

**REPORT OF THE
VIRGINIA CODE COMMISSION
ON THE**

**Comparison Of The
Appropriations Act With
The Code of Virginia**

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



House Document No. 24

**COMMONWEALTH OF VIRGINIA
RICHMOND
1985**

MEMBERS OF THE CODE COMMISSION

Delegate Theodore V. Morrison, Jr., Chairman
Senator Dudley J. Emick, Jr., Vice Chairman
John A. Banks, Jr., Esquire
William G. Broaddus, Esquire
Judge Russell M. Carneal
Delegate James P. Jones
Judge John Wingo Knowles
Delegate A. L. Philpott

STAFF

Legal and Research

W. Rand Cook, Attorney

Administrative and Clerical

Code Commission

INTRODUCTION

House Joint Resolution No. 74, passed during the 1984 Session of the Virginia General Assembly, requested the Virginia Code Commission to study the appropriate titles of the Code of Virginia, in comparison with the general appropriations act, identify duplicative or conflicting provisions and recommend the proper reconciliations of such duplications or conflicts. (A copy of HJR 74 is attached as Appendix A.)

Members of the Code Commission, recognizing that the appropriations act, by virtue of the repealer clause contained in § 4-11.00 of the act, supercedes the provisions of the Code of Virginia, expressed concern that many individuals rely on the Code to accurately present current state law, only to learn later that the specific statute in question has been superceded by appropriations act language. Exacerbating this problem is the fact that many, if not most, readers of the Code would not think to refer to the appropriations act to determine substantive state law, nor would they likely have ready access to a copy of the appropriations act when attempting to research state law. Conversely, it was suggested that in order for the budget committees to properly control expenditures of state revenue it is necessary to amend or override, through the appropriations act, statutory provisions which conflict with the spending policies agreed upon by the members of the budget committees. It was also agreed that many times policy determinations are made part of the appropriations act in order to improve the ultimate chances of success before the entire Assembly, recognizing that for political reasons, members are reluctant to vote against the budget bill even though they may not agree with every provision contained therein.

The Repealer Clause

Section 4-11.00 of the appropriations act reads as follows:

All acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

This provision, hereinafter referred to as the repealer clause, provides the authority for the appropriations act to override inconsistent provisions of the Code of Virginia. In other words, this provision lies at the very heart of the matter under study herein. During the discussions of the repealer clause, it was suggested that the last word of the clause, "repealed", might not accurately reflect the intent of the General Assembly in that the Assembly has no intention of actually repealing inconsistent provisions of the Code and having to subsequently reenact them. Members of the Code Commission are of the opinion that the purpose of this clause is merely to allow the provisions of the appropriations act to prevail or have priority over statutory provisions which may be inconsistent with provisions of the act. Members of the Code Commission indicated that the language and effect of the repealer clause should be studied to determine if a change in the language is needed to effectuate the intent of the Assembly.

Findings

During the course of the study the Code Commission, with assistance from the staffs of both the House Appropriations Committee and the Senate Finance Committee, identified and considered thirty-eight conflicts or inconsistencies between the appropriations act and the Code of Virginia. (A list of these conflicts is presented in Appendix B.) For seventeen of the thirty-eight it was the decision of the Code Commission to recommend legislation, amending the Code of Virginia, so as to conform the Code with the appropriations act. This legislation achieves conformity by either:

1. Adding appropriations act language to the Code of Virginia; or
2. Inserting language in the Code indicating that pertinent law is contained in the appropriations act.

It was agreed that for some issues, those requiring fiscal control and monitoring, it is appropriate to have the controlling language in the appropriations act and merely cross-reference the act in the statutory provisions of the Code. (A copy of the suggested legislation is attached as Appendix C.)

For those overrides for which no specific action was recommended, it was decided that further study was needed to accurately determine the fiscal impact of placing such language in the Code.

Respectfully submitted,

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Theodore V. Morrison, Jr., Chairman

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Dudley J. Emick, Jr., Vice Chairman

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John A. Banks, Jr.

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William G. Broaddus

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Russell M. Carneal

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James P. Jones

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John Wingo Knowles

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A. L. Philpott

1984 SESSION

LD4136414

APPENDIX A

HOUSE JOINT RESOLUTION NO. 74

Offered January 23, 1984

Requesting the Virginia Code Commission to study the provisions of the appropriate titles of the Code of Virginia in comparison with the provisions of the appropriations act. and to recommend the proper reconciliation of those provisions which are duplicative or conflicting.

Patrons—Bagley, R. M., Morrison, and Philpott

Referred to the Committee on Rules

WHEREAS, there are numerous instances where the titles of the Code of Virginia have not been revised to conform with current policy and practice within the Commonwealth; and

WHEREAS, there are numerous instances where the appropriations act contains language which supercedes provisions of the Code of Virginia and to that extent the two acts of the General Assembly are inconsistent; and

WHEREAS, the appropriations act in certain instances contains language which is repetitive of provisions of the Code of Virginia which have been repealed; and

WHEREAS, the Code of Virginia should contain all current law relative to a particular subject, or make reference to the appropriate section of the current appropriations act; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia Code Commission, with advisory assistance from the House Appropriations Committee, the Senate Finance Committee and other appropriate standing committees, is hereby requested to study the appropriate titles of the Code of Virginia, in comparison with the appropriations act, and to recommend the proper reconciliation of those provisions which are duplicative or conflicting.

The Virginia Code Commission is requested to complete its work in time to submit recommendations to the 1985 Session of the General Assembly.

Official Use By Clerks
Agreed to By The House of Delegates
without amendment []
with amendment []
substitute []
substitute w/amdt []
Agreed to By The Senate
without amendment []
with amendment []
substitute []
substitute w/amdt []
Date: _____ Date: _____
Clerk of the House of Delegates Clerk of the Senate

JUDICIAL REVIEW

<u>No.</u>	<u>Budget Item #</u>	<u>Override Code Section</u>	<u>Purpose of Appropriations Act ----- Override Code</u>	<u>Legislation</u>
1	15	19.2-163	Restrict to three the number of fees paid for court appointed counsel in defending multiple counts of same charge in same proceeding.	Bill No. 1
2	15	19.2-320	Allow Court to set attorney fees in indigent appeals.	

<u>No.</u>	<u>Budget Item #</u>	<u>Override Code Section</u>	<u>Purpose of Appropriations Act Overriding Code</u>	<u>Legislation</u>
3	77	4-22	Remove floor on payments to localities.	Bill No. 2
4	77	4-22	Require repayment of ABC loan from ABC profits.	
-	77	4-22.1	Increase share of wine tax returned to localities.	Bill No. 2
5	78	15.1-136	Line of Duty payments not payable to beneficiaries.	Bill No. 3
7	94	53.1-120	Restrict numbers of courtroom security deputies.	

<u>No.</u>	<u>Budget Item #</u>	<u>Override Code Section</u>	<u>Purpose of Appropriations Act</u> <u>Overriding Code</u>	<u>Legislation</u>
8	105	15.1-1412	To increase the allocation to all Planning District Commissions.	Bill No. 4
9	113	40.1-51.15	To establish a dedicated revenue account for the Boiler Safety Inspection Program.	Bill No. 5
10	116	9-47	To increase and guarantee funding of the Virginia Sports Hall of Fame by tying appropriation to revenue collections of Athletic Commission. In effect, creates a dedicated revenue fund.	
11	117	3.1-81.1	To require that fees collected by the Commissioner of Agriculture be deposited in the State Treasury.	Bill No. 6
12	143	10-218	To establish a floor for Virginia Beach's allocation of public beach erosion funds. Code says that the Commission on Conservation and Development of Public Beaches shall determine the equitable allocation of funds among participating agencies.	
13	143	10-201.1	In a somewhat ambiguous manner, Appropriations Act language appears to create a dedicated revenue account for the litter control fund.	Bill No. 7

