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## The Business of the 1970 General Assembly

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# WILLIAM AND MARY LAW REVIEW

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DOCUMENTARY SUPPLEMENT

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The Business of the 1970 General Assembly

Legislative Research Study No. 1

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THE MARSHALL-WYTHE SCHOOL OF LAW  
Williamsburg, Virginia

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## DOCUMENTARY SUPPLEMENT

The current supplement is the first in a series of projects in a continuing program of legislative research at the Marshall-Wythe School of Law. It analyzes some of the innovative statutory enactments of the 1970 General Assembly of Virginia, as well as statistically summarizing the general business of the session. In the case of ground-breaking legislation in contemporary issues, the text undertakes to identify the "mischief to be remedied" and to study the judicial history of similar enactments in other jurisdictions.

The Documentary Supplement to the *William and Mary Law Review* is the medium for material of professional significance which does not fit the familiar categories of scholarly articles or staff-written notes or case comments. The first in this series of supplements appeared under the title, *The Virginia Constitution* (10 Wm. & Mary L. Rev. 511), published in the spring of 1968. The practical value of such a series is suggested by the fact that this first publication was in such demand that the supply of reprints has now been exhausted. Reprints of the current publication will be available to interested parties.

# William and Mary Law Review

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## DOCUMENTARY SUPPLEMENT

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### THE BUSINESS OF THE 1970 GENERAL ASSEMBLY

#### INTRODUCTION

In the context of a novel political division—the Governor of the Commonwealth being the first Republican to occupy the executive office in almost a century, and the Democrats retaining their historic majorities in both houses of the General Assembly<sup>1</sup>—the 1970 legislature considered 1,845 bills and resolutions and saw 920 of them pass both houses and go forward to the Governor. The proliferation of legislative proposals which has characterized the last several sessions has thus continued; and if this is a sign of the increasing complexity of the times, there are other symptoms as well. In both houses the majority of the membership consisted of persons who have served four terms or less—twenty-seven Senators and seventy-two Delegates entered the General Assembly in 1964 or later, and twenty-six of the Delegates actually were serving their first regular term in 1970.<sup>2</sup> The urban reorientation of the legislature, resulting from the reapportionment statutes of the last decade,<sup>3</sup> may have prompted the numerous bills on issues which confront urban Americans generally at the start of the seventies—e. g., drug use and abuse, abatement of air and water pollution, consumer protection, expansion and modernization of mental health services, a liberalization of the abortion law. Most important of all, perhaps, was the agreement to submit a revised draft of the state Constitution to the voters in November 1970.<sup>4</sup>

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1. The composition of the 1970 Senate was thirty-three Democrats and seven Republicans, and of the House of Delegates seventy-four Democrats, twenty-six Republicans and one Independent. See *MANUAL OF THE SENATE AND HOUSE OF DELEGATES, SESSION 1970* 65-87, 197-246 [hereinafter cited as 1970 *MANUAL*].

2. *Id.* This does not take into account a few members who first were elected for special sessions of the General Assembly in these years.

3. See chs. 635, 638 [1962] Va. Acts; chs. 1, 2 [1964] Va. Acts; ch. 57 [1968] Va. Acts; VA. CODE ANN. §§ 24-12, 24-14 (1950).

4. See *REPORT OF THE COMMISSION ON CONSTITUTIONAL REVISION, THE CONSTITUTION OF VIRGINIA* (1969); *The Virginia Constitution*, 10 WM. & MARY L. REV. 511 (1969); ch. 27, [1969] Va. Acts.

This review of the business of the 1970 General Assembly is in two dimensions: First are tables summarizing the work of the Senate and the House of Delegates, respectively, grouping bills and resolutions under the committees of the respective chambers to which they were referred when introduced,<sup>5</sup> with indication of the subject-matter of specific bills and those which passed both houses. Selected joint resolutions<sup>6</sup> are cited in separate tables.

The greater portion of this study is concerned with significant innovative legislation which was enacted during the 1970 session, and is addressed to several dimensions of these subjects. First, there is the "mischief to be remedied," with which the new legislation is primarily concerned. Correlatively, because of the novelty of the legislation in Virginia, a comparison with similar enactments of recent years in other states is made. Finally, as background to the general problem with which the statute deals, pertinent law review commentary is cited.

The significance of legislative accomplishment is often to be measured, too, by what was *not* done as much as by what *was* done. In the case of the selected subjects for evaluation in the present study, the attempted legislation in related bills, which either died in committee where they were introduced, or failed to pass both houses,<sup>7</sup> has also been taken into consideration. The subjects singled out for the present study, and the existing sections of the Code of Virginia affected by the new statutes, are as follows:

Drug abuses and controls: amendments to VA. CODE ANN. §§ 32-365 to 378.4 (Replacement Volume 1969); *cf.* H.J. RES. 122.

Air and water pollution: additions and amendments to VA. CODE ANN. §§ 62.1-194 to 196 (Replacement Volume 1968).

Consumer protection: additions to VA. CODE ANN. §§ 2.1-130, -133.1

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5. Senate Rule 17 lists sixteen standing committees (as well as five other committees to supervise administrative affairs of the Senate) and sets out their general jurisdiction over subject-matter. House of Delegates Rules 16-19 enumerate committees but do not stipulate their jurisdiction. 1970 MANUAL 93-96, 252-53.

6. Simple resolutions in the General Assembly are normally concerned with procedural details pertaining to the chamber in which they were introduced. Joint resolutions require passage by both houses; in cases where they direct specific action, provide for funding and staffing, and are duly signed by the Governor, they are the practical equivalent of statutes. *See* VA. CONST. §§ 50, 52, 64, 76; VA. CODE ANN. § 30-14 (Replacement Volume 1969); Senate Rules 20, 22, 24, 25, 27; House Rules 37, 39, 44, 47, 49; 1970 MANUAL 97-101, 257-61.

7. *See* Final Cumulative Index of Bills, Resolutions and Joint Resolutions through March 14, 1970, 96 *et seq.*, 199 *et seq.*

(Replacement Volume 1966); VA. CODE ANN. § 3.1-18.1 (Replacement Volume 1966); cf. S.J. RES. 41.

Virginia Port Authority Act: amendments to VA. CODE ANN. § 62.1-128 (Replacement Volume 1968).

Virginia Conflict of Interest Act: various sections repealed and Attorney General charged with enforcement; e.g., VA. CODE ANN. § 15.1-67 (Replacement Volume 1964).

Following the evaluation of the foregoing enactments, the study concludes with a summary of some of the study commissions appointed by the 1968 General Assembly, as well as an analysis of the referendum proposed for the revised Virginia Constitution in S.B. No. 38 and H.B. No. 464.

