

DIGEST OF THE ACTS
OF THE
GENERAL ASSEMBLY OF VIRGINIA
AT THE
2001 SESSION

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J. David Benson

Heather K. Butros

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PREFACE

This Digest of Acts has been prepared to give an overview of the legislation adopted during the 2001 Regular and Reconvened Sessions of the General Assembly of Virginia, prior to publication of the 2001 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 Under each title heading is listed every section within that title which has been amended, added, or repealed, and a brief description of the effect of the General Assembly action.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 that 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 2001 General Assembly will become effective on July 1, 2001, 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 2001 Regular and Reconvened Sessions of the General Assembly that 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.

§ 1-13.39:2 amended. Incorporation of regulations and amendments by local ordinances. Provides that when localities are empowered to incorporate by reference state regulations into a local ordinance, any ordinance incorporating by reference state regulations may include future amendments to the state regulations provided such intent is specifically stated in such ordinance. The same authority already exists with regard to state statutes. SB 914; CH. 771.

§ 1-13.39:3 added. General provisions; statutory construction of "reenacted." Construes the term "reenacted" as used in a title and enactment clause to mean that the changes made by the bill to an act or Code section are in addition to the existing substantive provisions of that act or section, and are effective prospectively unless the bill expressly provides that such changes are effective retroactively on a specified date. Also, this rule of construction is declared to be existing public policy and law. Finally, the legislation states that it is intended to reverse the ruling in *Rubio v. Rubio*, 33 Va. App. 74, 531 S.E.2d 612 (2000). HB 1861; CH. 720 (effective 3/26/01).

TITLE 2.1. ADMINISTRATION OF THE GOVERNMENT GENERALLY.

§§ 2.2-100 through 2.2-5801 and §§ 9.1-100 through 9.1-600 added; all of Titles 2.1 and 9 repealed. Recodification of Titles 2.1 and 9; administration of government; commissions, boards, and institutions. Recodifies Title 2.1 as Title 2.2 and Title 9 as Title 9.1. In accordance with § 9-77.10, the Virginia Code Commission, in 1998, undertook three-year recodification of Titles 2.1 and 9. Title 2.1 was last recodified in 1965 and Title 9 had never been recodified. Because both Titles have undergone many changes since the publication of the Code of Virginia of 1950, and the laws concerning the administration of state government and its commissions, boards and institutions have been changed substantially during the past three decades, the need arose to (i) organize the laws in a more logical manner, (ii) delete obsolete and duplicative provisions, and (iii) improve the structure and clarity of Titles 2.1 and 9. During the recodification of Titles 2.1 and 9, the Virginia Code Commission has rewritten and combined sections or parts of sections to clarify provisions and to eliminate archaic, obsolete or redundant language. The general reorganization of Title 2.1 distinguishes the organization of state government (Subtitle I--Organization of State Government) from the operation of state government (Subtitle II--Administration of State Government). In addition, the concept of a "Part" has been introduced as an organizational tool to separate functional areas within the Title. Generally, a "Part" is used to group related chapters. For example, the Governor and his cabinet secretaries have been

consolidated into Part A--Office of the Governor--of Subtitle I. The Department of Law is Part B of Subtitle I. Further, state agencies related to the general operation of government have been consolidated into Part C of Subtitle I, and so on. The reorganization of Title 2.1 also includes many chapters from Title 9, Commissions, Boards and Institutions, now consolidated into Part D--State Authorities, Boards, Councils, Commissions and Other Collegial Bodies--because they were created in the executive branch of state government. Several chapters from Title 9 that were boards, councils, etc., created in the legislative branch have been moved to Title 30--General Assembly. Title 9 has been substantially reorganized and moves executive branch commissions and boards, etc., into proposed Title 2.2. As noted above, several chapters from Title 9 that were boards, councils, etc., created in the legislative branch have been moved to Title 30--General Assembly. The effect of this substantial reorganization is the creation of proposed Title 9.1--Commonwealth's Public Safety. As its name indicates, this proposed Title contains chapters relative to the Department of Criminal Justice Services and fire and police protection generally, taken exclusively from Titles 2.1 and 9. The Code Commission report for this recodification is House Document 51 of the 2001 Session. SB 1098; CH. 844 (effective 10/1/01).

§§ 2.1-1.5, 2.1-41.2, 2.1-51.40, 9-6.25:3, 54.1-202, and 54.1-300 amended; §§ 54.1-4400 through 54.1-4422 added; and §§ 54.1-2000 through 54.1-2008 repealed. Public Accountancy. Establishes the Board of Accountancy (Board) as an independent board. Currently the Board is located operationally within the Department of Professional and Occupational Regulation (Department). The bill provides for the appointment of an executive director and staff for the Board, and generally vests the Board with the authority to regulate the public accounting profession. The bill also provides for the Department and the Board to enter into an agreement to transfer from the Department to the Board tangible personal property and records relevant to the transfer of duties and powers, and provide for the orderly and expeditious transfer of administrative and other responsibilities no later than December 31, 2001. In addition, the bill (i) requires the transfer of funds from the Department to the Board of Accountancy Fund established to support the operations of the Board, (ii) provides an two-year exemption from the Administrative Process Act for the promulgation of regulations pertaining to fees for licenses and certifications, (iii) provides that existing regulations promulgated by the Board of Accountancy shall remain in effect and continue to apply to licensees and certificate holders licensed or certified by the Board of Accountancy after July 1, 2001, and (iv) clarifies that current members of the Board whose terms have not expired as of July 1, 2001, are not affected. SB 1080; CH. 832.

§ 2.1-1.6. See § 3.1-4.1; HB 1980/SB 1280.

§ 2.1-1.6. See § 51.1-1200; HB 2079.

§§ 2.1-1.6, 2.1-1.7, 2.1-20.1:02, 2.1-20.1:01, 2.1-113.1, 2.1-113.2, 2.1-113.3, 2.1-116.10, and 2.1-116.14. See § 9-6.25:1; HB 2137.

§§ 2.1-1.6 and 2.1-20.4. See § 54.1-300; HB 2174.

§§ 2.1-1.6, 2.1-1.7, 2.1-20.1:02, and 9-6.25:1 amended; §§ 9-396 through 9-399 added; §§ 2.1-20.1:01, 2.1-113.1, 2.1-113.2, 2.1-113.3, and 2.1-116.10 through 2.1-116.14 repealed. **Council on Human Resources.** Merges the Personnel Advisory Board, the State Health Benefits Advisory Council, the Virginia Equal Employment Opportunity Council and consolidates their functions in the Virginia Council on Human Resources. The Council shall consist of a total of 17 members of which 15 are voting and two are non-voting members. Eight members are appointed by the Governor, subject to confirmation by the General Assembly, four are appointed by the Speaker of the House, and three are appointed by the Senate Committee on Privileges and Elections. The Director of the Department of Human Resource Management and the Director of the Department of Employment Dispute Resolution serve permanently as ex officio members without voting privileges. SB 1140; CH. 520.

§§ 2.1-1.7, 2.1-33, and 2.1-51.15. See § 9-6.23; SB 1365.

§ 2.1-20.1 amended. **State employee health insurance plan.** Requires that any health insurance plan for state employees shall provide that health insurance benefits will continue for family members enrolled under such plan for at least 30 days after the death of the state employee. HB 2537; CH. 558.

§ 2.1-20.1. See § 38.2-3407.4:2; HB 2654.

§ 2.1-20.1. See § 38.2-4319; SB 1200.

§ 2.1-20.1:07 added. **Health insurance accounts; state employees.** Directs the Department of Human Resource Management to recommend the development of a program for state employees whereby such employees may convert their accrued health insurance balance when they retire from state service to fund private health insurance coverage for themselves and their dependents. Such recommendation is to include input from the Virginia Retirement System. HB 2185; CH. 724.

§§ 2.1-20.1:9, 2.1-51.31:1, 2.1-51.31:2, and 15.2-1512.3 added. **Creates Telecommuting Incentive Act.** Directs the Secretary of Administration to direct the formulation and promulgation of policies, standards, specifications, and guidelines for information technology concerning telecommuting by the employees of state agencies. The head of each state agency is directed to develop a telecommuting policy, which shall be in accordance with the statewide policy to be developed by the Secretary of Administration, to maximize telecommuting without diminished employee work performance or service delivery. The Secretary of Administration is also directed to advise and assist state agencies in developing the state agencies' telecommuting policies, and the Secretary may provide advice and assistance to a local government or a private sector employer upon the local government or the private sector employer's request. HB 1713; CH. 405.

§ 2.1-20.1:9. See § 51.1-1100; HB 1909.

§ 2.1-20.3 amended. Compensation of members of collegial bodies in the executive branch. Provides that the members of boards, panels, etc., in the executive branch cannot receive more than one per diem for attending meetings of multiple panels on a single day. HB 2517; CH. 227.

§ 2.1-27.2:01. See § 22.1-17.4; SB 1210.

§ 2.1-27.3:1 added. **Display of POW/MIA flag.** Requires the Governor to issue an annual proclamation requiring state officials to display the POW/MIA flag on all state-owned or operated public buildings on Armed Forces Day, Memorial Day, Flag Day, Independence Day, Veterans Day and POW/MIA Recognition Day as a symbol of the state's concern for Americans who were prisoners of war or missing in action or still remain unaccounted for. SB 859; CH. 835.

§ 2.1-37.1 amended. **Judicial Inquiry and Review Commission.** Gives the Commission jurisdiction over judges-elect, from the time of appointment or election until they take the oath of office. The bill also makes it clear that the Commission has jurisdiction over a retired judge's actions while sitting as a retired/recalled judge by defining the period of recall as a term. This bill is a recommendation of the Judicial Council. HB 2205; CH. 113.

§ 2.1-37.12:1 amended. **Suspension of judges.** Removes the provision that prohibits an investigation, formal hearing or suspension until the conclusion of the criminal case regarding the same matters in which the judge is a defendant. Under current law a suspension cannot be imposed or an investigation commenced until final disposition of the criminal case, including the exhaustion of all appeals. HB 1838; CH. 318/SB 990; CH. 309.

§ 2.1-51.12:4 added. **Secretary of Natural Resources; Chesapeake Bay 2000 agreement annual report.** Requires the Secretary of Natural Resources to submit an annual report on specific progress made toward implementing the provisions of the Chesapeake Bay 2000 agreement. Such report shall include, but not be limited to, a description of the programs, activities, and initiatives of state and local governments developed and implemented to meet each of the goals and commitments contained in the agreement and an assessment of projected state funding necessary to meet those goals and commitments. SB 1087; CH. 259.

§ 2.1-51.15. See § 9-6.25:1; SB 1378.

§ 2.1-64.34:1 amended. **Capital Access Fund for Disadvantaged Businesses.** Increases from five to seven the percentage of the balance of the Fund that may be unencumbered by any special reserves or guarantees or the income earned by the Fund. HB 2329; CH. 224.

§ 2.1-68.1. See § 9-77.11:03; HB 1840.

§ 2.1-114.5:03 added. **Department of Human Resource Management; leave for bone marrow or organ donation.** Allows state employees with up to 30 days of paid leave in any calendar year, in addition to other paid leave, to serve as bone marrow or organ donors. The bill defines "state employee" as

any person who is regularly employed full time on a salaried basis, whose tenure is not restricted as to temporary or provisional appointment, in the service of, and whose compensation is payable, no more often than biweekly, in whole or in part, by the Commonwealth or any department, institution, or agency of the commonwealth. The bill further directs the Department of Human Resource Management to develop personnel policies allowing for the use of the donor leave. HB 1642; CH. 714.

§ 2.1-114.5:03 added. Department of Human Resource Management; leave for service with volunteer fire department or rescue squad. Allows state employees with up to 16 hours of paid leave in any calendar year, in addition to other paid leave, to serve with a volunteer fire department or rescue squad. Under the bill, the entity for which the leave is to be granted must be a volunteer fire department, rescue squad or auxiliary unit thereof that has been recognized by an ordinance or resolution of the political subdivision where the volunteer fire department or rescue squad is located as being a part of the safety program of such political subdivision. The bill also defines "state employee" as any person who is regularly employed full time on a salaried basis, whose tenure is not restricted as to temporary or provisional appointment, in the service of, and whose compensation is payable, no more often than biweekly, in whole or in part, by the Commonwealth or any department, institution, or agency of the Commonwealth. The bill further directs the Department of Human Resource Management to develop personnel policies allowing for the use of the leave. HB 2357; CH. 760.

§§ 2.1-116.07:1, 2.1-116.08, and 17.1-405 amended. Department of Employment Dispute Resolution; review of grievance hearing decisions. Removes the authority of the Department of Employment Dispute Resolution to hear appeals of grievances involving patient abuse cases arising at the Department of Mental Health, Mental Retardation and Substance Abuse Services. The bill also provides for the appeal of circuit court decisions in special grievances from the Department of Corrections and the Department of Juvenile Justice. HB 2464; CH. 420/SB 962; CH. 393.

§ 2.1-116.9:6 amended. Civilian protection in cases of police misconduct. Removes the exemption for constitutional officers from having to have in place certain procedures allowing citizen submission of complaints regarding the conduct of the law-enforcement agency, law-enforcement officers in the agency, or employees of the agency. HB 2117; CH. 153.

§§ 2.1-116.9:7 through 2.1-116.9:13 added. Firefighters; overtime compensation for firefighters and emergency medical technicians. Requires certain firefighters, emergency medical technicians, paramedics, ambulance personnel, rescue workers, and hazardous materials workers to be paid overtime at a rate of not less than one and one-half times the employee's regular rate of pay for all hours of work between the statutory maximum permitted under 29 U.S.C. 207 (k) and the hours for which an employee receives his salary, or if paid on an hourly basis, the hours for which the employee receives hourly compensation. A fire protection employee who is paid on an hourly

basis shall have paid leave counted as hours of work in an amount no greater than the numbers of hours counted for other fire protection employees working the same schedule who are paid on a salaried basis in that jurisdiction. For purposes of computing fire protection employees' entitlement to overtime compensation for regularly scheduled work hours, all hours in which an employee works or is in a paid status shall be counted as hours of work. HB 2712; CH. 768.

§ 2.1-127 amended. Attorney General; settlement of disputes, claims and controversies. Clarifies that authorities are included in the list of entities for which the Attorney General may settle disputes, claims and controversies, including those arising under the Virginia Tort Claims Act. The bill also provides that an agency head can delegate approval authority for such settlement. HB 2315; CH. 118.

§ 2.1-133.6 amended. Line of Duty Act; inclusion of police chaplains. Adds police chaplains in the City of Virginia Beach to the coverage provided under the Line of Duty Act. HB 2778; CH. 678.

§ 2.1-133.8 amended. Line of Duty Act; claim for payment. Provides for the Superintendent of the Department of State Police to report the findings of an investigation of a claim for payment to the State Comptroller within 10 business days after the completion of the investigation. Current law provides for the chief officer of the division or department last employing the beneficiary or claimant to report the findings of such investigation to the State Comptroller within 45 days of receiving the claim. The bill also provides for reimbursement of the cost of investigations conducted by the Department of State Police from the appropriate employer that last employed the deceased or disabled employee. SB 878; CH. 427.

§ 2.1-304.1:2. See § 8.9A-109; HB 1769/SB 911.

§ 2.1-342.01 amended. Freedom of Information Act; exemptions; State Lottery Department. Exempts records and reports of the State Lottery Department pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the non-lottery operations of specific retail locations, and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed. This bill includes an emergency provision. SB 884; CH. 288 (effective 3/15/01).

§ 2.1-342.01. See § 63.1-53; SB 1096.

§ 2.1-343.2 amended. Freedom of Information Act; exemption for certain electronic communications. Clarifies that separately contacting the membership, or any part thereof, of any public body for the purpose of ascertaining a member's position with respect to the transaction of public business, whether such contact is done in person, by telephone or by electronic communication is not prohibited, provided the contact is done on a basis that does not constitute a meeting as defined by FOIA. The bill also clarifies that any electronic

communication generated by the separate contacts is still a "public record" under FOIA. SB 1322; CH. 710.

§ 2.1-344 amended. Freedom of Information; closed meetings; scholastic records. Provides that the discussion or consideration of any matter that would involve the disclosure of information contained in a scholastic record would be a proper purpose for which a public body may convene in a closed meeting. Currently, this exception is limited to the discussion or consideration of admission or disciplinary matter concerning a student. HB 2750; CH. 231.

§ 2.1-376.1 amended. Fair Employment Contracting Act; discrimination. Prohibits contracting agencies from engaging in any unlawful discriminatory practice as defined by the Virginia Human Rights Act. Unlawful discriminatory practice is defined in the Virginia Human Rights Act as conduct that violates any Virginia or federal statute or regulation governing discrimination on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability. HB 1859; CH. 45.

§ 2.1-385.1 added. Agencies' and court clerks' disclosure of certain account information prohibited. Prohibits agencies and court clerks that accept methods of payment other than cash, including but not limited to credit cards, debit cards, electronic checks, and other electronic payment and billing systems, for fees, services, taxes, or other charges, to disclose such account information or social security numbers or other identification numbers on driver's licenses. The prohibition does not apply if such disclosure is required to conduct and complete the transaction for which other methods of payment are used or if such disclosure is required by other law or ordered by the courts. HB 2169; CH. 415.

§ 2.1-391 amended. Department of Planning and Budget; reporting requirements. Requires the Department of Planning and Budget to submit an annual report on or before the second Tuesday in January to the Chairman of the House Appropriations Committee and the Chairman of the Senate Finance Committee that sets forth state agencies' strategic planning information and performance measurement results for the preceding fiscal year. HB 1847; CH. 43.

§ 2.1-442. See § 10.1-1400; SB 1003.

§§ 2.1-548.01 through 2.1-548.09. See § 33.1-400; HB 2419/SB 1048.

§ 2.1-548.29 amended. Virginia Economic Development Partnership. Requires the Partnership to prepare a specific plan annually for the marketing of high unemployment areas of Virginia and make an annual report to the Governor and the General Assembly. HB 2527; CH. 557.

§ 2.1-548.29. See § 22.1-129; SB 1055.

§ 2.1-548.29:1 added. Virginia Economic Development Partnership; special economic development services in rural communities. Provides that the Partnership, in order to assist the rural communities of the Commonwealth, shall develop a program for reviewing existing economic development

programs of rural communities upon request. SB 1370; CH. 531.

§ 2.1-548.49 amended. Small Business Advisory Board; membership. Increases the membership of the Small Business Advisory Board from 17 to 18 members by adding an additional voting member to be appointed by the Governor. HB 2236; CH. 301/SB 1042; CH. 310.

§ 2.1-548.59 amended. Virginia Tourism Authority; travel guide. Requires the Virginia Tourism Authority to update a travel guide for the disabled in the first year of every biennium beginning in fiscal year 2003. HB 2855; CH. 67.

§ 2.1-563.40:1 added. Department of Technology Planning; Virginia Geographic Information Network. Authorizes the Department of Technology Planning to establish a nonstock corporation as an instrumentality to assist the Department and its Geographic Information Network Division in the development and acquisition of geographic data and statewide base map data. The bill requires the Department to annually report to the Governor and General Assembly on the activities of the nonstock corporation. SB 1245; CH. 709.

§ 2.1-639.4:2 added. State and Local Government Conflict of Interests Act; exclusion for awards to teachers. Provides that the Act does not prohibit a teacher or school board employee from accepting an award or payment in honor of meritorious or exceptional services. HB 1887; CH. 48.

§§ 2.1-639.13 and 2.1-639.14 amended. State and Local Government Conflict of Interests Act; persons required to file disclosure forms. Requires members of the board or governing body of a state authority to file the annual long-form statement of economic interest. For members of the governing body of any authority established in any county, or city having the power to issue bonds, the bill requires them to file the annual short form statement of economic interest, unless the local appointing authority requires them to file the long-form. HB 1932; CH. 217.

§ 2.1-744.1 amended. Virginia Veterans Care Center. Authorizes the Virginia Veterans Care Center Board of Trustees to govern and oversee the administration of additional facilities that may be established for the care of Virginia veterans. Current law limits the Board's authority to the Virginia Veterans Care Center. HB 2305; CH. 759.

§ 2.1-744.1 amended. Virginia Veterans Care Center; Board of Trustees. Authorizes the Board of Trustees of the Center to administer any other veteran care centers that may be established. SB 1116; CH. 744 (effective-see bill).

§ 2.1-752 amended. Comprehensive Services Act for At-Risk Youth and Families; community policy and management teams; powers and duties. Authorizes a community policy and management team, upon approval of the participating governing bodies, to contract with another community policy and management team to purchase coordination services provided that state pool funds are not used. HB 2585; CH. 206/SB 1321; CH. 190.

§ 2.1-754 amended. Comprehensive Services Act; family assessment and planning team. Requires the family assessment and planning team to provide for the participation of foster parents in the assessment, planning and implementation of services when a child has a program goal of permanent foster care or is in a long-term foster care placement. The case manager shall notify the foster parents of a troubled youth of the time and place of all assessment and planning meetings related to such youth. Such foster parents shall be given the opportunity to speak at the meeting or submit written testimony if the foster parents are unable to attend. The opinions of the foster parents shall be considered by the family assessment and planning team in its deliberations. SB 1350; CH. 437.

§§ 2.1-764 and 2.1-766 amended. Early intervention services system. Requires the Department of Mental Health, Mental Retardation and Substance Abuse Services, in consultation with the agencies that participate in the early intervention system, to promulgate regulations and adopt policies and procedures as necessary to assure consistent and equitable access to early intervention services, including, but not limited to, uniform statewide procedures on or before January 1, 2002, for public and private providers to determine parental liability and to charge fees for early intervention services in accordance with federal law and regulations. The bill requires the local interagency coordinating councils to implement such consistent and uniform statewide procedures on or before January 1, 2002, for the charging of fees. HB 2738; CH. 562.

§§ 2.1-816 and 2.1-817 amended; § 2.1-816.1 added. Inspector General for Mental Health, Mental Retardation and Substance Abuse Services. Clarifies the role and responsibilities of the Inspector General for Mental Health, Mental Retardation and Substance Abuse Services. This bill notes that the Inspector General is to provide inspections of and to make policy and operational recommendations for facilities operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services and providers in order to prevent problems, abuses and deficiencies in and improve the effectiveness of their programs and services. The Inspector General must report semiannually to the Governor and General Assembly concerning significant problems, abuses and deficiencies, recommend corrective actions and provide progress thereon. Such semiannual reports must be made public within 30 days of their transmission at a reasonable cost. The Inspector General must also report serious problems, abuses and deficiencies immediately to the Governor and the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services. Additionally, the Inspector General must notify in a timely manner the attorney for the Commonwealth for the jurisdiction in which a state facility or provider is located and law enforcement, as appropriate, whenever the Inspector General has reasonable grounds to believe there has been a violation of state criminal law. All reports must be transmitted directly to the Governor by the Inspector General. Prior to releasing any reports to the General Assembly, the Inspector General must obtain assurances from the Attorney General that such disclosure will not violate confidentiality laws. Finally,

the bill clarifies that the Office of the Inspector General must conduct unannounced inspections to each facility operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services at least once annually. HB 1653; CH. 792.

§§ 2.1-818 and 2.1-819 added. Administration of government; Chesapeake Regional Olympic Games Compact. Creates the Chesapeake Regional Olympic Games Compact between the Commonwealth of Virginia, the State of Maryland (including the City of Baltimore), and the District of Columbia for the purpose of hosting the 2012 Olympic Games. HB 2699; CH. 824.

TITLE 2.1. MISCELLANEOUS - ADMINISTRATION OF THE GOVERNMENT GENERALLY.

Private detectives. Repeals Chapter 738 of the 1970 Acts of the Assembly authorizing certain counties with a population in excess of 5,000 persons per square mile to regulate private detectives through the issuance of a license. This bill, a recommendation of the Virginia Code Commission, is in furtherance of the objective to repeal obsolete provisions in the Virginia Acts of Assembly as provided in § 9-77.10:2. HB 2104; CH. 152.

Attorney General; Secretary of Technology; guidelines to the Uniform Electronic Transactions Act's implications on state agencies. Directs the Attorney General, in consultation with the Secretary of Technology, to develop guidelines to the Uniform Electronic Transactions Act's implications on state agencies' implementation of electronic transactions. Upon receiving the guidelines, each agency is directed to examine the provisions of the Code of Virginia specific to that agency and identify where changes are necessary to facilitate the agency's implementation of electronic transactions and report its findings to the Secretary of Technology. SB 1019; CH. 212.

TITLE 3.1. AGRICULTURE, HORTICULTURE AND FOOD.

§§ 2.1-1.6, 3.1-4.1, 3.1-73.3, 3.1-73.5, 9-6.25:2, and part of Chapter 375 of the Acts of Assembly of 1986 carried by reference in the Code of Virginia as § 3.1-73.1 amended; and § 3.1-73.2 repealed. Powers of the Virginia Farmers Market Board. Eliminates the Farmers Market Board and provides that the Board of Agriculture and Consumer Services and the Commissioner of Agriculture and Consumer Services shall have those powers currently exercised by the Farmers Market Board. The Board of Agriculture and Consumer Services is to oversee the development of the farmers' market system and the

Commissioner of Agriculture and Consumer Services is to manage the farmers' market system. The bill requires the Commissioner to report annually to the Board as to policies, programs and activities of the operators in the state-owned farmers' market facilities and the receipt and expenditure of funds by these operators. HB 1980; CH. 17/SB 1280; CH. 398.

§§ 3.1-18.9 through 3.1-18.12 added. Office of Farmland Preservation. Continues the Agricultural Vitality Program within the Department of Agriculture and Consumer Services as the Office of Farmland Preservation. The bill provides for the powers and duties of the Office of Farmland Preservation, including the development of standards and criteria for local purchase of development rights and the administration of the Virginia Farm Link program. The bill requires the Commissioner to submit an annual report on the operation of the Office of Farmland Preservation to the chairmen of the House Committee on Agriculture and the Senate Committee on Agriculture, Conservation and Natural Resources. SB 1160; CH. 521.

§ 3.1-73.7 amended. Powers of the Aquaculture Advisory Board. Expands the powers of the Commissioner of Agriculture and Consumer Services with respect to the aquaculture industry. HB 1992; CH. 320.

§ 3.1-290 amended. Membership of the State Seed Potato Board. Eliminates the requirement that two of the seven members of the State Seed Potato Board be potato dealers and requires that all members of the Board be actively engaged in potato production. Currently, only five members of the Board are required to be actively engaged in potato production. HB 2028; CH. 322.

§§ 3.1-385.5 and 3.1-385.8 amended. Certification of organically produced foods. Provides that the Commissioner or any third party authorized under federal law may certify foods as organically produced. The bill also provides that the Commissioner shall adopt regulations to conform the provisions of the Virginia Organic Food Act to any federal law or regulations relating to the definition of organic foods. The bill also (i) contains a delayed effective date until June 1, 2002, and (ii) requires the Department of Agriculture and Consumer Services to study the feasibility and appropriateness of becoming a certifying agent under the Federal Organic Foods Production Act of 1990 for organically produced foods in Virginia and to report its findings to the Governor and the General Assembly on or before December 1, 2001. HB 2729; CH. 732 (effective 6/1/02).

§§ 3.1-530.1, 3.1-530.2, 3.1-530.10, and 9-6.14:4.1 amended; § 3.1-530.11 added. Regulation of milk and milk products; penalty. Provides that the Board of Agriculture and Consumer Services' adoption of regulations regarding standards of quality, permits, and sanitary requirements for milk, milk products, and milk production are to be exempt from the provisions of the Administrative Process Act with the exception of the legislative review provisions. The promulgation of regulations and the issuance of permits related to the sale or manufacture of cheese from any species not regulated prior to July 1, 2001,

shall be in accordance with the provisions of the Administrative Process Act if the regulations or permits apply to persons who manufacture less than 1,000 pounds of such cheese annually. The bill also allows the Commissioner of Agriculture and Consumer Services to impose civil penalties or suspend the permit of any operator of a dairy farm on which there is found to be milk containing excessive drug residue. Civil penalties imposed by the Commissioner are to be paid into the general fund of the state treasury. SB 1164; CH. 523.

§§ 3.1-636.1 through 3.1-636.9 added; §§ 3.1-621 through 3.1-625, 3.1-629, and 3.1-630 repealed. Levy of excise tax on apples. Provides for the holding of a referendum on the continuation of the levy of an excise tax on apples produced in Virginia. The referendum shall be held if at least 10 percent of apple producers or the Virginia State Horticultural Society petition the Board of Agriculture and Consumer Services for a referendum. Those who paid an excise tax in the previous tax year may vote in the referendum. If a majority of those voting in the referendum are opposed to the continuation of the levy of an excise tax, the tax will be repealed. HB 2355; CH. 609 (effective 3/15/02).

§ 3.1-735 amended. Certificates of veterinary inspection for ornamental aquarium fish or invertebrate animals. Provides that ornamental aquarium fish and invertebrate animals are exempt from the requirement of a certificate of veterinary inspection before being imported into Virginia. HB 2497; CH. 333/SB 1043; CH. 311

§ 3.1-796.96:2 added. Confinement and disposition of animals by animal shelters; penalties. Authorizes animal shelters to confine and dispose of dogs running at large without the required tag or in violation of a local ordinance, dogs not licensed as required by law, and cats in violation of local ordinances regarding licensure or running at large. Any animal shelter confining or disposing of such animals must be inspected by the State Veterinarian and operated in accordance with regulations issued by the Board of Agriculture and Consumer Services, be open to the public during reasonable business hours, and not be operated in a residential dwelling or in conflict with local zoning ordinances. The operator of an animal shelter that confines or disposes of such animals must comply with certain reporting requirements. An animal shelter that is operated in violation of Board regulations is subject to civil penalties. HB 2269; CH. 727 (effective 1/1/02).

§§ 3.1-796.100 and 32.1-48.3 amended. Regulations to prevent the spread of rabies. Provides that any county that has adopted the urban county executive form of government (Fairfax County) may create an oral rabies vaccine distribution program. An ordinance creating the program must provide for notice to affected property owners and contain procedures for a property owner to be excluded from the program. HB 2152; CH. 674.

TITLE 3.1. MISCELLANEOUS - AGRICULTURE, HORTICULTURE AND FOOD.

Second enactment of Chapter 1010 of the Acts of Assembly of 2000 amended. Confinement and disposition of animals by animal shelters; penalties. Delays the effective date of the penalty provisions for county and city pounds that are violating regulations adopted by the Board of Agriculture and Consumer Services from July 1, 2001 to January 1, 2002. HB 1765; CH. 407 (effective 1/1/02).

Chapter 167 of the 1938 Acts of Assembly, as amended by Chapter 156 of the 1964 Acts of Assembly, repealed. Importation and breeding of dogs. Repeals Chapter 167 of the 1938 Acts of Assembly, as amended by Chapter 156 of the 1964 Acts of Assembly, which prohibits the importation or breeding of German or Belgian Shepherds in six enumerated counties without first obtaining a special license for these dogs. This is a recommendation of the Virginia Code Commission as part of its annual review of uncodified Acts of Assembly for obsolete provisions in accordance with § 9-77.10:2. This Act directly conflicts with State policy, which classifies dogs individually according to their propensity to attack rather than by their particular breed. HB 2105; CH. 325.

TITLE 4.1. ALCOHOLIC BEVERAGES AND INDUSTRIAL ALCOHOL.

§ 4.1-123 amended. Alcoholic beverage control; referendum on Sunday wine and beer sales. Provides that notwithstanding the referendum on Sunday wine sales, where property that constitutes a farm winery lies within or abuts the boundaries of two adjoining counties, one of which has a population between 12,000 and 12,100 and one of which has a population between 17,450 and 17,500 (Floyd and Patrick Counties), the retail sale of wine by such farm winery licensee shall be allowed in the county that restricts the sale of wine and beer at one fixed location that contains all or part of the licensee's producing vineyard and vinification facilities. The bill sets certain limits by which the ABC Board may refuse to allow such retail licensee his retail sales privilege. HB 2250; CH. 594.

§ 4.1-123 amended. Alcoholic beverage control; Sunday sale of wine and beer. Authorizes a referendum to be conducted in a supervisor's election district of a county on the question of the Sunday sale of wine or beer in that supervisor's election district. HB 2791; CH. 783.

§§ 4.1-126, 4.1-210, 4.1-231, and 4.1-233 amended. ABC; special licenses. Provides for a special ABC license for a motor sports road racing club facility in Halifax County

(described by population). The bill would grant privileges to the motor sports club to offer for on-premises consumption beer, wine, or mixed beverages to spectators at locations on the premises in all areas covered by the license. The bill would also allow, similar to stadia and coliseums, persons to bring in their own lawfully acquired alcoholic beverages. The bill also provides for a special license for a recreational facility located near the Blue Ridge Parkway. HB 2175; CH. 461.

§§ 4.1-126, 4.1-210, 4.1-231, and 4.1-233 amended. ABC; special licenses. Provides for a special ABC license for a motor sports road racing club facility in Halifax County. The bill would grant privileges to the motor sports club to offer for on-premises consumption beer, wine, or mixed beverages to spectators at locations on the premises in all areas covered by the license. The bill would also allow, similar to stadia and coliseums, persons to bring in their own lawfully acquired alcoholic beverages. SB 1100; CH. 845 (effective 4/5/01).

§ 4.1-200 amended. Alcoholic beverage control; wine for judging. Allows persons who make homemade wine to give away a certain amount per year as gifts or for sampling at events organized for judging without having to obtain an ABC license. This exemption is similar to that for homemade beer. Neither the wine nor the beer can be sold and is strictly for noncommercial purposes. These provisions do not apply to any person who resides on property on which a winery, farm winery, or brewery is located. HB 2313; CH. 117.

§ 4.1-209 amended. ABC licenses; rain sites. Provides that on an application for a banquet license, the applicant may identify an alternative location when the event is planned to be held outdoors. The bill also provides that any person granted a wine or beer license may display upon their premises point-of-sale advertising that features the use of a professional athlete or athletic team provided such ad meets federal requirements and does not show the athletic consuming alcohol either prior to or during participation is an athletic event or while driving a motor vehicle or other machinery nor does it imply that alcohol consumption enhances athletic prowess. HB 1704; CH. 361.

TITLE 4.1. MISCELLANEOUS - ALCOHOLIC BEVERAGES AND INDUSTRIAL ALCOHOL.

Second enactments of Chapters 1036 and 1051 of the Acts of Assembly of 2000 repealed. ABC; amphitheater mixed beverage license. Repeals the sunset provision on the mixed beverage license granted to the performing arts center in Portsmouth. HB 1701; CH. 96/SB 970; CH. 88.

TITLE 5.1. AVIATION.

§§ 5.1-141 and 46.2-2042 repealed. Keeping of certain waiting rooms, rest rooms, and other public facilities in good and sanitary condition; inspection of such facilities by the State Corporation Commission and the Department of Motor Vehicles. Repeals statutory requirement that waiting rooms and other public facilities used by or in connection with aircraft carriers and motor carriers of passengers be kept in good and sanitary condition and also repeals the authority of the State Corporation Commission and the Department of Motor Vehicles, respectively, to inspect such facilities and require changes to such facilities. HB 1558; CH. 137.

TITLE 6.1. BANKING AND FINANCE.

§ 6.1-2.23 amended. CRESPA; depositing funds in conjunction with an escrow, settlement or closing. Provides that funds deposited with a settlement agent must be deposited no later than the second business day. HB 1760; CH. 316.

§ 6.1-2.23 amended. Escrow accounts; disbursement of funds. Provides exceptions to the procedures for disbursing escrow funds to persons other than the settlement agent. Title insurance premiums payable to title insurers and agents may be (i) held in the settlement agent's escrow account, (ii) disbursed in the form of a check, or (iii) transferred into a separate title insurance premium escrow account. These transferred title insurance premium funds shall be itemized and identified within the separate title insurance premium escrow account. The bill also permits the settlement agent to hold funds in escrow pursuant to written instruction or agreement. HB 2789; CH. 512.

§ 6.1-32.12 amended. Charitable corporations serving as trustees of certain charitable trusts. Clarifies and validates the existing practice of some schools and charitable corporations that now serve as trustees of various split-interest trusts and pooled income funds. Current law prohibits most corporations from serving as trustees of charitable trusts. HB 1730; CH. 717.

§ 6.1-58.1 amended. Bank investments. Authorizes any controlled subsidiary corporation to engage in any business that is authorized by statute, regulation or official interpretation for a subsidiary of a national bank or an out-of-state state bank. A controlled subsidiary corporation is redefined to be a corporation that is controlled by a Virginia-chartered bank, or controlled by more than one bank if at least one of the banks is chartered in this state. HB 2655; CH. 508.

§§ 6.1-249, 6.1-272.1, 6.1-278, 6.1-285, 6.1-288, and 6.1-291 amended; § 6.1-286 repealed. Consumer Finance Act loans. Repeals restrictions that currently limit the maximum amount of Consumer Finance Act loans to \$6,000, and limit the maxi-

imum term of such loans at 61 months. The measure also authorizes licensed lenders to impose late charges, not to exceed five percent of the delinquent loan installment, and to charge loan processing fees. SB 863; CH. 308.

§ 6.1-330.60 amended. Charges on installment loans. Permits banks and savings institutions to impose finance charges and other charges and fees on installment loans at such rates and in such amounts as the borrower may agree. SB 1079; CH. 743.

§§ 6.1-370 through 6.1-375 and 6.1-377 amended; § 6.1-378.4 added. Money order sales and money transmission services. Eliminates the requirement that a licensee have a physical presence in Virginia, so long as transactions are being conducted by Virginia citizens. Applicants for licenses are now required to submit audited financial statements and have a minimum net worth between \$100,000 and one million dollars. The penalty for unlicensed entities engaging in these regulated businesses is raised from a Class 3 misdemeanor to a Class 1 misdemeanor. The State Corporation Commission has enhanced examination powers over licensees, may examine licensees in conjunction with the regulatory authorities of other states, and may now impose civil penalties for violations. HB 2161; CH. 372.

§ 6.1-410 amended. Mortgage brokers. Clarifies that bona fide employees and exclusive agents of a licensed mortgage broker may negotiate, place or find mortgage loans without obtaining their own license under the Mortgage Lender and Broker Act. SB 1103; CH. 24.

§§ 6.1-413, 6.1-422, and 6.1-428 amended. Mortgage lenders and brokers; predatory lending practices. Increases the maximum penalty for a violation of the Mortgage Lender and Broker Act from \$1,000 to \$2,500, and increases the amount of the bond that mortgage lenders and brokers are required to post from \$5,000 to \$25,000. The measure also prohibits a mortgage lender from recommending or encouraging a person to default on an existing loan or other debt, if such default adversely affects such person's credit worthiness, in connection with the solicitation or making of a refinancing mortgage loan. HB 2787; CH. 511.

§ 6.1-422 amended. Mortgage Lender and Broker Act; exemption for real estate brokers. Allows a real estate broker who is either an owner of an interest in a real estate firm or acts as a real estate broker in a sole proprietorship to have an ownership interest in a mortgage broker or lender or to receive returns on investment arising from such ownership or payment of compensation for services actually performed for the mortgage broker or lender. HB 2471; CH. 502.

§ 6.1-423 amended. Mortgage lenders; notice of change of address to insurers. Requires mortgage lenders holding money in escrow for insurance premiums to notify the insurer in writing within the later of 30 days of a change of the mortgage lender's billing address, or 60 days prior to the renewal date of the insurance policy. HB 2576; CH. 504.

§ 6.1-430 amended; § 6.1-422.1 added. Mortgage loans; prohibited practices. Prohibits mortgage lenders and brokers from flipping mortgage loans. "Flipping" a mortgage loan means refinancing a mortgage loan within 12 months after the refinanced loan was originated, when the new loan does not result in any benefit to the borrower considering all of the circumstances. The Attorney General's office is authorized to enforce the prohibition. HB 2708; CH. 510.

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

§ 7.1-40.12 added. Official fleet of the Commonwealth. Designates the replicas of the three ships, Susan Constant, Godspeed, and Discovery, on display at the Jamestown Settlement museum, as the official fleet of the Commonwealth. HB 1728; CH. 97/SB 1254; CH. 134.

§ 7.1-40.12 added. Emblems of the Commonwealth; official gold mining interpretive center. Designates Monroe Park, located in the County of Fauquier, as the official gold mining interpretive center of the Commonwealth. HB 2549; CH. 228.

TITLE 8.01. CIVIL REMEDIES AND PROCEDURE.

§ 8.01-9 amended. Guardians ad litem. Expands the exception in current law that a guardian ad litem need not be appointed for a defendant under a disability who is represented by counsel of record to include a similarly represented plaintiff under a disability. This bill is a recommendation of the Boyd-Graves Conference. SB 908; CH. 127.

§ 8.01-42.3 added. Civil action for stalking. Provides that a person may maintain a civil action against an individual who is alleged to have engaged in conduct that is prohibited under § 18.2-60.3 (criminal stalking), whether or not the individual has been charged or convicted for the alleged violation, for the compensatory damages incurred by the victim as a result of that conduct. The bill also provides that the victim may also seek and be awarded punitive damages, and costs in an action brought under this section. HB 1710; CH. 444.

§ 8.01-47. See § 22.1-254; HB 2512/SB 1359.

§ 8.01-229 amended. Tolling or suspension of statutes of limitation. Allows for the statute of limitations in a civil suit to be tolled during a criminal prosecution that arises out of the same incident. HB 2189; CH. 781/SB 1122; CH. 773.

§ 8.01-328.1 amended. Personal jurisdiction. Expands the list of when personal jurisdiction of a person may be exercised to include a cause of action arising from a person having in-

curring a tangible personal property tax liability to any political subdivision of the Commonwealth. HB 2134; CH. 221.

§ 8.01-329 amended. Verification of the effective date of service of process upon the Secretary of the Commonwealth. Provides that for verification of the effective date of service of process upon the Secretary of the Commonwealth, the person filing an affidavit of inability to serve a party may leave a self-addressed, stamped envelope with the clerk of the court who shall then mail verification of the date the certificate of compliance was filed with the court by the Secretary of the Commonwealth (i.e., the effective date of service of process) to the person who filed the affidavit. HB 1577; CH. 29.

§ 8.01-375 amended. Expert witnesses. Provides that in equitable distribution cases the court may allow one expert witness for each party to remain in the courtroom throughout the hearing without, as is current law, the request of all parties. SB 974; CH. 348.

§ 8.01-380 amended. Dismissal of action by nonsuit. Provides that if notice to take a nonsuit of right is given to the opposing party within five days of trial, the court in its discretion may assess against the nonsuiting party reasonable witness fees and travel costs of expert witnesses scheduled to appear at trial, which are actually incurred by the opposing party solely by reason of the failure to give such notice. The court shall have the authority to determine the reasonableness of expert witness fees and travel costs. HB 2722; CH. 825.

§ 8.01-410 amended; §§ 16.1-93.1, 16.1-276.2, 16.1-276.3, and 17.1-513.2 added. Convicts as witnesses in civil actions. Allows a juvenile and domestic relations district court to issue an order to the Department of Corrections to deliver to the sheriff's office in the jurisdiction of the court issuing the order a prisoner who is a witness in an action. Under current law the Department of Corrections is to deliver witnesses in circuit court actions but the statute does not specify where the prisoner is to be delivered. The bill will partially overrule Commonwealth v. Brown, 2000 Va. Lexis 73 (2000), which held that general district courts do not have the statutory authority to issue transportation orders for prisoners confined within a state correctional facility. The bill also provides for the taking of a prisoner's testimony by telephone in certain cases and requires the party seeking the testimony to pay for the transportation costs when the court requires the presence of the prisoner. SB 802; CH. 513.

§ 8.01-413 amended. Certain copies of health care provider's records and papers. Sets the costs for copies for hard copy generated from computerized or other electronic storage, or other photographic, mechanical, electronic, imaging or chemical storage process made by health care providers. HB 2864; CH. 567.

§ 8.01-420.6 added. Number of witnesses whose depositions may be taken. Provides that notwithstanding any provision of law or rule of court, there shall be no limit on the number of witnesses whose depositions may be taken by a party except by order of the court for good cause shown. Currently, Rule 4:6A

of the Rules of the Virginia Supreme Court limits the number of witnesses who may be deposed to five. HB 2372; CH. 595.

§ 8.01-470 amended; §§ 55-237.1 and 55-248.38:2 added. Unlawful detainer or ejectment; disposal of personal property. Provides a method for the landlord in an eviction to dispose of any unclaimed property remaining on the premises on eviction day. The bill provides that the notice of intent to execute a writ of possession served on the defendant must include the rights afforded to tenants under §§ 55-237.1 and 55-248.38:2, which are new Code sections added by this bill. The tenant will have 24 hours after eviction to remove his property from the public way or storage area. HB 2141; CH. 222.

§ 8.01-581.1 amended. Medical malpractice. Revises the definition of "health care provider" to include directors, officers, employees and agents of persons or entities defined as health care providers acting within the scope of employment. HB 1773; CH. 98.

§ 8.01-581.2 amended. Request for review by medical malpractice review panel. Allows the trial date for the medical malpractice case to be set after the panel has been designated during the stay for the panel proceedings. SB 907; CH. 252.

§ 8.01-581.13. See § 54.1-3500; HB 2095.

§ 8.01-581.15 amended. Medical malpractice cap. Provides that the medical malpractice cap for actions occurring prior to August 1, 1999, is the amount set forth in the statute at the time the act of malpractice occurred. The bill provides that this amendment is declarative of existing law. Apparently some plaintiffs have argued that there is no cap for actions arising prior to August 1, 1999, because the time period prior to August 1, 1999, is not mentioned in the statute as it was amended by the 1999 General Assembly to increase the cap effective August 1, 1999. SB 808; CH. 211.

§§ 8.01-581.16 and 8.01-581.17 amended. Civil immunity and privileged communications. Provides immunity from civil liability for any act, decision, omission, or utterance made by a member of a community services board or a behavioral health authority in the performance of his duties, as long as such act, decision, omission, or utterance is not done in bad faith or with malice. While providing such immunity, the bill ensures that the minutes, records, and reports of such bodies are not privileged communications. HB 2488; CH. 381.

TITLE 8.01. MISCELLANEOUS - CIVIL REMEDIES AND PROCEDURE.

Summonses issued by attorneys. Repeals the clause that provided that House Bill 1213 from the 2000 General Assembly Session expires on July 1, 2001. House Bill 1213 provided that an attorney may issue a summons not less than five business days prior to the date attendance is desired in a civil proceeding

pending in a court or at a deposition in connection with such proceeding. An attorney-issued summons is required to be on a form approved by the Supreme Court, signed by the attorney, and include the attorney's address. The attorney-issued summons is deemed to be a pleading. Attorneys are also allowed to issue subpoenas duces tecum. HB 2366; CH. 551/SB 902; CH. 514.

