

DIGEST OF THE ACTS
OF THE
GENERAL ASSEMBLY OF VIRGINIA
AT THE
2002 SESSION

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Editorial and Administrative Staff

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Heather K. Butros

Lisa M. Gilmer

Kendall C. Patterson

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PREFACE

This Digest of the Acts has been prepared to give an overview of the legislation adopted during the 2002 Regular and Reconvened Sessions of the General Assembly of Virginia, prior to publication of the 2002 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 Under each title heading is listed every section within that title that has been amended, added, or repealed, and a brief description of the effect of the General Assembly action.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 2002 General Assembly will become effective on July 1, 2002, 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 2002 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.

§ 1-13.19:1. See § 13.1-1002; SB 512.

TITLE 2.2. ADMINISTRATION OF GOVERNMENT.

§§ 2.2-203, 2.2-510, 2.2-2411, 2.2-2640, 2.2-2646, 2.2-2905, 2.2-3705, and 2.2-5302. See § 51.5-1; HB 9.

§ 2.2-226 amended. **Secretary of Technology; powers and duties.** Includes enterprise-wide thinking in the duties of the Secretary. In addition to the one-million dollar minimum on the technology projects that the Secretary must review periodically, this bill adds the requirement that those projects be either mission-critical or of statewide application. This bill also contains limited exemptions for research projects and research initiatives at the institutions of higher education. This bill is a recommendation of the Joint Commission on Technology and Science. HB 824; CH. 424.

§ 2.2-226.1 added; §§ 2.2-136, 2.2-137, and 2.2-138 repealed. **Secretary of Technology; security audits; government databases.** Requires the Secretary of Technology to develop policies, procedures and standards for conducting audits of government databases and data communications. The Secretary is also required to direct an appropriate entity to conduct periodic audits of all executive branch agencies and institutions of higher education regarding security procedures for protecting government databases and data communications. The designated entity may contract with a private firm or firms in completing this task. All government entities subject to such audits are to fully cooperate with the designated entity. This responsibility was originally given to the Governor; this bill repeals those sections and transfers the responsibility to the Secretary of Technology. HB 823; CH. 247.

§ 2.2-229 added. **Secretary of Transportation.** Creates the Intermodal Office within the Office of the Secretary of Transportation. HB 290; CH. 361.

§ 2.2-426 amended. **Lobbyist reports.** Recognizes the provision in the Uniform Electronic Transactions Act (UETA) that prohibits a signature from being denied legal effect or enforceability solely because it is in electronic form. Present law requires original or electronic signatures by principals and lobbyists on the lobbyist annual disclosure statement. This amendment removes the words "or electronic" because UETA already treats electronic signatures as originals. The format must still be specified by the Secretary of the Commonwealth. HB 826; CH. 248.

§§ 2.2-426, 2.2-1120, 2.2-2411, 2.2-3202, 2.2-3710, 2.2-4343, 2.2-5900, 9.1-173, 9.1-175, 9.1-176, 9.1-178, 9.1-179, and

9.1-180 amended; §§ 2.2-2327, 30-193 through 30-197 added; §§ 2.2-2511, 2.2-2611, and 53.1-180 repealed. **Recodification of Titles 2.1 and 9; corrections bill.** Makes housekeeping amendments to several sections that were recodified in former Titles 2.1 and 9. These housekeeping amendments correct scrivener and computer errors discovered after passage of the recodification bill in 2001. The bill is a recommendation of the Virginia Code Commission. SB 12; CH. 491 (effective 4/5/02).

§ 2.2-507.1. See § 17.1-513.01; SB 676.

§ 2.2-510.1 added. **Private attorney retention sunshine act requiring open negotiation for employment of special counsel.** Provides that no state agency or state agent shall enter into a contingency fee contract for legal services if fees and expenses are reasonably expected to exceed \$100,000 unless an open and competitive negotiation process has been previously undertaken in accordance with the Virginia Public Procurement Act. HB 309; CH. 196.

§ 2.2-511. See § 18.2-18; HB 1120/SB 514.

§ 2.2-515.1. See § 16.1-228; HB 488/SB 290.

§§ 12.1-17, 17.1-222.1, 24.2-105.2, 29.1-112, 46.2-207, and 60.2-519.2 amended; § 2.2-614.1 added; §§ 58.1-13.1 and 58.1-3013 repealed. **Authority to accept payments by commercially acceptable means; service charge; bad check charge.** Authorizes all public bodies to accept payments, except those assessed under § 19.2-353.3, by any commercially acceptable means and to levy a service charge in the amount of the lesser of the amount charged to the public body if it incurs a charge for accepting that method of payment or the amount negotiated and agreed to by contract. If a check or other method of payment is returned for insufficient funds, the bill authorizes public bodies to assess a service charge in the amount of the costs assessed to it or \$25, whichever is greater. The bill also provides that that state public bodies must waive additional charges, except for those associated with bounced checks, if the use of this means of payment reduces its processing costs and losses due to bad checks or other receivable costs by an amount equal to or greater than the additional charge. HB 825; CH. 719.

§ 2.2-1111 amended. **Department of General Services; purchase of light fixtures.** Requires the Division of Purchases and Supply within the Department of General Services to adopt regulations (i) requiring state public bodies to procure only shielded outdoor light fixtures, and (ii) providing for the Division to grant waivers from the requirement when a bona fide operational temporary, safety or specific aesthetic need is indicated or that such fixtures are not cost effective over the life cycle of the fixture. The requirements do not apply to the procurement of outdoor light fixtures by the Department of Transportation until July 1, 2004. The bill defines shielded outdoor light fixture. SB 379; CH. 504.

§§ 2.2-1147 and 2.2-2639 amended; § 2.2-1147.1 added. **Government generally; right to breast-feed.** Guarantees a woman the right to breast-feed her child on any property

owned, leased or controlled by the State. The bill also stipulates that childbirth and related medical conditions specified in the Virginia Human Rights Act include activities of lactation, including breast-feeding and expression of milk by a mother for her child. HB 1264; CH. 561.

§ 2.2-1156 amended. Sale or lease of surplus property. Requires the Secretary of Natural Resources to issue a written opinion as to whether surplus property being sold is a significant part of the Commonwealth's natural or historic resources. HB 912; CH. 281.

§ 2.2-1201 amended. Centralized Employee Suggestion Award Program. Directs the Department of Human Resource Management to implement a centralized program of financial awards to state employees who propose procedures or ideas to reduce state expenditures or improve operations. HB 1214; CH. 780.

§ 2.2-1207 added. Long-term care insurance; local employees. Directs the Department of Human Resource Management to develop a long-term care insurance program for local employees, local officers, and teachers. HB 906; CH. 280.

§ 2.2-1303 amended; § 2.2-1303.1 added; § 2.2-1121 repealed. Department of Information Technology; procurement of information technology and telecommunications goods and services. Transfers the power to procure information technology goods and services of every kind from the Division of Purchases and Supply of the Department of General Services to the Department of Information Technology (DIT) and enables DIT to procure telecommunications goods and services of every kind (i) for its own benefit or on behalf of other state agencies and institutions or (ii) by such other agencies or institutions to the extent authorized by the Department of Information Technology. Procurements made in accordance with this provision must be made in accordance with the regulations specified in § 2.2-1111, unless DIT has adopted alternative regulations governing these procurements. By transferring the power to procure information technology goods and services, this bill moves the requirement that the procurement of computer equipment be based on performance-based specifications from § 2.2-1121 to a new § 2.2-1303.1. Provisions of the bill do not affect any authority delegated to state institutions of higher education in the 2002- 2004 appropriations act to purchase information technology facilities or services. HB 519; CH. 579.

§ 2.2-1501 amended; § 2.2-3707.1 added. Freedom of Information Act; posting of minutes by certain state public bodies. Requires all boards, commissions, councils, and other public bodies created in the executive branch of state government and subject to the provisions of the Freedom of Information Act to post minutes of their meetings on the Internet. Under the bill, draft minutes must be posted within ten working days of each meeting and final minutes within three working days of final approval of the minutes. HB 587; CH. 580/SB 416; CH. 618.

§ 2.2-1503.1 added. Budget; long-term financial plan. Requires the Governor to submit by the first day of each General Assembly Session held in an even-numbered year a long-term financial plan providing a six-year financial outline consisting of (i) the Governor's biennial budget, (ii) estimates of anticipated general and nongeneral fund revenues for each major program, and (iii) estimates of general and nongeneral fund appropriations required for each major program. HB 322; CH. 486/SB 344; CH. 480.

§ 2.2-1509 amended; §§ 2.2-1503.1, 2.2-1509.1, and 2.2-1514 added. Capital improvement plan and budget recommendations. Capital improvement plan and budget recommendations. Provides that a capital improvement plan and budget recommendations for capital projects shall be submitted to the General Assembly every two years, in the second fiscal year of each biennium. The capital improvement plan lists projects that the Governor recommends be undertaken in the succeeding six fiscal years. The plan is to be submitted no later than November 1. In each budget bill introduced in a regular session of the General Assembly held in an even-numbered year, the Governor shall provide a biennial appropriation for capital projects in an amount not less than two percent of the projected general fund revenues for the biennium. The source of funding for the proposed capital projects depends on the projected general fund revenue growth for each year of the biennium, and shall include funding from the general fund if a certain level of general fund revenue growth is projected.

The budget bill shall contain appropriations for capital projects that are consistent with those capital projects included in the capital improvement plan for the corresponding fiscal year.

The bill also provides that the amount of general funds not otherwise reserved or designated at the end of a fiscal year shall be designated for nonrecurring expenditures.

The bill also expresses the intent of the General Assembly that certain parks, educational institutions, Virginia College Building Authority and Virginia Public Building Authority capital projects shall be funded with general funds, to the extent practicable. In addition, the bill provides that the Commonwealth may not issue more than \$250 million in annual debt to fund such projects. HB 1285; CH. 888/SB 402; CH. 839.

§ 2.2-1837 amended. Risk Management. Requires Risk Management to provide protection against claims made against chaplains rendering service to inmates or to juveniles in state adult correctional institutions or in juvenile facilities. The bill defines chaplain. HB 507; CH. 765.

§ 2.2-2249 amended. Virginia Information Providers Network Authority; executive director. Changes the term Network Manager to executive director. The Network Manager is employed by the private partner, Virginia Interactive; the executive director is the title of the person who directs the functions of the Authority. HB 572; CH. 384.

§§ 2.2-2261, 2.2-2263, and 2.2-2270 amended. Virginia Public Building Authority; powers and duties. Adds as a

purpose of the Virginia Public Building Authority the financing or refinancing of capital projects that benefit the Commonwealth and any of its agencies, authorities, boards, departments, instrumentalities, institutions, or regional or local authorities. The Authority is also authorized to finance or refinance (i) reimbursements to localities or entities of all or any portion of the Commonwealth's share of the costs for capital projects and (ii) obligations issued by other state and local authorities or political subdivisions where such obligations are secured by a lease or other payment agreement with the Commonwealth. These bills contain an emergency clause. HB 897; CH. 542 (effective 4/5/02)/SB 250; CH. 501 (effective 4/5/02).

§ 2.2-2319 amended. Cooperative Marketing Fund. Provides for the eligibility of proposals for matching funds if the proposals benefit locations or destinations within the territorial limits of the Commonwealth or in both the Commonwealth and an adjoining state. The bill also provides that funds made available shall be administered by the Virginia Tourism Authority. Currently such funds must be administered by such Authority in accordance with a formula in the appropriations act. SB 247; CH. 442.

§§ 2.2-2440, 2.2-2442 through 2.2-2447, and 58.1-609.1 amended. Advanced Shipbuilding and Carrier Integration Center. Names the carrier integration center the Herbert H. Bateman Advanced Shipbuilding and Carrier Integration Center. The bill also changes the date by which an operations grant for the Center is to be awarded from no later than June 30, 2004, to no later than June 30, 2006. Current law provides that the grant shall be used to establish or operate activities of the Center. HB 910; CH. 877.

§ 2.2-2502. See § 23-9.5; HB 938/SB 342.

§ 2.2-2514 amended. Virginia Research and Technology Advisory Commission; membership. Increases the number of Commission members to 29 by adding the following ex officio members with voting power: The Vice Provosts of Research at the University of Virginia, Virginia Polytechnic and State University, George Mason University, James Madison University, The College of William and Mary, Old Dominion University and Virginia Commonwealth University; The Director of Jefferson Laboratories, the Executive Director of the Naval Surface Warfare Center, Dahlgren Division, and the Director of the NASA Langley Research Center. The bill also reduces the number of Commission members appointed by the legislature and the governor from 20 to 12. HB 528; CH. 381.

§ 2.2-2629 amended. Council on Indians. Provides that the Council shall establish criteria for tribal recognition and shall recommend to the General Assembly those tribes that should be recognized by the Commonwealth. HB 1291; CH. 562.

§§ 2.2-2648 and 2.2-2649 amended. Comprehensive Services for At-Risk Youth and Families. Requires the State Executive Council (SEC) to provide for public participation and comment in developing a dispute resolution procedure and to consult with local governments about state policies govern-

ing the use, distribution and monitoring of moneys in the state pool of funds and the state trust fund. The bill clarifies the SEC's role in establishing and overseeing the dispute resolution procedure and requires formal notice, which means the SEC must provide a letter of notification that communicates its formal finding, explains the effect of the finding, and describes the appeal process, to the chief administrative officer of the local government with a copy to the chair of the Community Policy and Management Team (CPMT). The dispute resolution procedure shall also include provisions for remediation by the CPMT, which shall include a submission by the CPMT of a plan of correction to the Council. The bill clarifies that at no time either prior to or during the course of the implementation of the plan of correction shall the SEC deny reimbursement for services rendered and that the denial of state funding shall only be for failure to provide services. Finally, the bill requires the Director of the Office of Comprehensive Services for At-Risk Youth and Families to implement, in collaboration with participating state agencies, policies, guidelines and procedures adopted by the SEC and to consult regularly with local government representatives about implementation and operation of the Comprehensive Services Act. HB 621; CH. 410.

§ 2.2-2651 amended. Council on Technology Services; membership. Adds the Executive Director of the Virginia Information Providers Network Authority to the list of ex officio members of the Council on Technology Services. HB 827; CH. 425.

§§ 2.2-2701 and 2.2-2704 amended. Virginia Arts Foundation; powers. Authorizes the Virginia Arts Foundation to assist not-for-profit arts and cultural institutions and organizations within the Commonwealth in developing strategies for raising funds from nongovernmental sources. HB 1065; CH. 260.

§ 2.2-2705 amended. Virginia War Memorial Foundation; membership. Allows members of the board of trustees of the Virginia War Memorial Foundation to serve three full terms. Current law allows members to serve two full terms. HB 670; CH. 416.

§ 2.2-2708.1 added. Virginia War Memorial Foundation; possession of certain military medals. Authorizes the Virginia War Memorial Foundation to take possession of any military medals, ribbons or certificates authorized to be worn by the United States Department of Defense that come into the possession of the Commonwealth and for which the ownership is unknown until such time as the true owner is able to take possession. The Foundation is directed to take reasonable efforts based on available resources to determine the true owner and return the medal, ribbon or certificate to that owner. This bill has an emergency clause. SB 362; CH. 838 (effective 4/18/02).

§ 2.2-2801 amended; §§ 2.2-2666.1 and 2.2-2666.2 added. Virginia Military Advisory Council. Reestablishes the Virginia Military Advisory Council to maintain a cooperative and constructive relationship between the Commonwealth and Armed Forces of the United States and the military commanders stationed in Virginia, and to encourage regular

communication on continued military facility viability, the exploration of privatization opportunities and issues affecting preparedness, public safety and security. The original Council statutes were repealed in 2001. SB 322; CH. 676.

§ 2.2-2905. See § 37.1-42.2; HB 840.

§ 2.2-3114.1 added. **Conflict of interests acts; General Assembly members.** Provides that a General Assembly member, member-elect, or candidate will file a single statement of economic interests pursuant to the General Assembly Conflict of Interests Act. The Secretary of the Commonwealth may obtain a copy of the statement filed with the Clerk of the House of Delegates or Senate if a member is appointed to a position for which filing a statement is required under the State and Local Government Conflict of Interests Act. HB 1067; CH. 36.

§ 2.2-3309.1. See § 22.1-17.4; SB 365.

§§ 2.2-3315.1, 2.2-3803, 2.2-4001, 2.2-4007, 2.2-4018, 2.2-4025, and 2.2-4345. See § 63.1-1.1; SB 303.

§§ 2.2-3700, 2.2-3701, 2.2-3702, 2.2-3705, 2.2-3706, and 2.2-3711 amended. **Freedom of Information Act (FOIA); definition of “public body”; application to constitutional officers.** Provides that for the purposes of those provisions of FOIA applicable to access to public records, constitutional officers shall be considered public bodies and, except as otherwise expressly provided by law, shall have the same obligations to disclose public records as other custodians of public records. The bill also eliminates the term “public official” from FOIA. The bill also expand a current record exemption for criminal records to include case files or reports and witness statements. The bill contains technical amendments. HB 729; CH. 393.

§§ 2.2-3704, 2.2-3705, 2.2-3706, and 2.2-3711 amended. **Freedom of Information; exemptions relating to terrorism.** Provides a record exemption from FOIA for (i) plans to prevent or respond to terrorist activity, to the extent such records set forth specific tactics, or specific security or emergency procedures, the disclosure of which would jeopardize the safety of governmental personnel or the general public, or the security of any governmental facility, building, structure or information storage system; and (ii) engineering and architectural drawings, operational, procedural, tactical planning or training manuals, or staff meeting minutes or other records, the disclosure of which would reveal surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational and transportation plans or protocols, to the extent such disclosure would jeopardize the security of any governmental facility, building or structure or the safety of persons using such facility, building or structure. The bill also expands the open meeting exemption to provide that a public body may convene a closed meeting for the discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members or legal counsel concerning actions taken to respond to such activity or a related threat to public safety. The bill also authorizes the custodian of public records to require a requester of records to provide his name and legal address. The

bill contains a technical amendment. HB 700; CH. 715/SB 134; CH. 830.

§ 2.2-3705 amended. **Freedom of Information Act; reports of consultants.** Provides for public access to nonexempt portions of reports of a consultant hired by or at the request of a local public body or the mayor, chief executive officer or administrative officer of the local public body where the contents have been distributed or disclosed to members or the public body has scheduled any action on a matter that is the subject to the report. HB 235; CH. 522.

§ 2.2-3705 amended. **Freedom of Information Act (FOIA); record exemption for zoning complaints.** Adds an exemption from the mandatory release provisions of FOIA for the names, addresses and telephone numbers of complainants furnished in confidence with respect to an investigation of individual zoning enforcement complaint made to a local governing body. HB 395; CH. 798.

§ 2.2-3705 amended; §§ 2.2-4115 through 2.2-4119 added. **Dispute resolution.** Creates the Virginia Administrative Dispute Resolution Act, which authorizes public bodies to use dispute resolution proceedings. State agencies are required to adopt policies to address the use of dispute resolution proceedings within the agency and for the agency’s programs and operations. Each state agency must designate a dispute resolution coordinator. The bill establishes the Interagency Dispute Resolution Advisory Council as an advisory council to the Secretary of Administration. Confidentiality provisions are established. HB 450; CH. 633.

§ 2.2-3705 amended. **Freedom of Information Act (FOIA); record exemption for certain e-mail addresses.** Provides an exemption from the mandatory disclosure requirements of FOIA for personal information, including electronic mail addresses furnished to a public body for the purpose of receiving electronic mail from the public body, provided that the electronic mail recipient has requested that the public body not disclose such information. The bill provides that access shall not be denied to the person who is the subject of such record. HB 731; CH. 242/SB 308; CH. 155.

§§ 2.2-3705 and 2.2-3711 amended. **Freedom of Information Act; exemptions related to the Public-Private Transportation Act of 1995.** Expands the existing records exemption for confidential proprietary records submitted in confidence to an affected local jurisdiction, as that term is defined in the Public-Private Transportation Act of 1995. Currently, this exemption applies only to records submitted to a responsible public entity under the Public-Private Transportation Act of 1995. The bill also provides a corollary exemption from the open meeting provisions for discussions relating to such confidential proprietary records by a responsible public entity or an affected local jurisdiction. HB 1250; CH. 655.

§§ 2.2-3705 and 2.2-3711 amended. **Virginia Freedom of Information Act.** Amends provisions relating to the exemption of records and discussions of the Virginia Retirement System (VRS) and local government investment transactions

from disclosure under the Freedom of Information Act (FOIA) and adds records and discussion of the Rector and Visitors of the University of Virginia when managing endowment funds of the University. Under the bill, the record and open meeting exemptions may operate when there are confidential analyses prepared by the VRS, local retirement system, or the UVA Rector and Visitors or provided to those entities under a promise of confidentiality and the disclosure of such analyses would have an adverse effect on the value of the investment. SB 206; CH. 499.

§ 2.2-3705. See § 54.1-2505; SB 425.

§ 2.2-3705. See § 56-575.1; SB 681.

§ 2.2-3706. See § 19.2-152.4:2; HB 724.

§ 2.2-3711. See § 54.1-2400; SB 398.

§§ 2.2-4007 and 2.2-4031 amended. **Notice of intended regulatory action; public participation; publication by Registrar.** Clarifies steps petitioner must take to perfect a petition for rulemaking and agency responsibilities and provides for publication in the Virginia Register of Regulations. HB 725; CH. 241.

§§ 2.2-4007, 2.2-4015, and 63.1-25 amended. **Effective date of regulation; public participation.** Clarifies agency obligations when a regulation being promulgated in accordance with the Administrative Process Act is withdrawn or suspended. HB 726; CH. 391.

§§ 2.2-4014, 2.2-4015, and 2.2-4033 amended; §§ 30-73.1 through 30-73.4 added. **Joint Commission on Administrative Rules.** Establishes the Joint Commission on Administrative Rules to review existing agency rules or regulations and agency rules or regulations during the promulgation or final adoption process. The Commission consist of five members of the Senate and seven members of the House of Delegates and has the power and duty to (i) review proposed rules and regulations of any agency during the promulgation or final adoption process and determine whether or not the rule or regulation is authorized by statute and complies with legislative intent; (ii) review the impact of the rule or regulation on the economy, protection of the Commonwealth's natural resources pursuant to Article XI, Section 1 of the Constitution of Virginia, government operations of the State and localities, and affected persons; (iii) file with the Registrar and the agency promulgating the regulation an objection to a proposed or final adopted regulation; (iv) suspend the effective date of any portion or all of a final regulation with the concurrence of the Governor until the end of the next legislative session; (v) make recommendations to the Governor and General Assembly for action based on its review of any proposed rule or regulation; and (vi) review any existing agency rule, regulation, practice or the failure of an agency to adopt a rule and recommend to the Governor and the General Assembly that a rule be modified, repealed or adopted. SB 337; CH. 677.

§ 2.2-4024. See § 54.1-2400; HB 217.

§ 2.2-4024 amended. **Hearing officers.** Clarifies that the Executive Secretary of the Supreme Court is authorized to limit, reduce or increase the number of individuals on the list of hearing officers approved to preside over administrative hearings. SB 310; CH. 448.

§ 2.2-4337 amended. **Virginia Public Procurement Act; performance and payment bonds.** Requires performance or payment bonds on all contracts exceeding \$100,000 for construction projects on public property. HB 851; CH. 643.

§ 2.2-4337 amended. **Virginia Public Procurement Act; performance and payment of bonds.** Allows public bodies to determine the form and amount of performance bonds for transportation-related projects exceeding \$100,000. HB 1215; CH. 556/SB 450; CH. 682.

§ 2.2-4343. See § 23-76.1; HB 688/SB 21.

§ 2.2-4510 amended. **Investment of Public Funds Act; corporate notes.** Allows state agencies or institutions of the Commonwealth having an internal or external public funds manager with professional investment management capabilities to invest in corporate notes with a duration of more than five years. The corporate notes are still required to have a rating of at least A by two rating agencies, one of which shall be either Moody's Investors Service, Inc., or Standard and Poors, Inc. HB 592; CH. 18/SB 186; CH. 438.

§ 2.2-4517 added. **Investment of Public Funds Act; contracts on debt obligation or investments.** Permits the Commonwealth and all agencies, authorities, boards and institutions of the Commonwealth to enter into contracts in connection with debt obligations or investments. HB 593; CH. 407.

§ 2.2-5206. See § 37.1-189.3; HB 887/SB 426.

TITLE 2.2. MISCELLANEOUS - ADMINISTRATION OF GOVERNMENT.

Alexandria Historical Restoration and Preservation Commission. Expands the membership of the Commission from seven to nine members beginning July 1, 2002. In addition, the bill allows the definition of restoration period to include a period of 50 years from the date that the Commission determines to restore a facility. The bill also includes a technical amendment. SB 211; CH. 439.

Department of State Police; sale or lease of communication towers. Provides for the Department of State Police to receive in-kind goods and services from the lease or conveyance of any interest in communication towers or sites operated by the Department, which must be used to operate, acquire, construct, maintain, repair or replace communications towers, sites and systems of the Department. SB 691; CH. 477.

Freedom of Information Advisory Council. Removes the sunset of July 1, 2002, thereby making the FOIA Council a permanent legislative agency. HB 173; CH. 26/SB 208; CH. 75.

Virginia Freedom of Information Act (FOIA); electronic communication meetings. Extends the exemption of certain public bodies from the FOIA's electronic communication meeting restrictions from July 1, 2002, to July 1, 2004. The exempted entities are (i) any public body (a) in the legislative branch of state government or (b) responsible to or under the supervision, direction, or control of the Secretary of Commerce and Trade or the Secretary of Technology or (ii) the State Board for Community Colleges. The bill also extends from April 15, 2001, to April 15, 2003, the filing date for submitting a report detailing their experience with meetings held under this pilot program. SB 38; CH. 429.

Geographic Information System; Department of Technology Planning; Planning District Commissions; Department of Health; pilot project with the Centers for Disease Control and Prevention created. Creates a pilot project under the Department of Technology Planning, Virginia Geographic Information Network division (VGIN division) to develop a standardized Geographic Information System model for the purposes of sharing data relevant to analysis and warning of the spread of airborne toxins and pathogens. This pilot project shall involve the Northern Virginia Planning District Commission, Richmond Regional Planning District Commission, Hampton Roads Planning District Commission, and the Department of Health. The planning district commissions, as appropriate, shall provide staff support and all agencies of the Commonwealth shall provide assistance to VGIN, as requested. The bill requires VGIN to submit an annual report to the Governor and the General Assembly on the progress of this pilot project. The bill expires on July 1, 2005. SB 610; CH. 850.

State-funded buildings and other structures; names. Provides that it is the policy of the Commonwealth that no state-funded institution, building, park, road, bridge or other structure shall be named after a sitting member of the General Assembly. Further, the bill adds a second enactment clause that exempts such structures that are named for members before July 1, 2002, whether or not construction has begun or has been completed. HB 618; CH. 409.

Freedom of Information; meetings of board of visitors of the University of Virginia. Extends from July 1, 2002, to July 1, 2004, the authority of the board of visitors of the University of Virginia to conduct meetings via audio/video communication when at least two-thirds of the membership is physically assembled at its regular meeting place and when the customary requirements of public notice, voting and recordation of the meetings are followed. HB 1203; CH. 297.

TITLE 3.1. AGRICULTURE, HORTICULTURE, AND FOOD.

§§ 3.1-106.2, 3.1-106.6, 3.1-126.2:1, and 3.1-126.4 amended. Fertilizer and lime contractors; permit fees. Revises definitions of fertilizer "contractor-applicator" and lime "contractor" and makes changes in the permitting language in order to clarify that only one valid permit holder per business entity is required. The bill attempts to resolve any ambiguity or conflict from within the Department of Agriculture and Consumer Services, the regulatory agency overseeing such permits, where the law has recently been interpreted to require every individual applying fertilizer or lime to pay the \$50 permit fee. SB 677; CH. 473.

§§ 3.1-319, 3.1-329, 3.1-330, and 3.1-331 amended. Collection of bright flue-cured tobacco excise tax. Adds definition of "handler" and designates handlers as agents of the Virginia Bright Flue-Cured Tobacco Board for the purpose of collecting excise taxes on bright flue-cured tobacco. Currently, the excise tax can only be collected by the warehouse where the tobacco is first sold. SB 552; CH. 57.

§ 3.1-394 amended. Food Labeling. Exempts not-for-profit organizations from labeling requirements for one-day food sales. This bill also grants the Commissioner of Agriculture and Consumer Services the authority to require the Department of Agriculture and Consumer Services to distribute educational materials related to the safe preparation of food to not-for-profit organizations. HB 653; CH. 218.

§§ 3.1-418, 3.1-419, 3.1-740, and 3.1-741 amended. Deletion of obsolete cross-references. Strikes references to repealed Code provisions dealing with miscellaneous food products and the reporting of the number of livestock. This bill is a recommendation of the Virginia Code Commission in furtherance of the objective to identify obsolete provisions of law pursuant to § 30-151. HB 53; CH. 185.

§§ 3.1-796.66, 3.1-796.73, and 3.1-796.122 amended. Animal abandonment or dumping; penalties. Adds definition of animal "dumping" to animal welfare laws. To "dump" means to knowingly desert, forsake or absolutely give up any dog, cat or other companion animal in any public place including the right-of-way of any public highway, road or street or on the property of another. HB 1357; CH. 351.

§§ 3.1-796.66, 3.1-796.115, and 3.1-796.122 amended; § 3.1-796.123 repealed. Seizure and impoundment of animals, cruelty to animals, and soring of horses; penalty. Adds the federal definition of soring of horses, expands the authority to seize and impound animals for failure to provide "adequate care" to horses by deleting the "companion animal" qualification, and includes the soring of horses as cruelty to animals. Currently, the penalty for soring of horses is a Class 3 misdemeanor. This bill increases the penalty for soring of horses to a Class 1 misdemeanor, and if a second conviction

occurs within five years resulting in the death of the animal, the penalty is increased to a Class 6 felony. SB 235; CH. 500.

§§ 3.1-796.66, 3.1-796.67:2, 3.1-796.68, 3.1-796.73, 3.1-796.96, 3.1-796.96:2, and 3.1-796.126:7 amended; §§ 3.1-796.96:3, 3.1-796.96:4, and 3.1-796.96:5 added. **Animal shelters.** Adds definitions of “companion animal rescue agency” and “foster home” and establishes requirements for operating companion animal rescue agencies and foster homes. The bill also sets out separate registration requirements for companion animal rescue agencies and animal pounds and shelters that use foster homes. Companion animal rescue agencies are not inspected by the State Veterinarian prior to accepting animals and are not required to meet shelter regulations set forth by the Department of Agriculture and Consumer Services. Instead, a companion animal rescue agency must self-certify and inspect any foster homes used prior to placing an animal to determine if the home meets the basic owner standards of care as set out in § 3.1-796.68 plus additional requirements. The self-certification and inspection reports are to be filed with the State Veterinarian. Companion animal rescue agencies must register with the Department annually and foster homes must self-certify twice a year that they are continuing to meet the basic owner standards of care with the companion animal rescue agency. Pounds and animal shelters that use foster homes to keep animals accepted by the pound or shelter must inspect those foster homes prior to placing an animal. The foster homes must self-certify twice a year that they continue to meet the basic owner standards of care.

The bill also prohibits any person who has ever been convicted of animal cruelty, neglect, or abandonment from adopting an animal from, or working for or operating, any humane society, animal shelter, companion animal rescue agency or foster home. Also, this bill prohibits any person who has ever been convicted of animal cruelty, neglect, or abandonment from being on the board of directors of a pound or animal shelter. This bill also changes the authority for assessing penalties for violations relating to animal shelters from the Board of Agriculture and Consumer Services to the Department of Agriculture and Consumer Services. The requirement for animal shelters to send pictures of animals to pounds is removed. SB 260; CH. 787.

§§ 3.1-796.96, 3.1-796.96:2, and 3.1-796.120 amended. **Animal pounds and shelters.** Expands the power to enforce laws relating to animal pounds and shelters by authorizing the Commissioner of the Department of Agriculture and Consumer Services to bring an action to enjoin violations of the Animal Control Law or the regulations pursuant thereto. The Commissioner may request the Attorney General to bring such an action. Currently, the Commissioner may request only an action for civil penalties for violations. HB 501; CH. 208/SB 417; CH. 53.

§ 3.1-796.104:1 amended. **Animal control officers; training on child abuse and neglect.** Requires animal control officers to receive training in the recognition of child abuse and neglect

and information on how complaints may be filed. HB 773; CH. 418.

§ 3.1-796.122 amended. **Animal cruelty.** Provides that it is a Class 6 felony to cause the death of a dog or cat by torturing or willfully inflicting inhumane injury or pain or cruelly beating, maiming or mutilating such animal regardless of whether the animal belongs to the person or another. This bill is substantially similar to SB 306. HB 707; CH. 583.

§ 3.1-796.122 amended. **Animal cruelty.** Provides that it is a Class 6 felony to cause the death of a dog or cat that is a companion animal by torturing willfully, or inflicting inhumane injury or pain or cruelly beating, maiming or mutilating such animal. This bill is substantially similar to HB 707. SB 306; CH. 613.

§§ 3.1-1106, 3.1-1110, and 3.1-1111 amended; § 3.1-1109.1 added. **Securitization of payments under the Tobacco Master Settlement Agreement.** Authorizes the Governor to sell any or all of 50 percent of the revenues derived from the Master Settlement Agreement. Proceeds from the sale shall be deposited into the Tobacco Indemnification and Community Revitalization Endowment Fund. The income of the Endowment and up to 10 percent (up to 15 percent upon two-thirds vote of the Tobacco Indemnification and Community Revitalization Commission) of the corpus of the Endowment shall be paid annually to the Tobacco Indemnification and Community Revitalization Fund. HB 698; CH. 488/SB 457; CH. 482.

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

Confinement and disposition of animals by animal pounds and shelters; penalties. Delays the effective date of the penalty provisions for animal pounds and shelters that are violating regulations adopted by the Board of Agriculture and Consumer Services from January 1, 2002, to January 1, 2003. These bills contain a retroactive clause and an emergency provision. HB 941; CH. 284 (effective 1/1/02)/SB 133; CH. 42 (effective 2/28/02).

TITLE 4.1. ALCOHOLIC BEVERAGE CONTROL ACT.

§ 4.1-209 amended. **Alcoholic beverage control; stadium licenses.** Allows for the sale of wine and beer during any event, or immediately subsequent thereto, held at such facilities. Currently, stadium licensees are permitted to sell wine and beer during the performance of any professional sporting exhibition, event or performance, or immediately subsequent thereto. HB 437; CH. 204.

§ 4.1-222 amended. Alcoholic beverage control (ABC); refusal to grant license. Expands the types of information that the Board must consider in deciding whether to issue an ABC license to include objections filed by local residents. HB 786; CH. 420.

§ 4.1-225 amended. Alcoholic beverage control (ABC); grounds for suspension or revocation of licenses. Allows the ABC Board to suspend or revoke a license where it has reason to believe that a licensee, his employees, or any entertainer performing on the licensed premises has been convicted of a violation of a local public nudity ordinance for conduct occurring on the licensed premises and the licensee allowed such conduct to occur. HB 1365; CH. 352.

§ 4.1-305 amended. Underage purchasing or possessing alcoholic beverages; fake identification; penalty. Provides that when any person who has not previously been convicted of underage possession of alcoholic beverages in Virginia or any other state is so convicted, the court may, if the facts found by the court would justify a finding of guilt of underage possession of alcohol, without entering a judgment of guilt and with the consent of the accused, defer further proceedings and place him on probation subject to appropriate conditions that may include the imposition of driver's license suspension and restricted license. The bill provides further that in all such cases, the court shall require the accused to enter a treatment or education program or both, if available, that in the opinion of the court best suits the needs of the accused. Upon violation of a condition, the court may enter an adjudication of guilt and proceed as otherwise provided. HB 1193; CH. 338.

§ 4.1-325 amended; § 4.1-325.1 added. Alcoholic Beverage Control; prohibited acts. Prohibits the consumption of alcoholic beverages by employees or agents of a wine or beer licensee while on duty and in a position that is involved in the selling or serving of alcoholic beverages to customers. The bill provides certain exceptions to this rule. HB 249; CH. 105.

§ 4.1-325.1 added. Alcoholic Beverage Control; special events. Makes it a Class 3 misdemeanor to knowingly make false statements to secure a banquet or special events wine and beer or a mixed beverage special events license or to alter, change, borrow, or lend or attempt to use, borrow or lend such a license. HB 248; CH. 104.

TITLE 5.1. AVIATION.

§§ 5.1-1.4 and 7.1-10 amended. Deletion of obsolete Code references. Strikes cross-references to repealed Code provisions. This bill is a recommendation of the Virginia Code Commission in furtherance of the objective to identify obsolete provisions of law pursuant to § 30-151. HB 54; CH. 94.

TITLE 6.1. BANKING AND FINANCE.

§§ 6.1-2.13:1 and 38.2-4614 amended. Payments to employees for referrals of settlement service and related businesses. Provides that an employer may compensate its own bona fide employees for referrals of insurance business. Payments to employees for referrals of insurance business are subject to the conditions that apply generally to exceptions from insurance licensing requirements. SB 81; CH. 599.

§ 6.1-2.20 amended. Consumer Real Estate Settlement Protection Act (CRESPA); definition of "settlement agent." Amends the definition of "settlement agent" to include any person who conducts the settlement conference or handles funds in the transaction. HB 440; CH. 375.

§ 6.1-2.21 amended. Consumer Real Estate Settlement Protection Act; licensing of settlement agents. Exempts title insurance companies that have their financial statements audited annually by an independent certified public accountant from the requirement that settlement agents have their escrow accounts audited annually by an independent certified public accountant. SB 556; CH. 464.

§ 6.1-61 amended. Limitations on obligations of borrowers. Increases the maximum amount of obligations that a borrower may owe to a state bank to 15 percent of the sum of the bank's capital, surplus, and loan loss reserves. Currently, a bank's loan loss reserves are not included in calculating the bank's loans-to-one-borrower limit. The bill also permits the State Corporation Commission to authorize state banks to make loans to one borrower in amounts authorized under laws applicable to national banks. HB 97; CH. 186.

§§ 6.1-71, 6.1-194.58, and 6.1-225.49 amended. Payment of small account balances. Increases from \$10,000 to \$15,000 the maximum account balance of a decedent that a bank, savings institution or credit union may pay to the surviving spouse or distributees. HB 98; CH. 187.

§§ 6.1-71, 6.1-194.58, and 6.1-225.49. See § 26-12.3; HB 720/SB 152.

§ 6.1-225.58 amended; § 6.1-225.60 repealed. Credit unions; reserves and risk assets. Replaces the current statutory reserve requirements applicable to credit unions with the reserve requirements established by federal National Credit Union Administration regulation. The bill also repeals the statutory definition of risk assets. HB 1121; CH. 261.

§§ 6.1-249, 6.1-330.55, 6.1-439, and 59.1-200 amended; §§ 6.1-444 through 6.1-471 added. Payday lending; usury; penalties. Establishes requirements for the conduct of payday lending. A "payday loan" is a transaction where the lender (i) accepts a check or similar instrument from the borrower; (ii) agrees to hold the check for a period of time prior to negotiation or presentment; and (iii) gives the borrower the amount of the check less the permitted interest charge. If the borrower does not pay the loan by the due date, the lender may obtain re-

payment by cashing the borrower's check. The measure caps the fee that a payday lender may charge at \$15 per \$100 advanced to the borrower. The minimum term is seven days. Lenders are prohibited from renewing or "rolling over" such loans. Payday lenders are required to be licensed with the State Corporation Commission. A violation of the measure is a prohibited practice under the Consumer Protection Act. Violators are subject to civil and criminal penalties. Making unlicensed loans, or arranging or brokering payday loans, is punishable as a Class 6 felony. HB 940; CH. 897.

§ 6.1-332.1 amended. Limited access to safe-deposit box. Allows access to a safe-deposit box for the purpose of looking for a will or power of attorney by interested persons when the lessee of the safe-deposit box has become incapacitated. Under current law, access is limited to persons having an interest in locating a will of a decedent. HB 72; CH. 312.

§§ 6.1-343 through 6.1-351. See § 13.1-1002; SB 512.

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

§ 7.1-10. See § 5.1-1.4; HB 54.

TITLE 8.01. CIVIL REMEDIES AND PROCEDURE.

§ 8.01-27.2 amended. Bad checks; notice of nonpayment. Allows an affidavit of service of mailing to be used when a notice to the drawer is sent by regular mail in a civil action for giving a bad check. HB 455; CH. 763.

§ 8.01-44.5 amended. Exemplary damages for persons injured by intoxicated drivers. Provides that, for the purposes of finding a person liable for punitive damages in a civil lawsuit for injuries caused in an accident involving an intoxicated driver or driver who refuses to submit to a blood alcohol test, it must be proven that at the time the defendant began drinking alcohol or during the time he was drinking alcohol or when he was operating a motor vehicle he knew or should have known that his ability to operate a motor vehicle, engine or train would be impaired. The current requirement is that at the time the defendant was drinking he knew that he would be operating a motor vehicle. HB 922; CH. 879.

§ 8.01-66.1 amended. Remedy for arbitrary refusal of motor vehicle insurance claim. Increases the amount of claims for which the claimant can obtain a judgment for double damages to \$3,500 if the insurer arbitrarily refuses the claim. Currently only claims of less than \$2,500 are eligible for double damages if arbitrarily refused. HB 81; CH. 631.

§§ 8.01-195.4, 16.1-77, 16.1-92, and 16.1-122 amended. Exclusive original jurisdiction of general district courts. Raises the original jurisdictional amount of cases in the general district court from \$3,000 to \$4,500. HB 924; CH. 645.

§ 8.01-195.6 amended. Tort Claims Act; notice. Provides that notice of claim shall be deemed timely filed if it is sent by certified mail, return receipt requested, to one of the appropriate parties and the official receipt for the notice shows the mailing was within the prescribed time limits. HB 500; CH. 207.

§§ 8.01-216.1 through 8.01-216.19 added. Virginia Fraud Against Taxpayers Act; civil penalty. Establishes a cause of action for false claims for payments or reimbursements against the Commonwealth. The remedy includes a civil penalty of between \$5,000 and \$10,000 plus three times the amount of damages sustained by the Commonwealth. The Attorney General or a private citizen has standing to prosecute the case in the name of the Commonwealth. SB 445; CH. 842.

§ 8.01-221.1 added. Business damages. Provides that damages for lost profit of a new or unestablished business may be recoverable even though no history of profits can be established. SB 555; CH. 624.

§§ 8.01-227.4 through 8.01-227.7 added. Civil liability for drug dealers. Creates a cause of action by which a drug dealer may be sued in tort by the parent or legal guardian of a child who used illegal drugs while under age eighteen. Recoverable damages include physical and emotional pain and suffering, and treatment, rehabilitation and medical expenses proximately caused by the unlawful use of a controlled substance. HB 324; CH. 863.

§ 8.01-251 amended. Limitations on enforcement of judgments in general district court. Makes it abundantly clear that the enforcement of judgments entered in the general district courts shall be 10 years, unless an abstract of such judgment is docketed in the judgment book of a circuit court. Upon the docketing of such judgment, the limitation for the enforcement of a district court judgment is the same as for a judgment of the circuit court, which is 20 years. HB 738; CH. 394.

§ 8.01-293 amended. High constable. Provides that a high constable may execute a writ of possession for real and personal property and serve a capias or criminal show cause order. HB 1287; CH. 342.

§ 8.01-294 amended. Remedies; service of process. Provides that failure to make return of service of process within the required timeframe of 72 hours does not invalidate any service of process or any judgment based thereon. The bill also provides that in the event a late return prejudices a party or interferes with the court's administration of a case, the court may, in its discretion, continue the case, require additional or substitute service of process, or take such other action or enter such order as the court deems appropriate under the circumstances. SB 17; CH. 65.

§ 8.01-302 repealed. Service of certain process on foreign or domestic corporations. Repeals § 8.01-302 of the Code so that general, rather than specific, rules regarding service on corporations are the only ones in effect. Section 8.01-302 provides that for service of process on corporations, in attachment or garnishment proceedings, and notice by a creditor of judgment obtained and execution thereon may be served on an agent of a foreign or domestic corporation wherever the agent is found in the Commonwealth. HB 326; CH. 702.

§ 8.01-399 amended. Communications between physicians and patients. Provides that a diagnosis or treatment plan of the practitioner, as documented in the patient's medical record, during the time of the practitioner's treatment, may be disclosed in discovery or in testimony. To be admissible at trial, the diagnosis must be offered at a reasonable degree of medical probability. HB 37; CH. 308.

§ 8.01-399 amended. Discovery of medical evidence at trial. Modifies current law provision that when the physical or mental condition of the patient is at issue in a civil action, facts communicated to, or otherwise learned by, a practitioner of any branch of the healing arts in connection with examination or treatment shall be disclosed only by discovery or testimony to provide that no order shall be entered compelling a party to sign a release for medical records from a health care provider unless the health care provider is located outside the Commonwealth or is a federal facility. HB 923; CH. 723.

§§ 8.01-407 and 8.01-413 amended. Attorney-issued subpoenas. Authorizes attorneys to issue subpoenas for medical malpractice review panels and claims before the Workers' Compensation Commission. Current law allows attorneys to issue subpoenas for civil proceedings pending in a court or for a related deposition. The bill also provides that the transmittal sheet is part of the pleadings. There are existing sanctions for improper pleadings, so the sentence requiring that the transmittal sheet be signed under penalty of perjury is removed. The bill deletes the requirement for payment of a five dollar clerk's fee for a subpoena duces tecum for medical records because the attorney is issuing the subpoena instead of the clerk. This bill is a recommendation of the Boyd-Graves Conference. SB 541; CH. 463.

§ 8.01-407.1 added. Identity of persons communicating anonymously over the Internet. Provides a procedure governing certain subpoenas in civil proceedings where it is alleged that an anonymous individual has engaged in tortious Internet communications. This bill is a recommendation of the Study on the Discovery of Electronic Data and has been endorsed by the Judicial Council. HB 819; CH. 875.

§§ 8.01-410 and 19.2-269.1 amended. Inmates as witnesses. Allows the court to give the clerk or a deputy clerk of the circuit court the authority to issue transportation orders for inmates to appear in civil and criminal cases. HB 954; CH. 544/SB 650; CH. 515.

§ 8.01-413 amended. Health care provider's records. Provides authorized insurers access to copies of a health care provider's records for a reasonable charge. HB 1185; CH. 654.

§ 8.01-424.1 added. Workers' compensation; third party claims. Provides that when an employer has a subrogation interest in an employee's workers' compensation claim against a third party and the employer fails to consent to a settlement offer acceptable to the employee, the employee may petition the court (stating the compromise) where the action is pending for approval of the settlement. If no action is pending or the action is pending outside the Commonwealth, the petition may be filed in any circuit court in which venue lies as to the employee. The court may approve the settlement and after all appeals are exhausted and because the employer's subrogation interest has not been compromised, such approval is deemed consent to the settlement by the employer. SB 520; CH. 751.

§ 8.01-511.1 added. Garnishment. Provides that a garnishee has no liability to the judgment creditor for failing to deliver the judgment debtor's property, other than earnings, if the summons does not contain sufficient or accurate information to enable the garnishee to reasonably identify the judgment debtor. If the summons contains either the social security number or taxpayer identification number or the name and address of the judgment debtor as they appear in the records of the garnishee, the summons is deemed to contain information sufficient to reasonably identify the property, and the garnishee shall answer the summoning court and send the judgment debtor a copy of its answer to the court. SB 546; CH. 688.

§§ 8.01-576.4 through 8.01-576.10, 8.01-576.12, 8.01-581.21, 8.01-581.22, and 8.01-581.23 amended; §§ 8.01-581.24, 8.01-581.25, and 8.01-581.26 added. Alternative dispute resolution. Amends the general and court-referred mediation statutes to expand provisions regarding confidentiality and liability. The bill also redesignates the existing evaluation session as an orientation session and clarifies and provides detail to existing provisions. The bill also provides that a certified mediator shall be immune from civil liability while engaged in mediation unless the mediator acts in bad faith, with malicious intent or exhibits willful, wanton disregard for the rights of another. HB 818; CH. 718.

§§ 8.01-581.16 and 8.01-581.17 amended. Civil law; immunity. Provides civil immunity for committee or board members, or consultants thereto, for functions related to patient safety, including entering into contracts with patient safety organizations. The bill also provides that reports or patient safety data in possession of a patient safety organization is confidential and that an employer may not retaliate against employees who make good faith reports to such organizations. As introduced, the bill was a recommendation of the Joint Commission on Health Care. SB 316; CH. 675.

§ 8.01-600. See § 17.1-213; SB 153.