<u>No.</u>	<u>Budget Item #</u>	<u>Override Code Section</u>	<u>Purposes of Appropriations Act Overriding Code</u>	<u>Legislation</u>
14	155	28.1-46.4	Changes allocation formula for the Marine Patrol Fund to distribute additional funds from unrefunded tax on motorboat fuel.	
15	171	60.1-120 & 60.1-122	The Appropriations Act language overrides the Code in two different ways. First, the language is more restrictive than the Code in requiring that unexpended balances in the Special Unemployment Compensation Administration fund be deposited to the Commonwealth's account in the Unemployment Trust Fund. Second, the language expands the authorized use of funds to include construction projects.	Bill No. 8

<u>No.</u>	<u>Budget Item #</u>	<u>Override Code Section</u>	<u>Purpose of Appropriations Act</u> <u>Overriding Code</u>	<u>Legislation</u>
16	183(2)	2.1-701	Provides payments for the "direct instructional cost" of handicapped children placed by public agencies in residential schools. The Code uses the broader term "educational cost".	Bill No. 9
17	184(1.a)	51-111.47 & 51-111.6	To impose caps on numbers of positions and salary levels within which the State will pay the employer contributions for teachers and other school division of employees for social security and VSRS benefits.	Bill No. 10
18	184(2)	22.1-1-148	Permits school loans obtained for the purpose of erecting or altering school buildings to be refinanced with a Literary Fund loan. The Attorney General's Office believes the Code only permits the refinancing of loans obtained for the purpose of enlarging school buildings.	Bill No. 11
19	185 (C.1.j)	22.1-67	To eliminate separate categorical payments to reimburse localities for 60% of division superintendent's salaries.	Bill No. 12
20	185(C.2)	22.1-101(A)	To reimburse receiving localities for the local cost of nonhandicapped non-resident children placed in foster care, and remove all financial responsibility from the sending locality.	Bill No. 13
21	185(C.2)	22.1-101(A,C)	To reimburse school divisions for the local cost of educating nonresident children (either handicapped or nonhandicapped) placed within their jurisdictions by private individuals. These children must be placed in licensed child caring institutions or group homes. The Appropriations Act permits reimbursements for these children in 1984-85, but prohibits such payments in 1985-86. The second year prohibition contravenes Chapter 1148, 1984 Acts of Assembly (SB 108), which codifies, for the first time, authorization to reimburse for the cost of these children.	

No.	Budget Item #	Override Code Section	Purposes of Appropriations Act <u>Overriding Code</u>	<u>Legislation</u>
22	185 (C.1.h)	22.1-205	Allows all localities to receive Driver Education payments as an undesignated component of Basis Aid, contrary to the Code requirement that only localities offering an DOE approved Driver Education may receive funds specifically identified as Driver Education funds.	
23	186	58.1-638	Appropriates 1% sales tax returned on the basis of school age population as general funds. The Code designates this revenue as local funds.	
24	207	2.1-504.3	Provides for the sale of Western Virginia Bicentennial Center. Bypasses provisions of the Code pertaining to conveyances of public property. Restricts the use of the property after sale.	

No.	Budget Item #	Override Code Section	Purposes of Appropriations Act <u>Overriding Code</u>	<u>Legislation</u>
16	385	9-118	Authorizes the Governor to appoint the Executive Director of the Commission on the Status of Women.	
18	393	32.1-283	Limits financial liability of localities to \$20.00 for each medical examiner investigation of localities deceased residents.	Bill No. 14
17	395	32.1-74	Provides instructions for Medicaid cost containment.	
8	482	63.1-135	Provides that part of the State-Local Hospitalization program appropriation be set aside in a reserve fund to be allocated on the basis of need rather than population.	

HUMAN RESOURCES (continued)

<u>No.</u>	<u>Budget Item #</u>	<u>Override Code Section</u>	<u>Purposes of Appropriations Act Overriding Code</u>	<u>Legislation</u>
29	482	63.1-138 & 63.1-139	Establishes SLH eligibility for persons who receive financial assistance under any welfare program and are treated at MCV/UVA hospitals. Establishes local liability to participate in cost regardless of whether locality of residence has chosen to participate in SLH program.	
30	484	63.1-25.1	Establishment of \$30.00 as personal needs allowance for adult home residents (auxiliary grant program).	Bill No. 15
31	682	19.2-368.18	Makes funds deposited to the Criminal Injuries Compensation Fund immediately available for expenditure to increase flexibility in program administration.	Bill No. 16

<u>Year</u>	<u>Budget Item #</u>	<u>Override Code Section</u>	<u>Purposes of Appropriations Act</u> <u>Overriding Code</u>	<u>Legislation</u>
01	622	2.1-196.1	Changes ABC working capital funds to Enterprise Fund.	

TRANSPORTATION

<u>No.</u>	<u>Budget Item #</u>	<u>Overriden Code Section</u>	<u>Purposes of Appropriations Act Overriding Code</u>	<u>Legislation</u>
33	636	33.1-23.1	Increases primary system construction allocations by \$7,000,000 each year due to interstate matching requirements.	
	636	33.1-23.1:1	Provides funds for unpaved secondary road construction above the amounts set forth in the Code.	
35	640(B)	33.1-46.1	Establishes procedures for allocating mass transit funds to localities.	
36	651	46.1-441.2	Payments to sheriffs for serving driver's license suspension notices for DMV.	Bill No. 17

APPENDIX C

Bill No. 1

SENATE BILL NO. HOUSE BILL NO.

A BILL to amend and reenact § 19.2-163 of the Code of Virginia, relating to compensation of court-appointed counsel.

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-163 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-163. Compensation of court-appointed counsel.—Counsel appointed to represent an indigent accused in a criminal case shall be compensated for his services in an amount fixed by each of the courts in which he appears according to the time and effort expended by him in the particular case, not to exceed the amounts specified in the following schedule:

(1) In a district court, a sum not to exceed seventy-five dollars;

(2) In a circuit court to defend a felony charge that may be punishable by death an amount deemed reasonable by the court; and to defend a felony charge that may be punishable by confinement in the penitentiary for a period of more than ~~20~~ *twenty* years, a sum not to exceed \$400; and to defend any other felony charge, a sum not to exceed \$200; and to defend any misdemeanor charge punishable by confinement in jail, a sum not to exceed \$100. In the event any case is required to be retried due to a mistrial for any cause or reversed on appeal, the court may allow an additional fee for each case in an amount not to exceed the amounts allowable in the initial trial.

The circuit or district court shall direct the payment of such reasonable expenses incurred by such court-appointed attorney as it deems appropriate under the circumstances of the case. *Counsel appointed by the court to represent an indigent charged with repeated violations of the same section of the Code of Virginia, with each of such violations arising out of the same incident, occurrence, or transaction, shall be compensated in an amount not to exceed the fee prescribed for the defense of a single charge, if such offenses are tried as part of the same judicial proceeding.*

The circuit or district court shall direct that the foregoing payments shall be paid out by the Commonwealth, if the defendant is charged with a violation of a statute or, by the county, city or town, if the defendant is charged with a violation of a county, city or town ordinance, to the attorney so appointed to defend such person as compensation for such defense.

When such directive is entered upon the order book of the court, the Commonwealth, county, city or town, as the case may be, shall provide for the payment out of its treasury of the sum of money so specified. If the defendant is convicted, the amount allowed by the court to the attorney appointed to defend him shall be taxed against the defendant as a part of the costs of prosecution and, if collected, the same shall be paid to the Commonwealth, or the county, city or town, as the case may be. An abstract of such costs shall be docketed in the judgment docket and execution lien book maintained by such court.

SENATE BILL NO. HOUSE BILL NO.

A BILL to amend and reenact § 4-22 of the Code of Virginia and § 4-22.1 as it will be in effect on July 1, 1986, of the Code of Virginia, relating to disposition of net profits and distribution of wine tax revenues.