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

§ 2.1-304.1:2 added; §§ 8.9A-109 and 8.9A-703 amended. Government bonds. Provides that Article 9 of the Uniform Commercial Code (Secured Transactions) does not apply to a sale of promissory notes by the Commonwealth or a governmental unit of the Commonwealth in connection with or in furtherance of its borrowing power. Also exempt is the creation, perfection, priority, and enforcement of a security interest, lien or pledge created, made or granted by the governmental unit to pay or secure any bonds, notes, obligations or other debt securities issued thereby. Security interests, liens or pledges created by the governmental unit in goods or software, or the proceeds thereof, are governed by the UCC. HB 1769; CH. 296/SB 911; CH. 289.

§ 8.9A-404. See § 59.1-475; HB 1810.

TITLE 9. COMMISSIONS, BOARDS AND INSTITUTIONS GENERALLY.

§§ 9.1-100 through 9.1-600 added; all of Title 9 repealed. See § 2.2-100; SB 1098.

§ 9-6.14:4.1. See § 54.1-2952.1; HB 2318.

§ 9-6.14:4.1. See § 22.1-254; HB 2512/SB 1359.

§ 9-6.14:4.1. See § 3.1-530.1; SB 1164.

§§ 2.1-1.7, 2.1-33, 2.1-51.15, 9-6.23, 9-6.25:1, and § 1 of Chapter 557 of the 1999 Acts of Assembly, as amended by Chapter 1033 of the 2000 Acts of Assembly, amended; Chapter 11.2 (§§ 9-95.5 and 9-95.6) of Title 9, Chapter 30 (§§ 9-267 through 9-273) of Title 9, Chapter 32.1 (§ 9-291.1) of Title 9, Chapter 43 (§§ 9-334 and 9-335) of Title 9, and Chapter 12 (§§ 30-90 through 30-93) of Title 30 repealed. Commissions; repeal of inactive groups. Abolishes the Virginia Military Advisory Council, the Virginia Council on Coordinating Prevention, the Commission on Early Childhood and Child Day Care Programs, the Virginia Chesapeake Bay Partnership Council, the Joint Commission on Workforce Development, and the Indoor Air Quality Task Force. These

groups have been relatively inactive during recent years. SB 1365; CH. 577.

§§ **2.1-1.6, 2.1-1.7, 2.1-20.1:02, and 9-6.25:1 amended; §§ 9-396 through 9-399 added; §§ 2.1-20.1:01, 2.1-113.1, 2.1-113.2, 2.1-113.3, and 2.1-116.10 through 2.1-116.14 repealed. Council on Human Resources.** Merges the Personnel Advisory Board, the State Health Benefits Advisory Council, the Virginia Equal Employment Opportunity Council and consolidates their functions in the Virginia Council on Human Resources. The Council shall consist of 17 members appointed by the Governor, the Speaker of the House and the Senate Committee on Privileges and Elections. The Council is authorized to advise the Governor, the Director of the Department of Human Resource Management and the Director of the Department of Employment Dispute Resolution on all matters relating to human resource management, including but not limited to (i) the Department of Employment Dispute Resolution's program of employee management relations, including the improvement of communications between employees and agencies and instrumentalities of the Commonwealth; (ii) the Department of Human Resource Management's training and management programs, compensation and classification practices, health and other benefit programs, recruitment practices, and equal employment opportunity; (iii) the Department of Human Resource Management plan or plans, subject to approval by the Governor, for providing health insurance coverage for employees of local governments, local officers, teachers, and retirees, and the dependents of such employees, officers, teachers and retirees; and (iv) any additional functions as the Governor deems appropriate. HB 2137; CH. 806.

§ **9-6.25:1 amended; §§ 9-396 through 9-400 added. Creation of the Virginia Research and Technology Advisory Commission.** Creates the Virginia Research and Technology Advisory Commission ("Commission"), which is to be an advisory commission under the executive branch. The Commission will consist of 27 members, including three legislative members, 20 citizen members, and the Secretaries of Commerce and Trade, Education, and Technology, or their designees, and the Director of the State Council of Higher Education or her designee. Members will be appointed by the Speaker of the House, the Senate Committee on Privileges and Elections, and the Governor. Legislative members will be appointed to serve terms coincident with their terms of office, and citizen members will be appointed for terms of four years. The Commission shall study and advise the Governor on appropriate research and technology strategies for the Commonwealth with emphasis on policy recommendations that will enhance the global competitive advantage of both research institutions and technology-based commercial endeavors within the Commonwealth. In addition, the Commission must make recommendations to the allocation committee of the Commonwealth Technology Research Fund regarding disbursements from the fund. HB 2743; CH. 788.

§ **9-6.25:1.** See § 2.1-1.6; SB 1140.

§§ **2.1-51.15 and 9-6.25:1 amended; §§ 9-396 and 9-397**

added. Advisory Council on the Future of Nursing in Virginia. Establishes a 24-member advisory council to meet quarterly and to assist the Secretaries of Education and Health and Human Resources in resolving the nursing shortage; and to recommend resolutions for issues pertaining to nurse education, recruitment, and retention. SB 1378; CH. 777.

§ **9-6.25:2.** See § 3.1-4.1; HB 1980/SB 1280.

§ **9-6.25:2.** See § 54.1-300; HB 2174.

§ **9-6.25:3.** See § 2.1-1.5; SB 1080.

§ **2.1-68.1 amended; § 9-77.11:03 added. Compilation and publication of compacts to which the Commonwealth is a party.** Provides that the Virginia Code Commission will annually codify and arrange for publication of all compacts and will forward a copy of each new, amended or repealed compact to the Secretary of the Commonwealth for her use in the appointment process of compact members. Currently the Secretary compiles the compacts and periodically publishes them in volume form. HB 1840; CH. 100.

§ **9-84.7.** See § 11-35; HB 1930/SB 960.

§ **9-145.48 amended. Recycling Markets Development Council.** Staggers the terms of the 15 appointed members of the Virginia Recycling Markets Development Council who will be appointed July 1, 2001. The bill also changes the standard for a quorum from 10 members of the Council to a majority of the appointed members of the Council. SB 1162; CH. 847.

§ **9-154 amended; § 9-155.3 added. Thermal Imaging Camera Advisory Board and Fund.** Establishes the Thermal Imaging Camera Fund administered by the Department of Fire Programs to assist local fire departments, other fire services organizations and local governments to purchase thermal imaging cameras. The provisions of the bill will only become effective if an appropriation of General Funds effectuating the purposes of the bill is included in the 2001 Appropriations Act. HB 1745; CH. 871 (effective-see bill).

§ **9-154 amended; § 9-155.3 added. Thermal Imaging Camera Fund.** Establishes the Thermal Imaging Camera Fund to assist local fire departments, other fire services organizations and local governments to purchase thermal imaging cameras and other related equipment. The bill also authorizes the Department of Fire Programs to establish an advisory panel to make recommendations for the use of the Fund. The members of the board consist of three members each from the following organizations: the State Fire Chief's Association, the Virginia Professional Firefighters Association, and the Virginia Firefighters Association. The bill further provides that the act shall not become effective unless an appropriation of general funds effectuating its purposes is included in the 2001 appropriations act. SB 1117; CH. 864.

§ **9-170 amended. Community policing.** Specifies activities that the Department and Board of Criminal Justice Services must undertake to promote community policing philosophy and practice throughout the Commonwealth. HB 2023; CH. 458.

§§ 9-170 and 9-173 amended. Cultural diversity competency training and exemptions of law-enforcement officers. Clarifies that the Department of Criminal Justice Services must establish compulsory training standards in cultural diversity competency for basic training and the recertification of law-enforcement officers. Also provides that law-enforcement officers must have cultural diversity sensitivity, in addition to basic training in previous capacities as a law-enforcement officer, as a condition of exemption from certain mandatory training requirements. This bill is a recommendation of the Special Subcommittee on Racial Profiling and Pretextual Traffic Stops of the House Committee on Transportation. HB 2502; CH. 162.

§ 9-170 amended. Establishes a Law-Enforcement Accreditation Center within the Department of Criminal Justice Services. The Center may, in cooperation within Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary accreditation standards. The Center may provide accreditation assistance and training, resource material, and research methods and procedures that will assist the Virginia law-enforcement community in efforts to obtain accreditation status. Any state funding for such Center shall be subject to approval of the General Assembly. HB 2860; CH. 210.

§ 9-170 amended. Community policing. Specifies activities that the Department and Board of Criminal Justice Services must undertake to promote community policing philosophy and practice throughout the Commonwealth. SB 1154; CH. 434.

§ 9-171.1 amended. Criminal Justice Services; school resource officers. Provides that the Board may disburse annually up to five percent of the School Resource Officer Grants Fund for the training of the school resource officers. HB 1652; CH. 33.

§ 9-173.21. See § 22.1-278.1; HB 1587/SB 1334.

§§ 9-183.1, 9-183.2, and 9-183.3 amended. Department of Criminal Justice Services; private security services businesses. Adds definitions for the terms “employed,” “general public,” and “natural person.” The bill also clarifies the exemption from licensure, certification or registration for (i) claims adjusters, (ii) employees of a business that is not a private security services business, and (iii) persons engaged exclusively in the business of furnishing information regarding an individual’s financial rating. The bill also expands the authority of the Department to deny applications for licensure/certification/registration based on convictions of certain enumerated misdemeanors in addition to current law that is limited to misdemeanors involving moral turpitude. HB 2519; CH. 821.

§ 9-183.2 amended. Exceptions to certain private security licensing requirements. Provides that a law-enforcement officer who receives compensation under the terms of a contract, express or implied, as a security officer, is exempted from the licensing requirements of the Department of Criminal Justice Services. HB 2871; CH. 388.

§ 9-183.2 amended. Department of Criminal Justice Service; private security services businesses; exceptions. Deletes the exception to the requirement for licensure or registration for persons engaged in the business of a consumer reporting agency as defined by the Federal Fair Credit Reporting Act. SB 1347; CH. 650.

§ 9-254.1 added. Center for Innovative Technology. Requires the president of the Center for Innovative Technology to report annually to the Joint Commission on Technology and Science regarding the Center’s initiatives, projects and work plans. HB 2168; CH. 57.

§ 9-316 amended. Joint Commission on Health Care. Extends the sunset provision for the Joint Commission on Health Care from July 1, 2002, to July 1, 2007. SB 1085; CH. 187.

§ 9-329.1 amended. Virginia Workforce Council; membership. Adds a representative of health care employers to the Virginia Workforce Council. HB 2693; CH. 336.

§ 9-329.2. See § 22.1-129; SB 1055.

§§ 9-362 and 9-368 amended. Virginia Information Providers Network Authority; powers and duties; financing and operations. Clarifies that state agencies and local governments, whom already had statutory authority to contract with the Virginia Information Providers Network Authority (Authority) for use of the Authority’s facilities and Authority’s services, may pay for such use and services. Provides that the Authority may fix and collect fees for such use and services, and further clarifies that state funds may not be used for the Authority’s purposes except as provided by the Code of Virginia. HB 1926; CH. 216/SB 1023; CH. 213.

§§ 9-380 and 9-382 through 9-385 amended. Tobacco Indemnification and Community Revitalization Commission. Amends the definition of active tobacco producer and quota holder and clarifies that obligations of the Tobacco Indemnification and Community Revitalization Commission shall not be a debt or grant or loan of credit of the Commonwealth. The bill also authorizes the Commission to make payments from the Tobacco Indemnification and Community Revitalization Fund to (i) quota holders to the extent such individuals are not being otherwise compensated by a federal loss assistance program based on substantially the same distribution criteria as established by the Commission, and (ii) tobacco dependent communities to assist in finding alternative uses for tobacco and tobacco-related business. The bill has an emergency enactment clause. HB 2180; CH. 807 (effective 4/4/01).

§§ 9-385.1 and 9-389.1 added. Tobacco Indemnification and Community Revitalization Commission; administration of indemnification and economic development payments. Provides that payments made to tobacco farmers from the Tobacco Indemnification and Community Revitalization Fund (Fund) shall not be transferable or assignable, except in certain circumstances. The bill also (i) prohibits grants, loans or other distributions paid from the Fund to promote economic growth and development from being subject to execution, levy, attachment, garnishment or other legal process,

(ii) authorizes the Commission to recover payments erroneously made from the Fund, (iii) provides time limitations regarding applications for indemnification payments, and (iv) adds confidentiality provisions relating to certain personal and financial information provided to the Tobacco Indemnification and Community Revitalization Commission. The bill has an emergency enactment clause. HB 2181; CH. 757 (effective 3/26/01).

§§ 9-396 through 9-399 added. Virginia-Asian Advisory Board. Creates the Virginia-Asian Advisory Board to advise the Governor on ways to improve economic and cultural links between the Commonwealth and Pacific Rim nations, with a focus on the areas of commerce and trade, art and education, and general government. The bill provides for the membership of the Board and its powers and duties. HB 2859; CH. 566.

TITLE 10.1. CONSERVATION.

§§ 10.1-104 and 10.1-202 amended; § 10.1-200.2 added. State parks. Authorizes the Department of Conservation and Recreation to assess a \$25 civil penalty to persons who (i) enter or attempt to enter a state park without paying the fees for use of the park's facilities or (ii) park in prohibited areas of the park. The money paid in civil penalties is to be deposited into the state park system's Conservation Resources Fund. HB 2149; CH. 370.

§ 10.1-202 amended; § 10.1-200.2 added. Littering in state parks. Imposes a civil penalty of up to \$250 on any person who improperly disposes of litter in a Virginia state park. The proceeds collected from civil penalties will be deposited into the Conservation Resources Fund to help maintain the state parks. HB 2302; CH. 172.

§ 10.1-418 amended. Staunton Scenic River. Extends the segment of the Staunton River that has been designated a state scenic river from 10.8 miles to 40.5 miles. HB 2177; CH. 58.

§§ 10.1-523, 10.1-525, and 10.1-518.1. See § 24.2-506; HB 2076.

§ 10.1-530 amended. Soil and Water Conservation District boards; designation of chairman. Requires that directors of soil and water conservation districts designate a chairman from the elected members, or from the Virginia Soil and Water Conservation Board-appointed members, of the district board. Currently, there is no explicit requirement that the chairman be chosen from those district board members. HB 2077; CH. 54.

§§ 10.1-563 and 10.1-566 amended. Regulation of land-disturbing activity; submission and approval of control plan. Requires the person who will be in charge of and responsible for carrying out land-disturbing activities have a certificate of competence issued by the Board of Soil and Water Conservation. The identification of a certified individual is a prerequisite for the approval of an erosion and sediment control plan. SB 1247; CH. 490.

§ 10.1-604 amended. Definition of impounding structure. Expands the definition of an impounding structure under the Dam Safety Act. The bill also has a delayed effective date of July 1, 2002. SB 1166; CH. 92.

§ 10.1-1022.1 amended. Virginia Conservation Land Foundation; expenditure of funds for natural area protection. Removes the requirement that a holder or public body must be in existence and operating in Virginia for more than five years in order to qualify for a matching grant for the protection of a natural area from the Virginia Land Conservation Fund. HB 1687; CH. 168/SB 1012; CH. 164.

§ 10.1-1142 amended. Open burning. Allows prescribed burns throughout the day during the period February 15 through March 1 when such burns are conducted to (i) control exotic and invasive plants, (ii) establish and maintain wildlife habitat, or (iii) manage natural heritage resources. The current law limits open burning to between 4:00 p.m. and midnight from February 15 through April 30. However, in order to be exempted from the current law, the burn has to be conducted in accordance with a prescription or approved burning plan and managed by a certified burn manager. HB 1875; CH. 319.

§ 10.1-1186.4 added. Enforcement in federal courts of matters within the jurisdiction of the State Air Pollution Control Board, the State Water Control Board, the Virginia Waste Management Board and the Department of Environmental Quality. Provides that in addition to the authority of the State Air Pollution Control Board, the State Water Control Board, the Virginia Waste Management Board and the Director to bring actions in the courts of the Commonwealth to enforce any law, regulation, case decision or condition of a permit or certification, the Attorney General is authorized on behalf of such Boards or the Director to seek to intervene pursuant to Rule 24 of the Federal Rules of Civil Procedure in any action pending in a federal court in order to resolve a dispute already being litigated in that court by the United States through the Environmental Protection Agency. HB 2330; CH. 174/SB 1297; CH. 166.

§ 10.1-1322.3 amended. Air emissions banking program. Requires that the Air Pollution Control Board's banking and trading credits or allowances regulations applicable to the electric power industry foster competition in the industry, encourage construction of clean, new generating facilities, provide set-asides for new sources of emissions of five percent for the first five years and two percent per year thereafter, and provide an initial allocation period of five years. SB 1386; CH. 580.

§§ 2.1-442 and 10.1-1400 amended; § 10.1-1422.6 added; § 10.1-1422.5 repealed. Statewide recycling program. Requires the Department of Environmental Quality to establish a statewide program to manage used (i) motor oil, (ii) oil filters and (iii) antifreeze. The program's purpose is to encourage the environmentally sound management of these products. The Department also is to (a) maintain a list of sites that accept these used products from the public, (b) create and promote a web site to provide consumers with information on collection

sites, and (c) develop an outreach education program. The bill requires those who sell motor oil, oil filters and antifreeze at the retail level and who do not accept the return of used motor oil, oil filters or antifreeze to post a sign giving consumers information as to the locations where used motor oil, oil filters and antifreeze can be returned. Any retailer who fails to post such a sign shall be subjected to a fine of \$25. In addition, the bill requires the Division of Purchases and Supply to establish procurement preferences for products containing recycled oil or recycled antifreeze. SB 1003; CH. 569.

§§ 10.1-1408.4 and 10.1-1408.5 amended. Siting of landfills. Authorizes Mecklenburg County to construct a landfill closer to an existing water supply intake or reservoir than is currently allowed by law, if the Director of DEQ finds that the distance would not be detrimental to human health and the environment. The bill also provides that a new landfill in Mecklenburg County may be sited in a wetland. Currently, a landfill cannot be within five miles upgradient of any water supply intake or reservoir and cannot impact 1.25 acres or more of wetlands. HB 2667; CH. 767.

§ 10.1-1429.1 amended; §§ 10.1-1429.5 and 62.1-229.2 added. Voluntary remediation of contaminated properties. Expands the voluntary remediation program for properties owned by local governments. The bill (i) eliminates the requirement that local governments pay registration fees when voluntarily remediating their properties, (ii) creates the Virginia Voluntary Remediation Fund, which would provide grants to local governments to help encourage remediation of contaminated properties, and (iii) provides that loans may be made to local governments from the Virginia Water Facilities Revolving Fund for the remediation of contaminated properties to reduce ground water contamination. The provisions of the bill with respect to registration fees and the creation of the Voluntary Remediation Fund will not become effective unless funds are appropriated in the 2001, 2002, 2003 or 2004 budgets to carry out those provisions. HB 1873; CH. 587.

§§ 10.1-2003, 10.1-2004, 10.1-2007, and 10.1-2008 amended.

Board of Trustees of the Virginia Museum of Natural History. Provides that the unexpired term of any member of the Board of Trustees of the Virginia Museum of Natural History will lapse upon the failure of such member to attend four consecutive regular board meetings. The bill also directs the Board to hold one regular annual meeting at which it shall elect a chairman and vice-chairman from its membership and appoint an executive committee to transact business during recess of the Board. Finally, the bill provides for a quorum of a simple majority of the Board members then serving, and in absence of a quorum, allows those present to receive information, but take no action upon, items on a meeting agenda distributed in advance to the full membership. Under current law, there is no provision for a term lapse for a Board member's failure to attend regular meetings, a quorum is 13, whether or not all 25 Board members authorized are actually serving, and there are no provisions for selection of an executive committee. HB 2627; CH. 163.

§ 10.1-2128 amended. Eligibility requirements for grants from the Virginia Water Quality Improvement Fund. Provides that the provisions establishing Water Quality Improvement Grants shall not be construed to prevent the award of a grant to a local government for point or nonpoint source pollution prevention, reduction and control programs or efforts undertaken on land owned by the Commonwealth and leased to the local government. SB 1251; CH. 264.

§ 10.1-2211 amended. Care of Confederate Cemeteries and Graves. Adds the Floyd Webb Cemetery in Carroll County, which maintains 16 Confederate graves, to the list of those entities receiving funds from the Department of Historic Resources for the care of such graves. HB 1643; CH. 267.

§ 10.1-2211 amended. Care of Confederate Cemeteries and Graves. Replaces the Sons of Confederate Veterans, Oakwood Committee, with the Oakwood Confederate Cemetery Trust, Inc., as the organization to receive funds from the Department of Historic Resources for the care of Oakwood Cemetery in the City of Richmond. The bill also specifies 2,294 as the number of Confederates located in the cemetery. HB 2278; CH. 279.

§ 10.1-2211 amended. Care of Confederate Cemeteries and Graves. Changes the number of Confederate graves, monuments, and markers located in the Maplewood Cemetery in Gordonsville in Orange County from 60 to 696. HB 2612; CH. 284.

TITLE 10.1. MISCELLANEOUS - CONSERVATION.

Property conveyance. Authorizes the Department of Conservation and Recreation to accept approximately 41 acres in Charlotte County that consists of the Mulberry Hill residence and its outbuildings. The property would then become part of Staunton River State Park. HB 2835; CH. 124.

Authorizing the Department of Conservation and Recreation to acquire and lease certain property. Authorizes the Department to acquire the Mary B. Stratton Estate property in Chesterfield County and to lease the property to Chesterfield County for recreational purposes. HB 2858; CH. 247.

TITLE 11. CONTRACTS.

§ 11-4.4 amended. Public Procurement Act; indemnification provisions. Provides that provisions in a contract between an architect or professional engineer and a public body relating to planning or design of a building or other construction project that purports to indemnify or hold the public body harmless against liability are void and unenforceable. The bill does not apply to such provisions in a contract that purports to indem-

nify or hold harmless the public body against liability for damage arising out of the negligent acts, errors or omissions, recklessness or intentionally wrongful conduct of the architect or professional engineer in performance of the contract. HB 2020; CH. 670.

§§ 11-34.1 through 11-34.4 added. Energy and Operational Efficiency Performance-Based Contracting Act. Allows any public body to enter into energy performance-based contracts to significantly reduce energy and operating costs of a facility. The bill provides a contracting procedure to be followed by these entities in negotiating an energy performance-based contract and requires such contract to contain certain provisions. HB 1967; CH. 219.

§ 11-35 amended. Virginia Public Procurement Act; certain purchases by school boards. Provides that purchases of a school board through its public school foundation are generally exempt from the requirements of the Virginia Public Procurement Act. HB 1855; CH. 753/SB 810; CH. 736.

§§ 9-84.7 and 11-35 amended. Citizens Advisory Council on Furnishing and Interpreting the Executive Mansion. Exempts purchases, exchanges, gifts and sales of the Citizens Advisory Council on Furnishing and Interpreting the Executive Mansion from the requirements of the Virginia Public Procurement Act. The bill also provides that the Mansion Director and/or the Department of General Services assist the Council in keeping record of all such transactions. HB 1930; CH. 409/SB 960; CH. 392.

§ 11-35 amended; § 11-35.1 added. Procurement; faith-based organizations. Applies federal language regarding "charitable choice," enacted by Congress in the 1996 Personal Responsibility and Work Opportunity Reconciliation Act (welfare reform), to state procurement practices. The language would make faith-based organizations equal partners in opportunities to bid on and supply services and products to the state government without impairing their religious nature. Faith-based organizations would no longer have to separate their religious nature and symbols from their programs in order to provide services on state contract, but would have to be subject to the same audits as other vendors. Faith-based organizations would not be able to use the money for sectarian worship, instruction or proselytization, would not be able to discriminate against clients for their religious beliefs or refusal to participate in a religious activity, and would have to provide the client with a notice that, if they object to the religious nature of the program providing them services, they can be assigned to another provider. SB 1212; CH. 774.

§ 11-37 amended. Virginia Public Procurement Act; procurement of professional services. Expands to all public bodies the authority to award term contracts for architectural and engineering services for multiple projects. The bill increases certain monetary limits for any locality having a population in excess of 80,000. HB 2183; CH. 675.

§§ 11-37 and 11-41 amended. Virginia Public Procurement Act; procurement by reverse auctioning. Allows the pur-

chase of goods and nonprofessional services by reverse auctioning. Reverse auctioning is defined as a procurement method wherein bidders are invited to bid on specified goods or nonprofessional services through real-time electronic bidding, with the award being made to the lowest responsive and responsible bidder. In addition, during the bidding process, bidders' prices are revealed and bidders shall have the opportunity to modify their bid prices for the duration of the time period established for bid opening. The bill contains a sunset provision of July 1, 2003. SB 1024; CH. 395.

§ 11-47 amended. Public Procurement Act; preference for certain Virginia products. Clarifies, in the case of tie bids, the preference for goods produced in Virginia or services and construction provided by Virginia persons. HB 2050; CH. 323.

§ 11-56.2 amended. Public Procurement Act; damages for unreasonable delays. Provides that a public body denying a contractor's claim for costs or damages due to the alleged delay of the contractor in the performance of work under any public construction contract shall pay the contractor a percentage of all costs incurred by the contractor to investigate, analyze, negotiate, litigate and arbitrate the claim. The percentage paid by the public body shall be equal to the percentage of the contractor's total delay claim for which the public body's denial is determined through litigation or arbitration to have been made in bad faith. HB 2052; CH. 324.

§ 11-60 amended. Public Procurement Act; actions on payment bonds. Provides that any waiver of the right to sue on the payment bond shall be void unless it is in writing, signed by the person whose right is waived, and executed after such person had performed labor or furnished material in accordance with the contract documents. HB 2051; CH. 412.

§ 11-69 amended. Virginia Public Procurement Act; contractual disputes. Requires public bodies to include in all contracts or incorporate by reference procedures for consideration of contractual claims. The bill also provides that where a public body has established an administrative appeals procedure, that such procedure also be included in its contracts or incorporated by reference. HB 2054; CH. 106.

TITLE 12.1. STATE CORPORATION COMMISSION.

§§ 12.1-19, 12.1-20, 12.1-21.1, and 12.1-21.2. See § 13.1-603; HB 2162.

TITLE 13.1. CORPORATIONS.

§§ 13.1-316, 13.1-619, 13.1-634, 13.1-637, 13.1-759, 13.1-763, 13.1-766, 13.1-819, 13.1-833, 13.1-836, 13.1-921, 13.1-925,

13.1-928, 13.1-1011, 13.1-1015, 13.1-1018, 50-73.4, 50-73.7, 50-73.11, 50-73.132, and 50-73.135 amended. Business entities; registered agent. Eliminates provisions that permit professional corporations, limited liability companies and registered limited liability partnerships registered with the Virginia State Bar to serve as registered agents for domestic and foreign stock and nonstock corporations, limited liability companies, limited partnerships, and registered limited liability partnerships. A domestic or foreign stock or nonstock corporation, limited liability company, or registered limited liability partnership authorized to transact business in the Commonwealth, may serve as registered agent. If such an entity is appointed as registered agent, it cannot be its own registered agent and shall designate one or more natural persons to receive any process, notice or demand. HB 2035; CH. 541/SB 1001; CH. 517.

§ 13.1-322 amended. Agricultural cooperative associations; forfeiture of equity. Authorizes the bylaws and member agreements of an agricultural cooperative association to provide that when an agricultural cooperative association holds any membership or patronage equity to the credit of a person who has not had a current address on file with the association for at least three years, then the bylaws or member agreements of the association may provide that such equity is forfeited to the association. The forfeiture will occur only following publication and an opportunity for the equity to be claimed by such person or his next of kin. If there is no such provision in the association's bylaws or member agreements, or if there is no publication, then the Uniform Disposition of Unclaimed Property Act shall apply to such equity. Any forfeiture completed by an association prior to July 1, 2001, will be effective if such transfer was in compliance with the bylaws or member agreements of the association in effect at the time of the transfer, without regard to the publication requirements set out in the bill, and such transfer will not be subject to the Uniform Disposition of Unclaimed Property Act. HB 1791; CH. 797/SB 950; CH. 838.

§ 13.1-400.3. See § 38.2-514; SB 913.

§§ 13.1-501 and 13.1-514 amended. Virginia Securities Act; Broker-dealers. Limits the exclusion for banks and certain trust subsidiaries from the definition of a broker-dealer. Banks and trust subsidiaries will not be considered broker-dealers as a result of engaging in certain activities specified in the Securities Exchange Act of 1934. Transactions by bank pursuant to an unsolicited offer or order to buy or sell securities are exempted from registration requirements, if they are not effected by an employee of the bank who is also an employee of a broker-dealer. The measure will become effective July 1, 2002. HB 2158; CH. 722.

§§ 12.1-19, 12.1-20, 12.1-21.1, 13.1-603, 13.1-615, 13.1-615.1, 13.1-616, 13.1-658, 13.1-1005, and 13.1-1062 amended; §§ 12.1-21.2, 13.1-722.2 through 13.1-722.7, and 13.1-722.8 through 13.1-722.14 added; § 13.1-617 repealed. Corporations; domestication and conversion; fees. Adopts the Revised Model Business Corporations Act procedures for (i)

domestication of foreign corporations in Virginia and Virginia corporations in foreign jurisdictions and (ii) for converting domestic limited liability companies to domestic corporations and domestic corporations to domestic limited liability companies. A foreign corporation may domesticate in Virginia by complying with the laws in which the foreign corporation was incorporated and filing articles of domestication with the State Corporation Commission. A domestic corporation may domesticate in a foreign jurisdiction by having obtained board and shareholder approval of a plan of domestication and filing articles of domestication with the Commission. Domestic corporations may convert into domestic limited liability companies by obtaining board and shareholder approval of a plan of entity conversion and filing articles of entity conversion with the Commission. Domestic limited liability companies may convert into domestic corporations by obtaining member approval of a plan of entity conversion and filing articles of entity conversion with the Commission. The bill also sets forth the effects of domestication or conversion on the entity, including transfer of assets and liabilities from the converting entity to the surviving entity, continuation of legal proceedings by or against the entity, reclassification of shares and interests, and continuation of the entity without interruption since the date the original entity was organized. Fees for filing articles of domestication, entity conversion or incorporation surrender shall be the same as those for filing articles of incorporation or organization, except that the Commission may charge and collect fees for requested expedited handling of business entity filings, UCC filings, copies of records, requested expedited provision of services or issuance of certificates. The bill has an effective date of July 1, 2002. HB 2162; CH. 545.

§§ 13.1-1002, 13.1-1014, 13.1-1028, 13.1-1035, 13.1-1038.1, 13.1-1046, 13.1-1067, and 54.1-2100 amended. Limited liability companies; membership and distributions. Permits formation of a limited liability company without any initial members and provides procedures and conditions for admission of members when a limited liability company has no members at the time it is formed. Restrictions on distributions by limited liability companies do not apply to payments for services or payments made in the ordinary course of business pursuant to bona fide employee compensation arrangements. The bill confirms entity status of limited liability companies notwithstanding status for income tax purposes. HB 2235; CH. 548.

TITLE 15.2. COUNTIES, CITIES AND TOWNS.

§ 15.2-901 amended. Cutting of grass and weeds. Amends provisions that currently allow localities, after reasonable notice, to have grass, weeds or other foreign growth on vacant developed or undeveloped property cut by its agents or employees, with the cost and expenses thereof chargeable to and paid by the owner of such property, to provide that the locality

shall determine what constitutes "reasonable notice." HB 1634; CH. 750.

§ 15.2-903 amended. Screening of junkyards. Adds Caroline County and Fauquier County (described by population) to those localities with authority to require fencing or screening of automobile graveyards or junkyards regardless of when established. HB 1824; CH. 10.

§§ 15.2-912 and 18.2-371.3 amended. Tattooing and body piercing. Provides additional protections for the public health and safety vis-a-vis tattooing and body piercing. This bill revises the authority of local governments to regulate tattoo parlors and body-piercing salons by adding specification of procedures for enforcement of compliance with disease control and disclosure requirements and requiring those localities that choose to regulate tattoo parlors and body-piercing salons to authorize unannounced inspections by appropriate personnel. In addition, the current criminal prohibition against tattooing or body piercing of minors without consent is expanded to any client unless the person performing the tattooing or body piercing complies with the Centers for Disease Control and Prevention's guidelines for "Universal Blood and Body Fluid Precautions" and provides the client with the proper disclosure. Also, the definition of tattoo is expanded to include permanent make-up or permanent jewelry. The disclosure requirements are that: (i) tattooing and body piercing are invasive procedures in which the skin is penetrated by a foreign object; (ii) if proper sterilization and antiseptic procedures are not followed by tattoo artists and body piercers, there is a risk of transmission of bloodborne pathogens and other infections, including, but not limited to, human immunodeficiency viruses and hepatitis B or C viruses; (iii) tattooing and body piercing may cause allergic reactions in persons sensitive to dyes or metals used in ornamentation; and (iv) tattooing and body piercing may involve discomfort or pain for which appropriate anesthesia cannot be legally made available by the person performing the tattoo or body piercing unless such person holds the appropriate license from a Virginia health regulatory board. HB 1823; CH. 270.

§ 15.2-924 amended. Adoption of water supply emergency ordinances. Authorizes localities to adopt water supply emergency ordinances where a water supply emergency is reasonably likely to occur if water conservation measures are not taken. Currently, a locality may adopt a water supply emergency ordinance only if it finds that a water supply emergency exists. SB 1062; CH. 258.

§ 15.2-941 amended. Shell building initiative. Expands the scope of the shell building initiative to include renovation of existing buildings and the use of shell buildings by technology-related businesses. This is an interim recommendation of the Rural Virginia Prosperity Commission. HB 2848; CH. 66.

§ 15.2-944.1 added. Certain historic properties; notification prior to sale. Requires any charitable or civic organization or museum with tax exempt status under § 501 (c) (3) of the Internal Revenue Code that owns certain historic properties open to the public as historic attractions at least 100 days per year to notify in writing the chief administrative officer of the locality

where the property is located, the Department of Historic Resources and the Office of Attorney General of its intent to sell or transfer ownership of the property. Such notification must be given at least 90 days prior to the public offering the property for sale or, if no public offering is made, prior to accepting a purchase offer for such property. The notification requirement is waived where (i) only a portion of the property is being sold or transferred and the portion not sold or transferred remains open to the public at least 100 days a year; (ii) the property is transferred to another owner with tax exempt status and the property remains open to the public at least 100 days a year; or (iii) an easement, right-of-way, or leasehold interest is being sold or transferred and the property remains open to the public at least 100 days a year. Failure to provide notice will not automatically invalidate the sale, but may subject the terms of the sale to special review by the Attorney General to ensure that there was no violation of any public law or charitable trust obligation by the transferring entity. HB 2165; CH. 780.

§ 15.2-1129.1 added. Arts and cultural district. Allows the City of Harrisonburg and the City of Charlottesville, by ordinance, to establish within their boundaries an arts and cultural district for the purpose of increasing awareness and support for the arts and culture in the cities. Each City may provide incentives for the support and creation of arts and cultural venues in the district including certain tax incentives. HB 2360; CH. 550.

§ 15.2-1302 amended. Continuation of state aid to certain localities. Provides that the Commonwealth shall continue to distribute certain state funds to localities at the same level such funds would have been provided had no consolidation taken place where the consolidation takes place after January 1, 1995. HB 2176; CH. 14.

§ 15.2-1414.7 amended. Salaries and benefits of town council members and mayors. Provides that in addition to salary, each member of the council and the mayor of any town may be compensated with such benefits as are provided town employees by the towns. Counties and cities already have similar authority. HB 1805; CH. 9/SB 956; CH. 254.

§ 15.2-1507 amended. Local grievance procedure. Provides that there is a rebuttable presumption that increasing the penalty that is the subject of the grievance at any level of the grievance shall be an act of retaliation. HB 1944; CH. 589.

§ 15.2-1507.1 added. Appointment of standing grievance panel in certain counties. Provides that in any county with the county manager form of government (Henrico County), the final step of its grievance procedure shall provide for a hearing before an impartial panel consisting of one member appointed by the grievant, one member appointed by the county manager or his designee, and a third member appointed in a manner determined by the board of supervisors. HB 2788; CH. 601.

§ 15.2-1512.3. See § 2.1-20.1:9; HB 1713.

§ 15.2-1535 amended. Appointment to local parks and recreation commissions. Allows a member of a local governing

body to be appointed to a local parks and recreation commission. HB 1804; CH. 8.

§ 15.2-1716 amended. Expenses incurred in responding to DUI incident. Amends the section that currently allows localities to collect reasonable expenses from those causing certain DUI incidents by stating that in determining the "reasonable expense," a locality may bill a flat fee of \$100 or a minute-by-minute accounting of the actual costs incurred. Under current law the total amount may not exceed \$1,000 per incident. HB 2577; CH. 505.

§ 15.2-1720. See § 46.2-100; SB 836.

§ 15.2-1901 amended. Condemnation by localities. Provides that a locality may condemn property outside of its boundaries only if expressly permitted by general law or special act. A locality may acquire property outside its boundaries through condemnation for purposes of establishing, maintaining or operating public utility facilities and mass transportation systems. This bill is a recommendation of the joint subcommittee studying eminent domain issues. HB 1825; CH. 538.

§§ 15.2-2100, 15.2-2101, and 15.2-2102 amended. Granting of franchises. Provides that prior to granting certain franchises, municipalities shall advertise the proposed ordinance two successive weeks, rather than four. Other amendments clarify the method for receiving bids for franchises. HB 2094; CH. 498.

§ 15.2-2110 amended. Mandatory connection to water and sewage systems. Allows Goochland County to require connection to its water and sewage systems by owners of property that may be served by such systems if the property, at the time of installation of such system, does not have a then-existing, correctable or replaceable domestic supply of potable water and a system for the disposal of sewage adequate to prevent the contraction or spread of diseases. The provisions as they apply to Goochland County shall become effective on July 1, 2002. HB 2312; CH. 326/SB 817; CH. 306.

§§ 15.2-2117 and 15.2-5114 amended. Public-private partnerships for provision of water and waste services. Provides that the power granted localities and water and waste authorities to enter into contracts with private entities includes the authority to enter into public-private partnerships for the establishment and operation of water and sewage systems. HB 2532; CH. 120.

§ 15.2-2118.1 added. Liens for gas utilities charges. Allows the governing body of any locality with a municipally-owned gas utility to provide that charges imposed for gas service within or outside such locality shall be a lien on the real estate served by such gas utility. Where residential rental real estate is involved, no lien shall attach (i) unless the user of the gas utility services is also the owner of the real estate or (ii) unless the owner of the real estate negotiated or executed the agreement by which such gas utility services were provided to the property. HB 2363; CH. 761.

§ 15.2-2119 amended. Fees and charges for sewer services. Provides that in Virginia Beach (described by population) delinquent water and sewer connection fees may be included with those unpaid fees and charges that shall constitute a lien against the subject property. HB 2114; CH. 13.

§ 15.2-2157.1 added. Septic tank permits in certain counties. Allows Augusta County (described by population) to require any person desiring to install a septic tank to secure a permit to do so. The county may prescribe reasonable fees, not to exceed \$50, for the issuance of such permits. HB 2358; CH. 204.

§§ 15.2-2159 and 46.2-752 amended. Fees for solid waste disposal. Allows Wise County (described by population) to require that landfill use fees be paid prior to issuance of certain land use permits and motor vehicle licenses. HB 2737; CH. 338.

§ 15.2-2202 amended. Notification to localities of state construction. Amends current provisions that require state agencies to give notice to localities of construction projects by requiring such notice to be given earlier, during the planning phase of the project. HB 2433; CH. 281.

§ 15.2-2204 amended. Advertising requirements for plans, ordinances and enactment of levies and fees. Reduces the time period required between the second advertisement of plans or ordinances and the holding of a public hearing from six days to five days. HB 1718; CH. 406.

§ 15.2-2243 amended. Payment by subdivider of pro rata share of certain costs. Amends provisions that currently allow a locality to provide in its subdivision ordinance for payment by a subdivider or developer of land of the pro rata share of the cost of providing certain sewerage, water, and drainage facilities by providing that when a locality determines the proportionate share that shall be borne by each subdivider or developer within an area, such share shall be limited to the amount necessary to protect water quality based upon the pollutant loading caused by the subdivision or development. SB 876; CH. 704.

§ 15.2-2286 amended. Voluntary downzoning. Allow localities by ordinance to enter into a voluntary agreement with a landowner that would result in the downzoning of the landowner's undeveloped or underdeveloped property in exchange for a tax credit equal to the amount of excess real estate taxes that the landowner has paid due to the higher zoning classification. The locality may establish reasonable guidelines for determining the amount of excess real estate tax collected and the method and duration for applying the tax credit. HB 1978; CH. 240.

§§ 15.2-2297, 15.2-2298, and 15.2-2303 amended. Conditional zoning. Provides that localities shall not include, as part of the conditional zoning process, conditions that require the applicant to create a property owners' association and that require members of a property owners' association to pay an assessment for the maintenance of public facilities owned in

fee by the public entity, including open space, parks, schools, and fire departments. SB 874; CH. 703.

§ 15.2-2303.2 added. Disclosure of proffered cash payments and expenditures. Requires localities to make annual disclosures of such payments and expenditures to the Commission on Local Government. The Commission shall compile the information and prepare a report to make available to the public and the chairmen of the Senate Local Government and House Counties, Cities and Towns Committees. HB 2476; CH. 282.

§ 15.2-2304 amended. Affordable housing. Grants Arlington County (described by form of government) greater flexibility in administration of its affordable dwelling program by placing the County's authority under the broader enabling provisions currently applying only to Fairfax County and Loudoun County. HB 2442; CH. 18/SB 1228; CH. 313.

§ 15.2-2314 amended. Review of board of zoning appeals decisions. Clarifies that a petition to review the decision of a board of zoning appeals shall be filed with the clerk of the circuit court within 30 days after the final decision of the board. HB 2496; CH. 422.

§ 15.2-2511.1 added. Return of local surplus funds. Provides that Albemarle County (described by population) may by ordinance develop a method for returning surplus real property tax revenues to taxpayers who paid real property tax in any fiscal year in which such county reports a surplus. HB 2758; CH. 246.

§ 15.2-2800. See § 22.1-129; SB 1055.

§ 15.2-3201 amended. Annexation. Provides that the current moratorium on city-initiated annexations also applies to petitions to annex city-owned land that is located within a county. HB 2850; CH. 733.

§§ 15.2-4816 through 15.2-4828 added. Northern Virginia Transportation Authority. Establishes the Northern Virginia Transportation Authority, consisting of the Counties of Arlington, Fairfax, Loudoun, and Prince William, and the Cities of Alexandria, Fairfax, Falls Church, Manassas and Manassas Park. The authority's responsibilities shall include long-range transportation planning for regional transportation projects in Northern Virginia. The authority may issue bonds as authorized by law. It is the intention of the General Assembly that the Northern Virginia Transportation Commission shall merge and be consolidated with the Authority no later than July 1, 2003. HB 2606; CH. 610.

§ 15.2-4903 amended. Industrial development authorities. Provides that in Powhatan County the authority may be called an economic development authority. HB 1554; CH. 5.

§ 15.2-4903 amended. Industrial development authorities. Allows Scott County to rename its industrial development authority as the Economic Development Authority of Scott County. HB 1790; CH. 6.

§ 15.2-4903 amended. Industrial development authorities. Adds the City of Norfolk to those localities that may rename

their industrial development authority as an economic development authority. HB 2468; CH. 730.

§ 15.2-4904 amended. Appointment to industrial development authorities. Allows the town council of the Town of Saint Paul to appoint 10, rather than seven, members to its industrial development authority. HB 2564; CH. 121.

§ 15.2-5136 amended. Water and waste authority rates and charges. Deletes a reference to the jurisdiction of the State Corporation Commission (SCC) with regard to fees and charges of water and waste authorities. The SCC has no jurisdiction of such rates and charges. HB 1583; CH. 400.

§ 15.2-6400 amended. Virginia Regional Industrial Facilities Act. Adds the area within Planning District 19 to those areas that may utilize the Virginia Regional Industrial Facilities Act. HB 1681; CH. 404.

§§ 15.2-6400, 15.2-6402, and 15.2-6403 amended. Regional industrial facility authorities. Adds Planning District 10 to those planning districts in which localities are authorized to create regional industrial facility authorities. Planning District 10 is also added to existing provisions that allow creation of such an authority by two rather than three localities and that require that the authority board consist only of members of the local governing bodies. SB 957; CH. 391.

§ 15.2-6403 amended. Regional industrial facility authority board. Provides that if an authority has only two member localities, the governing body of each locality may appoint three members each to the board instead of two. HB 1802; CH. 7.

§ 15.2-6403 amended. Appointment to regional industrial facilities authorities board. Provides that in any instance in which the member localities are not equally contributing funding to the authority, and upon agreement by each member locality, the number of appointments to be made by each locality may be based upon the percentage of local funds contributed by each of the member localities. Otherwise, each member locality shall appoint two members to the board. HB 2241; CH. 15/SB 894; CH. 390.

CHARTERS, AUTHORITIES

Chesterfield, County. Updates old references to Title 15.1 with current Title 15.2 references. SB 881; CH. 250.

Falls Church, City. Repeals several provisions related to the duties of the City's planning commission, thereby making the commission's duties more consistent with general law. HB 1786; CH. /SB 1221; CH. 708.

Front Royal, Town. Grants the Town authority to sell items that promote the Town at its official visitors' center. HB 2543; CH. 245.

Kenbridge, Town. Eliminates the possibility that the council may have to hold its organizational meeting on a Saturday. HB 1951; CH. 11.

Norton, City. Allows the City, after complying with the provisions of general law, to move its elections to November. HB 2531; CH. 283/SB 915; CH. 290.

Parksley, Town. Changes the title of the town sergeant to the chief of police. HB 2030; CH. 12.

Wise, Town. Provides a new charter for the town of Wise, in Wise County. The new charter contains provisions typically found in town charters and does not grant unusual powers. HB 2453; CH. 378 (effective 3/19/01)/SB 885; CH. 346 (effective 3/19/01).

§§ 7 and 15 of Chapter 380 of the Acts of Assembly of 1980 amended. Capital Region Airport Commission. Provides that the Commission will appoint an airport administrator to be its "president and chief executive officer." The bill also allows the Commission greater flexibility in issuing bonds. HB 2479; CH. 331/SB 877; CH. 344.