TABLE 1-a

## SENATE BUSINESS: BILLS\*

Committee and Subject of Bill	Numbers of Bills	Total Intro'd	Total Passed
<i>Agriculture and Mining</i>			
Agric. products	92, 93, 196, 287, 288, 308, 342	7	5
Agric. resources	12, 343, 482	3	3
Farm animals	305, 492	2	2
Farmers	197	1	1
Farming generally	304	1	1
Pests, weeds	306, 307	2	2
Taxes	344, 483	2	2
<i>Counties, Cities &amp; Towns</i>			
Annexation	5, 192	2	
City charters	20, 21, 63, 64, 70, 80, 81, 90, 91, 118, 163, 165, 315, 384, 449, 484, 494	17	9
Condemnation	117	1	1
Counties	115, 119, 120, 191, 284, 438, 441, 448	8	5
Education	7	1	
Finance	89, 159, 160, 161, 193, 230, 285	7	3
Licenses	82, 264, 413	3	2
Ordinances, etc.	62, 276	2	2

\* Numbers in italic represent bills passed.

TABLE 1-a—CONTINUED

Committee and Subject of Bill	Numbers of Bills	Total Intro'd	Total Passed
Services	116, 142, 157, 194, 195, 211, 300, 336, 385, 412, 439	11	8
Service dist.	158, 263, 283, 286, 302, 445	6	5
Zoning	143, 144, 162, 164, 209, 210, 242, 260, 261, 262, 282, 301, 400, 437, 440, 442, 443, 444, 446, 447, 485, 486	22	14
<i>Courts of Justice</i>			
Animals	10	1	
Appeals	464	1	
Courts, gen.	3, 20, 125, 149, 153, 182, 185, 203, 241, 271, 326, 330, 356, 368, 396, 397	16	9
Courts: evidence	9	1	
Courts: juveniles	11, 22, 131, 186, 253, 254, 462	7	5
Courts: retirements	148, 150	2	2
Covenants	21	1	
Criminal law, gen.	28, 48, 49, 152, 167, 171, 187, 221, 222, 235, 239, 249, 250, 270, 296, 325, 360	17	6
Deeds, other instr.	1, 2, 126, 170, 181, 183, 184, 323, 324, 361, 362, 363, 366, 367	14	3
Domestic relations	202, 251, 252, 359, 364, 465	6	4
Drugs	15, 23, 24, 25, 188, 470	6	
Eminent domain	35, 51, 463, 466, 467, 472	6	1
Fees	67, 132	2	2
Fiduciaries, etc.	127, 128, 129, 130, 329, 358, 365	7	6
Govt. immunity	297	1	
Judicial conf.	4	1	1
Juries	180	1	1
Property rights	240, 379, 411	3	
Public safety	76, 225, 273, 294, 295, 327	6	4
Rates	36, 328	2	1
Searches	13	1	
Torts	18, 19, 151, 234, 357, 471	6	4
<i>Education, Public Institutions</i>			
Busses	227, 314	2	
Special education	16, 341, 373	3	3

Numbers in italic represent bills passed.

TABLE 1-a—CONTINUED

Committee and Subject of Bill	Numbers of Bills	Total Intro'd	Total Passed
Higher education	<i>338, 436</i>	2	1
—specific inst.	<i>138, 139, 226, 337, 478</i>	5	4
Official agencies	<i>339, 340</i>	2	2
Primary, etc.	212	1	
Scholarships	213	1	
Schools (boards)	<i>88, 140, 386, 435, 479, 490</i>	6	2
—budgets	112	1	
—counties	137	1	
Textbooks	34	1	
<i>Federal Relations</i>			
Potomac Basin Compact	244	1	
<i>Finance</i>			
Bonds, etc.	<i>72, 73, 317, 319, 320, 453</i>	6	
Excise taxes	<i>103, 107, 146, 200, 201, 374, 376, 455,</i> <i>407, 410</i>	10	2
Finance, gen.	<i>102, 106, 247, 248</i>	4	
Income taxes	<i>100, 101, 105, 122, 123, 124, 147, 231,</i> <i>233, 392, 393</i>	11	3
Occupation taxes	45	1	
Private relief bills	<i>179, 348, 461</i>	3	1
Property taxes	<i>40, 43, 178, 219, 318</i>	5	2
Retirement, salaries	<i>41, 42, 44, 74, 293</i>	5	2
Sales taxes	<i>232, 237, 292, 351</i>	4	
Services, special needs	<i>14, 39, 108, 177, 269, 321, 345, 346,</i> <i>378, 390, 404, 406, 408, 456, 457,</i> <i>458, 459, 460</i>	18	9
Tax credit	<i>27, 277</i>	2	
Taxes, gen.	<i>238, 245, 246, 266, 267, 268, 290, 347,</i> <i>354, 377, 394, 454</i>	12	3
Transportation taxes	<i>104, 291, 375</i>	3	
Unemployment benefits	<i>46, 47</i>	2	1
<i>Fish, Game</i>			
Fishing	<i>121, 145, 166, 309, 310, 401</i>	6	2

Numbers in italic represent bills passed.



TABLE 1-a—CONTINUED

Committee and Subject of Bill	Numbers of Bills	Total Intro'd	Total Passed
Fish, game comm.	<i>199, 289</i>	2	2
Hunting	<i>175</i>	1	1
Water Fowl	<i>265, 491</i>	2	1
Wild Fowl	<i>316</i>		
<i>General Laws</i>			
Misc. subj.	<i>8, 32, 33, 52, 53, 54, 55, 56, 57, 68, 69, 75, 77, 83, 109, 110, 141, 154, 155, 156, 198, 204, 205, 206, 207, 208, 223, 224, 255, 256, 257, 258, 278, 279, 280, 298, 299, 334, 353, 370, 371, 372, 380, 381, 382, 383, 396, 398, 425, 426, 427, 428, 429, 430, 431, 474, 475, 476</i>	58	34
<i>Insurance, Banking</i>			
Insurance	<i>114, 275, 303, 331 333, 351, 432, 433, 434, 480, 481</i>	11	5
Interest	<i>30, 350, 495</i>	3	1
Loans	<i>113, 228, 229, 332</i>	4	1
Retirement tax	<i>65, 313</i>	2	
Usury	<i>87, 281</i>	2	
<i>Libraries</i>			
Libraries	<i>95, 96, 97, 98</i>	4	
Land office	<i>311</i>	1	
<i>Privileges and Elections</i>			
Constitutional amend.	<i>38</i>	1	1
Elections	<i>66, 99, 473</i>	3	1
Virginia flag	<i>37</i>	1	1
Local govt.	<i>172, 274</i>	2	1
<i>Roads, Navigation</i>			
Auto safety	<i>31, 58, 59, 61, 79, 84, 173, 352</i>	8	3
Highways	<i>78, 190, 236, 477</i>	4	1
License plates	<i>85, 133, 134, 135, 421</i>	5	3
Motor vehicles	<i>17, 60, 136, 189, 243, 335, 387, 399, 420, 423</i>	10	3

Numbers in *italic* represent bills passed.