§ 8.01-670 amended; § 8.01-670.1 added. Appeal of interlocutory orders and decrees by permission. Provides that a party in a civil action may petition for an interlocutory appeal

when, prior to the commencement of trial, a circuit court has entered in any pending civil action an order or decree that is not otherwise appealable. The appealing party must file with the circuit court a statement of the reasons why an immediate interlocutory appeal should be permitted on the basis that the order or decree involves a question of law as to which (i) there is substantial ground for difference of opinion, (ii) there is no clear, controlling precedent on point in the decisions of the appellate courts of Virginia, (iii) determination of the issue will be dispositive of a material aspect of the proceeding, and (iv) the court and the parties agree it is in the parties' best interest to seek an interlocutory appeal. Upon certification by the circuit court, a petition for appeal is filed with the appellate court that would have jurisdiction in an appeal from a final judgment. HB 257; CH. 107.

§§ 8.01-689 through 8.01-695 added. Virginia Prisoner Litigation Reform Act. Creates a statutory scheme that prisoners must follow in order to file pro se civil actions for money damages or for injunctive, declaratory or mandamus relief. In order to proceed with a suit the prisoner must pay full filing fees and costs unless granted in forma pauperis status; grant of in forma pauperis status would permit payment of filing fees and costs in installments as directed by the court. If the prisoner has had no deposits in his inmate trust account for the six months preceding the filing of the action, prepayment of fees and costs are waived but will be taxed at the end of the case. In forma pauperis status must be denied if the prisoner has had three or more cases or appeals dismissed for being frivolous, malicious, or for failure to state a claim, unless the prisoner shows that he is in imminent danger of serious physical injury at the time of filing suit or it would be manifest injustice to deny such status. The prisoner's failure to state his claims in a written motion for judgment plainly stating facts sufficient to support his cause of action, accompanied by all necessary supporting documentation, is grounds for dismissal. The court must rule on initial dispositive motions on the record whenever possible rather than hold a hearing. The prisoner may not seek discovery until initial dispositive motions are ruled upon, and then only when he can demonstrate to the court that his requests are relevant and material to the issues in the case. HB 547; CH. 871.

TITLE 8.9A. SECURED TRANSACTIONS.

§ 8.9A-516 amended. Uniform Commercial Code-Secured Transactions. Requires an amendment or correction to a financing statement filed in a circuit court clerk's office to include the name and mailing address of the debtor. HB 880; CH. 644/SB 271; CH. 566.

§ 8.9A-523 amended. Uniform Commercial Code-secured transactions; communication of information. Authorizes any financing statement filing office to comply with its duty to communicate information regarding financing statement filings by providing the requestor with a list of persons who provide private record research services. HB 781; CH. 244.

§ 8.9A-525 amended. Uniform Commercial Code-secured transactions. Eliminates references to specific fees for filing financing statements relating to public financing and manufactured housing transactions. The revised UCC Article 9 as adopted in Virginia does not provide separate fees for these types of transactions. SB 184; CH. 71.

TITLE 9.1. COMMONWEALTH PUBLIC SAFETY.

§§ 9.1-101, 9.1-102, 9.1-110, and 9.1-184. See § 22.1-280.2:1; HB 498/SB 295.

§ 9.1-101. See § 28.2-100; SB 326.

§ 9.1-102 amended. Powers and duties of the Department of Criminal Justice Services. Expands the compulsory training standards for basic training and recertification of law-enforcement officers and the statewide guidelines for policing programs to include sensitivity to cultural diversity and the potential for biased policing. The bill authorizes the Department to publish and disseminate a model policy or guideline that may be used by state and local agencies to ensure that law-enforcement personnel are sensitive to and aware of cultural diversity and the potential for biased policing. HB 1053; CH. 490.

§ 9.1-102. See § 16.1-228; HB 488/SB 290.

§§ 9.1-139, 9.1-140, 9.1-145, and 9.1-149 amended. Department of Criminal Justice Services; private security; penalty. Requires each applicant for initial registration, licensure or certification as a compliance agent, private security services training school or instructor or unarmed security officer to submit their fingerprints for the conduct of a criminal records check. The bill also requires an unarmed security officer applying for renewal between January 1, 2003, and December 31, 2004, to submit his fingerprints for the purpose of a criminal background check. The bill also authorizes the Department to suspend a registration, license or certification based on the conviction of certain misdemeanors or any felony and provides that making a false statement on the fingerprint card shall be a Class 5 felony. In addition, the bill establishes compulsory minimum standards for armored car personnel and exempts from the requirement for licensure, registration or certification persons engaged in the business of a consumer reporting agency as defined by the Federal Fair Credit Reporting Act. HB 511; CH. 578/SB 71; CH. 597.

§ 9.1-162 amended. Eligibility for crime prevention specialists. Expands the list of those eligible for training as crime prevention specialists. HB 508; CH. 209.

§§ 9.1-173, 9.1-175, 9.1-176, 9.1-178, 9.1-179, and 9.1-180. See § 2.2-426; SB 12.

§ 9.1-177.1. See § 19.2-152.4:2; HB 724.

§ 9.1-201 amended; § 9.1-205 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. HB 839; CH. 721.

§ 9.1-202 amended. Virginia Fire Services Board; membership. Provides that the members of the Fire Services Board representing the State Fire Chiefs Association of Virginia, the Virginia Firemen's Association, the Virginia Association of Professional Firefighters, the Virginia Fire Service Council, the Virginia Fire Prevention Association, and the State Chapter of the International Association of Arson Investigators be members of the organizations that they are representing. HB 520; CH. 211.

§§ 9.1-800 through 9.1-803 added. Commonwealth Medal of Valor. Establishes the Commonwealth Public Safety Medal of Valor Board to recommend to the Governor any public safety officers to receive the Commonwealth Public Safety Medal of Valor as the highest award for valor by a public safety officer conferred by the Commonwealth. SB 222; CH. 150.

TITLE 10.1. CONSERVATION.

§ 10.1-411.1 amended. Clinch-Guest Scenic River. Extends the scenic river designation to approximately 9.2 miles of the Clinch River. The change in the name of the designated river from the Guest to the Clinch-Guest Scenic River reflects the inclusion of a segment of the Clinch River in the scenic designation. The bill also adds at least one riparian landowner on the Clinch River to the advisory committee. HB 870; CH. 251.

§ 10.1-512 amended. Boundaries of soil and water conservation districts. Requires the Virginia Soil and Water Conservation Board to consider funding as one of the factors in establishing boundaries of a new soil and water conservation district. HB 211; CH. 192.

§§ 10.1-515, 10.1-516, 10.1-523, 10.1-525, 10.1-528, and 10.1-530 amended. Soil and water conservation districts; district boards of directors and terms of office. Provides for four-year, rather than three-year, terms of office for elected and appointed directors. Elections will be held in November 2003 and each fourth year thereafter. The bill provides for the transition to the new schedule, the extension of certain terms of office, appointments to fill vacancies, and specific terms for directors appointed by the Virginia Soil and Water Conservation Board. HB 49; CH. 236 (effective 3/22/02)/SB 114; CH. 143 (effective 3/22/02).

§§ 10.1-603.16 through 10.1-603.20 amended. Flood assistance fund. Expands the uses of the Flood Prevention and Protection Assistance Fund to include the awarding of grants or loans to public bodies owning dams and the awarding of

loans to private dam owners to assist in paying the costs of modifications in the dam's design, or repairs to or maintenance of the dam. Currently, the fund distributes grants and loans to local public bodies for the development and implementation of flood prevention or protection projects or studies as part of a required federal match. HB 178; CH. 320.

§ 10.1-1181.2 amended. Notice of timber harvesting; penalty. Requires the commercial timber-harvesting operator to notify the State Forester prior to completion but not later than three working days after commencement of a harvesting operation. If he fails to provide the notice, the State Forester is authorized to assess a civil penalty of \$250 for the initial violation and up to \$1,000 for any subsequent offense occurring within a 24-month period. Currently an owner or operator is required to give notice prior to or not later than three working days after the commencement of the operation; however, there is no penalty for not providing such notification. HB 448; CH. 376.

§ 10.1-1181.2 amended. Silvicultural activities; issuance of special orders. Allows special orders to be issued after the owner or operator has been given the opportunity for a hearing. Currently, a special order can only be issued after a hearing. HB 1168; CH. 293.

§ 10.1-1181.2 amended. State Forester notification. Authorizes the State Forester to recommend corrective measures and a time period for an owner or operator of a forestry operation to implement the measures in order to prevent, mitigate or eliminate an action causing or likely to cause pollution. If the owner or operator fails to take action, the State Forester is required to issue a special order. HB 1258; CH. 304.

§§ 10.1-1181.8 through 10.1-1181.12 added. Foresters; title protection. Prohibits any person from using the title "forester" unless he possesses a degree from a college or university in a curriculum accredited by the Society of American Foresters. The bill also defines "forestry" as the science, art and practice of creating, managing, using and conserving forests and associated resources for human benefit and in a sustainable manner to meet desired goals, needs, and values. The bill provides injunctive relief to restrain the invalid use of the title of "forester." The bill does not prohibit (i) any person from performing forestry functions if the person does not represent himself to the public as being a forester, or (ii) an employee of a forester from performing forestry services, (iii) the practice of any profession that is regulated by a state board. The bill "grandfathers" those persons who supply the Department of Forestry documentation showing they have engaged in forestry practices for at least 10 years. SB 301; CH. 447.

§ 10.1-1186.2:1. See § 56-46.1; SB 554.

§§ 10.1-1230 through 10.1-1237 added; §§ 10.1-1429.1, 10.1-1429.2, 10.1-1429.3, and 10.1-1429.4 repealed. Brown-field Restoration and Land Renewal Act. Consolidates and reorganizes existing provisions related to brownfields restoration in order to simplify public access to this information and facilitate its use. The Act contains specific liability protections

for bona fide prospective purchasers, innocent landowners and adjacent landowners. These provisions track those provided in the federal act. The bill also creates the Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund to be administered by the Virginia Resources Authority. The Fund will consist of moneys appropriated to it by the General Assembly and such other sums as may be made available to it from any other sources. Local governments, all eligible to receive grants and loans from the fund, and businesses may receive loans for the purposes of promoting the restoration and redevelopment of brownfield sites and to address environmental problems or obstacles to reuse so that these sites can be effectively marketed to new economic development prospects. HB 463; CH. 378.

§§ 10.1-1402.1 and 62.1-44.15:6 amended. Waste and water permit fees. Directs the Virginia Waste Management Board to develop new permit fee schedules sufficient to cover no more than 20 percent of the direct costs of the hazardous and solid waste programs, using as the base the amounts allocated to these programs in the 2002 Appropriation Act; however, no individual permit fee can increase more than 300 percent. The bill also triples the statutory caps on water permit fees. There is a July 1, 2004, sunset on the new fee structure. HB 1257; CH. 822 (effective - see bill).

§ 10.1-1413.2 amended. Landfill closures. Allows municipal solid waste landfills utilizing double synthetic liner systems that had been permitted between December 21, 1988, and October 9, 1993, by the Department of Environmental Quality, to continue to accept solid waste after 2020. Currently, no municipal solid waste landfills can continue to accept waste after 2020 that have not been equipped with the new liner system approved in the permits issued after October 9, 1993. The bill would allow the Wise County landfill to accept waste after 2020. HB 148; CH. 518/SB 82; CH. 492.

§ 10.1-2211 amended. Confederate Cemeteries; Ettrick Cemetery. Adds the Ettrick Cemetery in Chesterfield County, which maintains 47 Confederate graves, to the list of those entities receiving funds from the Department of Historic Resources for the care of such graves. HB 137; CH. 188/SB 69; CH. 225.

§ 10.1-2211 amended. Department of Historic Resources; disbursements for Confederate cemeteries and graves. Adds the New Monmouth Presbyterian Church and the New Providence Presbyterian Church in the County of Rockbridge, which maintain 80 and 98 Confederate graves, respectively, to the list of those entities receiving funds from the Department of Historic Resources for the care of such graves. SB 675; CH. 181.

§ 10.1-2211.1 added. Department of Historic Resources; maintenance of Revolutionary War graves. Establishes a program to assist in the maintenance of Revolutionary War graves that is similar to the program for Confederate graves. HB 919; CH. 256.

TITLE 10.1. MISCELLANEOUS - CONSERVATION.

Occoneechee State Park. Authorizes the Department of Conservation and Recreation to amend a lease with the Secretary of the Army for the purpose of providing additional recreational facilities, not to be operated by the Department, at Occoneechee State Park in Mecklenberg County. The amendment is subject to the Administrative Process Act and must be included in the park's master plan. The bill limits any further sublease of the property to public entities, subject to the approval of the Department, Governor and Attorney General. The authority granted in this bill will expire on July 1, 2004, unless the amendment has been adopted by that time. SB 249; CH. 809.

Property conveyance. Authorizes the Department of Conservation and Recreation to accept from The Trust for Public Land approximately 45 acres in James City County. This property will be included as property within York River State Park. The bill includes an emergency provision. SB 146; CH. 436 (effective 4/2/02).

Wilderness Road State Park. Authorizes the Department of Conservation and Recreation to build and enter into contracts to build an interpretive 1775 fort utilizing the construction techniques of the period, and exempts such construction from state and local building codes. The bill also authorizes the Department to enter into a lease agreement for the construction and operation of the facility. HB 147; CH. 317.

TITLE 11. CONTRACTS.

§ 11-33.2 added. Credit card, debit card and other payment device numbers; receipts. Prohibits certain persons from printing certain numbers or the expiration date of a credit card, debit card or other payment devices on receipts. This bill applies to all new electronic devices in service by July 1, 2003. For all other devices in service prior to July 1, 2003, the provisions apply on July 1, 2007. Violators of this section shall be liable for damages caused to the cardholder or other payment device holder due to the use of the card or other payment device with the cardholder's or other payment device holder's permission. SB 140; CH. 744.

TITLE 12.1. STATE CORPORATION COMMISSION.

§ 12.1-17. See § 2.2-614.1; HB 825.

TITLE 13.1. CORPORATIONS.

§§ 13.1-544.1, 13.1-544.2, 13.1-551, and 13.1-552 amended. **Professional corporations.** Allows professional corporations to include in their name the designations "PC," "professional corporation" or "a professional corporation." Currently, they may only use the initials "P.C." The measure also clarifies that the professional corporation designation shall not be considered in determining name availability. Other changes correct Code references and update terminology. SB 241; CH. 77.

§ 58.1-3732 amended; §§ 13.1-554 and 13.1-1119 repealed. **Professional license taxation; professional corporations and professional limited liability companies.** Repeals provisions governing the determination of the revenue tax liability of shareholders in a professional corporation and members of a professional limited liability company. HB 1315; CH. 346.

§§ 13.1-603, 13.1-610, 13.1-658, 13.1-664.1, 13.1-686, 13.1-803, 13.1-842, 13.1-846, 13.1-847, and 13.1-866 amended. **Notice and voting by electronic transmission.** Allows meeting notices for stock and nonstock corporations to be given by electronic transmission. Votes of shareholders or members, as appropriate, may be submitted by electronic transmission if authorized by the corporation's board. HB 942; CH. 285.

§§ 13.1-710, 13.1-711, 13.1-722.1, and 13.1-759 amended. **Virginia Stock Corporation Act.** Requires articles of amendment to state, when applicable, the reason shareholder approval of the amendment was not required. Articles of restatement that are approved without shareholder approval are required to state whether the restatement includes an amendment to the corporation's articles. Foreign corporations are required to state their real names on the application for a certificate of authority, and if such a corporation is required to use a designated name in lieu of its real name, it must state its proposed designated name. The measure also corrects an incorrect citation. SB 185; CH. 497.

§§ 13.1-831, 13.1-888, 13.1-889, 13.1-895, 13.1-898, 13.1-898.1, and 13.1-921 amended; §§ 13.1-887.1 and 13.1-941.01 added; § 13.1-941 repealed. **Virginia Nonstock Corporation Act.** Authorizes incorporators to amend the articles of incorporation of a nonstock corporation if it has no members or directors. Other changes to the Nonstock Corporation Act (i) require articles of amendment to include a statement setting forth the reason member or director approval was not required and that any other required approval was obtained; (ii) require articles of restatement to state whether the restatement includes an amendment when approved by the directors without member action; and (iii) correct erroneous Code citations. SB 242; CH. 607.

§§ 13.1-1002, 13.1-1008, 13.1-1022, 13.1-1024, 13.1-1025, 13.1-1028, 13.1-1040.1, and 13.1-1048 amended. **Limited liability companies.** Provides for the electronic transmission of consents and proxies by members and managers of limited lia-

bility companies (LLCs). Other amendments to the Virginia Limited Liability Company Act (i) provide for member agreements regarding access to an LLC's records; (ii) enable courts to appoint liquidating trustees for LLCs that are judicially dissolved; (iii) exclude distributions made to managers and members from calculations of cash compensation made in connection with limits on liability; and (iv) clarify that a member's ability to dissociate from an LLC by submitting a resignation notice is available only if resignation of a member is provided for in the articles of organization or an operating agreement. HB 997; CH. 288.

§§ 13.1-1002 and 55-106.4 amended; §§ 1-13.19:1 and 13.1-1200 through 13.1-1284 added; §§ 6.1-343 through 6.1-351 repealed. **Virginia Business Trust Act.** Authorizes the formation of business trusts in the Commonwealth, and repeals existing provisions regarding real estate investment trusts. Business trusts are unincorporated, perpetual, limited liability legal entities that may be formed to conduct any lawful business. SB 512; CH. 621 (effective 10/1/02).

§§ 13.1-1010.1, 13.1-1052, 13.1-1065, and 13.1-1104 amended. **Limited liability companies; professional limited liability companies.** Clarifies who must authenticate the records of a foreign limited liability company and that a foreign limited liability company's designated name must be stated on an application for registration. The payment of outstanding penalties is made a prerequisite to the filing of limited liability company documents. A partnership or limited partnership that is converting to a limited liability company is required to include in its articles of organization the date and place of its original filing. The measure also allows a professional limited liability company to use the phrase "professional limited company" or "professional limited liability company" in its name while clarifying that such phrases are disregarded when determining name availability. SB 243; CH. 608.

**TITLE 13.1. MISCELLANEOUS -
CORPORATIONS.**

Corporations; domestication and conversion; fees. Changes from July 1, 2002, to February 1, 2002, the effective date of legislation enacted in 2001 that adopted certain Revised Model Business Corporations Act procedures. However, only domestic corporations that were incorporated before July 1, 1970, and that are authorized to issue 5,000 or more shares may convert to limited liability company status prior to July 1, 2002. This bill has an emergency clause. SB 254; CH. 1 (effective 1/30/02).

TITLE 15.2. COUNTIES, CITIES AND TOWNS.

§§ 15.2-412, 15.2-518, 15.2-527, 15.2-1231, 15.2-1541.1, and 15.2-2811 through 15.2-2817. See § 63.1-1.1; SB 303.

§ 15.2-709.1 added. **County manager plan; applicant pre-employment information.** Requires applicants for employment with Arlington County to submit to fingerprinting and a criminal records check. The bill also requires the county to notify the applicant if information obtained from the Central Criminal Records Exchange contributes to denial of the applicant. HB 1094; CH. 730/SB 215; CH. 670.

§ 15.2-720.1 added. **County manager plan; employee benefits.** Allows any county with the county manager plan of government (currently, only Arlington County), to provide for the use of funds, other than state funds, to provide grants for county and school board employees to purchase or rent residences, for use as the employee's principal residence, within the county. HB 1078; CH. 330.

§ 15.2-912. See § 54.1-700; HB 531.

§ 15.2-915 amended. **Local control of firearms.** Provides that a statute that does not refer to firearms or ammunition shall not be construed to provide express authorization for localities to regulate firearms. From and after January 1, 1987, no locality shall adopt any ordinance, resolution, or motion, nor take any administrative action governing the purchase, possession, transfer, ownership, carrying or transporting of firearms, ammunition, or components or combination thereof other than those expressly authorized by statute. The bill provides a locality is not prohibited from adopting workplace rules relating to "terms and conditions of employment." SB 593; CH. 484.

§ 15.2-928 amended. **Solid waste depositories; localities' authority; penalties.** Grants all localities the authority to limit the use of waste depositories or receptacles, owned or maintained by the locality, to the disposal of garbage and other solid waste originating from within the boundaries of such locality. Any locality adopting such an ordinance may provide penalties for its violation. SB 359; CH. 161.

§ 15.2-928 amended. **Local recycling and waste disposal; civil penalties.** Authorizes localities to provide civil penalties for the unauthorized use of or failure to use solid waste management facilities and appurtenances for the collection, management, recycling and disposal of solid waste, recyclable materials, and other refuse. Current law states only that localities may provide "penalties" for such unauthorized or failed usage. The bill also precludes localities from bringing both criminal and civil charges against an individual for the same offense. SB 589; CH. 690.

§ 15.2-949. See § 46.2-695; HB 1188.

§ 15.2-961 amended. **Tree canopy bank.** Provides that certain localities may by ordinance provide for an off-site tree canopy

bank to meet a portion of a development's tree canopy requirements in instances where its local ordinance allows for reasonable exceptions to or deviations from standard tree canopy requirements during the development process. HB 185; CH. 19/SB 76; CH. 226.

§ 15.2-974. See § 27-95; SB 683.

§ 15.2-1132 amended. **Volunteer inspectors in certain cities.** Allows the City of Chesapeake to utilize supervised trained and qualified volunteers to issue notices of noncompliance for certain types of property maintenance and zoning violations. Currently, only the City of Virginia Beach has such authority. HB 474; CH. 31.

§ 15.2-1132 amended. **Volunteer inspectors in certain cities.** Allows the cities of Chesapeake and Richmond to utilize supervised trained and qualified volunteers to issue notices of noncompliance for certain types of property maintenance and zoning violations. Currently, only the City of Virginia Beach has such authority. SB 363; CH. 451.

§ 15.2-1231 amended. **Competitive purchasing; schools.** Requires the governing body of a county to obtain the approval of the school board before including the school board in the county's centralized competitive purchasing of supplies. SB 369; CH. 452.

§ 15.2-1411 amended. **Local advisory boards; compensation.** Raises the amount that localities can compensate members of advisory boards from \$50 to \$75 for regular meetings, not to exceed one meeting per month. Also, localities may provide compensation for training. HB 182; CH. 27.

§§ 15.2-1500 and 15.2-2160. See § 56-1; HB 1021/SB 245.

§ 15.2-1505 amended. **Residency requirements.** Extends a sunset clause from July 1, 2002, to July 1, 2004, thereby allowing the Cities of Hopewell and Petersburg to continue using residency as a basis for participation in local police or fire cadet programs or local homesteading programs. HB 1180; CH. 37.

§ 15.2-1512.2 amended. **Deputies, appointees and employees of constitutional officers; political activities.** Provides that no locality shall prohibit deputies, appointees and employees of county and city treasurers, sheriffs, attorneys for the Commonwealth, clerks of circuit courts and commissioners of revenue from participating in political activities while off duty, out of uniform and not on the premises of their employment with the locality. Existing law extends this provision to firefighters, emergency medical technicians and law-enforcement officers. HB 1282; CH. 886.

§ 15.2-1534 amended. **Dual office holding by local officers.** Allows dual office holding by a part-time assistant attorney for the Commonwealth with the consent of the respective attorneys for the Commonwealth and the Compensation Board. HB 1174; CH. 294.

§ 15.2-1542 amended. Local government attorney. Allows such attorneys to be paid at an hourly rate and recover reasonable expenses. HB 847; CH. 802 (effective 4/8/02).

§ 15.2-1605.1. See § 17.1-213; SB 153.

§ 15.2-1613.1 added. Sheriffs' processing fee. Provides that any county or city may by ordinance authorize a sheriff to impose a processing fee not to exceed \$25 on any individual admitted to the county, city, or regional jail following conviction. The fee shall be ordered as a part of court costs collected by the clerk and shall be used by the local sheriff's office to defray the costs of processing arrested persons into such jails. SB 406; CH. 840.

§ 15.2-1643 amended. Courthouses; construction and repair. Requires a panel to determine that a danger to health, welfare, and safety of court employees or the public exists before a judge can issue an order requiring a county or city to construct a new courthouse or to repair or secure an existing courthouse. HB 61; CH. 758.

§ 15.2-1706 amended. Certification of law-enforcement officers. Extends from July 1, 2001, to July 1, 2003, the date by which all entry level law-enforcement officers, in order to obtain certification, shall successfully complete statewide certification examinations developed and administered by the Department of Criminal Justice Services. HB 1301; CH. 345.

§ 15.2-1716.1. See § 18.2-18; HB 1120/SB 514.

§ 15.2-1717.1 amended. Designation of police to enforce trespass violations. Grants lessees, custodians, and persons lawfully in charge of real property authority to designate the local law-enforcement agency as a "person lawfully in charge of the property" for the purpose of forbidding another to go or remain upon the property. Current law only gives this authority to owners of real property. HB 1031; CH. 328.

§ 15.2-1720. See § 46.2-100; HB 905.

§ 15.2-1736 amended. Mutual aid agreements for law enforcement. Allows localities and other law-enforcement entities in noncontiguous localities to enter into mutual aid agreements. The current law requires entities to have contiguous boundaries. HB 566; CH. 709/HB 894; CH. 876/ SB 493; CH. 684.

§ 15.2-1737. See § 22.1-280.2:1; HB 498/SB 295.

§ 15.2-1747 amended. Regional criminal justice training academies. Authorizes the Division of Capitol Police to become a party to an agreement creating an academy or to join an existing academy. HB 1343; CH. 350.

§ 15.2-1800.1 added. Localities incurring obligations for school improvement; tenants in common with school boards. Makes the local governing body of a locality a tenant in common with the local school board in instances where the locality has incurred a multi-year financial obligation to fund the acquisition, construction or improvement of public school property. Created by operation of law, such tenancy in common arises when the local governing body incurs the financial obli-

gation, and terminates upon the payment of the obligation in full. No recordation of any deed of conveyance is required by this bill. These provisions shall not confer to the local governing body any additional powers over school board decisions relative to school board property. The bill further allows the local governing body to elect, by resolution, not to acquire tenancy in common to some or all public school property in the locality. The bill provides for an emergency enactment. SB 276; CH. 674 (effective 4/6/02).

§ 15.2-2105.1 added. Granting franchises for operation of vehicular ferry transportation systems. Provides that the authority of localities for the granting of franchises shall include the authority to grant an exclusive franchise for the operation of a vehicular ferry transportation system in Northumberland County. The locality may regulate such systems, including the establishment of fees and rates. SB 300; CH. 154.

§ 15.2-2110 amended. Mandatory connection to water and sewage systems. Adds Buckingham County and Halifax County to those counties with authority to require connection to their water and sewage systems by owners of property that may be served by such systems. HB 1189; CH. 295.

§§ 15.2-2117 and 15.2-5114 amended. Contracting for provision of water and waste services. Provides that localities and water and waste authorities may contract for, and contract to provide, meter reading, billing and collections, leak detection, meter replacement and any related customer service functions. SB 269; CH. 446.

§ 15.2-2118 amended. Liens for local water and sewer charges; Goochland County. Allows Goochland County to provide that charges for water or sewers or use thereof shall be a lien on the real estate served by such waterline or sewer. Where residential rental real estate is involved, no lien shall attach (i) unless the user of the water or sewer 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 water or sewer services were provided to the property. HB 225; CH. 193.

§ 15.2-2159 amended. Solid waste disposal fees; discounts for seniors and disabled. Provides authority for Wise County (described by population) to discount solid waste fees for persons aged 60 years or older and disabled persons based on ability to pay. HB 868; CH. 275.

§ 15.2-2204 amended. Advertisement of zoning amendments. Amends the existing advertisement requirements for certain zoning amendments to include changes to the applicable zoning ordinance text regulations affecting use or development density. HB 477; CH. 634.

§ 15.2-2241 amended. Mandatory provisions of subdivision ordinances. Clarifies that "such facilities" refers to facilities specifically mentioned in the statute. HB 124; CH. 517.

§§ 15.2-2242, 15.2-2286, 15.2-2288.1, and 36-98 amended. Clustering of single-family dwellings so as to preserve open space. Provides that a locality may provide in its zoning or subdivision ordinance standards, conditions and criteria for clustering of single-family dwellings and the preservation of open space developments. In establishing such standards, conditions and criteria, the governing body may include any provisions it determines appropriate to ensure quality development, preservation of open space and compliance with its comprehensive plan and land use ordinances. If proposals for clustering of single-family dwellings and the preservation of open space developments comply with the locality's adopted standards, conditions and criteria, the development and open space preservation shall be permitted by right under the local subdivision ordinance. The implementation and approval of the cluster development and open space preservation shall be done administratively by the locality's staff and without a public hearing. No local ordinance shall require that a special exception, special use, or conditional use permit be obtained for such developments. However, any such ordinance may exempt developments of two acres or less. In any instance where the proposed density is greater than the density permitted in the applicable land use ordinance, the locality may continue to require approval of a special exception, special use permit, conditional use permit or rezoning. Localities that currently provide for clustering of simple-family dwellings upon approval of a special exception shall have until July 1, 2004, to comply with the provisions of this bill. HB 346; CH. 703.

§ 15.2-2245 amended. Release of performance guarantees. Requires that should a governing body, an administrative agency, the Virginia Department of Transportation, or other political subdivision choose to inspect any proposed public facility constructed by a subdivider or developer that is the subject of any performance guarantee required by the governing body or the Virginia Department of Transportation, the inspection shall be based solely upon conformance with the terms and conditions of the performance agreement. HB 1190; CH. 779.

§ 15.2-2260 amended. Preliminary subdivision plat approval. Provides that once a preliminary subdivision plat is approved, it shall be valid for a period of five years, provided the subdivider (i) submits a final subdivision plot for all or a portion of the property within one year of such approval and (ii) thereafter diligently pursues approval of the final subdivision plot. HB 495; CH. 530.

§ 15.2-2261.1 added. Notice of zoning amendments. Provides that if the provisions of a recorded plat or final site plan, which was specifically determined by the governing body, and not its designee, to be in accordance with the zoning conditions previously approved, conflict with any underlying zoning conditions of such rezoning approval, the provisions of the recorded plat or final site plan shall control, and the zoning amendment notice requirements of § 15.2-2204 shall be deemed to have been satisfied. HB 1178; CH. 551.

§ 15.2-2286 amended. Land use applications; delinquent taxes. Includes building permits and erosion and sediment con-

trol permits as types of permits that localities may issue subject to payment of delinquent real estate taxes. HB 994; CH. 547.

§§ 15.2-2295 and 36-99.10:1 amended. Noise attenuation standards. Provides that in addition to subdivision plans, all recorded surveys and final site plans must include a statement giving notice that the property either partially or wholly lies within an airport noise overlay zone. The bill also contains a technical amendment SB 652; CH. 180.

§ 15.2-2304 amended. Affordable housing. Grants Albemarle County 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, Loudoun County and Arlington County. The bill also eliminates the population bracket reference to Loudoun County and inserts a reference by county name. SB 234; CH. 151.

§ 15.2-2307 amended. Nonconforming use; manufactured housing. Provides that the nonconforming use statute shall not be construed to prevent removal of a valid nonconforming manufactured housing unit from property and replacement of that unit with another comparable manufactured housing unit that meets current HUD standards. Such replacement unit shall retain the valid nonconforming status of the prior unit. HB 1299; CH. 823.

§ 15.2-2308 amended. Boards of zoning appeals. Allows an alternate member of the board to be appointed for votes in which a regular member will have to abstain. HB 479; CH. 205.

§ 15.2-2308 amended. Appointment of boards of zoning appeals. Adds localities in the fifteenth circuit to those where the board of zoning appeals may be appointed by the chief judge of the circuit court rather than by the circuit court generally. HB 977; CH. 545.

§ 15.2-2309 amended. Revocation of special exceptions. Clarifies that a board of zoning appeals may only revoke a special exception that has been granted by the board of zoning appeals, and that a governing body that issues special exceptions may revoke such special exceptions in the same manner as the board of zoning appeals. HB 993; CH. 546.

§ 15.2-2403 amended. Service districts; property assessment. Provides that any locality imposing a tax pursuant to service district authority may base the tax on the full assessed value of the taxable property within the service district, notwithstanding any special use value assessment of property within the service district for land preservation, provided the owner of such property has given written consent. HB 227; CH. 356/SB 275; CH. 230.

§ 15.2-2403 amended. Open-space special districts. Allows local governments to create, by ordinance, a service district with the authority to acquire interests in real property in order to preserve open-space land. Currently, such service districts are limited to purchasing development rights that are to be ded-

icated as easements for conservation and open-space purposes. HB 344; CH. 198.

§ 15.2-2403 amended. Service districts; nuisance animals. Allows the Town of Front Royal, through its service district, to construct, maintain and operate facilities, equipment and programs as may be necessary or desirable to control, eradicate and prevent the infestation of rats and removal of skunks and the conditions that harbor them. HB 377; CH. 202.

§§ 15.2-2801 and 15.2-2804 amended. Virginia Indoor Clean Air Act. Prohibits smoking in any part of the interior of any public elementary, intermediate, and secondary school. Present law allows smoking in certain designated areas after student activities have been concluded. HB 939; CH. 283.

§ 15.2-3201 amended. Moratorium on city annexation and county immunity notices and proceedings. Provides that, beginning July 1, 2004, cities may undertake annexation proceedings and counties may request immunity from annexation when actual appropriations to local governments for law-enforcement expenditures are less than the amount statutorily required. SB 181; CH. 786.

§ 15.2-3306 amended. Immunity from annexation. Prohibits cities from commencing an annexation under provisions allowing property owner-initiated annexations. Such actions are currently prohibited by the annexation moratorium imposed under § 15.2-3201. HB 349; CH. 199.

§ 15.2-4509 amended. Transportation district commissions. Provides that the bonds of such commissions shall be filed with the Department of the Treasury's Division of Risk Management rather than the Comptroller. HB 588; CH. 32.

§§ 15.2-4603, 15.2-4608, and 15.2-4616 amended. Route 28 transportation improvement districts. Allows property to be included in multiple districts, authorizes the Commonwealth Transportation Board to receive and disburse funds from transportation improvement districts under agreements entered into pursuant to the Public Private Transportation Act of 1995, and eliminates the procedure for abolishing districts through petition by owners of land within the districts. HB 735; CH. 770.

§§ 15.2-4901 and 15.2-4903 amended. Industrial development authorities (IDA). Clarifies that whenever an IDA is given authority to finance through bonds, it may also refinance such bonds. Also, the City of Richmond is given authority to call its IDA an economic development authority. HB 990; CH. 725/SB 432; CH. 680.

§ 15.2-4903 amended. Economic development authorities. Adds Bedford County to those localities that may choose to refer to their industrial development authority as an economic development authority. SB 492; CH. 169.

§§ 15.2-5509 through 15.2-5515 added. Southside Virginia Tourism Development Authority. Establishes a tourism development authority for the West Piedmont and the Southside Planning District Commissions. The Authority shall inventory attractions and events and market, promote, expand and develop the tourism industries of these tobacco-producing

localities as a whole. The Authority shall have the power to (i) borrow money and to accept contributions, grants and other financial assistance from the United States of America and agencies or instrumentalities thereof, the Commonwealth, or any political subdivision, agency, or public instrumentality of the Commonwealth; (ii) formulate a tourism development and marketing agenda for each locality in the West Piedmont and Southside Planning District Commissions; (iii) receive and expend moneys on behalf of tourism marketing and development; and (iv) coordinate the individual tourism efforts of the localities who choose to be members of the Authority. SB 660; CH. 791.

§§ 15.2-6402, 15.2-6403, 15.2-6405, and 15.2-6409 amended. Virginia Regional Industrial Facilities Act. Amends the Act by making a number of technical changes and clarifications to provisions related to board vacancies, alternate board members, board meetings, loans, and the issuance and validity of bonds. SB 679; CH. 691.

§§ 15.2-6600 through 15.2-6625 added. Middle Peninsula Chesapeake Bay Public Access Authority Act. Allows the Counties of Essex, Gloucester, King William, King and Queen, Mathews, Middlesex, and the Towns of West Point, Tappahannock and Urbanna by resolution to declare that there is a need for a public access authority to be created. If an operating agreement is developed for the purpose of establishing or operating a public access authority for any such localities, these localities may form the Middle Peninsula Chesapeake Bay Public Access Authority (Authority). The Authority's duties shall include:

1. Identifying land, either owned by the Commonwealth or private holdings that can be secured for use by the general public as a public access site;
2. Researching and determining ownership of all identified sites;
3. Determining appropriate public use levels of identified access sites;
4. Developing appropriate mechanism for transferring title of Commonwealth or private holdings to the Authority;
5. Developing appropriate acquisition and site management plans for public access usage;
6. Determining what holdings should be sold to advance the mission of the Authority; and
7. Performing other duties required to fulfill the mission of the Authority.

The Authority shall be governed by a board of directors with authority to (i) acquire, establish, construct, enlarge, improve, maintain, equip, operate and regulate any public access site within the territorial limits of the participating political subdivisions; (ii) construct, install, maintain, and operate facilities for managing access sites; (iii) determine fees, rates, and charges for the use of its facilities; (iv) apply for and accept gifts or other financial assistance; (v) appoint, employ or en-

gage such officers and employees as may be necessary or appropriate, and to fix their duties and compensation; (vi) contract with any participating political subdivision for such subdivision to provide legal services, engineering services, depository and investment services; and (vii) borrow money and incur debt. Whenever it shall appear to the Authority that the need for the Authority no longer exists, the Authority, or in the proper case, any such subdivision, may petition the circuit court of a participating political subdivision for the dissolution of the Authority. HB 619; CH. 766.

TITLE 15.2. MISCELLANEOUS - COUNTIES, CITIES AND TOWNS.

Conveyance of certain lands to the City of Portsmouth. Authorizes the Commonwealth to convey certain lands to the City of Portsmouth. The bill contains an emergency clause. SB 471; CH. 458 (effective - see bill).

Municipal deed restriction on certain property in Virginia Beach. Clarifies that "municipal recreational purposes" include entering into a public-private partnership for improvements to any golf course located on tracts that were conveyed to the City by the Commonwealth. SB 248; CH. 152.

Police retirement system; Fairfax County. Increases from five to seven the number of members on the policemen's pension and retirement board for any county having the executive form of government and modifies the required make-up of such board. The bill also contains some technical amendments. SB 510; CH. 686.

Posting of certain statement. Authorizes boards of supervisors and city or town councils to post prominently in a conspicuous place in their primary local government administrative building for all citizens to read the phrase "In God We Trust," which is the national motto of the United States pursuant to 36 U.S.C. § 186 (1999). In addition, the Office of the Attorney General is required to intervene on behalf of local governments and to provide legal defense of this provision. An enactment clause authorizes local governments to accept contributions in cash or in-kind from any person (defined to include individuals, companies, organizations, and other legal entities) to defray the costs of implementing this provision. HB 106; CH. 894.

CHARTERS, AUTHORITIES

Alexandria, City. Allows the City to alter from between seven and nine the number of members comprising the board of directors of the Alexandria Redevelopment and Housing Authority. An additional charter amendment will clarify when

the organizational meeting of a newly elected council will be held. SB 220; CH. 149.

Brookneal, Town. Changes the date of the Town's municipal elections from May to November. The bill provides for an emergency enactment. SB 284; CH. 123 (effective 3/11/02).

Cape Charles, Town. Changes council terms from two-year terms to four-year staggered terms. Other charter amendments (i) update the town boundaries, (ii) correct several outdated Code references, (iii) clarify the duties of the town manager and the town treasurer, (iv) state that the police force shall be under the control of the chief of police, (v) give the Town the power to engage in revenue-generating activities not prohibited by the laws of the Commonwealth and (vi) repeal provisions related to a public school system for the Town. The bill contains an emergency clause. HB 611; CH. 125 (effective 3/11/02).

Chatham, Town. Provides for the powers of the chief of police and police force, corrects outdated references regarding election dates, provides that the mayor and council members may receive an annual salary not to exceed \$1,200 and \$600, respectively, states that the town clerk shall serve at the pleasure of the council and deletes numerous outdated provisions. HB 431; CH. 121 (effective 3/8/02)/SB 285; CH. 116 (effective 3/6/02).

Chesterfield, County. Eliminates duplicate zoning review for certain public projects. HB 916; CH. 255.

Clifton Forge, Town. Repeals the charter of the former City of Clifton Forge and grants a new charter to the Town of Clifton Forge. The charter grants powers typically found in municipal charters and continues the council for the former city as the council for the new town. SB 345; CH. 124 (effective 3/11/02).

Exmore, Town. Repeals the current charter for the Town, which contains many outdated provisions, and grants a new charter containing powers traditionally given to towns. The terms of council members will change from two-year terms to four-year staggered terms. The emergency clause will allow such change to take place beginning in May 2002. HB 612; CH. 126 (effective 3/11/02).

Fairfax, City. Updates the City's boundaries. HB 165; CH. 5.

Front Royal, Town. Amends current penalty provisions to conform with general law. HB 374; CH. 705.

Harrisonburg, City. Provides that the council may act by ordinance, resolution or motion and ratifies certain previous council acts. HB 401; CH. 369.

Herndon, Town. Provides that candidates for town council shall not be identified on the ballot by political affiliation. The bill also requires candidates to be nominated by petition. HB 552; CH. 534/SB 99; CH. 494.

Leesburg, Town. Eliminates the requirement that the town council offer advice and consent on the town manager's appointment of the director of finance. HB 661; CH. 12.

Manassas Park, City. Deletes or updates obsolete provisions. HB 419; CH. 373.

Orange, Town. Updates the town boundary description. HB 275; CH. 10.

Poquoson, City. Provides for municipal elections to be held in November. HB 238; CH. 120 (effective 3/8/02)/SB 446; CH. 117 (effective 3/6/02).

Purcellville, Town. Provides that closed meetings of the council shall be held in accordance with general law. Other amendments to the charter will grant the Town all powers conferred on municipalities by the Code of Virginia, provide that compensation for council members and employees shall be set by the council, eliminate the residency requirement for the public works superintendent, wastewater treatment plant superintendent and the water plant superintendent, delete provisions requiring council consent prior to hiring and firing employees, and delete outdated references regarding the commissioner of revenue. HB 660; CH. 11.

Roanoke, City. Extensively updates and reorganizes the City's charter. Substantive changes include (i) conforming penalties with amounts permitted by state law, (ii) requiring certain city officers to live within the city limits within three months of their election, and (iii) increasing the number of members on the board of zoning appeals from five to seven. SB 496; CH. 685.

Vienna, Town. Updates old Code references, provides that candidates for town offices shall not be identified on the ballot by political affiliation, removes salary cap for mayor and members of council, deletes an outdated provision that allows the town clerk to serve as the clerk of the municipal court, and clarifies that the town manager need not be domiciled in the town at the time of, and for six months after, his appointment. HB 24; CH. 573/SB 1; CH. 594.

Capital projects; Virginia Public Building Authority and Virginia College Building Authority. Authorizes the Virginia Public Building Authority and the Virginia College Building Authority to undertake numerous public capital projects throughout the Commonwealth for a principal amount not to exceed \$195,674,000 and \$174,198,996, respectively, and to issue bonds to finance the cost thereof. HB 1284; CH. 887/SB 673; CH. 855.

Hampton Roads Sports Facility Authority. Continues numerous provisions within the act creating the Authority by changing the sunset date from January 1, 2002, to January 1, 2005, but provides that bonds shall be issued only upon approval by the National Hockey League or National Basketball Association of a team to be located in the City of Norfolk. The purpose of the Authority is to facilitate the attraction and operation of a National Basketball Association or National Hockey League franchise. Additional changes clarify that a temporary facility may be treated the same as the permanent facility for the purposes of certain tax benefits. HB 1072; CH. 651/SB 580; CH. 689 (effective 4/6/02).

Northern Virginia Transportation Authority. Revises statutory provisions dealing with the Northern Virginia Transportation Authority by substituting provisions recommended by the Joint Subcommittee Studying Creation of a Northern Virginia Regional Transportation Authority, together with recommended modifications from the Governor, for 2001 legislation that created the Authority. SB 576; CH. 846.

Tennessee-Virginia Bi-State Thermal Authority. Repeals the Authority because it has not been activated. This bill is a recommendation of the Virginia Code Commission. HB 2; CH. 22.

TITLE 16.1. COURTS NOT OF RECORD.

§ 16.1-69.18 amended. Performance bonds for judges and court employees. Provides for a copy of the performance bond purchased for a judge or certain other court employees to be filed with the Division of Risk Management within the Department of Treasury rather than with the State Comptroller. HB 589; CH. 406.

§§ 16.1-69.48:1 and 16.1-69.48:3. See § 17.1-275; SB 150.

§§ 16.1-69.53, 16.1-246, 16.1-260, 16.1-278.2, 16.1-278.4, 16.1-278.18, 16.1-281, 16.1-294, and 16.1-332. See § 63.1-1.1; SB 303.

§ 16.1-77 amended. General district courts; jurisdictional amounts; exception. Provides an exception to the \$15,000 jurisdictional limit in general district courts for cases involving liquidated damages for violation of vehicle weight limits. In 2001 the General Assembly amended § 46.2-1135 (which refers to general district courts) to increase liquidated damages, which means that cases will more frequently exceed \$15,000. HB 362; CH. 200/SB 474; CH. 506.

§§ 16.1-77, 16.1-92, and 16.1-122. See § 8.01-195.4; HB 924.

§§ 16.1-122.2 and 16.1-122.3 amended. Jurisdiction of the small claims court. Raises the jurisdiction of the small claims court from \$1,000 to \$2,000. HB 361; CH. 704.

§§ 9.1-102, 16.1-228, 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-279.1, 18.2-61, 18.2-164, 18.2-460, 19.2-11.01, 19.2-11.2, 19.2-81.3, 19.2-152.8, 19.2-152.9, 19.2-152.10, 19.2-305.1, and 52-35 amended; §§ 2.2-515.1, 19.2-387.1, and 52-45 added. Domestic violence; penalty. Creates a statewide facilitator for victims of domestic violence within the Office of the Attorney General. The bill requires the Department of Criminal Justice Services to establish training standards and publish a model policy for law-enforcement personnel in the handling of domestic violence cases; under current law this duty addresses only family abuse. The bill redefines family abuse to include reasonable apprehension of any bodily injury rather than serious bodily injury as under current law.

The bill also requires that law-enforcement agencies enter information on protective orders into the Virginia Criminal

Information Network (VCIN) immediately upon receipt; current law requires entry as soon as practicable or on the date of receipt. The bill renames the protective order file maintained by the Department of State Police on VCIN the protective order registry.

The bill removes the provision that marital rape cannot occur unless the spouses were living apart or there was bodily injury caused by force or violence. The bill raises the penalty for knowingly obstructing justice without just cause from a Class 2 to a Class 1 misdemeanor. The bill raises from a Class 3 to a Class 2 misdemeanor the unlawful use of and injury to telephone and telegraph lines and copying or obstructing telephone messages.

Local crime victim and witness assistance programs must verify that crime victims have received from law-enforcement personnel a standardized form listing the specific rights afforded to crime victims. Victims must be informed of the provisions of law that allow their name and address to be confidential. Requires a law-enforcement officer investigating a complaint of family abuse to transport or arrange for the transportation of an abused person to a hospital, safe shelter or magistrate.

The bill amends the witness protection program currently authorized to be established by the Department of State Police to include persons who may be in danger because of their cooperation with the investigation and prosecution to list the following crimes: assault and battery against a family or household member, a third misdemeanor conviction of certain sexual offenses, felony sexual assault and violent felony sexual assault. HB 488; CH. 818/SB 290; CH. 810.

§ 16.1-235 amended. Court services units. Allows localities with a state-operated juvenile court services unit to establish a locally-operated unit instead. SB 533; CH. 510.

§§ 16.1-241.1 and 16.1-276.1 repealed. Family courts. Repeals the jurisdiction and venue provisions of the experimental family court, which no longer exists, and the appeal provisions of the family court. This bill is a recommendation of the Virginia Code Commission. HB 3; CH. 305.

§ 16.1-241.3. See § 63.1-248.3; HB 294.

§ 16.1-248.1 amended. Criteria for detention or shelter care. Provides that a juvenile may be detained in a secure facility pursuant to a detention order or warrant when there is probable cause to believe that he violated the terms of his probation or parole and the charge for which he was originally placed on probation would have been a felony or Class 1 misdemeanor if committed by an adult. Currently, secure detention is allowed only when the juvenile is alleged to have committed an act that would be a felony or Class 1 misdemeanor if committed by an adult. HB 259; CH. 359/SB 467; CH. 55.

§ 16.1-249 amended. Juvenile detention; adults. Rewrites current law to clarify that predispositional detention of persons 18 years of age or older must be in an adult facility unless ordered for a violation of the terms and conditions of release

from a juvenile correctional center, in which case the judge may order such detention in a juvenile facility. HB 1236; CH. 558.

