

REPORT OF THE

Commission on Veterans' Affairs

**TO THE GOVERNOR,
THE ATTORNEY GENERAL,
AND
THE GENERAL ASSEMBLY OF VIRGINIA**



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Summary

In 1982-83 the work of the Commission was more far ranging than in the preceding biennium. No specific study mandate had been given the Commission by the 1982 General Assembly, and no one issue dominated the Commission's hearings in the way that calls for a state veterans' cemetery had been the focus of attention in 1981-82. (See House Document No. 10, 1982).

In an effort to discharge its obligation to ascertain the needs of the Commonwealth's veterans, the Commission held six public hearings across the state in 1982 and 1983. In the course of those hearings, several hundred individual veterans, representatives of veterans' organizations, government officials, and concerned individuals appeared before the Commission to present their views. Considerable correspondence also was received in support of suggestions made at the public hearings.

After considering the observations and recommendations it received over the biennium, the Commission concluded that many veterans' needs were not being met, and that some actions, omissions, and policies of the Commonwealth and its local governments were, in effect, either insulting to veterans or detrimental to their best interests. To improve the condition of Virginia's veterans, the Commission formulated eleven legislative (see Appendix I) and eight nonlegislative proposals for consideration by state and local officials.

Findings and Recommendations

1. Present state law allows local school divisions to charge tuition for the education of children of persons residing on military reservations. Even though no locality is presently charging tuition under this law, and even though the purpose of the law may be to coerce the federal government into providing impact aid to affected localities, the Commonwealth should not be engaged in this kind of legislative blackmail. It is unconscionable that Virginia should hold the children of military personnel hostage for the financial "good behavior" of the federal government. Instead, state law should be changed to provide that, in the event of a further reduction or cut-off of federal impact aid, the revenue shortfalls to affected localities will be made up by the Commonwealth. (See Appendix I.)
2. Several states have undertaken programs of low-cost loans to veterans to enable them to purchase homes. Such a program could be a boon to our veterans, and supply a beneficial stimulus to the Commonwealth's housing industry at the same time. The program involves minimal risks and costs to the Commonwealth. The Constitution of Virginia should be amended to permit the issuance of veterans housing bonds backed by the full faith and credit of the Commonwealth. (See Appendix II.)
3. At least some portion of the retired pay and other benefits of uniformed services retirees should be exempt from the state income tax. This would restore to our veterans a benefit once afforded them by the Commonwealth, but one that was revoked in 1976. This would be a most appropriate way for the Commonwealth to provide meaningful recognition of our veterans and their sacrifices in service to our country. (See Appendix III.)
4. It would be appropriate for local governments, too, to recognize the contributions which veterans have made to our national well-being by providing them with some form of relief from personal property taxes. Current economic hard times and the dire financial straits in which many veterans find themselves make this suggestion particularly timely. However, this matter can probably best be addressed on a locality-by-locality basis. Accordingly, the Virginia Association of Counties and the Virginia Municipal League have been urged, through a resolution of the Commission, to prevail upon their member governments to provide veterans with such forms of relief from local personal property taxes as may be locally appropriate. (See Appendix XII.)
5. The Commonwealth continues to reduce the amount of unemployment compensation paid to unemployed persons by the amount which these persons are receiving as military pensions, retired pay, and Veterans' Administration disability payments. This is unfair both to the worker whose benefits are reduced and also to the employer who has been paying the unemployment insurance premiums for that worker. State law should be changed to end this practice. (See Appendix IV.)
6. Persons refusing to register with the Selective Service System are refusing to carry out their responsibilities as citizens. So long as they shirk their duty as citizens, they should be denied benefits available to citizens. One step that should be taken in this direction is the denial of all unemployment compensation benefits to nonregistrants with the Selective Services System. (See Appendix V.)
7. A second step along this line should be taken by barring those who refuse to register with the Selective Service System from admission to state-supported colleges and universities. (See Appendix VI.)
8. There is still a real need in Virginia for a state veterans' cemetery or cemeteries. The opening of a new National Cemetery at Quantico has done little to meet the needs of Southwest, South-Central, or Southwest Virginia. The Commission recommends no legislation on this matter for the present, but continues to fully endorse the concept of a state veterans' cemetery or cemeteries.
9. Persons qualifying for burial in National Cemeteries deserve to be buried with dignity and honor. Congress should be memorialized to take steps to ensure that veterans will no longer be interred naked, wrapped in sheets, or in cardboard boxes or plastic bags. (See Appendix VII.)

10. As Virginia's World War II and Korean War veterans grow older, there will be an increasing need for a state home or homes to provide shelter and care for aged or infirm veterans. The Veterans Administration system of medical centers will be incapable of meeting this need. The Virginia Veterans' Affairs Commission should be authorized to establish a veterans' home or homes. Once established, the home or homes should be under the control of the Division of War Veterans' Claims.

In connection with the establishment of a state Veterans' home or homes, a high priority should be given to obtaining from the federal government such buildings and facilities at the Veterans Administration Medical Center at Richmond (McGuire Hospital) as may be declared surplus by the federal government. (See Appendix VIII.)

11. As the state budget for the 1984-85 biennium is developed, the Governor, the Attorney General, the Chairman of the House Appropriations Committee, and the Chairman of the Senate Finance Committee should be urged to provide full funding to the Division of War Veterans' Claims. The aid provided to veterans and their dependents by the Division in pursuing claims and benefits from the federal government is one of the few state benefits available to Virginia veterans. Its effectiveness must not be jeopardized by inadequate funding.

12. Several suggestions have been made, and continue to be made, for relocating veterans' programs within the organization of state government. Proposals to transfer the Division of War Veterans' Claims and the Veterans' Affairs Commission to the jurisdiction of the Secretary of Human Services are inappropriate and should be vigorously opposed. Similar proposals to subordinate the Division to the Virginia Employment Commission are equally unacceptable.

13. When service persons are on duty with the United States armed forces, they may be required to serve in remote places at great distances from home. It is often impossible to contact one of these service persons by mail and receive a reply within thirty days. Accordingly, state law should be amended to provide for at least forty-five, instead of thirty, days for the distribution and return of absentee election ballots to serving members of the United States armed forces. (See Appendix IX.)

14. Section 2.1-112 of the Code of Virginia provides for a five percent veterans' preference in hiring by several state agencies. However, veterans' preferences in hiring by state agencies have become "dead letters" as more and more state hiring is done on bases other than graded examinations. The Governor, as the Commonwealth's chief personnel officer, should look into this matter and take steps to assure veterans a meaningful, across-the-board, preference in state employment.

15. More must be done to let veterans returning to civilian life know that they are not forgotten, and that their sacrifices and contributions are appreciated. The Division of War Veterans' Claims receives, from the federal Department of Defense, notification of the names and addresses of veterans returning to civilian life in Virginia. The Division should be encouraged to make this information available to local governments so that appropriate expressions of welcome and thanks may be made to returning veterans. (See Appendix X.)

16. Efforts of the Commission in 1982 (see Recommendation 1, page 4, and Resolution 1, page 19, of the Commission's 1982 report) to persuade local governments to close their nonessential offices in observance of Veterans' Day (November 11) have been unavailing. It is therefore recommended that state law be amended to specifically and unambiguously require that all nonessential local government offices be closed in observance of all state holidays. (See Appendix XI.)

17. The Commission endorses the concept of a "State Veterans' Council" to serve as a coordinator of the activities of the several veterans' organizations in the Commonwealth. The Commission, though, feels that this body could be best formed by the cooperative efforts of Virginia's veterans' organizations, and should not be mandated by state law.

18. Relatively little is done at the state level that tells veterans that the Commonwealth is even aware that they exist. The Commission urges the Governor to do more to draw attention to veterans, their contributions, and their needs, and to begin by proclaiming the week of November 11 (Veterans Day) through November 17 as "Veterans Appreciation Week" in Virginia.

19. In order to strengthen its ties to the Commonwealth's veterans' organizations, the Commission, in cooperation with the Division of War Veterans' Claims, will undertake to distribute one copy of its report to each of the largest veterans' organizations in Virginia.

Commission Activities and Issues, 1982-83

Increasing attendance at its meetings and the expanding volume of its correspondence seem to indicate that the Commission's activities are beginning to overcome the results of its inactivity between 1975 and 1978. This prolonged dormancy (the Commission did not report between 1976 (House Document 18) and 1980 (House Document 28)) had all but severed the ties between the Commission and the Commonwealth's veterans and veterans' organizations. Once again veterans, both individually and through group spokesmen, are beginning to bring their needs and concerns to the Commission, hoping that the General Assembly, which created the Commission 1945 (House Joint Resolution No. 14) will take the recommendations of the Commission to heart.

Many veterans, though, are disheartened by the Commission's poor "batting average": of the five pieces of legislation recommended by the Commission in its 1982 report (House Document No. 10), only one (Senate Bill No. 102) was approved, and this bill only provided for biennial (instead of annual) election of the officers of the Commission on Veterans' Affairs and required that either the Commission's Chairman or Vice-Chairman be a sitting member of the General Assembly. In its hearings and at its working sessions, the members of the Commission bore these facts in mind. The Commission has striven to lend its support only to those proposals which dealt with significant needs and with current issues. The members have tried, though, also to remind the veterans and their organizations that their support (or lack of support) before the General Assembly and its committees can "make or break" the proposals put forward by the Commission, since only half the members of the Commission are members of the General Assembly.

In the course of 1982-83 the Commission conducted six public hearings (an increase from the four hearings held in 1980-81) in Richmond, Dumfries, Vinton, Fort Eustis, Waynesboro, and Herndon. Decreases in the Commission's budget contributed to the decision to abandon tentative plans for hearings in South-Central Virginia, Southwest Virginia, and on the Eastern Shore. The hearings were well attended by veterans, veterans' organization spokesmen, government officials, and other interested persons. In the course of these hearings, and through correspondence, twenty-five suggestions and proposals were presented for the Commission's consideration:

1. that state law permitting the charging of tuition for the education of the children of persons living on military reservations be repealed;
2. that the Virginia Constitution be amended to provide for the issuance of veterans' housing bonds;
3. that at least a portion of uniformed services retired pay be exempt from the state income tax;
4. that some form of relief from local personal property taxes be granted to veterans;
5. that full employment compensation be made available to persons receiving uniformed services retirement or disability payments;
6. that nonregistrants with the Selective Service System be denied unemployment compensation;
7. that nonregistrants with the Selective Service System be barred from enrollment in state-supported colleges and universities;
8. that a state veterans' cemetery or cemeteries be created;
9. that veterans be assured that burials in National Cemeteries will be conducted with dignity;
10. that a state home or homes be established for aged or infirm veterans;
11. that surplus buildings and facilities at the Veterans Administration Medical Center at Richmond (McGuire Hospital) be acquired by the Commonwealth for use as a veterans' home;

12. that full funding of the Division of War Veterans' Claims be continued;
13. that transfer of the Division of War Veterans' Claims to the control of the Secretary of Human Resources be opposed;
14. that the time for distribution and return of state absentee ballot used by members of the armed services be extended from thirty to forty-five days;
15. that veterans be assured preference in state employment;
16. that local government officials do more to welcome returning veterans back to civilian life;
17. that local government offices be required to close in observance of Veterans' Day (November 11);
18. that "Virginia is Proud of its Veterans" be made an official state motto;
19. that a Veterans' Council be created to coordinate the activities of the several veterans' organizations in the Commonwealth;
20. that copies of the Commission's report be distributed to veterans' organizations in Virginia;
21. that local governments be forbidden to set minimum values or minimum taxes to be paid as personal property taxes on motor vehicles;
22. that armed services personnel in Virginia be allowed to draw unemployment compensation upon voluntary separation from the service;
23. that reduced utility rates be provided to local veterans' organization posts and chapters;
24. that veterans be given free driver's licenses and license plates; and
25. that full funding of the federal Veterans Administration be supported.

