

**DIGEST OF THE ACTS**  
**OF THE**  
**GENERAL ASSEMBLY OF VIRGINIA**  
**AT THE**  
**2009 SESSION**

which commenced at the Capitol in the City of Richmond on January 14, 2009, and adjourned  
sine die February 28, 2009.



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## PREFACE

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For several decades the Division of Legislative Services annually prepared for the Virginia Code Commission a Digest of the Acts. The Digest gave an overview of the legislation adopted during the Regular and Reconvened Sessions of the General Assembly of Virginia, prior to publication of the Acts of Assembly.

The Internet, on-line access to the General Assembly's Legislative Information System, and more rapid dissemination of published and on-line Code updates today have greatly increased timely access to this information. A decision consequently was made not to continue the Digest in 2008. However, numerous inquiries concerning the absence of the Digest led to the conclusion that there is still a need for a document providing quick access to information about pending changes in specific sections of the Code of Virginia. This Digest is intended to meet some of that need for 2009.

Part A of the Digest is an index of all Code sections amended, added, or repealed by the 2009 General Assembly. The index is arranged in numerical order by Code Title and section. For each Code section, all bills affecting that section are listed, as are the corresponding chapters of the 2009 Acts of Assembly. For on-line users, each bill is linked to the summary and legislative history of the bill on the General Assembly Legislative Information System.

The acts of the 2009 General Assembly will become effective on July 1, 2009, unless otherwise designated in the act itself. Users are encouraged to reference the legislative history of a bill on the Legislative Information System, or the act itself, to determine if a different effective date has been specified.

Please note that the section numbers appearing in this publication 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.

Part B of the Digest contains a summary of each bill that was enacted by the 2009 General Assembly. These brief summaries 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 bills parallels the title and section number organization of the Code of Virginia. 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. Uncodified appropriation, bond, claims, and constitutional amendment measures are included at the end of the Summary.

Following the summaries is a chart showing all bills passed during the 2009 Regular and Reconvened Sessions of the General Assembly that have become law by virtue of being signed by the Governor and the pages where their summaries appear in Part B. Bills passed by the General Assembly but vetoed by the Governor are omitted.

The summaries in Part B, which also appear on the Legislative Information System, were written by the staff of the Division of Legislative Services. The Digest was prepared by Stephanie Kerns, Staff Assistant, with the assistance of Larry Garton, DLAS Senior Systems Analyst.

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§ 55-546.02, amending. (**SB 855** (Chapter 830))

§ 56-1, amending. (**HB 2171** (Chapter 746))  
§ 56-15, amending. (**HB 2172** (Chapter 807))  
§ 56-17, amending. (**HB 2172** (Chapter 807))  
§ 56-46.1, amending. (**HB 2175** (Chapter 808); **SB 1347** (Chapter 854))  
§ 56-88, amending. (**HB 2171** (Chapter 746))  
§ 56-232, amending. (**HB 2171** (Chapter 746))  
§ 56-234.2:1, adding. (**SB 1339** (Chapter 875))  
§ 56-235.1:1, adding. (**HB 2152** (Chapter 745))  
§ 56-235.5, amending. (**HB 1885** (Chapter 788))  
§ 56-249.6, amending. (**HB 2519** (Chapter 244))  
§ 56-259, amending. (**HB 2172** (Chapter 807))  
§ 56-265.1, amending. (**HB 1970** (Chapter 794); **HB 2171** (Chapter 746))  
§ 56-265.4:4, amending. (**HB 1636** (Chapter 330))  
§ 56-265.4:6, adding. (**HB 1970** (Chapter 794))  
§ 56-463, amending. (**HB 1649** (Chapter 331))  
§ 56-484.13, amending. (**SB 1163** (Chapter 613))  
§ 56-484.15, amending. (**SB 1163** (Chapter 613))  
§ 56-484.19, amending. (**HB 2300** (Chapter 813); **SB 1117** (Chapter 840))  
§ 56-575.1, amending. (**HB 2576** (Chapter 754); **SB 1153** (Chapter 762))  
§ 56-575.17, amending. (**SB 1153** (Chapter 762))  
§ 56-575.18, amending. (**SB 1153** (Chapter 762))  
§ 56-576, amending. (**HB 2268** (Chapter 748); **HB 2506** (Chapter 824))  
§ 56-580, amending. (**HB 2175** (Chapter 808); **SB 1347** (Chapter 854))  
§ 56-585.1, amending. (**HB 2506** (Chapter 824))  
§ 56-585.2, amending. (**HB 1994** (Chapter 744); **SB 1339** (Chapter 875))  
§ 56-585.3, amending. (**HB 1819** (Chapter 401); **HB 2506** (Chapter 824))

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§ 56-594, amending. (**HB 2155** (Chapter 804); **SB 1339** (Chapter 875))

§ 56-594.1, adding. (**HB 2171** (Chapter 746))

§ 57-2.02, amending. (**HB 2300** (Chapter 813); **SB 1117** (Chapter 840))

§ 57-60, amending. (**HB 2300** (Chapter 813); **SB 1117** (Chapter 840))

§ 58.1-20, repealing. (**HB 2348** (Chapter 35))

§ 58.1-202, amending. (**HB 2101** (Chapter 24))

§ 58.1-301, amending. (**HB 1737** (Chapter 2); **SB 985** (Chapter 3))

§ 58.1-322, amending. (**SB 978** (Chapter 508))

§ 58.1-331, repealing. (**HB 2347** (Chapter 34))

§ 58.1-339.4, amending. (**SB 1338** (Chapter 853))

§ 58.1-339.7, amending. (**HB 1938** (Chapter 15); **SB 845** (Chapter 496))

§ 58.1-344.3, amending. (**HB 1594** (Chapter 4); **HB 2200** (Chapter 26); **HB 2545** (Chapter 41); **SB 949** (Chapter 834); **SB 1144** (Chapter 521))

§ 58.1-390.2, amending. (**HB 2378** (Chapter 37); **SB 946** (Chapter 152))

§ 58.1-400.1, amending. (**HB 2378** (Chapter 37); **SB 946** (Chapter 152))

§ 58.1-400.3, amending. (**HB 2378** (Chapter 37); **SB 946** (Chapter 152))

§ 58.1-402, amending. (**HB 2504** (Chapter 426); **SB 978** (Chapter 508); **SB 1147** (Chapter 558))

§ 58.1-408, amending. (**HB 2437** (Chapter 821))

§ 58.1-422, adding. (**HB 2437** (Chapter 821))

§ 58.1-431, repealing. (**HB 2347** (Chapter 34))

§ 58.1-439, amending. (**HB 2575** (Chapter 753))

§ 58.1-439.1, amending. (**SB 1357** (Chapter 730))

§ 58.1-439.3, repealing. (**HB 2347** (Chapter 34))

§ 58.1-439.7, amending. (**HB 2347** (Chapter 34))

§ 58.1-439.8, repealing. (**HB 2347** (Chapter 34))

§ 58.1-439.18, amending. (**HB 1790** (Chapter 10); **SB 1325** (Chapter 851))

§ 58.1-439.20, amending. (**HB 1790** (Chapter 10); **SB 904** (Chapter 502); **SB 1325** (Chapter 851))

§ 58.1-439.21, amending. (**SB 1325** (Chapter 851))

§ 58.1-439.22, amending. (**SB 1325** (Chapter 851))

§ 58.1-439.24, amending. (**SB 1325** (Chapter 851))

§ 58.1-490, amending. (**HB 2347** (Chapter 34))

§ 58.1-512, amending. (**HB 1891** (Chapter 12); **SB 986** (Chapter 510))

§ 58.1-520, amending. (**HB 1830** (Chapter 787); **SB 1292** (Chapter 571))

§ 58.1-530, amending. (**HB 1830** (Chapter 787); **SB 1292** (Chapter 571))

§ 58.1-608.3, amending. (**HB 1691** (Chapter 7); **HB 1803** (Chapter 47); **HB 2091** (Chapter 93); **SB 868** (Chapter 499); **SB 1021** (Chapter 836))

§ 58.1-609.10, amending. (**HB 1779** (Chapter 338); **HB 2360** (Chapter 36); **SB 944** (Chapter 833))

§ 58.1-609.11, amending. (**HB 2101** (Chapter 24); **HB 2330** (Chapter 106); **SB 1222** (Chapter 526))

§ 58.1-609.12, amending. (**HB 2101** (Chapter 24))

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§ 58.1-625.1, repealing. (**HB 1580** (Chapter 864); **SB 1018** (Chapter 871))

§ 58.1-662, amending. (**HB 2607** (Chapter 680); **SB 891** (Chapter 683))

§ 58.1-802.1, repealing. (**HB 1580** (Chapter 864); **SB 1018** (Chapter 871))

§ 58.1-811, amending. (**HB 1580** (Chapter 864); **SB 1018** (Chapter 871); **SB 1309** (Chapter 574))

§ 58.1-812, amending. (**HB 2135** (Chapter 95); **SB 1157** (Chapter 686))

§ 58.1-1008.2, adding. (**SB 1302** (Chapter 847))

§ 58.1-1718.1, adding. (**SB 1532** (Chapter 532))

§ 58.1-1719, amending. (**SB 1532** (Chapter 532))

§ 58.1-1720, amending. (**SB 1532** (Chapter 532))

§ 58.1-1721, repealing. (**SB 1532** (Chapter 532))

§ 58.1-1722, amending. (**SB 1532** (Chapter 532))

§ 58.1-1723, repealing. (**SB 1532** (Chapter 532))

§ 58.1-1724.3, repealing. (**HB 1580** (Chapter 864); **SB 1018** (Chapter 871))

§ 58.1-1724.5, repealing. (**HB 1580** (Chapter 864); **SB 1018** (Chapter 871))

§ 58.1-1724.6, repealing. (**HB 1580** (Chapter 864); **SB 1018** (Chapter 871))

§ 58.1-1724.7, repealing. (**HB 1580** (Chapter 864); **SB 1018** (Chapter 871))

§ 58.1-1731, adding. (**SB 1421** (Chapter 531))

§ 58.1-1732, adding. (**SB 1421** (Chapter 531))

§ 58.1-1733, adding. (**SB 1421** (Chapter 531))

§ 58.1-1834, amending. (**SB 905** (Chapter 503))

§ 58.1-1840.1, amending. (**SB 1120** (Chapter 611))

§ 58.1-2250, amending. (**SB 1358** (Chapter 530))

§ 58.1-2261, amending. (**HB 2233** (Chapter 419))

§ 58.1-2402.1, repealing. (**HB 1580** (Chapter 864); **SB 1018** (Chapter 871))

§ 58.1-2403, amending. (**HB 1580** (Chapter 864); **SB 1018** (Chapter 871))

§ 58.1-2425, amending. (**HB 1580** (Chapter 864); **SB 1018** (Chapter 871))

§ 58.1-2510, amending. (**SB 1246** (Chapter 567))

§ 58.1-3221.2, amending. (**SB 1004** (Chapter 512))

§ 58.1-3221.3, amending. (**HB 1580** (Chapter 864); **HB 2479** (Chapter 822); **HB 2480** (Chapter 677); **SB 1018** (Chapter 871))

§ 58.1-3230, amending. (**HB 2098** (Chapter 800))

§ 58.1-3252, amending. (**SB 1356** (Chapter 529))

§ 58.1-3286, amending. (**SB 1507** (Chapter 770))

§ 58.1-3295, amending. (**SB 1052** (Chapter 264))

§ 58.1-3321, amending. (**HB 2308** (Chapter 30); **SB 1003** (Chapter 511))

§ 58.1-3374, amending. (**HB 2133** (Chapter 25))

§ 58.1-3506, amending. (**HB 2524** (Chapter 40); **HB 2592** (Chapter 44))

§ 58.1-3508.3, adding. (**SB 1315** (Chapter 528))

§ 58.1-3510, amending. (**HB 2472** (Chapter 480); **SB 1419** (Chapter 692))

§ 58.1-3510.1, repealing. (**HB 2472** (Chapter 480); **SB 1419** (Chapter 692))

§ 58.1-3510.2, repealing. (**HB 2472** (Chapter 480); **SB 1419** (Chapter 692))

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§ 58.1-3510.3, repealing. (**HB 2472** (Chapter 480); **SB 1419** (Chapter 692))

§§ 58.1-3510.4 through 58.1-3510.7, adding. (**HB 2472** (Chapter 480); **SB 1419** (Chapter 692))

§ 58.1-3660, amending. (**HB 2084** (Chapter 671))

§ 58.1-3660.1, amending. (**HB 1930** (Chapter 350))

§ 58.1-3712, amending. (**SB 1507** (Chapter 770))

§ 58.1-3713, amending. (**HB 2186** (Chapter 367))

§ 58.1-3819, amending. (**HB 1917** (Chapter 13); **HB 2316** (Chapter 31); **HB 2502** (Chapter 116); **SB 858** (Chapter 497); **SB 1025** (Chapter 513); **SB 1176** (Chapter 524))

§ 58.1-3825.2, adding. (**HB 1947** (Chapter 16))

§ 58.1-3833, amending. (**HB 2059** (Chapter 415))

§ 58.1-3840, amending. (**HB 2059** (Chapter 415))

§ 58.1-3852, adding. (**HB 1975** (Chapter 17); **SB 1058** (Chapter 604))

§ 58.1-3901, amending. (**HB 2289** (Chapter 672); **SB 896** (Chapter 501))

§ 58.1-3965, amending. (**HB 1671** (Chapter 181); **SB 1094** (Chapter 551))

§ 58.1-3967, amending. (**HB 2651** (Chapter 682))

§ 58.1-3969, amending. (**HB 1671** (Chapter 181); **SB 1094** (Chapter 551))

§ 59.1-136.1, amending. (**HB 1698** (Chapter 657))

§ 59.1-148.3, amending. (**HB 2042** (Chapter 412); **SB 1396** (Chapter 289))

§ 59.1-149, amending. (**HB 2446** (Chapter 650))

§ 59.1-151, amending. (**HB 2446** (Chapter 650))

§ 59.1-153, amending. (**HB 2446** (Chapter 650))

§ 59.1-155, amending. (**HB 2446** (Chapter 650))

§ 59.1-155.1, adding. (**HB 2629** (Chapter 681))

§ 59.1-156, amending. (**HB 2446** (Chapter 650))

§ 59.1-163, amending. (**HB 2446** (Chapter 650))

§ 59.1-198, amending. (**HB 2039** (Chapter 359); **SB 954** (Chapter 700))

§ 59.1-200, amending. (**HB 2039** (Chapter 359); **HB 2313** (Chapter 376); **SB 910** (Chapter 699); **SB 954** (Chapter 700); **SB 1384** (Chapter 321))

§ 59.1-200.1, amending. (**HB 2261** (Chapter 203); **SB 1169** (Chapter 272))

§ 59.1-280, amending. (**HB 2332** (Chapter 207); **SB 1165** (Chapter 271))

§ 59.1-282.1, repealing. (**HB 2332** (Chapter 207); **SB 1165** (Chapter 271))

§ 59.1-282.2, repealing. (**HB 2332** (Chapter 207); **SB 1165** (Chapter 271))

§ 59.1-284.23, adding. (**HB 2056** (Chapter 798); **SB 1321** (Chapter 850))

§ 59.1-336, amending. (**HB 2313** (Chapter 376); **SB 1384** (Chapter 321))

§ 59.1-369, amending. (**HB 2604** (Chapter 142))

§ 59.1-376.1, repealing. (**HB 2604** (Chapter 142))

§ 59.1-444.2, amending. (**HB 1884** (Chapter 406))

§§ 59.1-518.1 through 59.1-518.4, adding. (**SB 910** (Chapter 699))

§ 59.1-548, amending. (**HB 2332** (Chapter 207); **SB 1165** (Chapter 271))

§ 59.1-549, amending. (**HB 2332** (Chapter 207); **SB 1165** (Chapter 271))

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§ 60.2-528, amending. (**SB 1495** (Chapter 878))

§ 60.2-602, amending. (**HB 1889** (Chapter 789))

§ 60.2-610, amending. (**HB 1889** (Chapter 789))

§ 60.2-611, amending. (**HB 1889** (Chapter 789))

§ 60.2-618, amending. (**SB 1495** (Chapter 878))

§ 62.1-44.15:02, amending. (**SB 1317** (Chapter 627))

§ 62.1-44.19:3, amending. (**HB 2558** (Chapter 42))

§ 62.1-44.19:3.4, amending. (**HB 2558** (Chapter 42))

§ 62.1-44.33, amending. (**HB 1774** (Chapter 337))

§ 62.1-69.29, amending. (**SB 1036** (Chapter 601))

§ 62.1-73, amending. (**HB 2283** (Chapter 467))

§ 62.1-132.20, amending. (**HB 2413** (Chapter 38))

§ 62.1-198, amending. (**HB 1936** (Chapter 14); **HB 2550** (Chapter 246); **SB 989** (Chapter 543); **SB 1119** (Chapter 311); **SB 1476** (Chapter 632))

§ 62.1-199, amending. (**HB 1936** (Chapter 14); **HB 2550** (Chapter 246); **SB 989** (Chapter 543); **SB 1119** (Chapter 311); **SB 1476** (Chapter 632))

§ 62.1-204, amending. (**SB 1451** (Chapter 324))

§ 62.1-225, amending. (**HB 1931** (Chapter 351))

§ 63.2-100, amending. (**HB 2300** (Chapter 813); **SB 1028** (Chapter 705); **SB 1117** (Chapter 840))

§ 63.2-617, amending. (**HB 1714** (Chapter 61); **SB 1045** (Chapter 547))

§ 63.2-805, amending. (**SB 1201** (Chapter 127))

§ 63.2-906, amending. (**SB 1012** (Chapter 124))

§ 63.2-910, amending. (**SB 1012** (Chapter 124))

§ 63.2-914, adding. (**HB 2500** (Chapter 678))

§ 63.2-1201, amending. (**HB 2159** (Chapter 805))

§ 63.2-1202, amending. (**HB 2159** (Chapter 805))

§ 63.2-1203, amending. (**HB 2159** (Chapter 805))

§ 63.2-1204, amending. (**HB 2159** (Chapter 805))

§ 63.2-1209, amending. (**HB 2159** (Chapter 805))

§ 63.2-1212, amending. (**HB 2159** (Chapter 805))

§ 63.2-1221, amending. (**HB 2159** (Chapter 805))

§ 63.2-1222, amending. (**HB 2159** (Chapter 805))

§ 63.2-1225, amending. (**HB 2159** (Chapter 805))

§ 63.2-1228.1, adding. (**HB 2160** (Chapter 98); **SB 1011** (Chapter 260))

§ 63.2-1228.2, adding. (**HB 2160** (Chapter 98); **SB 1011** (Chapter 260))

§ 63.2-1230, amending. (**HB 2159** (Chapter 805))

§ 63.2-1233, amending. (**HB 2159** (Chapter 805))

§ 63.2-1250, amending. (**HB 2159** (Chapter 805))

§ 63.2-1503, amending. (**HB 2300** (Chapter 813); **SB 1117** (Chapter 840))

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§ 63.2-1528, amending. (**HB 2300** (Chapter 813); **SB 1117** (Chapter 840))  
§ 63.2-1529, repealing. (**HB 2340** (Chapter 32))  
§ 63.2-1530, adding. (**HB 1904** (Chapter 445))  
§ 63.2-1605, amending. (**HB 2328** (Chapter 673))  
§ 63.2-1606, amending. (**SB 898** (Chapter 538))  
§ 63.2-1704, amending. (**HB 2265** (Chapter 29))  
§ 63.2-1709, amending. (**HB 2300** (Chapter 813); **SB 1117** (Chapter 840))  
§ 63.2-1716, amending. (**SB 969** (Chapter 258))  
§ 63.2-1726, amending. (**HB 2300** (Chapter 813); **SB 1117** (Chapter 840))  
§ 63.2-1735, amending. (**HB 2300** (Chapter 813); **SB 1117** (Chapter 840))  
§ 63.2-1805, amending. (**HB 2300** (Chapter 813); **SB 1117** (Chapter 840))  
§ 63.2-1900, amending. (**SB 1237** (Chapter 713))  
§ 63.2-1902, amending. (**SB 1237** (Chapter 713))  
§ 63.2-1903, amending. (**SB 1015** (Chapter 125); **SB 1237** (Chapter 713))  
§ 63.2-1916, amending. (**SB 1059** (Chapter 706); **SB 1237** (Chapter 713))  
§ 63.2-1924.1, amending. (**SB 1237** (Chapter 713))  
§ 63.2-1931, amending. (**SB 1015** (Chapter 125))  
§ 63.2-1954.1, adding. (**SB 1237** (Chapter 713))  
§ 63.2-2002, repealing. (**SB 1325** (Chapter 851))

§ 64.1-5.1, amending. (**HB 1944** (Chapter 449))  
§ 64.1-57.3, amending. (**SB 907** (Chapter 588))  
§ 64.1-130, amending. (**SB 806** (Chapter 250))

§ 65.2-402, amending. (**SB 1047** (Chapter 515))  
§ 65.2-402.1, amending. (**HB 2111** (Chapter 417))  
§ 65.2-603.1, adding. (**HB 1674** (Chapter 333); **SB 1158** (Chapter 559))  
§ 65.2-801, amending. (**HB 1756** (Chapter 336); **SB 1372** (Chapter 285))  
§ 65.2-804, amending. (**HB 2292** (Chapter 150))  
§ 65.2-1201, amending. (**HB 2515** (Chapter 219))  
§ 65.2-1203, amending. (**HB 1756** (Chapter 336); **SB 1372** (Chapter 285))

§ 66-25.2:1, adding. (**SB 1218** (Chapter 276))

§ 67-101, amending. (**HB 2002** (Chapter 411); **SB 1427** (Chapter 768))  
§ 67-102, amending. (**HB 2002** (Chapter 411); **SB 1427** (Chapter 768))  
§§ 67-600 through 67-604, amending. (**SB 1346** (Chapter 575))  
§ 67-701, amending. (**HB 2417** (Chapter 866))  
§§ 67-1100 through 67-1110, adding. (**HB 2172** (Chapter 807))

## Title 1- General Provisions of Virginia Code

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**HB2278 Official emblems and designations; Coal Miners' Memorial.** Designates the Richlands Coal Miners' Memorial located in Tazewell County as the official Coal Miners' Memorial of the Commonwealth.

*Patron - Bowling*

**HB2671 Official designations; Cabin Capital of Virginia.** Designates Page County as the Cabin Capital of Virginia.

*Patron - Gilbert*

## Title 2.2- Administration of the Government Generally

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**HB1617 Alzheimer's Disease and Related Disorders Commission; extends sunset.** Extends the sunset on the Alzheimer's Disease and Related Disorders Commission until July 1, 2014, and adds a requirement that the Commission develop and promote strategies to encourage brain health and reduce cognitive decline.

*Patron - Merricks*

**HB1660 Telework assistance to public and private employers; reporting requirements.** Transfers certain responsibilities regarding telework assistance from the Secretary of Administration to the Office of Telework Promotion and Broadband Assistance.

*Patron - Scott, J.M.*

**HB1732 Department of Veterans Services; processing of disability claims.** Provides that, subject to the availability of sufficient nongeneral fund revenues, including, but not limited to, private donations and federal funds, the Department shall work in concert with applicable state and federal agencies to develop and deploy an automated system for the electronic preparation of veterans' disability claims. The Commissioner shall ensure that the system is efficient and statutorily compliant.

*Patron - Cox*

**HB1761 Virginia Security for Public Deposits Act.** Authorizes the Treasury Board to establish guidelines to permit banks to withdraw from the Virginia Security for Public Deposits pooling arrangement. A bank that complies with these guidelines will be responsible for making good on its own public deposits, and not responsible for contributing funds to a pool if another bank holding Virginia public deposits fails.

*Patron - Kilgore*

**HB1775 Invasive species.** Charges the Secretaries of Natural Resources and Agriculture and Forestry with the responsibility of developing an invasive species management plan to prevent the introduction of invasive species and to control and eradicate those species that are present on Virginia's lands and waters. The Secretary of Natural Resources will establish an advisory group consisting of state agency heads, and representatives of various stakeholder groups to develop the plans and assist in coordinating and implementing the recommendations of the plan. This bill is identical to SB 1211.

*Patron - Pollard*

**HB1792 Department for the Aging, provision of long-term care support services; no wrong door.** Codifies language from the budget bill, which is due to expire. The bill requires the Department for the Aging to designate area agencies on aging as the lead agencies for the No Wrong Door system.

*Patron - Brink*

**HB1799 Fraud and Abuse Whistle Blower Protection Act.** Establishes the Fraud and Abuse Whistle Blower Protection Act to protect whistle blowers from certain adverse employment actions. The bill defines "whistle blower" as an employee who reports or provides testimony of wrongdoing or abuse. Under the bill employers are prohibited from discharging, threatening, or otherwise discriminating or retaliating against a whistle blower. The bill also (i) requires state employers to post notices to keep employees informed of the protections provided by the act and (ii) establishes the Fraud and Abuse Whistle Blower Reward Fund, administered by the Department of Accounts, to provide a monetary reward equal to one percent of the cost savings not to exceed \$5,000 to any person who has disclosed information of wrongdoing or abuse under the Act and the disclosure results in a savings of at least \$10,000.

*Patron - Loupassi*

**HB1838 Department of General Services; disposition of surplus materials; participation by local public bodies.** Authorizes local public bodies to use the services of the Department of General Services' Surplus Property Program. Proceeds from the sale of the surplus property are required to be returned to the local public body minus a service fee, which shall be set at the same rate charged by the Department to state public bodies.

*Patron - Dance*

**HB1927 Virginia Commercial Space Flight Authority; membership of board of directors.** Increases the number of members of the board from 12 to 13 by adding another gubernatorial appointee who represents the commercial space flight industry.

*Patron - Lewis*

**HB1941 Patent and copyright policies of the Commonwealth.** Requires the Secretary of Administration, in consultation with the Secretary of Technology, to establish policies, subject to the approval of the Governor, regarding the use of patents and copyrights owned by the Commonwealth. Such policies shall include, at a minimum, the following: 1. A policy granting state agencies the authority over the protection and release of patents and copyrights created by employees of the agency. Such policy shall authorize state agencies to release all potentially copyrightable materials under the Creative Commons or Open Source Initiative licensing system, as appropriate. 2. A provision authorizing state agencies to seek patent protection only in those instances where the agency reasonably determines the patent has significant commercial value. The responsible state agency shall file with the Secretary a summary of the expected commercial value of the patent. 3. A procedure authorizing state agencies to license or transfer to a state employee any interest in potentially patentable material developed by that employee during work hours. 4. A procedure authorizing state agencies to license or transfer to a private entity any interest in potentially patentable material developed by that agency. The bill also requires the Secretary of Administration, in consultation with the Secretary of Technology, to submit a final copy of the patent and copyright policy to the House Committee on Science and Technology, Senate Committee on General Laws and Technology, and the Joint Com-

mission on Technology and Science no later than December 1, 2009.

*Patron - Peace*

**HB2022 Council on Technology Services; repealed.** Repeals the Council on Technology Services.

*Patron - Rust*

**HB2023 Powers of VITA.** Authorizes Virginia Information Technologies Agency (VITA), subject to approval by the Secretary of Technology and any other affected Secretariat, to delegate to an agency within the executive branch the power to provide for the centralized marketing, provision, leasing, and executing of license agreements for electronic access to public information and government services through the Internet, wireless devices, personal digital assistants, kiosks, or other such related media. The delegated agency would be authorized to fix and collect fees and charges for such services.

*Patron - Rust*

**HB2037 Collection of debt owed the Commonwealth.** Establishes the Debt Collection Recovery Fund. The bill also provides that the Division of Debt Collection shall (i) deposit to the Fund all revenues generated by it, less any cost of recovery, from receivables collected on behalf of state agencies and (ii) transfer the remaining funds to the appropriate state agencies on a periodic basis. In addition, the bill provides that final orders of final agency case decisions may be recorded, enforced, and satisfied as orders or decrees of a circuit court upon certification of such orders by the agency head or his designee. Furthermore, each state agency and institution may charge reasonable attorney's fees and collection fees on all past due accounts receivable. The bill also provides that failure to pay in full at the time goods, services, or treatment are rendered by the Commonwealth or when billed for a debt owed to any agency of the Commonwealth shall result in the imposition of interest at the judgment rate as provided in § 6.1-330.54 on the unpaid balance. Interest shall begin to accrue on the 60th day after the date of the initial written demand for payment. Returned checks or dishonored credit card or debit card payments shall incur a handling fee of \$50 to be added to the principal account balance. The bill also provides that the Division will not assess a fee for direct payment resulting from the Set-off Debt Collection Act and authorizes institutions of higher education to elect to impose a late fee in addition or in lieu of interest for such a time as the institution holds a claim

*Patron - Iaquinto*

**HB2064 Interagency Civil Admissions Advisory Council.** Eliminates the Interagency Civil Admissions Advisory Council.

*Patron - Hamilton*

**HB2083 State employees; leave for volunteer fire and rescue service.** Increases from 16 to 24 the number of hours of paid leave in any calendar year (in addition to other paid leave) that may be allowed to state employees to serve with a volunteer fire department and rescue squad or auxiliary unit thereof.

*Patron - Purkey*

**HB2181 Freedom of Information Act; protection of internal controls of the Commonwealth's financial systems.** Exempts from the mandatory disclosure requirements of FOIA documentation or other information as determined by the State Comptroller that describes the design, function, operation, or implementation of internal controls over the Commonwealth's financial processes and systems, and the assessment of risks and vulnerabilities of those controls, including the annual assessment of internal controls mandated by the Comptroller, the disclosure of which would jeopardize the security of the

Commonwealth's financial assets. However, summary reports relating to the soundness of any fiscal process shall be disclosed in a form that does not compromise the internal controls. The bill provides that nothing contained in its provisions shall be construed to prohibit the Auditor of Public Accounts or the Joint Legislative Audit and Review Commission from reporting internal control deficiencies discovered during the course of an audit.

*Patron - Phillips*

**HB2199 Veterans Services Foundation; Board of Trustees.** Provides that a member of the Board of Trustees of the Veterans Services Foundation may be removed by the appointing authority for that member. Currently any member may be removed by the Governor regardless of the appointing authority.

*Patron - Watts*

**HB2201 Oversight of research and development in the Commonwealth.** Merges the Innovative Technology Authority (ITA), and the Virginia Research and Technology Advisory Commission into a single entity, named the Innovation and Entrepreneurship Investment Authority (IEIA). The IEIA will have 13 members as follows: three presidents of state institutions of higher education to be appointed by the Governor, the Secretary of Technology, three nonlegislative citizen members appointed by the Governor, three nonlegislative citizen members appointed by the Speaker of the House from a list recommended by the House Committee on Science and Technology and the Joint Commission on Technology and Science; and three nonlegislative citizen members appointed by the Senate Committee on Rules from a list recommended by the Senate Committee on General Laws and Technology and the Joint Commission on Technology and Science. The nonlegislative citizen members shall represent the entrepreneurial, investment, and science and technology communities according to specific guidelines in the bill. The IEIA will continue the work of the ITA, with heightened responsibilities regarding the oversight of research and development efforts in the Commonwealth. This bill is identical to SB 1456.

*Patron - Vanderhye*

**HB2240 Virginia Economic Development Partnership Authority; board of directors; powers.** Authorizes ex officio members of the board of directors of the Virginia Economic Development Partnership to designate an individual to serve. The bill also authorizes the Authority to offer a program for the issuance of export documentation for a company located in Virginia exporting goods and services if no federal agency or other regulatory body or issuing entity will provide such documentation in a form deemed necessary by the company.

*Patron - Valentine*

**HB2266 Freedom of Information Act; building and fire code complaints.** Expands the current record exemption for the names, addresses, and telephone numbers of complainants relating to zoning enforcement complaints made to a local governing body to also include complaints relating to the Uniform Statewide Building Code or the Statewide Fire Prevention Code.

*Patron - Ware, O.*

**HB2279 Department of Veterans Services; Commissioner; benefit claims assistance.** Requires the Commissioner of the Department of Veterans Services to ensure that benefit claims assistance is provided on a regular basis at locations other than established service offices. Current law specifies that the Commissioner shall ensure that the personnel assigned



to process benefit claims shall provide these services at locations other than the service office at least one day per week.

*Patron - Bowling*

**HB2285 Auditor of Public Accounts; searchable database website of state budget expenditures and revenues.** Requires the Division of Purchases and Supply, the Virginia Information Technology Agency, and the State Comptroller to develop standard accounting information for use by agencies. The bill also requires the Office of the Auditor of Public Accounts to include on its existing searchable database information regarding state audits or reports relating to public entities, capital outlay payments, and annual bonded indebtedness. The bill provides for the searchable database to include the following additional elements as they become available through improved enterprise or other systems (i) commodities, (ii) Virginia Performs data that directly relates to funding actions or expenditures, (iii) descriptive purposes for funding actions or expenditures, (iv) laws authorizing the issuance of bonds, and (v) copies of actual grants and contracts. In addition, the bill provides for the Governor, Secretary of Technology, and Chief Information Officer to take all steps necessary to provide the searchable database as a hyperlinked icon located within the Online Services section of the Official Commonwealth of Virginia Home Page. This bill is identical to SB 936.

*Patron - Cline*

**HB2415 Commonwealth Technology Research Fund.** Adds robotics, unmanned vehicle systems, and advanced shipbuilding to the list of eligible research programs.

*Patron - Bouchard*

**HB2423 Broadband Advisory Council.** Establishes the Governor's Broadband Advisory Council. The purpose of the Council shall be to advise the Governor on policy and funding priorities to expedite deployment and reduce the cost of broadband access in the Commonwealth. The council shall be staffed by the Office of Telework Promotion and Broadband Assistance. Technical amendments to the bill adjust the membership of the Council.

*Patron - May*

**HB2427 Protection of Social Security Numbers Act; penalties.** Provides that the first five digits of a social security number contained in a public record shall be confidential and exempt from disclosure under the Freedom of Information Act. The bill does allow release of a social security number under certain limited circumstances, including proper judicial order; to federal, state or local law-enforcement or correctional personnel; by one agency to another agency in Virginia or to an agency in another state, district, or territory of the United States; and to any data subject exercising his rights under the Government Data Collection and Dissemination Practices Act. The bill provides for penalties for violation.

*Patron - May*

**HB2442 Virginia Investment Partnership Act; Virginia Investment Performance Grants.** Raises the per project amount of a grant that may be made under the Virginia Investment Performance Grant program from \$1.5 million to \$3 million. The bill also allows for a maximum of \$5 million for projects meeting certain guidelines.

*Patron - BaCote*

**HB2499 Aerospace Advisory Council; membership.** Adds the Director of the Virginia Space Grant Consortium to the Council to serve as an ex officio member with voting privileges.

*Patron - Alexander*

**HB2529 Virginia National Defense Industrial Authority; board of directors; membership.** Adds the Secretary of Commerce and Trade to the board of directors of the Virginia National Defense Industrial Authority.

*Patron - Sickles*

**HB2539 Virginia Information Technologies Agency (VITA); Division of Enterprise Applications established.** Establishes the Division of Enterprise Applications within VITA to oversee the Commonwealth's efforts to modernize the planning, development, implementation, improvement, and retirement of Commonwealth applications, including the coordination and development of enterprise-wide or multi-agency applications. The Division would be headed by the current director of the Virginia Enterprise Applications Program (VEAP) who would serve as the initial Chief Applications Officer (CAO). The CAO would be a permanent position appointed by, and reporting to, the Chief Information Officer (CIO) of the Commonwealth. The bill clarifies that the Information Technology Investment Board's contract with the Chief Information Officer may be for a term of up to five years. The bill also appoints the Secretary of Finance to the ITIB in place of the Governor's appointment from a list of individuals nominated by the legislature and establishes the Secretary of Technology as the permanent vice-chairman.

*Patron - Nixon*

**HB2550 Economic development; incentive financing for major employment and investment projects.** Authorizes the Virginia Public Building Authority and the Virginia Resources Authority to finance economic development initiatives for major employment and investment projects (MEI projects) performed by state and local government entities. An MEI project is defined as a high impact regional economic development project in which a private entity is expected to make a capital investment in real and tangible personal property exceeding \$250 million and create more than 400 new full-time jobs, and is expected to have a substantial direct economic impact on surrounding communities. The bill also establishes the MEI Project Approval Commission to review financing for individual incentive packages for MEI projects to be financed by the Virginia Public Building Authority.

*Patron - Cox*

**HB2557 State employee health insurance plan; mandated benefits.** Provides that any law effective on or after July 1, 2009, that provides for an insurance mandate for policies of accident and health insurance shall also apply to health insurance plans for state employees. The measure also requires the Department of Human Resource Management to report to the Special Advisory Commission on Mandated Health Insurance Benefits on cost and utilization information for each of the mandated benefits.

*Patron - Nixon*

**HB2583 Local government investment pool; limitations.** Provides that no less than 10 percent of local government investment pool assets shall be invested in time, savings, or demand deposits at financial institutions qualified to accept public deposits under the Virginia Security for Public Deposits Act. The provisions of the bill will not become effective unless reenacted by the 2010 Session of the General Assembly.

*Patron - Merricks*

**HB2594 Vietnam Human Rights Day.** Designates the 11th day of May of each year as Vietnam Human Rights Day in support of efforts by the Non-Violent Movement for Human

Rights in Vietnam to achieve freedom and human rights for the people of Vietnam.

*Patron - Hull*

**HB2615 Virginia Public Procurement Act; procurement of professional services.** Increases the amount from \$30,000 to \$50,000 for single or term contracts for professional services not requiring competitive negotiation.

*Patron - Iaquinto*

**HB2618 Virginia Administrative Dispute Resolution Act; Interagency Dispute Resolution Advisory Council; membership terms.** Sets the terms for members of the Council. The bill provides that it shall not be construed to affect existing appointments, except to the extent necessary to effectuate the setting and staggering of terms of the Council's membership. The bill contains technical amendments.

*Patron - Barlow*

**HB2639 Freedom of Information Act; certain records of the Department of Veterans Services and the Veterans Services Foundation.** Exempts from the mandatory disclosure provisions of the Freedom of Information Act (i) personal information contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services care centers and (ii) records maintained in connection with fundraising activities by the Veterans Services Foundation to the extent that such records reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on driver's license, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the record. The bill provides, however, that it shall not be construed to authorize the withholding of records relating to the amount, date, purpose, and terms of the pledge or donation, or the identity of the donor. Nor does the exclusion provided by the bill apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

*Patron - Jones*

**HB2672 Department of Minority Business Enterprise.** Clarifies that small, women-owned, and minority-owned businesses must be comprised of individuals who are U.S. citizens or legal resident aliens, and that both the management and daily business operations are conducted by such individuals. The bill contains technical amendments.

*Patron - Herring*

**HB2673 Virginia Investment Partnership Act; definitions.** Amends the definition of "eligible company" by adding that a company may create or cause to be created 300 jobs with average salaries at least 100 percent greater than the Prevailing Average Wage to be eligible for performance grants under the Virginia Investment Partnership Act. Currently a company would have to create or cause to be created 400 jobs with average salaries at least 50 percent greater than the Prevailing Average Wage. The bill also has an emergency clause.

*Patron - Putney*

**SB834 Virginia Public Procurement Act; procurement of architectural and professional engineering services for multiple construction projects.** Provides that a contract for architectural or professional engineering services relating to construction projects negotiated by a local public body for multiple projects may be renewable for up to four additional one-year terms at the option of the public body. Under current

law such contracts are renewable for up to two additional one-year terms.

*Patron - Locke*

**SB892 Information Technology Investment Board; approval of the development of certain major information technology projects.** Requires the Governor to identify in his proposed budget bill all major information technology projects that have or are pending project development approval. The bill specifies what information must be included in the budget bill regarding major information technology projects and defines "major information technology project" as any state agency information technology project that (i) is mission-critical, (ii) has statewide application, or (iii) has a total estimated cost of more than \$1 million. Additionally, the bill requires the CIO to determine whether funding for a major information technology project is included in the Governor's budget bill prior to the development of such project.

*Patron - McDougle*

**SB893 Submission of executive budget; personnel costs for state agencies.** Requires the total amount appropriated for personnel costs for each agency to be included in the Budget Bill for each agency.

*Patron - McDougle*

**SB895 General fund revenue estimates; inclusion of alternative revenue estimates.** Requires that when the Governor submits the general fund revenue estimate to the General Assembly each year, that he also submit any alternative general fund revenue forecasts considered by the Advisory Council on Revenue Estimates.

*Patron - McDougle*

**SB918 The New College Institute and the Southern Virginia Higher Education Center.** Exempts the New College Institute and the Southern Virginia Higher Education Center from the provisions and requirements of the Virginia Personnel Act (§ 2.2-2900 et seq.).

*Patron - Reynolds*

**SB936 Auditor of Public Accounts; searchable database website of state budget expenditures and revenues.** See HB 2285.

*Patron - Cuccinelli*

**SB1062 Virginia Community Integration Advisory Commission; extend sunset.** Extends the sunset for the Virginia Community Integration Advisory Commission to July 1, 2010.

*Patron - Puller*

**SB1073 Risk management; sheriff departments.** Clarifies that when a sheriff or deputy sheriff that is authorized by the sheriff, performs any law-enforcement service then such performance shall be considered in the scope of his duties, and no pre-notification to the Division of Risk Management shall be required for liability coverage.

*Patron - Howell*

**SB1089 Virginia Investment Partnership Act; Virginia Investment Performance Grants.** Raises the per project amount of a grant that may be made under the Virginia Investment Performance Grant program from \$1.5 million to \$3 million. The bill also allows for a maximum of \$5 million for projects meeting certain guidelines.

*Patron - Miller, J.C.*

**SB1090 Annual and biennial reports of state entities; online posting.** Requires agencies, institutions, collegial bod-

ies, and other governmental entities that are specifically required by the Code of Virginia to report annually or biennially to the Governor and General Assembly to post the reports on the respective entity's website. The bill also limits the number of hard copies of the reports that such entities may print to no more than 100.

*Patron - Miller, J.C.*

**SB1096 Design-Build Construction Management Review Board.** Authorizes the Design-Build Construction Management Review Board to make a one-time determination that a locality with a population in excess of 100,000 has the personnel, procedures, and expertise necessary to enter into contracts for construction on a fixed price or not-to-exceed price design-build or construction management basis. Any localities receiving the determination shall still be required to comply with applicable provisions of the Virginia Public Procurement Act and all other applicable law governing design-build or construction management contracts for public bodies other than the Commonwealth. The bill also contains a technical amendment.

*Patron - Herring*

**SB1109 Alzheimer's Disease and Related Disorders Commission.** Extends the sunset for the Alzheimer's Disease and Related Disorders Commission from July 1, 2009, to July 1, 2014. The bill also adds to the powers and duties of the commission the development and promotion of strategies to encourage brain health and reduce cognitive decline.

