

**DIGEST OF THE ACTS
OF THE
GENERAL ASSEMBLY OF VIRGINIA
AT THE
2010 SESSION**

which commenced at the Capitol in the City of Richmond on January 13, 2010, and adjourned
sine die March 14, 2010.



Published for
THE VIRGINIA CODE COMMISSION
by
THE DIVISION OF LEGISLATIVE SERVICES

Commonwealth of Virginia
Virginia Code Commission
General Assembly Building
Richmond, Virginia 23219
2010

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PREFACE

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. Beginning in 2009, a modified version of the Digest was reinstituted in the current format.

Part A of the Digest is an index of all Code sections amended, added, or repealed by the 2010 General Assembly.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 2010 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 2010 General Assembly will become effective on July 1, 2010, 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 2010 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 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 2010 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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§ 15.2-632, amending. (**HB 239** (Chapter 621))

§ 15.2-716, amending. (**HB 785** (Chapter 199); **SB 449** (Chapter 154))

§ 15.2-716.1, adding. (**HB 785** (Chapter 199); **SB 449** (Chapter 154))

§ 15.2-901, amending. (**HB 263** (Chapter 403); **HB 1076** (Chapter 641); **SB 625** (Chapter 161))

§ 15.2-906.1, adding. (**HB 1211** (Chapter 577))

§ 15.2-914, amending. (**HB 1379** (Chapter 649))

§ 15.2-953, amending. (**HB 436** (Chapter 509); **SB 291** (Chapter 600))

§ 15.2-958.3, amending. (**SB 110** (Chapter 141))

§ 15.2-967.1, adding. (**HB 507** (Chapter 556))

§ 15.2-968.1, amending. (**HB 1292** (Chapter 175))

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§ 15.2-1215, amending. (**HB 38** (Chapter 396))

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§ 15.2-1503.1, amending. (**HB 690** (Chapter 563); **SB 28** (Chapter 189))

§ 15.2-1704, amending. (**HB 248** (Chapter 825); **SB 65** (Chapter 778))

§ 15.2-1716, amending. (**SB 154** (Chapter 343))

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§ 15.2-1724, amending. (**HB 248** (Chapter 825); **SB 65** (Chapter 778))

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§ 15.2-2223.1, amending. (**HB 1071** (Chapter 528); **SB 420** (Chapter 465))

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§ 15.2-2241, amending. (**HB 1348** (Chapter 766); **SB 318** (Chapter 149))

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§ 15.2-2292.1, adding. (**HB 1307** (Chapter 296))

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§ 15.2-4405, amending. (**SB 81** (Chapter 653))

§ 15.2-4517.1, adding. (**HB 690** (Chapter 563); **SB 28** (Chapter 189))

§ 15.2-5000, amending. (**HB 318** (Chapter 360); **SB 252** (Chapter 122))

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§ 15.2-6023.1, adding. (**SB 379** (Chapter 798))

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§ 15.2-6415, amending. (**HB 1206** (Chapter 531))

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§ 16.1-79, amending. ** (**HB 407** (Chapter 550))

§ 16.1-79.1, adding. (**HB 283** (Chapter 622); **HB 407** (Chapter 550))

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§ 16.1-336.1, adding. (**HB 248** (Chapter 825); **SB 65** (Chapter 778))

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§§ 16.1-340.1 through 16.1-340.4, adding. (**HB 248** (Chapter 825); **SB 65** (Chapter 778))

§§ 16.1-341 through 16.1-345.5, amending. (**HB 248** (Chapter 825); **SB 65** (Chapter 778))

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§ 17.1-114, amending. (**HB 883** (Chapter 757); **SB 127** (Chapter 451))

§ 17.1-124, amending. (**HB 1065** (Chapter 760); **SB 220** (Chapter 717))

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§ 17.1-258.6, adding. (**HB 1065** (Chapter 760); **SB 220** (Chapter 717))

§ 17.1-275.5, amending. (**HB 500** (Chapter 555))

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§§ 17.1-330 and 17.1-331, adding. (**HB 883** (Chapter 757); **SB 127** (Chapter 451))

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§ 18.2-32.3, adding. (**HB 1033** (Chapter 851); **SB 602** (Chapter 810))

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Title 1- General Provisions of Virginia Code

HB706 General Assembly deadlines; computation of time. Provides that when an act of the General Assembly or local governing body, order of the court, or administrative regulation or order requires an action to be completed or taken on a Saturday, Sunday, legal holiday, or any day or part of a day on which the state or local government office is closed, the act may be performed or the action may be taken on the next business day that is not a Saturday, Sunday, legal holiday, or day when the state or local government office is closed.

Patron - Peace

Title 2.2- Administration of Government Generally

HB48 Debt Capacity Advisory Committee; membership. Adds the State Comptroller, and the Staff Directors of the House Committee on Appropriations and Senate Committee on Finance as members of the Debt Capacity Advisory Committee.

Patron - Lingamfelter

HB174 Department of Veterans Services; mental health and rehabilitative services. Eliminates the requirement that the Wounded Warrior Program cover only injuries sustained by military service personnel in combat areas. The bill contains a technical amendment.

Patron - Cox, M.K.

HB193 Aerospace Advisory Council. Removes the sunset provision, thereby making the Aerospace Advisory Council a permanent council.

Patron - Cosgrove

HB211 Freedom of Information Act; definition of scholastic record. Includes in the definition of scholastic records, those records of an applicant for admission that are maintained by a public body that is an educational agency or institution or by a person acting for such agency or institution.

Patron - Bulova

HB262 One-stop small business permitting program; fees for veterans. Exempts veterans from paying the Department of Business Assistance's handling fee when establishing a small business through the one-stop small business permitting program.

Patron - Sherwood

HB284 Investment of public funds; deposits. Removes the requirement that public funds must be invested in certificates of deposit. The funds must still be deposited with a federally insured bank or savings institution qualified by the Virginia Treasury Board and the full amount of principal and interest must be covered by federal deposit insurance.

Patron - Merricks

HB295 Oceana/Fentress Military Advisory Council; membership. Adds the Executive Director of the Virginia National Defense Industrial Authority to the membership of the Oceana/Fentress Military Advisory Council.

Patron - Cosgrove

HB349 Veterans services agencies; designees for certain ex officio members. Authorizes the Commissioner of the Department of Veterans Services, and the Chairs of the Board of Veterans Services, the Board of Trustees of the Veterans Services Foundation, and the Joint Leadership Council of Veterans Service Organizations to designate persons to attend meetings of certain veterans services agencies on their behalf.

Patron - Watts

HB380 Governor's Development Opportunity Fund; criteria for awarding grants and loans. Provides that criteria to be used in awarding grants and loans from the Governor's Development Opportunity Fund shall include (i) job creation, (ii) private capital investment, and (iii) anticipated additional state tax revenue expected to accrue to the state and affected localities as a result of the capital investment and jobs created.

Patron - Edmunds

HB385 Suspension of state mandates. Allows the Governor, upon application by a locality, to suspend any mandate, or portion thereof, for a period not to exceed two years, prescribed by any unit of the executive branch of state government on a locality upon a finding that it faces fiscal stress and the suspension of the mandate or portion thereof would help alleviate the fiscal hardship. Under existing law, the Governor may suspend such mandates for up to one year.

Patron - Dance

HB388 Virginia Register Act; filing of agency regulations; use of electronic signatures. Provides that final regulations filed with the Virginia Registrar must be accompanied by a statement or certification, either in original or electronic form, that the regulations are full, true, and correctly dated. Currently, such regulations must be accompanied by a signed statement or certification.

Patron - Janis

HB419 Department of Veterans Services; processing of disability claims. Requires the Department of Veterans Services to replace its existing case management technology, which replacement is required to support highly sophisticated electronic claims preparation.

Patron - Cox, M.K.

HB426 Virginia Public Procurement Act; cooperative procurement. Prohibits a local public body from using another local public body's contract for construction where the cost of the project is in excess of \$200,000 and the other local public body is more than a straight line distance of 75 miles from the territorial limits of the local public body procuring the construction. The bill provides an exception to the above limitation for contracts for the installation of artificial turf or other artificial surfaces. The bill also clarifies that the limitation shall not be construed to limit a local public body's use of the sole source or emergency procurements provisions of the Virginia Public Procurement Act. The bill contains technical amendments.

Patron - Griffith

HB431 Freedom of Information Act; proceedings for enforcement. Clarifies that a FOIA action may be brought in the name of a person notwithstanding that a request for public records was made by the person's attorney in his representative capacity. The bill also clarifies that costs and reasonable fees for expert witnesses may be recovered by the petitioner in a FOIA action.

Patron - Griffith

HB432 Freedom of Information Act; working papers and correspondence of the Clerks of the House of Delegates and the Senate of Virginia. Provides an exemption from the mandatory disclosure requirements of FOIA for the working papers and correspondence of the Clerks of the House of Delegates and the Senate of Virginia.

Patron - Griffith

HB433 Government Data Collection and Dissemination Practices Act; collection of social security numbers. Sets out the original date (January 1, 1975) when social security numbers were authorized to be collected/required by state and local agencies under federal law, which is a recommendation of the Freedom of Information Advisory Council. The bill also provides that nothing shall be construed to prohibit the collection of a social security number for the sole purpose of debt collection by state and local agencies.

Patron - Griffith

HB434 Freedom of Information Act; exemption for credit card and bank account data. Exempts from the mandatory disclosure provisions of the Freedom of Information Act those portions of records that contain account numbers or routing information for any credit card, debit card, or other account with a financial institution of any person or public body. The bill provides, however, that access shall not be denied to the person who is the subject of the record. The bill defines "financial institution" and contains an emergency clause. The bill is a recommendation of the Freedom of Information Advisory Council.

Patron - Griffith

HB444 State and Local Government Conflict of Interests Act; prohibited contracts; exceptions. Provides an exception to the conflict of interests rules, under certain circumstances, where an officer or employee whose personal interest in a contract with a public institution of higher education is by reason of an ownership in the contracting firm in excess of three percent of the contracting firm's equity or such an ownership interest and income from the contracting firm is in excess of \$10,000. Currently the exception is limited to an employee or officer's personal interest in such contract by reason of an ownership in the contracting firm in excess of three percent of the contracting firm's equity.

Patron - Toscano

HB479 Department of Veterans Services; burial vaults at state-operated veterans cemeteries. Provides that from such funds as may be appropriated or otherwise received for such purpose, the Department shall provide burial vaults at cost to eligible veterans and their family members interred at state-operated veterans cemeteries. The bill contains technical amendments.

Patron - Carrico

HB514 State aging services; blueprint for livable communities and long-term services and supports for older Virginians and people with disabilities. Provides for the Secretary of Health and Human Resources to coordinate the development of a blueprint for livable communities and long-term services and supports for older Virginians and people with disabilities. In addition, the bill amends provisions relating to the development by the Department for the Aging of a four-year plan for aging services. The bill also repeals the authority for Campbell County to contract with the Area Agency on Aging designated to serve the County to provide certain services specified by federal law. This bill is identical to SB 410.

Patron - Rust

HB518 Freedom of Information Act; applicability; disclosure of criminal records; noncriminal incident information. Provides that in the event a public body transferred possession of public records for storage, maintenance or archiving, the public body initiating the transfer shall remain the custodian of the records for the purpose of responding to FOIA requests. The bill also adds a definition of "criminal investigative file" and clarifies what records are exempt from FOIA as so defined. The bill provides that undercover operations and protective detail records as well as records of background and internal affairs investigations held by any state or local law-enforcement agencies are exempt from the mandatory disclosure provisions of FOIA.

Patron - Rust

HB563 Equipment used to determine the decibel level of sound. Authorizes a law-enforcement officer to use certain equipment to determine the decibel level of sound, including noise. The results of such determinations shall be accepted as prima facie evidence of the decibel level of the sound in any court or legal proceeding where the decibel level of the sound is at issue. The bill also provides that in any court or legal proceeding in which any question arises about the calibration or accuracy of such equipment used to determine the decibel level of sound, a certificate, or a true copy thereof, showing the calibration or testing for accuracy of the equipment, and when and by whom the calibration or test was made, shall be admissible as evidence of the facts therein stated.

Patron - Tata

HB567 Virginia Public Procurement Act; state-aid construction projects. Raises the competitive bidding/competitive negotiation dollar threshold from \$30,000 to \$50,000 for state-aid construction projects.

Patron - Iaquinto

HB582 Center for Rural Virginia; expansion and promotion of agricultural opportunities. Provides the Center for Rural Virginia with the additional authority to facilitate the development of incentives and to provide a forum for competing interests to allow for job creation and expanded economic opportunities for farm businesses and rural enterprises while ensuring the rights of localities to develop reasonable regulations of such farm businesses and rural enterprises to protect the health, safety and welfare of residents. The Center will also convene a task force comprised of representatives of local government and agricultural interests to examine and make recommendations on issues related to the expansion and promotion of farm businesses or rural enterprises over the upcoming year. This bill is identical to SB 347.

Patron - Landes

HB591 Administrative Process Act; exemptions. Removes obsolete exemptions from the Administrative Process Act for the Virginia Medicaid Prior Authorization Advisory Committee, which no longer exists, and a nonstock corporation created by the Commissioner of the Department of Agriculture and Consumer Affairs, which is not authorized to promulgate regulations. The bill also removes the exemption from the regulatory promulgation process for preliminary program permit fees of the Department of Environmental Quality. Permanent fees have been established by the Department and the exemption is no longer necessary.

Patron - Landes

HB604 Center for Rural Virginia Board of Trustees; membership. Adds the Lieutenant Governor and the Secretary of Commerce and Trade or their designees to the

membership of the Board of Trustees of the Center for Rural Virginia. This bill is identical to SB 473.

Patron - Merricks

HB633 State and Local Conflict of Interests Act; prohibited conduct relating to contracts; exceptions. Provides that a conflict exists where there is employment by the same governmental agency of an officer or employee and spouse or any other relative residing in the same household and one such person is employed in a direct supervisory or administrative position, or both, with respect to his spouse or other relative residing in his household and the annual salary of such subordinate is \$35,000 or more. Currently, such amount is \$22,500.

Patron - Scott, E.T.

HB676 Aerospace Advisory Council. Removes the sunset on the Aerospace Advisory Council and adds five non-legislative citizen members to the Council. In addition to advising the Governor, the Council shall advise the Joint Commission on Technology and Science, and the Secretaries of Technology, Commerce and Trade, and Education, on policy and funding priorities with respect to aerospace development, workforce training, and educational programs and curriculum. Staffing for the Council is provided by the Department of Aviation, with the Division of Legislative Services providing additional staff support to legislative members serving on the Council. Nonlegislative citizen members serve without compensation. This bill is identical to SB 23.