The Commission voted to support the first twenty of these suggestions, and rejected the remaining five as either not within its jurisdiction or as impractical. Several of the first twenty recommendations were modified by the Commission to make them more practical or to change their emphasis.

The question of local tuition charges for the education of children living on military reservations was raised at nearly every hearing. Particularly in light of the U. S. Supreme Court ruling (in Plyler vs Doe) requiring that even children of illegal aliens must be provided free public school education, it was difficult to understand how Virginia could threaten military families with tuition charges, even though, in an opinion dated July 22, 1982, Attorney General Baliles, responding to a question from Delegate Floyd C. Bagley (Vice-Chairman of the Commission), upheld the constitutionality of the Virginia statute allowing such tuition charges. Since then, though, the U.S. District Court for the Eastern District of North Carolina in US vs Onslow County Board of Education (May 16, 1983), found unconstitutional those provisions of North Carolina's law which closely paralleled those in the Virginia Code. It appeared to the Commission that this latter case seriously undermined Virginia's position. The Commission felt that, regardless of the constitutional issues involved, it was wrong for Virginia to use school children as part of a design to pressure the federal government to continue impact aid to local school divisions.

The Commission understood, though, that several school divisions, particularly that of York County, would be severely harmed by a loss of this impact aid. In an effort to both guarantee the affected children a free public school education and also guarantee the solvency of affected school divisions, the Commission chose not to recommend the complete repeal of the Virginia statute, but instead to recommend that it be amended to provide for increased aid from the Commonwealth to local school divisions in the event of a cut-off or substantial reduction in

federal impact aid. (See Appendix I.)

The issuance of State Veterans' Housing Bonds was not only supported by veterans and veterans' organizations, but was also endorsed before the Commission by the Virginia Home Builders Association. Veterans' housing bond programs are already in successful operation in several other states, including California, Oregon, Texas, and Wisconsin. The Commission was convinced that this program could be of inestimable value to our veterans while, at the same time, providing a substantial stimulus to the Commonwealth's housing industry. It was demonstrated to the Commission's satisfaction that the program could be administered by the Virginia Housing Development Authority at little or no cost, and that the program involved only the most minimal financial risk to Virginia. (See Appendix II.)

In comparison to other states, Virginia has never had many programs of benefit to her veterans. However, until 1976 the Commonwealth did at least provide some recognition to a segment of its veteran population by exempting a portion of military retired pay from the state income tax. In that year the military retired pay exemption was replaced by a broader retirement income tax credit. When they were, thus, lumped together by the General Assembly with all other Virginia income taxpayers, our retired military veterans were deprived of a meaningful recognition by the Commonwealth. The Commission has been repeatedly urged, ever since the military retired pay exemption was repealed, to restore this tax exemption—even if only in a token form. By providing some kind of tax exemption for uniformed services retirees, the Commonwealth would not only be affording Virginia veterans a meaningful recognition, but would be providing a powerful inducement to other uniformed services retirees to move to Virginia from other states or to settle in Virginia when they leave the service.

The Commonwealth is losing sight of the fact that military retirees are one of our greatest assets. Their demands on state services and programs are lower than those of the general population, while their relative contributions—both through tax payments and in nonfinancial ways—exceed those of the general citizenry. It would be very much to Virginia's advantage to attract more uniformed services retirees to settle here. A tax exemption could be one "recruiting tool" in this effort. There can be no doubt that Virginia would gain more from taxes paid by those induced to settle here by granting this tax relief than would be "lost" by the tax cut.

Virginia now has (behind California, Florida, and Texas) the nation's fourth largest retired veteran population. If nothing is done in this area of income tax exemption, this could change. Other states are granting substantial tax incentives to uniformed service retirees. New York State, to cite but one example, exempts \$20,000 of the retirees' income. Consideration should be given, the Commission concluded, to some form of "sliding scale" exemption that would balance the financial interests of the Commonwealth with a need for equity for lower-income uniformed services retirees. (See Appendix III.)

While several requests were made that something be done to reduce the local personal property tax of veterans, complaints about these taxes were not very specific. Both because of this lack of specificity, and because of the diversity of personal property taxation from locality to locality, the Commission was disinclined to recommend legislation on this subject to the General Assembly. However, it was agreed that localities could make a major stride toward providing meaningful recognition to veterans by affording them relief from some forms of personal property taxation or by reducing the rate of such taxation. The Commission agreed to express its views to the Virginia Association of Counties and the Virginia Municipal League through a resolution urging localities to consider personal property tax relief for veterans. (See Appendix XII.)

At every hearing numerous speakers called the Commission's attention to the fact that, for several years, Virginia has been reducing, by the amount of their retirement benefits or disability payments, the amount of unemployment compensation paid to veterans who receive retirement benefits or disability pay from the federal government. While this set-off was originally required by federal law, this federal requirement has since been repealed, and its continuation constitutes a two-fold injustice: it is both unjust to the veteran whose benefits are cut (when other unemployed persons who have other sources of income do not have this unemployment compensation reduced), and it is also unjust to the veterans' employer (who pays the cost of unemployment insurance even though his worker may be unable to collect any unemployment compensation). The effect of this set-off program is to violate what is, in effect,

an insurance policy issued by the Commonwealth to cover workers, with "premiums" paid by employers. Simple equity demands that this set-off policy be terminated promptly. The depleted state of Virginia's unemployment compensation trust fund is no excuse for this kind of discrimination against military retirees and disabled veterans, and legislation to end the practice quickly won endorsement by the Commission. (See Appendix IV.)

The Commission also agreed with those who feel it was doubly unjust to cut the unemployment compensation for military retirees and disabled veterans while paying full compensation to unemployed persons who, in violation of federal law, refuse to register with the selective service system. It was agreed that the General Assembly be urged to make a second change to Virginia's unemployment compensation laws so as to deny all payments from the unemployment compensation trust fund to those who refuse to register with the selective service system. (See Appendix V.)

A second proposal concerning selective service nonregistrants also won the Commission's endorsement: that those who, in violation of federal law, refuse to register should be denied admission to state-supported colleges and universities. The Commission felt the General Assembly should act to deny a state-subsidized higher education to those who showed themselves unwilling to fulfill so important a duty as a citizen as aiding in the nation's defense. (See Appendix VI.)

Even though the 1982 General Assembly rejected the Veterans' Affairs Commission's proposal for the creation of a state veterans' cemetery or cemeteries, testimony received by the Commission in 1982 and 1983 revealed that Virginia veterans and veterans' organizations still feel there is a need for such a cemetery or cemeteries. The opening of a new National Cemetery at Quantico, Virginia, has done little, if anything, to aid veterans and veterans' families in South-Central, Southwest, and Southeast Virginia. Contrary to the fears of some members of the General Assembly, federal funds to support state veterans' cemetery programs have not "dried up." The Commission remains convinced that the concept is still sound and practicable, and feels that a suitable site or sites for such a cemetery or cemeteries could be found either on surplus state property or on property which could be donated for the purpose from sources outside government.

The Commission was reminded forcefully that National Cemeteries controlled by the federal government are not all that they could be or should be when it was brought to their attention in October, 1983, that then-existing policies of the federal Veterans Administration were permitting veterans to be buried, in National Cemeteries, naked, wrapped in sheets, in cardboard boxes, or in plastic bags. There can be no doubt that such practices do not comport with the concept of a National Cemetery as a place of honor. The Commission felt that these burial practices were sufficiently outrageous to merit its concern, even though National Cemeteries and burial practices therein are properly a federal matter. The Commission strongly urges the General Assembly to give expression to the outrage of Virginia's veterans over this treatment accorded their comrades by memorializing Congress to take the necessary steps to see that these practices are stopped, and to ensure that they do not recur. Deceased veterans deserve better from their country than to be treated as a solid waste disposal problem. (See Appendix VII.)

Along with calls for a state veterans' cemetery or cemeteries, the Commission repeatedly heard requests for the establishment of a state veterans' home or homes—facilities where aged or infirm veterans with nowhere else to turn could find shelter, nourishment, and medical care. As federal Veterans Administration facilities become fewer and more antiquated, and as the average age of the World War II and Korean War veteran population moves beyond that of the working population, there will be an even more acute need for some kind of facility to which aged and infirm veterans can turn to have their basic needs met without having to suffer the indignities of becoming a part of the state welfare system. Several states have already established these sorts of facilities and, with federal aid, are able to operate them at minimal expense to state taxpayers.

In this connection it would be highly desirable for the Commonwealth to acquire surplus buildings and facilities at the Veterans Administration Medical Center at Richmond (McGuire Hospital). The Commission called the attention of the Governor to this possibility when it issued its 1982 report. At that time the Governor asked the Secretary of Human Services to look into the possibility of the Commonwealth's acquiring these facilities. In order to expedite the project, the Commission decided to request the 1984 General Assembly to authorize the Veterans' Affairs

Commission to establish a state veterans' home or homes and, once established, to turn over the project to the Division of War Veterans' Claims for operation. (See Appendix VIII.)

The Commission has found, over its years of study, that Virginia's veterans' program is practically synonymous with the Division of War Veterans' Claims. Year after year the Division, through its advocacy and outreach programs, is able to secure for Virginia veterans many times the amount, in benefits, that the Commonwealth provides the Division as a budget. Most recently, the Division secured \$52 million in benefits for Virginians at a cost of only \$1.6 million. Without the aid of the Division, our veterans would have nowhere in state government to turn for help. In recognition of the essential role of the Division the Commission authorized its Chairman, on behalf of the Commission, to write to the Governor, the Attorney General, the Chairman of the House Appropriations Committee and the Senate Finance Committee to urge them, in the preparation of the budget for the upcoming biennium, to ensure continual full funding of the Division.

