

CHAPTER 737

An Act to provide for the submission of a proposed amendment to Section 7 of Article X of the Constitution of Virginia, relating to collection and disposition of state revenues.

[H 184]

Approved April 10, 1984

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, 1984, 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 7 of Article X of the Constitution of Virginia as follows:

ARTICLE X.

TAXATION AND FINANCE.

Section 7. Collection and disposition of State revenues. All taxes, licenses, and other revenues of the Commonwealth shall be collected by its proper officers and paid into the State treasury. No money shall be paid out of the State treasury except in pursuance of appropriations made by law; and no such appropriation shall be made which is payable more than two years and six months after the end of the session of the General Assembly at which the law is enacted authorizing the same.

Other than as may be provided for in the debt provisions of this Constitution, the Governor, subject to such criteria as may be established by the General Assembly, shall ensure that no expenses of the Commonwealth be incurred which exceed total revenues on hand and anticipated during a period not to exceed the two years and six months period established by this section of the Constitution.

The ballot shall contain the following question:

Shall the Constitution of Virginia be amended to require a balanced State budget?

Yes

No

The ballots 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. 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. The State Board of Elections shall cause to be sent to the electoral boards of each county and city sufficient copies of the full text of the amendment and question contained herein for the officers of election to post in each polling place on election day.

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

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

If a majority of those voting vote in favor of such amendment, it shall become effective on July 1, 1986.

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

CHAPTER 738

An Act to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 23, consisting of sections numbered 59.1-285 through 59.1-301, providing for the regulation of health spas through the Virginia Health Spa Act.

[H 204]

Approved April 10, 1984

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 23, consisting of sections numbered 59.1-285 through 59.1-301 as follows:

CHAPTER 23.

VIRGINIA HEALTH SPA ACT.

§ 59.1-285. Short title.—This chapter shall be known and may be cited as the "Virginia Health Spa Act."

§ 59.1-286. Statement of purpose.—The purpose of this chapter is to safeguard the public interest against fraud, deceit, and financial hardship, and to foster and encourage competition, fair dealing and prosperity in the field of health spa services by prohibiting false and misleading advertising, and dishonest, deceptive, and unscrupulous practices by which the public has been injured in connection with contracts for health spa services.

§ 59.1-287. Definitions.—As used in this chapter:

"Business day" means any day except a Sunday or a legal holiday.

"Buyer" means a natural person who enters into a health spa contract.

"Commissioner" means the Commissioner of Agriculture and Consumer Services, or a member of his staff to whom he may delegate his duties under this chapter.

"Health spa" means and includes any person, firm, corporation, organization, club or association engaged in the sale of memberships in a program of physical exercise, which may include the use of a sauna, whirlpool, weight-lifting room, massage, steam room, or exercising machine or device, or engaged in the sale of the right or privilege to use exercise equipment or facilities, such as a sauna, whirlpool, weight-lifting room, massage, steam room or exercising machine or device. The term "health spa" shall not include the following: (i) bona fide nonprofit organizations, including, but not limited to, the Young Men's Christian Association, Young Women's Christian Association, or similar organizations whose functions as health spas are only incidental to their overall functions and purposes; (ii) any private club owned and operated by its members; (iii) any organization primarily operated for the purpose of teaching a particular form of self-defense such as judo or karate; (iv) any facility owned or operated by the United States; (v) any facility owned or operated by the Commonwealth of Virginia or any of its political subdivisions; and (vi) any nonprofit public or private school, college or university.

"Health spa contract" means a written agreement whereby (i) the buyer of health spa services purchases, or becomes obligated to purchase, health spa services to be rendered over a period longer than three months; and (ii) the seller of health spa services receives consideration to cover a period more than three months.

"Health spa services" means and includes services, privileges, or rights offered for sale or provided by a health spa.

§ 59.1-288. Right of cancellation.—Every health spa contract for the sale of future health spa services which are paid for in advance or which the buyer agrees to pay for in