

**DIGEST OF THE ACTS**  
**OF THE**  
**GENERAL ASSEMBLY OF VIRGINIA**  
**AT THE**  
**2000 SESSION**

which commenced at the Capitol in the City of Richmond on January 12, 2000, and adjourned  
sine die March 10, 2000.



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## PREFACE

This Digest of Acts has been prepared to give an overview of the legislation adopted during the 2000 Regular and Reconvened Sessions of the General Assembly of Virginia, prior to publication of the 2000 Acts of Assembly. These brief notes are not detailed synopses of the acts, but are intended to point out the major features of new measures or the principal changes in existing law. Anyone desiring more detailed information about an act should obtain its full text.

The arrangement of the Digest parallels the title and section number organization of the Code of Virginia. Under each title heading is listed every section within that title which has been amended, added, or repealed, and a brief description of the effect of the General Assembly action. Some titles have a "Miscellaneous" section containing acts which usually do not have Code section numbers but are related to the subject matter of that title. If an act affects several sections of a title, the note appears under the first section only, but the note heading lists the other affected sections. For acts affecting sections in different titles, there are appropriate cross-references. There are no cross-references to sections within the same title, so the user must scrutinize the note headings within each title. Uncodified appropriation, bond, claims, and constitutional amendment measures are included at the end of the Digest.

Please note that the section numbers appearing in this Digest are those assigned to bills at the time of drafting. Due to conflicts with other numbers already assigned, or in order to effect a more logical placement, the Virginia Code Commission in its codification of the acts may change the numbers contained in an act as shown in this Digest. The final section number assignments can be determined after the Code supplements are published by consulting the "Table of Acts Codified Subsequent to 1948" in Volume 10 of the Code.

The acts of the 2000 General Assembly will become effective on July 1, 2000, unless otherwise designated in the act itself. If an act becomes effective on a different date, the note will so indicate. If sections in an act become effective on different dates, the last line of the note will refer readers to the act itself.

Following the notes is a chart showing all other bills passed during the 2000 Regular and Reconvened Sessions of the General Assembly which have become law by virtue of being signed by the Governor, the chapter numbers assigned to those bills, and the pages where their summaries appear in the Digest. Bills passed by the General Assembly but vetoed by the Governor are omitted.

The Digest has been prepared from summaries written by the staff of the Division of Legislative Services.

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## TITLE 1. GENERAL PROVISIONS.

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§ 1-13.32. See § 59.1-501; HB 499.

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## TITLE 2.1. ADMINISTRATION OF THE GOVERNMENT GENERALLY.

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§§ 2.1-1.1, 2.1-1.3, 2.1-20.1, 2.1-20.1:02, 2.1-20.1:03, 2.1-20.1:04, 2.1-20.1:06, 2.1-20.1:5, 2.1-20.1:6, 2.1-51.27, 2.1-111, 2.1-113.1, 2.1-113.3, 2.1-114.3, 2.1-114.5, 2.1-114.7, 2.1-114.7:1, 2.1-116, 2.1-116.03, 2.1-116.07, 2.1-116.14, 2.1-116.21, 2.1-342.01, 2.1-404, 2.1-557, 15.2-1512.1, 15.2-1609.2, 22.1-209.2, 22.1-342.1, 23-50.16:24, 32.1-137.6, 51.1-126.1, 51.1-153, 51.1-205, 51.1-216, 51.1-502.1, 51.1-512.1, 51.1-513.1, 51.1-1101, 51.1-1106, and 62.1-129.1 amended. **Department of Personnel and Training.** Changes the name of the Department of Personnel and Training to the Department of Human Resource Management. HB 690; CH. 66/SB 441; CH. 657.

§§ 2.1-1.1, 2.1-1.3, 2.1-51.27, 2.1-113.1, 2.1-113.3, 2.1-116.01 through 2.1-116.05, 2.1-116.07, 2.1-116.09, 2.1-342.01, 15.2-738, 15.2-1507, and 17.1-405 amended; § 2.1-116.07:1, added. **Department of Employee Relations Counselors; grievance procedure.** Changes the name of the Department of Employee Relations Counselors to the Department of Employment Dispute Resolution. The bill also (i) authorizes the Director of the Department to hire hearing officers for grievance hearings through a competitive selection process, in addition to selecting hearing officers from the Supreme Court list, and allows the Director to establish policies for the removal of hearing officers deemed ineligible for continued selection; (ii) requires the Director to publish hearing officer decisions and Department rulings; (iii) authorizes appeals from a hearing officer's decision to the circuit court in which the grievance arose; (iv) requires the circuit court to render a final decision within 15 days from the close of the hearing; (v) provides that cost of the appeal shall not be borne by the Commonwealth or the grievant; (vi) clarifies the jurisdiction of the Court of Appeals to hear appeals from grievance hearings; (vii) requires that documents related to a grievance be made available by the opposing party upon request of a party to the grievance; and (viii) grants a records exemption from the Freedom of Information Act for information furnished in confidence to the Department with respect to an investigation, consultation, or mediation under the grievance procedure, and memoranda, correspondence and other records resulting from any such investigation, consultation or mediation. The bill contains technical amendments. HB 1177; CH. 1006/SB 732; CH. 947.

§§ 2.1-1.3 and 2.1-1.6. See § 63.1-68; HB 988.

§§ 2.1-1.4, 11-45, and 32.1-127.1:03 amended; § 2.1-812,

2.1-813, 2.1-814 added. **Office of the Inspector General for Mental Health, Mental Retardation and Substance Abuse Services.** Creates an Office of the Inspector General for oversight of facilities operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS). The Inspector General for Mental Health, Mental Retardation and Substance Abuse Services (Inspector General) shall be appointed by the Governor, subject to confirmation by the General Assembly, and report to the Governor. The Inspector General shall be appointed initially for a term that expires one full year following the end of the Governor's term of office and, thereafter, the term shall be for four years. Duties of the position include hiring personnel, entering into contracts, applying for grants, preparing reports for the Governor concerning inspections and reviews of facilities, and preparing a report concerning the Inspector General's activities, inspections, reviews, and recommendations for the General Assembly. The Office of the Inspector General's powers and duties include: (i) conducting announced and unannounced inspections of facilities operated by DMHMRSAS, (ii) accessing any and all patient and resident information related to services delivery in such facilities, (iii) monitoring reports and critical-incident data prepared by DMHMRSAS, (iv) monitoring and participating in the promulgation of regulations by the State Mental Health, Mental Retardation and Substance Abuse Services Board, and (v) receiving reports, information and complaints from the Department for Rights of Virginians with Disabilities. The Inspector General is exempt from the competitive procurement requirements. HB 1034; CH. 927.

§ 2.1-1.5. See § 33.1-426; SB 661.

§§ 2.1-1.5, 2.1-20.1, 2.1-20.1:2, 2.1-116, 2.1-342.01, and 2.1-344. See § 23-50.16:1; HB 1471.

§ 2.1-1.5. See § 23-38.53:12; HB 1528.

§ 2.1-1.5. See § 33.1-426; SB 661.

§§ 2.1-1.6 and 2.1-20.4. See § 54.1-106; HB 253.

§§ 2.1-1.6 and 2.1-20.4. See § 54.1-2503; HB 1469.

§§ 2.1-1.6, 2.1-20.4, 9-6.25:2, 54.1-300, and 54.1-700 through 54.1-705 amended; §§ 54.1-704.1 and 54.1-704.2 added; §§ 54.1-1200 through 54.1-1207 repealed. **Department of Professional and Occupational Regulation; Board for Barbers and Cosmetology.** Creates the Board for Barbers and Cosmetology by merging the current Board for Barbers and Board for Cosmetology. The merged board will be composed of two licensed barbers, two licensed cosmetologists, one licensed nail technician, who may also be a licensed cosmetologist engaged primarily in the practice of nail care, and two citizen members. In addition, the Governor shall appoint to the Board for Barbers and Cosmetology: (i) one licensed nail technician and two citizen members effective July 1, 2000, (ii) one licensed barber effective July 1, 2001, (iii) one licensed barber effective July 1, 2002, and (iv) two licensed cosmetologists

effective July 1, 2002. The current regulations of the Board for Barbers and Board for Cosmetology shall remain in effect until July 1, 2002, or until the Board for Barbers and Board for Cosmetology adopt new regulations. Obsolete language that prohibited requiring prospective barbers to provide a health certificate as a condition of licensure is removed. The bill also contains technical amendments. SB 391; CH. 726.

§ 2.1-7.4. See § 59.1-501; HB 499.

§ 2.1-20.1 amended. **State health care plan; additional coverage for retired state employees.** Requires the state health care plan to provide optional coverage for vision and dental care for retired state employees. HB 961; CH. 534.

§ 2.1-20.1. See § 32.1-325; HB 1176.

§ 2.1-20.1. See § 38.2-3407.13:1; HB 1497.

§ 2.1-20.1. See § 38.2-3418.7; SB 26.

§ 2.1-20.1. See § 38.2-4319; SB 541.

§ 2.1-20.1:02 amended. **Health insurance; long-term care insurance for local employees.** Allows local governments or school boards, upon their option, to participate in the long-term care insurance or other benefit program made available to them by the Department of Personnel and Training. HB 1458; CH. 649/SB 517; CH. 620.

§§ 2.1-20.1:2, 2.1-20.1:3, 2.1-20.1:6, 2.1-116.24, and 2.1-384.1. See § 51.1-124.3; HB 135.

§ 2.1-20.1:7 amended. **Retirement; health insurance credits for retired local officers.** Expands the recipient base of the retiree health insurance credit currently provided to certain local officers and their employees to include all constitutional officers and all their employees. HB 134; CH. 517.

§ 2.1-20.1:8 added. **State employees; defense of such persons.** Provides that any state agency, board, or other employer of a state employee, other than an agency head, may employ counsel to defend such person when he is investigated of a crime, arrested, indicted, or otherwise prosecuted on any charge arising out of his official duties. The state entity must first make a preliminary finding that (i) the employee did not violate any law, ordinance or regulation as a result of the act in question, and (ii) the employee will not be terminated from employment as a result of such act. In addition, the Attorney General must approve of the counsel hired and the reasonable compensation to be paid to such counsel. Compensation for counsel will be paid out of the funds appropriated for the state agency, board, or other employer of the state employee. SB 579; CH. 1030.

§§ 2.1-1.6 and 2.1-20.4. See § 54.1-2503. HB 1469.

§ 2.1-21 amended. **Legal holidays.** Designates the Friday preceding the third Monday in January as Lee-Jackson Day. The

bill redesignates the third Monday in January as Martin Luther King, Jr., Day. HB 1124; CH. 454/SB 672; CH. 392.

§§ 2.1-41.2, 2.1-116, 2.1-342.01, and 2.1-344. See § 23.38-75; HB 438/SB 359.

§§ 2.1-41.3, 2.1-127.1, 3.1-14.1, and 8.01-220.1:4 added. **Nonprofit boards; national trust entities.** Authorizes the Governor, the Attorney General, and the Commissioner of Agriculture and Consumer Services to sit on the Virginia Tobacco Trust Certification Board. The bill also extends civil immunity to these officials as well as the other directors of such entity. HB 850; CH. 1048 (effective-see bill).

§ 2.1-51.6:6 added. **Governor's Substance Abuse Prevention Program.** Gives the Governor the responsibility to administer the substance abuse prevention program within the Commonwealth and authority to authorize, direct and coordinate activities of state agencies in such program. The bill also provides the Governor with authority to establish an office of substance abuse prevention and to review and determine the direction and appropriateness of substance abuse prevention program expenditures by state agencies. The Governor shall report annually by December 1 of each year to the General Assembly on the activities of the office. HB 612; CH. 90/SB 218; CH. 249.

§§ 2.1-51.14, 2.1-746, 2.1-747, 2.1-748, 2.1-752, 2.1-759, 2.1-759.1, and 9-6.25:3 amended; § 2.1-746.1 added. **Children; Comprehensive Services Act for At-Risk Youth and Families.** Creates the Office of Comprehensive Services for At-Risk Youth and Families, under the lead of the Secretary of Health and Human Resources. The Office would assume the responsibilities of the state management team to develop programs and fiscal policies that promote and support cooperation and collaboration in the provision of services at the state and local levels to troubled and at-risk youth and their families. The Office would also provide for training, oversight, and technical assistance to localities, serve as a liaison to participating state agencies, and hire a director and appropriate staff. The new state and local advisory team would provide many of the same functions in an advisory capacity to the Office. The state executive council would also be expanded to include the Director of Medical Assistance Services; two local government representatives to include a member of a county board of supervisors or a city council and a county administrator or city manager; and a private provider that maintains membership in an association of providers for children's or family services and receives funding as authorized by the Comprehensive Services Act. HB 1510; CH. 937.

§ 2.1-51.27:1 amended. **Virginia War Memorial Foundation; board of trustees.** Increases the membership of the board of trustees from 15 to 17, excluding the Secretary of Administration who serves ex officio, by increasing the appointments from the House of Delegates from three to four and the Senate from two to three. The bill provides that current members of the board of trustees whose terms have not expired as of July 1, 2000, shall not be affected. HB 59; CH. 156.

§ 2.1-51.47. See § 59.1-501; HB 499.

§ 2.1-114.5 amended; § 2.1-114.5:02 added; § 2.1-526.10 repealed. **Department of Personnel and Training; administration of the state workers' compensation program.** Transfers the administration of the workers' compensation insurance program for state employees from the Department of General Services' Division of Risk Management to the Department of Personnel and Training. HB 847; CH. 633/SB 388; CH. 697.

§ 2.1-124 amended. **Attorney General; prosecution of criminal cases.** Amends Attorney General's jurisdiction in prosecuting crimes. The bill would create original jurisdiction for the Attorney General to prosecute, with the concurrence of the local attorney for the Commonwealth, violations of the Virginia Computer Crimes Act (§ 18.2-152.1 et seq.) and crimes committed by Medicaid providers and their employees. HB 1362; CH. 239.

§ 2.1-133.7 amended. **Line of Duty Act; death benefits.** Increases, from \$50,000 to \$75,000, the death benefit for beneficiaries of law-enforcement officers and firefighters who die in the line of duty. HB 77; CH. 314.

§ 2.1-133.7:1 amended. **Health insurance and retirement benefits; surviving spouses of persons killed in the line of duty.** Provides that health insurance benefits to a surviving spouse of a person killed in the line of duty do not terminate as a result of the surviving spouse remarrying. SB 415; CH. 616.

§ 2.1-177 amended. **State Treasurer; appointment.** Clarifies that the State Treasurer serves a term coincident with the Governor making the appointment or until a successor to the State Treasurer is appointed and qualified. HB 456; CH. 25/SB 238; CH. 275.

§§ 2.1-342.01, 8.01-195.9, 8.01-588.1, 15.2-1527, 15.2-1533, 15.2-2702, 32.1-127.3, 51.1-1130, and 54.1-106 amended; §§ 2.1-191.5 through 2.1-191.16 added; §§ 2.1-526.1 through 2.1-526.11:1 repealed. **Division of Risk Management.** Transfers the Division of Risk Management, currently within the Department of General Services, to the Department of the Treasury. The bill also contains technical amendments related to this transfer. HB 828; CH. 632/SB 479; CH. 618.

§§ 2.1-234.11 and 2.1-234.13 amended. **Virginia Public Building Authority; powers.** Clarifies that the furnishing of a project is included in the definition of "cost." The bill removes the reference to the \$1,140 million cap on the total principal amount of certain outstanding bonds because it appears in the appropriation act. The bill contains technical amendments. HB 743; CH. 67/SB 367; CH. 279.

§ 2.1-342.01 amended. **Freedom of Information; exemptions.** Provides that, as it relates to any person, electronic toll collection records that identify an individual, vehicle, or travel itinerary including, but not limited to, vehicle identification data, vehicle enforcement system information, video or photographic images, Social Security or other identification numbers appearing on drivers' licenses, credit card or bank account data, home addresses, phone numbers, or records of the date or

time of toll facility use are exempt from disclosure under the Freedom of Information Act. HB 1005; CH. 583/SB 390; CH. 592.

§ 2.1-342.01 amended. **Freedom of Information Act; record exemptions.** Provides a record exemption from the Freedom of Information Act for records of the Department of Environmental Quality, the State Water Control Board, State Air Pollution Control Board or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such records shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This exemption shall not be construed to prohibit the disclosure of records related to inspection reports, notices of violation, or documents detailing the nature of any environmental contamination that may have occurred or similar documents. HB 1165; CH. 237.

§ 2.1-342.01 amended. **Freedom of Information Act; records exemption for the Attorney General.** Clarifies the records exemption from the Freedom of Information Act for written advice of legal counsel to state, regional, or local public bodies or public officials. HB 1187; CH. 430.

§§ 2.1-342.01 and 2.1-343.2 amended. **Freedom of Information Act; records exemptions for certain local housing programs.** Grants a records exemption for personal information, as defined under the Privacy Protection Act of 1976, filed with any local redevelopment and housing authority concerning persons who have applied for occupancy or who have occupied affordable dwelling unit programs funded by local governments or by any such authority. The bill also provides that the Freedom of Information Act shall not be construed to prohibit the House of Delegates or the Senate of Virginia from adopting rules relating to the casting of votes by a member of a standing committee. HB 1295; CH. 932.

§ 2.1-342.01. See § 51.5-37.1; HB 1304.

§§ 2.1-342.01, 2.1-717, 2.1-724, and 2.1-725 amended. **Freedom of Information Act; records exemption for local human rights councils.** Exempts investigative notes and other correspondence and information furnished in confidence with respect to an investigation or conciliation process by local human rights or human relations commissions. The bill also contains technical amendments. HB 1327; CH. 933.

§§ 2.1-342.01, 2.1-344, 8.01-225, 9-6.25:2, 58.1-3812, and 58.1-3814 amended; §§ 2.1-563.35:4, 56-484.12 through 56-484.17, and 58.1-3813.1 added; §§ 56-484.8 through 56-484.11, and 58.1-3813 repealed. **Enhanced Public Safety Telephone Services (E-911).** Establishes the Wireless E-911 Services Board and the Public Safety Communications Division of the Department of Technology Planning, and continues the Wireless E-911 special fund. The Board shall be responsible for promoting and assisting the development, deployment and maintenance of a statewide enhanced emergency telecommunications system and enhanced wireline emergency tele-



communication services in specific local jurisdictions not currently wireline E-911 capable. The Board shall also be responsible for overseeing and allocating the wireless E-911 special funds and managing moneys appropriated for enhanced wireline emergency telecommunication services in local jurisdictions not wireline E-911 capable as of July 1, 2000. Each mobile service provider shall collect a surcharge in the amount of 75 cents per month per customer, to be paid into the Wireless E-911 Fund. The Board shall use the moneys in the fund to pay the operators of the systems for their costs of operation pursuant to a budget proposal submitted to and reviewed by the Board. The Board shall have enforcement authority to ensure that funds are spent for their intended purposes and shall review each operator's actual expenditures at the end of each year. Local jurisdictions which have or will establish enhanced E-911 services are authorized to impose a special tax in an amount not to exceed \$3.00 per month per customer to be accounted for in a separate special revenue fund or in a cost center and revenue accounting system acceptable to the Auditor of Public Accounts. Funds collected from the tax shall be used to pay for reasonable and direct capital costs and operating expenses incurred by the E-911 service facility. All local jurisdictions are required to be operating a wireline E-911 system by July 1, 2003. Certain documents submitted to the Wireless Carrier E-911 Cost Recovery Subcommittee created by the bill are exempt from disclosure under the Freedom of Information Act and the Subcommittee is granted an exemption to convene in a closed meeting when discussing or considering such documents. SB 148; CH. 1064.

§ 2.1-342.01. See § 51.5-37.1; SB 552.

§§ 2.1-342.2 and 2.1-343 amended. **Freedom of Information Act; disclosure of criminal records; notice of meetings.** Clarifies that certain records maintained by law-enforcement agencies are exempt from disclosure under the Freedom of Information Act (FOIA). The bill also clarifies that FOIA requires every public body to give notice of the date, time, and location of its meetings by placing the notice in a prominent public location at which notices are regularly posted and in the office of the clerk of the public body, or in the case of a public body which has no clerk, in the office of the chief administrator. This bill is a recommendation of the Joint Subcommittee Studying the Freedom of Information (HJR 501, 1999). HB 445; CH. 227.

§§ 2.1-346.2 through 2.1-346.5 added. **Freedom of Information; Virginia Freedom of Information Advisory Council.** Creates the Virginia Freedom of Information Advisory Council in the legislative branch and sets its membership, terms, and powers and duties. Daily operations of the Council shall be carried out by its staff, which will come from the Division of Legislative Services. The duties of the Council are to (i) provide training about the Freedom of Information Act (FOIA), (ii) furnish, upon request, advisory opinions and guidelines on the requirements of FOIA, and (iii) publish educational materials on FOIA. There is a two-year sunset placed on the Council. The bill is a recommendation of the Joint Subcommittee Study-

ing the Freedom of Information Act (HJR 501, 1999). HB 551; CH. 917/SB 340; CH. 987.

§ 2.1-361 amended. **Virginia Security for Public Deposits Act; exemption for certain deposits.** Provides that the Virginia Security for Public Deposits Act shall not apply to deposits made by the State Treasurer in out-of-state financial institutions related to master custody and tri-party repurchase agreements, provided (i) such deposits do not exceed 10 percent of average monthly investment balances and (ii) the out-of-state financial institutions used for this purpose have a short-term deposit rating of not less than A-1 by Standard & Poor's Rating Service or P-1 by Moody's Investors Service, Inc., respectively. HB 457; CH. 352/SB 239; CH. 335.

§ 2.1-373 amended. **Department for the Aging toll-free hotline.** Establishes within the Department for the Aging a toll-free number to provide resource and referral information to older Virginians and their families, and to provide such other assistance and advice as may be requested. HB 1199; CH. 307/SB 519; CH. 313.

§§ 2.1-373.02 amended; §§ 2.1-373.15 through 2.1-373.18 added. **Grant program for respite care services.** Provides up to \$100,000 in matching funds to organizations for the development or expansion of adult day care services or other services that provide respite care to aged, infirm or disabled adults. The bill sets out the process for applying for grants, and authorizes the Department for the Aging to examine the books and records of the community respite care organization to verify that it has satisfied the grant requirements. The bill also will not become effective unless an appropriation effectuating the purpose of the bill is included in the 2000 appropriation act enacted into law by the Governor. SB 518 provides a similar grant program for respite care services, but does not include the appropriation contingency. HB 1200; CH. 877.

§ 2.1-373.02 amended; §§ 2.1-373.15 through 2.1-373.18 added. **Grant program for respite care services.** Provides up to \$100,000 in matching funds to organizations for the development, expansion or start-up operation of adult day care services or other services that provide respite care to aged, infirm or disabled adults. The bill sets out the process for applying for grants, and authorizes the Department for the Aging to examine the books and records of the community respite care organization to verify that it has satisfied the grant requirements. HB 1200 provides a similar grant program for respite services but includes a provision that the act will not become effective unless an appropriation effectuating the purpose of the bill is included in the 2000 appropriation act enacted into law by the Governor. SB 518; CH. 896.

§ 2.1-373.12 amended. **Duties of the Department for the Aging.** Requires the Department to enter into a contract with an appropriate research entity with expertise in gerontology, disabilities, and public administration to conduct an evaluation of local public guardian and conservator programs and to provide a report with recommendations to the Commissioner of the Department for the Aging and to the Public Guardian and Conservator Advisory Board by December 1, 2003, and every

four years thereafter if the General Assembly appropriates money for the evaluation. SB 400; CH. 463.

**§ 2.1-380 amended. Internet privacy policy.** Directs every public body that has an Internet website to develop an Internet privacy policy ("Policy") and an Internet privacy policy statement ("Statement") by December 1, 2000. The Policy shall be consistent with the requirements of the Privacy Protection Act of 1976 and be tailored to reflect the individual public body's information practices. The Statement, which explains the Policy, shall be posted on the public body's website in a conspicuous manner by January 1, 2001. The bill also makes a technical amendment to correct an incorrect cross-reference. This bill is a recommendation of the Joint Commission on Technology and Science. HB 513; CH. 405.

§§ 2.1-380. See § 63.1-209; HB 1360.

**§ 2.1-391 amended. Department of Planning and Budget; performance budgeting.** Includes as additional duties of the Department of Planning and Budget the (i) development, coordination and implementation of a performance management system involving strategic planning, performance measurement, evaluation, and performance budgeting within state government; and (ii) development, implementation and management of an Internet-based information technology system to ensure that citizens have access to performance information. The bill also calls for the establishment of a Performance Management Advisory Committee to provide input regarding the direction and results of the state's performance management efforts. HB 1065; CH. 424.

**§ 2.1-457.2 amended. Department of General Services; purchase of surplus materials by children's homes.** Requires the Department of General Services, in their surplus materials procedure, to permit surplus materials to be sold to Virginia charitable corporations granted tax-exempt status under § 501 (c) (3) of the Internal Revenue Code and operating as children's homes. The bill contains technical amendments. HB 951; CH. 636.

**§ 2.1-457.2 amended. Department of General Services; disposition of surplus computers and related equipment.** Permits the donation of surplus computers and related equipment to public schools in Virginia and Virginia charitable corporations granted tax-exempt status under § 501 (c) (3) of the Internal Revenue Code and providing services to persons with disabilities, at-risk youths, and low income families. The bill defines "at-risk youth." SB 285; CH. 615.

**§ 2.1-457.2 amended. Department of General Services; disposition of surplus materials.** Permits the donation of surplus materials to public television stations located in Virginia and other nonprofit organizations approved for the distribution of federal surplus materials. SB 584; CH. 661.

**§ 2.1-481 amended. Department of General Services; upkeep and maintenance of the Virginia War Memorial Carillon.** Requires the Director of General Services (DGS) to enter into an agreement with the City of Richmond to allow the

City to collect user fees for the use of the Virginia War Memorial Carillon. The bill requires the City to report annually to the Director of DGS regarding the fees collected by the City and its expenditures for the upkeep, maintenance, and improvement of the Carillon. The bill also provides that the proceeds from the lease or other conveyance of any interest in the Carillon by DGS shall be paid to the City for upkeep of the Carillon. Other uses of such funds by the City are prohibited. The bill contains an emergency clause. HB 1481; CH. 612/SB 713; CH. 599 (effective 4/7/00).

**§ 2.1-488.4 amended. Portraits of certain state elected officials.** Removes from the list of works of art that must be approved by the Governor acting with the advice and counsel of the Art and Architectural Review Council, portraits of the Governor, the presiding officer of the Senate, and members of the General Assembly displayed in the appropriate chambers or other buildings under the control and supervision of the person's respective body or office. In addition, the bill deletes an obsolete provision relating to pending litigation and makes several style changes. SB 656; CH. 551.

**§ 2.1-504.2 amended. Department of General Services; review of proposed acquisitions of real property; exceptions.** Provides an exemption from the mandatory review by the Department of General Services and approval of the Governor for the acquisition of easements to further the purposes of the Virginia Land Conservation Foundation and the Open-Space Land Act. This bill is intended to simplify the process by which conservation easements are acquired. HB 858; CH. 748.

**§ 2.1-508 amended. Location of state facilities and programs.** Requires state agencies to evaluate the feasibility of siting state facilities in the Commonwealth's urban centers. In making such evaluation, the agency shall consider the fiscal advantages and conveniences associated with placing state facilities in such areas and whether the local governing body is supportive of the location as a desirable use of available land resources. The bill exempts facilities located on campuses of public institutions of higher education. This is a recommendation of the Commission on the Condition and Future of Virginia's Cities. SB 670; CH. 704.

§§ 2.1-548.43:2, 2.1-548.43:3, 2.1-548.43:4, 2.1-548.43:5, and 2.1-548.43:6 amended. **Virginia Investment Partnership Act.** Expands the Virginia Investment Partnership Act to also include certain nonmanufacturing basic employers who make a capital investment of at least \$100 million and create at least 1,000 jobs. SB 776; CH. 571.

**§ 2.1-548.57 amended. Virginia Tourism Authority.** Increases the size of the Board of Directors of the Tourism Authority from 13 to 15 by adding the Secretary of Natural Resources and one citizen member appointed by the Governor. SB 592; CH. 899.

**§ 2.1-563.27:2 amended. Virginia Public Broadcasting Board; definitions.** Removes the word "transmitters" from the definition of a public broadcasting station to allow certain pub-

lic television stations to receive funding. HB 492; CH. 32/SB 454; CH. 281.

§§ 2.1-563.42, 2.1-563.43, and 2.1-563.44 added. **Security of government database.** Requires the Governor to direct an appropriate entity to conduct periodic audits of all executive branch agencies and institutions of higher education regarding security procedures for protecting government databases and data communications. The designated entity may contract with a private firm or firms in completing this task. All government entities subject to such audits are to fully cooperate with the designated entity. HB 614; CH. 961.

§ 2.1-639.14 amended. **Conflict of Interests Act.** Provides that those school board employees and persons appointed to "positions of trust" by school boards designated by an adopted policy of the school board are to file disclosure statements. Currently, these individuals may be required to file disclosure statements pursuant to an ordinance adopted by the local governing body. HB 636; CH. 317.

§ 2.1-704. See § 60.2-613; HB 1464.

§§ 2.1-707, 2.1-708, 2.1-710.1, 2.1-710.2, and 2.1-710.3. See § 63.1-133.49; HB 1383.

§§ 2.1-707, 2.1-708, 2.1-710.1, 2.1-710.2, and 2.1-710.3. See § 63.1-133.49; SB 628.

§§ 2.1-707 and 2.1-708. See § 63.1-133.49; HB 1383.

§§ 2.1-707 and 2.1-708. See § 63.1-133.49; SB 628.

§ 2.1-721 amended. **Virginia Human Rights Council; issuance of subpoena duces tecum.** Clarifies that employers covered under the Human Rights Act are subject to the procedure provided to the Council for issuance of subpoena duces tecum. HB 644; CH. 64.

§ 2.1-746 amended. **State Executive Council for Comprehensive Services for At-Risk Youth and Families; membership.** Provides for the Governor to appoint two elected or appointed local officials of which one shall be a member of a local governing body and one shall be a chief administrative officer of a local governing body. Under current law, the Governor appoints one elected or appointed local official. SB 611; CH. 900.

§ 2.1-757 amended. **State pool of funds; at-risk youth and families.** Requires courts, prior to final disposition, to refer cases where the pool of funds for at-risk youth and families are to be accessed to a local assessment and planning team for a recommendation regarding the level of treatment and services needed by the child and family. The local family assessment and planning team must make a report or forward a copy of the individual family services plan to the judge within 30 days of the written referral. The court then shall consider the recommendation, but is not bound by it. HB 450; CH. 914.

§ 2.1-786 amended. **Lobbyist reports.** Provides that the principal's and lobbyist's signatures on the lobbyist annual disclosure statement must be original signatures or electronic signatures in the format specified by the Secretary of the Commonwealth. Present law requires original signatures. HB 830; CH. 297.

§§ 2.1-812, 2.1-813, and 2.1-814 added. **Mental Health, Mental Retardation and Substance Abuse Services Trust Fund.** Establishes the Mental Health, Mental Retardation and Substance Abuse Services Trust Fund for the net proceeds of the sale of vacant buildings held by the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS). The fund shall also consist of such moneys as shall be appropriated by the General Assembly and any private donations. The fund is administered by the Commissioner of the DMHMRSAS. Moneys in the fund are to be used to enhance and ensure the quality of care and treatment provided to consumers of the Commonwealth's mental health, mental retardation and substance abuse services. The proceeds from the sale of any vacant DMHMRSAS buildings and land are to be first used to (i) deliver mental health and other services within the same service area as where such sold buildings and land were located; and (ii) provide benefits to those persons who will no longer be employees of the Commonwealth as a result of such sale. The bill also requires the Commissioner of the DMHMRSAS to develop a comprehensive plan for the restructuring of the Commonwealth's mental health care programs and facilities and to provide the final plan by December 15, 2000, to the Governor and enumerated members of the General Assembly. Any restructuring plan or proposed sale of a facility shall be approved by the General Assembly. HB 1293; CH. 606/SB 731; CH. 569.

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## TITLE 2.1. MISCELLANEOUS - ADMINISTRATION OF THE GOVERNMENT GENERALLY.

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**Meetings of board of visitors of the University of Virginia.** Extends from July 1, 2000, to July 1, 2002, the authority of the board of visitors of the University of Virginia to conduct meetings via audio/video communication when at least two-thirds of the membership is physically assembled at its regular meeting place and when the customary requirements of public notice, voting and recordation of the meetings are followed. HB 26; CH. 909.

**Virginia Freedom of Information Act (FOIA); electronic communication meetings.** Extends the exemption of certain public bodies from the FOIA's electronic communication meeting restrictions from July 1, 2000, to July 1, 2002. The exempted entities are (i) any public body (a) in the legislative branch of state government or (b) responsible to or under the supervision, direction, or control of the Secretary of Commerce and Trade or the Secretary of Technology or (ii) the State

Board for Community Colleges. The bill also extends from October 15, 2000, to April 15, 2001, the filing date for submitting a report detailing their experience with meetings held under this pilot program. HB 54; CH. 910.

**Extending the sunset date of Chapter 704 of the Acts of Assembly of 1999.** Extends the exemption of certain public bodies from the FOIA's electronic communication meeting restrictions from July 1, 2000, to July 1, 2002. The exempted entities are (i) any public body (a) in the legislative branch of state government or (b) responsible to or under the supervision, direction, or control of the Secretary of Commerce and Trade or the Secretary of Technology or (ii) the State Board for Community Colleges. The bill also extends from October 15, 2000, to April 15, 2001, the filing date for submitting a report detailing their experience with meetings held under this pilot program. SB 242; CH. 983.

**Virginia Tourism Authority; Heart of Appalachia.** Requires the Virginia Tourism Authority to designate the region known as the Heart of Appalachia, consisting of Planning Districts 1 and 2, as the eighth marketing region in Virginia. HB 882; CH. 1003.

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### TITLE 3.1. AGRICULTURE, HORTICULTURE AND FOOD.

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§ 3.1-14.1. See § 2.1-41.3; HB 850.

§§ 3.1-18.4, 3.1-18.5, 3.1-18.6, and 3.1-18.8 amended. **Protection of farm and forest lands.** Revises the Important Farmlands law, which requires state agencies to evaluate the impacts of their actions on farm and forest lands. The bill replaces the definition of "important farmlands" with a set of characteristics that are exhibited by farm and forest lands that are worthy of protection, and clarifies that the requirement of evaluating impacts on farm and forest lands applies to highway and road construction projects. With regard to state agency farmland protection plans, the bill requires annual updates, review by the Secretary of Commerce and Trade, and that the Secretary submit an annual report to the standing committees of jurisdiction in the General Assembly. This is a recommendation of the Commission on the Future of Virginia's Environment. HB 552; CH. 22/SB 396; CH. 778.

§ 3.1-22.19 amended. **Virginia Farmer Major Drought, Flood and Hurricane Disaster Act.** Allows localities to develop grant programs to supply emergency financial assistance to farmers to offset a portion of any operating losses resulting from a major disaster as declared by the Governor. This is emergency legislation. HB 1288; CH. 16 (effective 3/1/00).

§ 3.1-73.5 amended. **Farmers markets.** Requires that persons operating farmers markets pursuant to a contract with the Commissioner of Agriculture and Consumer Services annually sub-

mit to the Commissioner and the Farmers Market Board a plan for, and a report on, the operation of the market. The plan is to describe the operator's goals for the coming year, and the report is to describe the extent to which the goals for the previous year were met. The Commissioner must annually submit a report summarizing the market operators' reports and plans to the chairmen of the standing committees of jurisdiction in the General Assembly. There are currently four wholesale farmers markets to which this bill would apply. This is a recommendation of the Joint Subcommittee Studying Virginia's Farmers Market System. HB 1038; CH. 536.

§ 3.1-73.5:1 added. **Local retail farmers markets.** Allows localities to establish, operate, and maintain local retail farmers markets. HB 973; CH. 15.

§§ 3.1-188.21 and 3.1-188.27 amended. **Virginia Pest Law.** Repeals the requirement that the Commissioner of the Department of Agriculture and Consumer Services must appoint a State Entomologist and Plant Pathologist. The bill also authorizes the Commissioner to cooperate with public and private organizations to suppress, control, eradicate, or to prevent or retard the spread of any pest. SB 534; CH. 730.

§ 3.1-533 amended; §§ 3.1-530.10 and 3.1-545.1 added. **Milk and milk products; penalty.** Provides that the Commissioner of Agriculture and Consumer Services may impose civil penalties on individuals who violate the provisions of regulations adopted by the Board of Agriculture and Consumer Services regarding standards of quality, permits, and sanitary requirements for milk, milk products, and milk production. Civil penalties imposed by the Commissioner are to be paid into the general fund of the state treasury. SB 674; CH. 993.

§§ 3.1-722.29 through 3.1-722.43 added. **Cotton handlers.** Establishes a new law concerning cotton handlers, which includes cotton gins, merchants and warehouses. The bill contains requirements for licensing and bonds to be furnished by handlers, recordkeeping requirements, and provisions on the inspection and enforcement authority of the Department of Agriculture and Consumer Services. HB 1037; CH. 584.

§ 3.1-796.93:1 amended. **Local animal ordinances.** Provides that an animal control officer shall confine an animal believed to be a dangerous or vicious dog until a decision is made by a magistrate as to whether or not the animal is a dangerous or vicious dog. The bill provides that an animal control officer may permit the owner or custodian to confine the animal until a decision is made if the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety. Currently, the owner of the animal may confine the animal until a decision is made without a determination by the animal control officer that the owner can confine the animal in a manner that protects the public safety. HB 638; CH. 11/SB 440; CH. 727.

§§ 3.1-796.96 and 3.1-796.120 amended. **Animal pounds.** Allows the Board of Agriculture and Consumer Services to impose civil penalties on animal shelters and county and city pounds that are violating Board regulations. The penalties may

not exceed \$1,000 per violation, and each day is considered a separate offense. In determining the amount of any civil penalty, the Board shall consider (i) the history of previous violations at the pound; (ii) whether the violation has caused injury to, death or suffering of, an animal; and (iii) the demonstrated good faith of the locality to achieve compliance after notification of the violation. This bill has a delayed effective date of July 1, 2001. HB 1514; CH. 1010.

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### TITLE 3.1. MISCELLANEOUS - AGRICULTURE, HORTICULTURE AND FOOD.

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**Noxious weeds.** Declares the Purple Loosestrife, and its hybrids and cultivars, a noxious weed and requires the Commissioner and the Board of Agriculture and Consumer Services to regulate the transport and sale of this weed under the Noxious Weed Law. SB 162; CH. 372.

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### TITLE 4.1. ALCOHOLIC BEVERAGE CONTROL ACT.

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**§§ 4.1-100, 4.1-207 4.1-219, and 4.1-231 amended. Alcoholic beverage control; farm winery licenses.** Divides farm winery licenses into two classifications, Class A or Class B, depending on (i) the percentage of fresh fruit or agricultural products used by the licensee in the production of wine and (ii) whether the licensee is required to grow the grapes/fruit on the property that constitutes the farm winery. With the Class A license, at least 51 percent of the agricultural product must be grown or produced on the farm (in Virginia). With the Class B farm winery license, 75 percent of the agricultural products used must be grown or produced in Virginia; however this license allows the licensee to enter into agreements for the purchase of grapes or other fruits from agricultural growers in Virginia. The bill provides for the state license tax to be paid by the Class A farm winery licensee and the Class B farm winery licensee. The bill also provides that no Class B farm winery license shall be granted to any person who has not operated under an existing farm winery license for at least seven years. HB 1093; CH. 1052/SB 771; CH. 1037.

**§§ 4.1-100, 4.1-201, and 4.1-207 amended. Alcoholic beverage control; farm wineries.** Increases from 14 to 18 percent the amount of alcohol per volume of wine that a farm winery may produce. The bill also contains technical amendments. SB 591; CH. 786.

**§ 4.1-105.** See § 58.1-3; HB 1387/SB 653.

**§ 4.1-128 amended. Alcoholic beverage control; local taxes on alcoholic beverages.** Provides that no provision of law,

general or special, shall authorize any county, city or town to adopt any ordinance or resolution which imposes any tax on the sale of alcoholic beverages, except for certain local taxes enumerated in the bill. However, this shall not affect the authority of any locality to impose a license or privilege tax or fee on a business engaged in the sale of alcoholic beverages if such is based on a flat or percent fee or is an annual or privilege tax which includes alcoholic beverages and treats them the same as nonalcoholic beverages. HB 416; CH. 450/SB 346; CH. 381.

**§§ 4.1-208, 4.1-210, 4.1-231, and 4.1-233 amended. Acoholic beverage control; annual mixed beverage amphitheater licenses.** Creates a new annual mixed beverage amphitheater license issued by the ABC Board to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 20,000 persons and is located in any county with a population between 210,000 and 216,000 (Prince William County) or in any city with a population between 392,000 and 394,000 (Virginia Beach). Such license authorizes the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption. The bill also provides for the payment of a state and local license tax. The bill contains technical amendments. The bill also authorizes individuals who hold a brewery license to operate a facility designed for and utilized exclusively for the education of persons in the manufacture of beer, including sampling of such products, within a theme or amusement park located on the premises occupied by such brewery or upon contiguous property. Samples must be consumed on the premises and only by individuals to whom such products may be lawfully sold. HB 795; CH. 1047.

**§§ 4.1-210, 4.1-231, and 4.1-233 amended. Alcoholic beverage control; annual mixed beverage amphitheater licenses.** Creates a new annual mixed beverage amphitheater license issued by the ABC Board to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 5,000 persons and is located in any city with a population between 103,900 and 104,500 (Portsmouth). Such license authorizes the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The bill also provides for the payment of a state and local license tax. The bill contains technical amendments. HB 1078; CH. 1051/SB 769; CH. 1036.

**§ 4.1-223 amended. Alcoholic beverage control; refusal to grant license.** Eliminates the one year residency requirement for wholesale beer and wine licenses and replaces it with a restatement of the tied house prohibitions. Under current law,

the ABC Board must refuse to grant a license to any applicant for a wholesale beer or wine license who does not meet the one year residency requirement. The bill also requires the ABC Board to review certain wholesale licenses it issued to any manufacturer prior to July 1, 2000, in light of this change in law. SB 523; CH. 823.

**§ 4.1-224 amended. Alcoholic beverage control; hearings by the Alcoholic Beverage Control Board.** Allows the ABC Board to deny a hearing when an applicant receives a restricted license and reapplies within 12 months of the date of the issuance of such license for a lesser-restricted license at the same location. HB 1455; CH. 147.

**§ 4.1-240 added. Alcoholic beverage control; payment of taxes and fees by credit or debit cards.** Authorizes the ABC Board to accept credit or debit cards in payment for the taxes, penalties or other fees imposed on a licensee. In addition, the Board may assess a service charge for the use of a credit or debit card. The service charge shall not exceed the amount negotiated and agreed to in a contract with the Department. HB 747; CH. 801.

**§ 4.1-305.** See § 18.2-259.1; HB 991.

**§ 4.1-325 amended. ABC; compensation of employees.** Removes the prohibition against any person receiving a percentage of the income of a licensed business or to have any beneficial interest in such business. Current regulations specifically allow employees of retail wine and beer or beer-only establishments to receive compensation based on the total volume of sales, including alcohol, but this does not apply to mixed beverage licensees. SB 457; CH. 780.

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## TITLE 6.1. BANKING AND FINANCE.

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**§§ 6.1-2.21, 6.1-2.27, and 38.2-1810 amended; § 6.1-2.23:1 added. Consumer Real Estate Settlement Protection Act; licensing requirements, standards and financial responsibility.** Requires title insurance agents acting in the capacity of settlement agents to be licensed. No insurer may intentionally make any materially false or misleading statement or entry on a settlement statement. In addition to current statutory penalties for violating this act, the State Corporation Commission may order a penalty of up to \$5,000 for each violation; issue a temporary or permanent injunction, or restraining order; and order restitution to be made. These penalties are not exclusive of penalties set out by other licensing authorities, including penalties for the unauthorized practice of law. An insurer licensed for the business of title insurance who knows or believes one of its agents has committed any act of larceny in that agent's provision of escrow, closing or settlement services shall file with the Commission a complete statement of the relevant facts and circumstances. Statements are privileged communications, and do not subject the insurer, or its representative, to any liability. SB 620; CH. 549.

**§ 6.1-112 amended. Identifying a business as a bank.** Rewrites existing law that prohibits a person, entity, or organization that is not authorized to engage in banking or trust business from using signs or written materials indicating that it is a bank, and from using words such as "bank," "banking," "banker" or "trust" in connection with any business other than the business of banking. A violation remains a Class 6 felony. The changes remove outdated terminology and make technical corrections. SB 251; CH. 56.

**§§ 6.1-225.50:1 and 6.1-225.50:2 added. Credit unions; fiduciary accounts.** Provides credit unions with the same protections and authorizations regarding the issuance of shares and maintenance of share accounts in the name of persons or entities for membership in the credit union as fiduciaries as other financial institutions enjoy. The credit union is held harmless for the payment of funds from or the delivery of funds into such account as long as the fiduciary has signed for such payment or delivery. The credit union need not inquire into whether the fiduciary is breaching his obligation when the fiduciary purchases shares in his own name with funds from the fiduciary account or with funds from other accounts of his principal; however, the credit union must not pay the amount of such shares if it has actual knowledge that the fiduciary is breaching his fiduciary obligation or that issuing the shares or paying the withdrawal constitutes bad faith. HB 573; CH. 744.

**§§ 6.1-250, 6.1-267, and 6.1-269.1 amended. Consumer finance licensees.** Allows the State Corporation Commission, upon receipt of written notice of intent, to authorize the operation of another related business in a consumer finance licensee's office without a formal investigation and finding of fact. However, the Commission's authority to request various information concerning the other business is preserved, along with its authority to investigate the conduct of such other business and to prohibit or limit the conduct of such other business if it is operating unlawfully or not in the public interest. SB 212; CH. 192.

**§ 6.1-301 amended. Consumer Finance Act.** Eliminates the requirement that the Bureau of Financial Institutions annually make and publish an analysis and recapitulation of the annual reports filed by lenders licensed to do business under the Consumer Finance Act. SB 250; CH. 55.

**§ 6.1-363.1 amended. Nonprofit debt counseling agencies; fees and qualifications.** Authorizes licensed nonprofit debt counseling agencies to be reimbursed for the cost of a credit report and actual bank charges for automatic account debiting for debt repayment. The maximum monthly fee is increased from five to 20 dollars. No person or organization outside the Commonwealth may offer its debt counseling services to persons in the Commonwealth without qualifying under State Corporation Commission standards and paying the applicable license fee. The bill also requires such agencies to provide the debtor with a separate written notice informing the debtor that the provision of debt pooling and distribution services may have a derogatory effect on the debtor's credit report and credit scores. SB 376; CH. 509.

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## TITLE 7.1. BOUNDARIES, JURISDICTION AND EMBLEMS OF THE COMMONWEALTH.

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**§ 7.1-41 amended. Senate armorial bearings.** Permits the Clerk of the Senate the statutory official use of the Senate armorial bearings because, under the rules, the clerk is the custodian of the public seal and design of armorial bearings of the Senate. The bill also clarifies that representations of the armorial bearings used by current members may be in other colors besides gold. SB 194; CH. 374.

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## TITLE 8.01. CIVIL REMEDIES AND PROCEDURE.

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**§ 8.01-4 amended. District courts and circuit courts may prescribe certain rules.** Allows the district and circuit courts to prescribe rules limited to those rules necessary to promote proper order and decorum and the efficient and safe use of courthouse facilities and clerks' offices. Such rules may include docket control procedures. HB 813; CH. 803.

**§ 8.01-32 amended. Lost evidences of debt.** Corrects an incorrect code reference. This bill is a recommendation of the Committee on District Courts. SB 59; CH. 245.

**§ 8.01-35.1 amended. Effect of release or covenant not to sue.** Includes within the definition of covenant not to sue a "high-low" agreement whereby one party seeking damages in tort agrees to accept as full satisfaction no more than one sum certain and the party from whom damages are sought agrees to pay no less than another sum certain regardless of the verdict at trial. HB 447; CH. 351.

**§ 8.01-38 amended. Tort liability; hospitals.** Allows a judgment against a nonprofit hospital to include the difference between insurance coverage and the medical malpractice cap. Under current law a nonprofit hospital which is insured for torts or negligence for not less than \$500,000 for each occurrence is liable in medical malpractice actions to the extent of its insurance or the medical malpractice cap, whichever is less. This bill eliminates the insurance cap as a limitation of liability. SB 405; CH. 464.

**§ 8.01-46.1 added. Disclosure of certain employment information.** Provides that any employer who, upon request by a person's prospective or current employer, provides information about that person's professional conduct, reasons for separation or job performance, including information contained in any written performance evaluations, shall be immune from civil liability, provided that the employer is not acting in bad faith or with reckless disregard for whether the information is false. Punitive damages may be awarded if the employer acts in bad faith. HB 1126; CH. 1005.

**§ 8.01-47.** See § 22.1-280.1; HB 254.

**§ 8.01-49.1 added. Liability for defamatory material on the Internet.** Establishes that no provider or user of an interactive computer service on the Internet shall be treated as the publisher or speaker of any information provided to it by another information content provider for the purposes of defamation lawsuits. Further, no provider or user of an interactive computer service shall be liable for any action voluntarily taken by it in good faith (i) to restrict access to, or availability of, material or (ii) to make available, to information content providers or others, the technical means to restrict access to information provided by another information content provider. HB 1269; CH. 930.

**§ 8.01-126 amended. Summons for unlawful detainer.** Provides that if the summons for unlawful detainer is filed to terminate a tenancy pursuant the Virginia Residential Landlord Tenant Act, the initial hearing on such summons by a judge of a general district court shall occur within 21 calendar days of filing, unless a judge is not available to hold court, in which case, the initial hearing shall be held as soon as practicable. Provides that the summons shall be served at least 10 days before the return date rather than five as under current law. HB 1303; CH. 1055.

**§§ 8.01-195.9 and 8.01-588.1.** See § 2.1-342.01; HB 828/SB 479.

**§ 8.01-220.1:4.** See § 2.1-41.3; HB 850.

**§ 8.01-225.** See § 32.1-111.14:1; HB 1049.

**§ 8.01-225.** See § 2.1-342.01; SB 148.

**§§ 8.01-226, 18.2-174.1, and 18.2-426 amended. Special forest wardens.** Provides that special forest wardens are included as "firefighters" for purposes of the duty of care owed to firefighters, the crime of impersonating a firefighter, and the unlawful use of telephone to interfere with emergency personnel. HB 616; CH. 962.

**§ 8.01-226.5:1.** See § 22.1-274.2; HB 1010.

**§ 8.01-226.7 added. Liability of landlord.** Provides that persons defined as "agents," (landlords, real estate brokers, salespersons and rental location agents) and property owners or agents responsible for maintenance are not liable for civil damages for lead poisoning in a residential dwelling if the agent has complied with the U.S. Residential Lead-Based Paint Hazard Reduction Act, provided literature on lead hazards and disclosed any known lead-based paint or hazard on the property prior to the signing of a contract to lease or purchase. HB 1546; CH. 1071.

**§ 8.01-229 amended. Suspension or tolling statute of limitations.** Provides that any award of compensation by the Workers' Compensation Commission pursuant to Chapter 5 (§ 65.2-500 et seq.) of Title 65.2, that is subsequently found void

ab initio, other than an award voided for fraud, shall toll the statute of limitations for the duration of compensation payments made pursuant to such award for any civil action upon the same claim or cause of action in a court of this Commonwealth. HB 870; CH. 531.

§ 8.01-273.1. See § 38.2-5001; HB 398.

§ 8.01-310. See § 46.2-692; HB 780.

§ 8.01-343 amended. **Civil remedies; jury commissioners.** Provides for the judge of each circuit court to appoint, by the first day of July, jury commissioners for a one-year term. Currently, the statute provides for jury commissioners to be appointed by the first day of October. Moving the date forward will allow the jury commissioners more time to prepare and submit a master jury list to be used for the selection of jurors. SB 342; CH. 251.

§ 8.01-345 amended. **Juror Lists.** Requires jury commissioners to make reasonable effort to exclude the names of deceased persons and unqualified persons from the master jury list. SB 680; CH. 828.

§§ 8.01-390 and 8.01-391 amended. **Civil remedies and procedure; evidence.** Eliminates the requirement for the double certification of the authenticity of official records for introduction as evidence. SB 220; CH. 334.

§ 8.01-390.1 added. **School records as evidence.** Allows for the introduction into evidence of copies of school records solely related to attendance, transcripts or grades of a minor when they are material in matters involving the custody of that minor, or the termination of parental rights of that minor's parents, by affidavit. HB 1499; CH. 558.

§ 8.01-397.1 added. **Evidence of habit or routine practice.** Codifies Federal Rules of Evidence 406, which allows the admission of evidence of habit or routine practice. The bill defines habit and routine practice and provides that evidence of prior conduct may be relevant to rebut evidence of habit or routine practice. SB 331; CH. 1026 (effective 4/19/00).

§§ 8.01-407, 8.01-413, 16.1-89, 16.1-265, and 32.1-127.1:03 amended. **Summonses issued by attorneys.** Provides that if attendance is desired in a civil proceeding pending in a court or at a deposition in connection with such proceeding, a summons may be issued not less than five business days prior to the date attendance is desired by an attorney-at-law who is an active member of the Virginia State Bar at the time of issuance, as an officer of the court. An attorney-issued summons is required to be on a form approved by the Supreme Court, signed by the attorney, and shall include the attorney's address. The attorney-issued summons shall be deemed to be a pleading. This bill also allows attorneys to issue subpoenas duces tecum. Currently, attorneys may not issue summonses. The act sunsets on July 1, 2001. HB 1213; CH. 813.

§§ 8.01-412.2 and 8.01-412.4 amended. **Civil procedure; audio-visual depositions.** Brings video conferencing or teleconferencing within the ambit of discovery as a permissible

method for taking depositions. The authorization and procedure sections of the Uniform Audio-Visual Deposition Act are amended to specifically include video conferencing and teleconferencing within the Act, making those two means of taking depositions apply to the taking of depositions under the Act. SB 385; CH. 821.

§§ 8.01-413 and 32.1-127.1:03 amended. **Medical records release.** Requires a health care provider to accept a photocopy, facsimile, or other copy of the original document signed by the patient providing authority for the requester to obtain the records, as if the copy was an original document. HB 810; CH. 923.

§ 8.01-425.1 amended. **Release of liability; right of rescission.** Provides that when a claimant executes a release of liability as a condition of settlement in a claim or action for personal injury within 30 days of the incident giving rise to such claim and the claimant was not represented by counsel, the release shall contain a separate and conspicuous notice of the right to rescind. Current law provides that the claimant shall have a right of rescission until midnight of the third business day after the day on which the release was executed, provided that he was not represented by counsel when the release was executed, the rescission was made in writing to the person or persons being released, their representative or insurance carrier, and the claimant returns to the person or persons being released any check or settlement proceeds received by the claimant prior to the rescission. HB 735; CH. 839.

§§ 8.01-465.4 and 8.01-676.1 amended. **Civil remedies; appeal bond.** Places a limit on the maximum amount of a bond necessary for an appeal, from a domestic or foreign judgment where damages other than compensatory damages have been awarded, which stays the execution of a judgment. If the appellee proves that the appellant is purposefully dissipating or diverting its assets for the purpose of evading the judgment, the bill provides that the limitation on the bond shall be rescinded and the full amount required. The bill has an emergency clause and applies to any action pending on or filed after the effective date of the bill. HB 1547; CH. 100 (effective 3/10/00).

§ 8.01-470 amended. **Writs of possession.** Provides that a writ of possession should be executed by the sheriff within 15 calendar days from receipt by the sheriff or as soon as practicable thereafter, but not later than 30 days from the date issued. HB 1205; CH. 640.

§ 8.01-581.2 amended. **Civil remedies; medical malpractice.** Replaces the current procedure of sending a request for a case review by a medical malpractice panel to the clerk of the circuit court where the Motion for Judgment is filed with a proposed procedure requiring the requesting party to transmit the review request directly to the Supreme Court. The proposal also requires copies of the Motion and all responsive pleadings to accompany the transmittal to the Supreme Court. A copy of the request must be sent to all counsel of record. Finally, the bill imposes upon the Supreme Court a requirement that it designate a panel within 60 days after receipt of the request. SB 384; CH. 213.



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**TITLE 8.1. COMMERCIAL CODE -  
GENERAL PROVISIONS.**

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§ 8.1-105. See § 8.9-101; HB 1204.

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**TITLE 8.2. COMMERCIAL CODE - SALES.**

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§ 8.2-103. See § 8.9-101; HB 1204.

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**TITLE 8.4. COMMERCIAL CODE - BANK  
DEPOSITS AND COLLECTIONS.**

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§ 8.4-208. See § 8.9-101; HB 1204.

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**TITLE 8.7. COMMERCIAL CODE -  
WAREHOUSE RECEIPTS, BILLS OF LADING  
AND OTHER DOCUMENTS OF TITLE.**

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§ 8.7-503. See § 8.9-101; HB 1204.

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**TITLE 8.9. COMMERCIAL CODE -  
SECURED TRANSACTIONS; SALES OF  
ACCOUNTS, CONTRACT RIGHTS AND  
CHATTEL PAPER.**

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§§ 8.1-105, 8.1-201, 8.2-103, 8.2-210, 8.2-326, 8.2-502, 8.2-716, 8.2A-103, 8.2A-303, 8.2A-307, 8.2A-309, 8.4-208, 8.6A-102, 8.6A-103, 8.7-503, 8.8A-103, 8.8A-106, 8.8A-110, 8.8A-301, 8.8A302, and 8.8A-510 amended; §§ 8.5A-117.1, 8.9A-101 through 8.9A-709, and 12.1-21.1 added; §§ 8.9-101 through 8.9-507, and 12.1-21 repealed. **Uniform Commercial Code; Secured Transactions.** Updates Article 9 (Secured Transactions) of the Uniform Commercial Code, which was last revised in 1972 and adopted in every state. Article 9 provides a statutory framework for transactions that involve the granting of credit secured by personal property. Filing will be with State Corporation Commission only; local filing, other than fixture filings, will be abolished. The new Article 9 generally provides for the filing of a financing statement in the state where the debtor is incorporated. The scope of Article 9 is expanded to include kinds of property such as deposit accounts, health care receivables and commercial tort claims,

that were excluded in original Article 9. The location of the debtor rather than the location of the collateral will determine where a security interest perfects. The fee for filing a financing statement is increased from \$10 to \$20. The bill has an effective date of July 1, 2001. Article 9 is the product of the National Conference of Commissioners of Uniform State Laws. HB 1204; CH. 1007.

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**TITLE 9. COMMISSIONS, BOARDS AND  
INSTITUTIONS GENERALLY.**

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§ 9-6.14:4.1. See § 23.38-75; HB 438/SB 359.

§ 9-6.14:4.1. See § 54.1-2957.01; HB 818.

§ 9-6.14:4.1. See § 59.1-371; HB 1540.

§ 9-6.14:4.1. See § 62.1-132.11:2; HB 1192.

§§ 9-6.25:2 and 9-6.25:1. See § 54.1-2503; HB 1469.

§§ 9-6.25:1. See § 62.1-132.11:2; SB 739.

§ 9-6.25:2. See § 54.1-106; HB 253.

§§ 9-6.25:2 and 9-6.25:1. See § 54.1-2503; HB 1469 .

§ 9-6.25:2. See § 54.1-106; HB 253.

§ 9-6.25:2. See § 2.1-342.01; SB 148.

§ 9-6.25:2. See § 2.1-1.6; SB 391.