§§ 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-279.1, and 17.1-272 amended. Family abuse protective orders; penalty. Provides that the name of a person protected by a protective order shall not be disclosed, unless required by law or necessary for law-enforcement purposes and that no fee shall be charged for filing or serving a protective order. Additionally, the bill requires law-enforcement agencies to enter certain information regarding the protective order, upon receipt, into the Virginia Criminal Information Network System (VCIN). SB 518; CH. 508.

§§ 16.1-253.4 and 19.2-152.8 amended. Emergency protective orders. Requires the judge or magistrate who receives an electronic request and issues an oral order to verify the order when reduced to writing, and removes the requirement that the original copy of the order filed with the clerk be verified by the judge or magistrate who entered the order. This bill is a recommendation of the Committee on District Courts. HB 420; CH. 706.

§ 16.1-255 amended; § 16.1-235.1 added. Replacement intake officers; court services unit. Provides that the chief judge may make arrangements for a replacement intake officer from another court service unit to ensure the capability of a prompt response during hours the court is closed. Additionally, the bill sets forth the procedure for the appearance of a child before an intake officer by the use of two-way electronic video and audio communication. HB 298; CH. 700.

§ 16.1-266 amended. Child dependency cases; appointment of counsel. Affords the right of counsel to: a parent or guardian of a child who is alleged to be abused or neglected or at risk of abuse or neglect, a parent that could be subjected to the loss of residual parental rights, or any other adult charged with abuse or neglect of a child. If the identity or location of a parent or guardian is not reasonably ascertainable or if a parent or guardian fails to appear at one of the specified hearings, the court shall consider appointing an attorney-at-law to represent the interests of this absent party, and the hearing may be held. For proceedings related to a child's placement in foster care, the court is required to consider appointing counsel to represent the child's parent or guardian. The court currently has discretion to appoint counsel for these hearings. Existing law is also amended to match the current practice of appointment of a guardian ad litem for a child who is the subject of a petition filed in the juvenile court in connection with a parental placement adoption consent hearing. This bill has been endorsed by the Committee on District Courts. SB 537; CH. 687.

§§ 16.1-272 and 16.1-285.2 amended. Violent juvenile felonies. Provides that the court may impose an adult sentence on a juvenile tried as an adult and convicted of a violent juvenile felony but may order that a portion of it be served in a juvenile correctional facility. SB 534; CH. 511.

§ 16.1-278.9 amended. Denial of driver's license for truancy. Modifies the current statute regarding suspension of driver's licenses for truancy to authorize courts, upon a finding of a second or subsequent truancy offense, to order the denial of a driver's license for a period of one year or until the juvenile reaches the age of eighteen, whichever is longer, or delay the child's ability to apply for a driver's license for a period of one year following the date he reaches the age of sixteen and three months, as may be appropriate.

Under current law, the first such offense may warrant a 30-day denial or delay in license application. HB 160; CH. 519.

§§ 16.1-278.9, 46.2-307, 46.2-308, and 46.2-309 amended. Driving privileges. Amends provisions regarding the juvenile court's authority to deny driver's licenses for six months past the age of 16 years so that the court has the authority to deny a driver's license for six months past the age of 16 years and three months. The bill also changes provisions allowing non-residents over the age of 16 years to drive in Virginia to reflect the 2001 change in the driving age to 16 years and three months. SB 655; CH. 755.

§ 16.1-278.15 amended. Child custody proceedings. Provides that the juvenile and domestic relations district court has the authority to order psychological or custody evaluations and drug tests of a parent, guardian, legal custodian or person standing in loco parentis to the child. HB 1224; CH. 300.

§ 16.1-281 amended. Foster care plan. Modifies the current requirement that the agency consult with the child's parents in making a foster care plan to provide an exception when the agency has made diligent efforts to locate the parent(s) and the parent(s) cannot be located. HB 314; CH. 397.

§§ 16.1-281 and 16.1-283 amended. Termination of parental rights. Provides the following additional circumstance in which the local board or other child welfare agency having custody of the child is not be required to make reasonable efforts to reunite the child with a parent and parental rights may be terminated: if the court finds that, based on clear and convincing evidence, the parent has subjected any child to aggravated circumstances, or abandoned a child under circumstances which would justify the termination of residual parental rights. "Aggravated circumstances" includes torture, chronic or severe abuse, or chronic or severe sexual abuse. HB 1061; CH. 729/SB 130; CH. 664.

§§ 16.1-281, 16.1-282, and 16.1-282.1 amended; § 16.1-282.2 added. Permanency planning; children in foster care. Requires the court to make a finding concerning whether reasonable efforts have been made to place the child in a timely manner in accordance with the foster care plan and to take the steps necessary to finalize the permanent placement of the child at the actual hearing at which the court orders the child's permanent placement and annually thereafter. The bill requires an annual foster care review hearing for children in permanent foster care. Permanent foster care is given a higher priority than independent living, to promote attachment to an adult car-

egiver. This bill has been endorsed by the Committee on District Courts. SB 538; CH. 512.

§§ 16.1-300 and 16.1-305 amended. Confidentiality of juvenile records. Allows the attorney for the Commonwealth and adult probation and parole officers access to an offender's juvenile criminal record without a court order in order to prepare presentence reports, risk assessment instruments, and discretionary sentencing guidelines worksheets. The bill also allows pretrial services agencies and community-corrections probation officers access to juvenile court records without a court order for the purpose of preparing pre- and post-sentence reports and risk assessment instruments and investigating or serving adult local-responsible offenders. HB 1205; CH. 735.

§§ 16.1-305 and 19.2-389.1 amended. Access of juvenile record information. Allows pretrial services agencies and community-corrections probation officers access to juvenile court records without a court order for the purpose of preparing pre- and post-sentence reports and risk assessment instruments and investigating or serving adult local-responsible offenders. HB 310; CH. 701.

§ 16.1-305 amended. Confidentiality of juvenile court records; exceptions. Allows attorneys for the Commonwealth and probation officers direct electronic access to offenders' juvenile delinquency records for the strictly limited purposes of preparing a presentence report, sentencing guidelines or transfer or sentencing hearing. HB 1344; CH. 741.

TITLE 16.1. MISCELLANEOUS - COURTS NOT OF RECORD.

Detention homes. Requires the Department of Juvenile Justice to establish a uniform risk assessment instrument for use when making detention decisions and when making recommendations at detention hearings for implementation by each court service unit and for distribution to each juvenile court judge by October 1, 2002. HB 1000; CH. 648.

TITLE 17.1. COURTS OF RECORD.

§ 17.1-100 added. Judicial performance evaluation program. Requires the Supreme Court to establish a one-year pilot judicial performance evaluation program beginning January 1, 2003, if funds are appropriated by the general appropriation act.

There is a January 1, 2004, effective date for the Supreme Court to establish and maintain a judicial performance evaluation program that will provide a self-improvement mechanism for judges and a source of information for the reelection process. By September 1 of each year, the Supreme Court will

transmit a final evaluation of each justice and judge whose term expires during the next session to the Chairmen of the House and Senate Committees for Courts of Justice. HB 999; CH. 726.

§§ 17.1-208 and 17.1-265 amended. Clerk of circuit court; military service discharge records. Provides that discharge certificates and reports of separation from active duty recorded with the clerk of circuit court shall be open for inspection and copying only by (i) the subject of the record, (ii) the conservator or guardian of the subject, (iii) the executor or administrator of the subject's estate, (iv) representatives acting on behalf of or at the request of the subject, or (v) any agency of federal, state, or local government. The bill also provides that the clerk may permit the use of discharge certificates or reports of separation from active duty for bona fide research purposes if the subject of the record is deceased. HB 1209; CH. 299.

§§ 8.01-600, 15.2-1605.1, 17.1-213, 17.1-232, 17.1-249, 17.1-275, 19.2-187, 19.2-270.4:1, 31-8.1, 32.1-267, 47.1-5, 55-66.4:2, and 64.1-94 amended; § 17.1-219.1 added. Circuit court clerks. Makes various revisions to the duties and responsibilities of filings, etc., in the circuit court clerks' offices such as: clarifying the limitations on public access to social security numbers; authorizing localities to supplement clerks salaries; giving authority to clerks to sign prisoner transportation orders when authorized by the judge; providing for the disposition of original wills after microfilming; removing the reference to abstracts of executions on judgments that no longer have to be filed; clarifying that partial certificates of satisfaction are to be indexed; deleting obsolete references to fees for applications for tax deeds; clarifying procedure for filing requests for copies of certificates of analysis in criminal cases; requiring court orders to specifically identify the human biological evidence to be preserved in a criminal case; clarifying the fees payable on petitions for approval of proposed distributions from minors' estates; and waiving application fees for deputy circuit court clerks seeking appointment as notaries public. SB 153; CH. 832.

§ 17.1-222.1. See § 2.2-614.1; HB 825.

§ 17.1-249 amended. Grantor/grantee index; clerk's office. Allows a court clerk's office to maintain grantor/grantee indexes on paper. HB 869; CH. 276.

§ 17.1-256 amended. Clerks of court; electronic filing. Allows a circuit court clerk to enter into an agreement with banks, mortgage companies or other lending institutions for the purpose of electronically recording certificates of satisfaction and assignments of the underlying notes secured by previously recorded deeds of trust. HB 782; CH. 419.

§ 17.1-272. See § 16.1-253; SB 518.

§§ 16.1-69.48:1, 16.1-69.48:3, 17.1-275, 17.1-275.1, 17.1-275.2, 17.1-275.4, 17.1-275.5, 17.1-275.6, 17.1-281, 19.2-11.3, 19.2-303.4, 19.2-354, 19.2-368.18, 53.1-131.1, 53.1-150 amended; §§ 17.1-275.7, 17.1-275.8, and 17.1-275.9 added; §§ 17.1-277 and 18.2-264.01 repealed. Court fees. Establishes fixed fees for proceedings for misdemeanors, traf-

fic infractions and other violations in district and circuit court. The fixed fees aggregate the most common costs to be collected by clerks of court, many of which are earmarked for distribution to specific funds. The bill was recommended by the Committee on District Courts in order to more efficiently process cases, utilize automation and minimize inconvenience to the public. SB 150; CH. 831 (effective 7/1/03).

§ 17.1-278 amended. Legal Aid Services Fund. Raises the additional fees collected in all cities and counties in which civil legal representation is provided for the poor, without charge, by a nonprofit legal aid program organized under the auspices of the Virginia State Bar, from two to four dollars in both district and circuit courts. HB 151; CH. 318.

§ 17.1-279 amended. Clerk's fees; information technology fee. Provides an exception where a clerk has implemented a technology plan approved by the Department of Technology Planning allowing allocations to exceed the pro rata share of the collections of the three-dollar fee relative to the chancery and law actions filed in that jurisdiction. HB 675; CH. 637.

§ 17.1-279 amended. Technology Trust Fund fee; sunset. Extends the sunset from July 1, 2002, to July 1, 2004. HB 857; CH. 250/SB 83; CH. 140.

§ 17.1-300 amended. Election of Chief Justice by the justices of the Court. Changes the manner in which the Chief Justice is chosen to a majority vote of the justices as opposed to the ascension of the most senior justice. The bill applies to the next Chief Justice of the Supreme Court and does not affect the current Chief Justice or his term. HB 1186; CH. 552/ SB 138; CH. 43.

§§ 2.2-507.1 and 17.1-513.01 added. Charitable corporations. Grants the Attorney General authority to act on behalf of the public with respect to charitable corporations and grants circuit courts subject matter jurisdiction over matters pertaining to assets of charitable corporations, thus overruling the decision in Commonwealth of Virginia v. The JOCO Foundation, Record No. 011794 (January 11, 2002). SB 676; CH. 792.

§ 17.1-802 amended. Sentencing Commission; terms. Establishes a uniform time for terms to expire at the end of the calendar year. Under current law, many of the terms expire at different times in October and November. The bill also staggers the terms of gubernatorial appointees beginning January 1, 2004. The terms of other appointees were staggered in accordance with the directives of Chapter 226 of the 1998 Acts of Assembly. SB 252; CH. 79.

TITLE 17.1. MISCELLANEOUS - COURTS OF RECORD.

Posting of "In God We Trust." Provides that "In God We Trust" shall be posted in every courtroom in the Common-

wealth when the General Assembly appropriates funds for such postings. HB 107; CH. 485 (effective - see bill).

TITLE 18.2. CRIMES AND OFFENSES GENERALLY.

§§ 2.2-511, 18.2-18, 18.2-31, 18.2-51.1, 18.2-52.1, 18.2-60, 18.2-85, 19.2-61, 19.2-66, 19.2-70.2, 19.2-120, 19.2-215.1, 19.2-294, 19.2-386.1 through 19.2-386.5, 24.2-233, and 52-8.5 amended; §§ 15.2-1716.1 and 18.2-46.4 through 18.2-46.10 added. **Terrorism.** Broadens Virginia's capabilities to respond to terrorism. The bill defines "act of terrorism" and "weapon of terrorism" and punishes committing, aiding and abetting terrorism, manufacture and possession of terrorist and hoax devices, acts of bioterrorism against agricultural crops or animals and making terrorist threats. The bill makes murder in the furtherance of terrorism a capital crime. The bill defines "radiological agent" and provides that the possession, with the intent to injure another, of an infectious biological substance or radiological agent capable of causing death or serious bodily injury is a Class 5 felony. A person who manufactures, sells, gives, distributes or uses an infectious biological substance or radiological agent with the intent to injure another is guilty of a Class 4 felony.

The bill adds search and rescue and emergency medical services personnel to the section that provides enhanced penalties for malicious bodily injury to law-enforcement officers and firefighters. The bill allows the Attorney General to prosecute money laundering with the concurrence of the attorney for the Commonwealth of the locality.

The bill expands wiretap capabilities in response to terrorist activity and restricts admission to bail of a person charged with a terroristic crime. The bill also expands seizure and forfeiture law to include property associated with terrorism. The bill allows localities to be reimbursed for emergency response costs for terrorism hoaxes. HB 1120; CH. 588/SB 514; CH. 623.

§ 18.2-29 amended. **Criminal solicitation; penalty.** Increases the penalty for soliciting another person to commit a murder from the current Class 6 felony to a term not less than five years or more than 40 years. HB 565; CH. 635/SB 321; CH. 615.

§ 18.2-49.1 amended. **Violation of court order regarding custody and visitation; penalty.** Increases penalties for a person who knowingly, wrongfully and intentionally engages in conduct that constitutes a clear and significant violation of a court order respecting the custody or visitation of a child from a Class 4 to a Class 3 misdemeanor upon conviction of a first offense and from a Class 3 to a Class 2 misdemeanor for a second conviction within 12 months and from a Class 2 to a Class 1 misdemeanor for a third offense within 24 months. HB 416; CH. 576/ SB 44; CH. 596.

§ 18.2-52.1 amended. **Infectious biological substances.** The bill defines "radiological agent" and provides that the possession, with the intent to injure another, of an infectious biological substance or radiological agent, capable of causing death or serious bodily injury, is a Class 5 felony. A person who manufactures, sells, gives, distributes or uses an infectious biological substance or radiological agent with the intent to injure another is guilty of a Class 4 felony. HB 260; CH. 816.

§ 18.2-57 amended. **Assault exception for school personnel.** Expands the current teacher exception to the "simple assault" and "assault and battery" definitions to include a principal, assistant principal, guidance counselor or public school security officer. HB 427; CH. 817.

§ 18.2-60.3 amended. **Crimes; stalking.** Exempts law-enforcement officers and regulated private investigators, acting in the course of their business, from the provisions of the stalking statute. HB 456; CH. 377.

§§ 18.2-61, 18.2-164, and 18.2-460. See § 16.1-228; HB 488/ SB 290.

§ 18.2-152.4 amended. **Computer trespass.** Provides that, with respect to the computer trespass Code section, nothing in the section shall be construed to prohibit a parent or legal guardian from monitoring the computer usage of a minor, denying the minor access to the computer or Internet or lawfully copying data. HB 304; CH. 195.

§ 18.2-174.1 amended. **Impersonation of public safety personnel.** Raises the punishment for impersonation of a firefighter or other public safety personnel from a Class 3 to a Class 1 misdemeanor. HB 666; CH. 536.

§§ 18.2-187.1 and 18.2-190.1 through 18.2-190.4 amended; §§ 18.2-190.5 through 18.2-190.8 added. **Telecommunication devices; penalty.** Broadens the definition of "telecommunication device" to include devices and software capable of receiving a variety of transmissions, including telephonic, electronic, Internet access, audio and video. The bill modifies the existing violation of selling or manufacturing unlawful telecommunication devices by adding the word "knowingly." Additionally, the bill provides that for the purposes of punishment, the unlawful activities of knowingly selling or manufacturing unlawful telecommunication devices are separate offenses for each device involved. The bill provides for both the forfeiture of unlawful telecommunication devices and the order of restitution. Finally, the bill provides civil relief for any party providing oil, electric, gas, water, telephone, telegraph, telecommunication or cable television service that is aggrieved by violation of certain sections. SB 221; CH. 671.

§ 18.2-264.01. See § 17.1-275; SB 150.

§ 18.2-268.2 amended. **DUI; blood alcohol test.** Increases the time limit for implied consent in post-arrest chemical tests. Under current law a person arrested is deemed to have consented to breath and blood tests if the person is arrested within two

hours of the alleged offense. This bill increases that time to three hours. SB 353; CH. 748.

§ 18.2-270 amended. Charging a violation of driving while intoxicated. Clarifies language in DUI law to require the warrant, information, or indictment on which a person is convicted to allege that such person has been previously convicted of an offense committed within the specified time period (five or 10 years). The bill also includes some clarifying, non-substantive changes. HB 67; CH. 759.

§ 18.2-271 amended. Forfeiture of driver's license for driving while intoxicated. Provides that a person loses his driver's license for three years if convicted of driving while intoxicated for the second time within 10 years. Currently, apparently by error, there is no time limit and a license could be suspended no matter how many years later the second offense occurs. HB 671; CH. 873.

§ 18.2-271.1 amended. DUI; restricted license. Provides that the court that convicted a person of DUI has continuing jurisdiction over the person during any period of license revocation resulting from that conviction, for the purposes of referring the person to a certified alcohol safety action program and providing a restricted permit whether or not it took either such action at the time of the conviction. HB 1303; CH. 806.

§ 18.2-308 amended. Concealed weapons. Provides that no fee shall be charged for the issuance of a concealed weapon permit for a retired law-enforcement officer after completing 15 years of service with a police or sheriff's department within the United States, the District of Columbia or any of the territories of the United States. HB 223; CH. 699.

§ 18.2-308 amended. Carrying concealed weapons. Provides that any person otherwise eligible, if he is a member of the United States armed forces, may apply for a concealed handgun permit in the county or city in which he is domiciled even though he may be a resident of another state. HB 1058; CH. 728.

§ 18.2-308 amended. Concealed weapon permits. Provides that concealed handgun permits issued by the State of Maryland are valid in the Commonwealth if the holder of the permit (i) is licensed in Maryland to perform duties comparable to those performed by Virginia branch pilots licensed pursuant to Chapter 9 (§ 54.1-900 et seq.) of Title 54.1, (ii) is performing such duties in Virginia, and (iii) is 21 years of age or older. Branch pilots guide ships in and out of harbors. Additionally, the bill exempts certain retired State Corporation Commission special agents from the section. SB 23; CH. 826.

§ 18.2-308.1:4 amended. Carrying firearms during period of protective order. Clarifies that any person who is subject to a protective order is prohibited from carrying a concealed handgun while the order is in effect, even if he holds a concealed handgun permit. The person shall surrender his permit to the court for the duration of the protective order. A violation is a Class 1 misdemeanor. HB 432; CH. 865/SB 46; CH. 783.

§ 18.2-308.2 amended. Possession of stun weapons and tasers by convicted felons. Rewords last year's amendment to the law that prohibits a convicted felon from possessing a firearm to make it abundantly clear that he may possess only a stun weapon or taser as defined by § 18.2-308.1 in his residence or the curtilage thereof. HB 300; CH. 362 (effective 4/1/02).

§ 18.2-308.2:2 amended. One-handgun-a-month. Provides that the one-handgun-a-month purchase limitation does not apply to a person who trades in a handgun at the same time he makes a handgun purchase and as a part of the same transaction, provided that no more than one transaction of this nature is completed per day. HB 119; CH. 695.

§ 18.2-308.2:3 amended. Criminal background check required for employees of a gun dealer to transfer firearms; exemptions; penalties. Provides an exemption from the requirement that an employee of a federally licensed firearms dealer submit fingerprints if the dealer submits a notarized affidavit to the Department of State Police that the employee's fingerprints were previously submitted to, and approved by, the Bureau of Alcohol, Tobacco and Firearms. The bill also punishes a false statement in the affidavit as a Class 5 felony. HB 951; CH. 880.

§ 18.2-323.1 amended. Possession of open container of alcohol in a motor vehicle; penalty. Creates a rebuttable presumption that the driver has consumed an alcoholic beverage in violation of § 18.2-323.1 if (i) an open container is located in the passenger area of a motor vehicle, (ii) the alcoholic beverage in the open container has been at least partially removed and (iii) the appearance, conduct, odor of alcohol, speech or other physical characteristic of the driver may be reasonably associated with the consumption of an alcoholic beverage. A violation of § 18.2-323.1 is punishable as a Class 4 misdemeanor. SB 148; CH. 890.

§§ 18.2-340.16, 18.2-340.20, and 18.2-340.33 amended. Charitable Gaming Commission; fair market rental value. Adds a definition of "fair market rental value" and provides clarification of "winner-take-all" games. HB 931; CH. 282.

§ 18.2-340.16 amended. Charitable gaming; definition of reasonable and proper business expenses. Provides that payments made pursuant to § 51.1-1204 to the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund shall be deemed a reasonable and proper business expense. As a result, a qualified organization may use proceeds from charitable gaming to make contributions to the Fund. HB 1233; CH. 340.

§ 18.2-414.1 amended. Interference with rescue squad workers; penalty. Increases the penalty for interfering with rescue squad workers performing their duties from a Class 4 misdemeanor to a Class 2 misdemeanor. HB 1251; CH. 560.

§ 18.2-423.01 added. Burning object on property of another or public place with intent to intimidate; penalty. Creates a new section without amending existing language in the current cross-burning statute to provide that, without any reference to a cross, any person, with the intent of intimidating another, who

burns an object on the private property of another, on a highway or other public place in a manner having a direct tendency to place another in reasonable fear or apprehension of death or bodily injury is guilty of a Class 6 felony. This is in response to the decision of the Virginia Supreme Court in *Black v. Commonwealth*, 2001 Va. Lexis 139 (2001), that found Virginia's cross-burning statute unconstitutional under the First Amendment. HB 1173; CH. 589/SB 111; CH. 600.

§ 18.2-460 amended. Obstructing justice by giving a false statement to a law-enforcement officer. Provides that any person who knowingly and willfully makes any materially false statement or representation to a law-enforcement officer who is in the course of conducting an investigation of a crime by another is guilty of a Class 2 misdemeanor. HB 369; CH. 527.

§ 18.2-465.1 amended. Employee court appearances. Expands the statutory protections currently available to employees who are summoned or subpoenaed to court to include persons "who, having appeared, are required in writing by the court to appear at any future hearing." People in this category would then have the protections of the current statute, which provides that an employer who discharges, takes adverse personnel action, or requires the use of sick leave or vacation time regarding an employee who has given the employer notice of the court appearance is guilty of a Class 3 misdemeanor. This bill is a recommendation of the Committee on District Courts. HB 816; CH. 423.

TITLE 19.2. CRIMINAL PROCEDURE.

§§ 19.2-11.01, 19.2-29, 19.2-30, 19.2-32, 19.2-35, 19.2-71, and 19.2-82 amended. Deletion of obsolete cross-references. Strikes references to special magistrates and other obsolete Code sections. This bill is a recommendation of the Virginia Code Commission in furtherance of the objective to identify obsolete provisions of law pursuant to § 30-151. HB 51; CH. 310.

§§ 19.2-11.01, 19.2-11.2, 19.2-81.3, 19.2-152.8, 19.2-152.9, 19.2-152.10, and 19.2-305.1. See § 16.1-228; HB 488/SB 290.

§§ 19.2-11.3, 19.2-303.4, 19.2-354, and 19.2-368.18. See § 17.1-275; SB 150.

§ 19.2-12 amended. Who are conservators of the peace. Adds any special agent of the Office of the Inspector General of the Department of Transportation to that list of persons considered conservators of the peace while engaged in the performance of their official duties. HB 18; CH. 86.

§ 19.2-12. See § 28.2-100; SB 326.

§§ 19.2-12 and 19.2-13. See § 54.1-306; SB 179.

§ 19.2-13. See § 22.1-280.2:1; HB 498/SB 295.

§§ 19.2-61, 19.2-66, 19.2-70.2, 19.2-120, 19.2-215.1, 19.2-294,

and 19.2-386.1 through 19.2-386.5. See § 18.2-18; HB 1120/SB 514.

§ 19.2-68 amended. Wiretaps. Allows officers from a town police department to observe or monitor an interception if that police department originated the investigation leading to the wiretap application. HB 41; CH. 91.

§ 19.2-112 amended. Costs of extradition. Requires a fugitive found guilty to pay the costs of extradition. Currently, only a fleeing probationer or parolee who must be extradited must pay the costs. SB 513; CH. 622.

§ 2.2-3706 amended; §§ 9.1-177.1 and 19.2-152.4:2 added. Confidentiality of pretrial and community-based probation records. Exempts any pretrial investigation report or other records of a local pretrial services agency and any report or other records of a local community-based probation agency from the Virginia Freedom of Information Act. HB 724; CH. 769.

§ 19.2-152.8. See § 16.1-253.4; HB 420.

§§ 19.2-152.8, 19.2-152.9, and 19.2-152.10 amended. Issuance and violation of stalking protective orders; penalty. The bill provides that, except when necessary for conduct of the criminal proceeding, the address, telephone number and place of employment of an allegedly stalked person may not be disclosed. The bill also requires that protective order information be entered into the Virginia Criminal Information Network (VCIN) upon receipt. SB 485; CH. 507.

§ 19.2-163.2 amended. Public defender's office. Establishes a public defender's office in the city of Norfolk. HB 242; CH. 357.

§§ 19.2-163.2 and 19.2-163.7 amended. Public Defender Commission; duties. Requires the Public Defender Commission to (i) require and ensure that each public defender office collects and maintains caseload data and fields in a case management database on an annual basis, (ii) report annually on or before October 1 to the Virginia State Crime Commission, the House and Senate Committees for Courts of Justice, the House Committee on Appropriations, and the Senate Committee on Finance detailing Virginia's ranking amongst the 50 states in terms of pay allowed for court-appointed counsel, cost effectiveness of the various public defender offices and the cost effectiveness of establishing public defender offices in those localities that do not offer public defender services and (iii) establish four regional capital defense units by the end of fiscal year 2004. The bill also requires that in capital cases after July 1, 2004, one attorney in indigent capital cases be appointed from a capital defense unit established by the Public Defender Commission. SB 317; CH. 614.

§ 19.2-182.5 amended. Persons acquitted of misdemeanors by reason of insanity. Provides that a person found not guilty of a misdemeanor by reason of insanity shall remain in the custody of the Commissioner of Mental Health and Mental Retardation for a period not to exceed one year from the date of acquittal and also provides that prior to or at the conclusion of

one year, if the Commissioner determines that the acquittee meets the criteria for release, emergency custody, temporary detention or involuntary commitment, he shall file a petition to accomplish same. The Commissioner must notify the committing attorney for the Commonwealth prior to release. SB 482; CH. 750.

§§ 19.2-187 and 19.2-270.4:1. See § 17.1-213; SB 153.

§ 19.2-187.02 added. **Blood alcohol test admissibility.** Provides that a blood alcohol test is admissible as a hospital business record in a prosecution for driving under the influence if the test was taken in a hospital emergency room. The bill also provides that such blood alcohol tests are not considered confidential medical records and that anyone who takes blood, conducts tests or offers testimony is immune from civil liability for breach of confidentiality or unauthorized release of medical records. SB 355; CH. 749.

§ 19.2-192.1 added. **Sealing of grand jury indictment.** Specifies that upon ex parte motion by the Commonwealth and for good cause shown, the circuit court may seal an indictment until the defendant is arrested. HB 370; CH. 130.

§ 19.2-243 amended. **Speedy trial.** Provides that a criminal trial is commenced at the point when jeopardy would attach or when a plea of guilty or nolo contendere is tendered by the defendant. As introduced, this bill was a recommendation of the Judicial Council. SB 135; CH. 743.

§ 19.2-247 amended. **Venue in homicide cases.** Provides that when it is unknown where the crime was committed and the victim is removed from the Commonwealth for medical treatment prior to death and dies outside the Commonwealth, venue exists in the jurisdiction where the victim was when removed for medical treatment. SB 357; CH. 503.

§ 19.2-267.2 added. **Compliance with criminal subpoena.** Provides that when a criminal subpoena has been served on a person who is not a party to the action requiring the production of information that is stored in an electronic format, the person shall produce a tangible copy of the information. If a tangible copy cannot be produced, the person shall permit the parties to review the information on a computer or by electronic means during normal business hours, provided that the information can be accessed and isolated. If a tangible copy cannot reasonably be produced and the information is commingled with information other than that requested in the subpoena and cannot reasonably be isolated, the person may file a motion for a protective order or motion to quash. HB 457; CH. 764.

§ 19.2-269.1. See § 8.01-410; HB 954/SB 650.

§ 19.2-270.5 amended. **DNA testing.** Provides that lawfully acquired DNA samples obtained in a criminal investigation can be used by law-enforcement officials for comparison with evidence obtained in other crimes. HB 1230; CH. 885.

§ 19.2-270.5 amended. **DNA testing.** Removes provision that prohibits inclusion of blood samples and results of analysis of the samples submitted to the Division of Forensic Science in

the DNA data bank established by the Division. SB 633; CH. 627.

§§ 19.2-298.1 and 19.2-298.2 amended. **Sex Offender Registry.** Requires a person convicted of a second or subsequent violation of an offense for which registration is required to continue to reregister for his lifetime. This provision is an attempt to bring Virginia into compliance with the Jacob Wetterling Act and to avoid the loss of federal funds under that act. HB 452; CH. 867.

§ 19.2-298.1 amended. **Sex offender registration; penalty.** Requires any person under a duty to register as a sex offender to initially register or, upon change of residence, to reregister in person with the law-enforcement agency of the jurisdiction in which the registrant resides. Under current law, there is no requirement that the offender register in person. The bill also requires the registrant to provide a governmental photo-ID to establish proof of residence. HB 1117; CH. 731.

§ 19.2-301 amended. **Presentence mental evaluation of sex offenders.** Requires the examiner's report to be confidential except as needed for the prosecution or defense of an offense or for assessment by the Attorney General for civil commitment and requires that it be sealed once the sentencing order is entered. The defendant is required to return to the court his copy of the report at the conclusion of sentencing. SB 97; CH. 662.

§ 19.2-306 amended. **Revocation of suspended sentence.** Rewrites statute governing revocation of suspended sentence and probation for clarity and to allow the court to issue process (a *capias* or show cause) to a defendant within one year of the expiration of the probationary period. Under current law the hearing itself must be held within one year of the expiration of the probationary period. SB 634; CH. 628.

§§ 19.2-310.2, 19.2-310.4, 19.2-310.5, and 19.2-310.7 amended; §§ 19.2-310.2:1 and 19.2-310.3:1 added. **DNA analysis upon arrest for a violent felony.** Requires a saliva or tissue DNA sample to be taken from every person arrested for a violent felony. If the charge is dismissed or the person is acquitted at trial the DNA sample must be destroyed by the Division of Forensic Science. The bill further provides for civil immunity for the sample taker unless he is negligent. HB 892; CH. 773 (effective 1/1/03)/SB 535; CH. 753 (effective 1/1/03).

§ 19.2-310.2 amended. **DNA sample of felons; payment.** Provides for a \$25 fee for withdrawal of the blood, saliva or tissue sample required to be taken from all felons. The fee will be taxed as part of the costs of the criminal case resulting in the felony conviction and one-half is to be paid into the general fund of the locality where the sample was taken and one-half into the general fund of the state treasury. SB 419; CH. 54

§§ 19.2-316.2 and 19.2-316.3 amended. **Detention and Diversion Centers.** Provides that an evaluation for participation in the Detention Center Incarceration Program or the Diversion Center Incarceration Program can occur upon motion of the attorney for the Commonwealth or the court's own motion, as well as the defendant's motion. This bill is a recommendation of the Judicial Council. SB 136; CH. 604.

§§ 19.2-368.4, 19.2-368.5, 19.2-368.8, and 19.2-368.11:1 amended. **Criminal Injuries Compensation Fund.** Allows Virginia residents to access the Fund if victimized while traveling in another country or in a territory. The bill provides that the parent of a child victim may apply for compensation on behalf of the child, so the parent can get lost wages for medical and legal appointments, etc. The bill also allows the person who paid for the victim's funeral to be reimbursed rather than limiting funeral reimbursement to certain relatives. The top limit award for weekly wages is increased from \$200 to \$600 and for moving expenses is increased from \$500 to \$1,000. Attorneys for the Commonwealth are directed to request restitution when an award has been made from the Fund, so that the Fund can be reimbursed. SB 137; CH. 665.

§ 19.2-389 amended. **Criminal history record information; Compeer.** Allows volunteers of any Virginia affiliate of Compeer to obtain, at no cost, personal criminal history records in connection with a person's application to become a Compeer volunteer. Compeer brings trained volunteers together with adults and children receiving mental health services in one-on-one matches. HB 405; CH. 370.

§ 19.2-389 amended; § 63.1-56.01 added. **Criminal history records information.** Provides that each local board of social services and licensed child-placing agency shall obtain and consider, in accordance with regulations adopted by the State Board of Social Services, criminal history record information from the Central Criminal Records Exchange and the results of a search of the child abuse and neglect central registry of any individual with whom the local board or agency is considering placing a child on an emergency, temporary or permanent basis, including the birth parent of a child in foster care placement. The local board or agency may also obtain such a criminal records or central registry search on all adult household members residing in the home of the individual with whom the child is to be placed. In emergency circumstances, each local board or licensed child-placing agency may obtain, from a criminal justice agency, criminal history record information through the Virginia Criminal Information Network. HB 1043; CH. 587/SB 219; CH. 606.

§ 19.2-389.1. See § 16.1-305; HB 310.

§ 19.2-390.01 added. **Reporting of criminal justice record information.** Requires the use of Virginia crime code references on all reports to the Central Criminal Records Exchange and to any other criminal offense or offender database maintained by the State Police, the Supreme Court of Virginia, the Department of Corrections, the Department of Juvenile Justice, the Virginia Parole Board and the Department of Criminal Justice Services if reenacted in 2003. The Virginia crime code references are maintained by the Virginia Criminal Sentencing Commission. The bill designates affected agencies to meet and submit a written plan for accomplishing these requirements to the Crime Commission by December 1, 2002. HB 308; CH. 524 (effective - see bill).

§ 19.2-398 amended. **Appeal by the Commonwealth.** Allows for an appeal from a circuit court in certain felony actions pro-

vided the Commonwealth certifies that the appeal is not taken for purpose of delay and that the evidence is substantial proof of a fact material in the proceeding. Under current law, the Commonwealth must certify that the evidence is essential to the prosecution. HB 68; CH. 692.

§ 19.2-398 amended. **Appeal by the Commonwealth.** Allows for an appeal from a circuit court in certain felony actions provided the Commonwealth certifies that the appeal is not taken for purpose of delay and that the evidence is substantial proof of a fact material in the proceeding. Under current law, the Commonwealth must certify that the evidence is essential to the prosecution. Expands the Commonwealth's right to appeal by providing that any circuit court sentencing order that is contrary to statutory mandatory sentencing or restitution terms is appealable. SB 291; CH. 611.

TITLE 20. DOMESTIC RELATIONS.

§§ 20-49.9, 20-64, 20-88.02, 20-108, and 20-108.2. See § 63.1-1.1; SB 303.

§ 20-108.2 amended. **Determination of child support.** Allows a reduction in gross income for half of the self-employment tax paid in determining child support obligations. HB 1034; CH. 650.

§ 20-124.3:1 added. **Custody and visitation.** Provides that in any case in which custody or visitation of a child is at issue, any information obtained during therapy and the records kept by any licensed mental health care provider concerning a parent shall be privileged and confidential. Additionally, a mental health care provider may not be required to testify on behalf of or against a parent or adult relative of the parent except that the court may order the provider to testify on child abuse matters. The privilege and confidentiality provisions do not apply to providers who have conducted or are conducting an independent mental health evaluation pursuant to a court order. HB 1001; CH. 881 (effective 7/1/03).

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

§ 21-118 amended. **Sanitary districts.** Authorizes localities that have established sanitary districts to base their tax assessments within sanitary districts on fair market use rather than on a land use assessment, provided the property owner consents. HB 228; CH. 194.

TITLE 22.1. EDUCATION.

§§ 2.2-3309.1 and 22.1-17.4 amended. Virginia Korean War Veterans Appreciation Week; certain honorary high school diplomas. Establishes the first full week in November as the Virginia Korean War 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 1950 and 1953, 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. Upon filing the required application, the Board of Education will award the veteran a Commonwealth of Virginia Korean War Veteran Honorary High School Diploma during the appreciation week. SB 365; CH. 162.

§ 22.1-18 amended. Standards of Quality; reporting. Directs the Board of Education to include, in its annual fall report on public education needs and schools failing to meet the Standards of Quality (SOQ), a complete listing of the current SOQ, justification for each standard, how long each such standard has been in its current form, and whether the Board recommends any changes to the SOQ. HB 884; CH. 253/ SB 350; CH. 159.

§ 22.1-18.01 added. Standards of Quality revisions. Requires, to ensure the integrity of the standards of quality, the Board of Education to exercise its constitutional authority to determine and prescribe the standards, subject to revision only by the General Assembly, by (i) reviewing the standards and (ii) either proposing amendments to the standards or (iii) making a determination that no changes are necessary. In any odd-numbered year in which the Board proposes changes to the standards of quality, the budget estimates that are statutory required to be reported pursuant to § 2.2-1504 must take into consideration the Board's proposed standards of quality. Prior to 1984, the Board was required to revise the standards every two years in the odd-numbered year. With the codification of the standards in 1984, this requirement was removed. SB 201; CH. 498.

§ 22.1-26 amended. Joint schools. Clarifies that school boards may operate comprehensive schools offering all-day academic programs and career and technical education as joint schools. Regional career and technical education centers are most often operated on half-day rotations, with students being transported to the career and technical school for their training while receiving academic programs in another school for the other portion of the day. HB 334; CH. 366.

§ 58.1-3703 amended; § 22.1-26.1 added. Satellite public education facilities. Authorizes school boards to enter into agreements with private business and industry for the establish-

ment, installation, renovation, remodeling, or construction of satellite classrooms for grades kindergarten through three on a site owned by the business or industry and leased to the school board at no cost. The local school board may adopt procedures for the enrollment of children of employees of the private industry who reside outside the attendance zone for such classrooms. Such procedures shall be designed to ensure compliance with all federal and state laws and regulations and constitutional provisions prohibiting discrimination that are applicable to public schools and with any court-ordered desegregation plan in effect for the school division. Agreements for such satellite classrooms, shall include, among other things, (i) a detailed description of the satellite site, the site development necessary for new construction, remodeling, or renovation for the accomplishment of the project, and any facility to be constructed; (ii) a plan for the reimbursement of the school division by the private industry or business upon premature termination of any such lease agreement; (iii) an enrollment plan, including grade levels to be served; and (iv) a description of any waivers to be requested from the Board of Education for the operation of such satellite classrooms. This bill also authorizes in the tax code the relevant local government, by ordinance, to provide an exemption, in whole or in part, from the licensure tax for private businesses and industries entering into these agreements. HB 755; CH. 717.

§§ 22.1-30 and 22.1-287. See § 63.1-1.1; SB 303.

§ 22.1-32 amended. School board salaries. Provides that any elected school board may pay each of its members an annual salary that is consistent with the salary procedures and no more than the salary limits provided for local governments in Article 1.1 (§ 15.2-1414.1 et seq.) of Chapter 14 of Title 15.2 or as provided by charter. The specific salary limits that are currently provided for most school boards in Virginia are eliminated for elected school boards; however, for appointed school boards the specific salary limits are retained. Title 15.2 sets specific salary caps for city councils and boards of supervisors by population brackets; town councils may set their own salary levels. This bill also provides that the annual amount a school board, whether elected or appointed, may pay its chairman will be increased from \$1,100 to \$2,000 and retains the restriction that no school board can be awarded a salary increase, unless a specific salary increase is approved by affirmative vote of that school board. The salary of the Isle of Wight County School Board is addressed in the second enactment because, in November 2001, voters approved a referendum for an elected school board; however, no election will take place until 2003. The Isle of Wight school board is required to adhere to its current cap until such time as its members are elected and duly sworn into office. HB 1141; CH. 733.

§ 22.1-32 amended. School board salaries. Increases the maximum annual salary for school board members in the County of Appomattox, from \$3,000 to \$5,000; in the County of Fluvanna, from \$2,400 to \$3,400; in the County of York, from \$4,000 to \$6,000; and in the City of Newport News, from \$5,000 to \$12,000.

Under current law, no school board can request the General Assembly to consider an increase in its annual salary limit unless the school board has taken an affirmative vote on the requested increase. Further, no school board whose membership is elected in whole or in part can be awarded a salary increase unless a specific salary increase is approved by affirmative vote by that school board. No salary increase may become effective during an incumbent member's term of office; however, this restriction will not apply if the school board members are elected or appointed for staggered terms. HB 1272; CH. 739.

§ 22.1-32 amended. School board salaries. Increases the salary limits of several school boards, as follows: the Chesapeake School Board from \$5,000 to \$10,000; the Fredericksburg School Board from \$3,600 to \$7,500; and the Newport News School Board from \$5,000 to \$12,000. City school boards are required to establish salary increases prior to December 31 in any year preceding an election or appointment of the members. This measure is similar to HB 1272. SB 200; CH. 669.

§ 22.1-36.1 amended. School board composition. Provides that when a county contains a town that is a separate school division, the county school board will have no member representing the town. Instead, the county school board will be comprised of one member elected or appointed from all of the election districts except those districts having more than five percent of town residents and an additional member elected or appointed at large from the entire county, excluding the town. This bill applies solely to Westmoreland County and the Town of Colonial Beach, and King William County and the Town of West Point. HB 1338; CH. 269/SB 160; CH. 146.

§ 22.1-57.3:1 amended. Staggered terms for elected school board members; Bath County. Provides, subject to adoption of an authorizing local ordinance, that the elected school board in Bath County shall serve for staggered terms following the November 2003 election with three members elected for four-year terms and two members elected for two-year terms. Under general law, elected school board members must serve the same terms as the members of the local governing body, and the entire Bath County Board of Supervisors is elected every fourth year. Other local school boards exempted from the general law requirement and permitted to have staggered terms are Rockbridge County, pursuant to 1993 legislation, and Loudoun and Pulaski Counties pursuant to 1994 legislation. SB 191; CH. 74.

§ 22.1-60 amended. Employment of division superintendents. Prohibits school boards from renegotiating a superintendent's contract during the period following the election or appointment of new members and ending on the date such new members are qualified and assume office. HB 434; CH. 374/SB 439; CH. 165.

§ 22.1-72 amended. Annual organizational meetings of school boards. Requires the school board serving a city or town constituting a school division to hold its annual organizational meeting in January or July, if its members are appointed or elected or any combination thereof. HB 991; CH. 222/SB 279; CH. 231.

§ 22.1-79.3 amended. School board policies; student surveys. Requires local school boards to develop and implement policies to prohibit the administration of questionnaires or surveys to public school students during the regular school day or at school-sponsored events without written, informed parental consent for the student's participation in such questionnaire or survey when participation may subsequently result in the sale for commercial purposes of personal information regarding the individual student. HB 357; CH. 160.

§ 22.1-115 amended. System of accounting in public schools. Establishes contingency reserves as a major classification of school funds. SB 604; CH. 470.

§ 22.1-116.1 added. School board receipt of payment by credit card. Authorizes school boards to receive payment for services and goods by credit or debit cards. School boards accepting credit or debit card payments may, in addition to any penalties and interest, add to such payment a sum as a service charge for the acceptance of such method of payment. HB 695; CH. 238/SB 373; CH. 164.

§ 22.1-205 amended. Driver education; organ and tissue donor awareness. Adds organ and tissue donor awareness to the topics that must be included in instruction for driver education. Currently, the Board of Education's standardized program for driver education must include instruction regarding alcohol and drug abuse, aggressive driving, and motorcycle awareness. The Department of Health is added to those entities cooperating in the development of the curriculum. HB 686; CH. 386.

§§ 22.1-205 and 46.2-490 amended. Driver Education. Adds instruction concerning distracted driving to the requirements for driver education in the public schools and requires the Department of Motor Vehicles' driver improvement clinic programs to include instruction concerning alcohol and drug abuse, aggressive driving, distracted driving, and motorcycle awareness. SB 597; CH. 177.

§ 22.1-207.1 amended. Family life education; adoption. Adds instruction in the benefits of adoption as a positive choice in the event of an unwanted pregnancy to the family life education curriculum guidelines. In addition, this bill states that the Board of Education, in establishing requirements for appropriate training for teachers of family life education, must include training in instructional elements to support the various curriculum components. HB 1206; CH. 554.

§ 22.1-208.2:3 added. Banking-at-School Partnership Program. Authorizes local school boards to establish a Banking-at-School Partnership Program, consisting of school banks or school credit unions on the premises of public schools within the school division that have been developed and are operated jointly by a public school and a financial institution licensed to conduct business in the Commonwealth. The Program will be designed to provide a multidisciplinary method to reinforce, augment, and support the objectives of the relevant Standards of Learning and career and technical education competencies through practical experiences that (i) allow students to apply mathematical concepts, communication and computer

technology skills, and knowledge of economic principles; (ii) allow students to develop proficiency in basic life skills pertaining to money management, personal finance, banking, commerce and trade, and investments; (iii) facilitate financial literacy and an understanding of the American economic system, Virginia's economy, the global economic system, and the effect of personal finance decisions on the national and state economic systems; and (iv) permit students to explore entrepreneurship and career options in banking and finance. The Program will be funded solely by gifts, grants, donations, in-kind services, and bequests received by a public school from its licensed partner financial institution. The Department of Education is to develop guidelines for these programs in consultation with the State Corporation Commission's Bureau of Financial Institutions, the Virginia Bankers Association, and the Virginia Credit Union League. Parental permission is required for student participation in these programs. Schools with high concentrations of at-risk and disadvantaged students will be encouraged to participate in the Banking-at-School Partnership Program. Enactment clauses provide that this act will not affect the continuation or operation of any existing school bank or school credit union established, prior to its effective date, by public schools and licensed financial institutions in the Commonwealth, and also sunset this act on July 1, 2006. HB 966; CH. 774.

§§ 22.1-212.6 through 22.1-212.9, 22.1-212.11, 22.1-212.12, 22.1-212.14, and 22.1-212.15 amended. Charter schools. Clarifies that institutions of higher education may submit applications to form charter schools, requires all school boards to accept and review public charter school applications, and requires the inclusion of charter school students in the fall membership for purposes of calculating the state and local shares for the Standards of Quality. SB 625; CH. 851.

§§ 22.1-212.8, 22.1-212.9, 22.1-212.11, and 22.1-212.15 amended; § 22.1-212.16 added. Charter schools. Modifies the charter schools statutes by requiring the Board of Education to add the number of charters denied to its annual report to the Governor and the General Assembly and by clarifying that institutions of higher education may submit charter applications, and that the charter school and its governing body are entitled to immunity "to the same extent as a public school and its school board" and its employees and volunteers to such immunity "to the same extent as the employees and volunteers in a public school." HB 734; CH. 874.

§§ 22.1-227.1 and 22.1-253.13:3 amended. Substitution of certain tests. Authorizes the Board of Education to substitute industry certification and state licensure examinations for Standards of Learning assessments for the purpose of enhancing the quality of career and technical education and awarding verified units of credit for career and technical education courses, where appropriate. This bill also amends Standard 3 of the Standards of Quality to allow the Board to provide, in the requirements for the verified units of credit stipulated for obtaining the standard or advanced studies diploma, that appropriate and relevant industry certification or state licensure examinations may be substituted for correlated Standards of

Learning examinations and that students completing career and technical education programs that are designed to enable such students to pass such industry certification examinations or state licensure examinations may be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, appropriate verified units of credit for one or more career and technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated. Such industry certification and state licensure examinations may cover relevant standards of learning for various required classes and may, at the discretion of the Board, address various standards of learning for several required courses. A second enactment clause notes that this provision is not to be construed to restrict or change the authority and discretion of the Board for establishing school accreditation standards and the requirements for obtaining a diploma or to require the Board to authorize the award of verified units of credit for any specific industry certification or state licensure examination. SB 477; CH. 167.