Patron - May

HB678 Innovation and Entrepreneurship Investment Authority (IEIA) and the Commonwealth Research and Commercialization Fund (CRCF). Updates obsolete references to the predecessors of the IEIA and the CRCF.

Patron - May

HB726 Assessment of existing mandated health insurance benefits. Requires the Special Advisory Commission on Mandated Health Insurance Benefits to review mandated health insurance benefits to assess their social and financial impact and their medical efficacy. The bill requires the Commission to submit a schedule of evaluations to the standing committees having jurisdiction over health insurance matters. Currently, the standing committees having jurisdiction over health insurance matters provide a mandate evaluation schedule to the Commission.

Patron - Peace

HB789 Virginia Public Procurement Act; methods of procurement. Increases from \$1 million to \$1.5 million the cost of a construction contract for which a state or local public body may use competitive negotiation instead of competitive bidding to procure the construction.

Patron - Villanueva

HB831 Virginia Public Procurement Act; foreign business entities. Requires all public bodies to include in every written contract a provision that the contractor must be authorized to transact business in Virginia as a domestic or foreign business entity as required by the State Corporation Commission, if such is required by law. Such status shall be maintained during the term of a contract. A contract entered into by a business in violation of the requirements is voidable at the option of the public body.

Patron - Surovell

HB834 Delmarva Peninsula Compact. Repeals the Delmarva Peninsula Compact and provisions for an Advisory Council.

Patron - Carr

HB943 Small Business Jobs Grant Fund. Establishes the Small Business Jobs Grant Program and Fund to be administered by the Department of Business Assistance (DBA). The purpose of the Fund is to provide grants to small businesses that create at least five new full-time positions within a 12-month period paying at least the prevailing average annual wage in the locality in which the business is located. Grants will range between \$500 and \$2,000 per new full-time position based on the education, training and experience required. In awarding grants, priority must be given to small businesses creating new full-time positions in areas with an annual average unemployment rate of more than 125% of the statewide average unemployment rate.

Patron - Landes

HB944 Governor's reports of revenue estimates and collections and economic activity forecasts. Codifies provisions in the Appropriation Act requiring the Governor to provide monthly reports on revenue collections and quarterly assessments of the Commonwealth's economic outlook. The bill also adds the Secretary of Finance as chair, the Staff Directors of the House Appropriations and Senate Finance Committees as members of the Advisory Board of Economists ("Board"), requires the Joint Rules Committee to appoint three of the 15 nonlegislative citizen members to the Board, and changes the Board's name to the Joint Advisory Board of Economists. Finally, the bill adds two members of the House of Delegates, appointed by the Speaker of the House, and two members of the Senate, appointed by the Chairman of the Senate Finance Committee, to the Advisory Council on Revenue Estimates and provides that the Governor shall be the Chairman of the Advisory Council.

Patron - Landes

HB1028 Freedom of Information Act; recording of public meetings. Prohibits any public body from conducting a meeting required to be open in any building or facility where any recording devices are prohibited. The bill also clarifies that no public body may prohibit or prevent any person from photographing, filming, recording, or otherwise reproducing any portion of a meeting required to be open.

Patron - Pollard

HB1034 Information Technology governance in the Commonwealth; the Secretary of Technology; the Chief Information Officer; the Information Technology Investment Board; the Information Technology Advisory Council established. Eliminates the Information Technology Investment Board (ITIB) and replaces it with the Information Technology Advisory Council (ITAC), which is established as a policy council under the Governor with the power and duty to advise the Chief Information Officer (CIO) and the Secretary of Technology. The ITAC is composed of 10 agency representatives from each Cabinet Secretary, the Secretary of Technology, the CIO, and no more than two citizens, all to be appointed by the Governor. The Secretary of Technology serves as chair and the CIO as vice chair. The bill requires the Secretary of Technology, in addition to existing duties, to develop criteria defining a "major information technology project" and, upon recommendation of the CIO, approve the procurement of such projects. The bill grants the Governor the power to appoint the Chief Information Officer (CIO), who shall serve as the head of the Virginia Information Technolo-

gies Agency (VITA). The CIO reports to the Secretary of Technology and is responsible, through his role as head of VITA, for planning, developing, and procuring enterprise applications and infrastructure services. The CIO is also responsible for planning, developing, and soliciting contracts for major information technology projects. The CIO may enter such contracts only upon approval of the Secretary of Technology. The CIO may suspend a major information technology project but such project may only be terminated by the Secretary of Technology. This bill contains additional substantive changes to information technology governance in the Commonwealth as well as numerous technical changes. This bill is identical to SB 236.

Patron - Byron

HB1036 Virginia Security for Public Deposits Act. Establishes requirements for banks and savings institutions authorized by the Treasury Board to hold public deposits under the Virginia Security for Public Deposits Act. Qualified public depositories are required to secure deposits either by the pooled method or the dedicated method, and to deposit with a qualified escrow agent eligible collateral that equals or exceeds the required collateral. The measure establishes the procedure for the Treasury Board to recover funds to reimburse public depositors for uninsured public deposits when a qualified public depository is determined to be in default or insolvent. The measure also clarifies that public deposits secured under the Act shall be deposited in a qualified public depository, makes terminology consistent, and clarifies reporting requirements. SB 456 is identical.

Patron - Byron

HB1038 State and Local Government Conflict of Interests Act; employees of school boards. Provides that the prohibition on the employment of certain relatives of members of a school board does not apply to school districts located in Planning Districts 11, 12, and 13 provided (i) the school board member who has a relative employed by the school district certifies that he had no involvement with the hiring decision and (ii) the superintendent certifies to the remaining members of the school board in writing that the employment is based upon merit and fitness and the competitive rating of the qualifications of the individual and that no member of the board had any involvement with the hiring decision. SB 499 is identical to this bill.

Patron - Byron

HB1043 Responsibilities of the Chief Workforce Development Officer. Amends certain workforce development and training program evaluation reporting requirements to avoid redundancy. The bill requires the Governor to submit annual workforce development and training program evaluations to the chairs of the House and Senate Commerce and Labor Committees and to include these in the biennial reports.

Patron - Byron

HB1073 Virginia Freedom of Information Act; proprietary records of the Virginia Tobacco Indemnification and Community Revitalization Commission. Excludes from the mandatory disclosure provisions of FOIA trade secrets and certain proprietary records disclosed to, provided to, or held by the Virginia Tobacco Indemnification and Community Revitalization Commission in support of or as may be required for an application for or the awarding of a grant. The exclusion provided by this subdivision shall apply to grants that are consistent with the powers of and in furtherance of the performance of the duties of the Commission. The bill requires the grant applicant to specify the records for which protection is sought before submitting them to the Commission. The bill

contains a corresponding meeting exemption for the Commission when discussing the excluded records.

Patron - Kilgore

HB1077 Lieutenant Governor; membership on certain boards, councils and commissions. Adds the Lieutenant Governor to the membership of the board of directors of the Virginia Economic Development Partnership Authority, the board of directors of the Virginia Tourism Authority, and the Council on Virginia's Future. Removes the Lieutenant Governor from the membership of the board of trustees of the Virginia Museum of Fine Arts and the Disability Commission.

Patron - Cox, M.K.

HB1107 Surplus property; proceeds from sale or lease of State Police communication towers or sites. Provides that the proceeds and any in-kind goods or services received from sales or leases of any interest in State Police communication towers or sites, above the costs of the transaction, shall be deposited in a special account of the Department of State Police to be used to acquire, construct, maintain, repair or replace communication towers or sites.

Patron - Brink

HB1226 Wars recognized on Veterans Day and in local monuments and memorials. Adds the Global War on Terror, Operation Enduring Freedom, and Operation Iraqi Freedom to the wars that are honored on Veterans Day and Memorial Day. The bill also adds the Global War on Terror and Operation Enduring Freedom to the wars or conflicts for which a locality may issue permits for the erection of monuments or memorials.

Patron - Tyler

HB1244 Governor's Development Opportunity Fund; authority to award grants. Permits the Governor to exceed the caps for any individual qualifying projects of regional or statewide interest. The bill also authorizes the Virginia Economic Development Partnership to include in its guidelines a requirement for matching local funds.

Patron - Marshall, D.W.

HB1305 Community Action Act; membership of community action boards. Removes the authority of the appointing authority to limit the number of terms or the number of years that certain duly selected members of a community action board may serve. The bill contains technical amendments.

Patron - Ware, O.

HB1309 Virginia Public Procurement Act; procurement of certain professional services by the Commonwealth Transportation Commissioner. Increases from \$2 million to \$5 million the amount of all projects in one contract term for environmental location, design, and inspection work regarding highways and bridges awarded by the Commonwealth Transportation Commissioner. Such contract may be renewable for two additional one-year terms at the option of the Commissioner.

Patron - Scott, E.T.

HB1337 Department of Veterans Services; duties of the Commissioner; Veterans Bill of Rights. Requires the Commissioner, in conjunction with the Board of Veterans Services, to establish and implement a compact with Virginia's veterans, which shall have a goal of making Virginia America's most veteran-friendly state. The bill specifies the provisions to be contained in the compact, and requires the Commissioner to

include the status and progress of the compact in his annual report.

Patron - Lingamfelter

[P]HB1372 Virginia Economic Development Partnership; Executive Director; change of title. Changes the title of the Executive Director of the Virginia Economic Development Partnership to the Chief Executive Officer.

Patron - Comstock

[P]HB1381 Major Employment and Investment Project Site Planning Grant Fund. Establishes the Major Employment and Investment Project Site Planning Grant Fund to award grants to political subdivisions to assist in site development work for certain prospective projects. The bill provides that the Fund will sunset on July 1, 2014, if no appropriation has been made by the General Assembly, or no gifts, grants, or donations have been made from public or private sources to the Fund by that date. This bill is identical to SB 730.

Patron - Armstrong

[P]HB1396 Governor's Development Opportunity Fund; economic development incentives. Expands the use of moneys in the Fund to include grants for the construction or build-out of privately owned buildings. The bill would also cap the aggregate amount of grants out-standing on or after July 1, 2010, at \$30 million. This bill is identical to SB 739.

Patron - Putney

[P]SB23 Aerospace Advisory Council. See HB 676.

Patron - Locke

[P]SB52 Virginia Public Procurement Act; exemptions; dogs trained for police work. Provides that locality may sell any dog specially trained for police work to the handler who was last in control of such dog, at a price deemed by the locality to be appropriate. Such sale shall not be deemed a violation of the State and Local Government Conflict of Interests Act.

Patron - Martin

[P]SB148 Community Integration Advisory Commission. Extends the sunset for the Community Integration Advisory Commission from July 1, 2010, to July 1, 2014. The bill also changes the responsibility for staff support from the Virginia Board for People with Disabilities to the Department of Rehabilitative Services.

Patron - Puller

[P]SB236 Information Technology governance in the Commonwealth; the Secretary of Technology; the Chief Information Officer; the Information Technology Investment Board; the Information Technology Advisory Council established. See HB 1034.

Patron - Howell

[P]SB241 Open Education Curriculum Board; established. Establishes the Open Education Curriculum Board. The purpose of the Board is to designate qualifying entities as Open Education Consortia and set the standards for submission of education materials and subsequent licensing of educational curriculum developed by the Consortia. Materials submitted to a Consortium may be edited in any manner and released under a Creative Commons license or licensed for use as a commercial product, subject to restrictions developed by the Board. Consortia may offer financial incentives to encourage individuals to submit educational materials to the Consortium.

Patron - Watkins

[P]SB262 Department for the Aging; universal design and visitability features. Requires the Department for the Aging to publicize guidelines on universal design and visitability features to make structures and dwellings accessible for older Virginians and people who develop mobility impairment. The guidelines are also required to be disseminated to the public and posted on the Department's website.

Patron - Whipple

[P]SB272 Biodiesel and green diesel; procurement by state public bodies. Requires the Department of General Services to establish the conditions under which state public bodies may procure diesel fuel containing, at a minimum, two percent, by volume, biodiesel fuel or green diesel fuel, for use in on-road internal combustion engines. The bill also permits any state public body to establish a pilot program to procure and use such biodiesel fuel or green diesel fuel.

Patron - Whipple

[P]SB286 State Executive Council for Comprehensive Services for At-Risk Youth and Families; membership. Adds a second parent representative to the State Executive Council for Comprehensive Services for At-Risk Youth and Families.

Patron - Deeds

[P]SB297 Veterans Services Fund. Provides that moneys in the Veterans Services Fund shall be administered by the Veterans Services Foundation to provide funding for veterans services and programs in the Commonwealth.

Patron - Miller, J.C.

[P]SB346 Land conservation practices; information management. Requires the Secretary of Natural Resources, with assistance from the Secretary of Agriculture and Forestry, to establish and maintain a database of the critical data attributes for onsite best management practices that limit the amount of nutrients and sediment entering state waters. The database is intended to document voluntary actions taken by the agricultural and silvicultural sectors and should enable the application of the collected data towards projections of progress towards Virginia's water quality goals. The bill declares that an emergency exists and that the bill is effective upon passage.

Patron - Hanger

[P]SB347 Center for Rural Virginia; expansion and promotion of agricultural opportunities. See HB 582.

Patron - Hanger

[P]SB410 State aging services; blueprint for livable communities and long-term services and supports for older Virginians and people with disabilities. See HB 514.

Patron - Vogel

[P]SB430 State and Local Government Conflict of Interests Act; disclosure of interest in real estate. Clarifies that when state and local government officials disclose interest in real estate as required by the State and Local Government Conflict of Interests Act, they must list each real estate parcel individually. The bill also requires the same of General Assembly members under the General Assembly Conflict of Interests Act. Currently the disclosure form provides that individual listing is at the option of the filer.

Patron - Herring

[P]SB432 Freedom of Information Act; record exemption for the Statewide Agencies Radio System. Provides an exemption from FOIA for documentation or other information

that (i) describes the design, function, programming, operation, or access control features of the overall system, components, structures, individual networks, and subsystems of the State-wide Agencies Radio System (STARS) or any other similar local or regional public safety communications system (similar communications system), and (ii) relates to radio frequencies assigned to or utilized by STARS or similar communications system, code plugs, circuit routing, addressing schemes, talk groups, fleet maps, encryption, programming maintained by or utilized by STARS or similar communications system; those portions of engineering and construction drawings and plans that reveal critical structural components, interconnectivity, security equipment and systems, network monitoring, network operation center, master sites, ventilation systems, fire protection equipment, mandatory building emergency equipment, electrical systems, and other utility equipment and systems related to STARS or similar communications system; and special event plans, operational plans, storm plans, or other pre-arranged programming, the disclosure of which would reveal surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational and transportation plans or protocols, to the extent such disclosure would jeopardize the security of any governmental facility, building or structure or the safety of any person.

