

2014 SPECIAL SESSION I

INTRODUCED

14200404D

HOUSE BILL NO. 5007

Offered January 14, 2015

Prefiled July 25, 2014

A *BILL to authorize the filling of certain judgeships and to appropriate funds to pay for such judgeships during the two years ending, respectively, on June 30, 2015, and June 30, 2016.*

Patron—Loupassi

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. § 1. That there is hereby appropriated \$8,917,707 for the fiscal year ending June 30, 2015, and \$10,118,726 for the fiscal year ending June 30, 2016, from the general fund of the state treasury to fund vacant and newly created judgeships that are hereby authorized to be filled pursuant to the following terms and conditions.

A. Notwithstanding the provisions of § 16.1-69.6:1 or 17.1-507, the total number of authorized judges in each judicial district or circuit shall be reduced by a number equal to the number of judges retiring, dying, or resigning from that district or circuit for any authorized judgeship that was vacant or became vacant on or after July 1, 2014, and before July 1, 2016, effective upon the resignation, death, or retirement date of each such judge, and by the number of individual judgeships newly created pursuant to Chapters 812 and 822 of the Acts of Assembly of 2014, unless the individual judgeship is specifically authorized elsewhere in this section or unless the judgeship is elected in a special session of the 2014 General Assembly or, if the General Assembly is not in session, appointed by the Governor in accordance with Article VI of the Constitution of Virginia or by the circuit courts in accordance with the Code of Virginia.

B. Effective July 1, 2014, the provisions of subsection A shall not apply to any authorized judgeship in which the vacancy occurred as a result of a judge being appointed to a judgeship on another Virginia court, except in those instances when the newly vacant judgeship was abolished pursuant to Chapters 812 and 822 of the Acts of Assembly of 2014, provided such appointment is to another authorized judgeship that is funded as provided herein or by existing law.

C. The Director of the Department of Planning and Budget is authorized to transfer the appropriations included in this section as needed among budgetary programs or activities to effectuate the filling of judgeships as authorized in this section or as elected in a special session of the 2014 General Assembly or, if the General Assembly is not in session, appointed by the Governor in accordance with Article VI of the Constitution of Virginia or by the circuit courts in accordance with the Code of Virginia.

D. The State Comptroller shall revert to the general fund of the state treasury savings that are realized as a result of vacant judgeships. The reversion is estimated to be \$1 million on or before June 30, 2015, and \$1 million on or before June 30, 2016.

2. That an emergency exists and this act is in force from its passage.

3. That the provisions of the first enactment of this act shall expire at midnight on June 30, 2016.

4. That the provisions of this act shall be effective only if the provisions of Item 468.L of Chapter 2 of the Acts of Assembly of 2014, Special Session I, are held to be ineffective by a court of competent jurisdiction.

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