§ 9-6.25:3. See § 2.1-51.14; HB 1510.

§ 9-77.10:2 added. **Code Commission; obsolete provisions.** Directs to the Virginia Code Commission the ongoing responsibility for the amendment or repeal of obsolete provisions in the Code of Virginia and the Virginia Acts of Assembly. HB 8; CH. 153.

§ 9-77.11 amended. **Code Commission; evaluation of unfunded laws.** Requires the Code Commission, in its recodification and title revision bills, to evaluate the need for and recommend in a separate report, the possible repeal of any section or provision of or relating to the revised title that has not been implemented during any of the previous five years because sufficient funds were not appropriated by the General Assembly. The House Committee on Appropriations and the Senate Committee on Finance shall assist the Commission in identifying those Code sections and provisions that meet these conditions. HB 9; CH. 154.

§ 9-84.09:4 amended. **Virginia Arts Foundation; use of funds.** Extends the moratorium on use of funds by the Virginia

Arts Foundation from June 30, 2000, to June 30, 2001. HB 528; CH. 27.

§§ 9-99.1 and 9-99.2. See § 23-295; HB 1308.

**§ 9-169 amended. Definition of “criminal justice agency.”** Defines “criminal justice agency” to include any program certified by the Commission on VASAP pursuant to § 18.2-271.2, thus granting such programs all the privileges and powers available under the law to criminal justice agencies. HB 1106; CH. 426.

**§ 9-170 amended; §§ 36-140.1 and 36-140.2 added. Live In Our Community Police Housing Program and Fund.** Establishes the Live In Our Community Police Housing Program to encourage law-enforcement officers to become homeowners and residents in communities covered by community-policing programs through subsidies and/or grants. The program shall be administered by the Department of Housing and Community Development (DHCD) in cooperation with the Department of Criminal Justice Services and the Virginia Housing Development Authority. The bill requires DHCD to promulgate regulations for the implementation of the program including the criteria for (i) eligible law-enforcement officers, (ii) selecting participating community policing programs, and (iii) home ownership or other suitable initiatives under the Program. The bill also establishes the Live In Our Community Housing Fund to provide financial support for the program and its administration. This bill has a July 1, 2005, sunset. SB 87; CH. 561.

**§ 9-171.1 amended. School resource officers.** Clarifies that school resource officers are employed to enforce school board rules and codes of student conduct. SB 589; CH. 785.

**§ 9-173.21 added. Virginia Center for School Safety.** Establishes, from such funds as may be appropriated, the Virginia Center for School Safety within the Department of Criminal Justice Services. The Center is to (i) provide training for Virginia public school personnel in school safety and the effective identification of students who may be at-risk for violent behavior and in need of special services or assistance; (ii) serve as a resource and referral center for Virginia school divisions by conducting research, sponsoring workshops, and providing information regarding current school safety concerns; (iii) maintain and disseminate information to local school divisions on effective school safety initiatives in Virginia and across the nation; (iv) collect, analyze, and disseminate various school safety data, including school safety audit information, collected by the Department; (v) encourage the development of partnerships between the public and private sectors to promote school safety in Virginia; (vi) provide technical assistance to Virginia school divisions in the implementation of initiatives promoting school safety; and (vii) develop a memorandum of understanding between the Commissioner of the Department of Criminal Justice Services and the Superintendent of Public Instruction to ensure collaboration in areas of mutual concern, such as school safety audits and crime prevention. The bill will not become effective unless an appropriation effectuating the purpose of the bill is included in the 2000 appropriation act

enacted into law by the Governor. HB 391; CH. 519 (effective-see bill).

**§§ 9-183.2 and 9-183.3 amended. Department of Criminal Justice Services; private security services.** Excepts an out-of-state central station dispatcher employed by a private security services business licensed by the Department of Criminal Justice Services from training requirements if he has a valid license, registration or certification as a central station dispatcher in the state where the monitoring duties are performed and has submitted his fingerprints to such regulating authority for a national criminal history records search. HB 479; CH. 26.

**§ 9-228.8 amended. Virginia Small Business Growth Fund.** Increases the maximum amount of funds from the Virginia Small Business Growth Fund that can be used to match any loan from seven percent to 14 percent of the principal amount of the loan. The bill also clarifies that the amount of the deposit that the Virginia Small Business Financing Authority is required to make into any loan loss reserve account at a participating bank or lending institution can exceed the total of the deposits made to the account by the institution and the individual borrower. HB 1048; CH. 40.

**§ 9-321 amended. Specialized Transportation Council.** Designates the Chairman of the Disability Commission and the Secretary of Health and Human Resources as co-chairmen of the Council and provides for staffing by the Disability Commission and, upon request, by the offices of the Secretary of Health and Human Resources and the Secretary of the Transportation. HB 1321; CH. 499.

**§ 9-329.2.** See § 60.2-318; HB 1340.

**§ 9-329.2.** See § 60.2-318; SB 612.

**§ 9-382.** See § 32.1-357; SB 581.

**§ 9-385.** See § 58.1-439.12; HB 402.

**§§ 9-390 through 9-395 added. Joint Commission on Behavioral Health Care.** Establishes the Joint Commission on Behavioral Health Care to study, report and make recommendations for continuous improvement in all areas of publicly funded behavioral health care policy, management, financing, service delivery, regulation and evaluation. The Commission will sunset on July 1, 2003. SB 332; CH. 776.

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## TITLE 9. MISCELLANEOUS - COMMISSIONS, BOARDS AND INSTITUTIONS GENERALLY.

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**Chesapeake Bay Bridge and Tunnel Commission.** Allows members of the Chesapeake Bay Bridge and Tunnel Commission to take their oath of office either before a judge of a court

of record (as provided by current law), or before a clerk or deputy clerk of a court of record, a district court judge, the Secretary of the Commonwealth or his deputy, or a member of the State Corporation Commission. HB 1300; CH. 238/SB 689; CH. 705.

**Rappahannock River Basin Commission.** Repeals the sunset clause that would have terminated the Commission on July 1, 2000. HB 1424; CH. 456/SB 459; CH. 386.

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## TITLE 10.1. CONSERVATION.

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**§§ 10.1-218, 10.1-1018, 10.1-1800, and 51.5-55 amended. State Treasurer as member of foundations.** Removes the State Treasurer as a board member of the Virginia State Parks Foundation, the Virginia Land Conservation Foundation, the Virginia Outdoors Foundation, and the Assistive Technology Loan Fund Authority. He is to be replaced on each of these by the appointment of a citizen member. HB 698; CH. 294/SB 323; CH. 21.

**§§ 10.1-559.1, 10.1-559.3, 10.1-559.4, and 10.1-559.5 amended. Agricultural Stewardship Act.** Requires that measures required to control agricultural water pollution be maintained by the owner or operator of the subject property and gives the Commissioner of Agriculture and Consumer Services discretion to choose the time when the farmer will be required to begin and complete implementation of such measures. The bill also allows informal fact-finding conferences rather than formal hearings to be used and clarifies the manner in which various requirements of the Act may be enforced through corrective orders and court orders. HB 1307; CH. 973.

**§ 10.1-607 amended. Federal dam safety inspection reports.** Removes references to obsolete U.S. Army Corps of Engineers' dam safety inspection reports. HB 876; CH. 14.

**§ 10.1-611.1 amended. Soil and water conservation dams.** Establishes the Soil and Water Conservation District Dam Maintenance, Repair, and Rehabilitation Fund. The bill incorporates the existing Dam Maintenance and Repair Fund, which provides funding for minor repairs of soil and water conservation district dams, into a new fund that would also provide funds for major infrastructure repairs to Class I and Class II district dams. HB 945; CH. 23/SB 668; CH. 205.

**§ 10.1-1010 amended. Conservation easements.** Allows a charitable entity that does not meet the requirements of the Virginia Conservation Easement Act to hold a conservation easement if the easement is co-held by another charitable entity that does meet the requirements. HB 1326; CH. 182.

**§§ 10.1-1018 and 10.1-1020 amended. Virginia Land Conservation Foundation.** Requires the Foundation to establish grant criteria that includes provisions for making grants to localities for purchase of development rights programs and provides that at least one member of the Foundation's Board of Trustees shall be a farmer. HB 600; CH. 494.

**§§ 10.1-1018 through 10.1-1021 and 10.1-1024 amended; §§ 10.1-1021.1 and 10.1-1026 added. Virginia Land Conservation Foundation.** Increases the number of members of the Foundation's Board of Trustees so that there will be one per congressional district, plus the Secretary of Natural Resources and six members appointed from the Commonwealth at large. Allocations of money in the Virginia Land Conservation Fund, which is administered by the Foundation, are altered so that 25 percent of the money in the fund will be transferred to the Open-space Lands Preservation Trust Fund. The Board of Trustees is directed to seek assistance in developing grant criteria from a task force consisting of natural resources agency heads. The State Treasurer is removed from the Board. The bill also clarifies that the Foundation may provide direct (rather than matching) grants to state agencies, transfer lands to other entities that will hold them for conservation purposes, and dispose of money or other property given or bequeathed to it. If a private entity acquires an interest in land as a result of a grant or transfer from the Foundation, the interest must be held jointly by the private entity and a government entity. Up to \$250,000 per year of the interest generated by the Fund may be used for the Foundation's administrative expenses. The Department of Conservation and Recreation is directed administer Foundation lands, and state agencies are directed to cooperate with the Foundation. The bill also directs the Foundation to attempt to achieve a fair geographic distribution of lands protected. HB 1164; CH. 1053.

**§ 10.1-1105 amended. Temporary forest wardens.** Authorizes the State Forester to employ temporary forest wardens to extinguish fires in the Commonwealth. HB 615; CH. 997.

**§ 10.1-1197.3 amended. Small business environmental fund.** Replaces restrictions on how much of the Small Business Environmental Compliance Assistance Fund can be used to pay the costs of administering the Fund, with a limitation that costs must be reasonable and necessary. Currently, administrative costs are limited to the lesser of actual costs incurred for the previous fiscal year or 10 percent of the average balance during that year. HB 895; CH. 131.

**§ 10.1-1408.1 amended. Solid waste management; permits.** Modifies the application requirements for a permit for a new or expanded municipal solid waste landfill when the owner and operator of the landfill is a public service authority of which the governing body of the locality in which the facility is located is a member. Currently, an applicant for a new or expanded municipal solid waste landfill must submit with its application a certification from the governing body of the locality in which the facility is to be located that an agreement regarding the operation of the facility has been reached between the applicant and the governing body. The existing statute provides that this certification is not required only when the governing body is to be the owner and operator of the landfill. The bill provides that such a certification also shall not be required when the owner and operator of the landfill is a public service authority of which the governing body is a member. HB 959; CH. 420.

**§ 10.1-1408.1 amended. Solid waste management facility permits.** Requires that applications for permit amendments or variances allowing certain nonhazardous industrial waste facilities to expand contain the same information as is required for an application for a new solid waste management facility permit. HB 981; CH. 422.

**§ 10.1-1410 amended. Financial assurance for waste facilities.** Prohibits the owner or operator of a solid waste facility from reliance on captive insurers, approved surplus line insurers and risk retention groups as a means of assuring that he will have the financial capacity to properly close and care for the site after closure. HB 1022; CH. 137.

**§ 10.1-1410 amended. Financial responsibility for solid waste management facilities.** Requires the Virginia Waste Management Board to include facilities receiving solid waste from a ship, barge or other vessel in regulations which ensure that, if a solid waste management facility is abandoned, the costs associated with protecting the public health and safety from the consequences of such abandonment may be recovered from the person abandoning the facility. HB 1023; CH. 138.

**§ 10.1-1413.2 amended. Landfill closure.** Requires disposal areas of landfills that are not equipped with liner and leachate control systems meeting the current requirements of Waste Management Board regulations to be closed by 2020. HB 1228; CH. 308.

**§§ 10.1-1700 and 15.2-5158 amended. Community development authorities.** Permits community development authorities to purchase development rights that will be dedicated as easements for conservation, open space or other purposes pursuant to the Open-Space Land Act. HB 856; CH. 747/SB 256; CH. 724.

**§§ 10.1-1700 and 10.1-1801.1 amended. Open-Space Lands Preservation Trust Fund.** Allows grants from the Fund to be made to aid localities in acquiring open-space easements. Currently, grants may only be made to persons conveying conservation easements to the Virginia Outdoors Foundation and a local co-holder. The bill also allows up to \$100,000 per year of any interest generated by the Fund to be used for the Foundation's administrative expenses, removes the requirement that interests in open-space lands acquired by public bodies must be located in urban areas, and adds a definition of "open-space easement." The definition of open-space easement is identical to the Code's current definition of conservation easement, except that an open-space easements may be held by government entities, while conservation easements are held by private charitable entities. HB 1324; CH. 181

**§ 10.1-2211 amended. Care of Confederate cemeteries and graves.** Adds Cedar Grove Cemetery in Rockingham County, which maintains 68 Confederate graves, to the list of those entities receiving funds through the Department of Historic Resources for the care of such graves. HB 283; CH. 114.

**§§ 10.1-2212 and 58.1-3607 amended. Conservation; historical societies receiving appropriations; Kenmore Association, Inc.** Changes the name of the entity receiving

appropriations for the restoration and perpetuation of "Ferry Farm," George Washington's boyhood home, from Kenmore Association, Inc. to George Washington's Fredericksburg Foundation and provides that property held by George Washington's Fredericksburg Foundation shall be exempt from taxation. HB 757; CH. 7.

**§ 10.1-2212 amended. Historical societies and foundations.** Updates the list of historical societies and foundations receiving appropriations to reflect the change in the entity aiding in the restoration and perpetuation of "Ferry Farm," George Washington's boyhood home, from Kenmore Association, Inc. to George Washington's Fredericksburg Foundation. This bill is identical to HB757 except that HB757 also provides that property held by George Washington's Fredericksburg Foundation shall be exempt from taxation. SB 237; CH. 18.

**§ 10.1-2500.** See § 62.1-44.17:2; HB 404/SB 179.

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## TITLE 10.1. MISCELLANEOUS - CONSERVATION.

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**Property exchange.** Authorizes the Department of Conservation and Recreation to convey approximately one acre of land on the southeast boundary of Pocahontas State Park to Woodland Pond, which would, in exchange, convey approximately one acre of land of equal or greater economic and recreational value in the same area to the Department. SB 161; CH. 371.

**Real property; lease of Commonwealth lands.** Authorizes the Department of Conservation and Recreation to lease a parcel of land located on Smith Mountain Lake in Franklin County for a term of 30 years, renewable for three additional 30-year terms, to Franklin County for public recreational use. HB 1095; CH. 263.

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## TITLE 11. CONTRACTS.

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**§§ 11-35, 11-41.2:2, and 11-41.2:4 amended. Public Procurement Act; Design-Build/Construction Management Review Board.** Requires the licensed architect or engineer in the employ of or under contract with a public body to assist the public body in evaluating requests for proposals for design-build or construction management contracts. The bill (i) replaces references to the Capital Outlay Manual with the Review Board's regulations, which under the terms of the enabling legislation in 1996, the Review Board was required to adopt; (ii) clarifies that approval of the Review Board is for the specific project submitted by a public body to the Review Board; and (iii) requires the Review Board to report again on or before December 31, 2002, concerning the Review Board's evaluation of and findings regarding all design-build and construction management construction undertaken by public bod-

ies other than the Commonwealth since July 1, 1996. The bill also contains technical amendments. HB 399; CH. 29.

§ 11-35. See § 23.38-75; HB 438/SB359.

§ 11-35 amended. **Virginia Public Procurement Act; declaration of purpose.** Adds that the purpose of the Public Procurement Act is to seek competition to the maximum feasible degree and that procurement procedures involve openness and administrative efficiency. HB 1233; CH. 642/SB 638; CH. 666.

§§ 11-35 and 11-37 amended. **Virginia Public Procurement Act; definitions; best value.** Adds the definition of “best value,” defined as the overall combination of quality, price, and various elements of required services that in total are optimal relative to a public body’s needs. The bill also provides that public bodies are encouraged to consider best value concepts when making procurement decisions involving goods and non-professional services, but not construction or professional services. Additionally, the Department of General Services is directed to study the feasibility and appropriateness of implementing, in its procurement procedures, the Contractor Performance and Rating System (CPARS) currently utilized by the federal government and submit its findings to the Governor and the General Assembly on or before December 1, 2000. HB 1240; CH. 644.

§§ 11-35 and 11-37 amended. **Virginia Public Procurement Act; definitions; best value.** Adds the definition of “best value,” defined as the overall combination of quality, price, and various elements of required services that in total are optimal relative to a public body’s needs. Additionally, the bill provides that public bodies are encouraged to consider best value concepts when procuring goods and nonprofessional services, but not construction or professional services. The bill also requires that the criteria, factors, and basis for consideration of best value be stated in the procurement solicitation. The bill requires the Department of General Services to study the feasibility of implementing in Virginia the Contractor Performance and Rating System (CPARS) currently used by the federal government. SB 639; CH. 703.

§ 11-37 amended. **Virginia Public Procurement Act; procurement of architectural or professional engineering services.** Allows the award of term contracts for architectural and engineering services to multiple firms with a single Request for Proposal (“RFP”) and sets the criteria for the use of such contracts. Currently, only one award can be made for each solicitation. The bill limits the sum of projects performed annually by a single architectural/engineering firm to \$500,000 or a lesser amount determined by the Director of the Department of General Services (“DGS”). Currently, the maximum amount is \$300,000. HB 1047; CH. 638/SB 627; CH. 665.

§ 11-37 amended. **Virginia Public Procurement Act; multiple awards.** Allows multiple awards under competitive negotiation for the procurement of other than professional services to more than one offeror where the terms and conditions of the multiple awards are provided in the Request for Proposal. Cur-

rently, multiple awards are authorized only under competitive sealed bidding. HB 1239; CH. 643/SB 538; CH. 621.

§§ 11-37 and 11-41 amended. **Virginia Public Procurement Act; electronic posting of public notices.** Allows public bodies to publish public notice on the Department of General Services’ central electronic procurement website and other appropriate websites in addition to the current requirement for posting in a designated public area or publication in a newspaper of general circulation, or both. In addition, publishing by state agencies, departments and institutions on the Department’s central electronic procurement website shall be required by July 1, 2002. HB 1440; CH. 647.

§§ 11-37 and 11-41 amended. **Posting of procurement notices and advertisements on the Internet authorized.** Allows public bodies to publish public notice on the Department of General Services’ central electronic procurement website and other appropriate websites in addition to the current requirement for posting in a designated public area or publication in a newspaper of general circulation, or both. In addition, posting by state agencies, departments and institutions on the Department’s public internet procurement website shall be required by July 1, 2002. The bill is a recommendation of the Joint Commission on Science and Technology. SB 235; CH. 692.

§§ 11-41 and 11-55 amended. **Virginia Public Procurement Act; thresholds for small purchases and contract modifications.** Increases from \$30,000 to \$50,000 the threshold for small purchases of goods and services other than professional services. As a result, a public body may procure goods and services under this amount without competitive sealed bidding or competitive negotiation. The bill also increases from \$10,000 to \$50,000 the threshold for modification of fixed-price contracts without the approval of the Governor or his designee. HB 1046; CH. 637/SB 626; CH. 664.

§§ 11-44 and 11-51 amended. **Virginia Public Procurement Act; discrimination prohibited.** Adds age, disability or any other basis prohibited by state law relating to discrimination in employment to the anti-discrimination statutes in the Virginia Public Procurement Act. As a result, (i) no public body may discriminate against a bidder or offeror on the basis of race, religion, color, sex, national origin, age, disability or any other basis prohibited by state law relating to discrimination in employment in the solicitation and award of public contracts and (ii) in all public contracts over \$10,000, the contractor must agree not to discriminate against an employee or applicant for employment on the basis of race, religion, color, sex, national origin, age, disability or any other basis prohibited by state law relating to discrimination in employment. HB 596; CH. 628.

§ 11-45. See § 2.1-1.4; HB 1034.

§ 11-45 amended. **Patrick Hospital Authority; creation.** Creates the Patrick Hospital Authority composed of nine members appointed by the Patrick County Board of Supervisors. The bill also exempts the Authority from the Virginia Public

Procurement Act and includes an emergency clause. HB 1552; CH. 242 (effective 4/2/00).

**§ 11-45 amended; § 11-47.5 added. Virginia Public Procurement Act; exemptions.** Provides an exemption from competitive sealed bidding or competitive negotiation for the purchase of electric utility services if purchased by a public body through an association of which it is a member, if the association was formed and is maintained for the purpose of promoting the interest and welfare of and developing close relationships with similar public bodies, provided such association has procured the electric utility service by use of competitive principles and provided that the public body has made a determination in advance after reasonable notice to the public and set forth in writing that competitive sealed bidding and competitive negotiation are not fiscally advantageous to the public. Currently, this exemption is available for the purchase of insurance. The bill also allows state agencies, in procuring information technology-related goods and services, other than professional services or construction, to award the contract to contractors located in high unemployment localities, under certain conditions. The bill defines “information technology-related goods and services.” The bill contains a sunset for this type of procurement of July 1, 2002. The bill requires the Department of General Services to report on the impact of this provision by November 1, 2002. SB 383; CH. 696.

**§ 11-51.1 added. Public Procurement Act; drug-free workplace.** Requires all public bodies to include in every contract over \$10,000 the following provisions: during the performance of the contract, the contractor agrees to (i) provide a drug-free workplace for the contractor’s employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the contractor’s workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the contractor that the contractor maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor. The bill defines a “drug-free workplace” as a site for the performance of work done in connection with a specific contract awarded to a contractor in accordance with the Virginia Public Procurement Act, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the contract. HB 808; CH. 417.

**§ 11-66 amended. Virginia Public Procurement Act; protest of awards.** Provides that any bidder or offeror, who desires to protest the award or decision to award a contract, shall submit such protest in writing to the public body, or an official designated by the public body, no later than 10 days after public notice of the award or the announcement of the decision to award, whichever occurs first. Public notice of the award or the

announcement of the decision to award shall be given by the public body in the manner prescribed in the terms or conditions of the Invitation to Bid or Request for Proposal. HB 1209; CH. 641.

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## TITLE 12.1. STATE CORPORATION COMMISSION.

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**§§ 12.1-13, 12.1-33, and 56-483 amended. State Corporation Commission fines.** Increases the maximum fine which the SCC may impose against a company for a violation of Chapter 15 of Title 56 or any rule, order, regulation or requirement of the SCC from \$500 to \$10,000 per day for each offense. The maximum fine that the SCC may impose for failure of any order or injunction of the SCC is increased from \$1,000 to \$5,000 in the case of an individual, and to \$10,000 in the case of a business conducted by an entity other than an individual, per day for each offense. The maximum amount of a fine that the Commission may impose whenever no fine or other penalty is specifically imposed by statute is increased from \$500 to \$5,000 in the case of an individual and from \$5,000 to \$10,000 in the case of a business entity. SB 324; CH. 986.

**§ 12.1-21.1 and 12.1-21.** See § 8.9-101; HB 1204.

**§§ 12.1-43, 13.1-1003, 50-73.128, 50-73.131, and 50-73.136 amended. State Corporation Commission; delivery and filing of documents.** Makes a number of housekeeping amendments to provisions relating to the delivery by the SCC to, and filing of business, organizational and other documents by, business entities. The technical amendments (i) give mailings from the SCC to limited liability companies, limited partnerships, and registered limited liability partnerships the same presumption of delivery that currently exists for mailings to corporations; (ii) clarify that limited liability company documents delivered to the SCC for filing may be executed by a person other than a member or manager; (iii) correct two erroneous citations in the Virginia Uniform Partnership Act; and (iv) allow a registered limited liability partnership to change its principal office of record by making an appropriate change on its annual report rather than by an amendment to its statement of registration. SB 326; CH. 58.

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## TITLE 13.1. CORPORATIONS.

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**§§ 13.1-521 and 13.1-570 amended. Securities Act and Retail Franchising Act; civil penalties.** Clarifies that the fines that the State Corporation Commission is authorized to impose for violations of the Securities Act and Retail Franchising Act are civil, rather than criminal, penalties. HB 662; CH. 166.

**§§ 13.1-543, 13.1-544, 13.1-549, 13.1-1102, 13.1-1103,**

**13.1-1111, and 54.1-411 amended. Department of Professional and Occupational Regulation; certified interior designers.**

Allows certified interior designers to form professional corporations (PCs) and professional limited liability companies (PLLCs) and requires such entities to register with the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board). The bill also provides that where a PC or PLLC offering the title of "certified interior designers" and also offers the professional services of architecture, engineering or land surveying, that at least two-thirds of the entity's stock be owned by an individual who is a licensee of the professional service offered. HB 1428; CH. 763.

§§ 13.1-543 and 13.1-1102. See § 54.1-2503; HB 1469.

§§ 13.1-543, 13.1-556, and 13.1-1102 amended. **Professional business entities.** Clarifies that the articles of incorporation of a professional corporation, and articles of organization of a professional limited liability company, include a clause setting forth the entity's sole and specific purpose. The legislation also clarifies that the provisions of the Nonstock Corporation Act shall apply to nonstock professional corporations except when its provisions are in conflict with the chapter under which professional corporations are established. A similar provision currently exists with respect to the applicability of the Stock Corporation Act to stock professional corporations. SB 325; CH. 194.

§§ 13.1-549, 13.1-549.1, 13.1-1111, and 13.1-1112 amended. **Professional corporations and professional limited liability companies; ownership of accounting firms.** Permits accounting firms that are professional corporations or professional limited liability companies to issue up to 49 percent of stock or membership interests to employees who are not authorized to render the services of accounting. SB 136; CH. 191.

§§ 13.1-604, 13.1-804, and 13.1-1003. See § 59.1-501; HB 499.

§§ 13.1-619, 13.1-634, 13.1-763, 13.1-819, 13.1-833, 13.1-925, 13.1-1011, 13.1-1015, 50-73.4, and 50-73.132 amended. **Registered limited liability partnerships.** Allows any law firm organized as a registered limited liability partnership and registered with the Virginia State Bar to serve as the registered agent of a corporation, limited liability company, limited partnership, or registered limited liability partnership. Currently, only law firms organized as professional corporations or professional limited liability companies may serve as registered agents. HB 459; CH. 162.

§§ 13.1-720 and 13.1-896 amended. **Corporations; articles of merger.** Corrects an erroneous reference by substituting the word "plan" for "amendment" in provisions addressing the consent of shareholders or members to a plan of merger or share exchange. SB 217; CH. 53.

§§ 13.1-752, 13.1-768, 13.1-914, 13.1-930, 13.1-1064, and 50-73.69 amended. **Resignation of registered agent; failure to file certificate of change.** Provides for the automatic termi-

nation of corporate existence, revocation of certificate of authority to transact business, or cancellation of certificate of limited liability company or limited partnership if an entity's registered agent has resigned and the entity does not timely appoint a new registered agent. The bill requires the SCC to mail a notice to the entity by first class mail and provides a minimum of two months for the entity to make the new appointment. Currently, the failure to timely appoint a new registered agent results in termination or revocation after the entity is cited in a rule to show cause, which is followed by the opportunity for a hearing before the Commission. The measure applies only to entities whose registered agents file a certificate of resignation on or after January 1, 2001. SB 207; CH. 52.

§ 13.1-1003. See § 12.1-43; SB 326.

§§ 13.1-1010.3, 13.1-1038.1, and 13.1-1046 amended; §§ 13.1-1040.2 and 50-73.39:1 added. **Limited liability companies.** Clarifies that the existing provision for the domestication of a non-United States' entity as a limited liability company (LLC) does not require the dissolution of the foreign entity in its original jurisdiction; provides that a person may be admitted to membership in an LLC without acquiring economic rights in the LLC; clarifies the status of a former member's membership interest and the status of the company after a member dissociates; makes clear that it is permissible for an operating agreement to provide for the manner in which a new member will be admitted to the LLC upon an event that terminates the membership of the last remaining member of the LLC; and adds a provision to the Revised Uniform Limited Partnership Act to declare existing law regarding a limited partner's rights upon withdrawal from a partnership. HB 902; CH. 581.

§§ 13.1-1015, 50-73.4, and 50-73.135 amended. **Trustees as registered agent; partnerships and limited liability companies.** Authorizes an individual who is the trustee of a trust to be the registered agent for (i) a domestic or foreign limited partnership if the trust is general partner of such partnership; (ii) a domestic or foreign registered limited liability partnership if the trust is general partner of such partnership; or (iii) a domestic or foreign limited liability company if the trust is a member of such company. HB 1060; CH. 537.

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## TITLE 15.2. COUNTIES, CITIES AND TOWNS.

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§ 15.2-107.1 added. **Advertisement of legal notices on web sites.** Provides that a locality may advertise legal notices on the locality's World Wide Web site. HB 1255; CH. 434.

§ 15.2-301 amended. **Adoption of optional form of county government.** Requires the secretary of the appropriate electoral board to certify the results of a referendum to adopt an optional form of county government to the Commission on Local Government. HB 470; CH. 741.

**§ 15.2-404 amended. County board form of government; salaries.** Allows Grayson County to set board salaries in accordance with general law. HB 287; CH. 953.

**§ 15.2-404 amended. County board form of government; salaries.** Allows the board of supervisors of counties with the county board form of government to be compensated in accordance with the provisions of general law. SB 96; CH. 613.

**§ 15.2-729.** See § 25-46.36; SB 63.

**§§ 15.2-738 and 15.2-1507.** See § 2.1-1.1; HB 1177.

**§§ 15.2-738 and 15.2-1507.** See § 2.1-1.1; SB 732.

**§ 15.2-901 amended. Removal of grass, weeds, and other foreign growth.** Permits localities in Planning District 8 to require that owners of occupied property cut grass, weeds and other foreign growth on the property and if a property owner, after required notice, fails to do so the locality may cut such grass, weeds or other foreign growth and the cost and expenses thereof shall be chargeable to and paid by the owner of the property. The existing statute only applies to vacant property. HB 361; CH. 740.

**§ 15.2-912.** See § 18.2-371.3; HB 1108.

**§ 15.2-915.1 added. Limitations on licensing and registration of firearms; limitation on lawsuits.** Provides that no locality shall have the authority to bring suit against a firearms or ammunition dealer, the right to bring any such action being reserved exclusively to the Commonwealth. This limitation also applies to any state governmental agency. Exceptions are made for certain breach of contract, breach of warranty and negligence actions. HB 905; CH. 674.

**§ 15.2-928 amended. Local recycling incentives.** Authorizes localities to grant incentives to encourage recycling. HB 681; CH. 231.

**§§ 15.2-946.1 through 15.2-946.4 added. Economic development grants to localities.** Creates the Governor's Economic Development Grant Fund which may be used by the Governor to make grants to localities in which one or more state-sponsored economic development projects completed on or after July 1, 1995, resulted in a demonstrated stress on local infrastructure. No locality may receive more than \$3,000,000 in aggregate in such grants. The aggregate amount of grants approved in any one fiscal year shall not exceed \$10 million and the Commonwealth's annual obligations for such grants shall not exceed \$1 million annually per locality. Economic development grants to eligible localities under the bill are to be offset by grants or loans awarded from the Governor's Development Opportunity Fund. HB 1268; CH. 815.

**§ 15.2-958.1 added. Sale of certain property in the City of Richmond.** Allows the City of Richmond (described by population) to provide for the sale of buildings for the nominal amount of one dollar and to require the purchaser to complete all necessary repairs of the property within two years. The pro-

visions apply to property which the city has obtained through use of existing procedures related to tax-delinquent or blighted property. HB 1385; CH. 364.

**§§ 15.2-1113 and 15.2-1209 amended. Prohibiting discharge of firearms.** Any locality that prohibits the discharge of firearms shall provide an exemption for the killing of deer pursuant to § 29.1-529. Such exemption shall apply on land of at least five acres that is zoned for agricultural use. HB 521; CH. 229.

**§ 15.2-1113.1 added. Discharge of firearms.** Allows a city or town, by ordinance, to prohibit hunting within one-half mile of a subdivision. HB 443; CH. 289.

**§ 15.2-1221.** See § 32.1-111.1; HB 1525.

**§ 15.2-1246 amended. Claims against counties.** Provides that an appeal from the disallowance of a claim by the governing body of a county must be filed with the circuit court for the county. The existing law does not specify in which court the appeal must be filed. HB 953; CH. 300.

**§ 15.2-1302 amended. Continuation of state aid to certain localities.** Increases the period of time the Commonwealth shall continue to distribute certain state funds to localities in support of consolidated governmental functions at the same level such funds would have been provided had no consolidation taken place where the consolidation results in (i) governmental consolidation or (ii) the consolidation of constitutional officers and school divisions. "Consolidation" includes those functions consolidated due to city reversion. HB 522; CH. 708.

**§ 15.2-1309 amended. Regional Competitiveness Act.** Clarifies the manner in which a region is awarded points by the Department of Housing and Community Development for existing joint activities in determining a region's eligibility for receiving incentive funds under the Act. HB 887; CH. 749.

**§ 15.2-1414.2 amended. Board salaries.** Allows a county board that is elected for staggered terms to set a maximum salary in any year in which at least 40 percent, rather than one-half, of the board will be elected. HB 922; CH. 299.

**§ 15.2-1427 amended. Adoption of ordinances and resolutions.** Provides that votes on all ordinances and resolutions adopted prior to February 27, 1998, in which an unanimous vote of the governing body was recorded, shall be deemed to have been validly recorded, notwithstanding provisions requiring that the name and vote of each member of the governing body be recorded. SB 409; CH. 895.

**§ 15.2-1505 amended. Local employment based on residency.** Extends a sunset clause from July 1, 2000, to July 1, 2002, thereby allowing the cities of Hopewell and Petersburg (described by population) to continue using residency as a basis for participation in local police or fire cadet programs or local homesteading programs. SB 268; CH. 276.

**§ 15.2-1506 amended. Local personnel systems.** Allows localities, notwithstanding the provisions of a local charter, to



establish a personnel system for local administrative officials and employees based on merit and professional ability. Such system shall consist of rules and regulations that provide for the general administration of personnel matters, a classification plan for employees, a uniform pay plan, and a procedure for resolving grievances of employees as provided by general law. HB 1262; CH. 363.

§§ 15.2-1512.1 and 15.2-1609.2. See § 2.1-1.1; HB 690/SB 441.

§ 15.2-1512.2 added. **Political activities of firefighters, emergency medical technicians and law-enforcement officers.** Provides that no locality shall prohibit firefighters, emergency medical technicians or law-enforcement officers from participating in political activities while these employees are off duty, out of uniform and not on the premises of their employment with the locality. SB 755; CH. 791.

§ 15.2-1522 amended. **Oaths of office; towns.** Allows town council members and members of Boards of Supervisors to take their oaths before any officer authorized by law to administer oaths. The language regarding town council members was dropped from the Code by the Title 15.1 recodification. Also, council members and members of Boards of Supervisors who, on or after December 1, 1997, qualified by taking the oath of office before any officer authorized by law to administer oaths, are deemed to have satisfied the requirements of this section with regard to the taking of oaths. HB 679; CH. 293.

§§ 15.2-1527, 15.2-1533. and 15.2-2702. See § 2.1-342.01; HB 828/SB 479.

§§ 15.2-1628, 15.2-1630, 15.2-1632, 15.2-1633, and 15.2-1636.8 amended. **Attorneys for the Commonwealth.** Allows the use of volunteer (uncompensated) attorneys as assistant attorneys for the Commonwealth, in the Cities of Virginia Beach, Norfolk and Chesapeake where this provision was in effect from 1994 until its sunset in 1999. HB 428; CH. 913.

§ 15.2-1702 amended. **Notice of referendum question on county police force.** Provides that the notice shall contain the ballot question and a statement of not more than 500 words on the proposed question. The explanation shall be presented in plain English, shall be limited to a neutral explanation, and shall not present arguments by either proponents or opponents of the proposal. The county may expend public funds to provide neutral information, but shall not use public funds to promote a particular position on the question, either in the notice or in any other distribution of information to the public. HB 841; CH. 298.

§ 15.2-1747 amended. **Regional criminal justice training academies.** Specifies the procedures to be followed by a locality, political subdivision or other public body seeking to join an existing regional criminal justice training academy. The bill also specifies the procedures to be followed for the withdrawal of a locality, political subdivision or other public body from a regional criminal justice training academy. SB 293; CH. 772.

§ 15.2-1812.1 added. **Action for damage to memorials for war veterans.** Allows the attorney for a locality to bring an action against any person who damages certain publicly-owned monuments, markers or memorials in order to recover the full cost of repairing such damage. The bill also provides that a private organization, society or museum may bring an action against any person who damages a monument, marker or memorial owned by the private organization, society or museum in order to recover the full cost of repairing such damage. HB 1184; CH. 812.

§ 15.2-2109 amended. **Local computer services.** Authorizes the City of Bristol (described by population) to provide certain computer services, but not to include the communications link between the host computer and any person or entity other than such locality's, or an adjoining locality's, own departments or other governmental divisions. SB 617; CH. 663.

§ 15.2-2110 amended. **Mandatory connection to water and sewage systems.** Adds Amelia County (described by population) to those counties that may require connection to a water and sewage system by owners of property that may be served by such systems. Those persons having a domestic supply of potable water and an adequate system for the disposal of sewage shall not be required to discontinue such use, but may be required to pay a connection fee, a front footage fee, and a monthly nonuser service charge. HB 539; CH. 799/SB 335; CH. 777.

§ 15.2-2118 amended. **Liens for water and sewer charges.** Adds Culpeper County to those localities that have authority to provide that charges for water or sewer service may be a lien on the real estate served. HB 262; CH. 287.

§ 15.2-2144 amended. **Inspection of public water supply.** Requires every public water supply operator to test public water supplies at least quarterly for the presence of methyl tertiary-butyl ether (MTBE), an additive used in gasoline, which is a known carcinogen. The locality must maintain a record of the testing and, if the results of any test, indicate the presence of MTBE in excess of 15 parts per billion, the locality must immediately notify the Departments of Environmental Quality and Health. The Division of Consolidated Laboratory Services will maintain and make available, upon request, a list of laboratories performing this testing. The Division of Consolidated Laboratory Services will establish a fee system to offset the costs of testing performed by it on behalf of public water supply operators for MTBE and will also report to the Governor and the General Assembly by November 1, 2000, on the estimated costs and personnel requirements for administering the MTBE tests. HB 909; CH. 1004.

§§ 15.2-2226 and 15.2-2229 amended. **Comprehensive plan.** Clarifies that the 90-day period within which the governing body must act on the planning commission's recommendation, applies to both the development and amendment of the plan. SB 333; CH. 893.

§ 15.2-2242 amended. **Use of escrowed funds; Town of Vienna.** Allows the Town of Vienna (described by population)

to use funds from a developer that have been escrowed for construction of specific public improvements for other similar improvements under certain conditions. Such funds shall be used only if the governing body (i) obtains the written consent of the owner or developer who submitted the escrowed funds; (ii) finds that the facilities for which funds are escrowed are not immediately required; (iii) releases the owner or developer from liability for such improvements and (iv) accepts liability for the future cost of constructing such improvements. If a locality fails to locate such owner or developer after making a reasonable attempt to do so, the locality may proceed as if such consent had been granted. In addition, the escrowed funds to be used for such other improvement may only come from an escrow that does not exceed \$30,000, plus any accrued interest, and shall have been escrowed for at least five years. HB 734; CH. 711/SB 278; CH. 652.

**§ 15.2-2265 amended. Recordation of plats.** Clarifies that only a plat that has been approved by a locality shall operate to transfer to the locality the streets and other public uses indicated on the plat. HB 547; CH. 165.

**§ 15.2-2286 amended. Boards of zoning appeals.** Provides that a zoning ordinance may prescribe an appeal period of not less than 10 days for a notice of violation involving temporary or seasonal commercial uses, parking of commercial trucks in residential zoning districts. The existing statute provides that an individual has 30 days within which to file an appeal. HB 1454; CH. 764.

**§ 15.2-2286 amended. Zoning ordinances; restrictions on ABC licenses.** Provides that the City of Richmond may impose a condition upon any special use permit issued after July 1, 2000, relating to retail alcoholic beverage control licensees which provides that such special use permit will be subject to an automatic review by the governing body upon a change of ownership of the property, a change in possession, or a transfer of majority control of the business entity. HB 1456; CH. 817.

**§ 15.2-2295.1 added. Zoning; regulation of mountain ridge construction.** Permits localities containing "protected mountain ridges," defined as those ridges with an elevation of 2,000 feet or more and an elevation of 500 feet or more above the adjacent valley floor, to adopt an ordinance regulating the construction of tall buildings or structures on those mountain ridges. The ordinance would apply to all buildings or structures with a height of 40 feet or more above the natural grade but would not apply to television, radio and telecommunications towers, structures of a relatively slender nature, minor vertical projections of a parent building, or buildings designated as historic landmarks. SB 643; CH. 732.

**§ 15.2-2309 amended. Study; city issues.** Requests the Advisory Commission on Intergovernmental Relations to study and develop recommendations of the Commission on the Condition and Future of Virginia's Cities. The Advisory Commission shall submit an interim report in 2001 and its final report to the Governor and to the 2002 Session of the General Assembly. HB 925; CH. 1050.

**§ 15.2-2317 amended. Authority to impose road impact fees.** Adds Stafford County (described by population) to the localities authorized to impose road impact fees and provides road impact fee provisions shall expire on July 1, 2003, if no locality has imposed such fees by that date. HB 752; CH. 495.

**§§ 15.2-2400, 15.2-2402, and 15.2-2403 amended. Service districts.** Permits two or more localities to create a joint service district and provides that existing authority related to levying an annual tax and employing personnel, applies to the purchase of development rights. HB 855; CH. 925/SB 255; CH. 853.

**§ 15.2-2403 amended. Service districts.** Expands powers of service districts to control pest infestations by allowing control of cankerworms or other pests identified by the Department of Agriculture and Services. Currently, service districts may only act to control infestations by gypsy moths. HB 538; CH. 743.

**§§ 15.2-2414 through 15.2-2418 added. Urban Public-Private Partnership Redevelopment Fund.** Creates a fund to be administered by the Department of Housing and Community Development for the purpose of making grants or loans to local governments for assembling, planning, clearing, and remediating sites in order to promote such sites to private developers for redevelopment. The Fund is created to address the serious problem of a lack of developable land in urban areas of the Commonwealth and the high cost of redeveloping such land. This is a recommendation of the Commission on the Condition and Future of Virginia's Cities. HB 1232; CH. 757.

**§ 15.2-4203 amended. Planning district commission membership.** Provides that, in planning district number 4, the membership of the commission may include representatives of higher education institutions. SB 260; CH. 984.

**§ 15.2-4313 amended. Agricultural and forestal districts.** Allows the Director of the Department of Conservation and Recreation, or his designee, to advise a local governing body on issues related to proposals of state agencies, political subdivisions or public service corporations to acquire land or construct a project within a district. HB 1245; CH. 1069.

**§ 15.2-4314 amended. Agricultural and forestal districts; roll-back taxes.** Clarifies that roll-back taxes are due and payable upon the withdrawal of land from, or the termination of, agricultural and forestal districts. The sale or gift of a portion of land in a district to a family member shall not in and of itself constitute a withdrawal or removal of any of the land from a district. HB 418; CH. 521.

**§ 15.2-4507 amended. Transportation District Commission of Hampton Roads.** Provides for the appointment of one member of the House of Delegates and one member of the Senate to the Transportation District Commission of Hampton Roads. HB 1411; CH. 439/SB 246; CH. 443.

**§ 15.2-4603 amended. Route 28 transportation improvement district.** Extends the term of the district 15 years beyond the presently specified 35-year maximum term. HB 1287; CH. 435.

**§ 15.2-4903 amended. Industrial development authorities.** Provides that in Goochland County the authority may be called an economic development authority. HB 236; CH. 398.

**§ 15.2-4904 amended. Industrial Development Authorities.** Allows Henrico County to appoint 10 rather than eight members to the board of directors of such authority. HB 655; CH. 963.

**§ 15.2-5100 Southeastern Public Service Authority of Virginia.** Provides that the Southeastern Public Service Authority of Virginia shall have perpetual existence until its dissolution pursuant to the provisions of the Virginia Water and Waste Authorities Act. Existing members of the Authority are allowed to withdraw at any time provided that all obligations to the Authority incurred by a locality remain in full force and effect following the withdrawal. Currently, the applicable statutes provide that an authority created under the Virginia Water and Waste Authorities Act may exist for a period of 50 years and that a member locality may only withdraw from an authority upon the unanimous consent of the other members and, if the authority has outstanding bonds, the unanimous consent of the holders of the bonds. HB 877; CH. 580/SB 563; CH. 596.

**§ 15.2-5158.** See § 10.1-1700; HB 856/SB 256.

**§§ 15.2-5201 amended. Local hospital or health center commissions.** Revises the definition of health center to include nursing homes, adult care residences, independent living facilities and assisted living facilities, as defined in the Code, and licensed by the Departments of Social Services or Health. This bill also rearranges the definitions in alphabetical order. This bill clarifies the authority for local hospital or health care commissions, i.e., entities created by one or more local governments, to operate adult care residences. These commissions are already authorized to operate hospitals and nursing homes. SB 770; CH. 468.

**§ 15.2-6400 amended. Regional industrial facility authorities.** Rewrites the definition of "region," so as to include all of the localities within Planning District 3, thereby giving the counties of Carroll, Grayson and Washington and the Cities of Bristol and Galax the ability to join such authorities. HB 483; CH. 915.

**§ 15.2-6400 amended. Virginia Regional Industrial Facilities Act.** Adds areas within Planning Districts 13 and 14 to those areas that may create an authority under such act. HB 570; CH. 960.

**§ 15.2-6400 amended. Regional industrial facility authority.** Adds the area within Planning District 14, which includes the counties of Amelia, Buckingham, Charlotte, Cumberland, Lunenburg and Prince Edward and the towns of Charlotte Courthouse, Dillwyn, Farmville, Kenbridge, Keysville and Victoria to those areas that may establish such authorities. HB 823; CH. 965.

**§§ 15.2-6400, 15.2-6402, and 15.2-6403 amended. Regional industrial facility authorities.** Rewrites the definition of "region," so as to include all of the localities within Planning

District 3, thereby giving the counties of Carroll, Grayson and Washington and the Cities of Bristol and Galax the ability to join such authorities; adds the localities of Planning District 3 to those that may create an authority with two or more, rather than three or more, localities within the region and; allows for staggered terms of the board of directors. SB 282; CH. 892.

**§§ 15.2-6500 through 15.2-6504 added. +Tourist Train Development Authority.** Creates the Authority and its board, which will consist of three representatives from the governing bodies of Tazewell County, the Town of Bluefield, and the Town of Pocahontas, four citizen members from Tazewell County, and one legislator. The Authority's powers are similar to those that other authorities possess. The authority may also cooperate with any private or governmental entity in the state of West Virginia in the development of a tourist train. HB 1114; CH. 680.

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## TITLE 15.2. MISCELLANEOUS - COUNTIES, CITIES AND TOWNS.

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**Speeding in residence districts; City of Falls Church.** Allows the City of Falls Church (described by population) to prohibit the operation of a motor vehicle at a speed of 15 miles per hour or more in excess of the applicable maximum speed limit in residential districts and to provide that any person who violates the prohibition shall be subject to a civil penalty of \$100, in addition to other penalty provided by law. HB 379; CH. 957/SB 107; CH. 940.

**Liability for failure to provide adequate security or crowd control.** Adds the City of Chesapeake (described by population) to provisions that will allow the city to provide by ordinance that any person who has negligently failed to provide adequate security or crowd control at a sporting event, restaurant, night club or other business or commercial activity that draws large crowds of people may be liable in a separate civil action for the cost associated with any emergency response by the law-enforcement agency or emergency medical services personnel of such city caused by the sponsor, owner or tenant of any sporting event, restaurant, night club or other business or commercial establishment who negligently failed to provide adequate security or crowd control. Such person shall be liable to the city in an amount not to exceed \$1,000. SB 681; CH. 829/HB 1018; CH. 840.

**Powers of the trustees of the Town of York.** Provides that the trustees of the Town of York may approve and execute conveyances, leases, management agreements, or other instruments with the York County Board of Supervisors involving all or a portion of the river shore land located in the town for purposes and for periods of time that the trustees and the Board of Supervisors agree will be of benefit to the residents of the town and the county. SB 780; CH. 864 (effective 4/9/00).

**Town of Altavista; election of council.** Provides that the Town of Altavista, notwithstanding general law provisions to the contrary, will elect its mayor and council on the November general election date in even-numbered years. Emergency. SB 580; CH. 152 (effective 3/23/00).

**Town of Irvington; council elections.** Increases council terms from two to four years and provides for staggered terms. HB 1535; CH. 1062.

**Local volunteers.** Allows the City of Virginia Beach (described by population) to appoint and train volunteers to assist with various property inspections including property maintenance and certain zoning matters. Such volunteers shall have any and all immunity provided to an employee of the locality doing an identical job. HB 736; CH. 673.

**Open-space lands.** Provides that the City of Virginia Beach (described by population) may, at the request of the owner of the fee of any land protected by an open-space easement or other interest in land purchased by the city, sell such interest to the fee owner for the current full market value of the interest without substituting other real property for the land converted or diverted, if (i) the conversion or diversion is determined by the city council to be essential to the orderly development and growth of the locality and in accordance with the city's current comprehensive plan, (ii) the city determines by ordinance that the open-space land converted or diverted is no longer needed for open-space purposes and that substitution of other real property is not feasible, and (iii) no state or federal funds were used in connection with the city's acquisition of such interest. Current law requires that, where a locality converts or diverts open-space land in which it has acquired an interest to another use, it must substitute other real property. HB 738; CH. 416.

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## CHARTERS, AUTHORITIES

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**Blacksburg, Town.** Updates the town's boundary description. HB 129; CH. 222.

**Bristol, City.** Adds a sixth member to the Bristol Virginia Utilities Board to be appointed from the membership of the Washington County Board of Supervisors. Also, the requirement that public property is to be sold by auction or an equivalent competitive procedure is replaced with authority to sell property by whatever means will most benefit the citizens of the city. The publication requirement for such sale is changed from four to two weeks. HB 96; CH. 949/SB 49; CH. 976.

**Covington, City.** Provides that any vacancies in the offices of treasurer and commissioner of the revenue shall be filled in accordance with general law and deletes obsolete language. SB 58; CH. 977.

**Franklin, City.** Authorizes city council members to serve as commissioners of the Franklin Redevelopment and Housing Authority; however, the number of council members serving on the Authority shall not comprise a majority. City council is

given authority to terminate the terms of existing commissioners. City council members shall receive no compensation for serving as commissioners. HB 17; CH. 948/SB 6; CH. 975.

**Lexington, City.** Updates references to the Code of Virginia, allows council members who are presiding at meetings to vote, provides for the advertisement of all new ordinances, and makes numerous technical and clarifying amendments. HB 144; CH. 223.

**Louisa, Town.** Provides for staggered elections for the town council. HB 238; CH. 224.

**New Castle, Town.** Allows the town council to appoint a planning commission and a board of zoning appeals consisting of at least three members. Under general law, such commissions and boards shall have at least five members. HB 206; CH. 158 (effective 3/24/00).

**Norfolk, City.** Grants council sole power to authorize an advisory referendum to be held at the general election in November, 2000, on the question of whether the mayor shall be popularly elected; conforms penalties for misdemeanors to those permitted by general law; specifies additional duties of the director of finance; streamlines the description of the city auditor's duties; clarifies the procedure for dealing with unencumbered balances; shifts responsibility for issuing warrants for payment of claims from the city auditor to the assistant director of finance or the city controller when the city manager acts as director of finance; deletes various provisions related to acquisition of property by the airport authority; and makes various technical and clarifying amendments. HB 142; CH. 950/SB 67; CH. 979.

**Orange, Town.** Updates the town's boundaries. HB 234; CH. 160.

**Petersburg, City.** Provides for the transition from appointed to elected school boards. The bill also reiterates a state law that exempts employees of the police and fire cadet programs and employees participating in the homesteading program from provisions that would otherwise prohibit the city from instituting a residency requirement. HB 118; CH. 4 (effective 2/15/00).

**Pulaski, Town.** Reduces the number of council members from eight to six, not including the mayor. HB 209; CH. 159 (effective 3/24/00).

**Purcellville, Town.** Replaces the mayor pro tempore with a vice mayor to be selected by council to serve a one-year term. HB 259; CH. 225.

**Rocky Mount, Town.** Provides a new charter for the Town of Rocky Mount and repeals the town's current charter, which was enacted in 1962. The charter contains powers typically granted to towns. HB 211; CH. 952 (effective 4/9/00).

**Smithfield, Town.** Provides that council vacancies shall be filled in accordance with general law. HB 308; CH. 955.

**Dinwiddie Airport and Industrial Authority.** Changes the name “Petersburg Airport” to “Dinwiddie County Airport.” HB 680; CH. 261.

**Peninsula Port Authority of Virginia.** Reduces the size of the commission of the Peninsula Port Authority of Virginia from nine to seven members; provides that they will be appointed by the Newport News City Council and shall have been appointed to the executive committee of the Peninsula Alliance for Economic Development; and provides that they must be residents of Hampton, Newport News, Poquoson, Williamsburg, Gloucester County, James City County, or York County. The bill does not apply to appointments made prior to March 1, 2000. HB 530; CH. 670 /SB 406; CH. 698 (effective 4/8/00).

**Virginia Biotechnology Research Park Authority, powers and duties.** Amends the powers and duties of the Virginia Biotechnology Research Park Authority. The bill allows the President of Virginia Commonwealth University, the Mayor for the City of Richmond, and the Secretary of Commerce and Trade (the three ex officio members of the Authority’s board of directors) to appoint designees who are entitled to exercise all powers of their designators and to perform all related functions. In addition to the Authority’s existing power to issue bonds, the bill allows the Authority to borrow money; to create entities to facilitate activities or programs; to participate in joint ventures; and to assist entities that the Authority may create or entities with whom the Authority may participate in joint ventures. SB 568; CH. 731.

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## TITLE 16.1. COURTS NOT OF RECORD.

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**§ 16.1-69.6:1 amended. Number of district court judges.** Increases the number of juvenile and domestic relations district court judges in the 14th judicial district (Henrico) and requires that the judges of the fourteenth judicial district render assistance to the 12th judicial district (Chesterfield, Colonial Heights) on a regular basis. HB 755; CH. 43.

**§ 16.1-69.24 amended. Contempt of court.** Increases from \$50 to \$250 the maximum fine for contempt of court. The 1999 General Assembly increased the fine to \$250 in two sections but overlooked this section. The bill is a recommendation of the Committee on District Courts. HB 507; CH. 164/SB 61; CH. 185.

**§ 16.1-69.40:1 amended. Prepayable fines.** Provides that whether or not he was involved in an accident, a person charged with a traffic offense that is listed as prepayable in the Uniform Fine Schedule may prepay his fines and costs without court appearance. Currently, prepayable fines may not be prepaid by a person involved in an accident. This bill is effective January 1, 2001. HB 1101; CH. 841 (effective 1/1/01).

**§ 16.1-89.** See § 8.01-407; HB 1213.

**§§ 16.1-241, 16.1-243, and 16.1-262.** See § 63.1-195; SB 683.

**§ 16.1-244 amended. Juvenile court; jurisdiction for protective orders.** Clarifies that the juvenile court retains jurisdiction to hear a protective order petition when there is a bill of complaint for divorce filed in the circuit court and a hearing on a different matter is scheduled 21 days from the date of filing. Apparently some petitioners for family abuse protective orders have been left without remedy in either juvenile or circuit court when the juvenile court declined to hold a hearing and either the respondent withdrew the bill of complaint or the circuit court was unable to schedule an expedited hearing on the protective order matter. SB 475; CH. 781.

**§ 16.1-245.1 amended. Medical evidence admissible in juvenile and domestic relations district court.** Places a medical laboratory on the same footing as a medical facility for the purpose of allowing laboratory analysis results into evidence. This change would allow a laboratory analysis to be admitted into evidence in child abuse or family abuse cases with only an affidavit of the analyst attesting to the truth and accuracy of the results and would avoid requiring the analyst to testify. HB 482; CH. 163.

**§ 16.1-248.1 amended. Detention orders.** Requires a detention order to state the offense for which the juvenile is being detained and if practicable, other pending and previous charges. The bill changes from “unreasonable danger to the person or property of others” to “a clear and substantial threat to the person or property of others” one of the standards to be considered in determining whether the juvenile should be released. This bill is a recommendation of the Youth Commission. HB 567; CH. 836.

**§§ 16.1-251, 16.1-252, 16.1-277.01, 16.1-277.02, 16.1-278.2, 16.1-278.3, 16.1-281, 16.1-282, 16.1-282.1, and 16.1-283 amended. Foster care.** Provides that when it is necessary to remove a child from his home he may be placed with a relative or other interested individual, including grandparents, in lieu of placement with a local department of social services. The bill establishes standards for such placements which are appropriate for each stage of the dependency process. The bill establishes a new permanent goal known as “another planned permanent living arrangement” for foster children who require long-term residential treatment. Other amendments clarify aspects of the permanency planning process. Annual foster care review hearings must be held for children whose parental rights have been terminated until a final order of adoption is entered, instead of until they are placed for adoption. The bill also modifies the child’s objection to a termination of parental rights. This bill is a recommendation of the Court Improvement Program of the Office of the Executive Secretary of the Supreme Court and has been endorsed by the Committee on District Courts and the Judicial Council of Virginia. SB 447; CH. 385.

**§§ 16.1-253.1 and 16.1-279.1 amended. Protective orders; family abuse.** Provides that a protective order may grant the petitioner use of a motor vehicle owned solely by the petitioner. Currently the petitioner may be granted use of a motor vehicle jointly owned by the parties but there is no provision to

direct that a petitioner's own car be returned. HB 511; CH. 34/SB 353; CH. 654.

**§ 16.1-272 amended. Power of circuit court over juvenile offender.** Allows the circuit court to punish a juvenile convicted of a non-violent felony by imposing and suspending an adult sentence conditioned upon successful completion of terms and conditions as might be imposed by a juvenile court. The bill does not remove the circuit court's ability to punish the juvenile as an adult. HB 275; CH. 793.

**§ 16.1-272.1 added. Claim of error; juveniles.** Provides that a claim of error must be raised within one year from the date of final judgment in the circuit court or one year from the effective date of the statute, whichever is later, or it will not constitute a ground for relief in any judicial proceeding. HB 849; CH. 418.

**§§ 16.1-273 and 16.1-278.8.** See § 18.2-248; HB 383/SB 153.

**§§ 16.1-278.7, 16.1-278.8, and 16.1-285 amended. Commitment to the Department of Juvenile Justice.** Changes criteria for commitment to the Department. Currently a child older than 10 years of age may be committed, this bill raises the age to 11 or older. The bill also provides for commitment to the Department for an offense which would be a Class 1 misdemeanor and the juvenile has been previously convicted of three Class 1 misdemeanors or a felony. Current law allows commitment for a Class 1 misdemeanor if the prior conviction was a felony or a Class 1 misdemeanor. The bill also clarifies that (i) abused and neglected children may not be committed to the Department and (ii) any juvenile who is in the custody of the Department and is subsequently convicted as an adult is to be transferred to the Department of Corrections. HB 295; CH. 954/SB 150; CH. 981/SB 344; CH. 988.