§ 22.1-238 amended. Textbook selection. Directs the Board of Education, in approving basal textbooks for reading in kindergarten and first grade, to establish a minimum decodability standard based on words that students can correctly read by properly attaching speech sounds to each letter to formulate the word at seventy percent or above for such textbooks. HB 794; CH. 421.

§ 22.1-253.13:1 amended. Career and technical education; annual plans. Modifies the existing requirement within the Standards of Quality for local school boards to develop plans for career and technical education to provide for the input of area business and industry representatives and local community colleges in the plan's development. In addition, the plan must be submitted to the Superintendent of Public Instruction in accordance with timelines set by federal law. SB 334; CH. 837.

§ 22.1-253.13:3 amended. Standards of Learning; website for suggested improvements. Directs the Department of Education to make available and maintain a website, either separately or through an existing website utilized by the Department, enabling public elementary, middle and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule and related assessments required by the Standards of Quality. HB 159; CH. 101.

§ 22.1-253.13:3 amended. Standards of Quality; certain elementary school personnel. Amends the Standards of Quality to require, within the Standards of Accreditation, guidance counselors in elementary schools at the following staffing levels: one hour per day per 100 students, one full-time at 500 students, and one hour per day additional time per 100 students or major fraction thereof. In addition, elementary schools may employ one full-time reading specialist "at the discretion of the local school board." HB 1136; CH. 732.

§ 22.1-253.13:3 amended. Standards of Quality; sequential electives. Directs the Board of Education to provide that the re-

quirements for the standard high school diploma must include at least two sequential electives chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses. Students may take such focused sequence of elective courses in consecutive years or any two years of high school. Such focused sequence of elective courses must provide a foundation for further education or training or preparation for employment and must be developed by the school division, consistent with Board of Education guidelines and as approved by the local school board. HB 1277; CH. 656.

§ 22.1-274.3 added. Policies regarding medication recommendations by school personnel. Requires the Board of Education to develop and implement policies prohibiting school personnel from recommending the use of psychotropic medications for any student. The policies will not prohibit school health staff from recommending that a student be evaluated by an appropriate medical practitioner, or prohibit school personnel from consulting with such practitioner, with the written consent of the student's parent. "Psychotropic medications" is defined as those medications the prescribed intention of which is to alter mental activity or state, including, but not limited to, antipsychotic, antidepressant, and anxiolytic medication and behavior-altering medication. Medications such as Ritalin (methylphenidate), Prozac (fluoxetine), and Paxil (paroxetine) would be included in this classification. HB 90; CH. 314.

§ 22.1-279.3:1 amended. Reporting of certain acts to school authorities. Adds theft or attempted theft of student prescription medications to those incidents required to be reported to school authorities which, in turn, are to be reported to the division superintendent for annual reporting to the Department of Education. Principals are required to report the enumerated acts to law enforcement if constituting a criminal offense.

Current law limits these various reporting requirements to actions involving weapons, violence, and conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity.

This bill is a recommendation of the HJR 660 Joint Subcommittee to Investigate the Improper Prescription and Illegal Use and Diversion of Ritalin and OxyContin and to Study the Effects of Attention Deficit Disorder and Attention Deficit Hyperactivity Disorder on Student Performance. HB 692; CH. 388.

§ 22.1-279.8 amended. School crisis and emergency management plans. Adds incidents involving acts of terrorism to those crises and events that must be addressed in the school crisis and emergency plan to be developed by each public school in the Commonwealth.

Currently, the crises and events to be addressed include various natural disasters; medical emergencies; student or staff member deaths; explosions; bomb threats; gun, knife or other weapons threats; spills or exposures to hazardous substances;

the presence of unauthorized persons or trespassers; the loss, disappearance or kidnapping of a student; hostage situations; violence on school property or at school activities; and other incidents posing a serious threat of harm to students, personnel, or facilities. HB 46; CH. 235/SB 442; CH. 166.

§ 22.1-279.8 amended. School crisis and emergency management plans. Directs the Virginia Center for School Safety, the Coordinator of Emergency Management, and the Board of Education to include, within the model school crisis and emergency management plan for public schools, effective procedures and means by which parents can contact the relevant school or school division regarding the location and safety of their schoolchildren and by which school officials may contact parents, with parental approval, during a critical event or emergency. HB 886; CH. 221/SB 230; CH. 229.

§§ 9.1-101, 9.1-102, 9.1-110, 9.1-184, 15.2-1737, and 19.2-13 amended; § 22.1-280.2:1 added. School safety personnel. Defines a school resource officer as a trained, certified law-enforcement officer hired by a local law-enforcement agency to provide law-enforcement and security services to Virginia public elementary and secondary schools and a school security officer as an individual who is employed by the local school board for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies, and detaining and apprehending students violating the law or school board policies on school property or at school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school. The measure also directs the Department of Criminal Justice Services, in consultation with the Department of Education and the Virginia State Crime Commission, to establish compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers; the training and certification will be administered by the Virginia Center for School Safety. School security officers are precluded from appointment as conservators of the peace and as special police officers. A second enactment clause provides that the training and employment standards will be applicable to persons employed as school security officers on and after September 15, 2003. HB 498; CH. 868/SB 295; CH. 836.

§ 22.1-290.01 amended. Virginia Teaching Loan Scholarship Program. Extends eligibility for the Virginia Teaching Loan Scholarships to students identified by a school board to teach in a discipline or at a grade level within the school division in which a shortage of teachers exists, as defined in Board of Education regulations, and to students enrolled in any area of an approved teacher education program seeking endorsement in elementary or middle school education. This bill also clarifies that the Board of Education defines critical teacher shortage areas in the Regulations Governing the Determination of Critical Teacher Shortage Areas and that increasing the number of students seeking endorsements in elementary and middle school education and in critical teacher shortage areas and disciplines is among the purpose of this program. This bill

is the companion legislation to a budget amendment that makes language, pertaining to the Virginia Teaching Loan Scholarship Program, in the appropriations act for the 2002-2004 biennium, consistent with § 22.1-290-1, the applicable statute. HB 1346; CH. 889.

§ 22.1-296.3 amended. Criminal records checks; private school employees. Expands the list of crimes for which criminal records must be searched for persons seeking employment in a private school by referencing those crimes to any offense set forth in §§ 63.1-198.1 or 63.1-248.7:2--barrier crimes for child welfare agencies, private child-placing agencies, and juvenile residential facilities. HB 435; CH. 528.

§ 22.1-298 amended. Teacher licensure. Requires persons seeking initial licensure or license renewal as teachers on and after July 1, 2004, to complete study in child abuse recognition and intervention. Curriculum guidelines for this study are to be developed by the Board of Education, as relevant to specific teacher licensure routes, in consultation with the Department of Social Services. SB 92; CH. 493.

§ 22.1-298 amended. Licensure of school personnel. Defines the term "accredited institution" for the purposes of the law and the Board of Education's regulations on licensure of school personnel to mean an institution of higher education accredited by a national or regional accrediting agency recognized by the United States Department of Education, or by a state approval process. Presently, the Board's regulations are keyed to only regional accrediting agencies recognized by the United States Department of Education. SB 236; CH. 128.

§ 22.1-304 amended. Notification of reduction in force for teachers. Directs all school boards, within two weeks of approval of the school budget by the local governing body, but no later than June 1, to notify 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 this measure effective upon passage and the measure expires in one year on July 1, 2003. Current law authorizes the school boards of Arlington, Fairfax, Falls Church, and Prince William to provide this notification by May 15. HB 696; CH. 714 (effective 4/6/02).

§§ 22.1-354.1 and 22.1-354.3 amended. Western Virginia Public Education Consortium. Adds the Counties of Bath, Henry and Patrick and the City of Martinsville to the Western Virginia Public Education Consortium and deletes the requirement that the Consortium's offices be housed at Radford University. HB 710; CH. 417/SB 559; CH. 465.

TITLE 22.1. MISCELLANEOUS - EDUCATION.

Diploma requirements; verified units. Directs the Board of Education to develop guidelines for local school boards to award verified units of credit for a standard diploma for "transi-

tion" students: students entering the ninth grade in the 2000, 2001, and 2002 school years using criteria different from the current Standards of Accreditation diploma requirements. The guidelines address students in these classes who passed the relevant coursework and who meet such additional criteria as the Board shall establish for the award of such verified units, which may include, but shall not be limited to, performance on Standards of Learning assessments or other tests, including subsequent administrations of such assessments or tests; attendance and conduct requirements, and participation in remediation programs.

The guidelines are applicable only to the award of the four student-selected verified units of credit required for a standard diploma pursuant to the Standards of Accreditation (SOA) (8 VAC 20-131-50 B). Students must still earn the two verified units of credit in English for a standard diploma as provided in the Standards of Accreditation. The guidelines issued by the Board shall not be subject to the Administrative Process Act (§ 2.2-4000 et seq.) and apply, retroactively and prospectively, to students entering the ninth grade for the first time in 2000, 2001, and 2002.

Currently, the SOA do not specifically make the awarding of diplomas contingent upon the passage of SOL tests; however, beginning with the ninth grade class of 2003-4, students must earn six verified units of credit from specific courses for a standard diploma. During a transition period for the ninth grade classes of 2000-01, 2001-02, and 2002-03, students must earn six verified units (two in English and four additional units). Beginning with the ninth grade class of 2000-01, students must earn nine verified credits in specific courses to earn an advanced studies diploma. (8 VAC 20-131-50 B, C). Verified units are earned upon passage of the course and the relevant SOL test (8 VAC 20-131-110 B). HB 493; CH. 577/SB 609; CH. 626.

Posting of certain statement. Requires all school boards to post the statement "In God We Trust, the national motto, enacted by Congress in 1956," prominently and in a conspicuous place, in each of their schools for all students to read. "In God We Trust," is presently codified as the national motto of the United States pursuant to 36 U.S.C. § 186 (1999). HB 108; CH. 895/SB 608; CH. 891.

TITLE 23. EDUCATIONAL INSTITUTIONS.

§ 23-2.2 added. Reporting of certain students issued student visas. Requires each public and private two- and four-year institution of higher education in the Commonwealth and the governing board, president, or director of any correspondence school, postsecondary school, or proprietary career school, or flight school in the Commonwealth to inform the Attorney General whenever a student who has been accepted for admission to such an educational institution pursuant to a student visa fails to enroll or who has been attending such an

educational institution pursuant to a student visa and withdraws at such institution or violates the terms of his visa. The notification will contain all available information from the U.S. Immigration and Naturalization Service form I-20 and will be submitted not later than 30 days after the discovery of the reportable event. The Attorney General must notify the U.S. Immigration and Naturalization Service and other appropriate national, state, and local agencies of any such failure to enroll, withdrawal, or student visa violations. This measure will be effective until superceded by federal action. HB 364; CH. 367 (effective - see bill).

§§ 23-7.4:4 and 23-9.2:3.01 repealed. Tuition and fees charged in-state undergraduate students. Repeals identical, obsolete Code sections that directed the governing body of each institution of higher education to reduce the tuition and mandatory educational and general fees in effect on June 30, 1999, for in-state undergraduate students by 20 percent for the year beginning July 1, 1999, and ending June 30, 2000. Following such reduction, the Governor was to include, in each budget submitted to the General Assembly, sufficient funds to reimburse each public institution of higher education for the reduced tuition and mandatory fees. This bill is a recommendation of the Virginia Code Commission. HB 11; CH. 84.

§§ 23-9.4, 23-281, and 23-284 amended; § 23-282 repealed.

Commonwealth Health Research Board; powers of the Board. Provides that no more than six percent of the moving average of the market value of the Commonwealth Health Research Fund calculated over the previous five years, on a one-year delayed basis, net of any administrative fee assessed by the Board of the Virginia Retirement System, may be expended in a calendar year. Current law provides that the annual income of the Fund, excluding gains on the sale of investments, may be expended annually. The bill also authorizes the Board to hire such staff as is necessary and to fix the salaries and compensation of such staff, which shall be paid from the Commonwealth Health Research Fund. The executive secretary to the Board is no longer required to be the Director of the State Council of Higher Education for Virginia. HB 1286; CH. 591/SB 296; CH. 612.

§§ 2.2-2502, 23-9.5, 23-14, 23-31, 23-182 through 23-186, 23-188, 23-189, and 23-191 amended. Longwood College. Changes the classification of Longwood College to Longwood University. The State Council of Higher Education for Virginia (SCHEV) is not charged with responsibility for review and approval of a name change for a public institution of higher education; however, SCHEV is required, pursuant to § 23-9.6:1, to "study any proposed escalation of any public institution to a degree-granting level higher than that level to which it is presently restricted" and to review and approve any proposed modifications in institutional missions. Longwood's board of visitors unanimously approved changing the institutional status to "university" at its December 1, 2001, meeting. HB 938; CH. 257/SB 342; CH. 158.

§ 23-9.6:1 amended. Duties of the State Council of Higher Education. Requires the State Council of Higher Education (SCHEV) to prepare and submit its plans and recommendations for implementing a "coordinating system" of higher education to the Governor and the General Assembly at least once every four years; current law requires the submission of these plans biennially in each odd-numbered year, consistent with the timetable governing the submission of state agency budget estimates. SCHEV would still be required to submit the biennial budget estimate pursuant to § 2.2-1504. HB 79; CH. 95.

§§ 23-35.9, 32.1-122.6:01, and 54.1-3011.2 amended. Health; nursing scholarships. Allows part-time nursing students to be eligible for scholarship and loan repayment programs. This is a recommendation of the Joint Commission on Health Care. HB 1079; CH. 290 (effective - see bill).

§ 23-38.53:6 amended. Virginia Guaranteed Assistance Program. Provides eligibility for the Virginia Guaranteed Assistance Program (VGAP) for children of active duty military personnel stationed outside Virginia (but claiming Virginia as their residence) by eliminating the requirement that these students graduate from a Virginia high school. The student must still have maintained the requisite grade point average and meet other VGAP requirements. VGAP awards are based on financial need and evidence of satisfactory academic progress. HB 475 was incorporated in this measure. HB 295; CH. 114.

§§ 23-38.55 and 23-38.56 amended. Senior Citizens Higher Education Act. Increases the income threshold for eligible senior citizens to enroll tuition-free in classes conducted in state institutions of higher education. This bill increases the income threshold from \$10,000 to \$15,000. HB 218; CH. 521.

§ 23-49.17 amended. Old Dominion University; board of visitors. Provides that a majority of voting members will constitute a quorum for the board of visitors of Old Dominion University. Old Dominion University has a 17-member board; however, presently, the law only requires five members for a quorum. HB 386; CH. 368.

§ 23-50.16:01 added. Virginia Commonwealth University School of Medicine. Authorizes the board of visitors of Virginia Commonwealth University to establish the Virginia Commonwealth University School of Medicine - Northern Virginia Division. HB 102; CH. 694.

§ 23-50.16:36 added. Virginia Commonwealth University; branch campus in Qatar. Authorizes the board of visitors of Virginia Commonwealth University (VCU) to establish, operate, and govern a VCU branch campus in the State of Qatar. The board is to provide appropriate professional opportunities for Virginia-based faculty to teach or conduct research on the Qatar campus and educational opportunities for Virginia-based students to study or conduct research on the Qatar campus.

The measure is similar to legislation adopted in 1999, authorizing the University of Virginia to operate a branch campus in Qatar (§ 23-91.23:1; SB 1338/HB 2765). HB 691; CH. 801.

§§ 2.2-4343 and 23-76.1 amended. **Investment of endowment funds; University of Virginia.** Adds endowment income and gifts to those funds that may be invested by the University of Virginia (UVa) Board of Visitors and exempts investment and management of all these funds by the UVa Board of Visitors from the Virginia Public Procurement Act. HB 688; CH. 582/SB 21; CH. 595.

§ 23-77.4 amended. **University of Virginia Medical Center; credit for imputed interest.** Authorizes the State Comptroller, subject to conditions in the Budget Bill, to credit on a monthly basis, to the nongeneral fund operating cash balances of the University of Virginia Medical Center, the imputed interest earned by the investment of such nongeneral fund operating cash balances, including, but not limited to, those balances derived from patient care revenues on deposit with the State Treasurer. HB 200; CH. 574 / SB 124; CH. 602.

§ 23-215 amended. **Responsibilities of Virginia Community College System.** Requires community colleges to (i) offer noncredit courses at a time and place that meet the needs of employers and at a cost not to exceed the incremental cost of each course, and (ii) deal directly with employers in designing and offering courses to meet real, current and projected workforce training needs. The community colleges must report annually to the General Assembly on actions taken to meet these requirements. This bill is a recommendation of the Rural Virginia Prosperity Commission. HB 1022; CH. 586/SB 572; CH. 625.

§ 23-231.3 amended. **Southwest Virginia Higher Education Center.** Adds the president or his designee of Virginia Inter-mont College to the governing board of the Southwest Virginia Higher Education Center. HB 1114; CH. 292.

§§ 23-231.19 through 23-231.23 added. **Institute for Advanced Learning and Research.** Creates the Institute for Advanced Learning and Research in Southside Virginia to be founded by Averett University, Danville Community College, and Virginia Polytechnic Institute and State University. The Institute will seek to diversify the Dan River region's economy by acting as a catalyst for economic and community transformation, providing a site for the development of technology and a trained workforce, and expanding access to higher education in Southside Virginia. The Institute will promote network-related educational initiatives and generally seek to stimulate the economic viability of the region through education. A nine-member board of trustees, consisting of institutional and citizen members, will govern the Institute that will have corporate powers and be authorized to enter into and administer agreements with institutions of higher education to deliver traditional and electronic education. The board may appoint an executive director, may seek additional staff support from its founding institutions, and may apply for, accept, and expend gifts, grants or donations from public or private sources. HB 605; CH. 581/SB 459; CH. 620.

§ 23-234 amended. **Powers and duties; jurisdiction of campus police.** Requires, for campus police to exercise jurisdiction in a concurrent area of a county, city or town, that the local

governing body petition the circuit court pursuant to the request of the relevant local law-enforcement agency. HB 95; CH. 97.

§§ 23-276.1 through 23-276.12 added; §§ 23-265 through 23-276 repealed. **Regulation of certain private and out-of-state institutions of higher education.** Clarifies and strengthens the present regulatory scheme for approval of private and out-of-state institutions to operate and grant degrees in Virginia. This bill (i) defines key terms relating to this approval process; (ii) sets out exemptions for such activities as granting honorary degrees and certain professional training programs that are subject to regulatory boards, schools that are regulated by the Department of Education that offer nondegree programs, other noncredit programs, contract programs, etc.; (iii) establishes the State Council of Higher Education for Virginia's authority to adopt regulations for procedures, minimal academic standards, protections for students, and information to assist third parties who rely on postsecondary credentials; (iv) mandates that approval be obtained from the Council prior to using the term "college" or "university," enrolling students, offering degrees, etc.; (v) grandfathers certain institutions that were in existence prior to July 1, 1980; (vi) clarifies the division of authority between the State Council and the Department of Education, i.e., that any institution that is approved to grant degrees does not offer nondegree credit programs but does offer certificate and diploma programs will only be subject to the authority of the Council; and (vii) clearly notes the Council's authority to grant provisional approval or to modify a previous approval, to refuse, revoke or suspend its approval under certain circumstances, and to issue emergency actions. Student records are protected through requirements for maintenance and orderly transfer in the event of a closure. Violations of these provisions will be punishable as a Class 1 misdemeanor. Further, the Council may institute a proceeding in equity to enjoin any violation of a provision and will be entitled to reasonable attorney's fees and costs upon substantially prevailing on the merits unless special circumstances would render such an award unjust. The old chapter governing private and out-of-state institutions is repealed; the Council's present regulations are continued until new regulations are in place, and the Council is required to promulgate emergency regulations. SB 627; CH. 178.

§ 23-298 amended. **Frontier Culture Museum of Virginia; powers of the Board.** Authorizes the Board of the Frontier Culture Museum of Virginia to evaluate the significance or suitability of the furnishings, household items, and other objects acquired by purchase, gift or donations for the purpose of accurately presenting the tastes and lifestyles of the people living during the era the Museum depicts and within the limitations of the furnishings, household items, and other objects that would have been available to and within the means of such persons. The Board may dispose of property determined to be of little or no significance or suitability to its purpose or mission, so long as the disposition of the property is not inconsistent with the terms of the acquisition of the relevant property. The proceeds from such sales will be used solely for

acquiring period furnishings, household goods, and other objects consistent with the purpose and mission of the Museum. In addition, the Board may exercise flexibility in investing its funds or revising its investments. However, the sale of real property will require the consent of the Governor. SB 237; CH. 129.

TITLE 23. MISCELLANEOUS - EDUCATIONAL INSTITUTIONS.

Eastern Virginia Medical School; emergency. Revises the legal name of the Medical College of Hampton Roads to be consistent with its commonly accepted popular name, i.e., "Eastern Virginia Medical School" and strengthens and modernizes the school's authorities and status. This bill clarifies that (i) the board of visitors take office of July 1 of the appointment year; (ii) the rector or any three members may call special meetings of the board and the board may appoint an executive committee of at least three members to transact business in the recess of the board; (iii) the school may operate and own medical and health care, education, research and associated programs and establish satellite offices and facilities for such programs within or without the Commonwealth or the United States; (iv) the board of visitors has authority to contract with domestic and foreign entities for its activities; and (v) the board of visitors has authority to obtain patents, copyrights, and trademarks for intellectual properties and to administer, manage, market, transfer, and convey any interest in such intellectual properties. The bill also provides exceptions, parallel to those exceptions provided for publicly supported institutions of higher education or the publicly supported medical schools, from the prohibited contracts provisions of the conflicts of interest law, and the records disclosure and closed meeting provisions of the Freedom of Information Act. The bill reinforces the fact that the Administrative Process Act and the Public Procurement Act do not apply to Eastern Virginia Medical School, which, although established in law, is not a state-owned institution of higher education. This bill also includes numerous technical amendments to change the institution's legal name in the enabling chapter and the Code and to update the language of the enabling chapter. HB 19; CH. 87 (effective 3/4/02)/SB 35; CH. 478 (effective 4/3/02).

The Miller School of Albemarle. Increases the membership of the Board of Trustees of The Miller School from nine to 15 members. Five appointments each will be made by the Governor, the Judge of the Circuit Court of Albemarle County, and by the entire Board. The bill also deletes language restricting the Board's selection of banking institutions to those entities doing business in the Commonwealth. HB 177; CH. 319.

Authority to transfer certain property of the University of Virginia's College at Wise. Grants the Rector and the Board of Visitors of the University of Virginia the authority to transfer to the University of Virginia Real Estate Foundation no more

than 20 acres of property located in the Town of Wise that have been previously given to the University of Virginia's College at Wise. Such property transfer will (i) only be used for residential or commercial development focused primarily on student- and College-centered endeavors, and (ii) be subject to and conditioned upon the approval of a rezoning application by the Town of Wise that is suitable for the proposed development. HB 1370; CH. 592/SB 270; CH. 610.

Virginia Research and Technology Advisory Commission; policies and standards for the commercialization of intellectual property from research universities. Directs the Virginia Research and Technology Advisory Commission, in conjunction with the Center for Innovative Technology, the Office of the Attorney General and the research universities of the Commonwealth, to develop a statewide policy and uniform standard for the commercialization of intellectual property developed through university research. The Commission is required to provide such policy and standards to the Governor and the General Assembly and recommend any changes to the Code of Virginia by December 1, 2002. HB 530; CH. 382.

Property conveyance. Authorizes the Department of Mental Health, Mental Retardation and Substance Abuse Services to transfer to the Frontier Culture Museum of Virginia approximately 61 acres in Augusta County. SB 594; CH. 176.

TITLE 24.2. ELECTIONS.

§§ 24.2-101, 24.2-622, and 24.2-1013 amended; §§ 24.2-941 through 24.2-944 added; § 24.2-1014 repealed. **Political advertisements; disclosure requirements.** Requires that print, television, and radio advertisements supporting or opposing the nomination or election of clearly identified candidates contain specific information regarding the sponsor of the advertisement. This bill is patterned after the North Carolina "Stand By Your Ad Act." HB 558; CH. 487.

§§ 24.2-104, 24.2-419, 24.2-420.1, 24.2-427, 24.2-611, 24.2-700, 24.2-701, 24.2-702.1, 24.2-706, 24.2-707, 24.2-709, 24.2-711, and 24.2-713 amended; § 24.2-603.1 added. **Revisions in the election and voter registration laws.** Modifies and clarifies various provisions relating to investigations of election law violations, officers of election and pollbooks, postponements of elections in emergencies, and voter registration and absentee voting procedures. This bill incorporates a number of recommendations of the Joint Subcommittee Studying Virginia's Election Process and Voting Technologies (HJR 681/SJR 363 -- 2001). HB 640; CH. 819.

§§ 24.2-104, 24.2-419, 24.2-420.1, 24.2-427, 24.2-611, 24.2-700, 24.2-701, 24.2-702.1, 24.2-706, 24.2-707, 24.2-709, 24.2-711, and 24.2-713 amended; § 24.2-603.1 added. **Revisions in the election and voter registration laws.** Modifies and clarifies various provisions relating to investigations of election law violations, officers of election and pollbooks, postponements of elections in emergencies, and voter registra-

tion and absentee voting procedures. This bill incorporates a number of recommendations of the Joint Subcommittee Studying Virginia's Election Process and Voting Technologies (HJR 681/SJR 363 -- 2001). SB 113; CH. 785.

§ 24.2-105.2. See § 2.2-614.1; HB 825.

§§ 24.2-115 and 24.2-611 amended. **Elections; officers of election; use of pollbooks and precinct registered voter lists.** Provides that the electoral board may set the time or times for annual training of officers of election and deletes the provision specifying that training take place within the three to 30 days before each November general election. The bill also provides for statewide implementation for elections conducted after July 1, 2003, of a program to use a single list at precincts on election day that will show both the registered voters and persons voting. The State Board of Elections has been conducting pilot programs testing the use of a combined list. This bill incorporates recommendations of the Joint Subcommittee Studying Virginia's Election Process and Voting Technologies (HJR 681/SJR 363 -- 2001). HB 641; CH. 216/SB 19; CH. 66.

§ 24.2-222.1 amended. **Municipal elections; option for November council elections.** Provides that cities and towns may shift to November elections held in either odd-numbered or even-numbered years. HB 378; CH. 30.

§ 24.2-233. See § 18.2-18; HB 1120/SB 514.

§ 24.2-304.1 amended. **Local reapportionment; prison population.** Expands coverage of the law to allow localities with a prison population exceeding 12 percent of their total population to exclude such prison population from the population base used for local decennial reapportionment. The present law, which becomes effective on May 1, 2002, allows any locality with a prison population that exceeds 18 percent of its total population to exclude its prison population. Under the 2000 census, Greensville and Sussex counties fell within this category. Localities with a population exceeding 12 percent of their total population include the additional localities of Brunswick, Buckingham, and Richmond counties. SB 177; CH. 127 (effective - see bill).

§ 24.2-313 added. **Delayed local elections following redistricting.** Delays elections for the governing body and school board if the decennial redistricting plan for the locality has not been precleared by the Department of Justice under § 5 of the Voting Rights Act at least 30 days before the general election and provides for the rescheduling of the election. This bill contains an emergency clause. HB 163; CH. 189 (effective 3/22/02).

§ 24.2-411.2. See § 63.1-1.1; SB 303.

§ 24.2-424 amended. **Registered voters; change of address.** Provides that voters who move within the Commonwealth may notify the general registrar of their change of address by a form provided by the State Board of Elections and by an electronic process. The State Board is authorized to conduct a pilot program for an electronic notice process. HB 901; CH. 279.

§§ 24.2-613, 24.2-614, and 24.2-640 amended. **Form of ballots; party designations on the ballot.** Provides for the identification by party on the ballot of candidates nominated by "recognized political parties" as well as by the major political parties. The bill incorporates the 2001 court order of the United States District Court for the Eastern District of Virginia in *Libertarian Party of Virginia v. Quinn* relating to party identification on the ballot. That order provides that a recognized political party includes any organization that, for at least six months prior to the filing deadline for candidates, has had a state central committee composed of registered voters residing in each congressional district, a party plan and bylaws, and a duly elected chairman and secretary. The definition is similar to the definition used currently to allow minor party names on presidential election ballots. There is no requirement to have received a certain percentage of the vote in prior elections. HB 1256; CH. 738.

§ 24.2-653 amended. **Elections; conditional votes.** Clarifies statutory language relating to conditional votes and specifies that a conditional vote will be counted only if the voter submitting it is a qualified voter of the precinct in which he submitted the conditional vote. HB 101; CH. 24.

§ 24.2-668 amended. **Election materials; security and retention requirements.** Reduces from five years to two years the period following an election that the general registrar must retain the pollbooks for the election. HB 169; CH. 190.

§ 24.2-703.2 added. **Replacement absentee ballots for certain disabled or ill voters.** Provides that a voter who has applied for an absentee ballot because of physical disability or illness, and who has been mailed an absentee ballot, but has not received or has lost the ballot, may obtain a replacement ballot by designating a representative to pick up and return the ballot for him and by completing required forms to obtain the replacement. The representative must be 18 or older and cannot be an elected official, candidate, or close affiliate of an official or candidate. Section 24.2-708 now allows voters who can appear in person to obtain and vote using a replacement absentee ballot. HB 66; CH. 23/SB 94; CH. 141.

§ 24.2-711.1 added. **Rejected absentee ballots.** Requires local electoral board to send a written explanation of the reason for rejection of an absentee ballot to the voter within 90 days of the date of rejection. HB 878; CH. 252.

§ 24.2-802 amended. **Recount proceedings.** Provides that issues of voter eligibility will not be considered in a recount and that rejected conditional and absentee ballots will not be reexamined. The bill provides for a single recount or redetermination of the vote in a recount proceeding and spells out recount steps related to differing types of ballots and voting devices. In the case of optical scan and punchcard tabulators, the printed return sheets shall be accepted unless they are not clear or the court orders a further count. If a further count is ordered, the tabulator shall be programmed to set aside write-in votes, overvotes, and undervotes. The ballots thus set aside and other ballots rejected by the tabulator (e.g., damaged ballots) will be counted by hand. This bill incorporates recommenda-

tions of the Joint Subcommittee Studying Virginia's Election Process and Voting Technologies (HJR 681/SJR 363 -- 2001). HB 985; CH. 647/SB 112; CH. 601.

§ 24.2-905 amended. Campaign Finance Disclosure Act; depositories and checks; reimbursements of expenses. Permits the reimbursement, by a check drawn on the campaign depository, of expenses paid by the candidate, treasurer, or other authorized member of the campaign staff. The expenses being reimbursed must be fully documented in compliance with the reporting requirements of the Campaign Finance Disclosure Act. This proposal modifies a recommendation of the Joint Subcommittee Studying Campaign Finance Reform pursuant to SJR 393 (2001). HB 554; CH. 213/SB 328; CH. 232.

§§ 24.2-910, 24.2-914, 24.2-915, 24.2-927, and 24.2-928 amended. Campaign Finance Disclosure Act; filing requirements and deadlines; waiver of penalties in certain cases. Provides that political committee reports filed with the State Board will be deemed to be timely filed if mailed and postmarked by the filing deadline. Under recent revisions in the law, all reports filed with the State Board must be received by the Board by the applicable deadline either by mail or by fax. The substitute also enables the State Board or local board or general registrar to waive, for good cause, a penalty that has been assessed. SB 586; CH. 468.

§ 24.2-923 amended. Campaign Finance Disclosure Act; schedule for political committee disclosure reports. Sets out a single annual schedule for filing reports by PACs and political committees of six reports a year. Present law requires committees to comply with different candidate filing schedules for May and November elections depending on whether the committee is involved in a May or November election, or possibly both. This proposal is a recommendation of the Joint Subcommittee Studying Campaign Finance Reform pursuant to SJR 393 (2001). HB 556; CH. 237/SB 330; CH. 156.

§ 24.2-927 amended. Campaign Finance Disclosure Act; failures to file and late filings of reports; certain extensions. Authorizes the State Board of Elections to extend the filing deadline for campaign reports in emergency situations. The emergency must be declared by the Governor or the President. A similar emergency power is given to the State Board with respect to deadlines for voting absentee. HB 1082; CH. 652.

TITLE 25. EMINENT DOMAIN.

§§ 25-46.3, 25-238, and 33.1-89 amended. Owners of fee interest, buildings and improvements. Adds a definition of "owner" to several Code sections that deal with eminent domain, including The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1972. The bill provides that in proceedings instituted by the Commonwealth Transportation Commissioner "owner" includes persons owning structures or improvements for which an outdoor advertising permit has been issued. HB 918; CH. 878.

§§ 25-46.17 and 36-27 amended. Eminent domain; condemnation generally; pretrial settlement conferences. Requires pretrial, nonbinding mediation before a neutral third party when requested by either a condemning authority or a property owner whose property is being acquired by such authority. This is a recommendation of the Virginia Housing Study Commission. HB 843; CH. 272.

TITLE 25. MISCELLANEOUS - EMINENT DOMAIN.

Eminent domain. Repeals the July 1, 2002, sunset for certain provisions regarding eminent domain procedures that were enacted in the 2000 Session. The procedures that were scheduled to expire on July 1, 2002: (i) give property owners the option of having compensation awards determined by a jury; (ii) require a condemnor to provide a copy of its appraisal of the property with its offer to purchase the condemnee's property; (iii) increase the maximum compensation for a survey conducted by the condemnee from \$100 to \$1,000; (iv) require condemnors to conduct a title search of the property before making an offer to purchase or filing a certificate of take, in order to avoid delays in payments to condemnees; (v) require VDOT to use licensed real estate appraisers in conducting its valuations for property acquisitions; and (vi) allow tenants with a lease of 12 months or longer to intervene in eminent domain proceedings involving their leased property. HB 844; CH. 539/SB 107; CH. 495.

TITLE 26. FIDUCIARIES GENERALLY.

§§ 6.1-71, 6.1-194.58, 6.1-225.49, 26-12.3, and 26-20 amended. Wills, trusts and estates; small estates. Redefines small estates as those less than \$15,000. Currently, a small estate is one that is less than \$10,000. HB 720; CH. 220/SB 152; CH. 227.

TITLE 27. FIRE PROTECTION.

§ 27-23.6 amended. Immunity for volunteer fire and emergency medical services personnel. Adds a definition of "providing fire-fighting or emergency medical services." HB 948; CH. 286.

§§ 27-95, 27-96, and 27-97 amended; §§ 15.2-974 and 27-96.1 added; §§ 59.1-142 through 59.1-148 repealed. Statewide Fire Prevention Code; fireworks. Provides for the Board of Housing and Community Development to establish statewide optional standards for the use and sale of fireworks in

the Commonwealth. The standards will be included in the Statewide Fire Prevention Code. Under current law, the sale of fireworks is prohibited except in certain limited circumstances when localities are authorized to issue permits. The bill continues to (i) authorize localities to issue permits for the display of fireworks by fair associations, amusement parks or other groups under the minimum terms set forth in the Code and other terms that may be prescribed by that locality and (ii) a law-enforcement officer arresting a person for violation of the fireworks law to seize fireworks in the possession or control of the person being arrested. In addition, the bill maintains an exemption from the fireworks law for certain members of the armed forces. SB 683; CH. 856.

TITLE 28.2. FISHERIES AND HABITAT OF THE TIDAL WATERS.

§§ 9.1-101, 19.2-12, 28.2-100, 28.2-106, 28.2-107, 28.2-108, and 65.2-402 amended; § 28.2-106.1 added. **Virginia Marine Police; enforcement of federal safety zones and restricted areas.** Changes the name of Virginia Marine Patrol to Virginia Marine Police. Adds protecting federal and state water-related installations from terrorist attack to Virginia Marine Police powers and duties. Provides the Virginia Marine Police with authority to patrol and enforce all federal safety zones and restricted areas located within the tidal waters of the Commonwealth. SB 326; CH. 789.

§§ 28.2-110 and 28.2-111 amended. **Ballast water reporting system.** Designates the Hampton Roads Maritime Association as the Virginia Marine Resources' agent for collecting the Ballast Water Control Report forms filled out by ship operators. The bill also exempts an operator or a ship agent of an operator from having to file a report if the vessel's previous port of call is within the United States Exclusive Economic Zone and a report had been previously filed when the vessel entered its first U.S. port of call. The Virginia Marine Resources Commission will submit copies of the operators' reports to the national clearinghouse on a quarterly basis with the Hampton Roads Maritime Association submitting the reports to the Commission monthly for quarterly federal filing. SB 115; CH. 40.

§§ 28.2-302.1 and 28.2-302.5 amended. **Saltwater recreational fishing license.** Removes the seaside exemption from the requirement to have a saltwater fishing license when fishing in tidal waters. The bill exempts a person fishing from property he owns or rents, or his nonpaying guest or immediate family from having to obtain a saltwater recreational fishing license. Currently, the exemption is limited to the person who owns property or his nonpaying guest or immediate family member. Persons fishing from a federal park or reserve located on the Eastern Shore would also be exempted from having to obtain a license. HB 613; CH. 215.

§ 28.2-302.8 amended. **Fishing Class II Guide License.** Creates a fishing Class II guide license for owners of recreational headboats or charterboats, and includes fees and other requirements for obtaining such a license. An applicant for a Class II guide license must complete an apprenticeship program under a captain holding a Virginia guide license. This bill will not become effective unless it is reenacted by the 2003 Session of the General Assembly. HB 978; CH. 287 (effective - see bill).

§ 28.2-1408.1 added. **Standards for use of coastal primary sand dunes; exemption.** Exempts the Sandbridge Beach Subdivision from existing requirements relating to construction on coastal primary sand dunes. The bill provides that property owners with structures or property in clear and imminent danger from erosion and storm drainage shall be allowed to erect protective bulkheads or other equivalent structural improvements as approved by the Virginia Beach Wetlands Board. The bill also requires that the applicant consent in writing to the future construction of bulkheads tying into the applicant's bulkhead from adjacent properties. These provisions shall expire on January 1, 2006. HB 646; CH. 711.

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

Oyster grounds. Removes Public Ground Number 8, located in the Elizabeth River, from the Baylor Survey public oyster grounds and allows the bottomland to be used for private purposes. HB 921; CH. 543 (effective 4/5/02).

Oyster grounds. Removes 0.39 acres of Public Ground Number 6 and 0.40 acres of Public Ground Number 7, located in the Lafayette River, from the Baylor Survey public oyster grounds and allows the bottomland to be used for private purposes. HB 1293; CH. 427.

TITLE 29.1. GAME, INLAND FISHERIES AND BOATING.

§§ 29.1-100, 29.1-519, 29.1-523, 29.1-524, 29.1-525, and 29.1-549 amended. **Definitions of types of hunting weapons.** Defines the various types of weapons used in hunting, including muzzleloading rifle and pistol, pistol, rifle, shotgun and firearm. Most of the definitions are taken from Bureau of Alcohol, Tobacco, and Firearms federal regulations. SB 341; CH. 157 (effective 1/1/03).

§ 29.1-112. See § 2.2-614.1; HB 825.

§§ 29.1-301 and 29.1-311 amended; § 29.1-302.4 added. **Special lifetime trout fishing license.** Provides for special lifetime trout fishing licenses applicable to specially stocked trout waters as designated by the Board of Game and Inland

Fisheries. Such licenses are in lieu of any other annual trout license fees, but are in addition to the requirements for a standard seasonal or special lifetime fishing license, and any daily use fees for specially stocked trout waters as provided for in the Code. SB 74; CH. 67.

§ 29.1-328 amended. Automated point-of-sale licensing. Provides that when the Department of Game and Inland Fisheries' automated point-of-sale system for selling hunting licenses is implemented, the big game license will be valid from July 1 of each year or the later date of purchase to June 30 of the following year. Other hunting and trapping licenses and permits will be valid for one year from their date of purchase. SB 581; CH. 175.

§ 29.1-529 amended. Deer kill permits. Allows the Director of the Department of Game and Inland Fisheries to limit or prohibit the use of a deer kill permit between 11:00 p.m. and one-half hour before sunrise when the shooting of deer or bear would be in proximity to residential areas or under other circumstances. SB 577; CH. 174.

§ 29.1-530.1 amended. Blaze orange hat. Allows hunters to wear blaze orange hats that have a brim or bill that is not solid blaze orange in color or design. Currently, during any firearm deer season, except the muzzle-loading rifle season, every hunter or a person accompanying a hunter is required to (i) wear a solid blaze orange hat, (ii) wear blaze orange upper body clothing that is visible from 360 degrees, or (iii) display at least 100 square inches of solid blaze orange material at shoulder level within body reach visible from 360 degrees. SB 60; CH. 39.

TITLE 30. GENERAL ASSEMBLY.

§ 30-5 amended. Legislative continuance. Places limitations on the right granted to attorney members, officers, and employees of the General Assembly to claim a continuance in court proceedings. The bill provides that the court need not grant a continuance during the period beginning one day before and after the meeting date of any reconvened or veto session, or of any commission, council, committee, or subcommittee that the officer, member, or employee is scheduled to attend, unless the request is in writing and filed with the court at least three days ahead. The party requesting the continuance must strive, when practicable, to notify all other parties to the proceeding of the request. HB 733; CH. 584/SB 415; CH. 617.

§§ 30-28.18 and 30-34.14 amended. Division of Legislative Services and Legislative Automated Systems; access to information. Provides that the Clerks of the House of Delegates and Senate will have access to floor substitutes, conference committee reports and substitute bills accompanying a conference committee report as soon as the bills and reports are drafted; however, neither shall access the electronic file containing such documents until the legislation is offered for introduction in either house. This bill also makes certain house-

keeping changes in the Code section to conform to current practice. SB 28; CH. 2 (effective 2/10/02).

§§ 30-73.1 through 30-73.4. See § 2.2-4014; SB 337.

§ 30-133 amended. General Assembly; Auditor of Public Accounts. Requires the Auditor of Public Accounts to (i) review certain policy, planning, and fiscal information required of state agencies and to determine whether the agencies are providing and reporting appropriate financial and performance measures; (ii) determine the accuracy of the management system used by the agency to generate the information and its report; and (iii) report the results of the audits of state agencies annually to the General Assembly, and recommend whether new or revised accountability and performance measures are indicated. HB 1003; CH. 727.

§§ 30-154 and 54.1-3910 amended. Publication of Virginia State Bar advisory opinions. Adds the opinions of the State Bar's standing committee on Lawyer Advertising and Solicitation to the list of advisory opinions to be published with the Code of Virginia. This bill is a recommendation of the Virginia Code Commission. HB 13; CH. 306.

§§ 30-171, 30-172, and 30-173 amended. General Assembly; House Interstate Cooperation Commission. Establishes the Commission on Interstate Cooperation in the House of Delegates to replace the House Standing Committee on Interstate Cooperation whose membership represents the House of Delegates on the Virginia Commission on Intergovernmental Cooperation. The House of Delegates eliminated the standing committee as part of its legislative reform to consolidate and reduce the number of standing committees. HB 329; CH. 365.

§ 30-189 amended. Coal and Energy Commission; nuclear energy. Directs the Coal and Energy Commission to investigate and make recommendations regarding issues relating to nuclear power. HB 1245; CH. 559.

§ 30-192 amended. Dr. Martin Luther King, Jr. Memorial Commission. Amends § 30-192, which established the Dr. Martin Luther King, Jr. Memorial Commission, to remove old language pertaining to the tenure of members, increase the total number of members on the Commission, broaden the representation of citizen members, clarify the compensation of Commission members, and make minor modifications and technical changes to provide clarity regarding the duties of the Commission. This bill is a recommendation of the Dr. Martin Luther King, Jr. Memorial Commission. SB 431; CH. 679.

§§ 30-193, 30-194, and 30-195 added. Advisory Council on Career and Technical Education. Establishes the 17-member Advisory Council on Career and Technical Education in the legislative branch to recommend an integrated and coordinated multi-agency approach for the delivery of quality career and technical education programs and services in the public schools.

The Council must facilitate the coordination of public school career and technical services with workforce training programs and efforts among agencies and institutions of the Common-

wealth; receive information and advice from state agencies, authorities and other organizations addressing career and technical education and workforce development as necessary; recommend those policies, legislation, and funding that are needed to support career and technical education in the Commonwealth; promote public/private partnerships and collaboration for career and technical programs throughout the Commonwealth; and promote career and technical services for adults in need of such services.

The Council must submit recommendations for career and technical education that shall include policies and goals for career and technical education services, identify career and technical education needs and gaps in services, and address identified needs for career and technical education programs annually to the Governor and the General Assembly. HB 335; CH. 526.

§§ 30-193 through 30-197. See § 2.2-426; SB 12.

TITLE 31. GUARDIAN AND WARD.

§ 31-8.1. See § 17.1-213; SB 153.

TITLE 32.1. HEALTH.

§§ 32.1-13.1, 32.1-122.01, and 32.1-122.03 through 32.1-122.08 amended; § 32.1-122.02 repealed. **Virginia Health Planning Board.** Repeals the Virginia Health Planning Board, which has not been operating for many years, and authorizes the Board of Health to perform health planning functions. This bill is a recommendation of the Virginia Code Commission in furtherance of the objective to identify obsolete provisions of law pursuant to § 30-151. HB 10; CH. 83.

§ 32.1-23 amended. **Health; pharmaceutical assistance.** Expands the toll-free resource and referral program relating to pharmaceutical companies' free drug programs for indigents (so-called compassionate programs) to include information on pharmaceutical discount card programs and locations of Pharmacy Connect programs in the state. Program has a delayed effective date contingent upon funding. HB 560; CH. 896.

§§ 32.1-35 and 32.1-36 amended. **Reporting dangerous microbes and pathogens.** Requires laboratories in the Commonwealth to report their inventories and changes of inventories of dangerous microbes and pathogens to the State Department of Health. The laboratories must also immediately report inventory that cannot be accounted for within 24 hours. The Board of Health is to determine the list of dangerous microbes and pathogens to be reported and the manner of such reporting. HB 146; CH. 100.

§§ 32.1-35, 32.1-36, 32.1-38, 32.1-39, and 32.1-42 amended. **Bioterrorism.** Requires the Board of Health to mandate reporting of diseases by physicians and laboratory directors that may be caused by exposure to an agent or substance that has the potential for use as a weapon and that the reports will be given directly to Commissioner or his designee using an emergency response system maintained by the Department of Health and operated 24 hours a day. This bill also modifies the present immunity from liability provision relating to required reports or disclosures of disease to provide that physicians and laboratory directors will be held to a reasonable professional standard for recognizing agents or suspecting the presence of any conditions and will be immune from liability when making reports in good faith without gross negligence and within the usual scope of his practice. The Board of Health's responsibility to conduct disease surveillance and investigation (such as contact tracing) is modified to require the Commissioner or his designee to immediately report any outbreak or occurrence of a disease identified as being caused by exposure to an agent or substance that has the potential for use as a weapon to the Department of State Police for investigation. The State Police will report these incidents to the local police chief or sheriff (with law-enforcement authority) or both in the jurisdiction in which the patient resides and where he received treatment. The State Police may also transmit the report to federal and military law-enforcement authorities. The State Police and local law enforcement will immediately determine and implement the appropriate law-enforcement responses to the reports, according to their jurisdiction. These reports will be held confidential and not subject to the Freedom of Information Act; however, the reports will be maintained in the central repository already established by the Department of State Police. Further, the Department of State Police, and any local law enforcement official, may release all or part of any report made or other information obtained pursuant to this section (i) where the release of such report or information may assist in the prevention of imminent harm to public health or safety, or (ii) where the release of such report or information, with patient identifying information removed, may be useful for education of the public on health, safety or homeland defense issues. The Board of Health is also specifically authorized to develop procedures to respond to any bioterrorism. HB 664; CH. 768.

§ 32.1-65 amended. **Newborn testing.** Adds to the list of inherited disorders for which newborn testing is required by the Commonwealth, a fatty acid oxidation disorder known as MCAD or MCADH, i.e., medium-chain acyl-CoA dehydrogenase, which inhibits the proper metabolizing of stored fat. Individuals with MCAD, if left untreated, have episodes of hypoglycemia and Reye's syndrome, which may result in fever, vomiting, coma, disorientation, and fatty infiltration of the liver. Implementation of this test will require the purchase of tandem mass spectrometers, which are technologically advanced analytic instruments that can be used to test newborns for more than 20 treatable metabolic disorders by sorting molecules in blood samples according to weight in a similar fashion to machines that sort coins. This provision will only become effective one year after the date that sufficient funds are appro-

riated or otherwise secured to (i) support the Virginia Department of Health's costs for start-up professional and family education and (ii) the purchase of the necessary equipment for implementation of the testing program in the Division of Consolidated Laboratories. SB 218; CH. 440 (effective - see bill).

§ 32.1-73.1. See § 51.5-12.1; SB 620.

§ 32.1-89 amended. **Health; Hemophilia Advisory Board.** Changes the composition of the Governor's Hemophilia Advisory Board to allow a representative of blood banks or licensed pharmacists. HB 153; CH. 696.

