modern, effective and uniform system of bookkeeping and accounting, comprehending:

(1) An efficient system of checks and balances between the officers at the seat of government entrusted with the collection and receipt, custody and disbursement of the revenues of the State.

(2) A system of accounting, applicable to all State officers, departments, boards, commissions and agencies, which shall be suitable to their respective needs, considering their relation to each other and their relation to subordinate officers and officials.

As to the operation of farms, laundries, merchandising activities, dining halls and cafeterias for which charges are made, and any other type of activity which, if conducted privately, would be operated for profit, the system of accounting therefor shall be designed to reflect all charges properly allocable thereto to the end that the net profit or loss therefrom shall be reflected; provided that in the furtherance of this objective the joint Auditing Committee of the General Assembly on the recommendation of the Auditor of the Public Accounts, may authorize the Director of the Department of Accounts to establish working capital fund accounts on his books and record therein the receipts and expenditures of these several functions; and provided further that the said director shall provide the agencies responsible for the operations of these functions with revolving funds with which to finance the operations.

Unit prices of foodstuff, or other commodities, produced on farms shall be fixed on a semiannual basis by the Director of the Department of Purchases and Supply and these unit prices so fixed shall be the basis for charging the value of foods produced by the farms and consumed by the operating agencies or sold to other agencies of the Commonwealth.

(3) A system of bookkeeping and accounting, for the use of all county, city and town officials and agencies handling the revenues of the State or of any political subdivision thereof; provided, that the Auditor of Public Accounts and the Governor may approve any existing system.

**Source:** § 2-128.

**Note:** No change.

§ 2.1-157. Duties as to penal, educational and eleemosynary institutions.—The Auditor of Public Accounts shall devise and adopt systems of accounting for the several penal, educational and eleemosynary institutions maintained in whole or in part by the State, having regard to the needs and condition of each institution; provided, that any system of accounting which shall be devised by such Auditor for use by the State hospitals for the insane shall first be submitted to the Commissioner of Mental Hygiene and Hospitals for his approval and adoption.

Source: § 2-129.

Note: No change.

§ 2.1-158. System of accounting to be communicated to officials affected; instruction to be given.—When the Auditor of Public Accounts shall have devised and formulated a system of accounting applicable to any of the classes of offices or institutions enumerated in the preceding sections, he shall file a statement and full explanation of the system of accounting with the Secretary of the Commonwealth, but no copyright system shall be adopted which shall entail additional cost upon the State by reason of such copyright. Such system of accounting shall be communicated by such Auditor to the officials affected thereby, and he shall as soon as possible instruct the officials as to such system of accounting.

Source: § 2-130.

Note: No change.

§ 2.1-159. Mandamus to compel adoption of system.—Should any of the incumbents of the offices referred to in §§ 2.1-156 and 2.1-157, or the authorities of any institution referred to therein, refuse or neglect to adopt such system of accounting as the Auditor of Public Accounts may devise, adopt, and promulgate, then upon suit of the Attorney General a writ of mandamus will lie to the Supreme Court of Appeals to compel such adoption, and it shall be the duty of the Attorney General to forthwith institute such suit in any such case.

Source: § 2-131.

Note: Internal reference numbers have been conformed.

§ 2.1-160. Inspection of accounts and vouchers of certain officers; information, etc., to members of General Assembly; cooperation of State departments, etc.—The Auditor of Public Accounts or his deputy shall, from time to time, inspect and scrutinize the accounts and vouchers of all State officers referred to in §§ 2.1-156 and 2.1-157 and upon the request in writing of any member of the General Assembly shall furnish such information as is called for and shall provide technical assistance upon any matter requested by such member. To this end he shall have access to records of all State institutions, departments and agencies. Such institutions, departments and agencies shall furnish all information requested by the Auditor and shall cooperate with him to the fullest extent.

Source: § 2-132.

Note: Internal reference numbers have been conformed.

§ 2.1-161. How inspections made; production of books and vouchers; penalty.—Every such inspection shall be made without notice to the official whose accounts are to be inspected, and it shall be the duty of the



official whose books and accounts and vouchers are being inspected to produce such books, vouchers and accounts and give the Auditor of Public Accounts or his deputy all necessary help and aid in making such inspection. Should any official fail to perform the requirements of this section he shall be guilty of a misdemeanor.

**Source:** § 2-133.

**Note:** No change.

§ 2.1-162. Auditing committee of the General Assembly.—The Auditor of Public Accounts shall be the chief auditor and accountant of the auditing committee of the General Assembly and shall perform the duties thereof without extra compensation.

**Source:** § 2-134.

**Note:** No change.

§ 2.1-163. When Auditor upon request to examine certain accounts.—The Auditor of Public Accounts when called upon by the Governor shall examine the accounts of any institution maintained in whole or in part by the State and, upon the direction of the Comptroller, shall examine the accounts of any officer required to settle his accounts with him; and upon the direction of any other State officer at the seat of government he shall examine the accounts of any person required to settle his accounts with such officer.

**Source:** § 2-135.

**Note:** No change.

§ 2.1-164. Certain public bodies and political subdivisions to file report of audit and publish summary of financial condition; reports preserved by Auditor.—Each authority, commission, district or other political subdivision the members of whose governing body are not elected by popular vote shall annually, within three months after the end of its fiscal year, file with the Auditor of Public Accounts a copy of a report of audit covering its financial transactions for such fiscal year. The Auditor of Public Accounts shall receive such reports and keep the same as public records for a period of ten years from their receipt.

At the time the report required herein is filed with the Auditor of Public Accounts every such authority, commission, district or other political subdivision shall publish, in a newspaper of general circulation in the county, city or town wherein such authority, commission, district or other political subdivision is located, a summary statement reflecting the financial condition of such authority, commission, district or other political subdivision, which shall include a reference to where the detailed statement may be found.

**Source:** § 2-135.1.

**Note:** No change.

§ 2.1-165. Audit of accounts of city and county officers.—At least once in every two years, and at such other times as the Governor may direct, it shall be the duty of the Auditor of Public Accounts, either in person or through his assistants, to audit all accounts and records of every city and county official and agency in this State handling State funds, making a detailed written report thereof to the Governor within thirty

days after each audit. Reports so made shall be public records, and the Governor shall transmit to the General Assembly at each regular session thereof copies of the same.

**Source:** § 2-136.

**Note:** No change.

§ 2.1-166. Reimbursement of part of expense of such audit.—Every locality, the accounts and records of whose officials or agencies are audited in pursuance of the preceding section, shall reimburse the State to the extent of one-half of the expense connected therewith, the same to be paid into the State treasury on the presentation by the Auditor of Public Accounts of a bill therefor. All such sums so repaid shall be placed by the Comptroller to the credit of the current appropriation made to the Auditor of Public Accounts and may be used by the latter for the purpose of carrying out the provisions of the preceding section.

**Source:** § 2-137.

**Note:** No change.

§ 2.1-167. When Auditor to perform services for counties and cities.—The Auditor of Public Accounts, when requested by the governing body of any county, or the council of any city or town of the Commonwealth, shall make and establish a system of bookkeeping and accounting for the treasurers, clerks of the courts and school boards of such counties and cities, and when so requested he shall, or whether requested or not, he may at any time, examine the books and accounts of such officers, and report to the supervisors, or other governing body, or councils, the findings of his investigation, if it relates to the affairs of such county or city.

The Auditor shall likewise upon request of the governing body of any county, which request shall be evidenced by a resolution adopted by such governing body, make and establish a centralized system of bookkeeping and accounting for such county which systems shall comprehend and include the fiscal transactions of all officers and departments of the county including the county school board and the local board of public welfare. The governing body of any county whether operating under a special form of county government or under the general form of county government is hereby authorized to provide for the adoption, installation and maintenance of such centralized system of bookkeeping and accounting, and the cost of the service provided for in this paragraph shall be paid by the county for which said service is rendered.

**Source:** § 2-138.

**Note:** No change.

§ 2.1-168. Cost of such service.—The cost of such service as may be so required shall be borne by the county or city receiving the service of the Auditor of Public Accounts and shall not exceed an amount sufficient to reimburse the State for the actual cost to the State of such service. The fees so charged the counties and cities for the service herein mentioned, upon an account rendered by the Auditor of Public Accounts, shall be remitted by the treasurer of the county or city out of any funds in his hands, within thirty days to the State Treasurer, together with the account rendered by the Auditor of Public Accounts, who shall pay into the State treasury the amount so received to the credit of the funds of the Auditor of Public Accounts so that such moneys may be available for carrying out the

provisions of § 2.1-167. But no part of the cost and expense of any such audit shall be paid by any county or city whose board of supervisors or other governing body or city council has its accounts audited annually by a certified public accountant according to specifications furnished by the Auditor of Public Accounts and furnishes such Auditor with a copy of such audit. And the costs of any audit of the books and accounts of any city treasurer who neither collects nor disburses any city revenues or local taxes shall not be required to be paid by the city or any such treasurer.

Source: § 2-139.

Note: Internal reference numbers have been conformed.

§ 2.1-169. Power as to witnesses; perjury.—The Auditor of Public Accounts, or his deputy, while conducting any examination authorized by this chapter, shall have power to administer an oath to any person whose testimony may be required in any such examination, and to compel the appearance and attendance of such person for the purpose of any such examination and investigation, and to call for any books and papers necessary to such examination. If any person willfully swear falsely in such examination he shall be guilty of perjury.

Source: § 2-140.

Note: No change.

§ 2.1-170. To whom Auditor to report defaults or irregularities.—If the result of any examination made by the Auditor of Public Accounts, or his deputy, under this chapter, shall show that any moneys received have not been properly accounted for or have been paid out contrary to law or that there has been any irregularity, it shall be the duty of such Auditor to report the same to the Comptroller and the Governor. In case there is any irregularity in the accounts of the Comptroller, the Auditor shall make report of the same to the Governor and to the General Assembly.

Source: § 2-141.

Note: No change.

§ 2.1-171. Office of Auditor of Public Accounts; location and equipment.—The office of the Auditor of Public Accounts shall be located in the city of Richmond, and he shall be provided with suitable offices for the conduct of the business of his department.

Source: § 2-142.

Note: No change.

§ 2.1-172. Employment of assistants.—The Auditor of Public Accounts is hereby authorized to employ, with the approval of the auditing committee of the General Assembly, such assistants as may be necessary to enable him to carry out the provisions of this chapter.

Source: § 2-143.

Note: No change.

§ 2.1-172.1. Annual report of Auditor of Public Accounts.—The Auditor of Public Accounts shall make an annual report of the acts and doings of his office to the Governor.

Source: § 2-144.

Note: No change.

§ 2.1-173. Comptroller and State Treasurer to appoint their clerks.—The Comptroller and the State Treasurer shall appoint, in their respective offices, the administrative assistants, deputies and clerks allowed by law.

Source: § 2-145.

Note: The wording “administrative assistants, deputies and” is new.

§ 2.1-174. When administrative assistants to perform duties of chief; when Governor to have notice of absence.—The Comptroller and the State Treasurer shall appoint for their respective offices administrative assistants, who shall have authority to act for and perform the duties of the chief in such office under his direction, supervision and control, and in the absence of the chief to perform all the duties of the office. Of such absence, the others shall be informed. When the absence of the chief is to be for more than five days at a time, notice thereof shall be given to the Governor.

Source: § 2-146.

Note: The words “administrative assistants” are substituted for the words “a first clerk”.

§ 2.1-175. When Governor to designate administrative assistant; temporary vacancy filled by administrative assistant.—In the event the administrative assistant is incapacitated from performing his duties during the absence of the chief, the Governor shall designate some other clerk in the office to act during the absence of the chief, and in the event of the removal, resignation or death of the chief, the administrative assistant shall perform all the duties of the office until the vacancy is filled in the manner prescribed by law.

Source: § 2-147.

Note: The wording “administrative assistant” is substituted for the wording “first clerk”.

§ 2.1-176. Officers and sureties liable for acts of administrative assistants.—Such officers and their sureties shall be liable for any default or breach of duty of their administrative assistants respectively during their absence.

Source: § 2-148.

Note: The wording “administrative assistants” is substituted for “first clerks”.

§ 2.1-177. Department of the Treasury; State Treasurer.—The Department of the Treasury is continued with the same powers, functions and duties as existed immediately prior to the repeal of Title 2. The State Treasurer shall be in direct charge of the Department of the Treasury.

Source: § 2-149.

Note: The first two sentences of this section have been completely rewritten to conform with the enactment of Title 2.1.

§ 2.1-178. Treasury Board.—The State Treasurer, the Comptroller, and the State Tax Commissioner shall constitute and be known as the Treasury Board. Any two of them shall constitute a quorum. They shall keep a regular and sufficient set of books, wherein shall be recorded all of their proceedings and any action taken by them with respect to any funds

which by any provision of law are required to be administered by the

**Source:** § 2-149.1.

**Note:** No change.

§ 2.1-179. Powers and duties of the Treasury Board.—The Treasury Board shall have all the powers and perform all the duties heretofore vested in and imposed upon the former Finance Board and the former Commissioners of the Sinking Fund. It shall have general supervision over all investments of State funds, the designation of State depositories, the control and management of the Sinking Fund and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by law. The Treasury Board shall also advise the State Treasurer on all matters in which its advice is requested by him.

**Source:** § 2-149.2.

**Note:** No change.

§ 2.1-180. Payment of State funds into State treasury; deposits in State depositories; credit of fund not paid into general fund; exceptions as to endowments and gifts to institutions; appropriations by federal government.—Every State department, division, officer, board, commission, institution or other agency owned or controlled by the State, whether at the seat of government or not, collecting or receiving public funds, or moneys from any source whatever, belonging to or for the use of the State, or for the use of any State agency, shall hereafter pay the same promptly into the State treasury, without any deductions on account of salaries, fees, costs, charges, expenses, refunds, or claims of any description whatever.

But any State department, division, officer, board, commission, institution or other agency at the seat of government may deposit such moneys to the credit of the State Treasurer upon communicating with him and receiving instructions from him as to what State depository may be used for the purpose. In every such case such depositor shall send a certificate of the deposit certified by the bank receiving the deposit for every such deposit to

Any State department, division, officer, board, commission, institution or other agency not at the seat of government, other than county and city treasurers and clerks of courts, depositing such moneys to its or his credit in local banks before July fifteenth, nineteen hundred and twenty-seven, may now deposit such moneys to the credit of the State Treasurer in a local State depository duly designated in pursuance of this chapter as such, and in every such case such depositor shall send a certificate of the deposit certified by the bank receiving the deposit for every such deposit to the State Treasurer.

But in no case shall a State depository receive a larger sum to the credit of the State Treasurer than the amount covered by surety bond and securities held by the State Treasurer to protect State funds on deposit in such depository. Moneys paid into the State treasury which are not now payable into the general fund of the State treasury shall be placed to the credit of the respective accounts which are required by law to be kept on the books of the Comptroller or to the credit of new accounts to be opened on the books of the Comptroller with such agencies so paying such moneys into the State treasury, respectively.

This chapter shall not apply to the endowment funds or gifts to institutions owned or controlled by the State, or to the income from such endow-

ment funds or gifts, or to private funds belonging to the students or inmates of State institutions. The cash as well as the notes of student loan funds shall be held by the respective institutions.

Appropriations made by the government of the United States to or for the benefit of any State institution or agency, however, shall be paid into the State treasury and used for the purposes for which such appropriations were made.

**Source:** § 2-150.

**Note:** No change.

§ 2.1-181. Interest in R.F.&P.R.R.—All dividends or other sums received on account of the interests in or stock in or claims of the Commonwealth against the Richmond, Fredericksburg and Potomac Railroad Company shall be paid into the general fund of the State treasury.

**Source:** § 2-151.

**Note:** No change.

§ 2.1-182. Payment by delivery of checks, etc., to State Treasurer; liability when not paid on presentation.—Any public officer, or any firm or corporation, or any other person having to pay money into the treasury may make such payment by delivering to the State Treasurer a check, draft or certificate of deposit, drawn or endorsed, payable to the State Treasurer, or his order, or may make such payment by delivering to the State Treasurer the proper amount of lawful money. Should any check, draft, or certificate of deposit not be paid on presentation, the amount thereof, with all costs, shall be charged to the person on whose account it was received, and his liability and that of his sureties, except the additional liability for costs, shall be as if he had never offered any such check, draft, or certificate of deposit.