Over the past two years several well-intentioned but unfortunate efforts have been made, both within and outside the General Assembly, to transfer the program of the Division of War Veterans' Claims to other agencies, or to transfer oversight of the Division from the Attorney General to the Secretary of Human Resources. Whatever the motives of those proposing these changes, such restructuring of the veterans' program is completely unacceptable to Virginia's veterans, to state veterans' organizations, and to the Commission on Veterans' Affairs. There must be no confusion in the minds of the public, or of our government officials, between state and federal welfare programs and veterans' benefits.

At its last public hearing of the 1983-84 biennium, the Commission was asked to support a change in the Commonwealth's electoral laws. Presently thirty days are allowed for the distribution and return of absentee ballots to Virginia voters unable to vote at their local polling place. While this schedule may be adequate for students attending colleges and universities outside their home towns, or even out of state, it is clearly inadequate for persons serving with the armed forces, particularly those who may be at sea or stationed in foreign countries—possibly in the chaos of combat. It was suggested that the thirty-day time limit be expanded to forty-five days for armed services personnel. The Commission fully endorsed the suggestion and commended it to the attention of the General Assembly. (See Appendix IX.)

Much as the General Assembly has revoked the state income tax exemption for military retired pay, so, too, the various agencies of the Commonwealth, whether by design or by indifference is uncertain, have, over the years, gradually eroded the preference in state employment which the General Assembly intended to give veterans when it enacted the provisions contained in Virginia Code § 2.1-112 (originally enacted in 1946, see Chapter 6 of the Acts of Assembly of 1946). The five percent preference provided for in state law has become a "dead letter" and, to many veterans, a bad joke, as fewer and fewer agencies hire on the basis of graded examinations and can, thus, violate the spirit while observing the letter of the law. The Commission authorized its Chairman to write to the Governor, bringing to his attention the lack of a meaningful veterans' preference in state employment, and asking him, as the Commonwealth's chief personnel officer, to take steps to guarantee that veterans will be afforded a genuine, meaningful, preference in state employment.

Virginia veterans often feel that not only the Commonwealth, but also our local governments have forgotten them. Particularly those who have served since World War II have complained to the Commission about the indifference of society to their having served their country. It would be a small but meaningful step toward ending our veterans' sense of estrangement, the Commission was convinced, if local elected officials were to do something to actively welcome back to civilian life veterans returning to their communities. If local officials could be provided names and addresses of those returning veterans, they could extend not only a welcome, but the gratitude of the community as well. Since this information is already supplied to the Division of War Veterans Claims by the Department of Defense, the Commission felt it would be appropriate for the General Assembly to ask the Division to share it with local government officials. While any act of a local official welcoming home a returning veteran is largely symbolic, the meaningfulness of this symbolic act to the veteran should not be underestimated. (See Appendix X.)

Another area in which local governments and significant symbolism are involved is in the

observance (or non-observance) of Veterans' Day on November 11. The Commission was made aware, even before its 1982 report, that many local governments were either not observing the Veterans' Day holiday at all, or were observing it on a day other than November 11. Again, while such may not have been the intention of the governments concerned, the effect has been to insult our veterans and demean their sacrifices and contributions. At the time of its 1982 report, the Commission, through its staff, contacted all the local governments in the Commonwealth, pointed out the displeasure of veterans over the nonobservance of Veterans' Day on November 11, and asked that those localities not then observing the holiday do so in the future. To the best of the staff's knowledge, only one town has since decided to observe Veterans' Day (when previously it had not done so), while several larger jurisdictions have ignored the Commission's request. Having met with such limited success in its earlier endeavors, the Commission decided to request the General Assembly to amend state law to require local government offices (except for essential services) to close in observance, not only of Veterans' Day, but on all official state holidays. (See Appendix XI.)

The Commission had been requested, as another symbolic act of appreciation on the part of the Commonwealth, to have "Virginia is Proud of its Veterans" made an official motto of the Commonwealth by the General Assembly. After considering the matter, the Commission decided, instead, to request, in a letter from the Chairman to the Governor, that the Governor proclaim the week of November 11 (Veterans' Day) through November 17 as "Veterans' Appreciation Week" in Virginia. The members felt that such a proclamation could provide an opportunity for making the general population more aware of our veterans and of the Veterans' Day holiday as well.

It has been the experience of the Veterans' Affairs Commission, at least since its "revival" in 1978, that there is little cooperation and considerable not-always-good-natured competition among Virginia's major statewide veterans' organizations. Lack of coordination among these organizations has, perhaps, its most telling and unfortunate expression in their inability to agree upon, lobby for, and achieve the adoption of a coherent veterans' legislative package by the Virginia General Assembly. The Commission considered suggestions that state law should provide for the creation of a Veterans' Affairs Council as a forum, meeting on a regular schedule, to bring together representatives of the Disabled American Veterans, the American Legion, the Veterans of Foreign Wars, the Division of War Veterans' Claims, and the Veteran's Affairs Commission. However, the Commission was of the opinion that there was no need for involving the Commonwealth in a project which could be carried out by the veterans' organizations themselves. The Commission most strongly approves of better coordination and increased cooperation among veterans' organizations, but feels it should be accomplished outside government.

The last recommendation acted upon favorably by the Commission should require, essentially, only a change in its internal processes. On the basis of a list to be furnished by the Division of War Veterans' Claims, the Commission's staff will supply one copy of the Commission's biennial report to each of the larger veterans' organizations in Virginia. Other persons interested in obtaining copies of the Commission's report are reminded that they can be obtained from the Legislative Bill Room, General Assembly Building, Ninth and Broad Streets, Richmond, Virginia, 23219 (telephone 804-786-6984).

Respectfully submitted,

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Appendix I

SENATE BILL NO. HOUSE BILL NO.

A BILL to amend and reenact § 22.1-5 of the Code of Virginia, relating to admission of certain persons to schools and certain reimbursements from the Literary Fund.

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-5 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-5. Regulations concerning admission of certain persons to schools; tuition charges; reimbursements from Literary Fund.—A. The following persons may, in the discretion of the school board of a school division and pursuant to regulations adopted by the school board, be admitted into the public schools of the division and may, in the discretion of the school board, be charged tuition:

1. Persons who reside within the school division but who are not of school age.
2. Persons of school age who are residents of the Commonwealth but who do not reside within the school division.
3. Persons of school age who are attending school in the school division pursuant to a foreign student exchange program approved by the school board.
4. Persons of school age who reside beyond the boundaries of the Commonwealth but near thereto in a state or the District of Columbia which grants the same privileges to residents of the Commonwealth if the school division admitting such persons borders such state or District of Columbia.

5. ~~Persons of school age who reside on a military or naval reservation located wholly or partly within the geographical boundaries of the school division and who are not domiciled residents of the Commonwealth of Virginia; provided, however, that no~~ *No* person of school age residing on a military or naval reservation located wholly or partly within the geographical boundaries of the school division may be charged tuition if federal funds provided under P. L. 874 of 1950, commonly known as Impact Aid, shall fund such students at not less than fifty percent of the total per capita cost of education, exclusive of capital outlay and debt service, for elementary or secondary pupils, as the case may be, of such school division. *In the event that Impact Aid available to any school division falls below fifty percent of the total per capita cost of the education of such students in that school division, the difference between the amount of Impact Aid, if any, available to that school division and such fifty percent level shall be reimbursed to such school division by the State Treasurer, upon certification of the amount by the Superintendent of Public Instruction, from the excess amounts available in the Literary Fund.*

B. Persons of school age who are not residents of the Commonwealth but are living temporarily with persons residing within a school division may, in the discretion of the school board and pursuant to regulations adopted by it, be admitted to the public schools of the school division. Tuition shall be charged such persons.

C. No tuition charge authorized or required in this section shall exceed the total per capita cost of education, exclusive of capital outlay and debt service, for elementary or secondary pupils, as the case may be, of such school division and the actual, additional costs of any special education or gifted and talented program provided the pupil, except that if the tuition charge is payable by the school board of the school division of the pupil's residence pursuant to a contract entered into between the two school boards, the tuition charge shall be that fixed by such contract.

Appendix II

SENATE JOINT RESOLUTION NO.....

Proposing an amendment to Section 9 of Article X of the Constitution of Virginia, relating to state debt.

RESOLVED, by the Sénate, the House of Delegates concurring, a majority of the members elected to each house agreeing, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed and referred to the General Assembly at its first regular session held after the next general election of members of House of Delegates for its concurrence in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia; namely:

Amend Section 9 of Article X of the Constitution of Virginia as follows:

ARTICLE X.

TAXATION AND FINANCE.

Section 9. State debt.

No debt shall be contracted by or in behalf of the Commonwealth except as provided herein.

(a) Debts to meet emergencies and redeem previous debt obligations.

The General Assembly may (1) contract debts to suppress insurrection, repel invasion, or defend the Commonwealth in time of war; (2) contract debts, or may authorize the Governor to contract debts, to meet casual deficits in the revenue or in anticipation of the collection of revenues of the Commonwealth for the then current fiscal year within the amount of authorized appropriations, provided that the total of such indebtedness shall not exceed thirty per centum of an amount equal to 1.15 times the average annual tax revenues of the Commonwealth derived from taxes on income and retail sales, as certified by the Auditor of Public Accounts, for the preceding fiscal year and that each such debt shall mature within twelve months from the date such debt is incurred; and (3) contract debts to redeem a previous debt obligation of the Commonwealth.

The full faith and credit of the Commonwealth shall be pledged to any debt created under this subsection. The amount of such debt shall not be included in the limitations on debt hereinafter established, except that the amount of debt incurred pursuant to clause (3) above shall be included in determining the limitation on the aggregate amount of general obligation debt for capital projects permitted elsewhere in this Article unless the debt so incurred pursuant to clause (3) above is secured by a pledge of net revenues from capital projects of institutions or agencies administered solely by the executive department of the Commonwealth or of institutions of higher learning of the Commonwealth, which net revenues the Governor shall certify are anticipated to be sufficient to pay the principal of and interest on such debt and to provide such reserves as the law authorizing the same may require, in which event the amount thereof shall be included in determining the limitation on the aggregate amount of debt contained in the provision of this Article which authorizes general obligation debt for certain revenue-producing capital projects.

(b) General obligation debt for capital projects and sinking fund.