*Patron - Northam*

**SB1119 Economic development; incentive financing for major employment and investment projects.** Authorizes the Virginia Public Building Authority and the Virginia Resources Authority to finance economic development initiatives for major employment and investment projects (MEI projects) performed by state and local government entities. An MEI project is defined as a high impact regional economic development project in which a private entity is expected to make a capital investment in real and tangible personal property exceeding \$250 million and create more than 400 new full-time jobs, and is expected to have a substantial direct economic impact on surrounding communities. The bill also establishes the MEI Project Approval Commission to review financing for individual incentive packages for MEI projects to be financed by the Virginia Public Building Authority.

*Patron - Colgan*

**SB1140 Department of General Services; real estate management services.** Clarifies that the authority for the management of the state's real estate assets is held by the Department of General Services. The bill also provides that the proceeds from leasing surplus state property be used to pay the costs of entering and administering the leases and to offset the cost of maintaining and operating facilities under control of the Department. Currently such proceeds are paid to the general fund. In addition the bill requires the Department to identify real property assets that are surplus to the current ones and reasonably anticipated future needs of the state and authorizes the Department to dispose of such surplus assets.

*Patron - Petersen*

**SB1163 Composition of the Wireless E-911 Services Board.** Adds the Director of the Virginia Department of Emergency Management as a permanent member of the Board and replaces the CIO as chairman. The bill also adds the Director as a permanent member of the Wireless Carrier E-911 Cost Recovery Subcommittee and replaces the CIO as chairman.

*Patron - Watkins*

**SB1164 Authorized payments from the Wireless E-911 Fund.** Adds operating expenses and administrative costs of the Division of Public Safety Communications as authorized payments from the Wireless E-911 Fund.

*Patron - Watkins*

**SB1174 Patent and copyright policies of the Commonwealth.** Requires the Secretary of Administration, in consultation with the Secretary of Technology, to establish policies, subject to the approval of the Governor, regarding the use of patents and copyrights owned by the Commonwealth. Such policies shall include, at a minimum, the following: 1. A policy granting state agencies the authority over the protection and release of patents and copyrights created by employees of the agency. Such policy shall authorize state agencies to release all potentially copyrightable materials under the Creative Commons or Open Source Initiative licensing system, as appropriate. 2. A provision authorizing state agencies to seek patent protection only in those instances where the agency reasonably determines the patent has significant commercial value. The responsible state agency shall file with the Secretary a summary of the expected commercial value of the patent. 3. A procedure authorizing state agencies to license or transfer to a state employee any interest in potentially patentable material developed by that employee during work hours. 4. A procedure authorizing state agencies to license or transfer to a private entity any interest in potentially patentable material developed by that agency. The bill also requires the Secretary of Administration, in consultation with the Secretary of Technology, to submit a final copy of the patent and copyright policy to the House Committee on Science and Technology, Senate Committee on General Laws and Technology, and the Joint Commission on Technology and Science no later than December 1, 2009.

*Patron - Watkins*

**SB1203 Virginia Public Procurement Act; competitive negotiations; ranking criteria.** Provides for a public body to inform the offeror at the early stage of informal interviews of any ranking criteria that will be used in addition to the review of the professional competence.

*Patron - Puckett*

**SB1211 Invasive species.** See HB 1775.

*Patron - Quayle*

**SB1242 Virginia Small Business Financing Authority; activities under the Public-Private Transportation Act of 1995.** Authorizes the Virginia Small Business Financing Authority to provide private activity bond financing for entities existing for the sole purpose of developing or operating a qualified transportation facility under the Public-Private Transportation Act of 1995. The bill contains technical amendments.

*Patron - Stosch*

**SB1271 Department of Treasury; Risk Management Division; liability coverage for certain volunteers.** Provides for inclusion under the state's risk management plan (i) volunteer drivers for any nonprofit organization providing transportation for persons who are elderly, disabled, or indigent to medical treatment and services, and (ii) volunteer drivers of the Meals on Wheels Association of America or any area agency on aging providing meal and nutritional services to persons who are elderly, homebound, or disabled, provided that such volunteer drivers have successfully completed training approved by the Risk Management Division.

*Patron - Vogel*

**SB1279 Virginia Economic Development Partnership Authority; board of directors; powers.** Authorizes ex officio members of the board of directors of the Virginia Economic Development Partnership to designate an individual to serve. The bill also authorizes the Authority to offer a program for the issuance of export documentation for a company located in Virginia exporting goods and services if no federal agency or other regulatory body or issuing entity will provide such documentation in a form deemed necessary for international commerce.

*Patron - Newman*

**SB1302 Master Settlement Agreement; criminal enforcement activities; penalty.** Makes several changes to enhance criminal enforcement activities. The bill provides that any tobacco product manufacturer, stamping agent, or importer of cigarettes, or any officer, employee, or agent of any such entity, who knowingly and with the intent to defraud, mislead, or deceive, makes any materially false statement in reports, documents, and tax returns required to be filed or kept under the Master Settlement Agreement or other substantive law is guilty of misrepresentation in a commercial dealing with the Commonwealth, a Class 6 felony. The Attorney General is authorized to prosecute such cases. The bill also requires persons to file cigarette delivery sales information with the Attorney General in addition to the current requirement that such information be filed with the Virginia Alcoholic Beverage Control Board. The bill adds criminal penalties for failure to file the required information; under current law all penalties are civil. The Attorney General is authorized to assess the civil penalties and prosecute criminal violations. In addition, the bill includes within the definition of "racketeering activity" the filing of false reports under the Tobacco Product Manufacturers Act, of false reports of cigarette delivery sales, and of false tobacco tax reports.

*Patron - Hurt*

**SB1305 Government Data Collection and Dissemination Practices Act; Department of Social Services; exemption.** Exempts from the Government Data Collection and Dissemination Practices Act public assistance fraud investigations conducted by the Department of Social Services and local social service departments.

*Patron - Hurt*

**SB1316 Freedom of Information Act; requirements to publish a database index and a statement of rights and responsibilities.** Strikes the requirement to publish an index of computer databases and amends the requirement to publish a statement of rights and responsibilities to ensure that the public can find out generally what types of public records a public body has and what exemptions may apply to those records. This bill is a recommendation of the Freedom of Information Advisory Council.

*Patron - Houck*

**SB1317 Electronic meetings by the Air Pollution Control Board and the State Water Control Board.** Requires that any electronic communication meetings (teleconference) shall be held in compliance with the provisions the Freedom of Information Act, except that a quorum of the Board is not required to be physically assembled at one primary or central meeting location. The bill also requires that discussions of the Air Pollution Control Board or the State Water Control Board held via such electronic communication means shall be specifically limited to a (i) review of certain decisions of the Director, (ii) determination of the Air Pollution Control Board or the State Water Control Board whether or not to grant a public hearing or Board consideration, or (iii) delegation of the permit

to the Director for his decision. No other matter of public business shall be discussed or transacted by the Air Pollution Control Board or the State Water Control Board during any such meeting held via electronic communication. The bill also clarifies when certain public hearings may be held and who may preside over the public hearings. This bill is a recommendation of the Freedom of Information Advisory Council.

*Patron - Houck*

**SB1319 Freedom of Information Act; meeting minutes.** Clarifies that minutes of public meetings must be in writing. The bill also contains a technical amendment. The terms "include" and "in writing" that appear in the bill are defined in Title 1 to mean, respectively, "include, but are not limited to," and "any representation of words, letters, symbols, numbers, or figures, whether (i) printed or inscribed on a tangible medium or (ii) stored in an electronic or other medium and retrievable in a perceivable form and whether an electronic signature authorized by Chapter 42.1 (§ 59.1-479 et seq.) of Title 59.1 is or is not affixed." This bill is a recommendation of the Freedom of Information Advisory Council.

*Patron - Houck*

**SB1336 Broadband Advisory Council.** Establishes the Governor's Broadband Advisory Council. The purpose of the Council shall be to advise the Governor on policy and funding priorities to expedite deployment and reduce the cost of broadband access in the Commonwealth. The council shall be staffed by the Office of Telework Promotion and Broadband Assistance.

*Patron - Puckett*

**SB1338 Promotion of science and technology-based research, development, and commercialization in the Commonwealth.** Makes several changes to the Code of Virginia to encourage research, development, and commercialization of advancements in science and technology in the Commonwealth. The bill changes the existing Commonwealth Technology Research Fund to the Commonwealth Research Commercialization Fund to better focus the moneys available under this program to key areas of research and development in the Commonwealth, to emphasize the importance of commercialization of research and development through matching-funds programs and the leveraging of private and federal funds for commercialization activities, and to provide a loan program for the construction of facilities utilized in commercializing qualified research. Additionally, the bill amends the existing qualified equity and subordinated debt investment tax credit to limit its applicability only to companies engaged in science and technology-related businesses, and to encourage investment in companies focused on commercializing research developed at universities. This bill is a recommendation of the Joint Subcommittee Studying Biosciences and Biotechnology in the Commonwealth (HJR 248).

*Patron - Herring*

**SB1344 Freedom of Information Act; economic development records.** Amends an existing records exemption for economic development records to include records related to the retention of existing business, and to allow the exemption to be used by all public bodies subject to FOIA. The bill makes corresponding amendments to the existing meetings exemption that allows discussion of such records in closed meetings.

*Patron - Reynolds*

**SB1349 Mid-Atlantic Offshore Wind Energy Infrastructure Development Compact.** Establishes the Mid-Atlantic Offshore Wind Energy Infrastructure Development Compact. Under the bill, the party states to the compact will be Virginia, Delaware, Maryland, New Jersey, and New York. The

purposes of the compact are (i) to study, develop, and promote coordinated research and planning of the design, construction, utility interconnection, financing, and operation of offshore wind energy infrastructure and operations directly adjacent to the shores of the party states, (ii) to coordinate federal, state, and local government efforts, and (iii) seek funding. The compact provides for a board with five representatives from each party state, three of whom are to be appointed by the Governor, one by the Speaker of the House, and one by the Senate. The measure takes effect upon enactment by Virginia and three of the other named states.

*Patron - Wagner*

**SB1351 State employee health insurance plan; mandated benefits.** Provides that any law effective on or after July 1, 2009, that provides for an insurance mandate for policies of accident and health insurance shall also apply to health insurance plans for state employees. The measure also requires the Department of Human Resource Management to report to the Special Advisory Commission on Mandated Health Insurance Benefits on cost and utilization information for each of the mandated benefits.

*Patron - Wagner*

**SB1454 Department for the Aging, provision of long-term care support services; no wrong door.** Codifies language from the budget bill, which is due to expire. The bill requires the Department for the Aging to designate area agencies on aging as the lead agencies for the No Wrong Door system of aging and disability resource centers.

*Patron - Petersen*

**SB1456 Oversight of research and development in the Commonwealth.** See HB 2201.

*Patron - Petersen*

**SB1477 Aerospace Advisory Council; membership.** Adds the Director of the Virginia Space Grant Consortium to the Council to serve as an ex officio member with voting privileges.

*Patron - Locke*

**SB1478 Freedom of Information Act; building and fire code complaints.** Provides a record exemption under the Freedom of Information Act for the names, addresses, and telephone numbers of complainants relating to Uniform Statewide Building Code or Statewide Fire Prevention Code enforcement made to the local governing body.

*Patron - Locke*

**SB1485 Southwest Virginia Cultural Heritage Commission.** Provides that five of the ex officio members of the Southwest Virginia Cultural Heritage Commission shall have voting privileges. Currently, the Chairman of The Crooked Road, the Chairman of Round the Mountain; the Director of the Virginia Department of Housing and Community Development, the Director of the Virginia Tourism Corporation, and the Executive Director of the Southwest Virginia Higher Education Center, or their designees, serve on the Commission without voting privileges.

*Patron - Wampler*

**SB1505 Freedom of Information Act; proceedings for enforcement.** Clarifies that enforcement actions under the Freedom of Information Act take precedent over other general provisions of law relating to writs of mandamus or injunction.

*Patron - Puller*

**SB1506 Comprehensive Services Program; judicial assignment of services for children.** Provides that in cases of

judicial assignment of services for children under the Comprehensive Services Program where a party requests a level of service not identified or recommended in the report submitted to the court by the family assessment and planning team, the court shall request the community policy and management team to submit a second report characterizing comparable levels of service to the requested level of service.

*Patron - Hanger*

**SB1525 State and Local Conflicts of Interests Act; prohibited contracts.** Provides that certain prohibitions on contracts involving local government employees shall not apply when a contract for goods or services or contracts of employment are awarded to an immediate family member of the officer or employee, provided the officer or employee is not in a position to influence or exercise control over the process of awarding the contract.

*Patron - Martin*

**SB1548 Virginia Investment Partnership Act; definitions.** Amends the definition of "eligible company" by adding that a company may create or cause to be created 300 jobs with average salaries at least 100 percent greater than the Prevailing Average Wage to be eligible for performance grants under the Virginia Investment Partnership Act. Currently a company would have to create or cause to be created 400 jobs with average salaries at least 50 percent greater than the Prevailing Average Wage. The bill also has an emergency clause.

*Patron - Colgan*

## Title 2.2- Miscellaneous; Administration of the Government Generally

**HB1875 Virginia War Memorial.** Requires the Virginia War Memorial Foundation Board of Trustees to establish criteria for those names and homes of records to be engraved on the War Memorial. The bill specifies the issues that the Board must address in its criteria. The bill requires the Board to report to the Governor and the General Assembly on or before November 1, 2009.

*Patron - Cosgrove*

**HB1969 Administrative Process Act; required review of the feasibility of electronic submission of certain information.** Requires every agency promulgating a regulation that requires the submission of documents or payments to examine the regulation to determine whether the submission of the required documents or payments may be accomplished by electronic means, and if so, consider amending the regulation to offer the alternative of electronic submission.

*Patron - Massie*

**HB2044 Health information technology; adoption of standards.** Allows the Information Technology Investment Board to establish an advisory committee, consisting of persons with expertise in health care and information technology, to advise it on the adoption of nationally recognized health information technology technical and data standards.

*Patron - Nixon*

**HB2426 Government Data Collection and Dissemination Practices Act; collection of social security numbers.** Extends from July 1, 2009, to July 1, 2010, the implementation of the prohibition against collecting an individual's social secu-

rity number unless collection of such number is (i) authorized or required by state or federal law and (ii) essential for the performance of that agency's duties. The bill contains several technical amendments, all to become effective July 1, 2010.

*Patron - May*

**HB2453 Electronic prescribing.** Requires the Secretary of Health and Human Services, in consultation with the Secretary of Technology, to establish a website with information on electronic prescribing for health practitioners, which shall contain information about the process and advantages of electronic prescribing, the availability of electronic prescribing products, links to federal and private-sector websites that provide guidance on selecting electronic prescribing products, and links to federal and private sector incentive programs for implementing electronic prescribing. The bill requires the Secretary of Health and Human Resources in consultation with the Secretary of Technology to regularly consult with relevant public and private stakeholders to assess and accelerate implementation of electronic prescribing in Virginia. This bill further provides that, beginning in 2010, any health practitioner who contracts with the Commonwealth for the provision of health services will be required to utilize electronic prescribing to the maximum extent practicable. This bill directs the Department of Medical Assistance Services to develop programs and incentives to encourage the adoption of electronic prescribing by Medicaid providers.

*Patron - Sickles*

**HB2643 Economic development; extension of performance agreements.** Authorizes state and local economic development entities, including any county, city or town, upon the agreement of the parties, to extend any performance agreement. The bill defines performance agreement. The bill provides that no such extension would allow for any payment or appropriation of funds except as provided in the general appropriation act.

*Patron - Merricks*

**SB1299 Administrative Process Act; required review of the feasibility of electronic submission of certain information.** Requires every agency promulgating a regulation that requires the submission of documents or payments to examine the regulation to determine whether the submission of the required documents or payments may be accomplished by electronic means, and if so, consider amending the regulation to offer the alternative of electronic submission.

*Patron - Wagner*

**SB1318 Government Data Collection and Dissemination Practices Act; collection of social security numbers.** Extends from July 1, 2009, to July 1, 2010, the implementation of the prohibition against collecting an individual's social security number unless collection of such number is (i) authorized or required by state or federal law and (ii) essential for the performance of that agency's duties. The bill contains several technical amendments, to become effective July 1, 2010. This bill is a recommendation of the Freedom of Information Advisory Council.

*Patron - Houck*

**SB1531 Capital outlay plan; Governor's proposal.** Constitutes the Governor's statutorily required proposal of a six- year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources.

*Patron - Colgan*

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## Title 3.2- Agriculture, Horticulture and Food

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**HB1951 Dangerous Dog Registry.** Authorizes the use of copies of all records, documents, and papers associated with the Dangerous Dog Registry in Virginia courts if the documents have been certified and authenticated by the State Veterinarian or the Dangerous Dog Registry administrator as true copies of the original documents.

*Patron - Shuler*

**HB2345 Recodification of Title 3.1.** Corrects an error from the 2008 recodification of Title 3.1, Agriculture, Horticulture and Food, to Title 3.2, Agriculture, Animal Care, and Food, by (i) reinserting language enacted in 2005 that allows towns to adopt by reference certain ordinances of surrounding counties; and (ii) removing an inadvertent requirement placed on the Seed Potato Board to provide annual reports.

*Patron - Landes*

**HB2364 Restitution for damages done by a dangerous or vicious dog.** Provides that a court, upon finding an animal to be a dangerous or vicious dog, may order the owner, custodian, or harbinger thereof to pay restitution for actual damages to any person injured by the animal or whose companion animal was injured or killed by the animal.

*Patron - Gilbert*

**HB2565 Farmland preservation programs and policies.** Empowers the Office of Farmland Preservation to provide technical, and other assistance to local governments interested in developing additional farmland preservation policies and programs.

*Patron - Knight*

**SB871 Reporting requirements; Department of Health.** Relieves the Department of Health of its responsibility to report to the Secretary of Agriculture and Forestry on the implementation of policies related to the protection of farm and forest lands. After the transfer of responsibilities for the land application of biosolids to the Department of Environmental Quality, the Department of Health no longer has duties that impact farmland preservation.

*Patron - Ticer*

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## Title 4.1- Alcoholic Beverage Control Act

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**HB2051 Alcoholic beverage control; suspension and revocation; penalty waivers.** Requires the ABC Board, by regulation, to establish a schedule of offenses for which any penalty may be waived upon a showing that the licensee has had no prior violations within five years immediately preceding the date of the violation. The bill provides that no waiver shall be granted, however, for a licensee's willful and knowing violation of Title 4.1 or Board regulations.

*Patron - Gear*

**HB2052 Alcoholic beverage control; prohibited acts by mixed beverage licensees; exceptions.** Makes an exception for certain spirits to the rule that a mixed beverage licensee cannot deliver to a consumer alcoholic beverages in the original bottle. To qualify for the exception, the bill requires that (i) the original container of spirits is no larger than 375 milliliters,

(ii) the alcohol content is no greater than 15 percent by volume, and (iii) the contents of the container are carbonated and perishable.

*Patron - Gear*

**HB2523 Alcoholic beverage control; grounds for suspension or revocation of a license.** Adds a new ground for which the ABC Board may suspend or revoke a license. Under the bill, a license may be suspended if the licensee fails to take reasonable measures to prevent (i) the licensed premises, (ii) any premises immediately adjacent to the licensed premises that are owned or leased by the licensee, or (iii) any portion of public property immediately adjacent to the licensed premises from becoming a place where patrons of the establishment commit certain criminal violations and such violations lead to arrests that are so frequent and serious as to reasonably be deemed a continuing threat to the public safety.

*Patron - Wright*

**HB2597 Alcoholic beverage control; regulations of the Alcoholic Beverage Control Board.** Mandates the ABC Board to adopt regulations that require off-premises retail licensees to place any premixed alcoholic energy drinks containing one-half of one percent or more of alcohol by volume in the same location where wine and beer are available for sale within the licensed premises.

*Patron - Oder*

**HB2627 Alcoholic beverage control; unlawful possession; affirmative defense.** Establishes an affirmative defense to a charge of underage consumption or possession of alcoholic beverages if the defendant shows that such consumption or possession was allowed under current exceptions in ABC law (i.e., drank it at home with his parents or spouse, etc.).

*Patron - Griffith*

**SB983 Alcoholic beverage control; prohibited acts by mixed beverage licensees; exceptions.** Makes an exception for certain spirits to the rule that a mixed beverage licensee cannot deliver to a consumer alcoholic beverages in the original bottle. To qualify for the exception, the bill requires that (i) the original container of spirits is no larger than 375 milliliters, (ii) the alcohol content is no greater than 15 percent by volume, and (iii) the contents of the container are carbonated and perishable.

*Patron - Wagner*

**SB1213 Alcoholic beverage control; operation of government stores; agents of the Alcoholic Beverage Control Board.** Designates as agents of the ABC Board any licensed distiller who blends alcoholic beverages on his licensed premises and meets other existing statutory requirements. The bill defines the term "blended."

*Patron - Deeds*

**SB1258 Alcoholic beverage control; suspension and revocation; penalty waivers.** Requires the ABC Board, by regulation, to establish a schedule of offenses for which any penalty may be waived upon a showing that the licensee has had no prior violations within five years. The bill provides, however, that no waiver shall be granted by the Board, for a licensee's willful and knowing violation of this title or Board regulations.

*Patron - McDougale*

**SB1414 Alcoholic beverage control; annual mixed beverage special events.** Expands the annual mixed beverage special events license to include licenses to persons operating food and beverage services at any rural event and entertainment park or similar facility owned by a duly organized non-

profit corporation that has been granted an exemption from federal taxation under § 501 (c) (3) of the U.S. Internal Revenue Code of 1986 (the Virginia State Fair) and has a minimum of 60,000 square feet of indoor exhibit space, equine and other livestock show areas and is located in Caroline County. The bill also restricts the Board from prohibiting the sponsorship of an entertainment or cultural event.

*Patron - Puller*

**SB1445 Alcoholic beverage control; authorizes certain activities of wine-of-the-month and beer-of-the-month clubs.** Clarifies that the holder of a wine shipper license or beer shipper license may solicit and receive applications for subscription to a at in-state or out-of-state locations for which a license for on-premises consumption has been issued, other than the place where the licensee carries on the business for which the license is granted. The bill defines "wine-of-the-month club" or "beer-of-the-month club" to mean an agreement between an in-state or out-of-state holder of a wine shipper license or beer shipper license and a consumer in Virginia to whom alcoholic beverages may be lawfully sold that the shipper will sell and ship to the consumer and the consumer will purchase a lawful amount of wine or beer each month for an agreed term of months.

*Patron - Deeds*

## Title 4.1- Miscellaneous; Alcoholic Beverage Control Act

**HB2293 Alcoholic Beverage Control; pilot project.** Creates a two-year pilot project for certain mixed beverage licensees of the Alcoholic Beverage Control Board. The bill allows a participating mixed beverage restaurant licensee to use alternative calculation for the food-to-beverage ratio based on volume by proof gallon. The bill sets out the parameters of the pilot project and requires the ABC Board to report its findings and any recommendations based on the results of the project to the chairs of the House Committee on General Laws and the Senate Committee on Rehabilitation and Social Services on or before July 1, 2011. The bill defines proof gallon.

*Patron - Albo*

## Title 6.1- Banking and Finance

**HB1709 Open-end loans by payday lenders.** Prohibits licensed payday lenders from extending credit under open-end credit plans. Third parties are prohibited from making such loans at a payday lender's place of business. The prohibition does not apply to such loans if secured by a lien on a motor vehicle title. If a licensed payday lender relinquishes its license and then makes open-end loans, it may not be relicensed to make payday loans for a period of 10 years. The measure is emergency legislation that will take effect upon passage. SB 1470 is identical.

*Patron - Oder*

**HB1776 Mortgage Lender and Broker Act; broker duties and liability.** Prohibits a mortgage broker from failing to use reasonable skill, care, and diligence in exercising the broker's duty, which is created hereby, to make reasonable efforts to secure a mortgage loan that is in the best interests of the applicant, considering the applicant's circumstances and loan characteristics. A borrower who suffers a loss as a result



of a breach of such duty may bring an action to recover actual damages. SB 1020 is identical.

*Patron - McClellan*

**HB1886 Money order sales and money transmission services.** Expands the existing authority of the State Corporation Commission to regulate money order sellers and money transmitters. The measure includes provisions that, among other things, mandate examinations of licensees every three years; increase the license application fee from \$500 to \$1,000; require annual renewal of licenses with a \$750 license renewal fee and an assessment to defray examination and supervision costs; increase minimum net worth requirements from \$100,000 to \$200,000; establish procedures for license revocation; authorize the Commission to issue cease and desist orders; establish requirements for agreements between a licensee and its authorized delegates; increase the maximum penalty that the Commission may assess for violations from \$1,000 to \$2,500; establish record retention requirements; establish additional reporting requirements; and require licensees to maintain permissible investments that have a market value of not less than the aggregate dollar amount of all of its outstanding money orders and money transmission transactions. The measure also requires licensees to conduct a due diligence review of all new authorized delegates and to implement and maintain a risk-based supervision program to monitor its authorized delegates. Finally, the measure regulates the type of investments that licensees are required to maintain.

*Patron - Nixon*

**HB1964 Banking institutions; reclassification or conversion of shares.** Authorizes a bank, savings institution, bank holding company, savings and loan holding company, or multiple or diversified savings and loan holding company organized as a stock corporation to reclassify or convert a portion of its issued and outstanding shares of common stock into a class or series of preferred stock for the purpose of ceasing to be, or avoiding the status of, an institution that is required to file periodic reports under provisions of the Securities Exchange Act of 1934, if authorized by its articles of incorporation and the reclassified or converted shares continue to be part of the equity capital of the corporation. Such a reclassification or conversion is exempt from appraisal rights provisions of the Stock Corporation Act if the institution's directors recommend the approval, the shareholders approve the amendment, all shares are reclassified or converted on the same terms, and articles of amendment are filed. SB 884 is identical.

*Patron - Saxman*

**HB2030 Mortgage Lender and Broker Act; employee background checks and training.** Repeals provisions enacted in 2008 that require licensed mortgage lenders and brokers (i) to conduct background checks on employees who may have access to or process personal identifying or financial information from a member of the public and (ii) to ensure that their employees are properly trained in applicable state and federal mortgage lending laws and regulations.

*Patron - Marshall, D.W.*

**HB2031 Mortgage loan originators.** Prohibits an individual from acting as, or holding himself out to the public as being, a mortgage loan originator on or after July 1, 2010, unless he has obtained a license from the State Corporation Commission (SCC). The measure implements requirements of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008, which allows states to retain regulatory authority over mortgage loan originators if they enact legislation that provides for the licensing and registration of such persons through the Nationwide Mortgage Licensing System and Registry. The measure establishes licensing procedures and cri-

teria, including requirements for bonding, background checks, education, testing, continuing education, investigations; examinations, reporting, payment of annual fees, license suspension and revocation, and fines. The measure also provides for the SCC, to the extent practicable, to include in any written memorandum of understanding or other written agreement with the Registry provisions that address information security, disclosure of pending or incompletely adjudicated regulatory matters, licensing tests limited to specific products and services, reports on examination results, privilege or confidentiality of information, and review of the Registry's proposed budget, fees, and audited financial statements. SB 1171 is identical.

*Patron - Marshall, D.W.*

**HB2127 Minors' bank accounts.** Authorizes banks to establish deposit accounts for minors, in which accounts minors will be the sole owner and may make deposits and withdrawals. A bank may act with respect to such an account on the minor's order. The measure modernizes archaic provisions and adopts the language in a similar provision applicable to such accounts at savings institutions.

*Patron - Byron*

**HB2262 Mortgage Lender and Broker Act.** Provides that no person in the business of originating residential mortgage loans shall use any deception, fraud, false pretense, false promise, or misrepresentation in connection with a mortgage loan transaction and authorizes the Attorney General to investigate any such violations. The Attorney General may bring an action in circuit court to enjoin any such violations. If a person is found to have committed a willful violation, the Attorney General may recover a civil penalty of not more than \$2,500 per violation. The Attorney General may also recover damages, restitution on behalf of borrowers, other costs and expenses, and attorney fees. The bill does not create a private right of action in favor of any person aggrieved by a violation. This bill is identical to SB 1170.

*Patron - Kilgore*

**HB2568 Consumer Real Estate Settlement Protection Act; disclosures.** Expands the disclosure that is required to be included in certain real estate purchase contracts to include statements that (i) the provisions of the Consumer Real Estate Settlement Protection Act may not be varied by agreement and rights conferred by the Act may not be waived and (ii) the seller may not require the use of a particular settlement agent as a condition of the sale of the property. The measure also makes technical changes to the required disclosure regarding the choice of settlement agent.

*Patron - Scott, J.M.*

**SB884 Banking institutions; reclassification or conversion of shares.** See HB 1964.

*Patron - McEachin*

**SB938 CRESPA; settlement agent registration.** Shifts the duty to register settlement agents from the Virginia State Bar to the appropriate licensing authorities that are responsible for regulating their particular settlement agents. The measure also allows the appropriate licensing authority to administratively terminate the registration of a settlement agent who fails to maintain a license, fails to renew his registration, or fails to comply with certain financial responsibility requirements.

*Patron - Watkins*

**SB1020 Mortgage Lender and Broker Act; broker duties and liability.** See HB 1776.

*Patron - McEachin*



**SB1170 Mortgage Lender and Broker Act.** See HB 2262.

*Patron - Watkins*

**SB1171 Mortgage loan originators.** See HB 2031.

*Patron - Watkins*

**SB1470 Open-end loans by payday lenders.** See HB 1709.

*Patron - Saslaw*

## Title 8.01- Civil Remedies and Procedure

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**HB1683 Checks; stop-payment; civil actions.** Provides that a party may recover against the drawer of a check, draft, or order the face amount of the check and other costs and fees if payment was refused because the drawer placed a stop-payment order on the check in bad faith. Currently, the law only allows for recovery if payment was refused because of lack of funds or credit.

*Patron - Ware, O.*

**HB1888 Officer endorsement of writ of fieri facias.** Eliminates the provision authorizing a judgment creditor to recover a sum not exceeding 15 percent upon the amount of the execution against an officer who fails to endorse a writ of fieri facias at the time he receives the writ and when he levies it upon the personal property of the debtor.

*Patron - Nixon*

**HB1899 Appointment of jury commissioners.** Provides that the judge of a circuit court of a county having the urban county executive form of government may appoint jury commissioners at any time prior to the first day of November each year. Currently, jury commissioners must be appointed prior to the first day of July each year.

*Patron - Watts*

**HB2035 Life expectancy table.** Changes table's figures that represent continued life expectancy.

*Patron - Iaquinto*

**HB2057 Admissibility of expressions of sympathy.** Expands the list of expressions of sympathy that are not admissible in medical malpractice actions and wrongful death actions brought against a health care provider to include commiseration, condolence, or compassion, together with apologies.

*Patron - Hamilton*

**HB2226 Virginia Prisoner Litigation Reform Act.** Requires the court to serve the Office of the Attorney General with a copy of the motion for judgment and all necessary supporting papers only in actions in which the defendant is the Commonwealth or one of its officers, employees, or agents.

*Patron - Marsden*

**HB2406 School records; self-authentication.** Expands the types of school records that may be admissible in cases involving custody of the student or termination of parental rights to all school records provided that they are authenticated as true and accurate copies by the custodian of the records or by the person to whom the custodian reports, if they are differ-

ent. Currently, only school records relating to attendance, transcripts, or grades are admissible based on such authentication.

*Patron - Bulova*

**SB958 Uniform Interstate Depositions and Discovery Act; creation.** Replaces current provisions in the Virginia Code (the Uniform Foreign Depositions Act) with this Uniform Act that was adopted by the National Conference of Commissioners on Uniform State Laws in 2007. The Act provides that a party may submit a subpoena issued by a court of record from another state to the clerk of the circuit court serving the jurisdiction in which discovery is sought in the Commonwealth. The foreign subpoena must be accompanied by a written statement that the law of the foreign jurisdiction grants reciprocal privileges for taking discovery by citizens of the Commonwealth. Upon receipt of the foreign subpoena, the clerk shall issue a subpoena for service upon the person to whom the foreign subpoena was directed. The Act further provides that the laws of the Commonwealth govern the service of the subpoena and any action brought for a protective order or to enforce, quash, or modify the subpoena. The Act also requires that the provisions of the Act may only be used by parties in jurisdictions that provide reciprocal privileges to residents of Virginia. This bill is a recommendation of the Boyd-Graves Conference.

*Patron - Obenshain*

**SB1154 Copies of medical bills and charges; no cost.** Provides that a patient's account balance or itemized listing of charges maintained by a health care provider shall be supplied at no cost, upon request, up to three times every twelve months to either the patient or the patient's attorney.

*Patron - McDougle*

**SB1262 Interrogatories.** Provides that the issuance of a summons to answer interrogatories that is not served shall not constitute the act of proceeding against an execution debtor.

*Patron - Vogel*

**SB1275 Privileged communications.** Provides that communications between physicians and their patients are privileged and cannot be disclosed, except at the request or with the consent of the patient. Currently, physicians cannot be required to disclose such communications, but may voluntarily disclose such communications.

*Patron - Obenshain*

**SB1291 Limitation on enforcement of deed of trust or mortgage.** Provides a transition period for mortgages and deeds of trust for which enforcement rights may have been cut off as a result of 2008 legislation that reduced the time in which a deed of trust or mortgage may be enforced from 20 years to 10 years after the maturity of the underlying obligation. The measure provides that if the secured obligation became due and payable between July 1, 1988, and July 1, 2000, the instrument may be enforced until July 1, 2010. If the instrument is not enforced by that date, its enforcement will be time barred unless the beneficiary of the deed of trust or mortgage has extended the limitations period, for 10 additional years, by filing a certificate in the circuit court. The measure addresses obligations that matured within the 20 years preceding the effective date of the 2008 legislation and for which the beneficiary's ability to extend its limitation period was curtailed. However, the bill shall have no effect on the rights of a person who (i) acquired an interest in the real property securing such deed of trust or mortgage between July 1, 2008, and the date of enactment of this subsection and (ii) would otherwise have priority over or take free of such deed of trust or mortgage

under the laws of the Commonwealth at that time. This bill contains an emergency clause.

*Patron - Edwards*

**SB1293 Approval of compromises on behalf of persons under a disability in suits or actions to which they are parties.** Provides that the court shall approve the settlement if it finds that all payments that are due to be made are to be irrevocably guaranteed by an insurance company or companies authorized to do business in the Commonwealth and rated "A plus" (A+) or better by Best's Insurance Reports.

*Patron - Edwards*

## Title 8.9 A- Miscellaneous; Commercial Code / Secured Transactions

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**HB2454 Uniform Commercial Code; financing statements.** Provides that a financing statement in connection with a secured transaction sufficiently provides the name of the individual debtor if it provides the individual's name shown on the individual's driver's license or identification card issued by the individual's state of residence. SB 1100 is identical.

*Patron - Sickles*

**SB1100 Uniform Commercial Code; financing statements.** See HB 2454.

*Patron - Herring*

## Title 9.1- Commonwealth Public Safety

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**HB1961 Special conservation police officers.** Requires any special conservation officer who is appointed after October 1, 2009, to obtain a valid registration as a Special Conservator of the Peace from the Department of Criminal Justice Services.

*Patron - Mathieson*

**HB2241 Detector canine handlers and examiners.** Provides that the Department of Criminal Justice Services regulations may provide for partial exemption from compulsory entry-level training for detector canine handlers and detector canine handler examiners having previous employment in a unit of the United States Armed Forces Military Working Dog (MWD) program. The bill also provides that the Private Security Services Advisory Board membership shall include a representative of private security services businesses providing detector canine handlers or security canine handlers.

*Patron - Valentine*

**HB2626 Line of Duty Act; investigation of claims; police departments and sheriffs offices.** Provides that when a police department or sheriff's office is the last employer of the deceased or disabled person, then the department or office may conduct the investigation of the circumstances surrounding the deceased or disabled person and report the findings to the Comptroller. The Comptroller, Attorney General or chief officer of the department may request that the State Police perform the investigation. Currently all investigations of the circumstances must be conducted by the Virginia Department of State Police. This bill is identical to SB 1539.

*Patron - Byron*

**HB2644 Department of Criminal Justice Services; regulation of locksmiths.** Provides an exemption from certification for any person employed by a licensed private security services business as a locksmith whose sole duty is key cutting, provided the key cutting is performed under the direct supervision of such licensee.

*Patron - Merricks*

**SB1294 Crisis intervention team programs for persons with mental illness.** Provides that the Department of Criminal Justice Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services shall support the development and establishment of crisis intervention team programs in areas throughout the Commonwealth. Areas may be composed of any combination of one or more counties, cities, towns, or colleges or universities contained therein that may have law-enforcement officers or campus police officers. The crisis intervention teams shall assist law-enforcement officers in responding to crisis situations involving persons with mental illness, substance abuse problems, or both.

*Patron - Edwards*

**SB1435 Forensic Science Board.** Adds the chairmen of the House and Senate Courts of Justice Committees or their designees to the Board.

*Patron - Howell*

**SB1539 Line of Duty Act; investigation of claims; police departments and sheriffs offices.** See HB 2626.

*Patron - Hurt*

## Title 9.1- Miscellaneous; Commonwealth Public Safety

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**HB2400 Sexual assault response teams.** Requires attorneys for the Commonwealth to establish sexual assault response teams. Each team would be responsible for discussion of establishment of policies and coordinating responses to sexual assault incidents and to establish guidelines for community response.

*Patron - Bell*

## Title 10.1- Conservation

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**HB1652 Confederate cemeteries and graves.** Adds the McKenzie Cemetery located in Grayson County, which maintains 10 Confederate graves, and Skinquarter Baptist Church Cemetery located in Chesterfield County, which maintains 12 Confederate graves, to the list of those cemeteries receiving funds from the Department of Historic Resources for the care of such graves.

*Patron - Carrico*

**HB1918 Fossil fuel combustion products permit.** Requires a solid waste permit to authorize the placement of unamended coal combustion byproduct in a 100-year flood plain. This bill is identical to SB 865.

*Patron - Crockett-Stark*

**HB1925 Clean Water Farm Award.** Identifies the types of agricultural best management practices that a farmer can implement to be eligible to receive the award. The conserva-

tion practices he implements must be effective in controlling agricultural nonpoint source pollutants.

*Patron - Lewis*

**HB1930 Certification of stormwater development property.** Authorizes the Department of Conservation and Recreation to certify stormwater management development properties as being designed, constructed, or reconstructed for the primary purpose of abating or preventing pollution. Such a certification allows the local government to tax the property at a different rate from other classifications of real property. This technical change is necessary because responsibility for administering the stormwater program was moved from DEQ to the Department of Conservation and Recreation.

*Patron - Plum*

**HB1973 Litter Control and Recycling Fund grants.** Limits the awarding of grants to localities whose litter prevention and recycling grant applications meet the criteria established by the Department of Environmental Quality in its Guidelines for Litter Prevention and Recycling Grants.

*Patron - Ware, R.L.*

**HB1991 Establishment of stormwater programs by localities.** Extends the period of time that localities have to adopt a local stormwater management program. Currently, they are required to adopt a program no sooner than 12 months and no later than 18 months after state regulations have become effective. This bill would extend the time for adoption from no sooner than 15 months to no later than 21 months. The Virginia Soil and Water Conservation Board can grant an extension to the locality of an additional 12 months if the Department of Conservation and Recreation finds that such an extension is warranted. A locality can adopt a program earlier than the minimum time frame with the consent of the Board. The bill also requires that the regulation that establishes local program criteria and delegation procedures not become effective until after July 1, 2010.

*Patron - Bulova*

**HB2168 Stormwater offsets.** Authorizes permit issuing authorities to allow stormwater permit holders to comply with nonpoint nutrient runoff water quality criteria by acquiring nonpoint nutrient offsets that have been certified under the Chesapeake Bay Nutrient Exchange Program. The offsets have to be in the same tributary as the permitted activity and generated in the same or adjacent eight digit hydrologic unit code. The permit issuing authority may only allow the use of nonpoint nutrient offsets when the permit applicant demonstrates that (i) alternative site designs have been considered that may accommodate on-site best management practices (BMPs), (ii) on-site BMPs have been considered in alternative site designs, (iii) appropriate on-site BMPs will be implemented, and (iv) full compliance with postdevelopment nonpoint nutrient runoff compliance requirements cannot practicably be met on site. The bill also requires an offset broker to pay the permit issuing authority a fee equal to six percent of the amount paid by the permittee for the offsets.

*Patron - Abbitt*

**HB2177 Rechargeable battery recycling.** Authorizes localities to ban the disposal of certain rechargeable batteries in any waste-to-energy or solid waste disposal facility within its jurisdiction, provided the locality has implemented a recycling program that is capable of handling all rechargeable batteries generated within its jurisdiction.

*Patron - Plum*

**HB2218 Notice of election of district directors.** Requires that notice of the date for filing nominating petitions

and the date of the election for soil and water conservation district directors shall be posted in a prominent location at each district office 30 days before the filing date. Districts may use additional means to provide notice to the public of the election of district directors. Currently, such notice has to be published in a newspaper of general circulation with the district. The bill also requires the Virginia Soil and Water Conservation Board to notify each district that it's the district's responsibility to post such notice. This bill is identical to SB 1324.

*Patron - Jones*

**HB2255 Solid waste disclosure statements.** Eliminates the requirement that applicants for permits issued under the Virginia Waste Management Act provide the social security numbers of their key personnel in disclosure statements that are submitted to the Department of Environmental Quality.

*Patron - Nichols*

**HB2351 Virginia Natural Resources Commitment Fund; funding.** Provides for the Department of Conservation and Recreation to determine the annual funding needs for agricultural best management practices and to provide the same to the Governor. The bill also changes the formula for allocating moneys in the Virginia Natural Resources Commitment Fund. Eight percent will be distributed to the Soil and Water Conservation District, 55 percent will be used for matching grants for BMPs on lands within the Chesapeake Bay watershed, and 37 percent will go to matching grants outside the Chesapeake Bay watershed.

*Patron - Landes*

**HB2566 Land acquired by Department of Forestry.** Clarifies that proceeds derived from properties used for non-state forest purposes acquired or managed by the Department of Forestry are not subject to distribution by the Department to those localities in which the properties are located. Currently, the proceeds derived from all lands acquired by the State Forester are distributed to those localities in which the lands are located based on a specific formula.

*Patron - Knight*

**HB2602 Department of Conservation and Recreation; addition of powers.** Grants the Department of Conservation and Recreation power to establish noncompetitively procured contracts with nonprofit organizations that wish to conduct revenue producing activities on Department lands for the benefit of Virginia State Parks or the Natural Area Preserve System.

*Patron - Lohr*

**HB2646 Eligibility for betterment loans.** Directs the Board of Health to establish a betterment loan eligibility program to assist owners with the repair, replacement or upgrade of failing or noncompliant onsite sewage systems. The Board is authorized to identify sources for betterment loans that are offered by private lenders. A betterment loan is a loan provided by private lenders or through a state agency or political subdivision serving as a conduit lender, to repair, replace, or upgrade an onsite sewage system or alternative discharging sewage system.