**Source:** § 2-152.

**Note:** No change.

§ 2.1-183. Records of receipts of such checks, etc.; reports to Comptroller.—The State Treasurer shall keep a record of every such check, draft, or certificate of deposit, and of all such moneys received by him; and upon receipt thereof, forthwith cause the same to be placed to the credit of the Commonwealth with some State depository. If any check, draft, or certificate of deposit not be paid on presentation, the State Treasurer shall immediately notify the Comptroller, who shall proceed to collect the amount thereof from the person from whom the same was received by the Treasurer. The State Treasurer shall daily transmit to the Comptroller a record of all receipts, giving the details thereof.

**Source:** § 2-153.

**Note:** In the second sentence, "who shall" is substituted for "and shall". In the same sentence "from whom the same was received by the Treasurer" is substituted for "depositing the same".

§ 2.1-184. State Treasurer to deposit such checks, etc.—The State Treasurer shall not collect any money on such check, draft, or certificate of deposit; but the same shall, in every case, be by him properly endorsed and deposited, as aforesaid, with some State depository for the credit of the Commonwealth.

**Source:** § 2-154.

**Note:** No change.

§ 2.1-185. Investment of current funds in State treasury.—The Governor and State Treasurer, acting jointly are authorized and empowered, whenever in their opinion there are funds in the State treasury in excess of the amount required to meet the current needs and demands of the State, to invest such excess funds in securities that are legal investments under the laws of the State for public funds. The funds shall be invested in such of said securities as, in their judgment, will be readily convertible into money.

Source: § 2-154.1

Note: No change.

§ 2.1-186. Investments, etc., in custody of State Treasurer.—The State Treasurer shall be charged with the custody of all investments and invested funds of the State or in possession of the State in a fiduciary capacity, and with the keeping of the accounts of such investments. The State Treasurer shall also be charged with the custody of all bonds and certificates of the State debts, whether unissued or cancelled, and with the receipt and delivery of State bonds and certificates for transfer, registration or exchange.

Source: § 2-155.

Note: No change.

§ 2.1-187. State Treasurer may sell securities in general fund; exceptions; disposition of proceeds.—The Treasurer is authorized, when in his discretion he deems proper, to sell, transfer, and convey any notes, bonds, obligations or certificates of stock held in the general fund of the State Treasury. The proceeds from any such sale or disposition shall immediately be paid into the general fund. This section shall apply to any such present holdings and to those hereafter acquired.

The provisions of this section shall not apply to, nor authorize the disposition of, any notes, bonds, obligations or certificates of stock which exceed in value the sum of five thousand dollars, nor shall it permit the disposition of stock held by the State in the Richmond, Fredericksburg and Potomac Railroad.

Source: § 2-155.1.

Note: In the second sentence "paid" is substituted for "covered". The word "covered" is an old and accepted term among accountants, but the word "paid" is considered better statutory usage.

§ 2.1-188. Warrants on State treasury to be listed and numbered.—The State Treasurer shall keep a list of the warrants drawn upon the State treasury in every fiscal year, numbered from one upwards.

Source: § 2-156.

Note: No change.

§ 2.1-189. State Treasurer to keep accounts with depositories.—The State Treasurer shall keep accounts on the books of his office with the different depositories, on which accounts balances shall be struck monthly, showing the amount in bank to the credit of the State Treasurer at the end of each month.

Source: § 2-157.

Note: No change.

§ 2.1-190. Unpresented checks drawn by State Treasurer; reissue and payment.—The State Treasurer shall, at the end of each fiscal year, charge off the books in his office all checks drawn by him on State depositories which have not been presented for payment within one year from the date of issuance, and shall certify the fact to the Comptroller and to the State depositories; and the Comptroller, if the warrant is issued by him, shall reissue his warrant and the State Treasurer shall pay the same if any such check is thereafter presented.

All checks heretofore or hereafter drawn by the State Treasurer, not presented within one year for payment, shall, at the end of each fiscal year, be charged off the books, and he shall notify the Comptroller if the warrant is issued by him, and the State depositories of all checks marked off under the provisions of this section. The State depositories shall not pay such checks after the receipt of such notification. Any checks barred by this section may be presented to the Comptroller if the warrant is issued by him, or if the warrant is issued by the State Treasurer on investment accounts, such check shall be taken up and warrant issued by the Comptroller or by the State Treasurer, if drawn by him, in each respective case, for the amount thereof and the State Treasurer shall pay same.

Source: § 2-158.

Note: No change.

§ 2.1-191. Annual report of State Treasurer to Governor.—The State Treasurer shall make an annual report to the Governor on or before the first day of August, and shall make such other reports at such times as the Governor may require.

Source: § 2-159.

Note: No change.

§ 2.1-192. Comptroller; appointment.—The Director of the Department of Accounts shall be known as the Comptroller. He shall be appointed by the Governor, subject to confirmation by the General Assembly if in session when such appointment is made, and if not in session, then at its next succeeding session. He shall hold office at the pleasure of the Governor for a term coincident with that of the Governor making the appointment, or until his successor shall be appointed and qualified.

Source: § 2-160.

Note: No change.

§ 2.1-193. Department of Accounts and Purchases, etc., abolished; powers and duties transferred to Comptroller and Department of Accounts.—The Department of Accounts and Purchases and the office of the Director thereof, heretofore existing, are hereby abolished and all the powers and duties heretofore conferred or imposed upon said Department and the Director are hereby transferred to and shall hereafter be exercised by the Comptroller and the Department of Accounts. Whenever the words "Division of Accounts and Control" or words of like import appear in this Code they shall be construed to mean and refer to the Department of Accounts. Wherever the words "Director of the Division of Accounts and Control" or words of like import appear in this Code they shall be construed to mean and refer to the Comptroller.

Source: 2-160.1.

Note: No change.



§ 2.1-194. Oath of Comptroller.—The Comptroller, before entering upon the discharge of his duties, shall take an oath that he will faithfully and honestly execute the duties of his office during his continuance therein.

Source: § 2-161.

Note: No change.

§ 2.1-195. General accounting and clearance through Comptroller.—In the Department of Accounts the Comptroller shall maintain a complete system of general accounting to comprehend the financial transactions of every State department, division, officer, board, commission, institution or other agency owned or controlled by the State, whether at the seat of government or not. All transactions in public funds shall clear through the Comptroller's office.

Source: § 2-162.

Note: No change.

§ 2.1-196. Unified financial accounting and control in State agencies and departments.—Unified financial accounting and control shall be established through the departments and agencies of the State, in the manner prescribed in this chapter.

The Comptroller shall prescribe what accounts shall be kept by each State agency in addition to the system of general accounting maintained in the Comptroller's office, and in prescribing what accounts shall be kept by each State agency, the Comptroller shall take care that there shall be no unnecessary duplication.

Source: § 2-163.

Note: No change.

§ 2.1-197. Fiscal year.—The fiscal year shall commence on the first day of July and end on the thirtieth day of June.

Source: § 2-165.

Note: No change.

§ 2.1-198. Monthly reports and payments by city and county treasurers, and clerks of court.—All county and city treasurers and clerks of courts receiving State moneys shall, on or before the tenth day of each month, or oftener if the Comptroller so directs, report to the Comptroller the total of each class of State revenue or State moneys received or collected for the previous calendar month unless otherwise directed, and at the same time pay into the State treasury the total amount so reported thereof received or collected from all sources.

Source: § 2-166.

Note: No change.

§ 2.1-199. Monthly reports of State departments, divisions, etc., receiving public funds.—Every State department, division, officer, board, commission, institution or other agency owned or controlled by the State, whether at the seat of government or not, including county and city treasurers and clerks of courts, collecting or receiving public funds, or moneys from any source whatever, belonging to or for the use of the State, or for

the use of any State agency, and paying the same to the State Treasurer, or depositing the same to his credit in pursuance of law, shall, on or before the tenth day of each month, or oftener if so directed by the Comptroller, report to the Comptroller in such manner as he may direct, the amount collected or received and paid into the State treasury for the preceding calendar month or other period designated by the Comptroller; such report to show also the dates of payments to or deposits to the credit of the State Treasurer.

Source: § 2-167.

Note: No change.

§ 2.1-200. Collection of delinquent taxes.—Whenever, by any section of this Code, the Comptroller is required or is authorized to collect any delinquent taxes, he shall refer the matter to the State Tax Commissioner, who shall at once proceed to collect the same and may employ such legal process as may be necessary for that purpose, and when so collected the State Tax Commissioner shall pay the same into the State Treasury.

Source: § 2-167.1.

Note: No change.

§ 2.1-201. State department, etc., not to deposit fund to its credit; State Treasurer excepted.—No State department, division, officer, board, commission, institution or other agency owned or controlled by the State, at the seat of government, except the State Treasurer, shall hereafter deposit any State funds to its, his or their credit in any bank.

Source: § 2-168.

Note: No change.

§ 2.1-202. When accounts on Comptroller's books to be balanced.—All unsettled accounts on the books of the Comptroller shall be balanced on the last day of each fiscal year, and the balances brought forward on the first day of the new fiscal year. For this purpose there shall be a general ledger of accounts, which shall be so kept as to show the balances due to or from the Commonwealth.

Source: § 2-169.

Note: No change.

§ 2.1-203. Comptroller and State Treasurer to compare their books.—On the last day of each quarter of the fiscal year, the Comptroller shall compare the books of his office with those in the State Treasurer's, and strike the balance on his books, showing the amount of money in the State treasury, which balance he shall carry forward to the next quarter.

Source: § 2-170.

Note: No change.

§ 2.1-204. Judges and clerks to certify to the Comptroller lists of all allowances made by courts.—The judge of every court of this Commonwealth making an allowance for the payment of any sum out of the State treasury within ten days after adjournment of such court shall certify to the Comptroller a list of all allowances made during the term of such court, and the date of the making of such allowance, the amount thereof,

and to whom made; and a like certificate of all allowances made by such court shall be made off by the clerk of such court within ten days after adjournment of such court, under the seal of the court, and forwarded to the Comptroller. The form of such certificate shall be prescribed by the Comptroller, and it shall be made on blanks which shall be prepared by him and furnished the judges and clerks of the several courts of the Commonwealth. Such form may be so prepared as to include more than one allowance made at the same term of any court. The Comptroller shall not draw any warrant on the State Treasurer in satisfaction of any allowance made by any court of the Commonwealth until he shall have received notification of the allowance by the court of such claim.

**Source:** § 2-172.

**Note:** No change.

§ 2.1-205. Cancellation of State bonds received in settlement of claims.—All bonds of this State which are received by the Comptroller in the settlement of claims of the Commonwealth against the sureties of treasurers, sheriffs, or other officers, or in settlement of any other claim, shall be turned over by him to the Treasury Board, who shall cancel the same according to law.

**Source:** § 2-173.

**Note:** No change.

§ 2.1-206. What Comptroller may do with old books and papers.—The Comptroller may, from time to time, arrange in boxes all such old books and papers belonging to his office, as in his opinion may be dispensed with for ordinary use or reference, and deposit such boxes, with appropriate labels, in some suitable storage space, taking a list or schedule of the books and papers so put in boxes, and preserving such list in his office; provided, that any such records which are more than two years old which have been audited by the Auditor of Public Accounts, and of which microfilm copies have been made and receipt given to the Auditor of Public Accounts that such microfilm copies have been duly made and stored in proper storage vault, may, in the discretion of the Comptroller, be destroyed, without regard to the provisions of § 2.1-10.

**Source:** § 2-174.

**Note:** The internal section reference is conformed.

§ 2.1-207. Annual report of Comptroller to Governor.—The Comptroller shall make an annual report to the Governor on or before the fifteenth day of August, and shall make such other reports at such times as the Governor may require.

**Source:** § 2-175.

**Note:** No change.

§ 2.1-208. Finance Board abolished; duties and powers transferred.—The Finance Board as it heretofore existed is abolished and all of its powers and duties are transferred to the Treasury Board.

**Source:** § 2-176.

**Note:** No change.

§ 2.1-209. State depositories.—Moneys to be hereafter paid into the State treasury shall be deposited in such banks as shall be designated as State depositories by the Treasury Board.

Source: § 2-177.

Note: No change.

§ 2.1-210. Amount and time limit of deposits.—The State Treasurer may, with the consent and approval of the Treasury Board, arrange for and make State deposits in such amounts and for such time as in his judgment the condition of the State treasury permits, provided, however, that no State deposit shall be made for a period in excess of six months.

Source: § 2-178.

Note: No change.

§ 2.1-211. Security to be given by State depository banks; conditions of bond.—No money shall be deposited in such depository bank until it shall have secured some person other than the bank itself in its behalf to enter into a bond, approved and accepted by the Treasury Board, with condition faithfully to account for and pay over when and as required, in accordance with the terms of the deposit agreement, whatever amount may, at the time such bond is given, be on deposit in such bank to the credit of the Commonwealth, and such other sums as may thereafter be deposited in such bank on behalf of the Commonwealth, and for the faithful discharge by such bank of all duties and obligations pertaining to it as such depository; and with the further condition to pay the State interest at the rate of not less than, (a) one per centum per annum on time deposits for thirty days or sixty days, (b) two per centum per annum on time deposits for ninety days, (c) two and one-half per centum per annum on time deposits for six months.

The Treasury Board may, however, in its discretion from time to time, contract for higher rates of interest to be paid upon State deposits but in no case higher than the maximum rates of interest which may be paid by banks as prescribed by the board of governors of the Federal Reserve System under authority of an Act of the Congress of the United States, approved August twenty-third, nineteen hundred and thirty-five, known as the Banking Act of nineteen hundred and thirty-five, or amendments thereto. Should the board of governors of the Federal Reserve System at any time fix the maximum rates of interest at which member banks may pay interest on time deposits lower than the minimum rates at which interest shall be paid on State deposits herein prescribed, such maximum rates fixed by the board of governors of the Federal Reserve System shall become the minimum rates at which interest shall be paid on State deposits.

Source: § 2-179.

Note: No change.

§ 2.1-212. Surety and penalty of bond.—Every such bank shall give as security on its bond, some guaranty or surety company doing business in this State. The penalty of any such bond, or the amount of the securities which may be deposited in lieu thereof, as hereinafter provided, shall be at least five thousand dollars and must be at all times equal in amount to the amount of money of the Commonwealth that is on deposit in any such designated State depository, less such amount as shall be insured, by evidence satisfactory to the State Treasurer, by the Federal Deposit Insur-

ance Corporation, a corporation created pursuant to an Act of Congress of the United States, approved June sixteenth, nineteen hundred and thirty-three, and known as the banking act of nineteen hundred and thirty-three, and amendments thereto.

**Source:** § 2-180.

**Note:** No change.

§ 2.1-213. Deposit in lieu of surety bond.—Any such bank, however, may deposit with the State Treasurer, or, with the approval of the State Treasurer with the Federal Reserve Bank of Richmond, to be held subject to the order of the State Treasurer, in lieu of such bond, securities of the character authorized as legal investments under the laws of this Commonwealth for public sinking funds. All such securities shall be taken at the market value on the date of deposit, and shall be held upon the same condition and trust for the protection and indemnity of, and for the payment of interest to the State, stipulated above in relation to the bond given under § 2.1-211. Such banks shall at the same time deliver to the State Treasurer a power of attorney authorizing him to transfer the securities deposited, or any part thereof, for the purpose of paying any of the liabilities provided for in this title.

The State Treasurer shall, in the month of December of each year, examine all securities so deposited with him or held as hereinafter provided for the purpose of ascertaining whether any of them have depreciated or been reduced in value, and forthwith require any such bank to make good any depreciation or reduction in value of the securities.

**Source:** § 2-181.

**Note:** Internal Section reference conformed.

§ 2.1-214. Segregation of securities held by another bank for depository bank.—The State Treasurer may, in his discretion, instead of requiring the actual delivery to him of the securities above enumerated, take from any such bank an order duly executed by and under the seal of the bank, directed to any bank either in the State of Virginia or without the State, directing and authorizing the latter bank to segregate such securities as shall be designated in the order and belonging to the former bank, from other securities which the latter bank may hold, and to hold such securities until released by the State Treasurer, or his duly authorized assistant or deputy, upon the same condition and trust for the protection and indemnity of the State stipulated above in relation to the bond to be given under § 2.1-211; provided the State Treasurer shall in each case first satisfy himself that such securities belonging to the former bank are held by the latter bank, and shall secure from the bank holding such securities an agreement to so hold such designated securities subject to and upon the conditions herein set forth. The State Treasurer shall have the privilege of examining these securities at his option and discretion and at the expense of the owners.