§§ 32.1-111.14, 32.1-273, 32.1-321.4, and 32.1-350. See § 63.1-1.1; SB 303.

§§ 32.1-116.1 and 32.1-127.1:03 amended. **Certain disclosure of prehospital patient care reports.** Authorizes each licensed emergency medical services agency to disclose the prehospital patient care report to law-enforcement officials when the patient is the victim of a crime, upon a determination that such disclosure is not in violation of the federal Department of Health and Human Services regulations relating to the electronic transmission of data and patient privacy promulgated as required by the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. § 1320d et seq.). The Patient Health Records Privacy law is also amended to add this disclosure to the list of permissible releases of patient records. The new federal regulations, which become effective in April of this year but will not be enforced until April of next year, narrowly restrict the release of patient records in many situations. HB 1283; CH. 658/SB 601; CH. 568.

§ 32.1-122.05 amended. **Regional health planning boards.** Sets forth the terms and term limits for regional health planning boards and requires reporting and recording of their memberships. This bill also requires the Board of Health to designate the regional health planning agencies. No member will be appointed for more than two consecutive terms of four years each or, when appointed to fill an unexpired term of less than four years, for three consecutive terms consisting of one term of less than four years and two terms of four years. The Board of Health will require each regional health planning board to report and maintain a record of its membership, including, but not limited to, the names, addresses, dates of appointment, years served, number of consecutive and nonconsecutive terms, and the group represented by each member. The membership reports and records will be public information and must be published as a public record in accordance with the regulations of the Board. HB 471; CH. 398.

§ 32.1-122.6:01. See § 23-35.9; HB 1079.

§§ 32.1-122.9 and 32.1-122.9:1 amended. **Health; dental scholarships.** Adds requirement that recipients of conditional grants and loans from the Dentist Loan Repayment Program agree to participate in Medicaid and the Family Access to Medical Insurance Security Plan (FAMIS) and that they not restrict the numbers of such clients admitted to their dental practice. These agreements are time-limited according to con-

ditions of the contract and may be repaid in lieu of service. This is a recommendation of the Joint Commission on Health Care. SB 414; CH. 52.

§ 32.1-126 amended. **Disputed periodic nursing facility surveys.** Requires, unless expressly prohibited by federal statute or regulation, that the findings of the Commissioner of Health, with respect to periodic surveys of nursing facilities conducted pursuant to the Survey, Certification, and Enforcement Procedures set forth in 42 C.F.R. Part 488, will be considered case decisions pursuant to the Administrative Process Act and will be subject to the Department's informal dispute resolution procedures, or the nursing facility, the formal fact-finding procedures under § 2.2-4020. The Commonwealth will be deemed the proponent for purposes of the formal hearing procedures. SB 629; CH. 514.

§ 32.1-127.1:03. See § 63.1-248.3; HB 294.

§ 32.1-127.1:03 amended; § 32.1-127.1:04 added. **Sharing of protected health information between state agencies.** Declares the coordination of prevention and control of disease, injury, or disability and the delivery of health care benefits to be (i) necessary public health activities; (ii) necessary health oversight activities for the integrity of the health care system; and (iii) necessary to prevent serious harm and serious threats to the health and safety of individuals and the public. The Departments of Health, Medical Assistance Services, Mental Health, Mental Retardation and Substance Abuse Services, and Social Services must establish a secure system for sharing protected health information that may be necessary for the coordination of prevention and control of disease, injury, or disability and the delivery of health care benefits when such protected information concerns individuals who (a) have contracted a reportable disease, including exposure to a toxic substance, as required by the Board of Health pursuant to § 32.1-35 or other disease or disability required to be reported by law; (b) are the subjects of public health surveillance, public health investigations, or public health interventions or are applicants for or recipients of medical assistance services; (c) have been or are the victims of child abuse or neglect or domestic violence; or (d) may present a serious threat to the health or safety of a person or the public or may be subject to a serious threat to their health or safety. Pursuant to the regulations concerning patient privacy promulgated by the federal Department of Health and Human Services, covered entities may disclose protected health information to the secure system without obtaining consent or authorization for such disclosure. Such protected health information will be used exclusively for the purposes established in this section. The Office of the Attorney General will advise the Departments of Health, Mental Health, Mental Retardation and Substance Abuse Services, Medical Assistance Services, and Social Services in the implementation of this section. This provision also amends the patient health records privacy statute to note that providers may make subsequent disclosures of patient records as permitted under the federal Department of Health and Human Services regulations relating to the electronic transmission of data and patient privacy promulgated as required by the Health Insur-

ance Portability and Accountability Act of 1996. In addition, providers may disclose the records of a patient as authorized by law relating to public health activities, health oversight activities, serious threats to health or safety or abuse, neglect or domestic violence or as necessary to the coordination of prevention and control of disease, injury, or disability and delivery of health care benefits pursuant to the secure system for sharing protected health information. SB 264; CH. 835.

§§ 32.1-162.16, 32.1-162.18, and 32.1-162.19 amended. Human research. Revises the definition of human research. The bill adds agents appointed under advanced directives, legal guardians, spouses, adult children, and adult siblings to the list of people authorized to give consent to human research under the definition of "legally authorized representative." The bill provides that if two or more legally authorized representatives having the same priority disagree on participation in human research, the subject will not participate. The bill also changes competent and not-competent to capable or incapable of making an informed decision. Human research review committees are given the additional responsibility of determining whether the risks to the subjects are minimized by using sound research designs and whether additional safeguards are included when the subjects are a vulnerable population. SB 542; CH. 754.

§ 32.1-164.5. See § 62.1-44.19:3; HB 1103.

§§ 32.1-188 and 32.1-189 amended. Mosquito control districts and commissions; emergency. Authorizes cities having more than one mosquito control district within their boundaries to consolidate such districts and commissions and organize the functions of the resulting consolidated commission under an appropriate city department or other agency. The consolidated city mosquito control commission may consist of no more than 15 commissioners, one of whom shall be the Commissioner or his designee who will chair the consolidated commission. Pursuant to the second enactment clause, this bill will be effective upon passage. HB 1161; CH. 224 (effective 3/22/02)/SB 371; CH. 233 (effective 3/22/02).

§ 32.1-267. See § 17.1-213; SB 153.

§ 32.1-268 amended. Divorce; vital records. Provides that the report required to be filed by the clerk of court with the State Registrar regarding a final decree of divorce or annulment not contain any statement indicating racial designation. HB 1369; CH. 353.

§ 32.1-283 amended. Health; investigation of deaths. Adds patients or residents of state mental health or mental retardation facilities who have died to the list of those deaths that must be reported to the medical examiner of the locality in which the facility is located. A copy of the autopsy report must be provided to the Commissioner of and Inspector General for Mental Health, Mental Retardation and Substance Abuse Services. The Department will pay the fee for such services. HB 396; CH. 203.

§ 32.1-297.1 amended. Virginia Transplant Council. Revises the membership and charge of the Virginia Transplant Council. This bill adds to the membership of the Council one

representative of donor families and one representative of transplant recipients. The Council is required to elect these representatives for terms established in its bylaws. In addition, the Council is required to include in its associate, nonvoting membership at least one representative of the faith community and one representative of local public schools. This bill also requires the Council to provide a forum for discussion among its members of any issues of which it may be apprised that could impact the effectiveness of its activities and the relationship between the public and its members. SB 573; CH. 467.

§ 32.1-326.3 amended. Special education health services and reimbursement by the Department of Medical Assistance Services. Requires the Department of Medical Assistance Services to reimburse school divisions providing health-related services to special education students as participating providers in the Virginia Medicaid program for transportation services between the student's home, the school or other sites where health-related services are to be provided on those days when the special education student is scheduled to receive health-related services at the school or such other site. School divisions providing health-related services to special education students are reimbursed only the federal share. No state money is appropriated for this program. SB 465; CH. 457.

§ 32.1-351 amended. Children's health insurance programs. Permits a parent, legal guardian, authorized representative or any other adult caretaker with whom the child lives to file an application for a child with the Family Access to Medical Insurance Security Plan. HB 790; CH. 640.

§ 32.1-351.2 amended. Children's health insurance programs. Requires the Department of Medical Assistance Services to establish agreements with the Departments of Education and Health to identify children eligible for free or reduced-price school lunch or services through the Women, Infants, and Children program so that their eligibility for Family Access to Medical Insurance Security Plan may be determined expeditiously. HB 1062; CH. 329.

TITLE 32.1. MISCELLANEOUS - HEALTH.

Certificate of Public Need. Authorizes the application for and the issuance of a certificate of public need for the conversion of 16 assisted living beds to nursing facility or extended care services beds in an existing facility when (i) such application is filed by an existing 224-bed nursing home facility located in Chesterfield County within Planning District 15; (ii) the 16 assisted living beds in the existing facility were built to nursing home standards; (iii) the existing facility is operated by a health center commission; (iv) the existing facility has a 95 to 96 percent occupancy rate; and (v) the converted nursing facility beds are to be dedicated to the provision of care for private pay and Medicare patients. SB 643; CH. 179.

Health; patient data reporting. Extends the sunset provision for health care data reporting from July 1, 2003, to July 1, 2008. HB 1080; CH. 331.

Medical care facilities; certificate of public need. Requires, notwithstanding the requirements of the Requests For Applications (RFAs) statute or the provisions of any current RFA, the Commissioner of Health to reissue two Requests For Applications. First, the Commissioner is directed to reissue a RFA for 60 new nursing home or nursing facility beds in Planning District 11 when (i) pursuant to the 1997 determination of a 240-nursing home bed need in Planning District 11 and the issuance by the Commissioner of Health of the formal legal notice of Request For Certificate of Public Need Applications, a certificate of public need for 60 new nursing home or nursing facility beds was issued to an existing nursing home in Planning District 11 and (ii) this 60-nursing-home-bed certificate of need has been formally surrendered by the company owning such nursing home because of lack of the requisite financing. The Commissioner must authorize and accept applications for these 60 nursing home or nursing facility beds and may issue one or more certificates of public need for an increase of such 60 new beds in which nursing facility or extended care services are to be provided to existing facilities within Planning District 11. The Commissioner must also give preference in reissuing any certificate of public need for these 60 beds to facilities located in a rapid-growth area of Planning District 11. In addition, the Commissioner is directed to reissue a RFA for 120 new nursing home or nursing facility beds in Planning District 13 when (a) pursuant to the 1997 determination of a 240-nursing-home-bed-need in Planning District 13 and the issuance by the Commissioner of Health of the formal legal notice of Request For Certificate of Public Need Applications, a certificate of public need for 120 new nursing home or nursing facility beds was issued to a for-profit nursing home operating company incorporated in January 1973, and (b) the 120-bed certificate of public need issued in 1997 for Planning District 13 to such nursing home corporation has expired without any construction being started because of lack of the requisite financing. The Commissioner may issue one or more certificates for the 120 new beds in Planning District 13. SB 490; CH. 168.

TITLE 33.1. HIGHWAYS, BRIDGES, AND FERRIES.

§ 33.1-23.02 amended. Asset management. Provides a definition of "asset management" applicable to Title 33.1 (Highways, Bridges, and Ferries) of the Code. Asset management is defined as a systematic process of operating the state system of highways by combining engineering practices and analysis with sound business practices and economic theory to achieve cost-effective outcomes. The bill also includes target dates for the Commissioner to advise the Board of performance targets and outcomes that will be met. HB 1247; CH. 302.

§§ 33.1-23.02, 56-557, and 56-573.1 amended. Definitions of "asset management," "competitive sealed bidding," and "construction"; procurement of contracts by Virginia Department of Transportation (VDOT). Defines "asset management," "competitive sealed bidding," and "construction" and provides limitations on how certain VDOT maintenance contracts are to be procured. SB 674; CH. 570 (effective - see bill).

§ 33.1-23.03 amended. Statewide Transportation Plan. Expresses the intent of the General Assembly that the Statewide Transportation Plan be produced with a statewide focus, and not as the result of an aggregation of smaller local, district, or regional plans. HB 771; CH. 639.

§ 33.1-23.03:001 added. Statewide Pedestrian Plan. Requires the Commonwealth Transportation Board to develop a Statewide Pedestrian Plan. SB 393; CH. 453.

§ 33.1-23.3 amended. Urban system construction allocations. Allows any city or town, with the consent of the Commonwealth Transportation Board, to use its urban construction allocations for resurfacing, restoration, rehabilitation, reconstruction, and improvement of streets for which it receives maintenance payments under § 33.1-41.1. HB 297; CH. 575/SB 77; CH. 598.

§§ 33.1-23.3, 33.1-41.1, and 33.1-44 amended. Allocation of urban system highway construction funds, maintenance payments, and local matching requirements applicable to certain towns. Revises three Code sections to bring greater stability and uniformity to the way construction funds and maintenance funds are distributed to and matching requirements are applied to towns with relatively small populations. The bill also retroactively confirms actions already taken that may not necessarily have been in strict conformity with statute because of the ambiguity or inconsistency of some statutory provisions. SB 251; CH. 673.

§ 33.1-46.2 amended. High-occupancy vehicle (HOV) lanes. Authorizes the lifting of HOV limitations by the Virginia Department of Transportation on HOV facilities in the Hampton Roads Planning District when restricting use of HOV facilities becomes impossible or undesirable. The bill also repeals Chapter 914 of the Acts of Assembly of 1999, which prohibited HOV lane designations on several controlled access highways in southside Hampton Roads, but never became effective. HB 4 ; CH. 757.

§ 33.1-46.2 amended. High-occupancy vehicle lanes (HOV); taxicabs. Allows taxicabs to use HOV lanes if they have two or more occupants, including the driver. HB 22; CH. 89.

§ 33.1-70.1 amended. Rustic Road Program. Provides for a Rustic Road Program by the Virginia Department of Transportation, beginning July 1, 2003. At the request of a county board of supervisors, the Department may designate a road or road segment as a Rural Rustic Road if it (i) is located in a low-density development area and has an average daily traffic volume of no more than 500 vehicles per day and (ii) has a posted speed limit consistent with the topography and features along

the road. For a road or road segment so designated, improvements must utilize a paved surface width based on reduced and flexible standards that leave trees, vegetation, side slopes, and open drainage abutting the roadway undisturbed to the maximum extent possible without compromising public safety. HB 659; CH. 414.

§ 33.1-89. See § 25-46.3; HB 918.

§§ 33.1-149 and 33.1-154 amended. **Obsolete highways.** Allows the Commonwealth Transportation Board to convey to local governing bodies portions of state highways that are no longer necessary. SB 262; CH. 445.

§ 33.1-191 amended. **VDOT contractors.** Clarifies provisions of the Code enacted in 2001 relating to actions of VDOT contractors that cause environmental damage or violate environmental laws or permits. HB 1248; CH. 303.

§ 33.1-206.1 added. **Roadside memorials.** Requires the Virginia Department of Transportation (VDOT) to establish regulations for placement of roadside memorials to persons killed in highway crashes. Any person who places within the right-of-way of any VDOT-controlled highway any roadside memorial that does not conform to those regulations would be subject to a civil penalty of \$100. This is the same penalty provided for placing illegal signs and advertising within highway rights-of-way under § 33.1-373. HB 85; CH. 96.

§ 33.1-221.1:7. See § 58.1-602; SB 668.

§ 33.1-223.2:5 added. **Waiver of certain statutory mandates and regulations by Governor.** Allows the Governor, whenever necessary to avert or respond to a natural disaster or an act of terrorism, or contribute to military operations during a time of war or state of emergency, to the maximum extent not inconsistent with federal law, to waive state statutory mandates and regulations to expedite the construction, reconstruction, alteration, or relocation of highways, bridges, tunnels, and associated facilities or structures. HB 1006; CH. 325.

§ 33.1-223.2:5 added. **Virginia Department of Transportation (VDOT) pedestrian and bicycle projects.** Allows VDOT to fund and undertake pedestrian and bicycle projects apart from highway projects. SB 382; CH. 678.

§ 33.1-351 amended. **Regulation of outdoor advertising in sight of public highways; definitions.** Defines the term "lawfully erected," for the purposes of Article 1 of Chapter 7 of Title 33.1 of the Code of Virginia to mean any sign that was erected pursuant to a permit from the Commonwealth Transportation Commissioner unless the local governing body has evidence of noncompliance with ordinances in effect at the time the sign was erected. SB 226; CH. 672.

§§ 33.1-391.2 through 33.1-391.5 amended. **Department of Rail and Public Transportation.** Updates four Code sections to eliminate minor discrepancies, obsolete language, and other inaccuracies relating generally to the powers and responsibilities of the Department of Rail and Public Transportation and its Director. This is largely a housekeeping bill. SB 569; CH. 355.

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

Blue Ridge Parkway, Skyline Drive, George Washington Memorial Parkway, and Colonial Parkway. Declares the Blue Ridge Parkway, Skyline Drive, George Washington Memorial Parkway, and Colonial Parkway to be scenic highways and Virginia byways. HB 286; CH. 113.

Hunter Mill Road. Designates the entire length of Hunter Mill Road in Fairfax County a Virginia byway. HB 518; CH. 210.

Interstate Route 73. Provides for the early acquisition by VDOT from willing sellers of rights-of-way required for construction of Interstate 73 in Virginia using funds to be obtained by VDOT from the federal government. HB 1196; CH. 426 (effective - see bill).

James Vincent Morgan Bridges. Designates the twin bridges on U.S. Route 17 over Dragon Run at the Gloucester/Middlesex County boundary the "James Vincent Morgan Bridges." HB 614; CH. 136.

No-truck route; U.S. 17. Repeals the June 30, 2002, "sunset" on the prohibition of operation of tractor truck/semitrailer combinations on U.S. 17 in Fauquier County between U.S. 50 and Interstate 66, except for deliveries, pickups, or transactions within 25 miles. SB 4; CH. 661.

Purple Heart Trail. Adds I-64 between I-95 and the Virginia/West Virginia boundary to the network of highways designated the Purple Heart Trail. HB 667; CH. 219.

TITLE 34. HOMESTEAD AND OTHER EXEMPTIONS.

§§ 34-26 and 34-28 amended. **Poor debtor's exemption; funeral expenses.** Allows an exemption, not to exceed \$5,000, for preneed funeral contracts. A plot in a burial ground is already exempt under the law. HB 20; CH. 88.

TITLE 36. HOUSING.

§§ 36-19 and 36-29 amended. **Local housing authorities; powers.** Authorizes local housing authorities to refinance loans for assistance in planning, development, acquisition, construction, repair, rehabilitation, equipping or maintenance of commercial, residential or other buildings. HB 1023; CH. 548.

§ 36-27. See § 25-46.17; HB 843.

§ 36-27.2 added. Housing authorities; eminent domain. Provides that notwithstanding the provisions of § 36-27, no housing authority transacting business and exercising powers as provided in § 36-4 in the City of Norfolk shall be authorized after July 1, 2007, to acquire by the exercise of the power of eminent domain, any real property located within the boundaries set forth in the Conservation and Redevelopment Plan for the East Ocean View Conservation and Redevelopment Project adopted July, 1989, as amended by Amendment No. 1 to such plan adopted September, 1992. The bill provides that this limitation shall not apply to any such real property for which an offer has been made by such housing authority or for which such authority has initiated condemnation proceedings prior to July 1, 2007. HB 845; CH. 540.

§§ 36-55.27:1, 36-131, 36-137, and 36-139 amended. Department of Housing and Community Development and VHDA; Consolidated Plan. Changes the name of the "Comprehensive Housing Affordability Strategy" to the "Consolidated Plan" and expands the plan to include community development goals, objectives and strategies. SB 525; CH. 461.

§ 36-55.28 amended. VHDA; appointment of commissioners. Provides for the appointment by the Governor, subject to confirmation by the General Assembly of an additional VHDA commissioner, who shall be a "Section 8" tenant. SB 396; CH. 454.

§ 36-98. See § 15.2-2242; HB 346.

§§ 36-99, 36-99.01, 36-103, 36-119.1, 36-137, and 36-139 amended. Uniform Statewide Building Code; rehabilitation of existing buildings; fire prevention. Replaces the standards of the Southern Building Code Congress and the Building Official Conference of America with the International Code Council for formulating building code provisions by the Board of Housing and Community Development. The bill also (i) declares the intent of the General Assembly to improve the condition of existing, commercial properties, (ii) expands persons to be trained in the building code to include contractors and other code enforcement personnel such as fire prevention persons, (iii) adds fire prevention to the subject areas of competency for which the HCD Board may issue certificates, (iv) increases the building permit fee levy for support of the Virginia Building Code Academy from one percent to two percent, (v) removes the \$500,000 "carry" cap for the training academy, and (vi) clarifies that the training done by the Building Code Academy may include fire prevention regulations. The bill also contains a technical amendment. HB 1211; CH. 555.

§ 36-99.10:1. See § 15.2-2295; SB 652.

§ 36-105 amended. Uniform Statewide Building Code; inspections. Allows local building officials to perform inspections of rental properties for specific property, but not more than once each calendar year upon a separate finding that such additional inspections are necessary to protect the public health, safety or welfare. If, however, an inspection has been

conducted within the last twelve-month period, no inspection shall occur upon the termination of a rental tenancy or upon a change in ownership. The provisions of this bill shall not in any way alter the rights and responsibilities of landlords or tenants pursuant to applicable provisions of Chapters 13 (§§ 55-217 et seq.) or 13.2 (§§ 55-248.2 et seq.) of Title 55. HB 835; CH. 720.

§§ 36-137 and 36-139 amended. Department and Board of Housing and Community Development; affordable housing for older Virginians and Virginians with disabilities. Requires the Board of Housing and Community Development to advise the Governor and Housing and Community Development on the expansion of affordable, accessible housing for older Virginians and Virginians with disabilities, including supportive services. The bill also requires the Department of Housing and Community Development to develop a strategy concerning the expansion of affordable, accessible housing for older Virginians and Virginians with disabilities, including supportive services. HB 813; CH. 245.

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

§ 37.1-3 amended. Mental Health; board membership. Adds a practicing psychiatrist to the State Board of Mental Health, Mental Retardation and Substance Abuse Services. SB 400; CH. 50.

§ 37.1-42.2. See § 51.5-1; HB 9.

§§ 2.2-2905 and 37.1-42.2 amended. State facility directors. Amends the provision that required all state facility directors hired by the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services after July 1, 1999, to be employed under a two-year contract, with provisions for annual renewals thereafter to allow facility directors to also be employed as classified employees. Further, any facility director hired under a contract shall remain subject to the provisions of the State Grievance Procedure. HB 840; CH. 271.

§ 37.1-98 amended. Discharge of patients and residents from state facilities. Requires directors of training centers for persons with mental retardation to prepare a pre-discharge plan for residents in conjunction with the community services board that serves the political subdivision where the resident resided prior to admission or by the board that serves the political subdivision where the resident or legally authorized representative chooses to reside if the resident or his legally authorized representative on his behalf chooses to be discharged. The bill states that no resident of a training center who is enrolled in Medicaid will be discharged if the resident or his legally authorized representative on his behalf chooses to continue in the training center. Legally authorized representatives will make this deci-

sion if the resident lacks the mental capacity to do so. Finally, the bill requires that pre-discharge plans for all individuals discharged to an assisted living facility from state hospitals or training centers must identify the facility, document its appropriateness for housing and capacity to care for the individual, contain evidence of the facility's agreement to admit and care for the individual, and describe how the community services board will monitor the individual's care in the facility. The bill also contains technical changes. HB 1228; CH. 557/SB 661; CH. 62.

§§ 37.1-98 and 37.1-197.1. See § 63.1-1.1; SB 303.

§ 37.1-134.7 amended. Guardianship and conservatorship; costs and fees. Authorizes the court to provide for payment from the respondent's estate for costs and fees incurred by petitioners even if a guardian or conservator is not appointed if the court finds that the petition is brought in good faith and for the benefit of the respondent. HB 1213; CH. 736.

§§ 37.1-179 and 37.1-179.1. See § 51.5-14.1; SB 504.

§§ 37.1-183.3 and 37.1-197.2 amended. Criminal background checks; substance abuse treatment professionals. 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 broader list of crimes: a misdemeanor violation relating to (i) unlawful hazing as set out in § 18.2-56; or (ii) reckless handling of a firearm as set out in § 18.2-56.1; any misdemeanor or felony violation related to (a) reckless endangerment of others by throwing objects as set out in § 18.2-51.3; (b) threat as set out in § 18.2-60; (c) breaking and entering a dwelling house with intent to commit other misdemeanor as set out in § 18.2-92; or (d) possession of burglars tools as set out in § 18.2-94; or any felony violation relating to the distribution of drugs as set out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, except an offense pursuant to subsection H. 1. or H. 2. of § 18.2-248 (drug lord offenses); or an equivalent offense in another state. The hiring provider must determine, based upon a screening assessment, that the criminal behavior was related to the applicant's use of substances, and that the person has been successfully rehabilitated. HB 658; CH. 712.

§ 2.2-5206 amended; §§ 37.1-189.3 and 37.1-197.3 added. Acute care psychiatric and residential beds; children and adolescents; data collection and reporting. Requires the community policy and management teams, i.e., groups within the structure of the Comprehensive Services Act, to submit to the Department of Mental Health, Mental Retardation and Substance Abuse Services information on children under the age of 14 and adolescents between the ages of 14 to 17 for whom an admission to an acute care psychiatric or residential treatment facility (but not a group home) was sought but was not obtained. This information will be gathered from the family assessment and planning team or participating community agencies. The information to be submitted will include the child's date of birth, date of attempted admission, and the rea-

son the admission could not be obtained. Further, identical information on failure to obtain admissions of children must be reported by the local mental health agencies to the Department. The Department of Mental Health, Mental Retardation and Substance Abuse Services will also collect and compile data to ascertain (i) the total number of inpatient acute care psychiatric beds for children under the age of 14 and between the ages of 14 and 17, and (ii) the total number of residential treatment beds for children under the age of 14 and between the ages of 14 and 17, exclusive of group homes. The Department will report this data on a quarterly basis to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and the Virginia Commission on Youth. HB 887; CH. 585/SB 426; CH. 619.

§ 37.1-194 amended. Community services boards; services. Clarifies that the services that may be available through a community services board are to be provided to "adults, children and adolescents" rather than to "persons." HB 888; CH. 278/SB 413; CH. 51.

§ 37.1-256.1 amended. Inspector General for Mental Health, Mental Retardation and Substance Abuse Services. Requires the written reports of the Inspector General concerning facility inspections to be transmitted to the Governor for his review and comment, as deemed necessary, and deletes the requirement that, prior to release of the Inspector General's reports, the Inspector General must obtain assurances from the Attorney General that the reports do not violate confidentiality laws. The Inspector General must, insofar as feasible, provide copies of the semiannual reports to the Governor in advance of the date for their submission to the General Assembly to provide a reasonable opportunity for comments of the Governor to be appended to the reports when submitted to the General Assembly. The Department of Mental Health, Mental Retardation and Substance Abuse Services must comment on any recommendations made by the Inspector General. HB 8; CH. 82.

§ 37.1-258 amended; § 37.1-48.2 added. Restructuring of mental health care system. Provides that for any restructuring of the system of mental health services involving existing state mental health facilities, the Commissioner must establish a state and community consensus and planning team. Each team must develop a plan that addresses (i) the types, amounts, and locations of new and expanded community services that would be needed; (ii) the development of a detailed implementation plan designed to build community mental health infrastructure for current and future capacity needs; (iii) the creation of new and enhanced community services; (iv) the transition of state facility patients to community services in the locality of their residence prior to institutionalization or the locality of their choice; (v) the resolution of issues relating to the restructuring implementation process, including employment issues related to state facility employee transition planning and appropriate transitional benefits; and (vi) a six-year projection comparing the cost of the current structure and the proposed structure. In addition, the bill requires the Commissioner to ensure that each plan includes the following components: (a) a plan for community education; (b) a plan for the implementation of required

community services, including state-of-the-art practice models and any models required to meet the unique characteristics of the area to be served, which may include models for rural areas; (c) a plan for assuring the availability of adequate staff in the affected communities, including specific strategies for transferring qualified state-facility employees to community services; (d) a plan for assuring the development, funding, and implementation of individualized discharge plans for individuals discharged; and (e) a provision for suspending implementation of the plan if the total general funds appropriated to the Department for state facility and community services decrease in any year of plan implementation by more than 10 percent from the year in which the plan was approved by the General Assembly. Further, the bill states that at least nine months prior to any proposed facility closure or conversion to any use other than the provision of mental health services, the state and community consensus and planning team must submit a plan to the Joint Commission on Health Care and the Governor for review and recommendation. The Joint Commission on Health Care will then make a recommendation to the General Assembly. Upon approval by the General Assembly and the Governor of such recommendation, the Commissioner may implement the proposed facility closure or conversion of the facility to any use other than the provision of mental health service. Any funds saved by the closure or conversion of the facility to any use other than the provision of mental health services, and not allocated to individualized services plans for patients being transferred or discharged as a result of the closure or conversion, will be invested in the Mental Health Trust Fund. Further, concurrent with the development of any required plan for restructuring Eastern State Hospital, the Commissioner, in consultation with the Chancellor of the Community College System, the President of Thomas Nelson Community College, and the President of the College of William and Mary or their designees, and with the advice of the state and community consensus and planning team, must assess the impact and feasibility of using a portion of the property now occupied by Eastern State Hospital located in James City County for the placement of a new campus of Thomas Nelson Community College and the development of a Center for Excellence in Aging and Geriatric Health. The Commissioner is authorized, upon completion of the feasibility study and a plan, and, with the consent of the Governor, to transfer to Thomas Nelson Community College a portion of the Eastern State Hospital property known as the Hancock Geriatric Treatment Center. This transfer will be subject to the following conditions: (1) the college operating a school of allied health professions and (2) funds equal to the assessed value of the property being deposited in the Mental Health, Mental Retardation and Substance Abuse Services Trust Fund. HB 995; CH. 803.

TITLE 38.2. INSURANCE.

§ 38.2-323 added. Insurance; countersignature requirement prohibited. Prohibits the inclusion in an insurance policy of a provision that deems the policy to be invalid if it is not signed or countersigned by an insurance agent or company representative. SB 182; CH. 70.

§ 38.2-401 amended. Fire Services Grant Program; expenditure of funds. Provides that moneys allocated from the Fire Programs Fund to the Fire Services Grant Program and the Dry Hydrant Grant Program shall be used as grants to provide regional fire services training facilities, to finance the Virginia Fire Incident Reporting System and to build or repair burn buildings, and for no other purpose. HB 704; CH. 389.

§§ 38.2-513.1, 38.2-604, and 38.2-604.1 amended. Insurance transactions; privacy. Requires a depository institution selling insurance to provide purchasers with a statement that the insurance policy is not a deposit, is not FDIC-insured, is not guaranteed by the bank, and involves investment risk, where appropriate. Currently, the requirement applies only where the insurance is sold in connection with the lending of money or extension of credit. The measure also clarifies that the simplified notice of the insurer's privacy policy must be sent both at issuance of the policy and annually thereafter. The provision regarding giving annual notices is amended to be consistent with the Gramm-Leach-Bliley Act. Finally, duplicative language is deleted. SB 240; CH. 76.

§ 38.2-1413 amended. Insurance; investments. Increases the amount of assets a domestic insurer can invest in cash, cash equivalents, and certain short-term investments of one depository, obligor or issuer from five percent to 10 percent of its total admitted assets. The restriction that investments per obligor or per issuer do not exceed 20 percent of the insurer's surplus to policyholders is unchanged. SB 188; CH. 73.

§§ 38.2-1426, 38.2-1427.2, 38.2-1446, 38.2-4008, and 38.2-4111 amended. Insurance regulation. Simplifies and clarifies the responsibilities of burial societies regarding surety bonds, and authorizes the State Corporation Commission to require certification of compliance with these bonding requirements. Other housekeeping amendments (i) make the requirement that foreign or alien fraternal benefit societies file copies of amendments to charters and bylaws optional at the Commission's request; (ii) correct reference to the Investment Company Act of 1940; (iii) delete an obsolete reference to an earnings test; and (iv) simplify filing requirements by allowing attestations to be made by an executive officer rather than by the chief executive officer. SB 199; CH. 147.

§ 38.2-1812 amended. Change of insurance agent of record. Requires insurers to accept and honor a request by a policyholder to change the insurance agent of record to a new agent, who must be a duly appointed agent of the insurer. The change is effective on the date of the next renewal of the policy, unless the request is withdrawn. The new agent shall be paid all com-

missions payable on the policy, excluding commissions or other compensation payable under a retirement or deferred compensation plan with the insurance agent. This provision applies only to limited lines property and casualty agents, property and casualty insurance agents, personal lines agents, restricted nonresident property and casualty agents, and restricted nonresident personal lines agents. It does not apply to insurers that permit insureds to change the insurance agent of record under terms that are at least as favorable as provided by this measure, and equitably allocate commissions between the current and new insurance agents. HB 199; CH. 323 (effective 9/1/02).

§ 38.2-1822 amended. Insurance agents; business entities. Eliminates the requirement that the articles of incorporation or other organizational document of a business entity specify that the entity is authorized to act as an insurance agent. The measure also clarifies requirements for nonresident business entities to act as an agent in the Commonwealth. SB 438; CH. 456.

§§ 38.2-1834.1 and 38.2-1869 amended. Insurance agents; termination of license and contracts. Requires that any appeal by insurance agents whose licenses are terminated for failure to comply with continuing education requirements be filed within 60 days of notification of the termination. The measure also provides that an agent who has not complied with the continuing education requirements and who voluntarily surrendered his license prior to the expiration of the appeal period shall not be permitted to apply for another such license until he has complied with the continuing education requirements. Finally, the measure extends the confidential treatment required of documents acquired by the State Corporation Commission in connection with investigations of insurance agents. HB 1195; CH. 296 (effective - see bill).

§§ 38.2-1902, 38.2-1904, 38.2-2001, 38.2-2005, and 38.2-3001 amended. Uninsured motorist coverage; rates and refunds. Eliminates the requirement that the State Corporation Commission grant prior approval of uninsured motorist rates. Instead, insurers will be authorized to use the "file and use" procedure. The bill also changes the distribution of refunds from the Uninsured Motorists Fund, basing the distribution in the proportion that each reporting insurer's written car years bear to the total number of written car years by all participating insurers in Virginia. Currently, refunds are distributed in the proportion that each insurer's premium income bears to the total premium income for basic uninsured motorists coverage. SB 151; CH. 145.

§ 38.2-1903.1 amended. Insurance rates; large commercial risks. Includes the premiums paid for professional liability and workers' compensation insurance in calculations of the amount a person or entity pays in annual aggregate nationwide insurance premiums. Payment of annual aggregate nationwide insurance premiums in excess of \$100,000 is one criterion for determining whether a person or entity is a large commercial risk. Insurers are not required to file or obtain approval for in-

surance policies and rates used in the insurance of large commercial risks. SB 154; CH. 437.

§ 38.2-1916.1 amended. Workers's compensation insurance; review of rates. Authorizes the Attorney General to conduct investigations of possible violations of statutory requirements regarding the experience data of members of rate service organizations. SB 670; CH. 472.

§ 38.2-2217.1. See § 46.2-695; HB 1188.

§ 38.2-2226.1 added. Motor vehicle insurance; notice of claim settlement. Requires motor vehicle insurers to advise the named insured on a policy, upon request, of any settlement of a claim made by a person other than the named insured that arose in connection with a motor vehicle accident involving a covered automobile. HB 580; CH. 405.

§ 38.2-2233 added. Motor vehicle insurance; installment payments. Requires every insurer who accepts payments in installments to disclose in boldface type the new due date for an installment payment when the insurer unilaterally changes the payment's due date. SB 678; CH. 629.

§ 38.2-3115.1 added. Life insurance; accelerated payment of benefits. Allows insurers who issue life insurance policies to provide for the accelerated payment of benefits to the insured during the life of the insured (i) if the insured is unable to perform two major activities of daily living, or (ii) if the insured requires substantial supervision by another person to protect the health and safety of the insured or any other person. The measure does not apply to credit life insurance policies. HB 1294; CH. 343.

§ 38.2-3418.4 amended. Health insurance; reconstructive breast surgery. Amends the statute mandating reconstructive breast surgery coincident with or after a mastectomy for breast cancer to render Virginia's law consistent with the federal Women's Health and Cancer Rights Act of 1998, which was incorporated into Title I of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 300gg, et seq.). An existing provision that limits the mandate to policies, contracts or plans delivered, issued for delivery or renewed on or after July 1, 1998, is removed, and the mandate will apply to surgeries performed on or after October 21, 1998, which is the effective date of the federal law. An enactment clause provides that the amendments do not adversely affect the rights of any covered person that existed under the mandate as it previously existed. The measure also (i) provides that reconstructive breast surgery includes coverage for prostheses and physical complications, (ii) requires written notice of the coverage be provided to the enrollee, and (iii) prohibits denial of eligibility for coverage solely for the purpose of avoiding the requirements of the mandate. HB 662; CH. 415.

§§ 38.2-3723 and 38.2-3729 amended. Credit life and credit accident and sickness insurance. Recognizes the 1980 Standard Ordinary Mortality Table as an acceptable basis for the establishment of reserves for credit life insurance policies. The actuarial method is established as the minimum standard for calculating the gross unearned premium reserve for credit acci-

dent and sickness insurance policies. Insurers are authorized to use a flexible valuation interest rate schedule. Refund formulas for credit accident and sickness insurance policies are required to be at least as favorable to the debtor as such refunds would be if based on the actuarial method. Other changes confirm that use of the Rule of 78 is not appropriate in determining reserves and refunds. SB 187; CH. 72.

§ 38.2-4319 amended. Health maintenance organizations; reinsurance. Authorizes health maintenance organizations to engage in reinsurance transactions, provided that significant transactions are subject to approval by the State Corporation Commission. SB 289; CH. 153.

§ 38.2-4614. See § 6.1-2.13:1; SB 81.

§ 38.2-5016 amended. Birth-Related Neurological Injury Compensation Program; investment reports. Requires the board of directors of the Birth-Related Neurological Injury Compensation Program to report annually on the investment of the assets of the Birth-Related Neurological Injury Compensation Fund to the Governor, the Clerk of the House of Delegates, and the Clerk of the Senate. Currently, such reports are made only to the Speaker of the House of Delegates and to the Chairman of the Senate Rules Committee. SB 689; CH. 857.

§ 38.2-5206 amended. Long-term care insurance. Requires the State Corporation Commission to issue amended regulations that provide standards for initial filing requirements and premium rate schedule increases for long-term care insurance. Such standards shall be similar to standards set forth in model regulations developed by the National Association of Insurance Commissioners. The regulations shall be effective no later than April 1, 2003. HB 1125; CH. 334 (effective - see bill).

§§ 38.2-5600, 38.2-5601 and 38.2-5602 amended. Insurance; medical savings accounts. Revises the Virginia Medical Savings Account Program by deleting references to the Workers' Compensation Commission and the Department of Medical Assistance Services. The plan would now be developed and implemented by the Department of Taxation and the Bureau of Insurance. The Department of Taxation is to report to the Joint Commission on Health Care by November 1, 2002. This is a recommendation of the Joint Commission on Health Care. HB 414; CH. 372.

§§ 38.2-5901 and 38.2-5902 amended. Health insurance; external review of adverse decisions. Authorizes a designee of the Commissioner of Insurance to act on his behalf in exercising certain powers pertaining to the Bureau of Insurance's conduct of independent external reviews of adverse utilization review decisions. SB 183; CH. 745.

TITLE 38.2. MISCELLANEOUS - INSURANCE.

Insurance fraud; delegation of related duties to the Department of State Police. Eliminates the sunset provision on the act that created an Insurance Fraud Investigation Unit within the Department of State Police's Bureau of Criminal Investigation. The Unit conducts independent inquiries and investigations into fraudulent acts involving property and casualty insurance transactions. The Unit's activities are funded by premium assessments on all property and casualty insurance companies writing policies in the Commonwealth. HB 140; CH. 316.

TITLE 40.1. LABOR AND EMPLOYMENT.

§ 40.1-28.7:1 added. Discrimination on the basis of genetic information. Prohibits employers from (i) requiring a genetic test as a condition of employment and (ii) refusing to hire, failing to promote, discharging or otherwise adversely affecting any term or condition of employment, other than a long-term care, life or disability insurance policy, an employee or prospective employee solely on the basis of the results of a genetic characteristic or genetic test. Violators are subject to actual or punitive damages, including back pay with interest, or injunctive relief. HB 1307; CH. 659/SB 102; CH. 565.

§ 40.1-29 amended. Wages; time of payment for highly compensated employees. Permits employers to pay monthly any hourly employee who earns more than 150 percent of the average weekly wage of the Commonwealth, with the agreement of the affected employee. HB 186; CH. 321.

§ 40.1-51.4:5 added. Civil immunity; employees reporting threats. Immunizes an employee from civil liability that might result from his truthfully reporting a co-employee's threatening conduct. Threatening conduct is defined as conduct that would place a person in reasonable apprehension of death or bodily injury. HB 668; CH. 537.

§ 40.1-61 amended. Labor unions; abstention requirement. Prohibits employers from requiring a person to abstain or refrain from holding office in a labor union or labor organization as a condition of gaining or continuing employment. HB 814; CH. 422.

TITLE 42.1. LIBRARIES.

§ 42.1-36 amended. Library boards. Excludes Shenandoah County from the requirement that management and control of its public library system be vested in a library board. The ex-

clusion currently exists for any town or city with a manager, and the Counties of Henrico, Albemarle, Prince William, Arlington, Fairfax and Chesterfield. HB 282; CH. 111.

TITLE 43. MECHANICS' AND CERTAIN OTHER LIENS.

§ 43-3 amended. Lien for work done or materials furnished. Includes within the \$50 floor amount necessary to file and perfect a lien for materials furnished or work done the amount of the reasonable rental or use value of equipment. HB 854; CH. 273.

§ 43-11 amended. Liens for materials or labor. Provides for a second notice of actual amount due to be given to a general contractor or subcontractor in order for the general contractor or subcontractor to be personally liable for the actual amount due for the materials or labor. HB 855; CH. 772.

§ 43-34 amended. Liens; enforcement of storage liens. Increases from \$3,000 to \$5,000 the value of certain personal property affected by a storage lien. As a result, the lien may be enforced against any personal property stored with a value that does not exceed \$5,000. HB 490; CH. 401.

TITLE 44. MILITARY AND EMERGENCY LAWS.

§ 44-93 amended. Employees of localities on military leave. Provides that any local government may pay an employee when activated for federally funded military duty all or any portion of the difference between his regular pay and the military pay received during all or any part of the term of active federally funded duty. HB 536; CH. 212.

§ 44-93 amended; §§ 44-93.1 through 44-93.5 added. Active duty National Guard, militia, etc. Guarantees a member of the Virginia National Guard, Virginia State Defense Force or naval militia called to active state duty by the Governor the right to take leave without pay from his civilian employment. The bill also guarantees that, after his service, if the employee is still qualified for his previous employment, he shall be immediately restored to his previous position or to a position of like seniority, status and salary, unless the employer's circumstances now make the restoration unreasonable and that if the employee is no longer qualified for his previous position, he shall be placed in another position, for which he is qualified, and that will give him appropriate seniority, status and salary, unless the employer's circumstances now make the placement unreasonable. HB 1372; CH. 354.

TITLE 45.1. MINES AND MINING.

§ 45.1-361.35 amended. Location of drilling gas and oil wells. Allows an interstate park commission, if it is the surface owner, to raise objections to gas and oil well permits. However, the location of the well or pipeline must unreasonably infringe on the park's use of the surface, a reasonable alternative site must be available within the drilling unit, and granting the objection must not materially impair any right contained in an agreement between the park and the operator. HB 881; CH. 277.

TITLE 46.2. MOTOR VEHICLES.

§ 46.2-100 amended; §§ 46.2-908.2 and 46.2-908.3 added. Low-speed vehicles. Authorizes limited over-the-highway operation of low-speed vehicles, defined as four-wheeled electrically powered vehicles, other than golf carts, whose maximum speed is greater than 20 miles per hour but not greater than 25 miles per hour, that are manufactured to comply with safety standards contained in Title 49 of the Code of Federal Regulations, section 571.500. Low-speed vehicles may be operated on public highways with speed limits of no more than 35 miles per hour by licensed drivers or learner's permit holders accompanied by licensed drivers. The same registration and insurance requirements applicable to passenger cars apply also to low-speed vehicles. HB 571; CH. 214/SB 447; CH. 234.

§§ 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 through 46.2-908.1, 46.2-932, 46.2-1015, 46.2-1066, and 46.2-1078 amended. Electric personal assistive mobility device. Defines "electric personal assistive mobility device" and provides, generally, for its treatment as an electric power-assisted bicycle, except that it is explicitly limited to speeds of no more than 15 miles per hour. HB 905; CH. 254.

§ 46.2-102.1 added. Cooperation of Department of Motor Vehicles and Department of State Police with certain federal agencies. Provides that the Department of State Police and the Department of Motor Vehicles are to enter into agreements with the United States Department of State, the Immigration and Naturalization Service, and other federal law-enforcement agencies to bring about the interchange of information concerning those aliens residing in the United States who hold or apply for Virginia driver's licenses, commercial driver's licenses, temporary driver's permits, learner's permits, motorcycle learner's permits, or special identification cards in order (i) to ensure that persons who hold or apply for these documents are lawfully entitled to do so and (ii) to facilitate the detection and prevention of criminal activity and the identification and apprehension of persons engaged in criminal activity.

This bill will not become effective unless reenacted by the 2003 Regular Session of the General Assembly. HB 637; CH. 412 (effective - see bill).

§§ 46.2-105.2, 46.2-308, 46.2-323.1, 46.2-324, 46.2-341.11, 46.2-341.15, 46.2-342, and 46.2-345 amended. **Driver's licenses, etc.** Provides that obtaining, aiding in obtaining, or possessing a Virginia driver's license, special identification card, vehicle registration, certificate of title or other document issued by the Department of Motor Vehicles (DMV) constitutes a Class 2 misdemeanor if the violation involved obtaining or possession of the document for purposes of engaging in an age-limited activity (such as obtaining, possessing, or consuming alcoholic beverages) but constitutes a Class 6 felony if the violation was committed for other purposes. The bill also allows persons moving to Virginia from another state or country 60 days (instead of 30 days) to obtain Virginia driver's licenses.

The bill prohibits the use of immigration visas and written statements (whether notarized or not) wherein another person "vouches" for the Virginia residency of an applicant for a Virginia driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card. For applicants less than 19 years old, however, proof that the applicant's parent or guardian is a Virginia resident may be accepted as evidence of the applicant's Virginia residency.

With certain exceptions (most notably for military personnel stationed outside Virginia and persons residing outside of Virginia in connection with their employment), the bill requires DMV to cancel the Virginia driver's licenses, commercial driver's license, and special identification cards or persons who change their address to a non-Virginia address.

Under this legislation, no person who holds a Virginia driver's license, commercial driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit would be allowed to hold a special identification card issued by DMV.

The legislation requires the DMV Commissioner, no later than December 1, 2002, to report to the Chairmen of the House and Senate Transportation Committees regarding the need for further modification or enhancement to the identity and residency requirements in the application process for Virginia driver's licenses, commercial driver's licenses, learner's permits, temporary driver's permits and special identification cards. The report specifically must include an assessment of the feasibility and effectiveness of requiring applicants for DMV documents to prove their legal presence in the United States. HB 638; CH. 767/SB 162; CH. 834.

§ 46.2-205 amended. **Automated agencies of the Department of Motor Vehicles.** Replaces the two-tier compensation scheme for automated DMV agencies with a single-tier system where the agency annually receives three and one-half percent of its gross collections. HB 278; CH. 110.

§ 46.2-207. See § 2.2-614.1; HB 825.

§ 46.2-208 amended. **Department of Motor Vehicle (DMV) Records.** Provides that, on the written request of any person who has applied to be a volunteer with a Virginia affiliate of Compeer, the Department of Motor Vehicles (DMV) Commissioner will (i) compare personal information supplied by a Virginia affiliate of Compeer with that contained in the Department's records and, when the information supplied by a Virginia affiliate of Compeer is different from that contained in the Department's records, provide the Virginia affiliate of Compeer with correct information as contained in the Department's records and (ii) provide driver information (in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses). This information will be provided free of charge if the request is accompanied by evidence that the person receiving the information has applied to be a Compeer volunteer. HB 407; CH. 131.

§§ 46.2-208, 46.2-1176, 46.2-1178, 46.2-1178.1, and 46.2-1179 amended; § 46.2-1178.2 added. **Records of the Department of Motor Vehicles; on-road testing of motor vehicle emissions by Department of Environmental Quality; subsidies to owners of certain motor vehicles found not in compliance with motor vehicle emissions requirements.** Authorizes the Department of Motor Vehicles to release vehicle owner data to the Department of Environmental Quality in connection with enforcement actions involving on-road testing of motor vehicles.