*Patron - Poindexter*

**SB865 Fossil fuel combustion products permit.** See HB 1918.

*Patron - Edwards*

**SB957 Scenic river.** Expands the Rivanna Scenic River, a component of the Virginia Scenic Rivers System, almost 10 miles to include the length of the waterway from the South

Fork Rivanna River reservoir to the junction of the Rivanna with the James River.

*Patron - Deeds*

**SB1024 Conservation easements; Open-Space Lands Preservation Trust Fund.** Removes the requirement to have an additional "local coholder" of a conservation or open-space easement when grants from the Open-Space Lands Preservation Trust Fund are used to mitigate the costs of the easement. The primary holder of the easement in such cases will continue to be the Virginia Outdoors Foundation, which may elect to maintain a relationship with a local coholder.

*Patron - Hanger*

**SB1026 Nonprofit corporation.** Authorizes the Foundation for Virginia's Natural Resources to establish a nonprofit, nonstock corporation to (i) foster collaboration and partnerships; (ii) raise money to finance projects providing environmental education, pollution prevention, and citizen monitoring; and (iii) promote the mission of the Foundation.

*Patron - Hanger*

**SB1050 Virginia Natural Resources Commitment Fund; funding.** Provides that beginning with the 2010-2011 fiscal year and for each fiscal year thereafter, the Governor through the budget process would propose appropriations for funding of the Virginia Natural Resources Commitment Fund (the Subfund). For each fiscal year the Governor would propose appropriations for funding of the Fund in an aggregate amount that would not be less than (i) 150 percent of the greatest, aggregate appropriation to the Fund included in any prior act of the General Assembly or (ii) \$30 million, whichever is greater, provided that each proposed annual appropriation shall not exceed \$50 million. The bill would also change the formula for distributions from the Fund.

*Patron - Whipple*

**SB1114 Stormwater management; emerging technology.** Directs the Virginia Soil and Water Conservation Board to adopt regulations that provide for the evaluation and potential inclusion of emerging or innovative stormwater control technologies that may prove effective in reducing nonpoint source pollution.

*Patron - Ticer*

**SB1198 State parks; access for disabled persons.** Establishes a Disabled Veteran's Passport program for veterans of the U.S. Armed Forces with a service-connected disability rating of 100 percent that entitles the bearer to: (i) enter state parks in the Commonwealth without the payment of a parking or admission fee and (ii) receive a 50 percent discount on camping and swimming fees, picnic shelter rentals, and other Department-provided equipment rentals.

*Patron - Puckett*

**SB1295 Silvicultural activities.** Authorizes the State Forester to enter and inspect lands where silvicultural activities are occurring in order to determine whether the activity is causing or likely to cause pollution.

*Patron - Reynolds*

**SB1324 Notice of election of district directors.** See HB 2218.

*Patron - Reynolds*

**SB1361 State park funds.** Transfers all the moneys in the State Park Operated Concessions Fund to the State Park Conservation Resources Fund.

*Patron - Reynolds*

**SB1473 Department of Forestry permit.** Authorizes the State Forester to require a person to obtain a permit to fish, or ride a horse on lands under the control of the Department of Forestry. Currently, the Department requires a permit to hunt or trap on such lands.

*Patron - Puckett*

**SB1509 Septic systems; nitrogen-reducing technology.** Clarifies that the Department of Conservation and Recreation may award grants from the Water Quality Improvement Fund for the replacement or modification of residential onsite sewage systems to include nitrogen removal capabilities. The Board of Health may also set nitrogen-reducing performance requirements for alternative onsite sewage systems that protect public health and ground and surface water quality.

*Patron - Ticer*

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## Title 10.1- Miscellaneous; Conservation

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**HB1831 Virginia Recreational Facilities Authority.** Delays the reversion of title to real property from the Virginia Recreational Facilities Authority to the Commonwealth, in the event that the Authority ceases to operate a project, until July 1, 2010.

*Patron - Fralin*

**SB975 Property conveyance.** Conveys through a quitclaim any interest that the Department of Conservation and Recreation may have in certain subdivision roadways in Stafford County.

*Patron - Stuart*

**SB1371 Land exchange.** Authorizes an exchange of parcels of land between the Department of Conservation and Recreation and the Department of Forestry. The Department of Conservation and Recreation is authorized to convey to the Department of Forestry a parcel of land adjacent to Highlands State Park in Grayson County. The parcel would be used by the Department of Forestry as a location for research, and seed sources for native species. In exchange, the Department of Forestry would convey to the Department of Conservation and Recreation rights to a portion of land adjoining Holliday Lake State Park in Appomattox County to be used for possible expansion of Holliday Lake State Park and to protect the park's viewshed.

*Patron - Ruff*

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## Title 11- Contracts

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**HB1707 Energy performance-based contracts; local assistance.** Requires the Department of Mines, Minerals and Energy to make a reasonable effort as long as workload permits, to provide general assistance to localities, upon request, considering energy performance-based contracts. The bill also requires the Department to compile information annually concerning any energy performance-based contract of a locality of which the Department becomes aware.

*Patron - Oder*

**HB2237 Contracts; improper use of payment device numbers.** Provides that a person who improperly uses payment device numbers may, in a proceeding instituted by the

attorney for the Commonwealth, be compelled by injunction, mandamus, or other appropriate remedy to comply with general law relating to the use of payment device numbers. The bill further provides that any person failing, neglecting, or refusing to obey any injunction, mandamus, or other remedy obtained, shall be subject, in the discretion of the court, to a civil penalty not to exceed \$1,000 for each violation of the improper use of payment device numbers.

*Patron - Valentine*

## Title 13.1- Corporations

**HB1957 Limited liability companies; registered office and principal office.** Allows a limited liability company to change its principal office on the records of the State Corporation Commission by filing a form prescribed for such purpose. The most recent designation of principal office shall be conclusive for purposes of the Limited Liability Company Act. The measure makes a technical correction regarding the registered office of a limited liability company. The measure will be effective April 1, 2010.

*Patron - Mathieson*

**HB2086 Virginia Retail Franchise Act.** Replaces references to "grants" of franchises with "sales" of franchises in order to conform Virginia's forms with the terminology used by the Federal Trade Commission and the North American Securities Administrator's Association, Inc. A sale is defined as including every contract or agreement of sale or grant of, contract to sell, or disposition of a franchise or interest in a franchise for value. The measure is emergency legislation to take effect upon passage.

*Patron - Purkey*

**HB2126 Business entities; employing illegal aliens.** Relocates provisions that require the cancellation of limited liability companies, limited partnerships, and business trusts, whether domestic or foreign, upon conviction for violating federal law for actions of its members or managers constituting a pattern or practice of employing unauthorized aliens in the Commonwealth, to sections of the Limited Liability Company Act, Limited Partnership Act, and Business Trust Act that were enacted in 2008 to provide for the involuntary cancellation of the existence of a limited liability company, limited partnership, and business trust, and the registration of their foreign counterparts. The measure has an emergency clause and will become effective on April 1, 2009, which is the effective date of the business entity provisions enacted in 2008.

*Patron - Byron*

**HB2222 Limited liability companies; domestication; dissolution.** Requires a limited liability company's surrender of articles of organization to set forth that the plan of domestication was approved by the limited liability company in accordance with law. The measure also provides for the cancellation of the existence of a professional limited liability company in the same manner applicable to other limited liability companies.

*Patron - Alexander*

**HB2445 Stock and nonstock corporations.** Conforms provisions of the Stock and Nonstock Corporation Acts regarding names, mergers, and terminations with similar provisions applicable to other business entity forms, and makes technical amendments. An uncodified provision enacted in 1946 that prohibits the use of the word "redevelopment" in a corporate name that is not organized as an urban redevelopment corpora-

tion is set out. Other provisions (i) allow the filing of a foreign instrument of entity conversion to be filed without payment of a qualified foreign corporation's annual registration fee on or before the due date, similar to the treatment afforded to a Virginia corporation that converts to a Virginia limited liability company; (ii) provide an exception to the requirement that a plan of merger, which is subject to an amendment, include certain provisions to protect shareholders when the plan of merger provides that the approval of all of the shareholders is required for the plan's amendment; (iii) require articles of merger to include a statement that the plan of merger was adopted by the directors if shareholder approval is not required and provide that the articles are to include the date the plan was adopted by the corporation, regardless of the method of adoption; (iv) relocate § 13.1-893.1 from Article 10 to Article 11 of the Nonstock Corporation Act; and (v) conform provisions of the Water and Waste Authorities Act to the corporate law provisions regarding the termination of corporate existence.

*Patron - Sickles*

**SB903 Indemnification of corporate directors and officers.** Affirms that a director or officer of a stock or nonstock corporation, for purposes of prescribing the corporation's authority to indemnify an individual made a party to a proceeding, includes an individual who is or was a director or officer of a corporation or who, while a director or officer of the corporation, is or was serving at the corporation's request as a director, officer, manager, partner, trustee, employee, or agent of another foreign or domestic entity. The provision is made effective retroactive to the effective date of amendments that implied that indemnification was available only for directors or officers who were serving at the corporation's request as a director, officer, manager, partner, trustee, employee, or agent of another entity.

*Patron - Stosch*

**SB1241 Limited liability companies.** Provides that a limited liability company is bound by its operating agreement whether or not the limited liability company executes the operating agreement. The measure clarifies that the existing restrictions on distributions by a limited liability company do not apply to distributions of assets upon the company's dissolution. The period during which a member of a limited liability company is liable for a wrongful distribution made by the company is shortened from six to two years. The grounds for dissociating a member from a limited liability company are revised to remove the existing provision that states that a transfer of the member's interest for security purposes or by a court order charging the interest does not provide grounds for the member's expulsion if such a transfer or charging has not been foreclosed. The provision that a claim against a dissolved limited liability company is barred in certain circumstances if the claimant does not commence enforcement proceedings within 90 days from delivery of written confirmation of the claim to the dissolved company is revised to require that the claimant's proceeding be commenced within 90 days from the effective date of the notice from the company. The measure also provides that a dissolved limited liability company may apply for a court determination of the security to be provided for payment of claims that are based on a liability that will mature more than 60 days after the delivery of notice to the claimant. The Professional Limited Liability Company Act is amended to provide that the obligation of such a company to pay a former member the value of his interest when his membership is terminated is not contingent upon the company's continuation. The measure also makes several technical revisions to the Limited Liability Company Act.

*Patron - Stosch*

**SB1243 Virginia Securities Act; penalties.** Increases the maximum civil penalty that the State Corporation Commission may impose for a violation of the Virginia Securities Act, any order, rule, or regulation issued under the Act, or any knowing material misrepresentation, from \$5,000 to \$10,000. The measure also authorizes the Commission to order sellers to rescind unlawful sales and to make restitution in cases under the Virginia Securities Act where the Commission is authorized to impose a civil penalty. Currently, the Commission is authorized only to request rescission and restitution.

*Patron - Stosch*

## Title 15.2- Counties, Cities and Towns

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**HB1595 Wetlands mitigation.** Authorizes the Middle Peninsula Chesapeake Bay Public Access Authority to receive and expend funds in order to restore or create tidal wetlands within the region that the Authority serves. If wetlands credits result from the restoration or creation of such projects, the credits can only be used by the Authority's member jurisdictions.

*Patron - Morgan*

**HB1637 Boards of zoning appeals; when actions may be taken.** Allows local boards of zoning appeals to take action when a majority of those present and voting vote. Maintains the requirement that a quorum be present to initiate a hearing.

*Patron - Cole*

**HB1655 Control of firearms; award of court costs and fees.** Allows a court to award reasonable attorney fees, expenses, and court costs to any entity that prevails in an action challenging an ordinance, resolution or motion as being in conflict with a locality's authority to control firearms pursuant to § 15.2-915. Attorney fees may also be awarded to the prevailing party in an action challenging an administrative action taken in bad faith as being in conflict with the section. This bill is identical to SB 1513.

*Patron - Carrico*

**HB1671 Derelict buildings.** Defines derelict buildings as a building, whether or not construction has been completed, that might endanger the public's health, safety, or welfare and has been (i) vacant, (ii) boarded up in accordance with the building code, and (iii) not lawfully connected to electric service from a utility service provider or not lawfully connected to any required water or sewer service from a utility service provider for a continuous period in excess of six months. Authorizes local governments to incentivize owners' timely submission of a plan for demolition or renovation, by providing real estate tax abatements and fee refunds. Simplifies tax lien enforcement and blight provisions and encourages action on derelict buildings by adjusting time frames. This bill is recommended by the Virginia Housing Commission. This bill is identical to SB 1094.

*Patron - Dance*

**HB1678 Provision of grievance procedure; final hearing.** Gives localities the authority to use an administrative hearing officer in lieu of the required three-person panel when addressing grievance procedures if agreed to by both parties.

*Patron - Orrock*

**HB1680 Vested rights; Act of God.** Provides that the term "act of God" includes a hurricane, tornado, storm, flood,

high water, wind-driven water, tidal wave, earthquake, or certain fires. Specifies that a fire caused by an individual other than the property owner shall not adversely affect the rights vested in the affected property. The bill also limits the owner's right to repair, rebuild, or replace the building to its original nonconforming condition only if such building is damaged greater than 50 percent.

*Patron - Orrock*

**HB1697 Annexation.** Extends from 2010 to 2018 the temporary restriction on city annexation authority, the granting of city charters, and county immunity proceedings. This bill is identical to SB 1469 and SB 1287.

*Patron - Lohr*

**HB1703 Virginia Indoor Clean Air Act; penalty.** Establishes a statewide ban on smoking in restaurants. The bill contains several exemptions from this prohibition where smoking may be permitted, including a restaurant that is constructed in such a manner that areas where smoking may be permitted are structurally separated from the portion of the restaurant in which smoking is prohibited and such areas contain structurally separated ventilation systems. The bill contains technical amendments.

*Patron - Cosgrove*

**HB1729 Undergrounding electric transmission lines.** Authorizes the governing body of any locality to enter into an agreement with an electric utility that provides that the locality will impose an assessment on customers in a special rate district to cover the utility's additional costs of constructing, operating, and maintaining the proposed line as an underground rather than an overhead line. Currently, only the Counties of Fauquier, Loudoun, and Stafford and the Towns of Hamilton, Leesburg, and Purcellville are authorized to enter into such agreements.

*Patron - Cole*

**HB1735 Arts and cultural districts.** Grants statewide authority for creation of arts and cultural districts by localities for the purpose of increasing awareness and support for the arts and culture in the locality. Localities may provide incentives for the support and creation of arts and cultural venues in the district. Currently, the statute applies only to certain listed localities.

*Patron - Valentine*

**HB1756 State Corporation Commission; local government self-insurance pools; workers' compensation insurance.** Establishes a mechanism for the merger of the local government group self-insurance association and local government group self-insurance pool, for the purpose of allowing political subdivisions of the Commonwealth to provide workers' compensation insurance coverage for their employees. SB 1372 is identical.

*Patron - Hargrove*

**HB1788 Alternative on-site sewage systems.** Provides that when sewers or sewerage disposal facilities are not available, a locality shall not prohibit the use of alternative onsite sewage systems that have been approved by the Virginia Department of Health for use in the particular circumstances and conditions, and that localities shall not require maintenance standards and requirements for alternative onsite sewage systems that exceed those allowed under or established by the State Board of Health. This bill provides that the State Health Commissioner shall require, as a precondition to the issuance of an alternative onsite sewage system permit to serve a residential structure, that the property owner record an instrument identifying by reference the applicable maintenance regula-

tions for each component of the system in the land records of the clerk of the court for the jurisdiction where all or part of the site or proposed site of the onsite sewages system is to be located, which shall be transferred with the title to the property upon the sale or transfer of the property that is the subject of the permit. This bill is identical to SB 1276.

*Patron - Hull*

**HB1802 Behavioral health authority; board membership.** Allows a member of a local governing body to be a member of a behavioral health authority's board of directors. Also allows members to serve more than three full terms, but not more than three full consecutive terms. After a three-year period has elapsed since the end of the member's last three-year term, the governing body may reappoint that member.

*Patron - Loupassi*

**HB1828 Localities and water authorities; rate incentives for green roof construction.** Allows localities and water authorities to offer rate incentives for green roof construction.

*Patron - Fralin*

**HB1872 Hampton Roads area refuse collection and disposal system authority.** Sets forth the requirements that shall be followed by any authority created to collect and dispose of refuse with member localities consisting of the Cities of Norfolk, Virginia Beach, Portsmouth, Chesapeake, and Franklin, and the Counties of Isle of Wight, Southampton, and Suffolk. The list of requirements sets forth rules for selecting a board of directors, maintaining a strategic plan, setting fees and operating costs, tracking costs, revenues, and capital projects, maintaining a financing plan, and voting.

*Patron - Cosgrove*

**HB1912 High grass and weeds; civil penalty.** Expands the authority of the City of Newport News to require that owners of not only vacant developed and undeveloped properties but also owners of occupied property cut grass, weeds, and other foreign growth on the property. If such property owner fails to do so after reasonable notice, the City may cut such grass, weeds, or other foreign growth and the cost and expenses thereof shall be chargeable to and paid by the owner of the property.

*Patron - BaCote*

**HB1926 Wallops Research Park; aerospace-related economic development.** Allows Accomack County to utilize existing service district authority to construct, maintain, and operate facilities and other infrastructure, services, or amenities as may be necessary to provide access for aerospace-related economic development to the NASA/Wallops Flight Facility runway and related facilities in the Wallops Research Park. The Virginia Wallops Research Park Leadership Council is also established as an oversight body for the operation of the Wallops Research Park. This bill is identical to SB 1492.

*Patron - Lewis*

**HB1995 Transportation; supplemental funding for Northern Virginia.** Adds the City of Fairfax to the localities in Northern Virginia who are to use the first 50 percent of the revenues received by the Northern Virginia Transportation Authority solely for urban or secondary road construction and improvements and for public transportation purposes. This bill is identical to SB 1137.

*Patron - Bulova*

**HB2029 Subdivision ordinance; bonding requirements.** Reduces the bonding requirement from 25 percent to 10 percent of estimated construction costs for the administra-

tive allowance required from a developer. This provision will sunset in 5 years.

*Patron - Marshall, D.W.*

**HB2034 Plats; period of validity.** Extends the period of plat validity with phased developments.

*Patron - Lingamfelter*

**HB2055 Transfer of development rights.** Makes extensive changes to provisions initially passed in 2006 for the purpose of making the transfer of development rights process more useable for property owners and localities. The amendments make clear that development rights may be severed but not immediately affixed to a receiving property. Other changes state that a locality may provide in its ordinance for (i) the owner of such development rights to make application to the locality for a real estate tax abatement for a period up to 25 years, to compensate the owner of such development rights for the fair market value of all or part of the development rights, (ii) the owner of a property to request designation by the locality of the owner's property as a "sending property" or a "receiving property," and (iii) the receiving areas to include such urban development areas in the locality established. Also, any proposed severance or transfer of development rights shall only be initiated upon application by the property owners of the sending properties, development rights, or receiving properties, and a locality may not require property owners to sever or transfer development rights as a condition of the development of any property. This is a recommendation of the Joint Subcommittee Studying Transfer of Development Rights. This bill is identical to SB 1418.

*Patron - Lohr*

**HB2071 Licensed farm wineries; local regulation.** Amends the Commonwealth's policy regarding local restriction on activities and events held at farm wineries by requiring localities to take into account the agricultural nature of such activities and events. This bill is identical to SB 1033.

*Patron - Scott, E.T.*

**HB2077 Plats and site plans; period of validity.** Extends the period of validity for certain preliminary and recorded plats and final site plans, as well as certain other land use approvals, to July 1, 2014.

*Patron - Oder*

**HB2096 Waiver of certain fees; affordable housing.** Allows localities to waive certain fees for 501(c)(3) organizations with a primary purpose of assisting with the provision of affordable housing.

*Patron - Orrock*

**HB2109 Economic Development Authority of the City of Chesapeake.** Allows the city to increase the size of the authority's board of directors from seven to nine members.

*Patron - Spruill*

**HB2123 Mutual aid agreements; institutions of higher learning.** Allows all institutions of higher learning having a police force appointed pursuant to § 23-233, rather than just state-supported institutions, to enter in and become a party to contracts or mutual aid agreements for the use of their joint forces, both regular and auxiliary, equipment, and materials to maintain peace and good order. This bill is identical to SB 1093.

*Patron - Howell, A.T.*

**HB2132 Housing Assistance for school board employees.** Provides that localities, in cooperation with the school board, may pursue housing assistance for its employees.

*Patron - Miller, J.H.*

**HB2138 Graffiti abatement.** Defines "defacement" to mean the unauthorized application by any means of any writing, painting, drawing, etching, scratching, or marking of an inscription, word, mark, figure, or design of any type. Permits localities to charge a property owner for the cost or expenses of removing defacement that occurs on a public or private building, wall, fence, or other structure located on an unoccupied property. Every charge that remains unpaid shall constitute a lien against such property, but no lien shall be chargeable to the owners of such property unless the locality shall have given a minimum of 15 days notice to the property owner prior to the removal of the defacement. This bill is identical to SB 1369.

*Patron - Miller, J.H.*

**HB2150 Notice of certain sales under deed of trust.** Permits localities in Planning District 8 to adopt an ordinance to require that a notice be given to the chief administrative officer when residential property becomes subject to a sale under a deed of trust.

*Patron - Rust*

**HB2158 Charlottesville-Albemarle Regional Transit Authority.** Establishes a local transit authority in the Charlottesville-Albemarle area. The Authority shall prepare a regional transit plan for all or portions of those areas located within the City of Charlottesville and all or such portions of the Counties of Albemarle, Fluvanna, Greene, Louisa, and Nelson as their governing bodies desire to have covered, to include, but not necessarily be limited to, transit improvements of regional significance.

*Patron - Toscano*

**HB2165 Zoning; on-farm production of biofuels.** Allows farmers to engage in the small-scale production of biofuels in areas zoned agricultural without a special exception or special use permit. A farmer engages in the small-scale production of biofuels when (i) at least 50 percent of the feedstock is produced on site; (ii) any structure used for the processing of the feedstock into energy occupies less than 4,000 square feet; and (iii) the owner notifies the administrative head of the locality in which the processing occurs.

*Patron - Lohr*

**HB2184 Southwest Virginia Health Facilities Authority; name change.** Changes the name of the Southwest Virginia Health Facilities Authority to the Southwest Virginia Health Authority.

*Patron - Phillips*

**HB2187 Economic Development Authority; Town of Coeburn.** Allows the newly created Economic Development Authority to include five members appointed by the town council of Coeburn, with terms staggered as agreed upon by the town council.

*Patron - Phillips*

**HB2215 Economic development authority of the City of Suffolk.** Allows the city to increase the size of the authority's board of directors from seven to eight to allow for one at-large member in addition to one member from each of the seven boroughs of the city. This bill is identical to SB 1001.

*Patron - Jones*

**HB2216 Provisions for subdivision of a lot for conveyance to a family member; city of Suffolk.** Amends the law so the city of Suffolk is no longer required to provide for reasonable provisions permitting a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner in its subdivision ordinance. This bill is identical to SB 1354.

*Patron - Jones*

**HB2247 Water and waste authorities; liens.** Provides that a lien may apply for delinquent rates or charges applicable to "three or fewer months" rather than "three or fewer delinquent billing periods not exceeding thirty days each" in order to accommodate authorities that bill on a quarterly basis.

*Patron - Barlow*

**HB2326 Boards of zoning appeals; variances.** Changes the standard by which a variance can be granted by eliminating the requirement for a showing of a hardship "approaching confiscation."

*Patron - Athey*

**HB2349 Richmond Metropolitan Authority (RMA).** Relocates the RMA "charter" from Title 33.1 (where it is incorporated by reference, but not set out) to Title 15.2, and sets out the text in full. The bill eliminates a provision in present law requiring the approval of the Richmond-Petersburg Turnpike Authority for connection of an Authority-controlled highway to the Richmond-Petersburg Turnpike. In connection with "operation of vehicle for transportation of persons or property for compensation" on Authority facilities, a reference to the State Corporation Commission has been changed to the Department of Motor Vehicles. A requirement that no action be taken by the Authority to contravene any bond indenture governing the Richmond-Petersburg Turnpike has been removed. A further reference to the Richmond-Petersburg Turnpike in connection with exercise of the power of eminent domain by the Authority is also removed. References to "the State Highway Commission" are changed to "the Commonwealth Transportation Board." The bill also removes the definition of "Commonwealth" and alphabetizes the remaining definitions. It also renumbers the subdivisions of the section that sets forth the powers of the Authority. An anachronistic reference to the Virginia Constitution of 1902 is updated to refer to the parallel provision of the Virginia Constitution of 1971. Present § 33-225.44:25 dealing with the relationship between the RMA and the Richmond-Petersburg Turnpike Authority is not carried forward into Title 15.2, since other sections already deal with the relationship of the RMA to the Commonwealth Transportation Board. The bill contains numerous technical changes.

*Patron - Landes*

**HB2408 Community development authorities.** Makes comprehensive changes to provisions related to the creation and operation of community development authorities (CDA). Changes include codification of the current practice of altering the boundaries of a CDA under certain circumstances and clarification of the process for creating a CDA if it is located wholly or partly within a town.

*Patron - Hall*

**HB2410 Restrictions on appointment of local governing body members.** Adds the board of the Richmond Ambulance Authority to those entities to which a local governing body may appoint one of its members.

*Patron - Hall*

**HB2424 Graffiti abatement.** Permits courts to order any person convicted of unlawfully defacing property to pay full or



partial restitution to the locality for costs incurred by the locality in removing or repairing the defacement. Further provides that such order of restitution shall be docketed as provided in § 8.01-446 when and may be enforced by the locality in the same manner as a judgment in a civil action.

*Patron - May*

**HB2429 Expedited land development review procedure.** Adds the Town of Leesburg to the list of localities that may develop an expedited land development review procedure for the review of preliminary and final subdivision and site plans and other development plans. This bill is identical to SB 1095.

*Patron - May*

**HB2473 Powers of local governments; loitering on grounds of public libraries.** Clarifies that the term "public place" also includes public libraries for the purposes of any ordinance adopted to prohibit loitering on the grounds of a public place.

*Patron - Hugo*

**HB2487 Transition of city to town status; library aid.** Increases from five years to 15 years the period in which cities that transition to town status may continue to receive certain library aid from the Commonwealth.

*Patron - Putney*

**HB2528 Disposition of firearms.** Provides that no locality may participate in any program in which individuals are given a thing of value in exchange for surrendering a firearm to the locality unless the governing body of the locality has enacted an ordinance authorizing the participation of the locality. The ordinance shall require that such firearms shall be sold by public auction, or sealed bids, to a person licensed as a dealer, or shall be disposed of by other appropriate means.

*Patron - Cole*

**HB2532 Reimbursement of expenses in DUI and related incidents.** Specifies that a locality that has passed an enabling ordinance is entitled to restitution from a person convicted of certain DUI offenses, when issuing any arrest warrant or summons, in addition to compensation for an appropriate law-enforcement response.

*Patron - Iaquinto*

**HB2663 Water and waste authorities.** Allows appointment of industrial or economic development authority directors to the board of water and waste authorities.

*Patron - Ware, O.*

**HB2665 Virginia Broadband Infrastructure Loan Fund.** Creates the Virginia Broadband Infrastructure Loan Fund. The Fund would be administered by the Virginia Resources Authority. Money in the Fund would be used exclusively for the financing of broadband infrastructure projects undertaken by a local government. Priority for loans would be given to projects that will utilize private industry in operating and maintaining the projects where private involvement will provide cost savings, to projects that serve two or more local governments, and to projects in unserved areas.

*Patron - May*

**SB881 Authority to cut grass.** Adds Stafford County to the list of counties with authority to require that the owner of occupied residential real property cut the grass or lawn area of less than one-half acre on such property when growth on the grass or lawn area exceeds 12 inches in height. Stafford County may, after reasonable notice, have the grass or lawn area cut by its agents or employees, in which event the cost and expenses

thereof shall be chargeable to and paid by the owner of the property and may be collected by the county as taxes and levies are collected.

*Patron - Stuart*

**SB982 Regulation of stormwater.** Requires localities to provide full or partial waivers of charges to any person who develops, redevelops or retrofits outfalls, discharges or property so that there is a permanent reduction in post-development stormwater flow and pollutant loading, as long as a stormwater permit has been obtained by either the Department of Conservation and Recreation or the Department of Environmental Quality when such permit is required. Under current law, localities have the option of providing such waivers and permits were not required to be obtained from the Department of Conservation and Recreation.

*Patron - Wagner*

**SB1001 Economic development authority of the City of Suffolk.** See HB 2215.

*Patron - Quayle*

**SB1033 Licensed farm wineries; local regulation.** See HB 2071.

*Patron - Hanger*

**SB1064 Posting of comprehensive plans.** Provides that a local planning commission shall post a comprehensive plan or part thereof that is being considered for recommendation or that is approved by the commission on a website maintained by the local planning commission or on any other website on which the commission generally posts information and available to the public. This bill further provides that a governing body shall post any comprehensive plan or part thereof that is certified to the governing body or approved by a governing body on a website maintained by the governing body on any other website on which the governing body generally posts information and available to the public.

*Patron - Puller*

**SB1093 Mutual aid agreements; institutions of higher learning.** See HB 2123.

*Patron - Locke*

**SB1094 Derelict buildings.** See HB 1671.

*Patron - Locke*

**SB1095 Expedited land development review procedure.** See HB 2429.

*Patron - Herring*

**SB1105 Virginia Indoor Clean Air Act; penalty.** Prohibits smoking in all indoor restaurants, bar and lounge areas, and restrooms in restaurants in the Commonwealth, with certain exceptions where smoking may be permitted. Requires the posting of "No Smoking" signs and provides for a \$25 civil penalty for a violation of these provisions.

*Patron - Northam*

**SB1137 Transportation; supplemental funding for Northern Virginia.** See HB1995.

*Patron - Petersen*

**SB1177 Regional Industrial Facilities Act.** Expands the scope of the act statewide.

*Patron - Watkins*

**SB1212 Clean energy financing.** Grants localities the authority to authorize, by ordinance, contracts to provide loans

for the initial acquisition and installation of clean energy improvements.

*Patron - Deeds*

**SB1276 Alternative on-site sewage systems.** See HB 1788.

*Patron - Martin*

**SB1287 Annexation.** See SB 1469; HB 1697.

*Patron - Newman*

**SB1335 Conditional zoning; public hearing.** Provides that where an amendment to proffered conditions is requested by the profferrer, and where such amendment does not affect conditions of use or density, a local governing body may waive the requirement for a public hearing.

*Patron - Stuart*

**SB1354 Provisions for subdivision of a lot for conveyance to a family member; city of Suffolk.** See HB 2216.

*Patron - Quayle*

**SB1369 Graffiti abatement.** See HB 2138.

*Patron - Barker*

**SB1372 State Corporation Commission; local government self-insurance pools; workers' compensation insurance.** See HB 1756.

*Patron - Ruff*

**SB1416 Preservation of historical sites and architectural areas.** Provides that local governing bodies may include in ordinances establishing areas of known historical or archaeological significance, that any applicant must submit documentation that any development in such will preserve or accommodate the historical or archaeological resources. This Act shall not affect any locality that has adopted an ordinance imposing archaeological requirements as of January 1, 2009.

*Patron - Blevins*

**SB1418 Transfer of development rights.** See HB 2055.

*Patron - Vogel*

**SB1450 Registration of cemeteries.** Allows localities to set forth a register of cemeteries located on private property.

*Patron - Colgan*

**SB1461 Southwest Regional Recreation Authority.** Allows a governing body to appoint members to the authority other than members of the governing body. Also, the recreation area rangers are made eligible for appointment as special conservators of the peace.

*Patron - Puckett*

**SB1469 Annexation.** See HB 1697; SB 1287.

*Patron - Quayle*

**SB1471 Real property; Commonwealth's title.** Authorizes the Governor, at the request of a local authority and in a form approved by the Attorney General, to disclaim any and all rights, title, and interest of the Commonwealth in and to lands used for stormwater control systems or water or waste systems if he finds (i) there is no greater public need or purpose than such use or (ii) that public use and necessity have been established. Such disclaimer shall be filed with the appropriate court and shall have the legal force and effect of disclaiming, releasing, and renouncing all of the right, title, and interest of the Commonwealth in and to such lands.

*Patron - Saslaw*

**SB1483 Arts and cultural districts.** Adds the City of Staunton and the City of Lynchburg to those localities authorized to create an arts and cultural district for the purpose of increasing awareness and support for the arts and culture in the locality. Localities may provide incentives for the support and creation of arts and cultural venues in the district.

*Patron - Hanger*

**SB1487 Comprehensive plans; urban development areas.** Requires urban development areas to provide for a mix of residential housing types, including affordable housing, to meet projected family income distributions of future residential growth.

*Patron - Vogel*

**SB1492 Wallops Research Park; aerospace-related economic development.** See HB 1926.

*Patron - Northam*

**SB1513 Control of firearms; award of court costs and fees.** See HB 1655.

*Patron - Smith*

**SB1524 Permitted provisions in zoning ordinances.** Broadens the zoning administrator's authority to determine vested rights in certain circumstances.

*Patron - Watkins*

**SB1529 Political activities of local employees.** Broadens the coverage of § 15.2-1512.2 to include all local employees as well as firefighters, emergency medical technicians, law-enforcement officers and local constitutional office staffs. This section provides that the covered employees may participate in political activities while off duty, out of uniform, and not on their employment premises. The term "political activities" is defined to include a variety of political activities. The section further prohibits the use of official authority to coerce subordinates for political contributions, to discriminate in employment or in the provision of public services because of political affiliation, or to suggest a locality has officially endorsed a candidate or political party.

*Patron - Miller, Y.B.*

**SB1533 Special use permits; extension of validity.** Extends the expiration of special use permits that were valid and outstanding as of January 1, 2009, to July 1, 2011.

*Patron - Saslaw*

**SB1535 Planning District Commissions; economic development organizations.** Designates Planning Districts 1, 2, and 13 as economic development organizations.

*Patron - Ruff*

**SB1537 Arts and cultural districts.** Adds the City of Fredericksburg to those localities authorized to create an arts and cultural district for the purpose of increasing awareness and support for the arts and culture in the locality. Localities may provide incentives for the support and creation of arts and cultural venues in the district.

*Patron - Houck*

## Title 15.2- Miscellaneous; Counties, Cities and Towns

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**HB2322 Urban development areas.** Provides that cities and towns shall have until July 1, 2012, to amend their compre-

hensive plans in accordance with the provisions of § 15.2-2223.1. Currently, counties have until July 1, 2011, to amend their comprehensive plans in accordance with the provisions of § 15.2-2223.1.

*Patron - Athey*

**SB1508 Breaks Regional Airport Authority.** Establishes the Breaks Regional Airport Authority if the Town of Grundy, or the governing body of Buchanan County, by resolution declares that there is a need for an airport authority to be created, and an operating agreement is developed for the purpose of establishing or operating airport facilities. The authority shall be governed by a five member board of directors and shall have the powers typically granted to airport authorities including the authority to issue bonds.

*Patron - Puckett*

## Charters

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**HB1646 Charter; City of Danville.** Updates the city's bond authority by raising the amount for which the city can issue bonds without a referendum. Other changes give the city greater flexibility in financing electric power generation facilities.

*Patron - Marshall, D.W.*

**HB1682 Town of Nassawadox; charter.** Provides a new charter for the Town of Nassawadox. The new charter contains provisions typically found in town charters. Requires vacancies on the town council to be filled by a majority vote of the remaining members within sixty days after the vacancy occurs. This bill is identical to SB 1110.

*Patron - Lewis*

**HB1736 Charter; Town of Blacksburg.** Amends the charter of the Town of Blacksburg to change the date of the town council member and mayoral election from the first Tuesday in May to the general election date in November. Further amends the date the council members take office from July to January and states that the vice-mayor shall be selected at the first council meeting, which will take place in January following the November election, rather than in July. Other amendments clarify that the council may determine the annual salary of its members in accordance with state law and that vacancies on town council are also to be filled in an election subject to the requirement of state law. Lastly, the charter changes would permit the expanded use of civil penalties, in lieu of criminal penalties, for ordinance violations. This bill is identical to SB 857.

*Patron - Shuler*

**HB1757 Charter; City of Colonial Heights.** Amends the charter for the City of Colonial Heights to eliminate the requirement that certain changes in city streets and other public ways, grounds, and places, as well as the city's acquisition or sale of improved or unimproved land, must be referred to the planning commission for its recommendation prior to city council action. Further changes provide that if city council does refer any such matter to the planning commission for the commission's recommendation, the council subsequently shall act on the commission's recommendation by a majority vote of its members, or an affirmative vote of three-fourths of all members if required by the Constitution of this Commonwealth. Additionally, the legislation deletes provisions of the charter giving the planning commission final approval rights and allows a city council member to appeal the planning commission's decision of approval of subdivision plats within 20 days

of the commission's decision. The charter is further amended to state that final plats shall not be received or recorded by the clerk of court unless the plat has been approved as provided by applicable state and local law. This bill is identical to SB 1071.

*Patron - Cox*

**HB1765 Charter; City of Petersburg.** Amends the charter of the City of Petersburg by modifying election dates and nomination deadlines for city council elections, modifying the dates for election of school board members, decreasing the number of school board members from nine to seven, revising the terms of the city attorney from four years to service at the pleasure of city council, and increasing the number of members on the board of equalization from three to five. This bill is identical to SB 955.

*Patron - Dance*

**HB1907 Charter; Twin County Airport Commission.** Amends the charter of the Twin County Airport Commission to require a six-member commission rather than a seven-member commission. The Counties of Carroll and Grayson would each have two members, rather than one, while several towns would lose representation.

*Patron - Armstrong*

**HB2003 Charter; Town of Pearisburg.** Deletes unneeded language related to the subdivision of land.

*Patron - Crockett-Stark*

**HB2103 Charter; Town of Hurt.** Makes numerous changes to the charter including updating the town's boundaries. Other changes include changing the town's elections from May to November, altering the terms of certain town officers, and deleting or updating numerous outdated provisions. This bill is identical to SB 1313.

*Patron - Merricks*

**HB2251 City of Williamsburg; charter.** Repeals the existing charter and provides a new charter containing powers typically granted to cities. This bill is identical to SB 1406.

*Patron - Barlow*

**HB2366 Charter; Town of Strasburg.** Clarifies that elected and appointed members of council shall have the same authority and shifts the appointment time of town officers.

*Patron - Gilbert*

**HB2491 Charter; City of Galax.** Updates numerous provisions in the city's charter.

*Patron - Carrico*

**HB2494 Charter; City of Hopewell.** Amends the charter to allow most bonds to be issued by the City of Hopewell upon the affirmative vote in a referendum of voters pursuant to the Code of Virginia, rather than on an affirmative vote of a majority of all members of city council, as is the current procedure. The only bonds that may still be issued upon an affirmative vote of a majority of city council members are (i) bonds issued for improvements to existing public buildings; (ii) bonds not exceeding \$10 million, as adjusted for inflation, issued for economic development purposes as determined by the city council; (iii) revenue bonds; (iv) refunding bonds; and (v) tax and revenue anticipation obligations that mature within one year from the date of their issue. Further amends the charter to allow city council to elect to participate in a regional free library system in lieu of establishing a local library board and appoint members of the board of such system as permitted under the inter-jurisdictional contract establishing the regional library system.

*Patron - Ingram*

**HB2582 Charter; Town of Clarksville.** Amends the current charter of the Town of Clarksville to provide all gender-neutral pronouns. Relieves the town manager of his/her duty of preparing a comprehensive report of financial transactions and administrative activities of the town during the preceding fiscal year. Repeals a provision of the charter granting council the power to both borrow funds necessary for the operation of the town affairs and to execute and deliver notes as evidence of any such debt created by money so borrowed. The town council may, by ordinance, provide that taxes or charges hereafter made, imposed, or incurred for water use within the Town of Clarksville shall be a lien on the real estate served by such waterline. This bill is identical to SB 1375.

*Patron - Wright*

**SB857 Charter; Town of Blacksburg.** See HB 1736.

*Patron - Edwards*

**SB869 Charter; City of Fredericksburg.** Amends the charter so that vacancies in City Council are filled within 45 days, rather than 30 days, by a majority vote of the remaining City Council members. Stipulates that when more than two years remain in the unexpired term and the vacancy occurs at least 120 days prior to the next council member election, the City Council shall petition the circuit court to issue a writ of election to fill the vacancy, which shall occur at the next regularly scheduled May council member election. Until the vacancy is filled by special election, the City Council may appoint a qualified voter of the election district in which the vacancy occurred to fill the vacancy. Further provides that all ordinances and all resolutions appropriating funds in excess of \$100,000, rather than \$1,000, shall be adopted by the Fredericksburg City Council on two readings.

*Patron - Stuart*

**SB883 Charter; Town of Warsaw.** Amends the charter for the Town of Warsaw to allow the eight town council members to have staggered terms.

*Patron - Stuart*

**SB929 Charter; City of Alexandria.** Amends the charter to allow the city council, by ordinance, to establish term limits for members of advisory boards and commissioners whom the council has appointed. Further amends the charter by requiring any applicant in a land use proceeding to fully disclose all parties who have an ownership or financial interest in the land or application that is the subject of the hearing. Requires that all parties, members of city council, members of the planning commission, members of the board of zoning appeals, and members of the board of architectural review in any proceeding regarding land use or land development to make a full public disclosure of any business or financial relationship that such individual has, or has had within the 12-month period prior to such hearing, with each member of the board in front of which they appear. Any person knowingly and willfully violating the provisions of the bill shall be guilty of a Class 1 misdemeanor.

*Patron - Ticer*

**SB955 Charter; City of Petersburg.** See HB 1765.

*Patron - Marsh*

**SB1071 Charter; City of Colonial Heights.** See HB 1757.

*Patron - Martin*

**SB1110 Town of Nassawadox; charter.** See HB 1682.

*Patron - Northam*

**SB1225 Charter; Town of Fincastle.** Moves the town's elections from May to November.

*Patron - Smith*

**SB1313 Charter; Town of Hurt.** See HB 2103.

*Patron - Hurt*

**SB1375 Charter; Town of Clarksville.** See HB 2582.

*Patron - Ruff*

**SB1406 City of Williamsburg; charter.** See HB 2251.

*Patron - Norment*

## Title 16.1- Courts not of Record

**HB1857 Protective orders; issuance to incarcerated persons.** Provides that a court may issue a preliminary protective order upon a showing by the petitioner that (i) the allegedly abusing person is incarcerated and is to be released from incarceration within 30 days following the petition or has been released from incarceration within 30 days prior to the petition, (ii) the crime for which the allegedly abusing person was convicted and incarcerated involved family abuse against the petitioner, and (iii) the allegedly abusing person has made threatening contact with the petitioner while he was incarcerated, exhibiting a renewed threat to the petitioner of family abuse. If an incarcerated defendant is personally served and not transported to the hearing, the court may extend the protective order for a period not to exceed six months. If a preliminary protective order is issued the court may issue a permanent (two-year) protective order.