**Source:** § 2-182.

**Note:** The words "assistant or" are added. Internal section reference conformed.

§ 2.1-215. When new bond required; when not given.—The Treasury Board, whenever in its opinion the bond of any depository is insufficient, may require of such depository a new bond, with sufficient surety, to be given within a reasonable time in such penalty as the Treasury Board

shall prescribe; and if the depository fails or refuses to give such new bond when required, the public money on deposit with such depository shall be transferred to one or more of the other State depositories.

If the new bond required of any depository under § 2.1-221 be not given within the time required, such depository shall be discontinued and the moneys of the State be forthwith withdrawn.

**Source:** § 2-184.

**Note:** Internal section reference conformed.

§ 2.1-216. Opinion of Attorney General to be taken as to bond; remedies on bond.—Before the Treasury Board shall approve and accept any bond tendered by a State depository, it shall obtain the opinion of the Attorney General thereon, and shall institute an inquiry, through such agencies as it may employ, as to the solvency of the obligor, and the sufficiency of the bond in all respects. The Commonwealth shall have the like remedy upon any bond given by or for a State depository in all respects as provided by law in respect to the bond of a county or city treasurer failing to pay the amount of public taxes with which he is chargeable.

**Source:** § 2-185.

**Note:** No change.

§ 2.1-217. When deposits to be removed.—If a depository bank fails or refuses to procure such bond or other security as is required under the provisions of this article within ten days after being notified by the Treasury Board that the bond is required, or if, when the bond has been procured to be given, the Treasury Board refuses to approve and accept the same, or if, at any time after such bond has been given by the depository and accepted by the Treasury Board, the depository fails or refuses to pay the checks of the State Treasurer upon the warrant of the Comptroller, or to pay the interest on deposits as hereinbefore required, or to discharge any other duty or to meet any other obligation pertaining to it as such depository, in any such case all moneys on deposit in such bank to the credit of the Commonwealth shall be immediately transferred from such bank to some one or more of the other banks before designated which have furnished the bond aforesaid and not broken its condition. No further deposit of public moneys shall be made in such defaulting bank.

**Source:** § 2-186.

**Note:** No change.

§ 2.1-218. Receipt by depository of amount in excess of bond.—If any State depository shall receive a sum to the credit of the State Treasurer in excess of the amount covered by the surety bond and securities held by the State Treasurer to protect State funds on deposit in such depository, the State Treasurer immediately upon receiving notice of such excess shall withdraw the excess amount from the depository. If the State Treasurer immediately upon receiving such notice shall withdraw the excess funds from the depository he shall be deemed to have used due diligence for the protection of the funds of the Commonwealth.

**Source:** § 2-187.

**Note:** No change.

§ 2.1-219. How public moneys transferred to depositories.—All transfers of public moneys, under the provisions of the preceding sections, shall be made upon drafts drawn by the State Treasurer or his duly authorized deputies, and so drawn that the money shall not go into the hands of the State Treasurer; but the transfer shall be made in the mode selected by the depository receiving the money and at the risk and expense of such depository.

**Source:** § 2-188.

**Note:** No change.

§ 2.1-220. Commonwealth shall not be liable for loss in collection of checks, etc.—The Commonwealth shall not be liable for any loss resulting from lack of diligence on the part of any depository in forwarding, or in failing to collect, any such check, draft, or certificate of deposit as is referred to in § 2.1-182, or for the loss of any such check, draft, or certificate of deposit in transmission through the mails or otherwise.

**Source:** § 2-189.

**Note:** Internal section reference conformed.

§ 2.1-221. Release of surety on bonds of State depositories.—Any surety or sureties in any bond required of a depository by § 2.1-211, may petition the Treasury Board to be relieved from the obligation. If the Treasury Board shall, upon the filing of such petition, find that the deposits in such depository have been withdrawn or are sufficiently protected by the obligation of another surety or sureties upon such bond or by other bond or bonds or by securities deposited in accordance with § 2.1-213, the Treasury Board shall, within thirty days from the filing of such petition, so certify to the surety or sureties filing such petition, and such surety or sureties shall be deemed to be released from any and all liability whatsoever on such bond from and after the date of such certificate. If the Treasury Board shall find that the deposits in such depository are not sufficiently protected by the obligation of another surety or sureties upon such bond or by other bond or bonds or by securities deposited in accordance with § 2.1-213, the Treasury Board shall pass an order requiring such depository, within thirty-five days after the filing of such petition, to give a new bond or to deposit securities to be approved by the Treasury Board. The surety or sureties filing such petition shall be deemed to be released from any and all liability whatsoever from and after the approval of such new bond or securities.

Any such depository may petition the Treasury Board to relieve any surety or sureties in any depository bond, designating in the petition the surety or sureties to be relieved. If the Treasury Board shall find that the deposits in such depository have been withdrawn or are sufficiently protected by the obligation of another surety or sureties upon such bond or bonds or by approved securities, the Treasury Board shall, within thirty days after the filing of such petition so certify to the surety or sureties so designated, and such surety or sureties shall be deemed to be released of and from any and all liability whatsoever on such bond from and after the date of such certificate.

**Source:** § 2-190.

**Note:** Internal section references conformed. It was not necessary to cite a new reference for § 2-183, as that section was repealed by the Acts of 1956, Chapter 84.

§ 2.1-222. Responsibility of State for bonds deposited with State Treasurer.—The State shall be responsible for the safe-keeping of all bonds deposited with the State Treasurer, and if the Bonds or any part of them shall be lost, destroyed, or misappropriated, the State shall make good such loss to the bank making the deposit.

Source: § 2-191.

Note: No change.

§ 2.1-223. Responsibility for securities deposited with State Highway Commission.—The State shall be responsible for the safe keeping of all bonds or other securities deposited with the Chairman of the State Highway Commission or the State Highway Commission as surety on account of funds deposited in banks by division engineers of the Department of Highways, going into their custody under the provisions of § 2.1-230, and, if such bonds or securities or any of them shall be lost, destroyed or misappropriated, the State shall make good such loss to the bank making such deposit of its bonds or other securities.

Upon the closing of accounts of district engineers with banks, its bonds and other securities then on deposit shall be returned to such banks.

Source: § 2-192.

Note: Internal section reference conformed.

§ 2.1-223.1. To whom claims to be presented.—Any person having any pecuniary claim against the Commonwealth upon any legal ground shall present the same to the head of the department, division, institution or agency of the Commonwealth responsible for the alleged act or omission which, if proved, gives rise to such claim; provided, however, that whenever the claimant cannot identify such alleged act or omission with any single department, division, institution or agency of the Commonwealth, then the claim shall be presented to the Comptroller.

Source: § 2-193.

Note: This section has been completely rewritten. § 2-193 provided for the presentation to the Comptroller of all such claims.

§ 2.1-223.2. Comptroller to furnish forms of accounts.—The Comptroller shall supply the several clerks of record and, upon request, each head of a department, division, institution or agency mentioned in § 2.1-223.1, with the necessary forms to be used by them for accounts payable out of the State treasury.

Source: § 2-194.

Note: The words "of record and, upon request, each head of a department, division, institution or agency mentioned in § 2.1-223.1" have been substituted for the words "in this State". Also, internal section reference has been conformed.

§ 2.1-223.3. What Comptroller may allow.—Every claim authorized to be presented to the Comptroller or to the head of a department, division, institution or agency shall be examined by the person to whom it is presented and forwarded with appropriate supporting papers and recommendations without unreasonable delay to the Comptroller, who shall promptly allow so much on account thereof as may appear to be due.

Source: § 2-196.

Note: Only the Comptroller was affected by prior § 2-196.



§ 2.1-223.4. Within what time allowance by court shall be paid.—No allowance made by order of any court of record shall be paid out of the State treasury, unless presented to the Comptroller for payment within two years from the date of such allowance.

Source: § 2-197.

Note: The words "court of record" are substituted for the words "circuit or corporation court".

§ 2.1-223.5. When claims barred.—No claim shall be allowed by the Comptroller after ten years from the time when it might by law have been presented for payment. In computing such period of ten years, that period extending from the time a claim is filed with the Comptroller or department head and the time written notice of denial is mailed or otherwise delivered to the claimant shall be excluded. The Comptroller shall act upon every claim within a reasonable time.

Source: § 2-198.

Note: The last two sentences are added.

§ 2.1-223.6. When Comptroller may refer claim to Governor.—Whenever a claim cannot be allowed solely because it was not presented within the time prescribed by § 2.1-223.5 the Comptroller may, within three years after the claim might have been presented, refer the same to the Governor, and so much thereof shall be paid as the Governor may direct.

Source: § 2-199.

Note: This section has been completely rewritten and substantially reduced in wordage for clarity, but no substantive change is intended.

§ 2.1-224. Appropriations; when submission to Division of Budget, and approval of Governor required.—No money shall be paid out of the State treasury except in pursuance of appropriations made by law.

No appropriation to any department, institution or other agency of the State government, except the General Assembly and the judiciary, shall become available for expenditure until the agency shall submit to the Director of the Division of the Budget quarterly estimates of the amount required for each activity to be carried on, and such estimates shall have been approved by the Governor.

Source: § 2-200.

Note: No change.

§ 2.1-225. Filing of statements by certain recipients of State funds.—All persons, firms, corporations, associations, groups, and organizations of whatsoever nature to which appropriations are made in the act appropriating the public revenue by specific designation shall annually file with the Comptroller a certified statement showing in detail the receipts and expenditures thereof. Such statement shall show the compensation, either by salary, bonus, or otherwise paid out to and paid any officer or employee who receives in excess of one thousand dollars per year. It shall be unlawful for the Comptroller of this State to pay any appropriation to any such of the foregoing unless such statement has been filed by the association or organization to which this section and the appropriation are applicable.

The provisions of this section shall not apply to any State agency, officer or employee.

**Source:** § 2-200.1.

**Note:** No change.

§ 2.1-226. Deposits in name of State Treasurer; how withdrawn.—All State moneys in a State depository shall stand on the books of such depository to the credit of the State Treasurer. But the State Treasurer shall have no authority to draw any of the money except by his check, drawn upon a warrant issued by the Comptroller. If any money to his credit, as aforesaid, shall be knowingly paid otherwise than upon his check drawn upon such warrant, the payment shall not be valid against the Commonwealth.

**Source:** § 2-201.

**Note:** No change.

§ 2.1-227. Issue of warrants.—The Comptroller shall not issue any disbursement warrant unless and until he shall have audited the bill, invoice, account, payroll or other evidence of the claim, demand or charge and satisfied himself as to the regularity, legality and correctness of the expenditure or disbursement, and that the claim, demand or charge has not been previously paid. If he be so satisfied, he shall approve the same; otherwise, he shall withhold his approval. In order that such regularity and legality may appear, the Comptroller may, by general rule or special order, require such certification or such evidence as the circumstances may demand.

**Source:** § 2-202.

**Note:** No change.

§ 2.1-228. Lump-sum transfers prohibited.—Except as hereinafter provided, lump-sum transfers of appropriations to State departments, divisions, offices, boards, commissions, institutions and other agencies owned or controlled by the State, whether at the seat of government or not, are prohibited. But nothing in this section shall be construed as preventing the payment to or distribution among the political subdivisions of the State of any appropriations made to them by law.

**Source:** § 2-203.

**Note:** No change.

§ 2.1-229. Petty cash funds.—A reasonable petty cash fund shall be allowed each State department, institution, board, commission, or other agency. The amount of such petty cash fund shall be fixed by the Comptroller in each case, but these funds shall be reimbursed only upon vouchers audited by the Comptroller.

**Source:** § 2-204.

**Note:** No change.

§ 2.1-230. Issue of warrants to division engineers of Department of Highways.—Upon warrant of the Comptroller, the State Treasurer may advance amounts of cash as working funds to the division engineers of the Department of Highways, to be disbursed by them solely for the

payment of laborers' wages and for emergency purchases. But the amount of these funds shall be fixed by the Comptroller and the disbursements therefrom shall be audited by the Comptroller after payment. The Treasury Board shall designate the depositories in which such funds shall be placed.

**Source:** § 2-205.

**Note:** No change.

§ 2.1-231. Who to issue warrants for payment of claims; how signed and attested.—After the allowance of any claim which is payable out of the State Treasury, under any of the provisions of this title, a warrant shall be issued for the sum to be paid. A register of all warrants so issued shall be kept by the Comptroller, which register and a duplicate register for the State Treasurer shall, from time to time, be signed by the Comptroller or by such deputy or deputies as he may designate for that purpose. The Comptroller shall not be required to sign such warrants.

All checks drawn upon such warrants as shown by such register and duplicate register, signed by the Comptroller or his deputy, shall be signed by the State Treasurer, or by such deputy or deputies as he may designate for that purpose. Such signature may be made by means of such mechanical or electrical device as the State Treasurer may select, after the same shall have been approved by the Governor and the Attorney General. Such device shall be safely kept so that no one shall have access thereto except the State Treasurer and such of his deputies as may be authorized to sign warrants as herein provided.

**Source:** § 2-206.

**Note:** No change.

§ 2.1-232. Issuance of duplicate warrants.—Upon satisfactory proof being presented to the Comptroller or to the State Treasurer that any warrant drawn by either the Comptroller or the State Treasurer, or by a predecessor, upon the State treasury has been lost or destroyed before having been paid, the Comptroller or State Treasurer who issued, or from whose office was issued, the original warrant may issue a duplicate therefor. The Comptroller or the State Treasurer may require a bond to be executed, with such security as is approved by him, payable to the Commonwealth, in the penalty of the amount of the warrant and conditioned to save harmless the Commonwealth from any loss occasioned by the issuing of the duplicate warrant. But no duplicate shall be issued within thirty days of the issuing of the original warrant and every duplicate warrant shall show upon its face that it is a duplicate.

**Source:** § 2-207.

**Note:** This section is amended to remove statutory requirement of a bond in double the amount of a warrant, substituting therefor authority for the Comptroller or State Treasurer to require a bond in the amount of a warrant in those cases in which they consider such bond in the best interest of the Commonwealth.

§ 2.1-233. When duplicate issued within thirty days and bond not required.—If the original warrant was issued: (1) To any eleemosynary or educational institution of the State for money appropriated to the institution, (2) to the treasurer of any county or city in the State for money apportioned to it out of the school fund and to be disbursed by the treasurer in payment of school warrants, or to be issued to any district

school board of any county for money to be disbursed by the board in payment and settlement of any claims lawfully contracted in the operation of the public schools in the district, or in the construction of graded school buildings, or (3) to the treasurer of any county or city in the State for money apportioned to it from the gas tax, and such warrant has been lost or destroyed without having been paid, the Comptroller or the State Treasurer who issued the original warrant, or from whose office the same was issued, if issued by his predecessor, shall issue a duplicate warrant therefor, showing upon its face that it is a duplicate, within thirty days from the date of issuing the original warrant, upon satisfactory proof of the loss or destruction of the original warrant; and in any such case no indemnifying bond shall be required.

**Source:** § 2-208.

**Note:** No change.

§ 2.1-234. Notice to bank of issue of duplicate warrant.—In any case in which a duplicate warrant is issued, the Comptroller or State Treasurer issuing it shall give written notice to the bank at which the warrant is payable that a duplicate warrant has been issued, giving the dates of both the original and duplicate, the amount of the warrant and to whom, or to whose order, it is payable, and shall notify the bank not to pay the original warrant if presented. A copy of such notice shall be filed in the office of the Comptroller or the State Treasurer who issued the duplicate warrant.

**Source:** § 2-209.

**Note:** No change.

§ 2.1-235. Department of Purchases and Supply.—The Department of Purchases and Supply, shall be under the supervision and control of a Director appointed by the Governor, subject to confirmation by the General Assembly if in session when such appointment is made, and if not in session, then at its next succeeding session. The Director shall hold his office at the pleasure of the Governor for a term coincident with that of each Governor making the appointment or until his successor shall be appointed and qualified. Vacancies shall be filled in the same manner as original appointments are made. The Director shall be a person experienced in large scale buying.