Virginia Baseball Stadium Authority; entitlement to income and sales and use taxes. Extends the Authority's entitlement to certain income and sales and use taxes through January 1, 2005. The Authority would be entitled to income and sales and use tax revenues generated from (i) activities conducted on the premises or within a major league baseball stadium; and (ii) transactions made in connection with the development and construction of a major league baseball stadium. The entitlement is made conditional upon an appropriation directing these revenues to be paid over to the Authority. The entitlement to these revenues will expire on January 1, 2005, unless, before that time, the Authority executes a lease with a major league baseball team. Under current law, entitlement to such revenues would expire on January 1, 2002. The bill also contains a technical correction. HB 1602; CH. 441/SB 793; CH. 424.

Metropolitan Washington Airports Authority. Codifies as Chapter 10 of Title 5.1 of the Code of Virginia provisions of various Acts of Assembly relating to the Metropolitan Washington Airports Authority. This bill is a recommendation of the Virginia Code Commission. SB 796; CH. 342.

Virginia Tech/Montgomery Regional Airport Authority. Establishes the Virginia Tech/Montgomery Regional Airport Authority and provides for the powers of the Authority and the responsibilities of the participating members of the Authority. HB 2273; CH. 202 /SB 1170; CH. 189.

TITLE 16.1. COURTS NOT OF RECORD.

§ 16.1-69.6:1 amended. Number of district court judges. Creates one new judgeship each in the general district courts of the Sixth (Emporia, Hopewell, Prince George, Surry, Sussex,

Greensville, Brunswick) and Seventeenth (Arlington, Falls Church) Judicial Districts, and in the juvenile and domestic relations district courts of the Eighth (Hampton) and Twelfth (Chesterfield, Colonial Heights) Judicial Districts. The requirement that the judges of the Fourteenth Judicial District (Henrico), Juvenile and Domestic Relations District Court assist the Twelfth Judicial District is removed. This bill is recommended by the Committee on District Courts. HB 1683; CH. 16.

§§ 16.1-69.9:2 and 17.1-509 amended. Pro tempore judges. Clarifies that the Governor's and circuit courts' powers of appointment of pro tempore judges exists only while the General Assembly is not in session. The language used in this bill is the same as used in the Constitution of Virginia. SB 1040; CH. 256.

§ 16.1-69.33 amended. District courts. Deletes specific leave provisions for district court personnel and provides that such policies will be fixed by the Committee on District Courts. This flexibility will make it easier for the district courts to follow the changes made in the leave system for executive branch personnel. There is a provision that salary classification schedules, vacation and sick leave policies shall be uniform throughout the Commonwealth. The bill, as introduced, was recommended by the Committee on District Courts. HB 2066; CH. 367.

§ 16.1-69.35 amended. Closing of district courts. Provides that the chief judge of a district court may authorize the office of the clerk of the court to be closed on the basis of a possible threat to the health or safety of the general public or the clerk's staff. HB 1560; CH. 494.

§ 16.1-69.40 amended. Powers and duties of clerks of the general district court. Clarifies that no clerk or deputy clerk shall be civilly liable for providing information or assistance that is within the scope of his duties. HB 2271; CH. 499.

§§ 16.1-69.40 and 47.1-5 amended. Clerks and deputy clerks of general district courts. Allows clerks and deputy clerks of general district courts to perform notarial acts. SB 1197; CH. 488.

§ 16.1-77. See § 18.2-76; HB 2570/SB 1211.

§§ 16.1-93.1, 16.1-276.2, and 16.1-276.3. See § 8.01-410; SB 802.

§ 16.1-122.4 amended. **Representation and removal in small claims court.** Provides that a defendant in small claims court shall have the right to representation by an attorney for the purpose of removal of the case to the general district court at any point preceding the handing down of the decision by the judge. Currently, a defendant may not be represented by an attorney for that purpose. HB 1849; CH. 74.

§ 16.1-218 amended. **Judicial Conference of Virginia for District Courts.** Adds as active members to the Judicial Conference of Virginia for District Courts the president and secretary of the Virginia College of Criminal Defense Attorneys. HB 2641; CH. 229.

§§ 16.1-223 and 19.2-387 amended. **Virginia Juvenile Justice Information System.** Updates and clarifies provisions relating to confidential juvenile justice information and the Department of Juvenile Justice. HB 2340; CH. 203/SB 1195; CH. 215.

§§ 16.1-233, 16.1-235, and 16.1-236 amended; § 16.1-236.1, added. **Authority to hire court services staff and directors.** Clarifies the roles of the Director of the Department of Juvenile Justice and the juvenile and domestic relations district court judges to hire, transfer and terminate probation officers and supervisors in state-operated court service units and clarifies the juvenile court's authority to appoint a court services unit director for each locally-operated court services unit. The bill does not become effective unless reenacted by the 2002 Session of the General Assembly. HB 2038; CH. 542 (effective-see bill).

§§ 16.1-233 through 16.1-237, 16.1-285, 16.1-291, 16.1-293, and 63.1-248.3 amended. **Duties of court services units and local departments of social services; parole supervision of juveniles; secure residential facilities; authority of the juvenile court over adults.** Separates the responsibilities of the Department of Juvenile Justice and the Department of Social Services over parole (post-release) supervision of juveniles. The Department of Juvenile Justice, through court services units, will be responsible for juveniles committed to it. The bill also gives the court the authority to place a child, 14 or older, into a secure residential facility (detention) for up to 10 days for violation of probation. The bill clarifies that the juvenile court retains authority over an adult on probation or parole for violations committed as a juvenile. SB 1296; CH. 853.

§§ 16.1-248.1, 16.1-250.1, 16.1-340, 16.1-341, 19.2-174.1, 19.2-182.9, 32.1-48.02, 32.1-48.03, 32.1-48.04, 37.1-67.3, and 63.1-248.9 amended. **Civil procedure; maximum extension periods.** Eliminates the 72- or 96-hour maximum extension periods in civil procedure relating to such things as involuntary detention and commitment to account for holiday weekend periods greater than 96 hours. The bill provides that when the maximum period in the civil procedure would expire on a Saturday, Sunday or legal holiday, the process continues until the next day that is not a Saturday, Sunday or legal holiday. SB 906; CH. 837.

§ 16.1-253.1. See § 19.2-152.9; HB 1890.

§§ 16.1-253.4 and 19.2-152.8 amended. **Emergency protective orders; Virginia criminal information network.** Allows a court entering an emergency protective order to forward the information regarding the order to the Virginia criminal information network electronically where feasible and practical. HB 2676; CH. 474.

§ 16.1-272. See § 18.2-67.3; HB 1837.

§ 16.1-274 amended. **Time for filing of certain reports.** Provides that the chief judge of each juvenile and domestic relations district court may provide for an alternative means of copying and distributing CASA (Court Appointed Special Advocate) reports. HB 1889; CH. 364.

§ 16.1-278.9 amended. **Loss of driving privileges for making a bomb threat.** Provides that a juvenile who makes a bomb threat shall be additionally punished by depriving him of his privilege to drive for one year. HB 1575; CH. 266/SB 789; CH. 248.

§ 16.1-284.1 amended. **Postdispositional detention.** Amends legislation that will be effective July 1, 2002, to provide that if the period of postdispositional confinement is to exceed 30 days the juvenile must be committed to the Department of Juvenile Justice. The bill also adds a provision that a juvenile who has been committed to the Department of Juvenile Justice within the past 18 months is not eligible for postdispositional detention. This bill is a recommendation of the Commission on Youth, which reviewed the postdispositional legislation passed during the 2000 General Assembly Session. HB 1753; CH. 140.

§ 16.1-285.1 amended. **Commitment of serious juvenile offenders.** Allows the circuit court to qualify a transferred juvenile as a serious offender and commit him to the Department of Juvenile Justice regardless of whether he meets existing criteria regarding criminal background if, upon the court's review of the juvenile's entire criminal history, such qualification is otherwise justified. HB 2795; CH. 563.

§ 16.1-287. See § 22.1-129; SB 1055.

§ 16.1-293. See § 22.1-254; HB 2512/SB 1359.

§ 16.1-301 amended. **Disclosure that a juvenile is a suspect in or has been arrested for certain crimes.** Specifies that the chief of police or sheriff of a jurisdiction or his designee may disclose to a school principal that a juvenile is a suspect in or has been charged with (i) a violent juvenile felony; (ii) a crime involving arson or bombs; or (iii) a crime involving weapons. HB 2841; CH. 770.

TITLE 17.1. COURTS OF RECORD.

§ 17.1-106 amended. **Temporary recall of retired judges.** Allows a judge to be recalled who retired under the Virginia

Retirement System, instead of the Judicial Retirement System, after transferring from the judiciary to state service. HB 2199; CH. 59.

§ 17.1-207 amended. Days of operation of clerks' offices. Expands the purposes for which the clerk, with the approval of the chief judge, may open the clerk's office on Saturdays to include recording instruments. Currently the court may be open on Saturday, solely for the purposes of (i) permitting examination and copying of court records and (ii) accepting applications for and granting licenses pursuant to applicable law. For all other purposes, including without limitation and the filing of actions at law and suits in equity and all pleadings, pleas and motions therein, the clerk's office shall be closed with the force and effect of a statutory closing as provided in § 1-13.3:1:1. HB 2749; CH. 287.

§§ 17.1-213, 17.1-275, 26-59, 32.1-267, 59.1-71, 59.1-72, and 64.1-94 amended; §§ 17.1-126 and 17.1-127 repealed. Circuit court clerks; powers, duties and fees. Makes technical corrections to various sections affecting circuit court clerks. Such corrections are not intended to create any substantive changes in policy and they are as follows: (1) With regard to records retention, the change clarifies that the clerk may destroy the originals of judgments once they are microfilmed or scanned in accordance with existing requirements; (2) a conflict regarding the fee payable for recording powers of attorney is eliminated; (3) an unintended conflict between the section relating to nonresident fiduciaries and a section relating to the qualification of a fiduciary without security is eliminated by clarifying that the clerk may waive the surety when he appoints; (4) the bill provides the protection from public inspection that is necessary for marriage licenses that have social security numbers as part of the record; (5) it makes clear that powers of attorney appointing agents for service of process on businesses trading under assumed names are to be filed in the deed books; (6) the bill makes clear that a copy of a will stored on microfilm or on an electronic medium can be certified as "a duly certified copy"; and (7) two outdated provisions are repealed. The bill also requires that social security numbers not be used on applications for marriage licenses. SB 891; CH. 836.

§§ 17.1-225 and 17.1-242 amended. Remote access to non-confidential circuit court records. Clarifies that those records held by a circuit court clerk include records stored in electronic format whether the storage media for such electronic records are on premises or elsewhere. The bill provides that remote access users are individuals who are not employees of the clerk's office. HB 1772; CH. 497.

§ 17.1-275 amended. Privacy of electronically filed court records. Requires the Supreme Court to promulgate rules to restrict remote electronic access to records in any cases filed electronically in the electronic filing pilot projects, to judges, court personnel, any persons assisting such persons in the administration of the electronic filing system, counsel of record, and parties appearing pro se. The bill expires on July 1, 2002. HB 1759; CH. 496.

§§ 17.1-275 and 19.2-353.3 amended. Payment of fees by credit card. Clarifies that circuit court clerks may accept credit cards for the payment of filing fees. HB 2454; CH. 501/SB 918; CH. 481.

§§ 17.1-302 and 17.1-401 amended. Senior justices and judges. Changes the word "secretary" to "support staff" to allow senior justices of the Supreme Court and senior judges of the Court of Appeals the flexibility to hire a law clerk rather than a secretary. HB 1685; CH. 295.

§ 17.1-402 amended. Court of Appeals. Increases from two to three the number of judges on the Court of Appeals who must vote in favor of an en banc hearing when there is a dissent in the panel and the aggrieved party requests an en banc hearing. The bill also increases from two to three the number of other judges who must concur when any judge of a panel certifies that the panel decision is in conflict with a prior decision and should be heard en banc. This change recognizes the increase in the size of the Court of Appeals from 10 to 11 judges, a change made by the 2000 General Assembly. This bill is recommended by the Judicial Council. HB 2487; CH. 555.

§ 17.1-405. See § 2.1-116.07:1; HB 2464/SB 962.

§§ 17.1-415 and 17.1-417 amended. Court of Appeals. Eliminates statutory references to what expenses will be reimbursed for judges of the Court of Appeals and the staff positions to which the judges are entitled. The Code of Virginia currently specifies that each judge is entitled to one research assistant and the services of a secretary. The bill provides that each judge is entitled to the staff support authorized by the Appropriations Act. HB 1686; CH. 35.

§ 17.1-509. See § 16.1-69.9:2; SB 1040.

§ 17.1-513.2. See § 8.01-410; SB 802.

§ 17.1-805. See § 18.2-67.3; HB 1837.

TITLE 17.1. MISCELLANEOUS - COURTS OF RECORD.

Privacy of electronically filed court records. Requires the Supreme Court to promulgate rules to restrict remote electronic access to records in any cases filed electronically in the electronic filing pilot projects, to judges, court personnel, any persons assisting such persons in the administration of the electronic filing system, counsel of record, and parties appearing pro se. The bill expires on July 1, 2002. HB 2043; CH. 220.

Modification of sentencing guidelines for methamphetamine. Requires the Virginia Criminal Sentencing Commission to develop discretionary felony sentencing guidelines for methamphetamine-related convictions and to assess the quantity of methamphetamine seized in such cases with regard to recently amended provisions of subsection H of §

18.2-248. The assessment must be completed by December 1, 2001. HB 2356; CH. 375/SB 1178; CH. 352.

TITLE 18.2. CRIMES AND OFFENSES GENERALLY.

§ 18.2-55 amended. Bodily injuries caused by accused persons, prisoners, state juvenile probationers and state and local adult probationers or adult parolees. Provides that it is a Class 5 felony for an accused being investigated by, or a probationer or parolee under the supervision of, a probation or parole officer or a local pretrial services officer, to knowingly and willfully inflict bodily injury on such officer while he is in the performance of his duty and knowing or having reason to know that the officer is engaged in the performance of his duty. Currently the law does not apply to an accused person as the perpetrator or to a local pretrial services officer as the victim. HB 2483; CH. 818/SB 1181; CH. 848.

§ 18.2-57 amended. Assault and battery of a correctional officer. Clarifies that enhanced penalties for assault and battery against correctional officers applies to jail officers in regional jail facilities as well as officers in local facilities. SB 998; CH. 129.

§ 18.2-57.02 added. Disarming a law-enforcement or correctional officer. Creates a Class 1 misdemeanor for any person who knows or has reason to know a person is a law-enforcement or correctional officer or an employee of the Department of Corrections and, with the intent to impede or prevent the officer from performing his official duties, knowingly and without the officer's permission, removes a chemical irritant weapon, or impact weapon from the possession of the officer or deprives the officer of the use of the weapon. If the weapon removed is a firearm or stun weapon, the crime is a Class 6 felony. HB 329; CH. 2.

§ 18.2-60 amended. Oral or written threats to commit acts of violence on school property; penalty. Rewrites threats statute to provide that it is a Class 6 felony to knowingly communicate a written threat to kill or do bodily injury to a person regarding that person or a member of his family if the threat places the person in reasonable apprehension of death or bodily injury to himself or his family member. A written threat to kill or do bodily harm on school property or at a school event is a Class 6 felony regardless of whether the person who is the object of the threat actually receives the threat if it would place the person in reasonable apprehension of death or bodily harm. An oral threat to kill or do bodily injury on school property or at a school-sponsored event is a Class 1 misdemeanor. HB 197; CH. 653/SB 847; CH. 644.

§ 18.2-60.3 amended. Stalking; changes in proof and definitions; penalty. Changes the proof of knowledge of the defendant in a stalking case from actual knowledge to a standard requiring that the defendant know or reasonably should

know that his stalking conduct places another person in reasonable fear of death, criminal sexual assault, or bodily injury. HB 2112; CH. 197.

§ 18.2-62 amended. HIV testing of criminal defendants. Amends the existing provision that allows the court to order HIV testing of persons charged with certain crimes to establish a procedure for a defendant whose competence is at issue. Prior to ordering testing a hearing must be held to determine that there is probable cause that the individual committed the crime. The defendant's attorney or guardian ad litem may be present at the hearing instead of the defendant. The same procedures will apply to individuals who refuse to consent to the test. This bill is a recommendation of the Committee on District Courts. SB 824; CH. 862.

§ 18.2-64.2 amended. Carnal knowledge of certain persons. Adds employees, contract employees and volunteers of the Department of Juvenile Justice, a secure facility or detention home and a state or local court services unit to those persons who are guilty of a Class 6 felony if they are in a position of authority over and carnally know without force, threat or intimidation any inmate, parolee, probationer, detainee or pretrial or posttrial offender. HB 2631; CH. 385.

§§ 16.1-272, 17.1-805, 18.2-67.3, 18.2-67.4, 18.2-67.5:1, 19.2-11.01, 19.2-298.1, 19.2-299, 46.2-323, and 63.1-198.3 amended; § 18.2-67.5:4 added; § 18.2-67.5 repealed. Certain attempted sexual offenses. Repeals § 18.2-67.5, which criminalizes and penalizes several attempted sexual offenses. These attempted sexual offenses are already prosecuted under the general attempt statutes and the substantive sexual offense statutes. This bill does not make any substantive changes to the law. The bill is recommended by the Virginia Bar Association (VBA). After the 2000 Session of the General Assembly, the chairmen of the Courts of Justice Committee requested the VBA to study the repeal of this section, with the assistance of the Commonwealth's Attorneys Services Council and the Virginia College of Criminal Defense Attorneys. HB 1837; CH. 798.

§§ 18.2-67.9 and 19.2-11.01 amended. Closed-circuit testimony. Allows the Commonwealth or defendant to request closed-circuit testimony for a child witness to murder who is age 14 under at the time of trial. The bill also requires that witnesses of certain sexual offenses shall be advised of the provisions of §§ 18.2-67.8 and 18.2-67.9 allowing closed preliminary hearings and closed-circuit testimony in certain cases. HB 2014; CH. 410.

§§ 16.1-77 and 18.2-76 amended. Informed written consent for abortion. Establishes certain conditions for obtaining informed written consent from a pregnant woman, of any age, prior to performing an abortion, including the requirement that each woman be given, at least 24 hours before the abortion, an explanation of the proposed procedures or protocols; an instruction that she may withdraw her consent at any time prior to the procedure; an offer to speak with the physician who is to perform the abortion; a statement of the probable gestational age of the fetus at the time the procedure is to be performed;

and an offer to review printed materials that must be developed by the Department of Health. The printed materials to be developed by the Department of Health include information (i) indexed by geographical area on services available to assist a woman through pregnancy, childbirth and child rearing; (ii) depicting gestational development in two-week increments; and (iii) describing methods of abortion and the risks of abortion and full-term pregnancy. Informed written consent is not required in medical emergencies, which are defined as conditions which, on the basis of the physician's good faith clinical judgment, so complicate the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create a serious risk of substantial and irreversible impairment of a major bodily function. HB 2570; CH. 473 (effective 10/01/01)/SB 1211; CH. 477 (effective 10/01/01).

§ 18.2-145.1 added. Agricultural or forestry product, facility or animal. Makes it a Class 1 misdemeanor or a Class 6 felony, depending on the value of the property, to maliciously damage or destroy any farm product, that is grown for testing or research purposes in the context of product development in conjunction with a private research facility or a university or any federal, state or local government and provides that a court shall determine the market value when awarding restitution. HB 2223; CH. 547/SB 1187; CH. 572.

§ 18.2-152.5 amended. Computer invasion of privacy. Raises the penalty for committing the crime of computer invasion of privacy from a Class 3 misdemeanor to a Class 1 misdemeanor. Computer invasion of privacy is using a computer to intentionally examine without authority any employment, salary, credit or other financial or personal information relating to another person when the offender knows or should know that he is without authority to view the information displayed. SB 1394; CH. 358.

§ 18.2-178 amended. Gift certificates; larceny. Adds gift certificates to the statute making the obtaining of money or other property by false pretenses with the intent to defraud larceny and a Class 4 felony. SB 1069; CH. 131.

§ 18.2-186.3 amended. Identity fraud; assistance of the Attorney General. Provides that the Attorney General may provide assistance, not to include legal representation, to a victim of identity fraud in obtaining information necessary to correct inaccuracies or errors in his credit report or identifying information. The bill clarifies that the restitution allowed under the current law may include the person's actual expenses associated with correcting errors in the victim's credit report or other identifying information. HB 2824; CH. 423.

§ 18.2-186.4 added. Use of a person's identity with the intent to coerce, intimidate, or harass; penalty. Provides that publishing a person's name or picture along with certain identifying information, with the intent to coerce, intimidate, or harass, is a Class 1 misdemeanor. HB 2593; CH. 782/SB 1246; CH. 775.

§ 18.2-251 amended. First offender; drugs. Deletes local and regional jails as entities that may provide the mandated substance abuse treatment/education program. The bill also reduces amount of community service required from at least 100 hours to up to 24 hours if the offense is a misdemeanor. HB 2751; CH. 827.

§§ 18.2-251 and 22.1-315 amended. Suspension of school employees. Provides that school employees who are placed on probation as first offenders for drug offenses are not entitled to any escrowed salary or reinstatement. Under current law, a school employee may be suspended for good and just cause when the safety or welfare of the school division or students is threatened or when the school employee has been charged with the commission of a felony or specified misdemeanors, including drug offenses, or with an equivalent offense in another state. During suspension, the school employee's salary is placed in escrow. Upon a finding of not guilty or nolle prosequi, the employee is reinstated and these escrowed funds are returned to the employee; a finding of guilt results in the funds being returned to the school board. This measure addresses cases of probation for first offender status where there is technically no finding of guilt nor is there an acquittal. HB 1862; CH. 450/SB 1032; CH. 430.

§ 18.2-251.4 added. Defeating drug and alcohol screening tests; penalty. Provides that it is unlawful for a person to distribute, transport or market human urine in the Commonwealth with the intent of using the urine to defeat a drug or alcohol screening test. The bill also punishes adulteration or substitution of urine with the intent to defraud a drug or alcohol screening test. The penalty is a Class 1 misdemeanor. HB 2478; CH. 379.

§ 18.2-253 amended. Sale of forfeited property. Provides that a court may authorize the gift of scales and balances to a person or entity when forfeited pursuant to a drug prosecution if the person or entity can show sufficient need and a publicly beneficial use for the property. HB 2074; CH. 195.

§§ 18.2-259.1, 18.2-268.3, 18.2-271.1, 29.1-738.2, 46.2-320, 46.2-391.2, 46.2-392, and 46.2-499 amended. Blood alcohol tests; restricted license. Provides that if a person arrested for DUI is unable to go before the magistrate due to the need for medical treatment, the arresting officer may certify the person's refusal to take a blood or breath test. The bill provides that in lieu of securing a warrant, the arresting officer may issue a summons on the premises of the medical facility for refusal to submit to a test. The warrant or summons will charge the person with a violation of subsection A of 18.2-268.3 rather than with a violation of 18.2-268.2 as under current law. The bill also compiles all options for restricted driver's licenses for various traffic and drug offenses into one section of the Code of Virginia and adds a provision for the medically necessary transportation of an elderly parent with a serious medical condition. HB 1833; CH. 779.

§§ 18.2-259.1, 18.2-271.1, 46.2-320, 46.2-392, and 46.2-499 amended. Restricted driver's license. Expands the purposes for which a person may drive when issued a restricted driver's

license to include medically necessary travel for an elderly parent with a serious medical problem and to make the purposes uniform among the various restricted license provisions. SB 862; CH. 645.

§§ 18.2-268.3, 18.2-268.10, 46.2-341.26:3, and 46.2-341.26:10 amended. Refusal of blood or breath test. Allows a finding of unreasonable refusal to permit a blood or breath sample to be taken to be admissible in a criminal trial for the sole purpose of explaining the absence of a chemical test. The arresting officer and magistrate are required to inform the person arrested of the possibility that such a finding could be admissible as evidence. Removes the provision that the trial date for unreasonable refusal must be after the trial for driving under the influence. HB 924; CH. 654.

§§ 18.2-268.6 and 18.2-268.8 amended. DUI blood lab work. Ties fee for DUI blood lab work done by an independent lab for determination of blood alcohol content to the forensic laboratory's fee schedule and removes requirement that a second sample is only tested for drugs when the first sample (tested by the Commonwealth) shows the presence of drugs. HB 2673; CH. 561.

§§ 18.2-271 and 46.2-391 amended; §§ 46.2-391.01 and 46.2-410.1 added. Driving while intoxicated, review of DMV license suspension by Court. Reinstates language that affirms that the court trying a second-offense DUI shall order the surrender of the person's driver's license and shall notify such person that his license has been revoked for a period of three years. Current language is unclear as to whether the court has such authority. The bill also amends changes to DUI law made last year to clarify that second offense and third offense DUIs must be alleged. Reinstates stricken language to clarify penalties. The bill also provides that any person aggrieved by any order or act of the Commissioner of the Department of Motor Vehicles requiring suspension or revocation of a license is entitled to judicial review and adds that the court may modify a suspension, issue a restricted license, or modify the order to correct a manifest injustice. The bill also provides that DMV will enforce requirements pertaining to ignition interlock systems if the court fails, without explanation for its reasoning, to require an offender to install an ignition interlock system as a second or subsequent offense under § 18.2-51.4 (maiming another while driving intoxicated), § 18.2-266 (driving while intoxicated) or a substantially similar ordinance of any county, city or town. SB 904; CH. 739.

§ 18.2-271.1 amended. Commission on the Virginia Alcohol Safety Action Program (VASAP). Amends the Code of Virginia to clarify that Alcohol Safety Action Programs provide intervention, not treatment. SB 983; CH. 182.

§ 18.2-271.4 added. VASAP case managers' oath of office. Provides that every case manager, and any other employee who is designated by the director of any VASAP-certified local alcohol safety action program to provide probation and related services, shall take an oath of office as prescribed in § 49-1 before entering the duties of his office. HB 2485; CH. 380/SB 1128; CH. 396.

§ 18.2-280 amended. Discharge of firearms in schools. Provides that the hunting exemption and the exemption for an established shooting range do not apply to the willful discharge of a firearm upon the buildings and grounds of a school. The bill also provides that there is no established shooting range exemption for discharge of a firearm within 1,000 feet of the property line of a school. HB 247; CH. 712.

§ 18.2-308 amended. Concealed weapons permit. Clarifies that a court shall consult with either the sheriff or police department to receive a report from the Central Criminal Records Exchange, prior to issuing a concealed weapons permit. Currently, this Code section uses the term "law-enforcement authorities." HB 395; CH. 25.

§ 18.2-308 amended. Concealed handgun permit application, reciprocity. Defines concealed handgun permit application completion and redefines reciprocity requirements for recognition in Virginia of a permit issued by another state. The bill provides that completing a governmental police agency firearms training course and qualifying to carry a firearm in the course of normal police duties is a demonstration of competence with a handgun. The bill also provides that in order to be a weapon the propulsion of the missile must be by action of an explosion of combustible material. HB 2130; CH. 657.

§ 18.2-308 amended. Fingerprinting for concealed handgun license. Provides that for the purpose of applying for a concealed handgun permit, optically scanned fingerprints may be used instead of inked fingerprint cards and may be transmitted electronically by a locality to the State Police for the purpose of a criminal history records check. The bill also requires that all optically scanned fingerprints shall be destroyed upon completion of the criminal history records check. HB 2623; CH. 384.

§ 18.2-308.1 amended. Weapons on school property. Prohibits all knives on school property or at a school-sponsored event except for pocket knives having a folding metal blade less than three inches long. This provision applies to all persons, not just students; current exemptions for food preparation, school programs, etc., are retained. HB 1624; CH. 403.

§ 18.2-308.1:4 amended. Protective orders; firearms. Amends a statute that disallows a person from purchasing or transporting a firearm if the person is subject to a protective order; to provide that protective orders issued by another state or by the United States are covered by the prohibition. SB 1353; CH. 357.

§ 18.2-308.2 amended. Possession or transportation of firearms or concealed weapons by convicted felons; penalties. Prohibits a convicted felon from possessing a stun weapon or taser except in his home. HB 2327; CH. 811/SB 1306; CH. 854.

§ 18.2-340.19 and 18.2-340.26 amended; § 18.2-340.26.1 added. Charitable Gaming Commission; determination of gross receipts. Provides that the proceeds from pull tabs or seal cards shall not be included in determining the gross receipts

for a qualified organization provided the gaming (i) is limited exclusively to members of the organization and their guests, (ii) is not open to the general public, and (iii) there is no public solicitation or advertisement made regarding such gaming. The bill also provides that pull tabs or seal cards may be sold only upon the premises owned or exclusively leased by a qualified organization and at such times as such premises are open only to members of the organization and their guests. SB 1177; CH. 833.

§ 18.2-340.20 amended; Charitable Gaming Commission; regulations. Extends the moratorium until July 1, 2002, for which the Commission shall not revoke, suspend or deny a permit to any organization because of its failure to meet required minimum payments to charity. The bill also requires the Commission to conduct a study of fair market rental values for bingo halls. HB 2375; CH. 813.

§ 18.2-340.33 amended; § 18.2-340.38 repealed. Charitable gaming; sale of pull tabs. Allows persons employed by a qualified organization authorized to sell pull tabs or seal cards in accordance with charitable gaming laws to sell pull tabs or seal cards provided (a) such sales are conducted by no more than two on-duty employees, (b) such employees shall receive no compensation for or based on the sale of the pull tabs or seal cards, and (c) such sales are conducted in the private social quarters of the organization. Currently, only members of an organization may participate in the conduct of charitable gaming. The bill also contains a technical amendment by deleting an obsolete provision in the charitable gaming law. HB 1901; CH. 754.

§ 18.2-369 amended. Adult abuse and neglect. Rewrites the criminal statute to clarify the penalties when a responsible person abuses or neglects an incapacitated adult. SB 801; CH. 181.

§ 18.2-370 amended; Sex crimes. Increases penalties for certain sex crimes. The bill also delays the effective date of the provisions regarding civil commitment of sexually violent predators from July 1, 2001, to January 1, 2003. SB 1259; CH. 776.

§§ 18.2-370, 18.2-370.1, and 19.2-298.1 amended. Indecent liberties with children; penalty. Rewrites the indecent liberties with children statute to clarify that, except for the portion on receiving remuneration for encouraging a child to perform in sexually explicit visual material, the child must be under 14 years of age for a crime to have occurred. Increases the penalty for a first offense to a Class 5 felony and a Class 6 felony for subsequent offenses. The bill provides that a second or subsequent violation of the section prohibiting taking indecent liberties with a child by a person in custodial or supervisory relationship is a Class 5 felony. The bill also provides that a first offense under the taking indecent liberties with children section is defined as a sexually violent offense; under current law the offense is not defined as such until the second offense. This means that a person would have to register with the Sexual Offender and Crimes Against Minors Registry after a first offense rather than a second offense and elevates the penalty for know-

ingly failing to register or reregister or knowingly providing false information from a Class 1 misdemeanor to a Class 6 felony. SB 989; CH. 840.

§ 18.2-371.3. See § 15.2-912; HB 1823.

§ 18.2-391 amended. Identification required for procurement of material harmful to minors. Provides that a civil penalty shall be imposed on any person who sells, rents or loans material that is harmful to minors to a person who appears to be under 18 years of age, without first requiring the production of a government-issued photo identification. The bill also provides that it is a Class 1 misdemeanor to sell, rent or loan such material to a juvenile if the person has reason to know that the person is a juvenile; this is in addition to the current standard of "knowingly." HB 1868; CH. 451.

§ 18.2-472.1. See § 19.2-298.1; HB 1953.

TITLE 19.2. CRIMINAL PROCEDURE.

§§ 19.2-11.01, 19.2-298.1, and 19.2-299. See § 18.2-67.3; HB 1837.

§ 19.2-11.01. See § 18.2-67.9; HB 2014.

§ 19.2-11.01 amended. Victim participation in plea agreements. Provides that upon written request of the victim in a felony case, the attorney for the Commonwealth must inform the victim of the contents of a proposed plea agreement and obtain the victim's views concerning plea negotiations. The court is not allowed to accept a plea agreement unless it finds that the Commonwealth has, except for good cause shown, complied with the bill's provisions. The bill also provides that the victim may request to be notified of any proceeding in which the plea agreement will be tendered to the court. There is a provision stating that the duty to consult the victim does not limit the ability of the attorney for the Commonwealth to exercise his discretion concerning the handling of any criminal charge. HB 2352; CH. 549/SB 1356; CH. 530.

§ 19.2-12 amended. Conservators of the peace. Adds special agents and law-enforcement officers of the Department of Defense to the list of those persons considered conservators of the peace while performing their duties. HB 13; CH. 3/HB 1632; CH. 31.

§ 19.2-13 amended. Special conservators of the peace. Allows a single circuit court judge to appoint special conservators of the peace. The bill creates an exception to § 17.1-501, which provides that powers of appointment within a circuit must be exercised by a majority of the judges. SB 828; CH. 249.

§ 19.2-56 amended. Search warrants. Provides that a search warrant may be directed jointly to a local law-enforcement officer and an agent or special agent of the United States Naval Criminal Investigative Service. HB 2575; CH. 205/SB 984; CH. 183.

§ 19.2-83.1. See § 22.1-296.2; HB 1996.

§ 19.2-92 amended. **Issuance of Governor's warrant of arrest.** Provides that any electronically transmitted Governor's warrant of arrest shall be treated as an original document if it precedes receipt of the original by no more than four days. HB 2421; CH. 226/SB 1036; CH. 214.

§ 19.2-123 amended. **Release on bond.** Clarifies that the conditions of release in subsection A apply to misdemeanors as well as felonies. House Bill 1533 (2000) added the first two sentences of subsection A providing that certain persons arrested for a felony could be released only on secure bond. The felony language added in 2000 created confusion as to whether the conditions of release still applied to misdemeanors. This bill is a recommendation of the Committee on District Courts. HB 2204; CH. 201.

§ 19.2-152.8. See § 16.1-253.4; HB 2676.

§§ 16.1-253.1 and 19.2-152.9 amended. **Preliminary protective orders in cases of family abuse and stalking.** Provides that, upon motion of the respondent and for good cause shown, the court may continue the hearing for a determination on the issuance of a permanent protective order. Current law requires that the hearing be held within 15 days of the issuance of the preliminary order and provides no opportunity for a continuance. HB 1890; CH. 101.

§ 19.2-163 amended. **Compensation of court-appointed counsel.** Provides that when counsel is appointed to defend an indigent charged with a felony, such counsel shall receive compensation as provided for defending such a felony, regardless of whether the charge is reduced or amended to a misdemeanor or lesser felony prior to final disposition of the case. Currently, appointed counsel are paid based on the nature of the conviction at final disposition and the pay is based on severity of the crime. HB 2683; CH. 509.

§§ 19.2-163.7 and 19.2-163.8 amended. **Counsel in capital cases.** Directs the Supreme Court of Virginia and the Public Defender Commission to develop standards and a list of capital qualified attorneys to represent both indigent and non-indigent defendants. Under current law, the Public Defender Commission develops the list and the standards, which only apply when a defendant is indigent. Additionally, the new qualifications are required to take into account current training in the analysis and introduction of forensic evidence, including deoxyribonucleic acid (DNA) testing and the evidence of a DNA profile comparison to prove or disprove the identity of any person. HB 2580; CH. 766 (effective 1/1/02).

§§ 19.2-174.1 and 19.2-182.9. See § 16.1-248.1; SB 906.

§ 19.2-175 amended. **Criminal procedure; compensation of forensic experts.** Increases from \$400 to \$800 the maximum basic fee allowed for experts who perform forensic psychological services to courts. A second enacting clause provides that the increase is not effective unless the money is appropriated. SB 850; CH. 480.

§§ 19.2-191, 19.2-206, 19.2-208, 19.2-210, 19.2-212, and

19.2-213 amended. **Special grand juries.** Authorizes an attorney for the Commonwealth to request a special grand jury to investigate criminal activity within his jurisdiction in much the same way as may currently be done with regard to criminal activity that crosses jurisdictional lines. The procedures would be similar to those applicable to the multi-jurisdictional grand juries. The special grand jury will have the power to investigate and to indict. SB 694; CH. 4.

§§ 19.2-258.1, 19.2-349, 19.2-354, 46.2-395, and 46.2-416 amended. **Court costs and fines.** Increases the number of days from 10 to 15 during which a person has to pay fines or costs or enter into an installment agreement before various consequences set in (collection activity, one-time account management fee, suspension of motor vehicle license). This bill is a recommendation of the Committee on District Courts. HB 2101; CH. 414.

§ 19.2-270.4 amended; § 19.2-270.4:1 added. **Criminal procedure; retention of evidence.** Requires that any human biological evidence used in a felony trial, wherein the defendant is convicted, testing (e.g., fingerprinting, chemical analysis, blood or DNA analysis) be retained for 15 years upon motion of the defendant. In the case of a person sentenced to death, such evidence shall be kept until the judgment is executed. HB 2802; CH. 875.

§ 19.2-270.4 amended; §§ 19.2-270.4:1, 19.2-327.1, and 19.2-327.2 through 19.2-327.6 added. **Storage and testing of certain evidence, writ of actual innocence.** Establishes a procedure for the storage, preservation and retention of human biological evidence in felony cases. The bill also establishes a procedure for a convicted felon to petition the circuit court that entered the conviction to apply for a new scientific investigation of human biological evidence. The following elements must be met for the court to order the testing: (i) the evidence was not known or available at the time the conviction became final or not previously tested because the testing procedure was not available at the Division of Forensic Science at the time; (ii) the chain of custody establishes that the evidence has not been altered, tampered with, or substituted; (iii) the testing is materially relevant, noncumulative, and necessary and may prove the convicted person's actual innocence; (iv) the testing requested involves a scientific method employed by the Division of Forensic Science; and (v) the convicted person did not unreasonably delay the filing of the petition after the evidence or the test for the evidence became available. The petition must also state the reasons the evidence was not known or tested by the time the conviction became final and the reasons that the newly discovered or untested evidence may prove the actual innocence of the person convicted. A procedure for the issuance of a writ of actual innocence for persons convicted of a felony upon a plea of not guilty or for any person sentenced to death or convicted of (i) a Class 1 felony, (ii) a Class 2 felony or (iii) any felony for which the maximum penalty is imprisonment for life, is established. The petition is to be filed with the Supreme Court and must allege: (a) that the petitioner pleaded not guilty or that he is under a sentence of death or convicted of (i) a Class 1 felony, (ii) a Class 2 felony or (iii) any felony for

which the maximum penalty is imprisonment for life; (b) that the petitioner is actually innocent of the crime for which he was convicted; (c) an exact description of the human biological evidence and the scientific testing supporting the allegation of innocence; (d) that the evidence was not previously known or available to the petitioner or his trial attorney of record at the time the conviction became final, or if known, was not subject to the scientific testing for the reasons set forth in the petition; (e) the date the test results under § 19.2-327.1 became known to the petitioner or any attorney of record; (f) that the petitioner or his attorney of record has filed the petition within 60 days of obtaining the test results under § 19.2-327.1; (g) that the petitioner is currently incarcerated; (h) the reasons the evidence will prove that no rational trier of fact could have found proof of guilt beyond a reasonable doubt; and (i) for any conviction that became final in the circuit court after June 30, 1996, that the evidence was not available for testing under § 9-196.11. A petitioner filing a writ of actual innocence is entitled to court-appointed counsel in the same manner as an indigent defendant in a criminal case. If the Supreme Court determines that a resolution of the case requires further development of the facts, it may order the circuit court to conduct a hearing to certify findings of fact on certain issues. After considering the petition and the Commonwealth's response, the previous records of the case, the record of any hearing on newly tested evidence and any findings certified from the circuit court, the Supreme Court may dismiss the petition or vacate or modify the conviction. The provisions of the Act relating to the issuance of the writ of actual innocence become effective November 15, 2002. The rest of the Act becomes effective upon passage. HB 1311; CH. 874 (effective 5/2/01)/SB 1366; CH. 873 (effective 5/2/01).

§ 19.2-295.1 amended. Sentencing for Class 1 misdemeanors. Requires a bifurcated proceeding and jury sentencing in a jury trial in the circuit court when the defendant is found guilty of a Class 1 misdemeanor. SB 252; CH. 389.

§§ 18.2-472.1 and 19.2-298.1 amended. Proof of the failure to comply with the duty register or reregister as a sexually violent offender. Requires the State Police to furnish an affidavit to the jurisdiction prosecuting a person for the failure to comply with the duty to register or reregister as a sexually violent offender. Such affidavit shall be admitted in court as prima facie evidence of the failure to register, and will therefore alleviate the need for the custodian of the records at the State Police to travel to the various courts across the Commonwealth to testify as to the record. The affidavit must be provided to the registrant or his counsel seven days before a hearing. HB 1953; CH. 365.

§ 19.2-298.1 amended. Sex Offender registry. Requires that the State Police forthwith post information on the Internet regarding a sexually violent offender. HB 2281; CH. 374.

§ 19.2-298.1. See § 18.2-370; SB 989.

§ 19.2-299 amended. Presentence reports in sex offense cases. Requires the preparation of presentence reports in the following cases: the person is charged and adjudged guilty of a

felony violation of rape (§ 18.2-61), carnal knowledge (§§ 18.2-63, 18.2-64.1 and 18.2-64.2), forcible sodomy (§ 18.2-67.1), marital sexual assault (§ 18.2-67.2:1), object sexual penetration (§ 18.2-67.2), aggravated sexual battery (§ 18.2-67.3), infected sexual battery (§ 18.2-67.4:1), third misdemeanor sex offense (§ 18.2-67.5:1), crimes against nature (§ 18.2-361), bigamy (§ 18.2-362), adultery and fornication (§ 18.2-366), conspiracy to cause spouse to commit adultery (§ 18.2-367), prostitution offenses (§§ 18.2-355, 18.2-356, 18.2-357, 18.2-358, and 18.2-368), indecent liberties (§§ 18.2-370 and 18.2-370.1), or § 18.2-370.2, or any attempt to commit or conspiracy under general conspiracy (§§ 18.2-22 and 18.2-26), sexual offenses attempts (§ 18.2-67.5), subsequent felony sexual assault (§ 18.2-67.5:2) or subsequent violent felony sexual assault (§ 18.2-67.5:3). The bill also makes two technical amendments to remove § 18.2-57.1 (repealed), and to remove maiming (§ 18.2-51.4), which is covered under the general felony category for presentence reports. SB 1039; CH. 647.

§ 19.2-305.4 amended. When interest to be paid on award of restitution. Clarifies that if a court order for restitution requires interest but does not specify that the interest shall accrue from the date of the loss or damage, the interest shall automatically accrue from the date of the sentencing order. HB 2578; CH. 122.

§ 19.2-353.3. See § 17.1-275; HB 2454/SB 918.

§§ 19.2-368.2, 19.2-368.5, 19.2-368.8, and 19.2-368.10 amended. Criminal Injuries Compensation Fund. Provides that a person who suffered sexual abuse as a minor has until 10 years after his 18th birthday to file a claim. The bill also provides that any claim involving the sexual abuse of a minor that has been denied before July 1, 2001, because it was not timely filed may, upon application filed with the Compensation Fund, be reconsidered provided the application for reconsideration is filed within 10 years after the minor's 18th birthday. SB 1308; CH. 855.

§§ 19.2-368.5 and 19.2-368.7 amended. Crime Victim Compensation. Allows the filing of claims by victims of crimes to be delayed indefinitely by the Workers' Compensation Commission for good cause shown. Currently, such claims must generally be filed one year after the occurrence of the crime and the Commission may extend that to two years for good cause shown. The bill also allows the Commission to indefinitely extend the time for review of the Commission's decision. Under current law, the claimant may ask for such a review within 45 days and the Commission may extend that to two years for good cause shown. HB 1756; CH. 363.

§ 19.2-387. See § 16.1-223; HB 2340/SB 1195.

§ 19.2-389 amended. Criminal history record information. Allows the chairmen of the Courts of Justice Committees to request Virginia Criminal Information Network criminal history record information on judicial candidates. HB 1720; CH. 582.

§ 19.2-389 amended. Dissemination of criminal history record information. Authorizes dissemination of criminal his-

tory record information to the Department of Motor Vehicles for the purpose of evaluating applicants for motor vehicle and household goods carrier certificates. HB 2379; CH. 552.

§ 19.2-390 amended. Reports made to the National Crime Information Center. Requires a law enforcement agency receiving a warrant or capias for the arrest of a person on a felony charge to enter the information into the National Crime Information Center (NCIC), maintained by the Federal Bureau of Investigation, within 72 hours of the receipt of the warrant or capias. Under current law, the 72-hour requirement only applies to entering information into the Virginia Criminal Information Network (VCIN). HB 1754; CH. 536/SB 992; CH. 516.

§ 19.2-390 amended. Transmittal of information to Virginia Criminal Information Network (VCIN). Allows the magistrate or court issuing a warrant or capias to transfer information on a warrant or capias electronically into VCIN and requires the destruction of the electronic record if the criminal process is ordered destroyed. HB 2842; CH. 565.

§ 19.2-392.2 amended. Expungement of police and court records. Replaces the Department of Criminal Justice Services with the Department of State Police as the agency that will receive from the clerk of court a copy of the court order that expunges police and court records of a person charged with a crime and who is acquitted, takes a nolle prosequi or is pardoned. HB 1742; CH. 40.

§ 19.2-392.2 amended. Expungement of police and court records. Requires the petitioner to obtain a copy of his fingerprints from a law-enforcement agency and to submit a copy of the petition for expungement to the law-enforcement agency. The fingerprints are to be submitted to the Central Criminal Records Exchange (CCRE), which will conduct a fingerprint-based search of the records and submit the petitioner's criminal history to the court. SB 879; CH. 345

TITLE 20. DOMESTIC RELATIONS.

§ 20-49.10 added. Relief from legal determination of paternity. Allows an individual to file a petition for relief from any legal determination of paternity. The court may set aside a determination of paternity if a scientifically reliable genetic test establishes the exclusion of the individual named as father in the legal determination. The court may order any appropriate relief, including setting aside (prospectively) an obligation to pay child support. Relief from paternity will not be granted if the individual named as father (i) acknowledged paternity knowing he was not the father, (ii) adopted the child or (iii) knew that the child was conceived through artificial insemination. HB 2376; CH. 814.

§ 20-79.3 amended. Information required in income deduction order. Provides that the withholding fee cannot be applied to child support payments deducted from unemployment com-

pensation. This is a technical amendment that brings Virginia in compliance with federal law. HB 2691; CH. 209.

§§ 20-108.1 and 20-108.2 amended. Child support guidelines. Provides for an adjustment to income under the support guidelines for support paid for other children of the parties but who are not the subject of the current proceeding. The bill states that such an adjustment to gross income shall not create or reduce a support obligation to an amount that seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child. HB 2290; CH. 809.

