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HOUSE BILL NO. 1382

Offered January 11, 2006

A BILL to provide for the submission to the voters of a proposed amendment to Section 14 of Article IV of the Constitution of Virginia, relating to powers of the General Assembly; limitations on powers including incorporation of churches.

Patrons—McQuigg; Senator: Mims

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. § 1. It shall be the duty of the officers conducting the election directed by law to be held on the Tuesday after the first Monday in November 2006, at the places appointed for holding the same, to open a poll and take the sense of the qualified voters upon the ratification or rejection of the proposed amendment to the Constitution of Virginia, contained herein and in the joint resolution proposing such amendment, to wit:

Amend Section 14 of Article IV of the Constitution of Virginia as follows:

ARTICLE IV**LEGISLATURE**

Section 14. Powers of General Assembly; limitations.

The authority of the General Assembly shall extend to all subjects of legislation not herein forbidden or restricted; and a specific grant of authority in this Constitution upon a subject shall not work a restriction of its authority upon the same or any other subject. The omission in this Constitution of specific grants of authority heretofore conferred shall not be construed to deprive the General Assembly of such authority, or to indicate a change of policy in reference thereto, unless such purpose plainly appear.

The General Assembly shall confer on the courts power to grant divorces, change the names of persons, and direct the sales of estates belonging to infants and other persons under legal disabilities, and shall not, by special legislation, grant relief in these or other cases of which the courts or other tribunals may have jurisdiction.

The General Assembly may regulate the exercise by courts of the right to punish for contempt.

The General Assembly's power to define the accrual date for a civil action based on an intentional tort committed by a natural person against a person who, at the time of the intentional tort, was a minor shall include the power to provide for the retroactive application of a change in the accrual date. No natural person shall have a constitutionally protected property right to bar a cause of action based on intentional torts as described herein on the ground that a change in the accrual date for the action has been applied retroactively or that a statute of limitations or statute of repose has expired.

The General Assembly shall not enact any local, special, or private law in the following cases:

(1) For the punishment of crime.

(2) Providing a change of venue in civil or criminal cases.

(3) Regulating the practice in, or the jurisdiction of, or changing the rules of evidence in any judicial proceedings or inquiry before the courts or other tribunals, or providing or changing the methods of collecting debts or enforcing judgments or prescribing the effect of judicial sales of real estate.

(4) Changing or locating county seats.

(5) For the assessment and collection of taxes, except as to animals which the General Assembly may deem dangerous to the farming interests.

(6) Extending the time for the assessment or collection of taxes.

(7) Exempting property from taxation.

(8) Remitting, releasing, postponing, or diminishing any obligation or liability of any person, corporation, or association to the Commonwealth or to any political subdivision thereof.

(9) Refunding money lawfully paid into the treasury of the Commonwealth or the treasury of any political subdivision thereof.

(10) Granting from the treasury of the Commonwealth, or granting or authorizing to be granted from the treasury of any political subdivision thereof, any extra compensation to any public officer, servant, agent, or contractor.

(11) For registering voters, conducting elections, or designating the places of voting.

(12) Regulating labor, trade, mining, or manufacturing, or the rate of interest on money.

(13) Granting any pension.

(14) Creating, increasing, or decreasing, or authorizing to be created, increased, or decreased, the

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59 salaries, fees, percentages, or allowances of public officers during the term for which they are elected or
60 appointed.

61 (15) Declaring streams navigable, or authorizing the construction of booms or dams therein, or the
62 removal of obstructions therefrom.

63 (16) Affecting or regulating fencing or the boundaries of land, or the running at large of stock.

64 (17) Creating private corporations, or amending, renewing, or extending the charters thereof.

65 (18) Granting to any private corporation, association, or individual any special or exclusive right,
66 privilege, or immunity.

67 (19) Naming or changing the name of any private corporation or association.

68 (20) Remitting the forfeiture of the charter of any private corporation, except upon the condition that
69 such corporation shall thereafter hold its charter subject to the provisions of this Constitution and the
70 laws passed in pursuance thereof.

71 ~~The General Assembly shall not grant a charter of incorporation to any church or religious~~
72 ~~denomination, but may secure the title to church property to an extent to be limited by law.~~

73 § 2. The ballot shall contain the following question:

74 "Question: Shall Section 14 of Article IV of the Constitution of Virginia be amended by deleting the
75 provision that prohibits the incorporation of churches, a provision that was ruled to be unconstitutional
76 and therefore now is obsolete?"

77 The ballots shall be prepared, distributed and voted, and the results of the election shall be
78 ascertained and certified, in the manner prescribed by § 24.2-684 of the Code of Virginia. The State
79 Board of Elections shall comply with § 30-19.9 of the Code and shall cause to be sent to the electoral
80 boards of each county and city sufficient copies of the full text of the amendment and question
81 contained herein for the officers of election to post in each polling place on election day.

82 The electoral board of each county and city shall make out, certify and forward an abstract of the
83 votes cast for and against such proposed amendment in the manner now prescribed by law in relation to
84 votes cast in general elections.

85 The State Board of Elections shall open and canvass such abstracts and examine and report the
86 whole number of votes cast at the election for and against such amendment in the manner now
87 prescribed by law in relation to votes cast in general elections. The State Board of Elections shall record
88 a certified copy of such report in its office, and without delay make out and transmit to the Governor an
89 official copy of such report, certified by it. The Governor shall, without delay, make proclamation of the
90 result, stating therein the aggregate vote for and against the amendment.

91 If a majority of those voting vote in favor of the amendment, it shall become effective on January 1,
92 2007.

93 The expenses incurred in conducting this election shall be defrayed as in the case of election of
94 members of the General Assembly.