Be it enacted by the General Assembly of Virginia:

1. That § 4-22 of the Code of Virginia and § 4-22.1 as it will be in effect on July 1, 1986, of the Code of Virginia are amended and reenacted as follows:

§ 4-22. Disposition of net profits; portion to localities.—The net profits derived under the provisions of this chapter shall, after deducting therefrom quarterly such sums as may be allowed the Commission by the Governor for the creation of a reserve fund not exceeding the sum of \$2,500,000 in connection with the administration of this chapter and to provide for the depreciation on the buildings, plant and equipment owned, held or operated by the Commission, be transferred by the Comptroller to the general fund of the state treasury quarterly, within fifty days after the close of each quarter. When such moneys so transferred by the Comptroller to the general fund of the state treasury shall during any quarter exceed the sum of \$187,500, two-thirds of all moneys in excess of such sum so transferred and so paid into the general fund of the state treasury during such quarter shall be apportioned by the Comptroller and distributed quarterly within ~~10~~ ten days following such transfer. Such payments shall be made by warrants of the Comptroller drawn on the Treasurer of Virginia to the several counties, cities and towns of the Commonwealth, on the basis of the population of the respective counties, cities and towns, according to the last preceding United States census, for which purpose such portion of the moneys is hereby appropriated. However, in the case of any town which came into existence in or about the year 1691 which is now the county seat of any county having a population of less than 36,000 but more than 35,000, and the boundaries of such town are not fixed, such portion of the moneys appropriated shall be based on an estimate of the population of such town made by the Tayloe Murphy Institute. If the population of any city or town shall have been increased through the annexation of any territory since the last preceding United States census, such increase shall, for the purpose of this chapter, be added to the population of such city or town as shown by the last preceding United States census and a proper reduction made in the population of the county or counties from which the annexed territory was acquired. The judge of the circuit court of the county in which the town or city or greater part thereof seeking an increase under the provisions of this chapter is located is hereby authorized and empowered to appoint two disinterested persons as commissioners, neither of whom shall reside in the county, city or town which is the subject of the annexation proceedings, who shall proceed to determine the population of the territory annexed to the town or city as of the date of the last preceding United States census, and report their findings to the court, and future distributions of the moneys allocated under the provisions of this chapter shall be made in accordance therewith. The Comptroller shall make no adjustments in his distribution of profits until the Secretary of the Commonwealth transmits to the Comptroller, pursuant to § 15.1-1041 (f), a copy of the court order granting the petition of annexation.

The term "net profits" as used in this section shall mean the total of all moneys collected by the Commission less all costs, expenses and charges authorized by § 4-23, other than capital expenditures for buildings, plants and equipment.

~~Notwithstanding any other provision of law, the amount of ABC profits allocated in any fiscal year to the several counties, cities and towns of the Commonwealth in accordance with this section shall in no event be less than the amount properly allocable for the year ending June 30, 1980.~~

§ 4-22.1. (Effective July 1, 1986) Tax on wine and other alcoholic beverages; collection, computation, and distribution of taxes; exceptions; refunds and adjustments.—A. Except as provided in § 4-25.1 D there is hereby levied a tax of forty cents on each liter of wine sold in Virginia.

B. There is hereby levied on alcoholic beverages sold by the Commission a tax of twenty percent of the price charged.

C. The Commission shall collect the state taxes hereby levied as follows:

1. Collection shall be from the purchaser at the time of or prior to sale, except as to sales made to wholesale wine distributors. Wholesale wine distributors shall collect the taxes at the time of or prior to sale to retail licensees, and shall remit such taxes monthly to the Commission, along with such reports as may be required by the Commission, at the time and in the manner prescribed by the Commission.

2. In establishing the prices for items sold by it to persons other than wholesale licensees, the Commission shall include a reasonable markup. Then the tax herein levied shall be added to the price of each package of alcoholic beverages. In all cases the final price for each package may be established so as to be divisible by five.

In accounting for the state tax on sales the Commission shall divide the net sales for the quarter by 1.20 and multiply the result by twenty percent.

D. The amount of tax collected under this section during each quarter shall, within fifty days after the close of such quarter, be certified to the Comptroller by the Commission and shall be transferred by him from the special fund described in § 4-23 of the Code of Virginia to the general fund of the state treasury. In the month of June, 1981, and in the month of June of every year thereafter, the Commission shall, not later than the twentieth day of the month, estimate the yield of the state tax on sales imposed by this section for the quarter ending June 30 and certify the amount of such estimate to the Comptroller, whereupon the Comptroller shall, before the end of the month, transfer the amount of such estimate from the special fund described in § 4-23 of the Code of Virginia to the general fund of the state treasury, subject to such adjustment on account of an overestimate or underestimate as may be indicated within fifty days after the close of the quarter ending on June 30.

~~Twenty-two~~ *Forty-four* percent of the amount derived from the liter tax herein levied shall be transferred to the general fund and paid to the several counties and cities of the Commonwealth in proportion to their respective population, and is hereby appropriated for the purpose, and in those counties wherein is situated any incorporated town constituting a special school district and operated as a separate school district under a town school board of three members appointed by the town council, the county treasurer shall pay into the town treasury the proper proportionate amount received hereunder by him in the proportion that the population of such town bears to the population of the entire county.

The term "population" as used herein shall mean the population according to the last preceding United States census. If the population of any city or town shall have been increased through the annexation of any territory since the last preceding United States census, such increase shall, for the purpose of this chapter, be added to the population of such city or town as shown by the last preceding United States census and a proper reduction made in the population of the county or counties from which the annexed territory was acquired.

The counties and cities shall in no event receive from the taxes derived herein from the sale of wines less cash revenue than was received by such counties, cities and towns for the year ending June 30, 1976.

Twelve percent of the amount derived from the liter tax herein levied shall be retained by the Commission as operating revenue and distributed as provided in § 4-22.

E. The provisions of this section shall not apply to (i) sales of wine to wholesale wine distributors for resale to retail licensees, but the provisions of this section shall apply to such resale, (ii) sales, other than by or through government stores, of alcoholic beverages for manufacturing and industrial purposes, or either of such purposes, (iii) sales, other than by or through government stores, of alcohol for hospital in laboratory purposes, or either of such purposes, (iv) alcoholic beverages shipped from Virginia to points outside Virginia for resale outside Virginia, (v) sales to any instrumentality of the federal government, and (vi) beer.

F. The term "wholesale wine distributor," as used in this section, means one who holds a wholesale wine distributor's license issued under the provisions of this chapter. The term "retail licensee," as used in this section, means one who is licensed under this chapter to sell wine at retail. As used in this section, the term "net sales" shall mean gross sales less refunds to customers. The definitions contained in this chapter shall apply to the words and terms used in this section.

G. The Virginia Alcoholic Beverage Control Commission shall be empowered to make a refund or adjustment of any tax paid to it under this chapter when the wine upon which such tax has been paid has been condemned and is not permitted to be sold in Virginia, or whenever wine is returned by a retail licensee to a wholesale wine distributor for refund in accordance with regulations or approval of the Commission; provided claim for such refund or adjustment be made to the Commission in the report filed with the Commission by the wholesale wine distributor for the period in which such return and refund occurs.

H. Neither the Commission nor any employee thereof shall divulge any information regarding the purchase orders and wine invoices filed with the Commission by wholesale wine distributors, or regarding wine taxes collected from, refunded to, or adjusted for any private person, firm, or corporation. The provisions of § 58-46 shall apply, mutatis mutandis, to wine taxes collected under this section and to purchase orders and wine invoices filed with the Commission by wholesale wine distributors. Nothing contained in this section shall be construed to prohibit the use or release of such information or documents by the Commission when considering the granting, denial, revocation, or suspension of a license or permit, or the assessment of any penalty against a licensee or permittee nor shall it preclude the Commission or its employees from publishing and distributing periodic statistical information (i) as to the total quantities of wine sold or shipped into the Commonwealth by each out-of-state winery, distributor, or importer for resale in Virginia by wholesale wine distributors collectively, and (ii) as to the total amount of wine sales in Virginia by wholesale wine distributors collectively.

2. That the amendment to § 4-22.1 of the Code of Virginia shall become effective on July 1, 1986.

Bill No. 3

SENATE BILL NO. HOUSE BILL NO.

A BILL to amend and reenact § 15.1-136.3 of the Code of Virginia, relating to line of duty payments.

Be it enacted by the General Assembly of Virginia:

1. That § 15.1-136.3 of the Code of Virginia is amended and reenacted as follows:

§ 15.1-136.3. Payments to beneficiaries of certain deceased law-enforcement officers, firemen, etc.—In gratitude to and in recognition of every deceased for his sacrifice on behalf of the people of this Commonwealth, his beneficiary shall be entitled to receive the sum of ~~ten thousand dollars~~ *\$10,000*, which shall be payable out of the general fund of the ~~State~~ *state* treasury.