*Patron - Shannon*

**HB1914 Foster care.** Deletes Code references to "continued foster care." Additionally, a petition for a foster care review hearing described under § 16.1-282 shall set forth the disposition sought and the grounds therefor; however, if a continuation of foster care is recommended, a foster care plan for such period of continued foster care shall also be included and shall address (i) the role the current foster parents or other care providers will play in the future planning for the child and (ii) in the case of a child who has attained age 16 and for whom the plan is independent living, the services needed to assist the child to transition from foster care to independent living.

*Patron - BaCote*

**HB2061 Psychiatric Inpatient Treatment of Minors Act; outpatient treatment; etc.** Provides that a person who meets the criteria for involuntary commitment under the Psychiatric Inpatient Treatment of Minors Act may be ordered to mandatory outpatient treatment if less restrictive alternatives to involuntary inpatient treatment are appropriate and available, and the minor and his parents have the capacity to understand the stipulations of the minor's treatment and to comply with such outpatient treatment and they have agreed to abide by the treatment plan. The bill also sets forth how such mandatory outpatient treatment will be monitored and how a minor's non-compliance with such treatment will be addressed, and clarifies that the judge who presides over any noncompliance hearing does not have to be the judge who presided over the mandatory outpatient commitment hearing. The bill also clarifies that the commitment criteria for minors, and not the criteria for adults, apply when the emergency admission of a minor is sought under the procedures for the emergency admission of an adult set forth in Article 4 (§ 37.2-808 et seq.) of Chapter 8 of Title 37.2. The bill also provides that a minor who has been properly detained by a juvenile and domestic relations court may peti-

tion for voluntary admission and treatment of mental illness. Currently, such detained minors may not voluntarily seek admission. The bill further requires that if a minor is in a detention home or shelter care facility when admitted to a mental health facility, the director of the detention home or shelter care facility or his designee shall provide, if available, certain information relating to the minor to the mental health facility and to the juvenile and domestic relations district court for the jurisdiction in which the facility is located if such court is different than the court that placed the minor in detention or shelter care. The bill also clarifies the circumstances under which the qualified evaluator who examined the minor must attend the minor's hearing and under what circumstances the evaluator's report is admissible. This bill is identical to SB 1122.

*Patron - Hamilton*

**HB2310 Confidentiality of court records.** Provides that any person, agency, or institution that may inspect juvenile case files shall be authorized to have copies made of such records, subject to any restrictions, conditions, or prohibitions that the court may impose. This bill is a recommendation of the Committee on District Courts. This bill is identical to SB 928.

*Patron - Melvin*

**HB2434 Certain corporations; pro se representation.** Allows a corporation, the stock of which is held by no more than five persons and is not publicly offered or planned to be publicly offered, to be represented by an officer pro se before the general district courts if (i) the amount in controversy is \$2,500 or less, and (ii) the officer has the unanimous consent of all the shareholders to do so.

*Patron - Janis*

**HB2513 Mob violence reportable by intake officers to schools.** Adds "act of violence by a mob pursuant to § 18.2-42.1" to the listing of offenses that are reported by a juvenile intake officer to a school division superintendent when a petition is filed alleging a student committed such an offense. The bill also removes two redundancies created when similar House and Senate bills passed and were merged in 2004.

*Patron - Marsden*

**SB890 Motor vehicles, etc.; collection of court costs.** Requires where the court waives a fine for certain offenses that court costs still be collected and clarifies that for local offenses (i.e. failure to obtain animal license, failure to obtain rabies vaccine) where the penalty cannot be waived, court costs shall be collected.

*Patron - McDougale*

**SB928 Confidentiality of court records.** See HB 2310.

*Patron - Marsh*

**SB1122 Psychiatric Inpatient Treatment of Minors Act; outpatient treatment; etc.** See HB 2061.

*Patron - Lucas*

**SB1149 Juvenile code.** Makes various clarifying changes in code sections pertaining to juveniles and juvenile court provisions. The bill specifies that the statutory deferred disposition provisions for underage possession of alcohol apply only to adults, since the law pertaining to juveniles already allows deferred dispositions, allows juvenile probation officers to keep relevant photographs in their files, specifies that a petition must be filed (rather than proceeding informally) if the offense for which the juvenile had been previously adjudicated delinquent would be a felony if committed by an adult, and provides that a petition may be filed for assault and battery against a family or household member.

*Patron - Howell*

**SB1218 Release from juvenile correctional center; transmission to school superintendent.** Allows the Director of the Department of Juvenile Justice to notify the appropriate school division superintendent when a juvenile who poses a credible danger of serious bodily injury or death to students, school personnel or others on school property is released from a juvenile correctional center.

*Patron - Obenshain*

**SB1290 Appeals from district courts.** States that an appeal from the juvenile and domestic relations district court or an appeal in a civil case from the general district court shall be heard de novo in the circuit court. A second enactment clause provides that this bill is declarative of existing law.

*Patron - Edwards*

**SB1377 Juvenile arrest information.** Provides that police and sheriff departments may release current information on juvenile arrests to law-enforcement agencies in other states.

*Patron - Stolle*

**SB1439 Protective orders.** Removes a provision added in 2008 allowing an addendum to the protective order to contain identifying information, so that the identifying information will return to the front page of the order. The bill also specifies identifying information to be added and transmitted to the Virginia Criminal Information Network (VCIN) regarding the protected person and provides that orders will expire at 11:59 p.m. on the date specified.

*Patron - Edwards*

## Title 17.1- Courts of Record

**HB1845 Occasional remote access to land records; pilot program; fee.** Allows the clerk of the Circuit Court of Prince William County to establish a pilot program under which a daily fee is assessed for occasional remote access to land records by the general public. The clerk shall also assess a separate fee per image downloaded in an amount not to exceed the usual copying fee. The clerk shall make a report on the pilot program to the House and Senate Committees for Courts of Justice on or before September 30, 2012. The bill expires September 30, 2012. This bill is identical to SB 935.

*Patron - Lingamfelter*

**HB1946 Statewide case and financial management systems; interface with circuit courts.** Gives the Executive Secretary of the Supreme Court the responsibility for the operation and maintenance of a case management system and financial management system, for related technology improvements, and requires that he permit an interface for the purpose of providing electronic information to state agencies, upon request of any circuit court that uses automation or technology improvements provided by a private vendor or the locality. The costs of designing, implementing, and maintaining any such interface shall be the responsibility of the circuit court clerk. Any expenses incurred by the office of the Executive Secretary, not to exceed \$104,280, related to this system shall be reimbursed through the Technology Trust Fund. This bill is identical to SB 1442.

*Patron - Peace*

**HB2311 Construction, renovation, or maintenance of a courthouse; fees.** Allows localities to assess an additional three dollar fee as part of the costs in each civil, criminal, or traffic case to be used solely for the construction, reconstruction, renovation of, or adaptive re-use of a structure for a court-

house. Such fee shall not be assessed in any civil action if the amount in controversy is \$500 or less. The additional fee may only be assessed by localities that, on or after January 1, 2008, operated a courthouse not in compliance with the current safety and security guidelines contained in the Virginia Courthouse Facility Guidelines and the courthouse cannot be feasibly renovated to correct the non-compliance. This bill is identical to SB 1387.

*Patron - Melvin*

**SB923 Mileage reimbursement for circuit court judges.** Repeals the section granting mileage reimbursement for circuit judges to travel to and from the courthouse each day if they do not reside in the county seat. The state budget gives circuit court judges \$1,500 per year intended to cover their expenses.

*Patron - Reynolds*

**SB935 Occasional remote access to land records; pilot program; fee.** See HB 1845.

*Patron - Smith*

**SB960 Acceptance of credit cards by clerks.** Clarifies the language allowing the acceptance of credit cards by clerks to make it clear that the convenience fee collected is to be collected from the person presenting the card as payment and not the credit card issuer. The bill also changes the language calling this fee a service charge to a reasonable convenience fee to mirror the language used in credit contracts.

*Patron - Obenshain*

**SB1277 Land records; social security numbers.** Requires, beginning July 1, 2012, that land records posted via secure remote access to the Internet may contain only the last four digits of the social security number of any party.

*Patron - Newman*

**SB1387 Construction, renovation, or maintenance of a courthouse; fees.** See HB 2311.

*Patron - Stolle*

**SB1442 Statewide case and financial management systems; interface with circuit courts.** See HB 1946.

*Patron - Stolle*

## Title 18.2- Crimes and Offenses Generally

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**HB1693 Mandatory minimum punishment for DUI; elevated blood alcohol.** Adds an additional qualifier in DUI punishment provisions that allows use of blood alcohol testing on whole blood to be admitted into evidence in a DUI prosecution, thus allowing mandatory punishments to be imposed when the blood alcohol concentration is elevated but the test may have been performed in another, e.g., hospital, setting.

*Patron - Albo*

**HB1805 Operation of a motor vehicle without an ignition interlock; penalty.** Provides that operation of a motor vehicle without an ignition interlock when such operation is prohibited is a Class 1 misdemeanor and that the person's operator's license shall be revoked for one year. This bill is identical to SB 889.

*Patron - Loupassi*

**HB1842 Protective orders; sexual battery.** Expands the authority of a magistrate or judge to issue any stalking protective order to include issuance when a warrant is issued for sex-

ual battery or aggravated sexual battery. Currently, issuance of such an order predicated on a criminal act is limited to criminal offenses resulting in serious bodily injury or stalking.

*Patron - Griffith*

**HB1851 Purchase of firearms by members of the United States Armed Forces.** Allows active duty service members of the United States Armed Forces or the Virginia National Guard to purchase more than one handgun within a 30-day period. The bill has a delayed effective date of January 1, 2010.

*Patron - Lingamfelter*

**HB1868 Underage DUI; penalties.** Clarifies that punishment for underage drinking includes, but is not limited to, license forfeiture and either a mandatory minimum fine of \$500 or 50 hours of community service.

*Patron - Janis*

**HB1908 Assault and battery of family or household member; deferred disposition.** Rewrites the existing statute for clarity and allows the court to order the person to obtain services from local community-based probation if the services are available or to get alternative treatment. As introduced, this bill was a recommendation of the Committee on District Courts.

*Patron - Armstrong*

**HB2016 Abduction.** Expands abduction to include abducting a person with the intent to subject the person to forced labor or services. Intimidation is redefined to include withholding a person's passport or like documents. The bill also adds four new RICO (Racketeer Influenced and Corrupt Organizations) crimes.

*Patron - Ebbin*

**HB2144 Concealed handgun permits; access to permit information.** Protects from public disclosure permittee names and descriptive information held by the Department of State Police for purposes of entry into the Virginia Criminal Information Network. However, the information would still be available to law-enforcement agencies, officers, and agents in the course of law-enforcement duties, and nonidentifying statistical information would be available to the general public.

*Patron - Nutter*

**HB2178 Possession of ammunition by convicted felons; penalty.** Prohibits a convicted felon from possessing ammunition for a firearm and adds a definition of ammunition. A violation is a Class 6 felony.

*Patron - Scott, E.T.*

**HB2275 Drug Treatment Court Act.** Establishes a drug treatment court in the Juvenile and Domestic Relations District Court for the County of Franklin, provided that such court is funded solely through local sources. This bill is identical to SB 1304.

*Patron - Poindexter*

**HB2303 DUI blood test refusal form.** Provides that Office of the Executive Secretary of the Supreme Court shall make the refusal form available on the Internet and the form shall be considered an official publication of the Commonwealth for the purposes of judicial notice.

*Patron - Griffith*

**HB2313 Illegal software, ticket sales; penalty.** Provides that resale of event tickets via the Internet is not subject to prohibition by local ordinance. The bill also clarifies the definition of "without authority" in the Computer Crimes Act and

the definition of "improper means" in the Uniform Trade Secrets Act and makes a violation of the Uniform Trade Secrets Act a prohibited practice under the Consumer Protection Act. This bill is identical to SB 1384.

*Patron - Kilgore*

**HB2358 Redefinition of the triggerman rule.** Redefines the "triggerman rule," which currently provides that only the actual perpetrator of a capital murder is eligible for the death penalty and that accessories and principals in the second degree can be punished only as if guilty of first degree murder. This bill allows principals in the second degree and accessories before the fact to be charged as principals in the first degree in the cases of murder for hire, murder involving a continuing criminal enterprise, and terrorism. This bill allows, in all other cases of capital murder, a principal in the second degree to be tried as a principal in the first degree if he had the same intent to kill as the principal in the first degree. The bill allows an accessory before the fact to be tried as a principal in the first degree if he ordered or directed the willful, deliberate, and premeditated killing. This bill is identical to SB 961.

*Patron - Gilbert*

**HB2362 Drug offenses; prior convictions.** Specifies that prior out-of-state convictions for substantially similar offenses count as prior offenses for the purpose of enhancing punishment for a second offense of manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance.

*Patron - Gilbert*

**HB2393 Obstruction of justice; animal control officers.** Includes animal control officers in the misdemeanor provisions of the obstruction of justice statute.

*Patron - Bell*

**HB2397 Venue for possession of child pornography.** Adds a venue provision to the statute that punishes possession, transmission, and reproduction of child pornography to include the jurisdiction where the unlawful act occurs or where any child pornography is produced, reproduced, found, stored, received, or possessed in violation of the statute.

*Patron - Bell*

**HB2402 Identity theft; penalty.** Clarifies that to obtain money, credit, or loans by using, without authorization or permission, a person's identifying information is prohibited under the identity theft statutes. This bill is identical to SB 1301.

*Patron - Bell*

**HB2578 Novelty lighters.** Defines "novelty lighter" and provides that any individual who sells a novelty lighter to a person he knows or has reason to know is a juvenile is subject to a civil penalty of no more than \$100.

*Patron - Howell, A.T.*

**HB2595 Charitable gaming; certain permits.** Raises the permit exemption threshold from \$25,000 to \$40,000 for all organizations authorized to conduct charitable gaming.

*Patron - Lewis*

**HB2638 Capital murder; auxiliary police officers and fire marshals.** Adds auxiliary police officers and auxiliary deputy sheriffs, as well as fire marshals and assistant fire marshals with police powers, to the definition of law-enforcement officer in the capital murder statute so that the death sentence can be imposed for the murder of such an officer or marshal,

when the killing is for the purpose of interfering with the performance of the officer's duties.

*Patron - Pogge*

**SB877 Carrying concealed weapons; retired law-enforcement officers.** Allows retired law-enforcement officers who are qualified under federal law to carry concealed firearms to carry a concealed handgun into a restaurant that serves alcohol.

*Patron - Martin*

**SB889 Operation of a motor vehicle without an ignition interlock; penalty.** See HB 1805.

*Patron - McDougale*

**SB922 Larceny of money.** Allows larceny of bank notes, checks, or other writing or paper of value to be charged as larceny under the grand larceny and petit larceny statutes.

*Patron - Reynolds*

**SB951 Assault and battery of law-enforcement officer; penalty.** Adds Metropolitan Washington Airports Authority police officers to the definition of law-enforcement officer, which means that the punishment for committing an assault and battery on such an officer who is engaged in the performance of his public duties is elevated from a Class 1 misdemeanor to a Class 6 felony, with a six-month term of confinement, 30 days of which is a mandatory minimum.

*Patron - Howell*

**SB961 Redefinition of the triggerman rule; penalty.** See HB 2358.

*Patron - Obenshain*

**SB1035 Concealed handguns; restaurants; penalty.** Allows a person with a concealed handgun permit to carry a concealed handgun onto the premises of a restaurant or club and prohibits such person from consuming alcoholic beverages while on the premises. A person who consumes alcohol in violation of the provisions of the bill is guilty of a Class 2 misdemeanor and a person who becomes intoxicated in violation of the provisions of the bill is guilty of a Class 1 misdemeanor.

*Patron - Hanger*

**SB1066 Trains operated by transportation districts.** Provides that any person who boards or rides a train operated by or under contract with a transportation district created pursuant to Chapter 45 (§ 15.2-4500 et seq.) of Title 15.2 and willfully and with intent to defraud (i) fails to pay the posted fare published by the transportation district, (ii) fails to properly validate a ticket, (iii) uses a fraudulent or counterfeit ticket, or (iv) uses a validated ticket outside the designated zone of the paid ride, is guilty of a Class 2 misdemeanor.

*Patron - Puller*

**SB1069 Capital murder; fire marshals.** Adds fire marshals and assistant fire marshals with law-enforcement powers to the capital murder statute so that the death sentence can be imposed for the murder of such a fire marshal.

*Patron - Martin*

**SB1219 Displaying of noose; penalty.** Provides that any person who, with the intent of intimidating any person or group of persons, displays a noose on the private property of another without permission is guilty of a Class 6 felony. It is also a Class 6 felony for a person to, with the intent of intimidating any person or group of persons, display a noose on a highway or other public place in a manner having a direct tendency to

place another person in reasonable fear or apprehension of death or bodily injury.

*Patron - Obenshain*

**SB1300 Assault and battery of family or household member; deferred disposition.** Rewrites the existing statute for clarity and allows the court to order the person to obtain services from local community-based probation if the services are available or from an alternative service provider. The bill also requires the court to order the person to be of good behavior for at least two years following deferral of proceedings. This bill is a recommendation of the Committee on District Courts.

*Patron - Hurt*

**SB1301 Identity theft; penalty.** See HB 2402.

*Patron - Hurt*

**SB1304 Drug Treatment Court Act.** See HB 2275.

*Patron - Hurt*

**SB1383 Firearm silencers.** Repeals the provision that makes it a Class 6 felony to possess a firearm muffler or silencer that is not registered in the National Firearms Registration and Transfer Record.

*Patron - Stolle*

**SB1384 Illegal software, ticket sales; penalty.** See HB 2313.

*Patron - Stolle*

**SB1409 Capital murder; auxiliary police officers.** Adds auxiliary police officers and auxiliary deputy sheriffs to the definition of law-enforcement officer in the capital murder statute so that the death sentence can be imposed for the murder of such an officer.

*Patron - Norment*

**SB1462 Drug Treatment Court Act.** Authorizes a drug treatment court for the County of Tazewell provided it is funded within existing state and local appropriations.

*Patron - Puckett*

**SB1463 DUI; ignition interlock.** Requires installation of an ignition interlock as a condition of license restoration (after the three-year revocation) for a second conviction committed within ten years after a first offense, rather than five years.

*Patron - McDougale*

**SB1528 Concealed handgun permits; handgun competence demonstration.** Provides that the completion of a firearms training or safety course conducted by a state-certified or National Rifle Association-certified firearms instructor may be done electronically or on-line.

*Patron - Cuccinelli*

## Title 19.2- Criminal Procedure

**HB1850 Medical examiner reports; admissibility.** Provides that any statement of fact or opinion in a medical examiner's report concerning the physical or medical cause of death is admissible in a preliminary hearing as evidence of the cause of death as long as it does not allege any conduct by the accused.

*Patron - Lingamfelter*

**HB1866 Court-established community service programs.** Provides that a court has the discretion to allow persons upon whom fines and costs have been imposed the option to discharge all or part of the fines or costs through the performance of community service.

*Patron - Janis*

**HB1874 Power of magistrates to issue felony arrest warrants.** Provides that a magistrate may not issue an arrest warrant for a felony offense upon the basis of a complaint by a person other than a law-enforcement officer without prior consultation by the magistrate with the attorney for the Commonwealth or, if no attorney for the Commonwealth is available, without prior consultation with a law-enforcement agency. The bill also provides that a written complaint shall be required whenever practicable if the complainant is not a law-enforcement officer.

*Patron - Cosgrove*

**HB1968 Failure to comply with sentencing order.** Provides that whenever a person willfully and knowingly fails to surrender or submit to the custody of a sheriff as ordered by a court, any law-enforcement officer, with or without a warrant, may arrest the person anywhere in the Commonwealth. If the arrest is made in the county or city in which the person was ordered to surrender, or in an adjoining county or city, the officer may forthwith return the accused before the proper court. If the arrest is made elsewhere, the officer shall proceed according to the provisions of § 19.2-76, and if the arrest is made without a warrant, the officer shall procure a warrant from the magistrate serving the county or city where the arrest was made, charging the person with contempt of court.

*Patron - Massie*

**HB2108 Personal appearance by two-way electronic video and audio communication.** Provides that if two-way electronic video and audio communication is available for use by a district court in any pre-trial criminal proceeding to determine bail or representation by counsel, the court shall use such communication in any proceeding that would otherwise require the transportation of a person from outside the jurisdiction of the court in order to appear in person before the court. This bill is identical to SB 1268.

*Patron - Sherwood*

**HB2309 Conditions of supervised probation.** Provides that no probationer shall be kept under supervised probation solely because of his failure to make full payment of fines, fees, or costs, provided the court and attorney for the Commonwealth do not object to such removal.

*Patron - Melvin*

**HB2312 Writs of actual innocence; requirements.** Extends the ability to petition for a writ of actual innocence based on previously unknown or untested biological evidence to individuals who are not incarcerated. This bill is identical to SB 1381.

*Patron - Melvin*

**HB2391 Search warrant for electronic communications; foreign service.** Provides for the issuance of a search warrant by a circuit court for information, including contents of electronic communications, held by a foreign corporation that provides electronic communication service or remote computing service in Virginia. Currently, there is no specific provision for foreign service of such a warrant and a search warrant may not access contents of electronic communications.

*Patron - Bell*



**HB2403 Criminal Injuries Compensation Fund; electronic filing of claims.** Permits claims for an award under the Criminal Injuries Compensation Fund to be filed electronically. Currently, such claims must be filed in person or by mail.

*Patron - Bell*

**HB2580 Arrest of illegal immigrants.** Revises Code provision that prohibits an arrest of an illegal alien (who has been previously convicted of a felony and deported) more frequently than once every six months to allows arrests within the six month period when confirmation has been received from Immigration and Customs Enforcement that the arrested person will be taken into federal custody.

*Patron - Miller, J.H.*

**HB2623 Expansion of jurisdiction of multijurisdiction grand jury to include investigation of trademark infringement.** Expands jurisdiction of multijurisdiction grand jury to include investigation of trademark infringement.

*Patron - Loupassi*

**HB2637 Arrests for which fingerprints are required.** Requires that fingerprints be taken and forwarded to the Central Criminal Records Exchange upon an arrest for a violation of a protective order issued under Title 16.1. Fingerprints are already authorized for misdemeanor arrests for violation of stalking protective orders issued under Title 18.2.

*Patron - Cline*

**SB1009 Search warrants executed upon electronic communication service providers or remote computing service providers.** Provides that a search warrant for records or other information pertaining to a subscriber to, or customer of, an electronic communication service or remote computing service that is transacting or has transacted any business in the Commonwealth, including the contents of electronic communications, may be served upon such a provider within or without the Commonwealth by mail, facsimile, or other electronic means. Currently, there is no provision for service of such a warrant outside the Commonwealth nor is there a specific provision allowing for mail, fax or electronic service. Additionally, under current law, electronic communications are expressly excluded from the coverage of the warrant.

*Patron - Deeds*

**SB1197 Expungement of records; victim of identity theft.** Relieves the victim of identity theft of paying fees for filing a petition to expunge the criminal records of charges against the victim brought as a result of the identity theft.

*Patron - Puckett*

**SB1256 Year and a day rule repealed.** Provides that murder or manslaughter may be prosecuted regardless of the amount of time that has passed between the act or omission causing the death and the death. Under common law, prosecution cannot occur if the victim dies more than a year and a day after the fatal injury was inflicted.

*Patron - Marsh*

**SB1268 Personal appearance by two-way electronic video and audio communication.** See HB 2108.

*Patron - Vogel*

**SB1307 Private prisoner transport.** Provides that a private company can be used to retrieve fugitives from outside the Commonwealth so long as it meets minimum qualifications set by the Department of Criminal Justice Services.

*Patron - Hurt*

**SB1363 Criminal procedure; compensation of court-appointed counsel.** Provides compensation to counsel representing an indigent prisoner under sentence of death in a state habeas corpus proceeding, on the same basis as provided to counsel representing a defendant charged with a Class 1 felony.

*Patron - Reynolds*

**SB1381 Writs of actual innocence; requirements.** See HB 2312.

*Patron - Stolle*

**SB1426 Magistrates; issuance of arrest warrants.** Provides that prior to examining witnesses on a citizen's complaint alleging a felony offense, a magistrate must first consult with a Commonwealth's Attorney with jurisdiction for investigation of the alleged offense. If the Commonwealth's Attorney is unavailable, the magistrate must first consult with a law-enforcement agency. The bill also requires that a complaint for an arrest warrant be in writing, whenever practicable, if the complainant is not a law-enforcement officer.

*Patron - Deeds*

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## Title 19.2- Miscellaneous; Criminal Procedure

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**SB1391 Criminal convictions; DNA notification.** Permits the dissemination of Virginia criminal history information to certain individuals who volunteer in the identification, location, and notification of individuals convicted of crimes prior to the advent of DNA testing and the case files of which have since been found to contain evidence suitable for DNA testing. The bill also specifies other aspects of the notification process and has an emergency clause.

*Patron - Stolle*

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## Title 20- Domestic Relations

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**SB808 Foreign service officers.** Provides that any foreign service officer of the United States who (i) at the time the suit for annulment or divorce is, or immediately preceding such suit was, commenced is stationed in any territory or foreign country and (ii) was domiciled in the Commonwealth for the six-month period immediately preceding his being stationed in such territory or country, shall be deemed to have been domiciled in and to have been a bona fide resident of the Commonwealth during the six months preceding commencement of a suit for annulment or divorce. The bill also expands the list of when personal jurisdiction of a person may be exercised to include a cause of action arising from a person having executed an agreement in the Commonwealth which obligates the person to pay spousal support or child support to a person who has satisfied the residency requirements in suits for annulments or divorce for foreign service officers of the United States.

*Patron - Puller*

**SB1000 History of sexual abuse; custody and visitation.** Provides that any history of sexual abuse must be considered as a factor in determining the best interests of a child for purposes of awarding custody or visitation.

*Patron - Quayle*

## Title 22.1- Education

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**HB1624 Board of Education model policy; bullying, harassment, or intimidation.** Provides that the Board of Education must include in its guidelines and model policies for codes of student conduct standards for school board policies, on the use of electronic means for purposes of bullying, harassment, and intimidation.

*Patron - Englin*

**HB1679 Child abuse and neglect data; school board applicants.** Clarifies that a local school board must take reasonable steps to determine whether an applicant, who has resided in another state within the last five years, was the subject of a founded case of child abuse and neglect in the relevant state. The Department of Social Services must maintain a database of central child abuse and neglect registries in other states that provide access to out-of-state boards. This bill has an emergency clause.

*Patron - Orrock*

**HB1727 Interstate Compact on Educational Opportunity for Military Children.** Establishes a compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents. The compact is currently in effect as at least 10 states have enacted the compact into law. The bill will take effect only if funds are appropriated to effectuate its purposes in the general appropriation act passed at the 2009 Regular Session.

*Patron - Cole*

**HB1746 Family life education; value and benefits of marriage.** Adds the value, benefits, challenges, and responsibilities of marriage for men, women, children, and communities to the list of topics to be covered in family life education curricula. This bill is identical to SB 827.

*Patron - Pogge*

**HB1767 Certain honorary diplomas.** Requires that the Board of Education award an honorary high school diploma to veterans of the Vietnam War who, as secondary school students, enlisted or were drafted to serve in any branch of the United States Armed Forces during the war between 1959 and 1975, were subsequently honorably discharged, and were unable to complete their secondary education upon return to civilian life.

*Patron - Dance*

**HB1794 Suspensions; sufficient cause.** Provides that the sufficient cause necessary to suspend a student cannot rest solely on instances of truancy.

*Patron - Brink*

**HB1836 Public schools; application of pesticides.** Directs the Department of Education to make information available to school boards on integrated pest management programs that address the application of chemical pesticides and other pest control measures on school property. The Virginia Cooperative Extension, in cooperation with the Pesticide Control Board, will develop guidelines for integrated pest management no later than July 1, 2010.

*Patron - Toscano*

**HB1923 Textbooks; reasonable fee or charge.** Provides that local school boards may assess a reasonable fee or charge for the loss of or damage to a textbook, so long as such textbook has been provided to the student free of charge.

*Patron - Tata*

**HB1942 Single-sex education.** Clarifies the manner in which school boards may establish a single-sex class or school in a school division. Participation must be voluntary and the school division must provide a substantially equal coeducational school or class.

*Patron - Peace*

**HB1945 Regional alternative education programs.** Provides that based on available space a school division may assign a student to a regional alternative education program and a parent may request, with the consent of the division superintendent, that his child be assigned to a regional alternative education program. Also, clarifies that the program described by the section is a "regional alternative education program."

*Patron - Peace*

**HB1980 Family life education; right of parents to review certain materials.** Requires school divisions to distribute a summary already required by law to be made available to parents and guardians to assist them in understanding the family life education program implemented in the school division and include a statement that states: (i) parents and guardians have the right to review all written and audiovisual educational materials used in the program, and (ii) parents and guardians have the right to remove the child from all or part of family life education instruction.

*Patron - McClellan*

**HB2070 Local school board policies; classroom placement of twins.** Requires local school boards to develop and implement policies to allow a parent of twins or higher order multiples to request that the children be placed in the same classroom or separate classrooms if they are in the same grade level at the same elementary school.

*Patron - Scott, E.T.*

**HB2089 Local school boards; grievance procedure.** Provides additional direction to school boards in establishing and administering a grievance procedure to resolve disputes arising between the school board and certain employees, and provides that except in the case of dismissal, suspension, or other disciplinary action, the grievance procedure prescribed by the Board of Education must apply to all full-time employees of a school board, except supervisory employees.

*Patron - Fralin*

**HB2112 Financial literacy education.** Provides that local school boards must establish educational objectives in financial literacy for grades K through 12.

*Patron - Spruill*

**HB2269 Annual report of expenditures; local school boards.** Requires the annual report of expenditures provided by the school board to the appropriate governing body to also be made available to the public on a template prescribed by the Board of Education.

*Patron - Poindexter*

**HB2304 Special education; 180 days to appeal due process hearing decisions.** Provides that any party aggrieved by a decision made in a due process hearing may appeal to a circuit court for a period of 180 days.

*Patron - Griffith*

**HB2341 Short-term suspension of a student; alternative education program.** The bill provides that a school board may adopt regulations authorizing a principal to impose a short-term suspension, when a student has been charged with

an offense involving intentional injury to another student in the same school, pending a decision as to whether to require the offending student to attend an alternative education program. It also provides that a school board may require a student charged with certain juvenile offenses to attend an alternative education program.

*Patron - Amundson*

**HB2353 Virginia School for the Deaf and the Blind.** Re-establishes the Board of Visitors of the Virginia School for the Deaf and the Blind as the governing entity for the Virginia School for the Deaf and the Blind at Staunton and the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton. This bill also repeals the section providing for the Advisory Commission on the Schools for the Deaf and the Blind, and the authority of the Superintendent of Public Instruction to prescribe the curricula and other matters for the schools. Technical amendments have also been made to conform certain provisions pertaining to the Board of Visitors to current statutory drafting requirements.

*Patron - Landes*

**HB2474 Planning time for school teachers.** Requires school boards to ensure that all elementary school teachers are provided an average of 30 minutes a day of planning time.

*Patron - Hugo*

**HB2517 Verified units of credit; industry certification and state licensure.** Directs the Board of Education in prescribing Standards of Learning assessments to also provide the option of industry certification and state licensure examinations in lieu of administering tests to assess the progress of students.

*Patron - Lohr*

**HB2537 Special education; definition of parent.** Defines "parent" for the purposes of the special education Article, and regulations promulgated thereto.

*Patron - Toscano*

**HB2619 Transfer students; Virtual Virginia credit.** Provides that course credits earned for online courses taken in the Department of Education's Virtual Virginia program will transfer to Virginia public schools in accordance with provisions of the standards of accreditation.

*Patron - Barlow*

**SB827 Family life education; value and benefits of marriage.** See HB 1746.

*Patron - Smith*

**SB1285 Publication of annual school budget.** Requires local governing bodies and local school divisions to publish the estimated required local match in the publication of the annual school budget. Local governing bodies and school divisions must, by law, publish the annual school budget for public inspection and comment.

*Patron - Newman*

## Title 22.1- Miscellaneous; Education

**HB1844 Public charter schools.** Allows certain amendments to the charter school statutes to sunset as provided in Chapter 530 of the Acts of Assembly of 2004 and retains others. Specifically, changes made in 2004 that require the charter school applicant to include (i) information regarding disclo-

tures of any ownership or financial interest in the public charter school by the charter applicant and the governing body, administrators, and other personnel of the public charter school; and (ii) results of any Board of Education review of the public charter school application will remain. Additionally, the bill retains the provisions (i) permitting a public charter school applicant to submit its proposed charter application to the Board of Education for review and comment; (ii) directing school boards to give priority to applications designed to benefit at-risk pupils; and (iii) exempting the ownership or financial interest of members of the governing body, administrators, and other personnel serving in a public charter school in renovating, lending, granting or leasing public charter school facilities from the prohibition of certain contracts by other officers and employees of local governmental agencies.

*Patron - Lingamfelter*

**HB2166 Accreditation of schools; delayed implementation of certain statutes and regulations, etc.** Provides for the delayed implementation of statutes and regulations, upon which the accreditation of schools in the Commonwealth is based that are not already in effect on June 30, 2008, until July 1, 2010, unless such statutes or regulations are also specifically required by federal code, federal regulation, or court action.

*Patron - Lohr*

**HB2224 Braille; certification of instructors.** Requires the Advisory Board on Teacher Education and Licensure, in consultation with the Department for the Blind and Vision Impaired, to make recommendations regarding the certification of Braille instructors.

*Patron - Knight*

**HB2409 Holocaust education; teacher's manual.** Requires the State Superintendent of Public Instruction to select and distribute a teacher's manual that emphasizes the causes and ramifications of the Holocaust and genocide to all school divisions. Local school divisions must provide such manual to each history and literature teacher.

*Patron - Hall*

**HB2589 Limited English proficient students; assessment.** Provides that local school divisions must administer a locally developed or selected limited English proficiency assessment mandated for students pursuant to the federal No Child Left Behind Act for the 2009-2010 school year, so long as such assessment has been approved by the Board of Education.

*Patron - Englin*

## Title 23- Educational Institutions

**HB1599 Grant program for certain foster care and special needs adoption students.** Modifies the eligibility of the current program to allow a student enrolled in a minimum of six credit hours per semester at a two-year institution of higher education to receive a grant for tuition and fees and to ensure that a student who has a prior bachelor's degree is excluded from participation. This bill is identical to SB 1049.

*Patron - Hamilton*

**HB1663 State Council of Higher Education for Virginia; student advisory committee.** Permits the State Council of Higher Education to appoint students enrolled in private and

accredited institutions of higher education in the Commonwealth to the student advisory committee.

*Patron - Tata*

**HB1664 State Council of Higher Education for Virginia; duties.** Eliminates the requirement that the State Council of Higher Education for Virginia must develop and revise, as it deems necessary, a model institutional crisis and emergency management plan for the purpose of assisting public and private two- and four-year institutions of higher education in establishing, operating, and maintaining emergency services and disaster preparedness activities.

*Patron - Tata*

**HB1665 State Council of Higher Education for Virginia; duties.** Eliminates the requirement that the State Council of Higher Education for Virginia develop a strategic statewide plan to ensure an adequate supply of nurses.

*Patron - Tata*

**HB1725 Board of visitors; the College of William and Mary, Virginia Polytechnic Institute and State University, and Virginia Commonwealth University.** Authorizes the boards of visitors of the College of William and Mary, Virginia Polytechnic Institute and State University, and Virginia Commonwealth University to invest and manage endowment funds, endowment income, gifts, and all other nongeneral fund reserves and balances as well as local funds of or held by the College or Universities. Exempts members of the board of visitors from personal liability for losses suffered by such investment. The bill also exempts the investment and management of endowment funds, endowment income, gifts, and all other nongeneral fund reserves and balances and local funds of or held by the College and Universities from the Virginia Public Procurement Act. Finally, the bill allows the endowment funds, endowment income, gifts, and all other nongeneral fund reserves and balances and local funds of or held by the College or Universities to be invested or reinvested in derivatives, options, and financial securities in accordance with the Uniform Prudent Management of Institutional Funds Act. This bill is identical to SB 1395.

*Patron - Rust*

**HB1810 Course credit; students called to active military duty.** Provides that the governing boards of each public institution of higher education must implement policies that apply to students who are called to active military duty during an academic semester.

*Patron - Morrissey*

**HB1834 Annual report of the University of Virginia board of visitors.** Repeals the requirement that the University of Virginia board of visitors submit an annual report of the progress of the University to the General Assembly.

*Patron - Toscano*

**HB1924 Tuition grants; commercial crab fishermen.** Provides tuition grants for a bona fide domiciliary of Virginia who (i) is a Virginia waterman holding a valid Virginia commercial crabbing license that has incurred adverse economic impacts as determined by the U.S. Dept of Commerce Blue Crab Commercial Fishery Failure Declaration; (ii) is enrolled or has been accepted for enrollment in a degree or certificate program of at least one academic year in length in a public two-year institution of higher education in the Commonwealth; (iii) has not been enrolled in postsecondary education as a full-time student for more than three years; (iv) has submitted applications for federal student financial aid programs for which he may be eligible; and (v) is not in default of a federal educational loan or student loan made or guaranteed by Vir-

ginia. This bill is contingent upon funds from the federal relief package associated with the U.S. Dept of Commerce Blue Crab Commercial Fishery Failure Declaration being made available to cover the full cost of these tuition grants. This bill has a sunset date of July 1, 2012.

*Patron - Lewis*

**HB2342 National Guard; tuition assistance.** Provides that notwithstanding the eligibility requirement that a member of the National Guard have a minimum of two years remaining on his service requirement in order to receive a grant, if a member is activated or deployed for federal military service, an additional day, up to 365 days, must be added to the member's eligibility for the grant for each day of federal service. Additional credit, or credit for state duty, may be awarded at the discretion of the Adjutant General.

*Patron - Amundson*

**HB2546 Jamestown-Yorktown Foundation; America's 400th Anniversary Commemoration; report.** Provides for the Jamestown-Yorktown Foundation to prepare a report providing an overview of the planning and a record of events for America's 400th Anniversary Commemoration on or before June 30, 2009. Under the bill the report will be prepared under the guidance of the planning entity and published as a joint document of the House of Delegates and the Senate of Virginia. The bill includes an emergency clause.

*Patron - Howell, W.J.*

**HB2549 Virginia College Savings Plan.** Provides for: (i) the exclusion of certain financial records of the Virginia College Savings Plan from the Freedom of Information Act; (ii) the authorization for closed meetings of the Board of the Virginia College Savings Plan in certain circumstances; (iii) the expansion of the Virginia College Savings Plan Board from eight to 11 members; (iv) the creation of two advisory committees to the Board; and (v) the authority for the Virginia College Savings Plan Board to establish scholarships or matching grant programs for qualified students. The bill also renames the individual hired by the Virginia College Savings Plan Board to direct, manage, and administer the Plan as the "chief executive officer," rather than the current designation of "executive director." This bill is identical to SB 1251.

*Patron - Cox*

**SB994 Institutions of higher education; employment of campus police.** Allows any public institution of higher education to direct that the chief of its campus police department not be governed by the Virginia Personnel Act. Also makes a technical amendment, correcting an outdated Code citation.

*Patron - Miller, J.C.*

**SB1017 Roanoke Higher Education Authority.** Removes Ferrum College from and corrects the name of the College of Health Sciences on the Board of Trustees of the Roanoke Higher Education Authority. This bill also removes the Executive Director of the Fifth District Employment and Training Consortium as a member of the Board.

*Patron - Edwards*

**SB1049 Grant program for certain foster care and special needs adoption students.** See HB 1599.

*Patron - Whipple*

**SB1251 Virginia College Savings Plan.** See HB 2549.

*Patron - Miller, Y.B.*

**SB1395** Board of visitors; the College of William and Mary, Virginia Polytechnic Institute and State University, and Virginia Commonwealth University. See HB 1725.

*Patron - Norment*

**SB1547** Eligibility for state financial aid programs. Provides that persons who have completed a program of home school instruction and certain persons who have been excused from school attendance shall be deemed to have met any high school graduation requirements for purposes of eligibility for any state-supported financial or other higher education programs. Also, when a high school grade point average, class rank, or other academic criteria is specified as a condition of participating, the State Council of Higher Education for Virginia (SCHEV) will develop an equivalent measure for such students.

*Patron - Cuccinelli*

## Title 23- Miscellaneous; Educational Institutions

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**HB1940** Open education resource centers; fund established; pilot project. Requires the State Board for Community Colleges, in consultation with the Virginia Department of Education and the State Council of Higher Education for Virginia, to develop a competitive grant pilot program to provide grants to community colleges to establish open education resource centers in the Commonwealth. To qualify for a grant, community colleges shall be required to demonstrate a partnership with faculty or staff from at least one local school division and one institution of higher education in the Commonwealth. Grants would be awarded on a competitive basis with guidelines established in the bill. The bill also establishes a fund authorizing both public and private contributions. The provisions of this bill would not become effective until either an appropriation of general funds effectuating the purposes of this bill is included in a general appropriations act passed by the 2009 or 2010 Session of the General Assembly, which becomes law, or funds from other private or public sources are deposited into the Open Education Resource Center Grant Fund by July 1, 2010. This bill is identical to SB 1173.

*Patron - Peace*

**HB2433** Eastern Virginia Medical School. Alters the manner in which the Board of Visitors of the Eastern Virginia Medical School is appointed. Additional appointment power is granted to the Governor, the Speaker of the House, and the Senate Rules Committee. This bill is identical to SB 1249.

*Patron - Joannou*

**HB2464** Management agreements with certain institutions of higher education. Provides that the 2006 management agreements in place between the Commonwealth and Virginia Polytechnic Institute and State University, the College of William and Mary, the University of Virginia, and the 2008 management agreement between the Commonwealth and Virginia Commonwealth University, will expire on June 30, 2012, provided that on or before November 15, 2011, the Governor provides to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance written notification that the agreements need to be renegotiated or revised. Otherwise, the management agreements will continue in effect until June 30, 2015. Also makes adjustments to the policies governing capital projects, procurement, and financial operations and management. This bill is identical to SB 1156.

*Patron - Morgan*

**SB1156** Management agreements with certain institutions of higher education. See HB 2464.

*Patron - Edwards*

**SB1173** Open education resource centers; fund established; pilot project. See HB 1940.

*Patron - Watkins*

**SB1249** Eastern Virginia Medical School. See HB 2433

*Patron - Northam*

## Title 24.2- Elections

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**HB1643** Conduct of elections; service and oaths of officers of election; number of observers permitted at the polls. Provides that (i) the electoral board may provide for administering oaths for officers of election taking into account the hours of service of the officers and (ii) at least one party or candidate representative for each pollbook station shall be permitted as an observer in the polling place.