TABLE 1-a—CONTINUED

Committee and Subject of Bill	Numbers of Bills	Total Intro'd	Total Passed
Parking	6	1	1
Ports	71	1	1
Special agencies	86, 111, 388, 389	4	4
<i>Welfare</i>			
Alcohol control	450, 451, 487, 488	4	2
Health, gen.	493	1	
Hospitals	214, 218, 496	3	2
Mental health	215, 402	2	1
Human rights	94	1	
Study commission	216, 217	2	
Welfare boards	452, 489	2	

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Numbers in italic represent bills passed.

TABLE 1-b  
SELECTED SENATE JOINT RESOLUTIONS

S.J. Res. No.	Subject of Joint Resolution
3*	Directing V.A.L.C. to continue study of social work services.
7	Proposing an amendment to the Constitution of Virginia regarding the Capital City (Aldhizer Amendment). H.J. Res. 15.
8	Proposing an amendment to the Constitution regarding aid to education. H.J. Res. 18.
9*	Proposing the repeal of Section 60 of the Constitution of Virginia, lotteries. H.J. Res. 17.
10*	Proposing an amendment to the Constitution of Virginia regarding State debt for revenue producing capital projects. H.J. Res. 16.
11*	Proposing an amendment to the Constitution of Virginia regarding general obligation bonds for capital projects. H.J. Res. 14.
12*	Proposing an amendment to the Constitution of Virginia, general package. H.J. Res. 15.
14	Directing the V.A.L.C. to study and propose a Public Records Act.
18*	Commission created to study the problem of providing adequate insurance coverage to owners of property in the coastal areas of the State.
22	Commission created to make a study and report on reapportionment of the State electoral districts for the General Assembly and for the Congress.
23	V.A.L.C. directed to make a study and report upon the desirability of adopting the Uniform Consumer Credit Code. <i>See</i> S.J. Res. 41; H.J. Res. 32.
30	Proposing an amendment to the Constitution of Virginia, relating to qualifications of voters.
31	Directing the V.A.L.C. to study the system of automobile liability insurance and the method of compensating victims of automobile accidents.
32	Creating a commission to study the labor-management laws of the State with respect to unionization. <i>See</i> S.J. Res. 58.
36	Creating a commission to study matters related to the needs of all handicapped children in Virginia.

\* Passed both houses.

TABLE 1-b—CONTINUED

S.J. RES. No.	Subject of Joint Resolution
37	Directing the V.A.L.C. to make a study and report on professional bondsmen.
41*	To create the Consumer Credit Study Commission. <i>See</i> S.J. Res. 23.
55*	Directing the V.A.L.C. to make a study and report on the eminent domain laws of the Commonwealth.
58	Creating a commission to study the labor-management laws of the Commonwealth. <i>See</i> S.J. Res. 32.

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\* Passed both houses.

TABLE 2-a  
HOUSE/DELEGATES BUSINESS: BILLS\*

Committee and Subject of Bill	Numbers of Bills	Total Intro'd	Total Passed
<i>Agriculture</i>			
Agric. generally	544, 630	2	
Consumers	76, 832	2	
Farm Produce	249, 422	2	1
Land	124, 139	2	2
Livestock	1078	1	
<i>Appropriations</i>			
Agencies, boards	15, 176, 278, 327, 340, 368, 380, 450, 470, 496, 694, 695, 731, 754, 791, 816, 825, 865, 861, 941, 971, 973, 1022	23	12
Attorneys	1093	1	
Awards	319, 326, 678, 682, 1081	5	2
Courts			
—proceedings	94	1	1
—juveniles	385	1	1
—clerks			
Finances	755, 777, 815, 819, 970, 1010, 1121, 1122	8	4
General Assembly	126, 128	2	1
Judges	77, 82, 84, 814, 928, 1086	6	1
Retirement	93, 653, 661, 682, 684, 685, 839, 840, 1066, 1073	10	2
Salaries	114, 120, 717, 1013	4	3
<i>Chesapeake &amp; Tributaries</i>			
Jurisdiction	406, 483, 484, 1104 1106, 1107, 1108, 1116	8	1
Marine resources	926, 931, 1101, 1102, 1103, 1109, 1113, 1114, 1117, 1118	10	
Port Cities	43, 52, 399, 1105, 1110, 1115	6	2
Seafood	78, 481, 560, 925, 940, 1001	6	
<i>Conserv. of Nat. Res.</i>			
Boats	692	1	1

Numbers in italic represent bills passed.

TABLE 2-a—CONTINUED

Committee and Subject of Bill	Numbers of Bills	Total Intro'd	Total Passed
Domestic animals	<i>61, 137, 235, 312, 637, 830</i>	6	4
Game Commission	<i>709, 797, 837</i>	3	3
Hunting, trapping	<i>55, 276, 453, 853, 1026, 1050</i>	6	4
Scenic resources	<i>27, 741</i>	2	2
Wildlife	<i>156, 223, 269, 426, 503, 596, 612, 725, 735, 843, 1049, 1059</i>	12	7
Woodlands	<i>414</i>	1	1
<i>Corporations, Insur. &amp; Bankg.</i>			
Aircraft, etc.	<i>121, 381, 785, 820, 821, 822</i>	6	3
Charters	<i>2, 3, 5, 7</i>	4	4
Corporations	<i>4, 19, 21, 39, 44, 231, 285, 345, 742, 743, 746, 752, 1016</i>	13	11
Insurance—interest & taxes	<i>20, 33, 46, 58, 81, 86, 95, 110, 111, 113 122, 230, 255, 259, 296, 297, 298, 314, 324, 339, 347, 353, 358, 382, 383, 384, 393, 447, 489, 490, 520, 567, 580, 581, 582, 583, 584, 585, 589, 614, 664, 783, 849, 933, 1095</i>	45	25
Banks	<i>178, 283, 284, 442, 444, 610, 823</i>	7	4
Sav. & Loan Assns.	<i>290, 545, 546, 547, 548, 549, 550, 551, 552, 553, 672</i>	11	9
Securities	<i>6, 45, 47, 75, 99, 100, 192</i>	7	5
Utilities	<i>135</i>	1	
<i>Counties, Cities &amp; Towns</i>			
Annexation	<i>228, 253, 254, 976</i>	4	1
City charters	<i>17, 31, 32, 49, 50, 53, 59, 63, 65, 67, 73, 85, 117, 150, 154, 155, 158, 160, 161, 175, 186, 191, 193, 195, 196, 198, 199, 202, 225, 227, 232, 234, 256, 258, 262, 301, 374, 784, 987, 1020, 1027</i>	41	38
Ordinances, license	<i>307, 371, 451, 463, 475, 533, 609, 701, 759, 770, 771, 774, 894, 1017</i>	14	8
Public buildings	<i>663, 768, 807, 1090</i>	4	1

Numbers in italic represent bills passed.