**§§ 16.1-278.8, 16.1-284.1, and 16.1-292 amended. Postdispositional detention.** Allows a court to defer disposition and place a juvenile in the temporary custody of the Department of Juvenile Justice to attend a boot camp provided bed space is available and the juvenile (i) has been found delinquent for a non-status offense, (ii) has not previously been and is not currently being adjudicated delinquent or found guilty of a violent juvenile felony, (iii) has not previously attended a boot camp, (iv) has not previously been committed to the Department, and (v) has been assessed as appropriate for boot camp. Additionally, the bill provides that if a juvenile 14 years of age or older is found to have committed an offense which if committed by an adult would be punishable by confinement in a state or local correctional facility, and the court determines among other factors that the juvenile has not previously been, and is not currently being adjudicated delinquent or found guilty of a violent juvenile felony, then the court may order the juvenile confined in a detention home or other secure facility for juveniles for a period not to exceed six months. The period of confinement ordered may exceed 30 calendar days if the juvenile has had an assessment completed by the secure facility to which he is ordered concerning the appropriateness of the placement. SB 66; CH. 978 (effective 7/1/02).

**§ 16.1-278.9 amended. Suspension of driver's license for truancy.** Requires the juvenile and domestic relations court to order the denial of driving privileges for at least 30 days to any child at least 13 years of age upon a finding that the child has failed to comply with certain school attendance and parent-school conference meeting requirements. The measure provides for restricted licenses to be issued upon demonstration of hardship. HB 490; CH. 835.

**§ 16.1-278.15.** See § 20-103; HB 1178.

**§ 16.1-299 amended. Juveniles; fingerprints and photographs.** Allows law-enforcement agencies to retain fingerprints and photographs of juveniles charged with, but not convicted of, violent juvenile felonies or ancillary crimes. HB 1206; CH. 431.

**§ 16.1-300 amended. Department of Juvenile Justice; confidentiality of Department records.** Allows the Department to share confidential information regarding a child with persons having a legitimate interest (e.g., providing services to the child under a Department contract or under the Virginia Juvenile Community Crime Control Act; or release of the information for security purposes). SB 343; CH. 212.

**§ 16.1-301 amended. Juvenile records.** Allows law-enforcement agencies to release records of a juvenile 14 years of age or older charged with certain felonies. Under current law, this information may be released only if the juvenile is charged with murder or aggravated malicious wounding. This bill also allows release if the charge is felonious injury by mob, abduction, malicious wounding, malicious wounding of a law-enforcement officer, felonious poisoning, adulteration of products, robbery, carjacking, rape, forcible sodomy or object sexual penetration. SB 312; CH. 211.

**§§ 16.1-302.1 and 19.2-265.01 amended. Exclusion of victims.** Provides that a victim in a juvenile or adult proceeding may not be excluded from the courtroom unless the court determines that the presence of the victim would impair the conduct of a fair trial. SB 348; CH. 339.

**§ 16.1-309.1 amended. Exceptions to confidentiality of juvenile records or information.** Allows a copy of any court order that imposes a curfew or other restrictions on a juvenile to be provided to the chief law-enforcement officer of the county or city wherein the juvenile resides. HB 673; CH. 603/SB 361; CH. 563.

**§ 16.1-309.3 amended. Juvenile Community Crime Control Act.** Requires the community-based services developed pursuant to the Act to be based on an annual review and objective assessment of court-related data. The biennial plan required to be submitted to the State Board of Juvenile Justice must provide the projected number of juveniles that will not require secure detention or state commitment because of the community-based services. The bill adds a requirement that each locality submit a quarterly progress report to the Department of Juvenile Justice. The bill also allows the Tidewater Regional

Group Home Commission to continue to receive predispositional and postdispositional court services. HB 948; CH. 806.

**§ 16.1-309.3 amended. Virginia Juvenile Community Crime Control Act.** Amends that portion of the Act that provides funding for the Tidewater Regional Group Home Commission to allow that Commission to continue to receive direct funding for providing predispositional and postdispositional court services. SB 345; CH. 195.

**§ 16.1-309.5 amended. Reimbursement for construction of detention homes and other facilities.** Requires the state to reimburse a locality 50 percent of the cost of construction, renovation, purchase, etc., of a detention home if the plans and specifications are preapproved by the Governor as required by law. HB 387; CH. 601/SB 196; CH. 562.

**§ 16.1-340 amended. Emergency custody orders for minors.** Authorizes magistrates to issue emergency custody orders for juveniles. A recent Attorney General opinion states that, under current law, a magistrate lacks authority to issue an emergency custody order under § 37.1-67.01 if the person is a minor. Section 37.1-67.01, regarding emergency custody orders, was added in 1995, and the cross reference was not picked up in the Psychiatric Inpatient Treatment of Minors Act. Thus, this bill is a technical amendment to correct an oversight made when the involuntary commitment statutes were revised in 1995. HB 688; CH. 65/SB 88; CH. 246.

**§§ 16.1-356 and 16.1-361 amended. Juvenile competency evaluation.** Adds licensed professional counselors to the list of experts who may perform a juvenile forensic evaluation. SB 301; CH. 337.

**§ 16.1-358 amended. Juvenile competency.** Provides for the civil commitment of a person who was charged with a crime when younger than the age of 18 but who reaches the age of 18 during the time that the court finds him unrestorable to competency and in need of inpatient hospitalization. In 1999, the Virginia Commission on Youth recommended legislation to provide juvenile court procedures for determining whether a juvenile is competent to stand trial, for restoration of competency and for dispositions for unrestorably incompetent juveniles. The current law provides that an unrestorably incompetent juvenile may be committed to a facility operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services for a period of up to three years, depending upon the charge. This bill provides the statutory authority to commit a juvenile who turns 18 to an adult facility. SB 520; CH. 216.

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## TITLE 17.1. COURTS OF RECORD.

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**§ 17.1-207 amended. Courts of record; clerk's office.** Allows a circuit court clerk's office to be open on Saturdays for the limited purposes of receiving applications, granting

licenses and examination and copying of records. HB 624; CH. 412/SB 249; CH. 444.

**§§ 17.1-227.1, 17.1-252, and 17.1-279 amended. Technology Trust Fund; parcel identification numbers; use of land record cover sheets.** Provides for the expiration on July 1, 2002, of the additional fee collected by the circuit courts for the Technology Trust Fund. For those localities with a unique parcel identification system, the bill requires the use of such unique parcel identification numbers on land instruments in clerks' offices. The bill also allows the use of land record cover sheets statewide. HB 215; CH. 440/SB 375; CH. 446.

**§§ 17.1-255, 17.1-256, and 17.1-258 amended; § 17.1-258.1 added; § 17.1-257 repealed. Electronic filing of documents.** Makes technical changes in the procedures regarding documentation of electronic filings, the use of affidavits of authenticity, and the authenticity of signatures of notaries. The bill also codifies the existing sunset clause, which calls for the laws relating to electronic filing of documents in the clerks' offices to expire on July 1, 2004. HB 725; CH. 800.

**§ 17.1-258.** See § 59.1-501; HB 499.

**§ 17.1-275 amended. Circuit court fees.** Provides for a flat fee of \$50 for a petition seeking court approval of a settlement where no action has yet been filed. SB 597; CH. 826.

**§§ 17.1-275, 17.1-405, and 17.1-410.** See § 63.1-195; SB 685.

**§ 17.1-275.6 added. Local electronic device fund.** Provides that in any court in which electronic devices are used for recording testimony a fee of not more than \$20 shall be paid by the clerk on each day of the trial from the court reporter fund into a special local fund to repair and purchase such electronic devices. HB 1160; CH. 875.

**§§ 17.1-400 and 17.1-402 amended. Court of Appeals; judges.** Increases the number of judges on the Court of Appeals of Virginia from 10 to 11. SB 370; CH. 8.

**§ 17.1-405.** See § 2.1-1.1; HB 1177/SB 732.

**§ 17.1-507 amended. Number of circuit court judges.** Increases from four to five the number of circuit court judges in the 12th (Chesterfield, Colonial Heights) and 27th (Galax, Radford, Bland, Carroll, Floyd, Giles, Grayson, Montgomery, Pulaski, Wythe) Circuits. HB 724; CH. 37.

**§ 17.1-513.1 added. Appeals in abuse and neglect cases.** Requires the circuit court, in cases involving child abuse and neglect pursuant to § 63.1-248.6:1 (appeals from administrative proceeding), to close the proceedings and seal the record in the case. The court may, for good cause shown, unseal the record. HB 1128; CH. 478.

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## TITLE 18.2. CRIMES AND OFFENSES GENERALLY.

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**§ 18.2-10 amended. Punishment for conviction of felony.** Limits the application of the death penalty for a Class 1 felony conviction to those who are 16 years of age or older at the time of the offense. HB 978; CH. 361.

**§ 18.2-10.** See § 19.2-295.2; SB 125.

**§§ 18.2-10 and 18.2-11 amended; § 18.2-370.2 added. Sexual offenses.** Provides that anyone convicted of an “offense prohibiting proximity to children” is forever prohibited from loitering within 100 feet of a primary, secondary or high school. The crimes that qualify as an offense prohibiting proximity to children are: abduction and kidnapping of a minor, abduction of a minor with intent to defile or for immoral purpose, crimes against nature with a minor relative, adultery or fornication with a minor relative, rape of a child under age 13, carnal knowledge of a child between 13 and 15, carnal knowledge of certain minors, forcible sodomy with a child under age 13, inanimate or animate object sexual penetration of a child under age 13, aggravated sexual battery of a child under age 13, taking indecent liberties with children, taking indecent liberties with child by person in custodial or supervisory relationship, cause or encouraging acts rendering children delinquent or abused, possession with intent to distribute of sexually explicit items involving children, possession of child pornography and employing a minor to assist in an obscenity offense. SB 197; CH. 770.

**§§ 18.2-36.1, 18.2-51.4, 18.2-270, and 18.2-271.** See § 46.2-301; HB 355/SB 183.

**§§ 18.2-46.1, 18.2-46.2, and 18.2-46.3 added. Criminal gang activity.** Creates a new series of separate and distinct felonies based on prohibited criminal street gang activity and participation in certain currently illegal activity. SB 143; CH. 332.

**§ 18.2-57 amended. Assault of law-enforcement officers.** Specifies the inclusion of jail officers in local correctional facilities, game wardens and deputy sheriffs among those officers included in the Code provisions giving enhanced punishment for the assault of law-enforcement officers. HB 297; CH. 288.

**§ 18.2-57 amended. Assault and battery; actions by school personnel.** Provides that the offenses of simple assault and assault and battery do not include the use, by any teacher acting in his official capacity, of incidental, minor or reasonable physical contact or other actions designed to maintain order and control; or reasonable and necessary force (i) to quell a disturbance or remove a student from the scene of a disturbance that threatens physical injury to persons or damage to property; (ii) to prevent a student from inflicting physical harm on himself; (iii) for self-defense or the defense of others; or (iv) to obtain possession of weapons or other dangerous objects or controlled

substances. This language mirrors the provisions of § 22.1-279.1 that preclude the use of corporal punishment in public schools and set forth exceptions for the use of reasonable and necessary actions. ; CH. 682.

**§ 18.2-57.01 added. Pointing laser at law-enforcement officer unlawful; penalty.** Provides that, if any person, knowing or having reason to know another person is a law-enforcement officer, a correctional officer, a probation or parole officer, or a person employed by the Department of Corrections directly involved in the care, treatment or supervision of inmates, intentionally projects at such other person a beam or a point of light from a laser or laser-like device, he is guilty of a Class 2 misdemeanor. HB 437; CH. 350.

**§§ 18.2-57.3, 18.2-64.2, 18.2-67.4, 19.2-299.2, 19.2-303.3, 53.1-82.1, 53.1-82.3, 53.1-150, 53.1-180, 53.1-181, 53.1-182, 53.1-182.1, 53.1-183, 53.1-184, 53.1-185, 53.1-185.1, 53.1-185.2, and 53.1-185.3 amended; §§ 19.2-152.4:1 and 53.1-182.1:1 added. Comprehensive Community Corrections Act for Local Responsible Offenders.** Defines local services as community-based probation and requires localities to adopt local community criminal justice boards, which include local officials (e.g., city manager, county administrator), and makes mandatory the service of those officials already appointed to these boards. The bill expands the options for removal of an offender for intractable behavior. The bill also limits participation to persons who receive a sentence of less than 12 months. HB 202; CH. 1040.

**§ 18.2-67.4 amended. Sexual Battery.** Provides that the definition of sexual abuse in § 18.2-67.10 applies to the sexual battery section. HB 169; CH. 832.

**§ 18.2-67.4:1 added. Infected sexual battery.** Creates the Class 6 felony of infected sexual battery when the offender has intimate sexual contact with someone knowing he is infected with HIV, Syphilis or Hepatitis B with the intent to transmit the infection to another person. HB 141; CH. 831.

**§§ 18.2-67.5:2 and 18.2-370 amended. Punishment upon conviction of certain criminal sexual acts.** Expands the list of those sexual offenses for which a second or subsequent offense is punishable by the maximum amount allowable for the latest offense, none of which is subject to suspension. This change allows a second offense, taken from the list of more serious (life imprisonment) second offenses, to aggravate the punishment of a less serious first offense. The bill also increases the punishment for a second or subsequent offense of taking indecent liberties with children to a Class 5 felony. Currently all such offenses are Class 6 felonies. SB 176; CH. 333.

**§§ 18.2-85 and 27-97 amended; § 27-97.2 added. Use of explosives; issuance of permits; penalty.** Requires the Board of Housing and Community Development to consider all permit applications for manufacturing, storing, handling, using or selling explosives, including a background examination to include a criminal history record information check of all applicants and those designated persons representing corporate applicants. The bill also (i) requires the Board to deny a permit



application of anyone convicted of a felony in Virginia, any other state, the District of Columbia, or the United States, unless the civil rights of the applicant have been restored; (ii) exempts from the permit requirements those persons holding a permit under Virginia mining laws; and (iii) requires the Department of Mines, Minerals, and Energy, to study application of this law to coal and mineral mining industries. HB 198; CH. 951.

**§§ 18.2-85 and 27-97 amended; § 27-97.2 added. Use of explosives; issuance of permits; penalty.** Requires the Board of Housing and Community Development to consider all permit applications for manufacturing, storing, handling, using or selling explosives, including a background examination to include a criminal history record information check including all applicants and those designated persons representing corporate applicants. The bill also (i) requires the Board to deny a permit application of anyone convicted of a felony in Virginia, any other state, the District of Columbia, or the United States, unless the civil rights of the applicant have been restored; (ii) exempts from the permit requirements those persons holding a permit under Virginia mining laws; and (iii) requires the Department of Mines, Minerals and Energy, to study application of this law to coal and mineral mining industries. SB 202; CH. 1065.

**§ 18.2-152.2 amended. Computer network; definition.** Changes the definition of “computer network” to mean two or more computers connected by a network. The bill also defines a “network” as any combination of digital transmission facilities and packet switches, routers, and similar equipment interconnected to enable the exchange of computer data. HB 526; CH. 627.

**§ 18.2-152.7:1 added. Harassment by computer; crime.** Creates a crime of harassment by computer. The bill would make it a Class 1 misdemeanor to use a computer or computer network to communicate obscene, vulgar, profane, lewd, lascivious, or indecent language, or to make any suggestion or proposal of an obscene nature or threaten any illegal or immoral act with intent to coerce, intimidate, or harass. HB 1524; CH. 849.

**§§ 18.2-174.1 and 18.2-426.** See § 8.01-26; HB616

**§ 18.2-186.3 added. Identity fraud.** Establishes the offense of identity fraud as the intent to unlawfully and without permission appropriate the identity of another person. A violation is a Class 1 misdemeanor. If the violation results in a loss of greater than \$200, if it is a second or subsequent conviction, or if the violator avoids arrest and his actions in violation of the section result in the arrest and detention of the other person, it is a Class 6 felony. HB 373; CH. 349.

**§§ 16.1-273, 16.1-278.8, 18.2-248, 18.2-248.01, 18.2-248.1, 18.2-248.5, 18.2-251, 18.2-251.01, 18.2-252, 18.2-254, 18.2-255, 18.2-255.2, and 19.2-123 amended; § 16.1-278.8:01 added. SABRE: Substance Abuse Reduction Effort.** Creates an omnibus drug statute reform. The bill requires juveniles found delinquent and adults found guilty for a first drug

offense be subject to periodic substance abuse testing, drug treatment and education. The bill mandates six months extra time on a felony sentence if the mandatory drug assessment indicates a substance abuse problem. The bill establishes quantities of certain controlled substances for which an offense of possession with intent to distribute penalizes the offender with a \$1,000,000 fine and imprisonment for a period of 20 years to life, 20 years of which is a minimum, mandatory term. Those substances and quantities are: one or more kilograms of a substance containing a detectable amount of heroin, five or more kilograms of a substance containing a detectable amount of cocaine, 2.5 or more kilograms of cocaine base, 100 kilograms or more of a substance containing marijuana, 100 grams or more of methamphetamine, or 200 grams or more of a substance containing a detectable amount of methamphetamine. However, a person who violates the statute with regard to the above substances and quantities is not subject to the mandatory, minimum 20-year term if he has not been previously convicted of a violent crime, did not threaten violence in the commission of the offense, death or serious bodily injury did not occur, the person was not an organizer or leader, and the person fully cooperates. The bill also creates two new “kingpin” provisions. The first is punishable by a maximum \$1,000,000 fine and by 20 years to life with a 20-year mandatory, minimum term and is predicated upon gross receipts of between \$100,000 and \$250,000 in any 12-month period. The substances and quantities upon which the first kingpin penalty is predicated are: one to five kilograms of a substance containing a detectable amount of heroin; five to 10 kilograms of a substance containing a detectable amount of cocaine, 2.5 to 5.0 kilograms of cocaine base, 100 to 250 kilograms of a substance containing marijuana, 100 to 250 grams of methamphetamine, and 200 grams to one kilogram of a substance containing a detectable amount of methamphetamine. The second kingpin provision also imposes a maximum \$1,000,000 fine but increases imprisonment to life without release. Such punishment requires gross receipts of over \$250,000, plus possession of the following substance quantities: five or more kilograms of heroin, 10 or more kilograms of a substance containing cocaine, five or more kilograms of cocaine base, 250 kilograms or more of marijuana, or 250 kilograms or more of methamphetamine. A kingpin convicted under these provisions can also have his sentence reduced to a 40-year minimum, mandatory term for substantial assistance in the prosecution of another person. The bill punishes transporting into the Commonwealth one ounce or more of any Schedule I or II controlled substance by a minimum, mandatory three-year term plus a fine of up to \$1,000,000 and a minimum, mandatory term of 10 years for a second or subsequent conviction. The bill punishes possession with intent to distribute anabolic steroids with six months minimum, mandatory incarceration. The bill punishes a third felony offense of trafficking in marijuana by a sentence of five years to life with a three-year minimum, mandatory sentence, plus a maximum \$500,000 fine. The bill mandates substance abuse screening, treatment and education as a condition of a suspended sentence. The bill also revises the penalty for violation of the “drug-free school zone” law (possession with intent

to distribute within 1,000 feet of a school or designated school bus stop) to include a one-year minimum, mandatory term of incarceration for a second or subsequent conviction for an offense involving a Schedule I, II or III drug or more than one-half ounce of marijuana. The bill also charges the Virginia Criminal Sentencing Commission with a study of the recommended sentencing midpoints for cases involving Schedule I or II drugs and marijuana where the defendant has been previously convicted of such an offense. HB 383; CH. 1041/SB 153; CH. 1020.

**§ 18.2-248.1 amended. Penalties for sale, gift, distribution or possession with intent to sell, give or distribute marijuana.** Raises the penalty for providing marijuana to an inmate from a Class 5 to a Class 4 felony. SB 199; CH. 819.

**§§ 54.1-3446 and 54.1-3450 amended; § 18.2-251.3 added. Possession of the date rape drug GHB; penalty.** Provides that the manufacture, sale, distribution or possession of GHB (the substances gamma-butyrolactone and 1, 4, -butanediol) intended for human consumption is a Class 3 felony. The bill also adds these substances to the Drug Control Act. HB 280; CH. 348.

**§§ 4.1-305 and 18.2-259.1 amended. VASAP to monitor certain restricted licenses.** Permits the court to require a drug offender or person in wrongful possession of alcohol who is issued a restricted driver's license be monitored by an alcohol safety action program during the period of license suspension. Any violation of the terms of the restricted license shall be reported forthwith to the court by such program. HB 991; CH. 325.

**§§ 18.2-270, 18.2-270.1, and 18.2-271.1.** See § 46.2-341.28; HB 386/SB 149.

**§ 18.2-270 amended. Crimes; driving while intoxicated.** Requires the imposition of additional minimum, mandatory jail terms upon conviction if the accused's blood alcohol level was 0.20 or more. For a first offense, if the level was at least 0.20 but not more than 0.25, the mandatory confinement is for five days, or if the BAC is 0.25 or more, 10 days. For any second offense within 10 years, if the BAC was at least 0.20 but not more than 0.25, the term is 10 days; if 0.25 or more, 20 days. SB 525; CH. 784.

**§ 18.2-270.2 amended. Ignition interlock system.** Provides that the local alcohol safety action program shall make the published list of certified ignition interlock companies available to eligible offenders, who shall have the responsibility and authority to choose which certified ignition interlock company will supply the offender's equipment. HB 1131; CH. 362/SB 535; CH. 341

**§ 18.2-271.1 amended. Alcohol safety action programs.** Allows any person charged with driving while intoxicated to enter into an alcohol safety action program prior to trial. HB 1102; CH. 970.

**§ 18.2-308.2:3 added. Criminal background check required for employees of a gun dealer to transfer firearms; penalty.**

Requires any person who sells firearms at a licensed dealership or at a gun show to submit to a national criminal history records check. The bill prohibits such person from selling firearms if they would be prohibited from the possession of a firearm. Penalties for a violation of the section include: A Class 5 felony for any employee who makes a false statement on the application for the criminal history records check and a Class 1 misdemeanor for any person who offers for transfer any firearm in violation of the section. HB 309; CH. 794.

**§ 18.2-340.17 amended. Charitable Gaming Commission; member expenses, notice of meetings, and open records.** Provides that Commission members be paid and reimbursed for expenses at the rate of \$50 a day, plus reasonable and necessary expenses. The bill also brings the governing statute of the Charitable Gaming Commission in line with the new Freedom of Information Act, and helps simplify FOI requests for information and records. HB 1163; CH. 639.

**§§ 18.2-340.20 and 18.2-340.33 amended. Charitable gaming; fair market rental value.** Establishes a moratorium on any disciplinary actions by the Charitable Gaming commission solely based on an organization's failure to meet the required minimum percentage of gross receipts required to be used for charitable purposes provided (i) that organization was conducting gaming in a rented facility prior to January 1, 2000, and (ii) the organization is otherwise in compliance with the law. In addition, the bill also prohibits the lease or rental of any premises devoted to the conduct of charitable gaming from being conditioned upon the use or the purchase of any services, products or readily portable property from any landlord or other person unless they are included in the rent being paid. The bill also directs the Commission to examine the issues related to the fair market rental value and its effect on the ability of organizations to meet the minimum percentages of gross receipts required to be used for charitable purposes and to report to the Governor and General Assembly by January 10, 2001. The bill has a July 1, 2001, sunset. HB 811; CH. 1000.

**§ 18.2-369 amended. Abuse and neglect of incapacitated adults; penalty.** Amends the definition of abuse to change the standard from "malicious conduct" to "knowing and willful conduct." The bill provides that neglect must be knowing as well as willful. The bill expands the exemptions to abusive or neglectful conduct to exclude bona fide, recognized or approved medical care practices and conduct incident to necessary movement, placement, or protection from harm of the incapacitated adult. HB 378; CH. 796.

**§ 18.2-371.2 amended. Sale, distribution or possession of bidis.** Increases the civil penalties imposed on an individual or separate retail establishment violating the current prohibition on the sale or distribution of tobacco products to minors, if the violation involves a bidi. A bidi is defined as a product containing tobacco that is wrapped in temburni leaf or tendu leaf, or any other product that is offered to, or purchased by, consumers as a bidi or beedie. The civil penalties increase as follows: (i) for a first violation, a mandatory \$500; (ii) for a second viola-

tion, a mandatory \$1,000; and (iii) for a third or subsequent violation, a mandatory \$2,500. HB 1461; CH. 883.

**§§ 15.2-912 and 18.2-371.3 amended. Body-piercing.** Prohibits any person from performing body piercing on a person less than 18 years of age, unless the person's parent or guardian is present or unless the procedure is performed under the supervision of a medical doctor, registered nurse or other medical services personnel, with a Class 2 misdemeanor upon conviction, and a Class 1 misdemeanor for a second offense. Body-piercing is defined as "the act of penetrating the skin to make a hole, mark, or scar, generally permanent in nature" and does not include mechanized, presterilized ear-piercing. This bill also allows localities to regulate the sanitary conditions of body-piercing salons. HB 1108; CH. 842.

**§§ 18.2-373 and 18.2-391 amended. Unlawful electronic file or mail.** Includes an obscene item stored in an electronic medium as one of the enumerated obscene items under § 18.2-373. The bill provides that an Internet service provider (ISP) or electronic mail service provider shall not be liable under § 18.2-391 when a person using such services commits prohibited acts regarding the provision of sexually explicit material to juveniles. HB 1492; CH. 1009.

**§ 18.2-465.1 amended. Court appearance; penalizing employee.** Clarifies that the job protections provided an employee for court appearance or for jury service extend to such appearances in any court whatsoever. The bill also increases the penalty against an employer who violates this section from a Class 4 to a Class 3 misdemeanor. HB 717; CH. 295.

**§ 18.2-473.1 amended. Crimes; unlawful communication with prisoner.** Makes changes in language defining the term "prisoners" so that the term is used consistently in Code provisions that prohibit unlawful communications with and delivery of certain items to prisoners. HB 78; CH. 286.

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## TITLE 19.2. CRIMINAL PROCEDURE.

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**§ 19.2-11.01 amended. Criminal procedure; victims of crime.** Includes within the definition of "victim" a sibling when the direct victim is incapacitated or deceased. This addition allows the sibling to receive all notifications provided under the Crime Victims Act and the authority to make an impact statement when the direct victim is incapacitated or deceased. SB 211; CH. 272.

**§ 19.2-11.01 amended. Crime victim rights.** Sets out in the Crime Victim and Witness Rights Act the existing requirement that the Attorney General notify a victim, if requested, of the filing and disposition of any appeal or habeas corpus proceeding involving the victim's case. SB 663; CH. 827.

**§ 19.2-56 amended. Who may be present for execution of search warrants.** Provides that the following persons may be permitted to be present during or participate in the execution of

a warrant to search a place if permitted by a law-enforcement officer conducting the search: (i) the owners and occupants of the place to be searched, and (ii) persons designated by the officer in charge of the search to provide assistance or expertise. SB 524; CH. 783.

**§ 19.2-72 amended. Service of process including arrest warrant.** Clarifies that a sheriff may execute an arrest warrant throughout the county he serves and in a city surrounded by the county. HB 820; CH. 170.

**§ 19.2-120 amended. Factors in rebuttal of a presumption against bail.** Provides that the court shall consider the following factors and such others as it deems appropriate in determining, for the purpose of rebuttal of the presumption against bail, whether there are conditions of release that will reasonably assure the appearance of the person as required and the safety of the public: (i) the nature and circumstances of the offense charged; (ii) the history and characteristics of the person, including his character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings; and (iii) the nature and seriousness of the danger to any person or the community that would be posed by the person's release. HB 424; CH. 797.

**§§ 19.2-123 and 19.2-143 amended. Bail and recognizance.** Provides that unless waived with the approval of the judicial officer and with the concurrence of the attorney for the Commonwealth or county, city or town attorney, if a person charged with a felony has previously been convicted of a felony or is on bond for an unrelated offense, or is on probation or parole, he may be released, if at all, only on secured bond. Also, the bill requires that a show cause notice be issued within 45 days when there is a breach of the condition of appearance. HB 1533; CH. 885.

**§§ 19.2-299.2, 19.2-303.3 and 19.2-152.4:1.** See § 18.2-57.3; HB 202.

**§ 19.2-163 amended. Compensation of court-appointed counsel.** Subject to such funds that are appropriated, increases court-appointed attorneys' fees by 20 percent in misdemeanor cases and by 40 percent in felony cases. A second enactment clause provides that the act becomes effective only if funds are appropriated by the 2000 General Assembly and prorates the fee increase based on the amount appropriated. HB 1312; CH. 436/SB 481; CH. 448 (effective-see bill).

**§ 19.2-165.1 amended. Payment of medical fees for evidence gathering in certain cases.** Provides that associated medical costs involved in the gathering of evidence in all criminal cases and in all child abuse and neglect cases are paid by the Commonwealth out of the appropriation for criminal charges. Currently, this payment is only available in selected criminal cases. HB 671; CH. 292.

**§ 19.2-187 amended. Certificates of analysis.** Provides that defense counsel's request for a certificate of analysis must be

in writing, clearly state in its heading "Request for Copy of Certificate of Analysis" and be made at least 10 days before trial. SB 262; CH. 336.

**§ 19.2-215.1 amended. Functions of a multi-jurisdiction grand jury.** Allows multi-jurisdiction grand juries to investigate incidents of cruelty to animals and murder. HB 744; CH. 359.

**§ 19.2-245.1 amended. Where forgery may be prosecuted.** Amends the venue provisions for prosecution of forgery to include the county or city where the writing is found in the possession of the defendant. HB 1156; CH. 327.

**§ 19.2-264.4 amended. Jury instructions; capital case.** Provides that, when requested by the defendant, a jury shall be instructed that a person convicted of a capital offense committed after January 1, 1995, and given a life sentence will not be eligible for parole. The bill also requests the Supreme Court, with the Virginia State Bar, to recommend instructions for non-capital offenses. HB 705; CH. 838.

**§ 19.2-265.01.** See § 16.1-302.1; SB 348.

**§§ 18.2-10, 19.2-295.2, 53.1-136, 53.1-157, 53.1-161, 53.1-162, 53.1-164, 53.1-165, 53.1-172, and 53.1-174 amended. Post-release supervision of felons.** Requires that each person convicted for a felony committed on or after July 1, 2000, and sentenced to an active prison term, also have imposed a period of post-release supervision and review by the Parole Board. Current law gives the court the option of such supervision period for felons subject to the no parole law. SB 125; CH. 767.

**§ 19.2-299.2.** See § 46.2-341.28; HB 386/SB 149.

**§ 19.2-303.4 amended. Deferred disposition.** Allows costs to be assessed against a person whose disposition for assault and battery against a family member is deferred pending the completion of probation. The 1999 General Assembly established deferred disposition for defendants not previously convicted of assault and battery against a family member but did not amend the statute allowing costs to be imposed upon defendants in these cases. SB 62; CH. 186.

**§ 19.2-305.1 amended. Restitution for property damage or loss.** Provides that if restitution is ordered to be paid by the defendant to the victim of a crime and the victim can no longer be located or identified, the clerk shall deposit any such restitution collected to the Criminal Injuries Compensation Fund for the benefit of crime victims and that the administrator shall reserve a sum sufficient in the Fund from which he shall make prompt payment to the victim for any proper claims. The bill also provides that before making the deposit he shall record the name, last known address and amount of restitution due each victim appearing from the clerk's report to be entitled to restitution. SB 330; CH. 775.

**§ 19.2-310.5 amended. DNA data bank.** Provides that the Division of Forensic Science must confirm whether or not there is a DNA profile on file for a specific individual if a fed-

eral, state or local law-enforcement officer requests that information in furtherance of an official investigation. SB 619; CH. 284.

**§§ 19.2-311, 19.2-313, 19.2-314, 19.2-315, 19.2-316, and 53.1-63 amended. Youthful offenders.** Requires a suspended period of confinement in addition to the four years of indeterminate commitment and requires confinement in a state facility for youthful offenders. Initial confinement must be followed by at least one and one-half years of supervised parole. The bill changes those eligible for indeterminate commitment by excluding certain sex offenders and all misdemeanants (currently misdemeanors involving injury to persons or property are included) and by allowing participation of all who committed the offense prior to age 21 (current law is limited to juveniles tried as adults and to persons who committed the offense after becoming 18 but before 21 years of age). The bill also adds specific program requirements for youthful offender facilities. The Department of Corrections is required to report annually to the General Assembly on the use of the youthful offender program by the judiciary. HB 95; CH. 668/SB 168; CH. 690.

**§ 19.2-316.1 amended. Boot camp incarceration.** To be eligible for boot camp an individual must have been convicted of a nonviolent felony or be deemed by the court to be nonviolent in character. This bill revises the definition of nonviolent felony to include all felonies except those listed in the "three strikes and you're out" statute and any attempt to commit those felonies (murder, voluntary manslaughter, mob-related felonies, kidnapping or abduction, malicious felonious assault or malicious bodily wounding, robbery, criminal sexual assault and arson, and conspiracy to commit any of those violations, as a principal in the second degree or accessory before the fact). SB 188; CH. 769.

**§§ 19.2-316.2 and 19.2-316.3.** See § 53.1-67.7; SB 329.

**§ 19.2-368.7 amended. Crime victims compensation; appeals.** Lengthens the period, from 20 to 45 days, for a claimant to file for review by the Workers' Compensation Commission of a decision regarding a claim for benefits from the Criminal Injuries Compensation Fund. HB 1395; CH. 455.

**§ 19.2-368.11:1 amended. Compensation of victims of crime.** Provides that compensation for mental health counseling for specified relatives of victims who died is not to exceed \$2,500 per claim. Current law allows for recovery of \$1,000. HB 1397; CH. 847.

**§ 19.2-390.1 amended. Sex Offender Registry website.** Requires the State Police to remove all information which it knows to be inaccurate information from the Sex Offender Registry website. SB 279; CH. 250.

**§ 19.2-392.02 added. National criminal background check; child care providers.** Authorizes any business or organization that provides care to children, the elderly or disabled to request the Department of State Police to conduct a national criminal background check, through the use of fingerprints, on persons

who work or volunteer at such "qualified entities." To conduct the background check, the Department shall utilize (i) the national criminal history background check system which is maintained by the Federal Bureau of Investigation and (ii) the Central Criminal Records Exchange maintained by the Department. However, programs of religious instruction (such as Sunday schools, vacation bible schools, and Bar or Bat Mitzvah classes) and programs that provide babysitting during worship services are not entitled to request the background check. Additionally, the failure to request a background check shall not be negligence per se in any civil action. The bill contains a delayed effective date of January 1, 2001. SB 603; CH. 860 (effective 1/1/01).

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## TITLE 20. DOMESTIC RELATIONS.

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**§ 20-21 amended. Marriage; list of licenses not returned.** Changes the date by which the circuit court clerk must furnish the Commonwealth's attorney with a list of all marriage licenses issued in the preceding calendar year that have not been returned by the minister or other person performing the marriage from February 1 to March 31. The bill also repeals the \$20 fine against a clerk who fails to perform this duty. HB 467; CH. 31.

**§ 20-21 amended. Marriage licenses not returned by minister.** Removes the fine on a circuit court clerk for failure to furnish the attorney for the Commonwealth with a list of marriage licenses issued during the preceding calendar year that were not returned by the ministers or other persons celebrating the marriages. The bill also adjusts the time for furnishing the report to the last day of March instead of the first day of February. SB 398; CH. 214.

**§§ 20-60.3 and 20-108.2 amended. Child support; Shared custody.** Makes technical adjustments under the shared custody and support guideline calculations: (i) for circumstances where the majority custodian has a much higher income, but the formula shows that he or she would pay the support; (ii) to show how shared custody parents are to reimburse each other or pay medical providers for extraordinary medical expenses; (iii) to give the court discretion in situations where a party's income is at or below a certain level in comparison to the poverty level. HB 1150; CH. 305.

**§§ 16.1-278.15 and 20-103 amended. Parent education.** Requires the court to order parents involved in custody and visitation cases to attend educational seminars on the effects of separation or divorce on children, parenting responsibilities, options for conflict resolution, and financial responsibility. The bill provides that a party's statement in the educational seminar admitting criminal activity or child abuse or neglect is admissible in a subsequent proceeding. The court may grant an exemption from participation for good cause shown. This bill has an effective date of July 1, 2001, and an expiration date of July 1, 2003. The Executive Secretary of the Supreme Court is

requested to report on the provisions of the act to the General Assembly. HB 1178; CH. 586.

**§ 20-108.2 amended. Guideline for determination of child support.** Requires a review of the guidelines by October 31, 2001, and shortens from four to three years the frequency with which the Secretary of Health and Human Resources shall review the child support guidelines. HB 5; CH. 219.

**§ 20-108.2 amended. Child support.** Provides certain limited exceptions to the presumptive minimum monthly child support amount of \$65 for parents unable to pay. This bill is recommended by the Virginia Bar Association Coalition Committee on Family Law Legislation and is based on recommendations made by the Child Support Quadrennial Review Panel. SB 275; CH. 376.

**§ 20-108.2 amended. Child support; preexisting spousal support order.** This bill clarifies that spousal and child support can be contained in the same order and that the spousal support is counted in calculating gross income. The bill removes the word "preexisting" from the current statute, which provides that spousal support is included or deducted from gross income only when it is paid pursuant to a preexisting order or written agreement. The Virginia Court of Appeals in *Frazer v. Frazer*, 23 Va. App 358 (1996) stated that spousal support should be calculated before child support and included or deducted from gross income for when calculating child support. This bill is recommended by the Virginia Bar Association Coalition Committee on Family Law Legislation and is based on recommendations made by the Child Support Quadrennial Review Panel. SB 276; CH. 461.

**§ 20-108.2 amended. Child support; dental coverage.** Treats parental payment of dental care coverage like the payment of health care coverage. The cost of coverage directly allocable to the child is added to the basic child support obligation. SB 442; CH. 384.

**§§ 20-109, 20-110, and 20-112 amended. Changing maintenance and support for a spouse; effect of remarriage.** Provides that a spouse entitled to spousal support shall have an affirmative duty to notify the payor spouse immediately of remarriage, and a payor spouse is entitled to restitution equal to the amount of any current support paid after the date of the remarriage, together with interest from the date of the remarriage and reasonable attorneys' fees and costs. HB 47; CH. 221.

**§ 20-109 amended. Termination of spousal support; cohabitation.** Amends the 1997 provision that a court may decrease or terminate spousal support if the payee spouse has been cohabitating in a relationship analogous to marriage for one year or more unless otherwise agreed by the parties or the termination would constitute a manifest injustice. This bill makes the termination of such support mandatory by the court unless the parties have otherwise agreed or the termination would be unconscionable. SB 757; CH. 218.

**§§ 20-124.1, 20-158, and 20-160.** See § 63.1-195; SB 685.

**§ 20-124.3 amended. Child visitation.** Provides that whether a parent has unreasonably denied the other parent access to or visitation with the child is a factor to be considered in determining the best interests of the child in custody and visitation matters. SB 590; CH. 466.

**§ 20-124.4 amended. Mediation.** Provides that there is a \$100 mediation fee in custody, visitation and support cases and it is paid from the criminal fund. SB 127; CH. 768.

**§ 20-124.6 amended. Child's records.** Clarifies that the existing statute that provides that neither parent shall be denied access to the academic or medical records includes noncustodial parents. HB 1498; CH. 485.

**§§ 20-162 and 32.1-252 amended. Surrogate consent and report form.** Specifically directs the State Registrar of Vital Records to develop, furnish and distribute a surrogate consent and report form. When a non-court approved surrogacy contract is used, this form must be signed by the surrogate and filed by the intended parents within 60 days of the birth in order to have a new birth certificate established. The form has never been available so the law is amended to require filing within six months after the form becomes available to be treated as filing within the 60 days. Provides that a physician's acknowledged statement of the genetic relationships between the parties creates a rebuttable presumption that such statement is accurate. SB 135; CH. 890.

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## TITLE 21. DRAINAGE, SOIL CONSERVATION, SANITATION AND PUBLIC FACILITIES DISTRICTS.

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**§ 21-118.4 amended. Sanitary districts.** Allows sanitary districts to provide for the exemption from, deferral of or reduction of charges for the use of solid waste disposal systems by low-income senior citizens and permanently disabled citizens. Any such exemption, deferral or reduction may be conditioned upon the income criteria set forth in the provisions governing the exemption from or deferral of real estate taxes for these individuals. HB 594; CH. 230.

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## TITLE 22.1. EDUCATION.

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**§ 22.1-1 amended. School boards and appropriating bodies.** Provides that references throughout Title 22.1 to "governing body" or "local governing body" means the governing body of the county, city and town responsible for appropriating funds for the locality. HB 635; CH. 629.

**§§ 22.1-3, 22.1-4.1, and 22.1-270 amended. Public school enrollment of homeless pupils.** Revises various statutes addressing evidence of residence in the school division for

public school enrollment. Added to those persons deemed to reside in a school division are those persons lacking a fixed, regular, and adequate nighttime residence and having a primary nighttime residence located within the school division that is (i) a supervised publicly or privately operated shelter designed to provide temporary living accommodations; (ii) an institution that provides a temporary residence for individuals intended to be institutionalized; or (iii) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. Corresponding amendments are made to address those residences that may lie in more than one school division. School divisions may, upon receipt of an affidavit from persons seeking to enroll these pupils in public schools denoting that a street address cannot be provided, accept an alternative address in a form it deems appropriate. In addition, the school division is to refer these pupils, upon receipt of an affidavit from the person seeking to enroll the pupil that the requisite health examination report and records cannot be provided due to the pupil's homelessness, to the county or city health department for the required health examination materials. SB 147; CH. 209.

**§ 22.1-3.** See § 63.1-195; SB 685.

**§ 22.1-4.2 added. Designation of race or ethnicity by public elementary school students.** Prohibits school board employees administering tests or other assessment instruments from requiring any public elementary school students being tested to disclose their race or ethnicity on any such tests. This provision will not prevent relevant school division personnel from obtaining such information from the students' permanent records and placing this information on the test or assessment instrument. SB 224; CH. 273.

**§ 22.1-5 amended. Admission to public schools for certain students; tuition charges.** Revises the provision authorizing school boards to admit nonresident students and charge such students tuition to provide that persons of school age who reside beyond the boundaries of the Commonwealth but near thereto in a state or the District of Columbia which grants the same privileges to residents of the Commonwealth may be admitted and so charged. Currently, the nearby jurisdiction must border the admitting school division. SB 499; CH. 253.

**§ 22.1-19 amended. Certain organizations approving accreditation processes.** Provides that the Board of Education may authorize, in a manner it deems appropriate, the Virginia Council for Private Education (VCPE) to accredit private nursery, preschool, elementary, and secondary schools, for purposes of facilitating the transfer of academic credits for students who have attended private schools and are now enrolling in public schools and to satisfy the accreditation requirement for an exemption from licensure for certain child day programs. Private schools are not required to be accredited by state law; however, they may seek accreditation from the Board of Education. In addition, various private organizations perform this accreditation function and may be approved by VCPE, which has an ongoing agreement with the Board acknowledging this arrangement. HB 987; CH. 535.

**§§ 22.1-19.1 and 22.1-292.1 added. Legal action for test security violations.** Permits the Office of the Attorney General, on behalf of the Board of Education, to bring a cause of action for injunctive relief or civil penalty, or both, against any person who knowingly and willfully commits specified acts regarding secure mandatory tests administered to students required by the Code of Virginia or by the Board of Education, such as the Standards of Learning assessments. Among the enumerated prohibited acts are permitting unauthorized access to secure test questions; copying all or any portion of any secure test booklet; making available test answer keys; and making false certifications on the test security form established by the Department of Education. The measure defines a "secure test" as an item, question, or test that has not been made publicly available by the Department of Education. The measure is not to be construed as restricting the actions of the Board, the Department, or the Superintendent of Public Instruction in test development or selection, test form construction, standard setting, test scoring and reporting, and other related activities. The civil penalties collected by such actions are not to exceed \$1,000 for each violation and are to be deposited in the Literary Fund. In addition, the bill authorizes the Board of Education to suspend or revoke the teaching or administrative license of persons who knowingly and willfully commit specific acts regarding secure mandatory tests. No person whose license has been suspended or revoked will be subject to a civil penalty for the same infraction. HB 867; CH. 634/SB 548; CH. 659.

**§§ 22.1-26, 22.1-212.5, 22.1-212.7, 22.1-212.8, 22.1-212.13, and 22.1-212.14 amended. Residential charter schools for at-risk students.** Permits the creation of residential charter schools for at-risk students by a single school division or by two or more school divisions as a joint school. Applications for residential charter schools are to include a description of the residential program, facilities, and staffing; any parental education and after-care initiatives; funding sources for the residential and other services provided; and any counseling or other social services to be provided and their coordination with any current state or local initiatives. In addition, school boards are authorized to employ such health, mental health, social services, and other personnel for residential charter schools as contemplated in the charter agreement; however, there is no obligation for a school board to fund the residential or other services provided by a residential charter school. The conditions for funding the charter school will include funding for the educational program to be provided by the residential charter school for at-risk students. This measure as introduced, was a recommendation of the special subcommittee of the House Committee on Education examining residential academies for at-risk students. HB 742; CH. 712.

**§§ 22.1-26 and 22.1-212.5 through 22.1-212.15 amended. Charter schools.** Clarifies that school divisions may authorize the creation of regional charter schools to be operated and chartered by two or more participating school boards and emphasizes that charter schools are public schools. This bill also clarifies that charter schools, as public schools, are subject

to the requirements of the Standards of Quality, including the Standards of Learning and the Standards of Accreditation and directs each local school board to provide public notice by December 31, 2000, of its intent to accept or not to accept applications for charter schools. The requirement that no more than two charter schools per school division be approved prior to July 1, 2000, has been deleted. Finally, the bill provides that charter schools will not be reported in fall membership for purposes of calculating the state and local shares required to fund the Standards of Quality if the enrollment at the charter school is less than 100 students and constitutes less than five percent of the total enrollment of the relevant grades in that school division. HB 785; CH. 631/SB 411; CH. 1028.

**§ 22.1-32 amended. School board salaries.** Increases the maximum annual salary for school board members in the following jurisdictions: Culpeper, from \$3,500 to \$4,500; Prince William, from \$8,000 to \$12,000; the City of Manassas, from \$2,400 to \$4,800; the City of Roanoke, from \$3,000 to \$4,200; and the City of Suffolk, from \$3,500 to \$5,000. In addition, salaries for school board members for the Cities of Colonial Heights, Falls Church, and Lynchburg are set at \$2,400, \$3,000, and \$2,400, respectively. Under current law, no school board can request the General Assembly's consideration of an increase in its annual salary limit unless the school board has taken an affirmative vote on the requested increase. Further, no school board whose membership is elected in whole or in part can be awarded a salary increase, unless a specific salary increase is approved by affirmative vote by that school board. No salary increase may become effective during an incumbent member's term of office; however, this restriction will not apply if the school board members are elected or appointed for staggered terms. This measure incorporates HB 114, HB 431, HB 685, and HB 893. HB 20; CH. 738.

**§ 22.1-32 amended. School board salaries.** Increases the maximum salary for the Prince William County School Board from \$8,000 to \$12,000; and adds the Town of Colonial Heights, with its current salary of \$2,400, and the City of Falls Church, with a maximum salary of \$3,000. Pursuant to subsection C, the chairman may be paid an additional \$1,100. This bill now incorporates the provisions of SB 138 (Martin) and SB 500 (Whipple). SB 15; CH. 721.

**§ 22.1-57.3.** See § 24.2-222; HB 622.

**§ 22.1-98.1 added. Extended School Year Incentive Program.** Creates the Extended School Year Incentive Program from such funds as may be appropriated, to be administered by the Board of Education, for incentive grants for public school divisions for the operation of schools beyond the 180-day school year required by the Standards of Accreditation. The grants shall not be awarded to support summer school initiatives. The provisions of the bill will not become effective unless an appropriation is included in the 2000 appropriation act, passed by the General Assembly, and signed into law by the Governor. SB 545; CH. 858 (effective-see bill).

**§ 22.1-100.1 added. Lottery Proceeds Nonrecurring Costs Fund.** Allows the governing body of any locality to authorize the local treasurer or fiscal officer, by ordinance or resolution, to create a separate escrow account upon the books of the locality for the deposit of that portion of the locality's appropriation from the lottery proceeds which are designated, pursuant to Item 139 B 4 of Chapter 935 of the 1999 Acts of Assembly or any other state law, to be used for nonrecurring costs. Nonrecurring costs are defined, in the budget and in this provision, as including school construction, additions, infrastructure, site acquisition, renovations, technology, and other expenditures related to modernizing classroom equipment, and debt service payments on school projects completed during the last 10 years. The escrow accounts for the school construction grants cannot be used for the deposit of the nonrecurring costs appropriations. HB 903; CH. 635/SB 244; CH. 693.

**§§ 22.1-129 and 22.1-199.1 amended. Donations of obsolete hardware and software to students.** Permits school divisions to donate obsolete hardware and software to be replaced pursuant to the technology replacement program to public school students as provided in guidelines to be promulgated by the Board of Education. The guidelines must include criteria for determining student eligibility and need; a reporting system for the compilation of information concerning the number and socioeconomic characteristics of recipient students; and notification of parents of the availability of such donations of obsolete educational hardware and software. Currently, donations from school divisions may be offered to other school divisions and preschools. HB 805; CH. 93.

**§ 22.1-131 amended. Certain school board agreements.** Amends the statute authorizing school boards to permit the use of school property, under such conditions as will not impair the efficiency of the schools, to allow the school boards to authorize the division superintendent to permit use of the school property, including buildings, grounds, vehicles, and other property, under such conditions as the school board deems will not impair the efficiency of the schools and are, therefore, proper. Permitted uses of buildings are specifically noted to include, but not be limited to, use as voting places in any primary, regular or special election and operation of a local or regional library pursuant to an agreement between the school board and a library board created as provided in § 42.1-35. HB 1212; CH. 754.

**§ 22.1-199.1 amended. Programs designed to promote educational opportunities.** Provides that the guidelines for the at-risk four-year-old preschool program may be differentiated according to the agency delivering the services in order to comply with various federal or state requirements and that the guidelines for the programs delivered by the public schools must require (i) one teacher for any class of nine students or less, (ii) a full-time teacher's aide assigned to the class if the average daily membership in any class exceeds nine students but does not exceed 18 students, and (iii) the maximum class size to be 18 students. Currently, the Department of Education's guidelines require a pupil/teacher ratio of 8/1 and a maximum class size of 18. Pursuant to this provision, the

Department may differentiate its service criteria according to the various service providers in order to comply with any relevant federal or state requirements, e.g., Head Start requires a 9/1 ratio and limits the maximum class size to 19 students. Certain provisions of the bill are based on moneys appropriated in the Appropriation Act. SB 170; CH. 506.

**§§ 22.1-201, 22.1-253.13:1, and 22.1-253.13:3 amended. Virginia history requirement in middle and high school.** Amends the requirement for study of documents of Virginia history and the United States Constitution to require emphasis on the relationship between the various documents and Virginia history and to state the purpose of this study as being to "increase knowledge of citizens' rights and responsibilities thereunder and to enhance the understanding of Virginia's unique role in the history of the United States." Standard 1 is also amended to clarify that the essential skills and concepts of citizenship include knowledge of Virginia history and world and United States history. SB 114; CH. 504.

**§ 22.1-203 amended. One minute of silence.** Revises the current law authorizing school boards to establish moments of silence for meditation, prayer or other silent activity to require daily observation of a one-minute moment of silence in every classroom in the public schools in Virginia. The current requirement that the teacher responsible for each classroom must take care that all pupils remain seated and silent and make no distracting display during this time is retained. The student may, in the exercise of his or her individual choice, meditate, pray, or reflect or engage in any other silent activity that does not interfere with, distract, or impede other pupils in the like exercise of individual choice. The Office of the Attorney General is authorized to intervene and must provide legal counsel for defense of this provision. SB 209; CH. 1022.

**§ 22.1-205 amended. Driver education programs.** Requires driver education programs to include instruction concerning motorcycle awareness. HB 430; CH. 82/SB 248; CH. 651.

**§ 22.1-209.1:2 amended. Alternative education.** Clarifies that regional pilot projects for alternative education are designed for elementary as well as middle and high school students, and directs the Department of Education, in the 2001 fiscal year and upon the appropriation of funds for these purposes, to issue a request for proposals for regional pilot projects for selected alternative education options for elementary school students. The first such grants would be awarded by September 1, 2001. The regional pilot project initiative was created in 1993; funding for middle and high school regional initiatives now covers these programs statewide. HB 188; CH. 739.

**§ 22.1-209.1:4 amended. Virginia Innovative Remedial Education Pilot Program.** Changes the date for which the first grant awards must be made to approved pilot programs to January 1, 2001, and makes technical changes. A second enactment clause repeals this law unless an appropriation to implement the grants program is provided in 2001 or 2002. This bill, as introduced, implemented a recommendation of the Joint Subcommittee on Remediation. HB 1355; CH. 1059.



**§ 22.1-209.2 amended. Teacher-student ratios at detention homes.** Provides that teacher staffing ratios for regional or local detention homes will be based on a ratio of one teacher for every twelve beds based on the capacity of the facility; however, if the previous year's average daily attendance exceeds this bed capacity, the ratio will be based on the average daily attendance at the facility as calculated by the Department of Education from the previous year. Adoption of this measure would effectuate the reenactment clause included in HB 1268, which was passed by the 1999 Session and signed by the Governor on April 2, 1999 (1999 Acts of Assembly, c. 511). The measure originally provided that teacher-student ratios for children with disabilities in education programs in detention homes would be based on average daily attendance as calculated by the Department of Education from the previous school year. HB 53; CH. 865.

**§§ 22.1-209.2 and 22.1-342.1.** See §2.1-1.1; HB 690/SB 441.

**§§ 22.1-212.2:1 and 23-38.10:1 amended. Virginia Teaching Scholarship Loan Program.** Modifies the Virginia Teaching Scholarship Loan Program to (i) allow support through gifts, donations, grants, bequests, and other funds that may be obtained by the Department of Education; (ii) expand the Program to include scholarships to support critical teacher shortage disciplines, including special education as well as paraprofessional development; and (iii) to expand eligibility to include part-time students, sophomores, and graduate students. Board regulations will include in the award criteria consideration of teacher shortages in rural and urban areas and in certain teaching endorsements. Scholarship recipients are to agree to teach in Virginia public schools in a critical teaching shortage discipline or, regardless of teaching discipline, in a school with a high concentration of students eligible for free or reduced lunch or in a rural or urban region of Virginia experiencing a teacher shortage. This bill also renames the Diversity in Teaching Program as the Diversity in Teaching Initiative, a component of the Virginia Teaching Scholarship Loan Program. The Initiative will provide incentives to students of diverse backgrounds and will consist of five pilot projects distributed across Virginia. The Board is to develop criteria for Diversity Initiative scholarships in consultation with the Office of the Attorney General. The bill also designates the present trust fund to cover the umbrella program (the Virginia Teaching Scholarship Loan Program) instead of solely for the Diversity in Teaching Initiative and requires Diversity in Teaching funds to be accounted for separately within the fund and distributed solely for scholarships awarded pursuant to the Diversity in Teaching Initiative. The Board of Education is required to promulgate emergency regulations, regardless of whether additional funds are appropriated for this program. The Board of Education is to promulgate emergency regulations to implement the Program within 280 days of its enactment. This measure incorporates HB 946, HB 1227, HB 1263, HB 1318, HB 1453, and HB 1441. HB 1404; CH. 719/HB 1408; CH. 645/SB 630; CH. 623/SB 652; CH. 597/SB 737; CH. 570.

**§§ 22.1-217.01, 22.1-281, 22.1-346, and 22.1-348 amended. Virginia Schools for the Deaf and the Blind.** Changes the name of the Virginia School for the Deaf and the Blind at Hampton to the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton to reflect more accurately its mission. Currently, the Virginia School for the Deaf and the Blind at Hampton and the Virginia School for the Deaf and the Blind at Staunton are referenced in the Code together as the Virginia Schools for the Deaf and the Blind. The operational control of the schools is the responsibility of the Board of Education, which establishes the rules and regulations for the governance of the schools. The schools' activities and educational programs are administered, supervised, and directed by the Superintendent of Public Instruction. This bill alters the name of the school at Hampton and does not affect the powers and duties of the Board of Education and the Superintendent of Public Instruction relative to the control, administration, supervision, and direction of the schools. SB 675; CH. 285.

**§§ 22.1-253.13:1, 22.1-253.13:3, 22.1-253.13:5, and 22.1-253.13:6 amended. Standards of Quality; educational technology.** Revises Standard 1 (Basic skills, selected programs, and instructional personnel), Standard 3 (Accreditation, other standards and evaluation), Standard 5 (Training and professional development), and Standard 6 (Planning and public involvement) to place educational technology (computer skills and related technology) squarely within the scope of the Standards of Quality. Specifically, this provision requires (i) the Board of Education to include proficiency in the use of computers and related technology in the Standards of Learning; (ii) revises the requirement for local school board K through 12 programs to include "technological proficiency" to specify "proficiency in the use of computers and related technology"; (iii) modifies the requirements for the Standards of Accreditation to include "integration of educational technology into instructional programs" and "staff positions for supporting educational technology"; (iv) modifies the requirement for the Board of Education to provide technical assistance on professional development to local school boards designed "to seek to ensure" proficiency in the use of technology to stipulate "designed to ensure"; (v) each local school board's professional development program in educational technology to be designed to facilitate integration of computer skills and related technology into the curricula; (vi) the Board of Education's six-year technology plan to be developed "to integrate educational technology into the Standards of Learning and the curricula of the public schools in Virginia"; and (vii) local school division technology plans to be "designed to integrate educational technology into the instructional programs of the school division." A few technical syntax amendments are also made. In its initial form, the bill was a recommendation of the Joint Commission on Technology and Science. HB 203; CH. 867.

**§ 22.1-253.13:1 amended. Standards of Learning.** Provides that the Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge. In addition, by October 1, 2000, the Board

is to establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. This review of each subject area must occur at least once every seven years; however, the Board may conduct this review and revision on a more frequent basis. HB 633; CH. 710.

**§§ 22.1-253.13:1 and 22.1-253.13:3 amended. Release of Standards of Learning assessments.** Directs the Board of Education to make publicly available the Standards of Learning (SOL) assessments in a timely manner and as soon as practicable following the administration of these tests, so long as this release does not compromise test security or deplete the bank of assessment questions necessary to construct subsequent tests. In addition, the SOL assessments, and any other tests or examinations developed or prescribed by the Board pursuant to Standard 3 of the Standards of Quality, are not to be required to be released as “minimum competency tests” if the Board determines the release would breach test security or deplete questions. HB 1019; CH. 750.

**§ 22.1-253.13:1 amended. Standards of Learning assessments; social studies.** Directs the Board of Education, in prescribing the Standards of Learning assessments, to provide local school boards the option of administering tests for United States History to 1877, United States History: 1877 to the Present, and Civics and Economics. Currently, the course content for these social studies areas are taught at different times between the 6th and the 8th grades in Commonwealth’s school divisions; the Standards of Learning assessment for social studies at the 8th grade level covers all three areas. This provision will not become effective unless an appropriation effectuating its purposes is included in the 2000 appropriation act, passed during the 2000 Session of the General Assembly, and signed into law by the Governor. HB 1020; CH. 677 (effective-see bill).

**§ 22.1-253.13:1 amended. Remediation programs.** Re-arranges paragraphs of Standard 1 of the Standards of Quality, pertaining to remediation programs and requirements in order to provide consistency, clarity, and readability. This provision clarifies that any student who does not pass the literacy tests or any of the Standards of Learning assessments in grades three, five, or eight must be required to attend a summer school program or to participate in another form of remediation and that any student who passes one or more, but not all, of the Standards of Learning assessments in grades three, five, or eight may be required to attend a remediation program. In addition, the measure provides that summer school and other remediation must be chosen by the division superintendent to be appropriate to the academic needs of the student. This bill is a recommendation of the Joint Subcommittee on Remediation. HB 1353; CH. 684.