*Patron - Englin*

**HB1712** Federal write-in absentee ballots; witness requirement. Removes the requirement that a federal write-in absentee ballot will only be considered valid for purposes of simultaneously satisfying both an absentee ballot application and a completed absentee ballot for federal offices if the envelope contains the signature of a witness and his printed name and address. The bill provides that the envelope need only contain the signature of the witness in order for the ballot to be considered valid. The bill also provides that the ballot must be received no later than the closing of the polls rather than five days before the election and that the federal write-in absentee ballot may serve as a registration application if the voter is eligible to register in Virginia. This bill incorporates HB 2221. This bill is identical to SB 993.

*Patron - Janis*

**HB1740** Campaign Finance Disclosure Act; personal use. Provides that it is unlawful to convert any money, securities, or like intangible personal property that has been contributed to a campaign committee to the personal use of a member of the candidate's family (spouse or dependent child). Parallel prohibitions are applied to political action, political party, referendum, and inaugural committees and the immediate family of the committee's treasurer or chief executive. Present law makes, and will continue to make, it unlawful for any person to convert such contributed property to his own use.

*Patron - Purkey*

**HB1771** Elections; vacancies in constitutional offices. Provides that the special election to fill a vacancy in a constitutional office (clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, and treasurer) in localities with a population of 15,000 or less, or a constitutional office shared by localities with a combined population of 15,000 or less, shall be scheduled to be held at the next November general election rather than on a more promptly scheduled special election date. Emergency.

*Patron - Pollard*

**HB1791** Elections; officers of election; independent voters. Authorizes local electoral boards to appoint independent voters to serve as officers of election as long as the chief and assistant chief officers represent the two leading political

parties. Current law requires equal representation of the two major political parties in the appointment of officers of election, and does not explicitly authorize additional appointments of voters who are not nominated by a political party.

*Patron - Brink*

**HB1832 Elections; general registrars; their appointment, qualification, and term; vacancies; and prohibitions.** Provides that the electoral board of a city that is wholly contained within one county may appoint a qualified voter of that county to serve as city general registrar. Cities wholly contained within one county include Bedford City, Buena Vista, Charlottesville, Covington, Danville, Emporia, Fairfax City, Harrisonburg, Lexington, Manassas, Martinsville, Norton, Roanoke City, Salem, Staunton, Waynesboro, and Winchester.

*Patron - Toscano*

**HB1877 Elections; absentee voting process; first responders.** Provides that law-enforcement officers, firefighters, and other first responders are entitled to vote absentee and requires prompt service on absentee ballot applications backed up by jurisdiction in the circuit courts to order compliance with the statutory requirements. This bill is identical to SB 1070.

*Patron - Cosgrove*

**HB1878 Elections; clarifications and revisions to registration and election processes; penalties.** Incorporates changes to definitions, duties of election officials, registration procedures, voting procedures, and election offenses; penalties. This bill is identical to SBs 848 and 1188.

*Patron - Cosgrove*

**HB1881 Elections; absentee voting; response to applications.** Provides that the absentee ballot shall be sent by email to military and overseas voters and their families who are located outside the Commonwealth and who request the ballot be sent by email. However, the voted ballot must be returned by mail.

*Patron - Miller, P.J.*

**HB1892 State Board of Elections; powers and duties.** Addresses the Board's authority to oversee local election officials and imposes limits on the political activities of Board staff members. Specifically, electoral boards and registrars are required to follow (i) the elections laws and (ii) the rules and regulations of the Board insofar as they do not conflict with Virginia or federal law. The Board shall also set the training standards for the officers of election and ensure that members of its own staff refrain from overt political activity.

*Patron - Brink*

**HB2197 Elections; assistance for certain voters.** Provides certain procedures for assisting voters in a language other than English and requires the officer or person assisting a voter using a paper or mark-sense ballot to deposit the ballot in the ballot container without examining its contents.

*Patron - Watts*

**HB2422 Elections; acquisition of voting equipment by localities.** Modifies the provision enacted in 2007 that prohibits the acquisition of direct recording electronic (DRE) machines by any locality on and after July 1, 2007. The modification will allow a locality that acquired DREs before July 1, 2007, to acquire DREs on a temporary basis to conduct a special election when its existing DRE inventory is insufficient because the inventory is wholly or partly under lock and seal following an election. This bill is identical to SB 988.

*Patron - May*

**HB2465 Petition to remove public official; costs.** Provides that the court shall not dismiss a petition for the removal of a public official solely because of an error or omission in the form of the petition relating to its statement of the grounds or reasons for removal unless the error or omission is material in determining whether statutory requirements have been met. The measure provides further that any person who signs or circulates a petition for the removal of a public official (i) will not be liable for any costs associated with the proceedings, including attorney fees or court costs, and (ii) will not have sanctions imposed on him under the statute (§ 8.01-271.1) that provides sanctions in frivolous court proceedings. This bill is identical to SB 1394.

*Patron - Morgan*

**HB2544 Elections; recounts.** Applies to elections in which the winning or losing candidate was a write-in candidate and provides that the losing candidate may initiate a recount when the difference between the winning and losing candidates is not more than five percent of the total vote cast for those two candidates. Ordinarily, a recount may be initiated only if the difference between the winning and losing candidates is not more than one percent of the total vote cast for those two candidates.

*Patron - Cole*

**HB2642 Elections; duties of the State Board of Elections with respect to registration procedures.** Requires the State Board of Elections to conduct a match of registered voter lists with the list of deceased persons maintained by the Social Security Administration.

*Patron - Orrock*

**HB2666 Elections; activities at polling places; representatives and observers.** Provides that representatives shall be positioned to see and hear the voting process and for their right to appeal to the local board if dissatisfied with chief officer's decision on placement. The bill also adds certain requirements in connection with the use of voting equipment to assist curbside voters.

*Patron - Pogge*

**SB848 Elections; clarifications and revisions to registration and election processes; penalties.** See SB 1188; HB 1878.

*Patron - Edwards*

**SB988 Elections; acquisition of voting equipment by localities.** See HB 2422.

*Patron - Colgan*

**SB993 Federal write-in absentee ballots; witness requirement.** See HB 1712.

*Patron - Miller, J.C.*

**SB1070 Elections; absentee voting process; first responders.** See HB 1877.

*Patron - Martin*

**SB1155 Elections; ballot requirements; deadlines for printing ballots.** Clarifies that the deadlines for having ballots ready for absentee voting are 45 days before the November general election and 30 days before any other general, special, or primary election. The bill specifies that only in the case of a special election when the deadline cannot be met is there a provision for having the ballots ready "as soon after the deadline as possible."

*Patron - Edwards*

**SB1188 Elections; clarifications and revisions to registration and election processes; penalties.** See SB 848; HB 1878.

*Patron - Blevins*

**SB1365 Elections; addresses of protected voters.** Revises statutory language regarding protected voters who are permitted to furnish a post office box in lieu of a residence street address to be included on lists of registered voters and lists of persons who voted. The bill also adds any party participating in the address confidentiality program pursuant to § 2.2-515.2 to those protected persons who may furnish a post office box in lieu of a residence street address. It also provides how a protected voter may change his post office box address.

*Patron - Ticer*

**SB1394 Petition to remove public official; costs.** See HB 2465.

*Patron - Norment*

## Title 26- Fiduciaries Generally

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**SB855 Uniform Power of Attorney Act (UPOAA).** Establishes in the Code of Virginia the Uniform Act that was adopted by the National Conference of Commissioners on Uniform State Laws in 2006. The Act consists of default rules that can be modified if the principal desires. Powers of attorney will be durable unless drafted to expire upon a specified date or event. The UPOAA addresses creation and use, good faith reliance, limitations of agent's powers, refusal to recognize, judicial review, notification of resignation, and other matters. The Act contains an optional statutory form. The bill contains a reenactment clause.

*Patron - Edwards*

## Title 28.2- Fisheries and Habitat of the Tidal Waters

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**HB1623 Marine tourism activity liability.** Relieves commercial fishermen that engage in marine tourism activities from liability of the inherent risks of such activity when providing the appropriate warnings to members of the public. The inherent risks include hazards such as surface and subsurface conditions; natural conditions of water; natural behaviors and dangers of varied marine products; and ordinary dangers of boats, structures, or equipment ordinarily used in commercial fishing operations.

*Patron - Lewis*

**HB1719 Fees for hunting and fishing licenses.** Clarifies the current authority of the Virginia Marine Resources Commission and the Board of the Department of Game and Inland Fisheries to increase certain fees for hunting, fishing, and trapping licenses. Beginning in 2004, each was given the authority to revise certain fees, through regulation, no more frequently than once every three years and by no more than \$5 for each adjustment. This legislation clarifies the current cost of licenses by noting that the fees may have changed in the sections where the General Assembly had previously provided the actual cost of a license.

*Patron - Cox*

**HB2223 Recreational saltwater licenses.** Authorizes the Marine Resources Commission to charge nonresidents a

higher fee to purchase various saltwater recreational fishing licenses than the amount paid by residents. The fee charged to nonresidents would be no greater than twice the Virginia resident fee. The bill also authorizes the Commission to prohibit the sale of a private boat recreational fishing license to a non-resident whose boat is not registered in Virginia.

*Patron - Lewis*

**HB2248 Marine Resources Commission location.** Removes the requirement that the Commissioner of the Marine Resources Commission establish and equip a permanent office in the City of Newport News and more broadly requires that the office is located on the Virginia Peninsula.

*Patron - Barlow*

**HB2256 Fixed fishing devices.** Requires the Marine Resources Commission to adopt regulations that set the distance between any net and the side or end of any fixed fishing device. Currently, the distance is established by statute.

*Patron - Pollard*

**HB2507 Refunds for saltwater fishing licenses.** Requires the Marine Resources Commission to refund fees for saltwater fishing licenses on a prorated basis if the Commission stops selling the license due to fishery management purposes.

*Patron - Pollard*

**HB2586 Standards for use of coastal primary sand dunes; exemption.** Authorizes the Virginia Beach Wetlands Board to determine which structures or properties are in imminent danger from erosion or storm damage. If such structures or properties are found to be in imminent danger, the property owners will be able to erect or maintain protective bulkheads of a type, size and configuration approved by the Board.

*Patron - Knight*

**SB1111 Crab season in specific area.** Authorizes the Marine Resources Commission to establish periods of time when crabs may be caught for resale in a specific location in the Chesapeake Bay. Currently it is unlawful to take or catch crabs for resale in this area from June 1 through September 15.

*Patron - Northam*

**SB1350 Marine Resources Commission; offshore renewable resources.** Provides the Marine Resources Commission with the authority to lease subaqueous lands for the purpose of generating electrical energy from wave or tidal action, currents, offshore winds, or thermal or salinity gradients and transmit energy from such sources to shore and requires that any leases require a royalty. All royalties collected will be appropriated to the Virginia Coastal Energy Research Consortium. The Marine Resources Commission is also directed to (i) identify 100 acres suitable for use by the Virginia Coastal Energy Research Consortium as a research site, and (ii) determine whether sufficient and appropriate subaqueous lands exist to support a commercial offshore wind farm and, if such land exists, offer it for development in a lease auction.

*Patron - Wagner*

## Title 28.2- Miscellaneous; Fisheries and Habitat of the Tidal Waters

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**HB2213 Easement in Baylor Grounds.** Removes the Marine Resources authority to grant a 100 foot wide easement

to Virginia Natural Gas across a portion of Baylor Survey Ground No. 3, for a natural gas pipeline.

*Patron - Jones*

**SB1479 Conveyance; Virginia Marine Resources Commission.** Authorizes the Virginia Marine Resources Commission to grant easements and rights-of-way across the beds of the Elizabeth River to the Department of Transportation for the improvement of the Midtown Tunnel. The conveyance includes a portion of the Baylor Survey.

*Patron - Miller, Y.B.*

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## Title 29.1- Game, Inland Fisheries and Boating

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**HB1609 Foxhound training preserve; nonresident license.** Establishes a license for nonresidents to hunt in foxhound training preserves for \$12. The new provision parallels the existing license requirement for nonresidents to hunt in shooting preserves.

*Patron - Wright*

**HB1618 Special hunting permit.** Allows the Director of the Department of Game and Inland Fisheries to permit any organized group of patients residing in or receiving outpatient treatment from a veterans or military hospital to hunt without having to obtain a license on any lands of the Commonwealth where it is otherwise legal to do so. Currently, the Director may only issue a special permit to allow such a group of persons to fish without a license in the public waters of the Commonwealth.

*Patron - Merricks*

**HB1716 Impeding killing of bear or deer.** Makes it a Class 3 misdemeanor to willfully and intentionally impede someone who has obtained a kill permit from killing a bear or deer that is damaging the owner's property. The language is similar to the current language used to prohibit the harassment of hunters and trappers.

*Patron - Cox*

**HB1847 Wearing blaze orange.** Exempts persons from wearing blaze orange clothing when hunting doves.

*Patron - Lingamfelter*

**HB2281 Wildlife Violator Compact.** Authorizes the Board of Game and Inland Fisheries to enter the interstate Wildlife Violator Compact and to adopt regulations necessary to implement the Compact. The bill also sets out the Wildlife Violator Compact in Title 29.1, Game, Inland Fisheries and Boating, of the Code of Virginia.

*Patron - Bowling*

**HB2636 Special hunting and fishing license for youth groups.** Authorizes the issuance of a special group hunting and fishing license to a nonprofit wildlife education organization that takes youth on hunting and fishing excursions as part of its effort to educate young people on Virginia's wildlife. The permit would cost \$25 and be valid for 48 hours. This permit would be in lieu of the youth having to purchase basic hunting and fishing licenses and the big game, archery, and muzzle-loader licenses.

*Patron - Cline*

**SB1515 Kill permit for wildlife.** Authorizes the issuance of a kill permit to shoot any wildlife to an airport operator, if the Director of the Department of Game and Inland Fisheries finds wildlife is creating a hazard. Currently, the operator of an airport can be issued such a permit to kill only deer under this standard.

*Patron - Stolle*

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## Title 29.1- Miscellaneous; Game, Inland Fisheries and Boating

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**HB1901 Property conveyance.** Authorizes the Board of Game and Inland Fisheries to convey approximately seven acres within the Cavalier Wildlife Management Area to Beaverdam Properties.

*Patron - Knight*

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## Title 30- General Assembly

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**HB1893 Brown v. Board of Education Scholarship Program.** Provides that scholarships awarded through the Brown v. Board of Education Scholarship Program may be used to cover the costs of required academic fees, in addition to tuition and textbooks already provided by state law, and graduate study at the masters and doctoral levels, as determined by the Awards Committee. This bill also clarifies the Awards Committee's authority to establish policies, standards, and rules to govern the Program, thereby strengthening its accountability for and authority to administer and oversee the Program. This bill is a recommendation of the Brown v. Board of Education Scholarship Awards Committee.

*Patron - Dance*

**SB980 Manufacturing Development Commission; sunset date.** Repeals the July 1, 2009, sunset date for the Manufacturing Development Commission. The bill would not affect a provision in the legislation that created the Commission that provides that the Commission will expire on July 1 of any fiscal year for which the Commission has not been funded through a separate appropriation in the Appropriation Act.

*Patron - Wagner*

**SB981 Manufacturing Development Commission.** Increases the size of the Commission to 14 members by adding a representative of Norfolk State University or Virginia State University as a member of the Commission.

*Patron - Wagner*

**SB1060 Joint Commission on Health Care.** Extends the expiration of the Joint Commission on Health Care until July 1, 2012.

*Patron - Puller*

**SB1453 Commission on Civics Education.** Moves the Commission on Civics Education to the legislative branch and gives the Commission fund-raising authority. Also provides for the appointment of 12 nonlegislative citizen members, two to be appointed by the Governor and 10 to be appointed by the Joint Rules Committee.

*Patron - Petersen*



## Title 30- Miscellaneous; General Assembly

**HB1720 Virginia War of 1812 Bicentennial Commission.** Amends the second enactments of Chapter 409 and Chapter 740 of the Acts of Assembly of 2008 to extend the time that the Commission may be funded upon the approval of the Joint Rules Committee, and provides that if the Commission is not funded by a separate appropriation in the appropriation act for the 2012-2014 biennium, the Commission will sunset on July 1 of the fiscal year that it does not receive funding. This bill is a recommendation of the Virginia War of 1812 Bicentennial Commission.

*Patron - Cox*

## Title 32.1- Health

**HB1598 Certificate of public need; criteria for determining need and method of filing.** Replaces existing criteria for determining need for the purposes of a Certificate of Public Need; establishes an expedited application and review process for certificates for projects involving a capital expenditure of \$15 million or more that are not otherwise defined as reviewable in the definition of "project"; and establishes a Request for Applications procedure for psychiatric and substance abuse treatment beds and services. This bill establishes a review process in cases in which no regional health planning agency is designated. This bill also provides that in cases in which a provision of the State Medical Facilities Plan has been previously set aside by the Commissioner and final amendments to the plan have not yet taken effect, the Commissioner's decision shall be consistent with the guiding principals set forth in the plan; establishes a process for satisfying conditions on a certificate by making direct payments to an organization authorized under a memorandum of understanding with the Department of Health to receive contributions to satisfy conditions on a certificate, or to a private nonprofit foundation authorized under a memorandum of understanding with the Department of Health that funds basic insurance coverage for indigents; requires that any medical care facility that furnishes, conducts, operates, or offers any service which requires a certificate of public need to report data on utilization of certain services; and replaces the term "gamma knife surgery" with the term stereotactic radiosurgery, and adds stereotactic radiotherapy and proton beam therapy to radiation therapy in the list of specialized services provided by medical care facilities subject to COPN.

*Patron - Hamilton*

**HB1681 Construction of wells.** Requires a site plan, but not a survey plat, to be included in an application for a permit to construct a private well. Also clarifies that it is the landowner's responsibility to ensure that the well is located on his property.

*Patron - Lewis*

**HB1768 Certificate of public need; Department of Corrections exempt.** Exempts facilities of the Department of Corrections from the definition of "medical care facility" for purposes of the certificate of public need process.

*Patron - Dance*

**HB2141 Infectious disease; deemed consent for testing.** Requires that if any salaried or volunteer firefighter, paramedic, or emergency medical technician becomes exposed to another's body fluids in a manner that may transmit HIV or

hepatitis, the other person will be deemed to have consented to testing for those viruses. The bill also removes the duty of a law-enforcement officer to inform a person of his deemed consent prior to exposure to his body fluids.

*Patron - Miller, J.H.*

**HB2148 Onsite treatment works designs.** Provides that designs for treatment works submitted to the Department of Health by professional engineers shall be appropriate for the particular soil characteristics of the site.

*Patron - Nutter*

**HB2188 Onsite treatment works.** Provides that the Board of Health shall establish procedures for requiring a survey plat with any application for a permit or letter for an onsite sewage or alternative discharging sewage system, and procedures for waiving such requirement.

*Patron - Phillips*

**HB2200 Breast and Cervical Cancer Prevention and Treatment Fund; established.** Establishes the Breast and Cervical Cancer Prevention and Treatment Fund (the Fund) to be used for the prevention and treatment of breast and cervical cancer for underserved and uninsured women in Virginia. The bill adds the Fund as a voluntary contribution on the individual income tax return. The bill specifies that moneys in the Fund shall not be used until such time as the General Assembly authorizes the Virginia Department of Health and the Virginia Department of Medical Assistance Services to increase access to services consistent with "Option 3" of the National Breast and Cervical Cancer Early Detection Program. This bill is identical to SB 1144.

*Patron - Vanderhye*

**HB2270 Private residential wells; minimum storage capacity and yield requirements.** Requires the Board of Health to include in its regulations minimum storage capacity and yield requirements for residential drinking wells, and requires that the certified water well systems provider shall certify the storage capacity and yield of the well on a form provided by the Department of Health at the time the well is completed.

*Patron - Poindexter*

**HB2447 Influenza; vaccination of minors.** Requires the Board of Health, by August 31, 2009, to develop and issue guidelines for administration of influenza vaccine to minors by licensed pharmacists, registered nurses, or licensed practical nurses, with the consent of the minor's parent, guardian, or person standing in loco parentis and when consistent with guidelines developed by the Centers for Disease Control and Prevention. This bill also provides that a prescriber may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, or licensed practical nurse under the direction and immediate supervision of a registered nurse when the prescriber is not physically present.

*Patron - Sickles*

**HB2449 Exposure to communicable diseases; first responders.** Requires that if any salaried or volunteer firefighter, paramedic, or emergency medical technician becomes exposed to another's body fluids in a manner that may transmit HIV or hepatitis, the other person will be deemed to have consented to testing for those viruses. This bill removes the duty of a law-enforcement officer to inform a person of his deemed consent prior to exposure to his bodily fluids. Also, when a first responder is asked to transport someone with a communicable disease, this bill removes the transferring facility's discretion in deciding if the responder must be notified as to the general condition of the patient and any precautions to be

taken, and instead always requires such notice. This bill is identical to SB 1107.

*Patron - Sickles*

**HB2456 Virginia Tobacco Settlement Foundation; name change.** Changes the name of the Virginia Tobacco Settlement Foundation to the Virginia Foundation for Healthy Youth and allows for moneys from the Virginia Tobacco Settlement Fund that are obtained primarily from public grants and private funding sources to be used to reduce childhood obesity in the Commonwealth. This bill is identical to SB 1112.

*Patron - O'Bannon*

**HB2458 Posting of charity care policies.** Requires all hospitals to provide written information about the hospital's charity care policies, including policies related to free and discounted care, in public areas of the hospital including admissions or registration areas, emergency departments, and associated waiting rooms. The bill further provides that information about eligibility criteria and procedures for applying for charity care shall be provided to patients at the time of admission or discharge, at the time services are provided, with any billing statements, and on any website maintained by the hospital.

*Patron - O'Bannon*

**HB2462 Patient level data system; reporting requirement.** Adds patient street address and city or county to and removes patient relationship to insured from the list of information that must be reported by hospitals, facilities, physicians, and oral and maxillofacial surgeons.

*Patron - O'Bannon*

**HB2551 Onsite treatment works; designs by engineers.** Provides that onsite treatment works designs submitted by professional engineers to the Department of Health shall ensure that the treatment works will meet or exceed the discharge, effluent, and surface and ground water quality standards for systems otherwise permitted pursuant to regulations and policies of the Department of Health.

*Patron - Orrock*

**SB927 Death certificates; disclosure to grandchildren and great-grandchildren.** Requires the State Registrar or the city or county registrar to issue a certified copy of a death certificate to the grandchild or great-grandchild of a decedent in accordance with procedures prescribed by the Board of Health in regulation.

*Patron - Cuccinelli*

**SB949 Organ donation; Virginia Donor Registry and Public Awareness Fund.** Changes the name of the Virginia Transplant Council Education Fund to the Virginia Donor Registry and Public Awareness Fund, and requires the Department of Motor Vehicles to establish a method by which an applicant conducting a Department of Motor Vehicles transaction using electronic means may make a voluntary contribution to the Fund. Also makes technical corrections to make certain sections consistent with the Revised Uniform Anatomical Gift Act.

*Patron - Howell*

**SB1107 Exposure to communicable diseases; first responders.** See HB 2449.

*Patron - Northam*

**SB1112 Virginia Tobacco Settlement Foundation; name change.** See HB 2456.

*Patron - Northam*

**SB1128 Construction of wells; geothermal heating systems.** Requires the Board of Health to develop regulations for the issuance of an express geothermal permit allowing the construction of wells used solely for closed loop geothermal heating systems. Such regulations shall include a provision that a single application and a single fee shall be required for any geothermal well system, and that the fee shall be equal to the fee for a single private well.

*Patron - Petersen*

**SB1144 Breast and Cervical Cancer Prevention and Treatment Fund; established.** See HB 2200.

*Patron - Whipple*

**SB1162 Certificate of public need; plan of correction for failure to meet conditions.** Provides that, when a certificate of public need is subject to conditions imposed by the Commissioner, and the certificate holder is unable to or fails to satisfy the conditions of the certificate, the Department may approve alternative methods to satisfy the conditions, including allowing the holder to, pursuant to a plan of compliance that identifies a timeframe for satisfying the conditions and explanation of how the certificate holder will satisfy the conditions of the certificate, (i) make direct payments to an organization authorized under a memorandum of understanding with the Department to receive contributions satisfying the conditions of a certificate, (ii) make direct payments to a private nonprofit foundation that funds basic insurance coverage for indigents authorized under a memorandum of understanding with the Department to receive contributions satisfying conditions of a certificate, or (iii) undertake other initiatives to provide primary or specialized care to underserved populations.

*Patron - Watkins*

**SB1236 Board of Health; membership.** Adds two members to the Board of Health. This bill provides that one new member shall be a person who has public environmental health expertise and one new member shall be a representative of the emergency medical services community recommended by the State Emergency Medical Services Advisory Board.

*Patron - Barker*

**SB1448 Virginia Indigent Health Care Trust Fund; repeal.** Repeals the Virginia Indigent Health Care Trust Fund.

*Patron - Watkins*

**SB1468 Department of Health; onsite treatment works; designs by engineers.** Requires the Department of Health to ensure that onsite treatment works designs by professional engineers meet or exceed the discharge standards for systems otherwise permitted pursuant to the Department's regulations and policies. This bill also requires the Board of Health to adopt, within 280 days, regulations establishing performance requirements and horizontal setbacks necessary to protect public health and the environment for alternative systems, and provides that such regulations shall include a requirement for comment period of at least 30 days, and shall contain operation and maintenance requirements consistent with the requirements for alternative onsite sewage systems.

*Patron - Quayle*

## Title 32.1- Miscellaneous; Health

**HB1605 Certificate of public need; authorization of certain amendment.** Authorizes the Commissioner of Health to accept and approve a request to amend the conditions of a certificate of need issued for an increase in beds in which nursing facility or extended care services are provided to allow such facility to continue to admit persons, other than residents of the cooperative units, to its nursing facility beds through June 30, 2012 when such facility (i) is operated by an association described in § 55-458; (ii) was created in connection with a real estate cooperative; (iii) offers its residents a level of nursing services consistent with the definition of continuing care in Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2; and (iv) was issued a certificate of need prior to October 3, 1995.

*Patron - Purkey*

**HB2674 Plan to eliminate the Mental Retardation and IFDDS waiver waiting lists.** Expresses the intent of the General Assembly to eliminate the waiting lists for the Mental Retardation Medicaid Waiver and the Individual and Family Developmental Disabilities and Support Medicaid Waiver. Beginning July 1, 2010, and each year thereafter, the Department of Medical Assistance Services shall add at least 400 funded slots for MR Waivers, and at least 67 funded slots for IFDDS Waivers, until the waiting lists for both have been eliminated. This bill is identical to SB 1501.

*Patron - Cox*

**SB1501 Medicaid; eliminate MR and IFDDS Waiver waiting lists.** See HB 2674.

*Patron - Barker*

## Title 33.1- Highways, Bridges and Ferries

**HB1628 Contractor performance bonds for locally administered transportation improvement projects.** Provides that whenever any county, city, or town undertakes administration of a transportation improvement project and obtains, in connection therewith, contractor performance bonds that include the Virginia Department of Transportation as a dual obligee, the amount of such bonds shall be no greater than would have been required had the Department not been included as a dual obligee.

*Patron - Cole*

**HB1631 Interstate Public-Private Partnership Compact.** Repeals Chapter 17 of Title 33.1, which established the Interstate Public-Private Partnership Compact.

*Patron - Landes*

**HB1645 Urban highway system construction allocations.** Increases from one-third to two-thirds the portion of a city or town's urban highway system construction funds that can be used to service debt. This bill is identical to SB 1438.

*Patron - Marshall, D.W.*

**HB1763 Naming of bridges.** Repeals a section of the Code (§ 33.1-250) that in part overlaps and in part conflicts

with provisions in another Code section (subdivision 4 of § 33.1-12), where this subject is treated in more detail, and which has more recently been amended.

*Patron - Landes*

**HB1835 Rail Enhancement Fund.** Allows the Rail Enhancement Fund to be used to support improvements, etc., to passenger and freight railways that result in a public benefit in terms of traffic congestion, environmental quality, and passenger rail capacity in corridors, identified by the Commonwealth Transportation Board, that have existing passenger rail service.

*Patron - Toscano*

**HB1880 Department of Rail and Public Transportation (VDRPT).** Makes VDRPT responsible for ensuring the safety of rail fixed guideway transit systems within the Commonwealth and carrying out state safety and security oversight responsibilities for rail fixed guideway transit systems as required by the Federal Transit Administration and federal law.

*Patron - Miller, P.J.*

**HB2019 Transportation corridors.** Allows the Commonwealth Transportation Board to establish transportation corridors in connection with the establishment of the Statewide Transportation Plan. This bill is identical to SB 1398.

*Patron - Rust*

**HB2425 Primary and secondary system of state highways; localities.** Provides for the transfer of roads, bridges, and streets from the primary system of state highways to the local system of roads operated by certain localities. Also provides that any county choosing to resume responsibility over the secondary roads within its boundaries shall be deemed to have withdrawn from the secondary system of state highways.

*Patron - May*

**HB2476 HOV lanes; clean special fuel vehicles.** Extends until July 1, 2010, the "sunset" provision allowing vehicles bearing clean special fuel license plates to use HOV lanes regardless of the number of passengers.

*Patron - Hugo*

**HB2577 Noise abatement practices and technologies.** Requires that whenever the Commonwealth Transportation Board or VDOT plans for or undertakes any highway construction or improvement project and such project includes or may include the requirement for the mitigation of traffic noise impacts, consideration shall be given to the use of noise reducing design and low noise pavement materials and techniques.

*Patron - May*

**SB1238 Virginia Department of Rail and Public Transportation (VDRPT).** Grants the Director of VDRPT, in procuring architectural and engineering services for rail and public transportation construction projects, the same procurement powers granted to the VDOT Commissioner by the Virginia Public Procurement Act.

*Patron - Barker*

**SB1398 Statewide Transportation Plan.** See HB 2019.

*Patron - Norment*

**SB1438 Urban highway system construction funds.** See HB 1645.

*Patron - Miller, Y.B.*

**SB1530 Subdivision streets; acceptance into state secondary highway system.** Provides that no secondary street

can be taken into the state secondary highway system unless and until any and all required permits have been obtained and any outstanding fees, charges, or other financial obligations of whatsoever nature have been satisfied or provision has been made, whether by the posting of a bond or otherwise, for their satisfaction.

*Patron - Norment*

## Title 33.1- Miscellaneous; Highways, Bridges and Ferries

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**HB1580 Hampton Roads Transportation Authority.** Abolishes the Authority and the taxes, fees, and charges dedicated to financing its operation and programs. The bill also makes several technical changes. This bill is identical to SB 1018.

*Patron - Oder*

**HB1611 Veterans Memorial Bridge.** Designates the Interstate Route 64 bridges near the town of Clifton Forge at approximately mile marker 24 the "Veterans Memorial Bridge."

*Patron - Shuler*

**HB1667 American Former Prisoners of War Memorial Highway.** Extends the American Former Prisoners of War Memorial Highway (U.S. Route 19) northward from the Russell/Tazewell County line to U.S. Route 460 at Claypool.

*Patron - Bowling*

**HB1713 Holland-Councill Memorial Bridge.** Designates the U.S. Route 58 Business bridge over the Blackwater River in Isle of Wight County the "Holland-Councill Memorial Bridge." This bill is the same as SB 802.

*Patron - Tyler*

**HB2088 Public recreational access and safety issues; new railroad projects.** Provides that, no later than December 1, 2009, the Department of Rail and Public Transportation, the Department of Game and Inland Fisheries, and the Department of Conservation and Recreation shall develop a process to coordinate and evaluate public recreational access and safety issues related to certain new railroad projects.

*Patron - Fralin*

**HB2099 George Washington Toll Road Authority.** Creates a toll road authority encompassing the City of Fredericksburg and the County of Spotsylvania for the purposes of alleviating highway congestion, promoting highway safety, expanding highway construction, increasing the utility and benefits and extending the services of public highways, including bridges, tunnels and other highway facilities, both free and toll, and otherwise contributing to the welfare of the Commonwealth and the George Washington Region.

*Patron - Orrock*

**HB2401 Bridge designations.** Designates the following bridges: the U.S. Route 29 bridge over the Rapidan River between Greene and Madison Counties as the "Fallen Heroes Memorial Bridge in honor of Corporal Adam J. Fargo and Private First Class Edwin A. Andino" and the U.S. Route 340

bridge over Overall Run at the Warren County/Page County line as the "Larry E. Smedley (USMC) Memorial Bridge."

*Patron - Bell*

**HB2477 Popes Head Road.** Designates the entire length of Popes Head Road in Fairfax County a Virginia byway.

*Patron - Hugo*

**SB802 Holland-Councill Memorial Bridge.** See HB 1713.

*Patron - Lucas*

**SB941 Staff Sergeant Jason R. Arnette Memorial Bridge.** Designates the U.S. Route 360 (Patrick Henry Highway) bridge over U.S. Route 360 Business (Goodes Bridge Road) in Amelia County the "SSG Jason R. Arnette (U.S.A.) Memorial Bridge."

*Patron - Watkins*

**SB1018 Hampton Roads Transportation Authority.** See HB 1580.

*Patron - Miller, J.C.*

**SB1288 Parkway.** Provides that the term "parkway" as used in § 33.1-369 of the Code of Virginia does not include any parkway designated by Chapter 44 of the Acts of Assembly of 2008.

*Patron - Newman*

**SB1405 Richard Daley Mahone Memorial Bridge; John McLaughlin Memorial Bridge.** Designates the Virginia Route 143 (Merrimac Trail) bridge over Queens Creek in Williamsburg the "Richard Daley Mahone Memorial Bridge" and the Virginia Route 64 (Old Roxbury Road) bridge that crosses Interstate Route 64 in New Kent County the "John McLaughlin Memorial Bridge."

*Patron - Norment*

**SB1550 Jordan Bridge.** Authorizes the Chesapeake City Council to provide for the emergency replacement of the Jordan Bridge (Poindexter Street, crossing the Southern Branch of the Elizabeth River). The bill includes an emergency clause making it effective retroactively to January 1, 2009.

*Patron - Blevins*

## Title 34- Homestead and Other Exemptions

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**HB1668 Garnishment.** Provides that a parent who supports a dependent child or children residing with him may hold exempt from garnishment an additional amount for the support of the child or children as follows: \$34 per week for one child; \$52 per week for two children; and \$66 per week for three or more children. This additional exemption amount shall not be available to a parent whose household gross income, including any support payments received for the children, exceeds \$1,750 per month. In order to claim this exemption, the parent must file an affidavit concerning his household income and the number of dependent children in his home and submit two items of proof showing that the debtor is entitled to the exemption.

*Patron - Kilgore*

**HB2559 Homestead exemption.** Increases the homestead exemption from \$5,000 to \$10,000 for householders who are 65 years of age or older.

*Patron - Johnson*

**HB2560 Homestead exemption; veterans.** Increases the additional homestead exemption for veterans from \$2,000 to \$10,000.

*Patron - Johnson*

## Title 36- Housing

**HB1890 Housing authorities; referendum.** Increases the number of qualified voters in a locality needed to have a referendum creating a housing authority from at least 100 voters to at least two percent of the qualified voters. The bill also provides that once a referendum has been held, no other referendum on the same question shall be held in the county, city, or town within five years of the date of the prior referendum.

*Patron - Brink*

**HB2569 Manufactured Housing Licensing and Transaction Recovery Fund Law.** Limits to \$4,000 the amount of actual damages that a manufactured home dealer may retain when a buyer fails to accept delivery of a manufactured home that is larger than a single section unit and in the manufactured home dealer's stock. The bill also raises the limit of actual damages from \$5,000 to \$7,000 when a buyer fails to accept delivery of a manufactured home that is larger than a single section unit and is specially ordered for the buyer. The bill also (i) raises the maximum claim amount of a single claimant against the Manufactured Housing Recovery Fund for single or multiple violations by one or more regulants from \$20,000 to \$40,000, (ii) raises the minimum balance of the Fund from \$250,000 to \$300,000, (iii) authorizes interest earned on the Fund to be used for education programs for a wider range of individuals and to pay department staff expenses for conducting investigations, and (iv) authorizes the Manufactured Housing Board to use up to five percent of the balance of the Fund in any fiscal year for educational purposes and to pay investigation expenses. Under the bill, the provisions raising the minimum fund balance and authorizing the use of the Fund balance and interest on educational programs and to pay investigative costs will expire on July 1, 2011.

*Patron - Scott, J.M.*

**SB1459 Manufactured Housing Licensing and Transaction Recovery Fund Law.** Limits to \$4,000 the amount of actual damages that a manufactured home dealer may retain when a buyer fails to accept delivery of a manufactured home that is larger than a single section unit and in the manufactured home dealer's stock. The bill also raises the limit of actual damages from \$5,000 to \$7,000 when a buyer fails to accept delivery of a manufactured home that is larger than a single section unit and is specially ordered for the buyer. In addition, the bill raises the maximum claim amount of a single claimant against the Manufactured Housing Transaction Recovery Fund for single or multiple violations by one or more regulants from \$20,000 to \$40,000, and raises the minimum balance of the Fund from \$250,000 to \$300,000. The bill also (i) authorizes interest earned on the Fund to be used for education programs for a wider range of individuals and to pay department staff expenses for conducting investigations, and (ii) authorizes the Manufactured Housing Board to use up to five percent of the balance of the Fund in any fiscal year for educational purposes

and to pay investigation expenses. The provisions of the bill amending § 36-85.31 will expire on July 1, 2011.

*Patron - Puckett*

## Title 37.2- Mental Health, Mental Retardation, and Substance Abuse Services

**HB1657 Appointment of guardian or conservator.** Clarifies that in a proceeding to appoint a guardian or conservator for a person, a court may appoint the spouse of the person.

*Patron - Marshall, R.G.*

**HB1843 Civil commitment of sexually violent predators; penalties.** Makes a number of changes, including requiring that the court records for certain sexual misdemeanors be retained for 50 years rather than 10 years; allowing access to juvenile court and records of the Department of Juvenile Justice; addressing challenges to filing defects, including defendants under the Commitment Review Committee; allowing access to sealed records; extending from 60 to 90 days the time for a probable cause hearing and allowing the respondent to waive his right to such hearing; setting a standard for the court to find probable cause; and extending from 90 to 120 the number of days after the probable cause hearing for conduct of the trial.

*Patron - Griffith*

**HB1948 Examination for involuntary commitment; allow examination by licensed marriage and family therapists.** Adds licensed marriage and family therapists to the list of persons who may conduct independent examinations of persons who are subject to a hearing for involuntary commitment.

*Patron - Shuler*

**HB2060 Mental health law revisions.** Amends mental health statutes to address issues resulting from the overhaul of mental health laws during the 2008 Session. This bill clarifies requirements that law-enforcement initiated emergency custody remains subject to the four hour limit and two hour extension provisions; clarifies that the employee or designee of the community services board attending a commitment hearing need not be the person who prepared the prescreening report, and that neither the employee or designee of the community services board attending a commitment hearing nor the independent examiner who attends the commitment hearing shall be excluded pursuant to an order of sequestration of the witnesses; clarifies that the prescreening report shall be admitted into evidence and made part of the record of the case; and extends the CCRE reporting requirement to close of business on the next business day following the hearing resulting in involuntary commitment. This bill has an emergency clause. This bill is identical to SB 1083.

*Patron - Hamilton*

**HB2257 Outpatient treatment; voluntary admission.** Provides that, in determining whether a person is capable of consenting to voluntary admission, the judge or special justice shall consider evidence regarding the person's past compliance or noncompliance with treatment.

*Patron - Albo*

**HB2300 Department of Mental Health, Mental Retardation and Substance Abuse Services; name change.** Changes the name of the Department, Board, Inspector Gen-

eral, and Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to the Department, Board, Inspector General, and Commissioner of Behavioral Health and Developmental Services. This bill also makes technical amendments. This bill is identical to SB 1117.

*Patron - Caputo*

**HB2459 Consumers; right to notify.** Provides that a consumer in a mental health facility shall have the opportunity to have an individual of his choosing notified of his general condition, location, and transfer to another facility. This bill is identical to SB 1076.

*Patron - O'Bannon*

**HB2460 Transportation of person under emergency custody order.** Provides for transportation of a person who is the subject of an emergency custody order as a result of his inability to protect himself from harm, a person under a temporary detention order, and a person under an involuntary commitment order by a family member or friend, representative of the community services board, or other alternative transportation provider with staff trained to provide transportation in a safe manner. This bill is identical to SB 823.

*Patron - O'Bannon*

**HB2461 Notification of family member of person involved in commitment process.** Authorizes disclosure to a friend or family member of a person who is the subject of an emergency custody order, temporary detention order, or involuntary commitment order, of information that is relevant to that friend's or family member's involvement with the person's health care, including information regarding the person's location and general condition. This bill is identical to SB 1077.

*Patron - O'Bannon*

**HB2486 Emergency custody; authority of law-enforcement officer.** Authorizes a law-enforcement officer who is transporting a person who has voluntarily consented to being transported to a facility for assessment or evaluation and who subsequently revokes consent to be transported to take such person into emergency custody when the law-enforcement officer determines that consent has been revoked and the person meets the criteria for emergency custody, even if the law-enforcement officer is beyond the territorial limits of the jurisdiction in which he serves. This bill also clarifies that a law-enforcement officer who takes a person into emergency custody based upon his own observations or reliable reports of others may transport such person beyond the territorial boundaries of the jurisdiction in which he serves in order to obtain the required assessment. This bill states that it is declarative of existing law. This bill is identical to SB 1079.

*Patron - Ward*

**SB823 Transportation of person under emergency custody order.** See HB 2460.

*Patron - Cuccinelli*

**SB1076 Consumers; right to notify.** See HB 2459.

*Patron - Howell*

**SB1077 Notification of family member of person involved in commitment process.** See HB 2461.

*Patron - Howell*

**SB1078 Special justices; expenses.** Provides that special justices, retired judges, or district court substitute judges presiding over involuntary commitment hearings shall receive their necessary mileage, parking, tolls, and postage.

*Patron - Howell*

**SB1079 Emergency custody; authority of law-enforcement officer.** See HB 2486.

*Patron - Howell*

**SB1081 Special justices; appointment.** Clarifies that a special justice serves at the pleasure of the chief justice of the judicial circuit in which he serves, rather than the specific chief justice that makes the original appointment.

*Patron - Howell*

**SB1082 Voluntary and involuntary commitment; forms.** Provides that the Office of the Executive Secretary of the Supreme Court shall prepare the petitions, orders, and such other legal documents as may be required in proceedings for emergency custody, temporary detention, and voluntary and involuntary admission to a facility and distribute such forms to the clerks of the general district courts and the juvenile and domestic relations courts. This bill further provides that the Department of Mental Health, Mental Retardation and Substance Abuse Services shall prepare the preadmission screening report, examination, and such other clinical forms as may be required for emergency custody, temporary detention, and voluntary and involuntary admission to a facility and distribute such forms to community services boards, mental health care providers, and directors of state facilities.