Such sum shall, however, be reduced by any amount paid to such beneficiary pursuant to federal law, in the form of a line of duty payment, resulting from the deceased's death.

Bill No. 4

SENATE BILL NO. HOUSE BILL NO.

A BILL to amend and reenact § 15.1-1412 of the Code of Virginia, relating to state aid to planning district commissions.

Be it enacted by the General Assembly of Virginia:

1. That § 15.1-1412 of the Code of Virginia is amended and reenacted as follows:

§ 15.1-1412. State aid.—Upon the organization of a planning district commission, it shall be entitled to receive *State state* financial support to assist it in carrying out its purposes. Such *State state* aid shall be in an amount ~~not in excess of five thousand dollars for each twenty-five thousand persons residing in the governmental subdivisions which are parties to the charter agreement, but, in any event, not less than ten thousand dollars for any such planning district commission~~ *as provided in the general appropriations act* . In order to be allocated such *State state* aid, each planning district commission shall prepare and submit annually to the Governor, in such manner as he shall direct, a budget showing its estimated receipts and expenditures during the next fiscal year. After the review of such budget, the Governor with the assistance of the Department of Housing and Community Development shall, subject to the availability of funds, allocate such amount as will, in his judgment, be sufficient to enable the planning district commission to carry out its functions. The fiscal year of the planning district commission shall end June ~~thirtieth~~ 30 .

Bill No. 5

SENATE BILL NO. HOUSE BILL NO.

A BILL to amend and reenact §§ 40.1-51.6 and 40.1-51.15 of the Code of Virginia, relating to fees collected pursuant to the Boiler and Pressure Vessel Safety Act.

Be it enacted by the General Assembly of Virginia:

1. That §§ 40.1-51.6 and 40.1-51.15 of the Code of Virginia are amended and reenacted as follows:

§ 40.1-51.6. Safety Codes Commission to formulate rules, regulations, etc; cost of administration.— A. The Commission is authorized to formulate definitions, rules, regulations and standards which shall be designed for the protection of human life and property from the unsafe or dangerous construction, installation, inspection, operation, maintenance and repair of boilers and pressure vessels in this State Commonwealth .

In promulgating such rules, regulations and standards, the Commission shall consider any or all of the following:

- 1. Standards, formulae and practices generally accepted by recognized engineering and safety authorities and bodies.
2. Previous experiences based upon inspections, performance, maintenance and operation.
3. Location of the boiler or pressure vessel relative to persons.
4. Provisions for operational controls and safety devices.
5. Interrelation between other operations outside the scope of this chapter and those covered by this chapter.
6. Level of competency required of persons installing, constructing, maintaining or operating any equipment covered under this chapter or auxiliary equipment.
7. Federal laws, rules, regulations and standards.

B. The Commission shall ensure that the costs of administering this chapter shall not exceed revenues generated from fees collected pursuant to § 40.1-51.15.

§ 40.1-51.15. Fees.—(a) Schedule of fees. The owner or user of a boiler or pressure vessel required by this chapter to be inspected shall pay directly to the Commissioner, upon completion of inspection, fees in accordance with the following schedule:

(1) Power boilers and high pressure, high temperature water boilers:

Table with 2 columns: Description of inspection and Fee amount. Includes rows for Certificate of Inspections, Internal Inspections, and External Inspections for various boiler sizes and heating surface areas.

Not more than the equivalent of the certificate and external inspection fees shall be charged or collected for any and all inspections as above of any boiler in any one year.

(2) Heating boilers:

Certificate Inspections

Heating boilers without a manhole \$ 7.00
Heating boilers with a manhole \$ 15.00
Hot water supply boiler \$ 5.00

Not more than one fee shall be charged or collected for any and all inspections as above of any heating boiler in any required inspection period.

(3) Pressure vessels:

Certificate Inspections

Fees to be based on the maximum length of the vessel times the maximum width or diameter thereof. Each pressure vessel subject to inspection having a cross sectional area of 50 square feet or less \$ 5.00
For each additional 100 square feet of area in excess of 50 square feet \$ 5.00

Not more than fifty dollars shall be paid for each inspection on any one vessel.

A group of pressure vessels, such as the rolls of paper machine or dryer operating as a single machine or unit, shall be considered as one pressure vessel.

Not more than one fee shall be charged or collected for any and all inspections as all inspections as above of any pressure vessel in any required inspection period.

(4) Hydrostatic tests:

When it is necessary to make a special trip to witness the application of a hydrostatic test, an additional fee based on the scale of fees applicable to a certificate inspection of the boiler or pressure vessel shall be charged.

(5) All other inspections, including shop inspections, special inspections, and inspections of secondhand or used boilers or pressure vessels made by the Commissioner shall be charged for at the rate of not less than sixty dollars for one-half day of four hours, and ~~one hundred dollars~~ \$100 for one full day of eight hours, plus all expenses, including traveling and lodging.

"Secondhand" shall mean an object which has changed ownership and location after primary use.

(b) Disposition of fees. The Commissioner shall transfer all fees so received to the Treasurer for deposit into the general fund of the state treasury .

Bill No. 6

SENATE BILL NO. HOUSE BILL NO.

A BILL to amend and reenact § 3.1-81.1 of the Code of Virginia, relating to fertilizer inspection fees.

Be it enacted by the General Assembly of Virginia:

1. That § 3.1-81.1 of the Code of Virginia is amended and reenacted as follows:

§ 3.1-81.1. Fertilizer inspection fee; report of tonnage.—For the purpose of carrying out the provisions of this chapter, all licensees who sell any commercial fertilizer in Virginia to a nonlicensee shall pay to the Commissioner an inspection fee of twenty-five cents (~~25¢~~) per short ton of commercial fertilizer, as follows:

(a) The licensee shall use a system of keeping books that is satisfactory to the Commissioner, indicate accurately in his records the tonnage of commercial fertilizer sold in ~~the State this Commonwealth~~, and agree to allow the Commissioner or his duly authorized representative to examine such records and verify the tonnage statement. The report shall be on forms furnished by the Commissioner and shall be filed in the office of the Commissioner.

(b) The report of tonnage and inspection fee shall be due and payable quarterly ~~on the fifteenth day of April 15, the fifteenth day of July 15, the fifteenth day of October 15 and the fifteenth day of January 15~~, covering tonnage of mixed fertilizer and fertilizer materials sold during the preceding months. If the report is not filed and the inspection fee paid by the tenth day following the due date, or if the report of tonnage is false, the Commissioner may revoke the permit; and if the inspection fee ~~be~~ is unpaid after a fifteen-day grace period, the amount shall bear a penalty of ten percent which shall be added to the inspection fee due and shall constitute a debt and become the basis of judgment against the licensee.

(c) On individual packages of specialty fertilizer containing ~~10~~ ten pounds or less, and soil conditioners sold in packages or in bulk there shall be paid in lieu of the annual registration fee of two dollars (~~\$2.00~~) per brand and the twenty-five cents (~~25¢~~) per short ton inspection fee, and an annual registration and inspection fee of fifty dollars (~~\$50.00~~) for each brand and grade sold, unless the annual tonnage or specialty fertilizer sold in packages of ~~10~~ ten pounds or less and soil conditioners sold in packages or bulk exceed 250 tons, in which event the twenty-five cents (~~25¢~~) per ton inspection fee shall apply on all excess over 250 tons. Where a person sells specialty fertilizer in packages of ten pounds or less and in packages over ten pounds or in bulk this annual registration and inspection fee of fifty dollars (~~\$50.00~~) shall apply only to that portion sold in packages of ten pounds or less and that portion sold in packages over ten pounds or in bulk shall be subject to the same inspection fee of twenty-five cents (~~25¢~~) per short ton as provided in this chapter.

(d) Any applicant selling specialty fertilizers in packages of ten pounds or less and soil conditioners in packages or bulk shall report to the Commissioner annually on July 1 of each year the quantity of each brand and grade sold during the preceding year. This report shall be made on forms furnished by the Commissioner and failure to make such report on or before the fifteenth day following due date shall constitute a violation of this chapter and the Commissioner is authorized to cancel the registration to do business in this *State Commonwealth* of any applicant failing to make such report.