The bill also requires the State Air Pollution Control Board to establish separate and distinct emissions standards applicable to on-road testing of motor vehicles, with such criteria being applicable to all motor vehicles manufactured for a model year 25 years prior to January 1 of the present calendar year or any more recent model year and criteria for each model year being appropriate to that model year. Further provision is made for the expedited identification of "gross violators" of motor vehicle emissions inspection standards. Vehicles registered as "antique" vehicles are exempt.

The bill reduces from 90 days to 30 calendar days the time given to owners of vehicles found by on-road testing to be not in compliance with emissions standards to either show that the vehicles have passed a subsequent emissions inspection, qualify for waivers, or have been given waivers.

The bill also makes the Department of Environmental Quality responsible for the establishment and operation of a program to subsidize repairs of vehicles that fail to meet emissions standards, when the owner of the vehicle is financially unable to have the vehicle repaired. The costs of implementing and operating this program are to be borne by the Vehicle Emissions Inspection Program Fund. HB 570; CH. 710.

§ 46.2-221.1 added. **Applications for learner's permits, driver's licenses, commercial driver's licenses, and special identification cards.** Requires that every male applicant for a learner's permit, driver's license, commercial driver's license, special identification card, or renewal of any such permit, li-

cense, or card who is less than 26 years old and is either a citizen of the United States or an immigrant shall, at the time of his application, be registered in compliance with the requirement of section 3 of the Military Selective Service Act, 50 U.S.C. App. 451 et seq. The data pertaining to any person less than 18 years old will not be used by Selective Service to register him with Selective Service until he turns 18. HB 669; CH. 118.

§ 46.2-224 amended. Board of Transportation Safety. Requires that the interests of pedestrians and bicyclists be represented by the members of the Board of Transportation Safety. HB 836; CH. 249.

§§ 46.2-307, 46.2-308, and 46.2-309. See § 16.1-278.9; SB 655.

§§ 46.2-323 and 46.2-335.2 amended. Driver's licenses for persons 19 years old and younger. Requires all applicants (rather than only unlicensed ones) for driver's licenses who are less than 19 years old to furnish proof that they have successfully completed a driver education program approved by the State Department of Education. The bill also requires persons under 19 (rather than those under 18) to hold learner's permits at least nine months before applying for a driver's license, and authorizes the issuance of temporary driver's licenses, valid for six months, to persons who are 18 years old and hold valid driver's licenses issued in another state. HB 655; CH. 535.

§ 46.2-334.01 amended. Driver improvement clinics. Allows persons under 18 to receive good driving points for attending driver improvement clinics if they have not been directed to attend by the DMV Commissioner or required to attend by a court. HB 1358; CH. 807.

§ 46.2-334.01 amended. Youthful drivers. Makes it clear that volunteer firefighters and volunteer rescue squad personnel responding to emergency calls are exempt from the midnight-to-4:00 a.m. "curfew" for drivers under 18. SB 656; CH. 61.

§ 46.2-342 amended. Driver's licenses; use of social security numbers. Requires the Department of Motor Vehicles to assign to applicants for driver's licenses driver's license numbers that are not social security numbers, except when applicants request in writing that their social security numbers be used as their driver's license numbers. HB 564; CH. 135.

§ 46.2-364 amended. Suspension of operator's license and tags for failure to satisfy judgment. Expands the definition of judgment to include a civil action filed pursuant to § 15.2-1716 (reimbursement of expenses incurred in responding to DUI incident). This expansion allows the Commissioner, pursuant to § 46.2-417, to suspend the driver's license and all of the registration certificates and license plates for any person who has failed to satisfy the judgment resulting from emergency response expenses incurred on his behalf in response to his DUI. HB 1060; CH. 289.

§ 46.2-383 amended. Department of Motor Vehicles (DMV); abstracts of records conviction. Requires the courts

to forward abstracts of conviction to DMV within 18 days instead of the current 15 days. HB 955; CH. 258.

§§ 46.2-391.01 and 46.2-410.1 amended. Ignition interlock and review of DMV order for manifest injustice; commercial driver's license. Removes judicial discretion to allow a DUI second offender to drive his vehicle without an ignition interlock. Currently, the court may allow such person to drive without the interlock if the court states in its order why the interlock is not required. The bill also provides that administrative revocation or suspension of a person's driver's license by the DMV is not subject to judicial review on the basis of manifest injustice unless the Commissioner's revocation order was the result of an error or was issued without authority. The bill also provides, in a provision that appears only in the enactment clause and not in the Code, that a judge shall send a second or third DUI conviction order to the DMV only if the defendant was convicted on a process alleging second or third DUI. SB 521; CH. 811.

§ 46.2-395 amended. Restoration of suspended driver's license; fines. Provides for automatic restoration of a driver's license when a defendant enters into a deferred or installment payment agreement that is acceptable to the court. Under current law only the court can restore the driver's license. This bill amends a provision added to the Code of Virginia by the 2000 General Assembly (HB 355, SB 183), which provided that a person with a suspended license could have the license restored if he paid the reinstatement fee to DMV and entered into an agreement acceptable to the court to make deferred or installment payments. The 2000 bill stated that the court shall restore the defendant's license and an Attorney General's Opinion issued on December 29, 2001, stated that the court must enter an order for restoration to occur. This bill is a recommendation of the Committee on District Courts. HB 817; CH. 246.

§ 46.2-396.1 added. Conviction of a serious driving offense. Provides that a conviction for traffic offenses that cause the death of any person may include suspension of the driver's license for not more than 12 months. SB 602; CH. 849.

§ 46.2-411. See § 51.5-12.1; SB 620.

§ 46.2-490. See § 22.1-205; SB 597.

§ 46.2-492 amended; § 46.2-868.1 added. Aggressive Driving; offense and penalty. Creates the new offense of aggressive driving and provides that a person is guilty of aggressive driving if he violates one or more of an enumerated list of traffic violations, e.g., following too closely, failure to observe lanes marked for traffic, stopping on highway, etc., with the intent to harass, intimidate, injure or obstruct another person. Aggressive driving shall be punished as a Class 2 misdemeanor, however, aggressive driving with the intent to injure another person shall be punished as a Class 1 misdemeanor. HB 1342; CH. 782/SB 522; CH. 75.

§ 46.2-501 amended. Drivers required to attend driver improvement clinics. Allows the DMV Commissioner, for a good cause shown, to extend the time limit for attending a driver improvement clinic when the person required to attend

the clinic is (i) attending an institution of higher education outside Virginia or (ii) in the military and stationed outside the U.S. or is the dependant of a person in the military stationed outside the U.S. HB 679; CH. 385.

§ 46.2-505 amended; §§ 46.2-341.18:1, 46.2-341.20:1, and 46.2-341.20:2 added. Commercial motor vehicles; alcohol and grade crossing violations; civil penalties. Provides for disqualification of a person holding a commercial driver's license for certain alcohol-related offenses committed in other states where disqualification was imposed through a civil or administrative hearing without any court proceedings. The bill further provides for disqualification of a commercial driver's license holder for 60 days for violations committed at railroad/highway grade crossings. Longer disqualifications are authorized for repeat offenses. In addition, the bill authorizes imposition of civil penalties up to \$10,000 for employers who allow or require an employee to operate a commercial motor vehicle in violation of any law or regulation pertaining to railroad/highway grade crossings and provides that no court may reduce, dismiss, or defer the conviction of a person charged with any offense committed while operating a commercial motor vehicle because the person has attended a driver improvement clinic. HB 934; CH. 724.

§§ 46.2-613 and 46.2-620 amended. Deletion of obsolete code references. Strikes cross-references to § 46.2-626, which was repealed in 1996. This bill is a recommendation of the Virginia Code Commission in furtherance of the objective to identify obsolete provisions of law pursuant to § 30-151. HB 52; CH. 93.

§ 46.2-622 amended. Motor vehicle titles; joint owners. Clarifies that the issuance by the Department of Motor Vehicles of a certificate of title to two natural persons, jointly with right of survivorship, shall not be used by one of the joint owners as a defense to the lienor's enforcement of a security interest in the vehicle that was granted by one or both of the joint owners of the vehicle on the same date or prior to the issuance of the certificate of title. SB 68; CH. 432.

§ 46.2-649 amended. Motor carriers; registration. Prohibits the Department of Motor Vehicles from registering or reregistering motor vehicles owned by a motor carrier if the State Corporation Commission notifies the Department that the motor carrier has not filed an annual report or paid taxes due to the State Corporation Commission. SB 256; CH. 47.

§ 46.2-676 amended. Golf carts. Allows operation of golf carts on highways other than Virginia Route 205 in Colonial Beach. The bill also allows the Town Council to place further limitations on over-the-road operation of golf carts within the Town. HB 115; CH. 98/SB 157; CH. 44.

§ 46.2-694 amended. Four-for-life. Increases, effective July 1, 2002, from two dollars per year (two-for-life) to four dollars per year (four-for-life) the motor vehicle registration surcharge used to support emergency medical services. From July 1, 2002, through June 30, 2004, the additional two dollars per year will be used for emergency medical services, first re-

sponders, and public safety purposes, with the existing two dollars per year continuing to be used to support emergency medical services. On and after July 1, 2004, all revenues will be used to support emergency medical services. HB 82; CH. 794.

§§ 15.2-949, 38.2-2217.1, 46.2-695, 46.2-749.10, 46.2-1167, 46.2-1401, 46.2-1404, 46.2-1405, 46.2-1407, 46.2-2000.1, and 58.1-3506 amended. Vanpools and ridesharing. Revises several Code sections to eliminate conflicts and inconsistencies that arose as the result of 2001 legislation revising Virginia's motor carrier laws. Specifically, the bill (i) amends several statutes so that definitions and provisions applicable to small vanpool vehicles conform to federal regulations and other provisions of Virginia law; (ii) clarifies the use and cost of "PV" license tags for small vanpool vans; (iii) removes a meaningless reference to ridesharing in the shared ride taxi statute (§ 15.2-949) and substitutes language authorizing vanpool capital assistance by a locality, in lieu of establishing a shared ride taxi service; (iv) authorizes localities to give personal property tax breaks to all small non-profit vanpool vans; and (v) provides statutory recognition of the State Corporation Commission's interpretation view that the vanpool notice requirement for insurance purposes, applicable to vanpools using vehicles seating ten or more, includes the driver in the count. HB 1188; CH. 337.

§ 46.2-703 amended. "Apportioned" license plates. Provides that failure to display "apportioned" license plates or a trip permit constitutes prima facie evidence that apportioned or allocated fees as to the vehicle have not been paid. HB 705; CH. 239.

§§ 46.2-742.1, 46.2-743, 46.2-746.2:2, 46.2-746.7, and 46.2-746.9 amended; §§ 46.2-742.1:1, 46.2-742.3, 46.2-749.36:1, 46.2-749.49, and 46.2-749.77 added. Special license plates; supporters of the Motorcycle Rider Safety Training Program; fees. Authorizes the issuance of special license plates to supporters of the Motorcycle Rider Safety Training Program. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. The bill also provides that persons awarded multiple Bronze Star, Bronze Star with a "V" for valor, or Silver Star medals can obtain special license plates that indicated their multiple awards. The bill authorizes the issuance of special license plates to: persons awarded the Air Medal or the Air Medal with a "V" for valor, the Combat Infantry Badge, members and former members of the 173rd Airborne Brigade, members of Rotary International, members of Optimist International, supporters of the Shenandoah National Park Association, printers, supporters of Big Brothers Big Sisters of America, Rocky Mountain Elk Foundation volunteers, members of BoatU.S., members and associates of the Virginia Court Appointed Special Advocate Association, supporters of the American Cancer Society, beekeepers and supporters of beekeepers, Pony Club members, Parrothead Club members, 1600 Communications Association members, Blue Knights organization members, supporters of professional motor sports, supporters of Virginia's zoos, supporters of the Washington

Redskins football team, supporters of youth soccer, supporters of crime prevention, and retired member of the U.S. Air Force. In addition, the bill authorizes special license plates celebrating the 250th anniversary of the Town of Smithfield, the 200th anniversary of the City of Salem, the 250th anniversary of the City of Portsmouth, the values of diversity and the contributions of African-American communities, and Virginia's Indian tribes. Also authorized are special license plates displaying the following mottos: fox hunting, unlock autism, fight terrorism, and proud to be an American. It also provides for special license plates commemorating: the victims of the bombing of the USS Cole, the September 11, 2001, attack on the Pentagon, and the coming of the first Africans to Virginia in 1619. The bill also authorizes issuance of a special license plate to promote childhood cancer awareness. HB 385; CH. 864.

§§ 46.2-743, 46.2-746.4, 46.2-746.7, and 46.2-746.8 amended; §§ 46.2-734.1, 46.2-738.1, 46.2-746.01, 46.2-746.13, 46.2-746.15, 46.2-746.16, 46.2-746.17, 46.2-746.18, 46.2-746.19, 46.2-746.20, 46.2-747.1, 46.2-748.2, 46.2-749.2:8, 46.2-749.2:9, 46.2-749.2:11, 46.2-749.2:12, 46.2-749.2:17, 46.2-749.4:1, 46.2-749.4:2, 46.2-749.4:3, 46.2-749.6:1, 46.2-749.6:1.1, and 46.2-749.7:2 repealed.

Special license plates. Repeals authorization for issuance of special license plates as to which insufficient applications have been received within the time (three years; see subdivision 1 of subsection B of § 46.2-725) provided by law. The affected plates are those for participants in Operation Desert Shield/Desert Storm; those for Virginia Scuba divers, law-enforcement officers, persons once declared missing in action, employees of the Virginia Department of Transportation, returned Peace Corps volunteers; those celebrating the 250th anniversary of the County of Culpeper; those bearing the legends: GLOUCESTER COUNTY, WILDLIFE FOUNDATION OF VIRGINIA, VIRGINIA WILDLIFE FEDERATION, and HISTORIC YORKTOWN; those for members of the Loyal Order of Moose, the American Radio Relay League, the National Speleological Society, the Disabled American Veterans organization, the Gold Wing Road Riders Association, the Old Dominion Boat Club, the State Fire Chiefs Association of Virginia, and the Virginia State Firefighters Association; and those for supporters of the American Automobile Association, Great Meadow, the Richmond Braves, the Salem Avalanche, the Norfolk Tides, the Prince William Cannons, the Pulaski Rangers, the Lynchburg Hillcats, the Martinsville Phillies, the Danville Braves, the Bristol Tigers, D.A.R.E., Inc., parental involvement in local public school programs, Operation Smile, the Virginia Education Foundation, the Virginia's Western Highlands Travel Council, and the Washington D.C. United Soccer team. HB 35; CH. 90.

§§ 46.2-749.30:1 and 46.2-749.49 through 46.2-749.54 added. Special license plates; United We Stand. Authorizes the issuance of special license plates whose design incorporates the flag of the United States of America and the legend: United We Stand. Issuance of these plates would be subject to an annual surcharge of \$25. For each set of plates issued beyond 1,000 sets, \$15 of each \$25 fee would be paid to the

Rewards for Justice Fund and used solely as reward payments to informants with information about known terrorists or terrorist plans.

The bill also authorizes special license plates (i) for supporters of the councils of the Girls Scouts of the USA serving Virginia Girl Scouts, (ii) depicting a Holstein dairy cow, (iii) with the legend EDUCATION BEGINS AT HOME, (iv) for supporters of the NASA Langley Research Center, (v) for supporters of the Relay for Life, and (vi) bearing the legend: "God Bless America." HB 89; CH. 893.

§ 46.2-752 amended. Local vehicle licenses; fees. Authorizes any county, city, or town to enter into an agreement with the DMV Commissioner whereby the Commissioner will refuse to issue or renew any vehicle registration of any applicant who has not paid (i) the locality's vehicle license (decal) fee or (ii) tangible personal property taxes. Current provisions exempting delinquent personal property taxes of \$50 or less and requiring that the tax be levied against the vehicle whose registration is being denied are eliminated. HB 486; CH. 206.

§ 46.2-752 amended. Parking fines; personal property taxes on vehicles. Allows local governing bodies to enter into regional compacts for the interjurisdictional enforcement of local parking and vehicular personal property tax ordinances assessed against vehicles of persons. HB 1192; CH. 553.

§ 46.2-817 amended. Eluding police; penalty. Provides for mandatory suspension of a driver's license for not less than 30 days and no more than one year when a person is convicted of an offense for eluding police. Currently, the court has the discretion to suspend a person's license for that period of time, unless the person exceeded the speed limit by 20 miles an hour, in which case the court is required to suspend the license for not less than 90 days. SB 405; CH. 505.

§§ 46.2-844 and 46.2-859 amended. Passing stopped school buses. Adds passing a school bus on a private road to the existing language, which only includes highway or school driveway. HB 896; CH. 541.

§ 46.2-870 amended. Speeding; prepayment of fines. Requires the Traffic Infractions and Uniform Fine Schedule adopted by the Supreme Court for the prepayment of fines to include a fine of not less than five dollars per mile over the posted speed limit for speeding on certain roads where the maximum speed limit is 55 or 65 miles per hour. HB 606; CH. 872.

§ 46.2-878.2 amended. Speed limits in counties, cities, and towns. Expands the provisions of § 46.2-878.2 to apply the penalties presently applicable only to speeding in residence districts (fine up to \$200) to all roads and streets in residence districts in counties, cities, and towns. HB 1030; CH. 882.

§ 46.2-882 amended. Laser speed detection devices. Allows Culpeper County and towns located therein to use laser speed detection devices. HB 272; CH. 109.

§ 46.2-894 amended. Duty of driver to stop; hit and run. Provides that any person convicted of hit and run is guilty of (i)

a Class 5 felony if the accident results in injury to or the death of any person, or if the accident results only in damage to property and the damage is at least \$1,000 or (ii) a Class 1 misdemeanor if the accident results only in damage to property less than \$1,000. Under current law, anyone convicted of hit and run is guilty of a Class 5 felony, regardless of the extent of injury or damage. HB 345; CH. 115.

§ 46.2-902.1 added. Proof of insurance, etc., for vehicles involved in accidents. Authorizes law-enforcement officers present at the scene of reportable motor vehicle accidents to require the operators of motor vehicles involved to furnish proof that, at the time of such accident, either (i) the vehicles they were operating were insured motor vehicles as defined in § 46.2-705 or (ii) the fee required by § 46.2-706 for registration of uninsured vehicles had been paid. Failure to furnish proof of such within 30 days would constitute a Class 2 misdemeanor (jail up to six months and/or a fine up to \$1,000). SB 358; CH. 450.

§ 46.2-920 amended. Emergency vehicles; exceeding speed limits. Allows law-enforcement vehicles to exceed speed limits, without displaying warning lights or sounding sirens, for the purpose of "pacing" vehicles suspected of speeding. HB 539; CH. 134 (effective 3/19/02).

§ 46.2-921.1 added. Approaching stationary emergency vehicles on highways. Requires drivers, when approaching stationary emergency vehicles on highways, where reasonable, to change lanes or, when lane changing is either unreasonable or unsafe, to proceed with caution. Violations are Class 1 misdemeanors. However, if a violation results in damage to property of another person, the court may order the suspension of the driver's privilege to operate a motor vehicle for not more than one year. If the violation resulted in injury to another person, the court may, in addition to any other penalty, order the suspension of the driver's privilege to operate a motor vehicle for not more than two years. If the violation resulted in the death of another person, the court may, in addition to any other penalty, order the suspension of the driver's privilege to operate a motor vehicle for two years. This bill is modeled on "Scott's Law" from Illinois. HB 1261; CH. 341/SB 367; CH. 163.

§ 46.2-924 amended. Failure to yield to pedestrians. Allows Fairfax County the same ability as Arlington and Alexandria to provide for enhanced penalties for motorists who fail to yield the right-of-way to pedestrians in specially marked crosswalks. HB 1027; CH. 327.

§ 46.2-932.1. See § 63.1-1.1; SB 303.

§ 46.2-941 amended. Law-enforcement notices sent through the mail. Revises the printing specifications for the words "Law-Enforcement Notice" on official mailing envelopes so that the words are no smaller than the print size of the primary address on the envelope. The bill also requires that the words be clearly visible through "window" envelopes. HB 167; CH. 102.

§ 46.2-1001 amended. "Out-of-service" inspections. Allows specially trained law-enforcement officers of Washington

County and Portsmouth to perform "out-of-service" inspections of trucks. HB 1242 adds Pulaski County; SB 108 adds Portsmouth and Pulaski County. HB 1102; CH. 223.

§ 46.2-1001 amended. "Out-of-service" inspections. Adds Pulaski County to the list of localities whose specially trained law-enforcement officers are authorized to conduct "out-of-service" inspections of vehicles subject to federal motor carrier safety requirements. HB 1102 adds Washington County and Portsmouth; SB 108 authorizes Portsmouth and Pulaski County. HB 1242; CH. 263.

§ 46.2-1001 amended. "Out-of-service" inspections. Allows specially trained law-enforcement officers of Portsmouth and Pulaski County to conduct "out-of-service" inspections of vehicles subject to federal motor carrier safety requirements. SB 108; CH. 142.

§ 46.2-1088.3 added. Air bags. Provides that any person who, without the vehicle owner's knowledge, knowingly installs or reinstalls as part of the vehicle inflatable restraint system of a motor vehicle any air bag that was not designed in accordance with federal safety regulations for that make, model, and year of motor vehicle is guilty of a Class 1 misdemeanor (jail for up to 12 months and/or a fine up to \$2,500) and that any person, without the vehicle owner's knowledge, installs or reinstalls an air bag that was previously installed in another motor vehicle is guilty of a Class 2 misdemeanor. HB 499; CH. 402.

§§ 46.2-1095 and 46.2-1098 amended. Child restraint devices. Provides for a mandatory \$50 civil penalty for violations of laws that require use of child restraint devices or safety belt systems when transporting children less than 16 years old in motor vehicles, except that a court may still waive or suspend the imposition of the penalty if it finds that the violation occurred because of the defendant's financial inability to acquire a child restraint system. HB 254; CH. 358.

§§ 46.2-1095 and 46.2-1100 amended. Child restraint devices. Increases the maximum age of children that must be secured in child restraint devices when traveling in motor vehicles. The bill also allows restraining a child who is at least four years old but less than six years old with a standard automobile seat belt instead of a child restraint device, if the weight and size of the child is such as to make the use of such seat belt practical and the use of an approved child restraint impractical. HB 1328; CH. 660/SB 395; CH. 616.

§§ 46.2-1128, 58.1-2700.1, 58.1-2701, and 58.1-2709 amended; §§ 46.2-1139.1 and 46.2-1143.1 added. Truck weights; overweight permits; road tax; penalties. Provides for an increase of the maximum weight of vehicles operating under "bought tolerances" from 80,000 pounds to 84,000 pounds. The bill also allows the DMV Commissioner to authorize agencies other than DMV to issue overweight permits for trucks, provides for overweight permits for trucks used to haul "excavated material," and replaces the present 19.5 cents-per-gallon road use tax with a flat fee of \$100 per qualified vehicle. There are also editorial changes. HB 1244; CH. 265.

§ 46.2-1137 amended. **Overweight vehicles; liquidated damages; ability to shift load of certain overweight vehicles.** Provides that motor vehicles that qualify for weight extensions under § 46.2-1129 and whose load can be shifted by sliding the axle or axles of the semitrailer or the fifth wheel of the tractor truck and motor vehicles transporting off-the-road mobile construction equipment will be assessed liquidated damages after load shifting rather than prior to shifting. HB 128; CH. 99/SB 63; CH. 431.

§ 46.2-1143 amended. **Trucks hauling gravel, sand, or crushed stone.** Extends to July 1, 2007, the temporary application of coal truck weight limits to trucks hauling gravel, sand, or crushed stone in counties authorized to impose a coal severance tax. HB 1243; CH. 264.

§§ 46.2-1167 and 46.2-1182 amended. **Vehicle safety inspections and emissions inspections; maximum fees.** Increases "cap" on motor vehicle safety inspection fees for passenger cars and pickup or panel trucks from \$10 to \$15 and increases "cap" on emission inspection fees from \$20 to \$28. HB 196; CH. 322.

§ 46.2-1220 amended. **Parking ordinances; Pittsylvania County.** Adds Pittsylvania County to the list of counties that may by ordinance provide for the regulation of parking, stopping, and standing of vehicles within its boundaries (including the installation and maintenance of parking meters). HB 430; CH. 132/SB 287; CH. 48.

§ 46.2-1220 amended. **Parking.** Prohibits localities to adopt ordinances prohibiting parking of two motorcycles in single parking spaces marked or sized for single four-wheel vehicles. Counties, cities, and towns may adopt ordinances permitting parking of three or more motorcycles in single parking spaces. HB 1255; CH. 266.

§ 46.2-1240 amended. **Disabled parking placards.** Allows persons to whom disabled parking placards are issued to cover their age as shown on the placard with opaque removable tape. HB 265; CH. 108.

§ 46.2-1241 amended. **Disabled parking placards.** Provides that no physician's certification of an applicant's disability will be required for the renewal of any disabled parking placard of an applicant to whom disabled parking license plates have been issued. HB 439; CH. 133.

§ 46.2-1243 amended. **Disabled parking ordinances; enforcement by owners.** Authorizes Henry County (in addition to Franklin County, Danville and Martinsville) by ordinance to provide that a summons for disabled parking ordinances may be issued by any owner of a private parking area of a nursing home, provided the owner has registered his intention to issue summonses with the chief law-enforcement officer of the locality. HB 708; CH. 390.

§§ 46.2-2000, 46.2-2001, 46.2-2001.1, 46.2-2011.4, 46.2-2011.10, 46.2-2011.14, 46.2-2011.15, 46.2-2011.16, 46.2-2011.22, and 46.2-2099.30 amended; §§ 46.2-2099.20, 46.2-2099.22 through 46.2-2099.29, and 46.2-2099.31

through 46.2-2099.40 repealed. **Sight-seeing carriers by boat; special or charter party carriers by boat; motor carriers by launch.** Repeals regulation of sight-seeing carriers by boat, special or charter party carriers by boat, and motor carriers by launch by the Department of Motor Vehicles except for insurance requirements. HB 301; CH. 861.

§§ 46.2-2001.3, 46.2-2005, and 46.2-2109 amended. **Property and passenger carriers.** Clarifies legislation enacted by the 2001 Session to correct an erroneous cross-reference and to establish the procedure by which to appeal a denial by the Department of Motor Vehicles of an application for a license or certificate as a broker or a motor carrier of property or passengers. HB 541; CH. 870.

§§ 46.2-2005 and 46.2-2080 amended. **Motor carriers.** Provides that DMV will not hear protests by aggrieved parties in cases where an applicant for licensure as a common carrier has received notice of intent to award a contract under the Virginia Public Procurement Act for irregular route services to or from Norfolk Airport. HB 1183; CH. 734/SB 435; CH. 681.

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

§ 47.1-5. See § 17.1-213; SB 153.

§ 47.1-14 amended. **Notary public.** Requires that the identity of each person subject of a notarial act be identified by passport, certificate of citizenship or naturalization, alien registration card, driver's license, state-issued identification card, or military identification card unless such person is known by the notary. HB 469; CH. 379.

TITLE 49. OATHS, AFFIRMATIONS AND BONDS.

§§ 49-13 and 59.1-94 amended. **Deletion of obsolete references.** Strikes obsolete references to the Chancery Court of the City of Richmond and changes obsolete reference to "county or corporation" to "county or city." This bill is a recommendation of the Virginia Code Commission in furtherance of the objective to identify obsolete provisions of law pursuant to § 30-151. HB 55; CH. 858.

TITLE 50. PARTNERSHIPS.

§§ 50-73.11:2, 50-73.15, 50-73.17, 50-73.54, 50-73.56, 50-73.67, 50-73.70, 50-73.83, 50-73.93, 50-73.132, 50-73.134,

and 50-73.138 amended; § 50-73.11:1 repealed. Partnerships. Clarifies and corrects various provisions of the Virginia Revised Uniform Limited Partnership Act and the Virginia Uniform Partnership Act. An obsolete provision regarding the conversion of a general partnership to a limited partnership is repealed. The identity and capacity of persons executing statements is required to be included on the statement. Several requirements for registration of foreign limited partnerships are conformed to corresponding requirements imposed on other types of foreign business entities. The payment of outstanding penalties is made a condition to the filing of limited partnership documents, and payment of annual continuation report filing fees is made a condition to the filing of limited liability partnership documents. SB 244; CH. 441.

TITLE 51.1. PENSIONS, BENEFITS, AND RETIREMENT.

§§ 51.1-126.5 and 51.1-126.6 amended. Retirement; defined contribution plan. Eliminates (i) the requirement that withdrawals from the plan must be made within 90 days of termination by participating political appointees and (ii) the requirement that newly hired school superintendents must make their elections to participate in the plan within 30 days of being hired. SB 176; CH. 668.

§§ 51.1-138, 51.1-205, 51.1-216, and 51.1-217 amended. Virginia Retirement System; retirement benefits for law-enforcement employees. Clarifies (i) that the enhanced retirement benefits for a law-enforcement employee are available only after the employee has earned five or more years of creditable service in a law-enforcement position and (ii) that a retired law-enforcement officer cannot return to work as a law-enforcement officer and then choose to retire with different retirement benefits, unless he returns to work for at least five years. The bill also conforms the death in service benefits for local law-enforcement and fire employees with those provided to state law-enforcement employees. SB 565; CH. 466.

§ 51.1-144 amended. Virginia Retirement System; employer payment of member contributions. Increases from three years to six years (or for such other period of time as approved by VRS upon request) the period of time within which employers choosing to pay a portion of members' contributions must begin paying the entire amount of members' contributions. HB 26; CH. 307.

§ 51.1-155 amended. Retirement; teachers. Changes the conditions under which retired teachers are permitted to return to teaching without interrupting their retirement benefits by (i) permitting such even if the retiree is receiving retirement benefits from an early retirement incentive program, (ii) specifying that such retirees must have been receiving retirement benefits for a period of at least 30 days before returning to a teaching position, and (iii) requiring that the teacher be hired pursuant to a contract that does not exceed one year in duration. Current

law (a) prohibits such continuation of retirement benefits if any portion of the retirement benefits is based on an early retirement incentive program, (b) directs the Joint Legislative and Audit Review Commission and the Board of Trustees of the Virginia Retirement System to determine the period of time for eligibility that a retiree must have received retirement benefits before returning to teach; and (c) does not specify the duration of the teacher's contract. The provisions of the bill are made subject to the receipt of a written ruling from the Internal Revenue Service that affirmatively states that the provisions of the bill will not in any way adversely affect the qualified plan status of the Virginia Retirement System under federal law. HB 1137; CH. 778 (effective - see bill)/HB 1320; CH. 781 (effective - see bill).

§§ 51.1-162, 51.1-207, 51.1-218, 51.1-505, 51.1-505.01, and 51.1-511 amended. Virginia Retirement System; payment of life insurance and retirement benefits. Makes technical changes to the life insurance and retirement programs administered by the Virginia Retirement System. HB 80; CH. 313.

§ 51.1-165.01 amended. Virginia Retirement System; partial lump-sum payment option. Provides that lump-sum distributions of retirement benefits, elected by certain eligible retirees under VRS, shall be paid without regard to limitations on the annual benefit amount that can be received under VRS. The bill also provides that no member of VRS may make an election for a lump-sum distribution more than once in his lifetime. HB 578; CH. 404.

§ 51.1-168 amended; § 51.1-126.8 added. Pensions; Virginia Retirement System. Makes technical changes to the retirement plans administered by the Virginia Retirement System to comply with federal tax and pension laws. SB 121; CH. 435.

§§ 51.1-600, 51.1-601, 51.1-604, and 51.1-605 amended; §§ 51.1-607 through 51.1-613 added; § 51.1-606 repealed. Virginia Retirement System; deferred compensation plan and cash match plan. Makes numerous technical amendments to the Government Employees' Deferred Compensation Plan and creates a new, separate chapter for state and local cash match plans. HB 71; CH. 311.

§§ 51.1-1103, 51.1-1106, and 51.1-1140 amended; § 51.1-1135.2 added. Virginia Sickness and Disability Program. Enrolls certain state employees into the Virginia Sickness and Disability Program (VSDP) unless such employees opt not to be enrolled. Members of the Virginia Retirement System, the State Police Officers' Retirement System, the Virginia Law Officers' Retirement System, certain part-time employees of the Commonwealth, and employees of higher education participating in the Retirement System, who are not already participating in the program, will be automatically enrolled into the VSDP unless such persons provide written notice to VRS of their decision not to participate. In general, the opt-out period will run from October 1, 2002, through December 31, 2002, and VSDP coverage will be effective January 10, 2003. Employees of higher education commencing employment on or after October 1, 2002, who are employed in a

faculty position performing teaching, research or administrative duties, who elect to participate in VRS for their pension plan, have 60 days to elect participation VSDP or the institution's sickness and disability program beginning with their first date of employment. Any person enrolled into the VSDP will have his sick leave balances converted to disability credits at the rate of one hour of disability credit for each hour of sick leave. The bill only applies to employees who currently are not participating in the VSDP; the bill does not affect employees who previously elected to enroll in the VSDP or who were enrolled by effect of law. The bill also authorizes VRS to provide a long-term care insurance program for members of the VSDP. HB 197; CH. 697/SB 120; CH. 663.

§§ 51.1-1203, 51.1-1205, 51.1-1206, 51.1-1207, and 51.1-1210 amended. **Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund.** Makes several changes to the Fund including (i) providing that general fund contributions made on behalf of members shall be distributed based upon the number of years of a member's service as a volunteer rescue squad member or firefighter; (ii) changing from 20 to 10 the years of service required for maximum distributions from the Fund; (iii) changing the cost to purchase prior service from \$10 per month for every month purchased to an amount as established by the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board; and (iv) eliminating the requirement that prior eligible service be purchased within 180 days of the date of the establishment of the Fund. HB 1332; CH. 349.

TITLE 51.5. PERSONS WITH DISABILITIES.

§§ 2.2-203, 2.2-510, 2.2-2411, 2.2-2640, 2.2-2646, 2.2-2905, 2.2-3705, 2.2-5302, 37.1-42.1, 37.1-42.2, 51.5-1, 51.5-2, 51.5-40, 51.5-46, 63.1-182.1, and 63.1-314.8 amended; §§ 51.5-39.1 through 51.5-39.12 added; §§ 51.5-36 through 51.5-39 repealed. **Persons with mental retardation, developmental disabilities, or mental illness.** Revises the external human rights system for persons with mental retardation, developmental disabilities, or mental illness. The Department for Rights of Virginians with Disabilities is removed from the executive branch and becomes an independent state agency renamed the Virginia Office for Protection and Advocacy. The bill creates a governing board for the Office, consisting of 11 members who are appointed by the Governor and the General Assembly for staggered terms. No such appointments shall be members of the General Assembly. This board shall hire the agency director, who shall be an attorney in good standing licensed to practice in Virginia. The Office is given the authority to access facilities and programs, receive notification of deaths in state facilities and to protect the confidentiality of records. The bill establishes an ombudsman program, within the new office, to become effective July 1, 2004, and creates the Protection and Advocacy Fund. HB 9; CH. 572 (effective - see bill).

§§ 51.5-9.01, 51.5-16 through 51.5-20, and 63.1-70.1

amended. Rehabilitative services; vocational. Revises state Code language to reflect changes made in 1998 to the Rehabilitation Act of 1973, as amended. The changes update the list of vocational rehabilitation services, add the new consumer option to develop all or part of the written plan for services with or without the Department of Rehabilitative Services assistance, revise the name of the written plan for services to "Individualized Plan for Employment" to emphasize the plan's goal to achieve an employment outcome and replace the outdated term "sheltered workshop" with "community rehabilitation program." SB 231; CH. 46.

§ 46.2-411 amended; §§ 51.5-12.1 through 51.5-12.4 added; §§ 32.1-73.1 through 32.1-73.4 repealed. **Commonwealth Neurotrauma Initiative.** Moves the statutory language and responsibilities for the Commonwealth Neurotrauma Initiative from the Commonwealth Neurotrauma Advisory Board and Department of Health to the Commissioner and the Department of Rehabilitative Services. The provisions of the program remain the same except that the Commonwealth Neurotrauma Initiative Trust Fund will be allocated forty-seven and one-half percent for research on neurotrauma, forty-seven and one-half percent for rehabilitative services, and five percent for the Department of Rehabilitative Services' costs for administering and staffing the Commonwealth Neurotrauma Initiative Advisory Board. Enactment clauses repeal the present health provisions, continue the previously appointed Commonwealth Neurotrauma Initiative Advisory Board, and preserve the Board of Health's regulations and grant application, review, and award procedures until the Commissioner of Rehabilitative Services promulgates regulations. SB 620; CH. 60.

§§ 37.1-179 and 37.1-179.1 amended; § 51.5-14.1 added.

Licensure of providers of services. Grants the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services the authority to issue licenses to providers of day support, in-home support or crisis stabilization services funded through the Individual and Families Developmental Disabilities Support Waiver. The Department of Rehabilitative Services shall collaborate with the Department of Mental Health, Mental Retardation and Substance Abuse Services in activities related to licensing providers of services under such waiver. These activities include involving advocacy and consumer groups who represent persons with developmental disabilities in the regulatory process; training the Department of Mental Health, Mental Retardation and Substance Abuse Services, local human rights committees and the State Human Rights Committee on the unique needs and preferences of individuals with developmental disabilities; assisting in the development of regulatory requirements for such providers; and providing technical assistance in the regulatory process and in performing annual inspections and complaint investigations. SB 504; CH. 56 (effective - see bill).

§§ 51.5-54 through 51.5-58 amended. **Rehabilitative services; assistive loan fund.** Permits the Assistive Technology Loan Fund Authority to make loans available to people with disabilities for entrepreneurial purposes. HB 832; CH. 19.

§§ 51.5-60 through 51.5-105 and 51.5-106 through 51.5-114. See § 63.1-1.1; SB 303.

TITLE 52. POLICE (STATE).

§ 52-8.4 amended. **State Police.** Makes certain that the Superintendent of State Police has the authority to promulgate regulations covering a commercial motor vehicle that has a gross vehicle weight or gross combination weight of 10,000 pounds or more. Currently, the Superintendent has the authority on such a vehicle if it has a gross vehicle weight rating or gross combination weight rating of 10,000 pounds or more. The bill also makes a change to reflect the name change of a federal agency. SB 39; CH. 828.

§ 52-8.5. See § 18.2-18; HB 1120/SB 514.

§§ 52-35 and 52-45. See § 16.1-228; HB 488/SB 290.

TITLE 53.1. PRISONS AND OTHER METHODS OF CORRECTION.

§ 53.1-31.1 added. **Transportation of prisoners.** Provides that the Department of Corrections shall provide all transportation to and from court for any prisoner in connection with a crime committed within a state correctional facility, or a facility operated pursuant to the Corrections Private Management Act (§ 53.1-261 et seq.), unless the affected sheriff and the Department agree on other transportation. HB 711; CH. 240.

§§ 53.1-61 and 53.1-131. See § 63.1-1.1; SB 303.

§§ 53.1-93, 53.1-95.8, and 53.1-109 amended. **Superintendents and jail officers; fees for transportation, etc.** Allows superintendents and jail officers to charge reasonable fees for security, supervision and transportation provided for prisoners taken to a funeral or graveside service. HB 1179; CH. 336.

§ 53.1-120 amended. **Sheriffs; courthouse and courtroom security.** Provides that each sheriff shall ensure that the courthouses and courtrooms within his jurisdiction are secure from violence and disruption and shall designate deputies for this purpose. HB 540; CH. 533.

§ 53.1-120 amended. **Courthouse and courtroom security; assessment.** Provides that each sheriff shall designate deputies for the purpose of ensuring that the courthouses and courtrooms within his jurisdiction are secure from violence and disruption. Additionally, the bill provides that any county or city may assess a sum not in excess of five dollars as part of the costs in each criminal or traffic case in its district or circuit court in which the defendant is convicted. The assessment shall be collected by the clerk of the court, remitted to the treasurer and held by the treasurer subject to appropriation by the gov-

erning body to the sheriff's office for the funding of courthouse security. The assessment provision shall expire on July 1, 2004. SB 693; CH. 756.

§ 53.1-127.1 amended. **Stores or commissaries in local correctional facilities.** Clarifies that funds from the operation of a store, commissary or inmate telephone program in local correctional facilities shall be considered public funds. SB 687; CH. 182.

§§ 53.1-131 and 53.1-131.2 amended. **Work release; home/electronic incarceration.** Eliminates the blanket authority of a jail administrator to assign a person to a work release or home/electronic incarceration program, and instead provides that a sheriff may designate a deputy sheriff or regional jail administrator to assign offenders to work release or home/electronic incarceration programs. HB 543; CH. 800.

§ 53.1-131.1 amended. **Sheriffs; payment to defray cost of jail confinement.** Requires that payments made to defray costs of weekend and nonconsecutive days in jail are to be remitted to the treasurer of the appropriate county or city and that such assessment is in addition to any other fees prescribed by law. HB 1288; CH. 805.

§§ 53.1-131.1 and 53.1-150. See § 17.1-275; SB 150.

§§ 53.1-134, 53.1-135, 53.1-136, and 53.1-155 amended. **Parole Board.** Allows the Parole Board to be composed of up to five members (currently, it is five members), requires that the Chairman be a full-time state employee, and allows the Governor to designate no more than two other members as full-time state employees. The other members, if any, are part-time state employees. The bill also requires the Board to notify the attorney for the Commonwealth of the sentencing jurisdiction by certified mail at least 21 business days prior to release on parole of any inmate convicted of a felony and sentenced to a term of 10 or more years, and to endeavor diligently to contact the victim prior to making any decision to release any inmate on discretionary parole. However, in the case of parole granted for medical reasons, where death is imminent, the attorney for the Commonwealth may be notified by telephone or other electronic means prior to release. SB 647; CH. 569.

§ 53.1-180. See § 2.2-426; SB 12.

§ 53.1-191 amended. **Board of Corrections; extraordinary service credits for prisoners.** Allows the Board of Corrections to grant extraordinary service credits to state-responsible prisoners confined in local correctional facilities in the same manner as those confined in state correctional facilities. SB 587; CH. 59.

§ 53.1-231.1 amended. **Processes for notification regarding restoration of civil rights.** Requires the Director of the Department of Corrections to provide notice to felons on completion of sentence of the processes to apply for restoration of voting rights and civil rights. The bill requires the Director to compile information on the Department's compliance with the notification requirements on an annual basis, and it requires the Supreme Court to ensure that standardized petition forms

are available at all circuit court clerks' offices. HB 1298; CH. 344.

**TITLE 53.1. MISCELLANEOUS - PRISONS
AND OTHER METHODS OF CORRECTION.**

Department of Corrections; duties. Requires the Department of Corrections to maintain, on each prisoner sentencing information data form, the name of the defendant, the criminal sentencing guideline score, and the criminal sentencing guideline worksheet. HB 596; CH. 408.

**TITLE 54.1. PROFESSIONS AND
OCCUPATIONS.**

§§ 54.1-300, 54.1-2200 through 54.1-2203, 54.1-2206, 54.1-2207, and 54.1-2208 amended; §§ 54.1-2206.1 and 54.1-2206.2 added. Department of Professional and Occupational Regulation; Board for Professional Soil Scientists and Wetland Professionals; penalty. Adds certified professional wetland delineators to the current Board for Soil Scientists. The bill also (i) establishes certification standards for "certified professional wetland delineators," (ii) prohibits a certified professional wetland delineator from performing professional engineering, landscape architecture and land surveying, and (iii) provides that any person practicing or offering to practice wetland delineation who represents himself as a certified professional wetland delineator without holding such a certificate shall be guilty of a Class 1 misdemeanor. SB 61; CH. 784 (effective 7/1/04).

§§ 19.2-12, 19.2-13, and 54.1-306 amended. Conservators of the peace; Department of Professional and Occupational Regulation. Designates as conservators of the peace investigators of the Criminal Investigation section of the Department of Professional and Occupational Regulation. The bill also creates a registry of all conservators of the peace with the Department of State Police. SB 179; CH. 605 (effective 7/1/03).

§§ 54.1-700, 54.1-701, 54.1-703, 54.1-704.1, 54.1-704.2, 54.1-705, and 54.1-706 amended; § 54.1-703.1 added. Professions and occupations; wax technicians. Provides a definition and license program for wax technicians (any person who removes hair from the follicle using a wax depilatory or by tweezing), waxing salon, and waxing schools, and provides procedures for endorsement based on training or practical experience. HB 337; CH. 797.

§§ 54.1-700 through 54.1-703 and 54.1-704.1 through 54.1-706 amended; § 15.2-912 repealed. Department of Professional and Occupational Regulation; tattoo parlors and body-piercing salons. Provides for the licensure of tattoo parlors, body-piercing salons and those individuals who prac-

tice tattooing or body piercing by the Board of Barbers and Cosmetology. The bill requires the Board to adopt regulations establishing the requirements for licensure of any tattoo parlor, body-piercing salon and those individuals who practice tattooing or body piercing. Currently, these establishments are regulated at the local level. The bill removes the authority of localities to regulate tattoo parlors and body-piercing salons. HB 531; CH. 869.

§ 54.1-831.1 added. Department of Professional and Occupational Regulation; summary suspension of boxing license. Authorizes the Department of Professional and Occupational Regulation to suspend the license of a boxer without a hearing or informal fact-finding conference when warranted by the medical condition of the boxer or when there is substantial danger to the public health or safety. The hearing or conference must be initiated simultaneously with the summary suspension and be scheduled within a reasonable time of the date of the summary suspension. HB 629; CH. 33.

§ 54.1-1103 amended. Board for Contractors; exemptions. Exempts from the licensure or certification requirement of the Board for Contractors any person licensed as a private security services business by the Department of Criminal Justice Services. HB 1151; CH. 653.

§§ 54.1-1701, 54.1-2701, 54.1-2901, 54.1-3001, 54.1-3202, 54.1-3301, and 54.1-3801 amended. Volunteer services by certain providers of health care. Exempts from the Virginia licensure or certification requirements of the Board for Opticians and the Boards of Dentistry, Medicine, Nursing, Optometry, Pharmacy, and Veterinary Medicine certain out-of-state practitioners who (i) do not regularly practice in Virginia, (ii) hold current valid licenses or certificates to practice in another state, territory, district or possession of the United States, (iii) volunteer to provide free health care to an underserved area of this Commonwealth under the auspices of a publicly supported all-volunteer, nonprofit organization with no paid employees that sponsors the provision of health care to populations of underserved people throughout the world, (iv) file copies of the licenses or certificates issued in such other jurisdiction with the appropriate board, (v) notify the appropriate board, within 15 days prior to the voluntary provision of services of the dates and location of such services, and (vi) acknowledge in writing that such licensure exemption shall only be valid during the limited period that such free health care is made available on the dates and at the location filed with the various boards. Enactment clauses require emergency regulations and authorize the various boards to require the sponsoring organization to register and pay a fee prior to delivering services in Virginia. HB 1318; CH. 740 (effective - see bill).

§§ 2.2-4024, 54.1-2400, 54.1-2950.1, 54.1-2956.8, and 54.1-2956.11 amended; § 54.1-2409.3 added. Advisory boards to the Board of Medicine and membership on certain disciplinary committees and panels. Revises the names, appointing authority, and membership of various advisory boards to the Board of Medicine to provide consistency. All

statutorily established "committees" are renamed as advisory boards with five members to be appointed by the Governor. In addition, various statutes are amended to provide for inclusion of one member of the relevant advisory board on the disciplinary body when the respondent holds a license or certificate authorizing practice in the profession represented by the relevant advisory board. The advisory board member of the disciplinary committee or panel will have full voting privileges. HB 217; CH. 698.

§§ 2.2-3711, 54.1-2400, 54.1-2409, and 54.1-2917 amended.

Disciplinary proceedings of health regulatory boards. Revises the authority of health regulatory boards relating to disciplinary proceedings to (i) amend the present exemption to authorize closed meetings of health regulatory boards or conference committees to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties; (ii) authorize health regulatory boards to meet by telephone conference call to consider settlement proposals in matters pending before special conference committees or matters referred for formal proceedings or to consider modifications of previously issued board orders when such considerations have been requested by either of the parties; (iii) correct references to court or agency orders to more accurately refer to "documentation" of the order; and (iv) authorize, if reasonable notice of the information is given to the person, the health regulatory boards to consider other information concerning possible violations of Virginia law in hearings relating to suspensions because of felony convictions or adjudications of incapacity. SB 398; CH. 455.