*Patron - Howell*

**SB1083 Mental health law revisions.** See HB 2060.

*Patron - Howell*

**SB1117 Department of Mental Health, Mental Retardation and Substance Abuse Services; name change.** See HB 2300.

*Patron - Ticer*

## Title 38.2- Insurance

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**HB1887 Cancellation of property insurance policy upon foreclosure.** Authorizes the cancellation of a policy insuring an owner-occupied dwelling on grounds that the property secured by the policy has been sold pursuant to foreclosure of a deed of trust encumbering the property.

*Patron - Nixon*

**HB1935 Confidentiality of insurance information.** Provides for the confidentiality of company licensing applications and supporting documentation received by the State Corporation Commission. The requirement for confidential treatment extends to information obtained by the Commission or any other person in the course of an investigation or a review of a licensing application.

*Patron - Plum*

**HB1971 Credit life insurance reserve standards.** Recognizes the 2001 CSO Male Composite Ultimate Mortality Table for use in determining the minimum standard of valuation for credit life insurance reserves, and the 1985 Commissioners' Individual Disability Table A in determining the standard for valuation of reserves for credit accident and sickness plans. The measure also specifies the interest rate and method to be used in determining the minimum standard of valuation. In addition, for credit life and disability contracts in the aggregate, insurers are required to establish an additional reserve liability if the net premium refund liability exceeds the aggregate recorded contract reserve.

*Patron - Ware, R.L.*

**HB1972 Credit insurance.** Requires that a disclosure notice be provided to debtors on credit property, credit involuntary unemployment, credit life, and credit accident and sickness insurance policies. No insurance contract upon a debtor paid by a single premium shall be made unless the debtor is provided with a notice disclosing the right to a refund of premium if the insurance is terminated prior to its scheduled maturity date or the insured debt is terminated or paid off early, and of the debtor's obligation to notify the insurer of certain events. The minimum amount of a refund is increased from \$1 to \$5. Policies and certificates are required to include a notice advising the debtor of his rights and the insurer's obligations regarding premium refunds. The State Corporation Commission shall not approve a form for credit property or credit involuntary unemployment insurance paid by a single premium unless the policy or certificate states that the unearned premium refund will be calculated on a pro rata basis.

*Patron - Ware, R.L.*

**HB1974 Crash prevention courses for those 55 years and older.** Authorizes the Department of Motor Vehicles to approve a crash prevention course for drivers 55 or older that is delivered through a computer-based medium, if the course sponsor has been approved to provide the course in a classroom setting. Insurers may allow a premium reduction for persons who complete the course provided via the Internet or other electronic means. SB 1013 is identical.

*Patron - Ware, R.L.*

**HB1982 Insurance; large commercial risks.** Makes forms for commercial automobile insurance policies that are written to large commercial risks eligible for the exemption that currently exists for other insurance of large commercial risks. Currently, forms for writing commercial automobile insurance policies are excluded from the provision that exempts insurance of large commercial risks from requirements that policy forms be filed with, and approved by, the State Corporation Commission. The measure also provides that any officer of the large commercial risk is authorized to sign the required certification regarding compliance with certain requirements; currently, its chief executive officer must sign the certification.

*Patron - McClellan*

**HB2024 Availability of basic health insurance.** Allows health insurers to offer and sell group health insurance policies or contracts that do not include state mandated health insurance benefits to employers with 50 or fewer employees to provide coverage for employees. Such a group policy or contract may include any, or none, of the state-mandated health benefits as the health insurer and the qualified small employer agree. Applications and enrollment forms for such policies shall disclose prominently the mandated benefits that are provided by the policy. The measure also provides that a plan of correction prepared by a holder of a certificate of public need for a medical care facility may allow the holder to satisfy the conditions of the certificate regarding the provision of charity care by (i) making direct payments to a private nonprofit foundation that funds basic insurance coverage for indigents authorized under a memorandum of understanding with the Department of Health to receive contributions satisfying conditions of a certificate, or (ii) other documented efforts to provide primary or specialized care to underserved populations. The measure states that a health insurance policy or subscription contract may include caps or limits on the total annual or lifetime benefits provided thereunder at specified dollar amounts, which statement is declarative of existing law. Health insurers offering plans under this act are required to report annually to the Bureau of Insurance on the number of small employers and

individuals using plans that do not offer mandated benefits, the coverage provided, and the cost of premiums and out-of-pocket expenses, which information shall be compiled, evaluated, and submitted to the Governor and General Assembly. Finally, the measure provides that employees of small employers whose group health insurance coverage does not provide for continuation of coverage under federal COBRA, and who are involuntarily terminated during the period beginning September 1, 2008, and ending December 31, 2009, or during any period for which premium assistance is specified by the American Recovery and Reinvestment Act, as later amended, shall be offered the option to continue their existing group health insurance coverage; this provision will take effect upon passage.

*Patron - Marshall, D.W.*

**HB2430 Electronic delivery of insurance notices.** Authorizes property, casualty, life, and certain other types of insurers to electronically transmit notices, other than notices of cancellation or termination of a policy, to the insured person. The insured's consent to receiving such notices electronically is required. If the parties agree to conduct business by electronic means, the agency of record shall be notified. Copies of electronic notifications are also required to be transmitted to the agent of record not more than 72 hours after the notice is transmitted to the insured.

*Patron - May*

**HB2467 Funding preneed funeral contracts with life insurance.** Requires that life insurance policies, annuity contracts, and certificates issued in connection with group life insurance policies or group annuity contracts specify the means by which face amount adjustments will be made, and benefits payable upon death will be adjusted, when they will be used to fund preneed funeral contracts. The measure also requires insurers proposing to issue life insurance policies or annuity contracts for purposes of funding preneed funeral contracts to disclose clearly their intended purpose and market when the forms are submitted for State Corporation Commission approval.

*Patron - Morgan*

**HB2655 Interest on accident and sickness claim proceeds.** Provides that the requirements regarding payment of interest on health insurance claims do not apply to claims proceeds payable to an out-of-state provider of pharmacy services, for such services provided outside Virginia, unless the state where the services are rendered fails to provide for payment of interest on the claims proceeds. In such event, interest shall be computed daily at the legal rate from the 30th day after the insurer received the proof of loss until the claim is paid.

*Patron - Sickles*

**SB1013 Crash prevention courses for those 55 years and older.** See HB 1974.

*Patron - Edwards*

**SB1044 Insurers; annual statements.** Provides the State Corporation Commission with discretion to prescribe the method of filing annual statements that will be required for each type of insurer, including a requirement for insurers to submit filings electronically through the National Association of Insurance Commissioners. Currently, annual statements are required to be mailed to the Commission.

*Patron - Miller, Y.B.*

**SB1116 Health insurance; mandated coverage for prosthetic devices and components.** Requires health insurers, health care subscription plans, and health maintenance organizations to offer and make available coverage for medically

necessary prosthetic devices, their repair, fitting, replacement, and components, to replace a limb.

*Patron - Ticer*

**SB1352 Insurance holding companies.** Authorizes the State Corporation Commission to approve any ordinary dividend or other distribution by a registered insurer that is a member of an insurance holding company system to its shareholders within 30 days of receiving written notice of the declaration. Currently, the insurer is required to provide written notice as to all dividends and other distributions at least 30 days prior to payment. The measure also clarifies the Commission's authority to request additional information in making determinations regarding filings of disclaimers of affiliation.

*Patron - Wagner*

**SB1411 Availability of basic health insurance.** Allows health insurers to offer and sell group health insurance policies or contracts that do not include state mandated health insurance benefits to employers with 50 or fewer employees to provide coverage for employees. Such a group policy or contract may include any, or none, of the state-mandated health benefits as the health insurer and the qualified small employer agree, except that coverage shall be provided for mammograms, pap smears, PSA testing, and colorectal cancer screenings. Applications and enrollment forms shall disclose prominently any and all state-mandated health benefits that are not provided and shall clearly describe all eligibility requirements. The measure also provides that a plan of correction prepared by a holder of a certificate of public need for a medical care facility may allow the holder to satisfy the conditions of the certificate regarding the provision of charity care by (i) making direct payments to a private nonprofit foundation that funds basic insurance coverage for indigents authorized under a memorandum of understanding with the Department of Health to receive contributions satisfying conditions of a certificate, or (ii) other documented efforts to provide primary or specialized care to underserved populations. Finally, the measure states that a health insurance policy or subscription contract may include caps or limits on the total annual or lifetime benefits provided thereunder at specified dollar amounts, which statement is declarative of existing law. Health insurers offering plans under this act are required to report annually to the Bureau of Insurance on the number of small employers and individuals using plans that do not offer mandated benefits, the coverage provided, and the cost of premiums and out-of-pocket expenses, which information shall be compiled, evaluated, and submitted to the Governor and General Assembly.

*Patron - Watkins*

**SB1480 Life insurance policies; delivery method.** Provides that the date of delivery of a life insurance policy shall be the date of signed receipt of delivery, if delivered by mail or physical delivery, or the date of electronic transmission, if effected electronically. In any event, a policy shall be deemed to have been received by a policy owner if six months have passed since its issuance and the owner paid premiums throughout the period.

*Patron - Ruff*

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## Title 40.1- Labor and Employment

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**HB2495 Child labor; driving automobiles and trucks.** Permits children at least 17 years of age to drive automobiles or trucks on public roadways if enumerated criteria are satisfied, including requirements that the vehicle's gross weight not

exceed 6,000 pounds, the driving occur in daylight hours, and the driving occur within 30 miles of the place of employment. Currently, 17-year-olds may not be employed as a driver or helper on a truck or commercial vehicle with more than two axles.

*Patron - Alexander*

**SB860 Notice to employees; earned income tax credit.** Requires employers to post any notice that may be provided by the Department of Social Services informing employees that they may be eligible for federal and state earned income tax credits.

*Patron - Edwards*

**SB1264 Payment of wages and salaries; wage payments.** Authorizes employers to pay wages and salaries to an employee hired after January 1, 2010, by credit to a prepaid debit card or card account, without the employee's affirmative written consent, if the employee fails to designate a financial institution to which payment could be made by electronic automated fund transfer and the employer arranges for the card or card account to be issued through a network system through which the employee will have the ability to make at least one free withdrawal or transfer per pay period, which withdrawal may be for any amount in the card or card account, using such card at a participating financial institution. Currently, payment via prepaid debit card or card account requires the affirmative consent of the employee, though such consent is not required if the employee has not designated a financial institution to which payment by electronic automated fund transfer could be made and the employee is employed at an amusement park.

*Patron - Norment*

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## Title 42.1- Libraries

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**SB837 State Law Library; authorized users.** Authorizes members of the General Assembly to designate one person to perform legal research in the State Law Library.

*Patron - Cuccinelli*

**SB1189 Local law libraries.** Authorizes all or a portion of local law libraries to be housed in local public libraries with the approval of and subject to the management of the local public libraries. Such law libraries are also authorized to charge a flat rate or fee to patrons for the use of computer research services. The bill also authorizes the use of some of the funding generated from the four dollars assessed on civil actions in certain localities to be used to acquire computer terminals for offsite placement to maximize access to the law library by the public.

*Patron - Puckett*

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## Title 43- Mechanics' and Certain Other Liens

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**HB2164 Mechanics' liens; acquisition and disposal of abandoned vehicles.** Provides new standards and procedures for acquisition and disposal of abandoned vehicles.

*Patron - Lohr*



## Title 44- Military and Emergency Laws

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**HB1983 Emergency response; liability.** Provides civil immunity for private and charitable organizations providing resources and assistance, without compensation, pursuant to a governor-declared emergency or during a formal emergency management training exercise, and at the request of the State Department of Emergency Management or a local emergency management employee. The immunity would not apply in instances of gross negligence, recklessness, or willful misconduct.

*Patron - McClellan*

**HB2350 Transportation of troops by railroad.** Repeals an obsolete section referencing the transportation of troops by railroad. The provisions requiring the transportation of troops in times of peril were repealed by Chapters 114 and 157 of the 1996 Acts of Assembly.

*Patron - Landes*

**HB2612 Emergency plans; victims' rights.** Requires all emergency plans to include a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01, as well as current contact information for both. This bill is identical to SB 1150.

*Patron - Shannon*

**SB1150 Emergency plans; victims' rights.** See HB 2612.

*Patron - Howell*

## Title 45.1- Mines and Mining

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**HB2001 Biofuels Production Incentive Grant Program.** Distinguishes between advanced biofuels that are made from winter cover crops, cellulose, hemicellulose, lignin oil, and algae and those standard biofuels that may be made from agricultural feedstocks such as corn. The program will award a \$0.125 per gallon grant for advanced biofuels and a \$0.10 per gallon grant for standard biofuels and requires the production of one million gallons per year for eligibility. This bill is identical to SB 1186.

*Patron - Cosgrove*

**SB1186 Biofuels Production Incentive Grant Program.** See HB 2001.

*Patron - Hanger*

**SB1460 Replacement of water by gas well operators.** Requires the operator of any gas well, whether a conventional or coalbed methane well, to replace any water supply contaminated or interrupted by an operation that is within 750 feet of a water well. Surface owners must allow gas well operators to sample water from such wells. Currently, these requirements apply only to operators of coalbed methane wells and not to operators of conventional gas wells.

*Patron - Puckett*

## Title 46.2- Motor Vehicles

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**HB1619 Solicitation of contributions, distribution of materials, etc., in highway right-of-way.** Grants Hanover and Spotsylvania Counties and the City of Falls Church the power to regulate and prohibit the solicitation of contributions and distribution of materials, etc., on highways located within their boundaries. The bill also grants Hanover County and the City of Falls Church the power to regulate such solicitations and distributions on public roadways and medians.

*Patron - Peace*

**HB1629 Loitering.** Grants counties the same authority as cities and towns to prohibit loitering of pedestrians on bridges and highway rights-of-way. Local jurisdictions must obtain agreement from the Commonwealth Transportation Commissioner on placement of signs and shall be responsible for costs of production, installation, and maintenance of those signs.

*Patron - Cole*

**HB1653 Provisional driver's licenses.** Provides for issuance of restricted driver's licenses, allowing the licensee to drive to and from institutions of higher education, to persons whose driver's licenses have been suspended for violations committed when operating a motor vehicle under a provisional driver's license. Presently, these restricted licenses may only be issued for the purpose of driving to and from work.

*Patron - Carrico*

**HB1687 Vehicle sales subject to conditional financing.** Spells out rights of dealers and buyers when purchases of vehicles are conditional upon financing of the transaction by an independent source.

*Patron - Cosgrove*

**HB1694 Parking.** Allows Fairfax and Prince William Counties and the towns of Clifton, Herndon, and Vienna to prohibit on-street parking of any truck more than 20 feet in length (other than commercial vehicles used by a public service company or by others working on its behalf, or commercial vehicles used in the provision of cable television service, or commercial vehicles used in the provision of propane gas service) and any vehicle carrying commercial freight in plain view.

*Patron - Albo*

**HB1706 T&M vehicle dealers, trailer dealers, and motorcycle dealers; buyer's orders; purchaser's on-line filing fees; and dealer's manual transaction fees.** Provides for the collection of purchaser's on-line filing fees by T&M vehicle dealers, trailer dealers, and motorcycle dealers, and also the payment of dealer's manual transaction fees to DMV.

*Patron - Oder*

**HB1722 Sale in Virginia of vehicles repossessed in another state.** Provides that any motor vehicle dealer who purchases a vehicle titled in another state and was repossessed may sell that vehicle in Virginia without obtaining a Virginia title for the vehicle from Virginia or the state in which the vehicle is titled, provided the motor vehicle dealer has an affidavit of repossession or similar document showing the lawful repossession. This bill is the same as SB 1415.

*Patron - Cosgrove*

**HB1724 Trespassing vehicle; towing; local ordinances.** Provides that local ordinances may require towing and recovery operators to obtain at the time the vehicle is towed,

verbal approval of an agent designated in the ordinance. Further provides that local ordinances requiring "second signatures" before trespassing vehicles can be towed away only apply if the tow is performed during the normal business hours of the owner of the property from which the vehicle is towed. This bill is the same as SB 997.

*Patron - Rust*

**HB1747 Board for Towing and Recovery Operators; public service towing services.** Prohibits establishment of any regulatory scheme for public safety towing and recovery services. This bill is the same as SB 1404.

*Patron - Pogge*

**HB1773 Golf carts; operation on the highways.**

Allows the governing body of the Town of Irvington to authorize operation of golf carts on the highways of the Town, subject to limits of general law. This bill is the same as SB 911.

*Patron - Pollard*

**HB1778 Motor vehicle dealers; coercion.** Revises and clarifies responsibilities of manufacturers toward motor vehicle dealers in the event of termination of a dealer franchise. This bill is the same as SB 1410.

*Patron - Athey*

**HB1782 Public school standardized driver education programs.** Requires that public school standardized driver education programs in Planning District 8, beginning with academic year 2010-2011, include an additional minimum 90-minute parent/student driver education component, as part of the in-classroom portion of the driver education curriculum, requiring the participation of the student's parent or guardian and emphasizing parental responsibilities regarding juvenile driver behavior, juvenile driving restrictions pursuant to the Code of Virginia, and the dangers of driving while intoxicated and underage consumption of alcohol.

*Patron - Albo*

**HB1826 Driver's licenses of minors.** Provides for the suspension of the driver's license of any minor who has 10 or more unexcused absences from public school on consecutive school days.

*Patron - Fralin*

**HB1837 Maximum speed limit on nonsurface treated highways for certain counties.** Adds Albemarle County to the list of counties where the unposted maximum speed limit on nonsurface treated highways (dirt roads) is 35 miles per hour.

*Patron - Toscano*

**HB1873 Motorcycle classifications.** Provides for issuance by DMV of motorcycle classifications by mail to holders of Virginia driver's licenses if they are U.S. Armed Services members stationed outside Virginia, their spouses, or their dependents, if they can show proof of successful completion of a basic motorcycle rider course approved by the U.S. Armed Services and of their assignment outside Virginia.

*Patron - Cosgrove*

**HB1876 Text messaging and emailing while driving.** Prohibits operation of a motor vehicle, on the highways in the Commonwealth while using any handheld personal communications device to manually enter multiple letters or text or to read a text message. This bill provides exemptions for the use of global positioning systems (GPS), reading caller identification information, and using a wireless telecommunications device to report an emergency. The provisions of this bill do not apply to operators of emergency vehicles.

*Patron - Cosgrove*

**HB1905 Golf carts.** Allows operation of golf carts and utility vehicles on secondary highway system components that have a posted speed limit of no more than 35 miles per hour and that are within three miles of a motor speedway with a seating capacity of at least 25,000 but less than 90,000 on the same day as any race or race-related event conducted on that speedway.

*Patron - Armstrong*

**HB1906 Motorcycle brake lights.** Allows motorcycles to be equipped with a means of varying the brightness of the vehicle's brake light for a duration of not more than five seconds upon application of the vehicle's brakes.

*Patron - Armstrong*

**HB2008 Electric personal assistive mobility devices, electrically powered toy vehicles, bicycles, electric power-assisted bicycles, and mopeds.** Prohibits use of electric personal assistive mobility devices, electrically powered toy vehicles, bicycles, electric power-assisted bicycles, and mopeds on any Interstate Highway System component, except where such use has been authorized by the Commonwealth Transportation Board on bicycle or pedestrian facilities that are separated by a barrier from the roadway and automobile traffic and such component meets all applicable safety requirements established by federal and state law.

*Patron - Brink*

**HB2073 Weight limit extension; vehicles using an auxiliary power unit or idle reduction technology.** Extends weight limit for motor vehicles using an auxiliary power unit or other form of idle reduction technology by an additional 400 pounds.

*Patron - Scott, E.T.*

**HB2075 Overweight/oversize vehicle permits.** Provides that violation of terms and conditions of excessive size and weight permits shall not invalidate the weight allowed on such permit unless (i) the permit vehicle is operating off the route listed on the permit, (ii) the vehicle has fewer axles than required by the permit, (iii) the vehicle has less axle spacing than required by the permit when measured longitudinally from the center of the axle to center axle with any fraction of a foot rounded to the next highest foot, or (iv) the vehicle is transporting multiple items not allowed by the permit.

*Patron - Scott, E.T.*

**HB2169 Board of Towing and Recovery Operators.** Revises the composition of the Board and provides that the Superintendent of State Police (or his designee) will be chairman of the Board. The bill also requires the Board to make an annual report to the Governor, the General Assembly, the Superintendent of State Police, and postpones the date by which towing and recovery business must be licensed by the Board and by which tow truck drivers must have tow truck driver authorization documents issued by the Board from January 1, 2009, to July 1, 2009. Additionally, license fees charged by the Board are prohibited from being more than required to generate sufficient revenue to cover the Board's costs. Licensed operators whose businesses generate less than \$10,000 per year are not required to accept credit cards. Finally, the bill provides a mechanism for suspension, revocation, and refusal to renew license or tow truck driver authorization documents issued by the Board.

*Patron - Abbitt*

**HB2182 Local vehicle license fees and taxes; disabled veterans and their surviving spouses.** Amends present law to allow localities to exempt disabled veterans, non-disabled vet-

erans, and the surviving spouses of veterans from local vehicle license fees and taxes.

*Patron - Phillips*

**HB2233 Electronic filings; Department of Motor Vehicles.** Provides that DMV may require certain filings or submissions be made electronically, including any required monthly updates from insurance companies and requests for refunds of certain fuel.

*Patron - Marsden*

**HB2238 Transport of hazardous materials by commercial motor vehicle; out-of-service order.** Extends disqualification for violation of an out-of-service order to any person operating a commercial vehicle used to transport hazardous materials.

*Patron - Valentine*

**HB2317 Vehicle safety inspections; use of electronic forms.** Requires State Police on or before December 1, 2010, to accept data required to be submitted to them by official inspection stations in electronic form.

*Patron - Carrico*

**HB2428 Peddling along public roads.** Adds Loudoun County to the list of localities that may adopt ordinances regulating peddling, etc., along public roads.

*Patron - May*

**HB2485 Vehicle safety inspections.** Codifies exceptions to vehicle safety inspection requirements set forth in a gubernatorial proclamation of July 2006. This bill is the same as SB 1027.

*Patron - Nichols*

**HB2505 Towing and recovery licensure.** Extends the date from January 1, 2009, until July 1, 2009, for which a person engaging in or offering to engage in towing needs a valid license from the Board; emergency. This bill is the same as SB 1449.

*Patron - Howell, A.T.*

**HB2533 Studded tires.** Allows emergency vehicles to operate with studded tires, etc., year-round.

*Patron - Wright*

**HB2571 Restricted license eligibility while license is suspended.** Allows a court to issue a restricted license to a person whose license is suspended under certain circumstances. This bill is identical to SB 1343.

*Patron - BaCote*

**SB39 Traffic accident reports.** Increases from \$1,000 to \$1,500 the damage threshold at which traffic accidents become "reportable."

*Patron - Deeds*

**SB817 Special license plates.** Authorizes the issuance of special license plates promoting tourism and conservation on the Northern Neck, for supporters of the Choose Life Virginia Fund, and for supporters of the Shenandoah National Park Association. Repeals § 46.2-749.49:1 of the Code of Virginia, relating to special license plates for supporters of the Shenandoah National Park Association.

*Patron - Stuart*

**SB882 Regulation of parking on public highways.** Adds Stafford County to the list of counties and towns that may by ordinance regulate the parking of (i) watercraft, (ii) boat trailers, (iii) motor homes, and (iv) camping trailers. The bill also

replaces several circumlocutions with the names of the localities to which those circumlocutions apply.

*Patron - Stuart*

**SB899 Solicitation of contributions, distribution of materials, etc., in highway right-of-way.** Grants Hanover and Spotsylvania Counties and the City of Falls Church the power to regulate and prohibit the solicitation of contributions and distribution of materials, etc., on highways located within their boundaries. The bill also grants Hanover County and the City of Falls Church the power to regulate such solicitations and distributions on public roadways and medians.

*Patron - McDougale*

**SB911 Golf carts; operation on the highways.** See HB 1773.

*Patron - Stuart*

**SB974 Golf carts; crossing highways in Colonial Beach.** Allows golf carts to cross a highway in Colonial Beach that is conspicuously marked by a golf cart crossing by signs posted by the Virginia Department of Transportation.

*Patron - Stuart*

**SB992 Red warning lights on vehicles.** Updates the existing authorization for use of red warning lights on security vehicles of the Newport News Shipbuilding and Drydock Company by changing the name to Northrop Grumman Shipbuilding, Inc. Also, an obsolete reference to "Tultex Corporation" is deleted.

*Patron - Miller, J.C.*

**SB997 Trespassing vehicle; towing; local ordinances.** See HB 1724.

*Patron - Miller, J.C.*

**SB1027 Vehicle safety inspections.** See HB 2485.

*Patron - Hanger*

**SB1046 Obtaining licenses and identification cards; federal REAL ID Act.** Amends provisions for obtaining licenses to comply with federal REAL ID Act requirements.

*Patron - Miller, Y.B.*

**SB1159 Safety inspection stickers.** Extends from 72 hours to five business days the amount of time a person serving in the armed forces of the U.S. outside Virginia has to get his vehicle inspected upon returning to the Commonwealth.

*Patron - Saslaw*

**SB1200 Local vehicle license fees and taxes; disabled veterans and their surviving spouses.** Amends present law to allow localities to exempt disabled veterans, non-disabled veterans, and the surviving spouses of veterans from local vehicle license fees and taxes.

*Patron - Puckett*

**SB1206 Reciprocal agreements with other states; penalties for violations.** Provides that any operator of a motor vehicle not in compliance with the federal Unified Carrier Registration System shall be guilty of a Class 4 misdemeanor.

*Patron - Puckett*

**SB1326 Obtaining salvage certificates or certificates of title to certain vehicles.** Provides that whenever an insurance company or its agent applies for the registration of or a new certificate of title for a motor vehicle, trailer, or semitrailer and is unable to present a certificate of title, DMV may receive the application along with an affidavit indicating that the vehicle was acquired as the result of the claims process and the

efforts made by the insurance company or its agent to obtain a certificate of title from the previous owner. The bill also allows DMV to charge a fee of no more than \$25 for such transactions.

*Patron - McEachin*

**SB1343 Restricted license eligibility while license is suspended.** See HB 2571.

*Patron - Reynolds*

**SB1404 Board for Towing and Recovery Operators; public service towing services.** See HB 1747.

*Patron - Norment*

**SB1410 Motor vehicle dealers; coercion.** See HB 1778.

*Patron - Norment*

**SB1415 Sale in Virginia of vehicles repossessed in another state.** See HB 1722.

*Patron - Blevins*

**SB1449 Towing and recovery licensure.** See HB 2505.

*Patron - Wagner*

## Title 46.2- Miscellaneous; Motor Vehicles

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**HB1587 REAL ID Act; Commonwealth's participation.** Provides that, with the exception of identification cards issued to employees of the Department of State Police and certain other law enforcement officers, the Commonwealth will not comply with any provision of the federal REAL ID Act that it determines would compromise the economic privacy, biometric data, or biometric samples of any resident of the Commonwealth. This bill is identical to SB 1431.

*Patron - Marshall, R.G.*

**HB1752 Weight limits for gravel trucks.** Extends until July 1, 2010, the sunset on the statute granting trucks hauling gravel, sand, or crushed stone no more than 50 miles from origin to destination in counties that impose a severance tax on coal and gases the same weight limits prescribed for coal trucks. The bill also allows the same overweight permits for trucks hauling coal and coal byproducts to electricity-generation facilities as trucks hauling coal to a loading dock or railroad. The bill also sets an annual overweight vehicle fee for tank wagons.

*Patron - Carrico*

**HB2534 Special license plates.** Authorizes the issuance of special license plates for veterans of Operation Enduring Freedom, members of the Virginia State Defense Force, and "tobacco heritage" plates for trucks. Repeals authorizations for issuance of special license plates for which the required minimum number of prepaid orders was never received: for supporters of the Lake Taylor Transitional Care Hospital Foundation and for supporters of the National D-Day Memorial Foundation.

*Patron - Scott, E.T.*

**HB2596 Washington Metropolitan Area Transit Authority Compact.** Amends the Washington Metropolitan Area Transit Authority Compact to comply with certain federal requirements; increases the number of directors on the WMATA Board by adding two federal appointees contingent

upon certain federal grants; establishes an Office of the Inspector General and provides for the duties of such office; and requires that certain payments made to WMATA to match certain federal funds be made from a dedicated funding source.

*Patron - Ebbin*

**SB932 Washington Metropolitan Area Transit Commission.** Provides that the Mayor of the District of Columbia will appoint the member to represent the District of Columbia on the Commission from a District of Columbia agency with oversight of matters relating to the Commission.

*Patron - Ticer*

**SB1431 REAL ID Act; Commonwealth's participation.** See HB 1587.

*Patron - Cuccinelli*

**SB1511 Washington Metropolitan Area Transit Authority Compact.** Amends the Washington Metropolitan Area Transit Authority Compact to comply with certain federal requirements; increases the number of directors on the WMATA Board by adding two federal government appointees; establishes an Office of the Inspector General and provides for the duties of such office; and requires that certain payments made to WMATA to match certain federal funds be made from a dedicated funding source.

*Patron - Whipple*

## Title 47.1- Notaries and Out-of-State Commissioners

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**SB833 Notaries public.** Provides that equipment, security, and technological standards for electronic notarization shall be developed by the Secretary of the Commonwealth with the assistance of the Virginia Information Technologies Agency. The process for developing and maintaining such standards shall be exempt from the Administrative Process Act. In addition, the bill requires that applicants submit a registration form for registering and being commissioned as an electronic notary public, which shall include certification of compliance to the Secretary of the Commonwealth with the aforementioned electronic notary standards developed. Furthermore, the bill provides that a notary's electronic signature and seal shall conform to the developed standards for electronic notarization. This bill contains an emergency clause.

*Patron - Locke*

## Title 50- Partnerships

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**SB1328 Limited liability partnerships; cancellation of status.** Provides for the cancellation, rather than the revocation, of registered limited liability partnership status. The revision conforms these provisions to those applicable to other business entities. The measure also (i) provides for the automatic cancellation of status of a domestic or foreign partnership if its registered agent resigns and a replacement is not timely appointed; (ii) requires a written application for restoration of status as a registered limited liability partnership; and (iii) makes technical changes.

*Patron - McEachin*

## Title 51.1- Pensions, Benefits and Retirement

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**HB1647 Retirement benefits for City of Danville's sheriff.** Requires the City of Danville to provide retirement benefits to deputy sheriffs that are equivalent to those provided to State Police officers.

*Patron - Marshall, D.W.*

**HB2065 Virginia Retirement System; regional jails.** Requires regional jail boards and authorities (and localities participating in such boards and authorities) participating in the Virginia Retirement System to provide retirement benefits comparable to the benefits provided to state police officers to the regional jail's superintendent and sworn officers.

*Patron - Hamilton*

**HB2068 Virginia Retirement System; notarizing certain forms.** Removes the requirement that certain forms be notarized.

*Patron - Tata*

**HB2069 Virginia Retirement System; health insurance credits for retired teachers.** Makes a technical change that corrects a cross-reference to a subsection in the statute.

*Patron - Tata*

**HB2128 Virginia Retirement System; members disabled or killed while in the military.** Modifies several provisions governing the benefits of members who are disabled or killed, to comport with the federal Heroes Earnings Assistance and Relief Tax Act ("HEART Act") for those members disabled or killed in action in the military.

*Patron - Cox*

**HB2346 Pensions paid to the widows and maiden or widowed daughters of Confederate veterans.** Repeals § 51.1-900, relating to the pensions paid to the widows and maiden or widowed daughters of Confederate veterans. This bill is a recommendation of the Virginia Code Commission.

*Patron - Landes*

**SB1306 Retirement benefits for City of Danville's sheriff.** Requires the City of Danville to provide retirement benefits to its deputy sheriffs equivalent to those provided under the State Police Officers' Retirement System.

*Patron - Hurt*

## Title 51.1- Miscellaneous; Pensions, Benefits and Retirement

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**SB919 Teacher's retirement allowance.** Extends the July 1, 2010, sunset date to July 1, 2015, for provisions allowing retirees to be hired as teachers or administrative personnel without interruption of their retirement benefits.

*Patron - Reynolds*

## Title 51.5- Persons with Disabilities

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**SB1063 Virginia Board for People with Disabilities; report.** Requires the Virginia Board for People with Disabilities to report triennially, rather than biennially, to the Governor through the Secretary of Health and Human Resources.

*Patron - Puller*

## Title 53.1- Prisons and Other Methods of Correction

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**HB1919 Corrections; payment of costs associated with prisoner keep.** Increases the per day fee from \$1 to \$3 charged to a jail inmate. This bill is identical to SB 1199.

*Patron - Crockett-Stark*

**HB2441 Powers and duties of the Director of the Department of Corrections.** Ensures that the attorney for the Commonwealth is notified of an inmate's membership in a gang by the Director when the attorney for the Commonwealth is prosecuting that inmate for an offense committed while in prison. This bill is identical to SB 1223.

*Patron - Cline*

**SB1199 Corrections; payment of costs associated with prisoner keep.** See HB 1919.

*Patron - Puckett*

**SB1223 Powers and duties of the Director of the Department of Corrections.** See HB 2441.

*Patron - Obenshain*

## Title 53.1- Miscellaneous; Prisons and Other Methods of Correction

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**HB2624 Training of certain private correctional personnel at Central Virginia Criminal Justice Academy.** Allows the Central Virginia Criminal Justice Academy to enter into an agreement to train private correctional personnel employed by the Immigration Centers of America-Farmville, so long as such agreement provides for the reimbursement of the costs of such training. The bill contains an emergency clause.

*Patron - Abbitt*

**SB1312 Conveyance of certain lands to the County of Pittsylvania.** Authorizes the Department of Corrections to convey, with the approval of the Governor, a portion of the Camp 15 Work Camp facility including the Diversion Center and outbuildings, and the Warden's Residence.

*Patron - Hurt*

## Title 54.1- Professions and Occupations

### **HB1601 Administration of prescription drugs.**

Expands authority of persons who have completed a training course approved by the Board of Nursing to allow administration of prescription drugs, in compliance with the prescriber's instructions and in accordance with regulations promulgated by the Board of Pharmacy, where the drugs would normally be self-administered by an individual receiving services in a program licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services. Such authority was previously limited to administration of drugs that would normally be self-administered by a resident of a facility licensed or certified by the Department of Mental Health, Mental Retardation and Substance Abuse Services.

*Patron - Hamilton*

### **HB1613 Department of Professional and Occupational Regulation; regulation of polygraph examiners.**

Authorizes a federal, state, or local law-enforcement officer to operate, in the course of his employment with a law-enforcement agency, any instrument or device to detect deception or verify the truth of statements that does not meet the minimum instrumentation requirements set forth in § 54.1-1805, provided such officer is certified by the manufacturer of the instrument to operate such instrument. The bill specifies that no law-enforcement officer may use the instrument or device for internal or pre-employment investigations. This bill is identical to SB 1374.

*Patron - Wright*

### **HB1708 Board for Contractors; elevator mechanics.**

Authorizes the Board for Contractors to delegate to the Director of the Department of Professional and Occupational Regulation certification of elevator mechanics in the event of emergency. The Board may also delegate to the Director the issuance of temporary certification of elevator mechanics. The bill increases the membership of the Board for Contractors by adding one member who must be a certified elevator mechanic or a licensed elevator contractor. The bill contains several technical amendments.

*Patron - Oder*

### **HB1718 Board for Barbers and Cosmetologists; estheticians; licensure.**

Extends the grandfather period for licensure as an esthetician or master esthetician for individuals who apply before July 31, 2009 and meet certain experience, training or reciprocity requirements. Specifically to be covered by the extended grandfather provision, an individual must (i) have at least three years of documented work experience as an esthetician or a master esthetician prior to July 1, 2008, (ii) have completed, prior to July 1, 2008, a training program that is deemed satisfactory by the Board, or (iii) hold an unexpired certificate of registration, certification, or license as an esthetician or a master esthetician issued to him on the basis of comparable requirements by a proper authority of a state, territory, or possession of the United States, or the District of Columbia. Under the bill, the extended grandfather period does not apply to individuals who have previously submitted applications for licensure that were denied by the Board. This bill is identical to SB 1527.

*Patron - Cox*

### **HB1852 Department of Health Professions; investigations.**

Provides that, when a complaint or report has been filed about a person licensed, certified, or registered by a health reg-

ulatory board, a copy of the complaint or report shall be provided to the person who is the subject of the complaint or report prior to any interview of the person who is the subject of the complaint or report or at the time the person who is the subject of the complaint or report is notified of the complaint or report, whichever shall occur first, unless provision of the complaint or report to the person would materially obstruct a criminal or regulatory investigation. This bill clarifies that requirements related to confidentiality of information obtained during an investigation or disciplinary proceeding shall not prohibit investigative staff from interviewing fact witnesses, disclosing to fact witnesses the identity of the subject of the complaint or report, or reviewing with fact witnesses a copy of records or other supporting documentation necessary to refresh the fact witness's recollection.

*Patron - Morrissey*

### **HB1939 Radiologist assistants; licensure.**

Provides for the licensure of radiologist assistants as individuals who have met the requirements of the Board of Medicine for licensure as advanced-level radiologic technologists and who, under the direct supervision of a licensed doctor of medicine or osteopathy specializing in the field of radiology, are authorized to (i) assess and evaluate the physiological and psychological responsiveness of patients undergoing radiologic procedures; (ii) evaluate image quality, make initial observations, and communicate observations to the supervising radiologist; (iii) administer contrast media or other medications prescribed by the supervising radiologist; and (iv) perform, or assist the supervising radiologist to perform, any other procedure consistent with the guidelines adopted by the American College of Radiology, the American Society of Radiologic Technologists, and the American Registry of Radiologic Technologists. This bill is identical to SB 968.

*Patron - Peace*

### **HB1943 Optometrists; contact lenses and ophthalmic devices.**

Specifies that only licensed optometrists and licensed opticians may sell or dispense contact lenses, upon the valid, written prescription of a licensed physician or optometrist, and allows licensed optometrists to dispense ophthalmic devices that contain medication. This bill is identical to SB 1075.

*Patron - Peace*

### **HB1986 Medication aide training programs; required registration delayed.**

Sets forth requirements for Board of Nursing approved education and training programs for medication aides, and provides that any person who has successfully completed a training program approved by the Board of Nursing may administer medications that would normally be self administered to residents of an assisted living facility until August 1, 2009. This bill also delays enforcement of the requirement for medication aides to be registered until August 1, 2009, and is effective retroactively to January 1, 2009. This bill is identical to SB 1032.

*Patron - O'Bannon*

### **HB2032 Department of Professional and Occupational Regulation; mold inspectors and remediators.**

Provides for the licensure of mold inspectors and mold remediators by the Board for Asbestos, Lead, and Home Inspectors. The bill increases the membership of this Board by one member to include a mold inspector or a mold remediator.

*Patron - Marshall, D.W.*

### **HB2040 Real Estate Board; compensation to referring attorneys prohibited; exception.**

Provides that an attorney-at-law referring a client to a licensee shall not receive any compensation from a listing firm or offered in the common

source information company to cooperating brokers, unless the attorney is also licensed as a real estate broker or salesperson.

*Patron - Iaquinto*

**HB2058 Board of Dentistry; recovering monitoring costs.** Allows the Board of Dentistry to recover from any licensee against whom disciplinary action has been imposed reasonable administrative costs associated with investigating and monitoring such licensee and confirming compliance with any terms and conditions imposed upon the licensee as set forth in the order imposing disciplinary action. Such recovery shall not exceed a total of \$5,000.

*Patron - Hamilton*

**HB2097 Animal shelters and pounds; administration of certain medications.** Allows the Board of Pharmacy to register an animal shelter or pound to purchase, possess, and administer certain Schedule II-VI controlled substances approved by the State Veterinarian for the purpose of euthanizing injured, sick, homeless, and unwanted domestic pets and animals; and to purchase, possess, and administer certain Schedule VI controlled substances for the purpose of preventing, controlling, and treating certain communicable diseases that failure to control would result in transmission to the animal population in the shelter or pound. This bill is identical to SB 897.

*Patron - Orrock*

**HB2163 Regulation of the practice of midwifery.** Provides that regulations governing the practice of midwifery shall require midwives and certified nurse midwives to disclose to their patients information on health risks associated with home deliveries including but not limited to special risks associated with vaginal birth after a prior C-section, breech births, births by women experiencing high-risk pregnancies, and births of twins or multiples.

*Patron - Lohr*

**HB2180 Practice of dental hygienists.** Provides that a dental hygienist who holds a license or permit issued by the Board of Dentistry may provide educational and preventive dental care in the Lenowisco, Cumberland Plateau, and Southside Health Districts, which are designated as Virginia Dental Health Professional Shortage Areas by the Department of Health, and that any dental hygienist providing such services shall practice pursuant to a protocol developed by the Department of Health. This bill is identical to SB 1202.

*Patron - Phillips*

**HB2211 Prescription Monitoring Program; disclosure of information.** Removes requirement that a prescriber obtain written consent from the recipient of a prescription before requesting information on that recipient for the purpose of establishing his treatment history, and authorizes a prescriber authorized to access information in the possession of the Prescription Monitoring Program to delegate such authority to up to two health care professionals who are licensed, registered or certified by a health regulatory board and employed at the same facility under the direct supervision of the prescriber. This bill is identical to SB 1195.

*Patron - Jones*

**HB2212 Automated drug dispensing systems; multi-dose packaging.** Allows drugs in multi-dose packaging, other than those administered orally, to be placed in an automated drug dispensing device if approved by the pharmacist-in-charge in consultation with a standing hospital committee comprised of pharmacy, medical, and nursing staff.

*Patron - Jones*

**HB2214 Pharmacies; bulk donation programs.** Provides that a pharmacy participating in bulk donation programs may charge a reasonable dispensing or administrative fee to offset the cost of dispensing donated medications, not to exceed the actual costs of such dispensing.

*Patron - Jones*

**HB2258 Immunity from liability for routine organ and tissue donation.** Provides that a funeral service establishment, funeral service licensee, crematory, or registered crematory that receives a body following routine donation of organs, tissues, or eyes, and provides embalming, cremation, or other funeral services, shall be immune from civil liability for any act, decision, or omission related to the handling, processing, or presentation of the decedent including any failure to restore the decedent's form or features in a manner acceptable for viewing prior to the disposition of the remains, unless such act, decision or omission resulted from bad faith or malicious intent.

*Patron - Massie*

**HB2352 Donation of prescription medication; liability of pharmaceutical manufacturers.** Clarifies the liability of pharmaceutical manufacturers relating to storage, donation, acceptance, or dispensing of any drug in accordance with the Prescription Drug Donation Program.