TABLE 2-a—CONTINUED

Committee and Subject of Bill	Numbers of Bills	Total Intro'd	Total Passed
Services, offices	<i>37, 42, 83, 88, 140, 162, 194, 257, 260,</i> <i>292, 302, 321, 322, 323, 392, 407,</i> <i>446, 487, 568, 569, 681, 728, 787,</i> <i>806, 855, 872, 916, 920, 921, 997,</i> <i>1052, 1058</i>	32	18
Service districts	<i>141, 295, 375, 469, 534, 662, 778, 598,</i> <i>797, 798, 801, 875, 878, 932, 1094</i>	15	6
Zoning	<i>116, 148, 200, 229, 250, 328, 412, 561,</i> <i>594, 733, 760, 765, 786, 800, 876,</i> <i>895, 906, 1099</i>	18	6
Counties	<i>107, 266, 267, 571, 668, 766, 828, 990</i>	8	2
<i>Courts of Justice</i>			
Administrative Reg.	<i>97, 189, 247, 268, 333, 334, 341, 357,</i> <i>397, 424, 460, 498, 586, 616, 641,</i> <i>693, 697, 714, 750, 805, 835, 890,</i> <i>915</i>	23	21
Boards and agencies	<i>96</i>	1	1
Criminal law gen.	<i>24, 28, 34, 142, 251, 265, 281, 286,</i> <i>287, 339, 387, 391, 411, 423, 433,</i> <i>456, 486, 487, 502, 522, 627, 629,</i> <i>666, 683, 724, 781, 836, 842, 860,</i> <i>869, 888, 913, 940, 958, 974, 979,</i> <i>982, 991, 994, 1012, 1047, 1061</i>	42	18
Domestic relations	<i>13, 367, 513, 514, 803, 850, 852, 1025,</i> <i>1051</i>	9	5
Evidence	<i>398, 656, 966</i>	3	1
Fees	<i>360, 478, 485, 715, 716, 747, 900, 943,</i> <i>1072</i>	9	5
Fiduciaries	<i>403, 615</i>	2	2
Finance	<i>9, 71, 180, 578, 886</i>	5	2
Judges, clerks	<i>66, 282, 303, 388, 448, 575, 577, 775,</i> <i>897, 899, 918, 1097</i>	12	4
Juries	<i>18, 300, 430, 847, 1006</i>	5	1
Juveniles	<i>36, 311, 465, 702, 870, 887, 930, 934,</i> <i>939, 1033</i>	10	2

Numbers in italic represent bills passed.

TABLE 2-a—CONTINUED

Committee and Subject of Bill	Numbers of Bills	Total Intro'd	Total Passed
Liens	<i>112, 529</i>	2	2
Oaths, affidavits	<i>291, 573, 804</i>	3	1
Property rights	<i>14, 35, 74, 313, 494, 507, 510, 525,</i> <i>638, 658, 873, 1018, 1021</i>	13	5
Records	<i>70, 101, 310, 647, 648, 654, 722</i>	7	6
Searches	<i>305, 526, 633, 634, 635, 1029, 1063</i>	7	1
Torts	<i>79, 87, 344, 396</i>	4	1
Wills, estates	<i>92, 109, 420, 620, 831, 1045</i>	6	4
<i>Education</i>			
Councils	<i>419, 421</i>	2	1
Education, gen.	<i>10, 409, 707, 810, 922, 935, 972, 1015,</i> <i>1044, 1085</i>	10	3
Higher education	<i>48, 674, 817, 884, 945</i>	5	3
—specific inst.	<i>335, 667, 826, 909, 929, 936</i>	6	5
Kindergartens	<i>948</i>	1	
Pupil transport.	<i>263, 421, 713, 737, 937, 1089</i>	6	2
Schools gen.	<i>51, 116, 472, 488, 621, 631, 675, 738,</i> <i>739, 745, 773, 953, 956, 1040</i>	14	7
School boards	<i>1, 279, 308, 356, 363, 528, 624, 703,</i> <i>704, 705, 706, 1042, 1088</i>	13	9
Special education	<i>90, 270, 907</i>	3	1
<i>Finances</i>			
Consumer taxes	<i>23, 25, 222, 289, 370, 415, 416, 467,</i> <i>523, 530, 782, 911, 955, 957, 973,</i> <i>977, 978, 1071</i>	18	8
Excise taxes	<i>29, 153, 330, 331, 366, 428, 686</i>	7	5
Income & inherit. taxes	<i>157, 164, 343, 386, 443, 730, 732, 799,</i> <i>809, 846, 927, 942, 967, 1046, 1053,</i> <i>1092</i>	16	4
Recording fees	<i>390, 718, 896</i>	3	1
Occupation taxes	<i>471, 474, 749, 924, 995, 1096</i>	6	4
Sales taxes	<i>26, 159, 179, 372, 431, 452, 652, 708,</i> <i>881, 912, 959, 965, 1014, 1031</i>	14	1
Taxes generally	<i>30, 56, 60, 91, 104, 105, 106, 118, 132,</i> <i>217, 288, 293, 309, 325, 332, 400,</i>		

Numbers in italic represent bills passed.



TABLE 2-a—CONTINUED

Committee and Subject of Bill	Numbers of Bills	Total Intro'd	Total Passed
	413, 527, 543, 645, 655, 767, 789, 818, 910, 992, 1093	27	8
Transportation taxes	240, 538, 587, 608, 711, 983, 1091	7	1
<i>General Laws</i>			
Misc. subj.	8, 12, 16, 22, 40, 54, 57, 62, 69, 80, 89, 119, 129, 130, 131, 133, 134, 136, 138, 147, 149, 151, 167, 170, 171, 177, 183, 184, 185, 188, 197, 252 264, 271, 346, 348, 352, 354, 369, 377, 378, 404, 405, 410, 417, 425, 429, 449, 476, 482, 492, 493, 495, 497, 504, 555, 556, 557, 558, 559, 564, 565, 566, 570, 571, 572, 593, 595, 611, 613, 618, 619, 623, 625, 628, 639, 643, 651, 665, 669, 676, 687, 688, 689, 696, 700, 721, 740, 744, 758, 761, 762, 763, 772, 780, 788, 790, 792, 795, 796, 813, 829, 838, 844, 861, 862, 864, 867, 880, 891, 893, 902, 903, 914, 950, 952, 960, 961, 962, 963, 964, 968, 985, 988, 989, 1038, 1059, 1082, 1083, 1089, 1111, 1112	132	62
<i>Health, Welfare &amp; Inst.</i>			
Hospitals	315, 923, 944, 969, 1002, 1024, 1087	7	2
Institutions	336, 337, 361, 480, 554, 673, 719, 981, 996	9	6
Jails	376, 439	2	2
Mental health	316, 491, 518, 524, 626, 954	7	2
Rehabilitation	11, 219, 359, 395, 438, 440, 441, 505, 856, 904	10	8
Social work	201, 317, 590, 632	4	
Welfare boards	273, 338, 373, 491, 501, 515, 793, 871, 898	9	7

Numbers in italic represent bills passed.