The General Assembly may, upon the affirmative vote of a majority of the members elected to each house, authorize the creation of debt to which the full faith and credit of the Commonwealth is pledged, for capital projects to be distinctly specified in the law authorizing the same; provided that any such law shall specify capital projects constituting a single purpose and shall not take effect until it shall have been submitted to the people at an election and a majority of those voting on the question shall have approved such debt. No such debt shall be authorized by the General Assembly if the amount thereof when added to amounts approved by

the people, or authorized by the General Assembly and not yet submitted to the people for approval, under this subsection during the three fiscal years immediately preceding the authorization by the General Assembly of such debt and the fiscal year in which such debt is authorized shall exceed twenty-five per centum of an amount equal to 1.15 times the average annual tax revenues of the Commonwealth derived from taxes on income and retail sales, as certified by the Auditor of Public Accounts, for the three fiscal years immediately preceding the authorization of such debt by the General Assembly.

No debt shall be incurred under this subsection if the amount thereof when added to the aggregate amount of all outstanding debt to which the full faith and credit of the Commonwealth is pledged other than that excluded from this limitation by the provisions of this Article authorizing the contracting of debts to redeem a previous debt obligation of the Commonwealth and for certain revenue-producing capital projects, less any amounts set aside in sinking funds for the repayment of such outstanding debt, shall exceed an amount equal to 1.15 times the average annual tax revenues of the Commonwealth derived from taxes on income and retail sales, as certified by the Auditor of Public Accounts, for the three fiscal years immediately preceding the incurring of such debt.

All debt incurred under this subsection shall mature within a period not to exceed the estimated useful life of the projects as stated in the authorizing law, which statement shall be conclusive, or a period of thirty years, whichever is shorter; and all debt incurred to redeem a previous debt obligation of the Commonwealth, except that which is secured by net revenues anticipated to be sufficient to pay the same and provide reserves therefor, shall mature within a period not to exceed thirty years. Such debt shall be amortized, by payment into a sinking fund or otherwise, in annual installments of principal to begin not later than one-tenth of the term of the bonds, and any such sinking fund shall not be appropriated for any other purpose; if such debt be for public road purposes, such payment shall be first made from revenues segregated by law for the construction and maintenance of State highways. No such installment shall exceed the smallest previous installment by more than one hundred per centum. If sufficient funds are not appropriated in the budget for any fiscal year for the timely payment of the interest upon and installments of principal of such debt, there shall be set apart by direction of the Governor, from the first general fund revenues received during such fiscal year and thereafter, a sum sufficient to pay such interest and installments of principal.

(c) Debt for certain revenue-producing capital projects.

The General Assembly may authorize the creation of debt secured by a pledge of net revenues derived from rates, fees, or other charges and the full faith and credit of the Commonwealth, and such debt shall not be included in determining the limitation on general obligation debt for capital projects as permitted elsewhere in this Article, provided that

(1) the creation of such debt is authorized by the affirmative vote of two thirds of the members elected to each house of the General Assembly; and

(2) such debt is created for specific revenue-producing capital projects (including the enlargement or improvement thereof), which shall be distinctly specified in the law authorizing the same, of institutions and agencies administered solely by the executive department of the Commonwealth or of institutions of higher learning of the Commonwealth.

Before any such debt shall be authorized by the General Assembly, and again before it shall be incurred, the Governor shall certify in writing, filed with the Auditor of Public Accounts, his opinion, based upon responsible engineering and economic estimates, that the anticipated net revenues to be pledged to the payment of principal of and interest on such debt will be sufficient to meet such payments as the same become due and to provide such reserves as the law authorizing such debt may require, and that the projects otherwise comply with the requirements of this subsection, which certifications shall be conclusive.

No debt shall be incurred under this subsection if the amount thereof when added to the aggregate amount of all outstanding debt authorized by this subsection and the amount of all outstanding debt incurred to redeem a previous debt obligation of the Commonwealth which is to be included in the limitation of this subsection by virtue of the provisions of this Article authorizing the contracting of debts to redeem a previous debt obligation of the Commonwealth,

less any amounts set aside in sinking funds for the payment of such debt, shall exceed an amount equal to 1.15 times the average annual tax revenues of the Commonwealth derived from taxes on income and retail sales, as certified by the Auditor of Public Accounts, for the three fiscal years immediately preceding the incurring of such debt.

This subsection shall not be construed to pledge the full faith and credit of the Commonwealth to the payment of any obligation of the Commonwealth, or any institution, agency, or authority thereof, or to any refinancing or reissuance of such obligation which was incurred prior to the effective date of this subsection.

(d) Obligations to which section not applicable.

The restrictions of this section shall not apply to any obligation incurred by the Commonwealth or any institution, agency, or authority thereof if the full faith and credit of the Commonwealth is not pledged or committed to the payment of such obligation.

(e) General obligation debt used to provide housing for veterans.

The General Assembly may authorize the creation of debt of the Commonwealth or of any institution, agency or authority thereof secured by a pledge of the full faith and credit of the Commonwealth and negotiable notes or bonds evidencing loans made to provide housing in the Commonwealth for residents of the Commonwealth who have been members of and discharged or released under honorable conditions from the Armed Forces of the United States of America. The loans shall be secured by first lien deeds of trust or mortgages on such housing and the real property upon which it is situated or an interest therein. The General Assembly may also authorize the refunding of any debt incurred under this subsection (e). The debt authorized to be created hereby, including any refundings thereof, shall mature within a period not to exceed thirty-five years and the amount of such debt shall not be included in determining any limitations on debt otherwise established in this section.

Appendix III

SENATE BILL NO. HOUSE BILL NO.

A BILL to amend and reenact §§ 58-151.013 and 58-151.014:1 of the Code of Virginia, relating to Virginia taxable income and the retirement income tax credit.

Be it enacted by the General Assembly of Virginia:

1. That §§ 58-151.013 and 58-151.014:1 of the Code of Virginia are amended and reenacted as follows:

§ 58-151.013. Virginia taxable income.—(a) General. - The Virginia taxable income of a resident individual means his federal adjusted gross income for the taxable year, with the modifications specified in this section.

(b) Additions. - To the extent excluded from federal adjusted gross income, there shall be added:

(1) Interest, less related expenses to the extent not deducted in determining federal taxable income, on obligations of any state other than this State, or of a political subdivision of any such other state unless created by compact or agreement to which this State is a party; and

(2) Interest or dividends, less related expenses to the extent not deducted in determining federal taxable income, on obligations or securities of any authority, commission or instrumentality of the United States, which the laws of the United States exempt from federal income tax but not from state income taxes;

(3) Unrelated business taxable income as defined by § 512 of the Internal Revenue Code;

(4) Forty percent of the capital gain part and all of the ordinary income part of a lump-sum distribution from a qualified retirement plan, less the minimum distribution allowance and any amount excludable for federal income tax purposes;

(5) Deduction for two-earner married couples as allowed under § 221 of the Internal Revenue Code of 1954, as amended;

(6) For taxable years beginning after December 31, 1981, and before January 1, 1984, the excess cost recovery as defined in § 58-151.013:1 (A).

(c) Subtractions. - To the extent included in federal adjusted gross income, there shall be subtracted:

(1) Interest or dividends on obligations of the United States and on obligations or securities of any authority, commission or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States including, but not limited to, stocks, bonds, treasury bills, and treasury notes; but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

(2) Interest on obligations of this State or of any political subdivision or instrumentality of this State.

(3) The following items of pension or retirement income and benefits:

(A) Pensions or retirement income to officers and employees of this State, its subdivisions and agencies, or surviving spouses of such officers or employees exempt from state income taxation under the laws of this State, and pensions or retirement income to officers and employees who are retired under the provisions of Chapter 2 (§ 51-3 et seq.) of Title 51, or to spouses of such officers and employees;

(B) through (F) [Repealed.]

(G) Benefits received under Title II of the Social Security Act.

(H) Retirement income derived from service as a member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration in the following amounts: \$5,000 for such retirees whose federal adjusted gross income is \$15,000 or less; \$4,000 for such retirees whose federal adjusted gross income is greater than \$15,000 but not greater than \$16,000; \$3,000 for such retirees whose federal adjusted gross income is greater than \$16,000 but not greater than \$17,000; \$2,000 for such retirees whose federal adjusted gross income is greater than \$17,000 but not greater than \$18,000; and \$1,000 for such retirees whose federal adjusted gross income is greater than \$18,000 but not greater than \$19,000. No such subtraction will be allowed for such retirees whose federal adjusted gross income exceeds \$19,000.

(4) Dividends to the extent includable in gross income for federal income tax purposes and in excess of any dividend exclusion provided in the laws of the United States relating to federal income taxes, upon stock in:

(A) [Repealed.]

(B) Any domestic international sales corporation (as defined by § 992 of the Internal Revenue Code of 1954, as amended), fifty percent or more of the income of which was assessable for the preceding year, or the last year in which such corporation has income, under the provisions of the income tax laws of this State.

(5) The amount of any refund or credit for overpayment of income taxes imposed by this State or any other taxing jurisdiction.

(6) Any amount included therein by the operation of the provisions of § 78 of the Internal Revenue Code of 1954 (foreign dividend gross-up).

(7) The amount of wages or salaries eligible for the federal Targeted Jobs Credit or the amount of expenses eligible for the federal work incentive program which was not deducted for federal purposes on account of the provisions of § 280 C (a) or § 280 C (b) of the Internal Revenue Code of 1954, as amended.

(8) Any amount included therein by the operation of § 951 of the Internal Revenue Code (subpart F income).

(9) Any amount included therein which is foreign source

(A) The term "foreign source income" means:

(i) Interest other than interest derived from sources within the United States;

(ii) Dividends other than dividends derived from sources within the United States;

(iii) Rents, royalties, license, and technical fees from property located or services performed without the United States or from any interest in such property, including rents, royalties, or fees for the use of or the privilege of using without the United States any patents, copyrights, secret processes and formulas, good will, trademarks, trade brands, franchises, and other like properties; and

(iv) Gains, profits, or other income from the sale of intangible or real property located without the United States.

(B) In determining the source of income for purposes of paragraph (A) above, the provisions of §§ 861, 862, and 863 of the Internal Revenue Code, shall be applied.

(10) For taxable years beginning after December 31, 1983, and before January 1, 1989, the available portion of total excess cost recovery as defined in § 58-151.013:1 (B).

(11) To the extent not deducted from adjusted gross income, the fair market value, as determined by the Department of Education, of qualified technological equipment donated to a school division, a private nonprofit elementary or secondary school, a nonprofit or state-supported, degree-granting, accredited institution of higher education, or a science center located in Virginia. "Qualified technological equipment" means usable computers or other sophisticated technological equipment found by the Department of Education to be suitable for direct use in the level of education offered by the donee institution, and actually used for such purpose.