*Patron - Landes*

**HB2396 Advance medical directives.** Revises the Health Care Decisions Act to (i) allow a person to make a written advance directive to specify health care the declarant does or does not authorize, appoint an agent to make health care decisions for the declarant, and specify an anatomical gift; (ii) clarify the process for determining a patient to be incapable of making an informed decision regarding health care; (iii) require that determinations of incapacity be made by two physicians, or one physician and one licensed clinical psychologist, one of whom is not otherwise involved in the care of the patient; (iv) allow any one physician to declare that a patient is again capable of making an informed decision; (v) clarify the authority of an agent named in an advance directive, or a person otherwise given authority to make medical decisions for an incompetent patient, including authority to admit the declarant to a facility for mental health treatment for a period not to exceed 10 days and to authorize participation by the declarant in a health care study approved by an institutional review board or research review committee; and (vi) determine when a physician may treat a patient over his protests. This bill provides that a person who willfully conceals, cancels, defaces, obliterates, damages, falsifies, or forges an advance directive or revocation of an advance directive of another shall be guilty of a Class 1 misdemeanor. Where such action causes life-prolonging procedures to be utilized in contravention of the previously expressed intent of the declarant, such person shall be guilty of a Class 6 felony, and where such action directly causes life-prolonging procedures to be withheld in contravention of the previously expressed intent of the declarant or death to be hastened, the person shall be guilty of a Class 2 felony. This bill is identical to SB 1142.

*Patron - Bell*

**HB2405 Department of Health Professions; submission of information.** Expands the requirement to submit certain information to the Department of Health Professions to anyone applying for initial licensure, certification, or registration, and individuals licensed, certified, or registered by a health regulatory board. Also the bill allows the Department, and the Board of Nursing, to release any information for the purposes of determining shortage designations and to qualified

personnel if pertinent to an investigation, research, or study, provided a written agreement between such qualified personnel and the Department, which ensures that any person to whom such information is divulged shall preserve the confidentiality of the information, is executed.

*Patron - Tyler*

**HB2407 Health Practitioners' Intervention Program; revisions.** Changes the name of the Health Practitioners' Intervention Program to the Health Practitioners' Monitoring Program, and clarifies that the purpose of the Program is to monitor impaired health professionals, rather than to intervene or treat them. The bill provides that the Director of the Department of Health Professions shall work together with the Health Practitioner's Monitoring Program to develop contracts necessary for implementation of monitoring services. This bill also expands the membership of the Health Practitioner's Monitoring Program Committee to include a registered nurse engaged in active practice.

*Patron - Hall*

**HB2432 Department of Professional and Occupational Regulation; Board for Asbestos, Lead, and Home Inspectors; regulation of lead-based paint renovation, repair, and painting.** Provides for the Board for Asbestos, Lead, and Home Inspectors to regulate the practice of lead-based paint renovation businesses, individuals, and training providers. The bill defines "renovation" as the modification of any existing structure, for compensation, that results in the disturbance of painted surfaces, unless that activity is performed as a part of a lead abatement project. Currently the Board's authority is limited to the regulation of permanent elimination of lead-based paint. The bill adds definitions for a dust-sampling technician, renovation contractor, and renovator and increases the size of the Board from 10 to 14 members. The bill also contains technical amendments.

*Patron - Joannou*

**HB2482 Prescription donation; hospitals to dispense.** Clarifies that hospitals, as well as clinics organized in whole or in part for the delivery of health care services to the indigent, may redispense donation medications to the indigent.

*Patron - Eisenberg*

**HB2541 Department of Professional and Occupational Regulation; criminal records checks.** Requires the Department of Professional and Occupational Regulation (DPOR) to obtain criminal history record information regarding individuals for initial licensure as real estate licensees. DPOR must also amend the renewal license application form to require applicants for a renewal real estate sales or brokerage license to state that they have no criminal convictions that have not been previously disclosed.

*Patron - Amundson*

**SB878 Advisory Board on Massage Therapy; created.** Creates the Advisory Board on Massage Therapy to assist the Board of Nursing in carrying out the provisions regarding the qualifications, examination, registration, regulation, and standards of professional conduct of massage therapists.

*Patron - Martin*

**SB886 Board for Contractors; elevator mechanics.** Authorizes the Board for Contractors to delegate to the Director of the Department of Professional and Occupational Regulation certification of elevator mechanics in the event of emergency. The Board may also delegate to the Director the issuance of temporary certification of elevator mechanics. The bill contains several technical amendments. The bill increases the Board's membership from thirteen to fourteen by adding a

member who is either a certified elevator mechanic or a licensed elevator contractor.

*Patron - McEachin*

**SB897 Animal shelters and pounds; administration of certain medications.** See HB 2097.

*Patron - McDougale*

**SB940 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; licensure of landscape architects; penalty.** Requires the licensure of landscape architects by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects effective July 1, 2010. Currently landscape architects are required to be certified by the Board.

*Patron - Watkins*

**SB965 Prescribing authority; preventive medications for sexual assault victims.** Provides that pursuant to an oral or written order or standing protocol issued by a prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

*Patron - Blevins*

**SB968 Radiologist assistants; licensure.** See HB 1939.

*Patron - Blevins*

**SB1031 Department of Professional and Occupational Regulation; Real Estate Board; commercial real estate brokers.** Exempts from the license requirement any person who is licensed and in good standing as a real estate broker or salesperson in another state, who assists a prospective purchaser, tenant, optionee, or licensee located in another state to purchase, lease, option, or license an interest in commercial real estate, as defined and amended in § 55-526, in the Commonwealth. The bill also authorizes such real estate licensee from another state to be compensated by a real estate broker in the Commonwealth.

*Patron - Hanger*

**SB1032 Medication aide training programs; required registration delayed.** See HB 1986.

*Patron - Hanger*

**SB1075 Optometrists; contact lenses and ophthalmic devices.** See HB 1943.

*Patron - Howell*

**SB1085 Durable Do Not Resuscitate Orders; revocation.** Clarifies that (i) the expression by the patient of the desire to be resuscitated in the event of cardiac or respiratory arrest shall constitute revocation of the Durable Do Not Resuscitate Order; (ii) Do Not Resuscitate Orders may be revoked only by the patient or the person authorized to consent for the patient if he is a minor; and (iii) Do Not Resuscitate Orders may be rescinded in accordance with accepted medical practice, by the provider who issued the order.

*Patron - Houck*

**SB1142 Advance medical directives.** See HB 2396.

*Patron - Whipple*

**SB1195 Prescription Monitoring Program; disclosure of information.** See HB 2211.

*Patron - Puckett*



**SB1202 Practice of dental hygienists.** See HB 2180.*Patron - Puckett*

**SB1282 Department of Health Professions; information concerning health professionals.** Provides that the Department of Health Professions shall collect an official address of record from each health professional licensed, registered or certified by each health regulatory board within the Department, to be used by the Department and relevant health regulatory boards for agency purposes, and that such address shall remain confidential. This bill also requires that the Department provide an opportunity for health professionals to provide a second address for purposes of public dissemination, which may include a work address, post office address, or home address, and that where no alternative address is provided, the address of record shall be made public. This bill further requires the Department to develop a procedure for health professionals to update their address information at regular intervals, and authorizes the Department to collect a fee sufficient to cover the costs of such updates.

*Patron - Newman***SB1374 Department of Professional and Occupational Regulation; regulation of polygraph examiners.** See HB 1613.*Patron - Ruff*

**SB1379 Revocation or suspension of license to practice law; professional malpractice insurance.** Requires an attorney who is found guilty of engaging in any criminal activity that violates the Virginia Rules of Professional Conduct resulting in loss of a client's property to maintain professional malpractice insurance, during the time for which he is licensed to practice law, if the attorney is allowed to retain his license, or is permitted to have his license re-instated or restored. The Virginia State Bar shall establish standards setting forth the amount of coverage the attorney is to maintain. The bill also requires the attorney to certify to the Virginia State Bar that he has the required insurance.

*Patron - Stolle***SB1527 Board for Barbers and Cosmetologists; estheticians; licensure.** See HB 1718.*Patron - McDougle*

## Title 54.1- Miscellaneous; Professions and Occupations

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**SB811 Certified elevator mechanics.** Extends the time for compliance with elevator mechanic licensure requirements for individuals who install, service, or repair wheelchair lifts, incline chairlifts, dumbwaiters, and residential elevators until July 1, 2010. The bill also provides for the Board for Contractors to convene a group of stakeholders to evaluate the level of regulation appropriate for individuals who install, service, or repair wheelchair lifts, incline chairlifts, dumbwaiters, residential elevators, and Limited Use Limited Application (LULA) elevators and provide recommendations to the Senate Committee on General Laws and Technology and the House Committee on General Laws by November 30, 2009.

*Patron - Cuccinelli*

## Title 55- Property and Conveyances

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**HB1785 Exceptions to disclosure requirements.** Adds to the list of exceptions to disclosure requirements a disposition of a lot by a sale at an auction, where the association disclosure packet was made available as part of an auction package for prospective purchasers prior to the auction sale.

*Patron - Hull*

**HB1856 Virginia Residential Property Disclosure Act; disclosure of stormwater detention facilities.** Provides that an owner of real property makes no representations with respect to the presence of any stormwater detention facilities located on the property and that purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any stormwater detention facilities on the property, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to that contract.

*Patron - Shannon*

**HB2080 Landlord and tenant laws; rights and obligations of tenants.** Requires the landlord to give the same notice to the tenant for the application of insecticides as is required for pesticide applications, and requires the tenant to prepare the dwelling unit for the application of insecticides or pesticides in accordance with any written instructions of the landlord, and if insects or pests are found to be present, to follow any written instructions of the landlord to eliminate the insects or pests following the application of insecticides or pesticides. The bill also (i) eliminates the landlord's obligation to pay all costs for mold remediation where the mold is a result of the tenant's failure to maintain the dwelling unit; (ii) eliminates a tenant's right to repair, replace, or clean a damaged item in the dwelling unit and instead allows the landlord to do so and charge all costs to the tenant, which costs shall be due on the next rent due date; (iii) changes the cap on liquidated damages penalties included in a rental agreement to 150 % of the per diem of the monthly rent, and (iv) amends the schedule of interest rates on security deposits between January 1, 2009 and December 31, 2009. The bill requires the landlord to provide notice to the tenant in the event of foreclosure under certain circumstances. The bill contains technical amendments.

*Patron - Oder*

**HB2291 Release of deed of trust; assignment of penalty.** Prohibits settlement agents and real estate attorneys from facilitating an assignment, to any third party designated by them, of their client's right to the \$500 penalty levied on lenders that fail to timely deliver a certificate of satisfaction releasing a deed of trust. This bill is identical to SB 888.

*Patron - Cline*

**HB2305 Property Owners' Association Act; access to books and records.** Provides that actual salary information of the six highest paid employees of a property owners' association making over \$75,000 shall be available for examination and copying by association members. Currently, only aggregate salary information is required to be open. The bill also specifies that all books and records of the association, including individual salary information for all employees and payments to independent contractors, are available for examination by a member of the board of directors.

*Patron - Griffith*

**HB2306 Virginia Residential Landlord and Tenant Act; rent escrow pending appeal.** Provides that no rent required to be escrowed in an unlawful detainer action shall be disbursed within 10 days of the date of the judgment unless otherwise agreed to by the parties. If an appeal is taken by the plaintiff (landlord), the rent held in escrow shall be transmitted to the clerk of the circuit court.

*Patron - Griffith*

**HB2435 Uniform Principal and Income Act (UPIA).** Revises the Act to address a 2006 IRS ruling regarding marital deductions to ensure that an IRA or other retirement arrangement that is payable to a marital deduction trust qualifies for the federal estate tax marital deduction. The trustee will be required to demand certain distributions if the surviving spouse so requests because the IRS requires that the surviving spouse be separately entitled to demand the fund's income. The bill also clarifies how a trust that is required to pay income to a beneficiary keeps enough money to pay its taxes and distribute the balance of the income to the mandatory income beneficiary. The bill also allows for the creation of grantor-created unitrusts to be administered in the manner of a total return unitrust. Current law allows for the conversion of income trusts into total return unitrusts but does not allow unitrusts to be otherwise created. The bill also provides that a qualified beneficiary of a trust, other than the attorney general of the Commonwealth, may petition the circuit court to convert an income trust to a total return unitrust, convert a total return unitrust to an income trust, or change the percentage used to calculate the unitrust amount or the method used to determine the fair market value of the trust assets. Currently, only the trustee may file such a petition.

*Patron - Janis*

**HB2599 Real Estate Cooperative Act; amendment of declaration; revival of expired declarant rights.** Provides that if the time limit specified in the declaration for the creation of cooperative interests or the exercise of special declarant rights has expired, with the approval of the persons entitled to cast at least two-thirds of the votes in the association, other than any votes allocated to cooperative interests owned by the declarant, or any larger percentage as the declaration specifies, the declaration may be amended to (i) revive and reinstate any or all of the expired rights to create additional cooperative interests and any or all of the expired special declarant rights and (ii) vest in any person, including the original declarant, any or all of the powers, rights, privileges, and authority to which a declarant is entitled under the Act regarding the exercise of the revived and reinstated rights with respect to any parcel of real estate that is a common element or any additional real estate that such amendment permits to be added to the cooperative. In no event, however, shall any such amendment extend or renew a period of declarant control of the association or provide a new period of declarant control.

*Patron - Knight*

**SB888 Release of deed of trust; assignment of penalty.** See HB 2291.

*Patron - McDougle*

**SB959 Fraudulent conveyances; attorney fees.** Provides that attorney fees shall be awarded to a creditor in an action where a gift; deed; conveyance, assignment, or transfer of or charge upon the estate of a debtor; suit commenced or decree, judgment, or execution suffered or obtained; or bond or other writing is declared void. The award of attorney fees shall be paid out of the proceeds of a resulting judicial sale, if any, but shall not affect a prior lien creditor not represented by the attor-

ney. This bill is a recommendation of the Boyd-Graves Conference.

*Patron - Obenshain*

**SB1143 Common Interest Communities.** Limits that authority of the Common Interest Community Board to impose fines against governing boards rather than individual members of the governing board and adds requirement for a hearing before imposing a fine. The bill also changes the annual assessment collected by the Board from common interest community managers, condominium unit owners associations, real estate cooperative associations and property owners associations from the two hundredths of one percent (0.02%) to the lesser of \$1,000 or five hundredths of one percent (0.05%) of the managers' gross receipts from community management work and the associations' gross assessment income. A minimum assessment of \$10 is also provided. The bill also makes several other technical amendments including (i) conforming provisions relating to the delivery of the association disclosure packet, and (ii) changing the venue for Board actions from City of Richmond to Henrico County. This bill is recommended by the Virginia Housing Commission.

*Patron - Whipple*

**SB1546 Proposed sale in execution of deeds of trust.** Provides that when written notice of proposed sale in execution of a deed of trust is given as provided by general law, there shall be a rebuttable presumption that the lienholder has complied with any requirement to provide notice of default contained in a deed of trust.

*Patron - Stolle*

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## Title 55- Miscellaneous; Property and Conveyances

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**HB2656 Property held in abeyance of any finding of surplus property.** Provides that the Board of Education and the Department of General Services hold in abeyance any finding that the Virginia School for the Deaf, Blind, and Multi-Disabled is surplus property until at least July 1, 2010.

*Patron - Ward*

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## Title 56- Public Service Companies

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**HB1636 Telephone utilities; certificated service territories.** Authorizes the State Corporation Commission to make changes to a local exchange carrier's incumbent certificated service territory at the request of those incumbent local exchange carriers that are directly involved in a proposed change in the certificated service territory.

*Patron - Saxman*

**HB1649 Telephone and cable lines; right-of-way contracting.** Prohibits a telegraph or telephone company or cable operator from being required to accept an interest, franchise, privilege, or easement for a right-of-way for its poles, other structures and facilities that restrict the services that may be offered legally by the company or operator.

*Patron - Ware, R.L.*

**HB1819 Electric rates of distribution cooperatives.**

Authorizes any distribution electric cooperative, upon an affirmative resolution of the cooperative's board of directors, and without State Corporation Commission approval, to make any adjustment to its rates reasonably calculated to collect any or all of the fixed costs of owning and operating its electric distribution system through a new or modified fixed monthly charge. Such monthly charge would be in lieu of charges that are based on the volume of use of electric energy. Such changes in rates shall be revenue neutral based on the cooperative's determination of the proper intra-class allocation of the revenues produced by its then-current rates. Adjustments may be phased in over a three-year period, and revised tariffs are required to be filed with the State Corporation Commission for information purposes.

*Patron - Kilgore*

**HB1885 Telephone regulatory alternatives; determination of competitiveness.**

Requires the State Corporation Commission, when determining whether the telephone services of a telephone company are competitive, to consider all wireless communications providers that offer voice communications services to be facilities-based competitors owning wireline network facilities and reasonably meeting the needs of consumers. In making its determination, the Commission shall not exclude as a competitor any affiliate of the telephone company. The measure also requires the Commission, if it determines that 75 percent or more of residential households or businesses in a telephone company's incumbent territory are in areas that are competitive for a telephone service, to expand, for that telephone service throughout the company's incumbent territory, its competitive determination. In such cases, the Commission is further required to apply the same regulatory treatment already adopted for that telephone service in competitive areas. The same regulatory treatment shall be applied if a telephone company provides 90 percent or more of its residential and business lines access to fiber-optic or copper-based broadband service within an exchange area.

*Patron - Nixon*

**HB1970 Utility Facilities Act; delivery of propane service.**

Excludes any company that provides non-utility gas service from the definition of a "public utility" for purposes of the Utility Facilities Act. The State Corporation Commission may authorize a person to provide non-utility gas service to (i) two or more residential or commercial customers located one-half mile or less from any existing underground natural gas line operated by a regulated utility; (ii) more than 10 residential or two commercial customers located more than one-half mile but within one mile or less from any existing underground natural gas line operated by a regulated utility; (iii) more than 20 residential or five commercial customers located more than one mile but within three miles or less from any existing underground natural gas line operated by a regulated utility; or (iv) more than 50 residential or 10 commercial customers located more than three miles but no more than five miles from an existing underground natural gas line operated by a regulated utility, if the Commission finds that (a) the natural gas utility that holds the certificate to provide natural gas service in the defined geographic area proposed to be served is not currently offering service to the area and is unable to extend natural gas utility service to the requested area within a reasonable period of time, and (b) the proposed provision of non-utility gas service is in the public interest. A municipal corporation providing gas service to residential or commercial customers located within an area where a natural gas utility holds a certificate to provide service is required to have the certificate holder's authorization. Such authorization shall not be unreasonably withheld. This requirement does not apply to (i) any fully con-

structed and operational municipally-owned gas service system in place as of the effective date of this act, (ii) industrial parks located within the corporate limits of a city whose 2000 population is greater than 45,000 but less than 50,000, or (iii) any facility consisting of an industrial park owned or developed prior to the enactment of this legislation by a Regional Industrial Facility Authority, the members of which are such city and a contiguous county. Non-utility gas service providers are required to comply with all pipeline safety standards, and are subject to applicable penalties for violations of pipeline safety requirements. The measure also provides that the provision of non-utility gas service without SCC approval is punishable by a penalty of up to \$500 per day. The measure is emergency legislation that will be effective upon passage.

*Patron - Ware, R.L.*

**HB1994 Renewable portfolio standard program.**

Establishes a goal for investor-owned incumbent electric utilities to have 15 percent of their total electric energy sales in the base year be from renewable energy sources in calendar year 2025. Currently, such a utility may participate in the voluntary renewable energy portfolio standard program if it demonstrates that it has a reasonable expectation of achieving 12 percent of its base year electric energy sales from certain renewable energy sources during calendar year 2022. A participating utility that meets the specified percentage goals is eligible for performance incentives that increase the fair combined rate of return on common equity and provide an enhanced rate of return on costs associated with the construction of renewable energy generation facilities.

*Patron - Bulova*

**HB2152 Stand-by service charges for renewable distributed electrical generation.**

Directs the State Corporation Commission to adopt regulations that require an electric utility to provide a rate for stand-by service to customers that operate a cogeneration facility that generates renewable power. The regulation shall allow the utility to recover all of the costs related to the provision of the stand-by service.

*Patron - Rust*

**HB2155 Net energy metering.**

Authorizes utilities to elect a capacity limit for participation by nonresidential customers in the net energy metering program that exceeds the existing limit of 500 kW. The measure also permits customers who are served on time-of-use tariffs that have electricity supply demand charges contained within the electricity supply portion of the time-of-use tariff to participate as customer-generators. In addition, the measure provides that a participating customer-generator owns any renewable energy certificate associated with its generation of electricity, and provides for a one-time option to sell the certificates to its supplier at a rate established by the State Corporation Commission. The utility's costs of acquiring the certificates shall be reasonable under the Renewable Energy Portfolio Standard rate adjustment clause or through the supplier's fuel adjustment clause.

*Patron - Toscano*

**HB2171 Electrical generation from agricultural waste.**

Excludes any farm or aggregation of farms that owns and operates facilities within the Commonwealth for the generation of electric energy from waste-to-energy technology, including methane digesters, from regulation as a public utility, public service corporation, or public service company. To be eligible for such designation, a person must obtain at least 51 percent of its annual gross income from agricultural operations and produce the agricultural waste that is used as feedstock in the generation of the electricity. Such generator will be permitted to interconnect to the electric grid in accordance with regulations to be adopted by the State Corporation Commission.

The measure also provides that such generators of electricity shall not be considered "manufacturers" under any provision of the Code of Virginia.

*Patron - Vanderhye*

**HB2172 Interconnection of renewable generation facilities.** Establishes procedures for the operator of an eligible non-utility renewable energy facility that produces not more than 2 megawatts of electricity from a renewable energy source, not more than 5,000 mmBtus/hour of steam from a renewable energy source, or landfill gas from a solid waste management facility, to connect the facility to the transmission grid pipeline or to customers, as applicable, by co-locating distribution facilities with those of public service corporations and by occupying public rights-of-way through a procedure that requires the payment of a public rights-of-way use fee to the affected locality or the Department of Transportation. The measure does not authorize the location of distribution facilities within public parks.

*Patron - Hogan*

**HB2175 Small renewable energy projects; penalty.** Directs the Department of Environmental Quality to develop a permit or permits by rule for the construction and operation of small renewable energy projects that have a maximum capacity of 100 megawatts if they generate electricity from sunlight, wind, or falling water, wave motion, tides, or geothermal power, or 20 megawatts if they generate electricity from biomass, energy from waste, or municipal solid waste. A small renewable energy project for which such a permit by rule has been issued will be exempt from requirements that the State Corporation Commission permit its construction and operation. However, the Commission will retain jurisdiction regarding use of rights-of-way and interconnection of such facilities. Fees collected from owners and operators of small renewable energy projects will be paid into a special nonreverting fund in the state treasury. Violations are subject to civil and criminal penalties. SB 1347 is identical.

*Patron - Hogan*

**HB2268 Definition of renewable energy.** Provides that the term "biomass," as used in the definition of renewable energy for purposes of Chapter 23 of Title 56, includes both sustainable and non-sustainable biomass; and provides that the definitions thereof shall be liberally construed. The measure also provides that the term "renewable energy" shall include the proportion of the thermal or electric energy from a facility that results from the co-firing of biomass.

*Patron - Poindexter*

**HB2277 Natural gas distribution service by municipalities and authorities.** Authorizes a municipal corporation or public service authority created under the Virginia Water and Sewer Authorities Act to purchase natural gas for resale from any public utility that is certificated to provide natural gas distribution service within the Commonwealth. The municipality or authority may provide natural gas distribution service within any underserved area of a county that is adjacent to the boundaries of the municipal corporation or any political subdivision that is a member of the public service authority, if the area is not within the certificated territory assigned to a public utility for the provision of natural gas service. The municipality or authority is required to notify the State Corporation Commission but is not required to obtain a certificate of public convenience and necessity before providing such service in the area. A municipality or authority that undertakes to provide gas service within such area shall have the same rights as a public service authority to acquire and maintain any lines, pipelines, or other improvements necessary or appropriate for the provision of natural gas distribution service, by condemnation or

otherwise, to the same extent that apply to a public service authority in its provision of water and sewer service.

*Patron - Bowling*

**HB2506 Energy efficiency programs.** Authorizes investor-owned electric utilities to recover, through a rate adjustment clause, the costs of designing, implementing, and operating energy efficiency programs, including a general rate of return on operating expenses, if such programs are found to be in the public interest. The utility may earn a general rate of return on energy efficiency programs. The State Corporation Commission may allow for the recovery of reductions in revenue related to energy efficiency programs, to the extent the revenue is not recovered through off-system sales. The costs of new energy efficiency programs shall not be assigned to certain large customers. In proceedings regarding such programs, the Commission shall take into consideration the goals of economic development, energy efficiency, and environmental protection.

*Patron - Pollard*

**HB2519 Electric utilities; over-recovery of fuel costs.** Requires the State Corporation Commission (SCC) to review fuel costs if it approves an increase in fuel factor charges that would increase the total rates of residential customers by more than 20 percent, which review shall be conducted within 6 months after the effective date of the increase. If the Commission finds that the utility is in an over-recovery position with respect to its fuel costs by more than 5 percent, it may reduce the fuel costs.

*Patron - Phillips*

**HB2531 Demand-side management, energy conservation, energy efficiency, and demand reduction.** Directs the State Corporation Commission (SCC) to conduct a proceeding to determine achievable, cost-effective energy conservation and demand response targets that can be accomplished through demand-side management portfolios administered by generating electric utilities. The SCC is required to report to the Governor and the General Assembly by November 15, 2009. The measure also requires the SCC to approve a demand response program that is proposed by a certain generating electric utility or a qualified nonutility provider if certain conditions are satisfied. The Air Pollution Control Board, in consultation with the SCC and Department of Mines, Minerals and Energy, is required to adopt a general permit for certain generation facilities that participate in voluntary demand response programs. The measure also directs the Air Pollution Control Board to adopt a general permit or permits for the use of back-up generation, in order to allow emergency generation sources to operate during periods that the independent system operator has notified electric utilities that an emergency exists or may occur. SB 1348 is identical.

*Patron - Kilgore*

**HB2576 Electricity generated from solid waste.** Expands the definition of a "qualifying project" under the Public-Private Education Facilities and Infrastructure Act of 2002 to include any solid waste management facility that produces electric energy derived from solid waste.

*Patron - May*

**SB1153 Public-Private Education Facilities and Infrastructure Act of 2002; definitions; review of proposals.** Amends the definition of "qualifying project" to include any services designed to increase the productivity and efficiency of a responsible public entity. Currently such services require the direct or indirect use of technology. In addition the bill (i) requires that a public hearing be held by the responsible public entity on a proposal at least 30 days prior to entering into an

interim or comprehensive agreement, and (ii) provides for the Auditor of Public Accounts to post copies of interim and comprehensive agreements that have been periodically reviewed by that office in an online database. The bill also establishes a working group convened by the Chairmen of the Senate Committee on General Laws and Technology and the House Committee on General Laws to annually review model guidelines used by responsible public entities and to consider best practices recommendations.

*Patron - McDougale*

**SB1248 Energy efficiency programs.** Authorizes investor-owned electric utilities to recover, through a rate adjustment clause, the projected and actual costs of designing, implementing, and operating energy efficiency programs and fair and effective peak-shaving programs. The utility may earn a general rate of return on energy efficiency programs. The State Corporation Commission may allow for the recovery of reductions in revenue related to energy efficiency programs, to the extent the revenue is not recovered through off-system sales. Certain large general service customers may be exempted from paying the costs of such energy efficiency programs. The measure also requires electric cooperatives to file assessments of impediments to their implementation of certain rate initiatives.

*Patron - Northam*

**SB1339 Electric utility regulation.** Establishes a fourth voluntary renewable portfolio standard goal of 15 percent by 2025. The measure also (i) requires investor-owned electric utilities to develop tariffs offering dynamic rates that vary in accordance with the utility's costs of providing electricity seasonally, daily, and throughout each day; and (ii) requires that rates for utility payments to eligible customer-generators under a net energy metering program be based on the utility's avoided generation costs and the average market value of the renewable attributes for the customer-generator's facility. The measure will become effective if reenacted by the 2010 Session.

*Patron - Herring*

**SB1347 Small renewable energy projects; penalty.** See HB 2175.

*Patron - Wagner*

**SB1348 Demand-side management, energy conservation, energy efficiency, and demand reduction.** See HB 2531.

*Patron - Wagner*

## Title 56- Miscellaneous; Public Service Companies

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**HB2371 Electric utilities; pilot proceeding for rate initiatives.** Directs the State Corporation Commission to conduct a proceeding to establish two types of pilot programs for certain customers that generate electricity from renewable generation facilities. One type of pilot program addresses dynamic rates for power purchases by eligible customer/renewable generators. The second type of pilot program addresses rates at which participating customers are provided the opportunity to sell electricity to a participating utility at dynamic rates.

*Patron - Nutter*

**SB1523 Southeastern Public Service Authority.** Requires the Southeastern Public Service Authority of Virginia to, in good faith, entertain any and all reasonable landfill gas contract offers that have the potential to result in landfill gas-to-fuel or landfill gas-to-electricity and steam generation, thereby creating green-energy job opportunities and revenue to the area served by the Authority.

*Patron - Quayle*

## Title 58- Taxation

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**HB1594 Voluntary contributions of tax refunds; new organizations.** Adds the Middle Peninsula Chesapeake Bay Public Access Authority to the list of organizations that may receive contributions of taxpayer refunds. The Authority will be added to the bottom of the list of other organizations waiting to appear on the income tax return.

*Patron - Morgan*

**HB1691 Sales tax revenue; retention by the City of Virginia Beach.** Adds the City of Virginia Beach to the localities that are entitled to all sales tax revenues generated by transactions taking place at events in certain public facilities.

*Patron - Tata*

**HB1737 Income tax; conformity.** Conforms Virginia's income tax with the Internal Revenue Code as it has been done each year for many years. This bill is identical to SB 985.

*Patron - Purkey*

**HB1779 Sales and use tax; exemption of sales by non-profit entities.** Provides that nonprofit organizations are exempt from collecting the sales tax on their sales of 1) food, prepared food, and meals, and 2) tickets to events that include the provision of food, prepared food, and meals, so long as such sales take place on less than 24 occasions in a calendar year.

*Patron - Athey*

**HB1790 Neighborhood Assistance Act tax credits; veterinarians.** Adds veterinarians to the list of professionals who are eligible for tax credits under the Neighborhood Assistance Act and extends the sunset date from 2009 to 2011.

*Patron - Hull*

**HB1803 Sales and use tax; entitlement to certain revenues.** Sets aside certain sales tax revenues generated by transactions occurring on the premises of a stadium for a minor league professional baseball affiliated team, with such revenues to be used to repay any bonds issued to finance the construction of such stadium. The bonds must be issued on or after July 1, 2009, but before July 1, 2012.

*Patron - Loupassi*

**HB1830 Setoff Debt Collection Act; setoff against federal tax refunds for local tax debt.** Allows local governments, with the Department of Taxation's assistance, to collect past due local taxes from federal income tax returns. The provisions of the act will take effect on the effective date of federal legislation enacted by the United States Congress allowing such debt to be offset against federal income tax refunds.

*Patron - Fralin*

**HB1891 Land preservation tax credit.** Reduces from \$100,000 to \$50,000 the amount of the land preservation tax

credit that may be claimed for each of taxable years 2009 and 2010. Any taxpayer affected by the credit reduction would be allowed an additional two taxable years in which to claim the land preservation tax credit. This bill is identical to SB 986.

*Patron - Brink*

**HB1917 Transient occupancy tax; Giles County.** Adds Giles County to the list of counties that may impose a transient occupancy tax at a rate of five percent with the revenue collected in excess of the two percent rate going to promote tourism.

*Patron - Crockett-Stark*

**HB1938 Income tax; livable home tax credit.** Increases the individual tax credit limit from \$500 to \$2,000 and the 25 percent amount for retrofitting to 50 percent for taxable years beginning on or after January 1, 2010. This bill is identical to SB 845.

*Patron - Peace*

**HB1947 Transient occupancy tax; Bath County.** Permits Bath County to impose an additional transient occupancy tax not to exceed two percent with the revenue from such tax to be allocated as follows: (i) one-half for tourism and travel, marketing of tourism, or other initiatives that attract travelers; and (ii) one-half for the design, operation, construction and improvement, acquisition, and debt service for such expenses on debt incurred after June 30, 2009, of tourism facilities, historic sites, beautification projects, promotion of the arts, regional tourism marketing efforts, capital costs related to travel and transportation including air service, public parks, and information centers.

*Patron - Shuler*

**HB1975 Local incentives for green roofs.** Authorizes counties, cities, and towns to grant incentives or provide regulatory flexibility to encourage the use of green roofs in the construction, repair, or remodeling of residential and commercial buildings. The incentives or regulatory flexibility could include (i) a reduction in permit fees when green roofs are used, (ii) a streamlined process for the approval of building permits when green roofs are used, or (iii) a reduction in any gross receipts tax on green roof contractors as defined by the local ordinance. This bill is identical to SB 1058.

*Patron - Ware, R.L.*

**HB2059 Local meals, and food and beverage taxes; exemptions.** Provides numerous exemptions to meals taxes imposed by cities and towns, and expands such exemptions from meals taxes imposed by counties.

*Patron - Hamilton*

**HB2084 Real and personal property taxes.** Exempts certain pollution control equipment and facilities from local property taxes.

*Patron - Purkey*

**HB2091 Sales tax revenue; renovations to public facilities.** Includes the debt service on bonds issued for renovations to certain public facilities as eligible to be paid with sales tax revenue retained by the applicable locality from sales made in the facility. The bill also modifies a requirement for a locality's renovations to other public facilities to be eligible for similar benefits under current law.

*Patron - Fralin*

**HB2098 Real property tax; agricultural use assessment.** Provides that real property that is otherwise devoted to a use qualifying it for special land use assessment (i.e. agricultural, horticultural, forest, or open-space) does not lose such

designation solely because (i) a portion of the property is being used for a different purpose pursuant to a special use permit or otherwise allowed by zoning, or (ii) utility lines are located on the property. In addition the bill provides that, in determining whether real property qualifies for special land use assessment, zoning designations and special use permits shall not be the sole considerations.

*Patron - Orrock*

**HB2101 Department of Taxation annual reports.** Changes the date from April 15 to October 1 for the Department to issue an annual report on corporate income tax relief and moves the report requirement language for nonprofit entities from one section of the Code to another.

*Patron - Orrock*

**HB2133 Boards of equalization; term limits.** Removes the nine-year term limit for members of boards of equalization.

*Patron - Miller, J.H.*

**HB2135 Recordation taxes; basis.** Changes from a Class 2 to a Class 1 misdemeanor the criminal penalty for knowingly misrepresenting the consideration for the interest in property conveyed for purposes of recordation and grantor taxes. The bill also would provide a penalty equal to 100 percent of the tax due on the understatement of the consideration in cases in which the understatement is false or fraudulent with the intent to evade a tax. This bill is identical to SB 1157.

*Patron - Miller, J.H.*

**HB2186 Coal and gas road improvement tax.** Extends the sunset date to 2014 for the coal and gas road improvement tax.

*Patron - Phillips*

**HB2289 Real and personal property taxes; duty to provide information to commissioner of the revenue.** Adds the owners and operators of self-service storage facilities to the list of entities that are required to provide the name and address of renters or lessees to the local commissioner of revenue upon his request. The bill also would require property owners' associations, condominium unit owners' associations, and proprietary lessees' associations to provide a list of owners of the properties administered by such associations, to the extent that such list is maintained, to the commissioner upon his request.

*Patron - Cline*

**HB2308 Effect on rate when assessment results in tax increase; public hearings.** Provides that notice of the public hearing a locality must hold prior to increasing its real property tax when that locality's assessment of real property results in a tax increase shall be given at least 14 days before the date of the hearing in any year in which a general appropriation act or amendments to a general appropriation act have not been enacted by April 30. This bill is identical to SB 1003.

*Patron - Melvin*

**HB2316 Transient Occupancy Tax; Smyth County.** Adds Smyth County to those counties permitted to impose an additional three percent transient occupancy tax above the two percent, which all counties are permitted to impose.

*Patron - Carrico*

**HB2330 Sales and use tax exemption; nonprofit schools.** Eliminates the requirement that a nonprofit entity with gross annual revenue of at least \$1 million, seeking to be exempt from sales and use tax must provide a financial audit performed by an independent certified public accountant, and replaces it with a requirement that a nonprofit entity that has at least \$750,000 in gross annual revenue must provide a finan-

cial review performed by an independent certified public accountant. The Department of Taxation may, on a case-by-case basis, require any nonprofit entity with gross annual revenue of at least \$1 million to provide a financial audit performed by an independent certified public accountant. This bill is identical to SB 1222.

*Patron - Athey*

**HB2347 Income tax credit.** Repeals obsolete code sections that give income tax credits for renewable energy source expenditures, steam producers, and purchasing of machinery and equipment for processing recyclable materials. This bill is a recommendation of the Virginia Code Commission.

*Patron - Landes*

**HB2348 Fiduciaries distributing intangible personal property to file informative tax returns.** Repeals § 58.1-20, relating to the filing of informative tax returns by fiduciaries paying or distributing intangible personal property to beneficiaries. This bill is a recommendation of the Virginia Code Commission.

*Patron - Landes*

**HB2360 Sales and use tax; fabrication of animal meat.** Exempts from sales and use tax, the fabrication of animal meat, grains, vegetables, or other foodstuffs when the purchaser (i) supplies the foodstuffs and they are consumed by the purchaser or his family, (ii) is an organization exempt from taxation under § 501 (c) (3) or (c) (4) of the Internal Revenue Code, or (iii) donates the foodstuffs to an organization exempt from taxation under § 501 (c) (3) or (c) (4) of the Internal Revenue Code.

*Patron - Gilbert*

**HB2378 Minimum tax on noncorporate entities.** Clarifies that the minimum tax shall be imposed on telecommunications and electric suppliers that are organized as pass-through entities and that certain taxes imposed on the pass-through entity itself are to be paid by the pass-through entity. This bill contains an emergency clause. This bill is identical to SB 946.

*Patron - Englin*

**HB2437 Corporate income tax; apportionment for manufacturers.** Allows manufacturers to elect an apportionment formula of multiplying their income by the sales factor or using the formula prescribed for other businesses, whether the manufacturers have a sales factor or not. The provisions of the bill would be effective beginning July 1, 2011, and would be phased in with the apportionment formula having a 100 percent sales factor by 2014. For certain manufacturers, the election of a single sales factor is conditioned upon employment levels.

*Patron - Byron*

**HB2472 Merchants' capital tax.** Deems a business with at least 60 percent of its gross rental receipts from the rental of heavy equipment property for periods of 270 consecutive days or less to be a short-term rental business. Such business would be subject to a one percent tax on its gross receipts from the rental of short-term rental property.

*Patron - Hugo*

**HB2479 Real property tax rate; commercial property in Northern Virginia.** Reduces the rate of the additional real property tax that may be imposed on commercial property by localities embraced by the Northern Virginia Transportation Authority from \$0.25 per \$100 to \$0.125 per \$100. The bill has a sunset date of June 30, 2013.

*Patron - Hugo*

**HB2480 Real property tax; commercial property in Northern Virginia and Hampton Roads.** Requires localities to use the revenue from the special real property tax on commercial property in localities embraced by the Northern Virginia Transportation Authority or the Hampton Roads Transportation Authority solely for (i) new road construction and associated design and right-of-way acquisition, (ii) new public transit construction and associated design and right-of-way acquisition, (iii) other initial capital costs related to new transportation projects and the operating costs directly related thereto, and (iv) the issuance costs and debt service on bonds to support the capital costs permitted in (i) through (iii). Under current law, the localities must use the revenue for transportation purposes that benefit the special regional transportation tax district to which the locality belongs.

*Patron - Hugo*

**HB2502 Transient occupancy tax.** Adds representatives of lodging properties to those local tourism organizations with whom counties consult prior to determining what tourism-related expenditures to make with the revenue from the additional three percent transient occupancy tax available to some counties (all counties may impose a two percent tax). The bill also expands the list of considerations regarding a proposed expenditure to include whether such expenditure will increase occupancy of lodging properties.

*Patron - Pogge*

**HB2504 Corporate income tax; real estate investment trusts.** Phases in over a two-year period certain dividend income in calculating the Virginia taxable income of "Captive Real Estate Investment Trusts (REITs)" to be certain their income is taxed in the same manner as any other corporation's shareholders/owners. This bill is identical to SB 1147.

*Patron - Amundson*

**HB2524 Personal property tax; classification.** Creates as a separate class of personal property, motor vehicles with a seating capacity of not less than 30 persons, permitting localities to impose a lower rate of taxation on such property than the rate applicable to the general class of tangible personal property.

*Patron - Lingamfelter*

**HB2545 Voluntary contributions of tax refunds; Virginia Aquarium and Marine Science Center.** Adds the Virginia Aquarium and Marine Science Center to the list of organizations that may receive contributions of taxpayer refunds. The Center will be added to the bottom of the list of other organizations waiting to appear on the income tax return.

*Patron - Purkey*

**HB2575 Corporate income tax; major business facility job tax credit.** Extends the sunset date of the major business facility job tax credit from January 1, 2010, to January 1, 2020, and allows the credit to be taken over a two-year period rather than a three-year period for taxable years beginning January 1, 2009, through December 31, 2010.

*Patron - Putney*

**HB2592 Personal property tax; electric vehicles.** Creates as a separate class of property for rate purposes, motor vehicles powered solely by electricity.

*Patron - Caputo*

**HB2607 Communications sales and use tax; distributions to certain localities.** Clarifies the amount of communications sales and use tax revenues that the Town of Clifton is to receive annually. The bill also establishes an administrative

process that allows the Department of Taxation to make additional distributions of communications sales and use tax revenues to localities that collected telecommunications and television cable funds in fiscal year 2006 but which funds were either not reported or incorrectly reported to the Auditor of Public Accounts.

*Patron - Hugo*

**HB2651 Real property tax; sale of tax-delinquent property.** Provides that a party whose interest in tax-delinquent property is secured by a properly recorded deed of trust and who has filed an answer in the action commenced pursuant to the provisions of the bill is not required to file a notice in order to have his claim paid upon the judicial sale of such property.

*Patron - Griffith*

**SB845 Livable Home Tax Credit; increase limit.** See HB 1938.

*Patron - Puller*

**SB858 Transient occupancy tax; Giles County.** Authorizes Giles County to impose a transient occupancy tax at a rate not to exceed five percent. Any revenues from that portion of the tax in excess of two percent would be required to be used solely for tourism or marketing of tourism. Currently, every county is authorized to impose a transient occupancy tax at a rate not to exceed two percent; however, many counties have been authorized to impose the tax at a rate not to exceed five percent.

*Patron - Edwards*

**SB868 Sales and use tax; entitlement to revenues.** Reduces the size of the expansion of certain public facilities from 50% of the square footage of the existing public facilities to 10%, in order to qualify to use certain sales tax revenues to pay off bonds issued to fund the expansion. To qualify, such bonds must be issued on or after July 1, 2009 but before July 1, 2012.