§§ 2.2-3705 and 54.1-2505 amended; §§ 54.1-2519 through 54.1-2525 added. Prescription Monitoring Program established. Requires the Director of the Department of Health Professions to establish the Prescription Monitoring Program, which will require reports to the Department from dispensers of certain drugs (to be called "covered substances") that will include detailed information on the recipient of the prescription and the drug prescribed as the result of a specific investigation of a recipient dispenser or prescriber by the State Police, a grand jury, or by the board regarding any allegation of misconduct by a dispenser. The "covered substances" will include all Schedule II controlled substances as defined in the Drug Control Act. Certain dispensing circumstances are exempted, for example, the dispensing of manufacturers' samples. The information in possession of the Program is exempted from the Freedom of Information Act; however, the Director is authorized to disclose information under limited circumstances to prescribers, dispensers, the Department of State Police and others. The Director is also authorized to notify the Attorney General or the appropriate attorney for the Commonwealth of possible violations of law and to disclose information to dispensers and prescribers that indicates a potential detriment to a recipient. In addition, the Director is authorized to contract for the implementation and maintenance of the Prescription Monitoring Program. Immunity from liability is provided to the Director and the Department's employees for the accuracy or

lack thereof of the data reported. Penalties for violations of this act will be Class 1 misdemeanors. Licensees may be subject to disciplinary action by the relevant board for failure to report or for unauthorized use or disclosure of the confidential information. Pursuant to enactment clauses, (i) the Director is required to promulgate emergency regulations; (ii) the reporting requirements will not be implemented until the date specified in the regulations; and (iii) all dispensers and prescribers must be notified of the implementation date. The fourth enactment clause provides that these provisions will be implemented with federal funds or other federal grants that may become available for these purposes and the last enactment requires the program to be implemented solely in State Health Planning Region III for two years after which time an evaluation will be prepared by the superintendent of State Police and the director and forwarded to the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health. SB 425; CH. 481 (effective - see bill).

§ 54.1-2715 amended. Health professions; temporary permits for dentists. Expands the authority of the Board of Dentistry to issue a temporary license to dentists providing services in free clinics and community health centers. Temporary permits are already granted to dentists not licensed in the State who meet certain criteria and provide services in dental clinics operated by the Departments of Health and Mental Health, Mental Retardation and Substance Abuse Services. This bill is a recommendation of the Joint Commission on Health Care. HB 1055; CH. 549 (effective - see bill).

§ 54.1-2722 amended. Health professions; dental hygienists. Requires the Board of Dentistry to adopt regulations to allow for the "general supervision" of dental hygienists by dentists. "General supervision" means that a dentist has evaluated the patient and prescribed authorized services to be provided by a dental hygienist; however, the dentist need not be present in the facility while the authorized services are being provided. This bill is a recommendation of the Joint Commission on Health Care. SB 503; CH. 170 (effective - see bill).

§ 54.1-2816.1 added. Board of Funeral Directors and Embalmers; continuing education. Establishes continuing education requirements for funeral service licensees, funeral directors and embalmers. The bill also authorizes the Board for Funeral Directors and Embalmers to establish an inactive status for licensees and registrants of the Board and prohibits the practice as a funeral service licensee, funeral director or embalmer in the Commonwealth without a current and active license or registration. In addition, the bill requires the Board to promulgate regulations for implementing the act within 280 days of its effective date. HB 837; CH. 270 (effective - see bill).

§ 54.1-2910.1 amended. Board of Medicine. Revises the statute that sets forth the data required for the profiles of doctors of medicine, osteopathy, and podiatry. The Board will require telephone numbers and access to translating services for all practice settings, and will remove the mandatory reporting of insurance participation while allowing voluntary reporting of

this information. For the sole purpose of expedited dissemination of information about a public health emergency, doctors must also provide any e-mail addresses or facsimile numbers. The e-mail addresses and facsimile numbers will not be published on the profile database or released or made available for any other purpose other than the public health emergency. In addition, the scope of data to be made available on malpractice claims has been clarified to prohibit the release of specific numeric values of reported paid claims in any individually identifiable manner under any circumstances. This bill has numerous technical amendments to change references to "physicians" to the more accurate term "doctor." A second enactment clause requires the Board of Medicine to promulgate emergency regulations and a provision for the display of final disciplinary orders of the Board together with notices thereof and any summary suspension of a license. SB 59; CH. 38 (effective 2/28/02).

§ 54.1-2912.1 amended. Board of Medicine regulations. Requires the Board of Medicine to promulgate regulations governing the practice of medicine related to the administration of anesthesia in physicians' offices. This bill notes the Board's authority, pursuant to § 54.1-2400, to establish the qualifications for registration, certification or licensure that are necessary to ensure competence and integrity to engage in the regulated practice. In compliance with the second enactment, the Board is required to promulgate emergency regulations to implement this provision. In doing so, the Board must solicit and respond to public comment prior to adoption. HB 213; CH. 324 (effective - see bill).

§ 54.1-2952 amended. Physician assistants. Clarifies that the physician must provide continuous supervision of the assistant; however, the requirement for physician supervision of assistants must not be construed as requiring the physical presence of the supervising physician during all times and places of service delivery by an assistant. Further, this bill details that each team of supervising physician and physician assistant must identify the relevant physician assistant's scope of practice, including, but not limited to, the delegation of medical tasks as appropriate to the physician assistant's level of competence, the physician assistant's relationship with and access to the supervising physician, and an evaluation process for the physician assistant's performance. The Board of Medicine is required, pursuant to a second enactment clause, to promulgate emergency regulations to implement this provision. HB 687; CH. 387 (effective - see bill).

§ 54.1-2969 amended. Minors' consent to treatment for substance abuse. Provides that a parent, legal guardian or person standing in loco parentis will not be prevented from obtaining the results of a minor's nondiagnostic drug test when the minor is not receiving care, treatment or rehabilitation for substance abuse. HB 127; CH. 315.

§ 54.1-2969. See § 63.1-1.1; SB 303.

§ 54.1-2970 amended. Medical treatment of incapacitated persons. Expands medical treatment statute that applies to incapacitated patients and residents of state mental health and

mental retardation facilities to apply to incapacitated community services board consumers and to include dental treatment. A licensed health professional or licensed hospital will not be subject to liability arising from a claim based on lack of informed consent or be prohibited from providing services when a delay in treatment might adversely affect the recovery of an individual who has no guardian or committee and who is receiving community mental health services from a community services board or behavioral health authority if two physicians (or dentists in the case of dental treatment) document this in writing. This bill is a recommendation of the Select Committee on Substitute Consent for People with Mental Disabilities. SB 483; CH. 80.

§ 54.1-2972 amended. Health professions; pronouncement of death. Allows registered nurses, in situations meeting explicit criteria, to pronounce death when they are employed by a hospital or nursing home. State-operated hospitals are to be considered hospitals for these purposes. Registered nurses employed by home health organizations, hospices or the Department of Corrections may already pronounce death. Specific criteria are established in this law for those patients who may be pronounced dead by registered nurses, i.e., those patients whose deaths were expected, who had valid Do Not Resuscitate orders and who were under the care of a physician who cannot be present within a reasonable period of time. The nurse is required to notify the patient's attending and consulting physicians as soon as practical. HB 44; CH. 92.

§§ 54.1-3001 and 54.1-3018 amended. Health professions; nursing. Provides an exemption from the nursing licensure requirements for a period of 30 days pending licensure in Virginia for nurses holding a current unrestricted license in Canada whose training was obtained in a nursing school in Canada where English was the primary language and requires the Board of Nursing to issue licenses by endorsement to applicants who hold current unrestricted licenses in Canada whose training was obtained in a nursing school in Canada where English was the primary language and who have passed the Canadian Registered Nurses Examination. Current law already provides for licensure by endorsement for nurses licensed in other states, the District of Columbia, and any U.S. possession or territory if the applicant meets the qualifications required of nurses in the Commonwealth. HB 665; CH. 713.

§ 54.1-3011.2. See § 23-35.9; HB 1079.

§ 54.1-3012.1 amended. Health professions; nursing workforce. Authorizes the Board of Nursing to accept private grants or donations in addition to any licensure or certification fee for the purposes of collecting and utilizing nursing workforce information. HB 1085; CH. 333.

§§ 54.1-3300, 54.1-3408.01, 54.1-3412, and 54.1-3420.2 amended. Practice of pharmacy. Provides greater flexibility in the practice of pharmacy to be consistent with current health care practice trends while still providing sufficient safeguards for the integrity of controlled substances and patient safety. This bill changes the definition of the "pharmacy" to include any establishment in which drugs, medicines or medicinal

chemicals are dispensed or offered for sale and, thereby, authorizes pharmacists to practice in locations other than permitted pharmacies, e.g., in a clinical oncology practice providing chemotherapy; softens the restrictions on the use of chart orders with multiple prescriptions to allow for such orders for home infusion and hospice patients; clarifies that a combination of manual and automated recordkeeping may be used, so long as the required prescription information is maintained and retrievable; and authorizes alternate delivery sites for prescriptions, such as "drop stations" where patients may pick up the drugs from a central location. HB 625; CH. 411.

§ 54.1-3301 amended. Practice of pharmacy. Provides two exceptions from the requirements for the practice of pharmacy for practitioners of medicine or osteopathy relating to obtaining prescription drugs without charge for indigent patients, i.e., through pharmaceutical manufacturers' indigent programs and through donations from other entities. Practitioners who participate in pharmaceutical manufacturers' indigent programs in which the manufacturer donates a stock bottle of the prescription drug that is to be dispensed to an indigent patient are provided authority to dispense such drugs. The labeling and packaging standards will apply (packaging can be changed by the practitioner or the patient) and the drug cannot be used for any other purpose, unless the manufacturer authorizes dispensing to another indigent patient. Practitioners may, in lieu of dispensing directly to the patient, transfer the stock bottle to a pharmacy participating in the indigent program. The participating practitioner and the pharmacy are prohibited from charging the patient a fee for the medication. A reasonable dispensing or administrative fee to offset the cost of dispensing may be charged, not to exceed the comparable allowable fee reimbursed by the Virginia Medicaid program; however, if the patient is unable to pay the dispensing or administrative fee, this fee must be waived. In addition, practitioners of medicine or osteopathy are authorized to provide controlled substances to their own patients in free clinics without charge when the drugs have been donated by an entity other than a pharmaceutical manufacturer. The practitioner must first obtain a controlled substances registration and will be required to comply with the existing labeling and packaging requirements. Enactment clauses require emergency regulations and mandate that the Board of Pharmacy advise and assist free clinics in revolving issues relating to the practice of pharmacy and the Drug Control Act. HB 487; CH. 707/SB 145; CH. 666.

§ 54.1-3411.1 added. Health; certain unused drugs provided to free clinics. Permits nursing homes to enter into voluntary agreements with pharmacists to return any drugs that are no longer necessary for their residents in order that the pharmacy may dispense such drugs to the indigent, free of charge, subject to certain restrictions. The drugs must be in the manufacturers' original sealed containers or sealed individual dose or unit dose package and the return must comply with federal law. Only an authorized person will accomplish the physical transfer, consent must be obtained from the relevant patient or his authorized representative for return of the medication, the expiration date remains, all identifying data relating

to the patient for whom the drug was dispensed must be removed, inventories must accompany the transferred drugs, and outdated drugs cannot be transferred and must be destroyed according to the Board's regulations. The pharmacist-in-charge at the participating pharmacy will be responsible for determining the suitability of the drug for redispensing. Prescriptions dispensed for Medicaid or children's health insurance program recipients cannot be donated. The Board of Pharmacy must promulgate emergency regulations to implement the program. HB 154; CH. 632.

§ 54.1-3482 amended. Practice of physical therapy. Adds nurse practitioners as authorized in their practice protocols to the list of health care professionals who may order physical therapy services. At this time, physical therapy orders may be issued by doctors of medicine, osteopathy, chiropractic, podiatry, or dental surgery. SB 101; CH. 434.

§ 54.1-3482 amended. Health professions; physical therapy. Adds to the list of persons who make referrals to physical therapists a licensed physician assistant acting under the supervision of a licensed physician. Referrals are currently made by a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery. SB 651; CH. 471.

§ 54.1-3505.1 added. Regulatory authority of the Board of Counseling. Requires the Board of Counseling to promulgate regulations establishing requirements for evidence of continued competency as a condition of licensure renewal. The Board is authorized to approve persons who provide or accredit continuing education programs in order to accomplish this purpose and to grant waivers and reduce the number of continuing education hours in certain cases. SB 53; CH. 430.

§ 54.1-3910. See § 30-154; HB 13.

§ 54.1-4010 amended. Pawnbrokers; daily reports. Allows the Town of Front Royal, described by population, to require a pawnbroker to electronically maintain and file the mandated daily report consisting of goods, articles or things pawned or pledged. HB 375; CH. 201.

§ 54.1-4300 amended; § 54.1-4305 added. Itinerant merchants; prohibited sale of certain merchandise; penalty. Provides that no itinerant merchant shall offer for sale or knowingly permit the sale of baby food, infant formula, or any nonprescription drug. The provisions of this section shall not apply to a person who keeps available for public inspection a written authorization identifying himself as an authorized representative of the manufacturer or distributor of such product, provided such authorization is not false, fraudulent, or fraudulently obtained. The bill defines "baby food" and "nonprescription drug" and provides for the penalty for violation. HB 494; CH. 529/ SB 24; CH. 138.

**TITLE 54.1. MISCELLANEOUS -
PROFESSIONS AND OCCUPATIONS.**

Health professions; substance abuse counselors. Removes the deemed certification language for those persons who meet the certification standards for a certified substance abuse counselor in effect prior to July 1, 2001. Current law provides that those persons who are certified under the standards in effect prior to July 1, 2001, will be deemed to hold certification at the appropriate level under the new provisions, when adopted, unless such certification is suspended or revoked. This language is struck; however, retained language requires the Board to certify individuals who applied before the new certification regulations became effective if they met the requirements in place prior to July 1, 2001. Thus, the deeming language is no longer necessary. HB 534; CH. 383.

TITLE 55. PROPERTY AND CONVEYANCES.

§ 55-58.3 amended. Property; subordinate mortgages. Includes in the definition of "subordinate mortgage" a mortgage that is subordinate in priority as the result of a previous refinancing. SB 549; CH. 172.

§ 55-66.3 amended. Release of deed of trust or other lien. Authorizes a settlement agent who has paid the obligation secured by a mortgage or deed of trust to release the lien by executing and filing a certificate of satisfaction. This procedure is available only if the settlement agent has delivered a notice of intent to release the mortgage and a copy of the payoff letter to the lien creditor and the lien creditor does not within 90 days notify the settlement agent that (i) another release has been recorded, (ii) the obligation secured by the mortgage has not been paid, or (iii) the lien creditor otherwise objects to the release of the mortgage. This optional procedure applies only to transactions involving not more than four residential dwelling units. The bill also clarifies that a release of a deed of trust may be delivered by courier. HB 302; CH. 862.

§ 55-66.3 amended. Property; release of liens. Clarifies that the obligor may provide the lien creditor with the name and address of the person to whom a certificate of satisfaction or of partial satisfaction shall be sent, and that if no such notice is provided, the certificate shall be delivered to the appropriate clerk's office. The bill provides that courier hand delivery with written proof of receipt from the clerk's office is an additional method of delivery for certificates of satisfaction. The bill also conforms the procedures applicable to the filing of such certificates when releases are made by original lien creditors or by subsequent note holders. SB 527; CH. 845.

§ 55-66.4:2. See § 17.1-213; SB 153.

§ 55-70.1 amended. New home breach of warranty. Provides that in the event of a breach of warranty on a new home for any defect discovered after July 1, 2002, such vendee shall first provide the vendor, at his last known address, a notice sent by registered or certified mail stating the nature of the warranty claim. After such notice, the vendor shall have a reasonable period of time, not to exceed one year, to cure the defect, which is the subject of the warranty claim. Under current law there is no statutory opportunity to cure; there is only a cause of action created on behalf of the purchaser. HB 150; CH. 795.

§§ 55-79.41, 55-79.97, 55-509, and 55-512 amended; §§ 55-79.83:1 and 55-514.1 added. Condominium and Property Owners' Association Acts; reserves for capital components. Provides that except to the extent otherwise provided in the governing document for condominiums or property owners' associations and unless such governing documents impose more stringent requirements, these associations are required to (i) conduct at least once every five years a study to determine the necessity and amount of reserves required to repair, replace and restore the capital components; (ii) review the results of that study at least annually to determine if reserves are sufficient; and (iii) make any adjustments the executive organ deems necessary to maintain reserves, as appropriate. The bill also requires these associations to provide a copy or summary of the reserve study report to prospective purchasers. "Capital components" are defined as items, whether or not a part of the common elements, for which the unit owners' association has the obligation for repair, replacement or restoration and for which the executive organ determines funding is necessary. The bill is a recommendation of the Housing Study Commission. SB 523; CH. 459.

§ 55-79.78 amended. Virginia Condominium Act; officers. Provides that if the condominium instruments provide that any officer or officers of the executive organ of a unit owners' association must be unit owners, an officer may be disqualified from serving unless he disposes of all of his units in fee. Under current law such officer may be disqualified if his units are disposed of in fee and/or for a term or terms of six months or more. HB 198; CH. 520.

§§ 55-79.80:2, 55-79.97, 55-511, 55-512, and 55-513 amended. Condominium and Property Owners' Associations; preparation of disclosure information, rule enforcement, and resale by purchasers. Allows, with the consent of the purchaser, the electronic delivery of the resale certificate in the case of a condominium, and the disclosure package for property owners' associations. The bill also (i) allows these associations to provide the required disclosures by electronic means with the consent of the seller and purchaser and (ii) authorizes these associations to charge certain additional costs for providing the required disclosures. The bill further provides for the settlement agent, when transmitting funds to an association to provide either the HUD-1 settlement statement or the name of the seller, the name and address of the purchaser, the address of the subject property, the date of settlement, and a brief explanation of the application of any funds transmitted. SB 519; CH. 509.

§ 55-106.4. See 13.1-1200; SB 512.

§§ 55-210.31 through 55-210.37 added. **Property loaned to museums.** Establishes a procedure for museums to acquire title to property loaned to the museum on and after July 1, 2002, if, unless otherwise provided by written agreement, more than five years have passed from the receipt by the museum of written communication concerning the loaned property and the lender has not displayed any interest in the property. Loaned property shall be deemed to have been donated to the museum if no action to recover the property is initiated within one year after the museum gave notice of termination of the loan of the property. Museums are required to inform lenders of this provision. Notice of termination of a loan of property may be given at any time if the property was loaned to the museum for an indefinite time. If the property was loaned to the museum for a specified term, the museum may give notice of termination of the loan at any time after the expiration of the specified term. The museum shall mail a notice to the lender at the most recent address. If no address is available, notice shall be published once a week for three weeks. After publishing the required notices, the museum may acquire clear and unrestricted legal title to undocumented property if the museum can verify through written records that it has held such property for five years or longer, during which period no valid claim to the property has been asserted and no person has contacted the museum regarding the property. HB 1066; CH. 883.

§§ 55-248.4 and 55-248.9 amended; § 55-248.7:1 added. **Virginia Residential Landlord and Tenant Act; definitions; prepaid rent.** Allows a tenant to offer and a landlord to accept prepaid rent and requires such prepaid rent to be placed in an escrow account by the end of the fifth business day following receipt and remain in that account until such time as the rent becomes due. The bill also provides that a bond or commercial insurance policy purchased by a tenant to secure the performance of the terms or conditions of a rental agreement shall not be considered as a security deposit as defined by the Act. In addition, the bill adds prepaid rent and nonrefundable pet fees to the definition of rent and provides that the definition of "tenant" does not include (i) an authorized occupant, (ii) a guest or invitee, or (iii) any person who guarantees or cosigns the payment of the financial obligations of a rental agreement but has no right to occupy a dwelling unit. "Authorized occupant" is defined as a person entitled to occupy a dwelling unit with the consent of a landlord under a rental agreement with a tenant. HB 502; CH. 531.

§ 55-248.21:1 amended. **Virginia Residential Landlord Tenant Act; early termination of rental agreements by military personnel.** Prohibits a landlord from requiring a tenant to pay liquidated damages if the tenant has resided in the property for more than 12 months. HB 243; CH. 760.

§ 55-248.33 amended. **Virginia Residential Landlord Tenant Act; abandonment.** Establishes a process to be followed by the landlord if he is unable to determine whether a tenant has abandoned the premises. HB 245; CH. 761.

§ 55-248.38:1 amended. **Virginia Residential Landlord Tenant Act; disposal of property abandoned by tenants.** Allows a landlord to dispose of abandoned personal property after the rental agreement has terminated and delivery of possession has occurred provided the landlord gives certain notice to the tenant. HB 246; CH. 762.

§ 55-428 amended. **Virginia Real Estate Cooperative Act; taxation.** Provides that a residential cooperative association shall not be deemed to be a business for certain state and local taxation purposes. Also, the bill requires that any tangible personal property owned by such associations that would be considered household goods and personal effects if owned by an individual to be considered as such for local property tax purposes. The bill also classifies certain tangible personal property of residential cooperative associations as household goods and personal effects making such property eligible for exemption from local tangible personal property taxes. HB 647; CH. 34.

§§ 55-511 and 55-512 amended. **Virginia Property Owners' Association Act; association disclosure packet.** Provides that the contents of the association disclosure packet include the fully completed one-page form the Real Estate Board is required to develop containing certain information about property owners' associations. HB 478; CH. 399.

§§ 55-531 and 55-532 amended. **Property of nonprofit health care entities.** Provides that the conversion of a nonprofit entity to a for-profit entity constitutes a disposition of assets that must be reported to the Attorney General. The measure also provides that a "nonprofit entity" includes any foreign or domestic nonstock corporation licensed and subject to regulation under Chapter 42 of Title 38.2, which generally refers to health services plans, i.e., "Blue Shield" plans. SB 680; CH. 516.

TITLE 56. PUBLIC SERVICE COMPANIES.

§§ 15.2-1500, 56-1, 56-235.5, 56-265.1, 56-265.4:4, 56-458, 56-462, 56-468.1, 56-484.4, 56-484.7:1, 56-484.7:2, 58.1-2660, and 58.1-3813.1 amended; §§ 15.2-2160, 56-479.2, and 56-484.7:4 added; § 56-484.7:3 repealed. **Local communications services.** Allows a locality, electric commission or board, industrial development authority, or economic development authority in certain underserved areas to offer qualifying communications services, or enter into public-private partnerships to offer such qualifying communications services. A "qualifying communications service" is defined as a communications service, which shall include but is not limited to, high-speed data service and Internet access service, of general application, but excludes cable television service. Such services may be provided only after approval by the State Corporation Commission. The Commission shall not approve a petition unless it finds that the qualifying communications service, or functional substitutes

therefor, is readily and generally available from three or more nonaffiliated companies. The Commission's approval may be revoked not earlier than five years after its approval if it finds that the criteria upon which the approval was granted no longer exist or are no longer being satisfied, and thereafter the entity shall cease to offer the services and shall offer its related assets for sale at fair market value. HB 1021; CH. 489/SB 245; CH. 479.

§§ 56-46.1 and 56-580 amended; § 10.1-1186.2:1 added.

Permits for power plants. Provides that any valid permit or approval required for an electric generating plant and associated facilities issued or granted by federal, state, and local governmental entities charged by law with responsibility for issuing permits or approvals regulating environmental impact and mitigation of adverse environmental impact or for other specific public interest issues such as building codes, transportation plans and public safety, shall be deemed to satisfy requirements for State Corporation Commission (SCC) consideration of the effect of the facility on the environment with respect to matters that are governed by the permit or approval or are within the authority of and were considered in the issuance of the permit or approval. The measure also grants to the Department of Environmental Quality (DEQ) and the Air Pollution Control Board the authority to consider the cumulative impact of new and proposed electric generating facilities on attainment of national ambient air quality standards. The SCC and DEQ are also required to enter into a memorandum of agreement to govern their coordination of reviews of the environmental impacts of such facilities. SB 554; CH. 483.

§ 56-232 amended. Companies providing sewage services.

Provides that any governmental entity established pursuant to the laws of another state or other entity that owns, manages or controls any plant or equipment located within the Commonwealth that is used to provide sewage treatment services to a Virginia public service authority shall be subject to regulation as a public utility. SB 682; CH. 813.

§ 56-234 amended. Telecommunications services; state agencies.

Eliminates State Corporation Commission jurisdiction over rates for services provided pursuant to any contract for telecommunications service provided to the public by virtue of a contract between a public utility and the Commonwealth or a state agency. The measure also requires the Secretary of Public Safety to report on its implementation of outstanding JLARC recommendations regarding inmate telephone calls SB 156; CH. 833.

§§ 56-265.15, 56-265.15:1, 56-265.17, 56-265.18, 56-265.19, 56-265.21, 56-265.22, and 56-265.24 amended; §§ 56-265.17:1, 56-265.17:2, 56-265.17:3, 56-265.20:1, 56-265.22:1, and 56-265.26:1 added. Underground Utility Damage Prevention Act. Creates a procedure for excavators to request a special project notice from the notification center for the purpose of notifying the operators of the excavator's desire to enter into an agreement for locating and protecting the operator's underground utility lines for a specific, unique or long-term project. The measure also exempts hand digging per-

formed by an operator to locate the operator's utility lines in response to a notice of excavation from the notification center, if all reasonable precaution has been taken to protect the underground utility lines, from the provisions of the Underground Utility Damage Prevention Act. The 48-hour waiting period required before an excavator may commence work starts at 7:00 a.m. on the next working day following notice to the notification center, rather than 48 hours after giving notice to the notification center. The extent of an excavator's proposed work is limited to an area that can be excavated within 15 working days beginning 7:00 a.m. on the next working day following notice to the notification center, and the area covered under each notice is limited to one mile. Additional provisions (i) authorize designers who prepare drawings and plans for projects requiring excavation or demolition work to provide the notification center with underground utility line information; (ii) require project owners to provide copies of those portions of the drawings that affect the respective operator to all operators with underground utility lines in the project area who receive notification from a designer; (iii) establish standards for line locator training; (iv) require operators to make a reasonable attempt to keep records of certain abandoned utility lines; (v) require operators to respond to an emergency notice as soon as possible but no later than three hours from the excavator's call to the notification center; (vi) require plastic or other nonmetallic utility lines to be installed so they can be locatable by the operator; (vii) adopt the American Public Works Association color codes for marking the approximate location of underground utility lines or proposed excavation; (viii) require the notification center to notify excavators of any responses placed on the excavator-operator information exchange system by a locator by use of facsimile or other mutually acceptable means of automatically transmitting and receiving this information; (ix) requiring excavators who cannot provide the notification center with an acceptable means of automatically transmitting and receiving this information to contact the excavator-operator information exchange system in order to determine if any responses to the notice have been recorded; (x) establish procedures for meetings between excavators and operators to discuss the marking of lines; (xi) establish reasonable steps to be taken by persons making excavations not parallel to an existing underground utility line; (xii) require persons performing excavation or demolition to give the operator or the appropriate regulatory authority, upon request, the number issued by the notification center for that site; (xiii) prohibit excavators from removing an abandoned line without first receiving authorization to do so by the operator; (xiv) prohibits persons, other than designers requesting marking of a site, to request marking of a site through a notification center unless excavation commences within 30 days from the date of the original notification to the center; and (xv) require operators to install underground utility lines at depths required by accepted industry standards. Finally, the State Corporation Commission is required to convene a task force to study the operation and effectiveness of certain amendments to the act. The Commission shall report the results of the task force's study to the 2005 Session of the General Assembly. SB 433; CH. 841.

§ 56-265.32 amended. Underground Utility Damage Prevention Act. Authorizes the State Corporation Commission to impose civil penalties against persons who violate the provisions of the Underground Utility Damage Prevention Act that require operators to join notification centers. The bill contains an emergency clause. HB 1326; CH. 348 (effective 4/1/02).

§§ 56-484.12, 56-484.17, and 58.1-3812 amended. Local tax on mobile telecommunications services. Incorporates uniform federal sourcing laws that determine which jurisdictions may impose taxes on local mobile telecommunications services. Beginning August 1, 2002, federal law provides that taxes on mobile telecommunications services may be imposed by a jurisdiction only if the customer's place of primary use is within the jurisdiction. The "place of primary use" is defined as the street address representative of where the customer's use of the mobile telecommunications service primarily occurs, which must be the residential street address or the primary business street address of the customer and within the licensed service area of the provider of the telecommunications service. SB 122; CH. 68 (effective - see bill).

§§ 56-557, 56-565, and 56-573.1 amended. Public-Private Transportation Act. Authorizes the operator to impose tolls for the use of Interstate 81 by vehicles other than passenger cars, pickup or panel trucks, and motorcycles, in connection with a facility operated under the Public-Private Transportation Act (PPTA) of 1995. The bill also allows a responsible public entity to enter into a comprehensive agreement in accordance with procedures consistent with procurement through "competitive sealed bidding" as defined in the Public Procurement Act. Currently, a responsible public entity may enter in to a comprehensive agreement only in accordance with procedures that are consistent with the procurement of "other than professional services" through competitive negotiation. The bill also supplies definitions of "asset management" and "maintenance" as used in the PPTA. HB 1373; CH. 593.

§§ 56-557 and 56-573.1. See § 33.1-23.02; SB 674.

§ 2.2-3705 amended; §§ 56-575.1 through 56-575.16 added. The Public-Private Education Facilities and Infrastructure Act of 2002. Authorizes private entities to acquire, design, construct, improve, renovate, expand, equip, maintain or operate qualifying projects after obtaining approval of a public entity that has the power to take such actions with respect to such projects. A "qualifying project" is (i) any facility that is operated as part of the public school system or as an institution of higher education; (ii) any building for principal use by any public entity; (iii) any equipment or improvements necessary to enhance public safety and security of buildings to be principally used by a public entity; (iv) utility and telecommunications and other communications infrastructure; or (v) a recreational facility. A responsible public entity may approve such a facility if it determines that (a) there is a public need for or benefit derived from the qualifying project of the type proposed by the private entity; (b) the estimated cost of the qualifying project is reasonable in relation to similar facilities; (c) the private entity's plans will result in the timely

acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, or operation of the qualifying project. Prior to commencing the qualifying project, the private entity shall enter into a comprehensive agreement with the responsible public entity. The bill exempts such projects from the Virginia Public Procurement Act. The provisions for the approval and operation of such projects are similar to those in the Public-Private Transportation Act of 1995. SB 681; CH. 571.

§ 56-586.1 added. Electric utility restructuring; electric energy emergencies. Authorizes the Governor to declare an electric energy emergency upon finding that an unplanned interruption in the generation or transmission of electricity, resulting from a hurricane, ice storm, windstorm, earthquake or similar natural phenomena, or from a criminal act affecting generation or transmission, act of war or act of terrorism, so imminently and substantially threatens the health, safety or welfare of residents of this Commonwealth that immediate action of state government is necessary to prevent loss of life, protect the public health or safety, and prevent unnecessary or avoidable damage to property. Upon declaring an emergency, the Governor may require a generator or municipal electric utility to generate, dispatch or sell to the Commonwealth electricity from a facility that it operates within the Commonwealth, for distribution within the areas of the Commonwealth designated in the declaration. The Commonwealth shall compensate generators, dispatchers or sellers of electricity. The Governor is also authorized to request the Secretary of the United States Department of Energy to invoke section 202(C) of the Federal Power Act. SB 257; CH. 609.

TITLE 56. MISCELLANEOUS - PUBLIC SERVICE COMPANIES.

Virginia's energy infrastructure. Requests the State Corporation Commission to convene a work group to study the feasibility, effectiveness, and value of collecting, for the period commencing January 1, 1996, and ending December 31, 2001, and for periods subsequent to December 31, 2001, certain data pertaining to Virginia's energy infrastructure. The work group shall consist of representatives of electricity generators, incumbent electric utilities, gas transmission companies, gas local distribution companies, State Corporation Commission staff, and other appropriate persons. The Commission shall report the results of the work group's study, not later than December 1, 2002, to the Legislative Transition Task Force. SB 684; CH. 474.

**TITLE 57. RELIGIOUS AND CHARITABLE
MATTERS; CEMETERIES.**

§ 57-5 amended. R.E. Lee Camp; Pelham Chapel. Provides that the provisions relating to the temporary transfer of use of property between state agencies and institutions shall not apply to the Pelham Chapel. The bill also provides that such property may be leased for increments of five years and that the lease shall only be revoked or terminated if the lessee willfully fails to abide by the terms of the lease. HB 1350; CH. 742.

§ 57-12 amended. Religious and charitable matters; quantity of real property trustees may hold. Authorizes trustees of a church to take and hold in any city or town not more than 50 acres of land at any one time, provided such acreage is to be devoted exclusively, and is subsequently so devoted, to (i) a church building, chapel, cemetery; (ii) offices exclusively used for administrative purposes of the church; (iii) a Sunday school or parochial school building or playgrounds thereof; (iv) parking lots for the convenience of those attending any of the foregoing; (v) administrative offices located on such church property leased by the church to a nonprofit hospital; or (vi) a church manse, parsonage or rectory. The bill also provides for the Office of the Attorney General to intervene on behalf of any city, town or county to enforce the statutory provisions limiting the real and personal property that churches may own. HB 183; CH. 796.

§ 57-20 amended. Religious and charitable matters; quantity of land benevolent and other associations may hold. Provides that groups organized for rural community civic purposes or improvement of farm life or operations of like purposes and not for profit (i.e., Ruritan Clubs) may hold no more than 35 acres of land. The bill contains a savings clause for previously acquired land under certain circumstances. HB 739; CH. 638.

§§ 57-60 and 57-63 amended. Solicitation of Contributions Act; exemptions. Exempts from registration requirements organizations that have been granted tax-exempt status under § 501 (c) (3) of the Internal Revenue Code and are organized wholly as Area Health Education Centers in accordance with § 32.1-122.7. The bill also makes some technical changes. HB 15; CH. 85.

TITLE 58.1. TAXATION.

§§ 58.1-3, 58.1-3133, 58.1-3912, 58.1-3924, 58.1-3934, 58.1-3940, 58.1-3944, 58.1-3946, 58.1-3952, and 58.1-3965 amended; § 58.1-3923 repealed. Local taxation; treasurers and directors of finance. Makes several purely technical changes recommended by county and city treasurers and direc-

tors of finance to various local revenue statutes. No policy changes are intended or effected. HB 1101; CH. 64.

§§ 58.1-3, 58.1-439.9, and 58.1-3134. See § 63.1-1.1; SB 303.

§§ 58.1-13.1 and 58.1-3013. See § 2.2-614.1; HB 825.

§ 58.1-17 added. Donations to the general fund. Allows taxpayers to make donations to the Commonwealth's general fund in excess of their tax liability. The Tax Commissioner is directed to list the names of such donors on the Tax Department's website, with the consent of the donor. HB 1304; CH. 268.

§§ 58.1-22 and 58.1-911 amended. Taxation; approval of interim and final accountings by commissioner of accounts. Provides that the commissioner of accounts shall not approve interim or final accountings of fiduciaries until he finds that all state, county and city taxes chargeable upon the property in the hands of such fiduciaries have been paid. HB 721; CH. 35.

§§ 58.1-344.2 and 58.1-346.19 added. Income tax; voluntary contribution cost of administration and voluntary contribution to the Virginia War Memorial Foundation and the National D-Day Memorial Foundation. For all taxable years beginning on or after January 1, 2003, provides that the Department of Taxation may retain up to five percent of all voluntary contributions made on individual income tax returns in a taxable year, not to exceed \$50,000, to defray the Department's costs of administering voluntary contributions. Each organization receiving voluntary contributions will have a pro rata share deducted from its voluntary contribution payment from the Department. Also, for all taxable years beginning on or after January 1, 2003, but before January 1, 2008, allows any individual receiving a tax refund to designate at the time of filing his return a specified dollar amount of such refund, not less than one dollar, to be used by the Virginia War Memorial Foundation and the National D-Day Memorial Foundation. Any donations will be divided equally between the two foundations. HB 645; CH. 413.

§§ 58.1-344.2 and 58.1-346.19 added. Income tax; voluntary contribution cost of administration and income tax refund check-off for Home Energy Assistance Fund. For all taxable years beginning on or after January 1, 2003, provides that the Department of Taxation may retain up to five percent of all voluntary contributions made on individual income tax returns in a taxable year, not to exceed \$50,000, to defray the Department's costs of administering voluntary contributions. Each organization receiving voluntary contributions will have a pro rata share deducted from its voluntary contribution payment from the Department. Also, creates an income tax refund check-off for voluntary contributions to the Home Energy Assistance Fund. HB 748; CH. 395.

§ 58.1-513 amended. Income tax; land preservation tax credit. Allows a taxpayer entitled to a land preservation tax credit to transfer such credit to any other taxpayer. The bill also allows the taxpayer a subtraction for any gain or income recognized when calculating Virginia taxable income. HB 1322; CH. 347 (effective 1/1/02).

§§ 58.1-602, 58.1-605, 58.1-606, 58.1-611.1, 58.1-614, 58.1-626, and 58.1-3833 amended; §§ 33.1-221.1:7, 58.1-604.4, 58.1-604.5, and 58.1-628.1 added; §§ 58.1-540 through 58.1-549, 58.1-627, and 58.1-628 repealed. **Regional sales tax referenda in Northern Virginia and Hampton Roads for transportation projects.** Requires that referenda be held in Northern Virginia and in Hampton Roads in November 2002 on the questions of increasing the sales and use tax by one-half of one percent and one percent in each region respectively, for transportation purposes in those regions. A favorable vote on such question in Hampton Roads (counties of Isle of Wight, James City, and York, and the cities of Chesapeake, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg) would authorize the Hampton Roads Planning District Commission to issue debt in a principal amount not exceeding \$5,990,000,000 for specified transportation projects, and to pay the interest and principal of such debt with the additional sales tax revenues. A favorable vote on the question in Northern Virginia (the counties of Arlington, Fairfax, Loudoun, and Prince William, and the cities of Falls Church, Manassas, and Manassas Park) would authorize the Northern Virginia Transportation Authority to issue debt in a principal amount not exceeding \$2,800,000,000 for specified transportation projects, and to pay the interest and principal of such debt with the additional sales tax revenues. SB 668; CH. 853.

§ 58.1-609.1. See § 2.2-2440; HB 910.

§ 58.1-609.4 amended. **Sales and use tax exemptions; omnibus extension bill.** Extends the sunset date through June 30, 2003, for several education-related sales and use tax exemptions due to expire on June 30, 2002. HB 1268; CH. 590.

§§ 58.1-609.4 and 58.1-609.7 amended. **Sales and use tax exemptions; omnibus extension bill.** Extends the sunset date through June 30, 2003, for several education-related sales and use tax exemptions due to expire at 12:00 p.m. on June 30, 2002. SB 20; CH. 564.

§ 58.1-609.6 amended. **Sales and use tax exemptions; textbooks for free distribution to professors.** Extends the sunset date to July 1, 2004, for the sales and use tax exemption for textbooks withdrawn from inventory at book-publishing distribution facilities for free distribution to professors. HB 23; CH. 183/SB 203; CH. 228.

§ 58.1-609.6 amended. **Sales and use tax exemption; film and audiovisual works.** Extends the sunset date from June 30, 2002, to July 1, 2004, for the sales and use tax exemption allowed for certain tangible personal property and services used in the production of audiovisual work. HB 1118; CH. 777.

§ 58.1-611.1 amended. **Sales tax reduction program on food; definition of food.** Excludes from the definition of food, for purposes of the sales tax reduction program, food sold by any retailer where the gross receipts derived from the sale of food prepared by such retailer for immediate consumption on or off the premises constitutes more than 80 percent of the total gross receipts of that retail establishment. HB 86; CH. 13.

§ 58.1-623.1 amended; § 58.1-608.4 added. **Misuse of tax preferences.** Provides that any organization that knows or should have known that an associate, employee, volunteer, other individual or entity has used its sales tax exemption certificate/letter to make unlawful purchases in the aggregate in excess of \$1,000 in any calendar year shall have its tax exemption certificate/letter suspended by the Tax Commissioner. HB 1054; CH. 775.

§ 58.1-807 amended. **Recordation tax; leases for outdoor advertising signs.** Provides that tax on the recordation of leases of outdoor advertising signs owned by a person engaged in the business of outdoor advertising licensed by the Virginia Department of Transportation shall not exceed \$25. HB 187; CH. 14.

§ 58.1-1009 amended; §§ 58.1-3.2 and 58.1-1008.1 added. **Taxation; tobacco sales and tax information; penalty.** Authorizes the Tax Commissioner to disclose any information collected by or reported to him on the sales or purchases of cigarettes or other tobacco products, and tax information relating to such sales or purchases to any federal, state, or local agency, including any agency of another state or local agency thereof, or any national or regional association of federal, state, or local agencies or to any tobacco product manufacturer required to establish a qualified escrow fund under the Master Settlement Agreement.

The bill also requires tobacco product manufacturers to file a monthly report with the Department of Taxation identifying all purchasers of cigarettes by name and address with the quantities and brands of cigarettes purchased during the preceding month, including wholesalers and retailers or any other person within the Commonwealth. Such manufacturers are also subject to audit by the Department. Any manufacturer who fails or refuses to file the report or fails or refuses to allow such an audit will be guilty of a Class 2 misdemeanor and may be subject to a \$ 5,000 civil penalty.

Finally, the bill prohibits any person from purchasing Virginia revenue stamps from anyone other than the Department, or from using, affixing or causing to be used or affixed, Virginia revenue stamps purchased from anyone other than the Department and makes such unlawful activities a Class 6 felony. The Department may revoke the permit issued to any person who violates this section. HB 909; CH. 722/SB 451; CH. 683.

§§ 58.1-1009, 58.1-1033, and 58.1-1034 amended. **Cigarette tax; sale of cigarettes produced for export.** Requires the Tax Department to maintain for at least three years information identifying the wholesale or retail dealer who affixed the revenue stamps to the cigarettes. HB 1221; CH. 821.

§ 58.1-1201 amended. **Bank franchise tax; definition of bank.** Adds to the definition of "bank" for purposes of being subject to the bank franchise tax, any savings bank that is a member of the Federal Reserve System. HB 319; CH. 29.

§§ 58.1-1205 and 58.1-1206 amended. **Bank franchise tax.** Provides a deduction for goodwill created in connection with the acquisition or merger of a bank for purposes of determining

a bank's capital subject to bank franchise taxes. The deduction applies for bank franchise tax returns required to be filed annually by March 1, beginning with the bank franchise tax return required to be filed by March 1, 2002. The bill also allows banks to file an amended tax return for the bank franchise tax return due by March 1, 2002, in order to reflect the deduction for goodwill. The Commonwealth and its localities are required to process such amended return immediately upon receipt, regardless of whether the return is received prior to, on, or after June 1, 2002. SB 174; CH. 667.

§ 58.1-1702 amended. Soft drink excise tax. Increases the amount of tax in the current top bracket from \$6,000 to \$7,200 for gross receipts exceeding \$10,000,000 but not more than \$25,000,000. It also adds two additional brackets: for gross receipts exceeding \$25,000,000 but not more than \$50,000,000, the tax is \$18,000 and for gross receipts exceeding \$50,000,000 the tax is \$33,000. The soft drink excise tax is imposed on every wholesaler or distributor of carbonated soft drinks. HB 193; CH. 15.

§§ 58.1-1800 and 58.1-3910 amended. Local tax administration; checks payable to treasurer. Requires taxpayers to make checks payable to "Treasurer or the title of other officer who performs the duty of treasurer of (name of political subdivision) or to the political subdivision" for state and local taxes and other amounts that the local treasurer collects. SB 65; CH. 139.

§ 58.1-1833 amended. Individual income tax; refunds. Provides that interest shall accrue, which shall be paid to the taxpayer, on individual income tax refunds beginning (i) 30 days after the payment of such tax if the individual filed via electronic means; or (ii) 60 days after payment if the individual filed using a method other than electronic means. The provisions of the bill are effective for taxable years beginning on or after January 1, 2003. HB 39; CH. 184 (effective 1/1/03)/SB 530; CH. 462 (effective - see bill).

§ 58.1-2201 amended. Motor fuels tax; alternative fuels retailer definition. Provides that a retailer of alternative fuels includes only those persons maintaining alternative fuel storage facilities and selling or dispensing such fuel "to be used to generate power to operate a highway vehicle." HB 6; CH. 4.

§§ 58.1-2201, 58.1-2208, 58.1-2230, 58.1-2232, 58.1-2251, 58.1-2255, and 58.1-2275 amended. Motor fuels tax; corrections to chapter. Makes several technical corrections to certain sections of the motor fuels tax chapter that became effective January 1, 2001. HB 188; CH. 7.

§ 58.1-2403 amended. Motor vehicle sales and use tax; exemption for vehicles purchased by non-Virginia dealers. Provides an exemption from the motor vehicle sales and use tax for motor vehicles purchased by non-Virginia dealers for future resale. In addition, the requirement that dealer's license plates be displayed for dealer vehicles operating upon the public highways is eliminated. This is currently a condition for maintaining the tax exemption on motor vehicles titled in a dealer's name. SB 557; CH. 513 (effective 3/1/03).

§ 58.1-2600 amended. Public service corporation taxation; cogenerators. Reenacts the definition of a cogenerator that was in effect until December 31, 2001. The reenactment of the definition of "cogenerator" will be effective retroactive to December 31, 2001. SB 258; CH. 443 (effective - see bill).

§§ 58.1-2600 and 58.1-2628 amended. Public service corporation taxation; electric suppliers. Exempts all persons who own or operate facilities for the generation, transmission or distribution of electricity for sale that have a capacity of 25 megawatts or less from the definition of an "electric supplier." Currently, a person who owns or operates a solar, wind or hydroelectric facility with a capacity of 25 megawatts or less is not included in the definition of an electric supplier. The measure also clarifies that electric suppliers whose facilities have a capacity of 25 megawatts or less are not required to report their property to the State Corporation Commission, but shall be assessed and taxed by the local assessing officer. The bill contains an emergency clause. SB 259; CH. 444 (effective 4/2/02).

§§ 58.1-2628, 58.1-2629, 58.1-2630, 58.1-2631, 58.1-2640, and 58.1-2901 amended; § 58.1-2605 repealed. Public service corporation taxation. Authorizes the State Corporation Commission to audit the books and records of providers of competitive services and billing services. Such providers will be allowed to collect and remit electricity consumption taxes beginning in 2003. If there is an acquisition, consolidation or merger of businesses subject to the special regulatory revenue tax, the acquiring or surviving entity is required to include the gross receipts of the acquired, consolidated or merged entity. The provisions regarding calculation of gross receipts when corporations are acquired is expanded to address acquisitions of any type of taxpayer. The threshold for paying quarterly estimated license tax payments is increased from \$500 to \$5,000. References to the license tax on pipeline distribution companies, which tax was eliminated as of January 1, 2001, are deleted. The measure also deletes redundant language regarding the Commission's duty to adjust rates charged by public utility companies. Finally, the bill requires electric suppliers to report to the SCC all property that they own, lease for more than one year, or operate. SB 255; CH. 502 (effective 1/1/03).

§§ 58.1-2660 and 58.1-3813.1. See § 56-1; HB 1021/SB 245.

§§ 58.1-2700.1, 58.1-2701, and 58.1-2709. See § 46.2-1128; HB 1244.

§ 58.1-2901 amended. Electric utility consumption tax. Allows any locality not currently receiving the revenues generated by the local consumption tax component paid by the citizens of such locality, to receive such revenues. Currently, such localities do not receive those revenues because they did not impose the license tax as of December 31, 2000. HB 1202; CH. 339.

§ 58.1-3111 amended. Commissioners of Revenue; penalties for failure to abide by summons. Provides that no person other than the taxpayer shall be convicted for refusing to furnish certain information requested by the commissioner of the

revenue unless such person willfully fails to comply with a properly issued summons. HB 316; CH. 363.

§ 58.1-3211 amended. Real property tax; restrictions on partial exemptions and deferrals. Increases from \$6,500 to \$8,500 the amount of income of each relative living in the dwelling who is not the spouse of an owner that may be excluded from the total combined income calculation when determining if the owner of the dwelling qualifies for the partial exemption or deferral of the real property tax. HB 208; CH. 9.

§ 58.1-3211 amended. Local real estate taxes; exemption and deferral of tax for the elderly and permanently and totally disabled. Increases from one acre to 25 non-income producing acres the maximum number of acres that may be excluded in determining the combined financial worth limitation for an exemption or deferral of local real estate taxes in the counties, cities, and towns of the Eighth Planning District. Persons at least 65 years of age or permanently and totally disabled are eligible for an exemption or deferral of real estate taxes under local government programs provided such persons fall below certain income and financial worth limitations. In determining the combined financial worth limitation, current law excludes the value of the dwelling and land, not exceeding one acre. HB 853; CH. 20/SB 544; CH. 171.

§ 58.1-3220 amended. Real property tax; partial exemption for certain rehabilitated, renovated or replacement residential structures. Removes the restriction that the total square footage of any multi-family-use replacement structure cannot exceed 30 percent of the multi-family-use replaced structure. Instead, the bill allows the locality to establish requirements for the square footage of such replacement structures. HB 911; CH. 21/SB 119; CH. 144.

