

used for residential purposes and frequented generally by the owner, members of his family, and farm employees shall be exempt from the provisions of the Uniform Statewide Building Code, but such buildings lying within flood plain or in a mud-slide prone area shall be subject to flood proofing regulations or mud-slide regulations, as applicable. The word "building" shall be construed as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning.

(13) "Equipment" means plumbing, heating, electrical, ventilating, air-conditioning and refrigeration equipment, elevators, dumb waiters, escalators, and other mechanical additions or installations.

(14) "Construction" means the construction, reconstruction, alteration, repair or conversion of buildings.

(15) "Owner" means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a building.

CHAPTER 623

An Act to amend and reenact § 15.1-241, as amended, of the Code of Virginia, relating to assessments for local improvements.

[H 324]

Approved April 8, 1974

Be it enacted by the General Assembly of Virginia:

1. That § 15.1-241, as amended, of the Code of Virginia is amended and reenacted as follows:

§ 15.1-241. How cost assessed or apportioned.—The cost of such improvement, when the same shall have been ascertained, shall be assessed or apportioned by the council or board, or by some committee thereof, or by any officer or board authorized by the council to make such assessment or apportionment, between the city, town or county and the abutting property owner or owners when less than the whole is assessed, provided, that in cities and towns, except when it is otherwise agreed, that portion assessed against the abutting property owner or owners shall not exceed one-half of the total cost; but in cities and towns having a population of not exceeding twelve thousand, the amount assessed shall not exceed three-fourths of the total cost of such improvement, and in cities having a population in excess of two hundred ninety thousand, the amount assessed shall not exceed the total cost.

CHAPTER 624

An Act to provide for the submission of a proposed amendment to Section 11 of Article VIII of the Constitution of Virginia to the qualified voters for ratification or rejection, and to prescribe when and how such referendum shall be had, and the manner in which the results thereof shall be ascertained and certified, the returns canvassed, and the vote thereon proclaimed by the Governor.

[H 326]

Approved April 8, 1974

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, nineteen hundred seventy-four, 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 in the joint resolution proposing such amendment to the Constitution of Virginia, and directing a submission of such proposed amendment to the people for their approval and ratification, to wit:

Amend Section 11 of Article VIII of the Constitution of Virginia as follows:

Section 11. Aid to nonpublic higher education.

The General Assembly may provide for loans to, and grants to or on behalf of, students attending nonprofit institutions of higher education in the Commonwealth whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education. The General Assembly may also provide for a State agency or authority to assist in borrowing money for construction of educational facilities at such institutions, provided that the Commonwealth shall not be liable for any debt created by such borrowing. The General Assembly may also provide for the Commonwealth or any political subdivision thereof to contract with such institutions for the provisions of educational or other related services.

At such election a ballot shall be furnished each voter which shall have printed thereon the following:

Question: Shall Section 11 of Article VIII of the Constitution of Virginia be amended so as to allow grants to or on behalf of students attending nonprofit institutions of higher education and to empower the General Assembly to permit the State or any political subdivision thereof to contract with nonprofit institutions of higher education for the provision of educational or other related services?

Yes

No

The ballot shall be prepared, distributed and voted, and the results thereof ascertained and certified, in the manner prescribed by § 24.1-165 of the Code of Virginia. It shall be the duty of the electoral board of each county and city, respectively, to make out, certify and forward an abstract of the votes cast for and against said proposed amendment in the manner now prescribed by law in relation to votes cast in general elections.

It shall be the duty of the State Board of Elections to open and canvass the said abstracts of returns, and to examine and make statement of the whole number of votes given at said election for said proposed amendment and against said proposed amendment, respectively, in the manner now prescribed by law in relation to votes cast in general elections; and it shall be the duty of the State Board of Elections to record said certified statement in its office, and without delay to make out and transmit to the Governor of the Commonwealth an official copy of said statement, certified by it.

The Governor shall, without delay, make proclamation of the result, stating therein the aggregate vote for and against said amend-

ment, to be published in such newspapers in the State as may be deemed requisite for general information; and if a majority of said votes be cast for the ratification of the amendment, he shall annex to his proclamation a copy thereof. The State Board of Elections shall cause to be sent to the clerks of each county and city, at least thirty days before the election, a copy of this act. Each such clerk shall forthwith post a copy of such act at the courthouse of such county or city.

If such amendment be approved by the voters it shall become effective on the first day of January next succeeding such election.

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

CHAPTER 625

An Act to amend and reenact § 25-46.20, as amended, of the Code of Virginia, relating to appointment, oath and powers of commissioners in an eminent domain proceeding.

[H 332]

Approved April 8, 1974

Be it enacted by the General Assembly of Virginia:

1. That § 25-46.20, as amended, of the Code of Virginia is amended and reenacted as follows:

§ 25-46.20. Appointment and oath of commissioners; commissioners to fix value of property and damages.—If the issue of just compensation is to be determined by a commission, the parties to the eminent domain proceeding may agree upon five or nine disinterested freeholders to act as commissioners, or if the parties cannot agree upon the names of commissioners, then each party shall present to the court a list containing the names of at least six freeholders from which list the court shall select the names of nine persons to be summoned as commissioners; provided, however, that no person shall serve as such commissioner for more than one full week within any three-month period, unless agreed to by the parties, all of whom shall be residents of the county or city wherein the property or the greater portion of the property to be condemned is situated ; and provided, further, if any party fails to submit a list containing six names as provided above, the judge may, in his discretion, submit such a list in such party's behalf. If nine are summoned, the petitioner and the owners shall each have two peremptory challenges and the remaining five, or the original five if only five are summoned, shall be appointed, any three or more of whom may act, and shall fix the value of the property to be taken and the damages, if any, to any other property beyond the peculiar benefits, if any, to such other property by reason of the taking and use thereof by the petitioner. Before executing their duties the commissioners shall take an oath before some officer authorized by the laws of this State to administer an oath, that they will faithfully and impartially ascertain what will be the value of the property to be taken and the damages, if any, to any other property beyond the peculiar benefits, if any, to such other property, by reason of such taking and use by the petitioner.