TABLE 2-a—CONTINUED

Committee and Subject of Bill		Numbers of Bills	Total Intro'd	Total Passed
Workmen's comp.	509		1	
<i>Labor</i>				
Labor	220, 889		2	1
Safety codes	248		1	1
<i>Mining, Mineral Res.</i>				
Mining	883		1	1
Mineral resources	592		1	1
<i>Privileges, Elections</i>				
Elections, gen.	64, 125, 223, 401, 542, 720, 723, 806, 824, 874		10	1
Constitutional amend.	464		1	1
Counties	827, 1004, 1084		3	
<i>Roads, Int. Navigation</i>				
Auto safety	203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 272, 294, 427, 455, 499, 500, 537, 600, 601, 602, 603, 604, 605, 607, 748, 753, 892, 905, 1077		33	21
Carriers	145, 146, 187, 236, 274, 479, 712, 736, 751, 919, 947, 980		12	5
Fees, licenses	169, 241, 242, 243, 304, 1011, 1028		7	3
Highways	174, 182, 218, 221, 226, 350, 351, 355, 432, 508, 512, 517, 536, 588, 769, 776, 812, 858, 863, 868, 882, 1001, 1008, 1009, 1055, 1097		26	11
Highway officers	402, 437		2	1
Taxes	143, 536, 686		3	2
Vehicles	144, 237, 238, 239, 434, 435, 506, 541, 562, 563, 574, 640, 646, 659, 691, 917, 984, 1000, 1080		19	8

Numbers in italic represent bills passed.

TABLE 2-b  
SELECTED HOUSE/DELEGATES JOINT RESOLUTIONS

H.J. RES. No.	Subject of Joint Resolution
2	Directing a V.A.L.C. study of the conflict of interest laws.
3	Creating a study commission to study the State electoral districts for the General Assembly and the Congress.
13*	Proposing an amendment to the Constitution of Virginia (general package). S.J. Res. 12.
14*	Proposing an amendment to the Constitution of Virginia regarding general obligation bonds for capital projects. S.J. Res. 1.
15	Proposing an amendment to the Constitution of Virginia regarding the location and boundaries of the Capital City (Aldhizer Amendment). S.J. Res. 7.
16*	Proposing an amendment to the Constitution of Virginia regarding bonds for revenue producing capital projects. S.J. Res. 10.
17*	Proposing the repeal of Section 60 of the Constitution of Virginia regarding lotteries. S.J. Res. 9.
18	Proposing an amendment to the Constitution of Virginia regarding aid to education. S.J. Res. 8.
32	Directing the V.A.L.C. to study the desirability of adopting the Uniform Consumer Credit Code. S.J. Res. 23.
43	Providing for a V.A.L.C. study of the State providing life, health and hospitalization coverage.
61.	Creating a commission to study uniform statutes regulating subsurface water.
63	Continuing the commission to study ways to consolidate small school divisions.
64	Creating a commission to study matters relating to separation and divorce.
68*	Directing the V.A.L.C. to make a study and to report as to whether school buses should be used for any purposes other than the transportation of children to and from public schools.
81*	Memorializing the Congress to submit to the states an amendment to the Constitution of the United States.
91*	Creating the Income Tax Conformity Statute Study Commission.

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\* Passed both houses.

TABLE 2-b—CONTINUED

H.J. RES. No.	Subject of Joint Resolution
98	Directing the V.A.L.C. to study and report on the rule against perpetuities.
112	Requesting the Joint Committee on Legislation and Law Reform of the Virginia State Bar and the Virginia State Bar Association to make a study of the advisability of enacting legislation to prohibit false, misleading or deceptive acts or practices; to appropriate funds therefor.
115	Directing the V.A.L.C. to make a study concerning the Professional Practices Act and the Professional Negotiations Act.
122*	Requesting local school boards to intensify their instructional programs with respect to drugs and drug abuse and take such other actions as are deemed appropriate for purposes of preventing drug experimentation and drug abuse among pupils on school properties.

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\* Passed both houses.

## DRUG ABUSES AND CONTROLS

The problem of drug use and abuse has been exhaustively considered both in professional and general periodical literature, with an increasing emphasis upon the need for modernizing the statutory approach in terms of both changing scientific knowledge and changing public attitudes. The latter range from an endorsement of sweepingly permissive legislation—the medical evidence of the dangers in certain hallucinogenic drugs, it being argued, is insufficient to warrant the rigid penal prescriptions of the law—to a more generally accepted argument that narcotics addiction, whatever else it may be, is a matter of civil rather than criminal commitment.<sup>8</sup>

The Drug Control Act of 1970 is a moderate movement in the direction of the latter view. It was the result of a study authorized by the 1968 General Assembly,<sup>9</sup> which addressed itself to the recodification of the pharmacy and drug laws generally, with particular attention to "the area of drug abuse, especially with respect to marijuana."<sup>10</sup> The committee added, in comment on its recommended legislation:

Conflicting opinions were expressed as to the degree of penalty in the area of drug abuse—particularly for the first offender. We believe the penalties suggested are appropriate and wish to call your attention to the provisions for "Conditional Discharge for Possession as First Offense." This provision would permit a court latitude in certain cases where usual penalties appear too severe, and where rehabilitation appears probable, for the first offender.

In general, our proposed changes in penalties for violation of this chapter have three effects: (1) to provide greater discretion for judges in assessing punishment, (2) to reduce somewhat the penalty for simple possession of certain drugs, and (3) to deal with greater severity with those violators who traffic in illegal drugs.<sup>11</sup>

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8. See representative studies such as: Bucaro & Cazales, *Methadone: Treatment and Control of Narcotics Addiction*, 44 TUL. L. REV. 14 (1969); ELDREDGE, *NARCOTICS AND THE LAW: A CRITIQUE OF THE AMERICAN EXPERIMENT IN NARCOTIC DRUG CONTROL* (1967); LINDESMITH, *THE ADDICT AND THE LAW* (1965); Smith, *Youth Involvement in Drug Abuse*, 20 JUV. CT. JUDGES' J. 49 (1969); Comment, *Marijuana and the Law: The Constitutional Challenges to Marijuana Laws in the Light of the Social Aspects of Marijuana Use*, 13 VILL. L. REV. 851 (1968).

