

017172748

HOUSE BILL NO. 2733

Offered January 18, 2001

A BILL to amend and reenact § 1-13.35 of the Code of Virginia, relating to the use and meaning of population brackets when used in certain statutory writing.

Patron—Griffith

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:**1. That § 1-13.35 of the Code of Virginia is amended and reenacted as follows:**

§ 1-13.35. Statutory construction, use of population brackets and the effect of population changes on statutes containing population classifications.

A. The identification of any county, city, town, political subdivision, or combination thereof in a statute through the use of a population bracket or other descriptive language of any kind or nature shall (i) constitute a reasonable classification within the context of item 5, § 1, of Article VII of the Constitution of Virginia to be considered a general act, or (ii) be considered a special act. On and after July 1, 2001, there shall be a conclusive presumption that any statute containing such a population bracket or other descriptive language, which applies to only one such county, city, town, or political subdivision, or one such combination thereof, shall not constitute a reasonable classification for purposes of item 5, § 1, Article VII of the Constitution of Virginia and shall for purposes of statutory construction and procedural interpretation constitute a special act. As used herein, "population bracket" means a range consisting of a pair of numbers, one number greater than the other, wherein the applicable range consists of all the numbers between the pair of given numbers, including the beginning and end points. Notwithstanding the provisions of this subsection, any (i) act of Assembly, (ii) provision of the Code of Virginia, and (iii) action taken pursuant thereto, prior to July 1, 2001, by any county, city, town, political subdivision of the Commonwealth or any combination thereof, is hereby ratified, validated, and confirmed within the context of item 5, § 1, Article VII of the Constitution of Virginia.

B. Whenever any county, city, town or political subdivision of the Commonwealth or any combination thereof is identified by population classification in any statute heretofore or hereafter enacted, such statute shall continue to apply to such county, city, town, political subdivision or combination notwithstanding any subsequent change in population and shall cease to so apply only upon the subsequent enactment by the General Assembly of a measure in which such intent is clearly stated. All actions of any such county, city or town or political subdivision of the Commonwealth or any combination thereof, and of the officers thereof and of the clerks of courts thereof in the operation of their respective offices either on a fee or salary basis for the calendar year of 1961, and until March 30, 1962, under any such act of Assembly or provision of the Code of Virginia enacted prior to July 1, 1960, are hereby ratified, validated and confirmed. Nothing in this section shall operate to prevent the application of any such statute to any county, city or town or political subdivision of the Commonwealth or any combination thereof, falling within the population classification therein prescribed.

INTRODUCED

HB2733