**§ 22.1-253.13:1 amended. Standards of Learning assessments.** Directs the Board of Education to, in consultation with the chairpersons of the eight regional superintendents’ study groups, establish a timetable for administering the Standards of

Learning assessments to ensure genuine end-of-course and end-of-grade testing. SB 318; CH. 653.

**§ 22.1-253.13:1 amended. Study of the contributions to society of diverse people.** Amends the Standards of Quality to require that the Board of Education supplement the Standards of Learning for Social Studies to ensure the study of contributions to society of diverse people. “Diverse” is defined as including consideration of disability, ethnicity, race, and gender. SB 487; CH. 547.

**§ 22.1-253.13:1 amended. Standards of Learning.** Requires, by October 1, 2000, the Board of Education to establish a regular schedule for the review and revision as may be necessary of the Standards of Learning (SOL) in all subject areas. The review of each subject area shall occur at least once every seven years; however, the Board may conduct such review and revision on a more frequent basis. A second enactment clause requires the Board to begin, by November 1, 2000, the review and revision of the SOL with a review and revision of the Social Studies Standards of Learning. The Board must concentrate its first cycle of review and revision on those SOLs linked to verified units of credit. This measure is similar, but not identical, to HB 633. SB 606; CH. 662.

**§ 22.1-253.13:3 amended. Standard 3 (Accreditation, other standards and evaluation) of the Standards of Quality.** Requires the Board of Education to include, in the requirements for verified credits for the standard and advanced studies diplomas, a provision that allows students completing elective classes into which the Standards of Learning (SOL) for any required course have been integrated to take the relevant SOL assessment for the relevant required course and receive, upon achieving a satisfactory score on the specific SOL test, a verified unit of credit for such elective class which must be deemed to satisfy the Board’s requirement for verified credit for the required course. HB 489; CH. 742.

**§ 22.1-253.13:3 amended. Standard 3 (Accreditation, other standards and evaluation) of the Standards of Quality.** Requires the Board of Education, in establishing course and credit requirements for a high school diploma, to establish a procedure that allows qualified students, with the recommendation of the division superintendent, to obtain credit for a class upon demonstration of mastery of the course content and objectives, without completing the 140-hour class. Having received credit for the course, the student will be permitted to sit for the relevant Standards of Learning assessment and, upon receiving a passing score, will earn a verified credit. The bill also includes a technical amendment concerning teacher licensure. HB 1196; CH. 752.

**§ 22.1-253.13:3 amended. Standards of Learning assessments.** Permits the Board of Education with such funds as may be appropriated for this purpose, to provide, through an agreement with vendors having the technical capacity and expertise to provide computerized tests and assessments, and test construction, analysis, and security, for (i) web-based computerized tests and assessments for the evaluation of student progress during and after remediation and (ii) the development

of a remediation item bank directly related to the Standards of Learning. The bill is not mandatory, but permits the Board of Education to enter into such agreements. HB 1484; CH. 1061.

**§ 22.1-253.13:3 amended. Advanced mathematics and technology diploma.** Directs the Board of Education, in the exercise of its authority to recognize exemplary academic performance by providing for diploma seals, to establish by July 1, 2000, criteria for awarding a diploma seal for advanced mathematics and technology for the standard and advanced studies diplomas. The Board shall consider including criteria for (i) technology courses; (ii) technical writing, reading, and oral communication skills; (iii) technology-related practical arts training; and (iv) industry, professional, and trade association national certifications. SB 706; CH. 735.

**§ 22.1-254 amended. Compulsory school attendance.** Provides that a student who has been granted an alternative education plan and who fails to comply with the conditions of the plan shall be in violation of the compulsory school attendance law. The division superintendent or attendance officer of the school division in which such student was last enrolled is authorized to seek the student's immediate compliance with the compulsory school attendance law. HB 1468; CH. 184.

**§ 22.1-270 amended. Preschool physical examinations.** Allows a licensed nurse practitioner acting under the supervision of a licensed physician to provide a report of the comprehensive physical examination which is required within the 12 months prior to the date the pupil first enters public kindergarten or elementary school. In addition, the licensed nurse practitioner may summarize any abnormal physical findings and indicate any conditions that might identify the pupil as disabled in the report. Currently, this reporting responsibility is limited to licensed physicians. Pursuant to § 22.1-178, nurse practitioners may currently perform and sign the report of the results of physical examinations required for the employment of school bus drivers. HB 1438; CH. 646/SB 437; CH. 617.

**§§ 22.1-271.2, 22.1-300, and 32.1-46 amended. Health; immunizations and certificates.** Allows registered nurses, in addition to physicians and employees of local health departments, to immunize schoolchildren as required by statute and to provide certificates or documentary proof of such immunizations. The bill also deletes the requirement that physicians and nurses who certify that public school employees have been tested and found free of tuberculosis be employees of a local health department. HB 983; CH. 476.

**§§ 8.01-226.5:1 and 22.1-274.2 added. Student possession and self-administration of inhaled asthma medications.** Directs school boards to develop and implement policies to permit students who have a diagnosis of asthma to possess and self-administer inhaled asthma medications during the school day. The student must have written consent from a parent; written notice from a doctor or nurse practitioner that identifies the student, notes the diagnosis of asthma and approval to self-administer inhaled asthma medications; specifies the name and dosage of the medication, the frequency of administration, and circumstances which warrant the use of the medication;

and attests to the student's demonstrated ability to self-administer safely and effectively. The policies must also provide for development of an individualized health care plan, including emergency procedures for any life-threatening conditions; consultation with the student's parent before any limitations or restrictions are imposed on the student's possession and self-administration of inhaled asthma medications, and before the permission to possess and self-administer inhaled asthma medications is revoked; for the self-administration of inhaled asthma medication to be consistent with the purposes of the Virginia School Health guidelines and the Guidelines for Specialized Health Care Procedure manuals; and for disclosure or dissemination of information pertaining to the health condition of a student to school board employees to comply with state and federal law relating to student scholastic records. The permission to possess and self-administer asthma medications is effective for one year, defined as 365 calendar days, and must be renewed annually. School principals and other employees of school boards and local health department personnel assigned to public schools, who supervise the self-administration of inhaled asthma medications by a student, will be immune from liability for any civil damages for acts or omissions resulting from the supervision of self-administration of inhaled asthma medications, when such function is performed in good faith, without compensation, and in the absence of gross negligence or willful misconduct. The measure incorporates HB 1386. HB 1010; CH. 871.

**§ 22.1-277.01 amended. Possession of weapons on school property, school buses, school bus stops, and during school activities.** Defines "school property" for the purpose of mandatory expulsion for possession of firearms on school property. School property is defined as any school owned or leased real property or vehicle and a vehicle operated by or on behalf of the school board. HB 464; CH. 523.

**§ 22.1-277.01:2 amended. Student searches.** Directs school boards to adopt and revise, to be effective for the 2001-2002 school year, regulations governing student searches that are consistent with Board of Education's recently issued guidelines. HB 1445; CH. 648.

**§ 22.1-277.02:1 added. Prohibitions against obscene or profane language or conduct.** Requires each school board to include, in its standards of student conduct, prohibitions against profane or obscene language. Several states have enacted similar statutes authorizing these disciplinary actions. HB 815; CH. 360.

**§ 22.1-277.1 amended. Mandatory student drug testing.** Permits local school boards to require any student who has been found, in accordance with the due process requirements set forth in § 22.1-277, to have been in possession of, or under the influence of, drugs or alcohol on a school bus, on school property, or at a school-sponsored activity in violation of school board policies, to undergo evaluation for drug or alcohol abuse, or both, and, if recommended by the evaluator and with the consent of the student's parents, to participate in a treat-

ment program. This bill incorporates HB 1432. HB 588; CH. 577.

**§ 22.1-278.3 added. School board policies regarding certain activities.** Requires, no later than January 1, 2001, local school boards to develop and implement policies to ensure that public school students are not required to convey or deliver any materials that (i) advocate the election or defeat of any candidate for elective office, (ii) advocate the passage or defeat of any referendum question, or (iii) advocate the passage or defeat of any matter pending before a local school board, local governing body or the General Assembly of Virginia or the Congress of the United States. This provision must not be construed to prohibit the discussion or use of political or issue-oriented materials as part of classroom discussions or projects or to prohibit the delivery of informational materials. The Board of Education is to monitor and report on the implementation of this requirement to the co-chairman of the House Committee on Education and the chairman of the Senate Committee on Education and Health by the beginning of the 2001 Session of the General Assembly. HB 1541; CH. 1063.

**§ 22.1-279.3 amended. Parental responsibility for student behavior.** Provides that the juvenile and domestic relations court, upon finding that a parent has willfully and unreasonably failed to accompany a suspended student to meet with school officials to discuss improving the student's behavior, or upon the student's receiving a second suspension or being expelled, may order not only the student or his parent, but both parents if they have legal and physical custody, to participate in such programs or such treatment, including parenting counseling or a mentoring program, as the court deems appropriate to improve the student's behavior. In addition, the court may order both the student and his parents to be subject to such conditions and limitations as the court deems appropriate for the supervision, care, and rehabilitation of the student or his parent. Current language indicates these options are available for the student or his parent. In addition, the bill provides that the principal may request the student's parent or parents, if both parents have legal and physical custody, to meet to discuss student conduct standards and other matters. The measure also includes a technical amendment. HB 1147; CH. 538.

**§§ 8.01-47 and 22.1-280.1 amended. Reports of certain acts to law-enforcement and school authorities.** Adds conduct involving firebombs, explosive materials or devices, hoax explosive devices, chemical bombs, or other incendiary devices on a school bus, on school property, or at a school-sponsored activity and bomb threats or false bomb threats made against school personnel or involving school property or school buses to those incidents to be reported to school principals or their designees. The principal or his designee is to report all such incidents to the division superintendent, who must relay an annual report of these incidents to the Department. School principals must also report these incidents to law-enforcement officials pursuant to subsection D of § 22.1-280.1. The immunity statute for school personnel is also amended to include reporting or investigating these incidents. Law enforcement authorities may report this conduct, wherever committed, by

students enrolled at the school if the offense would be a felony if committed by an adult or would be an adult misdemeanor. Possession of materials used in explosive devices or possession or use of such devices is a Class 5 felony. Construction or use of a hoax explosive device "so as to intentionally cause another person to believe that such device is a bomb or explosive" constitutes a Class 6 felony (§ 18.2-85). Threats to bomb or damage buildings constitute Class 5 felonies; however, persons under age 15 committing such acts would be guilty of a Class 1 misdemeanor. Currently, incidents to be reported to school principals, and, in turn, to the division superintendent and, ultimately, to the Department of Education and law-enforcement authorities, involve certain serious offenses involving assault, weapons, or controlled substances. This measure incorporates HB 406. HB 254; CH. 79.

**§ 22.1-280.1 amended. Reports of certain offenses to school authorities.** Authorizes law-enforcement officers to report suspected violations of the Drug Control Act by students that occurred on school property, on a school bus, or at a school-sponsored activity to school principals. HB 1361; CH. 611.

**§ 22.1-289 amended. Transfer of scholastic records.** Confirms current law to the requirements of the federal Family Educational Rights and Privacy Act (FERPA) by directing schools to annually notify parents of students currently enrolled and in attendance of their rights under FERPA and related regulations. In addition, a school responding to a request for the transfer of a student's scholastic record from another school division need not provide written notice of the transfer, to the parent or to a student who is 18 years of age or older, if the school has previously included in this annual notice a statement that it forwards such records to such requesting school divisions. HB 536; CH. 86.

**§ 22.1-291.1 amended. Planning time for teachers.** Requires local school boards to seek to ensure that elementary school teachers in their employment have at least three hours during the students' school week for planning time. HB 1517; CH. 650.

**§ 22.1-296.2 amended. Criminal history record check; Floyd County Public Schools.** Adds Floyd County to the list of local school boards that require applicants who are offered or who accept permanent or temporary, part-time or full-time employment with the school board to submit to fingerprinting and a criminal history record check through the Central Criminal Records Exchange of the Federal Bureau of Investigation. HB 1097; CH. 811/SB 307; CH. 774.

**§ 22.1-296.2 amended. School boards; criminal records checks of employees.** Directs all school boards to (i) require, as a condition of employment, fingerprinting for applicants who are offered or who accept school board employment, whether on a temporary, permanent, or part- or full-time basis, and (ii) submit the fingerprints and descriptive information through the Central Criminal Records Exchange to the Federal Bureau of Investigation to obtain the applicant's national criminal records history. Similarly, all school boards receiving a

report of employee arrests for specific serious crimes are to require the employee to undergo fingerprinting and a criminal records check. The school board (i) may pay for all or a portion of the cost of the fingerprinting or criminal records check, or (ii) may, in its discretion, require the applicant to pay for all or a portion of the cost of such fingerprinting or criminal records checks. The statute now directs 56 jurisdictions (32 counties and 24 cities) to require these criminal records checks. Currently, the records are searched for all felonies and any misdemeanors involving drugs, abuse or neglect of children, moral turpitude, obscenity offenses, and sexual assault. In addition, school boards also receive reports of arrests for these crimes for current employees, who must then submit to fingerprinting and a criminal records check. The school board may now require applicants and employees to pay for the fingerprinting and records check or may pay for these services from such funds as may be available for that purpose. HB 1238; CH. 683.

**§§ 22.1-296.4 and 63.1-248.8 amended. Transmission to school boards of records of founded complaints of child abuse and neglect.** Requires the Department of Social Services to respond to requests by local school boards in cases where there is no match within the central registry of a founded complaint of child abuse or neglect regarding applicants for employment within 10 business days of receipt of such requests. In cases where there is a match within the central registry, the Department must respond within 30 business days. The response may be by first-class mail or facsimile transmission. HB 865; CH. 95/SB 691; CH. 734.

**§ 22.1-298 amended. Teacher licensure by reciprocity.** Directs the Board of Education to provide for licensure by reciprocity for individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards (NBPTS) or a nationally recognized certification program approved by the Board of Education. The application for such individuals is to require evidence of such valid licensure and national certification, and shall not require official student transcripts. Current licensure regulations require individuals holding valid out-of-state licenses and seeking reciprocity in Virginia to include official student transcripts in the application process. According to Quality Counts '99, a publication of Education Week, 14 states, including North Carolina and Florida, provide license portability for out-of-state teachers having NBPTS certification. The 1999 Session of the General Assembly established the National Teacher Certification Incentive Reward Program and Fund to award incentive grants to public school teachers obtaining national certification from the National Board for Professional Teaching Standards. HB 473; CH. /SB 289; CH. 102.

**§§ 22.1-298, 22.1-299, and 22.1-303 amended; § 22.1-299.3 added. Teacher licensure.** Establishes a mechanism for local school boards to issue three-year local teacher licenses. Such licenses would only be valid within the issuing school division, would not entitle the holder to continuing contract status, would not be renewable, and could be conditioned upon the completion of additional training. No more than ten percent of the classroom teachers employed by the relevant local school

division may hold such local licenses, based on the number of classroom teachers employed by the school division during the preceding school year. The holder of a locally issued license would be a probationary teacher for the entire three years, would be eligible to apply for a regular license issued by the Department of Education upon satisfaction of the relevant requirements, and would be subject to and entitled to all other requirements and rights provided in law and regulation. No applicant could be issued a local license if such person is eligible to be licensed by the Department of Education. This bill amends several existing licensure/terms of employment statutes to provide the appropriate references, etc. to the local licensure procedure. SB 113; CH. 689.

**§ 22.1-304 amended. Notification of reduction in force for teachers.** Directs any school board in a county having the county executive form of government that is adjacent to a county having the urban county executive form of government (Prince William) to notify by May 15 those teachers who may be subject to a reduction in force due to a decrease in the school board's budget as approved by the appropriating body. HB 605; CH. 709.

**§ 22.1-312 amended. Teacher grievance procedure.** Amends the teacher grievance procedure to provide that the members of the three-person panel must not be parties to, or witnesses to, the matter grieved and that panel members are prohibited from conducting an independent investigation involving the matter grieved. HB 650; CH. 837.

**§ 22.1-346.1 amended. Advisory Commission on the Virginia Schools for the Deaf and the Blind; per diem.** Authorizes per diem for legislative members serving on the Advisory Commission on the Virginia Schools for the Deaf and the Blind. SB 673; CH. 255.

**§§ 22.1-354.1 through 22.1-354.5 added. Northern Neck-Middle Peninsula Public Education Consortium.** Establishes the Northern Neck-Middle Peninsula Public Education Consortium, governed by a board consisting of the region's school superintendents, the president or his designee of Rappahannock Community College, the Director of the Virginia Institute of Marine Science, and seven citizen members representing business, industry, and community interests in the region. The region's legislators will serve as nonvoting, advisory members of the board. The board may appoint additional nonvoting, advisory members to assist in the performance of its duties. The Consortium is to coordinate with educational institutions and agencies in the Commonwealth and surrounding areas to develop joint educational initiatives; promote and establish, in conjunction with the Department of Education and the region's public school divisions, regional programs to address area educational needs; coordinate the development and sharing of programs, educational techniques, and resources among and between the region's school divisions and institutions of higher education; and provide technical assistance to school divisions for the implementation of effective educational programs. From such funds as may be appropriated or received, an executive director may be appointed and is autho-

rized to employ staff. This bill will not become effective unless an appropriation effectuating its purposes is included in the 2000 appropriation act, passed during the 2000 Session of the General Assembly, and signed into law by the Governor. HB 927; CH. 676.

**§§ 22.1-354.1 through 22.1-354.5 added. Education; Western Virginia Public Education Consortium.** Creates the Western Virginia Public Education Consortium, governed by a board consisting of the region's school superintendents. The region's legislators will serve as nonvoting advisory members. The Consortium is to coordinate with entities providing programs and services to Consortium school divisions to reduce duplication of efforts; identify needs of member school divisions and develop plans and programs responding to those needs; facilitate the coordination of programs affecting K-12 vocational and technical education, workforce development, and other linkages; coordinate technology-related activities; develop and maintain linkages with schools and school divisions in Northern Virginia to promote enhanced usage of educational technology; and create the capacity for development of shared services and activities. The Consortium's offices are to be housed at Radford University. An executive director shall be appointed and authorized to employ staff. HB 1009; CH. 302/SB 364; CH. 105.

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## TITLE 22.1. MISCELLANEOUS - EDUCATION.

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**Remediation program regulations.** Directs school divisions to report to the Board of Education the number of students who successfully complete the objectives of remedial programs which they attended due to their performance on the Standards of Learning assessments. The bill also requires that the Board of Education promulgate regulations establishing standards for remediation programs by August 1, 2000. The second and third enactment clauses of Chapter 537 of the Acts of Assembly of 1999 are repealed to eliminate conflicts between the current reporting requirements of the law and the technical capacity of school divisions to comply with the requirements, as referenced in Board regulations. This bill is a recommendation of the Joint Subcommittee on Remediation. HB 975; CH. 716.

**Virginia Gifted Education Pilot Program.** Extends the expiration date on the provisions of the Virginia Gifted Education Pilot Program to July 1, 2003. HB 1406; CH. 241.

**Virginia Gifted Education Consortium.** Extends the expiration of the provisions of the act to July 1, 2003. This bill is a recommendation of the Joint Subcommittee Studying the Educational Needs of Certain Underserved Gifted Students. SB 654; CH. 217.

**Special tax district in Westmoreland County.** Authorizes the establishment of a special tax district within Westmoreland County. The special tax district will encompass the county

school division with the exclusion of the Town of Colonial Beach. This bill provides for a very careful, detailed calculation of the revenues attributable to the county and those revenues attributable to the town, with the calculations drawn according to state law and pro rata allocation of each jurisdiction's tax revenue, etc. using fractions (percentages) and committing the jurisdictions to using baseline data that is clearly identifiable. Any dispute will be settled by an arbitration panel, consisting of one person not associated with the county but selected by the county, one person not associated with the town but selected by the town, and the Auditor of Public Accounts, with the majority decision binding on both jurisdictions. The bill contains an emergency clause. SB 483; CH. 619 (effective 4/8/00).

**Indoor air quality task force.** Adds a school administrator to the indoor air quality task force. SB 682; CH. 1033.

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## TITLE 23. EDUCATIONAL INSTITUTIONS.

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**§ 23-7.4:2 amended. Tuition grants for certain students.** Removes the \$500 cap on the amount of tuition grants for members of the Virginia National Guard enrolled in an institution of higher education in Virginia and provides that the grant amount may not exceed the difference between the full cost of tuition and any other educational benefits for which they are eligible as members of the National Guard. Under current law, the grant amount may be half of the cost of tuition, not to exceed \$500 per term or \$1,000 in any one year. To be eligible for such a grant, the Virginia National Guard member must also have a minimum remaining obligation of two years, must have satisfactorily completed required initial active duty service, and must be satisfactorily performing duty pursuant to National Guard regulations. SB 373; CH. 196.

**§ 23-7.4:5 added. Waivers of tuition for certain persons.** Provides grants for tuition and fees at Virginia community colleges for a Virginia resident who (i) has received a high school diploma or a general educational development (GED) certificate and was in foster care or in the custody of the Department of Social Services or is considered a special needs adoption at the time such diploma or certificate was awarded; (ii) is enrolled or has been accepted for enrollment as a full-time student in a degree or certificate program of at least one academic year in length in a Virginia community college; (iii) has not been enrolled in postsecondary education as a full-time student for more than five years; (iv) maintains the required grade point average established by the State Board for Community Colleges; (v) has submitted applications for federal student financial aid programs; and (vi) meets any additional financial need requirements established by the State Board for Community Colleges for the purposes of such grants. The State Board for Community Colleges, in consultation with the State Council of Higher Education and the Department of Social Services, is to establish regulations governing the grants that shall address renewal of grants; financial need; the calculation of

grant amounts, after consideration of any additional financial resources or aid the student may hold; the grade point average required to retain such grant; and procedures for the repayment of tuition and fees after failure to meet the grant requirements. HB 980; CH. 968.

**§ 23-9.2:5 amended. Student representatives to boards of visitors.** Requires the board of visitors of each four-year state institution of higher education to appoint one or more students as nonvoting, advisory representatives. The board of visitors may exclude these representatives from discussions of faculty grievances, faculty or staff disciplinary matters or salaries or other matters at the discretion of the board. HB 821; CH. 715/SB 438; CH. 699.

**§ 23-9.13:1 amended. Institutes for training teachers.** Removes the limitation that only four sites be established for institutes for training teachers. These institutes may be located at sites that include two- and four-year public institutions of higher education in Virginia. Legislation adopted in 1996 directed the State Council of Higher Education to establish, from such funds as may be appropriated for this purpose, institutes providing technology training for teachers, administrators, and librarians in the elementary and secondary schools and public libraries of the Commonwealth. The initial legislation (HB 1097) capped the institutes at no more than three sites; this number was increased to four in 1999 (HB 2671), and the institutes' mission altered to encompass "in-service training in the effective use of educational technology." HB 866; CH. 96.

**§ 23-9.13:1 amended. In-service training in educational technology.** Authorizes the provision of in-service training in the effective use of educational technology for adult education and literacy program professionals. The training is to be delivered at institutes established by the State Council of Higher Education for providing in-service training in educational technology for public school teachers, administrators, and librarians. HB 936; CH. 533.

**§ 23-9.13:1 amended. Institutes for training teachers, administrators, and librarians; adult education and literacy programs.** Requires the institutes established by the State Council of Higher Education for Virginia currently providing in-service training in the effective use of educational technology for teachers, administrators, and librarians in the elementary and secondary schools to provide the same training to such personnel of equivalent adult education and literacy programs. SB 460; CH. 546.

**§ 23-14 amended. Southwest Virginia Higher Education Center.** Adds the Southwest Virginia Higher Education Center (SVHEC) to the list of those entities characterized as "educational institutions" and "governmental instrumentalities for the dissemination of education." Current law designates as "educational institutions" the Commonwealth's four-year public colleges and universities, the Virginia Community College System, the Woodrow Wilson Rehabilitation Center, the Virginia Schools for the Deaf and the Blind, and the Eastern Virginia Medical School. This classification in § 23-14 as an

educational institution will enable SVHEC to issue bonds with the approval of its governing board and the Governor (§§ 23-15 and 23-19), acquire property (§ 23-16), be eligible for its bonds to be purchased by the Virginia College Building Authority (§§ 23-30.24, 23-30.25, 23-30.27, and 23-30.28), establish a campus police department, and authorize such campus police to purchase their service handguns (§ 23-232). This designation will not empower the SVHEC to establish unfunded scholarships (§ 23-31), nor will it place the Center under the State Council of Higher Education for Virginia (SCHEV), the coordinating council for two- and four-year public colleges and universities. In addition, the designation does not require SVHEC to submit an annual report to SCHEV regarding financial statements (§ 23-1.01). The term "educational institution" appears in a variety of contexts throughout the Code. The term, for purposes of § 23-14, does not necessarily include all entities described as "institutions of higher education" or "institutions of higher learning" elsewhere in the Code of Virginia. "Educational institution" is used broadly in Code provisions addressing matters such as employment, prohibited contracts, and certain field permits. "Educational institutions" may also sell real estate (§ 13.1-901); establish educational television stations (§ 15.2-966); have students excluded from certain toll payments (§ 22.1-187); and have governing board members reimbursed for travel expenses (§ 23-3). Public "educational institutions" receiving state funds may not discriminate against persons with disabilities (§ 51.5-43). Not referenced in § 23-14, nor subject to SCHEV as a coordinating council, are these designated "educational institutions": the Miller School of Albemarle, the Board of Regents of Gunston Hall, the Frontier Culture Museum, the Science Museum of Virginia, the Jamestown-Yorktown Foundation, and the Library of Virginia. The term has also been used in reference to private correspondence schools (§ 22.1-319). Designation as an "institution of higher education" has been applied to the Virginia Museum of Fine Arts, (which is not designated as an "educational institution") as well as the Science Museum of Virginia, and specifically makes these entities eligible to receive property and funds from localities (§ 23-3.1) and to maintain their state appropriations, despite any increases in endowment funds (§ 23-9.2). HB 610; CH. 671/SB 423; CH. 108.

**§ 23-30.28 amended. Virginia College Building Authority.** Removes the \$150 million cap on the aggregate principal amount of outstanding Virginia College Building Authority bonds to finance acquisition of equipment. The Authority was created to purchase such bonds "to serve educational institution purposes by financing the construction of projects of capital improvement at less cost, thereby facilitating such construction" and may also issue its own revenue bonds to pay for these projects. In addition, § 23-30.24 indicates legislative intent that the Authority purchase "new scientific, technical and other" equipment for lease or sale to colleges and universities, "thereby facilitating the acquisition and supply of such equipment to educational institutions and increasing the purchasing power of their funds, including funds provided by tuition and fees and by appropriations from the General Assembly." Currently, there is no similar statutory limit on out-

standing bonds for construction projects. HB 697; CH. 414/SB 368; CH. 445.

§ 23-38.10:1. See § 22.1-212.2:1; HB 1404/HB 1408/SB 630/SB 652/SB 737.

§§ 23-38.15, 23-38.16, and 23-38.17:1 amended. **Tuition Assistance Grants.** Deletes references to any loans previously made under the Tuition Assistance Grant Act (TAG), including repayment provisions and other requirements applying to loans made before July 1, 1980, and provides that pharmacy students may receive TAG grants for no more than four academic years. In addition, the measure provides that institutions acting as agents for students receiving TAG grants are to promptly credit funds disbursed to TAG students upon verification of the student's eligibility by the institution. Under current law, eligibility notification is provided by the State Council of Higher Education. The TAG initiative provides "a program of tuition assistance in the form of grants" to Virginia residents attending "private, accredited and nonprofit institutions of collegiate education in the Commonwealth whose primary purpose is to provide collegiate, graduate, or professional education and not to provide religious training or theological education." HB 846; CH. 94/SB 559; CH. 660.

§§ 23-38.46, 23-38.48, and 23-38.49 amended. **College Scholarship Assistance Act.** Deletes references to any loans previously made under the College Scholarship Assistance Act, including repayment provisions and other requirements, and provides that the grant amount may not exceed the amount provided in the Appropriation Act. In addition, the measure provides that students may be eligible for these grants if they have not previously received an undergraduate degree at the same level (for example, a student who has an associate degree may receive a grant to pursue a four-year degree but not an additional two-year degree). The College Scholarship Assistance initiative provides a statewide program of financial aid to eligible undergraduate students at accredited, degree-granting public or private nonprofit institutions of higher education in Virginia. Currently, grants are capped at \$2,000 per year. Students in those institutions or programs whose primary purpose is to provide religious training or theological education are not eligible for this aid. HB 1279; CH. 588/SB 631; CH. 567.

§§ 2.1-1.5 amended; §§ 23-38.53:12 through 23-38.53:20 added. **Advantage Virginia Incentive Program created.** Creates the Advantage Virginia Incentive Foundation ("Foundation"), the Advantage Virginia Incentive Fund ("Fund"), and the Advantage Virginia Incentive Program ("Program"). The Foundation would be a body politic of the Commonwealth and is to be administered by a board of trustees. The members of the board of trustees are to be appointed by the Governor. The Foundation is to establish and administer the Fund, and moneys of the Fund are to be used for awarding scholarships pursuant to the Program. The Program is to be administered by the Virginia Workforce Council, to provide scholarships to students attending two and four-year (i) public institutions of higher education, and (ii) private, nonprofit or for-profit, non-sectarian, degree-granting institutions of higher education that

are institutionally accredited by an accrediting commission recognized by the United States Department of Education, and whose primary purpose is to provide collegiate, graduate, technical or professional education and not to provide religious training or theological education, who become employed in "occupational areas where there is high demand for workers in the Commonwealth," as such areas are designated by the Council. An occupational area where there is high demand for workers shall include occupations in Virginia localities and planning districts that (i) have annual average unemployment rates that are 50 percent higher than the final statewide average unemployment rate for the most recent calendar year or (ii) are within planning districts that have annual average unemployment rates for the most recent calendar year that are at least one percent greater than the final annual statewide average for the most recent calendar year provided that such occupational areas in such Virginia localities and planning districts require, for successful completion, the level of education, skills, and training for which scholarships are granted under the bill. The granting of the scholarship to students enrolled in degree programs offered by private, accredited and nonprofit institutions of collegiate education in the Commonwealth whose primary purpose is to provide collegiate, graduate, or professional education and not to provide religious training or theological education mirrors the eligibility requirement under the Tuition Assistance Grant Program. The granting of the scholarships to students enrolled in degree programs offered by for-profit, non-sectarian post-secondary private schools and institutions of learning in the Commonwealth is pursuant to the 1998 Report of the Attorney General which provides that such tuition assistance programs are allowed under Article VIII, Section 10, of the Constitution of Virginia. Eligible students can receive scholarships of up to \$3,000 per academic year, not to exceed a maximum of \$12,000, for tuition, books, and fees. A recipient is required to repay his scholarship by agreeing to become employed in an occupational area where there is high demand for workers in the Commonwealth within one calendar year after his graduation, and to continue thereafter until he has been continuously employed in such area for a period of years equal in number to the years that he has benefited from the Program's scholarship. Students who fail to maintain eligibility during a scholarship year or refuse to fulfill these terms and conditions are required to repay their AVIP scholarship with interest and any penalties the Council assesses. Priority will be given to students (i) who are closest to completing their degree programs, (ii) who demonstrate financial need, and (iii) whose applications were received earliest by the Council. HB 1528; CH. 765.

§§ 2.1-41.2, 2.1-116, 2.1-342.01, 2.1-344, 9-6.14:4.1, 11-35, 23-38.75, 23-38.76, 23-38.77, 23-38.78, 23-38.80, 23-38.81, 23-38.83, 23-38.84, 58.1-302, and 58.1-322 amended. **Certain college tuition savings initiatives.** Changes the name of the Virginia Higher Education Tuition Trust Fund to the Virginia College Savings Plan; removes contributors to a savings trust account within the Plan who are age 70 and over from the requirement that deductions for such contributions not exceed \$2,000 (a benefit currently afforded purchasers of prepaid



tuition contracts); and broadens the definition of the Virginia fiduciary adjustment, for estate tax purposes, to include the state income tax deduction permitted for purchases of prepaid tuition contracts and contributions to savings trust accounts within the Plan. The measure is effective for taxable years beginning on and after January 1, 2000. HB 438; CH. 400 (effective 1/1/00)/SB 359; CH. 382 (effective 1/1/00).

**§§ 2.1-1.5 2.1-20.1, 2.1-20.1:2, 2.1-116, 2.1-342.01, 2.1-344, 23-50.16:1, 23-50.16:3, 23-50.16:4, 23-50.16:5, 23-50.16:7, 23-232, 32.1-85, 32.1-276.3, and 51.1-126.1 amended. Medical College of Virginia Hospitals Authority.** Changes the name of the Medical College of Virginia Hospitals Authority to the Virginia Commonwealth University Health System Authority and provides a mechanism for merging the MCV Hospitals and the physician-faculty practice. This bill provides that the Vice President for Health Sciences or the person who holds such other title as subsequently may be established by the Board of Visitors of the University for the chief academic and administrative officer for the Health Sciences Campus of the university will serve on the Board of Directors of the Authority and increases the membership by five physician-faculty members, with two physician-faculty members to be appointed by the Governor, two physician-faculty members to be appointed by the Speaker of the House of Delegates; and one physician-faculty member to be appointed by the Senate Committee on Privileges and Elections. The new physician-faculty members must be faculty members of Virginia Commonwealth University with hospital privileges at Medical College of Virginia Hospitals at all times while serving on the Board. Staggered terms for the new appointees are provided by delineating different initial terms. The Chief Executive Officer of the Authority will now be the Vice President for Health Sciences of VCU. The Vice President for Health Sciences/Chief Executive Officer of the Authority will be jointly appointed by the Board of Directors of the Authority and the Board of Visitors of the University upon a vote of a majority of the members of each board who are present and voting at a joint meeting. The two boards will select and remove the Vice President/Chief Executive officer and set the conditions of his appointment, including salary. HB 1471; CH. 720.

**§ 23-50.16:24.** See §2.1-1.1; HB 690/SB 441.

**§ 23-76.1 amended. University of Virginia; endowment funds.** Vests flexibility in investing or reinvesting endowment funds by the Board of Visitors of the University of Virginia. This provision authorizes the Board to invest or reinvest endowment funds in derivatives, options, and financial securities, including notes, stocks, treasury stocks, bonds, debentures, evidence of indebtedness, certificates of interest, etc. Present law authorizes the Board to invest and manage the endowment funds of the University in accordance with the provisions of the Uniform Management of Institutional Funds Act, which restricts investment authority. HB 1548; CH. 818/SB 777; CH. 1014.

**§ 23-174.4 amended. Composition of Board of Visitors of Norfolk State University.** Provides that four members of the

13-member Board of Visitors of Norfolk State University (NSU) must be NSU alumni of which three alumni may be nonresidents of Virginia. The Governor may appoint alumni members from a list of qualified persons provided by the Norfolk State University Alumni Association. HB 1159; CH. 844.

**§ 23-231.3 amended. Southwest Virginia Higher Education Center.** Adds the president of Old Dominion University to the Board of Trustees of the Southwest Virginia Higher Education Center. HB 592; CH. 89.

**§§ 23-278, 23-281, and 23-284 amended. Commonwealth Health Research Fund.** Provides that the Commonwealth Health Research Board may expend the annual income generated from investments of the Commonwealth Health Research Fund; annual income does not include any noncash dividends paid on investments of the Fund or any realized gain on the sale of any investment of the fund. Under current law, the Board may expend up to 90 percent of the annual income realized from investments of the Fund, including realized gains on the sale of investments, on grants that have the potential of maximizing human health benefits for the citizens of the Commonwealth and on certain enumerated expenses of administering the Fund. The bill provides that the Board may contract for professional services to assist the Board in the performance of its duties and responsibilities. The bill also provides that members of the Board shall be compensated for their services at the per diem rate specified in Chapter 924 of the 1997 Acts of Assembly as for members of the General Assembly. The Board and Fund were established by the 1997 Session of the General Assembly. The Fund consists of all stock and cash distributed to the Commonwealth as a policyholder pursuant to the conversion of Blue Cross and Blue Shield of Virginia from a mutual insurance company to a Virginia stock corporation. HB 920; CH. 675/SB 484; CH. 700.

**§ 23-287 amended. Jamestown-Yorktown Foundation.** Provides that the president of the Jamestown-Yorktown Foundation, Inc. will be a member of the Board of Trustees of the Jamestown-Yorktown Foundation, replacing the position currently filled by the president of the Jamestown-Yorktown Educational Trust. The Jamestown-Yorktown Educational Trust is a § 115 organization under the Internal Revenue Code; and its focus has shifted to concessions and other functions related to the Foundation. The Foundation, Inc., a § 501(c)(3) organization under the Internal Revenue Code, and will assist in fundraising to support the Jamestown-Yorktown Foundation. HB 645; CH. 125/SB 328; CH. 104.

**§ 23-288 amended. Jamestown-Yorktown Foundation.** Authorizes the Jamestown-Yorktown Foundation (i) to determine what artworks, manuscripts, and artifacts may be acquired by purchase, gift, or loan, and to exchange or sell the items if not inconsistent with the terms of the acquisition; and (ii) to change the form of investment of any funds, securities, or other property, real or personal, consistent with the terms of the instrument under which the property was acquired, and to sell or convey any such property, except that any transfers of real property must be made with the consent of the Governor.

The language mirrors those powers already granted to the Virginia Museum of Fine Arts. SB 542; CH. 109.

**§§ 23-295, 23-296, 23-297 and 23-298 added; § 9-99.1 9-99.2 repealed. Educational institutions; Gunston Hall and the Frontier Culture Museum of Virginia.** Moves the chapters relating to Gunston Hall and the Frontier Culture Museum of Virginia from Title 9 to Title 23. This bill is part of the proposed title revision of Titles 2.1 and 9 by the Code Commission. HB 1308; CH. 541.

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## TITLE 23. MISCELLANEOUS - EDUCATIONAL INSTITUTIONS.

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**Blue Ridge Hospital.** Authorizes the Governor to convey Blue Ridge Hospital, located at the base of Monticello Mountain, on such terms and conditions in a manner that respects the historical and environmental significance of Monticello Mountain. In 1978, the hospital was conveyed by the Virginia Department of Health to the Rectors and Visitors of the University of Virginia. The bill states that all medical activities have ceased at the hospital and that the only remaining activity on the property, a day-care facility, is scheduled to close on June 30, 2000. HB 1539; CH. 457.

**Board of Visitors of Mount Vernon.** Creates staggered terms for members of the board of visitors of Mount Vernon. The bill also provides that current board members whose terms have not expired as of July 1, 2000, are not affected. HB 1463; CH. 330.

**University of Virginia's College at Wise; receipt of certain real property.** Authorizes the receipt by the University of Virginia's College at Wise, of two parcels of real property, including appurtenances, known as the Wise Hospital property, from Appalachian Regional Healthcare, Inc., with the approval of the Governor and in a form approved by the Attorney General. HB 1133; CH. 236.

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## TITLE 24.2. ELECTIONS.

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**§§ 24.2-114, 24.2-405, and 24.2-411 amended. Voter services at DMV offices.** Allows the office of a general registrar to be located in a DMV facility. The bill also moves the provision authorizing multijurisdictional staffing for voter registration offices in DMV facilities from the voter list section of the election laws to a more appropriate location under the duties and powers of the general registrar. HB 782; CH. 556/SB 419; CH. 512.

**§§ 24.2-114, 24.2-417, 24.2-424, 24.2-427, and 24.2-428 amended; § 24.2-425 repealed. Voter registration; transfers and cancellations.** Allows a voter who has moved between

jurisdictions in the Commonwealth to transfer his registration without having to provide all the information originally required for registration. The registrar where the voter formerly resided is required to forward the original application for registration to the registrar for the voter's new locality. The time limit for a voter to cancel his registration is revised to coincide with the closing of the books prior to an election. Also, the State Board of Elections is given the authority to send notices requesting the confirmation of voters' addresses when they appear to have moved, and to receive the responses to such notices. SB 420; CH. 857.

**§§ 22.1-57.3, 24.2-222, 24.2-223, 24.2-226, 24.2-311, and 24.2-503 amended; § 24.2-222.1 added. City and town elections.** Allows cities and towns by ordinance to provide for the election of the governing body at the November general election rather than the May general election. Alternatively, voters may petition the circuit court asking that a referendum be held on the question of whether the city or town shall elect the mayor and council at the November general election. Several other sections are amended to eliminate the assumption that all elections for city and town governing bodies or school boards are held in May. HB 622; CH. 1045.

**§§ 24.2-226, 24.2-227, and 24.2-682 amended; § 24.2-228.1, added. Special elections; vacancies in constitutional offices.** Requires an immediate special election to fill a vacancy in a constitutional office and eliminates the appointment of an interim constitutional officer by the judges of the circuit court of the county or city except in unusual circumstances. The constitutional offices are the clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, and treasurer. This bill takes effect October 1, 2000. HB 1537; CH. 1070/SB 688; CH. 787.

**§§ 24.2-304.1 and 24.2-309.1 amended; § 24.2-301.1 added. Congressional, state legislative, and local election districts and precincts; redistricting and precinct changes; and use of United States Census population counts.** Provides that the General Assembly and local governing bodies shall use the census population data provided by the United States Bureau of the Census that has been used to apportion the seats in the United States House of Representatives among the states. The apportionment counts are actual enumeration counts in contrast to population counts that are statistically modified to offset undercounted and overcounted population segments. The Bureau of the Census plans to release both sets of data at this time. The bill provides further that the present freeze on changes in precinct boundaries will end May 15, rather than June 1, 2001. The freeze is a feature of the Commonwealth's participation in the United States Bureau of the Census program to provide 2000 census population data by defined election precincts. The bill also states explicitly that precinct changes may be adopted by ordinance and submitted for clearance under Section 5 of the federal Voting Rights Act before May 15, 2001, but precinct changes may not be implemented in elections prior to that date. HB 1486; CH. 884.

**§ 24.2-404 amended; § 24.2-105.2 added. State Board of Elections; voter registration system and collection of monies.** Authorizes the Board to provide for the production, distribution and receipt of information and lists through the Virginia Voter Registration System (VVRS) by any appropriate means including, but not limited to, paper and electronic means. This is a recommendation of the VVRS study committee and will allow for the current and envisioned VVRS processes, as well as for those that may be developed in the future. The State Board is also authorized to accept credit or debit cards in payment for lists, copies, fees, and fines. HB 699; CH. 554/SB 392; CH. 510.

**§§ 24.2-437 and 24.2-441 amended. Temporary voter registration procedures for presidential and federal elections.** Eliminates an inconsistency in the law by deleting a requirement that applications for temporary voter registration be made at least 30 days before an election. Other provisions of law now allow registration up to the 28th day before an election and are applicable to these temporary registrations. HB 1414; CH. 328.

**§§ 24.2-504 and 24.2-525 amended. Running for multiple offices; names on ballots.** Prohibits an individual from being on the ballot for more than two offices in any election. HB 71; CH. 552/SB 432; CH. 513.

**§§ 24.2-506, 24.2-521, 24.2-543, and 24.2-684.1 amended. Petition requirements for candidates and in presidential and referenda elections.** Amends the requirements for circulating petitions in response to federal case law developments. See *Buckley v. American Constitutional Law Foundation, Inc.*, U.S.S.C. No 97-930, January 12, 1999. Current law provides that the person circulating the petition and witnessing signatures on the petition must be a registered voter eligible to vote in the pertinent election. The amendment allows a person who is not a registered voter, but who is eligible to register to vote in the pertinent election, to circulate the petition. HB 693; CH. 232/SB 418; CH. 252.

**§ 24.2-544 amended. Presidential primaries; officers of election.** Provides that any officer of election serving at the February primary shall complete his duties in connection with the primary whether or not he has been appointed to a new term beginning March 1. Emergency. SB 204; CH. 1 (effective 2/1/00).

**§ 24.2-544 amended. Presidential primaries; age qualification to participate.** Provides that any 17-year-old who will be 18 by the following November general election shall be eligible to register in advance of and vote at the February presidential primary election. SB 382; CH. 856.

**§ 24.2-545 amended. Presidential primaries.** Provides that the Commonwealth, rather than the counties and cities, shall pay the costs of presidential primaries as provided in the appropriations act. Emergency. SB 319; CH. 379 (effective 4/4/00).

**§ 24.2-604 amended. Elections; activities at polling places; election pages.** Authorizes the local electoral board in any county or city to conduct special programs in one or more poll-

ing places for high school students to serve as election pages, learn about the election process, and assist the officers of election and voters. Pages will serve under the supervision of the chief officer of election for the polling place. HB 1459; CH. 268/SB 430; CH. 215.

**§ 24.2-611 amended. Election procedures; pollbooks and registered voter lists.** Extends from January 1, 2000, to July 1, 2001, the time for the State Board of Elections to conduct a pilot project to test the use at elections of one combined pollbook and list. The bill provides for reports on the results of the project from the Board to the Privileges and Elections Committees at both the 2000 and 2001 regular sessions. Emergency. SB 205; CH. 2 (effective 2/1/00).

**§§ 24.2-613 and 24.2-640 amended. Elections; form of ballots; political party names on ballots.** Provides for identification on the ballot of the candidate by the name of the political party that nominated the candidate in federal, statewide, and General Assembly elections only. Independent candidates are to be identified by the word "Independent." Present law prohibits party identification on the ballot except in presidential elections. The bill takes effect January 1, 2001. House Bill 585 has been incorporated into this bill. HB 4; CH. 514 (effective 1/1/01).

**§ 24.2-613 amended. Ballots and voting equipment.** Provides that, in precincts where "mark sense" ballots (for example, ballots marked by pencil and counted by a scanning device) are used, the mark sense ballot may serve as the official paper ballot with State Board approval. HB 93; CH. 866.

**§§ 24.2-613 and 24.2-642 amended. Ballots and voting equipment.** Provides that in precincts where "mark sense" ballots (for example, ballots marked by pencil and counted by a scanning device) are used, the mark sense ballot may serve as the official paper ballot with State Board approval. The bill carries provisions for the securing of ballots and the later counting of the ballots when a counting device becomes inoperative during an election. SB 485; CH. 282.

**§ 24.2-626 amended. Elections; voting machines and equipment.** Allows a county or city, subject to the approval of the State Board of Elections, to use different voting machines or equipment within the same precinct. Present law requires the use of one system within each precinct. The change will allow, for example, the use of one special voting device or machine in a precinct for visually or physically handicapped voters. SB 429; CH. 280.

**§§ 24.2-643 and 24.2-651.1 amended. Elections; procedures at the polls; voter identification.** Adds a requirement that every voter present a form of identification when he offers to vote at the polls. The required identification may be any one of the following: his Commonwealth of Virginia voter registration card, his social security card, his valid Virginia driver's license, an identification card issued by a local, state, or federal government agency, or an identification card with a photograph of the voter issued by his employer. If a voter cannot present identification, he may still vote if he signs a statement, subject

to felony penalties, that he is the named registered voter he claims to be. Under present law, a voter identification requirement applies only to certain first-time voters who have registered by mail and in certain challenged vote situations. The bill also deletes a provision enacted in 1999 that provided for a pilot project in up to 10 jurisdictions to test the voter identification process. In October 1999, the Virginia Supreme Court upheld the injunction issued by the Richmond City Circuit Court that prohibited implementation of the pilot program at the November 1999 elections in 10 counties and cities on the ground that all voters were not treated alike under the pilot program. House Bill 586 and Senate Bill 139 have been incorporated into this bill. HB 425; CH. 451/SB 1; CH. 366.

**§§ 24.2-700 and 24.2-701 amended. Election laws; absentee voting.** Permits a person to vote absentee if he will be at his work place for 11 or more hours during the 13 hours that the polls are open on election day. SB 315; CH. 378.

**§ 24.2-701 amended. Absentee ballot applications.** Provides that certain absentee ballot applications from members of the uniformed services or merchant marines or persons regularly employed overseas, and their accompanying spouses or dependents, may be accepted more than 10 months before an election. SB 730; CH. 863.

**§ 24.2-706 amended. Election laws; absentee ballot procedures.** Changes wording on the envelope used to return voted absentee ballots from "an actual resident" to "a legal resident." The change conforms the language on the return envelope to the language presently used on the absentee ballot application and reduces possible confusion for voters who are temporarily residing overseas and entitled to vote absentee. House Bill 721 has been incorporated into this bill. HB 977; CH. 421.

**§§ 24.2-802 and 24.2-803 amended. Election recounts and contests.** Allows the petitioner and parties in a recount to examine the pollbooks and election materials at the preliminary hearing under security measures approved by the chief judge of the circuit court. The bill also allows examination of all types of ballots during the recount. With respect to contests of General Assembly elections, the bill extends the period to file notice of the intent to contest the election from 20 days after the election to either 30 days after the election or three days after the conclusion of a recount proceeding, whichever is later. Further adjustments are made in the timetable for an election contest. HB 1337; CH. 1057.

**§ 24.2-802 amended. Procedures in election recounts.** Allows the petitioner and parties, as part of the preliminary hearing in a recount, to examine the absentee ballots when the number of absentee ballots cast is sufficient to change the outcome of the election. The examination takes place under supervision of the electoral board and security measures approved by the chief judge of the circuit court overseeing the hearing. HB 1518; CH. 938.

**§ 24.2-905 amended. Campaign Finance Disclosure Act; campaign depositories.** Allows the campaign committee treasurer to transfer funds from the designated depository for the

committee to another account or instrument to earn interest. The bill requires complete records of the transfers and continues to require that all campaign expenses be paid through the designated depository account. HB 1069; CH. 326.

**§ 24.2-908 amended. Campaign finance disclosure; statements of organization filed by political committees.** Requires, with certain exceptions, that a political committee provide in its statement of organization (i) an address in the Commonwealth for the committee, (ii) a residence address in the Commonwealth for the custodian, if any, of the committee's books and accounts and for at least one principal officer (the treasurer or chief executive officer) of the committee, and (iii) the name of the financial institution in the Commonwealth that will serve as the committee's designated sole depository. Present law requirements remain in effect for any national political party committee and any political committee established or controlled by a corporation doing business in Virginia and allow the listing of out-of-state addresses and depositories. HB 1092; CH. 872/SB 243; CH. 852.

**§§ 24.2-914, 24.2-915, and 24.2-919 amended. Campaign Finance Disclosure Act; definitions; reports of contributions and expenditures; and filing deadlines.** Changes the time period for filing pre-election, large contribution reports from 72 hours after receipt to the end of the next business day after receipt. The State Board will issue instructions to provide for timely delivery of disclosure reports. The bill further provides for more complete reporting of in-kind contributions and expenditures as well as cash contributions. HB 1136; CH. 304.

**§§ 24.2-914.1, 24.2-915, and 24.2-929 amended. Campaign Finance Disclosure Act.** Provides that a candidate for the General Assembly who files campaign finance disclosure reports with the State Board of Elections by computer or electronic means will be relieved of the requirement to file copies of the reports with the local electoral board of the county or city where he resides. Candidates filing paper reports with the State Board will continue to file locally. The bill authorizes local electoral boards to accept computer or electronic reports from candidates for local office and requires the posting of those reports on the Internet. The secretaries of local electoral boards are given authority to assess fines against local candidates for late or incomplete filings. The penalty provision is revised to make it clear that the grace periods available for amending incomplete reports do not apply to the failure to file timely reports. HB 720; CH. 555/SB 417; CH. 511.

**§ 24.2-920 amended; §§ 24.2-920.1 and 24.2-923.1 added. Campaign Finance Disclosure Act; final reports.** Provides for the closing of a campaign after the death of a candidate and for the administrative closing of dormant campaign and committee accounts. HB 695; CH. 233.

**§ 24.2-927 amended. Campaign Finance Disclosure Act; reporting requirements and deadlines.** Grants a 72-hour extension of the reporting deadline in case of the death of a filer's close relative within the 72 hours prior to the deadline. This bill also authorizes the State Board of Elections or local

electoral board to grant an extension up to five days in emergency situations. HB 899; CH. 234.

**§ 24.2-1014 amended. Campaign advertisements; identification requirements.** Specifies that the requirement for printing an authorization statement on campaign materials does not apply to a billboard or sign larger than six square feet in area, that has been authorized by the candidate and states only basic facts, i.e., the candidate's name and his political party, the elected office held, the elected office sought, and the election date. The bill also requires authorization statements on electronically transmitted campaign advertisements. HB 1152; CH. 539.

**§ 24.2-1014.1 added. Political campaign telephone calls; disclosure requirements; penalties.** Requires persons who make campaign telephone calls for compensation to state information to identify the candidate, campaign committee, or other committee or person who authorized the call. The requirement applies to any series of 25 or more calls made to convey or solicit information pertaining to elections to office and the candidates and political parties participating in the elections. A violator is subject to a civil penalty up to \$2,500. HB 1141; CH. 874.

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## TITLE 24.2. MISCELLANEOUS - ELECTIONS.

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**Primary schedule in 2001.** Authorizes the State Board of Elections to reschedule the June 12, 2001, primary, and revise related schedules, if redistricting has not been completed and pre-clearance from the appropriate United States authority under § 5 of the Voting Rights Act has not been received in time to hold the primary at the regularly scheduled time. The Board may reschedule the primary to any Tuesday not later than September 11, 2001. The bill applies to elections for House of Delegates, constitutional officers, county governing bodies, and county school boards. HB 1536; CH. 886/SB 773; CH. 908.

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## TITLE 25. EMINENT DOMAIN.

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**§§ 25-46.3, 25-46.5, 25-46.9, 25-46.11, 25-46.17, 25-46.19 through 25-46.22, 25-46.24, 25-46.25, 25-46.29, 25-46.32, 25-248, 33.1-89, and 36-27 amended. Eminent domain procedures.** Allows persons whose property is taken or damaged through exercise of the power of eminent domain to elect to have the amount of just compensation determined by either a panel of commissioners or a jury. Under the current system, each party to a valuation dispute picks six freeholders to serve as commissioners, from which five persons are picked. The bill also (i) requires a condemnor to provide a copy of its appraisal

of the property with its offer to purchase the condemnee's property; (ii) raises the limit for compensation for a survey conducted by the condemnee from \$100 to \$1,000; (iii) requires condemnors to conduct a title search of the property before making an offer to purchase or filing a certificate of take, in order to avoid delays in payments to condemnees; (iv) requires VDOT to use licensed real estate appraisers in conducting its valuations for property acquisitions; and (v) allows tenants whose lease term is 12 months or longer to intervene in an eminent domain proceeding. SB 453; CH. 1029.

**§§ 15.2-729, 25-46.36, 25-236, 25-238, 25-239 and 25-248 amended. Uniform Relocation Assistance Act.** Makes the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1972 applicable to any (i) state agency; (ii) political subdivision; (iii) department, agency or instrumentality of any political subdivision; (iv) person who has the authority to acquire property by eminent domain under state law; or (v) two or more of the aforementioned, which carries out a project that causes people to be displaced. The Act currently applies to such entities if they are carrying out projects with federal or state financial assistance. The Act requires condemnors to, among other things, (i) make relocation payments to displaced persons; (ii) make every reasonable effort to acquire expeditiously real property by negotiation; (iii) appraise the property; (iv) offer to acquire the property for an amount not less than its appraised value; (v) give at least 90 days' written notice of the date by which the occupant is required to vacate the condemned property; and (vi) offer to acquire the entire property if the acquisition of part of a property would leave its owner with an uneconomic remnant. The bill also raises the \$10,000 cap on payments for business relocation expenses to \$25,000 for the condemnee's reasonable expenses necessarily incurred in reestablishing the displaced business or farm at its new site, in accordance with criteria established by the condemnor. The existing cap on payments for the dislocation of a business or farm, in lieu of actual relocation expenses, is raised from \$20,000 to \$50,000. An appraisal is not required for property acquired by a locality, public service corporation or municipal corporation if the assessment is less than \$10,000. As introduced, this bill was a recommendation of the joint subcommittee studying eminent domain issues. SB 63; CH. 851.

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## TITLE 26. FIDUCIARIES GENERALLY.

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**§ 26-7.1 amended. Service of process; trustee.** Makes the backup remedy of § 26-7.1 (under which any fiduciary who qualifies and gives his bond in the circuit court clerk's office is deemed to appoint the clerk as ultimate agent for receipt of process if the fiduciary cannot be served) apply to a nonresident trustee of an inter vivos trust that has received a pour-over from a Virginia will. HB 750; CH. 320.

**§ 26-17.10 amended. Bonds of fiduciaries, trustees, guardians or estate administrators.** Permits the court, clerk or other

authority, requiring a fiduciary, trustee, guardian or administrator of an estate to be bonded, to require proof that the premium of the bond has been paid. HB 949; CH. 324.

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## TITLE 27. FIRE PROTECTION.

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**§ 27-34.2:1 amended. Local fire marshals; police powers.** Authorizes local fire marshals to be responsible for the investigation and prosecution of offenses involving hazardous materials if authorized to do so by the local governing body appointing the fire marshal. HB 1030; CH. 39/SB 567; CH. 390.

**§§ 27-97 and 27-97.2.** See § 18.2-85; HB 198.

**§§ 27-97 and 27-97.2.** See § 18.2-85; SB 202.

**§ 27-98 amended. Fire Prevention Code; enforcement by locality.** Allows a locality to enforce only those provisions of the State Fire Prevention Code regarding open burning, fire lanes, fireworks, and hazardous materials. Existing law provides that a locality may elect to enforce the provisions of the Fire Prevention Code; however, if a locality chooses to do so, it must enforce the provisions of the Fire Prevention Code in their entirety. HB 845; CH. 1001/SB 498; CH. 941.

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## TITLE 28.2. FISHERIES AND HABITAT OF THE TIDAL WATERS.

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**§§ 28.2-302.5 and 29.1-301 amended. Free fishing days.** Authorizes the Commissioner of the Marine Resources Commission to designate up to three free saltwater fishing days a calendar year and the Board of Game and Inland Fisheries to increase the current two free freshwater fishing days to three days a calendar year. This is emergency legislation. HB 1277; CH. 142 (effective 3/17/00)/SB 750; CH. 110 (effective 3/17/00).

**§§ 28.2-630, 28.2-1203, and 28.2-1205 amended. Impact of piers on oyster and clam grounds.** Allows the construction of non-commercial piers by riparian landowners. Those wishing to construct a private pier are to provide the Commissioner of Marine Resources with information regarding the proposed pier's size and location. The 12-month waiting period for encroachment on leased oyster or clam grounds by those wishing to build a wharf, channel or bulkhead is eliminated, if the Commissioner finds that commercially productive oyster or clam grounds will not be impacted. A permit would be required for constructing non-commercial, private piers of 100 feet or more in length that cross oyster or clam grounds. The Marine Resources Commission would have to issue such a permit, and is empowered to reasonably prescribe the design and location

of the pier so as to minimize the pier's impact on (i) the oyster and clam grounds, or (ii) the harvesting or propagation of the oysters or clams on these grounds. HB 667; CH. 167.

**§§ 28.2-1206, 28.2-1208, and 28.2-1213 amended; § 28.2-1204.2 added. Marine Habitat and Waterways Improvement Fund.** Establishes the Fund, which is to be used for the purposes of improving marine habitat and waterways, including the removal of obstructions or hazardous property from state waters. The Fund will consist of fees, rents and royalties paid, on and after July 1, 2000, for the use or lease of or easements in state-owned bottomlands, and penalties and civil charges for violating permits and regulations regarding state-owned bottomlands. The fees, rents and royalties are currently paid into the Public Oyster Rocks Replenishment Fund, and the penalties, in the discretion of the court assessing them, are paid into local treasuries to be used for repairing damage to bottomlands. The bill also allows commercial facilities engaged in the primary business of ship construction and repair to elect to pay a one-time permit fee of up to \$5,000 in lieu of other royalties. This bill has a delayed effective date of July 1, 2001. HB 1305; CH. 1056.