Patron - Edwards

[P]SB455 Permit fees; veterans exemption. Exempts veterans from the handling fee charged by the Department of Business Assistance in connection with the establishment and operation of a small business.

Patron - Hurt

[P]SB456 Virginia Security for Public Deposits Act. See HB 1036.

Patron - McEachin

[P]SB459 Government Data Collection and Dissemination Practices Act; workforce and education program evaluation and policy analysis. Provides for certain agencies to share encrypted (de-identified) data to create one-time restricted-use data sets in order to evaluate postsecondary and career readiness programs, pursuant to specified requirements.

Patron - McEachin

[P]SB473 Center for Rural Virginia Board of Trustees; membership. See HB 604.

Patron - Watkins

[P]SB475 Governor's Development Opportunity Fund; criteria for awarding grants and loans. Provides that criteria to be used in awarding grants and loans from the Governor's Development Opportunity Fund shall include (i) job creation, (ii) private capital investment, and (iii) anticipated additional state tax revenue expected to accrue to the state and affected localities as a result of the capital investment and jobs created.

Patron - Watkins

[P]SB499 State and Local Government Conflict of Interests Act; employees of school boards. See HB 1038.

Patron - Hurt

[P]SB554 Governor's Development Opportunity Fund; authority to award grants. Provides that the guidelines for the Governor's Development Opportunity Fund may require an affected locality or localities to provide matching funds, which may be cash or in-kind, at the discretion of the Governor. In addition, the Governor may waive the cap on the amount of money that may be provided to any individual

project if the project for which the waiver is granted is of regional or statewide interest.

Patron - Puckett

[P]SB555 Virginia Freedom of Information Act; proprietary records of the Virginia Tobacco Indemnification and Community Revitalization Commission. Excludes from the mandatory disclosure provisions of FOIA trade secrets and certain proprietary records disclosed to, provided to, or held by the Virginia Tobacco Indemnification and Community Revitalization Commission in support of or as may be required for an application for or the awarding of a grant. The exclusion provided by this subdivision shall apply to grants that are consistent with the powers of and in furtherance of the performance of the duties of the Commission. The bill requires the grant applicant to specify the records for which protection is sought before submitting them to the Commission. The bill contains a corresponding meeting exemption for the Commission when discussing the excluded records.

Patron - Puckett

[P]SB607 Assignment of certain general funds by the Comptroller. Changes the description in the Comptroller's annual report of the allocation of certain surplus general fund balances for nonrecurring expenditures, and for the Transportation Trust Fund, from "designates" to "assigns." The bill also changes the description of such surplus funds from fund balance not otherwise "reserved or designated," to fund balance not otherwise "restricted, committed, or assigned."

Patron - Stosch

[P]SB621 Administrative Process Act; Virginia Defense Force; exemptions. Clarifies that the Virginia Defense Force is exempt from the Administrative Process Act. Currently the Act exempts customary military, naval or police functions but does not specify militia functions.

Patron - Miller, J.C.

[P]SB730 Major Employment and Investment Project Site Planning Grant Fund. See HB 1381.

Patron - Reynolds

[P]SB739 Governor's Development Opportunity Fund. See HB 1396.

Patron - Stosch

Title 2.2- Miscellaneous; Administration of Government Generally

[P]HB485 Financial and management review of all state agencies. Directs the Governor to initiate on July 1, 2010, an operational and programmatic performance review of (i) the agencies under the Secretary of Health and Human Resources and the Secretary of Public Safety, (ii) the Department of Education, including primary and secondary education funded by the Commonwealth, and (iii) any other department, agency, or program of the Commonwealth in the executive branch of state government that the Governor deems necessary to effect savings in expenditures, a reduction in duplication of effort, and programmatic efficiencies in the operation of state government. The review shall be concluded by December 1, 2011. The review shall be conducted by a private management consulting firm. The goal of the review is to effect savings in

expenditures, a reduction in duplication of effort, and programmatic efficiencies in the operation of state government. The review would be conducted only pursuant to a fixed price contract.

Patron - Lingamfelter

Title 3.2- Agriculture, Animal Care, and Food

HB281 Animal cruelty; penalty. Increases the penalty for a second or subsequent violation of the animal care laws regarding an owner's failure to provide adequate food, adequate water, adequate shelter, and adequate veterinary care from a Class 4 to a Class 2 misdemeanor. A second or subsequent violation related to adequate space, adequate exercise, and adequate care, treatment and transportation are increased from a Class 4 to a Class 3 misdemeanor. The civil penalty for failure to sterilize a dog or cat adopted from a releasing agency is increased from \$50 to \$250.

Patron - Albo

HB322 Animal care; rabies vaccination. Requires the Board of Health to provide, by regulation, an exemption to the requirement that an owner of a dog or cat must have his animal vaccinated for rabies if the veterinarian determines that the dog or cat has an underlying medical condition that is likely to result in a life-threatening condition in response to the vaccination.

Patron - Plum

HB621 Rabies regulation and control; penalty. Clarifies the procedures and responsibilities among the Department of Health, localities, and other entities to prevent and control rabies. This bill clarifies that all dogs and cats over the age of four months must be vaccinated, provides that rabies certificates shall be issued to the owner of the animal vaccinated and that the veterinarian shall keep a copy of the certificate in his own files, clarifies the authority to access rabies certificates maintained at veterinary hospitals, addresses recordkeeping standards for rabies clinics, and clarifies the authority of the local health director in regard to a rabies exposure. The bill requires the local health director and the governing body of the locality to adopt a plan to control and respond to the risk of rabies.

Patron - Orrock

HB888 Peanut Board; commodity assessment. Authorizes the Peanut Board to enter into an agreement with the Federal Commodity Credit Corporation and to increase the commodity assessment from \$0.15 per 100 pounds to \$0.30 per 100 pounds for a three-year period beginning July 1, 2010. The commodity assessment is paid by peanut growers. This bill is identical to SB 32.

Patron - Barlow

HB904 Animal control officers; obstruction. Clarifies the role of animal control officers in light of two changes made to criminal procedure statutes during the 2009 Session of the General Assembly. First, the provision in Title 3.2 is conformed with existing Title 18.2 to show that the heightened penalty for obstructing an animal control officer in the performance of his duties was increased from a Class 4 misdemeanor to a Class 1 misdemeanor. Second, Title 19.2 is amended to show that animal control officers may obtain a felony warrant from a magistrate, as stated in § 3.2-6555, although a law-enforcement officer must execute such warrant.

Patron - Bell, Robert B.

HB1088 Coyote control. Requires the Commissioner of Agriculture and Consumer Services to join in a cooperative agreement with the federal government to reestablish the Virginia Cooperative Coyote Damage Control Program to control coyotes that pose a danger to agricultural animals.

Patron - Crockett-Stark

HB1322 Waste kitchen grease; transportation; fees; penalty. Requires any person who transports waste kitchen grease to register with the Virginia Department of Agriculture and Consumer Services unless he qualifies for an individual exemption. Registrants must pay annual fees of \$100 for registration and \$100 per vehicle used to transport waste kitchen grease. Commercial transporters of waste kitchen grease must show proof of personal injury and property damage liability insurance in an amount not less than \$1 million. All registered transporters must conspicuously mark vehicles used for transportation and maintain records showing the source and quantity of kitchen grease obtained and the renderer who processes such grease into usable products. The Department may assess a civil penalty of not more than \$5,000 for any violation of a provision of this chapter, including the prohibition that no person shall take possession of more than 55 gallons of waste kitchen grease from an unregistered transporter unless the recipient maintains, for two years, documentation of the (i) name and address of the person delivering the waste kitchen grease, (ii) date of receipt of the waste kitchen grease, (iii) delivering vehicle's license plate number and state of registration, and (iv) quantity delivered, which shall be made available for inspection by the Department. The bill also imposes a Class 3 misdemeanor on any person who fails to register as a transporter of waste kitchen grease if required to do by the Department of Agriculture and Consumer Services.

Patron - Sherwood

HB1332 Cotton Board; notice of referendum. Requires the Commissioner of Agriculture and Consumer Services, at least 60 days prior to the holding of any referendum for cotton producers, to send a notice of the referendum to a newspaper of general circulation in each locality where cotton is produced or by mail to all cotton producers listed with the Department during the fiscal year preceding the referendum. Currently, the Commissioner must send a notice of the referendum to a newspaper of general circulation in each locality where cotton is produced and to a newspaper of general circulation in Richmond.

Patron - Barlow

SB32 Peanut Board; commodity assessment. See HB 888.

Patron - Lucas

Title 4.1- Alcoholic Beverage Control Act

HB588 Alcoholic beverage control; wine liter tax. Requires the portion of the wine liter tax collected from the sale of wine produced by farm wineries to be deposited in the Virginia Wine Promotion Fund for use by the Wine Board. This bill is identical to SB 237.

Patron - Landes

HB620 Alcoholic beverage control; 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 who operates a duly

organized nonprofit museum exempt from taxation under § 501(c)(3) of the Internal Revenue Code located on the premises or grounds of a local historic building or site.

Patron - Orrock

HB630 Alcoholic beverage control; third party shipment of wine and beer. Creates a fulfillment warehouse license, which authorizes an agricultural cooperative association with a place of business in the Commonwealth and under the direction and control of a Virginia wine or beer shipper licensee to (i) solicit and receive orders for wine or beer, (ii) pack and ship wine or beer in accordance with a license or other approval by the Commonwealth or the state where located, and (iii) take other action as permitted by the Board. The bill creates a marketing portal license, which allows an authorized agricultural cooperative association to solicit and receive orders for wine or beer through the use of the Internet from persons in Virginia of behalf of holders of wine or beer shipper's licenses. The bill also prohibits licensed wholesalers or any person under common control of such licensee from obtaining the fulfillment warehouse license. The bill sets the annual license taxes for these two new licenses. This bill is identical to SB 483.

Patron - Scott, E.T.

HB753 Alcoholic beverage control; possession without a license; exemptions. Adds a license exemption for any dining areas or private rooms of residents in a licensed assisted living facility that will allow the assisted living facility to provide alcoholic beverages to the residents at the facility. Under current law, no alcoholic beverages shall be kept or allowed to be kept upon any premises of any place where food or refreshments of any kind are furnished for compensation.

Patron - Greason

HB952 Alcoholic beverage control; tasting events at government stores. Authorizes distilled spirits and farm winery wine tasting events to be conducted at government stores under certain circumstances.

Patron - Jones

HB1293 Alcoholic beverage control; exemptions from licensure; consumption by underaged persons. Clarifies that a person in his residence may serve or give to his guests or family members lawfully acquired alcoholic beverages when (i) such guests are 21 years of age or older or are accompanied by a parent, guardian, or spouse who is 21 years of age or older, (ii) the consumption or possession of such alcoholic beverages by family members or such guests occurs only in such residence where the alcoholic beverages are allowed to be served or given, and (iii) such service or gift is in no way a shift or device to evade ABC laws. Currently, the law requires only that (i) such guests are 21 years of age or older or are accompanied by a parent, guardian, or spouse who is 21 years of age or older and (ii) such service or gift is in no way a shift or device to evade ABC laws.

Patron - Cleaveland

HB1353 Possessing or consuming alcoholic beverages while operating a school bus; penalty. Provides that any person who possesses or consumes an alcoholic beverage while operating a school bus transporting children is guilty of a Class 1 misdemeanor.

Patron - Cline

SB26 Alcoholic beverage control; tasting events at government stores. Authorizes distilled spirits and farm winery wine tasting events to be conducted at government stores under certain circumstances.

Patron - Puller

SB237 Alcoholic beverage control; wine liter tax. See HB 588.

Patron - Watkins

SB483 Alcoholic beverage control; third party shipment of wine and beer. See HB 630.

Patron - Hurt

SB628 Alcoholic beverage control; mixed beverage licensees; flavored distilled spirits. Requires the Alcoholic Beverage Control Board to adopt regulations prescribing the terms and conditions under which mixed beverage licensees may infuse, store, and sell flavored distilled spirits.

Patron - Wagner

Title 6.1- Banking and Finance

HB482 Credit unions and banks; mergers and consolidations. Establishes a procedure by which a state credit union may convert to a state mutual savings institution. Conversion requires approval of two-thirds of the eligible and voting members of the credit union, unless the articles of incorporation allow a greater or lesser vote (which shall in no event be less than a majority). SB 440 is identical.

Patron - Sickles

HB547 Mortgage lenders and mortgage brokers; Nationwide Mortgage Licensing System and Registry. Requires all mortgage lenders and mortgage brokers whose employees are required to be licensed as mortgage loan originators to register with the Nationwide Mortgage Licensing System and Registry. The Registry has been developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators. The State Corporation Commission may enter into agreements with the Registry setting conditions for the collection of information and fees. This is a recommendation of the Virginia Housing Commission. The measure also extends the maximum duration of a provisional mortgage loan originator license from 6 months to 12 months.

Patron - Marshall, D.W.

SB240 Certain mortgage lenders and mortgage brokers required to register with Nationwide Mortgage Licensing System and Registry. Compels mortgage lenders and mortgage brokers whose employees are required to be licensed as mortgage loan originators, to register with the Nationwide Mortgage Licensing System and Registry, developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators. The Commissioner of the Bureau of Financial Institutions may establish agreements with the Registry for such conditions as the collection of information and fees. This is a recommendation of the Virginia Housing Commission.

Patron - Watkins

SB294 Mortgage Lender and Broker Act; definition of principal. Provides that a principal, for purposes of the Mortgage Lender and Broker Act, means a person who, directly or indirectly, owns or controls a 10 percent or greater interest in a corporation, partnership, association, cooperative, limited liability company, trust, joint venture, or other legal or commercial entity. Currently, a principal is a person who, directly or indirectly, owns or controls a 10 percent or greater interest in a stock corporation, nonstock corporation, or limited liability company.

Patron - McDougale

SB295 Revision of Title 6.1. Creates proposed Title 6.2 (Financial Institutions and Services) as a revision of existing Title 6.1 (Banking and Finance). Proposed Title 6.2 consists of 22 chapters divided into four subtitles: Subtitle I (General Provisions); Subtitle II (Depository Institutions and Trust Organizations); Subtitle III (Other Regulated Providers of Financial Services); and Subtitle IV (Other Financial Activities). Subtitle I includes title-wide definitions and chapters addressing money and currency, interest and usury, lending practices generally including credit card laws currently in Title 11, and equal credit opportunity laws that are currently in Title 59.1. Subtitle II addresses deposits and accounts at financial institutions, as well as provisions applicable to specific types of depository institutions, including financial institution holding companies, banks, savings institutions, credit unions, and entities conducting trust business. Subtitle III sets out provisions relating to providers of financial services that are subject to licensure or registration with the State Corporation Commission, including industrial loan associations, consumer finance companies, mortgage lenders and brokers, mortgage loan originators, payday lenders, money order sellers and money transmitters, agencies providing debt management plans, and check cashers. Subtitle IV includes provisions regulating the conduct of other financial activities, including refund anticipation loans, safe deposit boxes, and securitization transactions. The Wet Settlement Act and provisions regarding real estate settlement agents are relocated to Title 55.