9. Ch. —, [1968] Va. Acts, H.J. Res. No. 32.

10. REPORT OF THE PHARMACY AND DRUG LAWS STUDY COMMISSION, H. DOC. NO. 27, at 1 (1970).

11. *Id.* at 2.

H.B. No. 271, which was introduced to implement the committee's report, amounts to a modern state version of the comparable sections of the federal Pure Food, Drug and Cosmetic Act.<sup>12</sup> Its most significant innovation was a provision that first offenders convicted of possession of marijuana or amphetamines are to be liable in misdemeanor, while repeaters will be liable in felony.<sup>13</sup> Possession of more powerful hallucinogens remains as a felonious offense. Virginia thus has become one of the first states to reform its drug statutes in response to current dialogue on the subject.

Not that Virginia had made any radical departures from its prior law on the subject, it rejected several proposals of a more sweeping character,<sup>14</sup> the consensus apparently being that the subjects of these proposals were touched upon in modified and more conservative form in the detailed Drug Control Act.

The 1970 legislation supplants and repeals the older Chapter 15 in Title 54, including the Uniform Narcotic Drug Act adopted in 1934.<sup>15</sup> The substantive portions of former Chapter 15 have simply been transferred to corresponding sections of the new Chapter 15.1, and except for bringing the various appropriate provisions into a more logical order and significantly moderating the law on first offenders with reference to certain drugs, the new law cannot be described as a radical innovation. It does not provide for civil commitment in the case of addicts arrested and charged with specific narcotics law violations, as in the case of New York's most recent amendment.<sup>16</sup> And it distinctly avoids the constitutionally confused aspects of such a law as California's provision for commitment of persons "in imminent danger of addiction" who have been convicted upon a criminal charge.<sup>17</sup> Enlightened or at

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12. Ch. 650, [1970] Va. Acts 1358, proposed as new Chapter 15.1 of VA. CODE ANN. § 54-524.1 (new section).

13. Ch. 650, [1970] Va. Acts 1358. As amended, VA. CODE ANN. § 54-524.101(b)(2) (new section) provides for one year in jail and a fine of one thousand dollars, or both, for conviction of violation of the Drug Control Act's Schedules IV or V of stimulants and depressants; cf. VA. CODE ANN. § 54-524.83 (new section).

14. See S.B. No. 24, 470, defining liabilities for marijuana and related drugs; H.B. No. 142, reducing penalties for marijuana use under the Uniform Narcotic Drug Act, VA. CODE ANN. § 54-516 (Replacement Vol. 1967).

15. Ch. 650, [1970] Va. Acts 1358, amending VA. CODE ANN. §§ 10-17.10.01 (new section), 10-17.10 (Supp. 1968).

16. Diskind, *Second Look at New York State Parole Drug Experiment*, 28 FED. PROB. 34 (1964).

17. See Boyko & Rotberg, *Constitutional Objections to California's Marijuana Possession Statute*, 14 U.C.L.A. L. REV. 773 (1967); Note, "Imminent Danger of Addiction" as a Ground for Involuntary Commitment in California, 64 MICH. L. REV. 546 (1966).

least well-intentioned as such legislative steps may be, Virginia has preferred to take a single step at a time.<sup>18</sup>

#### AIR AND WATER POLLUTION

In responding to the prevailing dialogue on the environmental threats of air and water pollution, the 1970 session again took a deliberate but moderate step in the direction of more affirmative law on the subject. H.B. No. 40 provides for an addition to the conservation section of the Virginia Code declaring the public policy of the Commonwealth "to achieve and maintain such levels of air quality" as will protect animal, plant and human life. It adds an enforcement clause defining air pollution as any substance released into the atmosphere in substances which are or may be harmful or injurious to human health, welfare or safety, to animal or plant life, or to property, or which unreasonably interfere with the enjoyment by the people of life or property.<sup>19</sup>

H.B. No. 772 seeks to deal with the "oil slick" problem by prohibiting the discharge of petroleum products into navigable waters "in an amount sufficient to cause damage to aquatic life therein or to the land or beaches adjacent thereto." The State Water Control Board is empowered to proceed against violators, to engage technically specialized personnel to clean up pollution when it occurs, and to charge the cost of the cleaning process against the violators.<sup>20</sup> The discharge of solid waste products into public waters is prohibited by H.B. No. 170. In another bill state aid in costs of community construction of new facilities for pollution control is provided.<sup>21</sup>

The language of the new air and water pollution control regulations leaves to the appropriate state boards the determination of the standards by which pollution is to be defined. This in turn presupposes a judicial disposition to find such procedures generally within the reasonable dimensions of the police power. If the judicial climate is similar to that in other states, where recent extensions of the police power—in some cases, the police power of municipal corporations under charter grants—have been upheld,<sup>22</sup> the future augurs well. The Virginia legislation

18. Ch. 650, [1970] Va. Acts 1358, *amending* VA. CODE ANN. § 10-17.8 (Replacement Volume 1964).

19. Ch. 469, [1970] Va. Acts 944, *amending* VA. CODE ANN. § 10-17.10 (Replacement Vol. 1964).

20. Ch. 701, [1970] Va. Acts 1476, *amending* VA. CODE ANN. § 62.1-44.2 (new section).

21. Ch. 486, [1970] Va. Acts 1051, *amending* VA. CODE ANN. § 62.1-194 (Replacement Vol. 1968).

22. See *Village of Fox River Grove v. Aluminum Coil Anodizing Corp.*, 114 Ill.

is not as sweeping as the West Virginia recodification of 1969,<sup>23</sup> or as specific in the fixing of liability as recent statutes in Indiana and Tennessee,<sup>24</sup> but it is a hopeful foundation for a systematic policing of activities affecting the environment. Virginia, after all, being the southernmost tip of "megapolis," is subject to what one student of the current problem calls the inextricable factors of urbanization which continually contribute to pollution: the by-products of massive generation of electrical power; the exhaust from vehicles in a mass transit system, both public and private; industrial waste; and household consumption.<sup>25</sup>

#### CONSUMER PROTECTION

Since the Second World War, the General Assembly has been consistently broadening the scope of laws on unfair trade practice with reference to individual consumers. In 1968 a general recodification of these laws occurred.<sup>26</sup> In 1970, S.B. No. 279 added further force to the law by empowering the Attorney General to institute proceedings against violators of any of the recodification provisions, and directing courts having jurisdiction of the particular cases to order restitution to parties in interest victimized by unfair trade practices.<sup>27</sup> An Administrator of Consumer Affairs was created in the Department of Agriculture and Commerce to maintain a "clearing house" for consumer complaints and to develop informational programs for the guidance of the buying public. As for the more sweeping provisions of the Uniform Consumer Credit Code, the General Assembly appointed a special study commission to look into the implications of the law and submit its recommendations in 1972.<sup>28</sup>

Credit cards, both a boon and a bane to modern commercial trans-

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App. 2d 226, 252 N.E.2d 225 (1969) (ordinance prohibiting discharge of sewage into public waters by corporation held reasonable); *Reuter v. Department of Nat. Res.*, 43 Wisc. 2d 272, 168 N.W.2d 860 (1969) (state agency to make specific findings of water pollution in refusing to license dredging operation).