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## TITLE 28.2. MISCELLANEOUS - FISHERIES AND HABITAT OF THE TIDAL WATERS.

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**Oyster grounds.** Removes approximately 5.28 acres of bottomland located in the Eastern Branch of the Elizabeth River from the Baylor Survey. HB 48; CH. 9 (effective 3/1/00)/SB 219; CH. 3.

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## TITLE 29.1. GAME, INLAND FISHERIES AND BOATING.

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**§ 29.1-109 amended. Powers of the Director of the Department of Game and Inland Fisheries.** Authorizes the Director to work with constituent organizations to achieve the agency's mission. HB 537; CH. 10.

**§ 29.1-301.** See § 28.2-302.5; HB 1277/SB750.

**§ 29.1-310.1 added. Sportsman's hunting and fishing license.** Establishes a new license, the sportsman's hunting and fishing license. This combination license can be purchased in lieu of having to separately purchase the basic state resident hunting and fishing licenses, the special license for hunting bear, deer and turkey (big game stamp), the special archery license, and the special muzzleloading license. The Board of Game and Inland Fisheries is authorized to set the fee for purchasing the license; however, the fee cannot exceed the total cost that would be incurred if someone purchased each of these licenses separately. This license would not be available until an

automated point-of-sale system has been implemented. HB 664; CH. 12.

§§ 29.1-323, 29.1-327, and 29.1-330 through 29.1-335 amended. **Electronic point-of-sale licensing.** Authorizes the Department of Game and Inland Fisheries to implement an electronic point-of-sale system for issuing hunting, trapping and fishing licenses. The bill includes provisions defining the reporting requirements for those agents who will issue licenses using the new electronic system. HB 896; CH. 132.

§ 29.1-521 amended. **Use of deer skeletal parts.** Allows the manufacture and sale of implements made from legally harvested deer skeletal parts. HB 675; CH. 13.

§ 29.1-529 amended. **Deer kill permit.** Exempts any locality that operates a Department of Game and Inland Fisheries-approved deer population control program from having to demonstrate that during the period covered by its previous year's authorization that hunting of deer or bear occurred. Currently, in order for a landowner to obtain a new deer kill permit, he has to demonstrate that bear or deer were hunted on his land during the time covered by the previous kill permit. HB 100; CH. 6.

§ 29.1-531 amended. **Sale of artificially raised trout.** Makes it lawful to sell or offer to sell artificially raised trout for uses as directed by the Board of Game and Inland Fisheries. Currently, it is lawful to sell or offer for sale such trout for human consumption only. HB 502; CH. 403/SB 395; CH. 447.

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## TITLE 30. GENERAL ASSEMBLY.

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§ 30-16 amended. **General Assembly; archival of original bills and resolutions.** Requires the Clerk of the Senate and the Clerk of the House of Delegates to transfer to the Library of Virginia the original bills and resolutions introduced in each house for archival purposes. Although the clerks are allowed to destroy these measures under current law, the practice has been to send them to the Library for preservation. SB 193; CH. 373.

§§ 30-19.05 and 30-19.1:3 amended. **Legislative consideration of sales and use tax exemptions.** Changes the requirements for submitting information to the Department of Taxation regarding requests for sales and use tax exemptions by limiting such required information to nonprofit organizations. It also eliminates an obsolete provision requiring that exemptions for non-profit organizations only be considered in even-numbered years. In 1999, § 30-19.03:1.1. was amended to allow the General Assembly to consider any tax relief measure, such as a request for sales and use tax exemption, at any time during a regular or special session. HB 906; CH. 172.

§§ 30-19.1 and 30-19.1:1 amended. **General Assembly; exception to the first-day introduction requirement for charter and claims bills.** Allows charter and claims bills to be filed after the first calendar day of the session in accordance with the rules of the General Assembly, which is the case for

all other first-day introduction bills. The procedural resolution provides that these bills may be introduced after the first day with the consent of two-thirds of the members of the house. HB 510; CH. 260.

§ 30-19.1:4 amended; § 30-19.1:5 repealed. **Correctional impact statements.** Provides that there will be one fiscal impact statement prepared by the Virginia Criminal Sentencing Commission for all adult sentencing changes; currently there are two: one prepared by the Commission and one by the Department of Planning and Budget. Juvenile bills will continue to be prepared by the Department of Planning and Budget in conjunction with the Department of Juvenile Justice. The 10-year look forward period of the enacted laws is reduced to six years. If the agency preparing the bill does not have sufficient information to project the offender population impact, the words "Cannot be determined" will be printed on the bill. Effective July 1, 2002, an analysis of the impact on local and regional jails, juvenile detention facilities, and state and local community corrections programs will be required. The bill also provides that the Corrections Special Reserve Fund is to be used only for capital expenses, rather than operating expenses as under current law. This bill is the recommendation of a joint subcommittee created pursuant to Item 477 D of the 1999 Appropriation Act. The subcommittee's study is available as a legislative document. HB 397; CH. 833/SB 595; CH. 825.

§ 30-86 amended. **Membership; Joint Commission on Technology and Science.** Increases the membership of the Joint Commission on Technology and Science ("Commission") to 12 by adding two more Delegates, in accordance with Rule 16 of the Rules of the House of Delegates, and one more Senator. The terms of members have been changed to coincide with their terms of office. Additionally, the Commission, which was required to annually elect a chairman from among its members, would be required to elect two co-chairmen, who are members of different political party caucuses. HB 719; CH. 1046 (effective 4/19/00).

§§ 30-90 through 30-93 added. **Joint Commission on Workforce Development.** Establishes the Joint Commission on Workforce Development as a legislative agency to study all aspects of workforce development and assist in stimulating, encouraging, and promoting workforce training and development in the Commonwealth. The Commission will, among other things, (i) evaluate the impact of existing statutes and proposed legislation related to workforce training and development, (ii) investigate, research and consider issues related to workforce training and development, and (iii) annually report its findings and recommendations to the General Assembly. SB 583; CH. 702.

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## TITLE 32.1. HEALTH.

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§ 32.1-17 amended. **Health; qualifications for Commissioner.** Expands the pool of persons eligible for the position of

State Health Commissioner by adding, in addition to being certified by the American Board of Preventive Medicine, that the candidate may, instead, be certified by a recognized board in a primary care specialty as approved by the American Board of Medical Specialties. Any candidate will still be expected to have public health experience as currently provided in statute. Current qualifications severely narrow the field of candidates because so few individuals are certified by the American Board of Preventive Medicine. HB 689; CH. 168.

§ 32.1-46. See § 22.1-271.2; HB 983.

§§ 32.1-46.1 and 32.1-46.2 added. **Testing for elevated blood lead levels.** Requires the Board of Health to promulgate emergency regulations establishing a protocol for the identification of children at risk for elevated blood-lead levels. Effective July 1, 2001, the Commonwealth will require testing of children for elevated blood-lead levels or determinations that the children are at low risk for lead poisoning pursuant to Board regulations. These requirements will not apply to any child whose parent, guardian or other person having control or charge of such child objects to such testing on the grounds that the procedure conflicts with his religious tenets or practices. This bill is a recommendation of the Joint Subcommittee Studying Lead Poison Prevention. SB 725; CH. 907 (effective 7/1/01).

§ 32.1-67 amended. **Phenylketonuria; Board of Health's responsibility for treatment.** Requires the Board of Health, out of such funds as may be appropriated, to include both the medical formulas and low protein modified foods (foods that are not naturally low in protein) in the food program for children with phenylketonuria and any pregnant woman who is diagnosed as requiring treatment for phenylketonuria. Currently, Virginia's program only supplies parents with the medical formulas, at a cost of no more than two percent of their annual income; however, no low protein modified foods are provided. The bill will provide reimbursement from the Department for low protein modified foods in an amount not to exceed \$2,000 per diagnosed person per year. Phenylketonuria is an inborn error of metabolism in which the body is unable to process an amino acid (phenylalanine) that, unless treated early by restricting phenylalanine intake, results in brain damage and mental retardation. In Virginia, all infants are tested for this disease at birth. The bill will not become effective unless an appropriation effectuating the purpose of the bill is included in the 2000 appropriation act signed into law by the Governor. HB 542; CH. 916 (effective-see bill).

§ 32.1-71 amended; §§ 32.1-70.2 and 32.1-71.01 added. **Statewide cancer registry; civil penalties.** Permits the Commissioner of the Department of Health, with such funds as may be appropriated, to implement a system for ensuring all cancer cases are completely and accurately reported to the statewide cancer registry by hospitals, clinics, independent pathology laboratories and physician offices so long as consent to on-site inspection is obtained. The bill clarifies that registry information shall be confidential, yet the Commissioner may divulge the identity of patients and practitioners if pertinent to an inves-

tigation, research or study. Anonymity is to be preserved by those to whom the information is divulged. Finally, the bill clarifies that the unauthorized use, disclosure or release of data shall be subject, in addition to the existing remedies, to a civil penalty of up to \$25,000 for each violation. This bill is a recommendation of the Joint Commission on Health Care. HB 1077; CH. 139/SB 575; CH. 74.

§ 32.1-71.01 added. **Statewide cancer registry.** Requires the Commissioner of the Department of Health to implement a system for notifying, within 30 days of receipt of the case records, all cancer patients whose records have been reported to the statewide cancer registry of the purpose, objectives, reporting requirements, confidentiality policies and procedures of the statewide cancer registry, including, but not limited to, continued surveillance and investigation procedures, and to inform such patients of their rights under the Privacy Protection Act. HB 603; CH. 918.

§§ 32.1-73.5 and 32.1-73.6 added. **Statewide asthma management.** Requires the Commissioner of the Department of Health, with such funds as may be appropriated, to develop a statewide comprehensive asthma management strategy which includes disease surveillance, public and professional education, identification and replication of best practices for public health and clinical interventions, public and private partnerships with health care providers, third-party payors, local school divisions, community coalitions, and identification of sources of grant funding. In addition, the Commissioner shall implement programs to meet the objectives of the statewide asthma management plan and report periodically to the Board of Health on such implementation. This bill is a recommendation of the Joint Commission on Health Care. HB 1012; CH. 134/SB 490; CH. 73.

§ 32.1-85 and 32.1-276.3. See § 23-50.16:1; HB 1471.

§ 32.1-102.1 amended. **Medical care facilities certificate of public need.** Provides that nuclear cardiac imaging services and equipment will not require a certificate of public need. HB 613; CH. 920/SB 25; CH. 850.

§§ 32.1-102.1:1, 32.1-102.3, and 32.1-102.6 amended. **Health; certificate of public need.** Changes various timelines and procedures for issuance or denial of a certificate of public need including: (i) changing the references to health systems agency to health planning agency; (ii) extending the review period from 120 days by referencing the "appropriate batch period" established by the Board by regulation not to exceed 190 days; (iii) extending the time period for the Commissioner to make a determination from 15 days to 45 days after which time the Commissioner must notify the applicant or applicants that the application shall be deemed approved 25 calendar days after the expiration of the 45-day period unless information from the hearing officer permits the Commissioner to make his decision within that 25-day period; (iv) providing that, if the Commissioner does not make a determination within 70 calendar days after the closing of the record, the application shall be deemed approved; (v) deleting the provision for the refund of



50 percent of the fee paid if the application is not deemed approved; and (vi) providing that, if the Commissioner does not make a determination within 45 days, any applicant may institute a proceeding for mandamus against the Commissioner in the circuit court. In any appeal of the case decision granting a certificate of public need, the court may require the appellant to file a bond for protection of all parties interested in the case decision, conditioned on the payment of all damages and costs incurred in consequence of such appeal. If the applicants consent to extending any time period, the Commissioner, with the concurrence of the applicants, must establish a new schedule for the remaining time periods. HB 1270; CH. 931.

**§ 32.1-102.13 added. Regulation of health care facilities; certificate of public need.** Requires a transition for elimination of the requirements for determination of need to begin on July 1, 2001, and to be completed by July 1, 2004. This deregulation will be accomplished in accordance with a plan to be developed by the Joint Commission on Health Care, in consultation with groups and organizations representing public and private health care providers and consumers and appropriate state agencies. The plan must be submitted for review and approval by the 2001 General Assembly. The plan for deregulation must include, but will not be limited to, provisions for (i) meeting the health care needs of the indigent and uninsured citizens of the Commonwealth, with all health care providers sharing the burden of such care; (ii) providing adequate oversight of the various deregulated services to protect the public health and safety and promote the quality of services provided by deregulated medical facilities and projects; (iii) monitoring the effects of deregulation on the number and location of medical facilities and projects throughout the Commonwealth; (iv) recommending appropriate regulation of nursing homes, certified nursing facilities, intermediate care facilities, extended care facilities, long-term care facilities, and new hospitals with respect to requirements for determination of need; (v) recommending a schedule for necessary statutory changes to implement the plan and for requiring, subject to approval of the General Assembly, that the appropriate regulatory boards promulgate regulations implementing the Commission's plan prior to any deregulation recommended in the plan; and (vi) determining the effect of deregulation on the unique mission of academic medical centers. In developing the plan, the Commission must also consider the impact of deregulation on state-funded health care financing programs and must include an examination of the fiscal impact of such deregulation on the market rates paid by such financing programs for health care and long-term care services. SB 337; CH. 894.

**§ 32.1-111.1 amended; § 15.2-1221 repealed. Emergency medical services vehicles.** Defines the term "ambulance" as a vehicle, vessel or aircraft, holding a valid permit from the State Emergency Medical Services Office, that is specially constructed, equipped, maintained, and operated, and is intended to be used for emergency medical care and the transportation of patients who are sick, injured, wounded, or otherwise incapacitated or helpless. This bill provides that any vehicle, vessel or aircraft must hold a valid emergency medical services vehicle

permit issued by the Office of Emergency Medical Services to be licensed to operate and be considered an ambulance in the Commonwealth. The word "ambulance" is prohibited on any vehicle, vessel or aircraft that does not hold a valid permit. This bill also repeals the archaic law which authorizes counties to require any ambulance, when responding to emergency calls, to be staffed, in addition to other personnel, with a medical doctor or a graduate nurse or an attendant holding a valid first aid card or certificate of the advanced type issued by the American Red Cross or the United States Bureau of Mines. Current requirements for staffing are established at the state level and are uniform throughout the Commonwealth. HB 1525; CH. 939.

**§§ 8.01-225 and 32.1-111.14:1 amended. Registration of automated external defibrillators; immunity.** Clarifies that immunity from liability relating to registered automated external defibrillators includes, when in compliance with the applicable law, registrants of the equipment, trainers of individuals who operate the registered automated external defibrillators, individuals who order the equipment (which is classified as a Schedule VI device in Virginia and requires a controlled device order under federal law and regulation), and the properly trained operators of the registered automated external defibrillators. In addition, physicians who supervise registered automated external defibrillators are provided some limited immunity when performing these responsibilities without compensation. This bill also clarifies that "compensation," as used in the Good Samaritan law, does not include the salary of any person who registers an automated external defibrillator, trains the individuals who operate the registered automated external defibrillators, orders the automated external defibrillators which will subsequently be registered, or operates a registered automated external defibrillator at the scene of an emergency. Other syntactic changes reinforce the concept of and requirements for registration and fees of the machines. Automated external defibrillators are technological medical wonders combining heart monitors and defibrillators which are being stocked on airplanes and in many places where the public gathers. These computerized machines are capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia; determining, without intervention by an operator, whether defibrillation should be performed; and, if defibrillation is determined to be necessary, automatically charging the machine and delivering the proper electrical impulse to an individual's heart. In other words, these machines are used to prevent deaths during heart attacks. Training is required to operate this equipment; however, complex medical knowledge is not necessary to use this life-saving device. HB 1049; CH. 928.

**§ 32.1-122.07 amended. Rural health.** Requires the Commissioner of Health to submit to the Health Care Financing Administration (HCFA) an application to establish a Medicare Rural Hospital Flexibility Program in Virginia. The Commissioner is also required to develop a rural health care plan for the Commonwealth. The rural health care plan must be developed and revised as necessary as may be required by the Balanced

Budget Act of 1997 and amendments to its provisions. The plan has to be developed in cooperation and consultation with the Virginia Hospital and Health Care Association, the Medical Society of Virginia representatives of rural hospitals, and experts within the Department of Health on rural health programs. The Commissioner may seek the assistance of the Virginia Health Planning Board and the regional health planning agencies in developing the plan. The plan must verify that Virginia will be designating critical access hospitals and certifying some facilities as “necessary providers” of health care in any rural area, including the process, methodology, and eligibility criteria for such designations or certifications. The plan must reflect local needs and resources and must include (as required by federal law) a mechanism for creating one or more rural health networks, ways to encourage rural health service regionalization, and initiatives to improve access to health services for rural Virginians. In addition and notwithstanding other law or regulations to the contrary, the plan must use, as minimum standards for critical access hospitals, the certification regulations for critical access hospitals promulgated by the Health Care Financing Administration pursuant to Title XVIII of the Social Security Act, and authorize critical access hospitals to utilize a maximum of 10 beds as swing beds. Critical access hospitals are not prohibited from leasing unused portions of their facilities or reorganizing their corporate structures to facilitate the continuation of the nursing home beds that were licensed to such hospital prior to the designation as a critical access hospital. SB 665; CH. 903.

§§ 32.1-122.6, 32.1-122.6:02, 32.1-122.6:03, 32.1-122.6:1, 32.1-122.9, and 32.1-122.10 amended. **Health; medically underserved areas.** Defines “underserved area,” for purposes of certain primary health care scholarships and loan repayment programs, to include medically underserved areas designated by the Board of Health and health professional shortage areas designed pursuant to federal regulations. HB 1011; CH. 926.

§§ 32.1-122.6:01, 54.1-3011.1, and 54.1-3011.2 amended. **Long-term care nursing scholarship and loan repayment program.** Establishes a scholarship and loan repayment program for registered nurses, licensed practical nurses, and certified nurse aides who agree to work in a Commonwealth long-term care facility for a given period of time. This bill is a recommendation of the Joint Commission on Health Care. HB 1368; CH. 240/SB 564; CH. 254.

§ 32.1-122.7 amended. **Health; Statewide AHEC Program.** Requires the Statewide Area Health Education Program to include, in its annual report, a detailed summary of how state general funds were expended on the state and local level for the most recent fiscal year. HB 1202; CH. 480.

§ 32.1-122.9:1 added. **Health; Dentist Loan Repayment Program.** Establishes a loan repayment program for dental school graduates identical to the existing program for physicians. Preference is given to graduates of Virginia Commonwealth University’s School of Dentistry, and recipients must agree to a period of service in an underserved area or health

professional shortage area. The Program is limited to funds appropriated. HB 1075; CH. 174/SB 576; CH. 202.

§§ 32.1-122.20, 32.1-122.21, and 32.1-122.22 added. **Health; health workforce recruitment and retention.** Requires the State Health Commissioner to direct activities and programs for recruitment and retention of health care providers for underserved populations, underserved areas, and health professional shortage areas (HPSAs). To assist in this, a Health Workforce Advisory Committee is established within the Department and includes representatives of various organizations and types of health care. The Commissioner is required to report to the Governor and the General Assembly by October 1 of each year. HB 1076; CH. 175/SB 489; CH. 200.

§§ 32.1-126 and 32.1-325.1 amended. **Medical assistance services; appeals.** Provides that, to the extent not prohibited by federal statute or regulation, the findings of the Commissioner of Health, with respect to periodic surveys, i.e., inspections of nursing homes conducted pursuant to federal regulations relating to certification for reimbursement through Medicare and Medicaid, will be case decisions under the Administrative Process Act and will be subject to administrative appeal. Further, notwithstanding the current limitations concerning court review of inspection findings, the Commissioner’s nursing home survey findings will be subject to court review. This bill also provides for an initial determination in cases of appeal as to whether an overpayment has been made by the Virginia Medicaid program to a provider of medical assistance services to be made within 180 days of receipt of the appeal request. If such initial determination is not made within 180 days, the decision is presumed to be in favor of the provider. A hearing officer is to make a ruling within 120 days, and the Director of the Department of Medical Assistance Services then has 60 days to adopt the recommendation of the hearing officer unless to do so would be in error of law or department policy. Rejection of the ruling by the hearing officer must be explained. No recovery can be made prior to the final decision, and interest will accrue on any amounts from the date of the final determination. The burden of proof is on the provider who shall receive reasonable attorney’s fees on a one-time basis if he substantially prevails. The Board of Medical Assistance Services is required to promulgate emergency regulations. The Commissioner of Health must report to the Joint Commission on Health Care on the effects of the inspection findings being subject to administrative appeal, such as the kinds of survey deficiencies appealed, the reasons for the Department of Health’s findings of deficiency, any federal actions taken as a result of the deficiencies, any effects on patient care, and the costs to the Commonwealth of the appeals. HB 892; CH. 967.

§§ 32.1-127, 32.1-127.1, 32.1-127.1:03, 32.1-287, 32.1-289, 32.1-290, 32.1-292.1, 46.2-342, 54.1-2984, and 54.1-2986 amended. **Organ donations.** Requires each hospital in Virginia to establish a protocol for organ donation, in compliance with the Health Care Financing Administration’s (HCFA) regulations, that includes (i) an agreement with an organ procurement organization designated in HCFA regulations for routine contact; (ii) the notification of organ procurement organiza-

tions in a timely manner of all deaths and imminent deaths in the hospital; (iii) the authorization of an organ procurement organization to determine the suitability of the decedent or patient for organ donation, and, in absence of an arrangement with any eye bank or tissue bank, the suitability for tissue and eye donation; (iv) an agreement with at least one tissue bank and at least one eye bank for retrieval, processing, preservation, storage, and distribution of tissues and eyes; (v) a process for collaboration with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate; (vi) the requirement that an individual making contact with the family must have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community, encouraging discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family; and (vii) the coordination of the hospital with the organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, concerning the proper review of death records for identification of potential donors and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, or eyes take place. This procedure must be followed, without exception, unless the relevant decedent or patient has expressed opposition to organ donation, the hospital administrator or his designee knows of this opposition, and no donor card or other relevant document can be found. This bill also (i) clarifies when the decedent's or patient's medical records may be disclosed; (ii) removes or revises some archaic language; (iii) clarifies various definitions; (iv) affirms that a donor document that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death; and (vi) notes, in several places, that no family member, guardian, agent named pursuant to an advance directive or person responsible for the decedent's estate can refuse to honor the donor designation, seek to revoke the donor's wishes or, in any advance directive, seek to avoid honoring the donor designation. HB 1090; CH. 810.

§ 32.1-127. See § 63.1-174.001; HB 1168.

§ 32.1-127.1:03. See § 8.01-413; HB 810.

§ 32.1-127.1:03. See § 2.1-1.4; HB 1034.

§ 32.1-127.1:03. See § 8.01-407; HB 1213.

§ 32.1-127.3. See § 2.1-342.01; HB 828/SB 479.

§ 32.1-137.6. See § 2.1-1.1; HB 690/SB 441.

§§ 32.1-137.6 and 32.1-137.15. See § 38.2-3407.10; HB 726.

§§ 32.1-137.7 and 32.1-138.6 amended. **Certain health professional credentials.** Requires the medical director who is the

employee of a utilization review organization to be licensed to practice medicine in the Commonwealth. Also clarifies that a "peer of a health care provider" and a "physician advisor" be licensed in the Commonwealth or in another state with comparable licensing requirements to Virginia. SB 529; CH. 564.

§ 32.1-138. See § 63.1-182.1; HB 1169.

§ 32.1-229 amended. **Health; inspections.** Requires the Board of Health to make scheduled and unannounced inspections of facilities and physicians' offices that perform mammography services to ensure compliance with the laws, regulations or conditions specified by the Board. The Board currently inspects X-ray machines on a regular basis and has the general power to enter any property housing an entity which is permitted, licensed or certified by the Board. HB 1487; CH. 271.

§ 32.1-229 amended. **Health; mammograms.** Requires the Board of Health to establish guidelines to require that licensed facilities or physicians' offices that perform mammography services to the patient, prior to departure, to develop the film to ensure the quality and integrity of the film. When film developing is not available or the patient chooses not to wait, the patient must be notified within two business days if another mammogram is necessary. This requirement does not imply or require that a diagnostic opinion be made at the time of the mammogram. The interpreting physician may require that the mammogram be retaken if, in the opinion of the physician, the study is of inadequate quality. HB 1488; CH. 936.

§ 32.1-248.01. See § 62.1-44.17:2; HB 404/SB 179.

§ 32.1-252. See § 20-162; SB 135.

§§ 32.1-276.3, 32.1-276.4, 32.1-276.5, and 32.1-276.8 amended. **Health care data reporting.** Requires health maintenance organizations (HMOs) to submit Health Employer Data and Information Set (HEDIS) information or other quality of care or performance information sets approved by the Board of Health to the Commissioner of Health. A nonprofit organization under contract with the Department of Health will be authorized to compile, store, analyze, and evaluate such data. The Commissioner may grant a waiver of the HEDIS or other information set if he determines that the HMO has met Board-approved exemption criteria. The Board will establish a tiered-fee structure based on the number of enrollees of the HMO to cover the costs of collecting, etc., of the data. The fees cannot exceed \$3,000 for each HMO. This program is currently set to expire on July 1, 2003. SB 533; CH. 897.

§ 32.1-292.2 added. **Health; organ and tissue donor registry.** Establishes an Organ and Tissue Donor Registry to be administered by the Department of Health. The registry will contain information about persons who have indicated a willingness to donate in accordance with law. Such information shall be available only to the Department and qualified organ procurement organizations, eye banks, and tissue banks operating in or serving Virginia. The Board will promulgate regula-

tions to implement the provisions of this act. HB 1257; CH. 481/SB 551; CH. 490.

**§ 32.1-301 amended. Return of bodies donated for scientific study.** Requires institutions and individuals who receive lawfully donated bodies for scientific study and health training to return any cremated remains after such study or training has been completed to the decedent's next of kin or relatives, if (i) the decedent has stipulated in writing before his death that his cremated remains should be returned to his next of kin, or (ii) the decedent's next of kin, who donated the body, requests the return of the cremated remains in writing at the time of donation. The bill provides that the institution or individual that received the decedent's body is not obligated to return the cremated remains, if the name, current address and telephone number of the decedent's next of kin or relatives are not provided in the written request. The institution or individual receiving the body must bear the costs of transporting and delivering the cremated remains. HB 1008; CH. 477.

**§ 32.1-323.1 amended. Health; Medicaid forecasting.** Requires the Department of Planning and Budget, in cooperation with the Department of Medical Assistance Services, to prepare and submit an estimate of Medicaid expenditures for the current year and a forecast for the next two years. Currently, the Department of Planning and Budget assists in this forecast. The bill provides that the Joint Legislative Audit and Review Commission will receive such forecast. The bill also repeals the sunset clause of July 1, 2004. HB 889; CH. 605/SB 515; CH. 593.

**§§ 2.1-20.1 and 32.1-325 amended; § 38.2-3407.4:2 added. Standardized prescription benefits cards.** Requires the state employee's health insurance plan, the Virginia Medicaid program, and each health insurer, corporation providing individual or group accident and sickness subscription contracts, and health maintenance organization providing coverage for prescription drugs, to issue a standardized prescription benefits card. The standardized prescription benefits identification card must comply with the National Council for Prescription Drug Programs (NCPDP) standards as set forth in the NCPDP Pharmacy ID Card Implementation Guide. The standardized prescription benefits identification card must be capable of accommodating the mandatory and situational data elements included in the NCPDP Pharmacy ID Card Implementation Guide and must be issued to each new covered person and reissued upon changes in coverage that affect the data elements on the card. Contracts, policies or plans delivered, issued for delivery or renewed in this Commonwealth on and after July 1, 2002, must comply with this requirement. The bill will become effective if reenacted by the 2001 Session of the General Assembly. HB 1176; CH. 479 (effective-see bill).

**§ 32.1-325 amended. Medical assistance services; coverage.** Requires Medicaid coverage for high-dose chemotherapy and bone marrow transplants for persons over 21 who have been diagnosed with myeloma or leukemia. These persons must be determined to have a performance status sufficient to proceed with such procedures. Current law already requires coverage of

these procedures for those persons over 21 with lymphoma or breast cancer. The bill will not become effective unless an appropriation effectuating its purposes are included in the 2000 appropriation act, passed during the 2000 Session of the General Assembly, and signed into law by the Governor. HB 1405; CH. 484 (effective-see bill).

**§ 32.1-325.** See § 38.2-3418.7:1; SB 26.

**§ 32.1-325 amended. Medical assistance services; transplantation services for adults.** Requires the state plan for medical assistance services to include a provision for payment of medical assistance services for liver, heart, and lung transplantation procedures for individuals over the age of 21 years when (i) there is no effective alternative medical or surgical therapy available with outcomes that are at least comparable; (ii) the transplant procedure and application of the procedure in treatment of the specific condition have been clearly demonstrated to be medically effective and not experimental or investigational; (iii) prior authorization by the Department of Medical Assistance Services has been obtained; (iv) the patient-selection criteria of the specific transplant center where the surgery is proposed to be performed has been used by the transplant team or program to determine the appropriateness of the patient for the procedure; (v) current medical therapy has failed, and the patient has failed to respond to appropriate therapeutic management; (vi) the patient is not in an irreversible terminal state; and (vii) the transplant is likely to prolong the patient's life and restore a range of physical and social functioning in the activities of daily living. Presently, the Virginia Medicaid program covers such services for individuals under the age of 21 years. The provisions of the bill will not become effective unless an appropriation is included in the 2000 appropriation act, passed by the General Assembly, and signed into law by the Governor. SB 338; CH. 855 (effective-see bill).

**§ 32.1-330.1 amended. HIV premium assistance program.** Increases the eligibility income from 200 percent of federal poverty level to 250 percent of federal poverty level. HB 982; CH. 870.

**§§ 32.1-351, 32.1-352, and 32.1-353 amended; §§ 32.1-351.1 and 32.1-351.2 added. Health insurance for children.** Revises and renames the Virginia Children's Medical Security Insurance Plan (CMSIP) as the Family Access to Medical Insurance Security (FAMIS) Plan. The FAMIS Plan coverage will be for individuals up to the age of 19, when such individuals (i) have family incomes at or below 200 percent of the federal poverty level; (ii) are not eligible for medical assistance services pursuant to Title XIX of the Social Security Act, as amended; (iii) are not covered under a group health plan or under health insurance coverage, as defined in § 2791 of the Public Health Service Act; (iv) have been without health insurance for at least six months or meet the exceptions as set forth in the Virginia Plan for Title XXI of the Social Security Act, as amended; and (v) meet both the requirements of Title XXI of the Social Security Act, as amended, and the FAMIS Plan. Those individuals who were enrolled on the date of federal approval of the FAMIS Plan in CMSIP will continue to be

enrolled in FAMIS for so long as they continue to meet the eligibility requirements of CMSIP. Participants whose incomes are between 100 and 150 percent of the federal poverty level will participate in cost sharing only nominally, with the annual aggregate cost-sharing not exceeding 2.5 percent of the family's gross income. The annual aggregate cost-sharing for all eligible children in families at or above 150 percent of the federal poverty level will not exceed five percent of the family's gross income or as allowed by federal law and regulations. No cost sharing will be required for well-child and preventive services. In the event an application is denied, the applicant must be notified of any services available in the locality that can be accessed by contacting the local department of social services. The FAMIS Plan will provide comprehensive health care benefits, including medical, dental, vision, mental health, and substance abuse services and physical therapy, occupational therapy, speech language pathology, and skilled nursing services for special education students. FAMIS participants who have access to employer-sponsored health insurance coverage may, but will not be required to, enroll in an employer's health plan, with payments being made on their behalf if enrollment in the employer's plan is cost effective. Supplemental insurance equivalent to the comprehensive health care benefits provided to other participants will be provided for the benefits not included in the employer-sponsored health insurance benefit plan. Existing DMAS contracts and future contracts will be used to provide the benefits through health maintenance organizations and other providers and employer insurance plans. FAMIS will provide that, in addition to any centralized processing site for administration of the program, DMAS may contract with third-party administrators to provide additional administrative services, including providing and assisting with applications. Local social services agencies must provide and accept applications for the program and assist families in completing applications. Any centralized processing site will determine eligibility for either FAMIS or Medicaid and enroll the children accordingly. FAMIS must provide for coordinated implementation of publicity, enrollment, and service delivery with existing local programs. Employer-sponsored health insurance is defined as comprehensive health insurance offered by the employer when the employer contributes at least 50 percent toward the cost of dependent or family coverage, or as otherwise approved by Health Care Financing Administration (HCFA). The regulations for this program will include a comprehensive, statewide community-based outreach plan to enroll children in FAMIS or in Medicaid, as appropriate. The Outreach Plan must include specific strategies for improving outreach and enrollment in localities having less than the statewide average enrollment and enrolling uninsured children of former Temporary Assistance to Needy Families recipients. The Department will also maintain an Outreach Oversight Committee, composed of various interested parties and consumers, to make recommendations on state-level outreach activities, the coordination of regional and local outreach activities, and procedures for streamlining and simplifying the application process, brochures, other printed materials, forms, and applicant correspondence. DMAS will enroll applicants to

the extent funds are available or as directed in the appropriation act. FAMIS is specifically noted as not being assistance or public assistance. The Medicaid fraud provisions will apply to FAMIS. The Board, or the Director, may adopt, promulgate and enforce regulations as may be necessary to implement and administer the FAMIS Plan. The provisions of the bill will not become effective until approved by HCFA; however, the Department is directed, as soon as possible after the enactment of this provision, to develop, submit, and seek approval of the FAMIS Plan. The Board is directed to promulgate emergency regulations. Certain outreach provisions of HB366 and eligibility provisions of HB1253 were incorporated into HB1489. HB 1489; CH. 848/SB 550; CH. 824.

**§§ 32.1-353.1 through 32.1-353.5 added. Certified nursing facility education initiative.** Authorizes the Board of Medical Assistance Services (Board), assisted by the Department of Medical Assistance Services (DMAS), to administer education initiatives for certified nursing facilities. The Director of DMAS shall contract with a nonprofit organization for early on-site training and assistance to promote quality of care in such facilities. Competitive procurement shall not apply. Such nonprofit organization shall be governed by a board of directors composed of the Director of DMAS, or his designee, a representative from the Virginia Department of Health, a representative from the Department of Social Services' Adult Protective Services Unit, a representative from the Office of the State Long-Term Care Ombudsman, and representatives from the consumer, long-term care provider, and business communities. The board of directors shall report on accomplishments, priorities, and activities of the nonprofit organization and submit a strategic plan to the Board, the Governor and the General Assembly. Funding to initially implement the nonprofit organization shall be from civil money penalty funds, and thereafter such organization shall be self-sustaining. Funding for services shall come from charges to nursing facilities, from general appropriations, and from civil money penalty funds. Civil money penalty funds are those funds collected by the DMAS for enforcement of nursing facility remedies pursuant to Title XIX of the Social Security Act. HB 714; CH. 475.

**§§ 9-382, 32.1-357, and 32.1-358 amended. Virginia Tobacco Settlement Foundation.** Applies the standards of the State and Local Government Conflict of Interests Act to (i) members of the Board of Trustees and employees of the Virginia Tobacco Settlement Foundation and (ii) the members of the Tobacco Indemnification and Community Revitalization Commission. The bill also requires the director appointed by the Governor to be subject to confirmation by the General Assembly and provides for the Foundation to appoint a chairman and vice-chairman from its membership. Under current law, the Governor appoints the two officers. SB 581; CH. 1067.

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**TITLE 32.1. MISCELLANEOUS - HEALTH.**


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**Certificate of public need.** Authorizes, notwithstanding the provisions of the moratorium on nursing home bed construction/additions which was in effect until July 1, 1996, the Commissioner of Health to accept and approve a request to amend the conditions of a certificate of public need issued for an increase in beds in which nursing facility or extended care services are provided to allow such facility to continue, for three years from the issuance of a certificate of public need for the second mid-rise residential unit building associated with such facility or until June 30, 2003, whichever occurs first, to admit persons, other than residents of the cooperative units, to its nursing facility beds when such facility (i) is operated by an association described in § 55-458; (ii) was created in connection with a real estate cooperative; (iii) offers its residents a level of nursing services consistent with the definition of continuing care in chapter 49 (§ 38.2-4900) of Title 38.2; and (iv) was issued a certificate of public need prior to October 3, 1995. HB 739; CH. 868.

**Certificate of public need.** Authorizes, notwithstanding the provisions of the moratorium on nursing home bed construction/additions which was in effect until July 1, 1996, the Commissioner of Health to accept and approve a request to amend the conditions of a certificate of public need issued for an increase in beds in which nursing facility or extended care services are provided to allow such facility to continue, for three years after the date of issuance of a certificate of occupancy for the second mid-rise residential-unit building associated with the facility or until June 30, 2003, whichever occurs earlier, to admit persons, other than residents of the cooperative units, to its nursing facility beds when such facility (i) is operated by an association described in § 55-458; (ii) was created in connection with a real estate cooperative; (iii) offers its residents a level of nursing services consistent with the definition of continuing care in Chapter 49 (§ 38.2-4900) of Title 38.2; and (iv) was issued a certificate of public need prior to October 3, 1995. The bill also creates a COPN exception to the request for applications (RFAs) procedure and requires the Commissioner to accept and authorizes him to approve an application for an increase of 60 beds in a described nursing facility in Giles County which will be dedicated to the provision of skilled nursing, hospice services, and care of persons with Alzheimer's and related diseases. SB 596; CH. 859.

**Certificate of public need.** Authorizes, notwithstanding the provisions of subdivision 6 of § 32.1-102.3:2 as in effect on June 30, 1996, the Commissioner of Health to accept and approve a request to amend the conditions of a certificate of public need issued to a continuing care provider registered with the State Corporation Commission pursuant to Chapter 49 of Title 38.2 for an increase in beds in which nursing facility or extended care services are provided to allow such continuing care provider to continue, until the continuing contract holders constitute ninety percent of the occupancy for such facility or

until July 1, 2004, whichever occurs first, to admit patients, other than continuing care contract holders, with whom the facility has an agreement with the individual responsible for the patient for private payment of the costs upon the following conditions being met: (i) the continuing care community is established for the care of retired military personnel and their families and (ii) the facility's bond requires that the nursing home unit maintain a ninety percent occupancy rate. HB 326; CH. 912.

**Examination of certain testing.** Requires the Commissioner of Health to examine the efficacy of requiring testing of infants for congenital adrenal hyperplasia (CAH), a developmental condition that is difficult to diagnose, with slowly developing symptoms, resulting in sudden death among affected infants early in life. This bill is an uncodified act. The Commissioner would be required to seek expertise from pediatricians and others and the parents of affected children and to report to the 2001 General Assembly. SB 699; CH. 904.

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**TITLE 33.1. HIGHWAYS, BRIDGES AND FERRIES.**


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**§ 33.1-2 amended. Membership of Commonwealth Transportation Board.** Replaces reference to "Suffolk construction district" with "Hampton Roads construction district." SB 71; CH. 49.

**§ 33.1-18 amended. Location of highway routes.** Requires that VDOT's route location hearings be "open forum" hearings. In addition, when requested by an affected local governing body, the Department must conduct "traditional format" hearings that allows citizens an opportunity to address their comments directly to VDOT representatives in a structured, formal process. SB 458; CH. 489.

**§ 33.1-41.1 amended. City street maintenance payments.** Authorizes city street maintenance payments for otherwise eligible local streets that have speed bumps or rumble strips. HB 967; CH. 97.

**§ 33.1-44 amended. Highway matching funds; utilities.** Provides that, in Hampton and Newport News, costs associated with undergrounding of utilities, up to a total of \$5 million, shall constitute an element of urban system construction project costs. HB 1409; CH. 762.

**§ 33.1-46.2 amended. HOV lanes.** Institutes a one-year pilot project for HOV facilities in the Hampton Roads Planning District, temporarily lifting HOV restrictions when one or more lanes of the same highway carrying traffic in the same direction are blocked for ten minutes or longer. The pilot project will terminate if it prompts the Federal Highway Administration to require repayment of any federal highway construction funds. HB 793; CH. 322 (effective 4/3/00).

**§ 33.1-75.3 amended. County improvements to primary and secondary highways.** Allows any county to use its general revenues, revenues derived from the sale of bonds, or federal revenue sharing funds to improve primary or secondary highways. Present law limits this ability to Albemarle, Arlington, Augusta, Chesterfield, Culpeper, Fairfax, Frederick, Hanover, Henrico, James City, Loudoun, Prince William, Roanoke, Rockingham, Spotsylvania, Stafford, and York Counties. HB 581; CH. 88.

**§ 33.1-89.** See §25-46.3; SB 453.

**§ 33.1-90 amended. Acquisition of real property for transportation purposes.** Provides that property acquired by the Commonwealth for use by VDOT in relocating the town of Grundy, shall, if no longer needed for that project, be conveyed to the town of Grundy for use in connection with economic redevelopment. If the property is not used by Grundy for economic development, the property reverts to the Commonwealth. HB 708; CH. 998.

**§ 33.1-91.1 added. Conveyance of land by VDOT.** Allows the Virginia Department of Transportation (VDOT) to acquire land to replace parkland taken for highway projects in Albemarle County and Charlottesville. HB 1356; CH. 310.

**§ 33.1-95.1 added. Commonwealth Transportation Commissioner; eminent domain.** Requires the Commonwealth Transportation Commissioner to notify the owner of a building, structure or other improvement if the Commissioner intends to condemn property in a manner that would result in a taking of such improvement. This bill permits the owner of the improvement to present evidence of the fair market value of such improvement in a condemnation valuation proceeding. Definitions of "owner" and "fair market value" are added. HB 1123; CH. 843/SB 452; CH. 822.

**§ 33.1-221.1:6.** See § 58.1-609.1; HB 1275/SB 530.

**§ 33.1-223.2:4 added. VDOT drainage easements.** Requires the Virginia Department of Transportation (VDOT) to perform repairs to permanent drainage easements. SB 313; CH. 312.

**§§ 33.1-268, 33.1-269, 33.1-276, 33.1-277, 33.1-278, 33.1-280, and 33.1-284 amended; § 33.1-23.03:8 added. Transportation.** Provides for the funding of specified transportation projects throughout the Commonwealth to be paid by the proceeds from the issuance of Virginia Federal Highway Reimbursement Anticipation Notes (FRANs) whose outstanding principal shall not exceed \$800,000,000; by distribution from the Priority Transportation Fund created by the bill; and by general fund appropriations. Required deposits to the Priority Transportation Fund include (i) additional revenues attributable to the Virginia Fuels Tax Act; (ii) Transportation Trust Fund and Highway Maintenance Operating Fund revenues above the amount currently forecast and programmed; (iii) beginning July 1, 2002, one-third of insurance license tax revenues; and (iv) any other appropriations that may be provided. HB 608; CH. 1044/SB 33; CH. 1019.

**§ 33.1-346 amended. Littering; illegal trash dumping.** Provides that an individual who illegally litters or dumps trash or garbage is subject to a fine of between \$250 to \$2,500 and a jail sentence of up to 12 months, either or both. Currently, a person who litters or dumps trash is subject to a Class 1 misdemeanor. SB 317; CH. 20.

**§§ 33.1-351 and 33.1-370 amended. Outdoor advertising.** Prohibits the elimination of outdoor advertising structures along any highway in the Commonwealth by amortization without just compensation. HB 1223; CH. 432/SB 522; CH. 449.

**§ 33.1-369 amended. Outdoor advertising.** Exempts on-premises advertisements or advertisement structures with messages displayed as scrolling words and/or numbers from the current prohibition on advertising that involves motion or rotation of any part of the structure, moving reflective disks, running animation, or intermittent lights visible from any highway. HB 1091; CH. 140.

**§§ 2.1-1.5 amended; §§ 33.1-426 through 33.1-429 added. Virginia Coalfield Coalition Authority.** Establishes the Virginia Coalfield Coalition Authority to provide for the construction of a highway system (The Virginia Coalfield Expressway Corridor), with the approval of the Commonwealth Transportation Board, along the southwestern boundary of the Commonwealth. HB 918; CH. 869/SB661; CH. 902.

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## TITLE 33.1. MISCELLANEOUS - HIGHWAYS, BRIDGES AND FERRIES.

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**Removal of illegal signs and other illegal advertising from highway rights-of-way.** Repeals July 1, 2000, "sunset" on authorization for the Commonwealth Transportation Commissioner to enter into agreements with local government authorities for removal of illegal signs and other illegal advertising from highway rights-of-way. HB 642; CH. 672.

**Colvin Run Road.** Designates Colvin Run Road in Fairfax County a scenic highway and Virginia byway. HB 60; CH. 62/SB 21; CH. 45.

**Korean War Veterans Memorial Highway.** Designates the entire length of I-295 in Virginia the "Korean War Veterans Memorial Highway." This bill is very nearly a duplicate of SB 322. HB 440; CH. 117/SB 322; CH. 57.

**Interstate System interchanges and exit control.** Prohibits the Commonwealth Transportation Commissioner from exercising the power of eminent domain to acquire any portion of or interest in the property of an existing commercial establishment if the sole purpose of such acquisition is to control or limit access to commercial establishments located within 300 feet of any segment of the interstate highway system, except to the extent necessary to meet federal requirements. At those interstate highway interchange locations where the value of

land, buildings, and improvements has a fair market value of \$1 million or more, the Commonwealth Transportation Board is required to designate those interchanges as “urban,” provided such designation does not conflict with any federal statute or regulation. The act becomes effective on July 1, 2001, unless, prior to that date, the Virginia Department of Transportation receives notice from the federal government that the provisions of this act will reduce or jeopardize federal funding of interstate highway construction in the Commonwealth. HB 495; CH. 452/SB 110; CH. 370 (effective-see bill).

**Directional signs on I-95.** Requires the Virginia Department of Transportation to replace signs directing Miami-bound and New York-bound traffic around the Richmond-Petersburg metropolitan area. HB 872; CH. 966.

**Vietnam Veterans Memorial Bridge.** Designates the I-895 (Pocahontas Parkway) bridge over the James River as the “Vietnam Veterans Memorial Bridge” and designates the Virginia Route 5 bridge over I-895 (Pocahontas Parkway) the “Powhatan Beaty Memorial Bridge.” HB 897; CH. 1049/SB 288; CH. 377.

**Eula W. Radcliffe Memorial Highway.** Designates the entire length of U. S. Route 60 in James City County and York County the “Eula W. Radcliffe Memorial Highway.” HB 1087; CH. 679.

**Kathleen K. Seefeldt Parkway.** Designates the Prince William County Parkway the “Kathleen K. Seefeldt Parkway.” SB 362; CH. 488.

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## TITLE 36. HOUSING.

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§ 36-27. See § 25-46.3; SB 453.

§ 36-96.7 amended. **Virginia Fair Housing Law; housing for older persons.** Conforms the Virginia Fair Housing Law to the federal Fair Housing Law in the area of housing for older persons. The bill removes the requirement that, in order to qualify for housing for older persons, there be significant facilities and services specifically designed to meet the physical or social needs of older persons, or, if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons. The bill also provides that the 80 percent threshold necessary to qualify for housing for older persons shall be based on the number of occupied units and not the total number of units occupied by persons aged 55 years or older. As a result, it may be easier to qualify for housing for older persons and exclude families with children. HB 454; CH. 30.

§ 36-99.01 added. **Uniform Statewide Building Code; rehabilitation of existing buildings.** Directs the Board of Housing and Community Development to make changes that are necessary to the Uniform Statewide Building Code to improve low and moderate housing, including adequate training of building

officials and Code enforcement personnel. The bill requires the Board of Housing and Community Development to report to the 2002 Session of the General Assembly in its progress in this regard. HB 518; CH. 35.

§ 36-106 amended. **Building code violations.** Provides that the fine imposed on a person convicted of a third or subsequent violation of the Uniform Statewide Building Code involving the same property shall be no less than \$2,500 nor more than \$5,000 with none of the fine being subject to suspension. Current law provides for a fine of not more than \$2,500. HB 745; CH. 68.

§§ 36-140.1 and 36-140.2. See § 9-170; SB 87.

§ 36-155 amended; §§ 36-157 through 36-170 added. **Housing Revitalization Zone Act.** Allows the Governor to designate housing revitalization zones for the purpose of encouraging private sector rehabilitation of blighted areas through grants. The program is to be administered by the Department of Housing and Community Development. Eligibility for zone designation includes areas that (i) have per capita income below 80 percent of the median per capita income for the planning district or (ii) have a residential vacancy rate that is at least 120 percent of the average vacancy rate for the planning district. Qualified business firms and qualified owner occupants are required to meet minimum investment levels based on the type of construction. Also, the bill (i) specifies that 50 percent of all money received by local governments as grants from the Virginia Removal or Rehabilitation of Derelict Structures Fund be utilized in areas designated by the Governor as housing revitalization zones and (ii) increases from \$200,000 to \$1,000,000 the maximum grant from such fund. This is a recommendation of the Commission on the Condition and Future of Virginia’s Cities. HB 375; CH. 795/SB 711; CH. 789.

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## TITLE 36. MISCELLANEOUS - HOUSING.

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**Uniform Statewide Building Code; farm buildings and structures.** Repeals the July 1, 2000, sunset clause relating to the definition of “farm building or structure” and the exemption of such buildings or structures from the provisions of the Uniform Statewide Building Code. The bill also provides that the Building Code exemption to does not apply to restaurants operated on farms. HB 1088; CH. 751.

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## TITLE 37.1. INSTITUTIONS FOR THE MENTALLY ILL; MENTAL HEALTH GENERALLY.

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§§ 37.1-42.1 and 37.1-42.2. See § 51.5-37.1; HB 1350/SB



555.

**§ 37.1-137.2 amended. Annual reports by guardians.** Provides that the local department of social services must forward a copy of the report it receives from the guardian to the clerk of the circuit court within 60 days of receipt. Twice each year the local department must file with the clerk a list of guardians who are more than 90 days delinquent in filing the annual report. SB 401; CH. 198.

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### TITLE 37.1. MISCELLANEOUS - INSTITUTIONS FOR THE MENTALLY ILL; MENTAL HEALTH GENERALLY.

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**Department of Mental Health, Mental Retardation and Substance Abuse Services; rights-of-way.** Authorizes the conveyance of a 50-foot right-of-way and a 100-foot right-of-way on property held by the Department of Mental Health, Mental Retardation and Substance Abuse Services in Amherst County, to Amherst County, with the approval of the Governor and in a form approved by the Attorney General. SB 778; CH. 572.

**Civil commitment of sexually violent predators.** Changes the effective date of the civil commitment process, which was enacted by the 1999 General Assembly, from January 1, 2001, to July 1, 2001. The process provides for the screening and evaluation for civil commitment of prisoners in the custody of the Department of Corrections who were convicted of certain sexual offenses and are nearing the end of their sentences. SB 261; CH. 1024.

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### TITLE 38.2. INSURANCE.

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**§ 38.2-102 amended; § 38.2-3113.3 added. Life insurance; educational loans.** Authorizes life insurance policies to include educational loan provisions as additional benefits, where the loan applicant is a covered individual under the insurance policy and the loan provides funds for the individual or his dependent to attend an institution of higher education, trade school, or technical school. HB 940; CH. 173.

**§§ 38.2-122, 38.2-122.1, 38.2-233, 38.2-317, 38.2-415, 38.2-1601, 38.2-1800, 38.2-1902, 38.2-2001, 38.2-2003, and 52-36 amended; §§ 38.2-122.2 and 38.2-2006.1 added. Credit property and credit involuntary unemployment insurance.** Provides for the regulation of credit property insurance as a separate line of insurance, and expands credit involuntary unemployment insurance (IUI) to allow coverage for debtors placed on an unpaid leave of absence. Credit property insurance is insurance against direct physical damage to personal household property (other than motor vehicles, mobile

homes, and watercraft) used as collateral in a credit transaction. Provisions applicable to credit IUI are generally made applicable to credit property insurance. Forms for both types of insurance must provide for the refund of unearned premiums on a pro rata basis if the insurance is terminated prior to the scheduled maturity date of the indebtedness. The Bureau of Insurance is given jurisdiction over insurance certificates for credit property insurance and credit IUI delivered or issued for delivery in Virginia where the group policy is delivered in another state. The rates for credit property insurance and credit IUI are made subject to the "prior approval" provisions, rather than the "file and use" provisions. Minimum loss ratios are established for credit property insurance and credit IUI rates to start at 40 percent in January 1, 2001, and increase to 45 percent on January 1, 2003, and 50 percent on January 1, 2005. HB 716; CH. 526.

**§§ 38.2-213, 38.2-1306.2, 38.2-1312, 38.2-1315, 38.2-1329, 38.2-4123, 38.2-4319, and 38.2-4604 amended; § 38.2-1306.3 added; §§ 38.2-1307, 38.2-1308, 38.2-1309, and 38.2-1310.1 repealed. Insurers; accounting practices and procedures.** Incorporates by reference various guidances set forth in the accounting practices and procedures manuals of the National Association of Insurance Commissioners (NAIC). The NAIC recently adopted Statements of Statutory Accounting Practices (SSAPs) that will be the basis of new accounting guidance that will become effective for statements and disclosures filed after January 1, 2001, which is the effective date of this legislation. Existing provisions regarding the valuation of bonds, securities, and real estate, leaseholds and mortgages are repealed. References to the guidance set forth in the NAIC accounting practices and procedures manuals are substituted for current provisions for identifying assets that are not admitted for purposes of determining an insurer's financial condition. SB 52; CH. 46 (effective 1/1/01).

**§ 38.2-216 amended. Reinsurance agreements.** Requires a domestic insurer to obtain written approval from the State Corporation Commission prior to entering into or modifying any reinsurance treaty or risk-sharing arrangement if in any 12-month period the reinsurance premium or the anticipated change in the insurer's liabilities exceeds 50 percent of the insurer's surplus to the policyholders as of the preceding December 31. Failure to obtain such approval is punishable as a Class 1 misdemeanor. SB 206; CH. 51.

**§ 38.2-221.1 added. Insurance; confidentiality of information provided to SCC.** Excludes from subpoena or public inspection any confidential proprietary information of an insurer provided to the State Corporation Commission provided that the insurer (i) invokes such exclusion upon submission of the information for which protection from disclosure is sought, (ii) identifies the information for which protection is sought, and (iii) states the reason protection is necessary. The Commission may use the information in furtherance of regulatory or legal action and may publish aggregate findings, but may not disclose the confidential proprietary information without notice and an opportunity for hearing. Disclosure of the

information to the SCC shall not cause a waiver of an existing privilege or claim of confidentiality. HB 762; CH. 527.

**§ 38.2-226.3 added. Health plans sponsored by community action agency.** Excludes from insurance regulations a health care services plan that was sponsored by a private non-profit agency organized in 1965. The measure expires July 1, 2001. The measure has an emergency clause. HB 494; CH. 669 (effective 4/8/00).

**§§ 38.2-231, 38.2-2113, and 38.2-2208 amended. Insurance; electronic notice of cancellation to lienholder.** Permits insurers of motor vehicle, homeowner's and liability insurance policies required to transmit a notice of cancellation to a lienholder to transmit such notice electronically, provided that the insurer and the lienholder agree by separate agreement upon the specifics for transmittal and acknowledgement of notification. HB 854; CH. 529.

**§ 38.2-305 amended. Life insurance; notification of revocation by divorce.** Requires that any life insurance or annuity contract, containing a beneficiary designation in which the designated beneficiary is the spouse of the policy owner, contain language explaining that Virginia law revokes the spouse as beneficiary upon divorce and how to avoid such a revocation. SB 304; CH. 193.

**§ 38.2-317 amended; § 38.2-1903.1 added. Insurance rate and form regulation; exempting large commercial risks.** Provides an exemption for insurers of large commercial risks from State Corporation Commission approval of policy forms and endorsements. A large commercial risk must employ a full-time risk manager and meet certain revenue and employment requirements for the exemption to apply. The exemption does not apply to rates and forms for workers' compensation, professional liability, and commercial automobile policies. SB 587; CH. 548.

**§ 38.2-401 amended. Fire Programs Fund.** Clarifies the language establishing the Fire Programs Fund, which is a special nonreverting fund in the state treasury financed by an assessment on insurance companies that write fire, miscellaneous property, marine, homeowners or farmowners insurance. The bill ensures that interest earned on money in the Fund, including interest earned on any assessments held by the SCC but not yet deposited into the Fund, will be credited to the Fund. SB 230; CH. 820.

**§§ 38.2-510, 38.2-1331, 38.2-1411.2, 38.2-4214, and 38.2-4319 amended. Insurance; technical amendments.** Corrects erroneous cross-references and uses of terminology in several provisions of the insurance laws. SB 78; CH. 187

**§ 38.2-513 amended. Cancellation of insurance policies.** Repeals the right of an individual who purchases insurance from a lending institution, bank holding company, savings institution holding company, or subsidiary or affiliate to cancel the insurance within 10 days following its purchase. Upon cancellation, the individual is currently entitled to receive a pro rata refund of the premium. The bill also prohibits lenders from

conditioning the availability of credit upon the purchase of insurance from such lender. SB 456; CH. 545.

**§ 38.2-1019 amended. Insurance; change to domestic insurer.** Requires that any insurer domiciled in another state that becomes a domestic insurer shall be recognized as an insurer initially licensed, in another jurisdiction, as of the date it was first licensed as an insurer in the state of its original domicile. HB 756; CH. 169.

**§§ 38.2-1425 and 38.2-1426 amended. Insurance; investments by domestic insurers.** Eliminates the restriction that allows domestic insurers to invest in the capital stock of only those banks or trust companies that earned a minimum rate of return. HB 44; CH. 155.

**§ 38.2-1700 amended. Virginia Life, Accident and Sickness Insurance Guaranty Association; structured settlement annuities.** Provides that the Life, Accident and Sickness Insurance Guaranty Association will provide coverage for structured settlement annuities based on the residence of the injured person receiving payments under the annuity. SB 759; CH. 206.

**§ 38.2-1810.** See § 6.1-2.21; SB 620.

**§§ 38.2-1868.1 through 38.2-1872 amended. Insurance agents; continuing education requirements.** Eliminates the current requirement that nonresident agents who fail to comply with Virginia's continuing education requirements must complete Virginia's pre-licensing education and examination requirements prior to regaining their licenses. Such nonresident agents will continue to have their licenses terminated and will continue to have to wait 90 days or pay a \$1,000 administrative penalty before regaining their license. The waiver of the pre-licensing education and examination requirements for terminated non-resident agents will apply if they are licensed in states that either have a continuing education requirement or have reciprocal provisions for Virginia resident agents. The bill also allows any resident agent who is age 65 or older with 20 or more years of continuous licensure in any state to apply for a permanent exemption from the continuing education requirements if he has held a Virginia resident license for at least four continuous years by the end of the biennium. Currently, the exemption for agents age 65 with 20 continuous years of licensure applies only to agents who have had a Virginia license for 20 years. Finally, the bill clarifies several provisions pursuant to which the insurance continuing education board may grant waivers from the continuing education requirements imposed on insurance agents. HB 455; CH. 522.

**§ 38.2-1901.** See § 65.2-101; HB 1271/SB 735.

**§ 38.2-2125 added. Insurance; notice of exclusion of coverage for flood damage.** Requires every insurer issuing a fire insurance policy or contract that excludes coverage for flood damage to provide written notice explicitly stating that flood damage coverage is excluded, and that information regarding flood insurance is available from the insurance agent or the National Flood Insurance Program. HB 453; CH. 401.

**§ 38.2-3407.4:1 amended. Health insurance; EDI standards for uniform referral form.** Requires the State Corporation Commission to adopt a uniform referral form for any managed care health insurance plan. The form shall incorporate the data elements adopted by the Health Care Financing Authority for its Electronic Data Interchange standards. HB 1266; CH. 264.