*Patron - Edwards*

**SB891 Communications sales and use tax; distributions to certain localities.** Clarifies the amount of communications sales and use tax revenues that Bath County is to receive annually. The bill also allows any locality that collected telecommunications and television cable funds from local taxes adopted on or before January 1, 2006, but did not submit or submitted incorrectly the information to receive a percentage share of the communications sales and use tax, to report such collections to the Department of Taxation to begin to receive a percentage share of the tax revenues.

*Patron - McDougale*

**SB896 Duty to file lists of property owners, renters, and lessees.** Adds the owners and operators of self-service storage facilities to the list of entities that are required to provide the name and address of renters or lessees to the local commissioner of revenue upon his request. The bill also would require property owners' associations, condominium unit owners' associations, and proprietary lessees' associations to provide a list of owners of the properties administered by such associations, to the extent that such list is maintained, to the commissioner upon his request.

*Patron - McDougale*

**SB904 Neighborhood Assistance Act tax credits.** Extends the sunset date of the Neighborhood Assistance Act Tax Credit program from July 1, 2009, to July 1, 2011.

*Patron - Stosch*

**SB905 Power of attorney; tax matters.** Requires the Department of Taxation to provide a taxpayer's representative with power of attorney copies of any written correspondence or other written materials that were provided to the taxpayer, and to use the same method of delivery. The Department of Taxation will have until July 1, 2010, to implement these requirements. The bill is contingent on funding being included in the general appropriation act adopted by the 2009 Session of the General Assembly that becomes law.

*Patron - Stosch*

**SB944 Sales and use tax; fabrication of animal meat, grains, vegetables, and foodstuffs.** Exempts from sales and use tax the fabrication of animal meat, grains, vegetables, or other foodstuffs when the purchaser supplies the food stuffs and the foodstuffs are consumed by the purchaser or his family, or when the purchaser is a non-profit organization or donates the foodstuffs to a non-profit organization. The bill also exempts from sales and use tax beginning July 1, 2010, and ending June 30, 2020, computer equipment purchased or leased for the processing, storage, retrieval, or communication of data used in a data center that (i) is located in Virginia, (ii) results in a new capital investment of at least \$150 million, and (iii) results in the creation of at least 50 new jobs associated with the operation or maintenance of the data center.

*Patron - Deeds*

**SB946 Minimum tax on noncorporate entities.** See HB 2378.

*Patron - Howell*

**SB978 Income taxes; recognition of income from dealer dispositions of property.** Allows the income from dealer dispositions of property made on or after January 1, 2009, to be recognized under the installment method at the election of the taxpayer, provided that (i) the election relating to the dealer disposition of the property has been made on or before the due date prescribed by law for filing the taxpayer's income tax return, and (ii) the dealer disposition is in accordance with restrictions and conditions established by the Department.

*Patron - Stuart*

**SB985 Income tax; conformity.** See HB 1737.

*Patron - Colgan*

**SB986 Land preservation tax credit.** See HB 1891.

*Patron - Colgan*

**SB1003 Effect on rate when assessment results in tax increase; public hearings.** See HB 2308.

*Patron - Quayle*

**SB1004 Certification of energy-efficient buildings for local taxes.** Adds architects to those persons currently authorized to certify buildings as energy efficient using standards prescribed in the Uniform Statewide Building Code. The bill also makes technical changes.

*Patron - Quayle*

**SB1021 Sales and use tax; entitlement to certain revenues.** Sets aside certain sales tax revenues generated by transactions occurring on the premises of a baseball stadium for a minor league professional baseball affiliated team or structures attached thereto with such revenues to be used to repay any bonds issued to finance the construction of such stadium. The bonds must be issued on or after July 1, 2009, but before July 1, 2012.

*Patron - McEachin*



**SB1025 Transient occupancy tax; Greene County.** Authorizes Greene County to impose a transient occupancy tax at a rate not to exceed five percent. Any revenues from that portion of the tax in excess of two percent would be required to be used solely for tourism or marketing of tourism. Currently, every county is authorized to impose a transient occupancy tax at a rate not to exceed two percent; however, many counties have been authorized to impose the tax at a rate not to exceed five percent.

*Patron - Hanger*

**SB1052 Affordable housing assessments.** Provides for a determination of fair market value of affordable rental housing, allows for localities to determine the definition of affordable rental housing, and does not allow the determination to be made if pending building code violations exist. This bill is recommended by the Virginia Housing Commission.

*Patron - Whipple*

**SB1058 Local incentives for green roofs.** See HB 1975.

*Patron - Whipple*

**SB1120 Virginia Tax Amnesty Program.** Authorizes the State Tax Commissioner to operate a tax amnesty program during the 2009-2010 fiscal year. The program would be open to any individual, corporation, estate, trust, or partnership that is required but has failed to file a return or to pay any tax administered by the Department of Taxation. All civil or criminal penalties assessed or assessable and one-half of the interest assessed or assessable, resulting from nonpayment, underpayment, nonreporting, or underreporting of tax liabilities would be waived upon payment of the taxes and interest. For purposes of implementing the amnesty program, the Department of Taxation would be exempt from the project management and procurement oversight of the Virginia Information Technologies Agency.

*Patron - Colgan*

**SB1147 Corporate income tax; real estate investment trusts.** See HB 2504.

*Patron - Whipple*

**SB1157 Recordation taxes; basis.** See HB 2135.

*Patron - Saslaw*

**SB1176 Transient occupancy tax; consultation with lodging industry.** Requires that authorized counties, in levying a transient occupancy tax greater than two percent, must consult with representatives of lodging properties within the county. Current law requires the counties to consult with "local tourism industry organizations," but does not specifically mention lodging properties.

*Patron - Watkins*

**SB1222 Sales and use tax exemption; nonprofit entities.** See HB 2330.

*Patron - Obenshain*

**SB1246 Retaliatory costs tax credit.** Extends the carry-over period from five years to 10 years, allowing taxpayers an additional five years to carry over credit amounts they have not taken. The new 10-year period is applicable to credits allowed before or after January 1, 2009.

*Patron - Stosch*

**SB1292 Setoff Debt Collection Act; setoff against federal tax refunds for local tax debt.** Allows local governments, with the Department of Taxation's assistance, to collect past due local taxes from federal income tax returns. The provisions of the act will take effect on the effective date of federal legislation enacted by the United States Congress allowing such debt to be offset against federal income tax refunds. The bill also clarifies current policy for the priority of claims against income tax refunds.

*Patron - Edwards*

**SB1309 Recordation tax; exemption.** Expands the recordation tax exemption statewide for an organization exempt from taxation under § 501 (c) (3) of the Internal Revenue Code that is organized and operated primarily to acquire land and purchase materials to erect or rehabilitate low-cost homes on such land, which homes are sold at cost to persons who otherwise would be unable to afford to buy a home through conventional means, when the organization is the grantor. Under current law only such organizations located in the City of Lynchburg or Amherst County are exempt.

*Patron - Hurt*

**SB1315 Separate classification of machinery and tools.** Declares machinery and tools used directly in the manufacture of precision investment castings to be a separate classification of machinery and tools for local taxation. Localities may tax property so classified at rates or assessment ratios that are less than those for other machinery and tools.

*Patron - Locke*

**SB1325 Neighborhood Assistance Act Tax Credit.** Changes the administration of the Neighborhood Assistance Act Tax Credit and the eligibility for an allocation of tax credits. The bill would provide that nonprofit organizations that serve individuals with family annual income not in excess of 180 percent of the federal poverty guidelines would be eligible for an allocation of neighborhood assistance tax credits. Current Department of Social Services regulations (22 VAC 40-41-10) set eligibility for tax credits for programs that serve individuals with family annual income not in excess of 150 percent of the federal poverty guidelines. The bill would provide that programs that offer counseling or supportive services to students or their parents in developing a postsecondary academic or vocational education plan would be eligible for tax credits. The bill would establish a \$0.5 million annual limit in tax credits for each neighborhood organization or a grouping of neighborhood organization affiliates. The bill would require the Department of Education to allocate up to \$4.9 million in tax credits each year for education-related programs for children with disabilities. The general appropriation act currently in effect provides for the Department of Education to award up to \$3 million in grants to schools for students with disabilities pursuant to the Neighborhood Assistance Act and for the State Department of Social Services to allocate up to \$9 million in tax credits pursuant to the Act. The bill extends the sunset date of the Neighborhood Assistance Act program from July 1, 2009, to July 1, 2011.

*Patron - Stosch*

**SB1356 General reassessments in Augusta County.** Authorizes Augusta County to elect by majority vote of its board of supervisors to conduct its general reassessments at either five-year or six-year intervals.

*Patron - Hanger*

**SB1357 Clean fuel vehicle job creation tax credit; adds cellulosic biofuels.** Expands the clean fuel vehicle job creation tax credit to include jobs created associated with the production of cellulosic biofuels, the conversion of vehicles from traditional fuels to cellulosic biofuels, and the manufacture of components for vehicles that utilize cellulosic biofuels. The bill also reorganizes the definition of "job" and the list of

approved job fields to simplify and clarify eligibility requirements for the tax credit.

*Patron - Hanger*

**SB1358 Alternative fuel tax exemption for agricultural operations.** Exempts from the alternative fuel tax any alternative fuel produced by the owner or lessee of an agricultural operation, as defined in § 3.2-300, and used (i) exclusively for farm use by the owner or lessee or (ii) in any motor vehicles operated by the producer of such fuel.

*Patron - Hanger*

**SB1419 Short-term rental property tax.** Creates a short-term rental property tax which localities may impose on the rental of such property at a rate not to exceed 1.5% of the gross proceeds. If the tax is imposed on such property, it is in lieu of taxation of it as tangible business personal property.

*Patron - Watkins*

**SB1421 Fee for in-room rental or purchase of digital media.** Creates a fee of 10 percent of the in-room purchase or rental price of digital media. The revenues shall be deposited as follows: Fifty percent into the state's general fund; and Fifty percent into the Governor's Motion Picture Opportunity Fund.

*Patron - Lucas*

**SB1507 Taxation of gases; Buchanan County.** Provides that gas wells and related improvements may be assessed on an annual basis in Buchanan County subject to the approval of the Board of Supervisors, but requires that gas wells and related improvements be reassessed in the general reassessment of property in the county. The bill also provides that there would be no deduction for expenses for local severance tax purposes in determining the fair market value of gases severed in Buchanan County.

*Patron - Puckett*

**SB1532 Tax on fuels sales in Northern Virginia.** Changes the tax on fuels sales in Northern Virginia such that the tax would be collected by distributors at the time of making fuels sale to retail dealers located in Northern Virginia. The rate of the tax would also be changed from 2 percent to 2.1 percent.

*Patron - Saslaw*

## Title 59.1- Trade and Commerce

**HB1698 Scrap metal processors.** Adds catalytic converters to the list of proprietary articles for which heightened scrutiny is required prior to sale to a scrap metal processor.

*Patron - Lohr*

**HB1884 Credit reports; security freezes.** Provides that a consumer reporting agency's duty to place a security freeze on a consumer's credit report within one business day after receiving such a request, which is scheduled to become effective July 1, 2009, will apply only if the consumer's request is made electronically at an address designated by the consumer reporting agency to receive such requests. For requests not made electronically at such address, the current obligation that the freeze be imposed within three business days after receiving the consumer's request will continue to apply.

*Patron - Nixon*

**HB2039 Virginia Consumer Protection Act; recalled products.** Provides that it is a prohibited practice under the Virginia Consumer Protection Act to sell, offer for sale, or

manufacture for sale a children's product the supplier knows or has reason to know was recalled by the United States Consumer Product Safety Commission. There exists a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the website of the Commission. The prohibition does not apply to children's products that are used, second-hand, or "seconds." "Children's product" is defined as a consumer product designed or intended primarily for children 12 years of age or younger. SB 954 is identical.

*Patron - Iaquinto*

**HB2042 Purchase of handguns of certain officers.** Allows a retiring law-enforcement officer of the State Lottery Department to purchase his handgun for \$1.

*Patron - Gear*

**HB2056 Advanced shipbuilding training grant program.** Establishes a grant program relating to advanced shipbuilding activities involving nuclear warships for the U.S. Navy. Grants would be paid to an eligible shipbuilder based in Newport News that (i) makes a new capital investment of at least \$300 million; (ii) creates at least 1,000 new full-time jobs; (iii) maintains an accredited apprenticeship program and; (iv) maintains a level of base training expenditures equal to that expended in 2008. A maximum of \$25 million in grants would be paid over a period of five years.

*Patron - Hamilton*

**HB2261 Virginia Consumer Protection Act; foreclosure rescues.** Provides that the prohibition on fraudulent acts or practices committed by a supplier in a consumer transaction involving residential real property owned and occupied as the primary dwelling unit of the owner applies when the supplier of service to avoid or prevent foreclosure charges or receives a fee (i) prior to the full and complete performance of the services it has agreed to perform, if the transaction does not involve the sale or transfer of residential real property, or (ii) prior to the settlement on the sale or transfer of residential real property, if the transaction involves the sale or transfer of the property. Currently, any practice where a supplier of a foreclosure avoidance or prevention service is to be paid a fee prior to the settlement on a sale of residential real property is prohibited, regardless of whether the fee is charged or collected as part of the transaction involving a sale of the property. The measure also clarifies that the existing prohibition on mandatory arbitration in an agreement with a property owner applies only to transactions involving foreclosure rescue services. This bill is identical to SB 1169.

*Patron - Kilgore*

**HB2332 Enterprise zone economic incentive grants.** Increases from \$50,000 to \$100,000 the minimum amount of investment required to be made in the rehabilitation or expansion of a building in order to be eligible for an enterprise zone incentive grant, and increases from \$250,000 to \$500,000 the minimum amount of investment required to be made for new construction in order to be eligible for an enterprise zone incentive grant. Grants would be calculated at a rate of 20 percent of the amount of qualified real property investment in excess of \$500,000 for the construction of a new building or facility. Grants would be calculated at a rate of 20 percent of the amount of qualified real property investment in excess of \$100,000 in the case of a rehabilitation or expansion of an existing building or facility. The bill would provide that any investor making \$5 million or less in qualified real property investment in a building would be allowed a maximum of \$100,000 in enterprise zone incentive grants within any five-year period for such building (the current maximum is

\$125,000). The bill would provide that any investor making more than \$5 million in qualified real property investment in a building would be allowed a maximum of \$200,000 in enterprise zone incentive grants within any five-year period for such building (the current maximum is \$250,000). The bill also makes technical changes.

*Patron - Phillips*

**HB2446 Motor fuels.** Updates the referenced standard for testing by the Commissioner of Agriculture and Consumer Services of motor fuel or lubricating oil. The measure incorporates by reference the specifications established by ASTM International and incorporated into the ASTM specifications that apply to the inspection and testing, but not to methods of sale, of motor fuel. The measure revises the definitions of motor fuel and oxygenated gasoline, and replaces several references to "gasoline" with "motor fuel."

*Patron - Sickles*

**HB2604 Virginia Racing Commission; advance deposit account wagering.** Sets out the distribution of the proceeds received by advance deposit account wagering licensees for advance deposit account wagers made in Virginia.

*Patron - Scott, E.T.*

**HB2629 Antifreeze bittering agent; penalty.** Requires that any engine coolant or antifreeze that is manufactured after January 1, 2011, or sold within the Commonwealth that contains more than 10 percent ethylene glycol contain denatonium benzoate as a bittering agent in order to render the coolant or antifreeze unpalatable. The measure does not apply to sales of motor vehicles that contain engine coolant or antifreeze, certain wholesale containers, to engine coolant or antifreeze reformulated through on-site recycling, or to engine coolant or antifreeze that is purchased pursuant to military specifications. Violations are subject to a civil penalty of up to \$100 per violation. The measure will become effective January 1, 2011.

*Patron - Cox*

**SB910 Automatic dialing-announcing devices; penalty.** Prohibits callers from using an automatic dialing-announcing device to make a commercial telephone solicitation unless the subscriber has requested, consented to, permitted, or authorized receipt of the message or unless the message is preceded by a live operator who obtains the subscriber's consent before the message is delivered. The measure also requires automatic dialing-announcing devices or other devices that disseminate a prerecorded or synthesized voice message to the number called to disconnect within five seconds after termination of the telephone call. An automatic dialing-announcing device selects and dials telephone numbers and disseminates a prerecorded or synthesized voice message to the telephone number called. A violation of these requirements is a prohibited practice under the Consumer Protection Act. The existing prohibition on using recorded solicitation calls is repealed.

*Patron - Stuart*

**SB954 Virginia Consumer Protection Act; recalled products.** See HB 2039.

*Patron - McDougle*

**SB1165 Enterprise zone economic incentive grants.** Increases from \$50,000 to \$100,000 the minimum amount of investment required to be made in the rehabilitation or expansion of a building in order to be eligible for an enterprise zone incentive grant, and increases from \$250,000 to \$500,000 the minimum amount of investment required to be made for new construction in order to be eligible for an enterprise zone incentive grant. In addition, grants would be calculated at a rate of 20 percent of the amount of the investment in excess of

\$500,000 in the case of new construction, and at a rate of 20 percent of the amount of the investment over \$100,000 in the case of a rehabilitation or expansion of a building. The bill would provide that any investor making \$5 million or less in qualified real property investment in a building would be allowed a maximum of \$100,000 in enterprise zone incentive grants within any five-year period for such building (the current maximum is \$125,000). The bill would provide that any investor making more than \$5 million in qualified real property investment in a building would be allowed a maximum of \$200,000 in enterprise zone incentive grants within any five-year period for such building (the current maximum is \$250,000). The bill also makes technical changes.

*Patron - Watkins*

**SB1169 Virginia Consumer Protection Act; foreclosure rescues.** See HB 2261.

*Patron - Watkins*

**SB1321 Advanced shipbuilding training grant program.** Establishes a grant program relating to advanced shipbuilding activities involving nuclear warships for the U.S. Navy. Grants would be paid to a qualified shipbuilder based in Newport News that (i) makes a new capital investment of at least \$300 million by June 30, 2012; (ii) creates at least 1,000 new full-time jobs; and (iii) maintains an accredited apprenticeship program with an average enrollment of 750 and articulation agreements with local community colleges. A maximum of \$25 million in grants would be paid over a period of five years.

*Patron - Locke*

**SB1396 Purchase of service handgun.** Allows designated law-enforcement officers to purchase their service handgun for \$1 if they are receiving disability payments for a service-incurred disability with no expectation of returning to their former employment.

*Patron - Norment*

## Title 60.2- Unemployment Compensation

**HB1889 Unemployment benefits; minimum earnings requirement.** Postpones the scheduled increase, from \$2,700 to \$3,000, in the minimum amount of wages an employee must have earned in the two highest earnings quarters of his base period in order to be eligible for unemployment benefits. The increase will apply to claims filed on or after July 4, 2010; it is currently scheduled to apply to claims filed on or after July 5, 2009. The measure also expands the criteria for a state "on" indicator, during which unemployed individuals are eligible for 13 weeks of extended benefits, to include weeks when the unemployment rate equaled or exceeded 6.5% and was more than 110 percent of the average for either or both of the corresponding three-month periods ending in the two preceding calendar years. Such weeks are required to fall between February 1, 2009, and the week ending three weeks prior to the last week for which federal sharing is authorized by § 2005(a) of the federal American Recovery and Reinvestment Act of 2009.

*Patron - Nixon*

**SB1495 Unemployment compensation; quit to follow military spouse.** Provides that good cause for leaving employment exists if an employee voluntarily leaves a job to accompany the employee's spouse, who is on active duty in the military or naval services of the United States, to a new military-related assignment established pursuant to a permanent

change of duty order from which the employee's place of employment is not reasonably accessible. The measure applies only if the state to which the spouse is transferred has a similar provision, unless the transfer involves members of the Virginia National Guard relocated within the Commonwealth. Benefits paid to qualifying claimants shall be charged against the pool rather than against the claimant's employer. The measure shall become effective if the federal government appropriates funds for this purpose.

*Patron - Locke*

## Title 62.1- Waters of the State, Ports and Harbors

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**HB1774 No discharge zone.** Establishes the tidal creeks of the Commonwealth as no discharge zones. Vessels operating in these designated areas would be prohibited from discharging treated and untreated waste into the waters. A no discharge zone would only be established on those tidal creeks where the U.S. Environmental Protection Agency has determined that sufficient facilities exist for the removal of sewage.

*Patron - Pollard*

**HB1931 Water Facilities Revolving Fund.** Authorizes the Virginia Resources Authority to provide a portion of the fees it receives for administering the loan fund to DEQ to cover some of that agency's costs for administering the construction assistance loan program.

*Patron - Plum*

**HB1936 Virginia Resources Authority; local government buildings.** Clarifies that the Virginia Resources Authority is authorized to finance any program or project to perform site acquisition or site development work for economic and community development projects for any local government. This bill is identical to SB 1476.

*Patron - Ingram*

**HB2283 Virginia members of Ohio Valley Water Sanitation Commission.** Provides that the three Virginia commissioners will be one member of the State Water Control Board, the Director of Environmental Quality, and the Director of the Department of Conservation and Recreation who will be appointed in place of a second member of the State Water Control Board.

*Patron - Bowling*

**HB2413 Craney Island Disposal Area.** Provides that the construction of a marine terminal on the eastern side of Craney Island Disposal Area using dredge material to extend the disposal area eastward, as defined in the U.S. Army Corps of Engineers Feasibility Study approved on October 24, 2006, and authorized by Congress in the Water Resources Development Act of 2007, is authorized by the General Assembly.

*Patron - Bouchard*

**HB2558 Biosolids permit.** Clarifies that if a biosolids permit is amended to increase the acreage by 50 percent or more than was permitted in the initial permit, public notice shall be given and a public meeting shall be held. The bill also requires that the State Water Control Board not issue a permit for land disposal until a public meeting has been held and comments received from the local governing body or until 30 days have lapsed from the date of the public meeting.

*Patron - Byron*

**SB989 Virginia Resources Authority; local government buildings.** Clarifies that the Virginia Resources Authority is authorized to finance projects of local government buildings, including administrative and operations systems and other local government equipment and infrastructure.

*Patron - Colgan*

**SB1036 Rappahannock River Basin Commission; membership.** Removes the requirement that nonlegislative citizen members that serve as members of the Rappahannock River Basin Commission are elected members of the local governing bodies or the Soil and Water Conservation Districts. The change would allow an individual who was appointed to a position with the local governing body or Soil and Water Conservation District to serve also as a member on the Rappahannock River Basin Commission.

*Patron - Hanger*

**SB1451 Virginia Resources Authority; debt capacity.** Increases the debt ceiling for bonds issued by and local obligations guaranteed by the Virginia Resources Authority, which assists localities to finance infrastructure projects, from \$900 million to \$1.5 billion without prior approval of the General Assembly.

*Patron - Colgan*

**SB1476 Virginia Resources Authority; local government buildings.** See HB 1936.

*Patron - Marsh*

## Title 62.1- Miscellaneous; Waters of the State, Ports and Harbors

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**HB2074 Wastewater treatment plants; total maximum daily load allocations.** Establishes an expedited process for the State Water Control Board to review petitions from certain wastewater treatment facilities to maintain nutrient allocations based upon a higher design flow. The Board is authorized to accept these petitions through July 10, 2009. The Board in reviewing the petitions would determine whether to grant each petitioning facility an extension to December 31, 2015, to obtain a certificate at a higher design flow. The current deadline is December 31, 2010. Whether the facilities are granted or denied the extension, each facility would still have to comply with its currently applicable nutrient allocations by January 1, 2011, whether by obtaining point source nutrient credits or by some other means. This bill is identical to SB 1022.

*Patron - Scott, E.T.*

**SB1022 Wastewater treatment plants; total maximum daily load allocations.** See HB 2074.

*Patron - Hanger*

## Title 63.2- Welfare (Social Services)

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**HB1714 Temporary Assistance for Needy Families (TANF); diversionary cash assistance.** Revises the limitation on receipt of one-time diversionary TANF cash assistance from one payment per 60-month period to one payment per 12-month period. The Department of Social Services shall report

to the chairmen of the Senate Finance and House Appropriations Committees by October 1, 2012, on the savings achieved through the use of the diversionary assistance. This bill is identical to SB 1045.

*Patron - Tyler*

**HB1904 Virginia Child Protection Accountability System.** Establishes the Virginia Child Protection Accountability System to collect and make available to the public information on the response to reported cases of child abuse in the Commonwealth. This bill requires the Department of Social Services to submit certain information for inclusion in the System.

*Patron - Armstrong*

**HB2159 Adoption of a child.** Amends statutes governing adoption of a child to provide that (i) where any provision of the statutes governing adoption applies to only one adoptive parent, the court may waive the application of the procedural provision for the spouse of the adoptive parent to whom the provision applies; (ii) payment of child support shall in the absence of any other contact with the child not constitute contact for the purpose of determining whether a parent has abandoned a child; (iii) a court may grant a petition for adoption in the absence of consent by a parent upon filing of a death certificate for that parent; (iv) parental consent to an entrustment agreement shall be revocable prior to entry of a final order of adoption upon proof of fraud or duress, or upon the consent of the birth parents and adoptive parents or child-placing agency; (v) for purposes of consenting to an adoption, an affidavit signed by the birth mother stating that the identity of the birth father is unknown and not reasonably ascertainable shall be sufficient to establish that the identity of the father is not known; (vi) where the identity of the birth father is reasonably ascertainable but the whereabouts of the birth father are not reasonably ascertainable, verification of compliance with the requirements of the Putative Father Registry shall be provided to the court; (vii) where a child has been placed under the physical custody and care of the prospective adoptive parents and the birth parent or parents fail to appear at the hearing to execute consent, the court may grant the petition without the consent of the parents; and (viii) where a putative father's identity and whereabouts are reasonably ascertainable, notice of the existence of an adoption plan and the availability of registration with the Putative Father Registry shall be mailed to the putative birth father by certified mail either before or after the birth of the child.

*Patron - Toscano*

**HB2160 Post-adoption contact and communication.** Authorizes and establishes procedures governing post-adoption contact and communication agreements between the birth parent or parents of a child and the pre-adoptive parent or parents. Post-adoption contact and communication agreements shall not be required as a condition of approving any adoption. Failure to comply with the terms of a post-adoption contact and communication agreement shall not affect (i) the consent to the adoption, (ii) the voluntary relinquishment of parental rights, (iii) the voluntary or involuntary termination of parental rights, or (iv) the finality of the adoption. This bill is identical to SB 1011.

*Patron - Toscano*

**HB2265 Voluntary registration of family day homes.** Eliminates the requirement that the State Board of Social Services adopt regulations establishing qualifications for organizations with which the Commissioner may contract to certify family day homes.

*Patron - Ware, O.*

**HB2328 Suspected adult abuse; photographing of injuries.** Requires local departments to take or cause to be taken photographs, video recordings, or appropriate medical imaging of a suspected victim of adult neglect, abuse, or exploitation. This bill also provides that, if the adult is determined to be incapable of making an informed decision and of giving informed consent and either has no legal representative, or the legal representative is the suspected perpetrator of the neglect, abuse, or exploitation, consent may be given by an agent appointed under an advanced medical directive or medical power of attorney or other authorized person. In the event no agent or authorized representative is immediately available then consent shall be deemed to be given.

*Patron - Athey*

**HB2340 Child protective services differential response system report; repeal.** Repeals Code section requiring the Department of Social Services to report on the impact and effectiveness of the child protective services differential response system.

*Patron - Amundson*

**HB2500 Foster care; each child to be equipped with luggage.** Requires the Department of Social Services to identify and work together with faith-based, volunteer, private, and community-based organizations to develop and implement the "A Place of My Own" program, to seek and accept donations and coordinate the distribution of luggage for children in foster care. This bill provides that the Program may accept grants, gifts, donations, and bequests to support the program. This bill also creates the "A Place of My Own" Fund to consist of grants, donations, and bequests from public and private sources, to be used solely to support the activities of the Program.

*Patron - Ward*

**SB898 Duty to report suspected elder or dependent adult abuse.** Amends section requiring emergency services personnel certified by the Board of Health to report suspected abuse, neglect, or exploitation of adults to require such persons to report suspected abuse, neglect, or exploitation of adults either directly via methods specified in this section or directly to the attending physician at the hospital to which the adult has been transported, who shall make the report forthwith.

*Patron - McDougle*

**SB969 Unlicensed child day centers; staff-to-child ratio.** Provides that during designated daily rest periods and designated sleep periods of evening and overnight care programs, for children ages 24 months to six years, only one staff member counted for purposes of determining compliance with the mandatory staff-to-child ratio shall be required to be present with the resting or sleeping children. This bill provides that the staff member supervising resting or sleeping children shall be physically present in the same space as the children under supervision at all times, and shall be able to summon additional staff counted in the staff-to-child ration without leaving the resting or sleeping children. All other staff members counted for the purpose of determining the staff-to-child ratio shall be present on the same floor as the resting or sleeping children and shall have no barrier to their immediate access to the resting or sleeping children.

*Patron - Blevins*

**SB1011 Post-adoption contact and communication.** See HB 2160.

*Patron - Miller, J.C.*

**SB1012 Foster care; placement of a child pursuant to an agreement.** Revises statutes related to the placement of children in foster care pursuant to agreements between the parents and the local board of social services. This bill eliminates the authority of a public agency designated by the community policy and management team to enter into an agreement related to foster care with the parents.

*Patron - Edwards*

**SB1015 Child support enforcement orders.** Eliminates requirement that an obligor and obligee must have maintained a marital domicile in the Commonwealth in order for the Department of Social Services to establish an administrative support order on an out-of-state obligor. This bill also extends the time limit for service of notice of an order to withhold funds in a joint account of an obligor from 21 to 45 days.

*Patron - Edwards*

**SB1028 Adult neglect; religious treatment exemption.** Amends the definition of adult neglect by providing that no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written and oral expression of consent by that adult.

*Patron - Hanger*

**SB1045 Temporary Assistance for Needy Families (TANF); diversionary cash assistance.** See HB 1714.

*Patron - Miller, Y.B.*

**SB1059 Child support orders.** Revises requirements for court and administrative child support orders. This bill amends the requirement for court-issued support orders so that such orders for child support must include notice that support must continue to be paid for a child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the party requesting or receiving support and may include support for a child over the age of 18 who is (a) severely and permanently disabled, (b) unable to live independently and care for himself, and (c) residing in the home of the parent seeking or receiving support; the party obligated to provide health care coverage shall keep the Department of Social Services informed of any changes in the availability of coverage or, where payments are made directly to the obligee, must keep the obligee informed of any changes in the availability of health coverage; the order shall provide for interest on arrearages at the judgment rate; and the Department of Motor Vehicles may suspend the license of any person upon receipt of notice from the Department of Social Services that the person is delinquent in the payment of child support by 90 days or an amount equal to \$5,000 or that the person has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings. This bill further amends the requirement for administrative support orders, so that such orders must contain a provision specifying that all payments are to be credited to current support obligations first, with any payment in excess of current obligations applied to arrearages; the name, date of birth, and last four digits of the social security number of any children and of the other parent must be on the order unless the Department finds that a protective order has been issued or there is reason to believe that a party is at risk of physical or emotional harm from the other party; the debtor may be subject to mandatory withholding of income, interception of tax refunds or payments to the debtor from the Commonwealth, notification of arrearage information to consumer reporting agencies, passport denial or suspension, or incarceration; DMV may suspend or refuse to issue a driver's license

upon receipt of notice from the Department of Social Services that the person is delinquent in the payment of child support by 90 days or an amount equal to \$5,000 or that the person has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings; and the Department may initiate a review of the amount of support ordered by any court. This bill provides that the court may suspend any license, certificate, registration, or other authorization to engage in a recreational activity of a parent upon a delinquency in the payment of child support of 90 days or \$5,000.

*Patron - Quayle*

**SB1179 State Executive Council; increases membership.** Increases the membership of the State Executive Council by adding three local government representatives, the Governor's Special Advisor of Children's Services, a public provider, and two private providers. The bill also places a three-year term limit and two consecutive term maximum on all of the Governor's appointments.

*Patron - Hanger*

**SB1180 State Executive Council for Comprehensive Services; powers and duties.** Requires the State Executive Council to report and analyze expenditures associated with children who do not receive pool funding and have emotional and behavioral problems. The bill also requires the Council to identify funding streams used to purchase services in addition to pooled, Medicaid, and Title IV-E funding. Both reporting requirements would be included in the biennial state progress report on comprehensive services to children, youth, and families delivered to the General Assembly and community policy and management teams.

*Patron - Hanger*

**SB1181 Office of Comprehensive Services; report expenditures on children receiving pool-funded services.** Requires the Director of the Office of Comprehensive Services to: (i) report to the Council all expenditures associated with serving children who receive pool-funded services, including all services purchased with pool funding, all treatment, foster care case management, and residential care funded by Medicaid; and all child-specific payments made through the Title IV-E program; (ii) report to the State Executive Council on the nature and cost of all services provided to the population of at risk and troubled children identified by the Council as within the scope of the CSA program; (iii) develop and distribute model job descriptions for the position of Comprehensive Services Act Coordinator and provide technical assistance to localities and coordinators to help them guide localities in prioritizing the coordinators' responsibilities toward activities to maximize program effectiveness and minimize spending; and (iv) develop and distribute guidelines, approved by the State Executive Council, regarding the development and use of multidisciplinary teams to encourage utilization of multidisciplinary teams in service planning.

*Patron - Hanger*

**SB1201 Virginia Home Energy Assistance Program.** Changes the survey requirement for the Department of Social Services so that the survey shall be completed biennially in each year that the Department is required to report to the General Assembly on the effectiveness of low-income energy assistance programs in meeting the needs of low-income Virginians.

*Patron - Puckett*

**SB1237 Child support.** Amends child support guidelines related to provision of health insurance or payment of health care related costs to bring the guidelines into compliance with federal requirements by including health care costs actually

paid by a parent's spouse to the basic child support obligation. This bill also amends the definitions of "health care coverage" to include plans available to a parent or parent's spouse that are available, accessible, and of reasonable cost, and "cash medical support." This bill also (i) amends the definition of "reasonable cost" pertaining to health care coverage as costs to the parent required to provide health care coverage that does not exceed five percent of that parent's gross income; (ii) provides that the Department of Social Services shall initiate a review of the order where there is an assignment under Title IV-A of the Social Security Act; (iii) requires the Department of Social Services to transfer the National Medical Support Notice for any parent who is required to pay support or provide health care coverage to the parent's employer within two business days; and (iv) requires an employer to notify the Department of Social Services promptly whenever the employment of the parent required to provide health care coverage is terminated.

*Patron - Barker*

## Title 64.1- Wills and Decedents' Estates

**HB1944 Succession; child born out of wedlock.** Provides that the determination of a parent-child relationship for succession purposes under Title 64.1 applies to intestate succession of real property and not just personal property. This bill is in response to the Supreme Court decision in *Jenkins v. Johnson*, 276 Va. 30, 641 S.E.2d 484 (2008).

*Patron - Peace*

**SB806 Nonresident decedents' personal property in Virginia.** Clarifies that a transferor of a nonresident decedent's stocks, bonds, securities, money or tangible personal property held in Virginia may comply with either the law of Virginia or the comparable law of the state in which the nonresident decedent was domiciled regarding the transfer of the decedent's property held in Virginia.

*Patron - Ticer*

**SB907 Personal representatives and trustees; donation of open-space easements.** Authorizes personal representatives and trustees to donate open-space easements on land of their decedents and settlors in order to obtain benefit of an estate tax exclusion allowed under the Internal Revenue Code.

*Patron - Stuart*

## Title 65.2- Workers' Compensation

**HB1674 Workers' Compensation; use of therapeutically equivalent drug products.** Requires a pharmacist filling a prescription for medication for a workers' compensation claim to dispense a therapeutically equivalent drug product for a prescribed name-brand drug product. However, the pharmacist shall fill the prescription with the name-brand drug product prescribed if (i) a therapeutically equivalent drug product does not exist or the usual and customary retail price for it is higher than that of the prescribed name-brand drug product or (ii) the prescriber specifies on the prescription "brand medically necessary" based on a medical reason why the claimant should not have the prescription filled with a therapeutically equivalent drug product. A prescriber may direct that a prescription is "brand medically necessary" by verbal instructions in a telephone call. The costs of medication prescribed in connection

with a compensable claim are not the responsibility of the claimant unless the prescription is obtained through fraud. SB 1158 is identical.

*Patron - Purkey*

**HB2111 Workers' Compensation; infectious disease presumption; police officers of the Virginia Port Authority.** Adds sworn Virginia Port Authority police officers to those public safety employees who are entitled to the presumption that certain infectious diseases are occupational diseases compensable under the Workers' Compensation Act.

*Patron - Spruill*

**HB2292 Workers' Compensation Act; insurance notices.** Authorizes the Workers' Compensation Commission to designate an agent for receipt of insurance-related notices that are required to be given to the Commission by an employer, insurance carrier, or group self-insurance association. The measure will take effect upon passage.

*Patron - Cline*

**HB2515 Workers' Compensation Act; uninsured employer's fund.** Increases the maximum tax rate that may be assessed on uninsured or self-insured employers from 0.25 percent to 0.5 percent. The revenues from the tax fund workers' compensation benefits that are awarded against such employers from the uninsured employer's fund. The measure sunsets on July 1, 2012.

*Patron - Tata*

**SB1047 Workers' Compensation; occupational disease presumption; police officers of the Virginia Port Authority.** Establishes a presumption that hypertension or heart disease causing the death or disability of a sworn Virginia Port Authority police officer is an occupational disease compensable under the Workers' Compensation Act.

*Patron - Miller, Y.B.*

**SB1158 Workers' Compensation; use of therapeutically equivalent drug products.** See HB 1674.

*Patron - Saslaw*

## Title 67- Virginia Energy Plan

**HB2002 Virginia Energy Plan; biofuels made from nonfood crops.** Amends the Virginia Energy Plan to reorganize the objective of increasing Virginia's reliance on and production of sustainably produced biofuels made from traditional agricultural crops and other feedstocks, and to support the delivery infrastructure needed for statewide distribution to consumers. SB 1427 is identical.

*Patron - Cosgrove*

**HB2417 Covenants regarding solar power.** Clarifies that restrictive covenants prohibiting the installation of solar panels existing prior to July 1, 2008, may be amended to allow such installation if the amendment is adopted by the membership of the community association in accordance with such association's governing documents.

*Patron - Bouchard*

**SB1346 Virginia Coastal Energy Research Consortium.** Makes certain technical corrections to the membership of the Consortium; specifies the eligibility of certain parties to be appointed to the board of directors; adds the Director of the Department of Environmental Quality, or his designee as the lead agency for the Virginia Coastal Zone Management Pro-



gram, as a member of the board of directors; and broadens one of the responsibilities of the Consortium from researching "the feasibility of recovering fuel gases from methane hydrates and increasing the Commonwealth's reliance on other forms of coastal energy" to "the feasibility of increasing the Commonwealth's reliance on all domestic forms of coastal energy."

*Patron - Wagner*

**SB1427 Virginia Energy Plan; biofuels made from nonfood crops.** See HB 2002.

*Patron - Hanger*

## Constitutional Amendments

**HJ647 Constitutional amendment (first resolution); limit on taxes or revenues and the Revenue Stabilization Fund.** Increases the permissible size of the Fund by 50 percent; i.e., from 10 percent to 15 percent of the Commonwealth's average annual tax revenues derived from income and sales taxes for the preceding three fiscal years.

*Patron - O'Bannon*

**HJ648 Constitutional amendment (first resolution); property tax exemption for certain veterans.** Directs the General Assembly to exempt from taxation real property that is the principal residence of a veteran (or widow or widower of a veteran) if the veteran has been determined by the United States Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability. This amendment is identical to SJR 275.

*Patron - O'Bannon*

**HJ688 Constitutional amendment (first resolution); property exempt from taxation.** Amends the Constitution of Virginia to allow the General Assembly to authorize localities to either waive or establish their own income or financial worth limitations for purposes of granting real property tax relief for persons not less than 65 years of age or persons permanently and totally disabled.

*Patron - Cole*

**SJ275 Constitutional amendment (first resolution); property tax exemption for certain veterans.** See HJR 648.

*Patron - Puller*

**SJ332 Constitutional amendment (first resolution); property exempt from taxation.** Authorizes the General Assembly to enact laws to permit localities to exempt from property taxes, any property, including real or personal property, equipment, facilities, or devices, constructed or designed to conserve energy and natural resources in a manner that meets or exceeds performance standards established for such purposes. The amendment also deletes the authorization for the General Assembly by general law to directly exempt from property taxes such property and property designed to abate pollution or transfer or store solar energy.

*Patron - Petersen*

## Miscellaneous (Including Budget and Bonds)

**HB1600 Budget Bill.** Amends Chapter 879, 2008 Acts of Assembly.

*Patron - Putney*

**HB1604 Revenue bonds; new parking deck.** Authorizes the Treasury Board to issue bonds pursuant to Article X, Section 9 (c) of the Constitution of Virginia in an amount up to \$16,000,000 plus financing costs to build a new parking deck in the City of Richmond at 7th and Franklin. This bill is identical to SB 852.

*Patron - Putney*

**HB1662 Revenue bonds; Virginia Polytechnic Institute and State University.** Authorizes the Treasury Board to issue bonds pursuant to Article X, Section 9 (c) of the Constitution of Virginia in an amount up to \$40,000,000 plus financing costs to renovate Ambler Johnston Hall and for a parking structure at Virginia Polytechnic Institute and State University. The bill states that an emergency exists and that the bill is effective upon passage. This bill is identical to SB 851.

*Patron - Putney*

**HB2050 Claims; Teddy Pierries Thompson.** Provides relief to Teddy Pierries Thompson, who was incarcerated from May 8, 2000, to September 10, 2007. His conviction was vacated on September 10, 2007. The compensation award is in an amount equal to 90 percent of the Virginia per capita personal income as reported by the Bureau of Economic Analysis of the United States Department of Commerce for each year of Thompson's incarceration. The payment of the award will be in an initial lump sum of \$51,999 to be paid on or before August 1, 2009, and the sum of \$207,996 to be used to purchase an annuity to be paid out in monthly payments over 25 years commencing September 1, 2009. In addition, the bill entitles Thompson to receive reimbursement up to \$10,000 for tuition for career and technical training within the Virginia Community College System.

*Patron - Gear*

**HB2243 Claims; Kurt E. Beach.** Provides relief in the amount of \$250,000 to Kurt E. Beach to help cover medical expenses, including a liver transplant, that stem from his being infected by hepatitis C while on duty as a police officer in Smithfield, Virginia.

*Patron - Barlow*

**HB2660 Capital outlay plan.** Sets forth a six-year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources.

*Patron - Putney*

**SB851 Revenue bonds; Virginia Polytechnic Institute and State University.** See HB 1662.

*Patron - Colgan*

**SB852 Revenue bonds; new parking deck.** See HB 1604.

*Patron - Colgan*



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