**Source:** § 2-211.

**Note:** No change.

§ 2.1-236. Board of Purchases and Supply.—There is hereby created a Board of Purchases and Supply which shall consist of five members appointed by the Governor to serve at his pleasure. The Board shall hear appeals from actions of the Director as provided in articles 2 ( § 2.1-244 et seq.) and 3 ( § 2.1-273 et seq.) of this chapter.

**Source:** § 2-211.1.

**Note:** Internal section references conformed.

§ 2.1-237. Assistants and other employees.—Subject to the provisions of chapter 10 ( § 2.1-110 et seq.) of this title, the Director of the Department of Purchases and Supply may employ such assistants and other persons as may be necessary to enable him to discharge his duties, and

may fix their compensation, but the compensation shall not exceed that authorized in the biennial appropriation act or other Act of Assembly. The officer or individual in charge of the public printing shall be a practical printer and acquainted with the details of the printing business.

**Source:** § 2-212.

**Note:** Internal section reference conformed.

§ 2.1-238. Interest in contracts, etc., forbidden.—Neither the Director of the Department of Purchases and Supply, nor any assistant or employee of his, shall be financially interested, or have any personal beneficial interest, either directly or indirectly, in any contract for printing, binding, ruling, advertising, lithographing, engraving, and so forth, let out by him, in any contract for paper or stationery purchased for the use of the State, in any profits arising therefrom, in the purchase of any materials, equipment or supplies under this chapter, or in any firm, corporation, partnership or association furnishing any such services, materials, equipment and supplies; nor shall such Director, assistant or employee accept or receive, directly or indirectly, from any person, firm or corporation to whom any contract may be awarded, or from whom any purchase may be made, by rebate, gift, or otherwise, any money or other thing of value whatsoever, or any promise, obligation or contract for future reward or compensation.

**Source:** § 2-213.

**Note:** No change.

§ 2.1-239. Penalty for violation.—Any violation of § 2.1-238 shall be punishable by confinement in the State penitentiary for a term not exceeding five years, or by confinement in jail not exceeding twelve months, or by fine not exceeding one thousand dollars, or by both such confinement in jail and fine.

**Source:** § 2-214.

**Note:** Internal section reference conformed.

§ 2.1-240. Payment of moneys into State Treasury.—Except as otherwise provided in § 2.1-249 all moneys collected by the Director of the Department of Purchases and Supply shall be paid promptly into the State treasury and reported to the State Comptroller for appropriate credit in the accounts of his office.

**Source:** § 2-215.

**Note:** Internal section reference conformed.

§ 2.1-241. Accounting and records.—The Director of the Department of Purchases and Supply shall maintain such system of accounting as shall be devised and installed by the Auditor of Public Accounts.

In connection with sales of Acts of Assembly or any other State document, a record shall be kept showing date of purchase, name of purchaser, documents purchased, and amount received; and in each instance a receipt shall be given to the purchaser and the purchase price shall be received before delivery of any volume or volumes.

The Director of the Department of Purchases and Supply shall be required to establish and maintain such records as to show at all times

the number of Virginia Reports, Acts of Assembly, and other documents, in his custody; and he shall be required to report to the Director of the Division of the Budget within thirty days after the close of each fiscal year the number of volumes of each class in his custody.

Source: § 2-216.

Note: No change.

§ 2.1-242. Records open to public inspection.—All proceedings, records, contracts and orders of the Director of the Department of Purchases and Supply shall be public records, open to the inspection of any citizen, or any interested person, firm or corporation, at all reasonable hours.

Source: § 2-217.

Note: No change.

§ 2.1-243. Report of Director.—The Director shall cause to be made an annual report of the Department of Purchases and Supply setting forth the operation of the Department and giving any information with reference thereto as he shall deem proper. The report shall show the dollar volume of purchases made, the total cost of public printing and the inventory of paper stocks and State publications on hand as of the close

Source: § 2-218.1.

Note: No change.

§ 2.1-244. Director to supervise public printing and binding.—The public printing and binding for the Commonwealth shall be under the supervision and control of the Director of the Department of Purchases and Supply, whose duties shall be as prescribed by law. He shall be held responsible for the proper mechanical execution of the State printing.

Source: § 2-219.

Note: No change.

§ 2.1-245. Awards of contracts for printing.—The Director of the Department of Purchases and Supply shall have done all the printing, binding, ruling, lithographing, and engraving required by any department, division, institution, officer or agency of the State, and authorized by law to be done, or required in the execution of any law, and the work shall be executed upon competitive bids if practicable. Awards shall be made to the lowest responsible bidder, having due regard to the facilities and experience possessed by such bidders; provided, however, whenever the Director has reason to believe that the low bid is not the best price, he shall have the authority to enter into further negotiations with the apparent low bidder to the end that the price paid shall be the best price obtainable.

Source: § 2-220.

Note: No change.

§ 2.1-246. Method of making awards; terms of contracts.—The Director of the Department of Purchases and Supply shall give notice of the time and place of such bidding either by newspaper publication or

otherwise; he shall provide schedules or blanks stating clearly and distinctly the kind and character of the work to be done, upon which bids will be required to be submitted, which bids shall be opened at a time specified in the presence of such bidders as see fit to attend. He may let out the work either upon annual contracts or for separate items as the best interest of the Commonwealth requires, in all cases reserving the right to reject any and all bids. He shall also fix such time for the delivery of the work as to him seems reasonable. He may, in his judgment, require the party undertaking to do the work, or any part of it, to enter into a written contract, stating distinctly the terms thereof, embracing the prices to be paid for composition, presswork, folding, stitching, ruling, binding, and all other items in detail. He shall provide in such contract that the printing is to be executed in a close and compact form, without unnecessary title pages, or useless blank pages. He may in his discretion require the person or persons making the contract to enter into bond with condition for the faithful performance and execution thereof; and, in event the work so contracted for be not completed within the time specified therein, he shall deduct and retain from such contract prices such per centum thereof for each day or week that such work is delayed, as he deems proper. The bond required to be given shall be with security approved by the Director and a penalty equal to not less than one-third of the contract price for the work to be done. The form of the bond shall be approved by the Attorney General. No person shall be accepted as such surety who is directly or indirectly interested in any contract with the Commonwealth. All such contracts and bonds shall be made in duplicate. The original bond shall be filed in the office of the Director, and the duplicate furnished the contractor.

In arranging for printing of repetitive publications such as catalogues and bulletins for educational institutions, compilations of statutes relating to a department, division or bureau of any State agency, etc., the Director shall include in his contracts for the printing of such publications provisions for holding or plating standing type for use in subsequent issues whenever, in his discretion, economy in printing said publications will be effected. It shall be the responsibility of the agencies of the State to notify the Director in all instances in which text matter of a publication to be printed will be reprinted in subsequent issues as is or with minor changes.

**Source:** § 2-221.

**Note:** No change.

§ 2.1-247. Appeal from award.—Any bidder feeling himself aggrieved by an award made by the Director may appeal to the Board of Purchases and Supply, which shall hear and determine the matters in the appeal; but notice of such appeal must be given the Director, in writing, within ten days from the date of the award appealed from.

**Source:** § 2-222.

**Note:** No change.

§2.1-248. Contracts for paper.—The Director of the Department of Purchases and Supply shall purchase, upon competitive bids if practicable; and in such cases from the lowest responsible bidder; quality and price considered, after like advertisement as that prescribed in § 2.1-246; the paper required for the printing, and binding let out by him, and may purchase the same at such times and in such quantities as he deems proper, and furnish the same to the contractors for the printing, bind-

ing, and ruling as is needed, provided, however, that nothing herein contained shall prohibit the Director from letting a contract on printing which shall include the paper to be furnished by the printing contractor when the best interest of the State will be served. After the Director of the Department of Purchases and Supply has determined and certified the accounts for the purchase of paper to be correct, the Comptroller shall grant a warrant therefor on the treasury. All contracts in relation to the paper shall be subject to and regulated by the provisions of § 2.1-246 in relation to the contracts for public printing, and all appeals from decisions of the Director shall be heard and determined as are appeals in relation to the public printing and binding.

**Source:** § 2-223.

**Note:** Internal section references conformed.

§ 2.1-249. Payment of bills for printing, binding, etc.—(a) All accounts accruing under the provisions of this chapter and relating to public printing shall be approved by the Director of the Department of Purchases and Supply as correct and according to contract, if that be a fact, and the Director shall then certify the account to the Comptroller to be paid out of the general fund appropriated for the public printing.

(b) Each department, division, institution, officer or agency shall, upon statements rendered by the Director of the Department of Purchases and Supply, cause to be paid out of the funds appropriated for the maintenance of such department, division, institution, officer or agency into the State treasury to the credit of the printing fund covering the cost of the printing, binding, ruling, lithographing, engraving, advertising, wrapping, mailing, freight, postage, expressage, stationery and other material furnished such department, division, institution, officer or agency. All printing, binding, ruling, lithographing, engraving, wrapping, mailing, freight, postage and expressage required by or for the General Assembly and required in the printing, binding and distribution of the Virginia Reports, annual reports and forms which the Director is required to furnish, for the payment of which no provision is otherwise made, shall be paid for out of funds appropriated to the Department of Purchases and Supply.

(c) In determining the amount to be paid for composition under the provisions of this chapter, nothing shall be allowed or paid for any unnecessary blank page.

**Source:** § 2-224.

**Note:** No change.

§ 2.1-250. Director to employ another if printing, etc., not done satisfactorily.—If any department, division, institution, officer or agency of the State report to the Director of the Department of Purchases and Supply any failure in the prompt and satisfactory execution of the printing, binding, ruling, engraving, or lithographing, required by such department, division, institution, officer or agency, and in any case in which the Director is satisfied that the contractor has failed to comply with the stipulations of his contract, it shall be the duty of the Director to employ some other person to do the work, and he shall bring an action upon the bond of the defaulting contractor for any loss which may be sustained by the State in consequence of such default as soon as the same can be ascertained.

**Source:** § 2-225.

**Note:** No change.



§ 2.1-251. What public printing, etc., must be done.—The Director of the Department of Purchases and Supply shall supply all the departments, divisions, institutions, officers and agencies of the State with such printing, lithographing, engraving, ruling, and binding as may be required by them for the proper conduct of the business of the State. He shall furnish such printing as may be ordered by either house of the General Assembly, and shall also cause to be published in such papers as may be ordered, proclamations and advertisements for the officers enumerated above. It shall be the duty of such departments, divisions, institutions, officers and agencies to order all of their printing, binding, ruling, lithographing, engraving, and advertising upon requisition upon such Director, stating clearly and distinctly the description of the work, the quantity, and the time delivery is desired. The Director shall furnish the various departments, divisions, institutions, officers and agencies with the necessary blank requisitions upon which orders for printing are to be made.

**Source:** § 2-226.

**Note:** No change.

§ 2.1-252. Exception as to institutions of higher learning.—The provisions of this chapter requiring that all public printing, lithographing, engraving and ruling shall be supplied by or through the Director shall, unless otherwise ordered by the Governor, not apply to any printing, lithographing, engraving or ruling embraced in any order of any State college, university or other institution of higher learning when such printing, lithographing, engraving or ruling is for such institution and in the opinion of the Director constitutes an emergency justifying an exception under the provisions of this section; but the total amount so embraced in such exceptions for any one institution shall not exceed one hundred dollars during any one year.

**Source:** § 2-227.

**Note:** No change.

§ 2.1-253. How bills, joint resolutions, etc., printed.—The Director shall cause to be printed two hundred and fifty copies of every bill, resolution, joint resolution, House document, Senate document, or other matter ordered to be printed for use of the Senate or House of Delegates and intended for temporary use. The Director shall have authority to increase the number of copies of bills, and so forth, to be printed, whenever it shall become necessary, to supply the requirement of the General Assembly and to provide copies required for sale and distribution under the provisions of §§ 2.1-254, 2.1-255, 2.1-256 of the Code of Virginia.

In printing any bill, resolution and joint resolution there shall not be allowed on the first page thereof between the folio line and the heading or title a space in excess of one-half inch. Reasonable space shall be allowed between the title of a bill or resolution and the body thereof for the printing of the name or names of the patron or patrons, and, for the name of the committee of the House or Senate to which the same is referred. Spacing between the lines of the title and of the body of the bill or resolution shall not be in excess of a six point slug. All bills and resolutions shall be set in ten point type. House and Senate documents shall be set in ten point type, allowing reasonable space between title and body of the document and normal spacing between paragraphs, in keeping with recognized practices in the printing trade.

However, if for any reason the use of a type face or spacing between lines, different from that herein prescribed, will result in economy in printing, upon recommendation of the Director and approval thereof by the joint Committee on Printing of the Senate and House of Delegates such recommended and approved type face or spacing between lines may be used.

**Source:** § 2-228.

**Note:** Internal section references are conformed. The word "trade" is added at the end of the second paragraph, last sentence. The word "or" is substituted for "and/" twice in the last sentence.

§ 2.1-254. Copies of bills, calendars, etc., to be furnished on application.—The Director of the Department of Purchases and Supply shall furnish to such persons, firms, or corporations as may apply therefor and pay the fees and costs prescribed in § 2.1-255 copies of each bill printed for the House of Delegates and the Senate, the calendar of each house, and all joint resolutions, not exceeding one copy to any one person, firm, or corporation.

**Source:** § 2-229.

**Note:** Internal section reference conformed.

§ 2.1-255. Fees and costs to be paid.—For the services rendered under § 2.1-254 the Director of the Department of Purchases and Supply shall charge and collect in advance a fee of twenty-five dollars for each session of the General Assembly from each person, firm or corporation applying therefor; in addition to each such fee he shall also charge and collect an amount necessary to cover the cost of mailing, if such bills, calendars and resolutions are to be sent by mail.

**Source:** § 2-230.

**Note:** Internal section reference conformed.

§ 2.1-256. To whom two preceding sections not applicable.—The provisions of §§ 2.1-254 and 2.1-255 shall not apply to any person or persons who may, from time to time, at irregular intervals, apply for one or more copies of any special or particular bill, nor to the officers of the State government, heads of State institutions, members of the General Assembly, and representatives of the press and radio, or either, reporting the proceedings of the General Assembly, desiring copies of the bills, journals, documents, etc., for their own use. If such bills, calendars and resolutions are to be sent by mail or express, the parties desiring the same shall pay an amount necessary to cover the cost of mailing or expressing the same.

**Source:** § 2-231.

**Note:** Internal section reference conformed.

§ 2.1-257. Printing and distribution of Acts of Assembly.—The Director shall cause to be printed, as soon as approved by the Governor, not in excess of five thousand copies of the acts and joint resolutions of the General Assembly. As printing progresses a sufficient number, approximately nine hundred copies, shall be stapled in sections of approximately two hundred pages each for distribution as advance sheets of the Acts of Assembly and shall be distributed promptly as follows:

Two copies to each member of the General Assembly;

Five copies to the clerk of each house;  
One copy to each head of a department;  
Six copies to the Division of Statutory Research and Drafting;  
Six copies to the Attorney General;

One copy to each judge of a county or municipal court, and one copy to each judge, attorney for the Commonwealth, clerk of a court of record of this State, and clerk of the council of a city in this State, and

Five copies to the State Corporation Commission.

The remainder he shall have bound in ordinary half binding, with the index and tables required by law to be printed with the acts and joint resolutions of the General Assembly, and as soon as practicable after the close of each session of the General Assembly, shall deliver:

One copy to the Governor;

One copy to each head of department;

Ten copies for the use of the Division of Statutory Research and Drafting plus the number required for exchange with other states;

And he shall forward by mail, express, or otherwise:

Five copies to each member of the General Assembly;

Two copies to each judge;

Five copies to the State Corporation Commission;

Six copies to the Attorney General;

One copy to each mayor, clerk of any court, attorney for the Commonwealth, sheriff, sergeant, treasurer, commissioner of the revenue, judge of a county or a municipal court, board of supervisors and school board, the Reporter of the Supreme Court of Appeals, the library of each educational institution in this State that maintains a library, each public library, each judge and clerk of any court held in this State under the laws of the United States and each attorney and marshal in this State holding office under the United States;

Five copies to the State Library;

Five copies to the State Law Library;

One copy to each university and college in this State;

One copy to each member of the State Hospital Board;

One copy to the School for the Deaf and the Blind;

Ten copies to the Clerk of the Senate for the use of the Senate;

Fifteen copies to the Clerk of the House of Delegates for the use of the House;

Three copies to the Auditor of Public Accounts; and

Three additional copies to the Comptroller.