Patron - McDougle

SB440 Credit unions and banks; mergers and consolidations. See HB 482.

Patron - Saslaw

SB606 Motor vehicle title loans; penalties. Establishes requirements for motor vehicle title loans, which are nonpurchase money term loans secured by an interest in a motor vehicle. Under this measure, interest shall not exceed 22 percent per month on the portion of the outstanding balance of the loan that does not exceed \$700; 18 percent per month on the portion between \$700 and \$1,400; and 15 percent per month on the portion that exceeds \$1,400. Loans may not be for more than 50 percent of the motor vehicle's value as stated in a recognized pricing guide, if listed in such a guide. Principal and interest are required to be repaid in substantially equal monthly payments over the term of the loan, which shall be between 120 days and one year. Interest does not accrue on a loan after the motor vehicle securing the loan has been repossessed or after 60 days following the failure to make a payment unless the borrower is concealing the vehicle. Lenders are barred from seeking a deficiency judgment against a borrower following repossession or sale of the motor vehicle, absent misconduct by the borrower. A lender that does not give the borrower 10 days written notice before repossessing a motor vehicle is barred from collecting the costs of repossession and sale from the borrower. A lender may not charge the borrower for storage fees after the motor vehicle is repossessed or surrendered. Motor vehicle equity lenders are required to be licensed by the State Corporation Commission and are required to post a bond, or equivalent instrument approved by the Commission, of \$50,000 per location and \$500,000 in the aggregate. An applicant for a license is not required to produce certain records and documents regarding open-end loans made prior to October 1, 2007, and the matters involving loans secured by motor vehicles will not bar an applicant from licensure if they have been reviewed and resolved. A violation of the measure is a prohibited practice under the Consumer Protection Act. Violations are subject to civil and criminal penalties. The measure becomes effective on October 1, 2010.

Patron - Saslaw

Title 8.01- Civil Remedies and Procedure

HB105 Security for appeal; modification. Provides that a court may impose additional requirements to security posted for an appeal in addition to altering the amount of the security. Any changes may be made to such security by a court for good cause shown. The bill also clarifies that motions for and objections to any modification of security may be made either to the appellate court or the court whose decision is being appealed until such time as the appellate court acts. The bill also provides that individual judges of the Supreme Court, instead of a panel, may make determinations on issues regarding security for appeal. Currently, only individual judges of the Court of Appeals are permitted to make such determinations. As introduced, this bill was a recommendation of the Boyd-Graves Conference.

Patron - Loupassi

HB203 Writ of actual innocence; available after parole or pardon. Provides that the statutory guidelines employed by the General Assembly for determining compensation of persons who have been wrongfully incarcerated also apply to a person granted a writ of actual innocence based on nonbiological evidence and a person who has been granted an absolute pardon for the commission of a crime that he did not commit.

Patron - Alexander

HB376 Service by publication. Validates orders of publication processed by a clerk prior to July 1, 2010, for service in certain actions.

Patron - Lewis

HB458 Attorney-issued summons; protective orders. Eliminates the prohibition on attorney-issued summonses in cases involving the issuance of protective orders. This bill is identical to SB 721.

Patron - Herring

HB559 Compensation for wrongful incarceration for a felony conviction. Clarifies that individuals granted an absolute pardon by the Governor may be considered under the wrongful incarceration compensation statute. The bill also provides that the amount of compensation provided under the statute be adjusted for inflation. In addition, the bill specifies that any person awarded compensation who is subsequently incarcerated upon the revocation of parole or probation resulting from the commission of an act that constitutes a crime shall, during the period of such incarceration, forfeit any payment under an annuity purchased. Any forfeited amounts under the annuity shall become the property of the Commonwealth and shall be deposited into the general fund of the state treasury.

Patron - Tata

HB1065 Electronic filing of cases in circuit courts. Establishes electronic filing of cases in circuit courts by providing for acceptance of electronic images as original documents for filing and recording, and for the attachment of electronic seals or stamps for original signatures and notarizations in civil cases. The circuit court clerk may require each person whom the clerk authorizes to file documents electronically to enter into an agreement specifying the electronic filing procedures to be followed for transmitting signed or notarized documents. However, the bill does not allow for electronic filing in certain classes of cases where particular forms are specified by statute (e.g., creation and execution of wills, codicils,

testamentary trusts, premarital agreements, and negotiable instruments). As introduced, this bill was a recommendation of the Judicial Council. This bill is identical to SB 220.

Patron - Athey

HB1106 Disclosure of insurance policy limits; wrongful death action. Allows the personal representative of the estate of a decedent who died as a result of a motor vehicle accident, or his attorney, to request the disclosure of the liability limits of an insurance policy prior to filing a civil action for wrongful death resulting from a motor vehicle accident. The party requesting this information shall provide the insurer with (i) the date of the accident, (ii) the name and last known address of the alleged tortfeasor, (iii) a copy of the accident report, if any, (iv) the claim number, if available, and (v) the decedent's death certificate; the certificate of qualification of the personal representative of the decedent's estate; the names and relationship of the statutory beneficiaries of the decedent; medical bills, if any; and a description of the source, amount, and payment history of the claimed income loss for each beneficiary. The bill also provides that disclosure of a policy's limits shall not constitute an admission that the alleged injury is subject to the policy.

Patron - Joannou

HB1147 Civil damages for computer trespass. Expands the availability to institute a suit for civil damages resulting from computer trespass to include computer trespass by installing or causing to be installed, or collecting information through, computer software that records all or a majority of the keystrokes made on the computer of another.

Patron - Scott, J.M.

HB1193 Actions or suits involving fiduciaries; style of the case; amendment of pleading. Provides that in any action or suit required to be prosecuted or defended by or in the name of a fiduciary, the style of the case in regard to the fiduciary must be substantially in the following form: "(Name of fiduciary), (type of fiduciary relationship), (Name of the subject of the fiduciary relationship)." Pleadings that are not in the proper form shall be amended on the motion of any party or on the court's own motion, and such amendment relates back to the date of the original pleading. The provisions of the bill apply to any action or suit pending as of the effective date of the bill.

Patron - Griffith

HB1306 Jurors to provide photo identification. Provides that at the time of assembly for the purpose of juror selection, the clerk of court shall ensure that the identity of each member of the jury venire is verified as provided in this section. Prior to being selected from the jury venire, a potential juror shall verify his identity by presenting to the clerk of court upon request any of the following forms of identification: his Commonwealth of Virginia voter registration card; his social security card; his valid Virginia driver's license or any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States; or any valid employee identification card containing a photograph of the juror and issued by an employer of the juror in the ordinary course of the employer's business. If the juror is unable to present one of these forms of identification, he shall sign a statement affirming, under penalty of perjury, that he is the named juror.

Patron - LeMunyon

SB154 Increasing various costs, fees, penalties, etc. Increases the amounts of various costs, potential attorney fee awards, potential damages, jurisdictional amounts, and other dollar-based provisions in the Virginia Code to account for the

effect of inflation. As introduced, this bill was a recommendation of the Boyd-Graves Conference.

Patron - Edwards

SB191 Privileged communications of certain committees and entities. Provides that the exchange of privileged, health care-related information between committees, boards, groups, commissions, or other entities that function primarily to review, evaluate, or make recommendations regarding health care shall not constitute a waiver of privilege.

Patron - Northam

SB220 Electronic filing of cases in circuit courts. See HB 1065.

Patron - Howell

SB382 Jury panel; disclosure to counsel. Changes from 48 hours to three full business days the time period when a copy of the jury panel shall be made available to all counsel of record in the case. As introduced, this bill was a recommendation of Boyd-Graves Conference.

Patron - Obenshain

SB384 Attorney-client privilege; work product protection; limitations on waivers. Provides that when the disclosure of a communication or information covered by attorney-client privilege or work product protection made in a proceeding or to any public body operates as a waiver of the privilege or protection, such waiver only extends to undisclosed communications or information if (i) the waiver was intentional, and (ii) the disclosed and undisclosed communications or information concern the same subject matter and ought in fairness be considered together. Inadvertent disclosures do not operate as a waiver if reasonable steps were taken to prevent disclosure and to rectify the error. The bill also provides that an agreement between parties as to the effect of a disclosure is only binding upon the parties to the agreement unless it has been incorporated into a court order. The bill does not limit any otherwise applicable waiver of attorney-client privilege or work product protection by an inmate who files an action challenging his conviction or sentence. As introduced, this bill was a recommendation of the Boyd-Graves Conference.

Patron - Obenshain

SB427 Disclosure of insurance policy limits; wrongful death action. Allows the personal representative of the estate of a decedent who died as a result of a motor vehicle accident, or his attorney, to request the disclosure of the liability limits of an insurance policy prior to filing a civil action for wrongful death resulting from a motor vehicle accident. The party requesting this information shall provide the insurer with (i) the date of the accident, (ii) the name and last known address of the alleged tortfeasor, (iii) a copy of the accident report, if any, (iv) the claim number, if available, and (v) the decedent's death certificate; the certificate of qualification of the personal representative of the decedent's estate; the names and relationship of the statutory beneficiaries of the decedent; medical bills, if any; and a description of the source, amount, and payment history of the claimed income loss for each beneficiary. The bill also provides that disclosure of a policy's limits shall not constitute an admission that the alleged injury is subject to the policy.

Patron - Herring

SB445 Notice of lien on financial institutions. Provides that any judgment creditor serving a notice of lien on a financial institution shall, within five business days of such service, mail to the judgment debtor at his last known address a copy of the notice of lien along with a notice of exemptions and claim for exemption form. The judgment creditor or attor-

ney for the judgment creditor shall file a certification with the court affirming that he has mailed the judgment debtor these notices. In the event that the judgment creditor fails to comply, he shall be liable to the judgment debtor for no more than \$100 in damages, unless he proves by a preponderance of the evidence that the failure was not willful.

Patron - Quayle

[P]SB721 Attorney-issued summons; protective orders. See HB 458.

Patron - Marsden

Title 8.01- Miscellaneous; Civil Remedies and Procedure

[P]HB21 Space flight liability and immunity; sunset. Repeals the July 1, 2013, expiration date on the act establishing space flight liability and immunity. This bill is identical to SB 189.

Patron - Kilgore

[P]SB189 Space flight liability and immunity; sunset. See HB 21.

Patron - Northam

Title 8.2- Commercial Code / Sales

[P]SB27 Warranty registration cards. Prohibits a seller from conditioning the coverage or performance of a warranty, in connection with the sale of personal, family, or household goods, upon the purchaser's returning a warranty registration card, or from providing that the duration of a warranty is dependent upon the return of a warranty registration card. These prohibitions do not apply if the requirement that the purchaser return a warranty registration card is conspicuously disclosed in any advertising and marketing materials that reference the goods' warranty. A seller may use warranty registration cards as a suggested method of proof of the date the goods were purchased. A violation constitutes a prohibited practice under the Virginia Consumer Protection Act.

Patron - Puller

Title 8.3A- Commercial Code / Negotiable Instruments

[P]HB386 Deposits; limitations period. Removes the stated maturity date of a deposit as an event that triggers the start of the limitations period on actions to enforce the obligations of a financial institution to pay a deposit account or certificate of deposit. Under existing law, such an action is time barred if not brought within six years after the earliest of such maturity date or the due date of the deposit as set forth in the bank's last written notice of renewal, the date of the last written communication from the bank recognizing the bank's obligation with respect to the deposit, or the last day of the taxable year for which the owner of the deposit last reported interest income earned on the deposit on a federal or state income tax return. This measure also provides that the limitations period trigger relating to the reporting of interest income for federal or

state income tax purposes relates to a report made by either the depositor or the bank. Currently, it is triggered only by the depositor's report of interest income on the deposit.

Patron - Janis

Title 9.1- Commonwealth Public Safety

[P]HB144 Last drink inquiry protocol. Provides that the Department of Criminal Justice Services has the power and duty to establish, publish and disseminate a model policy for law enforcement personnel to use in questioning individuals suspected of driving while intoxicated concerning the physical location of the individual's last consumption of an alcoholic beverage and for communicating that information to the Alcoholic Beverage Control Board.

Patron - O'Bannon

[P]HB239 Animal control officers; county manager form of government. Requires that the division of police in localities using the county manager form of government, currently only Henrico County, have an animal protection police officer and at least one deputy animal protection police officer. These officers shall have all of the powers vested in law-enforcement officers as defined in § 9.1-101, provided they have met the minimum qualifications and have been certified under §§ 15.2-1705 and 15.2-1706.

Patron - Janis

[P]HB368 Department of Criminal Justice Services; Regional Criminal Justice Academy Training Fund. Allows a locality to add a surcharge on traffic summonses, misdemeanors and felonies to support its independent criminal justice academy if such academy was certified by the Department of Criminal Justice Services as of July 1, 2010. Currently, to be able to add a surcharge, an independent academy had to be certified as of January 1, 2003.

Patron - Ware, O.

[P]HB857 Line of Duty Act; access to records of investigation. Provides that evidence and documents obtained by or created by, and the report of investigation prepared by, the Department of State Police in carrying out the provisions of this chapter shall (i) be deemed confidential, (ii) be exempt from disclosure under the Freedom of Information Act (§ 2.2-3700 et seq.), and (iii) not be released in whole or in part by any person to any person except as provided in the Line of Duty Act.

Patron - Carrico

[P]HB912 Sex offender registry; residence. Provides that if a person required to register as a sex offender does not have a legal residence, the person must designate a location that can be located with reasonable specificity where he resides or habitually locates himself. The designated location will be considered his residence for the purposes of sex offender registration requirements.

Patron - Bell, Robert B.

[P]HB1198 Sex offenders; registration requirements. Provides that prior to entering judgment of conviction of an offense for which registration is required if the victim of the offense was a minor, physically helpless, or mentally incapacitated, the court shall determine by a preponderance of the evidence, whether the victim of the offense was a minor, physically helpless or mentally incapacitated. If it is determined that the victim was a minor at the time of the offense,

the victim's age must be determined. Upon such a determination the court shall advise the defendant of its determination and of the defendant's right to withdraw a plea of guilty or nolo contendere. If the defendant chooses to withdraw his plea of guilty or of nolo contendere, his case shall be heard by another judge, unless the parties agree otherwise. The bill requires verification of the residency of offenders who have been civilly committed to the Department of Behavioral Health and Developmental Services and are under supervision. The bill also provides that the Department of Behavioral Health and Developmental Services shall give notice to a committed sex offender, prior to his release, of his obligation to register as a sex offender. The custodian of a person required to register as a sex offender is required to notify the State Police immediately upon discovering the person's escape from custody.