§ 20-108.2 amended. Child support guideline. Specifies that the panel convened by The Secretary of Health and Human Resources to ensure that the child support guideline is reviewed by October 31, 2001, and every three years thereafter, includes a representative of a juvenile and domestic relations court and a circuit court, a representative of the executive branch, a member of the House of Delegates, and a member of the Senate to be appointed by the Chairmen of the House and Senate Committees for Courts of Justice, members of the bar, two custodial and two noncustodial parents and a child advocate. HB 1880; CH. 193.

§ 63.1-219.37 amended; §§ 20-146.1 through 20-146.38 added; §§ 20-125 through 20-146 repealed. Uniform Child Custody Jurisdiction and Enforcement Act. Replaces the former UCCJA (1979) with an updated version addressing jurisdictional issues and expands the act to cover issues involving enforcement of custody and visitation orders issued out of state. Jurisdiction is authorized if there is a significant connection between the parties and the Commonwealth, there is no other state that fits the definition of the child's home state and the parties are all within the Commonwealth. Additionally, a court may exercise temporary emergency jurisdiction if there is a reasonable apprehension of abuse or mistreatment to the child, a sibling or a parent. Once a court exercises jurisdiction, that jurisdiction continues and is exclusive until all parties have left the state, and any orders issued may be modified only by the state having continuing, exclusive jurisdiction. The bill therefore eliminates the current problems created when competing orders are issued in more than one state. Orders issued in other states may be registered in the juvenile courts here and enforced as Virginia orders. This bill is recommended by the Virginia Commissioners to the National Conference of Commissioners on Uniform State Laws. SB 462; CH. 305.

TITLE 20. MISCELLANEOUS - DOMESTIC RELATIONS.

Modification of spousal support awards. Seeks to modify the result of the August 2000 decision of the Court of Appeals in *Rubio v. Rubio* (33 Va. App. 74, 531 S.E.2d 612) by repealing the second enactment of Chapter 604 of the Acts of Assembly of 1998, as it relates to § 20-109, retroactively to July 1, 1998.

That second enactment, intended to apply only to suits for modification of spousal support orders initially brought prior to July 1, 1998, for defined-duration alimony, was interpreted by the court so as to apply to petitions for any modification to spousal support. The bill also amends the Code of Virginia to specifically apply the change only to defined-duration alimony. HB 2215; CH. 725/SB 1014; CH. 740.

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

Abolishing the Moccasin Gap Sanitation Commission. Abolishes the Moccasin Gap Sanitation Commission, located in Scott County. Upon the effective date of this Act, all of the operations, responsibilities, obligations and assets of the Commission shall be assumed and transferred to the Scott County Public Service Authority. Prior to the transfer of operations, responsibilities, obligations and assets to the Authority, the Commission shall seek to preserve the assets of the Commission and shall not incur any expenses beyond those necessary to maintain its normal operations. All assets transferred from the Commission to the Authority shall be utilized by the Authority only within the Moccasin Gap Sanitation District as it existed immediately prior to the effective date of this Act. HB 2734; CH. 600.

TITLE 22.1. EDUCATION.

§ 22.1-1 amended. School board; definition. Adjusts the definition of "school board" to note that such body "governs" a school division and revises the definition of "governing body" or "local governing body" in the education title to be like the definition in the local government title, i.e., "the board of supervisors of a county, council of a city, or council of a town, as the context may require" and indicates that the governing body is responsible for appropriating funds. HB 2786; CH. 828.

§ 22.1-17.4 added. Standards of Learning resource guides. Directs, in order to provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education to solicit public comment prior to revising or adopting Standards of Learning resource guides and lists of recommended textbooks in any Standards of Learning academic subject. Thirty days prior to soliciting such public comment, the Board must publish notice of its intended action. Interested parties must be given reasonable opportunity to be heard and present information prior to final action of the Board. The Board must make such resource guides available for public inspection at least 30 days prior to final adoption or revision, as the case may be. HB 2777; CH. 869.

§§ 2.1-27.2:01 and 22.1-17.4 added. The Virginia World War II Veterans Appreciation Week; certain honorary diplomas. Establishes the first full week in September, i.e., the week that was the first full official week of peace in 1945 (the war was officially over on September 2, 1945, upon the formal surrender of Japan aboard the United States battleship, Missouri) as the Virginia World War II Veterans Appreciation Week and provides for the application for and award of honorary state high school diplomas by the Board of Education if the veteran served in any branch of the United States Armed Forces during the years between 1939 and 1945; the veteran was drafted or did enlist while still enrolled as a secondary school student in any school in any state or territory of the United States or any school located on or associated with a United States military base or embassy; and the veteran was unable to resume his secondary education upon returning to civilian life. SB 1210; CH. 263.

§ 22.1-23. See § 51.1-155; HB 252/HB 1589/SB 954.

§ 22.1-32 amended. School board salaries. Increases the maximum annual salary for school board members in the following jurisdictions: Lancaster, from \$3,000 to \$6,000; Louisa, from \$3,600 to \$4,800; Russell, from \$1,800 to \$3,600; the City of Portsmouth, from \$2,700 to \$5,000; and the City of Salem, from \$1,700 to \$3,600. HB 1885; CH. 607.

§ 22.1-32 amended. School board salaries. Increases the maximum annual salary for the following school boards: Greene County from \$3,600 to \$5,800; Lancaster County from \$3,000 to \$6,000; Louisa County from \$3,600 to \$4,800; Russell County from \$1,800 to \$3,600; the City of Portsmouth from \$2,700 to \$5,000; and the City of Salem from \$1,700 to \$3,600. All boards receiving increases purported to have followed the statutory procedures required for increasing their salaries. SB 814; CH. 603.

§ 22.1-70.2 amended. Internet access in public schools. Requires, as part of the acceptable Internet use policies that must be filed every two years for public school divisions by each division superintendent, that a technology be selected for the division's computers having Internet access to filter or block Internet access through such computers to child pornography and obscenity as defined in Title 18.2. In addition, this bill requires the principal or other chief administrator of any private school that satisfies the compulsory school attendance law and accepts federal funds for Internet access (E-rate funds) to select a technology for its computers having Internet access to filter or block Internet access through such computers to child pornography and obscenity. HB 1691; CH. 269.

§ 22.1-89.4 added. Commercial, promotional and corporate partnerships and sponsorships relating to public schools. Requires each school board to develop and implement and authorizes them to revise, from time to time, a policy relating to commercial, promotional, and corporate partnerships and sponsorships involving public schools in the division. It is noted in the preambles of this bill that commercial activities have increased significantly in schools during the past decade; that most school officials and parents agree that corporate and

business involvement in education is desirable and that the contributions of business and industry have made many activities into reality that would not otherwise have been possible; that some ethical questions have, however, arisen concerning apparel companies and others and their influence on the lifestyles and choices of young people; that incidents in other states have made it clear that the time has come to clarify the rules on such activities; that the Commonwealth wishes to nurture and encourage its business and industry community to become involved in and to contribute to its public schools in appropriate and positive ways; and that, in order to protect the school divisions and students of Virginia from any unwanted influences and to avoid the difficulties that have occurred in other states while stimulating desirable business and industry involvement, Virginia school boards must develop policies on these issues designed to meet their local needs, circumstances, and standards. This bill is a recommendation of the Joint Subcommittee Studying Commercial Promotional Activities in High Schools pursuant to HJR 239 of 2000. HB 2395; CH. 467.

§§ 2.1-548.29, 9-329.2, 15.2-2800, 16.1-287, 22.1-129, 22.1-199.1, 22.1-209.1:8, 22.1-209.1:9, 22.1-213, 22.1-214.2, 22.1-214.3, 22.1-227 through 22.1-237, 22.1-253.13:1, 22.1-253.13:4, 22.1-275, 22.1-341, 22.1-342, 22.1-343, 22.1-354.2, 23-7.4:2, 23-31, 23-38.19:3, 23-38.19:4, 23-214, 23-215, 23-230, 34-26, 37.1-10.01, 51.5-18, 53.1-32.1, 53.1-41, 53.1-63, 53.1-64, 53.1-67.1, 53.1-197, 54.1-3510, 63.1-105, 63.1-110, 63.1-133.43, 63.1-133.49, 63.1-133.56, and 63.1-133.58 amended. Career and technical education. Changes the name of vocational technical education in the Code of Virginia to refer to "career and technical" education, in conformance with the currently accepted national view. The name, career and technical education, reflect the increased status and complexity of vocational education programs (for example, complex diagnostic computers for auto mechanics and computer technician certification programs that qualify graduates for profitable careers). Enactment clauses clarify that no public school need change its name; however, regardless of the name, a vocational school must continue to comply with the relevant requirements in law and regulation. Further, no stationery, logo, pamphlets or other printed materials or websites must be redesigned and, where any name change is dictated in this bill, all materials with the current name may be depleted before being redesigned or reprinted. No additional services are required in any state or local program by reason of this name change. References to vocational education will be synonymous with and subsumed by "career and technical" education. This bill is a recommendation of the Joint Subcommittee to Study Continuing and Vocational/Technical Education. SB 1055; CH. 483.

§ 22.1-130.1 added. Access to high schools and high school students for military recruiters. Requires any school board that provides access to one or more of its high schools and contact with such high school's student body or other contact with its high school students during a school or school division-sponsored activity whether conducted on school board

property or other property to persons or groups for occupational, professional or educational recruitment to provide equal access on the same basis to official recruiting representatives of the military forces of the Commonwealth and the United States. This bill notes that Standard 1 of the Standards of Quality requires all school boards to implement career education programs promoting knowledge of careers and various employment opportunities, including, but not limited to, military careers. SB 1207; CH. 262.

§ 22.1-167.3 added. Virginia Public School Authority; bonds and notes for grants. Authorizes the Virginia Public School Authority to pledge to certain bonds and notes issued for grants to local school boards any general funds appropriated for such purpose. The Governor's annual budget bill must contain a sum sufficient appropriation to cure any shortfall on any debt service payment date on the bonds or notes. This bill requires the VPSA to report to the Governor and the chairmen of the House Committees on Appropriations and Finance and the Senate Committee on Finance detailing the total amount of the VPSA's outstanding bonds and notes secured by such sum sufficient and describing any instances where such sum sufficient has been used. HB 1908; CH. 456/SB 1033; CH. 431.

§ 22.1-178 amended. School bus driver qualifications. Provides that the character reference statement required of applicants for school bus driver positions may be signed by two reputable persons who may reside in the applicant's community or in the hiring school division. Current law limits these signatures to those of two reputable residents of the hiring school division. HB 1724; CH. 445.

§§ 22.1-199.1 and 22.1-253.13:6 amended. Educational technology in career and technical education programs. Clarifies that funds provided for educational technology may be used for career and technical education, i.e., vocational programs as well as academic programs. This bill also clarifies that the Board of Education's six-year technology plan must integrate the Standards of Learning into career and technical education programs as well as academic programs, and that local school division technology plans must be designed to integrate educational technology into the career and technical education programs as well as the academic programs. A second enactment specifically notes that school boards may use any educational technology funds for career and technical education programs, including, but not limited to, funding allocated for professional development in educational technology. This provision is a recommendation of the Joint Subcommittee to Study Continuing and Vocational/Technical Education. SB 1057; CH. 484.

§ 22.1-200.1 added. Optional education programs for kindergarten through grade five. Authorizes local school boards to establish optional age-appropriate education programs for young students in grades kindergarten through five who require guidance, supervision, and discipline in a structured learning environment and who need to be re-directed toward appropriate classroom decorum and acceptable personal behavior. The programs must provide instructional and support services that

will enable students to maintain academic achievement, attain basic skills and academic proficiencies, and otherwise benefit from a public education, during the time that they may be removed from the regular classroom. The programs shall also be designed to (i) accommodate students within the school building to which they have been assigned, (ii) facilitate the efficient transition of students between the optional education program and their regular classroom, (iii) provide for the continuity of instruction, a nurturing environment, necessary guidance and supervision, and the participation of the student's parents in correcting his behavior. Local school boards must ensure that the programs are adequately staffed by licensed teachers or other persons with demonstrated qualifications to instruct and manage students with a range of academic gifts and deficiencies, disciplinary problems, and the need to develop and use appropriate social skills. SB 1144; CH. 846.

§ 22.1-202 amended. Pledge of Allegiance. Requires (i) all students to be required to learn the Pledge of Allegiance and to demonstrate such knowledge and (ii) each school board to require the daily recitation of the Pledge of Allegiance in each classroom of the school division and to ensure that an American flag is in place in each classroom. Each school board must determine the appropriate time during the school day for the recitation of the Pledge. During the Pledge of Allegiance, students must either stand and recite the Pledge while facing the flag with their right hands over their hearts or in an appropriate salute if in uniform; however, no student can be compelled to recite the Pledge if he, his parent or legal guardian objects on religious, philosophical, or other grounds. Students who are thus exempt from reciting the Pledge must remain quietly standing or sitting at their desks while others recite the Pledge and must not make any display that disrupts or distracts others who are reciting the Pledge. School boards must provide appropriate accommodations for students who are unable to comply with these procedures due to disability. School board codes of conduct shall apply to disruptive behavior during the recitation of the Pledge in the same manner as provided for other circumstances of similar behavior. The Office of the Attorney General must intervene on behalf of local school boards and must provide legal defense of these provisions. SB 1331; CH. 666.

§ 22.1-205. See § 46.2-330; HB 2554/SB 1329.

§ 22.1-206 amended. Instruction regarding alcohol abuse and drunk driving. Provides that instruction concerning the public safety hazards and dangers of alcohol abuse, underage drinking, and drunk driving must be provided in the public schools. The Department of Alcoholic Beverage Control must provide educational materials to the Department of Education. The Department of Education must review and distribute such materials as are approved to the public schools. HB 1882; CH. 452.

§ 22.1-212.9 amended. Charter schools. Clarifies that, prior to receiving applications for any public charter school, a local school board must provide public notice of its intent to accept or not to accept applications for public charter schools and

may, upon providing such public notice, alter its decision to accept or not to accept such applications. The current and obsolete date of December 31, 2000, for local school boards to indicate their intent to accept or reject charter schools' applications is struck. HB 2439; CH. 469/SB 1393; CH. 438.

§ 22.1-215.1 added. Publication of procedure for changing special education placements. Directs the Board of Education to publicize and disseminate, to parents of students who are enrolled in special education programs or for whom a special education placement has been recommended, information regarding current federal law and regulation addressing procedures and rights related to the placement and withdrawal of children in special education. Pursuant to a second enactment, the Superintendent of Public Instruction must apprise local school boards of the provisions of this act by Superintendent's Administrative Memorandum no later than 30 days after its enactment. This bill is a recommendation of the Joint Subcommittee Studying the Overrepresentation of African-American Students in Special Education Programs. HB 1226; CH. 439.

§ 22.1-253.13:3 amended. Standard diploma. Restores language in the Standards of Quality (SOQ) that was unintentionally deleted by the merging of legislation reorganizing Standard 3 in the 2000 Session. Standard 3, as with several of the SOQ statutes, is set out twice in the Code of Virginia; this bill amends the version of Standard 3 that will become effective on July 1, 2003. The inserted language provides that, effective July 1, 2003, the requirements for a standard diploma must include at least two sequential electives. HB 2674; CH. 731.

§ 22.1-253.13:3 amended. Accreditation of schools. Amends the two versions of Standard 3 of the Standards of Quality to require the Board of Education to authorize, as an elective in grades nine through 12 with appropriate credits toward graduation, a comparative religion class that focuses on the basic tenets, history, and religious observances and rites of world religions. SB 1391; CH. 651.

§ 22.1-253.13:4 amended. Standard 4 of the Standards of Quality; Literacy Passports, diplomas, and certificates; class rankings. Authorizes each local school board to devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged. HB 2401; CH. 500.

§§ 8.01-47, 9-6.14:4.1, 16.1-293, 22.1-254, 22.1-266, 22.1-276.2, 22.1-277, 22.1-277.2, 22.1-279.3 amended; §§ 22.1-4.3, 22.1-79.3, 22.1-203.2, 22.1-276.01, 22.1-277.04 through 22.1-277.08, 22.1-277.2:1, 22.1-279.3:1, 22.1-279.6 through 22.1-279.9, 22.1-280.4, added; §§ 22.1-276, 22.1-277.01, 22.1-277.01:1, 22.1-277.01:2, 22.1-277.02, 22.1-277.02:1, 22.1-277.03, 22.1-277.1, 22.1-278, 22.1-278.1, 22.1-278.2, 22.1-278.3, 22.1-279.5, 22.1-280.1, 22.1-280.3 repealed. Student discipline. Reorganizes the student discipline statutes and moves some sections to other articles of Title

22.1. The measure makes the following substantive changes: (i) adds definitions for the various student disciplinary actions; (ii) requires division superintendents, in making recommendations for expulsion for violations other than those involving weapons or drugs, to consider various factors, such as the student's age, grade level, academic and attendance records, and disciplinary history, and the appropriateness and availability of an alternative education placement or program; (iii) requires subsequent confirmation or disapproval of a recommended student expulsion by the school board, or a committee thereof, regardless of whether the pupil exercised the right to a hearing; (iv) allows school boards to exclude from attendance students who have been suspended for more than 30 days or expelled by another school division or for whom private school admission has been withdrawn regardless of the offense for which the disciplinary action was imposed, upon a finding that the student presents a danger to the other students or staff of the school division and upon compliance with a hearing process; (v) eliminates the one-year cap for the period of time a student who has been expelled or for whom admission has been withdrawn may be excluded from school attendance in another school division, and provides that the date upon which the student may re-petition for admission must be issued by the relevant school board, committee thereof, or superintendent or designee rendering the initial exclusion, and, upon denial of the petition, a date for subsequent petitions set by the school board; (vi) permits school divisions excluding students who have been expelled from another school division in the Commonwealth to accept or waive any or all of any conditions for admission that may have been imposed by the expelling school division; however, the excluding school division cannot impose additional conditions for admission; (vii) allows school boards to permit students who have been expelled, excluded, are subject to a long-term suspension; found to have committed a serious offense or repeated offenses in violation of school board policies; found guilty or not innocent of an offense related to weapons, alcohol or drugs, or a crime that could have resulted in injury to others; or for whom a court disposition is required to be reported, to attend an alternative education program provided by the school division; (viii) permits school boards to take action against students or parents for actual loss, breakage, or destruction of or failure to return school property, including seeking reimbursement from the student or the student's parent; and (ix) requires school boards to establish, by regulation, a schedule pursuant to which expelled students may apply and reapply for readmission to school. The schedule would be designed to ensure that the hearing and ruling on any initial petition for readmission, if granted, would enable the student to resume school attendance one calendar year from the date of the expulsion. This measure is a recommendation of the Commission on Youth. HB 2512; CH. 820/SB 1359; CH. 688.

§ 22.1-270 amended. School; preschool physicals. Adds a physician assistant who is acting under the supervision of a licensed physician to the list of those practitioners who are qualified to perform a comprehensive physical exam of students prior to their entering kindergarten or elementary school. SB 1201; CH. 261.

§ 22.1-276 amended. School board action regarding school property. Authorizes school boards to take action against a student for actual breakage of or destruction of or failure to return school property that is caused or committed by a pupil in pursuit of his studies. Present law requires the pupil to reimburse the school board for property damage; in addition, current civil procedure statutes limit recovery from parents for willful or malicious destruction of or damage to property by minors to \$2,500. HB 1707; CH. 668.

§ 22.1-277.2 amended. Exclusion from public school attendance. Allows school boards to exclude from attendance students who have been suspended for more than 30 days or expelled by another school division or for whom private school admission has been withdrawn regardless of the offense for which the disciplinary action was imposed. To exclude a student, the school board must find that the student presents a danger to the other students or staff of the school division after providing notice to the student and his parents of the possibility of exclusion and after the superintendent reviews the case. Current law specifies that the offense warranting exclusion must be one involving a violation of school board policies related to destruction of school property or privately-owned property while located on school property, weapons, alcohol or drugs, or for the willful infliction of injury to another person. The present exclusion period for expulsion cannot be for longer than one year and for greater-than-30-day suspensions may not exceed the length of the suspension. This bill eliminates the one-year cap for the period of time a student who has been expelled or for whom admission has been withdrawn may be excluded from school attendance in another school division. A date upon which the student may petition for readmission must be issued by the relevant school board, committee thereof, or superintendent or designee rendering the initial exclusion, and, upon denial of the petition, a date for subsequent petitions set by the school board. This provision allows school divisions excluding students who have been expelled from another school division in the Commonwealth to accept or reject any or all of any conditions for readmission that may have been imposed on the student by the expelling school division. The excluding school division cannot impose additional conditions for readmission. Current law permits local school boards to impose conditions for readmission to school on expelled students. HB 1706; CH. 669.

§§ 9-173.21 and 22.1-278.1 amended. School safety audits. Requires schools to submit their respective school safety audits to the relevant school division superintendent. The division superintendent is required to collate and submit these school safety audits to the Virginia Center for School Safety. The Virginia Center for School Safety will join the Department of Education in providing technical assistance to school divisions in the development of school crisis and emergency management plans. The Virginia Center for School Safety was created, within the Department of Criminal Justice Services pursuant to legislation passed by the 2000 Session of the General Assembly, to provide training for Virginia public school personnel in school safety and the effective identification of students who

may be at risk for violent behavior; serve as a resource and referral center providing information regarding current school safety concerns; and collect, analyze, and disseminate various Virginia school safety data, including school safety audit information, collected by the Department. HB 1587; CH. 440/SB 1334; CH 436.

§§ 22.1-278.1, 23-9.6:1, and 44-146.18 amended; § 22.1-137.1 added. School and institutional crisis and emergency management plans. Requires public schools to institute tornado drills every school year to familiarize students with drill procedures to safeguard their health, safety, and welfare. The definition of "school crisis and emergency management plan" has been modified to include "tornados" among the natural disasters and severe weather conditions that must be considered. The Board of Education and the State Council of Higher Education must consult with the Virginia Center for School Safety and the Coordinator of Emergency Management in the development and revision of their respective model crisis and emergency management plans for public schools and public and private two-year and four-year institutions of higher education. The duties of the Department of Emergency Management and of the Coordinator have been extended to provide consultation services to the Board of Education and the State Council of Higher Education in the development and revision of crisis and emergency management plans, which would include disaster and preparedness activities that should be followed in the event of a tornado. Institutions of higher education formed after July 1, 1980, must ensure preservation of student transcripts in the event of closure or revocation of approval to operate in Virginia. SB 1022; CH. 841.

§ 23-38.10:1 amended; § 22.1-290.01 added; § 22.1-212.2:1 repealed. Virginia Teacher Scholarship Loan Program. Moves and amends the Virginia Teacher Scholarship Loan Program, § 22.1-212.2:1, to a more appropriate section in Title 22.1. The amendment to the provision requires the Board of Education and the State Council of Higher Education to make available to parents, students, teachers, guidance counselors, and academic advisors and financial aid administrators at institutions of higher education information concerning the Program, eligibility criteria for loans, and the terms and conditions under which loans are awarded in order that students seeking careers in the teaching profession may be informed of the availability of such financial aid. The amendment to the companion section in Title 23, pertaining to the State Council of Higher Education's role and responsibilities in the Program, is identical to the amendment to the provisions of the Program in Title 22.1. Further, moving the Program to another section in Title 22.1 places it in proximity to other sections to which it is related, provides the Program greater visibility and makes it easier to find in the Code of Virginia, and relieves the congestion around sections in Title 22.1 where it was originally assigned. Many of the extensive amendments to the statutory provisions and the appropriations act in 2000 were the recommendations of the Commission on Access and Diversity in Higher Education to address the supply and demand of classroom teachers in critical teacher shortage disciplines, the

dearth of male and minority teachers, and the shortage of classroom teachers in certain rural and urban areas of the Commonwealth. This bill is also the recommendation of the Commission on Access and Diversity in Higher Education. HB 2589; CH. 660.

§§ 19.2-83.1 and 22.1-296.2 amended. Criminal records checks for school board employees. Provides that the criminal records history obtained by school boards for applicants who are offered or who accept school board employment, whether on a temporary, permanent, or part- or full-time basis, address all felony and Class 1 misdemeanor convictions and equivalent offenses in other states. 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, reports of all arrests of school employees, not just the currently enumerated serious crimes, will now be reported to school boards; these employees must then submit to fingerprinting and a criminal history records check, also expanded in this measure to include all felony and misdemeanor convictions. The information obtained through the records check of current employees is used for dismissal and suspension purposes; however, the criminal convictions warranting these disciplinary actions remain limited to specified serious crimes. Pursuant to § 22.1-296.1, applicants for school employment must currently certify they have not been convicted of a felony, crime of moral turpitude, or other specific crimes involving the abuse of a child. HB 1996; CH. 591.

§ 22.1-296.2 amended. Reciprocity for criminal history records check. Authorizes local school boards to exchange information obtained from a criminal history records check of an applicant conducted within the previous 90 days, if the applicant has requested and given permission in writing that another school board to which he has applied for employment may be informed of the results. Criminal history record information pertaining to an applicant may only be exchanged between school boards in the Commonwealth with current reciprocity agreements. The agreements must provide for the apportionment of the costs of fingerprinting and the criminal record check between the applicant and the school board, as currently provided by law; however, the applicant may not be charged by each school board for conducting the criminal history records check. HB 2588; CH. 677.

§ 22.1-303 amended. Teacher proficiency; continuing contract status. Provides that any teacher hired on or after July 1, 2001, will be required, as a condition of achieving continuing contract status, to have successfully completed training in instructional strategies and techniques for intervention for or remediation of students who fail or are at risk of failing the Standards of Learning assessments. Local school divisions will be required to provide the training at no cost to teachers employed in their division. In the event a local school division fails to offer the training in a timely manner, no teacher will be denied continuing contract status for failure to obtain such training. HB 2514; CH. 872/SB 1304; CH. 865.

§ 22.1-304 amended. Notification of reduction in force for teachers. Directs the school boards of Arlington, Fairfax, and Falls Church (identified by form of government or by population) 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. An emergency clause makes the bill effective upon passage. The act expires on July 1, 2003. Currently, the statute targets only the Prince William school board. HB 1983; CH. 540 (effective 3/23/01).

§ 22.1-315. See § 18.2-251; HB 1862/SB 1032.

§ 22.1-346.1 amended. Advisory Commission on the Virginia Schools for the Deaf and the Blind. Increases the membership of the Advisory Commission on the Virginia Schools for the Deaf and the Blind from 10 to 12 members by adding two additional citizen members to be appointed by the Speaker, thus bringing the Speaker's citizen appointments to three. Currently, the Commission has two citizens, both of whom are either former students of either of the schools or the parents of former or present students of either of the schools. This provision requires that one of the additional appointees be a parent of a sensory impaired multidisabled student who is currently attending or has attended the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton, and that the other new appointee be a current member of the Board of Education. The Senate Committee on Privileges and Elections will continue to appoint one citizen member who is either a former student of either of the schools or a parent of a current or former student of either of the schools. SB 1163; CH. 687/SB 1340; CH. 667.

§§ 22.1-356 and 22.1-357 added. Hampton Roads Museum Consortium. Creates the Hampton Roads Museum Consortium addressing accredited private museums in jurisdictions located within the boundaries of Planning District 23, including the Counties of Gloucester, Isle of Wight, James City, Southampton, and York; and the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg. The Consortium may consist of any or all accredited museums located within Hampton Roads that are not state agencies. Other museums and cultural facilities located in Hampton Roads may join the Consortium upon the approval of the governing board. The governing board of the Consortium is to consist of the chief executive officer of each of the member museums. The region's legislators may serve as nonvoting, advisory members. The Consortium is to serve the school divisions of Hampton Roads in providing training to the teachers, administrators and students in the various Standards of Learning for English, social studies and history, science, and mathematics. In addition, the Consortium is to (i) coordinate among its members and the school divisions of Hampton Roads the development of joint educational initiatives; (ii) establish and deliver, in conjunction with the school divisions of Hampton Roads, regional programs to address area education needs, particularly, to assist area schools in meeting the Board of Education's Regulations for Accrediting Public Schools in Virginia and to assist area students in achieving passing scores on the Standards of Learning

assessments; and (iii) provide technical assistance to the school divisions of Hampton Roads in achieving full accreditation, including administrator, teacher, and student training. HB 2495; CH. 472.

TITLE 22.1. MISCELLANEOUS - EDUCATION.

Licensure of teachers. Directs the Board of Education to review passing scores for the professional teacher's examination required for initial licensure and authorizes the Board to make modifications to passing scores, including providing for composite scoring. Currently, applicants for initial licensure must pass the Praxis I: Academic Skills Assessments, which includes mathematics, reading, and writing tests, each of which has a specified passing score. In addition, a passing score in a specialty area is also required for initial licensure; the Praxis II tests fulfill this latter requirement, which is necessary for endorsement in a teaching specialty. HB 2123; CH. 805.

TITLE 23. EDUCATIONAL INSTITUTIONS.

§ 23-4.01 amended. Property transfer. Allows the College of William and Mary to transfer to the Virginia Department of Transportation sufficient real property to permit the reconstruction of the intersection of Virginia Route 615 (Ironbound Road) and Virginia Route 321 (Monticello Avenue). SB 1419; CH. 360.

§ 23-7.4:1. See § 65.2-102; HB 2405.

§§ 23-7.4:2, 23-31, 23-38.19:3, 23-38.19:4, 23-214, 23-215, and 23-230. See § 22.1-129; SB 1055.

§ 23-7.5 amended. Immunization of full-time four-year students enrolled in public institutions of higher education against meningococcal disease. Requires all incoming full-time four-year students, prior to enrollment in public institutions of higher education, to be immunized against meningococcal disease. This bill provides for a waiver of this requirement if the institution of higher education provides the student or, if the student is a minor, the student's parent or other legal representative, detailed information on the risks associated with meningococcal disease and on the availability and effectiveness of any vaccine, and the student or, if the student is a minor, the student's parent or other legal representative signs a written waiver stating that he has received and reviewed the information on meningococcal disease and the availability and effectiveness of any vaccine and has chosen not to be or not to have the student vaccinated. In addition, the State Council of Higher Education must, in cooperation with the Board and Commissioner of Health, encourage private colleges and universities to develop a

procedure for providing information about the risks associated with meningococcal disease and the availability and effectiveness of any vaccine against meningococcal disease. The existing religious exemption from other immunizations also applies to the meningococcal vaccine. HB 2762; CH. 340.

§ 23-9.2:3 amended. School accreditation and college admission. Provides that the boards of visitors or other governing body of Virginia's public institutions of higher education cannot consider the accreditation status of a Virginia public high school in making admissions determinations for students who have earned a diploma in accordance with the regulations of the Board of Education. HB 2144; CH. 673/SB 1324; CH. 664.

§ 23-9.6:1. See § 22.1-278.1; SB 1022.

§ 23-14 amended. Roanoke Higher Education Authority and Center. Adds the Roanoke Higher Education Authority and Center to the list of educational institutions declared to be public bodies and constituted as 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, the Eastern Virginia Medical School, and the Southwest Virginia Higher Education Center. This classification as an educational institution will enable the Center 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 Center 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 the Center 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). 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). SB 1375; CH. 578.

§ 23-38.10:1. See § 22.1-290.01; HB 2589.

§§ 23-38.53:12, 23-38.53:13, 23-38.53:16, and 23-38.53:19 amended. The Advantage Virginia Incentive Program; qualified jobs; selection of beneficiaries. Revises the focus of the Advantage Virginia Incentive Program, i.e., a program focused on and designed to provide scholarships for job training. This bill changes "occupational areas where there is a high demand for workers" to "qualified jobs," which is defined as jobs that are in high demand in the Commonwealth and designated as such by the Virginia Workforce Council. The bill deletes the requirement that the qualified jobs must be located in high unemployment areas and replaces the requirement with a provision that students who attended high schools located in high unemployment areas will be given preferences in selecting beneficiaries for the Advantage Virginia Incentive Program. HB 2565; CH. 765.

§ 23-220.01 added. Higher Education academic programs. Provides that Tidewater Community College may offer, subject to the approval of the State Council of Higher Education, a three-year program of educational instruction in applied sciences and coordinate such program with apprenticeship programs offered by Virginia's ship manufacturing and ship repair companies. Such apprenticeship programs shall be established for the purpose of enhancing the education and skills of Virginia's shipyard workers. The General Assembly may appropriate funds for the administration and implementation of such degree program and/or apprenticeship programs, including scholarships to shipyard workers enrolled in the degree program. HB 2121; CH. 656.

§ 23-231.18 amended. Donations to the Roanoke Higher Education Authority. Permits any locality to make donations of property or money to the Authority. SB 1120; CH. 132.

§ 23-296.1 added. Gunston Hall; certain powers of board. Authorizes the Board of Regents of Gunston Hall to determine the significance or suitability of the furnishings, household items, and other objects acquired by or for Gunston Hall and to sell or exchange those items deemed of little or no significance or unsuitable, consistent with the terms of their acquisition. These furnishings and items and any net proceeds of their sale will comprise a discrete fund of Gunston Hall, restricted to future acquisitions of such period items as well as the conservation of all such holdings of Gunston Hall. The measure deems donations of any funds, securities, and any other property, real or personal, as endowments or unrestricted gifts, within the meaning of § 23-9.2; therefore, these donations would not affect any state appropriations to Gunston Hall. Finally, the measure also allows the Board 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. This language mirrors those powers already granted to the Virginia Museum of Fine Arts in § 23-253.4 and the Jamestown-Yorktown Foundation in § 23-288. SB 872; CH. 125.

TITLE 24.2. ELECTIONS.

§ 24.2-101 amended. Election law definitions. Amends the definition of "registered voter" to provide that the requirement to mail notices of election district, precinct, and polling place changes will apply only to registered voters listed with "active" status on the Virginia voter registration system. HB 1738; CH. 719.

§ 24.2-112 amended. Assistant voter registrars. Modifies the requirement that an assistant registrar must be a qualified voter of the locality in which he serves. The bill provides that an assistant registrar must be a qualified voter of the Commonwealth and that candidates who are residents of the locality may be given preference in hiring. The change will allow a general registrar to appoint assistants from other localities. HB 1886; CH. 642.

§ 24.2-112 amended. Assistant voter registrars. Provides that any paid assistant registrar must be a qualified voter of the Commonwealth but is not required to be a qualified voter of the county or city in which he serves, and permits two or more localities to share the services of an assistant registrar. HB 1927; CH. 643/SB 946; CH. 637/SB 1027; CH. 638.

§ 24.2-115.1 amended. Officers of election; hours of service. Deletes the sunset clause that provided that this section would expire July 1, 2001. The section authorizes the assignment of officers of election to serve part of the election day except that the chief officer and assistant chief officer must be on duty at all times. HB 1711; CH. 623.

§§ 24.2-203, 24.2-542, and 24.2-543 amended. Presidential electors; oaths, meetings, vacancies, and voting. Provides that presidential electors shall be "required" rather than "expected" to vote for the candidates of the political party or petitioners that selected the electors. The bill also requires electors to sign an oath to vote for the candidates for President and Vice President of the party or petitioners that selected the elector. HB 1853; CH. 630.

§ 24.2-305 amended; § 24.2-309.1 repealed. Election districts and voting precincts. Preserves the present law requirement that election districts and voting precincts follow "clearly observable boundaries" but eliminates an obsolete provision referring to block boundaries shown on the 1990 United States Census maps. The bill also repeals the law that freezes precinct lines from September 1, 1998, to May 15, 2001. That precinct freeze was enacted to enable the Commonwealth to participate in the Census Bureau program to provide 2000 pop-

ulation census data by precinct. Emergency in part. SB 1107; CH. 614 (effective 3/25/01).

§§ 24.2-405, 24.2-406, 24.2-418, and 24.2-444 amended. Voter registration applications and records. Permits certain law enforcement personnel and persons granted protective orders to provide a post office box address, either for his residence or another location in the Commonwealth. Present law requires a post office box address for the residence. The bill also excludes the residence address for these voters from the scope of the public inspection provisions on voter registration records. The definition of protective orders is revised to cover all authorized court protective orders. HB 1770; CH. 626/SB 1025; CH. 612.

§ 24.2-414 amended. Elections; final day for voter registration. Eliminates the requirement that the voter registrar's office close by 5:00 p.m. on the final day for voter registration, the 29th day before a primary or general election. The office must be open at least eight hours on the final day, but will be able to stay open later than 5:00 p.m. and operate more than eight hours. Notice of the times for registration on the final day must be published under § 24.2-415. HB 1925; CH. 632/SB 1026; CH. 613.

§ 24.2-422 amended. Appeals of denials of voter registration applications. Provides that the rules for closing registration records in advance of an election apply to any application sent in by a person following a denial of his original application. HB 1771; CH. 627.

§§ 24.2-424 and 24.2-428.1 amended. Registered voters; changes of address; inactive status on voter registration system. Provides that a voter will not be deemed to authorize a change of his address on the voter registration system solely because he gives a different address on a candidate or referendum petition. However, the voter may be shifted to inactive status on the system, as a result of providing a different address on the petition, subject to routine confirmation notice procedures. HB 1737; CH. 625.

§ 24.2-424 amended. Elections; change of registered voter's address. Allows registered voters within the Commonwealth to notify their general registrars of address changes by mail or fax. SB 1142; CH. 615.

§ 24.2-427 amended. Voter registration; cancellation of registration. Permits the cancellation of a voter's registration by the general registrar after receipt by the Department of Motor Vehicles of notice from another jurisdiction pursuant to the Driver License Compact that the voter has moved from the Commonwealth. The bill requires DMV to forward pertinent information to the general registrar and the mailing of a cancellation notice by the general registrar. HB 2211; CH. 634.

§§ 24.2-436 through 24.2-439 repealed. Temporary voter registration procedures for presidential elections. Repeals provisions enacted to allow absentee registration for presidential elections. Virginia now allows absentee or mailed voter registration applications, and this special registration process is no longer necessary to comply with federal law. In addition,

other election law provisions meet the requirements of the federal Uniformed and Overseas Citizens Absentee Voting Act and cover all federal elections. HB 1777; CH. 628/ SB 1198; CH. 616.

§ 24.2-443.1 amended. Temporary registration for certain overseas voters. Revises the provisions that allow a registered voter who moves overseas to work and relinquishes his home in Virginia to continue to vote in state and local elections held where he had been registered and his home was located. The bill clarifies that the right to register under these provisions applies individually to the overseas employee and to the spouse or dependent of that employee who resides with the employee. HB 1797; CH. 629.

§§ 10.1-523, 10.1-525, 24.2-506, and 24.2-680 amended; § 10.1-518.1 added. Election of directors of soil and water conservation district directors. Transfers certain responsibilities from the Department of Conservation and Recreation to the State Board of Elections regarding elections and candidates for directors of soil and water conservation districts. HB 2076; CH. 53.

§ 24.2-611 amended. Combined precinct registered voter list and pollbook. Extends from July 1, 2001, to July 1, 2003, the time for the State Board of Elections to conduct pilot programs to test the use of one list that combines the functions of the registered voter list and pollbook. The bill also provides for the Board to report its evaluation of the pilot programs to any study committee established by the General Assembly to study this issue and to the General Assembly prior to the 2003 Regular Session. SB 964; CH. 839.

§§ 24.2-629, 24.2-802, and 24.2-814 amended. Election recount procedures and ballots cast on electronic voting devices. Provides that, where voting systems that count ballots by means of insertion in electronic counting devices are used, recounts shall examine only those ballots on which voters have apparently voted for fewer than or more than the number of candidates for which they are legally entitled to vote. The State Board of Elections is to provide standards by September 1, 2001, applicable for all recounts, for determining whether a ballot has or has not been voted for a candidate and for promoting a timely and accurate resolution of recount questions. The current statutory provision that allows parties to a recount to examine all ballots and materials is modified and replaced by a more limited examination. HB 1843; CH. 641.

§ 24.2-629 amended. Undervoted and overvoted ballots. Requires that electronic counting devices report, if possible, the number of ballots on which voters apparently voted for fewer candidates than allowed and the number on which voters voted for more candidates than authorized. HB 2233; CH. 640.

§§ 24.2-700 and 24.2-701 amended. Absentee voting privileges and applications. Revises the provision that allows persons to vote absentee if they work long shifts on election day whether or not they are absent from the county or city in which they vote. The amendments include commuting time along with work time so that a person who commutes and

works 11 of the 13 hours that the polls are open will be entitled to vote absentee. The present provision covers work time only and allows a person to vote absentee if he works 11 of the 13 hours that the polls are open. HB 1856; CH. 631.

§§ 24.2-701 and 24.2-706 amended. Absentee ballot applications and procedures. Eliminates the requirement for the signature of a witness on an application for an absentee ballot. If the applicant cannot sign the application, a person assisting the applicant must note that fact on the application and sign the application. The bill does not change the requirements that there must be a witness present at the time that the absentee voter marks and seals his absentee ballot and that the witness must sign the outside of the envelope containing the marked ballot. HB 1580; CH. 621.

§ 24.2-701 amended. Absentee ballot applications. Requires the applicant to print his name on the application and expands the period during which an absentee ballot application may be filed in advance of the election from 10 months to 12 months. The bill also modifies the requirement that the office of the general registrar must be open for absentee voting on the two Saturdays immediately before any general or primary election. The bill requires the office to be open for two Saturdays only before a general election other than a May general election in a town. It requires the office to be open the Saturday immediately before any primary, May general election in a town, or special election. HB 1677; CH. 793.

§ 24.2-703.1 added. Applications by ill or disabled voters for absentee ballots for multiple elections. Provides for the filing of one application by an ill or disabled voter for all elections in one calendar year. The general registrar will send such voters an application in advance of each calendar year. Present law requires a separate absentee ballot application to be filed for each election. The State Board of Elections is required to monitor and report on the use of the new procedure beginning July 1, 2002. HB 1579; CH.789/SB 1217; CH. 850.

§§ 24.2-705, 24.2-705.1, and 24.2-710 amended; § 24.2-705.2 added. Absentee voting in certain business and medical emergency situations. Permits a person to apply for an absentee ballot and vote in person on the Monday before the election if he learned after noon on the Saturday before the election that he must be absent from the county or city on election day because of his hospitalization or an immediate family member's hospitalization or death. The bill also permits an officer of election to vote on the Monday before the election if he is assigned after Saturday at noon to work in a precinct other than his voting precinct. Present law allows a late application and in-person absentee voting on the Monday before the election in cases of business emergencies requiring travel. The usual deadline for in-person absentee voting is three days before the election. This bill permits last-minute voting until 2:00 p.m., rather than noon, on Mondays. HB 1667; CH. 622.

§ 24.2-706 amended. Absentee ballot applications. Adds a directive not to reject an application because of an error or omission that is not material in determining whether the applicant is qualified to vote absentee. HB 1842; CH. 866.

§ 24.2-707 amended. Elections; absentee voting procedures. Provides that facilities owned or leased by the state and housing both Department of Motor Vehicles facilities and a general registrar's office may be used as sites for in-person absentee voting. Present law allows in-person absentee voting only in public buildings owned or leased by the county, city, or town. HB 1721; CH. 624/SB 1225; CH. 617

§§ 24.2-710 and 24.2-711 amended. Duties of the electoral board, general registrar, and officers of election with respect to absentee voting and absentee voter applicant lists. Eliminates the requirement that the absentee voter applicant list be posted in the office of the general registrar and at the polling place; requires, instead, that the list be held by the general registrar in his office, and by the chief election officer at the polling place, as a public record available for inspection on request. The list carries the applicant's name and residence address. HB 1858; CH. 799.

§§ 24.2-802 and 24.2-814 amended. Recount procedures. Provides that the State Board of Elections shall promulgate standards by September 1, 2001, to be followed in the handling and counting of ballots for election recounts. The bill also provides for State Board recommendations by December 1, 2001, for permanent standards that may be enacted into law. HB 2849; CH. 639.

§ 24.2-802 amended. Recounts involving punch card voting devices. Provides that the machine count will be the official count and sets out standards to review punch card ballots not accepted by the counting machine. The bill provides that a vote should be counted if two or more corners of the chad are broken or separated from the card. Separation of only one corner of a chad would not be deemed a vote, nor would any depression, dimple, or other mark. SB 986; CH. 646.

§ 24.2-905 amended. Campaign contributions and expenditures; petty cash funds. Requires that official campaign depository checks show the name of the candidate and campaign committee. HB 1933; CH. 633.

§§ 24.2-914 and 24.2-915 amended. Campaign Finance Disclosure Act; reports of contributions and expenditures. Incorporates recommendations by the joint subcommittee studying campaign finance reform pursuant to HJR 213 and SJR 80 (2000). The changes include: (i) clarifying the information required on occupation and place of business for individual and other contributors; (ii) requiring specific information on expenditures made by credit card payments; and (iii) requiring reports for statewide and General Assembly candidates to be received by the State Board by the filing deadline either by mail or by fax with an original copy mailed and post-marked by the filing deadline. HB 2325; CH. 810/SB 1277; CH. 618.

§ 24.2-915 amended; § 24.2-906.1 added. Campaign Finance Disclosure Act; exemption from reporting requirements for certain local office candidates. Provides that a candidate for local office may seek an exemption from the requirements to file periodic reports of contributions and

expenditures. To qualify for the exemption, the local candidate must certify that he will not solicit or accept campaign contributions, that he will not contribute personally more than, or expend more than, \$1,000 in his campaign, and that he will keep appropriate records for his campaign. HB 1708; CH. 794.

§§ 24.2-928 and 24.2-929 amended. Violations of the reporting requirements of the Campaign Finance Disclosure Act and penalties. Revises the provisions on reporting violations of the Act in accordance with recommendations of the joint subcommittee studying campaign finance reform pursuant to HJR 213 and SJR 80 (2000). The bill (i) authorizes the State Board and the appropriate local election official to review disclosure reports for completeness and request additional information; (ii) provides for the jurisdiction of the appropriate attorney for the Commonwealth for statewide and other campaigns; (iii) authorizes the State Board or appropriate local election official to assess and collect the civil penalty for violations of the reporting requirements before referring the violation to the attorney for the Commonwealth; (iv) provides for payment of civil penalties collected at the local level to the locality; and (v) provides for public notice on the Internet of violations by candidates for statewide office or the General Assembly involving the failure to file a required report by the required deadline. The bill takes effect July 1, 2002. HB 2323; CH. 635.

§§ 24.2-928 and 24.2-929 amended. Violations of the reporting requirements of the Campaign Finance Disclosure Act and penalties. Revises the provisions on reporting violations of the Act in accordance with recommendations of the joint subcommittee studying campaign finance reform pursuant to HJR 213 and SJR 80 (2000). The bill (i) authorizes the State Board and the appropriate local election official to review disclosure reports for completeness and request additional information; (ii) provides for the jurisdiction of the appropriate attorney for the Commonwealth for statewide and other campaigns; (iii) authorizes the State Board or appropriate local election official to assess and collect the civil penalty for violations of the reporting requirements before referring the violation to the attorney for the Commonwealth; (iv) provides for payment of civil penalties collected at the local level to the locality; and (v) provides for increased penalties and public notice on the Internet of violations by candidates for statewide office or the General Assembly involving the failure to file a required report by the required deadline. SB 1275; CH. 648.