Source: § 2-232.

Note: The last line is added.

§ 2.1-258. Furnishing Acts of Assembly to county and city officers entitled to receive them.—Whenever the Director of the Department of Purchases and Supply is satisfied that any judge of a county court or other county or city officer entitled by law to receive the Acts of Assembly does not possess the same or any of them, and cannot otherwise procure them, he shall, on application of the circuit or corporation court, furnish the same; provided, he does not thereby diminish the supply of the work so issued, in his custody, below twenty-five copies.

Source: § 2-233.

Note: No change.

§ 2.1-259. Printing of journals for Senate and House; their distribution.—The Director of the Department of Purchases and Supply shall superintend the execution of all printing done by order of the Senate or the House of Delegates, or their respective clerks, and within ninety days after the close of each session of the General Assembly he shall, upon requisition furnished him by the Director of the Division of the Budget, cause to be printed and bound the journals for the Senate and the House of Delegates, with an index thereto, in sufficient quantity to make the following distribution: One copy to the Governor; five copies to each of the clerks of the Senate and the House; ten copies to the State Library; one copy to each educational institution in this State which maintains a library; one copy to each public library; one copy to the President of the Senate and one copy to the Speaker of the House; one copy to the Division of Statutory Research and Drafting; and one copy to each member of the Senate and the House of Delegates. The number of copies to be printed and the quality of binding shall be designated by the Director of the Division of the Budget.

Source: § 2-234.

Note: No change.

§ 2.1-260. Donations to universities and colleges having law schools.—The Director of the Department of Purchases and Supply shall furnish the universities and any incorporated college of the State in which a law school is established, and which has not heretofore been furnished, out of any surplus copies on hand, with one copy of the Journal of the Senate, the Journal of the House of Delegates, the Journal of the Constitutional Conventions, the Acts of Assembly and the Codes.

Source: § 2-235.

Note: No change.

§ 2.1-261. Furnishing certain law school libraries publications for exchange.—The Director is authorized and directed to furnish to the Law Library of the University of Virginia and the Law Library of the Marshall-Wythe School of Law of the College of William and Mary fifty copies each of such publications printed under his authority as may be designated in writing by the Law Librarian of the University of Virginia and the Law Librarian of the Marshall-Wythe School of Law of the College of William and Mary prior to the time that any such publication so designated goes to press, to be used for exchanges for like publications with law libraries and institutions of other states, the national government and other governments, societies and others as they may see fit.

Source: § 2-236.

Note: No change.

§ 2.1-262. Reports given to law schools when libraries destroyed by fire.—The Director of the Department of Purchases and Supply is authorized and directed to furnish to the law school of any university or incorporated college in the State whose law library has been destroyed by fire, out of any surplus copies on hand and available for such distribution, eight copies of each volume of the Virginia Reports, and two copies of each volume of the Acts of the General Assembly, or so many thereof as may be necessary to replace copies of such volumes which have been destroyed by such fire.

Nothing in this section shall be construed to require the Director of the Department of Purchases and Supply to purchase any such copies for distribution hereunder.

Source: § 2-237.

Note: No change.

§ 2.1-263. Furnishing copy of maps to college or academy.—The Director of the Department of Purchases and Supply shall furnish every incorporated college and academy in the State with a copy of the maps published by the State.

Source: § 2-238.

Note: No change.

§ 2.1-264. Editing, approval and printing of annual reports of departments, etc.—Annual reports of agencies of the State government, whether required by statute or otherwise to be submitted to either the Governor or some other official or controlling body, board, commission, etc., of the State, before being printed and bound shall be edited, in the discretion of the Governor, and at his direction, said editing, if directed, being for the purpose of reducing and condensing the reports as far as may be practicable to be in concise form. The content of any annual report constituting all or any part of a formal opinion or decision of any administrative agency or tribunal shall not be subject to any editorial change or deletion. No annual report shall be printed unless and until certified for printing and/or binding by the Director of the Budget pursuant to § 2.1-53 of the Code of Virginia, but the Governor may direct that authority to print and/or bind any or any part of said report or reports be withheld. It shall be the duty and responsibility of the Department of Purchases and Supply to provide State agencies with technical assistance and advice, as far as may be practicable, in the manner and method of preparation of copy for, format of, method of reproduction of, etc., annual reports. The cost of printing annual reports and the distribution thereof as required by § 2.1-265 of the Code of Virginia shall be borne by the agencies of government for which the said reports are printed.

Source: § 2-239.1.

Note: Internal section references are conformed.

§ 2.1-265. Form of printing annual reports; distribution.—The Director shall cause to be printed all annual reports authorized to be printed and by such method or methods of reproduction as may be to the best advantage or result in effectuating economies. All such printing shall be done in accordance with the provisions of § 2.1-246 of the Code of Virginia.

In the printing of the reports provided for in this section, as in all classes of the State work, the officer preparing the report or other documents shall in all cases be responsible for the matter contained therein.

The Director shall cause to be distributed, the printed volumes of annual reports as follows:

- (1) One or more copies to the Governor, as he may direct;
- (2) One copy to the President of the Senate;
- (3) One copy to each member of the General Assembly;
- (4) One copy to each institution and head of department;
- (5) Two copies together with such additional copies as may be necessary for exchange purposes to the State Library, and
- (6) Five copies to the Clerk of the Senate for the use of the Senate and five copies to the Clerk of the House of Delegates for the use of the
- (7) Such number of copies to the Law Library of the University of Virginia as may be designated by the Law Librarian, pursuant to § 2.1-261 of the Code of Virginia;
- (8) Five copies to the Department of Purchases and Supply;
- (9) The remainder of volumes to be delivered to the agency of the State for which the report was printed.

**Source:** § 2-240.

**Note:** Internal section references are conformed.

§ 2.1-266. Printing and binding of reports of Supreme Court of Appeals.—When notified by the reporter for the Supreme Court of Appeals that he has sufficient copy to issue a volume of the Virginia Reports, or a substantial part thereof, the Director of the Department of Purchases and Supply shall advertise for bids for doing the work of the entire volume in such installments as he requires, as provided in § 2.1-246; and when he contracts for the printing and binding of current and future volumes of Virginia Reports of the Supreme Court of Appeals, he shall contract for the printing and binding of so many copies of the volume or volumes as the Director of the Division of the Budget designates, not exceeding two thou-

In contracting for the printing and binding of such reports he shall conform to the provisions of this chapter in relation to other printing and binding.

**Source:** § 2-242.

**Note:** Internal section reference conformed.

§ 2.1-267. Advance sheets of Virginia Reports.—In addition to the copies authorized to be printed and bound under § 2.1-266 the Director of the Department of Purchases and Supply may have printed, for sale as advance sheets, a number of copies of each such report sufficient to fill orders received for advance sheets. He shall fix the price for advance sheets in an amount to cover the cost of printing, mailing and handling. All the funds collected by him from the sale of advance sheets shall be paid into the State treasury and reported to the Comptroller for credit to the general fund of the Commonwealth.

**Source:** § 2-243.

**Note:** Internal section reference conformed.

§ 2.1-268. Custody and distribution of reports of Supreme Court of Appeals.—The Director shall be charged with the custody, disposal and sale of the published reports of the decisions of the Supreme Court of Appeals. One copy of each volume of the reports hereafter published shall be furnished to each of the following for their use and the use of their successors in office:

- (1) The clerk of the Supreme Court of Appeals;
- (2) The reporter of the Supreme Court of Appeals;
- (3) The judges and retired judges of each court of record of this State;
- (4) The clerk of each such court;
- (5) Each judge of a county court and each judge or justice of a municipal court;
- (6) The Clerk of the House of Delegates;
- (7) The Clerk of the Senate;
- (8) The Division of Statutory Research and Drafting;
- (9) The Industrial Commission;
- (10) The Secretary of the Virginia State Bar;
- (11) The clerk of each of the district courts of the United States held in this State for the use of the courts and the members of the bar practicing therein.

Two copies of each volume of the reports hereafter published shall be furnished to each of the justices of the Supreme Court of Appeals, to the State Corporation Commission and the Attorney General for their use and to the use of their successors in office. Eight copies of each volume of the reports hereafter published shall be furnished to each university and college in the State in which a law school approved by the American Bar Association is established. Fifteen copies of each such volume shall be placed in the State Law Library at Richmond and two copies shall be placed in the other law library of the Supreme Court of Appeals at Staunton.

The Director shall place in the Law Library at Richmond such additional copies of all of the decisions of the Supreme Court of Appeals as are available, so as to make up fifteen complete sets of the Virginia Reports for the justices' private offices, conference rooms and the Law Library.

**Source:** § 2-244.

**Note:** No change.

§ 2.1-269. Books for State Law Library.—The Director of the Department of Purchases and Supply shall have placed in the State Law Library at Richmond, and in the branch thereof at Staunton, a copy of every law book which may be hereafter published for the Commonwealth in addition to the copies required by §§ 2.1-257 and 2.1-268.

**Source:** § 2-245.

**Note:** Internal section references are conformed.

§ 2.1-270. Sale and distribution of State publications.—All publications of the State required, by any section of this article, to be distributed

and/or sold by the Director shall be delivered to the said department and the Director shall cause to be made the distribution and sales in accordance with law. Such publications as are available for sale may be sold at a price per volume fixed by the Director, said price to be reasonable and sufficient to cover the cost of printing, binding, mailing and handling. The receipts from such sales shall be paid into the State treasury and credited to the general fund. The Director may arrange for quantity volume sales to book dealers or publishers for resale and on such quantity sales he may allow a reasonable discount; but the Director may limit such sales whenever, in his discretion, such sales would reduce his stock below a reasonable number of volumes to be held by him for sale to individuals for their own use.

Upon payment to the Director of the sum of fifty dollars per annum, the Director shall furnish by mail to any person, firm or corporation making application therefor a copy of each annual and interim report and other similar books and documents, printed under his authority for any of the departments, divisions, institutions and agencies of the State.

**Source:** § 2-246.

**Note:** No change.

§ 2.1-271. Committee on printing.—The joint standing committee on printing of the two houses of the General Assembly may supervise and give directions in all that relates to public printing and binding, and all other subjects embraced in this article and it may examine the books and investigate the transactions of the Director, in so far as they relate to the subjects embraced in Article 2 of this chapter; and, further, the committee may make such report to the General Assembly at each regular session and at other times as it deems proper.

**Source:** § 2-247.

**Note:** No change.

§ 2.1-272. Printing of journals of House of Burgesses and court records; binding for State libraries.—The provisions of this chapter shall not apply to the printing of the journals of the House of Burgesses, the publication of which the State Library Board shall have the authority to continue and the payment for which is made out of the manuscript fund, nor, unless otherwise ordered by the Governor, to the binding and re-binding of the books and other literary material of libraries operated by the State or under its authority, nor shall it apply to the printing of the records of the Supreme Court of Appeals.

**Source:** § 2-248.

**Note:** No change.

§ 2.1-273. Centralized purchasing required.—Except as the Director of the Department of Purchases and Supply shall direct and authorize otherwise, every department, division, institution, officer and agency of the State, hereinafter called the using agency, shall purchase through the Director of the Department of Purchases and Supply all materials, equipment and supplies of every description, the whole or a part of the costs whereof is to be paid out of the State treasury; it shall be the duty of the Director to make such purchases in conformity with this chapter.

**Source:** § 2-249.

**Note:** No change.



§ 2.1-274. Submission of estimates; rules and regulations.—The Director of the Department of Purchases and Supply shall prescribe and enforce rules and regulations under which estimates of the needs of the using agencies shall be submitted and requisitions made, and under which contracts for purchases may be made. Estimates of the amount and quality of materials, equipment and supplies needed by the using agencies shall be submitted at such periods as may be prescribed by the Director.

**Source:** § 2-250.

**Note:** No change.

§ 2.1-275. Purchases made in accordance with rules and regulations of Director; competitive bidding; standards.—All purchases made by any department, division, office or agency of the State shall be made in accordance with such rules and regulations as the Director may prescribe and authority to make, alter, amend or repeal regulations relating to purchase of materials, supplies and equipment is hereby conferred upon the Director. He may specifically exempt purchases below a stated amount or particular agencies or specified materials, equipment and supplies. When purchases are made through competitive bidding, the contract shall be let to the lowest responsible bidder, taking into consideration the qualities of the articles proposed to be supplied, their conformity with specifications, the purposes for which required, and the times of delivery; provided, however, that whenever the Director has reason to believe that the low bid is not the best price, he shall have the authority to enter into further negotiations with the apparent low bidder to the end that the price paid shall be the best price obtainable. Bids shall be received only in accordance with standards and standard specifications, if any, adopted by the Director. All bids may be rejected. Each bid with the name of the bidder shall be entered of record, and each record, with the successful bid indicated, shall, after the letting of the contract, be open to public inspection.

**Source:** § 2-251.

**Note:** No change.

§ 2.1-276. Bond may be required.—When any bid has been accepted, the Director may, in his discretion, require of the successful bidder a bond payable to the Commonwealth with good and sufficient surety, in the sum of not less than one-third of the amount of the bid, conditioned that he will fully, faithfully and accurately execute the terms of the contract into which he has entered. The bond shall be filed in the office of the Director.

**Source:** § 2-252.

**Note:** No change.

§ 2.1-277. How contracts executed.—All contracts entered into by the Director shall be executed in the name of the Commonwealth of Virginia by him as Director of the Department of Purchases and Supply.

**Source:** § 2-253.

**Note:** No change.

§ 2.1-278. Acquisition of supplies from United States Government.—The Director may purchase from the United States Government or any of its agencies any surplus or other materials, supplies or equipment which

may be offered for sale and needed by any of the agencies of the State when, in his judgment, such purchases may be made to the advantage of the State. Such materials, supplies and equipment may be purchased for storage and subsequent distribution, or, for immediate distribution to the agencies of the State, to the extent of the amount of funds available for such purpose.

He may also accept by gift or transfer any materials, supplies or equipment which may be made available to the State by the United States Government or any of its agencies for use by agencies of the State.

**Source:** § 2-254.

**Note:** No change.

§ 2.1-279. Standardization of materials, equipment and supplies.—So far as practicable, all materials, equipment and supplies, purchased by or for the officers, departments, agencies or institutions of the State, shall be standardized by the Director, and no variation shall be allowed from any established standard without the written approval of the Director. Such standards shall be determined upon the needs of all using agencies, so far as their needs are in common, and for groups of using agencies or single using agencies so far as their needs differ. When changes or alterations in equipment are necessary in order to permit the application of any standard, such changes and alterations shall be made as rapidly as possible.

**Source:** § 2-255.

**Note:** No change.

§ 2.1-280. Board to advise on standardization.—To carry out the provisions of the preceding section the Board of Accounts and Purchases shall consider and advise as to the needs of the various State activities and how far they can be reasonably harmonized and covered by standard specifications.

**Source:** § 2-256.

**Note:** No change.

§ 2.1-281. Direct purchases by using agencies.—The Director of the Department of Purchases and Supply shall have power, by general rule or special order, to permit purchases of any material, equipment or supplies whatsoever to be made by any using agency directly, and not through the Director, whenever it shall appear to the satisfaction of the Director that by reason of the excess transportation costs, a lower price with equal quality can be obtained by the using agency, or for any other reason, which, in the judgment of the Director, warrants such exemption.

**Source:** § 2-257.

**Note:** No change.

§ 2.1-282. Preference to materials produced or sold in Virginia.—The Director shall, in the purchase of materials, equipment and supplies, give preference, so far as may be practicable, to materials, equipment and supplies produced in Virginia or sold by Virginia persons, firms and corporations.