(d) Deductions. - There shall be deducted:

(1) The amount allowable for itemized deductions for federal income tax purposes where the taxpayer has elected for the taxable year to itemize deductions on his federal return, but reduced by the amount of income taxes imposed by this State or any other taxing jurisdiction and deducted on such federal return; or

(2) Fifteen percent of federal adjusted gross income not to exceed a maximum amount of \$2,000 (or 1/2 of such maximum amount in the case of a married individual filing a separate return), or \$1,300 (\$650 in the case of a married individual filing a separate return), whichever is greater, provided that the taxpayer has not itemized deductions for the taxable year on his federal income tax return. For purposes of the calculation of this subsection, the federal adjusted gross income of a taxpayer who has elected under § 402 of the Internal Revenue Code to use the special ten-year averaging method of taxing a lump-sum distribution from a qualified retirement plan shall be increased by the amount added to adjusted gross income under subsection (b) (3) of this section;

(3) A deduction in the amount of \$600 for each personal exemption allowable to the taxpayer for federal income tax purposes, and an additional deduction of \$400 for each exemption allowable to the taxpayer under paragraph (c) of § 151 of the Internal Revenue Code; and

(4) A deduction equal to the amount of employment-related expenses upon which the federal credit is based under § 44A of the Internal Revenue Code for expenses for household and dependent care services necessary for gainful employment.

(e) Other modifications and adjustments. - (1) There shall be added to or subtracted from federal adjusted gross income (as the case may be) the individual's share, as beneficiary of an estate or trust, of the Virginia fiduciary adjustment determined under § 58-151.023.

(2) Where husband and wife have not separately reported and claimed items of income, exemptions and deductions for federal income tax purposes, and have not elected to file a joint Virginia income tax return, such items allowable for Virginia income tax purposes shall be allocated and adjusted as follows:

(A) Income shall be allocated to the spouse who earned the income or with respect to whose property the income is attributable.

(B) Allowable deductions with respect to trade, business, production of income, or employment shall be allocated to the spouse to whom attributable.

(C) Nonbusiness deductions, where properly taken for federal income tax purposes, shall be allowable for Virginia income tax purposes, but shall be allocable between husband and wife as they may mutually agree. For this purpose, "nonbusiness deductions" consist of allowable deductions not described in paragraph (B) above.

(D) Where the standard deduction or low income allowance is properly taken pursuant to subsection (d) (2) of this section such deduction or allowance shall be allocable between husband and wife as they may mutually agree.

(E) Personal exemptions properly allowable for federal income tax purposes shall be allocated for Virginia income tax purposes as husband and wife may mutually agree; provided, however, that exemptions for taxpayer and spouse together with exemptions for old age and

blindness must be allocated respectively to the spouse to which they relate.

(3) Where allocations are permitted to be made under paragraph (2) above pursuant to agreement between husband and wife, and husband and wife have failed to agree as to such allocations, such allocations shall be made between husband and wife in a manner corresponding to the treatment for federal income tax purposes of the items involved, under regulations prescribed by the Department of Taxation.

(f) Nonresidents. - (1) Nonresident individuals, partners and beneficiaries. - The Virginia taxable income of a nonresident individual, partner or beneficiary shall be an amount bearing the same proportion to his Virginia taxable income, computed as though he were a resident, as the net amount of his income, gain, loss and deductions from Virginia sources bears to the net amount of his income, gain, loss and deductions from all sources.

(2) Certain nonresident shareholders. - For a nonresident individual who is a shareholder in an electing small business corporation, there shall be included in his Virginia taxable income his share of the taxable income of such corporation, and his share of any net operating loss of such corporation shall be deductible from his Virginia taxable income.

(g) Transitional modifications. - There shall be added or subtracted, as the case may be, the amounts provided in § 58-151.0111 as transitional modifications.

(h) Partner's modifications. - Virginia taxable income shall, as to partners, be adjusted to reflect the modifications provided in § 58-151.014.

§ 58-151.014:1. Retirement income tax credit.—Any individual taxpayer aged sixty-two or over shall be allowed a credit against the tax imposed by § 58-151.03 of an amount equal to five ~~per centum~~ *percent* of the maximum amount allowable as a benefit under Title II of the Social Security Act to a single beneficiary of his age (as determined by the Commissioner) such maximum amount reduced by: (i) the total amount of benefits actually received under the Social Security Act or the Railroad Retirement Act; and (ii) twice the amount by which such taxpayer's federal adjusted gross income exceeds ~~twelve thousand dollars~~ *\$12,000*. In no event shall the credit allowed hereunder exceed the total amount of tax liability of such taxpayer. No taxpayer who claims the credit under this section shall be permitted to subtract any amount under the provisions of ~~subsection~~ *subsections (c) (3) (A) or (H)* of § 58-151.013.

2. That the provisions of this act shall be effective for taxable years beginning on and after January 1, 1984.

Appendix IV

SENATE BILL NO. HOUSE BILL NO.

A BILL to amend and reenact § 60.1-52 of the Code of Virginia and to repeal § 60.1-48.1 of the Code of Virginia, relating to eligibility conditions for unemployment compensation benefits.

Be it enacted by the General Assembly of Virginia:

1. That § 60.1-52 of the Code of Virginia is amended and reenacted as follows:

§ 60.1-52. Benefit eligibility conditions.—An unemployed individual shall be eligible to receive benefits with respect to any week only if the Commission finds that:

(a) He has in the highest two quarters of earnings within his base period earned wages in employment for employers equal to not less than the lowest amount appearing in Column A of the “Benefit Table” appearing in § 60.1-47 on the line which extends through Division C on which in Column B of the “Benefit Table” appears his weekly benefit amount, such wages to be earned in not less than two quarters.

(b) His total or partial unemployment is not due to a labor dispute in active progress or to shutdown or start-up operations caused by such dispute which exists (1) at the factory, establishment, or other premises (including a vessel) at which he is or was last employed, or (2) at a factory, establishment or other premises (including a vessel) either within or without this Commonwealth, which (a) is owned or operated by the same employing unit which owns or operates the premises at which he is or was last employed and (b) supplies materials or services necessary to the continued and usual operation of the premises at which he is or was last employed, provided that this subsection shall not apply if it is shown to the satisfaction of the Commission that:

(1) He is not participating in or financing or directly interested in the labor dispute; and

(2) He does not belong to a grade or class of workers of which, immediately before the commencement of the labor dispute, there were members employed at the premises (including a vessel) at which the labor dispute occurs, any of whom are participating in or financing or directly interested in the dispute.

Provided, that if in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for the purposes of this subsection, be deemed to be a separate factory, establishment or other premises. Provided further, that mere membership in a union, or the payment of regular dues to a bona fide labor organization, shall not alone constitute financing a labor dispute.

(c) He is not receiving, has not received or is not seeking unemployment benefits under an unemployment compensation law of any other state or of the United States, provided, however, that if the appropriate agency of such other state or of the United States finally determines that he is not entitled to such unemployment benefits, this subsection shall not apply.

(d) He is not on a bona fide paid vacation, provided, that if an individual is paid vacation pay for any week in an amount less than the individual’s weekly benefit amount his eligibility for benefits shall be computed under the provisions of § 60.1-48.

(e) He has registered for work and thereafter has continued to report at an employment office in accordance with such regulations as the Commission may prescribe, except that the Commission may, by regulation, waive or alter either or both of the requirements of this subsection as to such types of cases or situations with respect to which it finds that compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this title.

(f) He has made a claim for benefits in accordance with such regulations as the Commission may prescribe.

(g) He is able to work, is available for work, and is actively seeking and unable to obtain suitable work. Every claimant who is totally unemployed shall report to the Commission the names of employers contacted each week in his effort to obtain work. In areas of high unemployment, as determined by the Commission, the Commission has the authority to adjust this requirement. This information may be subject to employer verification by the Commission through a program designed for that purpose.

An individual who leaves the normal labor market area of the individual for the major portion of any week is presumed to be unavailable for work within the meaning of this section. This presumption may be overcome if the individual establishes to the satisfaction of the Commission that the individual has conducted a bona fide search for work and has been reasonably accessible to suitable work in the labor market area in which the individual spent the major portion of the week to which the presumption applies.

(h) He does not have payable to him remuneration equal to or in excess of his weekly benefit amount in the form of a retirement pension, annuity, or other ~~retirement~~ *similar periodic payment under any plan contributed to by the most recent employer for whom he , including any payment made under the Social Security Act or the Railroad Act of 1974, under a plan maintained or contributed to by a base period or chargeable employer for whom such individual has performed services during thirty days, whether or not such days are consecutive ; provided, if . If* such remuneration is less than his weekly benefit amount, such remuneration shall be treated as if it were wages in accordance with § 60.1-48 ; ~~provided further, that this section shall not apply to the receipt of any amount under Title II of the Social Security Act .~~

(i) [Repealed.]

2. That § 60.1-48.1 of the Code of Virginia is repealed.

Appendix V

SENATE BILL NO. HOUSE BILL NO.

A BILL to amend and reenact § 60.1-14 of the Code of Virginia, relating to the definition of the term "employment" under the Unemployment Compensation Act.

Be it enacted by the General Assembly of Virginia:

1. That § 60.1-14 of the Code of Virginia is amended and reenacted as follows:

§ 60.1-14. Employment.—(1) "Employment" means:

(a) Any service including service in interstate commerce, performed for remuneration or under any contract of hire, written or oral, express or implied; and any service, of whatever nature, performed by an individual for any employing unit, for remuneration or under any contract of hire, written or oral, and irrespective of citizenship or residence of either,

(i) Within the United States, or

(ii) On or in connection with an American vessel or American aircraft under a contract of service which is entered into within the United States or during the performance of which and while the individual is employed on the vessel or aircraft it touches at a port in the United States, if such individual performs such services on or in connection with such vessel or aircraft when outside the United States, provided that the operating office, from which the operations of the vessel or aircraft are ordinarily and regularly supervised, managed, directed and/or controlled, is within the Commonwealth.

(b) Service performed after December 31, 1971, by an individual in the employ of this Commonwealth or any of its instrumentalities (or in the employ of this Commonwealth and one or more other states or their instrumentalities) for a hospital or institution of higher education located in this Commonwealth provided that such service is excluded from "employment" as defined in the Federal Unemployment Tax Act solely by reason of section 3306 (c) (7) of that act and is not excluded from "employment" under § 60.1-14 (1) (d) of this act; service performed after December 31, 1974, by an individual in the employ of this Commonwealth or any of its wholly owned instrumentalities (or in the employ of this Commonwealth and one or more other states or their instrumentalities) provided that such service is excluded from "employment" as defined in the Federal Unemployment Tax Act by section 3306 (c) (7) of that act and is not excluded from "employment" under § 60.1-14 (1) (d) of this act; service performed after December 31, 1977, by an individual in the employ of any political subdivision of this Commonwealth or any of its wholly owned instrumentalities or in the employ of any instrumentality wholly owned by any of the foregoing (this Commonwealth, any of its political subdivisions, or instrumentalities) or any instrumentality wholly owned by any of the foregoing and one or more other states or their political subdivisions, provided that such service is excluded from "employment" as defined in the Federal Unemployment Tax Act by section 3306 (c) (7) of that act and is not excluded from "employment" under § 60.1-14 (1) (d) of this act.