§§ 24.2-929 and 24.2-930 amended. Campaign Finance Disclosure Act; penalties. Provides for a civil penalty not to exceed \$500 for the failure to file a campaign report by the due date and provides for additional \$500 penalties for second and subsequent failures during one election cycle. Present law imposes a penalty of up to \$300 for either late or incomplete filings. The bill requires the Secretary of the State Board of Elections to assess the penalty for missing the filing deadline and to give public notice on the Internet of the penalty and violator. The bill does not change the \$300 fine now applicable to timely but incomplete filings before and after the November election. The bill also amends the special provision that im-

poses a penalty for each day that a statewide office campaign is in violation, increasing the daily fine from \$100 to \$300 and requiring the State Board to file notices of violations on the Internet. HB 656; CH. 620.

§ 24.2-1004 amended. Illegal voting and registrations. Provides that any person who votes more than once, or induces another to vote more than once, in the same election is guilty of a Class 6 felony; and that any person who intentionally registers more than once, or induces another to register more than once, at multiple addresses is guilty of a Class 6 felony. HB 2646; CH. 636.

§§ 24.2-1013 and 24.2-1014 amended. Paid political advertisements. Requires the newspaper, magazine, periodical, or radio or television station that accepts an advertisement advocating the election or defeat of any candidate to obtain proof of identity or a telephone number for the person submitting the advertisement when the authorization statement for the advertisement states that an individual is responsible for the advertisement. The proof of identity requirement does not apply if the advertisement carries an authorization statement showing that the candidate, a candidate campaign committee, a political party committee, or a political committee registered with the State Board of Elections has authorized the advertisement. SB 1244; CH. 747.

TITLE 25. EMINENT DOMAIN.

§ 25-248 amended. Eminent domain; appraisals. Adds state agencies to the list of condemning authorities not required to conduct an appraisal of property to be condemned if the value of such property is less than \$10,000, based on objective evidence. This bill is a recommendation of the Joint Subcommittee Studying Eminent Domain Issues. SB 1172; CH. 260.

TITLE 26. FIDUCIARIES GENERALLY.

§ 26-3 amended. Bond of fiduciaries. Provides that when a new or additional bond is ordered the fiduciary's execution can be made by the fiduciary's agent under a power of attorney. This bill is a recommendation of the Judicial Council, acting on the recommendation of its Standing Committee on Commissioners of Accounts. HB 2070; CH. 79.

§ 26-10 amended. Commissioners of accounts. Provides that assistant commissioners of accounts who qualify after June 30, 2001, act only in such cases as the commissioner of accounts delegates. This bill is a recommendation of the Judicial Council acting on the recommendation of the Standing Committee on Commissioners of Accounts. HB 2069; CH. 108.

§§ 26-12 and 26-17.7 amended. Filing accountings and inventories of testamentary trusts. Provides that a trustee of a testamentary trust does not have to file an inventory if he obtains the written consent of all adult beneficiaries after providing them with certain information and files the consents with the Commissioner of Accounts before the date the inventory would otherwise be due. Additionally, the bill specifies that for those trusts where no accounting is required, no inventory is required. HB 1733; CH. 73.

§ 26-12.3 amended. Waiver of inventory and settlement for certain estates. Adds the following conditions before a clerk is required to waive inventory and settlement: the estate must be a personal estate under the supervision and control of the personal representative or curator and the personal representative or curator does not have the power of sale over real estate. Existing law requires only that the estate not exceed \$10,000 in value and that an heir, beneficiary or creditor whose claim exceeds the value of the estate seek qualification. HB 2613; CH. 598.

§ 26-20.1 amended. Statement in lieu. Revises provisions that allow personal representatives to file a statement in lieu of settlement of accounts in certain circumstances. The bill adds a requirement that six months must have elapsed since the personal representatives qualified. If the statement in lieu is not filed within the prescribed time the written notice must explain why the statement cannot presently be filed. If the commissioner of accounts determines that the reasons for not filing are not sufficient, the commissioner may require an interim account to be filed. This bill is a recommendation of the Judicial Council, acting on the recommendation of its Standing Committee on Commissioners of Accounts. HB 2068; CH. 107.

§§ 26-32 and 26-12.4. See § 64.1-122.2; HB 1195.

§ 26-51 amended. Who to execute the trust until new trustee appointed. Corrects grammatical errors left in this section after the section was amended in 1998. HB 1734; CH. 38.

§ 26-59. See § 17.1-213; SB 891.

TITLE 27. FIRE PROTECTION.

§§ 27-6.1 through 27-11, 27-14, 27-15.1, 27-15.2, 27-17 27-17.1, 27-19, 27-20, 27-23.1 through 27-23.6, and 27-23.9 amended. Fire protection and emergency medical services. Adds emergency medical services to existing provisions relating to fire departments and fire companies. The bill also defines emergency medical services personnel and emergency medical services vehicle. HB 1807; CH. 142.

§ 27-6.2 added. Fingerprinting of fire department applicants in Arlington County. Provides for fingerprinting of such applicants for the purpose of obtaining criminal history record information from the Central Criminal Records Exchange and the Federal Bureau of Investigation regarding the applicant. HB 2171; CH. 373/SB 1227; CH. 353.

§ 27-23.1 amended. **Fire and rescue zones.** Provides that any property located in any county with a population between 54,600 and 55,600 (Augusta County) that has qualified for an agricultural or forestal use-value assessment shall not be included within a fire and rescue zone and shall not be subject to a tax assessed in such a zone. HB 2087; CH. 111.

§ 27-98 amended. **Fire Prevention Code; enforcement by locality.** Provides that if a local governing body elects to enforce only those provisions of the Fire Prevention Code relating to open burning, it may do so in all or in any designated geographic areas of its jurisdiction. SB 1029; CH. 570.

TITLE 28.2. FISHERIES AND HABITAT OF THE TIDAL WATERS.

§ 28.2-106 amended. **Virginia Marine Patrol officers; powers.** Clarifies that Virginia Marine Patrol officers have the same powers as sheriffs and other law-enforcement officers to enforce the criminal laws of the Commonwealth. SB 784; CH. 232.

§§ 28.2-109, 28.2-110, and 28.2-111 added. **Reporting of ballast water discharge; penalty.** Requires that operators of certain commercial vessels file a Ballast Water Control Report form with the Virginia Marine Resources Commission. The reporting requirements shall not apply to any vessel of the United States Department of Defense, the United States Coast Guard, or the Armed Forces. The reporting requirement may be satisfied for those vessels whose first port of call in United States waters is in Virginia by the filing of a copy of the form submitted to the National Ballast Water Information Clearinghouse. Any operator who knowingly fails to file a report form in a timely manner or knowingly makes a false statement on the report form shall be guilty of a Class 1 misdemeanor. SB 1072; CH. 312.

§ 28.2-201.1 added. **Grant program for growing oysters.** Creates a grant program for individuals who grow oysters pursuant to a valid Virginia Marine Resources Commission General Permit for Noncommercial Riparian Shellfish Growing Activities, who also obtains a receipt pursuant to § 28.2-201.1 according to procedures established by the Virginia Marine Resources Commission evidencing the transfer of at least 500 oysters. The grant paid in a calendar year is to be an amount equal to the lesser of \$300 or the actual amount spent by the individual on growing oysters during the applicable calendar year. The bill also creates the Oyster Growing Activities Fund from which the grants will be made. The Virginia Marine Resources Commission is to administer the Fund and the grant program. HB 2493; CH. 819.

§ 28.2-209 amended. **Marine Resources Commission; publication of proposed regulations.** Allows the publication of proposed agency regulations that have only local application in either daily or weekly papers, whichever have greater circula-

tion in the locality in which the regulation applies. HB 2705; CH. 599.

§ 28.2-226 amended. **Exemptions from fishing licensing requirements.** Provides that the exemption for the taking of as much as one bushel of hard crabs and two dozen peeler crabs in any one day for personal use may be modified by regulation by the Virginia Marine Resources Commission. HB 2032; CH. 51.

§ 28.2-226.2 amended. **Recreational eel pot license.** Authorizes the Virginia Marine Resources Commission to establish a license for individuals who want to catch eels for noncommercial purposes. The license would allow a person to obtain a recreational gear license to use no more than two eel pots at a fee of not more than \$10. HB 1572; CH. 28.

§§ 28.2-302.2 and 29.1-328 amended. **Term of fishing licenses.** Provides that upon implementation of automated point of sale licensing systems, recreational fishing licenses issued by the Virginia Marine Resources Commission and hunting and trapping licenses and permits and fishing licenses issued by the Department of Game and Inland Fisheries shall be valid for one year from their date of purchase. Under current law, such licenses and permits are valid from January 1, or their later date of purchase, and expire December 31 of the same year. HB 2294; CH. 115.

§ 28.2-520 amended. **Hydraulic dredges.** Prohibits a person from (i) harvesting clams through the use of a hydraulic dredge or (ii) have on board his boat a hydraulic dredge designed for harvesting seafood unless the person has obtained a permit from the Marine Resources Commission. A person is exempted from the prohibitions if he is traveling to or from docks for maintenance or repair of his boat or equipment or when off-loading catches made in federal waters. The penalty for possessing this type of equipment without a permit is a Class 1 misdemeanor. HB 2417; CH. 377.

§ 28.2-556 amended. **Erosion control devices within the Baylor survey.** Provides that the Virginia Marine Resources Commission may allow construction of erosion control devices in the Baylor survey where it finds, along with other prescribed criteria, the proposed project to be technically and environmentally acceptable. However, if such Baylor ground is commercially productive as defined in the Code of Virginia, the environmentally preferred erosion control must be utilized. Under current law, such projects must be technically and environmentally preferable, whether or not the Baylor ground is productive. HB 1877; CH. 46.

§ 28.2-820 amended. **Relaying seed-stock shellfish.** Requires the Virginia Marine Resources Commission to promulgate regulations for the harvesting, transporting, handling and transplanting of wild and cultured seed oysters and clams from condemned planting areas to healthy waters. HB 2033; CH. 103.

§ 28.2-1006 added. **Potomac River Compact; storage, possession and marketing of lawfully harvested finfish and shellfish.** Allows finfish and shellfish lawfully caught in the

waters within the jurisdiction of the Potomac River Fisheries Commission to be possessed, stored, marketed and otherwise disposed of elsewhere in the Commonwealth of Virginia. The language in the bill is almost identical to language in the Maryland statutes and was requested on behalf of the Potomac River Fisheries Commission. SB 820; CH. 233.

§ 28.2-1203 amended. Subaqueous permit exemption. Exempts landowners who withdraw water for agricultural, silvicultural, or horticultural irrigation on riparian lands, or the watering of animals on such lands, from having to obtain a permit from the Virginia Marine Resources Commission, so long as (i) they do not place a permanent structure on the stream or river bed (ii) they comply with any requirements administered by the Department of Environmental Quality under Title 62.1, and (iii) the activity does not have adverse impacts to instream beneficial users. SB 837; CH. 234.

§ 28.2-1205 amended. Permits for piers on oyster and clam grounds; time limit for action. Requires the Virginia Marine Resources Commission to grant or deny permits for piers 100 feet or longer on oyster and clam grounds within 90 days of receipt of a complete application, unless information or circumstances materially alter the conditions under which the permit would be issued. If the Commission fails to act within such time, the application is deemed approved. Under current law, there is no time limit for action by the Commission. HB 1699; CH. 72.

TITLE 29.1. GAME, INLAND FISHERIES AND BOATING.

§ 29.1-203 amended. No-discharge zone. Requires game wardens from the Department of Game and Inland Fisheries to enforce the State Water Control Board's regulations designating Smith Mountain Lake as a no-discharge zone for boat sewage. HB 2607; CH. 123/SB 1301; CH. 93.

§ 29.1-301 amended. Exemption from license requirements for landowner's parents. Adds parents of a landowner to the list of those who can hunt, trap, and fish within the boundaries of the landowner's property or fish upon any private permanent extension from such property. HB 1897; CH. 49.

§ 29.1-301 amended. Exemptions from licenses to hunt, trap, or fish; members of the recognized tribes in the Commonwealth. Provides that licenses to hunt, trap, or fish are not required of Indians who (i) habitually reside on an Indian reservation, or (ii) are members of Virginia recognized tribes residing in the Commonwealth. However, such persons are required to have in their possession an identification card or paper signed by the chief of their tribe, a valid tribal identification card, written confirmation through a central tribal registry, or certification from a tribal office. Such cards, papers, confirmations, or certifications must set forth that the person named is an actual reservation resident or member of the Virginia rec-

ognized tribes and create a presumption of residence, which may be rebutted. Under current law, the exemption applies only to those Indians residing on a reservation, provided that they have in their possession an identification card signed by the chief of their reservation. HB 2546; CH. 597.

§ 29.1-305 amended. License to hunt bear. Authorizes the Board of Game and Inland Fisheries to establish a separate license to hunt bears. If established, the cost of such a license will be \$25 for residents and \$150 for nonresidents. The holder of such a license will also have to purchase the state's basic hunting license. Currently, there is a big game license that allows the license holder to hunt bear, deer and turkey. HB 2096; CH. 55.

§ 29.1-309.1 added. Trapping license for disabled persons. Establishes a lifetime trapping license for veterans who have a service-connected disability and persons who are permanently disabled. The fee for such a license would be five dollars. HB 2615; CH. 62.

§ 29.1-328. See § 28.2-302.2; HB 2294.

§ 29.1-339 amended. Complimentary hunting and fishing licenses. Authorizes the Director of the Department of Game and Inland Fisheries to issue complimentary hunting and fishing licenses to official representatives of out-of-state, nationally recognized, nongovernmental organizations engaged in wildlife conservation. HB 2637; CH. 63.

§ 29.1-521 amended. Sale of wildlife parts. Allows a Native American who provides proof that he is an enrolled member of a tribe recognized by Virginia, another state, or the federal government to possess, sell, or purchase from another Native American, animal parts such as antlers, hooves, feathers, claws and bones; however, the possession, sale or purchase from another Native American of bear parts is prohibited. HB 580; CH. 26.

§ 29.1-521 amended. Assisting other hunters. Extends to all hunters who have reached their daily bag or seasonal limit the privilege of assisting others who are hunting. Currently, such assistance may be provided only by those hunters who have reached their limit while hunting turkeys, ducks, geese or swans, and restricts their assistance to calling turkeys, ducks, geese and swans. HB 2304; CH. 60.

§ 29.1-523.1 added. Hunting with certain sight devices. Prohibits the use of a firearm equipped with a sighting device other than iron or open sights between one hour after sunset and one hour before sunrise. Any person who violates this provision (i) is guilty of a Class 2 misdemeanor, (ii) will lose his hunting privileges for the next license year, and (iii) will have to forfeit his firearm. In addition, if the person is found hunting during the prohibited period, he is subject to a separate penalty of a Class 2 misdemeanor. HB 2098; CH. 112.

§ 29.1-551 amended; § 29.1-525.1 added. Deer fences. Prohibits a landowner from erecting a fence that prevents or impedes deer from leaving the enclosed area. The bill also makes it unlawful to hunt deer in such enclosed areas. The pro-

visions of the bill do not apply to persons hunting in an enclosure that has been constructed prior to July 1, 2001, has been registered with the Department of Game and Inland Fisheries, and has been modified in a manner approved by the Department. The penalty for violating either of these provisions is a Class 1 misdemeanor and the court may (i) suspend the violator's hunting privileges for a period of three to five years, (ii) order the owner of the property to compensate the Department of Game and Inland Fisheries for the replacement costs of the killed deer, and (iii) order the owner to modify the fence in a way that will allow the deer to leave the enclosed area. SB 1339; CH. 856.

§ 29.1-738.2. See § 18.2-259.1; HB 1833.

§ 29.1-744 amended. "No wake" buoys. Limits the conditions under which "no wake" buoys or other markers that have been placed prior to July 1, 2001, can be removed. Such buoys or markers can only be removed if they no longer are providing for the safe and efficient operations of vessels. The bill also provides that "no wake" ordinances can be enacted for Smith Mountain Lake in order to protect public safety or prevent erosion. Currently, if such an ordinance is adopted it must both protect safety and prevent damage from erosion. SB 1315; CH. 649.

TITLE 30. GENERAL ASSEMBLY.

§ 30-19.1:7 amended. VRS; introduction of VRS bills. Clarifies that any bill affecting any retirement system established in Title 51.1 must be introduced on the first day of the session. The voting requirements for consent to introduce such legislation after the first day are no longer set out in the statute. Such requirements may be established in the rules of the General Assembly. SB 844; CH. 680.

§§ 30-19.3 and 30-28.18 amended. Executive, judicial and independent agencies' bill drafting deadline. Changes the deadline for all legislative drafting requests from the Governor, a Governor's Secretary, the Lieutenant Governor, the Attorney General, or the head of any judicial, legislative, or independent agency to the Division of Legislative Services from January 1 to the same deadline applicable to members of the General Assembly for submitting legislative drafting requests for legislation to be prefiled to the Division. This deadline is established by the General Assembly or by the Joint Rules Committee if the General Assembly has not acted. Requests from the Governor may still be submitted in accordance with the procedures established by the Rules Committees of the House of Delegates and the Senate for the conduct of business during a legislative session. HB 1755; CH. 584/ SB 809; CH. 568.

§ 30-19.9 amended. Information on proposed constitutional amendments. Modifies the present law requirement for the preparation and distribution of a brief, neutral explanation of each proposed constitutional amendment approved by the Gen-

eral Assembly and submitted to the voters for approval or rejection. The changes include a requirement to post the explanation on the State Board of Elections website on the Internet, authorization for a brief statement on the effect of a "yes" or "no" vote, and a requirement for prompt preparation of the explanation. SB 646; CH. 1.

§ 30-19.14 amended. Office expenses of members of the General Assembly. Restates existing law that office expense payments are allowances that require no vouchers for payments. The bill introduces the term "accountable plan," which some members of the General Assembly have elected to establish with the Internal Revenue Service. SB 1415; CH. 785 (effective 3/26/01).

§ 30-58.3 added. Annual report on state spending. Directs the Joint Legislative Audit and Review Commission to provide a report on state spending no later than November 15 of each year to the Governor and General Assembly. The Commission's report shall identify spending functions and programs that could be consolidated with other programs, no longer have a distinct and discernible mission, or are not performing their missions efficiently. The Commission shall identify which state programs have had the largest impact on the growth of state spending and determine whether such growth in spending appears rationally related to the rates of increase in inflation, tax relief measures, mandated expenditures, populations served or other related matters. HB 2865; CH. 304.

TITLE 32.1. HEALTH.

§ 32.1-23 amended. Resource and referral information on pharmaceutical companies' free drug programs. Directs the Health Commissioner to establish, maintain and publicize a toll-free number to provide resource and referral information on pharmaceutical companies' free drug programs for persons who demonstrate financial hardship; in other words, the pharmaceutical companies' compassionate programs will be publicized. Such information must include, but not be limited to, available drugs, participating pharmaceutical companies, application procedures for each of the pharmaceutical companies and dispensing methods. The Commissioner may contract with one or more public or private organizations to administer this resource and referral program. A second enactment provides that this act will not become effective until funds are appropriated or made available for this purpose. HB 2694; CH. 823.

§§ 32.1-48.02, 32.1-48.03, and 32.1-48.04. See § 16.1-248.1; SB 906.

§ 32.1-48.3. See § 3.1-796.100; HB 2152.

§ 32.1-50 amended; §§ 32.1-49.1 and 32.1-50.1 added. Health; tuberculosis control. Expands the current provisions for the control of tuberculosis to require each physician or person in charge of a medical facility or correctional facility to

report active cases of tuberculosis to the local director of health and develop a plan of treatment. Currently, tuberculosis is designated as a reportable disease by the Board of Health and is reported to the Department of Health. The plan of treatment may be requested by the local health director and will be subject to the approval of the local health director. The Commissioner of Health is authorized to settle disagreements on the plan of treatment according to statewide standards. All persons in charge of an inpatient facility or a correctional institution or jail will be required to submit the treatment plan to the local health director and to encourage the patient to comply with the treatment plan. If the person does not comply, the person in charge of the facility or correctional institution or jail, may request additional actions of the Commissioner of Health under existing law, including isolation. Laboratories doing testing on samples must also report positive cases of active tuberculosis to the state. HB 2090; CH. 459.

§ 32.1-65 amended. Health; newborn testing. Adds testing for congenital adrenal hyperplasia to the tests required to be performed on every newborn in the Commonwealth to prevent mental retardation, permanent disability or death. Those infants whose parents or guardians object to the testing because of religious practices or tenets continue to be exempt. The bill has a delayed effective date of January 1, 2002. SB 1007; CH. 255 (effective 1/1/02).

§ 32.1-73.7 added. Youth suicide prevention. Requires, with such funds as may be appropriated for this purpose, the Department of Health to assume lead responsibility in the Commonwealth for coordinating activities concerning youth suicide prevention. This responsibility includes coordination of the activities of the agencies of the Commonwealth pertaining to youth suicide prevention in order to develop a comprehensive youth suicide prevention plan addressing the promotion of health development, early identification, crisis intervention, and support to survivors. The bill requires the Department of Health to report annually to the Governor and General Assembly on the status of youth suicide prevention. The powers and duties of other state agencies vis-a-vis prevention of youth suicide are specifically noted not to be limited. This bill is a recommendation of the Commission on Youth. HB 2015; CH. 275/SB 1190; CH. 291.

§ 32.1-111.4 amended. Health; emergency medical services. Requires the regulations of the Board of Health to include requirements such as appropriate training and education qualifications to allow emergency medical services personnel to carry and administer epinephrine or a medically accepted equivalent. Epinephrine is used as emergency treatment for individuals experiencing anaphylactic shock, for example, severe allergic reactions resulting from bee stings. HB 2346; CH. 466.

§§ 32.1-122.6, 32.1-122.6:02, 32.1-122.6:03, 32.1-122.6:1, 32.1-122.9, 32.1-122.9:1, 32.1-122.10, and 54.1-3011.2 amended; § 32.1-122.6:04 added. Health; scholarships and loans for health professionals. Provides that physician, nurse, physician assistant, and nurse practitioner scholarship and loan

repayment amounts that are awarded and eventually forfeited by recipients remain in the respective scholarship or loan repayment fund rather than reverting to the general fund. The bill also adds a loan repayment feature under the registered and licensed practical nurse scholarship programs. The bill also has technical amendments. SB 1139; CH. 188.

§ 32.1-125.3 added. Bed capacity and licensure in hospitals designated as critical access hospitals. Provides that any licensed hospital that (i) has been certified as a critical access hospital, and (ii) has been required to reduce its licensed bed capacity as a result of the critical access certification, will, upon termination of its critical access hospital certification, be licensed to operate at the licensed bed capacity in existence prior to the critical access hospital certification without being required to apply for and obtain a certificate of public need. SB 1385; CH. 579.

§ 32.1-126.01 amended. Nursing homes; barrier crimes. Expands the list of crimes that bar a person from employment in a licensed nursing home by adding such crimes as malicious wounding by mob, car jacking, extortion by threat, felony stalking, drive by shooting, use of a machine gun in a crime of violence, aggressive use of a machine gun, use of a sawed-off shotgun in a crime of violence, electronic facilitation of pornography, delivery of drugs to prisoners, escape from jail, felonies by prisoners and the equivalent offenses in another state. The expanded list is similar to the barrier crimes provided in present law for child-care facilities and mental health facilities. HB 2388; CH. 329.

§ 32.1-127 amended. Health; verbal orders in hospitals. Requires the regulations of the Board of Health for the licensure of hospitals to allow those hospital employees, designated in the medical staff bylaws or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians and other persons lawfully authorized by state law to give patient orders. The verbal orders would have to be signed within a reasonable time, not to exceed 72-hours, by the person giving the order, or, if that person is not available within the 72-hour period, by another physician or person authorized to give orders. HB 2272; CH. 463.

§ 32.1-127.1:03 amended; §§ 32.1-122.10:001 through 32.1-122.10:005 added. Health; local health partnership authorities. Creates the authority for single or multijurisdictional health care partnership authorities where government and private entities may join forces to address the health care needs of the area and assist in providing such services in a coordinated manner so as to eliminate duplication and inefficiency. The bill provides the basic outline for a local authority with provisions for membership, a board of directors, meeting and voting requirements and an outline of powers and duties. The authority would have to be approved by each participating locality by ordinance, resolution or agreement only after a public hearing has been held. The bill also has provisions that (i) allow for the disclosure of medical records to the authority to allow for health care services to be provided, and

(ii) protect volunteers from civil liability for acts or omissions when providing noninvasive and minimally invasive procedures limited to finger sticks and injections performed as part of health care services unless the acts or omissions were the result of gross negligence or willful misconduct. The State Department of Health must choose the multi-jurisdictional effort that has been operating a community health program under a grant from the Robert Wood Johnson and Kellogg Foundations in Planning District 8 to act as a pilot for this concept. The Joint Commission on Health Care is required to monitor and provide technical advice to the pilot project and to evaluate the program by November 15, 2002. This provision sunsets on July 1, 2003. HB 2060; CH. 671.

§ 32.1-137.13 amended. Health insurance; adverse decisions. Requires utilization review entities rendering adverse decisions to provide the treating physician with the name, address, and telephone number of the person responsible for making such adverse decision. Currently, entities are only required to provide a contact name, address, and telephone number. SB 955; CH. 22.

§ 32.1-162.8 amended. Licensure of home health organizations; exemptions. Provides an exemption from licensure as a home health organization for a natural person who provides services to a patient on an individual basis if such person is (i) acting alone under a medical plan of care and is licensed to provide such services pursuant to Title 54.1 or (ii) retained by the individual or by another individual acting on the individual's behalf. SB 967; CH. 515.

§§ 32.1-162.21 and 32.1-162.22 added. Human cloning. Prohibits the cloning of humans, i.e., the creation of or attempt to create a human being by transferring the nucleus from a human cell from whatever source into an oocyte from which the nucleus has been removed. Cloning of animals is accomplished by withdrawing or otherwise rendering inert the chromosomes (the linear threads containing the genes) from a somatic cell (a mature, diploid cell having a complete set of chromosomes) and inserting the genetic material of the individual to be reproduced into an oocyte (an ovum or egg). The altered cell is then implanted into a uterus. This bill defines several scientific terms, e.g., cloning, human cloning, nucleus, oocyte, somatic cell, and somatic cell nuclear transfer. The following acts are prohibited: the performance of human cloning; the implantation or attempted implantation of the product of somatic cell nuclear transfer into an uterine environment so as to initiate a pregnancy; the possession of the product of human cloning; and the shipping or receiving of the product of a somatic cell nuclear transfer in commerce for the purpose of implantation of such product into an uterine environment so as to initiate a pregnancy. In addition to any other applicable penalty, any person violating this law will be liable for a civil penalty not to exceed \$50,000 per incident. The use of somatic cell nuclear transfer or other cloning technologies for biomedical and agricultural research, of gene therapy, and of somatic cell nuclear transfer techniques to create animals other than humans are not restricted. HB 2463; CH. 868/SB 1305; CH. 870.

§ 32.1-163.5 amended. Health; on-site sewage evaluations. Requires, notwithstanding any other provision of law or the provisions of any local ordinance, that counties, cities and towns, in the administration of their own ordinances, must comply with the time limits that currently apply in state law to the Department of Health in performing a field check of private evaluations and designs for single lots or for subdivision, residential development. The Department of Health is required to evaluate and approve or deny a request for an on-site sewage permit for a single lot construction permit within 15 days of the request and to evaluate and approve or deny a request for multiple lot certification letters or subdivision review within 60 days of the request. HB 2726; CH. 337.

§ 32.1-163.6 added. Pilot project for computerization of local septic system data. Requires the Commissioner of Health, as part of the development of a statewide database module with local compatibility, to implement a pilot project for the Counties of Bedford, Franklin, and Pittsylvania to computerize the data on septic systems with the goal of producing data capable of being merged with real estate records, particularly for the areas surrounding Smith Mountain Lake. The pilot project must establish a database for the storage and retrieval of information on local septic systems based on installation permits. Information resulting from septic tank pumpouts and other maintenance must also be included in this database. All the information in the database must be capable of being merged with the local real estate records. The Commissioner is required to implement the pilot project solely with state funds and must exempt the relevant counties from the cost-sharing requirements of the state/local cooperative budget formula. A second enactment provides that this act will not become effective unless an appropriation effectuating the purposes of the act is included in the 2001 Appropriations Act, passed during the 2001 Session of the General Assembly, and signed into law by the Governor. SB 1250; CH. 575 (effective-see bill).

§ 32.1-225 amended. Health; sale of bedding. Provides an exemption from the requirements for sanitizing articles of bedding or upholstered furniture for self-storage facilities when the bedding or upholstered furniture pieces are sold pursuant to statute as a result of the owner of the contents stored in such self-storage facility being in default in the payment of rent. HB 1899; CH. 454.

§§ 32.1-229 and 32.1-229.01 amended. Health; radon proficiency listings. Authorizes the Board of Health to make available to the public a list of persons who have been listed as proficient to offer screening, testing or mitigation for radon by the United States Environmental Protection Agency, the National Radon Measurement Proficiency Program of the National Environmental Health Association or the National Radon Safety Board Certified Radon Professional Program or any other proficiency program acceptable to the Board. This bill revises and updates acceptable radon proficiency credentials. Current law only provides for proficiency listing by the Environmental Protection Agency (EPA). The EPA has, however, discontinued the National Radon Proficiency Program

and has not designated a successor program. HB 1903; CH. 408.

§§ 32.1-229 and 32.1-229.01 amended. Health; radon proficiency listings. Authorizes the Board of Health to list and accept as proficient, to offer screening, testing or mitigation for radon, persons acceptable to the United States Environmental Protection Agency, the National Radon Measurement Proficiency Program of the National Environmental Health Association or the National Radon Safety Board Certified Radon Professional Program or any other proficiency program acceptable to the Board. This bill revises and updates acceptable radon proficiency credentials. Current law only provides for proficiency listing by the Environmental Protection Agency. The EPA has, however, discontinued the National Radon Proficiency Program and has not designated a successor program. SB 838; CH. 426.

§ 32.1-267. See § 17.1-213; SB 891.

§§ 32.1-276.3, 32.1-276.6, 32.1-276.8, and 32.1-276.9 amended. Health; outpatient data collection. Requires health care providers, including hospitals, ambulatory surgery centers, and physicians, to report data on outpatient surgery procedures to the Virginia Patient Level Data System. No fees will be charged by the nonprofit organization for the submission of outpatient data for the first twelve months of data submission; however, after twelve months, the nonprofit organization may charge a fee of up to one dollar for those records its determines are not processed, verifiable data. The confidentiality of inpatient level data continues to be protected and may be publicly released only when the information released is designed to prevent persons from being able to gain access to combinations of patient characteristic data elements that reasonably could be expected to reveal the identity of any patient; outpatient surgical charge data will only be made publicly available pursuant to a review by the Joint Commission on Health Care. The nonprofit health data organization must conduct a pilot study to assess the impact of requiring the submission of outpatient surgical data, including the logistics and costs as well as the potential value of the submission of such information. HB 2763; CH. 341.

§ 32.1-325 amended. Medical assistance services; custom ocular prostheses. Requires the state plan for medical assistance services to include a provision for payment of medical assistance services for custom ocular prostheses. HB 1592; CH. 534.

§ 32.1-325. See § 38.2-3407.4:2; HB 2654.

§ 32.1-325. See § 38.2-4319; SB 1200.

Medical assistance services; breast or cervical cancer treatment for certain women. Requires the Board of Medical Assistance Services to include in the state plan for medical assistance a provision for payment of medical assistance, pursuant to the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (P.L. 106-354), for certain women with breast or cervical cancer when such women (i) have been screened for breast or cervical cancer under the Centers for

Disease Control and Prevention (CDC) Breast and Cervical Cancer Early Detection Program established under Title XV of the Public Health Service Act; (ii) need treatment for breast or cervical cancer, including treatment for a precancerous condition of the breast or cervix; (iii) are not otherwise covered under creditable coverage, as defined in § 2701 (c) of the Public Health Service Act; (iv) are not otherwise eligible for medical assistance services under any mandatory categorically needy eligibility group; and (v) have not attained age 65. This provision must include an expedited eligibility determination for such women. This bill includes a second enactment stating that the act will not become effective until such time as funds are appropriated or made available for this purpose. SB 1377; CH. 859 (effective-see bill).

§ 32.1-351 amended. Family Access to Medical Insurance Security Plan (FAMIS). Provides an exemption for the Family Access to Medical Insurance Security Plan (FAMIS), upon approval by the federal Health Care Financing Administration, from any provision set forth in Title 38.2 that excludes, exempts or does not apply to the Virginia plan for medical assistance services established pursuant to Title XIX of the Social Security Act, 42 U. S. C. § 1396 et seq. (Medicaid). HB 1876; CH. 238.

§ 32.1-351 amended. Children's health insurance. Requires the Children's Medical Security Insurance Program and the Family Access to Medical Insurance Security Plan to include a provision for the request for the cooperation of the custodial parent with the state in securing child support payments. However, the granting of such cooperation shall not be a condition of eligibility. The bill has an expiration date of July 1, 2003. HB 1982; CH. 756.

§ 32.1-351 amended. Virginia Children's Medical Security Insurance Plan; Family Access to Medical Insurance Security (FAMIS) Plan. Requires the recently approved FAMIS program to include a provision to request the custodial parent's cooperation with the Commonwealth in securing medical and child support payments; this cooperation must not be a condition of the child's eligibility for FAMIS. A second enactment sunsets this provision on July 1, 2003. SB 724; CH. 735.

§ 32.1-353.6 added. Certified nursing facility education initiative. Makes a technical amendment to the certified nursing facility education initiative passed by the 2000 General Assembly. The bill places a sunset of July 1, 2003, on the initiative, which was clearly the intention of last year's legislation, House Bill 714 (2000). HB 1852; CH. 272.

TITLE 33.1. HIGHWAYS, BRIDGES AND FERRIES.

§ 33.1-8 amended. Assistant commissioner for the environment, transportation planning, and regulatory affairs. Requires the Commonwealth Transportation Commissioner to

employ an assistant commissioner for the environment, transportation planning, and regulatory affairs. HB 2422; CH. 87/SB 1046; CH. 69.

§ 33.1-12 amended. Powers and duties of Commonwealth Transportation Board (CTB). Allows the Commonwealth Transportation Board to award contracts for the construction of transportation projects on a design-build basis. The Board may annually award five design-build contracts valued at no more than \$20 million. The Board may also award design-build contracts valued at more than \$20 million, provided that no more than five of these latter contracts are in force at the same time. The bill also requires the CTB to recommend to the General Assembly objective criteria to be used by the CTB in selecting those transportation projects to be advanced from the feasibility to the construction stage. These criteria must include requirements for prequalification of contractors and competitive bidding processes. The contracts have to be of such size and scope as to encourage competition. If such criteria are enacted into law, the criteria will apply to the interstate, primary, and urban systems of highways. SB 1049; CH. 349.

§ 33.1-13.1 amended. Policy of the Commonwealth; use of highways by motorcycles. Prohibits closure by political subdivisions of the Commonwealth of any highway to motorcycles if public funds were used in the highway's construction. HB 2217; CH. 8/SB 861; CH. 68.

§ 33.1-23.03 amended. Statewide Transportation Plan. Requires the Secretary of Transportation to develop a statewide transportation plan with a 20-year horizon and update that plan at least every five years. This plan supersedes the quinquennial assessment of highway needs by the Virginia Department of Transportation. HB 2420; CH. 764/SB 1047; CH. 772.(incorporates SB 1213).

§ 33.1-23.3 amended. Urban system highway funds. Authorizes cities and towns to use up to one-third of their allocation of urban system highway funds for debt service on bonds or costs to be incurred on approved urban projects. Under current law, one-third of the urban system highway funds allocated to a city or town may be used to reimburse the city or town for debt service and costs already paid. HB 1966; CH. 590.

§ 33.1-70.01 amended. Highway projects cancelled by counties. Requires counties that cancel secondary system highway construction or improvement projects included in their six-year plans to reimburse the Commonwealth Transportation Board (CTB) for funds expended for planning, engineering, right-of-way acquisition, demolition, relocation, and construction. The bill also allows the CTB to waive the reimbursement. HB 2045; CH. 105/SB 1051; CH. 130.

§ 33.1-70.1 amended. "Pave-in-Place" program. Repeals the July 1, 2001, "sunset" on VDOT's "Pave-in-Place" program. HB 2018; CH. 366/SB 1299; CH. 355.

§ 33.1-70.1 amended. §§ 33.1-72.1 and 33.1-75.1 amended. Subdivision streets. Changes from July 1, 1988, to July 1, 1990, the date by which subdivision streets had to be open to

the public in order to be eligible to be taken into the state secondary system. HB 1645; CH. 95.

§ 33.1-84.1 added. Secondary highways; resumption of responsibilities by counties. Provides a mechanism by which counties may resume responsibility for some or all of state secondary highways within their boundaries. HB 1949; CH. 273/HB 2049; CH. 277/SB 1045; CH. 257.

§ 33.1-190.1 amended. Value engineering. Increases from \$2 million to \$5 million the minimum cost of highway projects in connection with which value engineering must be used by the Department of Transportation. HB 2044; CH. 104/SB 1050; CH. 90.

§ 33.1-191 amended. VDOT contracts. Mandates that Virginia Department of Transportation contracts require that contractors comply with all requirements, conditions, and terms of such contracts, including environmental permits that are part of the contracts. If a contractor violates a contract provision that results in environmental damage or violates environmental laws or environmental permits, the Department may suspend the contractor from future bidding or initiate debarment. In such cases, the Department may recover either (i) the loss or damage that the Department suffers as a result of such violation or (ii) any liquidated damages established in such contract plus (iii) reasonable attorney's fees and expert witness fees. HB 2303; CH. 418/SB 1052; CH. 432.

§ 33.1-223.9 amended. Virginia Alternative Fuels Revolving Fund. Corrects an erroneous reference in § 33.1-223.9 from "this chapter" to "this article." This is a technical amendment only. HB 1703; CH. 36.

§ 33.1-369 amended. Outdoor advertising. Allows variable message signs if their messages do not change more than once every four seconds. HB 2670; CH. 285.

§ 33.1-371.2 added. Tree-trimming policies of Commonwealth Transportation Board. Requires the Commonwealth Transportation Board to adopt policies governing the trimming of roadside trees that do not adversely affect highway operations, maintenance, or safety. These policies would apply to pruning and trimming trees by the employees and agents of and contractors with the Virginia Department of Transportation. These policies must be consistent with generally accepted standards. HB 2082; CH. 169.

§ 33.1-386 amended. Submission of claims to the Department of Transportation and Commonwealth Transportation Board. Provides for reconsideration of contractor claims against VDOT when claims are denied because of administrative oversight. HB 2418; CH. 175.

§§ 2.1-548.01 through 2.1-548.09 added; §§ 33.1-400 through 33.1-408 repealed. Management of the Commonwealth's central vehicle fleet. Transfers from the Commonwealth Transportation Commissioner to the Director of the Department of General Services the responsibility for managing the Commonwealth's central vehicle fleet. HB 2419; CH. 815/SB 1048; CH 842

§§ 33.1-430 through 33.1-446 added. **Special transportation/taxing district.** Creates a special transportation/taxing district, modeled on the existing Route 28 District, to provide a means of financing an extension of commuter rail service from the East Falls Church Metro Station to the vicinity of Dulles Airport. Applicability of the bill is limited to Fairfax County and towns therein. HB 2671; CH. 611.

TITLE 33.1. MISCELLANEOUS - HIGHWAYS, BRIDGES AND FERRIES.

Terry L. Griffith Memorial Highway. Designates the U. S. 460 bypass in Christiansburg the "Terry L. Griffith Memorial Highway." HB 1743; CH. 139.

Everett H. Hogge Memorial Highway. Names Harpersville Road in Newport News, between US Route 60 and US Route 17, the "Everett H. Hogge Memorial Highway." HB 1923; CH. 146.

Beryl R. Newman Memorial Highway. Designates Virginia Route 227 between the Town of Urbanna and Cooks Corner in Middlesex County the "Beryl R. Newman Memorial Highway." HB 2159; CH. 154.

Beryl R. Newman Memorial Bridge. Designates the Virginia Route 227 bridge over Urbanna Creek in Middlesex County the "Beryl R. Newman Memorial Bridge." HB 2160; CH. 155.

John Lewis/Andrew Lewis Memorial Highway. Designates portions of I-81 the "John Lewis Memorial Highway" and the "Andrew Lewis Memorial Highway." HB 2406; CH. 159.

Dr. Ralph Stanley Highway. Designates Va. Rte. 652 between Toms Creek and Nora the "Dr. Ralph Stanley Highway." HB 2524; CH. 176.

Henderson Road. Designates Henderson Road in Fairfax County a Virginia byway. HB 2559; CH. 177.

Woodrow Wilson Memorial Bridge. Prohibits use of Virginia revenues for repairs to or replacement of the Woodrow Wilson Memorial Bridge if the repair or replacement project is subject to a project labor agreement. HB 2563; CH. 382.

Senator M. M. Long Highway. Designates US 58A between Hansonville and Norton the "Senator M. M. Long Highway." HB 2599; CH. 178.

Gordon C. Willis, Sr., Smart Highway. Designates the so-called "Smart Road," constructed by VDOT and VPISU, the "Gordon C. Willis, Sr., Smart Road." HB 2656; CH. 207.

Hampton Veterans' Highway. Designates the entire length of Hampton Roads Center Parkway in the City of Hampton, including any future extensions, the "Hampton Veterans' Highway." HB 2688; CH. 179.

Joseph V. Gartlan, Jr., Parkway. Designates the Franconia-Springfield Parkway in Fairfax County from Rolling Road

to Beulah Street the "Joseph V. Gartlan, Jr., Parkway." SB 291; CH. 734.

No-truck route; US 17. Prohibits operation of tractor truck/ semitrailer combinations on US 17 in Fauquier County between US 50 and Interstate 66, except for deliveries, pickups, or transactions within 25 miles. This act expires on June 30, 2002. SB 822; CH. 604.

TITLE 34. HOMESTEAD AND OTHER EXEMPTIONS.

§ 34-26. See § 22.1-129; SB 1055.

TITLE 36. HOUSING.

§§ 36-27 and 36-51 amended. **Housing; powers of redevelopment and housing authorities; eminent domain and redevelopment plans.** Provides that a redevelopment and housing authority, when identifying real property to be acquired for redevelopment, must also identify anticipated funding sources that may be sufficient to acquire the property. The bill also provides that (i) any real property that has not been acquired or for which condemnation proceedings have not been instituted within five years from the redevelopment plan approval date are no longer eligible to be so acquired unless the parties agree to the acquisition; (ii) localities must reaffirm a redevelopment plan within three years of their approval of the plan; (iii) localities are not precluded from adopting a new redevelopment plan that includes real property previously included within a redevelopment area under a previously adopted redevelopment plan; and (iv) upon written request of a property owner, a redevelopment and housing authority that decides against acquiring previously identified property shall reimburse the property owner for reasonable expenses he incurred in connection with the proposed acquisition. The bill also provides for alternative dispute resolution in cases where eminent domain is used to acquire real property under an approved redevelopment plan. The bill is a recommendation of the Housing Study Commission. HB 2438; CH. 729.

§ 36-49.1:1 amended. **Spot blight abatement.** Allows the use of the spot blight abatement procedures anywhere in a locality, whether inside or outside of a conservation or redevelopment area. SB 1006; CH. 482.

§ 36-55.63. See § 58.1-435; HB 2145/SB 1325.

§ 36-98 amended. **Uniform Statewide Building Code; effect on local ordinances.** Restricts localities from incorporating certain building design requirements in their local zoning ordinances by providing that the USBC supercedes such ordinances. The bill also specifies that the USBC does not su-

percede (i) proffered conditions accepted as a part of a rezoning application, conditions imposed upon the grant of special exceptions, special or conditional use permits or variances; (ii) land use requirements in airport or highway overlay districts, or historic districts; or (iii) local flood plain regulations adopted as a condition of participation in the National Flood Insurance Program. This bill is a recommendation of the Housing Study Commission. SB 1233; CH. 525.

§ 36-105 amended. Uniform Statewide Building Code; inspection warrants. Establishes the authority for the issuance of inspection warrants for the enforcement of the Virginia Uniform Statewide Building Code under certain circumstances. HB 2344; CH. 119.

§ 36-139.5:1 added. Eligibility for Industrial Site Development Program. Requires the Department of Housing and Community Development, in determining eligibility for the Industrial Site Development Program, to allow exceptions to the Department's minimum requirement of 200 net developable acres because of geographic, topographic or land availability limitations. HB 2735; CH. 65.

§ 36-139.8 added. Grant to localities; harvesting and collection of rainwater. Provides, subject to appropriation, grants to local governments from the Alternate Water Supply Assistance Fund to be used by such localities for entering into agreements with businesses and individuals to harvest and collect rainwater for such uses as determined necessary by the locality. The Department of Housing and Community Development shall administer the fund and shall develop a process for determining what areas and localities shall qualify for the grants. SB 1416; CH. 314.

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

§ 37.1-10.01. See § 22.1-129; SB 1055.

§ 37.1-62.1 amended. Mental health; Alzheimer's Commission. Changes the duties of the Alzheimer's Disease and Related Disorders Commission to better reflect its advisory capacity to the Secretary of Health and Human Resources. This bill authorizes the Commission to recommend funding initiatives, statutory and regulatory changes, and such other issues that the Commission feels would assist people with Alzheimer's disease and related disorders and their caregivers. Currently, the Commission is charged with developing a plan for funding local initiatives. An annual report is still required by September 1 of each year. HB 1904; CH. 455/SB 1332; CH. 491.

§ 37.1-67.3 amended. Involuntary commitment hearing. Eliminates the 72- or 96-hour maximum extension periods for a commitment hearing to conform to the duration of a temporary detention order, which was changed in 1998. The bill

provides that when the maximum 48-hour period of temporary detention would expire on a Saturday, Sunday or legal holiday, the person may be detained until the next day that is not a Saturday, Sunday or legal holiday. HB 2491; CH. 658.

§§ 37.1-67.3 and 37.1-134.18 amended. Release of mental health information for firearm eligibility. Provides that an order of involuntary commitment, an adjudication of incapacity or an order restoring capacity forwarded to the Central Criminal Records Exchange may be used to determine a person's eligibility to possess, purchase or transfer a firearm. Current law limits use to a firearm transaction record check under § 18.2-308.2:2. HB 2610; CH. 507 (effective 3/22/01)/HB 2701; CH. 479/SB 1337; CH. 478.