(e) For the purpose of compiling statistical data on the consumption of commercial fertilizer in this *State Commonwealth*, each applicant selling commercial fertilizers in packages of more than ten pounds or in bulk to a nonapplicant in this *State Commonwealth* shall report to the Commissioner the pounds or tonnage of each grade of commercial fertilizer shipped to each destination or county in the *State Commonwealth*. This information may be reported by either of the two following methods:

1. By sending the Commissioner a copy of the invoice or order on each shipment of commercial fertilizer in or into this *State Commonwealth* within fifteen days after shipment is

made, or

2. By submitting a monthly summary report on or before the twentieth day of the following month, covering shipments made for the preceding month or some other form approved by the Commissioner. The Commissioner is authorized to cancel, after due warning, the licenses of any applicant failing to comply with this provision. The Commissioner shall publish and distribute, semiannually to commercial fertilizer applicants and other interested persons, a composite report showing the ton of each grade or tons of N.P.K. of commercial fertilizer consumed in each county of the ~~State~~ *Commonwealth* . This report shall in no way divulge the operation of any applicant.

(f) The Commissioner shall pay into the state treasury to the credit of the Virginia Agricultural Foundation Fund twenty ~~per centum~~ *percent* of the revenue derived from the inspection fee provided by this section on each short ton. *The remaining eighty percent of such revenue shall be paid into the general fund of the state treasury.*

Bill No. 7

SENATE BILL NO. HOUSE BILL NO.

A BILL to amend and reenact § 10-198 of the Code of Virginia, relating to legislative intent.

Be it enacted by the General Assembly of Virginia:

1. That § 10-198 of the Code of Virginia is amended and reenacted as follows:

§ 10-198. Legislative findings; purpose; intent.— A. The General Assembly finds that the population of Virginia is increasing steadily, requiring vigilance on the part of government to protect the public health and safety as well as to maintain a healthful, clean and beautiful environment. The proliferation and accumulation of litter discarded throughout the Commonwealth impairs these objectives and constitutes a public hazard, and in addition, litter tends to damage the economy of the Commonwealth by making it less attractive to tourists and newcomers. There is an imperative need to anticipate, plan for, and accomplish effective litter control through a state-developed and coordinated plan of education, control, prevention and elimination.

B. The General Assembly declares that it is the purpose of this chapter to accomplish litter control throughout the Commonwealth by delegating to and vesting in the Department of Conservation and Historic Resources, authority to conduct a continuous program to control, prevent and eliminate litter from the Commonwealth to the maximum practical extent. *The Department shall ensure that the costs of administering such program shall not exceed revenues generated from the litter control tax levied in § 58.1-1707.* Every department of state government and all governmental units and agencies of the Commonwealth shall cooperate with the Department in the administration and enforcement of this chapter.

C. This chapter is intended to add to and to coordinate existing litter control and removal efforts, and not terminate existing efforts nor, except as specifically stated, to repeal or affect any state law governing or prohibiting litter or the control and disposition of waste.

Bill No. 8

SENATE BILL NO. HOUSE BILL NO.

A BILL to amend and reenact §§ 60.1-114 and 60.1-120 of the Code of Virginia, relating to the Unemployment Compensation Administration Fund and the Special Unemployment Compensation Administration Fund.

Be it enacted by the General Assembly of Virginia:

1. That §§ 60.1-114 and 60.1-120 of the Code of Virginia are amended and reenacted as follows:

§ 60.1-114. Expenditures solely for cost of administration.—All moneys in this fund shall be expended solely for the purpose of defraying the cost of the administration of this title and for no other purpose whatsoever. *All amounts in excess of \$200,000 remaining in such fund at the close of each fiscal year of the Commonwealth shall be transferred to the Unemployment Compensation Fund for deposit to the account of the Commonwealth in the unemployment trust fund.*

All moneys received by the Commission pursuant to the provisions of section ~~three hundred two~~ 302 of Title III of the Social Security Act, as amended, shall be expended solely for the purposes and in the amounts found necessary by the Secretary of Labor of the United States for the proper and efficient administration of this title.

§ 60.1-120. Proper expenditures from fund.—No part of the Special Unemployment Compensation Administration Fund shall be expended or available for expenditure in lieu of federal funds made available to the Commission for the administration of this title. Such fund shall be used by the Commission for the payment of costs and charges of administration . *including the cost of capital projects authorized in the general appropriations act.* which are found by the Commission not to be proper and valid charges payable out of any funds in the Unemployment Compensation Administration Fund received from any source; such costs and charges shall include any interest due on Title XII advances to the trust fund for the payment of benefits. Refunds of interest, allowable under § 60.1-97, shall be made from this special fund, provided such interest was deposited in such fund.

SENATE BILL NO. HOUSE BILL NO.

A BILL to amend and reenact § 2.1-701 of the Code of Virginia, relating to Interagency Assistance Fund for Noneducational Placement of Handicapped Children.

Be it enacted by the General Assembly of Virginia:

1. That § 2.1-701 of Code of Virginia is amended and reenacted as follows:

§ 2.1-701. Interagency Assistance Fund for Noneducational Placements of Handicapped Children.—A. There shall be established in the Department of Education, Department of Corrections and Department of Social Services an Interagency Assistance Fund for Noneducational Placements of Handicapped Children. This Fund shall be for the purpose of providing payment of tuition, required related services and living expenses for handicapped children placed by the local social services or welfare agencies or the Department of Corrections in private residential, special education facilities or across jurisdictional lines in public schools while living in foster homes or child-caring facilities.

B. The portion of this Fund for foster-care handicapped children shall be administered by the Department of Social Services, which shall provide for such payments from local departments of welfare or social services using funds appropriated for such purpose. The portion of this Fund for children who are in custody of the Department of Corrections shall be administered by that Department, which shall contribute the costs of maintaining such handicapped children. The Department of Education shall maintain and administer the portion of the Fund for the payment of ~~educational~~ *direct instructional* costs for such handicapped children. This part of the Fund shall be established as an allocation for special education in the appropriations act each year. The local school boards shall not be required to pay any costs for educating handicapped children who are placed by another public agency having custody, across jurisdictional lines or in a residential special education facility.

C. The Board of Education, Board of Corrections and Board of Social Services shall jointly adopt such regulations as are necessary to implement this Fund.

Bill No. 10

SENATE BILL NO. HOUSE BILL NO.

A BILL to amend and reenact §§ 51-111.6, 51-111.47 and 51-111.47:01 of the Code of Virginia, relating to employer contributions for social security and supplemental retirement benefits.

Be it enacted by the General Assembly of Virginia:

1. That §§ 51-111.6, 51-111.47 and 51-111.47:01 of the Code of Virginia are amended and reenacted as follows:

§ 51-111.6. Source of contributions.—(a) In the case of state employees the employer contributions by the Commonwealth shall be wholly paid by the Commonwealth and shall begin as of January 1, 1951, or the beginning date of current employment whichever is the latest. State employees who are covered as of such latest date shall pay the employee contribution for coverage back to that date. Each reporting agency shall file such reports and pay into the contribution fund in accordance with state or federal requirements. Any agency which fails to file such reports or make the payments due under this subsection and subsection (b) of § 51-111.4 shall be subject to interest charges at the same rate as assessed by the federal agency. The state agency may waive all or a part of such interest charge if good cause is shown and is accepted by the federal agency. Should any agency fail to file such reports or make such payments, the Department of Accounts shall deduct the amounts due from the account of the reporting agency and transfer such funds to the contribution fund established under § 51-111.7 upon request of the state agency.

(b) In the case of local employees and teachers, contributions by the employing political subdivision shall be paid as of the time the agreement herein provided for specifies. Such agreement shall provide that the employee and teachers shall pay for back contributions; provided that the employer may by recorded resolution pay the back contributions for its employees and teachers or advance such sums as may be required to provide back contributions subject to repayment by the employees and teachers concerned. In the case of teachers, the Commonwealth shall reimburse the employing political subdivision for the cost of the employer contribution *to the extent specified in the general appropriations act* .