(c) Service performed after December 31, 1971, by an individual in the employ of a religious, charitable, educational or other organization but only if the following conditions are met:

(i) Their service is excluded from "employment" as defined in the Federal Unemployment Tax Act solely by reason of section 3306 (c) (8) of that act; and

(ii) The organization had four or more individuals in employment for some portion of a day in each of twenty different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time.

(d) For the purposes of paragraphs (b) and (c) the term "employment" does not apply to service performed:

(i) In the employ of (I) a church or convention or association of churches, or (II) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; or

(ii) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

(iii) Prior to January 1, 1978, in the employ of a school which is not an institution of higher education; or

(iv) In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market by an individual receiving such rehabilitation or remunerative work; or

(v) As part of an unemployment work-relief or work-training program assisted or financed in whole or in part by a federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training, including an individual employed as public service employee under the Comprehensive Employment and Training Act of 1973 (P.L. 93-203); or

(vi) By an inmate of a custodial or penal institution; or

(vii) In the employ of this Commonwealth, or any political subdivision thereof or any instrumentality of any one or more of the foregoing as set forth in § 60.1-14 (1) (b), if such service is performed by an individual in the exercise of duties

(I) As an elected official;

(II) As a member of a legislative body, or a member of the judiciary;

(III) As a member of the state National Guard or Air National Guard;

(IV) As an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency; or

(V) In a position which, under or pursuant to the laws of this Commonwealth, is designated as (i) a major nontenured policymaking or advisory position, or (ii) a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week.

(viii), (ix) [Repealed.]

(d1) Service performed after December 31, 1977, by an individual in agricultural labor as defined in § 60.1-3 when:

(i) Such service is performed for a person who

(I) During any calendar quarter in either the current or the preceding calendar year paid wages of \$20,000 or more to individuals employed in agricultural labor, not taking into account service in agricultural labor performed before January 1, 1984, by an alien referred to in division (ii) of this paragraph, or

(II) For some portion of a day in each of twenty different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor, not taking into account service in agricultural labor performed before January 1, 1984, by an alien referred to in division (ii) of this paragraph, ten or more individuals, regardless of whether they were employed at the same moment of time.

(ii) Such service is not performed in agricultural labor if performed before January 1, 1980, by an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to 8 U.S.C. 1184 (c) and 8 U.S.C. 1101 (a) (15) (H) of the Immigration and Nationality Act. Services performed and wages received by such alien workers after January 1, 1980, shall be counted in determining whether an employer is subject to the Virginia unemployment tax for his other farmworkers.

(iii) For the purposes of this subsection any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other person shall be treated as an employee of such crew leader

(I) If such crew leader holds a valid certificate of registration under the Farm Labor Contractor Registration Act of 1963; or substantially all the members of such crew operate or maintain tractors, mechanized harvesting or crop dusting equipment, or any other mechanized equipment, which is provided by such crew leader; and

(II) If such individual is not an employee of such other person within the meaning of § 60.1-14 (1) (a).

(iv) For the purposes of this paragraph (d1), in the case of any individual who is furnished by a crew leader to perform service in agricultural labor for any other person and who is not treated as an employee of such crew leader under division (iii)

(I) Such other person and not the crew leader shall be treated as the employer of such individual; and

(II) Such other person shall be treated as having paid wages to such individual in an amount equal to the amount of wages paid to such individual by the crew leader, either on his own behalf or on behalf of such other person, for the service in agricultural labor performed for such other person.

(v) For the purposes of this paragraph (d1), the term "crew leader" means an individual who

(I) Furnishes individuals to perform service in agricultural labor for any other persons,

(II) Pays, either on his own behalf or on behalf of such other person, the individuals so furnished by him for the service in agricultural labor performed by them, and

(III) Has not entered into a written agreement with such other person under which such individual is designated as an employee of such other person.

(d2) Domestic service performed after December 31, 1977, by an individual in a private home, local college club or local chapter of a college fraternity or sorority for a person who paid wages of \$1,000 or more after December 31, 1977, in the current calendar year or the preceding calendar year to individuals employed in such domestic service in any calendar quarter. The term "domestic service" shall not include any medical services performed by personnel such as a nurse, nurse's aide, private nurse, practical nurse, student nurse or attendant rendering medical services in a private residence or a medical institution where such personnel are employed by the person receiving such services.

(e) Any service of an individual who is a citizen of the United States, performed outside the United States (except in Canada), after December 31, 1971, in the employ of an American employer (other than service which is deemed "employment" under the provisions of paragraph (2) or (3) of this section or the parallel provisions of another state's law), if:

(i) The employer's principal place of business in the United States is located in this Commonwealth; or

(ii) The employer has no place of business in the United States, but

(I) The employer is an individual who is a resident of this Commonwealth; or

(II) The employer is a corporation which is organized under the laws of this Commonwealth;
or

(III) The employer is a partnership or a trust and the number of the partners or trustees who are residents of this Commonwealth is greater than the number who are residents of any one other state; or

(iii) None of the criteria of divisions (i) and (ii) of this paragraph is met but the employer has elected coverage in this Commonwealth or, the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under the law of this Commonwealth.

(iv) An "American employer," for purposes of this paragraph, means a person who is

(I) An individual who is a resident of the United States; or

(II) A partnership, if two-thirds or more of the partners are residents of the United States;

or

(III) A trust, if all of the trustees are residents of the United States; or

(IV) A corporation organized under the laws of the United States or of any state.

(v) As used in this subsection, the term "United States" includes the states, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

(f) Notwithstanding § 60.1-14 (1) (a) (ii) all service performed after December 31, 1971, by an officer or member of the crew of an American vessel on or in connection with such vessel, if the operating office from which the operations of such vessel operating on navigable waters within, or within and without, the United States are ordinarily and regularly supervised, managed, directed and controlled is within this Commonwealth; and

(g) Notwithstanding any other provisions of this section, service with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund or which as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act is required to be covered under this act.

(2) The term "employment" shall include an individual's entire service, performed within or both within and without this Commonwealth if:

(a) The service is localized in this Commonwealth; or

(b) The service is not localized in any state but some of the service is performed in this Commonwealth and (i) the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this Commonwealth; or (ii) the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this Commonwealth.

(3) Services performed within this Commonwealth and not covered under paragraph (2) of this section shall be deemed to be employment subject to this title if contributions are not required and paid with respect to such services under an unemployment compensation law of any other state or of the federal government.

(4) (a) Services not covered under paragraph (2) of this section, and performed entirely without this Commonwealth, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the federal government, shall be deemed to be employment subject to this title if the individual performing such services is a resident of this Commonwealth and the Commission approves the election of the employing unit for whom such services are performed that the entire service of such individual shall be deemed to be employment subject to this title.

(b) Services covered by an arrangement between the Commission and the agency charged with the administration of any other state or federal unemployment compensation law, pursuant to which all services performed by an individual for an employing unit are deemed to be performed entirely within this Commonwealth, shall be deemed to be employment if the Commission has approved an election of the employing unit for whom such services are performed, pursuant to which the entire service of such individual during the period covered by such election is deemed to be insured work.

(c) The Commission is hereby authorized to enter into reciprocal arrangements with appropriate and duly authorized agencies of other states or the federal government, or both, whereby services performed by an individual for a single employing unit for which services are customarily performed in more than one state shall be deemed to be services performed entirely within any one of the states (i) in which any part of such individual's service is performed or (ii) in which such individual has his residence or (iii) in which the employing unit maintains a place of business, provided there is in effect, as to such services, an election, approved by the agency charged with the administration of such state's unemployment compensation law, pursuant to which all the services performed by such individual for such employing unit are deemed to be performed entirely within such state.

(d) To the extent permissible under the laws and Constitution of this Commonwealth and the United States the Commission is authorized to enter into or cooperate in arrangements whereby facilities and services provided under this title and facilities and services provided under the unemployment compensation law of any foreign government established on the continent of North America, may be utilized for the taking of claims and the payment of benefits under the Virginia Unemployment Compensation Act or under a similar law of such foreign government.

(5) Service shall be deemed to be localized within a state if:

(a) The service is performed entirely within such state; or

(b) The service is performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state, for example is temporary or transitory in nature or consists of isolated transactions.

Services performed outside the state in which the base of operations is located shall be deemed to be incidental to the services performed within such state.

(6) Services performed by an individual for remuneration shall be deemed to be employment subject to this title unless:

(a) Such individual has been and will continue to be free from control or direction over the performance of such services, both under his contract of service and in fact; and

(b) Such service is either outside the usual course of the business for which such service is performed, or such service is performed outside of all the places of business of the enterprise for which such service is performed; or such individual, in the performance of such service, is engaged in an independently established trade, occupation, profession or business.

(7) The term "employment," after December 31, 1961, shall not include:

(a) [Repealed.]

(b) Service performed in the employ of the United States government or of any instrumentality of the United States which is wholly or partially owned by the United States or which is exempt from the tax imposed by section 3301 of the Federal Internal Revenue Code by virtue of any provision of law which specifically refers to such section (or the corresponding section of prior law) in granting such exemption;

(c) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of Congress, including service performed after June 30, 1939, for an employer determined to be subject to the Railroad Unemployment Insurance Act by the agency or agencies empowered to make such determination

by an act of Congress, and service as an employer representative determined to be subject to such act by such agency or agencies; provided, that the Commission is hereby authorized and directed to enter into agreements with the proper agencies under such act of Congress, which agreements shall become effective ten days after publication thereof in the manner provided in § 60.1-35 for general rules, to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this title, acquired rights to unemployment compensation under such act of Congress, or who have, after acquiring potential rights to unemployment compensation under such act of Congress, acquired rights to benefits under this title;

(d) Agricultural labor as defined in § 60.1-3 except as provided for in subsection (1) (d1) of this section;

(e) Domestic service in a private home, local college club or local chapter of a college fraternity or sorority except as provided for in subsection (1) (d2) of this section;

(f) Service performed on or in connection with a vessel or aircraft not an American vessel or American aircraft by an employee, if the employee is employed on and in connection with such vessel or aircraft when outside the United States;

(f1) Service performed by an individual in, or as an officer or member of the crew of a vessel while it is engaged in the catching, taking, harvesting, cultivating or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds or other aquatic forms of animal and vegetable life, including service performed by any such individual as an ordinary incident to any such activity, except (i) service performed in connection with the catching or taking of salmon or halibut, for commercial purposes and (ii) service performed on or in connection with a vessel of more than ten net tons, determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States;

(g) Service performed by an individual in the employ of his son, daughter, or spouse and service performed by a child under the age of eighteen in the employ of his father or mother;

(h) [Repealed.]