**§ 38.2-3407.4:2.** See § 32.1-325; HB 1176.

**§ 38.2-3407.9 amended. Health insurance; access to ambulance services.** Prohibits health insurers, health maintenance organizations and corporations providing accident and sickness subscription contracts from requiring a person covered under such policy, contract or plan to obtain prior authorization before accessing an emergency 911 system or other state, county or municipal emergency medical system for ambulance services, and from establishing an emergency medical response and transportation system in competition with a governmental 911 or other emergency system. HB 660; CH. 630.

**§ 38.2-3407.9:01 amended. Prescription drug formularies.** Requires an insurer, corporation, or health maintenance organization that maintains one or more closed drug formularies to establish a process to allow an enrollee to obtain, without additional cost-sharing beyond that provided for formulary prescription drugs in the enrollee's covered benefits, a specific, medically necessary nonformulary prescription drug when the enrollee has been receiving the specific nonformulary prescription drug for at least six months previous to the development or revision of the formulary and the prescribing physician has determined that the formulary drug is an inappropriate therapy for the specific patient or that changing drug therapy presents a significant health risk to the specific patient. After reasonable investigation and consultation with the prescribing physician, the insurer, corporation or health maintenance organization shall act on such requests within one business day of receipt of the request. Substituting an approved generic drug for its branded equivalent does not constitute a change in drug therapy. HB 1111; CH. 873.

**§ 38.2-3407.9:02 added. Health insurance; prescription drug coverage.** Prohibits carriers from excluding any drug from coverage solely on the basis of the length of time since the drug obtained FDA approval. SB 284; CH. 508.

**§§ 32.1-137.6, 32.1-137.15, 38.2-3407.10, 38.2-3407.11:1, 38.2-3418.9, 38.2-4214, 38.2-4319, 38.2-4509, 38.2-5803, 38.2-5804, 38.2-5900, 38.2-5901, 38.2-5902, and 38.2-5904 amended. Managed care health insurance plans; Office of Managed Care Ombudsman; External Review Process.** Clarifies provisions of the 1999 omnibus health insurance legislation regarding the Managed Care Ombudsman and the external review process. The amendments make clear that legislation created an Office of Managed Care Ombudsman, rather than a single position. Other amendments regarding the External Review Process (i) establish the threshold for the External Review Process at \$300 in out-of-pocket costs to the covered person if the adverse decision is not reversed; (ii) increase to 30 days the time period for the external reviewer to complete its

review; (iii) increase the other time periods for actions by the parties related to the review and the Bureau; (iv) make a utilization review entity's failure to comply with the Commissioner's written ruling subject to sanctions as a knowing and willful violation of the statute; (v) provide that fees paid by utilization review entities are paid to the Bureau's maintenance fund; (vi) establish sanctions against utilization review entities who fail to pay the fee within a reasonable time; (vii) provide that, before entering in to contracts with an impartial health entity to conduct external reviews, the Bureau shall determine that the entity possesses the necessary credentials and is otherwise qualified to conduct the review; (viii) limits access to the external review process to individuals covered under a contract issued in this Commonwealth; and (ix) clarify that the Commissioner of Insurance is to affirm recommendations of the independent review entity unless they are arbitrary, capricious or beyond the review entity's authority. The bill also makes a number of housekeeping amendments to other provisions of the 1999 legislation. HB 726; CH. 922.

**§ 38.2-3407.10 amended. Health insurance; provider panels.** Mandates that provider panel contracts must permit the provider to refuse to participate in one or more of the other provider panels when contracts are executed. This measure applies to contracts that require the provider, as a condition of participating in one of the provider panels, to participate in any other provider panel. The refusal to participate shall not affect the provider's ability to serve on new or existing panels. The prohibition does not apply to participants in the state Medicaid plan. HB 1366; CH. 934/SB 718; CH. 862.

**§ 2.1-20.1 amended; § 38.2-3407.13:1 added. Accident and sickness insurance; notice of priority of benefits.** Requires accident and sickness insurers, corporations providing individual or group accident and sickness subscription contracts, and health maintenance organizations to provide written notification to the insured, subscriber or member, as a prominent part of its enrollment materials, that if such person is covered under another group policy, contract or plan, that policy, contract or plan may have primary responsibility for the covered expenses of other family members enrolled with the insured, subscriber or member. The notice shall describe the conditions under which coverage would be primary for dependant children, and the method for verifying which coverage would have primary responsibility. A similar requirement is established by this bill with respect to the health insurance plan for state employees. HB 1497; CH. 149.

**§ 38.2-3411.1 amended. Insurance; child health supervision services.** Exempts short-term policies from the mandate that health insurance policies, health services plans, and health care plans offer child health supervision services. HB 574; CH. 118.

**§ 38.2-3412.1:01 amended. Health insurance; mental health coverage.** Clarifies that the 1999 legislation requiring the state health care plans, health insurers, health services plans and health maintenance organizations to provide coverage for biologically based mental illness applies to policies, contracts,

and plans delivered, issued for delivery, reissued or extended, or to which a term is changed or the premium is adjusted, on or after January 1, 2000, which is the effective date of the requirement. The change ensures that the requirement is not made retroactively applicable to policies, contracts, and plans in effect on the legislation's effective date. Amendments also clarify that the mandated coverage does not apply to individual policies. SB 358; CH. 725.

**§§ 2.1-20.1 and 32.1-325 amended; § 38.2-3418.7:1 added. Colorectal cancer screening.** Requires health insurers, health maintenance organizations, corporation providing health care coverage subscription contracts, the state employees health insurance program, and the Virginia Medicaid program to provide coverage for colorectal cancer screening. The coverage must be provided in accordance with the most recently published recommendations established by the American College of Gastroenterology, in consultation with the American Cancer Society, for the ages, family histories, and frequencies referenced in such recommendations. The coverage cannot be more restrictive than or separate from coverage in any policy, contract or plan that is provided for any other illness, condition or disorder. SB 26; CH. 888.

**§ 38.2-3418.10 amended. Accident and sickness insurance; diabetes coverage.** Clarifies several provisions of the mandated benefit for coverage of diabetes. The bill prohibits carriers from categorizing supplies for diabetes treatment as durable medical equipment, ensuring that such supplies are not subject to the dollar limits applicable generally to durable medical equipment. Other provisions (i) allow managed care health insurance plans to require the health care professional providing diabetes outpatient self-management training and education to be a member of the plan's provider network if the network includes sufficient health care professionals who are qualified by specific education, experience, and credentials to provide the covered benefits; (ii) require the covered benefit for outpatient self-management training and education to be performed in-person; and (iii) prohibit carriers from imposing policy or calendar year dollar or durational benefit limitations or maximums for the diabetes benefits or services provided. HB 1376; CH. 1060/SB 274; CH. 1025.

**§§ 38.2-3430.3 and 38.2-3432.3 amended. Health insurance portability; eligibility for Medicare risk plans and preexisting conditions.** Exempts Medicare risk plans receiving compensation from Medicare from the requirements of including certain questions on applications to determine eligibility of the applicant. The preexisting condition limitation period for late health plan enrollees is changed from 18 months to 12 months, reflecting the same period that applies to all other enrollees. HB 1014; CH. 136.

**§ 38.2-3432.2 amended. Health insurance for small employers; bona fide associations.** Exempts health insurance issuers that offer health insurance coverage in a small employer market only through one or more bona fide associations from requirements that all products that the issuer is actively marketing be offered to all small employers and that the issuer must

accept any employee that applies for any of those products. A bona fide association is an association which (i) has been actively in existence for at least five years; (ii) has been formed and maintained in good faith for purposes other than obtaining insurance; (iii) does not condition membership in the association on any health status-related factor relating to an individual (including an employee of an employer or a dependent of an employee); (iv) makes health insurance coverage offered through the association available to all members regardless of any health status-related factor relating to such members (or individuals eligible for coverage through a member); (v) does not make health insurance coverage offered through the association available other than in connection with a member of the association; and (vi) meets other requirements imposed by law. SB 455; CH. 544.

**§§ 38.2-3503, 38.2-3504, 38.2-4214, and 38.2-4319 amended. Refunds of unearned health insurance premiums.** Requires individual accident and health insurance policies to contain a provision authorizing the insured to cancel the policy at any time and requiring the insurer to promptly return the unearned portion of the premium, calculated pro rata. The provisions giving an insured a cancellation option and the right to a refund of unearned premium are made applicable to health services plans and health maintenance organizations. The measure is effective January 1, 2001. HB 1236; CH. 540 (effective 1/1/01).

**§§ 38.2-4123, 38.2-4214, and 38.2-4319 amended; § 38.2-5202.1 added. Long-term care insurance; refund of unearned premiums.** Requires individual long-term care insurance policies and certificates to return unearned premiums on a pro-rata basis to insureds in the event of cancellation by the carrier or the insured. The measure does not apply to single-premium policies. HB 923; CH. 532.

**§§ 38.2-4214, 38.2-4319, 38.2-4509, 38.2-5500 through 38.2-5510, and 38.2-5513 amended; § 38.2-5515 added. Risk-based capital act; health organizations.** Applies the Risk-Based Capital (RBC) Act to health maintenance organizations, health services plans, and dental or optometric services plans. From July 1, 2000, until January 1, 2001, the monitoring provisions of the RBC Act will apply to HMOs. Effective January 1, 2001, these health organizations operating in Virginia will be subject to the RBC Act. Numerous changes to the RBC Act reflect its applicability to all licensees, rather than only to insurers. The risk-based capital of health organizations will be determined in accordance with the formula set forth in instructions adopted by the NAIC. The SCC may exempt from the RBC Act a domestic health organization that writes direct business only in Virginia and assumes no reinsurance in excess of five percent of direct premium written, and writes direct annual premiums of \$2 million or less for comprehensive medical coverages or is a dental or optometric services plan that covers fewer than 2,000 lives. SB 54; CH. 47 (effective-see bill).

**§§ 38.2-4214, 38.2-4319, 38.2-4408, and 38.2-4509 amended. Payment of attorney's fees; health services plans, health maintenance organizations, legal services plans, and dental**

**and optometric plans.** Subjects health services plans, health maintenance organizations, legal services plans, and dental and optometric plans to payment of the reasonable attorney's fees of insured individuals in civil suits to determine the extent of coverage, if a court determines that such an entity did not act in good faith in denying coverage or failing or refusing to make payment under a policy. SB 79; CH. 50.

§§ 38.2-4300, 38.2-4301, 38.2-4302, 38.2-4307.1, 38.2-4310, 38.2-4317.1, and 38.2-4319 amended; § 38.2-4310.1 added.

**Health maintenance organizations.** Codifies certain provisions of the rules governing HMOs promulgated by the SCC. Provisions require (i) applicants for an HMO license to provide a financial feasibility plan and a financial statement, (ii) annual and quarterly statements to include a statement of covered and uncovered expenses, and (iii) the initial deposit prior to licensure of an amount not less than \$300,000 which may be reduced for an HMO with operating profits for the two most recent years. The bill also clarifies the policies and procedures for using deposited amounts. SB 73; CH. 503.

§ 38.2-4301 amended. **Health maintenance organizations; exception to licensing requirement.** Exempts an HMO licensed in a state contiguous to Virginia from the requirement that it be licensed in Virginia if the HMO contracts on a limited basis with health care providers in Virginia for the provision of services to enrollees under contracts not delivered or issued for delivery in Virginia, and (i) the number of Virginia residents receiving such services does not exceed 500 enrollees of the HMO and (ii) the contracts with the providers include a hold harmless clause. HB 1211; CH. 753.

§§ 38.2-4319 amended; § 38.2-3418.12 added. **Accident and sickness insurance; coverage for hospitalization and anesthesia for dental procedures.** Requires health insurers, health maintenance organizations and corporations providing accident and sickness subscription contracts to provide coverage for general anesthesia and hospitalization or facilities charges of a licensed outpatient surgery facility for dental care provided to a covered person who is determined by a licensed dentist in consultation with the covered person's treating physician to require general anesthesia and admission to a hospital or outpatient surgery facility to effectively and safely provide dental care and (i) is under the age of five, (ii) is severely disabled, or (iii) has a medical condition and requires admission to a hospital or outpatient surgery facility and general anesthesia for dental care treatment. Such insurers, corporations or organizations (i) may require prior authorization for this benefit in the same manner as is required for other covered benefits and (ii) shall restrict coverage for general anesthesia expenses and for facility charges to the appropriate licensed providers. HB 165; CH. 157.

§ 38.2-4319 amended; § 38.2-3411.3 added. **Health care coverage; childhood immunizations.** Requires health insurers, health maintenance organizations and corporations providing health care coverage subscription contracts to provide coverage for childhood immunizations, subject to any co-payment or co-insurance requirements under the policy. The

required benefits apply to children from birth to 36 months of age and extend to all routine and necessary immunizations, defined as diphtheria, pertussis, tetanus, polio, hepatitis B, measles, mumps, rubella, and such other immunizations as may be prescribed by the Commissioner of Health. This mandate does not apply if the insured has elected to obtain coverage for child health supervision services, without any co-payment or co-insurance being required, under the existing mandate to offer such coverage. HB 914; CH. 496/SB 221; CH. 460.

§§ 2.1-20.1 and 38.2-4319 amended; § 38.2-3418.12 added. **Accident and sickness insurance; coverage for the treatment of morbid obesity.** Requires health insurers, health maintenance organizations and corporations providing accident and sickness subscription contracts to offer coverage for the treatment of morbid obesity through gastric bypass surgery or such other methods as may be recognized by the National Institutes of Health as effective for the long-term reversal of morbid obesity. The state employee's health insurance plan is required to offer the same coverage. SB 541; CH. 465.

§ 38.2-4504 amended. **Dental and optometric insurance; nonstock corporations.** Eliminates the requirement that a nonstock corporation administering a dental or optometric plan be an agent for the participating dentists and optometrists. A change in a nonstock corporation's agent status must be approved by the State Corporation Commission after review of the corporation's financial condition and method of doing business. Nonstock corporations not acting as agents for dentists and optometrists must keep a contingency reserve of no less than the amount required for 45 days of operating expenses. HB 835; CH. 171/SB 593; CH. 204.

§§ 8.01-273.1 and 38.2-5001 amended. **Virginia Birth-Related Neurological Injury Compensation Act.** Clarifies that only parties to litigation who are either participating hospitals or physicians under the Virginia Birth-Related Neurological Injury Compensation Act may move the court to refer the action to the Workers' Compensation Commission for the purpose of determining whether the requirements of the Act are satisfied. The bill also requires that a motion to refer the action to the Commission be filed no later than 120 days after the date the party seeking the referral filed its grounds of defense. The bill specifies what constitutes a petition and certain filing and administrative requirements. The bill provides that the definition of participating physician includes a partnership, corporation, professional corporation, professional limited liability company or other entity through which the physician practices. The bill has an emergency clause. HB 398; CH. 207 (effective 4/1/00).

§§ 38.2-5004.1 and 38.2-5009 amended. **Birth-Related Neurological Injury Compensation Act; notification of possible beneficiaries.** Limits the type of insurance companies required to notify possible beneficiaries under the Act to those providing medical malpractice liability insurance. HB 21; CH. 1038.

§§ 38.2-5200, 38.2-5202, 38.2-5203, and 38.2-5207 amended;

**§§ 38.2-5209 and 38.2-5210 added. Long-term care insurance.** Establishes limits on periods for contestability of long-term care insurance policies. Each long-term care policy is required to include an incontestability provision providing that a policy may be rescinded or a claim denied: (i) during the six months following issuance, upon a showing of misrepresentation that is material to the acceptance of coverage; (ii) between six months and two years following issuance, upon a showing of misrepresentation that is both material to the acceptance of coverage and that pertains to the condition for which benefits are sought; and (iii) after two years, only upon a showing that the insured knowingly and intentionally misrepresented relevant facts relating to the insured's health. The bill also (i) requires that policyholders be offered the option of purchasing a policy containing a nonforfeiture benefit; (ii) authorizes the State Corporation Commission to issue regulations regarding long-term care insurance policies and certificates; (iii) prohibits the marketing of a long-term care insurance policy or certificate as a qualified long-term care insurance policy or federally tax-qualified long-term care insurance contract unless the policy or contract contains a statement prominently disclosing that such policy or certificate is a qualified long-term care insurance policy or federally tax-qualified long-term care insurance contract; (iv) prohibits the field issuance of such policies by an agent or third-party administrator; and (v) prohibits such policies from providing that an insurer who has paid benefits may recover the benefit payments in the event that the policy is rescinded. The Joint Commission on Health Care and Bureau of Insurance are required to conduct a study of the NAIC's efforts in the area of reporting requirements and comparative disclosure for long-term care insurance policies in other states. The provision regarding nonforfeiture benefits will take effect on January 1, 2001, or 60 days following the adoption of regulations by the SCC, whichever first occurs. HB 1511; CH. 559.

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## TITLE 40.1. LABOR AND EMPLOYMENT.

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**§ 40.1-51.4:4 amended. Labor and employment; polygraphs.** Prohibits any person from submitting, referring to, offering, or presenting an analysis of polygraph test charts produced during any polygraph examination in any state employee grievance procedure or proceeding conducted by a county, city or town. HB 1125; CH. 585/SB 369; CH. 591.

**§§ 40.1-51.8 and 40.1-51.19:1 through 40.1-51.19:5 amended; § 40.1-51.19:4.1 added. Boiler and Pressure Vessel Safety Act; hobby and model boilers' inspection and testing.** Changes references from "antique boiler" to "hobby boiler." A boiler may be placed in nonoperating status if it does not pass inspection. Boilers shall be tested according to the method appropriate for the boiler type. SB 562; CH. 898.

**§ 40.1-51.11 amended. Boiler and Pressure Vessel Safety Act injunctions.** Authorizes the Safety and Health Codes Board and the Commissioner of Labor and Industry to petition

any appropriate court of record for injunctive relief for violations of the Boiler and Pressure Vessel Safety Act. The existing provisions authorizing the Board, when a boiler or pressure vessel poses an immediate danger to human life, to pursue civil penalties and other remedies are deleted. SB 514; CH. 728.

**§ 40.1-51.19:3 amended; § 40.1-51.19:4.1 added. Antique and model boilers.** Clarifies the inspection and testing requirements of antique and model boilers. The bill (i) adds a requirement for magnetic particle examination as an alternative to dye penetrant examinations, (ii) adds that the hydrostatic test at the maximum allowable working pressure should only be performed once if the inspector makes certain findings, and (iii) allows the Commissioner to grant waivers or variances from the requirements for antique or model boilers upon evidence of an applicant meeting certain alternate standards. HB 1372; CH. 879.

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## TITLE 44. MILITARY AND EMERGENCY LAWS.

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**§ 44-123.1 amended; §§ 44-123.2 and 44-123.3 added.**

**Establishment of Fort Pickett Reservation and a Fort Pickett police force.** Creates a Fort Pickett Reservation on the site (those lands licensed by the Department of the Army to the Virginia Army National Guard on October 1, 1997) of the former Fort Pickett. The bill also creates a Fort Pickett police force. HB 799; CH. 296.

**§§ 44-146.13 through 44-146.17, 44-146.18 through 44-146.22, 44-146.24, 44-146.26, 44-146.27, 44-146.28, 44-146.30, 44-146.31, 44-146.34, 44-146.35, and 44-146.39 amended. Virginia Emergency Services and Disaster Law.** Changes the Virginia Emergency Services and Disaster Law to reflect the name change of the State Office of Emergency Services to the Department of Emergency Management. HB 1352; CH. 309.

**§ 44-146.20 amended. Joint action by political subdivisions.** Provides that any political subdivision may provide or receive assistance in the event of a disaster under the provisions of any local mutual aid agreement or by the Statewide Mutual Aid program. HB 1338; CH. 437.

**§ 44-146.28 amended. Emergency services and disaster aid; towns.** Allows towns with a population of up to 3,500 and over \$15,000 in damages and towns with between 3,500 and 5,000 and over \$20,000 in damages to be eligible for emergency disaster relief. Currently, only towns with a population of more than 5,000 and the Town of Chincoteague are eligible for such aid. SB 245; CH. 1023.

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## TITLE 44. MISCELLANEOUS - MILITARY AND EMERGENCY LAWS.

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### Department of Military Affairs; Waller Road Depot.

Authorizes the conveyance of a 50-foot portion of the parcel of real property known as the Waller Road Depot held by the Department of Military Affairs, consisting of 0.38 acres, more or less, located on Waller Road in Henrico County, to Linwood S. Raikes, with the approval of the Governor and in a form approved by the Attorney General. The Department of Military Affairs will receive the proceeds from the property conveyance. HB 621; CH. 411.

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## TITLE 45.1. MINES AND MINING.

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§§ 45.1-161.292:30 and 45.1-161.292:35 amended. **Mineral Mine Safety Act; annual reports.** Provides that independent contractors shall file annual reports with the Department of Mines, Minerals and Energy regarding the name of the independent contractor, the number of the independent contractor's employees working at each mine, the number of the independent contractor's employee hours worked at each mine, and the lump sum amount of wages paid by the independent contractor at each mine. The bill also provides that wage information in annual reports submitted to the Department shall be exempt from the Virginia Freedom of Information Act and shall not be published or opened to public inspection. The existing statute provides that the licensed operator of every mine shall file annual reports with the Department regarding the operator's employees, the quantity of minerals mined, and other information required by the Department. HB 1439; CH. 974.

§ 45.1-392 amended. **Solar Photovoltaic Manufacturing Incentive Grant Program.** Provides annual grants for six years for an entity that, after January 1, 2002, (i) commences the manufacture of solar photovoltaic panels in the Commonwealth or (ii) expands its current manufacturing capacity by a certain level, makes a capital investment of at least \$25 million, and employs a certain number of employees. The amount of the grant ranges from 25 cents to 75 cents per watt, and is based on the number of watts of the rated capacity of panels sold annually, the year in which they are sold, and whether certain investment targets and employment levels are met. An entity may not receive in the same year both grants relating to the initial manufacture of solar photovoltaic panels and grants for the expansion of production of such panels. HB 1086; CH. 809.

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## TITLE 46.2. MOTOR VEHICLES.

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§ 46.2-209.1 added. **Salvage vehicle; release of motor vehicle information.** Allows DMV to release vehicle data to prospective buyers of the vehicle. HB 550; CH. 87/HB 777; CH. 92.

§ 46.2-212.1 amended. **Payments to DMV.** Provides for use of "transaction receipts" as evidence of payments made to the Department of Motor Vehicles (DMV) for electronic transactions (such as Internet transactions) extending or renewing DMV-issued documents (such as vehicle registrations). HB 640; CH. 122.

§ 46.2-224 amended. **Board of Transportation Safety.** Increases the size of the Board of Transportation Safety to 12 members from its present 11. HB 1181; CH. 141.

§§ 18.2-36.1, 18.2-51.4, 18.2-270, 18.2-271, 46.2-301, 46.2-357, 46.2-389, 46.2-391, 46.2-394, and 46.2-395 amended. **Suspended and revoked driver's licenses; penalties.** Provides for increased penalties for driving while a driver's license is suspended including minimum, mandatory terms for multiple offenses. The bill clarifies unclear language concerning the method of tallying multiple convictions and corrects omissions in identifying eligible convictions for enhanced DUI punishment. The bill also creates a minimum ten-day punishment for the third offense of driving on a suspended or revoked license or driving while declared a habitual offender and for certain other multiple offenses. The bill also imposes a mandatory three-year suspension for driving while intoxicated if the driver was at the time driving while his license was under suspension for reckless driving. Finally, the bill provides for the issuance of a restricted permit to a person who would otherwise have his license suspended for failure to pay fines and costs. HB 355; CH. 956/SB 183; CH. 982.

§ 46.2-324.1 added. **Driver's licenses.** Requires that adult applicants for driver's licenses who have not previously held driver's licenses must show that they either have passed a driver's training class at a commercial driver training school or held a learner's permit for at least 30 days before first being given a behind-the-wheel test by the Department of Motor Vehicles (DMV). HB 1430; CH. 685.

§ 46.2-328 amended. **Driver's license endorsements, classifications, and restrictions.** Updates, consolidates, and revises the law on driver's license endorsements, classifications, and restrictions to remove obsolete references and clarify remaining provisions. This is a "housekeeping" bill. HB 1465; CH. 269.

§ 46.2-335 amended. **Learners' permits.** Prohibits holders of learner's permits from taking the DMV behind-the-wheel test for a driver's license more than three times in any three-month period. HB 1436; CH. 686.

§§ 18.2-270, 18.2-270.1, 18.2-271.1, 19.2-299.2, 46.2-341.28

**and 46.2-391 amended. Driving while intoxicated; penalties.** Makes numerous changes to the laws punishing drunk driving. Among the major changes, the bill amends the mandatory, minimum period of confinement for a second DUI offense within five years from 48 hours to five days and sets forth a mandatory, minimum period of confinement of 10 days upon conviction for a third offense within 10 years and of 30 days upon conviction for a third offense within five years. The bill requires a six-month ignition interlock period. The bill also allows a Virginia Alcohol Safety Action Program (VASAP) evaluation to determine whether a person convicted of DUI is amenable to treatment and, therefore, eligible for a restricted license while in a VASAP program. Anyone convicted of a second offense within five years is ineligible for a restricted license for the first year following the second conviction and is required to use an ignition interlock for six months at the end of the restriction period. HB 386; CH. 958 (effective 10/1/00)/SB 149; CH. 980 (effective 10/1/00).

§ 46.2-342. See § 32.1-127; HB 1090.

§ 46.2-361 amended. **Restoration of privilege after driving while license revoked or suspended for failure to pay uninsured motorist fee.** Provides that a habitual offender may immediately petition for the reinstatement of his driving privilege upon the payment of an uninsured motorist fee (or proof of insurance) if his status as a habitual offender results from driving while his license was suspended for failure to have paid the fee (or insured his car). HB 19; CH. 792.

§§ 46.2-389 and 46.2-391 amended; § 46.2-411.1 added. **Prohibiting license reinstatement until successful completion of ASAP.** Provides that unless the court waives the requirement for completion of the program for good cause shown, DMV shall not return a suspended license to any person who has not completed ASAP (alcohol safety action program) and who was ordered to complete it pursuant to a DUI conviction. Any person who drives in violation of this provision is guilty of driving without a license (Class 2 misdemeanor). HB 564; CH. 959/SB 292; CH. 985.

§ 46.2-391 amended. **Driver's license.** Adds § 18.2-272 (driving while the driver's license has been forfeited for a conviction under § 18.2-266) to those offenses for which a third offender has his license revoked. It appears that § 18.2-272 was inadvertently omitted. SB 3; CH. 243.

§ 46.2-392 amended. **VASAP for reckless driving.** Allows VASAP as a condition of probation for any alcohol-related or drug-related reckless driving conviction. SB 649; CH. 342.

§ 46.2-604 amended. **Vehicle registration cards; disabled owners.** Provides that whenever disabled parking license plates or DV disabled parking license plates are issued for a vehicle registered in the name of more than one owner, the registration card for that vehicle must include a notation indicating which owner or owners of the vehicle is disabled. HB 57; CH. 667.

§ 46.2-639 amended. **Motor vehicle security interests.** Provides that an application for the registration or recordation of a

security interest is deemed perfected on the date it is filed with the Department of Motor Vehicles. SB 404; CH. 71.

§ 46.2-651 amended. **One-trip vehicle transportation permits.** Provides for issuance of one-trip vehicle transportation permits for vehicles to be purchased in another state by a Virginia resident and registered in Virginia. Department of Motor Vehicles (DMV) is to issue to the prospective purchaser one-trip permits that are not active and valid unless and until the purchaser receives an original bill of sale pertaining to the vehicle for which the permit was issued. Such permits are valid for three days and must be kept with the bill of sale in the vehicle until the vehicle is properly registered with DMV. The DMV Commissioner may charge a reasonable fee, adequate to recover the Department's costs, for the issuance of these permits, and may promulgate related regulations as he deems necessary or convenient. HB 1375; CH. 144.

§§ 46.2-665 and 46.2-667 amended. **Farm vehicles.** Exempts from registration farm vehicles used to: (i) take another farm vehicle to or from a repair shop, (ii) dispose of farm rubbish, and (iii) obtain and transport seeds, fertilizers, chemicals, or animal feed. Trips by such unregistered vehicles are limited to 30 miles. The bill also allows over-the-road operation of farm machinery and tractors to and from repair shops for repairs. HB 674; CH. 318.

§§ 8.01-310 and 46.2-692 amended. **DMV fees.** Increases the fee paid to the Department of Motor Vehicles (DMV) for service of process from \$15 to \$19, and for replacement or duplication of registration cards from no charge to two dollars; The bill also provides for a two dollar fee for replacement or duplication of International Registration Plan cab cards, registration cards for overload permits, and dealer registration cards. HB 780; CH. 579.

§ 46.2-712 amended. **Vehicle registration; taxicabs.** Allows the permanent registration of taxicabs. HB 1002; CH. 133.

§ 46.2-716 amended. **License plates.** Explicitly prohibits covering vehicle license plates with colored glass or colored plastic. HB 56; CH. 258.

§ 46.2-726 amended. **License plates; reserved numbers/letters.** Requires that license plates with reserved numbers/letters have at least one number or letter, and allows them to have as many as eight numbers/letters. HB 658; CH. 126.

§ 46.2-730 amended. **Antique motor vehicle.** Allows motor vehicles registered as antique motor vehicles to be used for general transportation purposes if certain conditions are met: (i) the physical condition of the license plates has been inspected and approved by the Department; (ii) the license plates are registered to the specific vehicle by the Department; (iii) the owner of the vehicle periodically registers the vehicle with the Department and pays a registration fee for the vehicle equal to that which would be charged to obtain regular state license plates for that vehicle; (iv) the vehicle passes a periodic safety inspection; (v) the vehicle displays current decals attached to the license plate, issued by the Department, indicating the valid registration period for the vehicle; and (vi) when



applicable, the vehicle meets vehicle emissions inspection requirement. HB 441; CH. 259.

§§ 46.2-743, 46.2-746.4, 46.2-746.7, and 46.2-746.8 amended; §§ 46.2-746.6:1, 46.2-748.1, 46.2-749.2:3, 46.2-749.2:4, 46.2-749.2:5, 46.2-749.2:6, 46.2-749.7:1, and 46.2-749.11 repealed. **Special license plates.** Repeals authority for issuance of certain special license plates as to which fewer than 350 applications have been received within the three-year period specified in § 46.2-725. The affected license plates are those for former members of the U. S. Army, Navy, and Air Force; members of the First Marine Division Association, the Veterans of Foreign Wars; the Virginia Future Farmers of America Association, the Communications Workers of America, and the Virginia Sheriffs' Association; supporters of the American Red Cross; presidents of institutions of higher learning; supporters of organ transplant programs, Virginia state parks, the U. S. Olympic Committee, and the 4-H Foundation; the Virginia Apple Blossom Festival; and those celebrating Native American heritage. HB 10; CH. 75.

§ 46.2-743 amended. **Special license plates; veterans of the Asiatic-Pacific Campaign.** Authorizes the issuance of special license plates to veterans of the Asiatic-Pacific Campaign. SB 123; CH. 190.

§ 46.2-746.4 amended. **Special license plates; Special Forces Association.** Authorizes issuance of special license plates for members of the Special Forces Association and the Veterans of the Battle of Iwo Jima organization. HB 27; CH. 111.

§ 46.2-746.4:2 added. **Special license plates; U.S. Submarine Force centennial.** Authorizes issuance of special license plates celebrating the U.S. Submarine Force centennial. This authorization will expire on July 1, 2005. HB 1422; CH. 145.

§§ 46.2-746.4:2, 46.2-746.6:2, 46.2-749.32, 46.2-749.33, and 46.2-749.34 added; §§ 46.2-746.4:1 and 46.2-746.6:1 repealed. **Special license plates; naval aviators.** Authorizes the issuance of special license plates for naval aviators. SB 34; CH. 766.

§ 46.2-746.8:1 amended. **Special license plates; Fraternal Order of Police associates and auxiliaries.** Provides for a common design for special license plates for associate and auxiliary members of the Fraternal Order of Police. HB 1421; CH. 267.

§ 46.2-746.9 amended. **Special license plates; registered nurses.** Authorizes issuance of special license plates to registered nurses. HB 1457; CH. 148.

§§ 46.2-749.3 and 46.2-819.2. See § 58.1-609.1; HB 1275/SB 530.

§ 46.2-749.19 amended. **Special license plates; supporters of public schools; fees.** Authorizes use of the fees collected for "supporter of public schools" license plates to buy public school textbooks. Present law limits use of these funds to "classroom supplies and equipment." SB 413; CH. 107.

§ 46.2-749.32 added. **Special license plates; NARFE members.** Authorizes issuance of special license plates for members of the National Association of Retired Federal Employees. HB 39; CH. 76.

§ 46.2-749.32 added. **Special license plates; Virginia Federation of Women's Clubs.** Authorizes the issuance of special license plates bearing the seal of the Virginia Federation of Women's Clubs. HB 126; CH. 78.

§ 46.2-749.32 added. **Special license plates; local government attorneys.** Authorizes the issuance of special license plates for local government attorneys. HB 261; CH. 80.

§ 46.2-749.32 added. **Special license plates; supporters of the Monitor-Merrimac Foundation.** Authorizes the issuance of special license plates to supporters of the Monitor-Merrimac Foundation. The annual fee for such plates shall be \$25 in addition to the prescribed fee for state license plates. For each such \$25 fee collected in excess of 1,000 registrations, \$15 shall be paid into the state treasury and distributed annually to the Mariner's Museum to further the construction of the U.S.S. Monitor Center. HB 396; CH. 226.

§ 46.2-749.32 added. **Special license plates; supporters of the Motorcycle Rider Safety Training Program.** Authorizes the issuance of special license plates bearing the legend: SHARE THE ROAD. The annual fee for such plates shall be \$25 in addition to the prescribed fee for state license plates. For each such \$25 fee collected in excess of 1,000 registrations, \$15 shall be paid into the state treasury and credited to the Motorcycle Rider Safety Training Program Fund created pursuant to § 46.2-1191. HB 429; CH. 81.

§ 46.2-749.32 added. **Special license plates; 25th anniversary of Poquoson.** Authorizes issuance of special license plates commemorating the 25th anniversary of Poquoson. HB 514; CH. 85.

§ 46.2-749.32 added. **Special license plates; 250th anniversary of Dumfries.** Authorizes issuance of special license plates commemorating the 250th anniversary of Dumfries. HB 643; CH. 124.

§ 46.2-749.32 added. **Special license plates; Virginia Statute for Religious Freedom.** Authorizes issuance of special license plates celebrating the Virginia Statute for Religious Freedom. HB 666; CH. 127.

§ 46.2-749.32 added. **Special license plates; supporters of the Virginia Breast Cancer Foundation.** Authorizes the issuance of special license plates bearing the legend: Virginia Breast Cancer Foundation. The annual fee for such plates shall be \$25 in addition to the prescribed fee for state license plates. For each such \$25 fee collected in excess of 1,000 registrations, \$15 shall be paid into the state treasury and distributed annually to the Virginia Breast Cancer Foundation and used to support statewide breast cancer educational programs. HB 722; CH. 319.

§ 46.2-749.32 added. **Special license plates; Class-J No. 611 steam locomotive.** Authorizes issuance of special license

plates commemorating the Class-J No. 611 steam locomotive. HB 1371; CH. 143.

**§ 46.2-749.32 added. Special license plates; Marriage Encounter Movement.** Authorizes issuance of special license plates to supporters of the Marriage Encounter Movement. HB 1435; CH. 146.

**§ 46.2-749.32 added. Special license plates; retired state employees.** Authorizes issuance of special license plates to retired state employees. HB 1516; CH. 150.

**§ 46.2-749.32 added. Special license plates; Corvette owners.** Authorizes special license plates to Corvette owners. SB 18; CH. 44.

**§ 46.2-749.32 added. Special license plates; POW/MIA logo.** Authorizes issuance of special license plates bearing the POW/MIA logo. SB 122; CH. 189.

**§ 46.2-752 amended. Local vehicle licenses and taxes.** Allows localities to give a discount of fifty percent in fees charged for local licenses (windshield decals) for vehicles owned or leased by persons who are 65 years old or older. No such discount can be given to more than one vehicle owned or leased by the same person. HB 1096; CH. 303.

**§ 46.2-803.1 amended. Commercial vehicles.** Prohibits operation of commercial vehicles (other than buses and school buses) on the left-most lane of interstate highways with speed limits of at least 65 mph and more than two lanes in each direction, except when preparing to exit a highway via a left exit or when being used to perform maintenance or construction work. This bill applies the same limitation to similar interstate highways within the 8th Planning District, regardless of the speed limit. HB 544; CH. 407.

**§ 46.2-803.1 amended. Commercial vehicles; use of certain lanes on interstate highways prohibited.** Exempts commercial vehicles on I-295 from commercial vehicle lane use limitations until July 1, 2002. HB 1186; CH. 306/SB 377; CH. 60.

**§ 46.2-817 amended. Disregarding signal by law-enforcement officer to stop; eluding police; penalties.** Provides for an affirmative defense to a felony charge of eluding police. The defense -- a showing by the defendant that he reasonably believed he was being pursued by a person other than a law-enforcement officer -- is currently only available for a misdemeanor charge. HB 533; CH. 315.

**§46.2-749.3.** See § 58.1-609.1; HB 1275/SB 530.

**§ 46.2-828.1 added. Funeral processions; penalty.** Prohibits impeding or disrupting escorted funeral processions. Violators would be subject to a fine up to \$200 and four driver demerit points. SB 227; CH. 274.

**§ 46.2-833 amended. Traffic lights; enforcement.** Authorizes law-enforcement officers who have not observed a traffic light violation to detain a violator, provided that another law-enforcement officer who has observed the violation immediately sends a radio message to the detaining officer positively

identifying the vehicle the violator was driving. HB 487; CH. 834.

**§ 46.2-833.01 amended. Photo red programs.** Requires that images recorded of a vehicle operated in violation of traffic light signals shall include at least one image of the vehicle before it illegally entered the intersection, and at least one image of the vehicle after it illegally entered the intersection. HB 356; CH. 575.

**§ 46.2-869 amended. Improper driving.** Allows an attorney for the Commonwealth to reduce a reckless driving charge to improper driving at any time prior to the court's decision. SB 461; CH. 340.

**§ 46.2-873.1 added. Speed limits.** Provides that the maximum speed limit on unpaved highways in Loudoun County will be 35 mph (instead of 55). This 35 mph speed limit can be increased or decreased by the Commonwealth Transportation Commissioner or other authority having jurisdiction over the affected highway, but the increased or decreased speed limit would have to be posted to be enforceable. HB 860; CH. 262.

**§ 46.2-882 amended. Motor vehicles; use of speed determination devices in aircraft.** Allows State Police to use micro-computer devices in fixed-wing and/or rotary-wing aircraft to enforce speed limits. The bill also contains editorial changes and corrections. HB 164; CH. 365.

**§ 46.2-882 amended. Laser speed determination devices.** Allows Charlottesville, Albemarle County, and Stafford County to use laser speed determination devices. HB 566; CH. 354.

**§ 46.2-882 amended. Motor vehicles; speed determination devices.** Allows Roanoke County to use laser speed determination devices. The bill also contains editorial changes and corrections. HB 729; CH. 357.

**§ 46.2-920 amended. Operation of emergency vehicles.** Allows emergency vehicles to pass stopped or slow-moving vehicles to the left in no-passing zones and to pass by crossing highway centerlines. Any such maneuver would be subject to the same restrictions applicable to other "illegal" operations performed by emergency vehicles. HB 626; CH. 120.

**§ 46.2-924 amended. Right-of-way of pedestrians.** Allows Arlington County and Alexandria by ordinance to provide for the installation and maintenance of highway signs specifically requiring motorists to yield the right-of-way to pedestrians in marked crosswalks. Any operator of a motor vehicle who fails to yield the right-of-way as required by such signs will be guilty of a traffic infraction punishable by a fine of no less than \$100 nor more than \$500. The Commonwealth Transportation Board is to develop criteria for the design, location, and installation of such signs. The bill does not apply to any limited access highway. HB 932; CH. 323.

**§ 46.2-1001 amended. Out-of-service inspections.** Adds the Town of Herndon whose specially trained law-enforcement officers are authorized to perform "out-of-service" motor vehicle inspections. HB 69; CH. 112.

**§ 46.2-1001 amended. Out-of-service inspections.** Adds Bedford County to the list of localities whose specially trained law-enforcement officers are authorized to perform “out-of-service” inspections on trucks and tractor-trailer combinations. SB 360; CH. 59.

**§ 46.2-1014 amended. Motorcycles; auxiliary brake lights.** Allows motorcycles to be equipped with auxiliary brake lights, subject to approval and regulation by the Superintendent of State Police. HB 432; CH. 63/SB 247; CH. 54.

**§ 46.2-1025 amended. Warning lights on vehicles.** Allows vehicles used by municipal safety officers in the performance of their official duties to be equipped with flashing amber warning lights. This bill duplicates a portion of SB 309. HB 501; CH. 84.

**§ 46.2-1025 amended. Amber warning lights.** Allows amber warning lights on fire apparatus, ambulances, and rescue and life-saving vehicles to be mounted at locations other than on the rear of the vehicles, provided the lights can be seen from behind the vehicle. HB 627; CH. 121.

**§ 46.2-1025 amended. Warning lights on vehicles.** Allows vehicles used as pace cars, security vehicles, or fire-fighting vehicles used by speedways and motor vehicle race tracks and by municipal safety officers in the performance of their official duties to be equipped with flashing amber warning lights. This bill overlaps HB 501. SB 309; CH. 278.

**§ 46.2-1095 amended; § 46.2-1156.1 added. Transportation of persons less than 16 years old.** Prohibits, with exemptions for farming operations and organized parades, transportation of persons less than 16 years old in the beds of pickup trucks. SB 751; CH. 736.

**§§ 46.2-1142 and 46.2-1142.1 amended. Overweight vehicles; concrete haulers.** Provides for overweight permits for three-axle vehicles used to haul concrete up to 70,000 pounds gross weight and 50,000 pounds axle weight for a tri-axle grouping. The bill further provides for additional overweight extensions, for vehicles used to haul concrete, beyond the currently allowed five percent extension of single axle weights of 20,000 by authorizing weight extensions of up to five percent on the tandem axle weight limit, four-axle weight, the tri-axle grouping weight, and the three-axle weight provided for in § 46.2-1142. A sliding fee of from \$35 to \$200 would be charged for permits authorizing the additional axle weight extensions. HB 1345; CH. 265.

**§ 46.2-1149 amended. Permits for certain haulers and loaders.** Eliminates the requirement that trip permits for oversize and overweight unladen, rubber-tired, self-propelled haulers and loaders be issued on an individual trip basis. HB 707; CH. 129.

**§ 46.2-1176 amended. Emissions inspections.** Exempts vehicles 25 years old or older from emissions inspections. HB 1522; CH. 311.

**§ 46.2-1222.1 added. Parking.** Allows Fairfax County to regulate or prohibit parking of watercraft, boat trailers, motor

homes, and camping trailers on any public highway in the county. HB 1466; CH. 270/SB 474; CH. 72.

**§ 46.2-1313 amended. Incorporation of state motor vehicle statutes into local ordinances.** Changes from “article” to “chapter” a reference intended to apply to Chapter 13 of Title 46.2, a chapter that is not subdivided into articles. SB 60; CH. 48.

**§§ 46.2-1508, 46.2-1508.1, 46.2-1519, 46.2-1527.1, 46.2-1531, 46.2-1908, 46.2-1919, 46.2-1931, 46.2-1992.6, 46.2-1992.17, 46.2-1992.24, 46.2-1993.6, 46.2-1993.17, and 46.2-1993.24 amended; §§ 46.2-1908.1, 46.2-1992.6:1, and 46.2-1993.6:1 added. Motor vehicle, T&M vehicle, trailer, and motorcycle dealers; consignment of vehicles by certain nonprofit organizations; fees.** Provides a mechanism by which nonprofit organizations exempt from taxation under § 501 (c) (3) of the Internal Revenue Code can obtain certificates allowing them to consign donated vehicles for sale by licensed motor vehicle, T&M vehicle, trailer, and motorcycle dealers. The dealers would have to provide affirmative notice to prospective buyers as to vehicles that did not pass safety inspections. Issuance of certificates to nonprofit organizations would be subject to a \$25 annual fee. The bill also prohibits the nonprofit organizations from assigning values to the donated vehicles. HB 1299; CH. 180.

**§§ 46.2-1529, 46.2-1929, 46.2-1992.22, and 46.2-1993.22 amended. Motor vehicle dealer records.** Allows motor vehicle, T&M vehicle, trailer, and motorcycle dealers to retain records either in their original form, or in film, magnetic, or optical media (including but not limited to microfilm, microfiche, or other electronic media). HB 676; CH. 128.

**§§ 46.2-1530, 46.2-1930, 46.2-1992.23, and 46.2-1993.23 amended. Motor vehicle, T&M vehicle, trailer, and motorcycle dealers; buyer’s order forms.** Requires that dealers need file a copy of the buyer order form on which their processing fee is stated only with original license applications, and not (as provided in current law) with license renewal applications as well. HB 436; CH. 116.

**§§ 46.2-1573, 46.2-1982, 46.2-1992.75, and 46.2-1993.73 amended. Motor vehicle, T&M vehicle, trailer, and motorcycle dealers; hearings before DMV Commissioner.** Provides that, in a decision rendered by the Commissioner of the Department of Motor Vehicles in disputes between motor vehicle, T&M vehicle, trailer, and motorcycle dealers and manufacturers, the Commissioner may assess a civil penalty up to \$1,000 per day for noncompliance with his decision. SB 407; CH. 106.

**§§ 46.2-1600 and 46.2-1608 amended. Salvage dealers.** Limits to “major components” the parts of vehicle as to which salvage dealers must provide origin data upon request of law-enforcement officers. “Major component” is defined to include the front clip assembly, rear clip assembly, engine, transmission, airbags, door, and frame. HB 641; CH. 123.

**§§ 46.2-1600, 46.2-1602.1, and 46.2-1603 amended; §**

**46.2-209.1 added. Salvage vehicle; release of motor vehicle information.** Removes automatic issuance of salvage certificate for unrecovered stolen vehicles, revises the definition of late model vehicle for salvage purposes, and provides for a prospective buyer vehicle history listing. This bill is a partial duplicate of HB 550 and HB 777. HB 999; CH. 235/SB 756; CH. 257.

**§ 46.2-1705 amended. Driver training schools.** Provides for imposition of limitations on school operations for relatively minor violations and a mechanism for suspension of licenses when licensee conduct presents a danger to the public health, safety, or welfare. HB 1256; CH. 179.

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## TITLE 50. PARTNERSHIPS.

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**§§ 50-73.4 and 50-73.132.** See §13.1-619; HB 459.

**§§ 50-73.4 and 50-73.135.** See §13.1-1015; HB 1060.

**§§ 50-73.17 and 50-73.83.** See § 59.1-501; HB 499.

**§50-73.39:1.** See § 13.1-1010.3; HB 902.

**§50-73.69.** See § 13.1-752; SB 207.

**§§ 50-73.83 and 50-73.134 amended. Virginia Uniform Partnership Act.** Clarifies and simplifies provisions of the Virginia Uniform Partnership Act relating to filing annual reports and paying associated fees by registered limited liability partnerships. Partnerships will be required to file annual continuation reports beginning the July 1 after the calendar year during which they became registered. The bill contains an emergency clause and is effective retroactively to January 1, 2000, to relieve those partnerships that obtain registered limited liability status between January 1 and July 1, 2000, of the requirement that they file an annual report by July 1, 2000. SB 208; CH. 5 (effective 2/18/00).

**§§ 50-73.128, 50-73.131, and 50-73.136.** See § 12.1-43; SB 326.

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## TITLE 51.1. PENSIONS, BENEFITS, AND RETIREMENT.

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**§§ 2.1-20.1:2, 2.1-20.1:3, 2.1-20.1:6, 2.1-116.24, 2.1-384.1, 51.1-124.3, 51.1-124.31, 51.1-142, 51.1-153, 51.1-155.1, 51.1-155.2, 51.1-205, 51.1-206, 51.1-216, 51.1-217, 51.1-218, 51.1-303, 51.1-308, 51.1-502, and 51.1-1201 amended. Virginia Retirement System.** Makes several technical corrections and clarifications to the retirement systems and programs administered by the Virginia Retirement System ("VRS"). The

legislation (i) brings the newly created Virginia Law Officers' Retirement System ("VaLORS") into conformity with other VRS retirement programs by adding VaLORS to the list of VRS retirement programs that are conditionally exempt from the Privacy Protection Act, adding VaLORS members to the list of state employees who are not members of the regular state employee retirement system, adding VaLORS retirees to the other VRS retirees who may participate in the state retiree health insurance program and the group insurance program, adding VaLORS retirees to the VRS retirees who receive the health insurance credit and the option for service credit in lieu of the transitional severance benefit, authorizing service in VaLORS to be credited to members of the Judicial Retirement System, and conforming the administration of VaLORS death benefits to their administration in the State Police Officers' Retirement System; (ii) clarifies that certain retirees are credited with the greater of their years of state service or years as a teacher for establishing the health insurance credit; (iii) provides that the VRS Board may invest the assets of any VRS retirement system or program on a pooled basis; (iv) corrects the reference in § 51.1-142 to the number of years of service above which certain employees may purchase credit for prior years of service, from three to four; (v) provides that the credit for up to one year of service which may be purchased for any leave without pay for the birth or adoption of a child is on a per occurrence basis; (vi) deletes obsolete requirements associated with the Workforce Transition Act; (vii) changes from 55 to 50 certain references to minimum age requirements to conform to recent provisions for certain employees who are 50 years old and have at least 30 years of service; (viii) clarifies and brings current the additional retirement allowance which is adjusted biennially and paid to certain retirees until their 65th birthday; (ix) deletes an obsolete retirement benefit for judges; and (x) provides that of the six members appointed by the Governor to the Volunteer Firefighters' and Rescue Squad Workers' Pension Fund Board, three shall come from a list provided by the Virginia State Firefighter's Association and three from the Virginia Association of Volunteer Rescue Squads. HB 135; CH. 911.

**§ 51.1-124.12 amended. Virginia Retirement System.** Provides that the employees and retirees of a city or town that loses its status as a city or a town maintain their accrued retirement rights within the Virginia Retirement System. HB 14; CH. 344.

**§ 51.1-124.30 amended. Virginia Retirement System; limitation of board liability.** Provides that the Board of Trustees of the Virginia Retirement System shall not be liable for losses to an employee's or beneficiary's account which result from the employee's or beneficiary's exercise of control over the account. HB 133; CH. 396.

**§ 51.1-126 amended. Retirement plan; certain employees of institutions of higher education.** Removes the oversight from the Secretaries of Administration and Education of the policies and procedures developed by the Virginia Retirement System (VRS) to administer the optional retirement plan for certain employees of institutions of higher education. The legislation

permits VRS to appoint an advisory committee of higher education employees to provide guidance to VRS. SB 36; CH. 722.

**§§ 51.1-126, 51.1-126.3, and 51.1-502.2 amended. Retirement plan; University of Virginia Medical Center.** Provides that all new employees of the University of Virginia Medical Center employed on or after July 1, 2000, shall be covered in a Medical Center retirement plan. Employees of the Medical Center hired before July 1, 2000 and persons hired on and after July 1, 2000, who are members of VRS, may elect, but are not required, to change to the Medical Center retirement plan. Contributions for the retirement of persons employed on or after July 1, 2000, and covered under a Medical Center retirement plan will be determined by the University of Virginia Board of Visitors. For employees of the Medical Center employed before July 1, 2000, who choose the Medical Center retirement plan, contributions to such plan shall be eight percent of creditable compensation. For employees who elect to remain members of VRS, the Medical Center is required to collect and pay all employee and employer contributions to VRS and, for employees under VRS who elect to become members of a Medical Center plan, VRS is required to transfer to the Medical Center Retirement Plan assets equal to the actuarially determined present value of the employee's accrued basic benefit. SB 76; CH. 723.

**§§ 51.1-126.1, 51.1-153, 51.1-205, 51.1-216, 51.1-502.1, 51.1-512.1, 51.1-513.1, 51.1-1101, and 51.1-1106.** See § 2.1-1.1; HB 690/SB 441.

**§ 51.1-126.1.** See § 23-50.16:1; HB 1471.

**§ 51.1-126.6 amended. Retirement plan; certain employees of public school divisions.** Provides for the Virginia Retirement System, rather than the school boards, (i) to develop the policies and procedures to administer the optional retirement plan that may be offered by school boards for certain employees of public school divisions and (ii) to determine the contribution by the school board to such retirement plan. The legislation provides that school boards that previously elected to provide an alternative retirement plan for employees may elect to have the foregoing provisions apply to such plan. Such election must be made prior to January 1, 2001. HB 79; CH. 345.

**§ 51.1-142 amended. Virginia Retirement System.** Provides that members may purchase up to one year of service for the birth or adoption of each child (in cases of unpaid leave of absences). SB 20; CH. 887.

**§ 51.1-155.2 amended. Virginia Retirement System; early retirement provisions for certain local government officials.** Reduces the age at which certain local government officials who are involuntarily terminated may retire without a penalty reduction from age 55 to 50. The bill also adds county, city, and town attorneys to the list of local government officials covered. HB 12; CH. 343.

**§ 51.1-168 amended. Virginia Retirement System; adjustments to ceilings on benefits.** Provides that any adjustments to the ceilings on retirement benefits set forth in § 415 of the Internal Revenue Code will apply to members of the Virginia Retirement System, including those who have died, retired, or otherwise terminated service with a nonforfeitable right to a retirement allowance before the effective date of any such adjustments. SB 51; CH. 502.

**§ 51.1-602 amended. Deferred compensation plan for state employees; administrative fees.** Provides that employers shall pay state employees' administrative fees for participating in the deferred compensation plan. HB 132; CH. 395.

**§§ 51.1-1100, 51.1-1103, 51.1-1104, 51.1-1105, 51.1-1107, 51.1-1110, 51.1-1112, 51.1-1114, 51.1-1121, 51.1-1123, 51.1-1125, 51.1-1135, 51.1-1135.1, and 51.1-1136 amended. Sickness and Disability Program for state employees.** Makes technical changes, adds a definition for "existing employee," and provides that (i) employees participating in the newly created Virginia Law Officers' Retirement System are eligible for the program; (ii) the definitions of "partial disability" and "total disability" are changed to attain a consistent, complete, and cohesive definition of "disability" and to ensure that disability be determined according to employees' ability to perform "essential job functions"; (iii) payment may be made for accumulated disability credits upon employees' entry into long-term disability; (iv) the amount of annual sick leave and family and personal leave for new employees when they commence employment and in subsequent years is clarified; (v) the applicable waiting periods for disability benefits begin on the first day of a disability; (vi) the salary increases included in creditable compensation during periods of short-term disability are general salary increases; (vii) supplemental short-term disability benefits may cover periodic absences due to a major chronic condition; (viii) employees must apply for Social Security disability benefits to be eligible for long-term disability benefits, and must reapply and appeal Social Security denials of benefits or they will be deemed to have received such benefits which will reduce benefits which may be received under the state disability program; (ix) disability benefits are offset by employees' wages and salaries from employment times the creditable compensation replacement percentage; (x) employees pay back, with interest, benefits wrongfully received under certain conditions; (xi) employees cannot receive disability benefits during periods of incarceration or when the disability results from the employee's commission of a felony; (xii) disability benefits are not payable to any employee determined to be noncompliant with the program; (xiii) the procedure for appeals which may be allowed by the VRS Board will be developed by the Board and modeled after the claims provisions provided in the Employee Retirement Income Security Act of 1974; and (xiv) no person shall receive more than one disability benefit at the same time. SB 28; CH. 889.

**§ 51.1-1130.** See § 2.1-342.01; HB 828/SB 479.

**§ 51.1-1204.** See § 46.2-752; HB 370.

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### TITLE 51.1. MISCELLANEOUS - PENSIONS, BENEFITS, AND RETIREMENT.

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**Sickness and disability program for state employees.** Provides that employees moving directly from a non-faculty position to a faculty position within the same institution of higher education between January 1, 1999, and December 31, 1999, may, upon request, maintain the sickness and disability benefits that they were receiving in the non-faculty position. HB 143; CH. 518.

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### TITLE 51.5. PERSONS WITH DISABILITIES.

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**§ 51.5-9.1 amended. Disability; developmental disability.** Specifies that Prader-Willi syndrome is included in the definition of “functional and central nervous system disabilities.” The Department of Rehabilitative Services coordinates services to persons with such disabilities. “Prader-Willi syndrome” means a specific disorder that is usually caused by a chromosomal change, resulting in life-long functional and cognitive impairments and life-threatening obesity. HB 1520; CH. 151.

**§ 51.5-37 amended. Persons with mental retardation, developmental disabilities or mental illness.** Provides the Department for Rights of Virginians with Disabilities (DRVD) with access to facilities or institutions that provide care and treatment to individuals with disabilities to investigate allegations of abuse or neglect, to monitor the care and treatment of individuals with disabilities, and to protect the rights of individuals with disabilities. The Department is also provided authority to examine the records of the facilities or institutions (including individual records), unless prohibited by federal law, regarding commitment, care, treatment, and habilitation of individuals with disabilities within the facilities and institutions. Patient records will be accessible without written consent of the person when the individual is the subject of a complaint or there is probable cause to believe that the patient has been subjected to abuse or neglect, the patient is unable to authorize the Department to have access by reason of his mental or physical condition, and there is no legal guardian or the Commonwealth or a designee of the Commonwealth is the legal guardian. This access is already granted to DRVD under federal law; Virginia statutory access will clarify and strengthen DRVD’s ability to access public and private facilities and institutions. The Department will not have access to peer review, utilization review, disciplinary committee or practice privilege application files which are privileged communications pursuant to the Medical Malpractice Act. HB 1348; CH. 609/SB 554; CH. 595.

**§§ 37.1-42.1 and 37.1-42.2 amended; § 51.5-37.1 added. Persons with mental retardation, developmental disabilities or mental illness.** Provides for notification to the Director of the

Department for Rights of Virginians with Disabilities (DRVD) by the directors of state facilities of critical incidents or deaths in state mental health and mental retardation facilities within 48 hours of their occurrence. The Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services shall provide a follow-up written report of the known facts within 15 working days of the critical incident or death. Such notification promotes DRVD’s ability to carry out its federal mandate to monitor and investigate incidents of abuse and neglect. HB 1350; CH. 610/SB 555; CH. 565.

**§ 2.1-342.01 amended; § 51.5-37.1 added. Persons with mental retardation, developmental disabilities or mental illness.** Provides for the confidentiality of client records and investigative files of the Department for Rights of Virginians with Disabilities (DRVD). DRVD staff currently review client files to determine which documents are protected by existing exemptions under Virginia’s Freedom of Information Act (FOIA) and which must be provided in response to FOIA requests made by adverse parties in legal proceedings, the media and others. This bill would protect sensitive information obtained by DRVD during its investigation of complaints of abuse or neglect. HB 1304; CH. 589/SB 552; CH. 594.

**§§ 51.5-47 and 51.5-48 amended. Persons with disabilities.** Provides that the local disabilities boards must report every three years instead of every two years and clarifies that the localities may provide additional staff to these boards. The Department of Rehabilitative Services shall administer the funds appropriated for local disability boards, including staff support to the boards, and provide guidance and technical assistance to the boards with consultation for appropriate state agencies. The Department for Rehabilitative Services currently provides staff support to the local disabilities boards, with localities authorized to provide supplemental staff support. HB 415; CH. 115.

**§ 51.5-55.** See § 10.1-218; HB 698/SB 323.

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### TITLE 52. POLICE (STATE).