§ 58.1-3221 amended. Real property tax; partial exemption for certain rehabilitated, renovated or replacement commercial or industrial structures. Removes the total square footage limitation for replacement commercial and industrial structures for which a partial exemption from the real property tax may be granted by local ordinance. Currently, such replacement structures may not exceed the total square footage of the replaced structures by more than 110 percent if they are in enterprise zones and 100 percent in all other areas. HB 192; CH. 8/SB 18; CH. 137.

§ 58.1-3221.1 added. Classification of real property; land and improvements. Permits the City of Fairfax to tax improvements to real property at a lower tax rate than that imposed on the land on which the improvements are located by creating a separate classification for taxation purposes. HB 239; CH. 16 (effective 7/1/03).

§ 58.1-3233 amended. Local real estate taxes; use value assessment. Provides that for real estate adjacent to a scenic river, a scenic highway, a Virginia Byway or public property in the Virginia Outdoors Plan or for any real estate in any city, county or town having a density of population greater than 5,000 per square mile, for any real estate in any county operat-

ing under the urban county executive form of government, or the unincorporated Town of Yorktown, the real estate shall consist of at least one quarter of an acre to be eligible for use value assessment and taxation. This would change current law, which provides that such real estate shall consist of a minimum of two acres. SB 685; CH. 475.

§ 58.1-3506 amended. Personal property tax; classification of horse trailers. Adds horse trailers to the separate classification for personal property taxation now reserved for camping trailers and travel trailers. HB 181; CH. 6.

§ 58.1-3506 amended. Personal property tax; separate classification for biotechnology equipment. Provides a separate classification for tangible personal property tax purposes for equipment used primarily in biotechnology research and development and the production of related products, but not for human cloning purposes or for products or purposes related to human embryo stem cells. HB 574; CH. 63/SB 209; CH. 148.

§ 58.1-3506. See § 46.2-695; HB 1188.

§ 58.1-3516 amended. Personal property tax; refund or credit for vehicles sold. Provides that the amount of tax relieved when a vehicle is disposed of after tax day shall be (i) refunded or (ii) credited against other personal property taxes owed by the taxpayer, at the option of the locality. Under current law, the taxpayer is afforded this option. HB 1160; CH. 550.

§§ 58.1-3650.961 through 58.1-3650.990 added. Property tax exemptions; omnibus bill. Grants a property tax exemption to the following organizations: Stafford Recreational Soccer League; Lake Ridge Community Swim Club, Inc.; Running Man Recreation Association, Inc.; Gemeinschaft Home; STEPS, Inc.; Winchester-Frederick County Conservation Club, Inc.; Caritas of Yorktown, Virginia; Vienna Aquatic Club, Inc.; Tysons-Briar, Inc., T/A Cardinal Hill Swim and Racquet Club, Inc.; Hunter Mill Swim and Racquet Club, Inc.; Cottontail Swim and Racquet Club, Inc.; Lutheran Social Services of the National Capital Area, Inc.; Branch 99 Fleet Reserve Association, Inc.; Friends of Crossroads, Inc.; Harry Wyatt Family Life Center, Inc.; Sullivan House, Inc.; Transcendental Arts Council; The Conspiracy of Silence; Foodbank of the Virginia Peninsula; Arlington Foundation, Incorporated; Mathews Maritime Foundation, Inc.; Marian Homes; Woodmen of the World Ironwood Camp 269 and Lodge 6035; CAMG-J, Inc.; Heart Havens, Inc.; Richmond Hill, L.P.; The Willis Wharf Village Trust, Inc.; Kiwanis Club of Chester, Inc. Foundation; and Chinese Community Association of Hampton Roads, Inc., and Hottel-Keller Memorial, Inc. HB 727; CH. 392/SB 15; CH. 428.

§ 58.1-3703 amended. Business, professional, and occupational license tax (BPOL); exemption for condominium assessments. Exempts from the BPOL tax total assessments paid by condominium unit owners for common expenses. HB 303; CH. 28.

§ 58.1-3703. See § 22.1-26.1; HB 755.

§ 58.1-3703.1 amended. BPOL tax appeals. Allows a person assessed with a license tax to apply within one year, instead of 90 days, from the last day of the tax year for which the assessment is made or within one year from the date of the appealable event, whichever is later, to the assessor for a correction. Also allows any person assessed with a local license tax as a result of a determination that is adverse to such person to apply within 90 days to the Tax Commissioner for a correction. The bill also allows any person assessed with a local license tax who has filed an application with a local assessing officer and has not received a final determination within two years of such filing, at his option upon not less than 30 days written notice to the assessor, to treat such lack of action as an adverse determination and seek review of the assessment by the Tax Commissioner. An "appealable event" means an increase in the local license tax assessment payable by a taxpayer, the denial of a refund, or the assessment of a local license tax where none was previously assessed. HB 317; CH. 364.

§§ 58.1-3712 and 58.1-3713.4 amended. Local severance taxes. Clarifies that in computing severance taxes no deductions are to be made from the fair market value component, including but not limited to, depreciation, compression, marketing fees, overhead, maintenance, transportation fees, and personal property taxes. SB 78; CH. 433 (effective - see bill).

§ 58.1-3732. See § 13.1-554; HB 1315.

§ 58.1-3732.2 amended. BPOL tax; exemption for certain receipts of real estate brokers and agents. Allows real estate brokers to claim an exclusion for commissions paid to agents provided the agent has paid the BPOL tax on such commissions. The bill also allows agents to exclude desk fees and other overhead costs paid to a broker provided the agent identifies the broker to whom such fees have been paid and the broker includes them in its license application. HB 503; CH. 532.

§ 58.1-3812 amended. Local consumer utility tax; Town of Orange. Allows the local governing body of the Town of Orange to impose the local consumer utility tax by adopting a local ordinance on or after July 1, 2002. When such ordinance is adopted, Orange County may no longer impose the tax within the limits of the Town of Orange. HB 274; CH. 17.

§ 58.1-3812. See § 56-484.12; SB 122.

§ 58.1-3822 amended. Arlington County's authority to impose transient occupancy tax; elimination of sunset provision. Extends the sunset on Arlington County's authority to impose a transient occupancy tax that will expire on December 31, 2002, to January 1, 2006. HB 965; CH. 646/SB 390; CH. 567.

§ 58.1-3823 amended. Transient occupancy tax; additional for any county with the county manager plan of government. Allows any county with the county manager plan of government to impose an additional transient occupancy tax at a rate not to exceed two percent, provided the county's governing body approves the construction of a county conference

center. The revenues collected from the additional tax will be designated and spent for the design, construction, operation and debt payment for such conference center. HB 963; CH. 259/SB 562; CH. 173.

§ 58.1-3850 amended; § 58.1-3245.12 added. Local enterprise zone program for technology zones. Authorizes the governing body of any county, city, or town to adopt a local enterprise zone development taxation program for any technology zone located within its boundaries, regardless of whether the technology zone has been designated by the Governor as an enterprise zone. The development taxation program shall be adopted by local ordinance. Current provisions for such programs for local enterprise zones shall be applicable to any development taxation program adopted for a technology zone. Under current law, a locality may adopt a local enterprise zone development taxation program for any zone located within its boundaries that is declared by the Governor to be an enterprise zone. SB 343; CH. 449.

§ 58.1-3983.1 amended. Taxation; local business tax appeals. Extends the time for taxpayers seeking initial review of the assessment of business taxes by the local assessing officer from 90 days to one year from the last day of the tax year for which such assessment is made or from the date of such an assessment. In addition, any taxpayer whose application for a correction of assessment has been denied may apply within 90 days to the Tax Commissioner for correction. The bill also permits a taxpayer to seek review from the Tax Commissioner without a final determination from the local assessing officer if the taxpayer's application for correction to the local assessing officer has been pending for more than two years without a final determination. HB 318; CH. 525.

§§ 58.1-4022 and 58.1-4022.1 amended. State Lottery Fund. Creates the Lottery Proceeds Fund as a special nonreverting fund to which the Comptroller deposits the audited balances of the State Lottery Fund, less a special reserve fund, to be used for public education. The bill also deletes an obsolete provision. HB 438; CH. 866/SB 50; CH. 829.

§ 58.1-4028 repealed. Lottery. Repeals the obsolete transitional provisions for implementing the lottery. This bill is a recommendation of the Virginia Code Commission. HB 1; CH. 3.

TITLE 58.1. MISCELLANEOUS - TAXATION.

Income tax; sunset date for voluntary contributions for certain housing programs. Eliminates the January 1, 2003, sunset date for voluntary contributions made from tax refunds for certain Department of Housing and Community Development programs. SB 524; CH. 460.

Local coal and gas road improvement tax; sunset date. Extends the sunset date for the local coal and gas road

improvement tax from December 31, 2002, to December 31, 2007. HB 862; CH. 274.

Participation in multistate discussions concerning retail sales and use tax. Provides for the appointment of a delegation of members of the General Assembly to participate in multistate discussions regarding the simplification and modernization of tax administration. The Virginia delegation must report to the 2003 and 2004 Sessions of the General Assembly concerning the issues that they are required to consider, including their recommendations, and any other related issues that the delegation deems advisable. SB 688; CH. 476 (effective 4/2/02).

Tangible personal property tax in Alleghany County. Authorizes Alleghany County to retain one-half of the tangible personal property taxes collected, or due and owing, from residents of the Town of Clifton Forge for tax year 2001. The remaining one-half shall be exonerated. If the taxpayer has already paid more than one-half of such taxes, any overpayment shall be refunded and shall include interest as provided under applicable law. Alleghany County levied its 2001 tangible personal property tax on residents of the Town of Clifton Forge, but on January 1, 2001, such persons were still residents of the independent City of Clifton Forge. The City reverted to Town status effective July 1, 2001. Because the tangible personal property tax levied by Alleghany County on Clifton Forge residents was for the entire 2001 tax year, the bill prorates the tax levied and requires an exoneration for that portion of the tax attributable to the period from January 1, 2001, through June 30, 2001. The County may retain that portion of the tax prorated for the period from July 1, 2001, through December 31, 2001. The bill contains an emergency clause. SB 246; CH. 78 (effective 3/4/02).

TITLE 59.1. TRADE AND COMMERCE.

§ 59.1-21.21:1. See § 63.1-1.1; SB 303.

§ 59.1-74 amended; §§ 59.1-71 and 59.1-72 repealed. **Doing business under a fictitious name; registered agent.** Eliminates requirements that (i) persons doing business under a fictitious name appoint a resident attorney as a registered agent and (ii) service of process against the owner of a business operating under a fictitious name be filed in the circuit court where the business is located if the owner has not appointed a registered agent. HB 1271; CH. 267.

§ 59.1-94. See § 49-13; HB 55.

§§ 59.1-142 through 59.1-148. See § 27-95; SB 683.

§ 59.1-148.3 amended. **Purchase of handguns of certain officers.** Allows a regional jail officer and any former Superintendent of the Department of State Police who leaves service after a minimum of five years to purchase the service handgun issued to him by the agency or institution at a price of one dollar. HB 118; CH. 25.

§ 59.1-200 amended. **Consumer Protection Act; use of social security number.** Prohibits a supplier from using a consumer's social security number as the consumer's account number with the supplier, if the consumer has requested in writing that the supplier use a different number. A violation of this provision is a violation of the Consumer Protection Act. HB 652; CH. 217.

§ 59.1-200. See § 6.1-249; HB 940.

§§ 59.1-353 and 59.1-363 amended; §§ 59.1-352.1 through 59.1-352.10 added; §§ 59.1-344 through 59.1-352 repealed.

Equipment dealers protection act. Expands protections afforded to retail dealers of farm and other types of equipment with respect to their agreements with wholesalers, manufacturers, or distributors by whom they sell or distribute goods or services or otherwise use a trade name or other commercial symbol. The existing provisions regarding farm machinery dealerships are repealed. Dealer protections include (i) prohibiting suppliers from terminating, failing to renew or substantially changing the competitive circumstances of a dealer agreement without good cause; (ii) requiring a dealer who terminates an agreement with a supplier to give the supplier at least 90 days notice of the termination; (iii) requiring suppliers to give dealers at least 90 days' written notice of termination of the agreement and a 60-day right to cure any deficiency, or 12 months to cure if the cancellation is based upon the dealer's failure to capture the share of the market required in the agreement; (iv) requiring the supplier to repurchase the dealer's inventory within 90 days following cancellation of the agreement unless the dealer chooses to keep the inventory; and (v) giving the heir of a deceased dealer the option to require the supplier to repurchase the inventory from the heir of the dealer. Suppliers are required to pay warranty claims made by the dealer 30 days after its approval, and to approve or disapprove a warranty claim within 30 days after receipt. Suppliers are also prohibited from coercing a dealer to accept delivery of equipment, parts, or accessories that the dealer has not ordered voluntarily, conditioning the sale of additional equipment to a dealer upon a requirement that the dealer also purchase other goods or services, coercing a dealer into refusing to purchase equipment manufactured by another supplier, and terminating, canceling, or failing to renew or substantially changing the competitive circumstances of the retail agreement based on circumstances beyond the dealer's control. HB 1292; CH. 898.

§ 59.1-372 amended. **Virginia Breeders Fund; Virginia-sired horses.** Allows "Virginia-sired" horses to receive disbursements from the Virginia Breeders Fund. The bill also provides for owners of Virginia-bred horses to receive disbursements from the Fund if their horses earn purse money in nonrestricted races at racetracks in Virginia licensed by the Commission. Currently, these owners are only eligible for such distributions if their horses win races. SB 646; CH. 852.

§ 59.1-505.3 amended. **Uniform Computer Information Transactions Act.** Amends the provisions relating to transferability of a contractual interest in computer information. This

amendment would remove the prohibition on limiting the transferability in the case of a merger or acquisition or sale of a subsidiary or affiliate. HB 576; CH. 403.

§§ 59.1-519 through 59.1-524 added. Amusement Device Rider Safety Act; penalty. Establishes a code of conduct for riders of amusement devices. Riders are required to report injuries sustained on an amusement device before leaving the premises, and are required to obey posted rules and warnings and to refrain from acting in a manner that may cause or contribute to injuring the rider or others. Violators are subject to a civil penalty not to exceed \$500. The measure states that it shall not repeal or diminish in any respect common law doctrines, which shall continue in full force and effect nor shall a violation constitute negligence per se in any civil action. SB 323; CH. 788.

§§ 59.1-519 through 59.1-524 added. Roller Skating Safety Act. Establishes duties and responsibilities for the operators of roller skating rinks and skaters. The bill provides that any operator or skater who violates these duties and responsibilities may be subject to a civil penalty not to exceed \$500. The bill requires the Department of Professional and Occupational Regulation to examine the feasibility and appropriateness of regulating such skating rinks. The bill will not become effective unless reenacted the 2003 Session of the General Assembly. The bill was prompted by the tragic death of five-year-old Clark Andrew Guye in a roller skating accident in Newport News, Virginia. SB 436; CH. 790 (effective - see bill).

TITLE 59.1. MISCELLANEOUS - TRADE AND COMMERCE.

Septic system inspectors. Changes the effective date for the imposition of minimum requirements for a person to use the title "accredited septic system inspector" from July 1, 2002, to July 1, 2003. HB 251; CH. 106.

TITLE 60.2. UNEMPLOYMENT COMPENSATION.

§ 60.2-519.2. See § 2.2-614.1; HB 825.

§ 60.2-602 amended. Unemployment compensation; weekly benefit amount. Increases the weekly benefit amount for recipients of unemployment compensation by 37.3 percent for claims filed between September 9, 2001, and January 1, 2003, and for claimants who had established a benefit year as of September 9, 2001. For claims filed between January 1, 2003, and January 1, 2004, the weekly benefit amount is increased by 18.65 percent above the levels in effect prior to September 9, 2001. For claims filed on or after January 1, 2004, the weekly

benefit amounts revert to the levels in effect prior to September 9, 2001. The measure has an emergency clause. HB 1336; CH. 122 (effective 9/9/01)/SB 663; CH. 892 (effective 5/17/02).

TITLE 62.1. WATERS OF THE STATE, PORTS, AND HARBORS.

§ 62.1-44.15 amended. Virginia Water Protection Permit; dredging project mitigation; financial responsibility requirements. Allows for the State Water Control Board to require demonstration of financial responsibility for the completion of compensatory mitigation requirements for dredging projects. Financial responsibility may be demonstrated by letter of credit, certificate of deposit, or performance bond. When the U.S. Army Corps of Engineers requires demonstration of financial responsibility, then the mechanism and amount approved by the Corps shall be used to meet this requirement. Directs the Board to promulgate such regulations to be effective within 280 days of enactment. HB 91; CH. 396 (effective - see bill)/SB 327; CH. 49 (effective - see bill).

§ 62.1-44.15:6. See § 10.1-1402.1; HB 1257.

§ 62.1-44.19:3 amended; § 32.1-164.5 repealed. Regulation of sewage sludge. Moves responsibility to regulate the land application of sewage sludge to the State Water Control Board and the Department of Environmental Quality (DEQ). Currently, the Department of Health is responsible for regulating the land application, marketing and distribution of sewage sludge by entities that contract with a treatment plant to dispose of the sludge. The DEQ has oversight of the land application of sludge when the sludge is applied by the owner of a sewage treatment works. This bill brings all land applications of sewage sludge under the regulatory authority of the DEQ effective May 1, 2004. The new DEQ regulations will be the same as the Board of Health's Biosolids Use Regulations, to the extent that such regulations are consistent with the State Water Control Board's statutory authority. The bill will not become effective unless reenacted by the 2003 Session of the General Assembly. HB 1103; CH. 291 (effective - see bill).

§ 62.1-44.19:11 added. Water quality analysis. Requires the Department of Environmental Quality to establish a citizen water quality monitoring program and authorizes the agency to provide grants to support water quality monitoring organizations. An organization would be eligible to receive a grant if (i) the monitoring activity is done under a memorandum of agreement with the Department, (ii) the activity is consistent with the agency's monitoring program and the monitoring methods manual, and (iii) the monitoring location is part of the agency's water quality control plan. The results of the citizen monitoring are prohibited from being used as evidence in any enforcement action. HB 497; CH. 708.

§ 62.1-69.25 amended. Rappahannock River Basin definition. Updates, because of redistricting, the definition of the Rappahannock River Basin to reflect the new legislative districts. The Rappahannock River Basin Commission is composed, in part, of members of the House of Delegates and Senate whose legislative districts include a portion of the Basin. HB 276; CH. 523/SB 116; CH. 496.

§§ 62.1-69.34 through 62.1-69.43 added. Virginia Roanoke River Basin Advisory Committee and the Roanoke River Basin Bi-State Commission. Establishes the Virginia Roanoke River Basin Advisory Committee and the Roanoke River Basin Bi-State Commission. The Roanoke River Basin Bi-State Commission is composed of 18 members, with nine members representing Virginia and nine members representing North Carolina. The Virginia delegation to the Bi-State Commission includes two members of the Senate and four members of the House of Delegates, whose districts include a portion of the Roanoke River Basin, and three members of the Virginia Roanoke River Basin Advisory. State and federal legislators from both states, who are not appointed to the Commission, may be nonvoting, ex officio members of the Commission. All persons appointed to the Commission must live within the Basin's watershed. The Commission has no regulatory authority. Its purposes include: (i) providing guidance and making recommendations to local, state and federal legislative and administrative bodies on the use, stewardship, and enhancement of the water and other natural resources within the Basin; (ii) providing a forum for discussion of issues affecting the Basin's water quality, water quantity, and natural resources; (iii) promoting communication, coordination, and education among stakeholders; (iv) identifying Basin-related problems and recommending solutions; and (v) undertake studies and prepare, publish, and disseminate information through reports, and other communications, related to water quantity, water quality and other natural resources of the Basin

The Virginia Roanoke River Basin Advisory Committee is composed of the six legislative members of the Virginia delegation to the Bi-State Commission, eleven persons selected by the six legislative members from among a pool of candidates recommended by the local planning district commissions within the Roanoke River Basin, and the Virginia member of the U.S. House of Representatives, whose district includes the largest portion of the Basin. The advisory committee will advise and assist the Virginia delegation to the Bi-State Commission in performing its duties.

This bill also provides that (i) provisions pertaining to the State of North Carolina will become effective upon the enactment of comparable legislation by the North Carolina General Assembly; (ii) the Virginia Roanoke River Basin Advisory Committee may organize and commence its work, notwithstanding any inaction by the State of North Carolina; and (iii) the Virginia Roanoke River Basin Advisory Committee will assume the powers and duties of the Bi-State Commission, if the General Assembly of North Carolina fails to enact or repeals legislation creating the Roanoke River Basin Bi-State Commission. HB 1279; CH. 657.

§§ 62.1-69.34 through 62.1-69.43 added. Virginia Roanoke River Basin Advisory Committee and the Roanoke River Basin Bi-State Commission. Establishes the Virginia Roanoke River Basin Advisory Committee and the Roanoke River Basin Bi-State Commission. The Virginia Roanoke River Basin Advisory Committee will advise and assist the Virginia delegation to the Roanoke River Basin Bi-State Commission in the performance of its duties. The advisory committee is composed of two members of the Senate and four members of the House of Delegates, whose districts include a part of the Virginia portion of the Roanoke River Basin; the Virginia member of the U. S. House of Representative, whose district includes the largest portion of the Basin or his designee, if he elects to serve on the advisory committee; 11 members selected by the legislative members of the advisory committee such that two are chosen from recommendations of each of the following: the Central Virginia Planning District Commission, the West Piedmont Planning District Commission, the Southside Planning District Commission, the Piedmont Planning District Commission, and the Roanoke Valley Alleghany Planning District Commission; and one member selected by the legislative members of the advisory committee from among recommendations submitted by the New River Valley Planning District Commission. All persons recommended by the planning district commissions to serve as members of the advisory committee must reside within the Basin's watershed, represent the diversity of interests in the jurisdictions comprising the respective planning district commissions, and demonstrate interest, experience, or expertise in water-related Basin issues. In addition, persons appointed to the advisory committee to represent the interests of the State of North Carolina will serve as nonvoting ex officio members.

The Roanoke River Basin Bi-State Commission is composed of 18 members, with nine members representing Virginia and nine members representing North Carolina. The Virginia delegation to the Bi-State Commission includes the six legislative members of the advisory committee and the three nonlegislative members of the advisory committee appointed by the Governor. State and federal legislators from both states, whose districts include a portion of the Roanoke River Basin who are not appointed to the Commission, may serve as nonvoting, ex officio members of the Commission. All persons appointed to the Commission must live within the Basin's watershed. The Commission has no regulatory authority. Its purposes include (i) providing guidance and making recommendations to local, state, and federal legislative and administrative bodies on the use, stewardship, and enhancement of the water and other natural resources within the Basin; (ii) providing a forum for discussion of issues affecting the Basin's water quality, water quantity, and natural resources; (iii) promoting communication, coordination, and education among stakeholders; (iv) identifying Basin-related problems and recommending solutions; and (v) undertake studies and prepare, publish, and disseminate information through reports, and other communications, related to water quantity, water quality and other natural resources of the Basin.

This bill also provides that (i) provisions pertaining to the State of North Carolina will become effective upon the enactment of comparable legislation by the North Carolina General Assembly; (ii) the Virginia Roanoke River Basin Advisory Committee may organize and commence its work, upon the effective date of this act; and (iii) the Virginia Roanoke River Basin Advisory Committee will assume the powers and duties of the Bi-State Commission, if the General Assembly of North Carolina fails to enact or repeals legislation creating the Roanoke River Basin Bi-State Commission.

This bill is almost identical to HB 1279 except that the membership of the advisory committee is established first and compensation is provided for the legislative members of the advisory committee. SB 460; CH. 843.

TITLE 62.1. MISCELLANEOUS - WATERS OF THE STATE, PORTS AND HARBORS.

Nontidal wetlands program. Eliminates any duplication of state and federal permitting requirements for those activities covered by a federal nationwide or regional permit. Once the State Programmatic General Permit is approved by the U.S. Army Corps of Engineers, only a state permit will be required for activities in nontidal wetlands. HB 1002; CH. 649.

TITLE 63.1. WELFARE (SOCIAL SERVICES).

§§ 2.2-3803, 2.2-4001, 2.2-4007, 2.2-4018, 2.2-4025, 2.2-4345, 15.2-412, 15.2-518, 15.2-527, 15.2-1231, 15.2-1541.1, 16.1-69.53, 16.1-246, 16.1-260, 16.1-278.2, 16.1-278.4, 16.1-278.18, 16.1-281, 16.1-294, 16.1-332, 20-64, 20-88.02, 20-108, 20-108.2, 22.1-30, 22.1-287, 24.2-411.2, 32.1-111.14, 32.1-273, 32.1-321.4, 32.1-350, 37.1-98, 37.1-197.1, 53.1-61, 53.1-131, 54.1-2969, 58.1-3, 58.1-439.9, 58.1-3134, and 59.1-21.21:1 amended; §§ 2.2-3315.1, 15.2-2811 through 15.2-2817, 46.2-932.1, 51.5-60 through 51.5-105, 51.5-106 through 51.5-114, and 63.2-100 through 63.2-2204 added; §§ 20-49.9 and 63.1-1.1 through 63.1-343 repealed. **Recodification of Title 63.1; public assistance; social services; child support; persons with disabilities.** Recodifies Title 63.1 as Title 63.2. In accordance with § 30-152, the Virginia Code Commission, in 2000, undertook the recodification of Title 63.1. Title 63.1 is the legal authority for three departments under the Secretariat of Health and Human Resources: the Department of Social Services, the Department for the Blind and Vision Impaired, and the Department for the Deaf and Hard-of-Hearing. Title 63.1 was last recodified in 1968. During the past 34 years, much has happened to affect laws governing social services programs and the two disability programs. The Virginia Code Commission has rewritten and combined sections or parts of sections to clarify provisions and to eliminate

archaic, obsolete or redundant language. Additionally, certain substantive changes are made, many of which reflect current practices, delete eliminated programs, or conform provisions to other statutes and regulations.

The Virginia Code Commission has divided Title 63.2 into six subtitles. Subtitle I contains general provisions applicable to the entire title. The title-wide definitions and confidentiality provisions are included as general provisions. Subtitle II deals with public assistance programs. Subtitle III contains chapters related to social services programs. Two newly created chapters within Subtitle III consolidate sections related to foster care and adult services that were previously scattered throughout Title 63.1. Subtitle IV contains licensure provisions for assisted living facilities, adult day care centers, and child welfare agencies. Subtitle V reorders child support enforcement provisions, and Subtitle VI groups grant programs and funds.

Existing Chapters 5 and 8 of Title 63.1, relating to the Virginia Department for the Blind and Vision Impaired, and current Chapter 5.1, relating to the Department for the Deaf and Hard-of-Hearing, are relocated to Title 51.5 (Persons with Disabilities) as part of the title revision. Current Chapter 15 (Pilot Programs for the Delivery of Human Services) is relocated to Title 15.2, because this is clearly a general local government matter. The human services that could be included in a pilot program are broader than just social services; they also include employment, health, mental health and mental retardation, rehabilitation, nursing, information and referral and such other related services. Existing Article 2 (District Homes for Aged, Indigent, Infirm, and Incapacitated Persons) of Chapter 9 of Title 63.1 will not be codified, but will be contained in an enactment clause in the title revision bill with a sunset of two years.

Three current chapters are not carried forward as part of Title 63.2 and will be repealed: Chapter 6.2 (Employment Opportunities), Chapter 6.3 (Community Work Experience Programs) and Chapter 6.4 (The Virginia Welfare Reform Demonstration Project). All three chapters are early welfare reform efforts that are now obsolete. SB 303; CH. 747 (effective 10/1/02).

§ 63.1-25. See § 2.2-4007; HB 726.

§ 63.1-56.01. See § 19.2-389; HB 1043/SB 219.

§ 63.1-70.1. See § 51.5-9.01; SB 231.

§ 63.1-110 amended. **Public assistance programs; investments for purposes of self-sufficiency.** Subject to appropriation in the 2002 Appropriation Act, permits public assistance recipients to one savings or other established investment account in the amount of \$5000 for any purpose related to self-sufficiency. Any such account including interest or appreciation in value, shall not be considered in eligibility calculations as long as no funds are withdrawn. HB 289; CH. 360 (effective - see bill).

§ 63.1-133.43 amended. **Participation in the Virginia Independence Program; exceptions.** Provides that registered nurses who are the physicians' designees or licensed nurse

practitioners may sign the pregnancy statements for women who are in their fourth through ninth month of pregnancy for the purpose of obtaining an exception to the requirement to participate in the employment provisions of the Virginia Independence Program. At this time, only a physician can sign the written pregnancy statement. HB 5; CH. 81.

§ 63.1-133.59 added. Social services; faith-based liaison. Locates the responsibilities for faith-based and community initiatives within the Department of Social Services. The responsibilities include the provision of technical assistance and information to those faith-based, volunteer, charitable and private organizations that wish to compete for social services contracts under the Temporary Aid for Needy Families and other eligible programs. HB 1008; CH. 326.

§ 63.1-174 amended. Mental health; assisted living. Adds the option of evaluation by a licensed clinical psychologist to determine if a resident has a serious cognitive impairment prior to placement in an assisted living facility. HB 1084; CH. 332.

§§ 63.1-182.1 and 63.1-314.8. See § 51.5-1; HB 9.

§ 63.1-182.1 amended. Assisted living facilities. Clarifies that assisted living facilities must post the rights and responsibilities of residents of assisted living facilities rather than the implementing policies and procedures. SB 197; CH. 45.

§ 63.1-196.1 amended. Child welfare agencies; licensure periods. Provides that licenses for child day centers shall have a duration of two years from date of issuance. Currently, the Department of Social Services issues licenses for periods of one, two or three years for child day centers based on compliance with standards and regulations. HB 513; CH. 380.

§ 63.1-202 amended. Licensed child day center regulations. Provides that regulations for licensed child day centers adopted by the State Board of Social Services or the Child Day-Care Council shall not require the membership, affiliation or accreditation services of any single, private accreditation or certification agency. HB 1208; CH. 298.

§ 63.1-202.02 added. Licensed child day centers; approved credential. Provides that the individuals directly supervising children in licensed child day centers may possess an approved credential awarded by an accrediting authority. The bill lists the accrediting authorities issuing such approved credential: the National Association for the Education of Young Children; the National Academy of Early Childhood Programs; the Association of Christian Schools International; the American Association of Christian Schools; the National Early Childhood Program Accreditation; the National Accreditation Council for Early Childhood Professional Personnel and Programs; the International Academy for Private Education; the American Montessori Society; the International Accreditation and Certification of Childhood Educators, Programs, and Trainers; the National Accreditation Commission; or the Virginia Community College System or other institution of higher learning or its equivalent as determined by the Department. Currently, the licensed child day center regulations adopted by the Child Day-Care Council state that the accrediting authority

is to be approved by the Department of Social Services. SB 596; CH. 848.

§ 63.1-202.1 amended. Child Day-Care Council; membership. Adds the following members to the Child Day-Care Council: one representative of the National Association for the Education of Young Children; one representative of the National Academy of Early Childhood Programs; one representative of the Association of Christian Schools International; one representative of the American Association of Christian Schools; one representative of the National Early Childhood Program Accreditation; one representative of the National Accreditation Council for Early Childhood Professional Personnel and Programs; one representative of the International Academy for Private Education; one representative of the American Montessori Society; one representative of the International Accreditation and Certification of Childhood Educators, Programs, and Trainers; and one representative of the National Accreditation Commission. The bill limits reimbursement for travel expenses of members to in-state travel. SB 595; CH. 847.

§§ 16.1-241.3, 32.1-127.1:03, 63.1-248.3, 63.1-248.6:01 and 63.1-248.6:02 amended. Child abuse and neglect investigations. Requires all mandatory reporters of child abuse and neglect who maintain a record on the alleged victim to make information, records and reports that are relevant to the investigation available to the child protective services investigator, unless such disclosure violates the federal Family Educational Rights and Privacy Act. The bill adds immunity from civil or criminal prosecution or administrative penalty or sanction for persons providing information or records in good faith. Both amendments parallel provisions already existing in the adult abuse reporting statute. The bill also clarifies that this information may be provided irrespective of the prohibition against disclosing communications between physicians and patient. Finally, the bill has technical amendments. HB 294; CH. 860.

§§ 63.1-248.6:02 and 63.1-248.19 amended. Child protective services differential response system. Requires an oral explanation of the family assessment procedure used by child protective services workers. The bill clarifies that reports handled by a family assessment shall not be entered into the central registry and families can decline services offered as a result of a family assessment. Finally, the bill requires the Department of Social Services to report on the effectiveness of the initial assessment in determining the appropriate level of intervention. HB 828; CH. 641.

§ 63.1-248.6:02 amended. Child protective services; family assessments. Provides that a local department of social services shall generally petition the court for services deemed necessary when conducting family assessments, and deletes the more specific language: "including, but not limited to, removal of the child or siblings from their home." HB 829; CH. 642.

§ 63.1-248.8 amended. Child protective services' central registry. Permits Virginia affiliates of Compeer to screen potential volunteers through the central registry at no charge. Compeer is a not-for-profit organization that matches commu-

nity volunteers in supportive friendship relationships with children and adults receiving mental health treatment. HB 406; CH. 371.

§ 63.1-249.1 amended. Social services; privatization of child support enforcement programs. Eliminates the reporting requirement regarding the privatization of child support enforcement programs. HB 1164; CH. 262.

§§ 63.1-250, 63.1-250.1, 63.1-250.2 and 63.1-252.1 amended; § 63.1-250.3:1 added. Child support orders; health care coverage. Requires health care coverage provisions in all child support orders and newly defines "reasonable cost" as an insurance premium that does not exceed a percentage (established in federal regulation) of the parents' gross income unless otherwise ordered by the court as in the best interest of the child. The bill mandates that the Department of Social Services (DSS) use the National Medical Support Notice (NMSN), which is intended to provide a standardized means of communication between DSS, employers and administrators of group health plans regarding the health care support obligations of noncustodial parents. The NMSN facilitates the process of enrolling children in the group health plans for which their noncustodial parents are eligible and its use is mandated by the Social Security Act § 466. The bill states that DSS shall use the NMSN to enforce the provision of health care coverage through an employment-related group health plan pursuant to a child support order if available at a reasonable cost, unless a court or administrative order stipulates alternative health care coverage to employer-based coverage. The bill enumerates procedures for the use of the NMSN pursuant to federal requirements. If health care is unavailable at a reasonable cost through employment, DSS shall refer dependent children to the Family Access to Medical Insurance Plan. SB 470; CH. 844.

§ 63.1-260.4 added. Child support enforcement; automated administrative enforcement in interstate cases. Requires the Department of Social Services to use high-volume administrative support enforcement in response to requests from other states in accordance with the Social Security Act § 466. "High volume automated administrative enforcement" in interstate cases means, on the request of another state, the identification by the Department, through automated data matches with financial institutions and other entities where assets may be found, of assets owned by persons who owe child support in other states, and the seizure of such assets by the Department, through levy or other appropriate processes. HB 284; CH. 112.

§ 63.1-325 amended. Neighborhood Assistance Plan; donation. Adds nurses to the list of medical professionals who may donate time and services to an approved clinic that provides health care services without charge, or the basis of the patients' ability to pay, and receive a tax credit under the Neighborhood Assistance Plan. HB 179; CH. 103.

§ 63.1-325.2 amended. Social services; Neighborhood Assistance Act. Reduces the minimum monetary donation eligible for a tax credit from \$900 to \$500 and removes the \$1

million cap on tax credits available to individuals. HB 1362; CH. 563.

§ 63.1-334 amended. Virginia Caregivers Grant Program; unpaid grant amounts. Eliminates unpaid grant amounts carried forward from prior years because caregivers did not receive the full amount of any grant to which they were eligible in a prior year. SB 117; CH. 41.

§ 63.1-339 amended. Home Energy Assistance Program. Requires the Department of Social Services (DSS) to (i) facilitate meetings with the Department of Housing and Community Development, the Department of Mines, Minerals and Energy, and other agencies of the Commonwealth, as well as any nonstate programs that elect to participate in the Home Energy Assistance Program, for the purpose of sharing information directed at alleviating the seasonal energy needs of low-income Virginians, including needs for weatherization assistance services; (ii) collect and analyze data regarding the amounts of energy assistance provided through the Department, categorized by fuel type in order to identify the unmet need for energy assistance in the Commonwealth; and (iii) develop and maintain a statewide list of available private and governmental resources for low-income Virginians in need of energy assistance. In its annual report, DSS shall (a) conduct a survey biennially beginning in 2002, regarding the extent to which the Commonwealth's efforts in assisting low-income Virginians are adequate and are not duplicative of similar services provided by utility services providers, charitable organizations and local governments; (b) obtain information on energy programs in other states; and (c) obtain necessary information from the Department of Housing and Community Development, the Department of Mines, Minerals and Energy, and other agencies of the Commonwealth, as well as any nonstate programs that elect to participate in the Home Energy Assistance Program, to complete the biennial survey and to compile the required annual report. The Department of Housing and Community Development, the Department of Mines, Minerals and Energy, and other agencies of the Commonwealth, as well as any nonstate programs that elect to participate in the Home Energy Assistance Program, shall provide the necessary information to DSS. DSS' annual reporting requirement shall cease October 1, 2007. HB 747; CH. 243.

TITLE 64.1. WILLS AND DECEDENTS' ESTATES.

§ 64.1-45.2 amended. Incorporation by reference; letter of instruction or memorandum into a will, power of attorney or trust instrument. Clarifies language of a provision of the Code enacted during the 2001 Session to assure that incorporation into irrevocable trust or later documents does not cause adverse income, estate or gift tax results. HB 73; CH. 119.

§ 64.1-94. See § 17.1-213; SB 153.

§ 64.1-118 amended. Appointment of administrator of estate. Clarifies the rules and order for appointment of an administrator of an intestate estate. Existing law leaves it unclear how the court is to select among multiple distributees applying for letters of administration over a decedent's estate. The bill confirms priority for the surviving spouse, if a sole distributee, and establishes that the first suitable distributee to seek to qualify after 30 days after the decedent's death should be qualified by the clerk. HB 315; CH. 197.

§ 64.1-122.2 amended. Wills, trusts and estates; notice of probate. Requires notice of probate to be given within four months of qualification and allows the Commissioner of Accounts to enforce compliance. HB 722; CH. 716.

TITLE 64.1. MISCELLANEOUS - WILLS AND DECEDENTS' ESTATES.

Presumption of death exception. Provides an exception to the Commonwealth's presumption of death law for any person, (i) who has been documented to have been in that portion of the Pentagon damaged by the terrorist attack of September 11, 2001, or on American Airlines Flight 77 on September 11, 2001, when it was flown into the Pentagon; (ii) who has disappeared as a result of this terrorist attack and has not been heard from in three or more months since such terrorist attack; and (iii) whose body has not been found or whose remains have not been identified through scientific testing. Such a person shall be presumed dead in any instance or cause in which his death shall be a question. The present law relating to the disappearance of and wills and estates of such persons will apply. A petition may be filed in the Circuit Court of Arlington County to have such person declared deceased. An emergency clause is included. HB 489; CH. 400 (effective 4/2/02)/SB 575; CH. 58 (effective 2/28/02).

TITLE 65.2. WORKERS' COMPENSATION.

§ 65.2-101 amended. Workers' compensation; covered employees. Clarifies that secretaries and administrative assistants of members and officers of the General Assembly who are compensated pursuant to the general appropriation act are deemed to be employees of the Commonwealth for purposes of the Workers' Compensation Act. SB 158; CH. 69.

§ 65.2-306 amended. Workers' compensation; disallowance of compensation. Provides that clear and convincing evidence is required to overcome the presumption that an employee who either had a blood alcohol level equal to or greater than 0.08 percent or yields a positive test result for use of a nonprescribed controlled substance from a Substance Abuse and Mental Health Services Administration certified laboratory

was intoxicated due to consuming alcohol or using a nonprescribed controlled substance at the time of his injury. The measure also provides that the presumption of intoxication shall not be available if the employee dies as the result of his injuries. Currently, an injury or death is not compensable under the Workers' Compensation Act if it is caused by the employee's intoxication or use of a nonprescribed controlled substance. HB 568; CH. 636.

§ 65.2-402 amended. Workers' compensation; occupational disease presumption; police officers of Metropolitan Washington Airports Authority. Establishes a presumption that hypertension or heart disease causing the death or disability of an officer of the police department established and maintained by the Metropolitan Washington Airports Authority is an occupational disease compensable under the Workers' Compensation Act. This presumption applies only for periods that the Authority voluntarily subjects itself to the provisions of the Workers' Compensation Act. HB 50; CH. 309.

§ 65.2-402 amended. Workers' compensation; occupational disease. Grants to commercial vehicle enforcement officers and motor carrier safety troopers employed by the Department of State Police and full-time sworn members of the enforcement division of the Department of Motor Vehicles the presumption that certain cancers are occupational diseases under the Workers' Compensation Act. The bill also includes in the definition of "firefighter" any person who is employed by or contracts with any private employer primarily to provide firefighting services. HB 1237; CH. 737.

§ 65.2-402. See § 28.2-100; SB 326.

§ 65.2-402.1 added. Workers' compensation; infectious disease presumption. Creates a presumption that hepatitis, meningococcal meningitis, tuberculosis or HIV causing the death or disability of firefighters, paramedics, emergency medical technicians, members of the State Police Officers' Retirement System, members of county, city or town police departments, sheriffs and deputy sheriffs, city sergeants or deputy city sergeants of the City of Richmond, Virginia Marine Patrol officers, certain game wardens, and Capitol Police officers who are exposed to blood or body fluids are occupational diseases for the purposes of workers' compensation. The presumptions shall apply only if persons entitled to invoke them have, if requested, undergone preemployment physical examinations, and the presumptions shall be effective until six months following the examinations. HB 757; CH. 820.

§ 65.2-525 amended. Workers' Compensation; payments to minor. Permits periodic weekly, monthly or quarterly payments to be made to a surviving spouse or parent for the use and benefit of a minor child upon the written receipt of the surviving spouse or parent. The Workers' Compensation Commission may require the surviving spouse or parent to file an annual written certification confirming that the payments were used for the benefit of the minor. Also, the bill increases from \$10,000 to \$15,000 the amount a parent may receive in a lump sum payment on behalf of a minor compensated for inju-

ries under Workers' Compensation. This applies to payments made after the effective date of this act. HB 1239; CH. 301.

§ 65.2-803.1 amended. Professional employer organizations; notice of insurance cancellation. Reduces the required time period for professional employer organizations to notify client companies of cancellation of insurance by the insurer from 15 to seven calendar days. SB 588; CH. 469.

§ 65.2-804 amended. Workers' compensation; proof of insurance coverage. Permits an employer who provides proof of insurance coverage to the Workers' Compensation Commission to have his insurance carrier make such a filing. The filing requirement shall be satisfied if proof of coverage includes the insured's name, address, employer identification number, policy number, dates of insurance coverage, and the insurer's name, address and identification number. Proof of coverage filed by an insurance carrier or rate service organization shall not be aggregated with proof of coverage filed by or on behalf of other employers. SB 669; CH. 812.

§ 65.2-903 amended. Workers' Compensation Commission; availability of records to the Virginia Retirement System. Requires that records of the Workers' Compensation Commission be made available to the Virginia Retirement System upon request. HB 78; CH. 693.

TITLE 65.2. MISCELLANEOUS - WORKERS' COMPENSATION.

Workers' compensation; claims administration. Requires the Commission, by July 1, 2003, to institute an expedited calendar for the administration of workers' compensation claims where an employer's denial of benefits satisfies criteria establishing that the delay will cause an injured employee to incur severe economic hardship. HB 761; CH. 538.

APPROPRIATIONS AND BONDS

Budget bill. Amends Appropriations Act of 2000, Chapter 1073. HB 29; CH. 814 (effective 4/8/02).

Budget Bill. Makes appropriations for the 2002-04 biennium. HB 30; CH. 899.

Commonwealth of Virginia Educational Facilities Bond Act of 2002. Authorizes the issuance of Commonwealth of Virginia General Obligation Bonds pursuant to Article X, Section 9 (b) of the Virginia Constitution in an amount not exceeding \$900,488,645 subject to approval by a majority of the qualified voters of the Commonwealth voting thereon at the November 5, 2002, general election. The purpose of the bonds is to provide funds for financing the costs of capital projects for the Commonwealth's institutions of higher education. The full

faith and credit of the Commonwealth is pledged for the payment of the principal of and interest on the bonds and any bond anticipation notes or refunding bonds. The bill shall not become effective, and no bonds shall be issued, unless and until voter approval is obtained. HB 99; CH. 859/SB 31; CH. 827.

Commonwealth of Virginia Higher Educational Institutions Bond Act of 2002. Authorizes the issuance of Commonwealth of Virginia Higher Educational Institutions Bonds pursuant to Article X, Section 9 (c) of the Virginia Constitution in a principal amount not to exceed \$149,505,400 for paying costs of acquiring, constructing, and equipping revenue-producing capital projects at institutions of higher learning of the Commonwealth. The bill declares that an emergency exists and that it is in force upon passage. HB 100; CH. 815 (effective 4/8/02)/SB 32; CH. 808 (effective 4/8/02).

Commonwealth of Virginia Park and Recreational Bond Act of 2002. Authorizes the issuance of Commonwealth of Virginia Park and Recreational Facilities Bonds pursuant to Article X, Section 9 (b) of the Constitution of Virginia in an amount not exceeding \$119,040,000, subject to approval by a majority of the qualified voters of the Commonwealth voting thereon at the November 5, 2002, general election. The purpose of the bonds is to provide funds for numerous capital projects at state parks. The full faith and credit of the Commonwealth is pledged for the payment of the principal of and interest on the bonds and any bond anticipation notes or refunding bonds. The bill authorizes the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds, to borrow money in anticipation of the issuance of the bonds, and to issue refunding bonds. The bill shall not become effective, and no bonds shall be issued, unless and until voter approval is obtained. HB 1144; CH. 884/SB 672; CH. 854.

Transportation revenue bonds; Northern Virginia Transportation District Program. Increases the maximum principal amount of transportation revenue bonds that may be issued for the Northern Virginia Transportation District Program by \$29 million, from \$471.2 million to \$500.2 million, and designates the projects for the increased funding. HB 426; CH. 799.

CLAIMS

Cox, Jeffrey D. Provides \$750,000 in relief for Jeffrey D. Cox. Mr. Cox was incarcerated from 1990 to 2001 for a crime that newly discovered evidence revealed he did not commit. The Virginia Supreme Court entered an order vacating the conviction on November 14, 2001. HB 789; CH. 771/ SB 267; CH. 746.

Ferguson, Mary E. Directs the Virginia Retirement System to allow Mary E. Ferguson to apply for disability retirement benefits based on an effective date of July 1, 1994. The bill, however, does not automatically grant such relief. Ms. Ferguson's initial application for disability retirement was denied by the Virginia Retirement System, which took the position that

Ms. Ferguson had been on leave without pay for a period exceeding 24 months. A hearing officer concluded that Ms. Ferguson was entitled to file for disability but the VRS rejected the finding. Ms. Ferguson decided to appeal the decision pursuant to the Administrative Process Act. She believed that the attorney who represented her at the hearing would handle the appeal. The attorney did not handle the appeal, which was never perfected, resulting in Ms. Ferguson being unable to contest the decision of the VRS to deny the application. The bill contains an emergency clause. HB 1107; CH. 776 (effective 4/7/02).

Flory Small Business Development Center, Inc. Provides \$33,333 in relief to the Flory Small Business Development Center, Inc. to reimburse the Center for small business counseling, training and other services it provided to the Virginia Small Business Development Center program of the Virginia Department of Business Assistance for 1999. HB 1157; CH. 804.

Johnson, Paul E. Provides \$842 in relief to Paul E. Johnson to reimburse legal fees paid by Mr. Johnson to hire an attorney to represent him during the investigation of possible environmental violations in connection with the 460 Bypass construction project in Montgomery County. While Mr. Johnson was an employee of the Virginia Department of Transportation (VDOT) at the time, he was required to hire an attorney because legal counsel hired by the VDOT could not represent him regarding any potential personal criminal liability. HB 1166; CH. 335.

Kingdom Communications Group, LLC. Provides relief in the amount of \$4,410.50 to Kingdom Communications Group, LLC for the cost of performance incurred by the company after a contract that had been awarded to the company by the State Board of Elections was terminated. HB 27; CH. 793.

CONSTITUTIONAL AMENDMENTS

Constitutional amendment (voter referendum); property tax exemptions. Provides for a referendum at the November 5, 2002, election to approve or reject an amendment allowing local governing bodies to grant tax exemptions for property used for charitable and certain other purposes by local ordinance subject to restrictions and conditions 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. See, also, HJR 13, companion resolution. HB 36; CH. 630.

Constitutional amendment (voter referendum); claims of actual innocence. Provides for a referendum at the November 5, 2002, election to approve or reject an amendment to permit the Supreme Court to consider, as part of its original jurisdiction, claims of actual innocence presented by convicted felons in the cases and manner provided by the General Assembly. See, also, SJR 42, companion resolution. SB 131; CH. 603.

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