(i) Service performed in any calendar quarter in the employ of any organization exempt from income tax under section 501 (a), other than an organization described in section 401 (a), of the Federal Internal Revenue Code, or under section 521 of such Code, if the remuneration for such service is less than fifty dollars;

(j) Service performed, in the employ of a school, college or university, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college or university;

(k) Service performed as a student in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law; and service performed as an intern in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to state law;

(l) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(m) Service performed by an individual for an employing unit as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such employing unit is performed for remuneration solely by way of commission;

(n) Service performed by an individual for an employing unit as a real estate salesman, if all such service performed by such individual for such employing unit is performed for remuneration solely by way of commission. This paragraph shall also apply to such service performed since January 1, 1937;

(o) Service covered by an arrangement between the Commission and the agency charged with the administration of any other state or federal unemployment compensation law pursuant to which all services performed by an individual for an employing unit during the period covered by such employing unit's duly approved election are deemed to be performed entirely within such agency's state or under such federal law;

(p) Service performed by an individual for an employing unit as an agent in the wholesale distribution and sale of gasoline and other petroleum products, if all such service performed by such individual for such employing unit is performed for remuneration solely by way of commission;

(q) Service not in the course of the employer's trade or business performed in any calendar quarter by an employee, unless the cash remuneration paid for such service is fifty dollars or more and such service is performed by an individual who is regularly employed by such employer to perform such service. For the purposes of this paragraph, an individual shall be deemed to be regularly employed by an employer during a calendar quarter only if (i) on each of some twenty-four days during such quarter such individual performs for such employer for some portion of the day service not in the course of the employer's trade or business, or (ii) such individual was regularly employed (as determined under clause (i)) by such employer in the performance of such service during the preceding calendar quarter;

(r) Service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this paragraph shall not apply to service performed in a program established for or on behalf of an employer or group of employers;

(s) Service performed in the employ of a hospital, if such service is performed by a patient of the hospital, as defined in § 60.1-14.2;

(t) Services provided by an individual pursuant to an agreement among the service recipient, a public Human Services Agency as defined in § 63.1-291, and such individual to an eligible service recipient in his own home or the home of the service provider; ~~and~~

(u) Services provided by a full-time student in the employ of a summer camp after December 31, 1982 ; *and*

(v) Service performed by an individual who is required by federal law to register with the Selective Service System but who has failed to do so.

Appendix VI

SENATE BILL NO. HOUSE BILL NO.

A BILL to amend and reenact § 23-9.2:3 of the Code of Virginia, relating to admissions to state-supported institutions of higher education.

Be it enacted by the General Assembly of Virginia:

1. That § 23-9.2:3 of the Code of Virginia is amended and reenacted as follows:

§ 23-9.2:3. Power of governing body of educational institution to establish rules and regulations; offenses occurring on property of institution.—(a) In addition to the powers now enjoyed by it, the board of visitors or other governing body of every educational institution shall have the power:

(1) To establish rules and regulations for the acceptance of students *except that individuals who have not complied with the federal requirement to register for the selective service shall not be eligible to attend any state-supported institution of higher education*; to establish rules and regulations for the conduct of students while attending such institution; and to establish rules and regulations for the dismissal of students who fail or refuse to abide by such rules and regulations.

(2) To establish rules and regulations for the employment of professors, teachers, instructors and all other employees and provide for their dismissal for failure to abide by such rules and regulations.

(3) To provide parking and traffic rules and regulations on property owned by such institution.

(b) Upon receipt of an appropriate resolution of the board of visitors or other governing body of an educational institution, the governing body of a political subdivision which is contiguous to the institution shall enforce ~~State~~ *state* statutes and local ordinances with respect to offenses occurring on the property of the institution.

Appendix VII

SENATE JOINT RESOLUTION NO.....

Memorializing Congress concerning burials in National Cemeteries.

WHEREAS, National Cemeteries are, and of right ought to remain, places of honor set aside for the burial of the nation's veterans; and

WHEREAS, it is fully in keeping with the sacrifices which America's veterans have made for their country in peace and war, at home and abroad, that those laid to rest in National Cemeteries should be buried with dignity; and

WHEREAS, in October, 1983, it came to the attention of the public that not all veterans being buried in National Cemeteries were being treated with the dignity which they merited; and

WHEREAS, it was reported in the press that far from being interred with dignity, some veterans were being buried naked or wrapped in sheets, in plastic bags and cardboard boxes; and

WHEREAS, at least one such burial has been reported to have occurred in the National Cemetery at Quantico, Virginia; and

WHEREAS, such burial practices are repellent to Virginians and to all Americans; now, therefore, be it

RESOLVED by the Senate of Virginia, the House of Delegates concurring, That the Congress of the United States is hereby memorialized to ensure that the United States Veterans Administration takes appropriate actions to guarantee that veterans being buried in all National Cemeteries are interred with the dignity, respect, and gratitude which they, as veterans, have earned from the people of the nation which they have served; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Virginia delegation to the Congress of the United States, and to the Administrator of the United States Veterans Administration in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

Appendix VIII

SENATE BILL NO. HOUSE BILL NO.

A BILL to amend and reenact §§ 2.1-129 and 9-86 of the Code of Virginia, relating to powers and duties of the Division of War Veterans' Claims and the Commission on Veterans' Affairs.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-129 and 9-86 of the Code of Virginia are amended and reenacted as follows:

§ 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~~ *state* and local laws enacted for their benefit ; ~~and for~~ . 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.

In the event that the Commission on Veterans' Affairs, pursuant to § 9-86, establishes a home or homes for aged or infirm veterans, the Division of War Veterans' Claims shall be responsible for the control and operation of such home or homes.

§ 9-86. Powers and duties.— A. The Commission is authorized and directed to study all matters affecting the welfare of citizens of Virginia who are war veterans, or dependents or survivors of such veterans; to consider and make recommendations concerning appropriate legislation for their benefit ; ; and, in this connection, to keep advised as to administration of laws heretofore or hereafter enacted concerning veterans and their dependents. The Commission shall biennially, sixty days prior to the convening of each even-numbered year session of the General Assembly, make a report to the Governor, the Attorney General of Virginia, and the General Assembly of Virginia, setting forth its findings and recommendations.

B. In addition to the powers and duties enumerated in paragraph A of this section, the Commission shall have the authority to acquire land, buildings, furnishings and equipment for the establishment of a home or homes for aged or infirm veterans domiciled in the Commonwealth. In connection with the establishment of such home or homes, the Commission may accept gifts, apply for and receive grants, and expend funds made available by the federal government, private individuals, veterans organizations, the General Assembly of Virginia, and all other sources. Upon establishment of such home or homes, they shall pass to the control and operation of the Division of War Veterans' Claims.

2. That the Commission on Veterans' Affairs, in establishing a home or homes for aged or infirm veterans pursuant to § 9-86, shall give first priority to the acquisition, for that purpose, of buildings, structures, and facilities located at the United States Veterans Administration Medical Center in Richmond, Virginia (McGuire Hospital), which have been or may be declared surplus by the federal government.

Appendix IX

A BILL to amend and reenact §§ 24.1-109, 24.1-158, 24.1-159 and 24.1-166 of the Code of Virginia, relating respectively to printing of ballots, furnishing or submitting names of electors, and nonprimary nominations and declarations of independent candidacy.

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.1-109, 24.1-158, 24.1-159 and 24.1-166 of the Code of Virginia are amended and reenacted as follows:

§ 24.1-109. List of offices candidates filed with State Board of Elections and checked for accuracy; when ballots printed; number required.—Immediately after the expiration of the time within which the names of candidates may be filed as provided by law and prior to printing the ballots for an election, the several electoral boards shall forward to the State Board of Elections a list of the county, city, or town offices to be filled and the names of all candidates who have filed for each office, and in addition the name of any candidate who failed to qualify with the reason for his disqualification, and the State Board of Elections shall advise the respective electoral boards of the accuracy of such list immediately. However, the failure of any electoral board to send said lists for verification to the State Board of Elections shall not invalidate any election. It shall be the duty of the electoral boards of the several counties and cities of this Commonwealth ; *to cause the ballots to be printed in a sufficient number to be determined by the respective electoral boards. Such boards shall cause the ballots to be printed as soon as practicable after the secretary is officially notified of the names of the candidates in any election, and at least thirty days prior to any primary or general election, or in the case of a special election, at least thirty days prior to the election or as soon thereafter as possible, to cause the ballots to be printed in a sufficient number to be determined by the respective electoral boards (i) forty-five days prior to any November general election or special election held at the same time, or (ii) thirty days prior to any other general, special or primary election, or (iii) in the case of a special election, if time is insufficient to meet the deadlines established herein, then as soon after said deadlines as possible .* Only those names to be voted on in a particular election district shall appear on the ballots for that election district. Immediately upon receipt of the ballots from the printer, the electoral boards shall send to the State Board of Elections , together with a statement of the number of ballots ordered to be printed, a copy of each printed ballot and voting machine ballot for verification as provided by law. If the State Board finds that, in its opinion, the number of ballots ordered to be printed by any local electoral board is not sufficient, it may direct the local board to order the printing of a reasonable number of additional ballots.

§ 24.1-158. State Board of Elections to be furnished names of electors selected by political parties.—In elections for President and Vice-President of the United States the names of electors selected by the different political parties at their respective conventions held for that purpose, together with the name of the political party and the names of the candidates for President and Vice-President for whom they are expected to vote in the Electoral College, shall be furnished to the State Board of Elections at least by noon of the ~~sixtieth~~ *seventy-fifth* day before any election for the electors of President and Vice-President by the chairman or secretary of said party. *Provided that in the year 1984 only, if the national convention of a political party held to select that party's candidates for President and Vice-President shall be in session at said time, or have adjourned within the previous seven days of the same, then the chairman or secretary of the party shall furnish the required names to the State Board of Elections by noon of the seventh day after adjournment of the convention.* In the event of the death or withdrawal of a candidate of a political party for President or Vice-President, that party may substitute the name of a different candidate before the State Board of Elections certifies to the county and city electoral boards the form of the official ballots. The State Board of Elections shall also be furnished, if request therefor is made, with satisfactory evidence that any person undertaking to so act on behalf of any political party is, in fact, duly and properly authorized so to do.