**Source:** § 2-258.

**Note:** No change.

§ 2.1-283. Kind of wheat flour to be purchased.—Only soft winter wheat flour shall be purchased for, or used at State supported institutions, except that the three sanatoriums for tuberculosis, the University Hospital at Charlottesville and the Medical College of Virginia, Hospital Division at Richmond may use fifty per centum of spring wheat flour; provided, that with the approval of the Director first obtained, other flours may be purchased when required for special purposes.

**Source:** § 2-259.

**Note:** No change.

§ 2.1-284. Materials for State buildings not to be purchased from architect in charge.—No building materials, supplies and equipment for any building or structure being erected or constructed or hereafter erected or constructed by, for, or on behalf of the Commonwealth, or any department, division, institution or agency thereof, shall be purchased from any person employed or acting as architect or supervising architect for such building or structure, or from any partnership, association or corporation of which such person employed or acting as such architect or supervising architect is an officer, director or stockholder, or in which such person is otherwise financially interested. If any person shall buy, sell or supply, or contract so to do, any building materials, supplies or equipment in violation of the provisions of this section, he or it, as the case may be, shall be guilty of a misdemeanor and upon conviction shall be punished accordingly, and in addition thereto all such contracts and agreements shall be null and void and of no effect.

**Source:** § 2-259.1.

**Note:** No change.

§ 2.1-285. Purchases from Commission for Visually Handicapped.—All such services, articles and commodities as (1) are required for purchase by the Director, by any person authorized by him to make purchases or by any person authorized to make purchases in behalf of the Commonwealth and their departments, agencies and institutions, (2) are performed or produced by persons or in schools or workshops under the supervision of the Virginia Commission for the Visually Handicapped, (3) are available for sale by it and (4) conform to the standards established by the Director shall be purchased from the Commission at the fair market price. When convenience or emergency requires it the executive secretary of the Commission may upon request of the purchasing officer relieve him from the obligations of this section. Any purchasing officer who violates its provisions shall be guilty of a misdemeanor and upon conviction punished accordingly.

**Source:** § 2-259.2.

**Note:** No change.

§ 2.1-286. Exceptions to centralized purchasing.—Unless otherwise ordered by the Governor, the purchasing of materials, equipment and supplies through the Director of the Department of Purchases and Supply is not mandatory in the following cases:

(1) Telephone and telegraph service, and electric light and power service, and such materials, equipment and supplies as are incident to the performance of a contract for labor or for labor and materials;

(2) Technical instruments and supplies, and technical books and other printed matter on technical subjects; also manuscripts, maps, books, pamphlets and periodicals purchased for the use of the Virginia State Library or any other library in the State supported in whole or in part by State appropriation; but no instrument supply, equipment or other commodity shall be considered technical unless so classified by the Department of Purchases and Supply;

(3) Perishable articles, provided that no article except fresh vegetables, fresh fish, eggs and milk shall be considered perishable within the meaning of this clause, unless so classified by the Department of Purchases and Supply;

(4) Automobile license number plates;

(5) Materials, equipment and supplies needed by the State Highway Commission; provided, however, that this exception may include office stationery and supplies, office equipment, janitorial equipment and supplies, coal and fuel oil for heating purposes only when authorized in writing by the Director;

(6) Materials, equipment and supplies needed by the Virginia Alcoholic Beverage Control Board; provided, however, that this exception may include office stationery and supplies, office equipment, janitorial equipment and supplies, coal and fuel oil for heating purposes only when authorized in writing by the Director.

**Source:** § 2-260.

**Note:** No change.

§ 2.1-287. Centralized purchasing not applicable to A. B. C. Board.—The provisions of this chapter relating to purchases and to purchasing shall not apply either to the purchasing by the Virginia Alcoholic Beverage Control Board of alcoholic beverages, as defined in the Alcoholic Beverage Control Act, or to the making of leases and the purchasing of real estate by the Virginia Alcoholic Beverage Control Board. Such alcoholic beverages and such real estate shall be purchased, and such leases shall be made, in accordance with the provisions of the Alcoholic Beverage Control Act.

**Source:** § 2-261.

**Note:** No change.

§ 2.1-288. Purchases by political subdivisions and local officers; use of facilities of central warehouse.—The boards of supervisors, or other governing bodies, of political subdivisions, the several counties and the councils of the several cities and towns, and the officers of counties, cities, towns and political subdivisions who are empowered to purchase material, equipment and supplies of any and all kinds for local public use, may, in their discretion, seek the aid and co-operation of the Director of the Department of Purchases and Supply in purchasing such material, equipment and supplies, to the end that, by central purchasing, cheaper prices may be obtained. When any such governing body of a county or political subdivision, council of a city or town, or duly authorized officer or officers of a county, city, town or political subdivision request the Director to obtain bids for any material, equipment and supplies, and such bids accordingly have been obtained by the Department of Purchases and Supply, the Department may award the contract to the lowest responsible bidder, and such county, city, town or political subdivision

shall be bound by such contract; the Department shall set forth in the purchase order that such material, equipment and supplies be delivered to, and that the bill therefor be made out to and forwarded to such county, city, town or political subdivision; any such bill shall be a valid and enforceable claim against the county, city, town or political subdivision responsible, requesting the Department to seek such bids.

Notwithstanding any of the foregoing, any such political subdivision shall have the right to reject all bids without any liability unless said political subdivision purchases the same or similar item or items upon which such bids were taken within a period of three months thereafter from someone other than the bidder to whom the order was awarded at the bid price. Whenever all bids have been rejected by the political subdivision, it may again call for bids on the same or similar items through the Department of Purchases and Supply, with the approval of the Director of Purchases and Supply.

The Director shall encourage the seeking of such aid and co-operation by the tender of his services by letter, and otherwise, and specially by the dissemination of facts by letter or otherwise, concerning the savings of public funds which may be effected by central purchasing of material, equipment and supplies.

Upon request of the governing body of any county, city, town or other political subdivision, or any duly authorized officer thereof, the Director may make available to any such county, city, town or other political subdivision the facilities of the central warehouse maintained by the Department; provided, however, that the furnishing of any such services or supplies shall not limit or impair any services or supplies normally rendered any department, division, institution or agency of the State.

**Source:** § 2-262.

**Note:** No change.

§ 2.1-289. Payment for purchases by Director.—All purchases made by or through the Director of the Department of Purchases and Supply shall be paid for in the same manner and out of the same funds as if the purchase had not been made by or through him.

**Source:** § 2-263.

**Note:** No change.

§ 2.1-290. When warrants for purchases not to be issued; intentional violations of this article.—The Comptroller shall not issue any warrant upon any voucher issued by any using agency covering the purchase of any material, equipment or supplies, when such purchase is made in violation of any provision of this chapter. Any using agency or person aggrieved by any failure or refusal of the Comptroller to issue any warrant hereunder, may appeal to the Board of Accounts and Purchases, and the board shall in such event afford the using agency or person a fair hearing, and review all the facts and circumstances involved. If the board shall determine that the purchase was not made in violation of any provision of this chapter it shall, or if it shall determine that the purchase was made inadvertently in violation of a provision of this chapter it may, direct the Comptroller to issue the warrant or warrants involved and the Comptroller shall thereupon, in the absence of any other provisions of law to the contrary, issue the warrant or warrants.

Intentional violations of the centralized purchasing provisions of this chapter by any using agency, continued after notice from the Governor to desist, shall constitute malfeasance in office, and shall subject the officer or officers responsible for such violations, to suspension or removal from office, as may be provided by law in other cases of malfeasance.

Source: § 2-264.

Note: No change.

§ 2.1-291. Sale or transfer of surplus.—The Director of the Department of Purchases and Supply shall transfer surplus supplies or equipment from one State department, division, institution or agency to another, and sell surplus supplies or equipment which may accumulate in the possession of any State department, division, institution or agency and pay the proceeds derived therefrom into the State treasury to the credit of the department, division, institution or agency owning the surplus supplies or equipment. No such surplus supplies or equipment shall be transferred or sold, however, without the consent of the head of the department, division, institution or agency having them in possession, or unless ordered by the Governor. No such supplies or equipment shall be sold or exchanged except as provided herein.

Source: § 2-265.

Note: No change.

§ 2.1-292. Opinion of Attorney General may be required.—In case any controversy shall arise between the Director of the Department of Purchases and Supply and any using agency, involving the proper interpretation of this chapter, the Director, or the using agency, may require the written opinion of the Attorney General thereon.

Source: § 2-266.

Note: No change.

§ 2.1-293. Appeals as to centralized purchasing.—Any department, division, institution, officer, agency or other person aggrieved by any action taken by the Director of the Department of Purchases and Supply, pursuant to the provisions of this chapter, relating to centralized purchasing may appeal to the Board of Purchases and Supply. In the event of such appeal notice shall be given and the matter heard and determined as provided in § 2.1-247.

Source: § 2-267.

Note: Internal section reference conformed.

§ 2.1-294. Laws not affected by chapter.—The provisions of this chapter shall be subject to the provisions of Title 53 relating to the products of the penitentiary and State farms required by State departments, institutions and agencies, and the purchase of the same through the Department of Purchases and Supply.

Source: § 2-268.

Note: No change.

§ 2.1-295. Definitions.—As used in this section, “agency” includes every agency, department, division, institution or other branch of the

State government. "Publication" includes all unrestricted publications of whatever kind which are printed or reproduced in any way, published or issued by an agency of the State in full or in part at State expense.

**Source:** § 2-268.1.

**Note:** No change.

§ 2.1-296. Agencies to furnish copies to State Library and Department of Purchases and Supply.—Every agency shall furnish two copies of each of its publications at the time of issue to the Virginia State Library and shall deliver one copy to the Department of Purchases and Supply at the same time.

**Source:** § 2-286.2.

**Note:** No change.

§ 2.1-297. State Librarian may acquire additional copies.—The State Librarian may require any agency to deliver to the State Library not exceeding one hundred additional copies of any publication delivered to him under § 2.1-296 of this chapter.

**Source:** § 2-268.3.

**Note:** Internal section reference has been conformed.

§ 2.1-298. Review and recommendations by Department of Purchases and Supply.—When the Department of Purchases and Supply receive publications from an agency it shall review the same and furnish such agency with suggestions concerning the most economical methods of printing, binding and mailing publications.

**Source:** § 2-268.4.

**Note:** No change.

§ 2.1-299. Records to be kept by agencies.—Every agency shall maintain such records of the cost of printing and distributing publications, and the revenue therefrom, as are necessary to disclose the actual cost of such publication and mailing and the revenue received therefrom. In addition to other expenses, there shall be included in the cost of publication the cost of purchased materials, staff time and the expenses involved in printing and mailing any such publication.

**Source:** § 2-268.5.

**Note:** No change.

§ 2.1-300. Information to be furnished to Governor.—Whenever an agency is preparing the information required by the Governor in connection with his duties under chapter 6 (§ 2.1-52 et seq.) of Title 2.1 of the Code of Virginia, such agency shall submit with its other fiscal information a list of its publications together with their purpose, the type of organizations or individuals to whom distribution is made, how many are distributed annually if the publication is an irregular one, how many are distributed per issue if the publication is a periodical, the proportion of each publication printed which is sold, the estimated cost of printing and mailing such publications, and information showing in detail why any new periodical publication proposed in the ensuing biennium and

costing twenty-five hundred dollars per year or more is necessary or desirable.

Source: § 2-268.6.

Note: Internal section references have been conformed.

§ 2.1-301. State Librarian to prepare and publish catalog.—On and after June twenty-sixth, nineteen hundred and sixty-four, the State Librarian shall prepare, publish and make available a catalog of publications printed by State agencies. Such catalog shall be issued annually and each publication shall be indexed by subject, author and issuing agency. The date of publication of each listed publication shall be noted in the catalog together with information showing, in appropriate cases, that library copies only are available. To the extent such information is available, the catalog shall set forth the price charged, if any, of each publication and how and where the same may be obtained.

Source: § 2-268.7.

Note: No change.

§ 2.1-302. Distribution of catalog.—The catalog shall be made available without cost to persons indicating a continuing interest in such catalog. Copies sent out of State shall be on an exchange basis or at a price sufficient to equal the unit cost of printing and mailing; complimentary copies may be made available by the State Librarian.

Source: § 2-268.8.

Note: No change.

§ 2.1-303. Governor may effect temporary loans.—The Governor shall have authority to raise, from time to time, by temporary loans, so much as may be needed to supply the wants at the State treasury, to be refunded by warrants of the Comptroller within twelve months from the time when such loans are made.

Source: § 2-269.

Note: No change.

§ 2.1-304. Acts concerning issuance of bonds and certificates of indebtedness continued in effect.—The following sections of the Code of 1919 and the following subsequent acts, all relating to the issue and terms of, and provisions with respect to certain bonds or certificates of indebtedness of the State, are continued in effect.

- (1) §§ 2584 to 2602, inclusive, of the Code of 1919;
- (2) Chapter 93 of the Acts of 1927, approved April 18, 1927;
- (3) Chapter 91 of the Acts of 1932, approved March 3, 1932, codified as §§ 2641 (1)-2641 (11) of Michie Code 1942; and
- (4) Chapter 203 of the Acts of 1936, approved March 14, 1936.

Source: § 2-270.

Note: No change.

§ 2.1-305. Register of coupons.—The State Treasurer shall keep registers of all coupons issued since July first, eighteen hundred and



seventy-one, according to class, denomination, number and time when due. In the column of "time when due", and opposite the "number" thereof, he shall have posted the number of the warrant and its date of issue for the payment of every coupon which is redeemed or paid; and he shall cause to be cancelled the columns of "time when due" after the date of a transfer of a coupon bond into some other class or denomination of bonds, and prior to the issue of new numbers of coupon bonds.

**Source:** § 2-271.

**Note:** No change.

§ 2.1-306. Daily record to be kept of bonds issued, cancelled or exchanged; monthly inspection of bond registers.—The Comptroller and State Treasurer shall cause to be kept in books made for that purpose a daily record of every bond issued, cancelled, or exchanged which has been or may be hereafter entered on the bond registers in their respective offices, and to make a monthly summary of the bonds issued, cancelled or exchanged, keeping each class separate. In making the daily record or monthly summary all consecutive numbers may be entered as of a single entry, provided the first and last numbers are stated, both inclusive, with the total amounts respectively. The Comptroller and State Treasurer shall also cause to be made a monthly comparison of the bond registers in their respective offices, and to observe that all changes in the registers are recorded in the books showing the summaries. The State Treasurer shall also verify all statements or transactions passing through his office and compare daily the amounts shown as the total surrender in his office with the totals shown in the office of the Comptroller.

**Source:** § 2-273.

**Note:** No change.

§ 2.1-307. How bonds and certificates signed and paid.—Every such bond and certificate shall be signed by the State Treasurer and countersigned by the Comptroller. All payments on account thereof shall be made upon the warrants of the Comptroller.

**Source:** § 2-274.

**Note:** No change.

§ 2.1-308. Who deemed owner of bond or certificate.—The person appearing on the books of the office in which any bond or certificate is registered as the owner thereof shall be deemed the owner as regards the Commonwealth, so as to make valid all payments by the Commonwealth on account thereof to such person, or his personal representative, made before a transfer of the bond or certificate on the books of such office.

**Source:** § 2-275.

**Note:** No change.

§ 2.1-309. How bonds and certificates sold, etc.—But if the person so appearing on the books as the owner shall, bona fide and for valuable consideration, sell, pledge or otherwise dispose of such bond or certificate to another and deliver to him the bond or certificate, with a power of attorney authorizing the transfer thereof to him on the books of the proper officer, the title of the former in the bond or certificate (both at

law and in equity) shall vest in the latter for the whole amount of the bond or certificate, or so much thereof as may be necessary to effect the purpose of the sale, pledge or other disposition; and it shall so vest, not only as between the parties themselves, but also as against the creditors of and subsequent purchasers from the former, subject to the preceding section.

Source: § 2-276.

Note: No change.

§ 2.1-310. How transferred on books of office.—Upon the delivery of such bond or certificate at the office in which it is registered, a transfer may be made on the books of such office, either of the whole amount or of any part thereof, by the person appearing on the books as the owner or by another having a power of attorney from him, duly authenticated, authorizing such transfer. Upon a transfer, the former bond or certificate shall be cancelled, and one or more new bonds or certificates shall be issued, not exceeding together the amount of that cancelled. But no transfer shall be made on the books between the fifteenth day of June and the first day of July next thereafter succeeding, nor between the fifteenth day of December and the first day of January next thereafter succeeding.