§ 37.1-67.3. See § 16.1-248.1; SB 906.

§ 37.1-84.3 amended. Persons with mental illness, mental retardation or substance abuse problems; state and local human rights committees. Clarifies that the two consumers that must serve on state or local human rights committees may be individuals who are receiving (as in current law) or individuals who have received, within five years of their initial appointment, public or private mental health, mental retardation, or substance abuse treatment or habilitation services. HB 1898; CH. 453.

§ 37.1-134.7 amended. Guardians and conservators. Requires the Executive Secretary of the Supreme Court to provide instructions regarding the duties, powers and liabilities of guardians and conservators to each clerk of court; the clerk must then provide such information to each guardian and conservator upon notice of appointment. HB 1981; CH. 274.

§ 37.1-134.10 amended. Service upon guardian ad litem in guardianship cases. Provides that a respondent in a guardianship proceeding may be served by the guardian ad litem, as well as by ordinary personal service, with the notice, a copy of the petition and a copy of the order appointing a guardian ad litem and that such service constitutes valid personal service. HB 1578; CH. 30.

§§ 37.1-179, 37.1-179.1, 37.1-181 through 37.1-182.3, 37.1-183.1 through 37.1-185.1, and 37.1-186.1 through 37.1-188.1 amended; § 37.1-189.2 added. Department of Mental Health, Mental Retardation and Substance Abuse Services; licensing. Clarifies and updates the statutory provisions for licensing operations of the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS). The bill defines providers that are licensed and the services that they provide. The Commissioner of DMHMRSAS is granted access at all reasonable times to all services and records, including medical records. Records that are confidential under federal or state law shall be maintained as confidential by the Department; however, there shall be no right of access to peer review communications that are privileged. The bill clarifies inspections shall be focused on preventing specific risks to consumers, including an evaluation of the physical facilities in which the services are provided. Further, the bill states the Commissioner shall promptly inves-

tigate all complaints. The bill clarifies that the maximum term of provisional and conditional licenses shall be six months. Such licenses may be renewed for a total period of provisional or conditional licensing of 12 successive months. Finally, the bill provides that the State Mental Health, Mental Retardation and Substance Abuse Services Board may promulgate regulations specifying the maximum number of residents to be served by any intermediate care facility for the mentally retarded. HB 2595; CH. 506/SB 1159; CH. 486

§§ 37.1-183.3 and 37.1-197.2 amended. Criminal background checks; adult substance abuse treatment programs. Permits community services boards, behavioral health authorities, and agencies licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services to hire for adult substance abuse treatment programs persons who were convicted of a felony for distribution of drugs or burglary where the building was not occupied at the time of the incident resulting in the conviction upon a determination, by the hiring agency, based upon a screening assessment, that such criminal behavior was substantially related to the applicant's use of substances, and that the person has been successfully rehabilitated and is not a risk to consumers based on his criminal history background and substance use, abuse or addiction histories. The Department of Mental Health, Mental Retardation and Substance Abuse Services will designate the screening contractor. To be eligible for such screening, the applicant must have completed all prison or jail terms; not be under probation or parole supervision, or any suspended sentence; have no pending charges in any locality; have paid all fines, restitution, and court costs for any prior convictions; and have been free of any suspended sentence, parole or probation for at least seven years for drug convictions and five years for all other convictions. In addition to any such additional information as the hiring agency or the screening contractor may require or the prospective applicant wishes to present, the prospective applicant must provide to the state screening contractor a statement from his most recent probation or parole officer, if any, outlining his period of supervision, together with a copy of any pre-sentencing or post-sentencing report in connection with each felony conviction. The prospective applicant must pay the cost of such screening, unless the board, authority, local department or licensed agency decides, at its option, to pay such cost. HB 2836; CH. 784.

TITLE 38.2. INSURANCE.

§§ 38.2-100 and 38.2-501 amended. Insurance. Defines insurance, for purposes of Title 38.2, as the business of transferring risk by contract wherein a person, for a consideration, undertakes to indemnify another person, to pay or provide a specified or ascertainable amount of money, or to provide a benefit or service upon the occurrence of a determinable risk contingency. Insurance specifically includes the issuance of group and individual contracts, certificates, or evi-

dences of coverage by health services plans, health maintenance organizations, legal services organizations or legal services plans, and dental or optometric services plans. SB 987; CH. 707.

§ 38.2-106 amended. Annuities. Amends the definition of what constitutes an annuity. Rather than applying only to agreements to make periodic payments in fixed dollar amounts, the term "annuities" includes agreements to make payments in specified or calculable sums. HB 2720; CH. 64.

§ 38.2-401 amended. Fire Programs Fund. Allows localities to use funds from the Fire Programs Fund for purchasing emergency medical care and equipment for fire personnel and for payment of personnel costs related to fire and medical training for fire personnel. HB 2075; CH. 413.

§ 38.2-401 amended. Fire Programs Fund. Provides that any funds remaining at the end of an annual reporting period due to a receiving locality's failure to submit required documentation be allocated to localities for the improvement of fire services. Currently, such funds must be retained until the documents are submitted by the receiving locality. SB 1224; CH. 397.

§ 38.2-508 amended. Insurance; discrimination against victims of domestic violence. Prohibits life and health insurers from discriminating against victims of domestic violence, which is defined as the occurrence of specified acts by a current or former family member, household member, person against whom the victim obtained a protective order or caretaker. The provision does not prohibit an insurer or insurance professional from asking about a medical condition even if the medical information is related to a medical condition that such person knows resulted from domestic violence to the extent otherwise permitted. HB 1661; CH. 34.

§ 38.2-510 amended. Insurance; unfair claim settlement practices in appraisals. Provides that it is an unfair claim settlement practice for a repair facility to engage in a general business practice of paying kickbacks, rebates, commissions or other consideration to an insurer in connection with appraisal services. The bill also provides that it is an unfair claim settlement practice to make appraisals of the cost of repairing an automobile that has been damaged as a result of a collision, unless the appraisal is based upon a personal inspection by a representative of the repair facility or insurer. HB 2657; CH. 335.

§§ 38.2-514, 38.2-601, 38.2-602, 38.2-604, 38.2-606, 38.2-613, and 52-41 amended; §§ 38.2-513.1, 38.2-604.1, 38.2-612.1, and 38.2-612.2 added; § 38.2-513 repealed. Insurance transactions; privacy; consumer protection. Establishes standards for consumer privacy protection that states are allowed to implement under the federal Gramm-Leach-Bliley Act relating to sales of insurance by depository institutions. These provisions are made applicable to any person who lends money or extends credit and who solicits insurance in connection with the transaction. The measure also amends existing privacy protection provisions to provide consumers with additional notices required by the Act. Insurers or agents

are required to give a financial information practices notice not less than once in any consecutive 12-month period, which notice will explain the individual's right to "opt out" of having his financial information disclosed to a nonaffiliated third party. The notice also describes the types of financial information that may be disclosed to affiliates and nonaffiliated third parties and the categories of persons to whom financial information may be disclosed. Medical record information and privileged claim information may not be disclosed to affiliates or nonaffiliated third parties unless prior written authorization is obtained. An information practices notice that describes the types of personal information (including medical record information) that may be collected and disclosed will still have to be given every two years as required under current law. HB 2157; CH. 371.

§§ 13.1-400.3, 38.2-514, 38.2-514.1, 38.2-514.2, 38.2-613.1, 38.2-1211, 38.2-1220, 38.2-1341, 38.2-1346, 38.2-1800 through 38.2-1802, 38.2-1804, 38.2-1805, 38.2-1806, 38.2-1809, 38.2-1810, 38.2-1812, 38.2-1812.2 through 38.2-1815, 38.2-1817 through 38.2-1820, 38.2-1822, 38.2-1824 through 38.2-1828, 38.2-1830 through 38.2-1834, 38.2-1836 through 38.2-1845, 38.2-1866, 38.2-1867, 38.2-1868.1 through 38.2-1872, 38.2-1874, 38.2-2609, 38.2-3734, 38.2-3919, 38.2-4008, 38.2-4601.1, 38.2-4806, 38.2-4807, 38.2-4809, 38.2-4815, 38.2-5703, 58.1-2508, and 65.2-803.1 amended; §§ 38.2-1347 through 38.2-1357, 38.2-1358, 38.2-1364, 38.2-1815.1, 38.2-1821.1, 38.2-1834.1, 38.2-1836.1, 38.2-1857.1 through 38.2-1857.9, 38.2-1865.1 through 38.2-1865.5 added; §§ 38.2-1803, 38.2-1816, 38.2-1829, 38.2-1846 through 38.2-1857, 38.2-1858 through 38.2-1865, 38.2-4800, 38.2-4805, 38.2-5105, and 38.2-5702 repealed. **Insurance agents; licensing. Incorporates the reciprocal agent licensing provisions of the NAIC Producer Licensing Model legislation that are necessary to comply with the Gramm-Leach-Bliley Act (GLBA). The measure also updates current laws, makes them more consistent with the laws of other states, and clarifies internal inconsistencies. Specific changes include (i) consolidating six current restricted licenses into one limited life and health license; (ii) consolidating five current restricted licenses into one limited property and casualty license; (iii) consolidating five types of credit insurance licenses into one new license; (iv) creating new specific non-resident license types to allow for full reciprocal licensing with other states; (v) creating a new "personal lines" license aimed primarily at those entering the insurance business and customer service representatives at insurance companies and insurance agencies who, while involved in sales, deal only with personal lines; (vi) creating a new "life and annuities" license and a new "health" license; (vii) liberalizing reciprocity for licensing non-resident agents based upon their qualifications in their home state; (viii) making the grounds upon which a license may be denied, suspended or revoked more consistent with the grounds utilized in other states; and (ix) making continuing education requirements fully reciprocal for agents and consultants who provide satisfactory certification that they have satisfied the level of continuing education required in their home state. Among other changes not mandated by GLBA, the measure re-**

peals the 45-hour prelicensing study course requirement and changes the current appointment fee to an appointment processing fee applicable to each transaction, regardless of whether the appointment is successfully processed. The statutory maximum for the appointment fee is raised from \$15 to \$25. While most of the measure will become effective on September 1, 2002, some continuing education provisions will become effective January 1, 2003, and others will be effective July 1, 2001. SB 913; CH. 706 (effective-see bill).

§§ 38.2-1005 and 38.2-1005.1 amended; §§ 38.2-1005.1:1 and 38.2-1005.1:13 added. Mutual insurers; formation of mutual holding companies. Establishes a procedure for the formation of mutual insurance holding companies. The measure also provides for the conversion of mutual insurance holding companies to stock holding companies. Plans must be approved by the State Corporation Commission and receive the approval of two-thirds of the votes cast by eligible members at a meeting in person or by proxy. HB 2255; CH. 726.

§§ 38.2-1301.1, 38.2-1306.1, 38.2-1320.4, 38.2-1320.5, 38.2-1333, 38.2-3127.1, 38.2-4235, and 38.2-5508 amended; § 38.2-221.2 added. Insurance; confidentiality of information. Conforms provisions regarding the confidential treatment of information regarding insurance companies held by the State Corporation Commission. The circumstances when such information may be disclosed by the Commission are standardized. Disclosures may generally be made to (i) a regulatory official of any state or country; (ii) the National Association of Insurance Commissioners, its affiliate, or its subsidiary; or (iii) a law-enforcement authority of any state or country. Disclosures by the Commission shall not constitute a waiver of confidentiality of information. The measure also provides that information denominated in writing as confidential by a federal regulator and received by the Commission pursuant to the Gramm-Leach-Bliley Act shall be excluded from subpoena or public inspection. The Commission may provide a federal regulator with information with respect to any insurance business that is an affiliate or agent of a depository institution or financial holding company if the federal regulator agrees in writing to maintain such information in confidence and to take all reasonable steps to oppose any effort to secure its disclosure. SB 1102; CH. 519.

§ 38.2-1428 amended. Insurance; hedging transactions. Authorizes domestic insurers to effect bona fide hedging transactions pertaining to certain foreign securities. Currently, hedging transactions may pertain to other categories of domestic and Canadian obligations. The measure also expands the definition of a bona fide hedging transaction to include the purchase or sale of a contract, warrant, option, call, put or right that seeks to (i) minimize foreign currency risks or (ii) offset currency risks and other items that qualify for hedge accounting. HB 2721; CH. 387.

§ 38.2-1867 amended. Insurance agents; continuing education. Directs the continuing education board for insurance agents to approve instruction programs that include technical

courses or agency management and operations courses. SB 1088; CH. 350.

§ 38.2-1871 amended. Insurance agents; continuing education requirements. Authorizes the Insurance Continuing Education Board to exempt from continuing education requirements a resident agent who is over age 65 and has held a Virginia resident license continuously and without interruption for at least the four years immediately preceding, and has held equivalent license authority for at least 20 of the preceding 30 years and any unlicensed period was not the result of a license revocation or termination. HB 1648; CH. 32.

§ 38.2-2202 amended. Insurance; optional uninsured motorist coverage. Permits insurers to require that a policyholder's request to reduce uninsured and underinsured motorist insurance coverage be in writing. HB 2801; CH. 564.

§ 38.2-2206 amended. Uninsured motorist insurance coverage; subrogation claims. Provides that no action, verdict or release arising out of a suit brought by an insurer subrogated to the insured against an uninsured motorist shall give rise to any defenses in any other action brought in the subrogated party's name, including *res judicata* and collateral estoppel. HB 1939; CH. 218.

§ 38.2-2226 amended. Civil actions; insurer's reservation of rights. Requires an insurer to give notice to a claimant of the insurer's reservation of rights at least 30 days prior to trial. HB 2424; CH. 728.

§ 38.2-3407.4:1 repealed. Uniform referral form. Repeals the requirement that the State Corporation Commission adopt a uniform referral form for managed care health insurance plans. HB 2678; CH. 208.

§§ 2.1-20.1 and 32.1-325 amended; § 38.2-3407.4:2 added.

Health insurance; prescription benefit cards. Requires each health insurer, corporation providing individual or group accident and sickness subscription contracts, and health maintenance organization that provides coverage for prescription drugs on an outpatient basis to issue a prescription benefit card, health insurance benefit card, or other technology that complies with standards set forth in the National Council for Prescription Drug Programs Pharmacy ID Card Implementation Guide. Alternatively, such card or other technology shall include specific data elements. The same requirement is imposed under the state employee's health insurance plan and the Virginia Medicaid program. The measure applies to contracts, policies or plans delivered, issued for delivery or renewed on and after July 1, 2002. HB 2654; CH. 334.

§ 38.2-3407.10 amended. Health care provider panels. Requires provider panel contracts to permit providers to refuse participation in the panel of an unaffiliated carrier if the unaffiliated carrier may impose participation terms that differ materially in reimbursement rates or managed care procedures, such as conducting economic profiling or requiring primary care physician referral to a specialist, from those of the original contract. This measure applies only to provider panels utilized

by health maintenance organizations and preferred provider organizations. HB 1892; CH. 239

§ 38.2-3407.11 amended. Health insurance; additional care by obstetrician-gynecologists. Eliminates a health insurer's authority to require that a patient have an office visit to the primary care physician before the patient may be referred to a specialist by her obstetrician-gynecologist. Prior consultation and authorization by the primary care physician may still be required, and the bill provides that such consultation may be made electronically. HB 1800; CH. 99.

§ 38.2-3407.11:3 added. Health insurance; breast cancer as a preexisting condition. Prohibits (i) insurers proposing to issue group accident and sickness insurance policies or individual health insurance coverage providing hospital, medical and surgical, major medical or cancer-only coverage on an expense-incurred basis, and Medicare or similar plans; (ii) corporations providing individual or group accident and sickness subscription contracts; and (iii) health maintenance organizations providing a health care plan for health care services by denying the issuance or renewal of, or cancelling, a policy, contract or plan, or including an exception or exclusion of benefits, for persons who have a high risk of breast cancer or who have had breast cancer but have been free of the disease for at least five years. Benefits shall be provided with durational limits, deductibles, coinsurance factors, and copayments that are no less favorable than for physical illness generally. Such carriers shall not consider routine follow-up care after a person has been determined cancer-free for purposes of determining a preexisting condition unless laboratory evidence of breast cancer is found during or as a result of the follow-up care. HB 2063; CH. 242.

§§ 38.2-3408 and 38.2-4221 amended. Health insurance; health services plans, marriage and family therapists. Requires health insurers and health service plan providers, whose policies or contracts cover services that may be provided by marriage and family therapists, to provide equal coverage for such services when provided by marriage and family therapists. This mandate was recommended by the Special Advisory Commission on Mandated Benefits. HB 1922; CH. 102.

§§ 38.2-3408 and 38.2-4221 amended. Insurance payments for services by pharmacists. Prohibits health insurers and health service plan providers, whose policies or contracts cover services that may be legally performed by licensed pharmacists, from denying reimbursement because the service is rendered by the licensed pharmacist if the service is performed under the terms of a collaborative agreement between a pharmacist and physician or the service is for a vaccination. HB 2704; CH. 475.

§ 38.2-3412.1. See § 54.1-3500; HB 2095.

§§ 2.1-20.1, 32.1-325, and 38.2-4319 amended; § 38.2-3411.4 added. Health care coverage; infant hearing screenings. Requires health insurers, health maintenance organizations, and corporations providing subscription contracts for health care coverage to provide coverage for infant hearing screenings and certain other audiological examinations. These requirements

are also made applicable to the state's health care coverage plan for state employees, and to the state plan for medical assistance (Medicaid). SB 1200; CH. 663.

§ 38.2-5202 amended. Long-term care insurance; rating practices disclosure. Requires the State Corporation Commission's standards for provisions of long-term care insurance policies to address the disclosure of rating practices to consumers. The Joint Commission on Health Care and the Bureau of Insurance are required to (i) monitor the implementation of the revisions to the NAIC's Long-Term Care Insurance Model Regulation dealing with Initial Filing Requirements and Premium Rate Schedule Increases, (ii) document the experience of other states that have implemented the revised regulation, and (iii) recommend whether Virginia should adopt the revised regulation. HB 2228; CH. 114.

§ 38.2-5901 amended. Managed care health insurance plans; external appeals fee. Authorizes the State Corporation Commission's Bureau of Insurance to refund the \$50 filing fee paid by covered persons or health care providers who have appealed a managed care health insurance plan's final adverse decision, if the appeal is not accepted for review. HB 2078; CH. 110.

§ 38.2-5903 amended. Health insurance; assessment for utilization review. Clarifies that only companies subject to the statutory external appeal program for adverse health decisions are subject to an assessment to fund appeals. HB 2042; CH. 276.

TITLE 40.1. LABOR AND EMPLOYMENT.

§ 40.1-51.2:2 amended. Labor and employment; remedies for discrimination. Extends the statute of limitations for filing a claim for discrimination based on reporting an employer's safety or health violations from 30 days to 60 days. HB 2481; CH. 332.

§§ 40.1-139 through 40.1-142 added. Industrial Hygiene and Safety Profession Title Protection Act. Prohibits a person from representing to the public that he is a Certified Industrial Hygienist, Certified Associate Industrial Hygienist, Industrial Hygienist in Training, Certified Safety Professional, Certified Associate Safety Professional, Construction Health and Safety Technologist, or Occupational Health and Safety Technologist unless the proper certification has been obtained. The bill further provides for injunctive relief to restrain a person from representing himself as possessing one of the titles without having first obtained the required certification. The bill exempts employees of the Virginia Department of Labor and Industry while they are engaged in the business of the Commonwealth. The measure does not bar an otherwise-qualified expert witness from testifying in court proceedings. SB 1044; CH. 742.

TITLE 43. MECHANICS' AND CERTAIN OTHER LIENS.

§ 43-4.01 amended. Mechanics' lien agent; building permits. Adds a provision requiring a successor agent to be named upon the death, resignation or incapacity of the originally named mechanics' lien agent. SB 1406; CH. 532.

TITLE 44. MILITARY AND EMERGENCY LAWS.

§ 44-117 amended. Officers of the Virginia militia. Allows the officers of the Virginia Women's Institute for Leadership at Mary Baldwin College to be commissioned officers of the Virginia militia. In addition, the bill allows the Governor the authority to commission professors at the Virginia Women's Institute for Leadership at Mary Baldwin College, and for those persons so commissioned to hold such commissions for as long as they are officers. HB 1993; CH. 77.

§ 44-146.18. See § 22.1-278.1; SB 1022.

TITLE 46.2. MOTOR VEHICLES.

§§ 15.2-1720, 46.2-100, 46.2-800, 46.2-839, 46.2-847, 46.2-849, 46.2-856, 46.2-857, 46.2-903, 46.2-904, 46.2-905, 46.2-906, 46.2-906.1, 46.2-907, 46.2-908, 46.2-932, 46.2-1015, 46.2-1066, and 46.2-1078 amended; § 46.2-908.1 added.

Electric power-assisted bicycles. Defines "electric power-assisted bicycle" and provides, generally, for its treatment as an ordinary bicycle, except that it is explicitly limited to speeds of no more than 25 miles per hour and is limited to unsupervised operation by persons at least 14 years old (with an allowance of operation by younger persons under the supervision of persons at least 18 years old). Batteries for electric power-assisted bicycles must be spill-proof, sealed, or gel batteries. SB 836; CH. 834.

§ 46.2-200 amended. Motor carrier service centers. Makes the Department of Motor Vehicles responsible for operation of permanent and mobile motor carrier service centers (weigh stations). HB 2140; CH. 82/SB 1092; CH. 70.

§ 46.2-207 amended. Uncollectable electronic payments to Department of Motor Vehicles (DMV). Treats uncollectable electronic payments to DMV the same way as uncollectable checks. HB 1958; CH. 800.

§§ 46.2-320, 46.2-391.2, 46.2-392, and 46.2-499. See § 18.2-259.1; HB 1833.

§§ 46.2-320, 46.2-392, and 46.2-499. See §18.2-259.1; SB 862.

§ 46.2-323. See § 18.2-67.3; HB 1837.

§§ 22.1-205, 46.2-330, 46.2-334, 46.2-334.01, 46.2-335, and 46.2-335.2 amended; § 46.2-334.02 added. **Operation of motor vehicles by person less than 20 years old.** Requires that driver training programs include a minimum number of miles to be driven during the behind-the-wheel portion of the training; this number will be determined by the State Board of Education. The bill further provides that, to be eligible to receive a driver's license, an applicant less than 18 years old must present a certification, signed by a parent or guardian or adult spouse, that he has driven at least 40 hours (10 of them after dark) while he held a learner's permit. In addition, the bill prohibits operation of a motor vehicle between midnight and 4:00 a.m. under a learner's permit. Also, the minimum age for obtaining a learner's permit is increased from 15 years to 15 years and six months; the minimum "hold period" for a learner's permit is increased from 6 months to 9 months. As to driver's licenses, to receive a driver's license, an applicant must be at least 16 years and three months old (instead of 16 years old). Drivers less than 17 years old cannot transport more than one passenger who is less than 18 years old; drivers who are at least 17 but less than 18 years old cannot transport more than three passengers who are less than 18 years old. These limitations do not apply to members of the driver's family or household. Drivers less than 18 years old cannot drive between midnight and 4:00 a.m., except for going to or from businesses where they are employed, going to or from a school-sponsored activity, when accompanied by adult parents, guardians, or spouses, or in emergencies. Violations of the passenger restrictions and hours-of-operation restrictions are secondary offenses. Drivers who are at least 18 but less than 20 must attend driver improvement clinics if they are convicted of a moving violation, a safety belt violation, or a child restraint violation. The increase in the minimum age for issuance of a driver's licenses does not apply to persons who received learner's permits prior to July 1, 2001. HB 2554; CH. 659/SB 1329; CH. 665.

§ 46.2-334 amended. **Driver's licenses of minors.** Provides that, where a minor's legal custodians have been awarded joint custody, both must sign a request before the Department of Motor Vehicles will cancel the minor's driver's license. If they cannot agree, one custodian may petition a Juvenile and Domestic Relations Court for a determination. SB 1236; CH. 851.

§ 46.2-334.01 amended. **Driver's licenses; licensees less than 18 years old.** Provides that it is the date of the violation, not the date of the conviction, that will subject a driver who is less than 18 years old to requirements and restrictions not applicable to drivers who are 18 years old or older. HB 1881; CH. 655.

§§ 46.2-341.26:3 and 46.2-341.26:10. See §18.2-268.3; HB 924.

§ 46.2-342 amended. **Driver's licenses; organ donors.** Eliminates the requirement that persons who want to rescind their willingness to be organ donors appear in person at a Department of Motor Vehicles office to make the change on their driver's licenses. HB 1959; CH. 148.

§ 46.2-342 amended. **Voluntary bone marrow donation by prisoners.** Requires the Department of Motor Vehicles to include information concerning the National Bone Marrow Registry in organ donor information accompanying driver's license applications. HB 2274; CH. 157.

§ 46.2-390.1 amended. **No proof of financial responsibility for first offender license reinstatement.** Provides that any juvenile found guilty and any adult whose proceedings have been deferred under the first (drug) offender statute and whose driver's license, registration card, and license plates are thus revoked shall no longer be required to show proof of financial responsibility prior to reinstatement of his driver's license, etc. Any such person shall still be required to pay a reinstatement fee in order to have his driver's license restored. The bill provides that any person who previously filed a certificate of insurance for an offense prior to the effective date of the act does not have to file further certificates. HB 1585; CH. 790.

§§ 46.2-391, 46.2-391.01, and 46.2-410.1. See § 18.2-271; SB 904.

§ 46.2-395 amended. **Clerks of court; notice of driver's license suspension for nonpayment of fines.** Changes the provision that says the clerk of court must "send" notice to say that the clerk of court must "cause to be sent" notice. This change will allow the court system to have notices prepared and delivered from a central office should technology develop so that that process would be more efficient. This bill is a recommendation of the Committee on District Courts. HB 2065; CH. 278.

§§ 46.2-395 and 46.2-416. See § 19.2-258.1; HB 2101.

§ 46.2-410.1 added. **Appeals from order suspending or revoking license or registration.** Provides that in the case of manifest injustice a person aggrieved by an order or act of the Commissioner of the Department of Motor Vehicles requiring suspension or revocation of a license is entitled to judicial review and adds that the court may order that the Commissioner modify a suspension or issue a restricted license. Manifest injustice is defined as those instances where the Commissioner's order was the result of an error, was issued without authority or jurisdiction or conflicts with a final court order. There is no appeal from the circuit court's determination. HB 1617; CH. 749.

§ 46.2-411.1 amended. **Reinstatement of driver's license suspended or revoked for a conviction of driving while intoxicated.** Provides that a judge may waive the requirement that before restoring a driver's license to any person whose license to drive a motor vehicle has been suspended or revoked as a result of a conviction for driving while intoxicated, the driver must successfully complete an alcohol safety action program. HB 2486; CH. 160/SB 1127; CH. 133.

§ 46.2-651 amended. Trip permits issued by Department of Motor Vehicles (DMV). Eliminates the requirement that vehicles operated under trip permits issued by DMV be operated only "... between the beginning and destination points." The bill also changes the term "one-trip permits" to "trip permits" and allows issuance of these permits on the same basis, regardless of whether the trip is from an origin outside Virginia to a destination inside Virginia or wholly within Virginia. HB 1638; CH. 192.

§ 46.2-665 amended. Farm-use vehicles. Allows unregistered farm-use vehicles to be operated up to 30 miles along the public highways to obtain agricultural or horticultural supplies. HB 2322; CH. 327.

§§ 46.2-711, 46.2-2000, 46.2-2000.1, 46.2-2001, 46.2-2005, 46.2-2011, 46.2-2011.1, 46.2-2100, 46.2-2101, 46.2-2102, and 46.2-2109 amended; §§ 46.2-2000.3, 46.2-2001.1, 46.2-2001.2, 46.2-2001.3, 46.2-2005.1, 46.2-2011.2 through 46.2-2011.32, 46.2-2051 through 46.2-2058, 46.2-2059 through 46.2-2067, 46.2-2068, 46.2-2069, 46.2-2070, 46.2-2071, 46.2-2072, 46.2-2073, 46.2-2074 through 46.2-2095, 46.2-2096 through 46.2-2099.1, 46.2-2099.2, 46.2-2099.3, 46.2-2099.4 through 46.2-2099.16, 46.2-2099.17, 46.2-2099.18, 46.2-2099.19, 46.2-2099.20 through 46.2-2099.30, 46.2-2099.31 through 46.2-2099.40, 46.2-2099.41, 46.2-2099.42, 46.2-2099.43, 46.2-2108.1 through 46.2-2108.6, 46.2-2114.1 through 46.2-2140, 46.2-2141 through 46.2-2146, 46.2-2147, 46.2-2148, 46.2-2149, 46.2-2173, 46.2-2174, 46.2-2175, and 46.2-2176 added; §§ 46.2-757 through 46.2-768, 46.2-2000.2, 46.2-2002, 46.2-2003, 46.2-2004, 46.2-2006 through 46.2-2010, 46.2-2012 through 46.2-2050, 46.2-2103 through 46.2-2108, 46.2-2110 through 46.2-2114, 46.2-2200 through 46.2-2209, 46.2-2300 through 46.2-2316, 46.2-2400, 46.2-2409, 46.2-2500 through 46.2-2519, and 46.2-2600 through 46.2-2610 repealed. **Motor carriers.** Revises Virginia statutes dealing with property and passenger carriers operating for-hire on an intrastate basis. The bill is based on recommendations of the Motor Carrier Reform Task Force of the Department of Motor Vehicles. HB 2380; CH. 596 (effective-see bill).

§ 46.2-716 amended. License plates. Prohibits covering any portion of a vehicular license plate that indicates where the vehicle is registered and when its registration expires. SB 798; CH. 19.

§ 46.2-726 amended. License plates; reserved numbers and letters. Repeals authority for use of up to eight alpha-numeric characters on reserved-number license plates. SB 823; CH. 20.

§ 46.2-752 amended. Motor vehicles; license fees. Permits localities to charge an additional license fee of no more than one dollar per motor vehicle, trailer, and semi-trailer. The funds from such fees must be paid into the Volunteer Firefighters' and Rescue Squad Workers' Pension Fund ("Fund") for the benefit of volunteer firefighters and members of rescue squads. HB 1679; CH. 606.

§ 46.2-752 amended. Parking fines; personal property taxes on vehicles. Allows local governing bodies to enter into regional compacts for the inter-jurisdictional enforcement of local parking and vehicular personal property tax ordinances. HB 2444; CH. 471.

§ 46.2-752. See § 15.2-2159; HB 2737.

§ 46.2-752 amended. Motor vehicles; license fees. Permits localities to charge an additional license fee of no more than one dollar on motor vehicles. The funds from such fees must be paid into the Volunteer Firefighters' and Rescue Squad Workers' Pension Fund ("Fund"). The legislation clarifies that contributions to the Fund by a locality must be made on behalf of all members of the Fund who are volunteers for fire departments or rescue squads within the jurisdiction of the locality. SB 1150; CH. 605.

§ 46.2-819.1 amended. "Photo-toll" toll payment photo-monitoring program. Allows operators of toll facilities to send vehicle owners bills or invoices prior to pursuing other remedies provided for collecting unpaid tolls. HB 2019; CH. 803/SB 1291; CH. 852.

§§ 46.2-828 and 46.2-1040 amended. **Funeral processions; hazard lights.** Allows vehicles participating in a funeral procession to use their hazard lights (four-way flashers) to identify themselves as such. SB 1398; CH. 359.

§ 46.2-834 amended. School crossing guards. Allows unformed school crossing guards to control traffic at all marked school crossings, whether at intersections or elsewhere. HB 2103; CH. 56/SB 1222; CH. 71.

§§ 46.2-844 and 46.2-859 amended. **Passing a stopped school bus.** Provides that for the purposes of being convicted of reckless driving or having a civil penalty imposed, the testimony of the school bus driver, the supervisor of school buses or a law-enforcement officer that the vehicle was yellow, conspicuously marked as a school bus, and equipped with warning devices as prescribed in § 46.2-1090 is prima facie evidence that the vehicle is a school bus. SB 905; CH. 126.

§ 46.2-870 amended. Speed limits. Authorizes 65-mile-per-hour speed limits, subject to traffic engineering studies, on HOV lanes that are physically separated from normal travel lanes and on highways constructed under the Public-Private Transportation Act of 1995. HB 2056; CH. 298.

§ 46.2-880 amended. Vehicle speed and stopping distance tables. Revises the table of vehicle speeds and stopping distances contained in the Code of Virginia, according to recommendations of the Virginia Transportation Research Council. HB 1872; CH. 145.

§§ 46.2-894 and 46.2-900 amended. **Motor vehicles; penalty for failure to stop at accident.** Provides that the penalty for failure to stop at a motor vehicle accident where a person was injured or killed or in which an attended vehicle or other property was damaged is a Class 5 felony. Under current law the penalty is a Class 1 misdemeanor if there is property damage

only and a Class 6 felony if the accident results in injury or death. HB 2239; CH. 808.

§ 46.2-915.1 amended. All-terrain vehicles. Allows over-the-road operation of all-terrain vehicles by law-enforcement officers, firefighters, and rescue squad personnel responding to emergencies. HB 1956; CH. 147.

§ 46.2-932 amended. Use of devices on wheels or runners on certain highways. Authorizes Arlington County by ordinance to permit use of "devices on wheels or runners" (rollerskates, sleds, scooters, skateboards, etc.) on highways under the county's control. HB 2173; CH. 170.

§ 46.2-1088.2 added. Warning devices on certain vehicles. Requires self-propelled vehicles used to sell ice cream, snacks, and similar products in residential neighborhoods to be equipped with warning devices that give audible and light signals whenever the vehicle is operated in reverse gear. HB 2198; CH. 200.

§§ 46.2-1105, 46.2-1112, 46.2-1113, and 46.2-1139 amended. Vehicle lengths and widths. Permits, under certain circumstances, over-the-road operation of travel trailers and motor homes that exceed the length and/or width limits generally applicable to vehicles on the public highways. HB 2088; CH. 151.

§ 46.2-1110 amended. Overhead highway obstructions. Requires installation of warning signs in advance of overhead highway structures that are 14 feet tall or less instead of 13 feet, 6 inches or less. SB 1312; CH. 94.

§§ 46.2-1135 and 46.2-1137 amended. Vehicle weight limits; liquidated damages, procedures for weighing vehicles. Increases amounts of liquidated damages imposed for overweight violations. The bill also authorizes, with the exception of certain vehicles' operation on non-interstate highways, assessment of liquidated damages based on pre-shifting axle weights when shifting of a vehicle's cargo brings it into compliance with axle weight limits. HB 2046; CH. 411/SB 1097; CH. 433.

§ 46.2-1142.1 amended. Overweight permits; trucks hauling concrete. Allows weight limit extensions for trucks that haul concrete to apply to interstate highways as well as other highways, but only if the extensions are not inconsistent with federal law and will not jeopardize, bar, or reduce federal transportation funding otherwise available to the Commonwealth or any of its political subdivisions. HB 2649; CH. 822/SB 1343; CH. 857.

§ 46.2-1143 amended. Trucks hauling gravel, sand, or crushed stone. Extends from July 1, 2001, to July 2, 2002, the "sunset" on legislation that temporarily applied coal truck weight limits to trucks hauling gravel, sand, or crushed stone in counties authorized to impose a coal severance tax. HB 2219; CH. 417.

§ 46.2-1156 amended. Truck covers. Requires that covers used to prevent the escape of material from commercial vehicles used to transport solid waste be of such design,

installation, and construction to contain all of the vehicle's cargo within the vehicle, regardless of the vehicle's speed or weather conditions. HB 2706; CH. 180.

§ 46.2-1167 amended. Vehicle safety inspections; fees. Increases maximum fees chargeable for inspection of (i) tractor trucks, (ii) trucks that have gross vehicle weight ratings of 26,000 pounds or more, and (iii) buses that seat more than sixteen passengers, including the driver. The new maximum fee will be \$30 for inspections performed prior to July 1, 2002, and \$50 for inspections performed on or after July 1, 2002. Inspection fees for other vehicles are not changed. HB 1627; CH. 791.

§§ 46.2-1188 and 46.2-1190 amended. Motorcycle rider safety training courses and training centers. Provides that motorcycle rider safety training courses must be approved by the Department of Motor Vehicles (DMV), rather than meet the requirements of DMV regulations. The bill also requires DMV approval of facilities and equipment of regional motorcycle rider safety training centers and requires that the curriculum, accreditation, and geographic areas served by these centers must be approved by DMV, rather than meet the requirements of DMV regulations. Training centers additionally must maintain such records and provide such reports as DMV determines. HB 1568; CH. 27/SB 835; CH. 21.

§ 46.2-1220 amended. Parking. Adds Greene County to the list of counties that may regulate parking, stopping, and standing of vehicles within its boundaries. HB 1806; CH. 141/SB 958; CH. 128.

§ 46.2-1220 amended. Parking; local vehicle licenses. Adds Scott County to the list of counties authorized to regulate parking within their boundaries. HB 1817; CH. 143.

§ 46.2-1220 amended. Parking regulation. Provides that violators of Chesterfield County parking ordinances shall be subject to a civil penalty not to exceed \$75, the proceeds from which shall be paid into the locality's general fund. HB 2170; CH. 156.

§ 46.2-1222.1 amended. Parking in certain counties. Allows Prince William County the same powers as Fairfax County to regulate or prohibit parking of watercraft, boat trailers, motor homes, and camping trailers on any public highway in the county. HB 1857; CH. 144.

§ 46.2-1241 amended. Disabled parking placards. Requires that only original applications (and not renewal applications) for permanent disabled parking placards need be accompanied by a physician's certification of the applicant's disability. HB 1556; CH. 136.

§ 46.2-1304.1 added. Commercial Motor Vehicles used to transport municipal solid waste. Allows local governing bodies to adopt ordinances to regulate commercial motor vehicles used to transport municipal solid waste by prohibiting their being parked at locations other than those specified in their ordinances and requiring leak-proof construction of their cargo compartments. The term "municipal solid waste" would

have the meaning provided by regulation by the Virginia Waste Management Board. Penalties could be no more stringent than those allowed for traffic infractions (fine up to \$200). SB 1318; CH. 356.

§ 46.2-1519 amended. Motor vehicle dealers. Allows the Motor Vehicle Dealer Board to provide discounts and other incentives to encourage its licensees to conduct their business with the Board by means of electronic technologies and for multi-year periods. SB 979; CH. 23.

§§ 46.2-1527.2 and 46.2-1527.5 amended. Motor Vehicle Transaction Recovery Fund. Provides that where dealer's surety is liable for claims against a dealer, the surety remains liable for the first \$25,000, but the Motor Vehicle Transaction Recovery Fund will be liable for the next \$75,000 (instead of \$50,000). In claims against the Fund involving a single transaction, the maximum claim is increased from \$15,000 to \$20,000 and for multiple transactions from \$75,000 to \$100,000. The minimum amount at which claims become prorated is increased from \$50,000 to \$75,000. HB 1963; CH. 194.

§ 46.2-1568 amended. Motor vehicle dealers; coercion by manufacturers and distributors. Prohibits certain coercive practices by motor vehicle manufacturers and distributors in connection with vehicle financing and leasing by motor vehicle dealers. HB 1962; CH. 149.

§ 46.2-1568.1 added. Motor vehicle dealers. Prohibits manufacturers and distributors to discriminate in favor of or against particular dealers who sell the same line-make. HB 2482; CH. 817/SB 1182; CH. 849.

§ 46.2-1571 amended. Motor vehicle warranty obligations. Provides that motor vehicle dealers shall not be charged back or otherwise liable for sales incentives or charges related to motor vehicles sold by them to purchasers other than licensed, franchised motor vehicle dealers and subsequently exported or resold, provided that such dealers can demonstrate that they exercised due diligence and that the sales were made in good faith and without knowledge of any intention to export or resell the motor vehicle. HB 2097; CH. 80/SB 1013; CH. 89.

§ 46.2-1572.3 added. Motor vehicle dealers. Prohibits motor vehicle manufacturers, factory branches, distributors, distributor branches, or subsidiaries from requiring any motor vehicle dealer to waive any substantive or procedural rights afforded him by Virginia law. The bill's provision, however, does not apply to good faith settlement of disputes. HB 2040; CH. 150/SB 1413; CH. 135.

§ 46.2-1573 amended; § 46.2-1572.3 added. Motor vehicle dealers; use of surveys, etc., by manufacturers to evaluate dealership performance. Requires that any performance standard or program that is used by a manufacturer or distributor for measuring dealership performance and may have a material effect on a dealer, and the application of any such standard or program by a manufacturer or distributor, be fair, reasonable, and equitable and, if based upon a survey, be based upon a statistically valid sample. Upon the request of any dealer, a manufacturer or distributor shall disclose in writing to the

dealer a description of how a performance standard or program is designed and all relevant information used in the application of the performance standard or program to that dealer. HB 2307; CH. 173/SB 1133; CH. 165.

§ 46.2-1573.01 added. Motor vehicle dealers; damages caused by statutory violations. Adds a new section that allows a motor vehicle dealer to recover actual damages, court costs and attorney's fees for a statutory violation resulting in injury to its business or property. HB 2332; CH. /SB 1095; CH.

§ 46.2-2042. See § 5.1-141; HB 1558.

TITLE 47.1. NOTARIES AND OUT-OF-STATE COMMISSIONERS.

§ 47.1-5. See § 16.1-69.40; SB 1197.

TITLE 50. PARTNERSHIPS.

§§ 50-73.4, 50-73.7, 50-73.11, 50-73.132, and 50-73.135. See § 13.1-316; HB 2035/SB 1001.

TITLE 51.1. PENSIONS, BENEFITS, AND RETIREMENT.

§§ 51.1-124.3, 51.1-203, and 51.1-214 amended; § 51.1-142.2 added; §§ 51.1-142, 51.1-142.1, and 51.1-143 repealed. Virginia Retirement System; purchase of prior service credit. Makes several changes to the current law concerning the purchase of prior service credit including technical amendments. The purchase of retirement credit for prior military service is permitted even when the prior military service is creditable to another retirement system, if such is required by federal statutes governing military retirement. The bill also provides that if a person becomes a member of the retirement system on or after July 1, 2001, and elects to purchase prior service within three years from his first date of hire, he must pay an amount equal to five percent of his present annual compensation or five percent of his average annual compensation during his 36 highest consecutive months of creditable service, whichever is greater. At any other time, such member must pay an amount equal to actuarial equivalent cost. Members in service immediately before July 1, 2001, have three years from the date they first became eligible to purchase the prior service (generally their date of hire) or until July 1, 2004, (whichever is later) to purchase such service at the reduced rate. If the member does not purchase the prior service within this time period, the cost

to the member to purchase the service shall be the actuarial cost. The bill also provides for the purchase of prior service by members for periods of employment in an hourly wage position with the Commonwealth. In general, only four years of prior service credit may be purchased for each eligible category of prior service. Current law provides that any years of eligible prior service, beyond four years, may be purchased at a cost of 15 percent of a member's present annual compensation. HB 2293; CH. 697/SB 1077; CH. 686.

§ 51.1-124.23 amended. Creation of medical boards for the Virginia Retirement System. Provides that the Board of Trustees of the Virginia Retirement System (Board) may create one or more medical boards composed of physicians or other health care professionals. The Code of Virginia currently provides that the Board may employ one medical board composed of four physicians. HB 1740; CH. 39.

§§ 51.1-126, 51.1-126.5, 51.1-126.6, and 51.1-161 amended. Optional retirement plans. Eliminates the right of state employees participating in the defined contribution plan to transfer back to the retirement system after 10 years, and clarifies that the election to be covered by the retirement system provided in the defined contribution plan for local school superintendents is available only for new school superintendents (i.e. current superintendents already were provided irrevocable election). The bill also makes technical changes to the optional retirement plans for certain employees of institutions of higher education; for certain employees of public school divisions; and for certain appointees of the Governor, the Attorney General, and the Lieutenant Governor to make them more consistent in administration. Because the modification to the defined contribution plan for certain state employees eliminates the right for them to transfer to the retirement system after 10 years, the bill has a second enactment clause that gives such employees 90 days from the bill's effective date to transfer to the retirement system. HB 1741; CH. 691.

§ 51.1-126.7 added. Virginia Outdoors Foundation; retirement plan. Permits the Virginia Outdoors Foundation ("Foundation") to develop its own retirement plan for some or all of its employees. Any such current employee who is a member of the Virginia Retirement System may elect to maintain his membership in the Virginia Retirement System. All persons who become employees of the Foundation on and after July 1, 2001, shall participate in the Foundation's retirement plan. HB 2603; CH. 698.

§ 51.1-144 amended. Virginia Retirement System. Permits VRS to transfer member contributions paid by employers on or after July 1, 1980, to individual member accounts, provided that such contributions have been previously deposited in the employer's account. HB 1776; CH. 693/SB 840; CH. 702.

§§ 22.1-23 and 51.1-155 amended. Virginia Retirement System; retirees hired as teachers. Requires the Superintendent of Public Instruction to at least annually survey all local school divisions to identify critical shortages of teachers by geographic area, by school division, or by subject matter. The bill also provides that retired persons who are members of the

Virginia Retirement System may be hired as teachers or administrative personnel without interrupting their retirement benefits under the following conditions: (i) the person's retirement allowance is based on his service as a licensed instructional or administrative employee; (ii) the person has been receiving such retirement allowance for a minimum period of time to be determined by VRS and JLARC; (iii) the person had not retired pursuant to an early retirement incentive; and (iv) the person is to be employed to fill the critical shortage identified by the Superintendent of Public Instruction. The provisions of this act are effective from its passage but will expire on July 1, 2006. HB 252; CH. 700 (effective 3/26/01)/HB 1589; CH. 689 (effective 3/26/01).

§§ 51.1-162, 51.1-207, and 51.1-218 amended. Virginia Retirement System; surviving spouses remarriage. Provides that certain retirement allowances to surviving spouses continue even when the surviving spouse remarries. Under current law, the surviving spouse of a deceased member of VRS will receive a retirement allowance if the member died in service from a cause that is compensable under the Virginia Workers' Compensation Act. However, the retirement allowance payment is discontinued if the surviving spouse remarries. This bill would continue retirement allowances to these surviving spouses who remarry. Surviving spouses of VRS members who have remarried before the effective date of the bill are also covered under the bill's provisions. SB 949; CH. 683.