Patron - Iaquinto

[P]SB68 Firefighters and Emergency Medical Technicians Procedural Guarantee Act; conduct of interrogations. Provides that firefighters or emergency medical technicians may have a witness of their choice present during an interrogation, as long as the interview is not unduly delayed. The bill specifies that the witness cannot participate or represent the employee and the witness cannot be involved in the investigation.

Patron - McEachin

[P]SB95 Line of Duty Act; short-term disability benefits for state police officers. Provides that a state police officer who incurs a work-related injury in the line of duty shall receive supplemental short-term disability coverage providing income replacement for 100 percent of the officer's creditable compensation for the first six months and, pursuant to a certification by the Superintendent of State Police, based on a medical evaluation, that the officer is likely to return to service within another six months up to one calendar year. At the end of the one-year period, the officer would be eligible for supplemental long-term disability benefits, which provide income replacement at 60 percent of the officer's creditable compensation. Currently, the maximum period that an eligible employee generally may receive short-term disability benefits, before getting long-term disability benefits at the 60 percent rate, is 125 work days.

Patron - Quayle

Title 10.1- Conservation

[P]HB326 Mercury thermostats recycling program. Requires the Virginia Waste Management Board to adopt regulations to encourage the recycling of thermostats containing mercury. The bill also authorizes localities to prohibit the disposal of mercury thermostats in any privately operated landfill within its jurisdiction, so long as the locality has implemented a recycling program that is capable of handling all of the mercury thermostats within the jurisdiction. Currently, a similar program exists for the recycling of cathode ray tubes.

Patron - Plum

[P]HB438 Dam safety. Requires the Soil and Water Conservation Board to establish an incremental damage analysis procedure that provides for a new standard for the spillway design requirement. The bill requires the Board to adopt regulations that consider the impact of downstream limited-use or private roadways with low traffic volume and low public safety risk in the determination of the hazard potential classification of an impounding structure. The bill also allows an owner of a dam who has received a report from the Board containing rec-

ommendations for the correction of deficiencies in the dam to submit his own plan for such corrections. One of the two criteria for designating a dam as unsafe is changed. Currently, if there are serious deficiencies in the design or construction of the dam that, if left unaddressed, could result in a failure that may result in loss of life or damage to downstream property, the dam is cited as being unsafe. The new criterion would be that such deficiencies may result in the loss of life or "significant" damage to downstream property.

Patron - Toscano

[P]HB501 Scenic river. Designates a seven-mile portion of the Jordan River as a component of the Virginia Scenic Rivers System.

Patron - Gilbert

[P]HB503 Scenic river. Designates a 10-mile portion of the Hughes River as a component of the Virginia Scenic Rivers System.

Patron - Gilbert

[P]HB619 Erosion and sediment control; penalty. Removes the specific authority of a locality to impose a \$1,000 civil penalty on a person who engages in a land-disturbing activity without having an approved plan. Instead, any violation of any erosion and sediment control regulation or order of the Virginia Soil and Water Conservation Board, any provision of a local program, or any condition of a permit will be subject to a civil penalty of \$100 to \$1,000.

Patron - Orrock

[P]HB627 Directory of cultural heritage sites. Authorizes the Director of the Department of Conservation and Recreation to establish a state directory of cultural heritage sites that would be composed of commemorative and historic facilities and sites that interpret significant aspects of national, state, or regional history. The sites included in the directory would be those owned or operated by entities other than state agencies. The Director would have the responsibility of evaluating whether the facility or site qualifies for inclusion in the directory and then presenting his findings to the Board of Conservation and Recreation, which makes its recommendations. The recommendations would be sent to the Governor for written consent.

Patron - Kilgore

[P]HB717 Civil War Site Preservation Fund established. Establishes the Civil War Site Preservation Fund for the purpose of awarding grants to private nonprofit organizations to preserve endangered Virginia Civil War historic sites. The grants would be awarded for the fee simple purchase of, or the purchase of protective interests in, Civil War historic sites listed in the "Report on the Nation's Civil War Battlefields." The bill sets out eligibility criteria for receiving a matching grant from the fund. The Director of the Department of Historic Resources is responsible for administering the fund. This bill is identical to SB 614.

Patron - Peace

[P]HB774 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, until July 1, 2011. The bill provides that the Virginia Recreational Facilities Authority and Roanoke County shall work with other stakeholders to develop an alternate plan for the appropriate utilization and management of the property. The plan shall be consistent with the mission of the Explore Park and shall include conservation, outdoor recreation, environmental awareness, and public access and utilization of the property.

The plan shall also provide ways for the park to become financially independent. The plan shall be completed and transmitted to the Governor and the General Assembly by December 31, 2010. This bill is identical to SB 502.

Patron - Cleaveland

HB951 Scenic river. Designates a 56-mile portion of the Blackwater River as a component of the Virginia Scenic Rivers System. This bill is identical to SB 17.

Patron - Jones

HB1100 Stormwater management facilities; liability. Provides that a common interest community shall enjoy limited liability protection relating to a stormwater management facility located on property owned by that community if: (i) the common interest community cedes the responsibility for the maintenance, repair, and replacement of a stormwater management facility to the Commonwealth or a political subdivision thereof, (ii) the action has been memorialized by contract or other instrument executed by both parties, and (iii) the Commonwealth or the governing body of the political subdivision accepted the responsibility ceded by the common interest community in writing or by resolution. Maintenance, repair, and replacement responsibilities may include the cleaning of the facility, maintenance of adjacent grounds which are part of the facility, maintenance and replacement of fencing where the facility is fenced, and posting of signage indicating the identity of the governmental entity which maintains the facility. The immunity granted by this provision does not extend to actions or omissions by the landowner constituting intentional or willful misconduct or gross negligence.

Patron - Sickles

HB1180 Russell Fork Scenic River. Designates a nine-mile segment of the Russell Fork River in Dickenson County as a component of the State Scenic Rivers System. The designation is not to be used (i) to preclude the land along the river from being mined or (ii) to be a criterion for imposing water quality standards.

Patron - Phillips

HB1213 Department of Historic Resources; historic preservation grants. Clarifies and makes several technical and procedural changes to the authority of the Department of Historic Resources to supervise state moneys appropriated to organizations, including localities and private entities, and related to historic preservation.

Patron - Kory

HB1300 Air Pollution Control Board; regulations under the Clean Air Interstate Rule. Retains the authority of the Air Pollution Control Board to provide for participation in the EPA-administered cap and trade system for NOx and SO2 to the fullest extent permitted by federal law, but prohibits the Board from requiring that electric generating facilities located in a nonattainment area meet NOx and SO2 compliance obligations without the purchase of allowances from in-state or out-of-state facilities. This bill is identical to SB 128.

Patron - Kilgore

HB1320 Dam safety. Authorizes the Director of the Department of Conservation and Recreation, with the approval of the Virginia Soil and Water Conservation Board, to award grants from the Dam Safety, Flood Prevention and Protection Assistance Fund to local governments and private entities for dam break analysis, the mapping and digitization of dam break inundation zones, and incremental damage analysis. Currently, only local governments are eligible to receive grants. The bill also establishes the Dam Safety Administrative Fund, which is capitalized with moneys from the dam application permit fees.

The moneys in the fund are to be used for administration of the dam safety program.

Patron - Sherwood

SB17 Scenic river. See HB 951.

Patron - Lucas

SB128 Air Pollution Control Board; regulations under the Clean Air Interstate Rule. See HB 1300.

Patron - McDougale

SB244 Dam Safety Act; low traffic roadways. Requires the Virginia Soil and Water Conservation Board to adopt regulations that consider the impact of downstream limited-use or private roadways with low traffic volume and low public safety risk on the determination of the hazard potential classification of an impounding structure.

Patron - Watkins

SB276 Dam safety. Requires that the Virginia Soil and Water Conservation Board's Impounding Structure Regulations not require any dam in existence or under construction prior to July 1, 2010, that is classified as a high hazard, or is subsequently reclassified as a high hazard dam, to upgrade its spillway to pass a rainfall event that is greater than the maximum rainfall event recorded in Virginia. In addition, a dam would be in compliance with the spillway requirement of the regulations if the dam passes two-thirds of the maximum rainfall event and the dam's owner annually certifies that the dam meets certain conditions.

Patron - Houck

SB502 Virginia Recreational Facilities Authority. See HB 774.

Patron - Smith

SB614 Civil War Site Preservation Fund established. See HB 717.

Patron - Houck

SB627 Nutrient reduction credits. Clarifies who receives credit for the nutrient reductions associated with a stormwater nonpoint nutrient offset. Offsets are used to achieve compliance with construction site stormwater nutrient discharge requirements. The nonpoint nutrient offsets system works very similar to wetland banks. These offsets are only available when capturing all nutrients is too difficult on a development site. If the land disturbing activity using a nonpoint nutrient offset discharges to an MS4, the locality receives credit toward its nutrient allocation. If the discharge is not to a MS4 then the reductions are applied toward compliance with the nutrient allocation applicable to that area.

Patron - Wagner

SB659 Outer Continental Shelf; air pollution control regulations. Requires the State Air Pollution Control Board, by January 1, 2011, to adopt any regulations necessary to implement and enforce the requirements of § 328 of the Clean Air Act relating to requirements to control air pollution from Outer Continental Shelf sources. The regulations shall not differ materially from the regulations promulgated by the U.S. Environmental Protection Agency in implementing such provision of the Act. The measure also directs the Department of Environmental Quality to request the Administrator of the U.S. Environmental Protection Agency to delegate to the Commonwealth any authority the Administrator has under the Clean Air Act to implement and enforce § 328 of the Clean Air Act.

Patron - Wagner

§SB686 Uniform environmental covenants. Authorizes the Department of Environmental Quality to enter into environmental covenants with interest holders in real property that restrict the use of the real property. The covenants are intended to survive transfers of ownership interests in the land or operations of law that may otherwise terminate the covenant. The bill spells out the recordation process and notice to subsequent holders of interest. Prior held interests are not affected by the covenant. The bill authorizes the Department of Environmental Quality to establish fees to be paid by the fee simple owner of the real estate subject to the covenant in order to fund the program.

Patron - Reynolds

Title 10.1- Miscellaneous; Conservation

§HB1220 Stormwater management regulations; effective date. Delays the regulation that establishes local program criteria and delegation procedures and the water quality and water quantity criteria. The regulation, however, shall be adopted within 280 days after the establishment of the U.S. Environmental Protection Agency's Chesapeake Bay-wide Total Maximum Daily Load, but no later than December 1, 2011. The bill also directs the Virginia Soil and Water Conservation Board to establish an advisory panel to review the regulation and make recommendations on possible revisions to the regulation. This bill is identical to SB 395.

Patron - Hugo

§SB395 Stormwater management regulations; effective date. See HB 1220.

Patron - Wagner

Title 12.1- State Corporation Commission

§HB526 Personal identifying information; State Corporation Commission filings. Declares that a person preparing or submitting a document or information that is filed with the clerk of the State Corporation Commission is responsible for ensuring that the document or information does not contain any personal identifiable information, which includes a social security number or other number on a driver's license, information on credit cards or other electronic billing and payment systems, an individual's date of birth or parent's maiden name, and financial account numbers. The provision does not apply if the information is publicly available or is required or authorized by law to be included in the filed information. The measure also authorizes the clerk of the Commission to remove, delete, or obliterate such information from a document, and to refuse to accept for filing any document that includes personal identifiable information. The State Corporation Commission, its members, the clerk of the Commission, and any member of his staff are declared to be immune from liability for any acts or omissions in implementing these provisions.

Patron - Nixon

§SB400 State Corporation Commission; clerk's fees. Authorizes the State Corporation Commission to establish the amount of the fees to be charged by the clerk of the Commission for furnishing copies of documents, certifying informa-

tion, and providing access to records in the clerk's office. The fees shall be reasonable and are to be established by order or rule of the Commission. Existing provisions that establish specific fees for furnishing copies of documents, searching records, and affixing the Commission's seal are repealed.

Patron - Stosch

Title 13.1- Corporations

§HB612 Corporations; payment of annual registration fees. Requires that payments of annual registration fees assessed against a corporation be applied to the corporation's oldest unpaid annual registration fee assessment or penalty. The measure provides that annual registration fees shall be due in the anniversary month of the date when the corporation was incorporated, or authorized to transact business or conduct its affairs in the Commonwealth if it is a foreign corporation. The measure also clarifies the procedure by which a corporation's corporate existence or authority to transact business or conduct its affairs in the Commonwealth is automatically terminated if it fails to pay its annual registration fee by the last day of the fourth month following the fee's due date.

Patron - Purkey

§HB1040 Limited liability companies. Authorizes the State Corporation Commission (SCC) to correct its records to eliminate the effects of clerical errors and filings made by a person without authority to act on behalf of a limited liability company. Similar provisions exist in the Code for stock and nonstock corporations. The measure also authorizes the SCC to assess limited liability companies with its annual registration fee in the month it was organized or qualified to transact business. Currently, all limited liability companies are assessed an annual registration fee on July 1, which is due by October 1 to avoid a penalty. The SCC is required to enter an order by August 1, 2010, regarding the schedule for implementing the change in assessment dates. The order may provide for the proration of an assessment or extension of the assessment date, due date, and automatic cancellation date.

Patron - Byron

§HB1105 Business entities; registered agents and offices. Provides that a statement of change of a business entity's registered agent, registered office, or both, may be filed electronically with the office of the clerk of the State Corporation Commission. The measure also provides that a registered agent may mail a copy of a statement of change or a statement of resignation to the business entity on or before the business day following the day on which such statement is filed with the clerk's office. Currently, a statement of change or resignation is required to include a statement that it has been mailed to the business entity, which does not accommodate their electronic filing. The measure also eliminates variances in terminology in parallel sections that address changes of registered offices and registered agents of stock and nonstock corporations, limited liability companies, business trusts, limited partnerships, and registered limited liability partnerships.

Patron - Joannou

§HB1265 Professional corporations; board of directors. Includes certified interior designers in the types of professional organizations managed by a board of directors. The bill allows nonlicensed employee-directors to serve on the board of directors of a professional organization, provided they do not make up more than one-third of all of the members of the board of directors.