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**§§ 52-1 and 52-4.3 amended; § 52-8.1:1 added. Establishment of division for drug law enforcement and investigation within the Department of State Police.** Establishes a division for drug law enforcement and investigation within the Department of State Police to enforce the laws of the Commonwealth and conduct investigations related to the manufacturing, selling, giving, or distributing of controlled substances or imitation controlled substances or marijuana, or to transporting controlled substances or marijuana into the Commonwealth. The bill allows interstate and intrastate cooperation with other agencies. HB 285; CH. 600/SB 45; CH. 560.

**§ 52-36.** See § 38.2-122; HB 716.

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**TITLE 52. MISCELLANEOUS - POLICE  
(STATE).**

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**Awards service handgun to widow of Troy D. Ashe.** Awards the service handgun of Virginia State Trooper Troy D. Ashe to his widow. HB 183; CH. 113.

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**TITLE 53.1. PRISONS AND OTHER  
METHODS OF CORRECTION.**

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**§ 53.1-1 amended; § 53.1-25.1 added. Corrections; guards.** Requires that officers in state correctional facilities must be the same gender as the inmates when the inmate is required to disrobe. This rule can be suspended in times of a declared emergency. HB 985; CH. 807 (effective 4/9/00).

**§ 53.1-63.** See § 19.2-311; HB 95/SB 168.

**§§ 19.2-316.2, 19.2-316.3, 53.1-67.7, and 53.1-136 amended. Alternative incarceration programs.** Allows parolees to participate in the detention center incarceration program or the diversion center incarceration program upon a violation of parole, provided the parole violation was not a felony or a Class 1 or 2 misdemeanor. SB 329; CH. 338.

**§ 53.1-68 amended. Minimum standards for local jails.** Allows the Board of Corrections to adopt square footage standards that are no stricter than nationally accepted standards. SB 692; CH. 256.

**§§ 53.1-82.1, 53.1-82.3, 53.1-150, 53.1-180, 53.1-181, 53.1-182, 53.1-182.1, 53.1-183, 53.1-184, 53.1-185, 53.1-185.1, 53.1-185.2, and 53.1-185.3.** See § 18.2-57.3; HB 202.

**§ 53.1-115.1 amended. Prisons and other methods of corrections.** Confirms the monthly inmate data reporting by regional jail superintendents with that for sheriff-run local jails. Superintendents of regional jails will be required to report to the Compensation Board whereas currently they make such reports to the Director of Corrections. The time frame for reporting monthly data is also changed from five to 10 days following the end of the month. The 1997 General Assembly made these same changes for sheriff-run local jails. HB 611; CH. 291/SB 399; CH. 70.

**§§ 53.1-131, 53.1-131.2, and 53.1-132 amended. Prisoners' alternative sentencing programs.** Increases from a Class 2 misdemeanor to a Class 1 misdemeanor for a prisoner to leave, without proper authority, his work release program, his place of home electronic monitoring, or his limits of confinement of electronic monitoring or to fail to return to such programs. Any prisoner found guilty of such violation will be ineligible for further participation in such a program. HB 1004; CH. 423.

**§§ 53.1-136, 53.1-157, 53.1-161, 53.1-162, 53.1-164, 53.1-165, 53.1-172, and 53.1-174.** See § 19.2-295.2; SB 125.

**§ 53.1-223 amended. Restriction on suits against prisoners.** Expands the types of lawsuits that may be filed against a prisoner without the appointment of a committee to include suits for divorce. Currently such actions are limited to actions to establish a parent and child relationship between a child and a prisoner and actions to establish a prisoner's child support obligation. This addition avoids the possibility that the failure to appoint a committee would result in the continuation of an unwanted marriage. HB 509; CH. 404.

**§§ 53.1-231.1 and 53.1-231.2 added. Restoration of civil rights to convicted felons.** Requires the Director of the Department of Corrections to provide for notice to certain felons (certain violent, drug and voting felonies are excluded), at the time of completing service of sentence, probation, and parole, of their loss of civil rights and the process for restoring civil rights. The bill also directs the Secretary of the Commonwealth to advise applicants for restoration of civil rights of the fact that their application is complete and the date of its transmittal to the Governor. The bill provides procedures for petitioning the circuit court, criteria for approval by the court and approval of the court order by the Governor. HB 1080; CH. 969.

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**TITLE 54.1. PROFESSIONS AND  
OCCUPATIONS.**

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**§§ 2.1-1.6 2.1-20.4, 9-6.25:2, 54.1-106, 54.1-2503, 54.1-3500, 54.1-3503, 54.1-3511, 54.1-3512, 54.1-3513, 54.1-3514, 54.1-3515, 54.1-3609, 54.1-3610, 54.1-3611, and 65.2-603 amended. Health Professions; Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Professionals.** Changes the name of the current board to be known as the Board of Counseling. HB 253; CH. 473.

**§ 54.1-106.** See § 2.1-342.01; HB 828/SB 479.

**§§ 54.1-300 and 54.1-700 through 54.1-705, and 54.1-1207.** See § 2.1-1.6; SB 391.

**§ 54.1-409 amended. Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; landscape architecture.** Provides that in order to use the title "landscape architect" a person must be certified by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects. The bill provides for a waiver of the certification examination under certain circumstances. SB 531; CH. 990.

**§ 54.1-411.** See § 13.1-543; HB 1428.

**§ 54.1-414 amended; § 54.1-415 repealed. Department of Professional and Occupational Regulation; certified interior designers.** Repeals the current provision allowing the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (“the Board”), to waive the examination requirement for certain applicants applying for certification as an interior designer who made application on or before July 1, 1995. The Board may continue to accept satisfactory evidence of licensing or certification in another state or country in lieu of an examination. HB 1427; CH. 42.

**§ 54.1-1115 amended. Licenses or certificates of contractors.** Provides that the awarding authority in a bid process shall require a contractor or bidder to submit a copy of his license or certificate or number prior to considering the bid. HB 504; CH. 33.

**§§ 54.1-1129 and 54.1-1131 amended. Board for Contractors; liquefied petroleum gas fitter and natural gas fitter providers.** Extends the provision for the waiver of examination for individuals applying for licensure as a liquefied petroleum gas fitter or natural gas fitter to within one year of the effective date of the Board’s final regulations. Current law contains a waiver of the examination for such individuals who apply between July 1, 1999, and July 1, 2000. The bill also provides that individuals applying for licensure as a liquefied petroleum gas fitter between July 1, 2000, and July 1, 2005, shall be deemed to have fulfilled the examination requirement if they can demonstrate at least five years of experience in an apprenticeship capacity under the direct supervision of a gas fitter. HB 523; CH. 406.

**§§ 54.1-2105 and 54.1-2105.1 amended. Real Estate Board; duties.** Requires the Real Estate Board to develop and disseminate a one-page form to accompany association disclosure packets, which form shall summarize the unique characteristics of property owners’ associations generally and shall make known to prospective purchasers the unusual and material circumstances affecting a lot owner in a property owners’ association, including, but not limited to, (i) the obligation of a lot owner to pay regular annual or special assessments to the association, and the penalty for failure/refusal to pay such assessments; (ii) the purposes for which such assessments may be used; and (iii) the importance the declaration of restrictive covenants and other governing documents play in association living. The bill also contains technical amendments. HB 1297; CH. 759.

**§§ 54.1-2310, 54.1-2319, 54.1-2324, and 54.1-2333 amended. Cemetery Board.** Requires cemetery companies providing a grave or an above-ground crypt or niche, without compensation, to deposit 10 percent of the retail sales price within 30 days after the close of the month in which the property is provided to the customer. The bill defines “retail sales price” as the standard, nondiscounted price included on the general price list required to be provided by the cemetery company upon beginning discussion of burial arrangements or the selection of any property or services. In addition, the bill adds to the defini-

tion of “cemetery company” any person maintaining a facility used for the interment or disposal of the remains and required to maintain perpetual care or preneed trust funds. The bill also contains technical amendments. HB 618; CH. 36.

**§ 54.1-2400.4 added. Mental health service providers duty to inform.** Requires any mental health service provider, as defined in § 54.1-2400.1, who learns of evidence that indicates a reasonable probability that another mental health provider is or may be guilty of a violation of standards of conduct to advise his patient of the right to report such information to the Department of Health Professions. The mental health service provider must provide the patient with information, including, but not limited to, the Department’s toll-free complaint hotline number for consumer complaints and written information published by the Department of Health Professions, explaining how to file a report. The mental health service provider must also document in the patient’s record the alleged misconduct, the category of licensure or certification and approximate dates of treatment, if known, of the mental health services provider who will be the subject of the report, and the action taken by the mental health service provider to inform the patient of his right to file a complaint with the Department of Health Professions. The mental health service provider will be immune from any civil liability or criminal prosecution resulting therefrom unless such person acted in bad faith or with malicious intent. Any person failing to inform a patient of his right to file a complaint against a regulated person as provided in this bill will be subject to a civil penalty not to exceed \$100. HB 677; CH. 578.

**§ 54.1-2410 amended. Practitioner Self-Referral Act.** Amends the Practitioner Self-Referral Act to make its provisions applicable to health care providers who refer patients for care in any adult care residence in which they have a financial interest. This bill is a recommendation of the Joint Commission on Health Care. SB 565; CH. 201.

**§§ 2.1-1.6, 9-6.25:2, 2.1-20.4, 9-6.25:1, 13.1-543, 13.1-1102, 54.1-2503, 54.1-2900 through 54.1-2904, and 54.1-2908 amended; §§ 54.1-3473 through 54.1-3483 added; §§ 54.1-2942 through 54.1-2948 repealed. Health professions; Board of Physical Therapy.** Establishes a Board of Physical Therapy separate from the Board of Medicine and transfers the powers and duties to the new board. The bill also includes licensed physical therapists and physical therapist assistants under the definitions for professional service under professional corporations and limited liability corporations in Title 13.1. Physical therapy continues to be practiced under the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery. A physical therapist assistant acts under the direction and control of a physical therapist and the patient’s physician. The bill contains technical amendments. HB 1469; CH. 688.

**§§ 54.1-2802, 54.1-2803, 54.1-2805, 54.1-2810, and 54.1-2814 amended; § 54.1-2814.1 added. Board of Funeral Directors and Embalmers.** Makes technical changes in the powers and duties of the Board and adds provisions simplifying the process



for notifying the Board regarding use of a temporary manager. The bill also requires those providing cremation services to register with the Board and provides the Board with the authority to adopt procedures for the registration process. This change is necessary as the result of recent changes in statute requiring crematories to register with the Board rather than the Health Department. SB 295; CH. 773.

**§§ 54.1-2900, 54.1-2901, 54.1-2956.9, and 54.1-2956.11 amended. Health professions; practice of acupuncture.** Requires that, prior to performing any acupuncture procedure, any acupuncturist who is not licensed to practice medicine, osteopathy, chiropractic or podiatry must obtain either (i) written documentation that the patient had received a diagnostic examination by a medical practitioner with regard to that ailment or (ii) must provide to the patient a written recommendation for such a diagnostic exam. The bill also eliminates the need for any persons licensed to practice medicine, osteopathy, chiropractic or podiatry to be separately licensed to practice acupuncture, but requires the Board of Medicine by regulation to develop appropriate education, training and practice guidelines for such practitioners. Foreign speaking acupuncturists who speak the language of a majority of their clients will be exempt from the Test of Spoken English and Test of English as a Foreign Language. At this time, such foreign speaking acupuncturists cannot obtain licensure in Virginia. HB 1250; CH. 814.

**§ 54.1-2906 amended. Reports of disciplinary actions to the Board of Medicine.** Corrects a reference to the federal law relating to confidentiality of certain substance abuse treatment, rehabilitation, research, etc., records. The referenced federal law limits disclosure of any substance abuse records relating to any program conducted, regulated, or directly or indirectly assisted by a federal agency. The current reference is outdated as the relevant law has been transferred several times during this decade. HB 84; CH. 77.

**§ 54.1-2910.1 amended. Health professions; data required.** Changes the reference in the reporting requirements for podiatrists to the Council on Podiatric Medical Education of the American Podiatric Medical Association to correct an inaccurate reference. This board is the body analogous to the American Board of Medical Specialties and is responsible for approving specialty board certifications. SB 434; CH. 199.

**§ 54.1-2933.1 amended. Temporary licensure of foreign licensed physicians.** Increases to two years the period for which physicians licensed in foreign countries may receive a temporary nonrenewable license to practice while attending an advanced training program in an institute for post graduate health science operated collaboratively by a health care system, having hospitals and health care facilities with residency and training programs, and a public institution of higher education. These physicians can only practice in the hospitals and outpatient clinics of the collaborating health care system during the time they are in the training program. Current law provides for temporary licensure of these physicians for only six months. SB 708; CH. 788.

**§ 54.1-2952 amended. Health professions; physician assistants.** Authorizes physicians and podiatrists to delegate to physician assistants initial and ongoing evaluation and treatment of patients in hospitals, including emergency departments. In hospitals, physician assistants must report any acute or significant findings or changes in patients' clinical status to the supervising physician as soon as circumstances require, and record these findings in appropriate institutional records. The physician assistant must transfer to a supervising physician the direction of care of any patient in an emergency department who has a life-threatening injury or illness. The supervising physician must review, prior to the patient's discharge, the services rendered by the physician assistant in an emergency department. The supervising physician must be present in the facility when a physician assistant is practicing in an emergency department. The physician responsible for the care of the patient must sign a protocol under Board regulations agreeing to act as a supervising physician for the assistant practicing in a hospital. HB 979; CH. 497/SB 683; CH. 467.

**§§ 54.1-2956.1 and 54.1-2956.5 amended. Health professions; occupational therapists.** Adds language to the licensure requirements for occupational therapists to ensure that unlicensed persons do not practice occupational therapy under another job title. The bill also requires that a graduate of an accredited program may practice until he has taken and passed the examination required by the Board but must use the title "Occupational Therapist, License Applicant" or "OTL-Applicant" for disclosure to patients of his status. Previously, applicants were allowed to use the fully accredited licensing title prior to taking and passing the exam. SB 494; CH. 782.

**§§ 9-6.14:4.1, 54.1-2957.01, 54.1-3301, and 54.1-3303 amended. Health professions; nurse practitioners.** Expands the prescriptive authority of nurse practitioners, as follows: Schedules V and VI controlled substances on and after July 1, 2000; Schedules IV through VI on and after January 1, 2002; and Schedules III through VI controlled substances on and after July 1, 2003. Currently, nurse practitioners' prescriptive authority is limited to Schedule VI drugs. The bill also removes from the Boards of Nursing and Medicine the responsibility of developing a formulary for the specific drugs that nurse practitioners are allowed to prescribe and requires the supervising physician to develop a written agreement with each nurse practitioner under his supervision listing the controlled substances the nurse practitioner is or is not authorized to prescribe. In addition to the requirement of periodic site visits by physicians who supervise nurse practitioners which is currently in the law, the joint regulations of the Boards of Nursing and Medicine will include requirements for continued nurse practitioner competency, e.g., continuing education, testing, and/or any other requirement. The regulations must also address the need to promote ethical practice, an appropriate standard of care, patient safety, the use of new pharmaceuticals, and appropriate communication with patients. A second enactment clause requires the Joint Commission on Health Care, with the full cooperation of the Medical Society of Virginia, the Old Dominion Medical Society, the Board of Medicine, the Board

of Nursing, and nurse practitioner associations, to study nurse practitioner prescriptive authority as provided in this act to determine the impact of the authority to prescribe Schedules III through VI controlled substances and devices on patient care, provider relationships, third-party reimbursement, physician practices, and patient satisfaction with nurse practitioner treatment. A preliminary report on this study must be provided by the Joint Commission to the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by July 1, 2003. The Joint Commission must complete its work in time to submit its written findings and recommendations to the Governor and 2004 General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents. HB 818; CH. 924.

**§ 54.1-2969 amended. Authority to consent to surgical and medical treatment of certain minors; emergency medical services.** Provides that, whenever delay in providing (i) transportation in an emergency medical services vehicle or (ii) medical or surgical treatment at the scene of an accident, fire or other emergency to a minor may adversely affect such minor's recovery, and no person authorized to consent to treatment is available within a reasonable time under the circumstances, no liability shall be imposed on emergency medical services personnel by reason of lack of consent to transportation or treatment. The bill requires that, in the case of a minor 14 years of age or older who is physically capable of giving consent, such consent shall be obtained first. HB 484; CH. 798.

**§ 54.1-2982 amended. Health Care Decisions Act.** Defines the health care decisions that an "agent" may make for a declarant under an advance directive to include visitation decisions, subject to physician orders and policies of the institution to which the declarant is admitted. SB 734; CH. 1034.

**§§ 54.1-2984 and 54.1-2986.** See § 32.1-127; HB 1090.

**§§ 54.1-2987, 54.1-2988, 54.1-2990, and 54.1-2992 amended. Health care decisions.** Requires, in those instances in which a physician determines the terms of an advance directive of a qualified patient or the treatment decision of a person designated to make the decision on the treatment to be medically or ethically inappropriate, that the physician make reasonable effort to inform the patient or the patient's designated decision-maker of such determination and the reasons for the determination. If the conflict remains unresolved, the physician must make a reasonable effort to transfer the patient to another physician who is willing to comply with the terms of the advance directive. The physician must provide the patient or his authorized decision-maker a reasonable time of not less than 14 days to effect such transfer and must continue to provide, during this period, any life-sustaining care to the patient that is reasonably available to him, as requested by the patient or his designated decision-maker; however, the physician is not required to provide treatment that he is physically or legally unable to provide or treatment that he is physically or legally

unable to provide without denying the same treatment to another patient. "Life-sustaining care" is defined as "any ongoing medical treatment that utilizes mechanical or other artificial means to sustain, restore or supplant a spontaneous vital function, including hydration, nutrition, maintenance medication, and cardiopulmonary resuscitation." HB 1367; CH. 590/SB 677; CH. 598.

**§ 54.1-3005 amended; § 54.1-3012.1 added. Health; nursing workforce information.** Requires the Board of Nursing, with such funds as are appropriated, to collect certain information about the nursing workforce in the Commonwealth, update the information biennially, and make such nonidentifying information available to interested parties. The information to be collected will include, but not be limited to: demographic data, level of education, employment status, employment settings, geographic locations, type of nursing position or area of specialty, and number of hours per week worked. The Board must promulgate emergency regulations to implement this provision which will include such items as the number and types of data elements to be collected and confidentiality protections. HB 1249; CH. 587/SB 488; CH. 701.

**§§ 54.1-3011.1 and 54.1-3011.2.** See § 32.1-122.6:01; HB 1368/SB 564.

**§§ 54.1-3303 and 54.1-3434.1 amended. Health professions; pharmacy.** Expands the definition of a bona fide practitioner-patient relationship to mean that the practitioner, prior to prescribing a drug, has obtained or has access to a readily available medical and drug history, communicated the benefits and risks of the drug being prescribed, performed an appropriate examination of the patient, and initiated additional interventions and follow-up, if needed. The bill also prohibits out-of-state pharmacists from dispensing any drugs to patients in Virginia that do not result from a bona fide practitioner-patient relationship. Further, no prescription is to be filled by such pharmacists unless there is a bona fide practitioner-patient-pharmacist relationship and a prescription not issued in the usual course of treatment or for authorized research is not valid prescription. Nonresident pharmacies must aver that their pharmacists do not knowingly fill or dispense a prescription for a patient in Virginia in violation of these requirements. These provisions are recommendations by the Board of Medicine and the Department of Health Professions in their study of the sale of drugs via the Internet. HB 1437; CH. 882.

**§ 54.1-3307.2 added. Health professions; innovative pharmacy programs.** Authorizes the Board of Pharmacy to institute procedures to allow pilot projects for new and innovative procedures or processes in the practice of pharmacy. The provision specifically provides that the scope of practice of pharmacy is not expanded beyond current statutory guidelines. Projects may address such issues as the form of prescriptions and the transfer of information, manner of recordkeeping, use of ancillary personnel, and new technologies in the dispensing process. The Board will establish a committee to review and approve, either unconditionally or with conditions, any propos-

als, and denied proposals may be appealed. HB 1198; CH. 876.

**§ 54.1-3401 amended; § 54.1-3408.01 added. Powers and duties of the Board of Pharmacy.** Defines “electronic transmission prescription” and “facsimile prescription” and provides that such prescriptions, which meet standards set by the Board, shall be valid original prescriptions. HB 1341; CH. 878.

**§§ 54.1-3401 and 54.1-3408 amended. Renal dialysis treatment.** Permits unlicensed persons, designated as dialysis care technicians, to administer specified medications for renal dialysis treatment under the supervision of a licensed physician or nurse. The bill defines a dialysis care technician as an unlicensed individual who, under the supervision of a licensed practitioner of medicine or a registered nurse, assists in the care of patients undergoing renal dialysis centers in Medicare-certified renal dialysis facilities. The dialysis care technician must demonstrate competency by completing an approved training program. This bill is a recommendation of the Joint Commission on Health Care. HB 1477; CH. 935 (effective 4/9/00).

**§§ 54.1-3401 and 54.1-3408 amended; § 54.1-3410.1 added. Health professions; pharmacy.** Defines radiopharmaceutical as “any drug that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons” (with certain exceptions) and establishes precise requirements for dispensing radiopharmaceuticals in terms of the containers, the prescription data, and physician and patient specifications. Also defines a nuclear medicine technologist and provides a definition for scope of duties under a qualified nuclear pharmacist. SB 679; CH. 861.

**§ 54.1-3408.** See § 63.1-68; HB 988.

**§§ 54.1-3408, 54.1-3421, 54.1-3434, 54.1-3448, 54.1-3450, and 54.1-3452 amended; § 54.1-3408.01 added. Health professions; Drug Control Act.** Updates the Drug Control Act to reflect changes in the practice of pharmacy, to clarify requirements of a prescription, to remove obsolete language pertaining to the process for new drug approval, to eliminate the requirement for permitted pharmacies to maintain the current edition of the United States Pharmacopoeia Dispensing Information, and to conform drug schedules with changes in federal drug schedules. HB 1013; CH. 135.

**§ 54.1-3408 amended. Professional use of prescriptions.** Provides an exception from the Drug Control Act for persons who administer drugs to students in Virginia public schools in accordance with a physician’s instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security, and record keeping. Training for such persons must be accomplished through a program approved by the local school boards, in consultation with the local departments of health. HB 1391; CH. 881.

**§§ 54.1-3446 and 54.1-3450.** See § 18.2-251.3; HB 280.

**§ 54.1-3601 amended. Health professions; exemption from licensure.** Exempts from state licensure any psychologist duly licensed in another state or the District of Columbia when testifying as a treating psychologist or who is employed as an expert for the purpose of possibly testifying as an expert witness. SB 386; CH. 462.

**§ 54.1-3606.1 added. Health Professions; psychology.** Adds provisions for continuing education requirements of 14 hours of approved education annually for licensure as a psychologist licensed by the Board of Psychology. The bill allows the Board to approve criteria for courses and course providers. Written certification of attendance and satisfactory completion shall be maintained for four years by both the course provider and the applicant for licensure. The Board shall also have the authority to grant exemptions or waivers or to reduce the number of hours required in cases of certified illness or undue hardship. HB 452; CH. 83.

**§ 54.1-3812 added. Health professions; veterinarians.** Requires veterinarians to release rabies immunization and relevant treatment data for any animal under their care when requested by a treating physician of a person when administration of the rabies treatment protocol is being contemplated. HB 994; CH. 582.

**§§ 54.1-3901 and 54.1-3902 amended. Attorneys; practice of patent law.** Deletes the provision that allows limited admission to the Virginia State Bar for the practice of patent, trademark and copyright cases. This statute was originally enacted to allow limited admission to the Virginia State Bar for the practice of patent, trademark and copyright cases when there was a residency requirement for membership in the Virginia State Bar. Such a residency requirement no longer exists. This bill grandfathers persons who are admitted for this limited practice as of July 1, 2000, and adds a requirement for compliance with the Mandatory Continuing Legal Education Rules of the Supreme Court. The word “trademark” is deleted because only patent prosecution requires registration to practice before the United States Patent and Trademark Office and copyright and unfair competition cases are not handled by that Office. HB 709; CH. 355.

**§ 54.1-3938.1 added. Foreign subpoena in lawyer disciplinary proceedings.** Facilitates the attendance of witnesses and the production of documents in interstate disciplinary investigations. This subpoena power will be recognized only when requested by those jurisdictions that grant Virginia’s subpoenas for disciplinary proceedings the same power. This bill is identical to Senate Bill 89. HB 427; CH. 24/SB 89; CH. 188.

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## TITLE 55. PROPERTY AND CONVEYANCES.

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**§§ 55-13.2 and 55-13.3 amended; §§ 55-12.1 through 55-12.6 added. Uniform Statutory Rule Against Perpetuities.** Creates a statutory rule against perpetuities that is uniform with what many other states have adopted. Under current law, a

property interest is valid only if it vests within a life in being plus 21 years, which is the codification of the common law rule against perpetuities. Under the new uniform law, any interest that must vest within the period of the rule would remain valid, but any interest that might fail under the present rule would have 90 years to actually vest. After 90 years, if the interest has not vested, a court would reform it to create an interest that conforms to the donor's original intent. Additionally, the uniform rule clarifies when the time period for the rule begins to run, which is a point of confusion and the subject of litigation under the common law rule. HB 789; CH. 714.

**§ 55-13.3 amended. Rule against perpetuities.** Establishes an exception to the rule against perpetuities that provides that the rule shall not apply to any trust or any interest created in personal property held in such trust, or to any power of appointment over personal property held in such trust, or to any power of appointment over personal property granted under such trust, when the trust instrument, by its terms, provides that the rule against perpetuities shall not apply to such trust. SB 502; CH. 658.

**§ 55-20.1 amended. Tenants by the Entireties; Trusts.** Provides that the principal family residence of a husband and a wife that is held by them as tenants by the entirety and conveyed to their joint trust or equally to their separate trusts has the same immunity from the claims of their separate creditors as if it had remained a tenancy by the entirety. HB 1503; CH. 331.

**§ 55-58.2 amended; § 55-58.3 added. Mortgages; priority of certain refinance mortgages over subordinate mortgages.** Gives a refinance mortgage priority over a subordinate mortgage if (i) the refinance mortgage is identified as such in bold or capitalized letters; (ii) the amount secured by such refinance mortgage does not exceed the outstanding principal balance secured by the prior mortgage plus \$5,000; and (iii) the interest rate of the debt secured does not exceed the interest rate set forth in the prior mortgage. HB 1207; CH. 971.

**§ 55-66.3 amended. Release of deed of trust or other lien.** Makes a technical correction to a Code section that was amended in 1996 to provide that lien creditors must file affidavits with certificates of satisfaction rather than produce the actual note. The language stricken in this bill deletes the reference to delivering the cancelled note at the time of the recordation of the deed of trust, which has caused confusion since the 1996 amendment. HB 786; CH. 28.

**§ 55-79.74:1 amended. Condominium Act; access to records.** Gives unit owners in a condominium access to documentation, correspondence, or management or executive organ reports compiled for or on behalf of the unit owners' association or the executive organ by its agents or committees for consideration by the executive organ unless such documents are prepared for an executive session. The bill also requires the Housing Study Commission to study the operation of the property owners' association and determine whether the Real Estate Board should investigate violations. Currently, these records

may be withheld from inspection and copying. HB 607; CH. 919.

**§§ 55-79.74:1, 55-79.75, 55-79.80:2, 55-79.81, and 55-79.84 amended. Condominium Act.** Provides additional notice requirements for meetings of the executive organ of a unit owners' association. The bill (i) provides that unit owners may request to be notified of executive organ meetings on a continual basis and receive reasonable notice of special or emergency meetings, (ii) requires that at least one copy of all agenda packets that are furnished to members be made available at the same time such documents are furnished to the board of directors, and (iii) prohibits the executive organ from voting by secret ballot in an open meeting except for the election of officers. Requirements are also provided for meetings of the executive organ conducted by telephone or video conference or similar electronic means. In addition, meetings of the executive organ must provide a designated period of time during the meeting to allow unit owner comment. The bill further (i) limits the total amount of charges for any offense of a continuing nature to \$900 and (ii) makes suits to enforce any perfected lien under the Act subject to jurisdictional provisions of the Code of Virginia relating to general district and circuit courts. The bill contains technical amendments. SB 722; CH. 906.

**§§ 55-79.80:2 and 55-513 amended. Condominium and Property Owners' Association Acts; rule violations.** Provides that after the date a lawsuit is filed challenging the assessment of charges for association rules violations, no additional charges shall accrue. If the court rules in favor of the association, the association shall be entitled to collect such charges from the date the action was filed as well as all other charges assessed against the unit or lot owner prior to the action. HB 1296; CH. 846.

**§§ 55-210.2, 55-210.2:1, 55-210.2:2, 55-210.3:01, 55-210.8, 55-210.8:1, 55-210.9, 55-210.9:1, 55-210.9:2, 55-210.10:1, 55-210.11, 55-210.12, 55-210.13, 55-210.17, 55-210.21, 55-210.22, 55-210.24, 55-210.24:1, 55-210.25, 55-210.26:1, and 55-210.27 amended. Uniform Disposition of Unclaimed Property Act.** Exempts promotional incentives, property valued at less than \$100, gift certificates, and credit balances payable to a business association from the reporting requirement of the Uniform Disposition of Unclaimed Property Act. An action or proceeding may not be maintained by the administrator more than five years after the holder identified the property on a filed report, filed a report in which the holder should have identified the property, or filed a report giving the administrator reasonable notice of a dispute regarding the property, except that the period of limitation is extended to 10 years in the case of a materially false report or failure to file a report. The period that a holder is required to retain records is five years if a report is filed; if no report is filed, the period is 10 years. The State Treasurer is prohibited from entering into contingency fee contracts, or permitting statistical estimation without the consent of the holder, if the holder is located in Virginia. The civil penalties for willful failure to comply with the Act are increased. HB 763; CH. 745/SB 676; CH. 733.

§§ 55-248.4 through 55-248.7, 55-248.9, 55-248.9:1, 55-248.11:1, 55-248.12, 55-248.13, 55-248.13:2 through 55-248.25, 55-248.26, 55-248.27, 55-248.31, 55-248.31:01, 55-248.32, 55-248.34, 55-248.35, 55-248.38:1, 55-248.39, and 55-248.48 amended; §§ 55-248.3:1, 55-248.10:1, 55-248.13:3, and 55-248.15:1 added; §§ 55-248.10, 55-248.11, 55-248.28, 55-248.29, 55-248.30, and 55-248.38 repealed. **Virginia Residential Landlord and Tenant Act.** Amends the Virginia Residential Landlord and Tenant Act by (i) clarifying the applicability of the Act; (ii) distinguishing between an application fee and a security deposit; (iii) adding a definition of “managing agent” as a person authorized by the landlord to act on behalf of the landlord under a management agreement; (iv) clarifying what constitutes notice under the Act, (v) deleting the archaic term “notice to quit”; (vi) changing the term “lease” to “rental agreement,” a defined term under the Act; (vii) providing that no unilateral change in the terms of a rental agreement by a landlord or tenant shall be valid unless (a) notice of the change is given in accordance with the terms of the rental agreement or as otherwise required by law and (b) both parties consent in writing to the change; (viii) clarifying the confidentiality of tenant records; (ix) replacing the term “check-in” with “move-in”; (x) providing that a landlord may be compensated by a television service provider for the use and occupancy of the landlord’s property in an amount reasonably related to the value of the property and the services rendered by the landlord; (xi) providing that a rule or regulation adopted or changed, or provided to the tenant after the tenant enters into the rental agreement, shall be enforceable against the tenant if reasonable notice of its adoption or changes has been given to the tenant and it does not work a substantial modification of his bargain; (xii) replacing the term “apartment” with “dwelling unit”; (xiii) consolidating the various sections dealing with tenants’ assertions into one section; and (xiv) clarifying that a landlord’s acceptance without reservation of a rent payment with knowledge in fact of a material noncompliance by the tenant constitutes a waiver of the landlord’s right to terminate the rental agreement. The bill contains numerous housekeeping amendments and moves existing sections within the Act for more appropriate placement. The bill provides that clause (x) above shall not become effective until July 1, 2001. The bill is a recommendation of the Virginia Housing Study Commission pursuant to HJR 739. HB 1315; CH. 760 (effective 1/1/01).

§ 55-248.4 amended. **Virginia Residential Landlord and Tenant Act; definitions.** Includes pet deposits in the definition of security deposit. HB 1343; CH. 816.

§ 55-248.11 amended. **Virginia Residential Landlord and Tenant Act; security deposits.** Provides that in the event that damages to the premises exceed the amount of the security deposit and require the services of a third party contractor, the landlord must give written notice to the tenant advising him of that fact within the 30-day period. If notice is given as prescribed, the landlord shall have an additional 15-day period to provide an itemization of the damages and the cost of repair. The bill contains a technical amendment. HB 1342; CH. 761.

§ 55-248.42:1 amended. **Manufactured Lot Rental Act; security deposits.** Clarifies that the security deposit provisions of the Virginia Residential Landlord and Tenant Act apply to the tenants in a manufactured home park, except that a security deposit cannot be increased or an additional security deposit be required where there is an automatic renewal of the rental agreement. HB 1316; CH. 41.

§ 55-419 amended; § 55-419.1 added. **Self-service storage facilities; liens.** Requires the self-service storage facility owner to notify the lienholder of record on personal property having a fair market value in excess of \$1,000 (current law is \$600) of a proposed public auction of the property due to default. The owner is not obligated to hold any balance for a properly notified lienholder or other lien creditor if not claimed within 30 days. The bill also provides that the owner’s legal remedies are not limited to those spelled out in the Virginia Self-Service Storage Act. SB 366; CH. 655.

§ 55-510 amended. **Property Owners’ Association Act; access to records.** Provides that documentation, correspondence, or management or board reports compiled for or on behalf of the association or the board by its agents or committees for consideration by the board shall be made available for inspection by lot owners unless such documents are prepared for an executive session. HB 1231; CH. 1008.

§§ 55-510, 55-510.1, 55-513, and 55-516 amended. **Property Owners’ Association Act.** Provides that meetings of the board of directors must provide a designated period of time during the meeting to allow members of the association to comment on matters relating to the association. The measure provides requirements for meetings of the board of directors that are conducted by telephone or video conference or similar electronic means. The bill further (i) limits the total amount of charges for any offense of a continuing nature to \$900 and (ii) makes suits to enforce any perfected lien under the Act subject to jurisdictional provisions of the Code of Virginia relating to general district and circuit courts. The measure also requires the Virginia Housing Study Commission to review (i) the operation of property owners associations covered by the Act and (ii) whether the Real Estate Board should be charged with the investigation and resolution of alleged violations of state law involving such associations. The Commission is required to complete its work in time to submit its findings to the 2001 Session of the General Assembly. SB 721; CH. 905.

§ 55-512 amended; § 55-513.1 added. **Property owners’ associations; flag display.** Requires that any provisions relating to flag displays, including, but not limited to, reasonable restrictions as to size, place, and manner of placement or display, be included in the association’s disclosure packet. The bill also provides that, unless specifically prohibited in the association’s rules or regulations or architectural guidelines provided in the disclosure packet, an association may not restrict lot owners from displaying the flag of (i) the United States, (ii) the Commonwealth, (iii) any active branch of the armed forces of the United States, or (iv) any military valor or service award of the United States. SB 264; CH. 891.

**§ 55-531 amended. Attorney General; review disposition of assets of nonprofit entities.** Expands the categories of nonprofit health care entities that are required to notify the Attorney General of a proposed disposition of assets, in order that the Attorney General may exercise his authority over their activities. The categories of nonprofit health care entities that are included by this legislation include (i) licensed nursing homes, (ii) certified nursing facilities, and (iii) registered continuing care facilities. HB 1392; CH. 266.

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## TITLE 56. PUBLIC SERVICE COMPANIES.

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**§§ 56-1.2 and 56-235.4 amended. Public utilities.** Adds licensed competitive providers of electrical service to the list of entities from whom lessors may purchase electricity, natural gas, and water for resale to their tenants. A provision prohibiting multiple rate increases in a 12-month period by telephone cooperatives is removed because the SCC does not regulate the rates charged by telephone cooperatives. Finally, the bill corrects a Code citation. HB 460; CH. 994.

**§§ 56-88, 56-232, and 56-265.1 amended. Public utilities; landfill gas.** Excludes companies selling or delivering landfill gas and/or electricity generated from landfill gas, from a solid waste management facility permitted by the Department of Environmental Quality from the definition of a public utility. The exclusion applies to any company that sells the landfill gas (i) to not more than one commercial or industrial purchaser, (ii) from the solid waste management facility, and (iii) after the natural gas or electric public utility, municipal corporation or county providing gas service does not agree, within 60 days after the company makes an offer, to purchase the gas on mutually satisfactory terms. The public utility within whose certificated gas service territory the purchaser of the landfill gas is located may file for approval of a proposed tariff to reflect any changes in service resulting from the purchaser's use of the landfill gas. HB 792; CH. 528/SB 160; CH. 543.

**§§ 56-231.15, 56-231.18, 56-231.23, 56-231.24, 56-231.25, 56-231.27, 56-231.28, 56-231.30, 56-231.33, 56-231.34:1, 56-231.38, 56-231.40, 56-231.43, 56-231.44, and 56-231.50:1 amended; § 56-231.20 repealed. Utility consumer services cooperatives; utility aggregation cooperatives.** Clarifies the authority of utility consumer services cooperatives to sell retail electricity to their members when the competitive market emerges in 2002. Electric cooperatives conducting regulated utility services may not conduct unregulated business activities, other than traditional cooperative activities, except through an affiliate. "Traditional cooperative activities" are defined as businesses, services, or activities in which cooperatives have traditionally engaged in Virginia. The bill also amends and clarifies aspects of cooperative corporate governance and makes certain provisions consistent with Virginia's existing corporate statutes by (i) eliminating references to the consolidation of cooperatives, (ii) permitting cooperatives to have one or more classes of membership if set forth in the

cooperative's bylaws, and (iii) clarifying that only members of a cooperative can be elected to the board of directors. HB 746; CH. 999/SB 594; CH. 944.

**§§ 56-231.15, 56-231.16, 56-231.30, 56-231.38, and 56-231.39 amended. Powers of cooperatives.** Prohibits utility consumer services cooperatives and utility aggregation cooperatives, and their affiliates, from engaging on a not-for-profit basis in business activities (other than regulated electric utility services, unregulated sales of electric power to its members within its certificated service territory, and traditional cooperative activities) unless such business activity is not currently provided by any person other than a cooperative. The State Corporation Commission must first determine that (i) no other person is likely to provide the products or services within a reasonable time or (ii) the co-op's affiliate will not receive the benefit of any federal tax exemption that is not available to persons other than cooperatives and will not receive the benefit of federally guaranteed or subsidized financing not available to non-cooperatives. These restrictions do not apply to business activities of a cooperative or its affiliate in operation on or before July 1, 1999. HB 797; CH. 964/SB 403; CH. 989.

**§ 56-257 amended. Public utilities; underground utility line separation standards.** Eliminates the statutory minimum standards for separation of underground utility lines and requires operators to adhere to minimum separation standards established by National Electric Safety Code, the SCC, the Department of Health, and standards established by the Utility Industry Coalition of Virginia, regardless of whether lines are under public or private land. The charges are effective July 1, 2001, and the Commission shall publish its proposed regulations for comment by January 1, 2001. The bill provides that the Commission may not order action by, or impose penalties on, any county, city or town. However, the Commission shall inform counties, cities and towns of alleged violations by the locality of the accepted industry standards or regulations adopted under this section and, at the request of the locality, suggest corrective action. SB 445; CH. 779 (effective 7/1/01).

**§ 56-261 amended; §§ 56-236.2 and 56-265.11:1 added. Public utilities; termination of power supply to sewerage systems.** Requires operators of sewerage systems to notify their energy supply utilities, the SCC, and the Department of Environmental Quality, in writing, that they operate sewage treatment facilities. No utility supplying energy to a sewerage system shall suspend service to a sewerage system without giving the SCC and the Director of the Department of Environmental Quality 10 days' written notice. HB 1377; CH. 183.

**§ 56-483.** See § 12.1-13; SB 324.

**§ 56-484.17.** See § 2.1-342.01; SB 148.

**§ 56-484.12 added. Blocking caller identification to telephone number #77.** Designates #77 as an official access number for wireless telephone usage for access to designated offices of the Department of State Police. Such number shall be used solely for official business. Callers are prohibited from

blocking caller identification or other essential information on calls to that number. Providers of telecommunications services will not be liable for civil damages for services related to #77 calls unless resulting from gross negligence or willful misconduct. SB 225; CH. 771.

§§ 56-576, 56-580 through 56-583, 56-585, 56-587 56-590, and 56-593 amended; §§ 56-581.1 and 56-592.1 added.

**Electric utility restructuring.** Directs the Virginia State Corporation Commission to recommend to the Legislative Transition Task Force, on or before January 1, 2001, whether electric metering services, electric billing services, or both, may be provided competitively. The Commission's recommendations may vary by service, type of seller, region, incumbent electric utility and customer group. The recommendation shall take into account, among other factors, the technological feasibility of furnishing any such services on a competitive basis. The recommendation shall also include a draft plan for implementation of competition for metering services and billing services. Competition for such services may be implemented concurrently or pursuant to separate schedules as determined by the General Assembly. Other provisions (i) clarify when municipalities and other political subdivisions may aggregate intra- and inter-governmental load without the necessity of obtaining a license as aggregators; (ii) clarify that the wires charges calculated by the Commission shall not be less than zero; (iii) authorize the Commission to implement its proposed consumer education recommendations and to fund the program through the Commission's regulatory tax; (iv) provide that capped rates established pursuant to rate applications made prior to January 1, 2001, will be interim in nature and subject to refund with interest until the Commission has completed its investigations of these applications, and (v) provides for certain adjustments in determining the projected market price for generation. The measure also clarifies what activities constitute aggregation, and includes several technical amendments. The bill is a recommendation of the Legislative Transition Task Force. SB 585; CH. 991.

§ 56-582 amended. **Electric utility restructuring; capped rates.** Authorizes the State Corporation Commission to adjust the capped rates charged by certain distribution cooperatives to match the cost of providing distribution services. Capped rates are effective from January 1, 2001, until as late as July 1, 2007, for each service territory of every incumbent utility. Until the end of the capped rate period, the electric utility shall make electric service available at capped rates to any customer in the incumbent electric utility's service territory. SB 532; CH. 942.

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## TITLE 57. RELIGIOUS AND CHARITABLE MATTERS; CEMETERIES.

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§§ 57-59 and 59.1-9.10 amended. **Solicitation of Contributions Act; enforcement.** Authorizes the Attorney General to issue civil investigative demands for violations of the Solicita-

tion of Contributions Act. Currently, the Attorney General has this authority under the Virginia Antitrust Act and the Consumer Protection Act. The Attorney General, in his discretion, may present and disclose any investigative evidence in any action or proceeding brought by the Attorney General under the Virginia Antitrust Act. The bill contains technical amendments. HB 1214; CH. 755.

§ 57-60 amended. **Solicitation of Contributions Act; exemptions.** Clarifies the exemption from the Solicitation of Contributions Act for any health care institution granted tax-exempt status under § 501 (c) (3) of the Internal Revenue Code that is wholly organized for the delivery of health care services without charge (free clinics). For the purposes of the bill, "delivery of health care services without charge" includes the delivery of dental, medical or other health services where a reasonable minimum fee is charged to cover administrative costs. The bill also contains technical amendments. HB 696; CH. 921.

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## TITLE 58.1. TAXATION.

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§ 58.1-3 amended. **Secrecy of tax information.** Allows the treasurer or other assessing official to provide to representatives of property owners', condominium unit owners' and real estate owners' associations or the owners of property governed by such associations, the names and addresses of parties having a security interest in real property governed by the association when a written request is given stating the reasons such information is needed. This legislation passed the 1999 Session with a reenactment clause requiring its passage during the 2000 Session in order for it to be enacted. HB 1219; CH. 717.

§§ 4.1-105, 58.1-3, 58.1-1009, and 59.1-200 amended; §§ 58.1-1031 through 58.1-1037 added. **Illegal sales of cigarettes.** Prohibits the sale of cigarettes in this Commonwealth that the manufacturer did not intend to be sold, distributed or used in the United States. HB 1387; CH. 880/ SB 653; CH. 901.

§ 58.1-9. See § 59.1-501; HB 499.

§ 58.1-13.1 amended. **Collection of state taxes by credit and debit cards; service charge.** Provides greater flexibility for the acceptance of credit and debit cards in the payment of state taxes by allowing the Tax Commissioner to enter into contracts providing the service charge for accepting payment of taxes by debit or credit card. Currently, such charges may not exceed four percent of the amount of tax, penalty and interest paid and may not exceed the amount charged to the Department. HB 474; CH. 228/SB 47; CH. 208.

§§ 58.1-302 and 58.1-322. See § 23.38-75; HB 438/SB 359.

§ 58.1-322 amended. **Income tax; individual; subtraction for disability income.** Provides a subtraction for up to \$20,000 of disability income as defined by the Internal Revenue Code when calculating Virginia taxable income of residents for tax-

able years beginning on and after January 1, 2001. HB 119; CH. 394.

**§§ 58.1-322 and 58.1-402 amended. Income tax; subtractions for income received by tobacco farmers from tobacco settlement funds and Nazi reparation payments.** Provides a subtraction from federal adjusted gross income for individuals, and from federal taxable income for corporations, when calculating Virginia taxable income for any amounts received by (i) tobacco farmers; (ii) persons holding a tobacco marketing quota or tobacco farm acreage allotment; or (iii) persons with the right to grow tobacco pursuant to a quota or allotment as a result of (a) the tobacco Master Settlement Agreement, (b) the National Tobacco Grower Settlement Trust, and (c) the federal Tobacco Loss Assistance Program. The subtraction is effective for taxable years beginning on and after January 1, 1999. The bill also provides for a subtraction, beginning with the 2000 taxable year, from federal adjusted gross income for certain reparation payments received by victims or targets of Nazi persecution. SB 178 provides for the same subtractions with respect to the receipt of tobacco settlement funds. HB 176; CH. 1039 (effective 4/19/00).

**§§ 58.1-322 and 58.1-402 amended; §§ 58.1-323.1 and 58.1-323.2 repealed. Excess cost recovery program.** Repeals the outdated provisions on the elimination of the excess cost recovery program and the excess cost recovery repeal fund. HB 911; CH. 419.

**§§ 58.1-322 and 58.1-402 amended. Income tax; subtractions for income received by tobacco farmers from tobacco settlement funds.** Provides a subtraction from federal adjusted gross income for individuals, and from federal taxable income for corporations, when calculating Virginia taxable income for any amounts received by (i) tobacco farmers; (ii) persons holding a tobacco marketing quota or tobacco farm acreage allotment; or (iii) persons with the right to grow tobacco pursuant to a quota or allotment as a result of (a) the tobacco Master Settlement Agreement, (b) the National Tobacco Grower Settlement Trust, and (c) the federal Tobacco Loss Assistance Program. The subtraction is effective for taxable years beginning on and after January 1, 1999. HB 176 provides for the same subtractions with respect to the receipt of these tobacco-related funds. SB 178; CH. 1021.

**§ 58.1-322 amended. Income tax; military retirement pay of holders of the Medal of Honor.** Provides that, in calculating Virginia taxable income of residents for taxable years beginning on and after January 1, 2001, military retirement income of an individual awarded the Congressional Medal of Honor shall be subtracted from federal adjusted gross income. SB 495; CH. 387.

**§ 58.1-339.2 amended. Income tax; historic rehabilitation tax credit.** Moves up the date from 2002 to 2000 for taxpayers to be eligible for the historic rehabilitation tax credit in Virginia for work done on such a project in another state that has a reciprocal tax credit agreement; however, no credit may actually be taken until taxable years beginning on and after January 1, 2002. HB 727; CH. 356.

**§ 58.1-339.2 amended. Historic rehabilitation tax credit.** Adds owner-occupied buildings to the definition of "material rehabilitation" for purposes of calculating the historic rehabilitation tax credit and provides that the cost for improvements and reconstruction shall amount to at least 25 percent of the assessed value of such buildings tax as a threshold for eligibility for the historic rehabilitation tax credit. An "owner-occupied building" is any building that is used as a personal residence by the owner. The bill is effective for taxable years beginning on and after January 1, 2001. HB 1173; CH. 429 (effective 1/1/01).

**§ 58.1-339.2 amended. Income taxes; historic rehabilitation tax credit.** Extends the carryover period, from five to 10 years, for using the historic rehabilitation tax credit to reduce Virginia income taxes. Both individuals and businesses may qualify for the credit. The effective date for this change is for taxable years beginning on or after January 1, 2000. SB 12; CH. 367 (effective 1/1/00).

**§ 58.1-339.8 added. Income tax; tax credit for low-income families.** Provides a non-refundable income tax credit for taxable years beginning on and after January 1, 2000, to individuals or persons filing a joint return whose family Virginia adjusted gross income does not exceed the amounts outlined in the federal poverty guidelines. Family Virginia adjusted gross income is the combined Virginia adjusted gross income of the individual, the individual's spouse, and any person claimed as a dependent on the individual's or spouse's income tax return. The credit allowed is \$300 each for the individual, the individual's spouse, and any person claimed as a dependent on the individual's or married person's income tax return. The credit can only be claimed on one return for married persons filing separate returns, cannot exceed the individual's or married person's income tax liability, and is not allowed for individuals or married persons who claim certain subtractions and/or deductions from the adjusted gross income reported on their Virginia individual income tax returns. HB 160; CH. 397.

**§ 58.1-339.8 added. Income tax; rent reductions tax credit.** Provides a tax credit to individuals and corporations that provide rent reductions of at least 15 percent to elderly, disabled or previously homeless tenants, for taxable years beginning on and after January 1, 2000, through December 31, 2005. The tax credit is 50 percent of the total rent reductions allowed, not to exceed the taxpayer's tax liability. The amount of credits allocated in any fiscal year will not exceed \$50,000. The bill continues a credit that expired December 31, 1999, and only provides credit for dwelling units upon which such credit was received for all or part of the month of December 1999. HB 1142; CH. 428.

**§§ 58.1-339.8 and 58.1-439.12 added. Income tax credits; riparian forest buffers for waterways.** Provides a nonrefundable income tax credit to an individual or corporation who owns land abutting a waterway on which timber is harvested, and who forbears harvesting timber on certain portions of the land near the waterway for a 15-year period. The amount of the credit is equal to 25 percent of the value of the timber in the



forest retained as a buffer, up to \$17,500. The State Forester is directed to develop guidelines and to certify individual plans to qualifying taxpayers. There is a recapture provision for those taxpayers who harvest the timber prior to the end of the 15 years. HB 1306; CH. 607/SB 664; CH. 568.

**§ 58.1-345.1 amended. Income tax; open space recreation and conservation voluntary contributions.** Removes the sunset date from the Code section dealing with open space recreation and conservation voluntary contributions of tax refunds. HB 833 is incorporated in this bill. HB 568; CH. 524.

**§ 58.1-345.1 amended. State income tax checkoff; removal of sunset.** Removes the sunset provision on the state income tax checkoff for open space and conservation contributions. Prior to this change, a taxpayer's ability to designate a portion of his refund for such purposes would have expired on January 1, 2001. SB 634; CH. 550.

**§ 58.1-346.3:1 amended. Income tax; voluntary contribution to the Family and Children's Trust Fund of Virginia.** Removes the beginning date and the sunset date from the Code section dealing with voluntary contributions of refunds to the Family and Children's Trust Fund of Virginia. Before this change voluntary contributions to the Family and Children's Trust Fund of Virginia was allowed for taxable years beginning before January 1, 2001. HB 70; CH. 516.

**§ 58.1-346.15 added. Income tax; voluntary contribution of refund to Children of America Finding Hope.** Allows taxpayers who are entitled to an income tax refund to contribute all or a portion of such refund, but not less than one dollar, to Children of America Finding Hope, an organization designed to reach children with emotional and physical needs. This bill is effective for taxable years beginning on and after January 1, 2001. HB 706; CH. 525.

**§§ 58.1-400.1, 58.1-2035, and 58.1-2670 amended; § 58.1-2674.1 added. Minimum tax on telecommunications companies; certification of gross receipts.** Clarifies that the State Corporation Commission may make more than one certification of the gross receipts of telecommunications companies to the Department of Taxation; however, at least one certification is required for each separate tax year. The bill also clarifies that the State Corporation Commission may correct information on the names, addresses, and gross receipts of telecommunications companies previously certified to the Department of Taxation. The authority to correct such previously certified information is limited to a period of 18 months from the date of the initial certification. Additionally, the time period for a telecommunications company to apply to the Commission for a review, and possible correction, of any items included in a certification to the Department of Taxation would be extended from 90 days to 18 months. SB 53; CH. 368.

**§§ 58.1-433.1 and 58.1-2626.1 amended. Income tax; Virginia Coal Employment and Production Incentive Tax Credit.** Requires taxpayers to consume the Virginia mined coal they purchase in order to earn the credit. The bill is effective January 1, 2001; however, it shall not apply to any contract to

purchase coal whose bid closing dates are before the bill is introduced. HB 1135; CH. 929 (effective 1/1/01).

**§ 58.1-439.2 amended. Tax credits; coalfield employment enhancement tax credit.** Extends the sunset date for the availability of the coalfield employment tax credit from tax years beginning before January 1, 2002, to tax years beginning before January 1, 2008. For credits earned in tax years beginning on and after January 1, 2002, 85 percent of the excess of the credit over the taxpayer's state tax liability for the applicable tax year shall be redeemable by the Commonwealth. The remaining 15 percent of such excess shall be deposited by the Tax Commissioner in a regional economic development fund administered by the Coalfields Economic Development Authority and to be used for regional economic diversification. Prior to this, the law provided for the Commonwealth to redeem 90 percent of the excess of the credit over the taxpayer's state tax liability with 10 percent of such excess deposited in such regional economic development fund. HB 732; CH. 91/SB 421; CH. 1066.

**§ 9-385 amended; §§ 58.1-439.12 through 58.1-439.16 added. Technology industry in tobacco-dependent localities.** Creates tax credits and/or grants for capital, debt, cash, and stock investments in certain technology companies located in tobacco-dependent communities and for qualified research taking place in tobacco-dependent communities. The Technology Initiative in Tobacco-Dependent Localities Fund will be used to fund such tax credits and/or grants. Credits for capital investments are limited to 50 percent of the amount of the investment up to \$500,000 per taxable year. Tax credits for debt, cash, and stock investments are limited to 50 percent of the amount of the investment up to \$500,000 in aggregate per taxpayer. Tax credits for capital, debt, cash, and stock investments may first be taken in the taxable year in which the Tobacco Indemnification and Community Revitalization Commission finds that such investments were spent in a tobacco-dependent locality. Tax credits for qualified research taking place in tobacco-dependent localities is limited to 50 percent of the amount paid or incurred for such research and may be taken in the year in which such research and development activity occurred. HB 402; CH. 1042.

**§ 58.1-490 amended. Income tax; declaration of estimated tax.** Adds merchant seamen to those individuals (farmers and fishermen) who may file their declaration of estimated taxes on or before January 15 of the succeeding year, provided that at least two-thirds of total estimated gross income for such individuals for the applicable taxable year is derived from farming, fishing or working as a merchant seaman. The bill is effective for taxable years beginning on and after January 1, 2001. HB 737; CH. 415 (effective 1/1/01).

**§ 58.1-492 amended. Estimated tax payments; estates and trusts.** Changes the manner for annualizing income of trusts and estates for purposes of determining whether such trusts or estates have underpaid estimated taxes for the taxable year and are subject to penalties and interest. For purposes of annualizing income in determining if there is an underpayment of esti-

mated taxes, this bill would, for trusts and estates, annualize taxable income through the month which is two months before the month in which an estimated tax payment is required. This bill is effective for taxable years beginning on and after January 1, 2001. SB 537; CH. 388 (effective 1/1/01).

**§§ 58.1-602 and 58.1-610 amended; § 58.1-610.1 added. Sales and use tax; modular building partial exclusion.** Provides that only 60 percent of the retail sales price of a modular building shall be subject to the sales and use tax. The bill also defines modular building, modular building manufacturer, and modular building retailer. HB 1094; CH. 425.

**§§ 58.1-608.1, 58.1-609.1, 58.1-609.4, 58.1-609.7, 58.1-609.8, 58.1-609.9, and 58.1-609.10 amended. Sales and use tax exemptions;** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, for the following organizations: AOL Foundation, Inc.; American Armoured Foundation, Inc.; state soil and water conservation districts; Old Dominion Association of Church Schools; George C. Marshall Research Foundation; Outreach to Asia Nationals; Society of Port Republic Preservationists, Inc.; Springfield, Virginia Youth Club, Inc.; Housing and Community Services of Northern Virginia, Inc.; Ecumenical Community Helping Others, Inc.; Konnarock, Green Cove, Laurel Valley Community Association; York Masonic Lodge #12 of the Ancient Free and Accepted Masons; Fairfax County Master Gardeners Association, Inc.; United Ostomy Association, Inc., Northern Virginia Chapter #0567; Community Based Services, Inc.; Housing Options, Inc.; Beth Shalom Assisted Living; Virginians for Child Abuse Prevention, Inc.; Presbyterians for Faith, Family and Ministry; History Museum of Western Virginia; Mill Mountain Playhouse Company, DBA Mill Mountain Theatre; Hospice of Williamsburg; FISH; Community Arts Center Foundation, Inc.; Chesapeake Health and Investment Program; National Council of Jewish Women, Hampton Roads Section, Inc.; Appomattox County Historical Society; Lifetime Learning Institute of Northern Virginia; The Episcopal Church Home; United States Specialty Sports Association; Grandma Rita's Children, Inc.; Hospice Support of Fauquier County, Inc.; Central American Resource Center; Alliance for Physically Disabled, Inc.; Arlington Boathouse Foundation, Inc.; Mothers Against Drunk Driving; The Plains Community League; Amherst County Habitat for Humanity, Inc.; Pedlar River Institute; Amherst County Commission Against Domestic Violence; American Academic and Cultural Exchange, Inc.; Richmond Christian Medical and Dental Society; Christmas in April-Staunton/Augusta County, Inc.; Lewis-Gale Foundation; Tranquility Breast Cancer Foundation; Cave Spring Softball League, Inc.; Salem Educational Foundation and Alumni Association; Virginia Amateur Sports/Commonwealth Games; Nineteenth Century Studies Association; Ashoka-Innovators for the Public; Lynchburg Area Center for Independent Living; The Conspiracy of Silence Ministries; Virginia Statewide AHEC Program and community AHEC programs; Spectrum Theatre. HB 106; CH. 493.

**§ 58.1-608.3 amended. Entitlement to certain sales tax revenues.** Entitles the City of Hampton (described by population)

to all sales tax revenues generated by transactions taking place in certain public facilities to pay the cost of bonds issued to pay for such public facilities. Such entitlement shall continue for the lifetime of such bonds, which entitlement shall not exceed 30 years, and all such sales tax revenues shall be applied to repayment of the bonds. HB 444; CH. 474.