Source: § 2-277.

Note: No change.

§ 2.1-311. State Treasurer may destroy cancelled coupons and bonds; notice and transfer to State Librarian.—The State Treasurer is hereby authorized to destroy all coupons and bonds which have been paid by him and which have been cancelled and have remained in his office for at least three years, provided the Auditor of Public Accounts has audited and approved the records of the State Treasurer for the period covering the time during which such coupons and bonds were paid and cancelled. Such destruction may be by burning or otherwise. Before destroying any such cancelled coupon or bond, the State Treasurer shall notify the State Librarian that he intends to destroy the same and the State Treasurer is authorized to transfer to the State Librarian any such cancelled coupon or bond which the latter desires for historical purposes.

Source: § 2-279.1.

Note: No change.

§ 2.1-312. How new bonds registered, etc.—Every new bond or certificate shall be registered, signed and countersigned like the former bond or certificate.

Source: § 2-280.

Note: No change.

§ 2.1-313. How lost bond or certificate renewed.—When any bond or certificate shall be lost or destroyed, the owner thereof may:

(1) Produce to the State Treasurer, in whose office the bond or certificate is registered, proof of his having advertised the same once a week for four successive weeks in a newspaper;

(2) File in the office of the State Treasurer an affidavit, setting forth the time, place and circumstance of the loss or destruction; and

(3) Execute a bond to the Commonwealth, with one or more sureties, approved by the State Treasurer, with condition to indemnify the Commonwealth and all persons against any loss in consequence of issuing a new bond or certificate in place of the one so lost or destroyed;

And, thereupon, the State Treasurer may issue, at any time before such bond or certificate becomes due and payable, or at any time as to any such bond or certificate which has become due and payable on or after July first, nineteen hundred and thirty-two, a new bond or certificate and register the same.

**Source:** § 2-281.

**Note:** No change.

§ 2.1-314. Signature when bonds are re-issued.—Whenever any bonds or certificates of the Commonwealth of Virginia, required by law to be signed by the State Treasurer, are re-issued, such re-issues of such bonds and certificates may be signed by any deputy or deputies designated by the State Treasurer; if required to be signed by the Comptroller, such re-issues of such bonds and certificates may be signed by any deputy or deputies designated by the Comptroller if required to be attested by the Secretary of the Commonwealth, such re-issues of such bonds and certificates may be attested by any deputy or deputies designated by the Secretary.

**Source:** § 2-282.

**Note:** No change.

§ 2.1-315. Forged or counterfeit bonds or coupons of the State destroyed.—Whenever any forged or counterfeit bonds or coupons of the State shall in any manner come into the hands or possession of the Comptroller or State Treasurer, or the clerks or employees of such officers, such officers, clerks or employees are hereby authorized and empowered to seize and retain the same for and in behalf of the State for a period of ninety days, at the expiration of which time, if no steps be taken by the holders or claimants of such obligations, bonds or coupons to establish their genuineness, the same shall be turned over to the Comptroller, and by him be destroyed.

**Source:** § 2-283.

**Note:** No change.

§ 2.1-316. Proceedings for the seizure of forged obligations of the State; indemnity to officers.—Whenever such officials, clerks or employees shall be informed, or shall have good reason to believe, that any person or corporation within the limits of the State, shall have in his possession or control any forged or counterfeit obligations, bonds or coupons, then upon a petition of the Comptroller to the circuit court of the city of Richmond, verified by the affidavit of any of the aforesaid officers, clerks or employees, setting forth such possession of such obligations, bonds or coupons, the court or judge thereof in vacation, shall direct the sergeant or sheriff of any city, town or county of the Commonwealth to seize, attach and forthwith return such obligations, bonds or coupons to the court, which court shall, after the expiration of ninety days from the return, direct such obligations, bonds or coupons to be destroyed, unless within ninety days from the return thereof the claimant, holder or such person having the same in possession at the time of attachment and

seizure, shall appear and take steps to establish the genuineness of the same.

Such officers, clerks or employees shall be exonerated and held harmless from all personal liability for any act or conduct done in good faith under the provisions of this section.

Source: § 2-284.

Note: No change.

§ 2.1-317. Employees of State Treasurer's and Comptroller's offices not to leave office to testify; depositions; other evidence.—No officer, clerk or employee of the State Treasurer's office or the office of the Comptroller, shall be required to leave his office for the purpose of testifying in any suit, action or other civil proceeding involving the genuineness of a coupon tendered in payment of taxes, debts or other demands due the State, nor shall any book, record or paper belonging to either of such offices be taken therefrom to be used as evidence in any such suit, action or proceeding; but the deposition of such officers, clerks or employees may be taken, provided the same be taken in other than office hours, and a copy of any such book, record or paper, in either of such offices, attested as provided in §§ 8-266 and 8-269 may be admitted as evidence in lieu of the original.

Source: § 2-285.

Note: No change.

§ 2.1-318. Treasury Board to replace Commissioners of the Sinking Fund.—The board known as the "Commissioners of the Sinking Fund" as it heretofore existed is hereby abolished and all of its powers and duties are hereby transferred to the Treasury Board.

Source: § 2-286.

Note: No change.

§ 2.1-319. Sinking Fund, of what constituted.—All damages which may hereafter be recovered by the State against defaulting revenue collectors, money which may be derived from the sale of any stocks and securities now held in the State treasury belonging to the Sinking Fund, current interest upon all bonds hereafter purchased for the Sinking Fund, and such sums as may be appropriated from time to time by the General Assembly to the fund shall constitute the Sinking Fund of the State.

Source: § 2-287.

Note: No change.

§ 2.1-320. Investment in securities; payment of funded bonds of Commonwealth.—The moneys belonging to the Sinking Fund shall be invested by the Treasury Board in securities that are legal investments under the laws of the Commonwealth for sinking funds, and all interest received on such investments shall become a part of the Sinking Fund. The principal of, and interest on, all of the funded bonds of the Commonwealth shall be paid by the Treasury Board out of the Sinking Fund provided for that purpose, and there is hereby appropriated out of the Sinking Fund a sum sufficient for that purpose.

Source: § 2-288.

Note: No change.

§ 2.1-321. Temporary borrowings by Treasury Board.—The Treasury Board may, in their discretion, borrow temporarily, such moneys as may be necessary to pay off and discharge any bonds which are valid obligations of the Commonwealth whenever securities in the Sinking Fund are not paid at the time the obligations of the State become due, and the securities, if sold, would have to be sold at less than their cost to the Sinking Fund; provided, however, that the Governor shall first approve in writing the borrowing of such moneys; and provided further that the moneys shall not be borrowed for a longer period of time than five years. Such temporary loans may be evidenced, either by notes signed in the name of the Commonwealth by the Treasury Board, or by certificates of indebtedness, the latter, if issued, to be signed on behalf of the Commonwealth by the State Treasurer and the Comptroller. Such certificates, if issued, shall be sold by the Treasury Board for cash, at such prices, not less than par, as may be approved by them. Any securities in the Sinking Fund may be hypothecated as security for the payment of any notes or certificates of indebtedness which may be issued under the provisions of this section.

Source: § 2-289.

Note: No change.

§ 2.1-322. Expenses.—All expenses incurred in carrying into effect the provisions of the two preceding sections shall be paid out of the Sinking Fund, for which purpose there is appropriated out of such fund a sum sufficient therefor.

Source: § 2-290.

Note: No change.

§ 2.1-323. Refinancing obligations of State institutions.—The governing board of any State institution is authorized whenever it deems proper to provide for the refinancing and consolidation of the obligations of such institutions in which General Sinking Fund moneys are invested, and the Treasury Board may arrange therefor on application of any such governing board. Such refinancing and consolidation may be with respect to all or any part of the obligations of such institution so held. The obligations replacing those so held by the Treasury Board shall bear such interest rate, run for such term and contain such conditions as the Treasury Board and the governing board of the institution, respectively, agree to.

In refinancing and consolidating any such obligations, the Treasury Board shall receive the cost to it of such obligations so refinanced or consolidated.

Source: § 2-291.1.

Note: No change.

§ 2.1-324. Meetings; how bonds brought and retired.—The Treasury Board shall meet on call of the chairman, and at any such meeting the Treasury Board may determine how much of the fund at their disposal shall be expended for the immediate purchase of bonds and how the purchase shall be made, whether privately or by advertisement for bids. If, however, they determine to advertise, the advertisement shall be inserted in at least one daily newspaper published in the cities of Richmond, New York and Baltimore, and shall state that they will receive offers for the

sale of a definite amount of bonds, being such amount as, in their judgment, the sum placed to their credit will enable them to purchase, and that such offers may be made up to and including a day named. All such offers shall be made in writing, shall be sealed, and shall be opened by the Treasury Board or a majority of them, at a meeting previously agreed upon, at noon, in the presence of the Governor, or in the event of his absence, in the presence of a quorum of the Treasury Board; but the Treasury Board shall have authority to reject any and all bids made. All bonds purchased under this section shall be listed on the minutes of the Board. Such list shall show the number and denomination of each bond purchased, and such bonds shall be immediately cancelled by the Treasury Board, and shall not be used again for any purpose, except that the interest thereon shall be paid regularly to the Sinking Fund. No coupon bond shall be purchased unless all unmatured interest coupons shall be attached thereto.

**Source:** § 2-294.

**Note:** Internal reference to § 2-292, Repealed by the Acts of 1956, has been deleted.

§ 2.1-325. How moneys of Sinking Fund paid into State Treasury; how paid out.—All moneys belonging to the Sinking Fund shall be paid into the State Treasury on the warrant of the Comptroller, and shall be paid out in like manner when authorized by the Treasury Board.

**Source:** § 2-295.

**Note:** No change.

§ 2.1-326. State Treasurer to receive and pay moneys of Sinking Fund; report.—The State Treasurer shall receive and pay the moneys belonging to the Sinking Fund as hereinbefore provided. He shall keep a distinct account of the same, and report to each session of the General Assembly the aggregate receipts and disbursements on account thereof up to the first of October or first of January, as the case may be, preceding each session of the General Assembly, and the balance remaining unexpended at such time.

**Source:** § 2-296.

**Note:** No change.

§ 2.1-327. Legal investments for public sinking funds.—The Commonwealth, all public officers, municipal corporations, political subdivisions and all public bodies of the Commonwealth may properly and legally invest any sinking funds belonging to them or within their control in the following securities:

(1) Obligations of the Commonwealth.—Bonds, notes and other evidences of indebtedness of the State of Virginia, and securities unconditionally guaranteed as to the payment of principal and interest by the State of Virginia.

(2) Obligations of the United States, etc.—Bonds, notes and other obligations of the United States, and securities unconditionally guaranteed as to the payment of principal and interest by the United States, or any agency thereof.

(3) Obligations of Virginia counties, cities, etc.—Bonds, notes and other evidences of indebtedness of any county, city, town, district, au-

thority or other public body of the State of Virginia upon which there is no default; provided, that such bonds, notes and other evidences of indebtedness of any county, city, town, district, authority or other public body are either direct legal obligations of, or those unconditionally guaranteed as to the payment of principal and interest by the county, city, town, district, authority or other public body in question; and revenue bonds issued by agencies or authorities of the State of Virginia or its political subdivisions upon which there is no default.

(4) Obligations of International Bank for Reconstruction and Development.—Bonds and other obligations issued, guaranteed or assumed by the International Bank for Reconstruction and Development.

(5) Saving accounts or time deposits.—Saving accounts or time deposits in any bank within this State provided such bank is approved for the deposit of other funds of the Commonwealth or other political subdivision thereof.

**Source:** § 2-297.

**Note:** No change.

§ 2.1-328. Legal investments for other public funds.—The Commonwealth, all public officers, municipal corporations, political subdivisions and all public bodies of the Commonwealth may properly and legally invest any and all moneys or other funds belonging to them or within their control other than sinking funds in securities that are legal investments for fiduciaries under the provisions of clauses (1), (2), (3), (4), (5) and (24) of § 26-40 of the Code of Virginia, but this section shall not apply to retirement funds to be invested pursuant to § 51-76.

**Source:** § 2-298.

**Note:** No change.

§ 2.1-329. Deposit of public funds not an investment; authorized deposits.—The deposit of public sinking funds and other funds in interest bearing time deposits and certificates of deposit of national banks located within this State and of banks organized pursuant to chapter 2 (§ 6-5 et seq.) of Title 6 shall not be considered investment of such funds for the purposes of this chapter. Deposit of such funds in demand and time deposits and in certificates of deposits of national banks located within this State and of banks organized pursuant to chapter 2 of Title 6 is hereby authorized, provided that such deposits are secured as provided by law, and further provided that no such deposit shall be made for any one period in excess of one year.

§ 2.1-330. Commission created; composition; per diem and expenses; reports to Governor and General Assembly.—There is hereby created the Commission for Economy in Governmental Expenditures. The Commission shall consist of the Joint Auditing Committee of the Senate and House of Delegates together with three members of the Appropriations Committee of the House of Delegates appointed by the Speaker thereof, two members of the Senate appointed by the President of the Senate, and the Director of Personnel, ex-officio, who shall have no vote. The legislative members of the Commission shall receive the per diem provided

members of the General Assembly and their necessary expenses incident to their work upon the Commission. The Commission shall make such reports as to its findings at such times as it deems proper submitting same to the Governor and shall, at least thirty days prior to each regular session of the General Assembly, report to the Governor and General Assembly.

**Source:** § 2-300.

**Note:** No change.

§ 2.1-331. Duties of Commission.—The Commission shall consider present and proposed conditions of employment, what services and personnel might be eliminated, or combined in the interest of economical and efficient administration, needed administrative and supervisory practices, and, in general, shall make all necessary and needful studies to accomplish the aforesaid purpose.

**Source:** § 2-301.

**Note:** No change.

§ 2.1-332. Auditor of Public Accounts to be executive secretary; other assistance.—The Auditor of Public Accounts shall act as executive secretary. The Commission may employ such secretarial and other assistance as may be required for the discharge of its duties.

**Source:** § 2-302.

**Note:** No change.

§ 2.1-333. State agencies to furnish information and assistance.—All agencies of the State shall assist the Commission upon its request and furnish such information and assistance as the Commission may require in the discharge of its duties.

**Source:** § 2-303.

**Note:** No change.

§ 2.1-334. Advisory committees.—The Commission may associate with itself such advisory committees of businessmen and others as it may deem necessary to advise it with respect to what business practices can be adopted to achieve greater economies and more efficient service. The expenses of the members of such committees shall be paid from the funds of the Commission.

**Source:** § 2-304.

**Note:** No change.

§ 2.1-335. Commission not to exercise executive power.—The Commission shall have no power to take any act constitutionally reserved to the executive branch of the State Government.

**Source:** § 2-305.

**Note:** No change.

§ 2.1-336. Form of compact, etc.—The General Assembly hereby enacts, and the Commonwealth of Virginia hereby enters into, the Southern Interstate Nuclear Compact with any and all states legally joining therein according to its terms, in the form substantially as follows:



## SOUTHERN INTERSTATE NUCLEAR COMPACT

### ARTICLE I. POLICY AND PURPOSE

The party states recognize that the proper employment of nuclear energy, facilities, materials, and products can assist substantially in the industrialization of the South and the development of a balanced economy for the region. They also recognize that optimum benefit from and acquisition of nuclear resources and facilities requires systematic encouragement, guidance, and assistance from the party states on a cooperative basis. It is the policy of the party states to undertake such cooperation on a continuing basis; it is the purpose of this compact to provide the instruments and framework for such a cooperative effort to improve the economy of the South and contribute to the individual and community well being of the region's people.

### ARTICLE II. THE BOARD

(a) There is hereby created an agency of the party states to be known as the "Southern Interstate Nuclear Board" (hereinafter called the Board). The Board shall be composed of one member from each party state designated or appointed in accordance with the law of the state which he represents and serving and subject to removal in accordance with such law. Any member of the Board may provide for the discharge of his duties and the performance of his functions thereon (either for the duration of his membership or for any lesser period of time) by a deputy or assistant, if the laws of his state make specific provision therefor. The federal government may be represented without vote if provision is made by federal law for such representation.