Patron - Carr

SB100 Virginia Stock Corporation Act. Conforms provisions of the Virginia Stock Corporation Act to revisions to the Model Business Corporation Act prepared by the Business Law Section of the American Bar Association, and makes several clarifying revisions. Elements of the measure include (i) expanding provisions governing the electronic transmission of notices and other communications; (ii) providing that notice to a shareholder that is sent by U.S. mail is effective upon deposit in the U.S. Mail; currently, such mailings to shareholders are effective five days after mailing; (iii) authorizing corporate officers to make equity compensation awards; (iv) confirming shareholders' authority to adopt proxy access and proxy expense reimbursement bylaws; (v) permitting a board of directors to establish separate record dates for determining shareholders entitled to notices of, and to vote at, meetings; (vi) allowing shareholders to participate remotely in shareholders meetings; (vii) addressing the authority of a circuit court to resolve disputes relating to a vote by shareholders; (viii) repealing the existing provision that limits the power of the board of directors to alter the board's size to an amount not greater than 30 percent of its existing size; (ix) confirming the authority of a board of directors to require the corporation to provide indemnity, including advancement and reimbursement; (x) authorizing a corporation to obligate itself to provide indemnification, and advance funds to pay for or reimburse expenses, in advance of the act or omission giving rise to a proceeding; (xi) requiring class voting by affected classes with respect to mergers, unless otherwise provided in the articles of incorporation; and (xii) requiring that the articles of merger in a parent-subsidary merger recite the Code section under which the merger is being effected.

Patron - Stosch

SB131 Virginia Nonstock Corporation Act. Conforms provisions of the Virginia Nonstock Corporation Act to revisions to the Model Business Corporation Act prepared by the Business Law Section of the American Bar Association, and makes several technical or clarifying revisions. Provisions (i) expand the governing of electronic transmission of notices and other communications; (ii) provide that notice to a member that is sent by U.S. mail is effective upon deposit in the U.S. mail; currently, such mailings to members are effective five days after mailing; (iii) require words in communications to be in the English language, unless otherwise agreed; (iv) permit a board of directors to establish separate record dates for determining members entitled to notices of, and to vote at, meetings; (v) allow members to participate remotely in members' meetings; (vi) repeal the existing provision that limits the power of the board of directors to alter the board's size to an amount not greater than 30 percent of its existing size; (vii) confirm the authority of a board of directors to require the corporation to provide indemnity, including advancement and reimbursement; (viii) authorize a corporation to obligate itself to provide indemnification, and advance funds to pay for or reimburse expenses, in advance of the act or omission giving rise to a proceeding; and (ix) correct cross-references.

Patron - Stosch

Title 15.2- Counties, Cities and Towns

HB27 Bristol Virginia Utilities Authority. Creates an authority and converts Bristol Virginia Utilities into that authority, to be known as the BVU Authority. This bill is identical to SB 12.

Patron - Johnson

HB38 Authority to cut grass. Adds Spotsylvania 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. Spotsylvania 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 - Orrock

HB51 Comprehensive plan amendments. Grants authority to a governing body to prepare an amendment to the comprehensive plan rather than directing the planning commission to do so. If a planning commission fails to make a recommendation on a proposed amendment within the designated time frame, the local governing body may proceed to submit the proposal to a public hearing.

Patron - Cole

HB82 Civil penalties for violation of sewage usage ordinances. Allows any locality under an order of the Virginia Department of Environmental Quality issued pursuant to the authority of subdivision (8a) of § 62.1-44.15 to adopt an ordinance establishing a uniform schedule of civil penalties for violations of ordinances governing the introduction of pollutants and wastes into the locality's public sewer system. Such civil penalties may not be more than \$100 for the initial summons and not more than \$150 for each additional summons.

Patron - Knight

HB109 Certain firearms taxes; destruction of records. Repeals local authority to impose a license tax of not more than \$25 on persons engaged in the business of selling pistols and revolvers. Also, a recordkeeping requirement for such persons is deleted and the clerk of the circuit court shall destroy any such existing records.

Patron - Cole

HB200 Service districts annual tax. Requires that the annual tax levied upon property in a service district shall only be levied upon the specific classification of real estate that the local governing body deems the governmental services to benefit.

Patron - Alexander

HB263 Cutting of weeds and grass. Adds Winchester to the list of localities that may order the cutting of grass and weeds on certain occupied property. The existing portion of the statute that includes all localities applies to vacant property only.

Patron - Sherwood

HB297 Civil penalties for violations of noise ordinance. Authorizes the governing body of a locality to adopt civil penalties for violations of noise ordinances. Civil fines will not exceed \$250 for the first offense and \$500 for each subsequent offense. Noise ordinances enacted under this section shall not apply to railroads or to sound emanating from any area permitted by the Virginia Department of Mines, Minerals and Energy or any division thereof. This bill is identical to SB 246.

Patron - Cosgrove

HB318 Manufacturing facility. Expands the current definition, for bonding purposes, of manufacturing facility to include (i) any facility which is used in the creation or production of intangible property as described in § 197(d)(1)(C)(iii)

of the Internal Revenue Code of 1986, as amended, to be any patent, copyright, formula, process, design, pattern, knowhow, format, or other similar item, or (ii) a facility which is functionally related and subordinate to a manufacturing facility if such facility is located on the same site as the manufacturing facility. This definition is being expanded so that Virginia Code is consistent with the Federal American Recovery and Reinvestment Act of 2009, Section 1301. This bill is identical to SB 252.

Patron - Alexander

HB367 Checks; stop-payment; local ordinances. Provides that a locality may charge up to \$35 if payment for revenue collection was refused because the drawer placed a stop-payment order on the check in bad faith. Currently, the law only allows for a fee if the payment for revenue collection was refused because of the uttering, publishing, or passing of any check or draft, that is subsequently returned for insufficient funds or because there is no account or the account has been closed.

Patron - Ware, O.

HB436 Donations by localities; energy efficiency. Provides that a locality may make gifts and donations to any nonprofit organization that is engaged in providing energy efficiency services or promoting energy efficiency within or without the boundaries of the locality. This bill is identical to SB 291.

Patron - Toscano

HB467 Hampton Federal Area Development Authority. Expands the board from seven to nine members.

Patron - Ward

HB507 Regulation of certain transportation services. Provides that a local transportation service that operates as a nonprofit organization and that primarily serves senior citizens and disabled citizens shall be exempted from any local license tax imposed upon taxicab services and other for-hire transportation services.

Patron - Gilbert

HB552 Vested rights to include right to replace failed septic system. Includes the right to replace failed septic systems under vested rights protection. Also, if the local government has issued a permit, other than a building permit, that authorized construction of an improvement to real property and the improvement was thereafter constructed in accordance with such permit, the ordinance may provide that the improvements are nonconforming, but not illegal.

Patron - Marshall, D.W.

HB553 Regulation of signage in highway rights of way. Allows county employees and volunteers who are acting as agents of the Commonwealth Transportation Commissioner to remove and confiscate signs from the public right-of-way. If a sign is confiscated by an employee or volunteer, the sign owner shall have the right to reclaim the sign within 10 business days of the date of such confiscation. Finally, the legislation clarifies that a sign installed (on private property) that does not require use of tools or equipment does not trigger the requirement to call Miss Utility before installing the sign. This bill is identical to SB 64.

Patron - Marshall, D.W.

HB600 Local government; criminal justice training academies. Eliminates the statutory requirement that criminal justice training academies contain the word "training" in their name or title.

Patron - Edmunds

HB635 Family subdivision. Clarifies that for purposes of dividing a lot for sale or gift to a member of the immediate family, such family may include the family member's spouse.

Patron - Scott, E.T.

HB672 Virginia Infrastructure Project Loan Fund. Creates the Virginia Infrastructure Project Loan Fund. The Fund would be administered by the Virginia Resources Authority. Money in the Fund would be used exclusively for the financing of landfill gas energy projects and sewerage system or wastewater treatment projects undertaken by a local government. The measure also specifies that a landfill gas energy project constitutes a "project" under the Virginia Resources Authority Act.

Patron - May

HB690 Public transit services; criminal background checks. Authorizes certain transportation district commissions and their contractors and public service corporations or contractors that provide public transit services to a locality to require fingerprint checks of applicants and employees so that an FBI criminal background check can be conducted. This bill is identical to SB 28.

Patron - Miller, J.H.

HB707 Lien for water and sewer charges. Adds the Counties of Caroline and New Kent to those localities that may provide that charges imposed for water or sewers shall be a lien on the real estate served by such waterline or sewer. Where residential rental real estate is involved, no lien shall attach (i) unless the user of the water or sewer services is also the owner of the real estate or (ii) unless the owner of the real estate negotiated or executed the agreement by which such water or sewer services were provided to the property.

Patron - Peace

HB785 Board of equalization; county manager plan of government. Authorizes the board of supervisors of localities with a county manager plan of government to appoint a board of equalization of real estate assessments composed of no more than 11 members. The board of equalization may sit in panels of at least three members each, and each panel shall perform its duties independently of the others. This legislation also makes technical changes to the Code. This bill is identical to SB 449.

Patron - Brink

HB866 Mutual aid agreements. Includes private police forces of institutions of higher learning in existing provisions that allow for mutual aid agreements for the joint use of police forces.

Patron - Cline

HB877 Volunteer property maintenance and zoning inspectors. Adds Newport News to those cities that may utilize volunteers to issue notices of noncompliance with certain ordinances related to property maintenance and zoning.

Patron - BaCote

HB882 Transfer of development rights; density bonus. Allows localities to establish a density bonus that would permit certain property owners to transfer more property rights than the existing density would otherwise allow.

Patron - Athey

HB909 Disposal of unclaimed property in possession of sheriff or police; storage fee. Restates that payment of

a storage fee to the sheriff or other department storing unclaimed property is required unless the property is being reclaimed by that sheriff's office or other law enforcement agency for its use.

Patron - Bell, Robert B.

HB967 Assisted living facility and group home; no more than eight aged, infirm, etc., persons shall reside. Expands certain provisions that currently apply to the Counties of Arlington and York statewide. The existing provisions declare that zoning ordinances for all purposes shall consider a residential facility in which no more than eight aged, infirm, or disabled persons reside with one or more resident counselors or other staff persons as residential occupancy by a single family. This bill is identical to SB 338.

Patron - Peace

HB1063 Appeal of board of zoning appeals decisions. Provides that written notice of a zoning violation or a written order of the zoning administrator shall include the applicable appeal fee and a reference to where other information regarding the appeal process may be obtained. The fee for filing an appeal shall not exceed the costs of advertising the appeal for public hearing and reasonable costs to process the appeal. Additionally, in an appeal of a decision of the board of zoning appeals (BZA), the BZA shall not be named as a party to the proceedings.

Patron - Athey

HB1071 Urban development areas. Sets certain densities in urban development areas according to the population of the locality that designated the urban development area. The bill also requires that, to the extent possible, certain federal funding and state water and sewer facility and public infrastructure funding be directed to urban development areas or other designated growth areas. The bill mandates that the Commission on Local Government report on localities' compliance with the statute requiring the designation of urban development areas. This bill is identical to SB 420.

Patron - Athey

HB1076 Cutting of weeds and grass. Adds Colonial Heights to the list of localities that may order the cutting of grass and weeds on certain occupied property. The existing portion of the statute that includes all localities applies to vacant property only. This bill is identical to SB 625.

Patron - Cox, M.K.

HB1187 Southwest Virginia Health Authority; appointments; quorum. Adds four additional appointments to the Authority's board of directors and deletes the requirement that a quorum include a majority of the representatives of the Authority's localities.

Patron - Phillips

HB1188 Local board of social services; county board form of government. Allows counties that have adopted the county board form of government to appoint five rather than three members to the local board of social services. This bill is identical to SB 370.

Patron - Phillips

HB1206 Virginia Regional Industrial Facilities Act. Provides a method by which a member locality of an authority created under such act may withdraw from the authority with approval from a majority of other members.

Patron - Crockett-Stark

HB1211 Aboveground liquid fertilizer storage tanks. Authorizes localities to adopt an ordinance that makes it

unlawful for any person to construct, maintain, or use any aboveground liquid fertilizer storage tank (ALFST) having a capacity of 100,000 gallons or more without obtaining a permit from the local fire official. The penalty for violating the ordinance is not to exceed a Class 1 misdemeanor. The Board of Housing and Community Development is directed to adopt regulations requiring that the inspection, repair, alteration, and reconstruction of ALFSTs comply with API 653 Standard.

Patron - Spruill

HB1250 Vested rights. Provides that the issuance of any written order, requirement, decision, or determination by the zoning administrator regarding the permissibility of a specific use or density of the landowner's property that is no longer subject to change, modification, or reversal shall be considered a significant affirmative governmental act for purposes of determining vested rights.

Patron - Knight

HB1292 Photo-monitoring systems. Provides that a summons executed for violation of a photo-monitoring ordinance shall provide to the person summoned at least 30, rather than 60, business days to inspect information collected in connection with the violation. Allows a private entity that operates a traffic light signal violation monitoring system to enter into an agreement with the Department of Motor Vehicles to obtain vehicle owner information regarding the registered owners of vehicles that fail to comply with a traffic light signal. Also allows a locality to access and use recorded images and associated information if the vehicle involved is owned, leased or rented by the locality, for employee disciplinary purposes.

Patron - Tata

HB1297 Fort Monroe Authority Act. Establishes the Fort Monroe Authority as a public body corporate and as a political subdivision of the Commonwealth to be governed by a Board of Trustees. As a result of decisions made by the federal Base Realignment and Closure Commission, Fort Monroe will cease to be an army base in 2011, and at that time most of the site will revert to the Commonwealth. Among other duties, the Authority shall have the power to oversee the preservation, conservation, protection, and maintenance of the Commonwealth's real property interests at Fort Monroe and the renewal of Fort Monroe as a vibrant and thriving community. The Authority may issue bonds under the bill. This bill is identical to SB 315.

Patron - Gear

HB1307 Zoning provisions for temporary family healthcare structures. Provides that zoning ordinances for all purposes shall consider temporary family healthcare structures (i) for use by a caregiver in providing care for a mentally or physically impaired person and (ii) on property owned or occupied by the caregiver at his residence as a permitted accessory use in any single-family residential zoning district. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized accessory structures. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he is caring.

Patron - Griffith

HB1348 Provisions of a subdivision ordinance. Provides that with regard to approval by a locality of surety provided by a developer, "designated administrative agency" means the planning commission of the locality or an agent designated by the governing body of the locality for such purpose.

Patron - Lingamfelter

HB1379 Child-care facilities in certain counties and cities; local regulation of possession and storage of firearms, ammunition, or components or combination thereof. Provides that certain Northern Virginia localities may adopt local ordinances that regulate the possession and storage of firearms, ammunition, or components or combination thereof at child-care facilities, so long as such regulation remains no more extensive in scope than comparable state regulations applicable to family day-care homes.

Patron - Sickles

HB1383 Board of zoning appeals. Clarifies what actions taken by a board of zoning appeals require a majority vote of those present and voting.

Patron - Villanueva

SB12 Bristol Virginia Utilities Authority. See HB 27.

Patron - Wampler

SB28 Public transit services; criminal background checks. See HB 690.

Patron - Puller

SB64 Local government authority to regulate signs. See HB 553.