23. Ch. 20, [1964] W. Va. Acts —, *codified at* W. VA. CODE ANN. § 20-5A (1966).

24. Ch. 357, [1969] Ind. Acts —, *codified at* IND. ANN. STAT. 35-4601 *et seq.* (Replacement Vol. 1969); Ch. 367, [1967] Tenn. Acts —, *codified at* TENN. CODE ANN. § 53-3401 *et seq.* (1966).

25. Ayres, *Air Pollution in Cities*, 9 NAT. RES. J. 3 (1969).

26. Ch. 439, [1968] Va. Acts, *codified at* VA. CODE ANN. § 59.1-1 (Replacement Vol. 1968).

27. Ch. 780, [1970] Va. Acts 1678, *amending* VA. CODE ANN. § 59.1-68.2 (new section).

28. Ch. —, [1970] Va. Acts, Res. No. 41. *See also* Shay, *Uniform Consumer Credit Code: An Economist's View*, 54 CORNELL L. REV. 491 (1969); *Symposium on Consumer Protection*, 29 OHIO ST. L. J. 593 (1969).



actions, were the subject of restrictive legislation, which now limits the mailing of unsolicited cards to banks, department stores and oil companies.<sup>29</sup> A companion clause limits the liability of the recipient to cases where he has actually signed and used the card.<sup>30</sup>

#### PORT FACILITIES DEVELOPMENT

In his address to the General Assembly, Governor Linwood Holton made clear that he placed port unification near the top of his own legislative agenda. He recognized that there were divergent views on the subject but urged the lawmakers to produce a viable statutory device since the future of the state's maritime economy was "of critical importance to the entire Commonwealth."<sup>31</sup> The result was S.B. No. 71, which amended a long succession of statutes passed in the 1960's, which had created a number of independent port authorities. Under the new, single Virginia Port Authority, the work of development formerly done by unrelated state and local agencies will now be coordinated.<sup>32</sup>

The economic objective of the unification program, manifestly, is a more efficient and economical promotion of the maritime facilities of the Chesapeake Bay system. Related to this, as well as to the pollution control legislation already considered, was the Assembly's action in becoming the first state to ratify the Potomac River Basin Compact,<sup>33</sup> aimed at joining the interests of the United States, Maryland, Pennsylvania and Virginia in the development and protection of the resources of the basin.

#### CONFLICT OF INTERESTS ACT

A comprehensive new Conflict of Interests Act was adopted in the form of H.B. No. 387, repealing piecemeal provisions throughout the present Code and restating them in what is a substantially strengthened form.<sup>34</sup> The policy declaration in the opening section of the Act declares that the Assembly intended thereby "to establish a single body of law applicable to all state and local government officers and employees so that the standards of conduct may be uniform throughout the Commonwealth."<sup>35</sup>

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29. Ch. 324, [1970] Va. Acts 568, H.B. No. 297.

30. *Id.*

31. Governor's Address to General Assembly, 1970; S. Doc. No. 3A at 7 (1970).

32. Ch. 171, [1970] Va. Acts 203, *amending* VA. CODE ANN. § 62.1-128 (Replacement Vol. 1968).

33. Ch. 464, [1970] Va. Acts 902, H.B. No. 406.

34. Ch. 463, [1970] Va. Acts 895; S. Doc. No. 11 (1970).

35. Ch. 463, § 1, [1970] Va. Acts 896.

The basic provision of the new law is the prohibition of any contractual relationship between a member of any state agency and a business enterprise in which the member has a material interest. In addition, the member's business enterprise may not negotiate for a contract with any other state agency without full disclosure of the member's relationship to the business.<sup>36</sup> Another section of the Act prescribes standards of conduct for members of the General Assembly; it affirms the right of members to introduce, debate and vote on measures with which they are familiar by virtue of their personal or professional identity with the subject, provided that the public is fully informed of their interests.<sup>37</sup>

The subject matter is one which has agonized conscientious officeholders in both state and national governments in recent years.<sup>38</sup> While specific justiciable issues are more likely to arise at the local government level,<sup>39</sup> nationally publicized cases have made all public officials acutely conscious of the problem. Various states have introduced legislation similar to Virginia's;<sup>40</sup> in almost all cases, of necessity, that language is hortatory rather than mandatory. The primary accomplishment of the Virginia statute, in the opinion of the study commission which prepared the draft law, is a clear definition of the interests which in fact may create a conflict. "A 'material financial interest,' " the commission reported, is "a personal and pecuniary interest accruing to an officer or employee or to his spouse or to a relative who resides in the same household. There is a conclusive presumption that such an interest exists under certain defined circumstances, but there is another conclusive presumption that such an interest does not exist under certain circumstances."<sup>41</sup> A specific guideline set out in the Act is the stipulation that ownership of an interest of more than five percent, or annual compensation of more than \$5,000, shall be deemed to be a ma-

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36. Ch. 463, § 3, [1970] Va. Acts 896-97.

37. Ch. 463, § 12 [1970] Va. Acts 899-902.

38. Typical difficulties are reviewed in Sentell, *Self-Interest and Municipal Purchasing: How Now?*, 5 GA. B. J. 309 (1969).

39. *Brewer v. Howell*, 227 Ark. 517, 299 S. W. 2d 851 (1957) (purchases for school board made from board member's business); *Low v. Town of Madison*, 135 Conn. 1, 60 A.2d 774 (1948) (member of zoning commission voting on wife's application for change); *Calloway v. Borough of Wildwood Crest*, 70 N.J. Sup. 601, 176 A.2d 41 (1961) (realtor, relative of city official, making successful bid for public lands at auction).

40. *Oklahoma Code of Ethics for State Officials and Employees*, ch. 401 [1968] Okla. Acts; OKLA. STAT. § 74-1401 *et seq.* (Supp. 1969).

41. S. Doc. No. 11, at 3 (1970).

terial financial interest, while less than either of these figures is to be deemed an insufficient interest to fall under the law's injunction.<sup>42</sup>

In the case of those officers and employees who are required to make a public declaration of their business and professional connections, the commission hoped that the guidelines would serve to provide a reasonable and definite standard to be met in the future.