§§ 51.1-163 and 51.1-165 amended; § 51.1-165.01 added. Virginia Retirement System; partial lump-sum payment option. Establishes lump-sum payment options for the payment of retirement allowances to eligible retiring members. A member who has satisfied the requirements for normal retirement or who has remained in service for at least three years after the date he was first eligible for an unreduced service retirement allowance may elect to receive a lump-sum distribution up to 36 times the monthly amount of his service retirement allowance. A member who has remained in service for at least two years after the date he was first eligible for an unreduced service retirement allowance may elect to receive a lump-sum distribution up to 24 times the monthly amount of his service retirement allowance. A member who has remained in service for at least one year after the date he was first eligible for an unreduced service retirement allowance may elect to receive a lump-sum distribution equal to 12 times the monthly amount of his service retirement allowance. If an eligible retiring member elects to receive a lump-sum distribution, his retirement allowance shall be reduced on an actuarially equivalent basis. HB 2629; CH. 699/SB 843; CH. 679.

§§ 51.1-206, 51.1-216, and 51.1-217 amended; § 51.1-221, added. Law Officers' Retirement System. Modifies the retirement allowance paid under the Virginia Law Officers' Retirement System (VaLORS) by increasing from 1.7 percent to 2.0 percent the percentage of average final compensation multiplied by the years of creditable service in a VaLORS-covered or similar position, and by deleting the supplemental allowance currently paid to members upon retirement until age 65 (currently \$9,264 annually). This provision applies to em-

employees who become members of VaLORS on or after July 1, 2001, and to current employees who elect to accept the modifications by October 31, 2001. The bill also amends the State Police Officers' Retirement System (SPORS) to provide that the annual allowance is paid from the date of retirement until Social Security retirement age, rather than until age 65. HB 2081; CH. 804.

§ 51.1-500 amended; § 51.1-505.01 added. Virginia Retirement System; additional accidental death and dismemberment benefits. Requires the Board of Trustees of VRS to purchase three additional accidental death benefits for employees participating in the Virginia Retirement System, the State Police Officers' Retirement System, the Judicial Retirement System, or the Virginia Law Officers' Retirement System. If, as a result of an accident, an insured employee dies at least 75 miles from his principle residence, an additional benefit up to \$5,000 shall be paid for the transportation of the deceased to a mortuary. An additional benefit up to \$50,000 shall be paid if an insured employee dies or suffers a dismemberment while driving or riding in a private passenger vehicle, provided that the insured employee was wearing a seatbelt and the driver of the vehicle held a current license and was not intoxicated, impaired, or under the influence of alcohol or drugs at the time of the accident. An additional benefit up to \$50,000 shall be paid if an insured employee dies or suffers a dismemberment as a result of a felonious assault committed by someone other than an immediate family member. In addition, if the insured employee dies as a result of the felonious assault and is survived by dependent children, the Virginia Retirement System shall open a savings trust account for each dependent child under the Virginia College Savings Plan. VRS shall contribute into the savings trust account of each dependent child an amount approximately equal to the current cost of purchasing in full a prepaid tuition contract for tuition at a four-year public institution of higher education in the Commonwealth. A qualifying child may use funds in the savings trust account for tuition, room, and board, and other expenses at institutions of higher education. HB 1739; CH. 690/SB 1071; CH. 685.

§§ 51.1-505, 51.1-512, and 51.1-512.1 amended. Virginia Retirement System; group life, accidental death, and dismemberment insurance. Modifies the group life, accidental death, and dismemberment insurance program to (i) permit employees to purchase the additional, optional coverage (up to \$500,000) regardless of salary and (ii) permit employees who retire to continue optional life insurance coverage on themselves and on spouses and minor dependents provided that the employee was continuously insured for such coverage for at least 60 continuous months prior to retirement. Such optional life insurance on the employee that is continued by a retiring employee (a) shall not exceed \$200,000; (b) shall reduce annually by incremental amounts beginning at age 65; and (c) shall cease when the retiree attains age 80, fails to pay the required premium, or returns to a covered position. Optional life insurance on a spouse or minor dependent that is continued by a retiree shall cease upon (1) the retiree attaining age 80, (2) the death of the retiree, (3) divorce (for spousal coverage), or (4)

the minor dependent attaining a certain age under certain conditions, or marrying. HB 1960; CH. 696.

§§ 51.1-1100, 51.1-1116, 51.1-1127, 51.1-1131, and 51.1-1135.1 amended; § 2.1-20.1:9 added; § 51.1-502.2 repealed. Virginia Sickness and Disability Program. Makes several technical corrections to the Virginia Sickness and Disability Program, including eliminating provisions requiring the termination of disability benefits if an employee's wages and salary from employment exceed 85 percent of his predisability earnings. HB 1909; CH. 694.

§ 51.1-1130 amended. Virginia Retirement System; coordination of benefits. Provides for the Board of Trustees of the Virginia Retirement System to jointly develop guidelines and procedures with the Department of Human Resource Management for coordinating benefits of the Virginia Sickness and Disability Program administered by the Virginia Retirement System and the Workers' Compensation Program administered by the Department of Human Resource Management. Current law requires the Board to coordinate benefits with the Division of Risk Management of the Department of Treasury. Under legislation passed in the 2000 Session of the General Assembly, however, the administration of the Worker's Compensation Program was transferred from the Division of Risk Management to the Department of Human Resource Management. HB 1924; CH. 695/SB 963; CH. 684.

§§ 2.1-1.6, 51.1-1200, 51.1-1201, 51.1-1202, 51.1-1204, 51.1-1205, 51.1-1206, and 51.1-1207 amended; second enactment of Chapters 664 and 860 of the 1999 Acts of Assembly repealed. Virginia Firefighters' and Rescue Squad Workers' Service Award Fund. Revises the Virginia Firefighters' and Rescue Squad Workers' Pension Fund so that it may receive favorable tax treatment, to provide adequate death benefits, and to permit a member to name his own beneficiary. The bill also requires that additional contributions to the Fund (besides contributions from the General Fund) shall benefit all members of the Fund. This bill repeals a contingency so that the bill will become effective on July 1, 2001. HB 2079; CH. 672.

§§ 51.1-1300 through 51.1-1304 added. Virginia Retirement System; benefit restoration plans. Requires the Board of Directors of VRS to establish and administer a benefit restoration plan for VRS members, including members of local governments that participate in VRS. The plan will provide pension benefits to members whose annual benefits would otherwise be limited by § 415 (b) of the Internal Revenue Code. Benefit restoration plans are to be funded from the pension contributions that are required under current law. The bill also allows local governments not participating in VRS to establish benefit restoration plans. HB 1748; CH. 692/SB 856; CH. 681.

TITLE 51.1. MISCELLANEOUS - PENSIONS, BENEFITS, AND RETIREMENT.

Virginia Retirement System benefits. Provides for an increase, beginning July 1, 2001, of the monthly retirement allowance payable to any person retired under the Virginia Retirement System or the State Police Officers' Retirement System (or their predecessor systems) before January 1, 1980, who has at least 15 years of creditable service. The monthly allowance will be increased by adding to the amount of monthly allowance the person would have received as of June 30, 2001, (i) four dollars multiplied by the member's number of years of creditable service plus (ii) four dollars multiplied by the number of years between such member's retirement date and December 31, 1979. SB 945; CH. 682.

TITLE 51.5. PERSONS WITH DISABILITIES.

§ 51.5-18. See § 22.1-129; SB 1055.

§ 51.5-31 amended. **People with disabilities.** Changes the designation of some entities that are represented on the Virginia Board for People with Disabilities. The bill deletes designations of representatives of a higher education training facility, a real estate interest, and two at-large members. This bill adds representatives of a high-technology interest, a banking executive, and four persons with developmental disabilities or parents or guardians of such persons. The bill also contains technical amendments. HB 2190; CH. 546/ SB 1286; CH. 526.

§ 51.5-44 amended. **Persons with disabilities; guide, hearing and service dogs in training.** Authorizes persons who are experienced as guide, hearing or service dog trainers and represent an organization that trains and certifies such dogs to be accompanied by dogs on all common carriers and public conveyances or modes of transportation, and in restaurants, hotels, lodging places, places of accommodation, amusement or resort, or other places to which the general public is invited. The dogs must be at least six months of age and must be either in harness, on a blaze orange leash, in a harness or backpack or wearing a jacket identifying the recognized guide, hearing or service dog organization. HB 1625; CH. 443.

TITLE 52. POLICE (STATE).

§ 52-41. See § 38.2-514; HB 2157.

TITLE 53.1. PRISONS AND OTHER METHODS OF CORRECTION.

§§ 53.1-32.1, 53.1-41, 53.1-63, 53.1-64, 53.1-67.1, and 53.1-197. See § 22.1-129; SB 1055.

§ 53.1-40.01 amended. **Conditional release of geriatric prisoners.** Applies geriatric release provisions to persons serving felony sentences for crimes committed before January 1, 1995. Currently it only applies to those committed on or after that date. HB 1762; CH. 446/SB 1167; CH. 487.

§ 53.1-129 amended. **Prisoners permitted to work on certain property.** Permits the circuit court or the district court, by order, to allow persons confined in jail to work on private property that has structures that are found to be public nuisances provided the court has reviewed and approved the project and allows the prisoners to work on such project. Such persons would receive credit on their sentences for work done. Currently, the courts have the authority to allow such persons to work on property owned by the state, county, city, town or certain nonprofit organizations. HB 2106; CH. 196/SB 1034; CH. 185.

§ 53.1-183 amended. **Community criminal justice boards.** Eliminates the need for one member of each governing body of each participating locality to serve on the board, and allows each governing body to appoint a representative. HB 2178; CH. 593.

TITLE 54.1. PROFESSIONS AND OCCUPATIONS.

§ 54.1-111 amended. **Department of Professional and Occupational Regulation and the Department of Health Professions; authority to recover civil penalties for certain violations.** Authorizes the Departments of Professional and Occupational Regulation (DPOR) and the Department of Health Professions (DHP) to enforce the licensure and regulatory provisions of Title 54.1 through instituting proceeds in general district courts or circuit courts to recover civil penalties. The bill provides that the civil penalty must be at least \$200 but no more than \$1,000 per violation, with each unlawful act constituting a separate violation; but in no event can the civil penalties against any one person, partnership, corporation or other entity exceed \$10,000 per year. HB 2142; CH. 544.

§§ 54.1-202, 54.1-300, 54.1-4400 through 54.1-4422, and 54.1-2000 through 54.1-2008. See § 2.1-1.5; SB 1080.

§§ 2.1-1.6, 2.1-20.4, 9-6.25:2, 54.1-300, 54.1-500, 54.1-500.1, 54.1-501, and 54.1-516 amended; §§ 54.1-517.1 and 54.1-517.2 added. **Department of Professional and Occupational Regulation; residential home inspectors.** Provides for

the voluntary certification of residential home inspectors by the Department of Professional and Occupational Regulation through the Board for Asbestos, Lead and Home Inspectors. Under the bill, no person may provide a certified home inspection or hold himself out as a, or use the title of, "certified home inspector," unless certified by the Board. HB 2174; CH. 723.

§ 54.1-2003 amended. Board of Accountancy; educational requirements for CPA certificate. Corrects the name of the National Business College of Virginia to the National College of Business and Technology. HB 2757; CH. 339.

§ 54.1-2100. See § 13.1-1002; HB 2235.

§§ 54.1-2700 and 54.1-2706 amended; §§ 54.1-2709.1 through 54.1-2709.4 added. Practice of dentistry. Defines "dentistry," according to current ADA definitions, as the evaluation, diagnosis, prevention, and treatment, through surgical, nonsurgical, or related procedures, of diseases, disorders, and conditions of the oral cavity and the maxillofacial, adjacent and associated structures, and their impact on the human body. The Board of Dentistry, with the assistance and advice of an advisory committee comprised of three members selected by the Medical Society of Virginia and three members selected by the Virginia Society of Oral and Maxillofacial Surgeons, is directed to promulgate regulations establishing criteria for certification of oral and maxillofacial surgeons to perform certain procedures within the definition of dentistry that are not for the prevention and treatment of disorders, diseases, lesions and malpositions of the human teeth, alveolar process, maxilla, mandible, or adjacent tissues, or any necessary related procedures or are not provided incident to a head or facial trauma sustained by the patient. The Board's regulations must address patient safety; identification and categorization of approved procedures; and application process for certification to perform such procedures; and the minimum education, training, and experience for such certification. The Board is directed to take due consideration of the education, training, and experience requirements adopted by the American Dental Association Council on Dental Education or the Commission on Dental Accreditation and to require review of all complaints arising out of performance of the defined procedures jointly by a physician and an oral and maxillofacial surgeon. Receipt of reports of complaints by the Board of Dentistry against oral and maxillofacial surgeons shall be shared with the Board of Medicine which shall maintain the confidentiality of such complaint. The bill also adds to the criteria for disciplinary actions, practicing outside the scope of the dentist's or dental hygienist's education, training and experience and the performance of a procedure that is subject to certification without such certification. Oral and maxillofacial surgeons must also register annually with the Board of Dentistry and submit certain information, similar to that required of physicians, that is subject to consumer review. Enactment clauses delay the effective date of the certification until 60 days after the effective date of the board's regulations to implement these requirements and such regulations will be promulgated to be effective within 280 days of enactment. SB 806; CH. 662 (effective-see bill).

§§ 54.1-2900 and 54.1-2901 amended. Medicine and healing arts; auricular acupuncture. Clarifies that acupuncture detoxification specialists who are certified by the National Acupuncture Detoxification Association or an equivalent certifying body, and who are currently exempt from licensure when they are supervised by a National Acupuncture Detoxification Association certified licensed physician acupuncturist or licensed acupuncturist, may perform auricular acupuncture in the context of a chemical dependency treatment program for patients eligible for federal, state or local public funds. HB 1588; CH. 533.

§ 54.1-2901 amended. Health professions; medical assistants. Revises the authority of licensed or certified practitioners of the healing arts to delegate to supervised employees those nondiscretionary activities and functions that do not require the exercise of professional judgment for their performance and are usually or customarily delegated to other persons by practitioners of the healing arts, if the relevant practitioner of the healing arts is authorized to perform the delegated duties and assumes responsibility for such activities or functions. This bill removes the requirement that the unregulated person be employed by a professional licensed or certified by the Board of Medicine; the requirement that the unregulated person be supervised by the responsible licensed or certified professional remains. HB 1694; CH. 237/SB 849; CH. 235.

§ 54.1-2910.1 amended. Health professions; data required. Requires physicians of medicine or osteopathy and all podiatrists to report any convictions for felonies to the Board of Medicine for inclusion in the health care data available to consumers upon request. The data required currently includes any disciplinary action by the Board against the practitioner as well as any paid claims or settlements. All practitioners of medicine, osteopathy and all podiatrists are required to report. HB 2153; CH. 199.

§§ 54.1-2911 and 54.1-3605 amended; §§ 54.1-2940 and 54.1-3608 repealed. Health professions; regulation of clinical psychologists. Clarifies that the Board of Psychology has the power to set licensure standards for clinical psychologists and removes the clinical psychologist from the Board of Medicine. Formerly, clinical psychologists were regulated by the Board of Medicine. The physician members of the Board of Medicine are appointed from each congressional district; the Board also includes one osteopathic physician, one podiatrist, one chiropractor, and two citizen members. This bill also increases the Board's membership by two citizen members and notes that no two citizen members can reside in the same congressional district. HB 2139; CH. 198.

§§ 54.1-2911 and 54.1-3605 amended; §§ 54.1-2940 and 54.1-3608 repealed. Health professions; regulation of clinical psychologists. Clarifies that the Board of Psychology has the power to set licensure standards for clinical psychologists and removes the clinical psychologist from the Board of Medicine. Formerly, clinical psychologists were regulated by the Board of Medicine after being licensed by the Board of Psy-

chology. The physician members of the Board of Medicine are appointed from each congressional district; the Board also includes one osteopathic physician, one podiatrist, one chiropractor, and two citizen members. This bill also increases the Board's membership by two citizen members and notes that no two citizen members can reside in the same congressional district. SB 1059; CH. 186.

§ 54.1-2914 amended. Health Professions; unprofessional conduct. Removes from the Board of Medicine the vestiges of control of unprofessional conduct of physical therapists and physical therapy assistants. When the Board of Physical Therapy was constituted in the 2000 Session, this language was transferred to the new Board but inadvertently left in the provisions of the Board of Medicine. HB 1689; CH. 268.

§§ 54.1-2914, 54.1-3473, 54.1-3474, 54.1-3480, 54.1-3482, and 54.1-3483 amended. Physical therapy. Provides limited direct access to physical therapy. This bill authorizes physical therapists who have actively practiced upon the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry or dental surgery for three years, to treat a patient for 14 days without referral if the patient has previously been referred for physical therapy within two years, the physical therapy is being provided for the same injury, disease or condition as indicated in the referral, and the physical therapist notifies the practitioner identified by the patient no later than three days after treatment begins. Treatment for more than 14 days will require a referral. Other limited exceptions are provided for a one-time evaluation of a patient who has not been referred, services provided to student athletes during a game or other athletic activity, employees for evaluation and consultation related to workplace ergonomics, special education students whose individualized education plans indicate a need for physical therapy, the public for wellness, fitness, and health screenings, the public for the purpose of health promotion and education, and the public for the purpose of prevention of impairments, functional limitations, and disabilities. This bill also clarifies the definition of "practice of physical therapy" and notes that this practice does not include medical diagnosis of disease or injury. Invasive procedures are authorized when performed under the direction and referral of a licensed doctor of medicine, podiatry, or dental surgery. The physical therapist is also required to immediately refer any patient whose medical condition is determined to be beyond the physical therapist's scope of practice. Technical amendments are made to the Board of Medicine's and the Board of Physical Therapy's statutes to correct some inadvertent errors made when the Board of Physical Therapy was established last year. In addition, the Board is required to establish requirements to ensure continuing competency and to promulgate, pursuant to a second enactment clause, emergency regulations. SB 1367; CH. 858.

§§ 9-6.14:4.1, 54.1-2952.1, 54.1-3301, 54.1-3303, and 54.1-3422 amended. Prescriptive authority of physician assistants. Expands the prescriptive authority of physician assistants as follows: Schedules V and VI controlled substances on and after July 1, 2001; and Schedules IV through VI

on and after January 1, 2003. Currently, physician assistants' prescriptive authority is limited to Schedule VI drugs. The bill also removes the Board of Medicine's responsibility for developing a formulary for the specific drugs that physician assistants are allowed to prescribe and requires the supervising physician or podiatrist to develop a written agreement with each physician assistant under his supervision listing the controlled substances the physician assistant is or is not authorized to prescribe. In addition to the requirement for periodic site visits by physicians or podiatrists who supervise physician assistants that is currently in the law, the regulations of the Board of Medicine will include requirements for continued physician assistant competency, e.g., continuing education, testing, and 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 Pharmacy, and physician assistant associations, to study physician assistant prescriptive authority as provided in this act to determine the impact of the authority to prescribe Schedules IV through VI controlled substances and devices on patient care, provider relationships, third-party reimbursement, physician practices, and patient satisfaction with physician assistant treatment. A preliminary report will be submitted to the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by July 1, 2004, and a final report will be provided to the Governor and the 2005 General Assembly. HB 2318; CH. 465.

§§ 54.1-2957.5 and 54.1-2957.6 amended. Department of Health Professions; athletic trainers. Clarifies the qualifications for membership on the Advisory Board on Athletic Training and the exceptions from certification as an athletic trainer. HB 2516; CH. 61.

§ 54.1-3001 amended. Practice of nursing. Exempts, for no more than 90 days from the date of approval of an application submitted to the Board, any nurse who is a graduate of a foreign nursing school and has met the credential, language, and academic testing requirements of the Commission on Graduates of Foreign Nursing Schools when such nurse is working as a nonsupervisory staff nurse in a licensed nursing home or certified nursing facility. During such 90 day period, such nurse must take and pass the licensing examination to remain eligible to practice nursing in Virginia; no exemption granted under this subdivision can be extended. A second enactment requires the Board of Nursing to promulgate emergency regulations. HB 2245; CH. 244 (effective 3/14/01)/SB 892; CH. 251 (effective 3/15/01).

§ 54.1-3011.2. See § 32.1-122.6; SB 1139.

§ 54.1-3025.1 added. Health professions; certified nurse aides. Requires the Board of Nursing to develop and promulgate regulations to establish a career advancement certification for certified nurse aides that will indicate enhanced compe-

tence in patient care tasks and enable certified nurse aides to expand the scope of the responsibilities and duties delegated to them. Upon successful completion of required educational and training standards, an advanced certificate will be awarded. The programs will have to be approved by the Board. An advanced certificate must be renewed biennially upon payment of the specified fee and submission of proof of compliance with the Board's requirements. HB 1778; CH. 448.

§ 54.1-3101 amended. Board of Nursing Home Administrators. Revises the membership of the seven-member Board of Nursing Home Administrators by increasing the number of nursing home administrators from three to four, reducing the number of members who are from professions and institutions concerned with the care and treatment of chronically ill and elderly patients from four to two, and adding one member who is a resident of a nursing home or a family member of a resident of a nursing home. Appointments to the Board are made by the Governor for four-year terms. HB 2430; CH. 554.

§ 54.1-3101 amended. Board of Nursing Home Administrators. Revises the membership of the Board to include one resident of a nursing home or a family member of a resident of a nursing home by reducing the number of members who are from professions and institutions concerned with the care and treatment of chronically ill and elderly patients from four to two and also increasing to four those members who are licensed nursing home administrators. Appointments to the Board are made by the Governor for four-year terms. SB 1290; CH. 527.

§ 54.1-3300 amended; §§ 54.1-3320, 54.1-3321, and 54.1-3322 added. Pharmacy. Sets forth the definitions, restrictions, and requirements for registration of pharmacy technicians. This bill distinguishes between pharmacy interns and pharmacy technicians and clarifies the duties that may be performed only by a pharmacist or a pharmacy intern while engaged in obtaining the practical experience required for licensure as a pharmacist. "Supervision" is defined as the direction and control by a pharmacist who is physically present in the pharmacy or in the facility in which the pharmacy is located and available for immediate oral communication regarding the activities of a pharmacy intern or a pharmacy technician. Pharmacists are authorized to determine the maximum number of pharmacy technicians to supervise; however, no pharmacist can supervise more than four pharmacy technicians at one time. A second enactment provides a modified grandfather clause by not requiring registration of pharmacy technicians until six months after the effective date of the Board of Pharmacy's final regulations. The Board must adopt final regulations for the registration of pharmacy technicians by July 1, 2003. HB 1826; CH. 317.

§ 54.1-3422 amended. Drug Control Act; registration certificates. Adds optometrists and nurses to the list of practitioners who may have prescriptive authority and, thus, are not required to obtain a controlled substances registration certificate for the manufacture, distribution or dispensing of drugs. Persons such as medical researchers who may use con-

trolled substances in their work and are not otherwise authorized to prescribe, manufacture, distribute, or dispense must still obtain controlled substances registration certificates. HB 2093; CH. 243.

§ 54.1-3480.1 added. Health professions; continuing education for physical therapists. Requires, as a prerequisite to license renewal or reinstatement, that all licensed physical therapists complete biennial continuing education courses as approved by the Board. The Board must prescribe criteria for approving the courses and credit hour requirements. The Board is authorized to approve alternative courses upon timely application of any licensee. These education requirements must be certified to the Board and must be submitted by each physical therapist at the time he applies for renewal or reinstatement of the license. HB 1722; CH. 315.

§§ 8.01-581.13, 38.2-3412.1, 54.1-3500, 54.1-3505, and 54.1-3507 amended; §§ 54.1-3507.1, 54.1-3507.2, 54.1-3507.3, and 54.1-3509 added. Health professions; substance abuse counseling assistants. Provides for an additional category of certification for substance abuse counseling assistants and delineates the difference in the scope of duties between a substance abuse counselor and a substance abuse counseling assistant. The bill also recognizes the name change of one of the nationally recognized associations from the National Association of Alcoholism and Drug Abuse Counselors to NAADAC: the Association for Addiction Professionals. The bill adds "certified substance abuse counseling assistant" to the list of individuals who may render services and receive reimbursement from insurance. The bill also provides for the continued certification of those persons who were certified prior to July 1, 2001, or who had registered their supervisory contracts or filed applications for certification with the Board prior to that date. Also, the bill provides that any application for certification filed after July 1, 2001, but before the effective date of the new regulations, for a person who meets the requirements in effect prior to July 1, 2001, shall be operative until the new regulations are in effect, when such person shall be deemed certified at the appropriate level under the new regulations. Additionally, this bill directs the Board to approve as a supervisor for individuals seeking certification as a counselor or assistant any person who has been approved prior to July 1, 2001. HB 2095; CH. 460.

§ 54.1-3510. See § 22.1-129; SB 1055.

§ 54.1-3910.1 added. Enforcement, etc., of costs imposed by the Virginia State Bar Disciplinary Board. Allows orders of the Board regarding unpaid costs to be recorded, enforced, and satisfied as judgments. HB 2397; CH. 225.

§ 54.1-3932 amended. Attorney's lien for fees. Provides that any person having or claiming a cause of action for annulment or divorce may contract with any attorney for legal services and that the attorney shall have a lien upon the cause of action as security for his fees for any services rendered in relation to the cause of action. The attorney's claim may not be exercised until the divorce judgment is final and the court may exclude spousal and child support from the lien. HB 1696; CH. 495.

§§ 54.1-4009 and 54.1-4010 amended. **Professions and occupations; pawnbrokers.** Authorizes pawnbrokers to maintain required records electronically. Upon request by a law-enforcement official, pawnbrokers are required to make such electronic records available. The bill also allows a pawnbroker to charge a service fee for making daily electronic reports to law-enforcement officials and further provides that the fee shall not exceed five percent of the amount loaned or three dollars, whichever is less. Under the bill, violation of the service fee provisions shall constitute a Class 4 misdemeanor. The Department of State Police is directed to regulations for the uniform reporting of required information. HB 1591; CH. 401.

TITLE 54.1. MISCELLANEOUS - PROFESSIONS AND OCCUPATIONS.

Virginia State Bar; eligibility to sit for bar examination. Provides that an applicant who has successfully completed all requirements for a degree from the Potomac School of Law in the District of Columbia, was enrolled and attended classes at the Potomac School of Law during or prior to the 1977 fall term, was a resident of Virginia at the time of application for admission to the Potomac School of Law, has passed the bar examination in another state or territory of the United States or the District of Columbia, including the multi-state, and has been admitted to practice before the court of last resort in any other state or territory of the United States or the District of Columbia is eligible to sit for the Virginia bar examination. HB 2718; CH. 230.

TITLE 55. PROPERTY AND CONVEYANCES.

§ 55-19 amended. **Estates in trust.** Removes the million dollar cap on trusts that are not subject to the debts of beneficiaries and provides that as to any claim for child support, no such condition (of the trust) shall operate to the prejudice of a judgment against a beneficiary for the support of the beneficiary's child. HB 2126; CH. 81.

§§ 55-20.1 and 55-21 amended; § 55-20.2 added. **Presumption of convenience abolished.** This bill removes the presumption that property held jointly is held as such for the convenience of the primary owner. It clarifies that when any person causes any real or personal property to be titled or otherwise shown in the name of two or more persons "jointly," as "joint tenants," in a "joint tenancy," or other similar language, such persons shall own the property in a joint tenancy without survivorship but if the expression "with survivorship" or any equivalent language is employed in such titling or showing, it shall be presumed that such persons are intended to own the

property as joint tenants with the right of survivorship as at common law. HB 1731; CH. 718.

§ 55-66.3 amended. **Release of deed of trust.** Clarifies that lenders must forward releases of deeds of trust to the obligor or the obligor's designee within the designated time frame. The bill also clarifies that, if the creditor undertakes to record the document, the document must actually be recorded or sent by certified mail rather than just be sent by ordinary mail to the clerk's office. SB 1358; CH. 711.

§§ 55-79.41, 55-79.75, 55-509, and 55-510.1 amended; §§ 55-79.75:1 and 55-510.2 added. **Condominium and Property Owners' Association Act; meetings.** Requires the executive organ of a condominium unit owners' association or the board of directors of a property owners' association to publish notice of its meetings where it is reasonably calculated to be available to a majority of unit or lot owners. The bill also defines meeting. In addition, the bill (i) prohibits the executive organ or board of directors from using work sessions or other informal gatherings to circumvent meeting notice and executive session requirements and (ii) requires the executive organ or board of directors to establish a reasonable, effective and free method for owners to communicate among themselves and with the executive organ or board regarding any matter concerning the association, appropriate to the size and nature of the condominium or development. HB 1716; CH. 715.

§§ 55-79.74:1 and 55-510 amended. **Condominium and Property Owners' Association Acts; charges for copying association records.** Clarifies that the charges that an association may impose for copying association records are the reasonable costs, not to exceed the actual costs, for labor and materials. HB 2428; CH. 419.

§§ 55-79.97, 55-511, and 55-512 amended. **Property Owners' Association Act; association disclosure packets.** Gives a purchaser of a condominium unit or lot in a property owners' association the right, as stated in the purchase contract, to request an update of the resale certificate. The bill also sets the fees that may be charged for providing an update resale certificate. The bill also requires disclosure of the copy of the notice given to a unit or lot owner by the association of any current or pending role or architectural violations. HB 2515; CH. 556.

§§ 55-237.1 and 55-248.38:2. See § 8.01-470; HB 2141.

§ 55-248.3:1 amended. **Virginia Residential Landlord Tenant Act.** Clarifies that the Virginia Residential Landlord Tenant Act applies to all jurisdictions in the Commonwealth and may not be waived or otherwise modified, in whole or in part, by the governing body of any locality, its boards and commissions or other instrumentalities, or by the courts of the Commonwealth. HB 2216; CH. 416.

§§ 55-248.15:1, 55-248.18, 55-248.27, and 55-248.35 amended; §§ 55-225.3 and 55-225.4 added. **Landlord and tenant.** Extends from 30 to 45, the number of days a landlord has to notify a tenant of any deduction in the tenant's security deposit; provides that if a landlord willfully fails to comply with the provisions relating to security deposits, the court shall

order return of the deposit and any accrued interest to the tenant, together with reasonable attorney's fees; clarifies the notice to be given by the landlord for the entry into a tenant's unit for routine maintenance; provides that the tenant, upon termination of occupancy, is responsible for payment to the landlord for the reasonable costs incurred in removing burglary prevention and fire detection devices installed by the tenant and for any repairs for damage to the unit because of the removal of the devices; allows a tenant to use the rent escrow provisions of the Virginia Residential Landlord Tenant Act regardless of the number of notices to pay or quit he has received from the landlord; and limits the amount of post-possession damages a landlord can recover under a rental agreement. The bill also incorporates into other Virginia law governing landlord and tenant issues provisions of the VRLTA relating to the maintenance of residential rental units and imposes obligations on both the landlord and tenant to maintain the dwelling unit. This bill is a recommendation of the Housing Study Commission. SB 1229; CH. 524.

§§ 55-248.34, 55-248.46, and 55-248.48 amended; § 55-248.46:1 added. Termination of tenancy under the Virginia Residential Landlord and Tenant Act and the Manufactured Home Lot Rental Act. Provides that where a landlord and seller of a manufactured home have in common (i) one or more owners, (ii) immediate family members, or (iii) officers or directors, the rental agreement shall be renewed except for reasons that would justify a termination of the rental agreement or eviction by the landlord under the Manufactured Home Lot Rental Act. Additionally, a landlord who accepts rent with reservation of rights must give notice to the tenant of the reservation within five days of receipt of the rent. Under current law, the landlord must give notice of the reservation to the tenant, but there is no provision for when such reservation must be given. HB 1883; CH. 47.

§ 55-248.43 amended. Manufactured Home Lot Rental Act; landlord obligations. Requires a landlord to give written notice to tenants no less than 48 hours prior to the planned disruption by the landlord in electric, water or sewage disposal services. HB 1848; CH. 44.

§§ 55-362, 55-369, 55-370, and 55-374 amended. Real Estate Time-Share Act. Clarifies the definitions of "exchange program" and "incidental benefit." The bill also expands the definition of "time-share estate occupancy expenses" to include (i) expenses for the formation, organization, operation and administration, including capital contributions thereto, of the association and both its board of directors and its members and (ii) filing fees and annual registration charges of the State Corporation Commission and the Real Estate Board, counsel fees and accountant charges, and reserves for any of the foregoing, which must be paid by the time-share owners. The bill authorizes the association to file a lien for unpaid and past due maintenance fees and for any other charges owing occasioned by the failure of the owner to pay the assessments or maintenance fees, including late charges, interest, postage and handling, attorneys' fees, recording costs and release fees in addition to the currently authorized lien for unpaid assess-

ments. The bill changes the filing deadline of one year to four years from when the assessment became due for an association to perfect a lien. The bill provides that the cost of recording the memorandum of lien shall be taxed against the owner of the time-share on which the lien is placed versus current law that provides that such cost is taxed against the person found liable. HB 2120; CH. 543.

§ 55-515.2 amended. Property Owners' Association Act; validity of declaration. Makes a technical correction by changing the term "condominium instrument" to "declaration." Condominium instrument is a term of art in the Condominium Act and not applicable to the Property Owners' Association Act. HB 1836; CH. 271.

§ 55-530 amended. Common Interest Community Management Information Fund; powers of the Real Estate Board. Provides for the appointment of a community association liaison who shall administer the requirements of the Common Interest Community Management Information Fund and serve as an information resource on issues relating to the governance, administration and operation of common interest communities, including the laws and regulations relating thereto. Such information may include non-binding interpretations of laws or regulations governing common interest communities and referrals to public and private agencies offering alternative dispute resolution services, with a goal of reducing and resolving conflicts among associations and their members. The compensation for the community association liaison shall be paid from the Fund; provided that no more than 60 percent of the moneys collected annually in the Fund shall be used for such purpose. This bill is a recommendation of the Housing Study Commission. HB 2429; CH. 816.

TITLE 55. MISCELLANEOUS - PROPERTY AND CONVEYANCES.

Landlord and tenant; access to television facilities. Postpones the effective date of provisions allowing compensation to a landlord for use of his property by cable, satellite, and other television facilities from July 1, 2001, to July 1, 2003. SB 972; CH. 394.

TITLE 56. PUBLIC SERVICE COMPANIES.

§§ 56-46.1 and 56-265.2:1 amended. Notice of proposed location of utility lines. Requires that owners of property within the route of a proposed gas pipeline or electrical transmission line of 150 kV or more be sent a notice of the proposed construction by first class mail. The notice requirements for a public utility proposing to build a gas pipeline are conformed in several respects to those for the proposed construction of

electric transmission lines. These include (i) requiring that notices include a written description of the proposed route the line is to follow and a map or sketch of the route; (ii) requiring the notice to include the deadline for an interested party to request a hearing from the State Corporation Commission; and (iii) requiring the Commission to hold at least one hearing in the area that would be affected by construction of the pipeline if requested in writing by 20 or more interested parties. This bill is a recommendation of the joint subcommittee studying eminent domain issues. HB 2268; CH. 758.

§ 56-57 amended. Public service companies; issuance of securities. Exempts telephone companies that are subject to an alternative form of regulation from laws that provide for State Corporation Commission approval of the issuance of securities and other obligations by public service companies. In lieu of the existing requirements, exempt companies shall give the SCC 90 days' notice of the issuance of certain obligations. The SCC may rescind the exemption for a company if it finds that the exemption is not in the public interest. SB 899; CH. 347.

§ 56-259 amended. Location of utility easements. Authorizes the governing body of each locality in which a gas pipeline or electrical transmission line would be located to ask the State Corporation Commission to consider directing the joint use of right-of-way, in any case involving an application for a certificate of convenience and necessity for new facilities. HB 1767; CH. 752/SB 1124; CH. 745.

§ 56-259.1 added. Public service corporation easements. Requires any instrument conveying an easement of right-of-way in land to a public service corporation to include a notice stating that the grantee may have the right to obtain some or all of the rights being conveyed through exercise of eminent domain, and that the owner has the right to choose not to convey rights that are not subject to eminent domain. HB 1766; CH. 751.

§§ 56-265.4:4 and 56-481.2 amended. Local telephone companies. Eliminates the requirement that the State Corporation Commission conduct a hearing on every application for a certificate to furnish local exchange telephone service. Applicants will have an opportunity for a hearing. Obsolete language is deleted. HB 1902; CH. 75.

§§ 56-265.16:1 and 56-265.30 amended. Underground Utility Damage Prevention Act. Prohibits the State Corporation Commission from promulgating regulations under the Underground Utility Damage Prevention Act that require mandatory reporting, other than by jurisdictional natural gas or hazardous liquid operators, of probable violations of the Act or incidents involving damage, dislocation or disturbance of a utility line. The bill also clarifies the standards to be applied by the SCC in actions involving the certification of notification centers established under the "Miss Utility" program. Commission actions shall be made in furtherance of the purpose of preventing or mitigating loss of, or damage to, life, health, property or essential public services resulting from damage to underground utility lines. Decisions to approve or revoke notification center certifications shall ensure protection for the public from the

hazards that this chapter is intended to prevent or mitigate; ensure that persons receive an acceptable level of performance; and require the notification center and its agents to demonstrate financial responsibility, which may be by obtaining liability insurance. SB 1328; CH. 399.

§ 56-265.32 amended. Underground Utility Damage Prevention Special Fund. Authorizes revenues collected through enforcement of the Underground Utility Damage Prevention Act, to the extent they exceed the costs of administering the program, to be used for training and education programs and for programs providing incentives for excavators, operators, line locators, and other persons. Currently such excess funds must be spent on public awareness programs. The State Corporation Commission is charged with allocating the excess funds among such programs. This measure is a recommendation of the joint subcommittee studying the Underground Utility Damage Prevention Act. SB 1090; CH. 351.

§ 56-466.1 added. Pole attachments. Requires both public utilities and cable television systems or telecommunications service providers to negotiate in good faith to arrive at mutually agreeable contracts for attachments to the public utility's poles. After entering into a contract, the public utility shall permit, upon reasonable terms and conditions and payment of reasonable charges and costs, the attachments or placements, provided they do not interfere, obstruct or delay the service and operation of the public utility or create a safety hazard. Access may be denied if the attachment interferes, obstructs or delays the service and operation of the public utility or creates a safety hazard, or if the public utility provides electric service and the denial is made on a nondiscriminatory basis on grounds of insufficient capacity or reasons of safety, reliability, or generally applicable engineering principles. This measure will not apply to pole attachments regulated under federal law. HB 1914; CH. 76.

§§ 56-484.12, 56-484.17, and 58.1-3813.1 amended. Wireless Enhanced Public Safety Telephone Service Act; E-911 surcharge; local tax for E-911 service. Exempts consumers of commercial mobile radio service (CMRS) from the special tax of up to three dollars that localities with enhanced 911 service are authorized to assess on consumers of telephone service. Customers of CMRS providers and CMRS resellers must pay a monthly wireless E-911 surcharge of 75 cents. Localities may recover their public safety answering point costs from the proceeds of the wireless E-911 surcharge. SB 1349; CH. 529.

§ 56-484.16 amended. Local emergency telecommunications requirements. Exempts from the duty of all localities to have specific wireline and wireless 911 and E-911 service available by certain dates, any locality in which (i) 50 percent or more of the geographic area is unable to receive wireless telecommunications service; (ii) no taxes are imposed for E-911 services; and (iii) the Wireless E-911 Services Board has designated a specific public safety answering point or the Virginia State Police to answer wireless 911 or wireless E-911 calls originating in the locality. HB 1611; CH. 713.

§§ 56-492, 56-495, and 56-502 amended. Telephone cooperatives. Exempts telephone cooperatives from filing local service tariffs with the State Corporation Commission; eliminates the requirement that quorums consist of at least five percent of the all cooperative members; and authorizes cooperatives to use funds derived from rates and charges for telephone service to acquire, own and dispose of interests in other communications businesses. The measure also eliminates a requirement that acquisitions of ownership interests in other communications entities be approved by cooperative members at a special or general meeting. HB 2640; CH. 386.

§ 56-557 amended. Public-Private Transportation Act of 1995; definitions. Repeals the prohibition on considering "rail mass transit facilities owned by an interstate compact agency" to be transportation facilities for purposes of the Act. HB 2717; CH. 286.

§ 56-576 amended. Electric utility restructuring; renewable energy. Defines renewable energy as energy derived from sunlight, wind, falling water, sustainable biomass, energy from waste, wave motion, tides, and geothermal power, and excludes energy derived from coal, oil, natural gas or nuclear power. This is a recommendation of the Consumer Advisory Board established under the Electric Utility Restructuring Act. HB 2472; CH. 421.

§§ 56-577, 56-580, 56-581.1, 56-582, 56-585, 56-590, 58.1-2901, 58.1-2902, and 58.1-3814 amended; § 56-596 added. Virginia Electric Utility Restructuring Act. Establishes a mechanism for establishing the rates for default service after the capped rate period. The State Corporation Commission shall attempt to identify default service providers through competitive bidding. If that process does not produce willing and suitable providers, it may require a distributor to provide default service. The SCC is prohibited from regulating, on a cost plus or other basis, the price at which generation assets or their equivalent are made available for default service; however, a distributor may bid to provide default service on such basis. A distributor's default service plan must provide that the procurement of generation capacity and energy will be based on the prices in competitive regional electricity markets. If a plan is not approved, the SCC will establish rates for default services based on prices in competitive regional electricity markets. A "competitive regional electricity market" is a market where competition, not statutory or regulatory price constraints, effectively regulates the price of electricity. In determining whether a market is competitive and the prices for default services, the SCC will consider its liquidity and price transparency, whether competition is an effective regulator of prices in such market, the wholesale or retail nature of such markets, the reasonable accessibility of such markets to the distributor's regional transmission entity, and such other factors it finds relevant. The SCC shall also consider default service customers' need for rate stability and protection from unreasonable rate fluctuations. If the SCC cannot identify competitive regional electricity markets, it shall set rates that would approximate rates likely to be produced in such a market. A cooperative's default service rates in its service territory after the

capped rates period will be based on its prudently incurred cost. An incumbent utility's decision to make the equivalent of its generation assets available for default service shall be subject to approval based on adequately meeting the public interest. In considering functional separation plans, the SCC shall consider the potential effects of transfers of generation assets on rates and reliability of capped rate service and default service and the development of a competitive market for retail generation services in Virginia. The measure restricts the ability of an incumbent utility to make further transfers of generation assets without SCC approval. The measure also provides for competitive retail billing and metering. Distributors will be allowed to recover costs directly associated with the implementation of billing or metering competition through a tariff for all licensed suppliers, in a manner approved by the SCC. The rates for any non-competitive services provided by a distributor will be adjusted to ensure that they do not reflect costs properly allocable to competitive metering or billing service. Municipal electric utilities and electric cooperatives are exempt from the competitive metering and billing requirements unless they offer competitive electric energy supply to retail customers in the service territory of an incumbent electric utility. Other changes (i) require the SCC to establish minimum periods, if any, that customers must receive service from their incumbent electric utilities or from default service providers after having obtained service from other suppliers; (ii) amend tax provisions to the address that billing services may be provided by competitive providers other than the person delivering electricity to consumers; (iii) authorize the SCC to establish competition phase-in plans on a utility-by-utility basis; (iv) establish that the provisions of the Act will be applied to any municipal electric utility that is made subject to the Act to the same extent that such provisions apply to incumbent utilities; (v) provide that rates for new services applied for after January 1, 2001, will be treated as capped rates; (vi) clarify that default service is to be made available after consumer choice is available to all customers in Virginia; (vii) require the SCC to consider the goals of advancement of competition and economic development in all relevant proceedings; and (viii) require the SCC to report annually on the status of competition in the Commonwealth, the status of the development of regional competitive markets, and its recommendations to facilitate effective competition in the Commonwealth as soon as practical. SB 1420; CH. 748.

§ 56-579 amended. Electric utility restructuring; eminent domain. Clarifies that on and after January 1, 2002, a petition may not be filed to exercise the right of eminent domain in conjunction with construction or enlargement of a facility for the generation of electric energy. SB 1257; CH. 576.

§ 56-580 amended. Municipal electric utilities; restructuring. Clarifies that a municipal electric utility will not lose its exclusive territorial rights or exemption from the provisions of the Electric Utility Restructuring Act by selling or offering to sell electric energy to retail customers outside the area that it served on July 1, 1999, if the municipal utility's expansion of service into new areas is made pursuant to a franchise agree-

ment between the municipality utility and the incumbent public utility that previously served the new areas. HB 1935; CH. 755/SB 896; CH. 738.

TITLE 57. RELIGIOUS AND CHARITABLE MATTERS; CEMETERIES.

§ 57-12 amended. Religious and charitable matters; limitation on real property trustees may hold. Allows trustees of a church diocese, religious congregation, or church or religious society that have been authorized by a city or town council to hold more than 15 acres of land in the locality to use the property for a school building and grounds. HB 1998; CH. 241.

§ 57-12 amended. Religious and charitable matters; quantity of real property trustees may hold. Removes restrictions on certain uses of land held by trustees of a church diocese, religious congregation, or church or religious society that have been authorized by a city or town council to hold more than 15 acres of land in the locality. Under current law, city or town councils may authorize such trustees to hold more than 15 acres of land if it is to be devoted to a church building, chapel, cemetery, offices exclusively used for administrative purposes of the church, a Sunday-school building and playground, or parking lots. SB 943; CH. 253.

TITLE 58.1. TAXATION.

§ 58.1-3 amended; § 58.1-2712.2 added. Exchange of tax information. Authorizes the Commissioner of the Department of Motor Vehicles to exchange tax information with other states and countries that are members of the International Fuel Tax Agreement in order to facilitate the collection of taxes under the Agreement. Any person receiving such tax information is subject to the same prohibitions and penalties applicable to tax officials and revenue officers when exchanging confidential taxpayer information. HB 2342; CH. 84.

§ 58.1-322 amended. Individual Income Tax. Repeals series of obsolete language regarding the age subtraction program that provides a \$12,000 subtraction for all taxpayers 65 years or older and \$6,000 for taxpayers aged 62 through 64. HB 2820; CH. 476.

§§ 58.1-333 and 58.1-430. See § 63.1-323; HB 2202/SB 1214.

§ 58.1-346.16 added. Individual income tax; voluntary contribution to 4-H Educational Centers. Allows individuals, on and after January 1, 2002, but before January 1, 2007, who are entitled to a refund to designate part or all of the refund to be used by 4-H Educational Centers throughout the Commonwealth. HB 1596; CH. 535.

§ 58.1-346.16 added. Taxation; contribution of refunds by check-off. Permits individuals to designate that a specified amount of their income tax refunds, or additional amounts, be contributed to local school improvement projects. The refund check-off sunsets January 1, 2007. HB 2583; CH. 559.