(b) The Board members of the party states shall each be entitled to one vote on the Board. No action of the Board shall be binding unless taken at a meeting at which a majority of all members representing the party states are present and unless a majority of the total number of votes on the Board are cast in favor thereof.

(c) The Board shall have a seal.

(d) The Board shall elect annually, from among its members, a chairman, a vice-chairman, and a treasurer. The Board shall appoint an Executive Director who shall serve at its pleasure and who shall also act as Secretary, and who, together with the Treasurer, shall be bonded in such amounts as the Board may require.

(e) The Executive Director, with the approval of the Board, shall appoint and remove or discharge such personnel as may be necessary for the performance of the Board's functions irrespective of the civil service, personnel or other merit system laws of any of the party states.

(f) The Board may establish and maintain, independently or in conjunction with any one or more of the party states, a suitable retirement system for its full-time employees. Employees of the Board shall be eligible for social security coverage in respect of old age and survivors insurance provided that the Board takes such steps as may be necessary pursuant to federal law to participate in such program of insurance as a governmental agency or unit. The Board may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

(g) The Board may borrow, accept, or contract for the services of personnel from any state or the United States or any subdivision or

agency thereof, from any interstate agency, or from any institution, person, firm or corporation.

(h) The Board may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services (conditional or otherwise) from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm, or corporation, and may receive, utilize and dispose of the same.

(i) The Board may establish and maintain such facilities as may be necessary for the transacting of its business. The Board may acquire, hold, and convey real and personal property and any interest therein.

(j) The Board shall adopt bylaws, rules, and regulations for the conduct of its business, and shall have the power to amend and rescind these bylaws, rules, and regulations. The Board shall publish its bylaws, rules, and regulations in convenient form and shall file a copy thereof, and shall also file a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

(k) The Board annually shall make to the governor of each party state, a report covering the activities of the Board for the preceding year, and embodying such recommendations as may have been adopted by the Board, which report shall be transmitted to the legislature of said state. The Board may issue such additional reports as it may deem desirable.

### ARTICLE III. FINANCES

(a) The Board shall submit to the executive head or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that jurisdiction for presentation to the legislature thereof.

(b) Each of the Board's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. One half of the total amount of each budget of estimated expenditures shall be apportioned among the party states in equal shares; one quarter of each such budget shall be apportioned among the party states in accordance with the ratio of their populations to the total population of the entire group of party states based on the last decennial federal census; and one quarter of each such budget shall be apportioned among the party states on the basis of the relative average per capita income of the inhabitants in each of the party states based on the latest computations published by the federal census-taking agency. Subject to appropriation by their respective legislatures, the Board shall be provided with such funds by each of the party states as are necessary to provide the means of establishing and maintaining facilities, a staff of personnel, and such activities as may be necessary to fulfill the powers and duties imposed upon and entrusted to the Board.

(c) The Board may meet any of its obligations in whole or in part with funds available to it under Article II (h) of this compact, provided that the Board takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in this manner. Except where the Board makes use of funds available to it under Article II (h) hereof, the Board shall not incur any obligation prior to the allotment of funds by the party jurisdictions adequate to meet the same.

(d) Any expenses and any other costs for each member of the Board in attending meetings shall be met by the Board.

(e) The Board shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Board shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Board shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual report of the Board.

(f) The accounts of the Board shall be open at any reasonable time for inspection.

#### ARTICLE IV. ADVISORY COMMITTEES

The Board may establish such advisory and technical committees as it may deem necessary, membership on which to include but not be limited to private citizens, expert and lay personnel, representatives of industry, labor, commerce, agriculture, civic associations, medicine, education, voluntary health agencies, and officials of local, state and federal government, and may cooperate with and use the services of any such committees and the organizations which they represent in furthering any of its activities under this compact.

#### ARTICLE V. POWERS

The Board shall have power to:

(a) Ascertain and analyze on a continuing basis the position of the South with respect to nuclear and related industries.

(b) Encourage the development and use of nuclear energy, facilities, installations, and products as part of a balanced economy.

(c) Collect, correlate, and disseminate information relating to civilian uses of nuclear energy, materials and products.

(d) Conduct, or cooperate in conducting, programs of training for state and local personnel engaged in any aspect of

(1) Nuclear industry, medicine, or education or the promotion or regulation thereof.

(2) The formulation or administration of measures designed to promote safety in any matter related to the development, use or disposal of nuclear energy, materials, products, installations, or wastes.

(e) Organize and conduct, or assist and cooperate in organizing and conducting, demonstrations of nuclear product, material, or equipment use and disposal and of proper techniques or processes for the application of nuclear resources to the civilian economy or general welfare.

(f) Undertake such nonregulatory functions with respect to non-nuclear sources of radiation as may promote the economic development and general welfare of the region.

(g) Study industrial, health, safety, and other standards, laws, codes, rules, regulations, and administrative practices in or related to nuclear fields.

(h) Recommend such changes in, or amendments or additions to the laws, codes, rules, regulations, administrative procedures and practices or ordinances of the party states in any of the fields of its interest and competence as in its judgment may be appropriate. Any such recommendation shall be made through the appropriate state agency with due

consideration of the desirability of uniformity but shall also give appropriate weight to any special circumstance which may justify variations to meet local conditions.

(i) Prepare, publish and distribute, (with or without charge) such reports, bulletins, newsletters or other material as it deems appropriate.

(j) Cooperate with the Atomic Energy Commission or any agency successor thereto, any other officer or agency of the United States, and any other governmental unit or agency or officer thereof, and with any private persons or agencies in any of the fields of its interests.

(k) Act as licensee of the United States Government or any party state with respect to the conduct of any research activity requiring such license and operate such research facility or undertake any program pursuant thereto.

(l) Ascertain from time to time such methods, practices, circumstances, and conditions as may bring about the prevention and control of nuclear incidents in the area comprising the party states, to coordinate the nuclear incident prevention and control plans and the work relating thereto of the appropriate agencies of the party states and to facilitate the rendering of aid by the party states to each other in coping with nuclear incidents. The Board may formulate and, in accordance with need from time to time, revise a regional plan or regional plans for coping with nuclear incidents within the territory of the party states as a whole or within any subregion or subregions of the geographic area covered by this compact.

#### ARTICLE VI. SUPPLEMENTARY AGREEMENTS

(a) To the extent that the Board has not undertaken an activity or project which would be within its power under the provisions of Article V of this compact, any two or more of the party states (acting by their duly constituted administrative officials) may enter into supplementary agreements for the undertaking and continuance of such an activity or project. Any such agreement shall specify its purpose or purposes; its duration and the procedure for termination thereof or withdrawal therefrom; the method of financing and allocating the costs of the activity or project; and such other matters as may be necessary or appropriate. No such supplementary agreement entered into pursuant to this article shall become effective prior to its submission to and approval by the Board. The Board shall give such approval unless it finds that the supplementary agreement or the activity or project contemplated thereby is inconsistent with the provisions of this compact or a program or activity conducted by or participated in by the Board.

(b) Unless all of the party states participate in a supplementary agreement, any cost or costs thereof shall be borne separately by the states party thereto. However, the Board may administer or otherwise assist in the operation of any supplementary agreement.

(c) No party to a supplementary agreement entered into pursuant to this article shall be relieved thereby of any obligation or duty assumed by said party state under or pursuant to this compact, except that timely and proper performance of such obligation or duty by means of the supplementary agreement may be offered as performance pursuant to the compact.

## ARTICLE VII. OTHER LAWS AND RELATIONSHIPS

Nothing in this compact shall be construed to:

(a) Permit or require any person or other entity to avoid or refuse compliance with any law, rule, regulation, order or ordinance of a party state or subdivision thereof now or hereafter made, enacted or in force.

(b) Limit, diminish, or otherwise impair jurisdiction exercised by the Atomic Energy Commission, any agency successor thereto, or any other federal department, agency or officer pursuant to and in conformity with any valid and operative act of Congress.

(c) Alter the relations between the respective internal responsibilities of the government of a party state and its subdivisions.

(d) Permit or authorize the Board to exercise any regulatory authority or to own or operate any nuclear reactor for the generation of electric energy; nor shall the Board own or operate any facility or installation for industrial or commercial purposes.

## ARTICLE VIII. ELIGIBLE PARTIES, ENTRY INTO FORCE AND WITHDRAWAL

(a) Any or all of the states of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia shall be eligible to become party to this compact.

(b) As to any eligible party state, this compact shall become effective when its legislature shall have enacted the same into law: provided that it shall not become initially effective until enacted into law by seven states.

(c) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall become effective until the governor of the withdrawing state shall have sent formal notice in writing to the governor of each other party state informing said governors of the action of the legislature in repealing the compact and declaring an intention to withdraw.

## ARTICLE IX. SEVERABILITY AND CONSTRUCTION

The provisions of this compact and of any supplementary agreement entered into hereunder shall be severable and if any phrase, clause, sentence or provision of this compact or such supplementary agreement is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact or such supplementary agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact or any supplementary agreement entered into hereunder shall be held contrary to the constitution of any state participating therein, the compact or such supplementary agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of this compact and of any supplementary agreement entered into pursuant hereto shall be liberally construed to effectuate the purposes thereof.

**Source:** § 2-306.

**Note:** No change.

§ 2.1-337. Appointment of member of Southern Interstate Nuclear Board.—The Governor shall appoint one member of the Southern Interstate Nuclear Board as established by Article II of the compact, to serve at the pleasure of the Governor for a term of four years. If such member be the head of a department or agency of this State, he may designate a subordinate officer or employee of his department or agency to serve in his stead as permitted by Article II (a) of the compact and in conformity with any applicable bylaws of the Board.

**Source:** § 2-307.

**Note:** No change.

§ 2.1-338. Supplementary agreements; appropriation of funds.—No supplementary agreement entered into pursuant to Article VI of the compact and requiring the expenditure of funds or the assumption of an obligation to expend funds in addition [to] those already appropriated shall become effective as to this State unless funds therefor are or have been appropriated therefor as provided by law.

**Source:** § 2-308.

**Note:** No change.

§ 2.1-339. Cooperation of departments, agencies and officers of State.—All departments, agencies and officers of this State and its political subdivisions are hereby authorized to cooperate with the Southern Interstate Nuclear Board in the furtherance of any of its activities pursuant to the compact.

**Source:** § 2-309.

**Note:** No change.

3. All acts or parts of acts inconsistent with the provisions of this Act are repealed to the extent of such inconsistency.

4. Whenever in this title any of the conditions, requirements, provisions or contents of any section, article or chapter of Title 2, as such title existed prior to July 1, 1966, are transferred in the same or in modified form to a new section, article or chapter, and whenever any such former section, article or chapter is given a new number in this title, all references to any such former section, article or chapter of Title 2 appearing elsewhere in this Code than in this title shall be construed to apply to the new or renumbered section, article or chapter containing such conditions, requirements, provisions or contents or portions thereof.

5. It is the intention of the General Assembly that this Act shall be liberally construed to effect the purposes set out herein, and if any clause, sentences, paragraph or section of this Act shall ever be declared unconstitutional, it shall be deemed severable, and the remainder of this Act shall continue in full force and effect.

6. This Act shall become effective July 1, 1966.

*A BILL to amend the Code of Virginia by adding, in Title 30, a chapter number 2.1 containing §§ 30-28.1 through 30-28.9, which chapter and sections all relate to the Division of Statutory Research and Drafting, and to repeal §§ 2-117, 2-118, 2-119, 2-120, 2-121, 2-122, 2-123, 2-124, and 2-124.1, of the Code of Virginia, all relating to the Division of Statutory Research and Drafting.*

Be it enacted by the General Assembly of Virginia :

1. That the Code of Virginia be amended by adding, in Title 30, a chapter numbered 2.1 containing sections numbered 30-28.1 through 30-28.9, as follows:

## CHAPTER 2.1

### DIVISION OF STATUTORY RESEARCH AND DRAFTING

§ 30-28.1. Director; qualifications.—There shall be a legislative agency known and designated as the Division of Statutory Research and Drafting, hereinafter in this chapter sometimes called the Division. The Division shall be in charge of a Director, who shall be elected by the General Assembly for a term of four years. The Director of the Division of Statutory Research and Drafting elected by the General Assembly shall continue in office until his present term expires. Whenever a vacancy occurs during a time when the General Assembly is not in session, the Governor shall appoint a Director to fill such vacancy who shall hold office until his successor is elected by the General Assembly at its next session.

The Director shall be an experienced lawyer, preferably a graduate of the school of law of some approved college or university.

The Director elected by the General Assembly may be removed from office by joint resolution of the General Assembly.

§ 30-28.2. Assistants, draftsmen and clerks.—The Director, subject to the provisions of chapter 9 of title 2 and with the approval of the Governor, may employ and fix the compensation of necessary assistants, draftsmen and clerks, who shall be selected solely on the grounds of fitness for the performance of the duties assigned to them. Such compensation shall be paid out of appropriations made for the purpose.

§ 30-28.3. Offices of Division.—The Lieutenant Governor and Speaker of the House of Delegates shall provide the Division of Statutory Research and Drafting with suitable rooms in the State Capitol in the City of Richmond to be convenient for the members of the General Assembly.

§ 30-28.4. Use of State libraries; withdrawal of books.—The Division, through its Director and employees, shall have access to the State Law Library, and to the State Library, with the right to withdraw, in the performance of his or their duties, any books, pamphlets or printed data from either library, subject to the rules of the libraries, respectively, as to time.

§ 30-28.5. Duties of Division and of Director.—(1) The Division shall:

Collect and classify books, pamphlets, periodicals, documents and other literature relating to prospective or pending legislation ;

Keep on file copies of all bills, resolutions, amendments thereto, report of committees and other documents printed by order of either house of the General Assembly ;

Accumulate data and statistics regarding the practical operation and effect of statutes of this and other States.

(2) Upon the request of the Governor, or any member of the General Assembly, or the head of any State agency, the Division shall :

Draft or aid in drafting legislative bills or resolutions and amendments thereto ;

Advise as to the constitutionality or probable legal effect of proposed legislation ;

Prepare summaries of existing laws affected by proposed legislation, compilations of laws in other states or countries relating to the subject matter of such legislation, and statements of the operation and effect of such laws ;

Make researches and examination as to any subject of proposed legislation.

(3) The Director shall perform such other duties as may be required of him by the Governor.

§ 30-28.6. Books and documents to be accessible to officers and general public.—All the books, documents and other materials, and the guides to materials shall be at all times accessible to the Governor and members of the General Assembly, State and municipal officers, boards and commissions, and the general public, for reference purposes.

§ 30-28.7. Requests for drafting bills or resolutions; secrecy; bills to conform to request.—All requests for the drafting of bills or resolutions by the Division shall be submitted in writing, and shall contain a general statement respecting the policies and purposes which the Governor, member or agency head making the request desires incorporated in and accomplished by the bill. All requests and required statements shall be signed by the person submitting them. Neither the Director nor any employee of the Division shall reveal to any person outside of the Division the contents or nature of any such request or statements except with the consent of the person signing such request. Bills drafted by the Division shall conform to the statements submitted with the request or the supplementary written instructions submitted by the person who originally made the request.

§ 30-28.8. Printing and stationery.—The printing and binding necessary for the proper performance of the duties of the Division, and for the proper preservation of the materials collected therein, shall be done under the supervision of the Department of Purchases and Supply which shall also, upon the requisition of the Director of the Division of Statutory Research and Drafting, furnish the latter with so many copies of the acts of the General Assembly as shall be required for such office and for purposes of exchange with other states.

§ 30-28.9. Authority to destroy certain records.—The Division of Statutory Research and Drafting is hereby authorized to destroy, from



time to time, the records, correspondence, and other information obtained for legislative commissions, studies of the Virginia Advisory Legislative Council, and correspondence and other material relating to the preparation of bills and resolutions for the Governor, members of the General Assembly and State agencies when any of such records, correspondence and other material is more than four years old. The Division shall retain copies of the reports made by such commissions, the Council, and final drafts of bills and resolutions.

2. That §§ 2-117, 2-118, 2-119, 2-120, 2-121, 2-122, 2-123, 2-124, and 2-124.1 of the Code of Virginia are repealed.