(c) In the case of special employees the Commonwealth shall reimburse the employing political subdivision for the cost of the employer contribution to the extent the Commonwealth participates in paying the salary of the employee who is covered or to the extent it shares or would share in the excess receipts from such office. The special employee shall pay the employee contribution for back coverage; provided that the employer may by recorded resolution pay the back contributions for its employees and teachers or advance such sums as may be required to provide back contributions subject to repayment by the employees and teachers concerned.

§ 51-111.47. Employer contributions; provisions applicable to persons who were members on March 31, 1980, and certain others.—(a) The objective with respect to employer contributions under the retirement system shall be that in the absence of amendments to the system the total annual contribution for each employer, expressed as a percentage of the annual membership payroll, will remain relatively level from year to year. To this end, each employer shall contribute an amount equal to the sum of the "normal contribution," the "accrued liability contribution," if any, and the "supplementary contribution," if any.

(b) The normal contribution for any employer for any period shall be determined as a percentage, equal to the normal contribution rate of the total covered compensation for such period of the members employed by such employer in such period.

(c) The normal contribution rate for any employer shall be determined as the percentage represented by the ratio of (i) the annual normal cost to provide the benefits, other than post-retirement supplements as provided for in § 51-111.60:1, of the retirement system with respect to members employed by such employer, computed in accordance with recognized actuarial principles on the basis of methods and assumptions approved by the Board, in excess

of the part thereof provided by such members' contributions, to (ii) the total annual compensation of such members. The normal contribution rate for each employer shall be determined after each valuation and remain in effect until a new valuation is made.

(d) The accrued liability contribution for any employer for any period shall be determined as a percentage, equal to the accrued liability contribution rate, of the total compensation for such period of the members employed by such employer in such period.

(e) The accrued liability contribution rate for any employer shall be a percentage of the total annual compensation of the members employed by such employer, determined so that a continuation of annual contributions by the employer at the same percentage of total annual compensation over a period of forty years will be sufficient to amortize the unfunded accrued liability with respect to such employer, all computed in accordance with recognized actuarial principles on the basis of methods and assumptions approved by the Board. The accrued liability contribution rate for each employer shall be determined after each valuation and shall remain in effect until a new valuation is made.

(f) The unfunded accrued liability with respect to any employer as of any valuation date shall be determined, in accordance with recognized actuarial principles on the basis of methods and assumptions approved by the Board, as the excess of (i) the then present value of the benefits, other than post-retirement supplements as provided for in § 51-111.60:1, to be provided under the retirement system in the future with respect to members employed by such employer and to former members formerly employed by such employer over (ii) the sum of the assets of the retirement system then currently on hand in the members' contribution account with respect to such members and in the employer's retirement allowance account; plus the then present value of the stipulated contributions to be made in the future by such members, plus the then present value of the normal contributions expected to be made in the future by the employer.

(g) The supplementary contribution for any employer for any period shall be determined as a percentage, equal to the supplementary contribution rate, of the total compensation for such period of the members employed by such employer in such period.

(h) The supplementary contribution rate for any employer shall be determined as the percentage represented by the ratio of (i) the average annual amount of post-retirement supplements as provided for in § 51-111.60:1 which it is anticipated will become payable during the period to which the rate will be applicable with respect to former members formerly employed by such employer, to (ii) the total annual compensation of the members employed by such employer. The supplementary contribution rate for each employer shall be determined after each valuation and shall remain in effect until a new valuation is made.

(i) The Board shall certify to the Comptroller with respect to the contributions to be made by the *State Commonwealth*, and to each employer contributor other than the *State Commonwealth* with respect to the contributions to be made by such employer, the applicable normal contribution rate, accrued liability contribution rate and supplementary contribution rate, and any changes made therein from time to time.

(j) If, for any employer contributor, the contributions for any year determined as otherwise provided in this chapter would, in the absence of this provision, be insufficient, when combined with the amount of the retirement allowance account then applicable to such employer, to provide the benefits payable from such account during such year, the employer contribution for such year shall be increased to the extent necessary to overcome such insufficiency.

(k) The appropriation bill which is submitted to the General Assembly by the Governor prior to each regular session that begins in an even-numbered year shall include the contributions which will become due and payable to the retirement allowance account from the state treasury during the biennium next following, based on the contribution rates certified by the Board pursuant to subsection (i) of this section that are applicable to the *State Commonwealth* as an employer and the anticipated compensation during such biennium of the members of the retirement system on behalf of whom the *State Commonwealth* is the employer contributor.

(l) In the case of all teachers whose compensation is paid exclusively out of funds derived from local revenues and appropriations from the general fund of the state treasury ; ~~and the~~

Commonwealth shall contribute to the extent specified in the general appropriations act. In the case of all state employees whose compensation is paid exclusively by the *State Commonwealth* out of the general fund of the state treasury, the *State Commonwealth* shall be the sole contributor, and all such contributions shall be paid out of the general fund. In the case of any teacher whose compensation is paid out of funds derived in whole or in part from any special fund, or from a contributor other than the *State Commonwealth* or some political subdivision thereof, then in any year, there shall be paid out of the general fund only such proportion of the contributions on behalf of such employee as that part of such employee's compensation paid out of local revenues and funds derived from the general fund for that year bears to his total compensation for that year, and the remainder of such contributions shall be paid out of such special fund or by such other contributor in proportion to that part of the employee's compensation derived therefrom. In the case of a state employee whose compensation is paid in whole or in part out of any special fund, or by any contributor other than the State, then contributions on behalf of such employee in any year shall be paid out of such special fund, or by such other contributor, in proportion to that part of the employee's compensation derived therefrom for that year. The governing body of each county, city and town is hereby authorized to make such appropriations from the funds of such county, city or town as shall be necessary to pay its proportionate share of contributions on account of every state employee whose compensation is paid in part by such county, city or town.

§ 51-111.47:01. Same; provisions applicable to persons becoming members after March 31, 1980, and certain others.—(a) The objective with respect to employer contributions under the retirement system shall be that in the absence of amendments to the system the total annual contribution for each employer, expressed as a percentage of the annual membership payroll, will remain relatively level from year to year. To this end, each employer shall contribute an amount equal to the sum of the “normal contribution,” the “accrued liability contribution,” if any, and the “supplementary contribution,” if any.

(b) The normal contribution for any employer for any period shall be determined as a percentage, equal to the normal contribution rate of the total covered compensation for such period of the members employed by such employer in such period.

(c) The normal contribution rate for any employer shall be determined as the percentage represented by the ratio of (i) the annual normal cost to provide the benefits, other than post-retirement supplements as provided for in § 51-111.60:1, of the retirement system with respect to members employed by such employer, computed in accordance with recognized actuarial principles on the basis of methods and assumptions approved by the Board, in excess of the part thereof provided by such members' contributions, to (ii) the total annual compensation of such members. The normal contribution rate for each employer shall be determined after each valuation and remain in effect until a new valuation is made.

(d) The accrued liability contribution for any employer for any period shall be determined as a percentage, equal to the accrued liability contribution rate, of the total compensation for such period of the members employed by such employer in such period.

(e) The accrued liability contribution rate for any employer shall be a percentage of the total annual compensation of the members employed by such employer, determined so that a continuation of annual contributions by the employer at the same percentage of total annual compensation over a period of forty years will be sufficient to amortize the unfunded accrued liability with respect to such employer, all computed in accordance with recognized actuarial principles on the basis of methods and assumptions approved by the Board. The accrued liability contribution rate for each employer shall be determined after each valuation and shall remain in effect until a new valuation is made.

(f) The unfunded accrued liability with respect to any employer as of any valuation date shall be determined, in accordance with recognized actuarial principles on the basis of methods and assumptions approved by the Board, as the excess of (i) the then present value of the benefits, other than post-retirement supplements as provided for in § 51-111.60:1, to be provided under the retirement system in the future with respect to members employed by such employer and to former members formerly employed by such employer over (ii) the sum of the assets of the retirement system then currently on hand in the members' contribution account with respect to such members and in the employer's retirement allowance account, plus the then present

value of the stipulated contributions to be made in the future by such members, plus the then present value of the normal contributions expected to be made in the future by the employer.