**§§ 46.2-749.3, 58.1-609.1, 58.1-2701, 58.1-2702, 62.1-44.34:13 amended; §§ 33.1-221.1:6, 46.2-819.2, and 58.1-2200 through 58.1-2290 added; §§ 58.1-2100 through 58.1-2147 repealed. Fuels tax; tax at the rack.** Changes the procedures for collecting and remitting fuels taxes and rewrites the fuels tax laws. Motor fuels tax will be imposed at the point fuel is removed from a terminal. Licensed suppliers holding an inventory position in motor fuel in a terminal will be required to remit the tax to the Department of Motor Vehicles (DMV) by the twentieth day of the second month following the removal. Currently, fuel tax payments are remitted to DMV by dealers and jobbers. Under the proposed legislation, licensed distributors removing fuel from a terminal and certain importers shall not be required to pay the tax to the licensed supplier until the date the supplier is required to pay the tax to DMV. A licensed supplier acts as trustee for tax payments received. Out-of-state suppliers of imported fuel may act as trustee and remit taxes to DMV; otherwise, the tax must be remitted by a licensed importer. Refiners, terminal operators, bonded importers and suppliers who are position holders or who receive motor fuel through a two-party exchange must post a \$2 million bond. Other businesses must post a bond for three times their average monthly liability, up to \$300,000 but not less than \$2,000. Licensees may be required to file tax returns electronically. Suppliers are provided a collection allowance of 0.1 percent, up to \$5,000 per month. Distributors and certain importers are provided an allowance of 1.0 percent, with no cap, in lieu of the current collection allowance. The measure includes special provisions relating to taxes on alternative fuels. A floorstocks tax is imposed on fuel held in storage on the effective date of the act. The felonies listed in the act are felonies under the existing fuels tax laws. Other violations of the fuel tax laws are punishable with civil penalties or as misdemeanors. The bill repeals the current fuels tax chapter of the Code. The measure takes effect January 1, 2001. HB 1275; CH. 758 (effective 1/1/01)/SB 530; CH. 729 (effective 1/1/01).

**§§ 58.1-609.1, 58.1-609.7, 58.1-609.8, and 58.1-609.9 amended. Sales and use tax exemption.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, for the following organizations: King Pharmaceuticals Benevolent Fund, Inc., Housing and Community Services of Northern Virginia, Inc.; Spotsylvania Preservation Foundation, Inc.; Coordinators/2, Inc.; Senior Center of Richmond, Virginia, Inc.; state soil and water conservation districts; Carpenter Center for the Performing Arts; Downtown Presents, Inc.; Valley Conservation Council, Inc.; Young Women's Christian Association of Bristol; Coalition on Donation; Mathews Maritime Foundation, Inc.; The Middlesex County Women's Club, Inc.; Roanoke Valley Speech and Hearing Center, Inc.; Southwestern Virginia Genealogical Society, Inc.; Joy of Sports Founda-

tion; Good Shepherd Housing and Family Services, Inc.; Washington Regional Network For Livable Communities; Oak Spring Garden Foundation; Foundation of the University of Virginia's Blandy Experimental Farm and Orland E. White Arboretum, Inc.; Jubilee Family Development Center; Evangelical Theological Society; Lynchburg Area Center for Independent Living; Lynchburg Symphony Orchestra, Inc.; Legacy Project, Inc.; International Internship Programs; Virginia State-wide AHEC Program and community AHEC programs; American Armoured Foundation, Inc.; Friends of the Rappahannock; Rolling Thunder, Inc., VA Chapter One. SB 48; CH. 487.

**§ 58.1-609.10 amended. Miscellaneous sales and use tax exemptions.** Provides a sales and use tax exemption for the purchase of tangible personal property used in the performance of maintenance and repair services at Nuclear Regulatory Commission-licensed nuclear power plants that are located outside the Commonwealth. HB 99; CH. 346/SB 157; CH. 505.

**§ 58.1-638 amended. Commonwealth Airport Fund; distributions to MWAA.** Eliminates the July 1, 2000, "sunset" on the formula for distribution of Commonwealth Airport Fund moneys to the Metropolitan Washington Airports Authority (MWAA). HB 493; CH. 707/SB 258; CH. 694.

**§ 58.1-811 amended. Recordation tax exemption in the City of Lynchburg.** Provides an exemption from recordation tax on deeds transferring property and on deeds of trust or mortgage securing loans in the City of Lynchburg from a Habitat for Humanity-type nonprofit organization. The exemption also applies to deeds of trust or mortgage securing loans made by such an organization. HB 101; CH. 393.

**§§ 58.1-811, 58.1-1404, 58.1-1501, and 58.1-2403 amended. Property transfers to and from revocable trusts.** Exempts transfers of motor vehicles, watercraft and aircraft to revocable trusts from transfer taxes when there is no change in beneficial interest. The bill also exempts from the recordation tax the transfer of real property from the trust after the settlor's death to any beneficiary, as is the case with transfers under a will. HB 527; CH. 602.

**§ 58.1-815.3 added. U. S. Route 29 Corridor Development Fund.** Establishes the U. S. Route 29 Corridor Development Fund, consisting of such moneys as are appropriated to it by the General Assembly and of all donations, gifts, bequests, grants, endowments, and other moneys given, bequeathed, granted or otherwise made available to the Fund, for the purpose of highway construction in and improvements to the U. S. Route 29 Corridor. The bill will not become effective unless an appropriation effectuating the purpose of the bill is included in an appropriation act up through the 2005 appropriation act. HB 1172; CH. 681.

**§ 58.1-1101 amended. Taxation on intangible personal property; classification and exemption.** Classifies certain property used in commercial fishing as intangible personal

property, segregated for state taxation only, and exempts the property from taxation. HB 190; CH. 472.

**§ 58.1-1820 amended. Corrections of Erroneous Assessments; Definitions; "Assessment."** Allows the Department of Taxation to send assessments to taxpayers by electronic means, including electronic mail and facsimiles, and prescribes the process for sending such assessments. HB 498; CH. 402/SB 55; CH. 369.

**§ 58.1-2111 amended. Motor fuels tax; exemption for pleasure boats.** Allows a refund of the motor fuels tax paid for pleasure boats and watercraft used for recreational purposes. HB 123; CH. 347.

**§§ 58.1-2111 and 58.1-2123 amended. Motor fuels tax; refunds.** Replaces the terms "person," "firm" and "corporation" with "licensed exporter" for purposes of motor fuels tax refunds owed to such exporter. The bill also requires the licensed exporter to show proof the tax has been paid to another state, district or country when seeking a refund of the tax paid in the Commonwealth. There are also technical changes. HB 478; CH. 353.

**§§ 58.1-2111.1 and 58.1-2124.1 amended. Fuels tax.** Provides for a refund of 35 percent of the motor fuel and other fuels taxes paid by persons purchasing fuel in quantities of five gallons or more for consumption in a bulk feed delivery truck. SB 121; CH. 247.

**§ 58.1-2403 amended. Motor vehicle sales and use tax; exemption; motor vehicles transferred to inter vivos trust.** Provides an exemption from the motor vehicle sales and use tax for motor vehicles transferred to an inter vivos trust when the individual titleholder of the Virginia titled motor vehicle and the trust beneficiaries are the same persons and when no consideration passes between the titleholder and the beneficiaries. HB 360; CH. 576.

**§ 58.1-2403 amended. Exemptions from motor vehicle sales and use tax.** Exempts purchases of vehicles from the motor vehicle sales and use tax if (i) the purchaser is a natural person, (ii) the purchaser was leasing the vehicle and paid the tax on the vehicle when he leased it, and (iii) the purchaser presents to the Department of Motor Vehicles an original copy of the lease or other evidence that he paid the sales tax. SB 349; CH. 1027.

**§§ 58.1-2900 and 58.1-2901 amended. Electric utility consumption tax; costs incurred by cooperatives.** Provides that a service provider, when calculating the amount of tax due, shall take into account a portion of the costs incurred by an electric utility cooperative that purchases electricity from a federal entity for the purpose of resale in the Commonwealth. HB 1134; CH. 427.

**§§ 58.1-2900, 58.1-2901, and 58.1-3814 amended. Electric utility taxation.** Allows the consumption tax liability of an eligible customer-generator who is engaged in net metering to be determined on a net basis, measured by the difference between the amount of power consumed and the amount generated and put on the electricity grid. Under the Electric Utility Restruc-

turing Act, customer-generators who generate electricity through certain small solar, wind, or hydroelectric systems are permitted to employ net metering equipment, subject to SCC regulations. The bill also amends the provisions of the consumer utility tax relating to the transition in the basis of assessment from the cost of electricity consumed to the amount of kilowatt hours consumed. Localities are required to amend their consumer utility tax ordinances by October 31, 2000, to provide for the conversion to a rate based on per-kWh consumption that is revenue neutral to the locality and does not shift the amount of the tax among classes of consumers. Kilowatt hours delivered are those supplied from the electric grid to such customer-generators minus the kilowatt hours generated and fed back to the electric grid by customer-generators. The procedures to be followed upon the nonpayment of the electricity consumption tax and the consumer utility tax are also clarified. The bill is a recommendation of the Legislative Transition Task Force established under the Electric Utility Restructuring Act. SB 163; CH. 614.

**§ 58.1-3013 amended. Local taxes; payment by debit card.** Allows localities to accept payment of local taxes, fees or other charges, generated by the sale of utility services, by debit cards and to impose a service charge for accepting payment by credit and debit cards in an amount not to exceed the amount contractually agreed to. Prior to this, only credit cards could be authorized by localities for such payments, and the service charge could not exceed the greater of four and one-half percent of the tax, or six dollars. HB 628; CH. 316.

**§§ 58.1-3128, 58.1-3921, and 58.1-3958 amended. Collection of taxes and other debts by treasurers and localities.** Changes the current requirement that every writ, warrant, notice, summons, or other process issued by a treasurer be served by the treasurer or his designee, or by the sheriff, from mandatory to permissive. The bill also raises from five dollars to 20 dollars the amount of certain uncollected taxes below which the treasurer is required to report on official lists. The bill incorporates House Bill 1016. HB 751; CH. 453.

**§ 58.1-3222 amended. Taxation; abatement of property taxes on damaged buildings.** Authorizes localities to abate levies on buildings which are (i) razed, or (ii) destroyed or damaged by a fortuitous happening beyond the control of the owner, in cases where the destruction or damage renders such buildings unfit for use and occupancy for 30 days or more during the calendar year. The bill contains an emergency clause. HB 408; CH. 399 (effective 4/4/00).

**§ 58.1-3231 amended. Land-use taxation; sliding scale assessments.** Allows the land-use special assessment and taxation to be established on a sliding scale, which provides a lower assessment, instead of tax rate, for property held for longer periods of time. HB 617; CH. 410.

**§ 58.1-3294 amended. Real estate tax; reports of income data.** Excludes certain owner-occupied business property from the kinds of real estate for which income data may be requested by the assessor. HB 37; CH. 515.

**§ 58.1-3378 amended. Boards of equalization; notice of sittings.** Provides that notice of sittings of boards of equalization must be posted at each public library, voting precinct, or both. Current law requires such posting at each public library. SB 381; CH. 383.

**§§ 58.1-3403 and 62.1-145 amended. Property owned by the Commonwealth; service charges for Virginia Port Authority (VPA) facilities.** Provides for a service charge for tax-exempt property owned by the VPA and its instrumentalities based upon the assessed value of the property and the amount of VPA cargo tonnage shipped through counties, cities and towns, from such funds as may be appropriated by the General Assembly. If such funds are not appropriated, the service charge shall be computed as provided under current law. Under current law, service charges for tax exempt state-owned property, including VPA property, is based upon the assessed value of the state-owned tax exempt property and the amount the locality spends for police and fire protection and refuse collection. SB 752; CH. 737.

**§ 58.1-3506 amended. Personal property taxation; classification.** Adds travel trailers as a classification of personal property for purposes of taxation, permitting localities to set the tax rate for travel trailers the same as for camping trailers. 3 HB 598; CH. 409.

**§ 58.1-3506 amended. Tangible personal property tax; classification of certain tangible personal property for taxation purposes.** Clarifies that the tax rate on certain personal property used in a trade or business may be assessed by a local governing body at a tax rate different from the rate on other classifications of personal property and less than the rate levied by such local government on its general class of tangible personal property. HB 684; CH. 413.

**§ 58.1-3506 amended. Personal property tax; personal property used in the provision of Internet services.** Creates a separate classification, for tax rate purposes, of personal property used in the provision of Internet services, including Internet web-hosting services. Localities are authorized to tax such property at a rate that does not exceed the rate applicable to the general class of personal property within such localities. HB 781; CH. 604.

**§§ 58.1-3506 and 58.1-3609 amended; § 58.1-3622 added. Property tax exemption; Habitat for Humanity.** Exempts from local taxation the real and personal property of Habitat for Humanity and its affiliates or subsidiaries, provided the local governing body passes a resolution approving the exemption. Habitat for Humanity organizations generally are exempt from taxation under § 501 (c) (3) of the Internal Revenue Code. Such organizations build houses together in partnership with families in need. This exemption would apply to all real and personal property located in Virginia. SB 95; CH. 441.

**§ 58.1-3506 amended. Local property taxes; motor homes.** Creates a separate classification of personal property for motor homes used for recreational purposes only, which allows local governing bodies to tax motor homes at rates below the rate

applicable to the locality's general class of tangible personal property and at rates different from camping trailers. Under current law motor homes are classified and taxed at the same rate as camping trailers for personal property tax purposes. This bill incorporated SB 158. SB 115; CH. 442.

§ 58.1-3607. See § 10.1-2212; HB 757.

§ 58.1-3617 amended. **Personal property; motor vehicles owned or leased by churches.** Classifies as exempt property motor vehicles that are leased by churches, in either the church's name or the ecclesiastical officer's name, and used for religious purposes. Under current law, the title holder of the leased vehicle (i.e., the lessor) is legally liable for the payment of tangible personal property tax on such vehicle. HB 1444; CH. 329.

§§ 58.1-3650.848 through 58.1-3650.903 added. **Property tax exemptions.** Combines numerous property tax exemption bills that provide local property tax exemptions to the following nonprofit organizations: Sunlight Lodge No. 1558; Melrose/Rugby Neighborhood Forum, Inc.; Mountain Empire Regional Business Incubator, Inc.; Community Fire Co., Inc.; Cape Charles Rescue Services, Inc.; Northampton Fire and Rescue, Inc.; Rolling Hills Swim Club, Inc.; Baycliff Civic League, Inc.; Camelot Community Club, Inc.; Broyhill Crest Recreation, Inc.; Needle's Eye Ministries, Inc.; Kiwanis Foundation, Inc.; League of Older Americans, Inc.; Valley Program for Aging Services, Inc.; Beth Sholom Assisted Living; NRV Nursing Center, Inc.; Springfield Swimming and Racquet Club; Springfield Youth Club, Inc.; Community Arts Center Foundation; Chesapeake Care, Inc.; Chesapeake Health Investment Program; Wise County Historical Society, Inc.; Historical Society of Pound, Inc.; The Preservation of Historic Suffolk, Inc.; The Children's Center; Reston Interfaith Housing Corporation, Inc.; Arts Enter Cape Charles, Inc.; Conservation, Inc.; North King Street Improvement Council, Inc.; Bren Mar Recreation Association, Inc.; Women's Center; Rivanna Conservation Society; Falls Church Housing Corporation; Loudoun Interfaith Relief, Inc.; The Fauquier and Loudoun Garden Club; Outreach for Christ, Inc.; The Good Shepherd Alliance, Inc.; The International Society of Air Safety Investigators; Carroll Wellness Center; Serenity House Substance Abuse Recovery Program, Inc.; Central Virginia Housing Coalition, Inc.; Bedford Christian Ministries; Historic Port Royal, Inc.; Guinea Heritage Association, Ltd.; Last Great Waters, Inc.; Northern Virginia Dental Clinic, Inc.; Meals of Virginia Beach, Inc.; Harrison Museum of African American Culture; and Greenspring Village, Inc. HB 28; CH. 492.

§ 58.1-3650.848 added. **Property tax exemption; Beth Sholom Sands.** Grants a property tax exemption to Beth Sholom Sands, a benevolent nonprofit corporation, for property located in the City of Virginia Beach. SB 35; CH. 486.

§§ 58.1-3650.848 through 58.1-3650.857 added. **Property tax exemptions.** Grants property tax exemptions to the following nonprofit organizations: Needle's Eye Ministries, Inc., Reston Interfaith Housing Corp.; The Women's Center;

Rivanna Conservation Society; Springboard Recreation Club; Parent Educational Advocacy Training Center; Royal Pool Association, Inc.; BizNet, Inc.; Virginia Beach Community Trust Exempt Fund; and Central Virginia Housing Coalition. SB 137; CH. 458.

§§ 58.1-3700.1 and 58.1-3703 amended. **BPOL tax; related entity exclusion.** Broadens the "affiliated group" definition to include limited partnerships, limited liability partnerships, and limited liability companies organized under the laws of the Commonwealth or another state in addition to stock corporations. Localities may not levy the BPOL tax on the receipts or purchases of such "entities" in an affiliated group from others in the same affiliated group. HB 1494; CH. 557.

§ 58.1-3812.1. See § 2.1-342.01; SB 148.

§ 58.1-3812 amended. **Taxation of telecommunications service.** Expands prohibition on dual taxation (by counties and towns) imposed on consumers of telecommunication services. SB 233; CH. 375.

§ 58.1-3819 amended. **Transient occupancy tax; Stafford County and Gloucester County.** Permits any county with a population no less than 60,000 and no greater than 62,500 and any county having a population no less than 29,750 and no greater than 31,000 to impose the transient occupancy tax at a rate of up to five percent with the amount above two percent being used for promoting tourism. The tax in excess of two percent shall not apply to travel campgrounds in a county within the larger population brackets. Technical amendments are included which arrange localities in numerical order. HB 51; CH. 470.

§§ 58.1-3833 and 58.1-3840 amended. **Food and beverages/meals tax; changes in food definition.** Amends the federal Food Stamp definition of "food" for purposes of the local food and beverages/meals tax by allowing the tax to be levied on sandwiches, salad bar items sold from a salad bar, prepackaged single-serving salads consisting primarily of an assortment of vegetables, and non-factory sealed beverages. In addition, it clarifies that alcoholic beverages sold in factory sealed containers and purchased for off-premises consumption shall not be subject to the tax. Finally, a second enactment clause directs the Commission on Virginia's State and Local Tax Structure for the 21st Century to study the fiscal impact on localities if they were required to compensate businesses that collect the meals tax on food and beverages by allowing the businesses to retain a percentage of the revenue collected. In conducting the study, the Commission shall consult with the Virginia Municipal League, the Virginia Association of Counties and all interested industry groups. The bill incorporates House Bills 49 and 156. HB 255; CH. 626.

§ 58.1-3916 amended. **Personal property tax; extension of time to pay.** Clarifies that the governing body of any locality may extend the time to pay personal property taxes, for good cause. It also provides that extensions to pay taxes and to file, for good cause, may be accomplished by the governing body's resolution. HB 1247; CH. 433.

**§§ 58.1-3916 and 58.1-3918 amended. Local taxes; interest on refunds.** Provides that localities are not required to pay interest on refunds to taxpayers if the amount of the refund that would be due is \$10 or less or if the refund is related to prorated personal property taxes. The 1999 General Assembly passed legislation requiring a locality to pay interest on refunds at the same rate charged by the locality on delinquent taxes. SB 198; CH. 507.

**§ 58.1-3958 amended. Local taxes; payment of administrative costs, etc.** Allows localities to impose on persons chargeable with delinquent taxes or other delinquent charges a fee to cover administrative costs, etc. SB 558; CH. 389.

**§ 58.1-3967 amended; §§ 58.1-3228 and 58.1-3965.1 added. Sale of real estate for delinquent taxes; process.** Grants cities the authority to adopt an ordinance to sell real estate that has been tax delinquent for 12 months and provides for the right to a rehearing on delinquent tax sales within 90 days of entry of the confirmation of sale. The current requirement that real estate be tax delinquent for 24 months before becoming eligible for sale remains for counties and towns, and cities that do not adopt the ordinance. The bill also authorizes local governing bodies to adopt an ordinance waiving tax liens for the purchaser under certain circumstances. Such liens remain the obligation of the owner of the property at the time the liens were imposed. HB 1216; CH. 756.

**§ 58.1-4022.1.** See Constitutional Amendments; HB 749/SB 546.

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## TITLE 58.1. MISCELLANEOUS - TAXATION.

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**Individual income tax withholding.** Defers the effective date of additional individual income tax withholding allowances from January 1, 2001, until January 1, 2003. HB 94; CH. 553 / SB 46; CH. 501 (effective 1/1/03).

**Natural Gas Consumption Tax.** Restructures the taxation of natural gas by eliminating the gross receipts tax and special regulatory revenue tax and by imposing a net corporate income tax and a consumption tax on gas utilities. HB 279; CH. 706 / SB 185; CH. 691.

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## TITLE 59.1. TRADE AND COMMERCE.

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**§ 59.1-9.10.** See § 57.59; HB 1214.

**§ 59.1-148.3 amended. Concealed weapons permit; purchase of handguns by certain officers.** Allows a former Superintendent of the Department of State Police who leaves service after a minimum of five years to purchase his service weapon for one dollar. SB 660; CH. 391.

**§ 59.1-162.1 added. Motor fuels; direct fueling of commercial vehicles.** Permits the dispensing of diesel fuel into a commercial vehicle from a tank vehicle on the premises of a commercial, industrial, governmental or manufacturing establishment, provided: (i) the highway vehicle is used in connection with the business or function of the establishment; (ii) the owner of the tank vehicle complies with all requirements pertaining to the collection and payment of taxes on diesel fuel; (iii) the owner complies with the weights and measures laws; (iv) each delivery is metered and recorded and the customer is provided an invoice or delivery ticket; (v) the tank vehicle is designed, equipped and operated to prevent spills during fueling operations and to minimize spillage in the event of operator error or equipment malfunction; (vi) the owner of the tank vehicle has in place a contingency plan for the cleanup of spills occurring during fueling operations; and (vii) the owner is licensed in Virginia as a distributor. The measure will become effective January 1, 2001. SB 582; CH. 943 (effective 1/1/01).

**§ 59.1-200.** See § 58.1-3; HB 1387/SB 653.

**§ 59.1-274 amended. Enterprise zone act.** Authorizes the establishment of one noncontiguous zone area for a joint enterprise zone formed between two or more localities. Currently, a locality may have three distinct enterprise zones, though one of these zones may consist of two non-contiguous "sub-zone" areas. This bill will allow an enterprise zone that is a joint zone to have separate sub-zones for each of the participating jurisdictions. The noncontiguous zone areas are not considered as separate zones in calculating the maximum number of zones permitted under the enterprise zone program. The bill has an emergency clause. HB 778; CH. 746 (effective 4/8/00).

**§ 59.1-274 amended. Enterprise zone act.** Authorizes the establishment of one noncontiguous zone area for a joint enterprise zone formed between any county with a population between 45,800 and 45,900 and any county with a population between 32,300 and 32,400 (with the population of each county being determined as reported in the 1990 census). Currently, a locality may have three distinct enterprise zones, though one of these zones may consist of two non-contiguous "sub-zone" areas. This bill will allow an enterprise zone that is a joint zone, and which meets the population criteria, to have separate sub-zones for each of the participating jurisdictions. The noncontiguous zone areas are not considered as separate zones in calculating the maximum number of zones permitted under the enterprise zone program. SB 281 and HB 778 authorize the establishment of one noncontiguous zone for joint enterprise zones formed between any localities regardless of population. SB 374 increases the number of enterprise zones the Governor may approve from 55 to 60, with such zones to be located in localities that have annual average unemployment rates for the most recent calendar year that are 50 percent higher than the final statewide average unemployment rate for the most recent calendar year. HB 1057; CH. 678.

**§ 59.1-274 amended. Enterprise zone act.** Authorizes the establishment of one non-contiguous zone area for each jurisdiction participating in a joint enterprise zone area. Currently, a

locality may have three distinct enterprise zones, though one of these zones may consist of two non-contiguous "sub-zone" areas. This bill will allow an enterprise zone that is a joint zone to have separate sub-zones for each of the participating jurisdictions. The noncontiguous zone areas are not considered as separate zones in calculating the maximum number of zones permitted under the enterprise zone program. This bill has an emergency clause. SB 281; CH. 695 (effective 4/8/00).

**§ 59.1-274 amended. Enterprise zone act.** Increases the maximum number of enterprise zone designations from 55 to 60. Five of the areas designated as enterprise zones on or after July 1, 2000, must be in localities with unemployment rates that are 50 percent higher than the statewide average. SB 374; CH. 656.

**§ 59.1-369 amended. Virginia Racing Commission; powers; live racing days.** Extends the Virginia Racing Commission's authority to alter the number of live racing days (set in statute as 150 days) from five to six years. HB 1162; CH. 99.

**§§ 59.1-369, 59.1-385, and 59.1-392 amended. Racing Commission; suspension or revocation of license.** Authorizes the Racing Commission to summarily suspend any license for up to 90 days pending a hearing if the Commission determines the action is required to protect the public health, safety and welfare, including revenues due the Commonwealth, localities and the horsemen's purse account. The Commission is required to schedule the hearing within 14 days of the summary suspension and to provide the licensee with at least five business days' notice of the hearing. The Commission may also revoke a license for the operation of a satellite facility if the licensee fails to conduct assigned live racing days. The bill also extends the Commission's authority to alter the number of live racing days (set in statute as 150 days) from five to eight years. The bill further: (i) sets out the percentage of money required to go to purses from satellite wagering facilities and changes; (ii) provides for up to two percent of the amount in the horsemen's account to be used for paying administrative costs of the horsemen's organization; and (iii) changes the distribution of the breakage by providing for 70 percent to be retained by the licensee to be used for capital improvements and 30 percent to the Racing Benevolence Fund (under current law, the licensee retains all of the breakage). The bill contains an emergency clause. SB 599; CH. 1031 (effective 4/19/00).

**§§ 9-6.14:4.1, 59.1-371, 59.1-380, and 59.1-387 amended.**

**Virginia Racing Commission.** Provides that regulations of the Virginia Racing Commission (VRC) relating to the promulgation of technical rules regulating actual live horse racing at race meetings licensed by the Commission are exempt from the Administrative Process Act. The bill also authorizes the VRC to (i) waive the requirements for fingerprints and background investigations for permit holders participating in (a) horse racing in non-secure areas or (b) non-racing activities; (ii) accept a letter of credit from licensees; and (iii) waive the permit requirement for any person who possesses a valid permit or license to participate in the conduct of horse racing in another

racing jurisdiction and participates in horse racing in Virginia on nonconsecutive racing days. HB 1540; CH. 1011.

**§ 59.1-378.1 amended. Virginia Racing Commission; steeplechase licenses.** Authorizes the Virginia Racing Commission to issue a license to an owner or operator of a steeplechase facility for the purpose of conducting pari-mutuel wagering at the licensed steeplechase facility where (i) the steeplechase facility has been sanctioned by the Virginia Steeplechase Association and (ii) the owner or operator of the facility is a non-profit civic association or local association of employees under § 501 (c) (4) of the Internal Revenue Code. Currently, the Commission may issue such a license if the facility is sanctioned by the National Steeplechase Association and the owner or operator of the facility is exempt from taxation under § 501 (c) (3) of the Internal Revenue Code. HB 861; CH. 1002.

**§§ 59.1-394.1 through 59.1-394.4 added. Live Horse Racing Compact.** Establishes the compact and creates the Compact Committee, to which the Governor will appoint one member. Among other things, the purpose of the compact is to establish uniform requirements among the party states for licensing participants in live horse racing with pari-mutuel wagering and facilitating the growth of the horse industry in each party state through simplifying the process for participants in live racing and reducing cost and duplication involved with separate licensing in each state conducting live racing. The Committee is authorized to determine license categories and issue licenses to participants in live horse racing. SB 598; CH. 992.

**§§ 1-13.32, 2.1-51.47, 13.1-604, 13.1-804, 13.1-1003, 17.1-258, 50-73.17, 50-73.83, and 58.1-9 amended; §§ 59.1-501 through 59.1-520 added; §§ 2.1-7.4, 59.1-467, 59.1-468, and 59.1-469 repealed. Uniform Electronic Transactions Act.** Adopts the Uniform Electronic Transactions Act (UETA) promulgated by the National Conference of Commissioners on Uniform State Laws. Under UETA, electronic transactions are not invalidated merely because they are in an electronic form instead of on paper. The bill provides rules and procedures for using electronic records and electronic signatures in both commercial and governmental transactions. UETA provides uniform rules and language used by several states. The bill repeals existing Virginia laws on electronic signatures and electronic filings but incorporates some of these existing provisions, such as the exemption for the court filings. The bill also makes technical amendments throughout the Code to conform to the provisions of UETA. The bill is a recommendation of the Joint Commission on Technology and Science. HB 499; CH. 995.

**§§ 59.1-501.1 through 59.1-509.2 added. Uniform Computer Information Transactions Act.** Creates the Uniform Computer Information Transactions Act (UCITA). The UCITA was promulgated by the National Conference of Commissioners on Uniform State Laws. Modeled after the Uniform Commercial Code, Article 2, the UCITA is designed to govern transactions of computer information. The bill also directs the Joint Commission on Technology and Science to study the

impact of the UCITA on businesses in the state and report its findings to the Governor and General Assembly by December 1, 2000. The UCITA will become effective July 1, 2001. This bill is a recommendation of the Joint Commission on Technology and Science. HB 561; CH. 996/SB372; CH. 101.

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## TITLE 60.2. UNEMPLOYMENT COMPENSATION.

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**§ 60.2-219 amended. Unemployment compensation; definition of “employment.”** Requires unemployment coverage for persons providing public human services, such as babysitting and health services, in the home of a welfare recipient when such coverage is required under the Federal Unemployment Tax Act. HB 1339; CH. 438.

**§ 9-329.2 amended; §§ 60.2-318 through 60.2-322 added.**

**Workforce Development Training Fund.** Creates the Workforce Development Training Fund to provide or expand training and retraining opportunities for the Commonwealth’s workforce. The Fund may be used for specific purposes related to training and retraining of workers, including providing grants to local workforce investment areas designated under the federal Workforce Investment Act of 1998. The Virginia Workforce Council shall establish the procedures, criteria and performance measures for the Fund and shall report to the Governor annually regarding its findings. HB 1340; CH. 608/SB 612; CH. 566.

**§§ 60.2-602 and 60.2-612 amended. Unemployment compensation benefits.** Increases the maximum weekly unemployment benefit from \$230 to \$268, effective retroactively to November 28, 1999. The maximum weekly benefit is currently scheduled to increase from \$230 to \$232 effective July 1, 2000. Employees will not have to serve a statutory waiting week for benefits if the employer terminated operations, closed its business, or declared bankruptcy without paying final wages earned. Former employees whose work requires shift work shall not be deemed unavailable for work if the individual is currently enrolled in one or more classes of education related to employment or is continuing in a certificate or degree program at an institution of higher education, provided that such enrollment only limits the employee’s availability for work in one shift and the employee is otherwise available to work any other shifts. The bill has an emergency clause, and is effective retroactive to November 28, 1999. SB 779; CH. 573 (effective 11/28/1999).

**§§ 2.1-704 and 60.2-613 amended. Employment training and unemployment compensation; conformity with federal law.** Changes references to the federal Job Training Partnership Act to the federal Workforce Investment Act. HB 1464; CH. 687.

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## TITLE 61.1. WAREHOUSES, COLD STORAGE AND REFRIGERATED LOCKER PLANTS.

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**§ 61.1-55 amended. Sale of burley tobacco.** Changes the maximum commission that may be charged by a warehouse operator from three to four percent of the sales price of the tobacco sold. SB 327; CH. 380.

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## TITLE 62.1. WATERS OF THE STATE, PORTS AND HARBORS.

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**§§ 62.1-44.2, 62.1-44.3, and 62.1-44.15 amended. Reclamation and reuse of wastewater.** Requires the State Water Control Board to encourage and establish requirements for the reclamation and reuse of wastewater as an alternative to directly discharging pollutants to waters of the state. HB 1282; CH. 972.

**§§ 62.1-44.3, 62.1-44.5, 62.1-44.15, 62.1-44.15:5, and 62.1-44.29 amended. Wetlands.** Requires that those proposing to conduct certain activities in nontidal wetlands first obtain a Virginia Water Protection Permit from the State Water Control Board. The Board must establish both individual and general permits for such activities. General permits must be issued for activities impacting less than half an acre of wetlands and other specified activities. Permits will be conditioned upon compensatory mitigation for adverse impacts to wetlands. Normal agricultural and silvicultural activities are exempt from the permit requirement. Between the enactment of the bill and such time as permit regulations are adopted, those who drain, excavate or ditch a wetland must compensate the impact on the wetland. The Board is directed generally to establish and implement policies and programs to protect and enhance the Commonwealth’s wetland resources, using a regulatory approach to achieve no net loss of wetlands and a voluntary approach to achieve a net resource gain. Water Protection Permits will be issued after an opportunity for public comment is provided. Local governments are prohibited from imposing wetland permit requirements that duplicate those imposed under federal or state law. The bill also clarifies that wetlands are state waters under the State Water Control Law, and requires the Board to seek a Section 404 Clean Water Act State Programmatic General Permit from the U.S. Army Corps of Engineers. HB 1170; CH. 1054/SB 648; CH. 1032.

**§ 62.1-44.15:1.2 added. Lake level contingency plans.** Requires that permits issued for surface water impoundments that provide cooling water to power generators include a lake level contingency plan to allow specific reductions in the flow required to be released when the water level above the dam drops below designated levels due to drought conditions. HB 625; CH. 119/SB 296; CH. 103.



**§ 62.1-44.15:3 amended. Sewage discharge certificates.** Requires that applications for discharge certificates (permits) for sewage discharges into surface water impoundments contain notification from the locality where the discharge will take place that the location and operation of the discharging facility are consistent with applicable zoning ordinances. If the locality does not respond to the request for the notification within 45 days, the requirement for the notification is waived. HB 451; CH. 98 (effective 3/10/00)/SB 294; CH. 19.

**§ 62.1-44.15:3 amended. Sewage discharge certificates.** Requires that applications for discharge certificates (permits) for sewage discharges into surface water impoundments contain notification from the locality where the discharge will take place that the location and operation of the discharging facility are consistent with applicable zoning ordinances. If the locality does not respond to the request for the notification within 45 days, the requirement for the notification is waived. This bill is identical to HB 451, except that HB 451 is emergency legislation. SB 294; CH. 19.

**§§ 10.1-2500, 62.1-44.17:2, 62.1-44.17:3, 62.1-44.19:4, 62.1-44.19:5, and 62.1-44.19:6 amended; §§ 32.1-248.01, 62.1-44.17:4, 62.1-44.19:9, and 62.1-44.19:10 added. Toxic substances in state waters.** Increases the requirements for the State Water Control Board (SWCB), Department of Environmental Quality (DEQ) and the Virginia Department of Health to monitor and report toxic substances in state waters. The bill requires that in its annual toxics report to the General Assembly, the SWCB should include a description of those segments of Virginia's waters where there has been a commitment to conduct additional evaluation and monitoring of toxic substances. Water segments that are identified in the state Water Quality Monitoring Plan are to be monitored at least once every three years, contingent upon the availability of funding. The SWCB is to conduct a review of its toxic removal or remediation technologies at least once every five years. Under the legislation, members of the public would be able to petition the SWCB for the inclusion of a water segment in the agency's monitoring plan, which could result in the collection of fish tissue and sediment samples. The SWCB must consider and respond to these petitions but is not compelled to include such segments in the water quality monitoring plan. However, if the segment is not included in the plan, the SWCB must provide a written rationale explaining why the petition request was denied. DEQ will be required to post fish tissue and sediment results on its Internet site for at least one year. The bill also requires that a memorandum of agreement be developed between DEQ and the Virginia Department of Health. The purpose of the memorandum is to ensure the timely exchange and evaluation of reliable water quality and fish advisory information between the two agencies. DEQ will be required to develop a written policy describing the circumstances and factors that indicate the need for an assessment of potential sources of toxic contamination. The Department of Health is also required to develop a written policy that identifies criteria which will be used to determine whether toxic substances are present in levels that will trigger the issuance of a fish con-

sumption advisory. The memorandum of agreement and the written policies will be submitted to the chairmen of the committees, which have oversight responsibilities for DEQ activities. HB 404; CH. 1043/SB 179; CH. 17.

**§ 62.1-44.18:3 added. Sewerage systems.** Requires that an owner of a privately-operated sewerage system that discharges more than 1,000 gallons but less than 40,000 gallons of effluent a day obtain a pollution discharge permit from the State Water Control Board. The owner of such a facility would have to file a plan to control, prevent, or contain any threat to public health or the environment if the facility ceases operation. The plan will also include a demonstration by the owner that he has the financial capability to properly close the facility. An owner who ceases operations and knowingly and willfully fails to implement a closure plan would be liable for the costs incurred in abating, removing or containing the harm or threat if such failure results in significant harm to human health or the environment. The owner also would be subject to a Class 4 felony penalty, if he knowingly and willfully failed to implement the closure plan or provide adequate funds to implement such plan. SB 177; CH. 69.

**§ 62.1-44.19:5 amended. Water quality monitoring and reporting.** Increases both the number of water quality monitoring stations and the frequency of sampling by at least five percent annually, with priority given to those water bodies for which there is credible evidence showing impairment of the water body. Currently, monitoring and sampling is to be expanded so that the sampling effort will ultimately be representative of all river and stream miles in the state, but with no requirement to specifically expand, by a certain percentage annually, the number of monitoring stations or the frequency of sampling. The expansion of the water quality monitoring is contingent upon the appropriation of adequate funding. SB 645; CH. 945.

**§ 62.1-44.34:13 .** See § 58.1-609.1; HB 1275/SB 530.

**§ 62.1-129.1.** See § 2.1-1.1; HB 690/SB 441.

**§ 9-6.25:1 amended; § 62.1-132.11:2 added. Maritime Incident Response Advisory Board.** Establishes the 14-member Maritime Incident Response Advisory Board whose purpose is to recommend and direct the development of goals, policies and plans to improve the management of maritime fire and incidents in Hampton Roads and throughout the Commonwealth. SB 739; CH. 1035.

**§ 62.1-145.** See § 58.1-3403; SB 752.

**§§ 62.1-198, 62.1-199, and 62.1-215 amended. Virginia Resources Authority.** Expands the list of projects to include major league baseball stadiums. SB 715; CH. 790.

**§ 62.1-201 amended. Virginia Resources Authority.** Increases the number of members on the Board of Directors of the Virginia Resources Authority from nine to 11, by adding the Director of the Department of Aviation or his designee and

one citizen member appointed by the Governor. HB 804; CH. 38/SB 389; CH. 197.

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### TITLE 63.1. WELFARE (SOCIAL SERVICES).

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§ **63.1-58.2 amended. Welfare fraud investigations.** Provides access for local department fraud prevention and investigation units to law-enforcement databases regarding motor vehicle registration and ownership to facilitate welfare fraud investigations. SB 215; CH. 459.

§§ **2.1-1.3, 2.1-1.6 54.1-3408, 63.1-68, 63.1-69.1, 63.1-70.1, and 63.1-73.1 amended. Vision impaired; Board and Department.** Changes the name of the Department and Board for the Visually Handicapped to the Department and Board for the Blind and Vision Impaired. HB 988; CH. 498 (effective 1/1/01).

§§ **2.1-707, 2.1-708, and 63.1-133.49 amended; §§ 63.1-133.56, 63.1-133.57, and 63.1-133.58 added; §§ 2.1-710.1, 2.1-710.2, and 2.1-710.3 repealed. Economic and Employment Improvement Program for Disadvantaged Persons.** Transfers the administrative responsibility for the Economic and Employment Improvement Program for Disadvantaged Persons from the Governor's Employment and Training Department to the Department of Social Services. The bill broadens the statutory provisions of the program to extend educational and job training services to persons who are (i) eligible to participate in vocational education and job skills training programs under state and federal welfare reform laws; (ii) ineligible to continue to receive assistance under state and federal welfare reform laws; and (iii) returning to the community from state and federal correctional facilities. Educational and job skills programs are required to be designed to assist eligible participants in moving from minimum wage jobs to college and to employment and occupations that will facilitate career development and economic independence. The bill also expands the awards committee to include persons with expertise in the delivery of adult literacy programs, job skills training and apprenticeships, and state and federal welfare reform laws. Currently, state and federal welfare reform laws do not include a required education component, which is essential to prepare persons who do not have an adequate educational foundation to succeed in vocational education and job skills training programs. HB 1383; CH. 483/SB 628; CH. 491.

§§ **63.1-172 and 63.1-174 amended. Adult care residences; revised definitions.** Renames adult care residences as assisted living facilities, which are defined as congregate residential settings that provide or coordinate personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting. Exceptions are made for facilities licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Department of

Social Services, and certain U.S. Department of Housing and Urban Development, U.S. Department of Agriculture, and Virginia Housing Development Authority projects that may fall within the definition of assisted living facilities. The bill permits a person meeting the qualifications of administrator of a nursing home, as defined by the State Board of Social Services (State Board), to be deemed qualified to serve as an administrator of an assisted living facility or a combined assisted living facility/nursing home provided they are part of the same building. The bill directs the State Board to promulgate regulations to enable assisted living facilities to provide safe, secure environments for residents having serious cognitive impairments. This bill is a recommendation of the Joint Commission on Health Care. HB 1251; CH. 845.

§ **63.1-174 amended. Adult care residences; disclosure of staffing levels.** Requires licensed adult care residences, upon admission and upon request, to provide in writing a description of the types of staff working in the facility and the services provided, including the hours such services are available. This bill is a recommendation of the Joint Commission on Health Care. HB 837; CH. 804.

§ **63.1-174 amended. Adult care residences.** Directs the State Board of Social Services to implement emergency regulations for adult care residences that take into consideration cost constraints of smaller operations in complying with such regulations. HB 1051; CH. 808.

§§ **32.1-127 and 63.1-174.001 amended. Adult protective services; mandatory reporters.** Requires nursing home, certified nursing facilities and adult care residences to train all employees who are mandatory reporters of adult abuse, neglect, and exploitation on the reporting procedures and the consequences for failing to report. HB 1168; CH. 176.

§ **63.1-175 amended. Adult care residences; training.** Requires applicants for licensure of an adult care residence who have not previously owned or managed or do not currently own or manage an adult care residence in Virginia to undergo training by the Department of Social Services or other Commissioner-approved training program. The training will focus on health and safety issues and rights of residents and must be completed prior to the granting of an initial license, unless the Commissioner, at his discretion, grants the license conditioned upon the owner or manager's completion of the required training. The Commissioner may also approve for licensure applicants who meet requisite experience criteria as established by the Board. This bill is a recommendation of the Joint Commission on Health Care. HB 1194; CH. 178/SB 577; CH. 203.

§ **63.1-177 amended. Adult care residences; access.** Provides that adult care residences shall provide reasonable access to staff of community services boards for the purpose of (i) assessment or evaluation, (ii) case management or other services or assistance, or (iii) monitoring the care for community services board clients in the facility, or to evaluate other facility residents who have previously requested services. This bill is a recommendation of the Joint Commission on Health Care. HB 836; CH. 130.

**§§ 32.1-138 and 63.1-182.1 amended. Adult protective services.** Requires that nursing homes, certified nursing facilities, and adult care residences post the Adult Protective Services toll-free number in a place that is conspicuous and public. HB 1169; CH. 177.

**§§ 16.1-241, 16.1-243, 16.1-262, 17.1-275, 17.1-405, 17.1-410, 20-124.1, 20-158, 20-160, 22.1-3, 63.1-195, 63.1-203, 63.1-204, 63.1-209 and 63.1-238.1 amended; §§ 63.1-219.7 through 63.1-219.55 added; §§ 63.1-220 through 63.1-238.02 repealed. Adoption.** Repeals the current chapter on adoption (Chapter 11 of Title 63.1) and reorganizes the sections into six separate articles of a new chapter. The new articles are: general provisions, which applies to all types of adoptions; agency adoptions; parental placement adoptions; stepparent adoptions; adult adoptions; and records. Prior to this change, all of the types of adoptions were lumped into the same code sections, creating confusion among the courts, parties and agencies involved. These changes separate each type of adoption into individual articles, which clearly identify all of the procedures necessary to complete the process. Several of the larger code sections were split into the parts that apply to each specific type of adoption. There are no policy changes related to adoption in this bill, only a reorganization of the current law. SB 685; CH. 830.

**§ 63.1-196.001 amended. Child day programs exempt from licensure.** Permits on-duty, part-time employees who work less than two hours a day to participate in unlicensed child-minding services offered on site in commercial or recreational establishments. HB 1344; CH. 1058 (effective 4/19/00)/SB 380; CH. 61.

**§ 63.1-196.3 amended. Unlicensed child day centers; staff ratios.** Changes the staff ratios in unlicensed child day centers to permit 16- and 17-year-olds to count as staff as long as they are under the supervision of an adult. An adult staff member shall supervise no more than two staff members under 18 years of age at any time. The bill requires that staff members shall be counted toward the ratio only when supervising children, and requires at least one adult staff member to be regularly present. These amendments are consistent with the requirements for licensed child day centers. SB 510; CH. 283.

**§ 63.1-198.2 amended. Child day centers operated by religious institutions; criminal background checks.** Permits child day centers operated by religious institutions that are exempt from licensure to allow employees or volunteers to work pending the outcome of their criminal background checks. The centers must, however, obtain the criminal background check on employees or volunteers within 21 days of employment or commencement of volunteer service, a practice which is consistent with the requirement for licensed child day centers. The bill also clarifies that the criminal background check for other persons who are not employees or volunteers is confined to only those who are expected to be alone with one or more children in the child day center. SB 141; CH. 248.

**§ 63.1-198.2 amended. Child day centers operated by religious institutions; criminal background checks.** Permits

child day centers operated by religious institutions that are exempt from licensure to allow employees or volunteers to work pending the outcome of their criminal background checks. The center must, however, obtain the criminal background check of employees or volunteers within 21 days of employment or commencement of volunteer service, which is consistent with the requirement for licensed child day centers. The bill also clarifies that the criminal background check for other persons who are not employees or volunteers is confined to only those who are expected to be alone with one or more children in the child day center. SB 228; CH. 210.

**§§ 2.1-380, 63.1-209, 63.1-248.2, 63.1-248.3, 63.1-248.4, 63.1-248.5:1, 63.1-248.6, 63.1-248.6:2, 63.1-248.7, 63.1-248.7:1, 63.1-248.10, and 63.1-248.13 amended; §§ 63.1-248.2:1, 63.1-248.6:01, 63.1-248.6:02, and 63.1-248.19 added; § 63.1-248.18 repealed. Child protective services; statewide differential response system.** Requires the Department of Social Services to implement a statewide child protective services differential response system ("system") for responding to reports of child abuse and neglect. Rather than requiring a full-scale investigation of every report, the reports would now be evaluated by the local department of social services and less serious reports would be subject to a family assessment. The emphasis is on offering services rather than on making a determination of abuse or neglect. In family assessments, no disposition would be entered into the central registry. The Department shall publish a plan to implement the system in local departments of social services by July 1, 2000, and complete implementation in all local departments by July 1, 2003. HB 1360; CH. 500.

**§§ 63.1-238.1 and 63.1-238.3 amended; § 63.1-238.03 added. Adoption assistance; children with special needs.** Requires the local board of social services or child-placing agency to give adoptive parents information about the child's eligibility for subsidy, the child's special needs, the current and potential impact of these needs and the appeal process. The bill clarifies that the local board that initiated the adoption assistance agreement continues to be responsible for subsidy payments if the adoptive parents move to another jurisdiction. HB 556; CH. 290.

**§ 63.1-248.6 amended. Child protective services.** Requires the State Board of Social Services to implement emergency regulations on out-of-family child protective services joint investigations to be accomplished in consultation with state agencies with oversight of the protection of children. The bill mandates a report by the Commissioner of DSS to the General Assembly standing committee overseeing these issues by September 30, 2000, outlining the recommendations of the state board advisory committee that was set up to address all such out-of-family investigations. SB 259; CH. 854.

**§ 63.1-248.8.** See § 22.1-296.4; HB 865.

**§ 63.1-248.8 amended. Child protective services; central registry.** Deletes the requirement that the central registry of the names of those persons who have been found to have abused or

neglected a child in an out-of-family situation also contain the name of the abused child when the parent or guardian is not the abuser. Current regulation requires that the name of the child or children also appear on the central registry along with the name of the abuser. If a child's name currently appears on the registry without consultation with and permission of the parents or guardians for a founded case of abuse and neglect that does not name the parents or guardians of the child as the abuser or neglecter, such parents or guardians may have the child's name removed by written request to the Department. HB 935; CH. 805.

§ 63.1-248.8. See § 22.1-296.4; SB 691.

§ 63.1-248.18 amended. **Child protective services; pilot multiple response system.** Continues until July 1, 2002, the multiple response child protective services system pilot program that is underway in five jurisdictions of the Commonwealth. Pursuant to legislation passed by the 1996 General Assembly, the pilot project has been ongoing in the local child protective services agencies of Albemarle County, Loudoun County, Montgomery County, and the City of Portsmouth, and the combined agency of York-Poquoson. The pilot program provided an alternative response to reports of child abuse and neglect other than the current single investigatory track. For valid reports of possible child abuse and neglect, the pilot agencies decided whether to place the complaints in the investigation response track or the assessment response track. The investigation response track is reserved for complaints involving a serious safety issue and results in a finding. The assessment response track is for complaints where there was no immediate concern for child safety and no disposition is made. A family assessment is performed and the local agency offers services, when needed, to reduce the risk of abuse or neglect. HB 1359; CH. 482.

§ 63.1-325.2 added. **Neighborhood Assistance Act; donations.** Expands the Neighborhood Assistance Act to allow individuals to receive a tax credit on monetary donations of at least \$50 but not more than \$200 to eligible programs. Traditionally, the Act has allowed businesses and professionals to donate money or in-kind services in return for a credit. The program is capped in statute at present to a total of eight million dollars in available tax credits. SB 667; CH. 946.

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### TITLE 63.1. MISCELLANEOUS - WELFARE (SOCIAL SERVICES).

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**Social services; Neighborhood Assistance Act.** Changes the sunset clause for the authorization of tax credits under the Neighborhood Assistance Act from June 30, 2000, to June 30, 2002. The program is scheduled to expire on July 1, 2000. HB 740; CH. 358.

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### TITLE 64.1. WILLS AND DECEDENTS' ESTATES.

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§ 64.1-47 amended. **Wills.** Provides that an emancipated minor is competent to make a will. Currently, § 16.1-334 provides that one of the effects of an order emancipating a minor is to allow that minor to execute a will. This change will correct the conflict between the two sections. HB 394; CH. 161.

§§ 64.1-116 and 64.1-118 amended. **Wills and estates.** Provides that, if any beneficiary of an estate objects, no husband, wife or parent who has been barred from all interest in the estate because of desertion or abandonment shall be suitable to serve as an administrator of the estate of the deceased spouse or child. HB 759; CH. 321.

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### TITLE 65.2. WORKERS' COMPENSATION.

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§ 65.2-101 amended. **Workers' compensation coverage; hazardous materials emergency response team members.** Allows regional volunteer hazardous materials emergency response team members to be deemed employees, for purposes of the Workers' Compensation Act, of the political subdivision in which the team's principal office is located. Such designation will be effective only in localities where the governing body has adopted a resolution acknowledging the members to be employees for purposes of the Act. HB 1007; CH. 301.

§§ 65.2-101, 65.2-502, and 65.2-603 amended. **Workers' compensation; coverage for alien workers.** Includes alien workers, whether lawfully or unlawfully employed, as employees within the scope of the Virginia Workers Compensation Act. The bill gives unlawfully-employed alien workers the same status under the Act that unlawfully-employed minors currently have. HB 1036; CH. 1018.

§§ 38.2-1901, 65.2-101, and 65.2-801 amended; §§ 38.2-1921.1 and 65.2-803.1 added. **Workers' compensation; professional employer organizations.** Requires any entity desiring to engage in the business of providing professional employer services to register with the Workers' Compensation Commission before it undertakes to provide such services. A professional employer organization may obtain workers' compensation insurance in its own name for all co-employees that it shares or that are allocated to it pursuant to the agreement between the professional employer organization and the client company. If the professional employer arrangement obtains workers' compensation insurance covering its co-employees, its policy shall cover all employees at the workforce of the client company, other than those covered by the client company's policy. The bill also (i) authorizes insurers to audit any professional employer arrangement to ensure that the appropriate premium is charged for workers' compensation

insurance coverage and (ii) provides that a professional employer arrangement shall not be deemed to be engaged in the occupation, trade or profession of its client company solely as the result of providing services to that company. HB 1271; CH. 718/SB 735; CH. 624 (effective 1/1/01).

**§ 65.2-300 amended. Workers' compensation; executive exclusion.** Makes an executive officer's exercise of his option to reject workers' compensation coverage effective on the last to occur of (i) the date such person delivers the appropriate form to the employer or (ii) the effective date of the insurance policy. An executive officer who has rejected coverage can reinstate coverage by notice to the employer and to the Virginia Workers' Compensation Commission. Reinstated coverage will not extend to injuries that occur within five days of the giving of the notice; currently, injuries that occur within 30 days of such notice are excluded. HB 868; CH. 530.

**§ 65.2-402 amended. Workers' compensation; cancer presumption.** Adds ovarian and breast cancer to the list of cancers which are presumed to be occupational diseases for volunteer and salaried firefighters and Department of Emergency Services hazardous materials officers. HB 601; CH. 1013.

**§§ 65.2-503 and 65.2-504 amended. Workers' compensation for coal worker's pneumoconiosis; definition of average weekly wage.** Confirms the calculation of the average weekly wage for employees eligible for an award for coal worker's pneumoconiosis to the calculation for all other awards as defined at the beginning of the workers' compensation title. HB 410; CH. 520.

**§ 65.2-504 amended. Workers' compensation; disability from pneumoconiosis.** Requires that the members of any panel or committee required to interpret or classify a chest roentgenogram for purposes of diagnosing a coal worker's pneumoconiosis shall be approved B-readers. A list of approved B-readers is compiled by the National Institute for Occupational Safety and Health pursuant to federal regulations on specifications for medical examinations for underground coal miners. HB 577; CH. 408.

**§ 65.2-603.** See § 54.1-106; HB 253.

**§ 65.2-604 amended. Workers' compensation; medical reports.** Adds certified rehabilitation providers providing services to an injured employee to the list of persons to whom health care providers, upon request, are required to furnish a copy of the employee's medical report. Currently, health care providers are required to give copies of the medical report to the injured employee, his employer, and the insurer. HB 1420; CH. 542.

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## TITLE 66. JUVENILE JUSTICE.

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**§§ 66-28, 66-29, 66-30, 66-34, and 66-35 amended. Offices on youth.** Makes revisions to the Delinquency Prevention and

Youth Development Act. Local youth services citizen boards are required to actively participate with community representatives in developing a comprehensive plan and to at least annually make formal recommendations to the governing authority about the plan and its implementation. Activities of the offices on youth are standardized in the areas of assessment, assisting in planning and modifying services, and collaborating in the development and dissemination of local service inventories and in identifying service gaps and potential funding sources. This bill is a recommendation of the Youth Commission. SB 297; CH. 277.

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## APPROPRIATIONS AND BONDS

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**Budget bill.** Amends Appropriations Act of 1999, Chapter 935. HB 29; CH. 1072 (effective 5/19/00).

**Budget bill.** Makes appropriations for the 2000-02 biennium. HB 30; CH. 1073.

**Commonwealth of Virginia Higher Educational Institutions Bond Act of 2000.** Authorizes the issuance of Commonwealth of Virginia Higher Educational Institutions Bonds pursuant to Article X, Section 9 (c) of the Constitution of Virginia in a principal amount not exceeding \$131,763,100. The purpose of the bonds is to provide funds for paying, together with any other available funds, the costs of acquiring, constructing, renovating, enlarging, improving, and equipping revenue-producing capital projects at institutions of higher learning of the Commonwealth. The net revenues derived from the capital projects and the full faith and credit of the Commonwealth are pledged for the payment of the principal of and the interest on the bonds and any bond anticipation notes or refunding bonds. The bill authorizes the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds, to borrow money in anticipation of the issuance of the bonds, and to issue refunding bonds. The bill finds that an emergency exists, and that it is in force from its passage. This bill contains an emergency clause. HB 31; CH. 220/SB 31; CH. 244. (effective 4/2/00).

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## CLAIMS.

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**Dugan, Christopher.** Provides relief for Christopher Dugan, whose father is a United States Army veteran. Dugan was denied eligibility under the Virginia War Orphans Education Program because at the time of his application he was 27 years old and over the 25-year-old age limit. The Veterans' Administration provided his father with a 100 percent disability rating effective as of September 15, 1994, but did not inform him of the rating until November 24, 1997. The over-three-year period that elapsed left Dugan beyond the eligible age limit. The bill provides for the Director of the Department of Veterans'

Affairs to review Dugan's eligibility application for educational assistance notwithstanding the age and to provide such assistance as he would be entitled under the Virginia War Orphans Education Program. HB 62; CH. 625.

**Farrell, Kathy Irene.** Provides \$25,000 in relief to Kathy Irene Farrell. Mrs. Farrell's husband, William Patrick Farrell, was a police officer with the Town of Front Royal who died in 1991 as the result of his contracting hepatitis from a bite during an arrest in 1977. Mrs. Farrell's claim for benefits under the Line of Duty Act (§§ 2.1-133.5 through 2.1-133.11) was denied by the Comptroller because it was not received within five years of her husband's death. HB 229; CH. 574.

**Garrett, Thomas A.** Provides for the payment of \$11,000 to Thomas A. Garrett for the cost of an alternative sand filter waste disposal system, to be paid from the Onsite Sewage Indemnification Fund. HB 40; CH. 469.

**Murray, George M.** Provides relief for George M. Murray in the amount of 76.5459 percent of the Virginia income taxes actually paid on Mr. Murray's federal retirement income for the taxable years 1985 through 1988. Mr. Murray returned a Form FR 1 indicating that he elected to be bound by the outcome of the Harper litigation but the Department of Taxation did not receive the form. HB 80; CH. 471.

**Tiller, Deborah P.** Provides \$100,000 in relief to Deborah P. Tiller. One-half of such sum is payable on or before July 1, 2000, and the balance is to be paid in five equal installments from July 1, 2001, through July 1, 2005, contingent upon written mental and physical evaluations, and upon her not returning to work in the corrections field. Ms. Tiller was a hearing officer at the Virginia Correctional Facility for Women operated by the Department of Corrections. In 1996, Mrs. Tiller was attacked by an inmate, who was angered by the penalty imposed on her by Mrs. Tiller during a hearing. The attack resulted in emotional and physical damage and ultimately caused Ms. Tiller to retire. HB 235; CH. 1012.

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## CONSTITUTIONAL AMENDMENTS.

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**Constitutional amendment (voter referendum); right to hunt, fish, and harvest game.** Provides for a referendum at the November 7, 2000, election to approve or reject the addition to the Conservation Article of a statement that "the people have a right to hunt, fish, and harvest game, subject to such regulations and restrictions as the General Assembly may prescribe by general law." HB 787; CH. 802.

**§ 58.1-4022.1 added. Constitutional amendment (voter referendum); Lottery Proceeds Fund.** Provides for a referendum at the November 7, 2000, election to approve or reject an amendment requiring the General Assembly to establish a Lottery Proceeds Fund which will consist of the net revenues from any lottery conducted by the Commonwealth. Proceeds from the Fund will be distributed to counties, cities, and towns to be

expended for public education purposes. The General Assembly may appropriate a portion of the lottery revenues for other purposes by a four-fifths vote of the members voting in each house. Any locality accepting a distribution from the Fund must fund its portion of the cost of maintaining standards of quality without the use of Fund distributions. A Code of Virginia provision is added to state that deposits to and appropriations from the Lottery Proceeds Fund will be treated as part of the general fund of the state treasury for purposes of appropriation acts and comptroller's reports. HB 749; CH. 713/SB 546; CH. 622.



**BILLS PASSED  
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**BILLS PASSED  
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