§ 58.1-346.16 added. Income tax; checkoff for contributions to promote organ and tissue donations. Allows individuals entitled to an income tax refund to designate such refund or part of it to be given to the Virginia Transplant Council for the promotion and coordination of educational and informational activities related to the organ, tissue, and eye donation process in the Commonwealth, for taxable years beginning on and after January 1, 2002. This check-off sunsets January 1, 2007. HB 2651; CH. 560.

§§ 36-55.63 and 58.1-435 amended; § 58.1-336 repealed.

Low-income housing tax credit. Adds provisions to the low-income housing tax credit that allow (i) taxpayers to carry over any unused credit for five taxable years or until the full credit is used, whichever occurs first; (ii) taxpayers to take the credit against additional taxes (i.e. trust, estates, bank franchise, insurance premiums); and (iii) partners and S-corporation shareholders to allocate the credits either in proportion to their ownership interests or in accordance with a signed written agreement. The bill also reduces the amount of low-income housing tax credits that may be approved in a calendar year from \$3.5 million to \$500,000. HB 2145; CH. 299/SB 1325; CH. 293.

§ 58.1-478 amended. Filing the annual return with employee withholding tax statements by electronic means. Provides that an employer who furnishes 250 or more withholding tax statements to employees must file the annual withholding report using an electronic medium. An employer who furnishes less than 250 statements may file the annual report using an electronic medium. This requirement is effective for annual reports filed on and after January 1, 2002, and the Tax Commissioner may waive the requirement if it creates an unreasonable burden on the employer. The Tax Commissioner is to adopt guidelines providing standards for filing the annual report on an electronic medium. HB 1774; CH. 297/SB 852; CH. 307 (effective-see bill).

§ 58.1-608.3 amended. Entitlement to certain sales tax revenues. Entitles the City of Staunton (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. SB 1161; CH. 522.

§ 58.1-609.3 amended. Sales and use tax; commercial and industrial exemptions. Extends the sunset to July 1, 2005, from the sales and use tax exemption for activities and items associated with space facilities, satellites, and vehicles. HB 2414; CH. 468/SB 976; CH. 429.

§ 58.1-609.3 amended. Sales and use tax; commercial and industrial exemptions; sunset extension. Extends the sunset date from 2001 to 2006 for (i) certified pollution control equipment and facilities, and (ii) materials and equipment used in natural gas and oil production. HB 2830; CH. 769.

§§ 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. Provides for several new sales and use tax exemptions and extends the sunset dates for exemptions set to expire June 30, 2001. SB 1409; CH. 860.

§ 58.1-613 amended. Registration of dealers for collection of the retail sales and use tax. Removes the signature requirement under the application for a dealer's certificate of registration for collection of the retail sales and use tax. HB 1746; CH. 362/SB 857; CH. 343.

§ 58.1-638 amended. Commonwealth Mass Transit Funds. Requires the allocations from the Commonwealth Mass Transit Fund be used to support 80 percent (rather than a maximum of 95 percent) of the costs borne by the localities for the purchase of fuels, lubricants, tires and maintenance parts and supplies for public transportation in 2002, and 95 percent in 2003 and succeeding years. HB 2224; CH. 171.

§§ 58.1-801 and 58.1-802 amended. State recordation tax; amount to be taxed. Requires the recordation tax to be based on the amount paid for the property, which shall be stated on the deed, and removes the option of basing it on the actual value of the property. This legislation has a reenactment clause. HB 2814; CH. 830.

§ 58.1-807 amended. Recordation taxes; tax on recordation of leases of billboards. Limits the tax to \$25 on recordation of leases of outdoor advertising signs for which permit fees are paid to VDOT. HB 1869; CH. 586.

§ 58.1-2201 amended. Motor fuels tax; definitions. Clarifies the definition of diesel fuel by adding the term "undyed" to the terms "#1 fuel oil" and "#2 fuel oil" and removing the term "kerosene." The bill also clarifies the definition of heating oil by adding the term "dyed" to the terms "#1 fuel oil" and "#2 fuel oil." The changes are effective back to January 1, 2001. HB 2000; CH. 802.

§§ 58.1-2259, 58.1-2263, and 58.1-2276 amended. Fuels tax; corrections to "tax at the rack." Corrects the Virginia Motor Fuels Act, which was enacted during the 2000 General Assembly Session, as follows: (i) requires shipping documents issued by terminal operators to be machine-printed and those issued by operators of a bulk plant to be printed on a form; (ii) deletes language that would have allowed DMV to inspect, at any hour, books and records that are not maintained on the business' premises, provided one of the person's places of business is open at the time of inspection; and (iii) clarifies when and how refunds of motor fuels tax are granted for recreational watercraft. HB 1657; CH. 167 (effective back to 1/1/01).

§ 58.1-2508. See § 38.2-514; SB 913.

§§ 58.1-2901 and 58.1-3731 amended. Electricity and gas companies local license tax. Clarifies that the local license tax

shall not be imposed after December 31, 2000, on pipeline distribution companies, gas suppliers, gas utilities or electric suppliers. The bill also has one technical correction. HB 2790; CH. 829/SB 1421; CH. 861.

§§ 58.1-2901, 58.1-2902, and 58.1-3814. See § 56-577; SB 1420.

§§ 58.1-2905 and 58.1-3814 amended. Natural gas consumption tax. Provides that if a locality's license fee rate is set at a lower rate than the local consumption tax rate component of the natural gas consumption tax, the excess funds collected by the State Corporation Commission shall constitute additional state consumption tax revenue. The bill also allows localities to impose the local consumption tax at the time that natural gas service is made available in such localities. SB 834; CH. 737 (effective 3/26/01).

§§ 58.1-3133, 58.1-3912, and 58.1-3942 amended. Local tax administration; warrants, tax bills and security interests. Provides that (i) treasurers may deduct other charges in addition to taxes due from a party in whose favor a warrant is drawn, (ii) treasurers may transmit any local tax bill by means of facsimile transmission or e-mail, and (iii) taxes specifically assessed against goods and chattels distrained constitute a lien against the property so assessed. HB 1999; CH. 801.

§ 58.1-3133 amended. Local taxes; deduction of taxes from warrants by treasurer; compact among localities. Allows two or more localities to enter into compacts by which the treasurer paying warrants may first deduct taxes and other charges owed to any participating locality that are due from the party in whose favor the warrant is drawn, following notice and a hearing. The compacts must conform substantially to the requirements of the Setoff Debt Collection Act (§ 58.1-520 et seq.). HB 2443; CH. 470.

§ 58.1-3211 amended. Local real estate taxes; exemption and deferral for certain elderly individuals. Raises the income limit from \$30,000 to \$50,000 for the majority of localities. It further authorizes certain Northern Virginia local governing bodies, by ordinance, to raise the income and financial worth limitations for any exemption or deferral program, thereby allowing more persons to qualify for such program. The income limitation may be raised to a maximum of the greater of \$62,000 or the income limits based upon family size for the respective metropolitan statistical area, annually published by the U.S. Department of Housing and Urban Development. The financial worth amount may be raised to \$240,000, excluding the value of the dwelling and the land, not to exceed one acre, upon which the dwelling is situated. HB 1987; CH. 457/SB 939; CH. 428.

§§ 58.1-3220, 58.1-3220.01, and 58.1-3221 amended. Real property partial exemptions and tax credits; fees for processing. Authorizes localities to charge fees that do not exceed \$125 for residential properties, or \$250 for commercial, industrial, or apartment properties of six units or more for processing applications for certain partial exemptions and tax credits on real property taxes for certain rehabilitated, reno-

vated, or replacement residential and commercial structures. SB 1242; CH. 489.

§ 58.1-3231 amended. Real property tax; multi-year agricultural and horticultural crops. Authorizes localities to waive any minimum prior use requirements for multi-year agricultural and horticultural crops that otherwise qualify as real estate devoted to agricultural or horticultural uses for real property tax purposes pursuant to regulations of the Commissioner of Agriculture and Consumer Services. SB 901; CH. 705.

§ 58.1-3234 amended. Land use assessment; extension of deadline. Authorizes localities to provide further extension for filing land use assessments. Localities are allowed to provide a 60-day extension upon payment of a late filing fee. The bill would allow such localities to provide an additional 30-day extension upon payment of an extension fee. The extension fee may not exceed the amount of such late filing fee. HB 2022; CH. 50.

§ 58.1-3257 amended. Taxation; reassessments of real estate. Extends the time in which general reassessment of real estate in Hanover County must occur from December 31 of the year of the reassessment to three months after December 31 in such year. HB 1830; CH. 449.

§§ 58.1-3343, 58.1-3930, 58.1-3932, and 58.1-3959 amended; § 58.1-3713.5 added. Liens on real estate and personal property for unpaid severance taxes. Creates a lien for the payment of taxes and levies authorized under §§ 58.1-3712 and 58.1-3713 on real and personal property owned by persons engaging in the business of severing coal from the earth. This lien is prior to all other liens, except for liens on real estate for the payment of real estate taxes and liens benefiting the Commonwealth. The lien covers the real and personal property owned by persons engaged in the business of severing coal. HB 2220; CH. 462.

§ 58.1-3506 amended. Personal property tax; classification for auxiliary deputy sheriffs. Adds motor vehicles owned or leased by auxiliary, reserve or special deputy sheriffs to the list of tangible personal property tax classifications that localities may tax at a different rate. HB 1752; CH. 41.

§ 58.1-3506 amended. Personal property tax; separate classification for forest harvesting equipment. Adds forest harvesting and silvicultural activity equipment as another class of personal property for taxation purposes. HB 1775; CH. 447.

§§ 58.1-3650.905 through 58.1-3650.953 added. Property tax exemptions. Grants a property tax exemption to the following organizations: The Fraternal Order of Eagles, Fredericksburg Aerie 4123; New River Community Action, Inc.; Friendship Industries, Inc.; Alternatives Community Management Group, Inc.; National Sporting Library, Incorporated; Audubon Naturalist Society of the Central Atlantic States, Inc.; King's Grant Community League, Inc.; Halifax Educational Foundation, Inc.; International Society of Air Safety Investigators; O.A.R. of Fairfax County, Inc.; Mantua Hills Swimming Association, Inc.; The Memorial Foundation of the Germanna Colonies in Virginia, Inc.; Walden Glen Swim

and Racquet Club, Inc.; Lions Mobile Sight and Hearing Unit of District 24-D, Inc.; Chesapeake Soccer Foundation; The Salem Woods Civic Association, Inc.; Kiwanis Club of Chester, Inc. Foundation; Montgomery County Christmas Store; National Wildlife Federation; Virginia Quilt Museum; The Laurel Shelter, Inc.; Tidewater Soaring Foundation; Hands Across Mathews of Mathews, Virginia; Mathews County Land Conservancy; TWBTS, Inc.; Delta Community Service Foundation; Coastal Conservation Association; Greater Orange Community Development Corporation; CAMG - A, Inc.; CAMG - B, Inc.; CAMG - C, Inc.; CAMG - D, Inc.; CAMG - E, Inc.; CAMG - F, Inc.; CAMG - G, Inc.; CAMG - H, Inc.; Bedford Breakfast Lions Club; Psychiatric Rehabilitation Services, Inc.; Eastern Shore of Virginia Barrier Islands, Inc.; Mary Immaculate Nursing Center, Inc.; Shining Light Masonic Lodge 272 and Order of Eastern Star Chapter 182; Groome Road Home, Inc.; Holmes Run Acres Recreation Association, Inc.; Sleepy Hollow Bath and Racquet Club, Inc.; Carolanne Farm Swim Club, Inc.; Hopewell Optimist Club; Ocean View Democratic and Social Club, Inc.; and Charles H. Taylor Arts Center Foundation, Inc. HB 2182; CH. 608.

§§ 58.1-3650.905 through 58.1-3650.917 added. Property tax exemption; Fraternal Order of Eagles, Fredericksburg Aerie 4123. Grants a property tax exemption to the Fraternal Order of Eagles, Fredericksburg Aerie 4123, a charitable nonprofit organization, for real and personal property owned by the organization and located in the County of Stafford. The bill also grants property tax exemptions to: Friendship Industries, Inc.; Downtown Greens, Inc.; Train Station Foundation; National Sporting Library, Inc.; Homestretch, Inc.; Kernstown Battlefield Association, Inc.; Mary Immaculate Nursing Center, Inc.; The Friends School; M. E. Cox Center for Elder Day Care, Inc.; Bedford Breakfast Lions Club; The Closet of the Greater Herndon Area, Inc.; and DePaul Family Services, Inc. SB 791; CH. 602.

§ 58.1-3713.3 amended. Coal and gas severance tax and coal and gas road improvement tax; ratification of certain ordinances. Provides that ordinances adopted pursuant to §§ 58.1-3712, 58.1-3713 and 58.1-3713.4, prior to January 1, 2001, shall be presumed valid and inclusive of all the provisions of such sections provided such ordinances were in substantial compliance with §§ 58.1-3712, 58.1-3713 and 58.1-3713.4 at the time of their adoption. HB 2528; CH. 303/SB 1410; CH. 294.

§ 58.1-3813.1. See § 56-484.12; SB 1349.

§ 58.1-3816.2 added. Consumer utility taxes; exemption for nonprofit organizations. Allows localities' governing bodies to exempt utilities consumed on property designated or classified as exempt pursuant to Article X, Section 6 (a)(6) of the Virginia Constitution from payment of any or all of the consumer utility taxes. HB 2287; CH. 302.

§ 58.1-3818 amended. Admissions tax; New Kent County. Adds New Kent County (using population description) to the list of counties that may levy a tax on admissions charged for attendance at any event. SB 1086; CH. 485.

§ 58.1-3819 amended. Transient occupancy tax; Bedford County. Authorizes Bedford County to impose an additional three percent transient occupancy tax with the revenues to be used solely for tourism purposes. HB 1761; CH. 585.

§ 58.1-3819 amended. Transient occupancy tax; Mecklenburg County. Permits any county with a population no less than 29,100 and no greater than 29,300 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. SB 1110; CH. 571.

§ 58.1-3833 amended. Local meals tax. Provides that in those counties where a referendum is required to impose the local meals tax, the question on the ballot for the referendum shall include language stating for what projects and/or purposes the revenues collected from the tax are to be used, if the resolution of the board of supervisors or the petition initiating such referendum states for what projects and/or purposes the revenues collected from the tax are to be used. SB 1320; CH. 619.

§ 58.1-3967 amended. Delinquent real estate taxes; distribution of surplus after sale of real estate. Provides that any unclaimed surplus from the proceeds of the sale of real estate for delinquent real property taxes shall be paid to the county, city, or town that received proceeds for delinquent taxes from such sale. Under current law, towns are not eligible to receive such surplus. HB 1715; CH. 37.

TITLE 58.1. MISCELLANEOUS - TAXATION.

Local admissions tax. Extends the sunset date for enacting local admissions taxes on events held at major league baseball stadiums from January 1, 2002, to January 1, 2005. While counties currently have the authority to levy local admissions taxes on events held at major league baseball stadiums, such taxes cannot be imposed as there are no major league baseball stadiums in Virginia. The authority to levy these local taxes will expire on January 1, 2005, unless, before that time, the Virginia Baseball Stadium Authority has executed a lease with a major league baseball team. HB 1603; CH. 442/SB 794; CH. 425.

Income tax credit for purchase of machinery and equipment for processing recyclable materials. Extends the sunset date of tax credits allowed for the purchase of machinery and equipment for processing recyclable materials from January 1, 2001, to January 1, 2004, for both individual and corporate income tax credits. SB 1112; CH. 91.

TITLE 59.1. TRADE AND COMMERCE.

§ 59.1-21.7 amended. Home solicitation contracts. Makes grammatical corrections to the section. HB 1616; CH. 402.

§§ 59.1-71 and 59.1-72. See § 17.1-213; SB 891.

§§ 59.1-198, 59.1-501.4, 59.1-501.5, 59.1-501.9, 59.1-502.12, and 59.1-505.3 amended. Uniform Computer Information Transactions Act; consumer protection. Makes several amendments to the Uniform Computer Information Transactions Act (UCITA) (§ 59.1-501.1 et seq.) and the Virginia Consumer Protection Act (VCPA) (§ 59.1-196 et seq.). The bill changes UCITA's references to other laws or rules to other statutes, administrative rules, regulations or procedures where applicable. The bill also changes references to the VCPA to other consumer protection statutes, administrative rules or regulations including, but not limited to, the VCPA. The bill provides that a mass-market license may be transferred if such transfer involves making a gift or donation of a computer along with mass-market software to a public school, a public library, a charity or a consumer. The bill amends the definition of "goods" as used in the VCPA to include "computer information" and "informational rights" as defined in UCITA. HB 2387; CH. 762.

§ 59.1-198 amended. Virginia Consumer Protection Act; computer information. Amends the definition of (i) "consumer transaction" to include license, (ii) "goods" to include computer information and informational rights, (iii) "services" to include electronic access to information system, and (iv) "supplier" to include licensors of computer information. SB 1017; CH. 741.

§§ 59.1-284.14 and 59.1-284.15 amended; §§ 59.1-284.14:1 and 59.1-284.15:1 added. Semiconductor Manufacturing Performance Grant Programs. Creates additional grant programs for manufacturers of semiconductor memory or logic wafers. One program provides grants to semiconductor manufacturers for capital investments and job creation within the City of Manassas. The grant amounts are (i) up to \$25 million, if \$700 million in new capital investments result in the creation of 600 new full-time jobs by January 1, 2003, and (ii) up to an additional \$45 million, if an additional \$2 billion in new capital investments results in the creation of an additional 1,350 new full-time jobs by January 1, 2007. A second program provides grants to semiconductor manufacturers for capital investments and job creation within the County of Henrico. The grant amounts are (i) up to \$15 million, if \$1.1 billion in new capital investments results in the creation of a new manufacturing module for the production of a semiconductor related product and (ii) up to an additional \$40 million if 1,400 new full-time jobs are created by January 1, 2005. The capital investments and job creation provided in the bill may not be used to claim any other grants payable to semiconductor manufacturers. The terms for the payment of grants under both programs are to be included in a memorandum of agreement between the Commonwealth and the semiconductor manufacturer. The Senate Committee on Finance and the House Committees on Appropriations and Finance may review the unsigned memorandum of agreement before any grants are paid. SB 1109; CH. 863.

§§ 59.1-310.7 through 59.1-310.10 added. Trade and commerce; septic system inspectors; penalty. Sets minimum

requirements for a person to use the title "accredited septic system inspector." The bill limits its application to septic systems involving onsite, residential disposal of sewage when sewers or sewerage facilities are not available and includes septic tanks, septic tank lines and drainage fields or other onsite, residential sewage systems. The bill provides that a violation of this law shall constitute a Class 3 misdemeanor. The bill has a delayed effective date of July 1, 2002. HB 2061; CH. 52.

§ 59.1-391 amended. Racing Commission; satellite facilities; local referendum. Restates the referendum questions that may appear on a local referendum. 1. Shall pari-mutuel wagering be permitted at a licensed racetrack in ... (name of county or city) on live horseracing at, and on simulcast horse racing transmitted from another jurisdiction to, the licensed racetrack on such days as may be approved by the Virginia Racing Commission in accordance with Chapter 29 [§ 59.1-364 et seq.] of Title 59.1 of the Code of Virginia? 2. Shall pari-mutuel wagering be permitted in ... at satellite facilities in accordance with Chapter 29 (§ 59.1-364 et seq.) of Title 59.1 of the Code of Virginia? HB 1845; CH. 539.

§§ 8.9A-408, 59.1-475, 59.1-476, and 59.1-477 amended; §§ 59.1-475.1, 59.1-476.1, and 59.1-477.1 added; second enactment of Chapter 993 of the 1999 Acts of Assembly repealed. Structured Settlement Protection Act. Conditions transfers of structured settlement payments rights upon findings by a court or responsible administrative authority that (i) the transfer is in the best interest of the payee, (ii) the payee has been advised to seek independent professional advice and has received or waived such advice, and (iii) the transfer does not contravene a statute or order of a court or other governmental authority. Payees are required to be given a disclosure statement three days (rather than 10 days as currently provided) prior to signing a transfer agreement, which statement shall provide that the payee will have the right to cancel the agreement within three days after it is signed. Other changes (a) limit the courts that can approve transfers to those where the payee, insurer, or obligor resides; (b) clarify that the act is not intended to apply to a bank's blanket security interest unless it attempts to execute upon the settlement payments; (c) make the transferee liable for failure to comply with the act; and (d) prohibit confessed judgments. The Uniform Commercial Code's general restriction on assignments of certain receivables is made inapplicable to certain claims or rights to receive compensation for injuries or sickness. The measure repeals a sunset clause that provides that the act will expire on July 1, 2001, unless certain federal legislation has been enacted. HB 1810; CH. 537 (effective-see bill).

§§ 59.1-481 and 59.1-494 amended. Uniform Electronic Transactions Act; technical amendments. Makes two technical amendments to the Uniform Electronic Transactions Act (UETA) (§ 59.1-479 et seq.). The predecessor electronic signatures and records law, Chapter 39 (§ 59.1-467 et seq.) of Title 59.1, repealed in 2000, had excluded electronic filing with the courts from its scope to protect the autonomy and integrity of the courts. Instead, Article 4 (§ 17.1-255 et seq.) of Chapter 2 of Title 17.1 had provided that the courts were to follow the

rules adopted by the Supreme Court of Virginia regarding electronic filing. When the 2000 General Assembly adopted UETA, the General Assembly retained the exclusion for the courts. However, the 2000 General Assembly also enacted legislation that modified Article 4 of Chapter 2 of Title 17.1 to provide that electronic filing with the courts must meet the requirements set out under UETA. Thus a conflict was created in that one section of the Code of Virginia excludes the court filings from UETA and another section of the Code of Virginia requires electronic filings with the courts to be in accordance with UETA. The bill remedies this conflict by deleting the court filing exclusion from UETA. In addition, several provisions of UETA refer to Title 8.9 of the Code of Virginia. The 2000 General Assembly enacted legislation that would repeal Title 8.9 and replace it with new Title 8.9A effective July 1, 2001. The bill amends the cross-references from Title 8.9 to Title 8.9A. HB 2411; CH. 86.

§§ 59.1-501.2 through 59.1-501.5, 59.1-501.9, 59.1-501.10, 59.1-501.12, 59.1-502.9, 59.1-502.12, 59.1-505.3, 59.1-506.5, and 59.1-508.16 amended; § 59.1-503.10 added. Uniform Computer Information Transactions Act. Amends several provisions of the Uniform Computer Information Transactions Act (UCITA) to clarify the definitions of "electronic agent" and "mass-market transaction"; modify UCITA's scope over motion pictures and online service providers; clarify the applicability of other statutes, rules and regulations; provide that a contract term that specifies a judicial forum must be expressly stated, and in a mass-market transaction, such contract term must be expressly and conspicuously stated; modify the terms of mass-market licenses; create a special rule for using standard form licenses with nonprofit libraries, archives, and educational institutions; modify the terms governing transferability; clarifies the definition of automatic restraint; and modifies the restrictions on use of electronic self-help. HB 2412; CH. 763.

§§ 59.1-510 through 59.1-518 added. Virginia Telephone Privacy Protection Act. Creates the Telephone Privacy Protection Act, which (i) prohibits telephone solicitation calls to residences at any time other than between 8:00 a.m. and 9:00 p.m.; (ii) requires telephone solicitors to identify themselves; (iii) prohibits telephone solicitors from intentionally blocking caller identification services; (iv) prohibits telephone solicitors from calling a telephone number when a person at such telephone number has stated that he does not wish to receive solicitation calls by or on behalf of the entity for whom the call is being made; (v) authorizes the Commissioner of the Department of Agriculture and Consumer Services to inquire into possible violations and authorizes the Attorney General to issue civil investigative demands; (vi) permits individuals to sue to enjoin violations, recover damages in the amount of \$500 per violation, or up to \$1,500 for willful violations, and recover attorneys' fees and court costs; and (vii) permits the Attorney General, attorney for the Commonwealth, and attorneys for any municipality to sue to enjoin violations, recover damages for aggrieved persons in the amount of \$500 per violation, recover a civil penalty of up to \$1,000 for each willful violation, and

recover attorneys' fees and expenses. HB 2427; CH. 553/SB 1295; CH. 528.

TITLE 60.2. UNEMPLOYMENT COMPENSATION.

§ 60.2-528 amended. Unemployment compensation; work-release programs; benefit charges. Provides that unemployment benefit charges associated with an individual performing services in a Diversion Center Incarceration Program, state or local work-release program, community residential program or similar work-release program shall not be deemed the responsibility of the employer. HB 1955; CH. 721.

TITLE 62.1. WATERS OF THE STATE, PORTS AND HARBORS.

§ 62.1-44.5 amended. Discharges to state waters; notification required. Requires any person in violation of the provisions of subsection A of § 62.1-44.5 who discharges or causes or allows i) a discharge of sewage, industrial waste, other wastes, or any noxious or deleterious substance, into state waters, or ii) a discharge that may reasonably be expected to enter state waters, to promptly, or not later than 24 hours after learning of the discharge, notify the State Water Control Board, the Director of the Department of Environmental Quality, or the coordinator of emergency services for the locality expected to be affected by the discharge. Violators of the notice requirement will be subject to the penalty provisions of the State Water Control Law. Under current law the notification requirement applies only to those persons required to obtain a discharge permit from the State Water Control Board. HB 2601; CH. 383/SB 1285; CH. 354.

§ 62.1-44.15:1.2 amended. Lake level contingency plans. Requires that, as part of a Virginia Pollutant Discharge Elimination Permit System (VPDES) permit, a lake level contingency plan take into account and minimize any adverse effects on beneficial uses (protection of fish and wildlife habitat, recreation, navigation, and cultural and aesthetic values) of any release reduction requirements. Such plans are required for surface water impoundments whose primary purpose is to provide cooling water to power generators. Currently, the plan only has to take into account and minimize the impact of release reductions on downstream users. However, the reduction in the release amounts required by the plan would not be implemented if it adversely affects (i) the ability to meet water quality standards, (ii) the ability to provide adequate water supplies needed for consumptive uses (drinking water or fire protection), and (iii) fish and wildlife. If the adverse affect is imminent, Virginia Power is authorized to release increased

amounts of water for up to 48 hours or until such time as DEQ determines the increased release is necessary. HB 2310; CH. 116.

§ 62.1-44.15:3 amended. New individual Virginia Pollutant Discharge Elimination permit; when application considered complete. Requires applicants for new individual Virginia Pollutant Discharge Elimination permits authorizing new discharges of sewage, industrial wastes, or other wastes into state waters to provide certification from the local county, city or town that the proposed facility would be consistent with local zoning requirements. The local county, city or town must notify the applicant and the State Water Control Board of the facility's compliance or noncompliance within 30 days or the certification requirement is waived. Under current law, local approval is required for discharges of sewage to surface impoundments and the local governing body must provide certification within 45 days or the requirement is waived. SB 1348; CH. 492.

§ 62.1-44.17:1 amended. General permits for combined animal feeding operations; certification of notice. Provides that the requirement that owners of combined animal feeding operations certify on their permit registration statement that notice has been given to owners or residents of adjoining property shall be waived whenever such registration is to renew coverage under a permit where no expansion is proposed and the Department of Environmental Quality has not issued any special or consent orders for violations under the existing permit. HB 2073; CH. 109.

§ 62.1-44.18:3 amended. Permits for private sewerage facilities; waiver of filing requirement. Provides that the State Water Control Board may grant to an operator of a private sewerage facility that was permitted prior to January 1, 2001, and discharges less than 5,000 gallons of effluent per day, a waiver of the requirement to file a plan to control, prevent, or contain a threat to public health or the environment from the closure of such facility. The waiver may be issued upon a finding by the Board that, for at least five years, such person has not violated any regulation or order of the Board, any condition of a permit to operate such facility, or any other provision of the State Water Control Law. However, such waiver may not be issued until the governing body of the locality in which the facility is located approves the waiver after holding a public hearing and the Board may revoke the waiver for good cause. Any operator who receives a waiver and later ceases operation would, if such cessation results in significant harm, or an imminent and substantial risk of significant harm to human health and the environment, be guilty of a Class 4 felony and liable to the Commonwealth and any applicable political subdivision. SB 1404; CH. 493.

§ 62.1-44.19:3 amended. Sewage sludge. Allows localities to adopt ordinances that provide for the monitoring of the land application of sewage sludge. The Board of Health is to adopt regulations, by July 1, 2002, requiring persons who land apply sludge to pay a fee. The fee cannot exceed the direct costs to localities of testing and monitoring the application of sewage

sludge. The Board of Health's regulations are to include procedures for the (i) collection of the fees by the Department of Health, (ii) retention of the fees in a special nonreverting fund, and (iii) disbursements from the fund to localities for the testing and monitoring of the sewage sludge. HB 2827; CH. 831.

§ 62.1-44.33 amended. Waste discharge regulations. Requires that the State Water Control Board's regulations to control the discharge of sewage and other wastes from boats into Virginia waterways become effective by July 1, 2002. HB 1758; CH. 42.

§§ 62.1-198 and 62.1-199 amended. Virginia Resources Authority; public safety facilities. Adds public safety facilities, including law-enforcement training facilities and emergency response, fire, rescue and police stations, and the remediation of brownfields and contaminated properties to the projects that may be funded through the Virginia Resources Authority. HB 2774; CH. 661/SB 1402; CH. 652.

§ 62.1-204 amended. Virginia Resources Authority; power to borrow money and issue bonds and credit enhancements; limitation. Requires that the aggregate outstanding principal amount of bonds issued by the Virginia Resources Authority (VRA) and local obligations guaranteed pursuant to credit enhancements by the VRA, which are secured by a capital reserve fund, not exceed \$900 million without prior approval by the General Assembly. The current cap on such bonds and obligations is \$550 million. SB 1232; CH. 574.

§ 62.1-229.2. See § 10.1-1429.1; HB 1873.

TITLE 62.1. MISCELLANEOUS - WATERS OF THE STATE, PORTS AND HARBORS.

Nontidal wetlands; effective date. Advances the date on which the comprehensive nontidal wetlands regulatory program becomes effective for linear transportation projects of the Virginia Department of Transportation from October 1, 2001, to August 1, 2001. HB 2292; CH. 464/SB 1243; CH. 435.

TITLE 63.1. WELFARE (SOCIAL SERVICES).

§§ 2.1-342.01, 63.1-53, and 63.1-209 amended; § 63.1-209.1 added. Confidentiality of public assistance and social services records and information. Clarifies the confidentiality provisions for records and information concerning public assistance and social services to and on behalf of individuals. The bill creates separate sections for the confidentiality of public assistance and social services programs administered by the Department of Social Services and local departments of social services. Except as provided by state and federal law and regulation, no records, information or statistical registries

concerning applicants for and recipients of public assistance shall be made available except for purposes directly connected with the administration of the public assistance program. Such purposes include establishing eligibility, determining the amount of assistance, and providing social services for applicants and recipients. Social services records, information and statistical registries shall be confidential provided that they are accessible to persons having a legitimate interest in accordance with state and federal law and regulation. The bill requires the State Board of Social Services to adopt emergency regulations to implement these provisions. This bill is a recommendation of the Code Commission. SB 1096; CH. 518.

§ 63.1-55.02 amended. Adult protective services; training. Requires the Department of Social Services to establish, and the State Board to approve by September 15, 2001, minimum standards for training for all adult protective services workers. The uniform training programs shall require all adult protective services workers to complete such training within one year from the date of implementation of the training program or within the first year of their employment. HB 1717; CH. 716/SB 827; CH. 701/SB 1199; CH. 746.

§ 63.1-55.3 amended. Adult protective services; reports of exploitation by financial institution employees. Permits employees of banks, savings institutions, securities firms, insurance companies, and credit unions to report the suspected exploitation of incapacitated persons. Exploitation is defined as the illegal use of an incapacitated adult or his resources for another's profit or advantage. The reports may be filed with the local department of social services for the city or county where the adult resides or the exploitation is believed to have occurred. HB 1581; CH. 191.

§ 63.1-55.4 amended. Social services; adult protective services. Requires directors of local departments of social services to refer cases of alleged adult abuse, neglect and exploitation to the appropriate regulatory authority or agency for administrative or criminal investigation if the case involves a regulated facility and the person alleged to be in need of services leaves the facility or his safety is otherwise assured. The director, not later than 45 days after referral, shall follow-up with the investigating agency. HB 2533; CH. 503.

§§ 63.1-105, 63.1-110, 63.1-133.43, 63.1-133.49, 63.1-133.56, and 63.1-133.58. See § 22.1-129; SB 1055.

§ 63.1-105.9 added. Child day care funding for low-income families. Requires the Department to identify strategies for Virginia to obtain the maximum amount of federal funds available for child day care services for TANF recipients and families whose incomes are at or below 185 percent of the federal poverty level. The Department shall provide an annual report to the chairmen of the House Committees on Appropriations and Health, Welfare and Institutions and Senate Committees on Finance and Rehabilitation and Social Services by December 15. SB 1008; CH. 184.

§ 63.1-174 amended. Assisted living facilities. Clarifies that assisted living facilities shall provide safe, secure environments

for residents with serious cognitive impairments only if they have a primary psychiatric diagnosis of dementia. HB 2490; CH. 161.

§ 63.1-198.1 amended. Child welfare agencies; criminal background checks. Provides that a child-placing agency may approve as an adoptive parent an applicant convicted of not more than one misdemeanor simple assault conviction provided 10 years have elapsed following the conviction. HB 1595; CH. 778.

§ 63.1-198.3. See § 18.2-67.3; HB 1837.

§ 63.1-198.4 amended. Child welfare agencies; criminal record waiver. Permits the Commissioner of the Department of Social Services to grant a waiver to an applicant for licensure or registration of a family day home if any other adult living in the home of the applicant has been convicted of misdemeanor simple or domestic assault, provided five years have elapsed following the conviction and the Department of Social Services has conducted a home study. The waiver shall not be granted if the adult living in the home is an assistant or substitute provider. HB 2378; CH. 867.

§ 63.1-219.37. See § 20-146.1; SB 462.

§ 63.1-219.50 amended. Adult adoption. Reduces the five-year Commonwealth residency requirement in the adult adoption process to two years. HB 1660; CH. 236.

§ 63.1-248.3. See § 16.1-233; SB 1296.

§ 63.1-248.4:1 added. Child protective services; corporal punishment by school personnel. Clarifies within the child abuse and neglect statute that teachers, principals or other persons employed by a school board or employed in a school operated by the Commonwealth are prohibited from subjecting a student to corporal punishment. The bill distinguishes that the definitions of "corporal punishment" or "abused or neglected child" shall not include physical pain, injury or discomfort caused by the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control or the use of reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance that threatens physical injury to persons or damage to property, to prevent a student from inflicting physical harm on himself, for self-defense or the defense of others, or to obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia that are upon the person of the student or within his control, or by participation in practice or competition in an interscholastic sport, or participation in physical education or an extracurricular activity. In determining whether a person was acting within these exceptions, the local department of social services shall examine whether the person's actions at the time of the event were reasonable. HB 1866; CH. 588.

§ 63.1-248.7:2 amended. Residential facilities for juveniles. Adds the Virginia Department of Military Affairs to the list of residential facilities for juveniles that require a criminal back-

ground check as a condition of employment, volunteering or providing services to juveniles. HB 1639; CH. 138.

§ 63.1-248.8 amended. Child protective services. Requires the Department of Social Services to respond to requests for a search of the central registry of founded complaints of child abuse and neglect made by local departments of social services within 10 business days of receipt of such requests in cases where there is no match within the central registry and within 30 business days if there is a match. The bill contains technical amendments. HB 2013; CH. 321.

§ 63.1-248.9. See § 16.1-248.1; SB 906.

§§ 63.1-249 and 63.1-274.6 amended. Child support enforcement. Provides that the Division of Child Support Enforcement must disclose information to law-enforcement agencies for enforcement purposes. SB 1209; CH. 573.

§§ 63.1-323 and 63.1-325.2 amended; §§ 58.1-333 and 58.1-430 repealed. Neighborhood assistance programs; tax credits. Extends the sunset provision from 2002 to 2004. The bill also makes tax credits for donations by individuals pursuant to the Neighborhood Assistance Program subject to a cap of \$1 million per fiscal year beginning with the 2001-2002 fiscal year. Beginning January 1, 2002, donations by individuals under the Neighborhood Assistance Program shall be eligible for a tax credit in an amount equal to 45 percent of such monetary donation. A minimum monetary donation of \$900 is required for eligibility for a tax credit beginning January 1, 2002, and the maximum tax credit that may be issued in a taxable year is capped at \$750. Under current law, there is no fiscal year cap for tax credits and the tax credit issued is an amount equal to 100 percent of the monetary donation with \$50 required as a minimum donation and \$100 allowed as a maximum donation. HB 2202; CH. 300 (effective-see bill)/SB 1214; CH. 292.

§§ 63.1-336 through 63.1-343 added. Home Energy Assistance Program. Establishes the Home Energy Assistance Program in the Department of Social Services, which is designated as the state agency responsible for coordinating state efforts in furtherance of the policy to support the work of public agencies, private utility service providers, and charitable and community groups seeking to assist low-income Virginians in meeting their seasonal residential energy needs. The Department is charged with (i) administering distributions from the Home Energy Assistance Fund created by this measure; and (ii) reporting on the effectiveness of low-income energy assistance programs in meeting the needs of low-income Virginians. The Department is authorized to assume responsibility for administering all or any portion of any private, voluntary low-energy fuel assistance program, if requested by the administrator of such program. The Home Energy Assistance Fund will be used to supplement the federal Low Income Home Energy Assistance Program Block Grant and to assist the Commonwealth in maximizing the amount of federal funds available under the Low Income Home Energy Assistance Program and the Weatherization Assistance Program by providing funds to comply with fund matching requirements. The Fund

shall consist of moneys appropriated by the General Assembly and donations and contributions. The bill requires the State Board of Social Services to promulgate regulations to implement provisions of the bill within 280 days of its enactment, and the bill will become effective from its passage. HB 2473; CH. 676 (effective 3/25/01).

TITLE 64.1. WILLS AND DECEDENTS' ESTATES.

§ 64.1-45.2 added. Nonprobate transfers on death. Specifies that a provision for a nonprobate transfer on death in an insurance policy, contract of employment, bond, mortgage, promissory note, certificated or uncertificated security, account agreement, custodial agreement, deposit agreement, compensation plan, pension plan, individual retirement plan, employee benefit plan, trust, conveyance, deed of gift, marital property agreement, or other written instrument of a similar nature is nontestamentary. The bill clarifies recent court decisions on the subject. The bill is a modified version of Section 6-101 of the Uniform Probate Code. HB 1729; CH. 583.

§ 64.1-45.2 added. Incorporation by reference; letter of instruction or memorandum into a will, power of attorney or trust instrument. Allows the following to be incorporated by reference: (i) a letter or memorandum to the fiduciary or agent as to the interpretation of discretionary powers of distribution to beneficiaries where the will, power of attorney or trust instrument provides the fiduciary or agent the power to make distributions in the discretion of the fiduciary or agent; and (ii) a letter or memorandum stating the views or directions of the maker of the will, power of attorney or trust instrument as to the exercise of discretion by the fiduciary or agent in making health care decisions for the maker. HB 2128; CH. 369.

§ 64.1-75.1 amended. Lawsuits against deceased defendants. Provides that in an action for personal injury or death by wrongful act arising within the Commonwealth against the estate of any person who has died and for whose estate an executor has not been appointed, an administrator of such person may be appointed by the clerk of the court solely for the purpose of prosecution of the suit. This procedure is currently available only in the case of the estate of a defendant who was a nonresident of the Commonwealth. HB 2374; CH. 376.

§ 64.1-94. See § 17.1-213; SB 891.

§ 64.1-96.11 amended. Secretary of the Commonwealth. Changes a reference in the Code of Virginia from "Secretary of State" to "Secretary of the Commonwealth" inasmuch as Virginia has no Secretary of State. HB 2373; CH. 85.

§ 64.1-118 amended. Appointment of administrator of an intestate estate. Provides that the surviving spouse is automatically the administrator of the estate if the spouse is the sole distributee. If more than one distributee could apply to be administrator, the applicant must obtain a waiver from the other

eligible distributees. If there is no agreement, the court makes the decision. A creditor may qualify if no distributee applies within 30 days of death. HB 1732; CH. 795.

§§ 26-32 and 64.1-122.2 amended; § 26-12.4 added. Probate of estates. Requires that the notice of probate include a notice that the recipient is entitled to have the personal representative supply him with copies of inventories, accounts, and reports, if the person makes a written request. If the person makes a written request, the commissioner of accounts must send him a copy of the commissioner's report and a statement that the report will stand unless contested by a certain date. The bill applies to deaths occurring on or after July 1, 2002. HB 1195; CH. 265.

§ 64.1-122.2 amended. Notice of probate. Provides that if no notice is required to be given, the personal representative must file with the clerk of court an affidavit stating this fact. This requirement is an addition to the requirement under current law that an affidavit with the names and addresses of the persons to whom notice was given be filed. This bill is a recommendation of the Judicial Council of Virginia, acting on the recommendation of its Standing Committee on Commissioners of Account. HB 2067; CH. 78.

§§ 64.1-123, 64.1-123.1, 64.1-123.3, 64.1-124, 64.1-124.1, 64.1-130, 64.1-132.2, 64.1-151.2, 64.1-151.3, and 64.1-151.4 amended. Payments to estates; beneficiaries. Raises from \$10,000 to \$15,000 the threshold amount in the following statutes: payment of certain small sums due persons upon whose estates there has been no qualification, payment where decedent owned securities issued by corporation, payment of small sums due trust or estate beneficiaries where no qualification on estate, payment to consort or court of small sum of deceased inmate of state mental institution, payment of small sum due deceased patient of municipally operated health care facility, money and personal property belonging to nonresident decedents, collection of personal property by affidavit. The threshold amount for exempt property and the homestead allowance is raised from \$10,000 to \$15,000. The family allowance is raised from \$12,000 to \$18,000. HB 2127; CH. 368.

§ 64.1-144 amended. Suits upon judgment and contracts of decedent. Clarifies that a personal representative may sue or be sued upon any judgment for or against or any contract of or with his decedent, including, but not limited to, suits for personal injury or wrongful death. HB 2200; CH. 223.

TITLE 65.2. WORKERS' COMPENSATION.

§§ 23-7.4:1, 65.2-102, and 65.2-402 amended. Certain benefits for special forest wardens. Includes special forest wardens within the definition of "firefighter" for purposes of the Workers' Compensation Act for off-duty incidents, and for presumptions of death or disability due to respiratory disease, hypertension, heart disease, or certain cancers. In addition, the

children and spouses of these persons who have been killed in the line of duty are entitled to a waiver of tuition and fees at Virginia institutions of higher education. The definition of "firefighter" for purposes of the Workers' Compensation Act presumptions is amended to exclude persons who are employed by private employers primarily to perform firefighting services. HB 2405; CH. 330.

§ 65.2-402 amended. Presumption as to death or disability from hypertension or heart disease; special agents of the Department of Alcoholic Beverage Control. Extends the presumption for work-related death or disability from hypertension or heart disease under the Workers' Compensation Act to include special agents of the Department of Alcoholic Beverage Control. HB 41; CH. 581.

§ 65.2-803.1. See § 38.2-514; SB 913.

§ 65.2-813.2 amended. Workers' compensation; drug-free workplace programs. Removes the four-year limit on the duration of the insurance premium discount that workers' compensation insurers provide to employers instituting and maintaining drug-free workplace programs. Currently, insurers are required to provide employers who institute such programs that satisfy the insurer's criteria with premium discounts of up to five percent for a total of no more than four years. HB 2306; CH. 280.

CLAIMS

Copeland, Richard S. Directs the Virginia Retirement System (VRS) to include Richard S. Copeland, who retired under regular service retirement on August 1, 1999, in the state's health insurance pool as an "involuntarily separated" individual under the provisions of § 2.1-20.1:6. Mr. Copeland initially retired from state employment under disability service retirement on July 1, 1986. His status was reviewed by the VRS two years later and as a result Mr. Copeland was denied the disability service retirement in August 1988. Despite losing the disability service retirement status, due to an administrative error, Mr. Copeland was allowed to continue receiving health insurance benefits until September 1, 1997. When Mr. Copeland retired under regular service retirement he was not allowed to re-enter the state health insurance pool. HB 2728; CH. 826.

Decker, Frederick, et al. Provides relief to 67 residents of Accomack County and 28 residents of Northampton County who purchased manufactured homes from businesses operated by a manufactured home dealer who failed to remit monies collected from the residents for the purpose of paying the motor vehicle sales and use tax. The dealer's failure to pay the sales and use taxes at the time of the purchases resulted in none of the residents being issued a certificate of title for their homes

and prevented Accomack and Northampton Counties from receiving the proceeds from the taxes. The bill authorizes the Commissioner of the Department of Motor Vehicles to issue a certificate of title to those purchasers who have not previously received reimbursement from either the Virginia Manufactured Housing Transaction Recovery Fund or payment made by Joyce Regina Hart under a restitution requirement established by the Circuit Court of Accomack County. In addition, the bill provides that any additional recoveries through restitution, following payment of court costs, or from other sources be directed to the Counties of Accomack and Northampton in proportion to the amount of the motor vehicle sales and use tax to which they were entitled as a result of the sale of the referenced manufactured housing units. HB 2029; CH. 592.

McCambridge, John. Provides \$1,074.26 in relief to John McCambridge to reimburse legal fees paid by Mr. McCambridge to hire his own attorney to represent him during an investigation of the Environmental Protection Agency of the East/West Highway construction project in the Tidewater area. Mr. McCambridge was required to hire an attorney because legal counsel hired by the Virginia Department of Transportation could not provide him with representation because there was no provision in the Code of Virginia that would allow for the Department to provide legal representation to Mr. McCambridge. HB 2337; CH. 328.

Taylor, Harold C. Provides \$25,000 in relief to Harold C. Taylor, a retired sheriff. Mr. Taylor was severely injured in 1963 while attempting to apprehend an escaped parolee. The relief is to be provided in five annual installments of \$5,000 payable on the first day of July in the years of 2001 through 2005. In addition, any unpaid amount shall revert to the general fund if Mr. Taylor dies before receiving the full amount. HB 2289; CH. 158.

CONSTITUTIONAL AMENDMENTS.

Constitutional amendment (first resolution); claims of actual innocence. Provides that the Supreme Court may hear, as part of its original jurisdiction, claims of actual innocence presented by convicted felons in the cases and manner provided by the General Assembly. SJ 419; CH. 787.

Constitutional amendment (first resolution); property tax exemptions. Allows local governing bodies to grant tax exemptions for property used for charitable and certain other purposes by local ordinance subject to restrictions and conditions as provided by general law enacted by the General Assembly. The present Constitution allows the General Assembly to exempt such property by classification or by designation by a three-fourths vote in each house. HJ 503; CH. 786.

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