§ 24.1-159. How other groups may submit names of electors.—Any group of qualified voters, equal in number to at least one-half of one percent of the number of voters registered in the Commonwealth as of January 1 of that year and including at least 200 qualified voters from each congressional district in the Commonwealth, not constituting a political party as defined in § 24.1-1, may have the names of electors selected by them, including one elector residing in each congressional district and two from the Commonwealth at large, printed upon the official

ballot to be used in the election of electors for President and Vice-President by filing a petition so requesting with the State Board of Elections not later than noon of the ~~sixtieth~~ *seventy-fifth* day before said election. Said petition, which shall be signed by said voters after January 1 of the year in which the election is held and contain their residence addresses, the signatures to which shall be witnessed by a qualified voter of the same congressional district whose affidavit to that effect is attached to said petition, shall set forth the names of the electors selected by such voters, the party name under which they desire the electors so selected to be listed on the ballot, and the names of the candidates for President and Vice-President for whom such electors are expected to vote in the Electoral College. Substitution of a different candidate for Vice President may be made by the candidate for President before the State Board of Elections certifies to the county and city electoral boards the form of official ballot. In order to utilize a selected party name on the ballot, such group shall have had a state central committee composed of registered voters from each congressional district of the Commonwealth, a party plan and bylaws, and a duly designated chairman and secretary in existence and holding office for at least six months prior to filing the petition. The State Board of Elections may require proof that such group meets these requirements before permitting use of a party name on the ballot. Such party name shall not be identical with or substantially similar to the name of any political party qualifying under § 24.1-1 and then in existence.

In the event that a group of qualified voters meets the requirements set forth herein except that they cannot utilize a party name, the electors selected and the candidates for President and Vice-President shall be identified as "Independent."

§ 24.1-166. Notice required of nonparty candidates; schedule for giving notice and for party nominations other than by primary.— A. Any person, other than a candidate for a party nomination or a party nominee, who intends to be a candidate for any office, to be elected by the qualified voters of the Commonwealth at large or of a congressional district, shall notify the State Board of Elections, in writing, by filing a declaration of candidacy on a form prescribed by the State Board of Elections, attested by two witnesses who are qualified voters of the election district or acknowledged before some officer authorized to take acknowledgments to deeds, of his intention, designating the office for which he is a candidate ~~and such notice shall be delivered to the Board not later than the time fixed for the closing of the polls on the second Tuesday in June, if it be a general election in November, and at least sixty days before the election when it is a special election to be held at the same time as the general or primary election, or, if it be a special election called by the Governor, at least thirty days before the election or within five days after the issuance of any writ of election or order calling a special election to be held less than thirty five days after the issuance of the writ or order .~~ The written notice shall be signed by the candidate, but if he be incapable of writing his proper signature then some mark adopted by him as his signature shall be acknowledged before some officer authorized to take acknowledgments to deeds and in the same manner.

On receipt of the notices required hereby the State Board of Elections shall notify the respective ~~secretary~~ *secretaries* of the electoral ~~board~~ *boards* of the election district of the candidacy of each of such persons, which notices shall be forwarded by the State Board of Elections immediately after the expiration of the period during which candidates may give notice of their candidacy as prescribed hereby.

Any person other than a candidate for a party nomination or party nominee, who intends to be a candidate at any election for any other office, shall give notice ~~not later than the time fixed for the closing of the polls on the second Tuesday in June before the election if it be a general election held in November, and on the first Tuesday in March, if it be a general election in May, and at least sixty days before the election when it is a special election to be held at the same time as the general or primary election or pursuant to § 15.1-1054; or, if it be a special election called by the Governor, Speaker of the House of Delegates, President of the Senate, or pursuant to § 24.1-79, or pursuant to law at a time other than a general or primary election; at least thirty days before the election; or within five days after the issuance of any writ of election or order calling a special election to be held less than thirty five days after the issuance of the writ or order. He shall give such notice to the clerk of the circuit court of the county or city where he resides, which notice shall be in all respects as that required above by this section to be given to the State Board of Elections. Provided, however, that where the writ of election issued pursuant to § 24.1-76 directs that a special election be held at the second ensuing general election, any person who intends to be a candidate at such an election shall give~~

the aforesaid notice of candidacy no later than the time fixed for the giving of such notice by candidates for offices to be filled in the general election at which time the special election is conducted. Such clerk shall, within three days after the receipt of the notice and petitions, deliver in person or transmit by certified mail such notices, and the petitions required by § 24.1-168 or copies thereof, to the secretary or secretaries of the electoral boards of the counties or cities whose electors vote for such office, and he shall transmit the names of the candidates who have filed with him to the State Board of Elections immediately after the filing deadline.

If requested in writing by a candidate, the secretary of the electoral board shall notify him of any irregularity in the notice or petitions which can be corrected prior to the filing deadline.

Nominations, other than by primary, by political parties for candidates for any office, shall be made and completed in the manner provided by law at or before the time fixed for the closing of the polls on the second Tuesday in June next preceding the election for such offices in the case of a general election in November, or in the case of a general election in May, on the first Tuesday in March, and the chairman of each such party shall certify the names of its candidates as required by § 24.1-160. However, in no event shall any party so nominate by any means other than direct primary more than thirty-two days prior to the second Tuesday in such June, in the case of a general election in November, or thirty-two days prior to the first Tuesday in such March, in the case of a general election in May.

Nominations by political parties for candidates for any office in a special election shall be completed and certified as required by § 24.1-160 at least sixty days before the election when it is a special election to be held at the same time as the general or primary election or pursuant to § 15.1-1054; or, if it be a special election called by the Governor, Speaker of the House of Delegates, President of the Senate, or pursuant to § 24.1-70, or pursuant to law at a time other than a general or primary election, at least thirty days before the election; or within five days after the issuance of any writ of election or order calling a special election to be held less than thirty-five days after the issuance of the writ or order. Provided, that where the writ of election issued pursuant to § 24.1-76 directs that a special election be held at the second ensuing general election, any such nomination must be completed and certified no later than the time fixed for the completion and certification of nominations for the general election at which time the special election is conducted.

B. For any office, notice of candidacy by nonparty candidates shall be filed and nominations by political parties, other than by primary, shall be made and completed in the manner prescribed by law according to the following schedule:

1. For a general election in November, at or before the time fixed for the closing of the polls on the second Tuesday in June next preceding the election for such offices, provided that no political party shall so nominate by means other than a primary more than thirty-two days prior to such Tuesday.

2. For a general election in May, at or before the time fixed for the closing of the polls on the first Tuesday in March next preceding the election for such offices, provided that no political party shall so nominate by means other than a primary more than thirty-two days prior to such Tuesday.

3. For a special election:

a. At least seventy-five days before a special election held at the same time as a November general election;

b. At or before the time fixed for the closing of the polls on the first Tuesday in March for a special election held at the same time as a May general election, or pursuant to § 15.1-1054;

c. At least sixty days before any special election held at the same time as a primary election; or

d. If it be a special election called by the Governor, Speaker of the House of Delegates, President of the Senate, or pursuant to § 24.1-79, or pursuant to law at a time other than a general or primary election, at least thirty days before the election or within five days of any

writ of election or order calling a special election to be held less than thirty-five days after the issuance of the writ or order.

Where the writ of election issued pursuant to § 24.1-76 directs that a special election be held at the second ensuing general election, any such nomination must be completed or notice of candidacy filed no later than the time fixed for the completion of nominations for the general election at which time the special election is conducted.

Appendix X

SENATE JOINT RESOLUTION NO.....

Requesting the Division of War Veterans' Claims to make certain information available to local governments.

WHEREAS, every year thousands of persons are discharged from the armed forces of the United States and either take up or resume civilian residence in the Commonwealth; and

WHEREAS, in having served in the armed forces of the United States, these veterans have served the people of Virginia as well; and

WHEREAS, in view of the many sacrifices and contributions which America's veterans make on our behalf, in peace and in war, it is only fitting that our thanks be extended to those who elect to remain in or return to Virginia upon their return to civilian life; and

WHEREAS, the Division of War Veterans' Claims is provided by the United States Department of Defense with a record of the separation from service of veterans remaining in or returning to Virginia; now, therefore, be it

RESOLVED by the Senate of Virginia, the House of Delegates concurring, That the Division of War Veterans' Claims is requested to notify the elected heads of the governments of the several localities of the Commonwealth of the names and addresses of veterans returning to civilian life in their localities in order that those elected heads of government may extend an appropriate welcome to those veterans.

Appendix XI

SENATE BILL NO. HOUSE BILL NO.

A BILL to amend and reenact § 2.1-21 of the Code of Virginia, relating to legal holidays.

Be it enacted by the General Assembly of Virginia:

1. That § 2.1-21 of the Code of Virginia is amended and reenacted as follows:

§ 2.1-21. Legal holidays.— *A.* In each year ~~the first day~~ of January 1 (New Year's Day and Martin Luther King, Jr. Day), the third Monday in January (Lee-Jackson Day), the third Monday in February (George Washington Day), the last Monday in May (Confederate Memorial Day), ~~the fourth day~~ of July 4 (Independence Day), the first Monday in September (Labor Day), the second Monday in October (Columbus Day and Yorktown Victory Day), ~~the eleventh day~~ of November 11 (Veterans Day), the Tuesday next following the first Monday in November (Election Day), the fourth Thursday in November (Thanksgiving Day), ~~the twenty-fifth day~~ of December 25 (Christmas Day), or, whenever any of such days shall fall on Saturday, the Friday next preceding such 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 Commonwealth or the President of the United States, shall be a legal holiday as to the transaction of all business.

B. All offices of local governments, except those providing essential services, shall be closed in observance of all legal holidays provided for in paragraph A of this section.

Appendix XII

Resolution of the

Virginia Commission on Veterans' Affairs

Agreed to by Unanimous Vote

November 22, 1983

WHEREAS, Virginia's military veterans, both in peace and in war, have made sacrifices and contributions on behalf of our national well-being which no act of government, at any level, can fully repay; and

WHEREAS, in economic hard times, many veterans find themselves in difficult financial straits; and

WHEREAS, the personal property tax burdens imposed by the local governments of the Commonwealth further exacerbate the financial distress of these veterans; and

WHEREAS, during its public hearings conducted across the Commonwealth in 1982 and 1983, the Commission on Veterans' Affairs was repeatedly requested to obtain relief from local personal property taxes for Virginia's veterans; and

WHEREAS, the Commission on Veterans' Affairs feels that this matter best can be addressed on a locality-by-locality basis; now, therefore, be it

RESOLVED by the Commission on Veterans' Affairs, That the Virginia Municipal League and the Virginia Association of Counties are called upon to communicate this resolution to their member governments and urge them to give meaningful recognition to the services performed by Virginia's veterans by granting these veterans appropriate forms of relief from local personal property taxes.

Appendix XIII

Commission Members, 1982-83

Claude V. Swanson (Chairman)

Floyd C. Bagley (Vice-Chairman)

Warren E. Barry

Joseph W. Crawford, Jr.

C. Ray Edmonds

William E. Fears

Jeremiah N. Fusco

William L. McCauley

Donald A. McGlothlin, Sr.

Charles L. Waddell

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Commission was provided by the
Division of Legislative Services**