(g) The supplementary contribution for any employer for any period shall be determined as a percentage, equal to the supplementary contribution rate, of the total compensation for such period of the members employed by such employer in such period.

(h) The supplementary contribution rate for any employer shall be determined as the percentage represented by the ratio of (i) the average annual amount of post-retirement supplements as provided for in § 51-111.60:1 which it is anticipated will become payable during the period to which the rate will be applicable with respect to former members formerly employed by such employer to the extent that such benefits are not included in the calculation under paragraphs (c) and (f), to (ii) the total annual compensation of the members employed by such employer. The supplementary contribution rate for each employer shall be determined after each valuation and shall remain in effect until a new valuation is made.

(i) The Board shall certify to the Comptroller with respect to the contributions to be made by the *State Commonwealth*, and to each employer contributor other than the *State Commonwealth* with respect to the contributions to be made by such employer, the applicable normal contribution rate, accrued liability contribution rate and supplementary contribution rate, and any changes made therein from time to time.

(j) If, for any employer contributor, the contributions for any year determined as otherwise provided in this chapter would, in the absence of this provision, be insufficient, when combined with the amount of the retirement allowance account then applicable to such employer, to provide the benefits payable from such account during such year, the employer contribution for such year shall be increased to the extent necessary to overcome such insufficiency.

(k) The appropriation bill which is submitted to the General Assembly by the Governor prior to each regular session that begins in an even-numbered year shall include the contributions which will become due and payable to the retirement allowance account from the state treasury during the biennium next following, based on the contribution rates certified by the Board pursuant to subsection (i) of this section that are applicable to the *State Commonwealth* as an employer and the anticipated compensation during such biennium of the members of the retirement system on behalf of whom the *State Commonwealth* is the employer contributor.

(l) In the case of all teachers whose compensation is paid exclusively out of funds derived from local revenues and appropriations from the general fund of the state treasury ; ~~and the state shall contribute to the extent specified in the general appropriations act.~~ In the case of all state employees whose compensation is paid exclusively by the *State Commonwealth* out of the general fund of the state treasury, the *State Commonwealth* shall be the sole contributor, and all such contributions shall be paid out of the general fund. In the case of any teacher whose compensation is paid out of funds derived in whole or in part from any special fund, or from a contributor other than the *State Commonwealth* or some political subdivision thereof, ~~then in any year, there shall be paid out of the general fund only such proportion of the contributions on behalf of such employee as that part of such employee's compensation paid out of local revenues and funds derived from the general fund for that year bears to his total compensation for that year, and the remainder of such contributions shall be paid out of such special fund or by such other contributor in proportion to that part of the employee's compensation derived therefrom.~~ In the case of a state employee whose compensation is paid in whole or in part out of any special fund, or by any contributor other than the *State Commonwealth* , then contributions on behalf of such employee in any year shall be paid out of such special fund, or by such other contributor, in proportion to that part of the employee's compensation derived therefrom for that year. The governing body of each county, city and town is hereby authorized to make such appropriations from the funds of such county, city or town as shall be necessary to pay its proportionate share of contributions on account of every state employee whose compensation is paid in part by such county, city or town.

(m) It shall be the policy of the Commonwealth to proceed as rapidly as possible toward a funding of the post-retirement supplements on the basis of an actuarially determined level percentage of payroll, such basis to be achieved no later than June 30, 1992. Thereafter, the supplements provided for in § 51-111.60:1 will be included in the normal costs calculation of

paragraph (c) and the unfunded accrued liability calculation of paragraph (f).

(n) The provisions of this section shall not apply to any member of the retirement system on March 31, 1980, or to any member whose benefit is based on service rendered prior to that date.

Bill No. 11

SENATE BILL NO. HOUSE BILL NO.

A BILL to amend and reenact § 22.1-148 of the Code of Virginia, relating to restrictions on Literary Fund loans.

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-148 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-148. Restrictions upon making loans; retirement of previous loans.— *A.* No loan from the Literary Fund shall exceed ~~one hundred~~ 100 percent of the cost of the building, addition thereto, and site on account of which such loan is made. No loan shall be made from the Literary Fund to aid in the erection of a building or addition to cost less than ~~five hundred dollars~~ \$500 . Whenever a loan is made from the Literary Fund for the purpose of enlarging a building, any part of the proceeds of such loan may, in the discretion of the Board, be used to retire any previous loan or loans on such building although not matured at the time of such additional loan. No loan shall be made from the Literary Fund in any case in which the payment of same with interest would, in the judgment of the Board of Education, entail too heavy a charge upon the revenues of the county, city or town comprising the school division to which such loan is granted. The Board may refuse to make any loan from the Literary Fund to any school board which is in default in the payment of any part of the principal of any previous loan from the Literary Fund or which for the two years next preceding the loan has been more than six months in default in the payment of interest due on any loan from the Literary Fund.

B. Any school division which has an application for a Literary Fund loan for an approved school project pending before the Board of Education shall not be denied or delayed in obtaining such loan solely for the reason that short-term financing had been obtained to begin or complete construction on such project.

Bill No. 12

SENATE BILL NO. HOUSE BILL NO.

A BILL to amend and reenact § 22.1-67 of the Code of Virginia, relating to salary and expenses of school division superintendents.

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-67 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-67. Salary and expenses of superintendent; State and local contributions.—The Board of Education shall prescribe the minimum salaries of division superintendents. *State funding of such minimum salaries shall be provided as part of basic school aid to localities .*

A school board may, out of local funds, supplement the minimum salary prescribed by the Board of Education. Each school board shall provide for the necessary traveling and office expenses of the division superintendent. Detailed records of all such expenses shall be kept by the division superintendent.

SENATE BILL NO. HOUSE BILL NO.

A BILL to amend and reenact § 22.1-101 of the Code of Virginia, relating to funding for nonresident pupils.

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-101 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-101. Increase of funds when certain nonresident pupils attend schools; how increase computed and paid.—A. Any school division in which any child, except a handicapped child, not a resident of such school division is enrolled in its public schools, when such child has been placed in foster or other such custodial care within the geographical boundaries of the school division by any state or local agency authorized so to do under the laws of Virginia, has been placed in an orphanage or children's home which exercises legal guardianship rights, or has been placed, not solely for school purposes, in a child-caring institution or group home licensed under the provisions of Chapter 10 (§ 63.1-195 et seq.) of Title 63.1 of this Code, located within the geographical boundaries of the school division, shall be reimbursed for the cost of enrollment on the part of such child ~~(i) by deducting the amount of such cost from the amount of state school funds distributable the succeeding year to the school division of residence of such child, or (ii) if the child was not a resident of this Commonwealth and the circumstances were such that there was no obligation as to education of such child upon any school division in this Commonwealth at the time of placement, out of the general state funds appropriated for public education and distributable to the school divisions. The State Board is authorized to determine finally which method of reimbursement shall be applied in any case in which any question is raised as provided in the general appropriations act.~~ No such school division shall charge tuition to any such child.

B. The school division in which any such child so placed attends public school shall keep an accurate record of, and shall certify by July 1 following the end of the school year to the State Board: (i) the number of days which such child was enrolled in its public schools, (ii) the amount per child, exclusive of the children herein referred to, spent from local funds in educating children, (iii) the school division of residence of such child was not a resident of the Commonwealth at the time of placement or that the child was not a resident of the Commonwealth at the time of placement if such was the case, (iv) the school division from which such child was sent and (v) the official, agency or person by whom or which the child was so placed.

C. Any school division in which any handicapped child not a resident of such school division is enrolled in its public schools, when such child has been placed in foster care or other such custodial care within the geographical boundaries of the school division by any state or local agency authorized so to do under the laws of Virginia, has been placed in an orphanage or children's home which exercises legal guardianship rights, or has been placed, not solely for school purposes, in a child-caring institution or group home licensed under the provisions of Chapter 10 (§ 63.1-195 et seq.) of Title 63.1 of this Code, located within the geographical boundaries of the school division, shall be reimbursed according to the regulations of the Board of Education for the such handicapped child through funds designated for noneducational placements of handicapped children across jurisdictional lines to the extent such funds are appropriated by the General Assembly.