Patron - Lucas

SB110 Clean energy financing. Gives localities the authority to, in order to secure loans for the initial acquisition and installation of clean energy improvements, place liens equal in value to the loan against any property where such clean energy systems are being installed. Further allows the locality to bundle the loans for transfer to private lenders in such a manner that would allow the liens to remain in full force to secure the loans.

Patron - Petersen

SB222 Department of Transportation land use review. Exempts localities, public agencies, and citizens' groups from payment of certain Department fees for review of land use proposals.

Patron - Puller

SB246 Noise ordinance; authorizes governing body to adopt civil penalties. See HB 297.

Patron - Watkins

SB252 Manufacturing facility. See HB 318.

Patron - Reynolds

SB291 Donations by localities; energy efficiency. See HB 436.

Patron - Deeds

SB315 Fort Monroe Authority Act. See HB 1297.

Patron - Locke

SB318 Subdivision ordinance; dedication of public improvements. Expands the manner by which a developer may provide financial assurances to a locality prior to a locality accepting the dedication of public improvements.

Patron - Ruff

SB338 Assisted living facility; considered occupancy by single family if no more than eight persons reside. See HB 967.

Patron - Hanger

SB370 Local boards of social services; county board form of government. See HB 1188.

Patron - Puckett

SB379 Southwest Regional Recreation Authority; civil penalties. Grants localities within the Southwest Regional Recreation Area the authority to allocate civil penalties to the Southwest Regional Recreation Authority. This legislation also clarifies that the civil penalties paid by individuals who violate any of the rules adopted by the board are to be allocated to the Southwest Regional Recreational Authority.

Patron - Puckett

SB383 Claims against counties; timing of decision; appeals. Provides that when a claim is made against a county, the attorney representing the county shall notify the claimant of the date that the claim will be considered. The bill also provides that court action on a claim is not barred if the governing body fails to act on a claim within 90 days of the date it was received, provided that such time may be extended by mutual agreement of the claimant and the county. The bill further sets the amount of the bond for appeals of a claim that has been disallowed by the governing body at \$250. This bill is a recommendation of the Boyd-Graves Conference.

Patron - Obenshain

SB420 Urban development areas. See HB 1071.

Patron - Vogel

SB449 Board of equalization; County manager plan of government. See HB 785.

Patron - Whipple

SB625 Cutting of weeds and grass. See HB 1076.

Patron - Martin

SB645 Undergrounding of electric transmission lines. Prohibits the State Corporation Commission from approving an agreement between a local governing body and an electric utility for the underground installation of an electric transmission line of at least 150 kilovolts if a feasible overhead alternative exists, unless all localities in which the line passes request that the line be installed underground.

Patron - Watkins

Title 15.2-Miscellaneous; Counties, Cities and Towns

HB374 Cash proffers; acceptance by localities. Delays collection or acceptance of a cash proffer by a locality until the completion of the final inspection of the subject property and prior to the time of the issuance of any certificate of occupancy. This bill is identical to SB 632.

Patron - Cosgrove

HB796 City of Richmond tax amnesty program. Establishes a program to be administered by the director of finance, and any person, individual, corporation, estate, trust, or partnership required to file a personal property or machinery and tools tax return or to pay any local personal property tax, machinery and tools tax or real property tax shall be eligible to participate, subject to the regulations set forth in the bill and guidelines established by the director of finance.

Patron - McClellan

HB1002 New River Valley Emergency Communications Regional Authority. Authorizes the Towns of Blacksburg and Christiansburg, the County of Montgomery, and Virginia Tech to create the New River Valley Emergency Communications Regional Authority. The purposes of such Authority shall be to develop a consolidated system for the receipt and response of 9-1-1 emergency calls and communications that will improve response time, quality of service, and coordination of available resources for the citizens of the effected localities. This bill is identical to SB 433.

Patron - Nutter

SB322 Clarksville-Boydton Airport Commission; name change. Changes the name of The Clarksville-Boydton Airport Commission to the Lake Country Airport Commission, and adds to the Commission three members from Mecklenburg County.

Patron - Ruff

SB433 New River Valley Emergency Communications Regional Authority. See HB 1002.

Patron - Edwards

SB632 Cash proffers; acceptance by localities. See HB 374.

Patron - Obenshain

Charters

HB6 Charter; Town of Duffield. Amends the charter of the Town of Duffield to allow elections for members of the town council to be held every four years, effective 2010, rather than every two years as the current charter provides. This bill is identical to SB 2.

Patron - Kilgore

HB337 Charter; Town of Middleburg. Updates the town boundaries, clarifies powers of appointed council members, conforms meeting frequency requirements and quorum requirements with general law, and deletes provisions related to the town sergeant.

Patron - Marshall, R.G.

HB751 Charter; City of Charlottesville. Eliminates the requirement that the clerk of the city council of Charlottesville must reside in the city of Charlottesville.

Patron - Toscano

HB763 Charter; City of Richmond. Amends the city's charter to clarify that the Council has the authority to appoint legislative, oversight and constituent relations employees and that the chief administrative officer has the authority to supervise only administrative personnel. The bill further amends the charter to clarify that the personnel of the Richmond Retirement System are under the control of the Retirement System's Board of Trustees and the Board-appointed executive director. The proposed changes also remove limitations on the mayor's current veto power. Lastly, the proposed changes to the charter allow residential property owners to receive waivers of stormwater charges for certain stormwater-related improvements, replacing the credit system currently in place. This bill is identical to SB 594.

Patron - McClellan

HB875 Charter; Town of Amherst. Replaces a boundary description with a reference to the survey plat, removes salary limits for the mayor and council members,

deletes the reference to the treasurer's term of office and corrects inconsistencies between council terms and appointment dates.

Patron - Cline

HB895 Charter; Town of Windsor. Repeals the existing charter and provides a new charter containing powers typically granted to towns.

Patron - Barlow

HB922 Charter; Town of Scottsville. Updates the town boundaries and adds Fluvanna County courts as having jurisdiction within the town.

Patron - Bell, Robert B.

HB994 Charter; Town of Christiansburg. Amends the charter of the Town of Christiansburg to change the date of the town council member and mayoral election to the general election date in November. The changes provide that three council members shall be elected on the November 2011 general election date and every four years thereafter and a mayor and three other council members shall be elected on the November 2013 general election date and every four years thereafter. The terms of office of the council members and mayor begin on the January following their election, instead of the September following their election.

Patron - Nutter

SB2 Charter; Town of Duffield. See HB 6.

Patron - Wampler

SB38 Charter; City of Norfolk. Amends the charter for the City of Norfolk to authorize the city council to supplement the salary paid by the Commonwealth to Norfolk's Director of Public Health.

Patron - Miller, Y.B.

SB73 Charter; Town of Floyd. Updates a reference to the town's boundaries.

Patron - Reynolds

SB91 Charter; Town of Windsor. Repeals the existing charter and provides a new charter containing powers typically granted to towns.

Patron - Quayle

SB292 Charter; City of Charlottesville. Eliminates the requirement that the clerk of the city council of Charlottesville must reside in the city of Charlottesville.

Patron - Deeds

SB324 Charter; Town of Amherst. Replaces a boundary description with a reference to the survey plat, removes salary limits for the mayor and council members, deletes the reference to the treasurer's term of office, and corrects inconsistencies between council terms and appointment dates.

Patron - Ruff

SB496 Charter; Town of Chatham. Amends the charter for the Town of Chatham to change council member and mayoral elections from May to November. Further changes are made to the appointment procedure and qualification of the town manager. This legislation contains an emergency provision.

Patron - Hurt

SB497 Charter; Town of Gretna. Amends the current charter to allow for elections for mayor and council members to be held at the November general election, rather than the

first Tuesday of May, effective 2010. This legislation contains an emergency provision.

Patron - Hurt

SB503 Charter; Town of Fincastle. Amends the charter for the Town of Fincastle by making technical changes regarding the number of council members, staggering elections of the mayor and town council members, granting the mayor the power to vote, and allowing the town council to hire a town manager, who shall have the powers of the town mayor when appointed. The charter is further amended by adding a section detailing the appointment procedure and duties of the town manager.

Patron - Smith

SB509 Charter; Town of Vinton. Amends the charter for the town of Vinton by requiring the town to follow the general law regarding filling council vacancies.

Patron - Smith

SB572 Charter; City of Alexandria. Amends the charter of the City of Alexandria so that the board of review of real estate assessment is composed of nine members rather than five members, with five members appointed by the circuit court and four members appointed by city council. The bill further amends the charter to allow the board of review to sit in panels of at least three members each, with each panel performing its duties independently of the others. This legislation also changes the standard by which a variance can be granted by eliminating the "approaching confiscation requirement."

Patron - Ticer

SB594 Charter; City of Richmond. See HB 763.

Patron - Marsh

Title 16.1- Courts Not of Record

HB99 Appeal bonds; unlawful detainer; indigents. Adds unlawful detainer cases against a former owner based upon a foreclosure against that owner to the list of actions for which an indigent must post an appeal bond. In cases of unlawful detainer against a former owner based upon a foreclosure against that owner, a person who has been determined to be indigent shall post an appeal bond within 30 days from the date of judgment.

Patron - Loupassi

HB107 Adult students under the jurisdiction of the juvenile and domestic relations district court; notification to schools. Provides that the same notification that is given to the superintendents of school divisions for juveniles must be given when students who are 18 years of age or older are charged with certain crimes and are subject to the jurisdiction of the juvenile and domestic relations district court. The bill makes a similar change for providing notification when such students are committed to a Department of Juvenile Justice facility.

Patron - Cole

HB283 Electronic filing of civil actions. Provides that the general district courts shall accept case data in an electronic format for any civil action filed. The use of the electronic transfer shall be at the option of the plaintiff or the plaintiff's attorney, and if electronic transfer is utilized, the plaintiff or the plaintiff's attorney shall comply with the secu-

urity and data configuration standards established by the Office of the Executive Secretary of the Supreme Court.

Patron - Albo

HB572 District court; acting chief judge. Provides a procedure for the assumption of the duties of a chief judge of a district court and notification of other judges in the event the chief judge is unable to perform his duties. This bill is a recommendation of the Judicial Council. This bill is identical to SB 146.

Patron - Iaquinto

HB618 Constitutionality of local ordinances. Permits a locality to obtain a determination by the circuit court as to the constitutionality of a local ordinance that has been held to be unconstitutional in a court not of record. Currently, only the Commonwealth is able to obtain such a determination. This bill is identical to SB 521.

Patron - Pogge

HB862 Punishment of a juvenile for possession, etc., of alcohol. Provides that a juvenile charged with possession, consumption, etc., of alcohol or public intoxication may be found delinquent of such a charge and punished, have his case deferred and upon completion of the terms and conditions of his probation, or have his case dismissed by the juvenile and domestic relations district court. Current law provides that the case shall be deferred and shall be dismissed upon completion of terms and conditions.

Patron - Cline

HB863 Delinquent children; loss of driving privileges. Eliminates the authority of the court to give a restricted driver's permit, for travel to and from home and school when school-provided transportation is available, to a child who has lost his driving privilege for certain offenses, including alcohol, firearm, and truancy offenses.

Patron - Cline

HB908 Punishment for delinquent acts. Provides that for a second or subsequent offense of underage possession of alcohol, public intoxication, or possession of a handgun or streetsweeper shotgun, the charges against a juvenile shall not be dismissed upon completion of terms and conditions, but must be disposed of according to § 16.1-278.8, which allows multiple dispositional options.

Patron - Bell, Robert B.

HB918 Exception to confidentiality of juvenile records; fugitives and escapees. Allows for the release of identifying information of a juvenile who is charged with or convicted of any misdemeanor or felony and is a fugitive from justice or an escapee. Currently, only juveniles charged with or convicted of certain serious offenses (e.g., murder, rape, robbery) may have identifying information released once they become a fugitive or escapee.

Patron - Bell, Robert B.

HB930 Extension of protective orders. Allows a petitioner who has obtained a protective order under § 16.1-279.1 (cases of family abuse) or § 19.2-152.10 (stalking) to obtain an extension of such order for a period of no more than two years if the respondent continues to pose a threat to the health or safety of the petitioner and the petitioner's family and household members. There is no limit on the number of extensions that may be requested. This bill is identical to SB 468.

Patron - Bell, Robert B.

HB931 Protective orders; coordination with other states. Requires the Executive Secretary of the Supreme Court,

on an annual basis, to consult with the appropriate judicial authorities of adjacent states, and allows the Executive Secretary to consult with the appropriate judicial authorities of any other state, concerning the forms used in connection with the issuance of protective orders under the laws of the Commonwealth and the other states. The Executive Secretary shall, to the extent feasible under the laws of the Commonwealth, coordinate the contents of such protective order forms with other states in order to facilitate the enforcement of foreign protective orders in the Commonwealth and the enforcement of Virginia protective orders in other states. This bill is identical to SB 467.

Patron - Bell, Robert B.

HB1121 Juvenile records; gang information; exceptions to confidentiality. Places an affirmative duty on the Department of Juvenile Justice to provide information to law enforcement that may aid in initiating or furthering an investigation of a criminal street gang. The bill also requires, rather than allows, the Department and locally operated court services unit to release to law enforcement information on a juvenile's criminal street gang involvement and the criminal street gang-related activity of others. The Department is prohibited from releasing information on a juvenile who is not affiliated with a gang unless the information relates to a specific crime. The Department is required to provide information to the Organized Criminal Gang File maintained by the State Police. This bill is identical to SB 486.

Patron - Gilbert

SB146 District court; acting chief judge. See HB 572.

Patron - Puller

SB259 Detention of transferred or certified juveniles. Provides that a juvenile whose criminal case has been transferred to circuit court or certified be placed in a juvenile secure facility unless the court determines that he is a threat to the security or safety of the other juveniles detained or the staff of the facility, in which case he may be moved to an adult facility.

Patron - Lucas

SB467 Protective orders; coordination with other states. See HB 931.

Patron - Howell

SB468 Extension of protective orders. See HB 930.

Patron - Howell

SB486 Juvenile records; gang information; exceptions to confidentiality. See HB 1121.

Patron - Hurt

SB521 Constitutionality of local ordinances. See HB 618.

Patron - Norment

SB591 Detention of juveniles in secure facility; possession of certain firearms by juveniles. Clarifies that a juvenile may be detained prior to final disposition in a secure facility if the juvenile is alleged to have violated § 18.2-308.7 (possession or transportation of a handgun or assault weapon by a person under the age of 18). Current law provides for such detention only when the juvenile is alleged to have committed an offense that would be a crime if he were an adult.

Patron - Marsden

SB620 Additional fee for Internet Crimes Against Children task forces. Creates the Internet Crimes Against

Children Fund to be funded by a \$10 additional fee on each felony and misdemeanor conviction and any appropriations, gifts and grants. Moneys in the Fund will be disbursed to designated entities to support the investigation and prosecution of Internet crimes against children.