#### OTHER LEGISLATIVE BUSINESS

The foregoing enactments have been selected as examples of the newer, contemporary concerns of the General Assembly at the start of the 1970s. A number of other statutory revisions were also made in response to studies commissioned by the 1968 General Assembly; the Election Laws Commission, for one, made extensive recommendations for changes, several of which were adopted.<sup>43</sup> The alleged abuses of absentee balloting were treated in a new statute<sup>44</sup> limiting mail ballots to servicemen and their spouses, students and their spouses, state residents outside the continental United States, and persons confined to their homes by illness. Another statute eliminated run-off primary elections, declaring the candidate with the highest number of votes to be the winner.<sup>45</sup>

The State Crime Commission report<sup>46</sup> submitted a list of proposals, with emphasis upon research and drafting of reform legislation. A central crime laboratory for the application of up-to-date standards of crime detection was recommended at the 1968 session as well as in 1970 (without action); a corollary, in the form of a central records exchange, was also recommended in 1968 to effect a transfer from the attorney general's office to the state police, and was adopted in 1970.<sup>47</sup> Training for law enforcement officers, under standards conforming to modern police science, was provided in 1968, and the current report recommended its continuation. Finally, the commission report urged an exhaustive revision of the criminal statutes, as set out in Titles 18.1 and 19.1 of the Code; this was covered in H.J. Res. 106 requesting that the Virginia Code Commission investigate the matter of a general recodification of all state statutes.<sup>48</sup>

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42. Ch. 463, §§ 2(f) (1), (2) [1970] Va. Acts 896.

43. Cf. H. Doc. No. 140 (1970).

44. Ch. 462, [1970] Va. Acts 826, amending VA. CODE ANN. § 24.1-1 (new section).

45. *Id.*

46. H. Doc. No. 28 (1970).

47. Ch. 101, [1970] Va. Acts, amending VA. CODE ANN. § 19.1-1:1 (new section).

48. Ch. —, [1970] Va. Acts, H.J. Res. No. 106.

The Virginia Advisory Legislative Council report on the state's century-and-a-quarter-old abortion law recommended a substantial liberalization consonant with contemporary social attitudes. While the General Assembly was not disposed to make a comprehensive revision of the law, it did broaden the definition of legal abortions to include pregnancy resulting from rape or incest, or persuasive medical evidence that the birth would be attended by serious mental or physical defects.<sup>49</sup> Urban problems of transportation, treatment for emotionally disturbed children, and a variety of other subjects were reviewed and in many cases acted upon by the legislature; but these will serve to illustrate the basic point of the present analysis—that in 1970 the people of Virginia took at least the first steps toward an orderly updating of their statutory law in almost all areas of public concern.

#### PROSPECTS FOR 1972

The 1968 General Assembly, at the urging of then Governor Mills E. Godwin, created a number of study commissions in order to explore all facets of state government and discover practical needs and means for streamlining and modernizing them.<sup>50</sup> Many of these commissions have been continued into the coming biennium, since the dimensions of their assignments were of such magnitude that it was impossible to complete a meaningful, comprehensive report in the allotted time. The study of the judicial system of the state, for example, produced a mass of significant information, but in the process made it clear that more time would be needed to convert the raw data into a systems design which shows promise of highly beneficial changes in the entire process of the administration of justice.<sup>51</sup>

Similarly, the 1970 session continued the Revenue Resources and Economic Study Commission, created new commissions to study insurance coverage needs of owners of coastal properties, to make a report on the needs of handicapped children generally, to make recommendations on eminent domain legislation, and to review the so-called Income Tax Conformity Statute.<sup>52</sup> The state government, in these actions, indicates its intention to continue its consideration of contemporary issues as they are likely to develop in the future.

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49. Cf. H. Doc. No. 15 (1970); Ch. 508 [1970] Va. Acts 1101, *amending* VA. CODE ANN. §§ 18.1-62 *et seq.*

50. Chs. —, [1968] Va. Acts.

51. Virginia Consortium on Law Enforcement and Crime Prevention, *The Court System of Virginia* (Tentative Draft 1969), *passim*.

52. Ch. — [1970] Va. Acts; S.J. Res. Nos. 17, 18, 36.

By 1972, it now seems likely, the Commonwealth will be operating under what for all practical purposes will be a new constitution. Conformably with the present constitutional formula,<sup>53</sup> the exhaustive revisions of the Virginia Commission on Constitutional Revision have now been reviewed by the 1969 special session and—after an intervening election—by the 1970 session and are now being submitted to the electorate. Two amendments which had substantial (but not substantial enough) popular support were defeated in the current session—the so-called Aldhizer Amendment, relating to processes of annexation for the city of Richmond, and an amendment providing for state aid to handicapped children in church-related schools.<sup>54</sup>

Profiting from the experience of other states, which saw their investment in constitutional revision relegated to bankruptcy because the revision had been submitted to voters on an “all or none” basis, the General Assembly will submit four “packages” to the Virginia electorate. The relatively non-controversial changes, including the deletion of a large amount of obsolete language, the regrouping of various provisions into a more logical order, and the addition of constitutional policy statements on consumer protection and conservation, will be submitted as the main body of the revised constitution.<sup>55</sup> Three other referenda will deal respectively with separable issues, viz.:

1. Whether to amend the Constitution to permit the state to incur general obligation debts for capital projects when approved by the voters in bond referenda, with a debt maximum set at 25 percent of an amount equal to 1.5 times the average revenue from income and sales taxes for the three preceding years.<sup>56</sup>
2. Whether to amend the Constitution to permit pledging the full faith and credit of the Commonwealth in the case of revenue bonds, as these may be approved by a two-thirds majority of both houses of the legislature.<sup>57</sup>
3. Whether to delete the present § 60 of the 1902 Constitution, prohibiting lotteries.<sup>58</sup>

Like most of the innovative legislation adopted by the 1970 General Assembly, the revised Constitution does not represent a radical departure

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53. VA. CONST. art. XV, § 196.

54. Cf. S.J. Res. 7, H.J. Res. 15; S.J. Res. 8, H.J. Res. 18.

55. Ch. —, [1970] Va. Acts, S.J. Res. No. 12, H.J. Res. No. 13.

56. Ch. —, [1970] Va. Acts, S.J. Res. No. 11, H.J. Res. No. 14.

57. Ch. —, [1970] Va. Acts, S.J. Res. No. 10, H.J. Res. No. 16.

58. Ch. —, [1970] Va. Acts, S.J. Res. No. 9, H.J. Res. No. 17.

from state tradition; it may be said to be a moderate step in preparation for the issues to be expected in the last quarter of the century. In the final analysis the business of the 1970 General Assembly was mainly concerned with excising obsolete concepts from both the constitutional and statutory structure of the Commonwealth. Some of this has resulted in enactments which might have seemed wildly visionary if not revolutionary several decades past, and still highly impractical less than ten years ago. By 1970 they had come to be accepted as part of the essential structure of the future.

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