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HOUSE BILL NO. 2046

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rehabilitation and Social Services
on February 14, 1997)

(Patron Prior to Substitute—Delegate Clement)

A BILL to amend and reenact § 16.1-318 of the Code of Virginia and to amend and reenact the second enactment of Chapter 833 of the Acts of Assembly of 1993, relating to powers of regional juvenile detention commissions.

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-318 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-318. Powers of commission generally; supervision by Director of Department of Juvenile Justice.

Each commission created hereunder shall have all powers necessary or convenient for carrying out the general purposes of this article, including the following powers in addition to others herein granted, and subject to such supervision by the Director of the Department of Juvenile Justice as is provided in §§ 16.1-309.4, 16.1-309.9, and 16.1-309.10 of this law:

A. In general. - To adopt a seal and alter the same at pleasure; to have perpetual succession; and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

B. Officers, agents and employees. - To employ such technical experts, and such other officers, agents and employees as it may require, to fix their qualifications, duties and compensation and to remove such employees at pleasure.

C. Acquisition of property. - To acquire within the territorial limits of the political subdivisions for which it is formed, by purchase, lease, gift, or exercise of the right of eminent domain, subject to conditions hereinafter set forth, whatever lands, buildings and structures may be reasonably necessary for the purpose of establishing, constructing, enlarging, maintaining and operating one or more juvenile detention homes or facilities for the reception of juveniles committed thereto under the provisions of this chapter; however, such lands, buildings and structures may be acquired by purchase, lease or gift, although not within the territorial limits, if the location thereof is feasible and practicable with relation to the several political subdivisions for which such commission is formed. Such location shall be approved by resolution of the governing bodies of the participating political subdivisions and of the governing body of the political subdivision in which such lands, buildings and structures are to be located, and the consent in writing of the Director of the Department is given thereto.

D. Construction. - To acquire, establish, construct, enlarge, improve, maintain, equip and operate any juvenile detention home or facility.

E. Rules and regulations for management. - To make and enforce rules and regulations for the management and conduct of its business and affairs and for the use, maintenance and operation of its facilities and properties.

F. Acceptance of donations. - To accept gifts and grants from the Commonwealth or any political subdivision thereof, and from the United States and any of its agencies; and to accept donations of money, personal property or real estate, and take title thereto from any person, firm, corporation or association.

G. Regulations as to juveniles under care. - To make regulations and policies governing the care, guidance and training of juveniles in such detention facilities.

H. Borrowing. - To borrow money for any of its corporate purposes and to execute evidences of such indebtedness and to secure the same and to issue negotiable revenue bonds payable solely from funds pledged for that purpose and to provide for the payment of the same and for the rights of the holders thereof. Any city or county participating in the commission may lend, advance or give money or materials or property of any kind to the commission.

I. Issuance of revenue bonds. - To issue revenue bonds in accordance with, and subject to the terms and conditions of § 53.1-95.10, in the same manner in which jail authorities are authorized to issue such bonds.

Bonds issued under the provisions of this section shall not be deemed to constitute a pledge of the faith and credit of the Commonwealth or of any political subdivision thereof. All such bonds shall contain a statement on their face substantially to the effect that neither the faith and credit of the Commonwealth nor the faith and credit of any county, city, town, or other subdivision of the Commonwealth is pledged to the payment of the principal of or the interest on such bonds. The issuance of bonds under the provisions of this section shall not directly, indirectly or contingently obligate the Commonwealth or any county, city, town, or other subdivision of the Commonwealth to levy any taxes whatever therefor or to make any appropriation for their payment except from the funds pledged under

60 the provisions of this section. *Any reimbursement payments made pursuant to § 16.1-309.5 for juvenile*
61 *detention homes or facilities for which bonds are issued pursuant to this section shall not (i) exceed the*
62 *maximum reimbursement limits established by the Board of Juvenile Justice or (ii) include any sums for*
63 *the payment of interest costs incurred by the Commission in connection with the issuance of such bonds.*

64 **2. That the second enactment of Chapter 833 of the Acts of Assembly of 1993 is amended and**
65 **reenacted as follows:**

66 2. That the provisions of this act shall apply only to the Middle Peninsula Juvenile Detention
67 Commission which serves the Ninth and Fifteenth Judicial Districts, *the W. W. Moore, Jr., Regional*
68 *Juvenile Detention Commission which serves portions of the Tenth, Twenty-first, and Twenty-second*
69 *Judicial Districts, and the James River Juvenile Detention Commission which serves parts of the*
70 *Eleventh, Fourteenth, and Sixteenth Judicial Districts.*

71 **3. That an emergency exists and this act is in force from its passage.**