SENATE BILL NO. HOUSE BILL NO.

A BILL to amend and reenact § 32.1-283 of the Code of Virginia, relating to investigation of deaths.

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-283 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-283. Investigation of deaths; obtaining consent to removal of organs, etc.—A. Upon the death of any person from trauma, injury, violence, poisoning, accident, suicide or homicide, or suddenly when in apparent good health, or when unattended by a physician, or in jail, prison, other correctional institution or in police custody, or suddenly as an apparent result of fire, or in any suspicious, unusual or unnatural manner, the medical examiner of the county or city in which death occurs shall be notified by the physician in attendance, hospital, law-enforcement officer, funeral director or any other person having knowledge of such death. Good faith efforts shall be made by such person or institution having custody of the dead body to identify the next of kin of the decedent, and such identity, if determined, shall be provided to the Chief Medical Examiner upon transfer of the dead body. After identification of the next of kin, the person or institution, or agent of such person or institution, having custody of the dead body shall attempt to obtain consent for removal of the pituitary or other organs, glands, eyes or tissues for use in transplants or therapy.

B. Upon being notified of a death as provided in subsection A, the medical examiner shall take charge of the dead body, make an investigation into the cause and manner of death, reduce his findings to writing, and promptly make a full report to the Chief Medical Examiner. In order to facilitate his investigation, the medical examiner is authorized to inspect and copy the pertinent medical records of the decedent whose death he is investigating. Full directions as to the nature, character and extent of the investigation to be made in such cases shall be furnished each medical examiner by the Chief Medical Examiner, together with appropriate forms for the required reports and instructions for their use. The facilities and personnel under the Chief Medical Examiner shall be made available to medical examiners in such investigations.

C. A copy of each report pursuant to this section shall be delivered to the appropriate attorney for the Commonwealth and a copy of any such report regarding the death of a victim of a traffic accident shall be furnished upon request to the State Police and the Highway Safety Commission.

D. For each investigation under this article, including the making of the required reports, the medical examiner shall receive a fee established by the Board within the limitations of appropriations for the purpose. Such fee shall be paid by the Commonwealth, *if the deceased is not a legal resident of the county or city in which his death occurred. unless* In the event the deceased is a legal resident of the county or city in which his death occurred, ~~in which event~~ such county or city shall be responsible for the fee ; *however, the Commonwealth shall reimburse such county or city to the extent such fee exceeds twenty dollars .*

E. ~~That nothing~~ *Nothing* herein shall be construed to interfere with the autopsy procedure or with the routine obtaining of consent for removal of organs as conducted by surgical teams or others.

Bill No. 15

SENATE BILL NO. HOUSE BILL NO.

A BILL to amend and reenact § 63.1-25.1 of the Code of Virginia, relating to the auxiliary grants program.

Be it enacted by the General Assembly of Virginia:

1. That § 63.1-25.1 of the Code of Virginia is amended and reenacted as follows:

§ 63.1-25.1. Auxiliary grants program; repeal of provisions relating to old age assistance and aid to the permanently and totally disabled.— *A.* Notwithstanding any other provision of law, the State Board of Social Services is authorized to prepare and implement, effective with repeal of Titles I, X, and XIV of the Social Security Act, a plan for a *state* and local funded auxiliary grants program to provide assistance to certain individuals ineligible for benefits under Title XVI of the Social Security Act and to certain other individuals for whom benefits provided under Title XVI of the Social Security Act are not sufficient to maintain the minimum standards of need established by the Board. The plan shall be in effect in all political subdivisions in the *State Commonwealth* and shall be administered in conformity with rules and regulations of the Board.

Insofar as any provisions of this title relate to assistance and payments under old age assistance or aid to the permanently and totally disabled, they are repealed, effective January ~~one, nineteen hundred seventy-four~~ 1974 . Nothing herein is to be construed to affect any such section as it relates to aid to dependent children, general relief or services to persons eligible for assistance under Public Law 92-603 enacted by the ninety-second United States Congress.

B. Those individuals whose receive an auxiliary grant, as provided for in subsection A of this section, who reside in licensed homes for adults or adult family care homes shall be entitled to a personal needs allowance which shall be disregarded as income for purposes of computing the amount of the auxiliary grant. The amount of such personal needs allowance shall be equal to (i) the amount of the personal needs allowance provided to nursing home residents who receive Medicaid or (ii) thirty dollars, whichever is greater.

Bill No. 16

SENATE BILL NO. HOUSE BILL NO.

A BILL to amend and reenact § 19.2-368.18 of the Code of Virginia, relating to the Criminal Injuries Compensation Fund.

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-368.18 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-368.18. Criminal Injuries Compensation Fund.—A. There is hereby created a special fund to be administered by the Comptroller, known as the Criminal Injuries Compensation Fund.

B. Where any person is convicted, after July 1, 1976, of any crime of treason, felony, or of any offense punishable as a Class 1 or Class 2 misdemeanor under Title 18.2, except a violation of Article 2 (§ 18.2-266 et seq.), Chapter 7, of Title 18.2 or drunkenness or disorderly conduct, by any court with criminal jurisdiction, there shall be imposed an additional cost, in the case, in addition to any other costs required to be imposed by law, of the sum of fifteen dollars. Such additional sum shall be paid over to the Comptroller to be deposited into the Criminal Injuries Compensation Fund. Under no condition shall a political subdivision be held liable for the payment of this sum.

C. No claim shall be accepted under the provisions of this chapter when the crime which gave rise to such claim occurred prior to July 1, 1977.

D. Sums available in the Criminal Injuries Compensation Fund shall be used for the purpose of payment of the costs and expenses necessary for the administration of this chapter and for the payment of claims pursuant to this chapter.

E. No claim shall be accepted by the Commission under this chapter until July 1, 1977. ~~Payment of claims under this chapter shall be limited to the funds available in the Criminal Injuries Compensation Fund as collected during the preceding fiscal year and any funds remaining unawarded from any prior fiscal year. All revenues deposited into the Criminal Injuries Compensation Fund, and appropriated for the purposes of this chapter, shall be immediately available for the payment of claims.~~

Bill No. 17

SENATE BILL NO. HOUSE BILL NO.

A BILL to amend and reenact § 46.1-441.2 of the Code of Virginia, relating to notice of suspension or revocation of license.

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-441.2 of the Code of Virginia is amended and reenacted as follows:

§ 46.1-441.2. Notice of suspension or revocation of license.— A. Whenever it is provided in this title that a driver's license may or shall be suspended or revoked either by the Commissioner of the ~~Division~~ Department of Motor Vehicles or by a court, notice of such suspension or revocation or any certified copy of the decision or order of the Commissioner may be sent by the ~~Division~~ Department by certified mail to the last known address supplied by such driver and on file at the ~~Division~~ Department, and the certificate of the Commissioner or someone designated by him for that purpose that such notice or copy has been so sent shall be deemed prima facie evidence that such notice or copy has been sent and delivered to such driver for all purposes involving the application of the provisions of this title, including § 46.1-435. In the event the ~~Division's~~ Department's records indicate that someone other than such driver has signed the return receipt or that the return receipt is unsigned, then service may be made as provided in § 8.01-296. Such service shall be made by a sheriff or deputy thereof in the county or city wherein is such address, who shall, as directed by the Commissioner, take possession of any suspended or revoked license, registration certificate or set of registration plates or decals and return them to the office of the Commissioner. In any such case, return shall be made to the Commissioner, and a rebuttable presumption that service was made shall arise.

~~In the event service is effected pursuant to § 8.01-296, and upon receipt of the return, the Commissioner shall forward to the sheriff a service fee in the amount of one dollar and twenty-five cents. However, where the return includes the surrender of suspended or revoked license or registration items, the Commissioner shall forward a total service fee in the amount of ten dollars.~~

B. In lieu of making a direct payment to sheriffs as a fee for delivery of Department of Motor Vehicle processes, the Commissioner shall effect a transfer of funds, on a monthly basis, to the Compensation Board to be used to provide additional support to sheriffs' departments. The amount of funds so transferred shall be in amounts as provided in the general appropriations act.