Patron - Deeds

Title 17.1- Courts of Record

HB883 Declaration of judicial emergency. Sets out a procedure for the Supreme Court to follow in entering an order declaring a judicial emergency when there is a disaster as defined in the Commonwealth's Emergency Services and Disaster Law. The judicial emergency order may suspend, toll, extend, or otherwise grant relief from time limits or filing requirements in any court affected by the order and allows designation of a neighboring jurisdiction as proper venue for civil and criminal proceedings. This bill is a recommendation of the Judicial Council. This bill is identical to SB 127.

Patron - Athey

HB974 Technological efficiencies in circuit court clerks' offices; fees. Makes technical changes in circuit court clerks' handling of electronic or digital filing and their maintenance and support of electronic filing.

Patron - Kilgore

SB127 Declaration of judicial emergency. See HB 883.

Patron - Marsh

SB409 Duties of the clerk of the circuit court. Allows the court to order the immediate destruction, donation, or return of evidence where a defendant is found not guilty, and allows the clerk to do the same for cases concluded prior to July 1, 2005, without having to give specific notice, and requires the clerk to escheat all cash funds left over once forfeiture has concluded. The bill relieves the clerk of certifying local officers lists to the Secretary of the Commonwealth, by imposing that requirement on the locality itself, and of maintaining a list or book of local active volunteer fire fighters, by imposing that duty on the state Department of Fire Programs. The bill requires the clerk may reject any writing for recordation that is not specifically required by law to be recorded. The bill also repeals several small monetary forfeitures imposed on the clerk for failure to (i) record certificates of satisfaction as required, and (ii) perform any duty generally. The bill also reduces from \$100 to \$50 a monetary forfeiture imposed on the clerk for failure to provide the Department of Corrections with copies of orders.

Patron - Vogel

Title 18.2- Crimes and Offenses Generally

HB1 Unsolicited commercial electronic mail (spam); penalty. Narrows the scope of the existing spam statute to cover only those emails that constitute unsolicited commercial electronic mail (spam). Commercial electronic mail is defined in the bill as electronic mail, the primary purpose of which is the advertisement or promotion of a commercial product or service. Spam is defined as a subset of commercial mail that is unsolicited. The definition of spam excludes emails that are transmitted by a sender to a person with whom the sender has

an existing business or personal relationship. Any person who (i) falsifies or forges the transmission or routing information of spam or (ii) knowingly sells, gives, or distributes software designed to facilitate the transmission of spam is guilty of a Class 1 misdemeanor. The penalty for sending spam rises to a Class 6 felony if the person sends a certain volume of spam in a given time period or generates a certain amount of revenue from a spam transmission. This bill corrects a constitutional infirmity identified in the ruling of the Virginia Supreme Court in *Jaynes v. Commonwealth*, 276 Va. 443 (2008). In its opinion the Supreme Court held that Virginia Code § 18.2-152.3:1 (anti-spam statute) is unconstitutionally overbroad on its face because it prohibits the anonymous transmission of all unsolicited bulk emails, including those containing political, religious, or other speech protected by the First Amendment of the Constitution.

Patron - Loupassi

HB8 Renewal of concealed handgun permits. Allows a person who previously has been issued a Virginia concealed handgun permit to submit an application to renew the permit via the United States mail. This bill is identical to SB 3.

Patron - Carrico

HB166 Capital murder; fire marshals, deputy and assistant fire marshals; penalty. Adds fire marshals and deputy and assistant fire marshals with law-enforcement powers to the capital murder statute so that the death sentence can be imposed for their murder when such killing is for the purpose of interfering with the performance of their official duties.

Patron - Pogge

HB210 Extortion; definition of injury to property. Provides that for the purposes of the extortion statute "injury to property" includes the sale, distribution or release of personal identifying information listed in the identity theft statute, unless it is done with the intent to obtain money, property or a pecuniary benefit to which a person reasonably believes he is lawfully entitled.

Patron - Bulova

HB227 Sex offenses prohibiting entry onto school property. Provides that a sex offender who has received a court order allowing entry on school or child day center property must also obtain permission of the school board or of the owner of the private school or child day center for entry within all or part of the scope of the lifted ban and must do so in compliance with the terms and conditions of both the school or center and the court order. The bill also provides that the petition must be filed in circuit court; current law allows an adult who is prohibited from entering upon school or child day center property because he was convicted of a sexually violent offense to petition either the juvenile and domestic relations district or circuit court of the locality for permission to enter the property.

Patron - Watts

HB505 Concealed handguns; restaurants. 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. This bill is identical to SB 334.

Patron - Gilbert

HB637 Concealed handgun permit; fees. Waives the concealed handgun permit fee (maximum \$50) for certain des-

ignated boarding team members and boarding officers of the United States Coast Guard.

Patron - Armstrong

HB682 Gang-free zones; penalties. Expands current "gang-free school zones" to the broader "gang-free zones" and includes any publicly owned or operated community center or recreational center. Engaging in criminal street gang activity in a gang-free zone is a Class 5 or 6 felony and may include a two-year mandatory minimum sentence, depending upon other aggravators.

Patron - Miller, J.H.

HB688 Using transportation district trains without a valid ticket. Rewrites the Code section that punishes unlawfully riding on a transportation district train. The bill punishes failure or refusal to pay the posted fare, or failure to properly validate a train ticket, as a \$100 civil penalty. The bill punishes use of a validated ticket outside of the zone of the ticketed ride as a \$100 civil penalty. The bill punishes use of a fraudulent or counterfeit ticket as a Class 2 misdemeanor. The bill limits the amount of recoverable costs to the same amount as the maximum fine. This bill is identical to SB 25.

Patron - Miller, J.H.

HB741 Use of profane, threatening, or indecent language over public airways or by computer or text. Provides that any person who uses obscene, vulgar, profane, lewd, lascivious, or indecent language, or makes any suggestion or proposal of an obscene nature, or threatens any illegal or immoral act with the intent to coerce, intimidate, or harass any person when any electronically transmitted message is received or transmitted by telephone is guilty of a Class 1 misdemeanor. Current law punishes such behavior when simply using a telephone or citizens band radio.

Patron - Cleaveland

HB769 Consecutive license suspensions for DUI. Provides that any suspension of driving privilege for driving while intoxicated shall run consecutively with any other court-ordered period of suspension for driving while intoxicated or for underage driving with a blood alcohol concentration of 0.02 percent or more. Currently, suspensions ordered for failure to submit to a blood or breath test run consecutively with the DUI suspension.

Patron - Cleaveland

HB869 Prohibition on wearing a mask; public emergency exception. Adds to the existing exemptions in the section making it a Class 6 felony for a person over the age of 16 to wear a mask in public or on private property without the owner's written consent an exception when the Governor has declared a disaster or state of emergency in response to a public health emergency and defines the mask appropriate for the emergency. This bill is identical to SB 532.

Patron - Cline

HB871 Concealed handgun permit applications; right to ore tenus hearing. Clarifies that anyone who is denied a concealed handgun permit has the same right to an ore tenus hearing as a person who has previously held a concealed handgun permit. This bill is identical to SB 533.

Patron - Cline

HB885 Possession of concealed weapons in vehicles. Creates a new exemption to the general prohibition against carrying concealed weapons by allowing a person who may lawfully possess a firearm to carry a handgun in a private

motor vehicle or vessel if the handgun is secured in a container or compartment.

Patron - Athey

HB934 Capital murder; auxiliary law-enforcement officers; penalty. Adds auxiliary police officers and auxiliary deputy sheriffs to the capital murder statute so that the death sentence can be imposed for their murder. This bill is identical to SB 520.

Patron - Bell, Robert B.

HB941 Charitable gaming; regulations of the Charitable Gaming Board; electronic pull tabs. Clarifies that regulations of the Charitable Gaming Board defining electronic and mechanical equipment used in the conduct of charitable gaming shall not include (i) devices operated by dropping one or more coins or tokens into a slot and pulling a handle or pushing a button or touchpoint on a touchscreen to activate one to three or more reels marked into horizontal segments by varying symbols, where the predetermined prize amount depends on how and how many of the symbols line up when the rotating reels come to rest or (ii) other similar devices that have flashing lights, illuminations, or bells, whistles, or other sounds solely intended to entice players to play.

Patron - Abbitt

HB942 Department of Agriculture and Consumer Services; charitable gaming; revocation of permits. Clarifies that the Department of Agriculture and Consumer Services may revoke, suspend, or deny a permit to conduct charitable gaming only after the proposed action by the Department has been reviewed and approved by the Charitable Gaming Board.

Patron - Abbitt

HB950 Charitable gaming; regulations of the Charitable Gaming Board; prohibited acts. Limits the number of bingo games per session to no more than 55; requires the Charitable Gaming Board to adopt regulations prescribing the condition by which nonmembers of an organization may participate in the conduct of bingo so long as the nonmembers are under the direct supervision of a bona fide member of the organization during the bingo game. The bill increases the number of Lucky 7 and other progressive bingo games from one to six per session; and eliminates winner-take-all games. The bill also requires that the Department of Agriculture and Consumer Services shall report to the chairs of the House Committee on General Laws and the Senate Committee on General Laws and Technology on or before December 1, 2010, concerning the Department's efforts to increase the number of Department-approved independent laboratory testers in order to expedite the Department's approval process for new charitable games. The bill is a recommendation of the Special Subcommittees of the House Committee on General Laws and the Senate Committee on General Laws and Technology.

Patron - Jones

HB1010 Illegal gambling; definitions; free spin devices. Amends the definition of "illegal gambling" to make it clear that the making, placing or receipt of any bet or wager of money or other thing of value shall include the purchase of a product, which purchase credits the purchaser with free points or other measurable units that may be risked by the purchaser for an opportunity to win additional points or other measurable units that are redeemable by the purchaser for money at the location where the product was purchased. The bill provides, however, that nothing in this new definition shall be construed or interpreted to prohibit the conduct of a lawful operation of any game, contest, lottery, scheme, or promotional offering which complies with certain requirements. The bill attempts to

make machines commonly known as "free spin machines" illegal in Virginia.

Patron - Athey

HB1033 Human infant; independent and separate existence. Provides that for the purposes of homicide, the fact that the umbilical cord has not been cut or that the placenta remains attached shall not be considered in determining whether a human infant has achieved an independent and separate existence. This bill is identical to SB 602.

Patron - Byron

HB1092 Carrying concealed handguns; retired law-enforcement officers. States that a retired law-enforcement officer who receives proof of consultation and favorable review to carry a concealed handgun without a concealed handgun permit is authorized to carry a concealed handgun in the same manner as a law-enforcement officer authorized to carry a concealed handgun.

Patron - Crockett-Stark

HB1191 Issuance of concealed handgun permits; clerk of court. Allows a circuit court judge to authorize the clerk of court to issue concealed handgun permits in instances where the application is complete, the background check does not indicate that the applicant is disqualified, and, after consulting with the local sheriff or police department, there are no other questions or issues surrounding the application. The bill further provides that the court clerk is immune from suit arising from any acts or omissions relating to the issuance of concealed handgun permits without judicial review unless the clerk was grossly negligent or engaged in willful misconduct. This bill is not to be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law, or to affect any cause of action accruing prior to July 1, 2010.

Patron - Griffith

HB1256 Resignation of law-enforcement officers; carrying concealed weapon. Provides that certain law-enforcement officers who are eligible for retirement with at least 20 years of service and who resign from their position in good standing to accept a position covered by a retirement system established under Title 51.1 of the Code of Virginia are eligible to carry a concealed handgun if the officer has received written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the agency from which the officer resigned.

Patron - Miller, P.J.

HB1382 Public disclosure of personal information; law-enforcement officers. Prohibits a state or local agency from publicly posting or displaying on the Internet the home address or personal telephone numbers of a law-enforcement officer if the officer has made a written demand that such information not be disclosed. The written demand must include a copy of a court order authorizing the state or locality to remove the information. The bill also clarifies that the publication of a person's primary residence address along with his name or photograph with the intent to coerce, intimidate, or harass is unlawful.

Patron - Bell, Robert B.

SB3 Renewal of concealed handgun permits. See HB 8.

Patron - Smith

SB25 Using transportation district trains without a valid ticket. See HB 688.

Patron - Puller

SB41 Restricted permit; driving to church. Adds driving to and from a place of religious worship one day per week at a specified time and place.

Patron - Stuart

SB89 Petition to restore right to possess, etc., firearm; notice to attorney for the Commonwealth. Provides that if a person files a petition to restore his right to possess or carry a firearm, a copy of the petition shall be served on the attorney for the Commonwealth who shall be entitled to respond and represent the interests of the Commonwealth. The court shall hold a hearing on the petition if requested by either the petitioner or the attorney for the Commonwealth.

Patron - Stuart

SB183 Malicious injury; search and rescue personnel. Adds search and rescue personnel who are members of an organization that has a memorandum of understanding with the Virginia Department of Emergency Management to the definition of search and rescue personnel so that the enhanced penalty will apply if they are the victims of malicious or unlawful wounding. Malicious wounding is a Class 3 felony (five to 20 years); the penalty for malicious wounding of search and rescue personnel is five to 30 years, with a mandatory minimum term of imprisonment of two years. Unlawful wounding of search and rescue personnel is a Class 6 felony (one to five years), with a mandatory minimum term of imprisonment of one year.

Patron - Wampler

SB334 Concealed handguns; restaurants. See HB 505.

Patron - Hanger

SB408 Possession of concealed weapons in vehicles. Creates a new exemption to the general prohibition against carrying concealed weapons by allowing a person who may lawfully possess a firearm to carry a handgun in a private motor vehicle or vessel if the handgun is locked in a container or compartment.

Patron - Vogel

SB422 Drug Treatment Court Act; City of Bristol. Establishes a drug treatment court in the City of Bristol subject to the requirements and conditions established by the state Drug Treatment Court Advisory Committee, provided the court is funded within existing state and local appropriations.

Patron - Wampler

SB501 Concealed handgun permits; disqualifying convictions. Provides that a conviction from another state for driving while intoxicated or for drunkenness in public within the preceding three years disqualifies an individual from obtaining a concealed handgun permit.

Patron - Lucas

SB520 Capital murder; auxiliary police officers; penalty. See HB 934.

Patron - Norment

SB532 Prohibition on wearing a mask; public emergency exception. See HB 869.

Patron - McDougle

SB533 Concealed handgun permit applications; right to ore tenus hearing. See HB 871.

Patron - McDougle

SB589 Punishment and options for person convicted of nonpayment of child support. Provides that a person convicted of DUI or any offense for which a restricted license may be issued under restrictions set forth in subsection E of § 18.2-271.1 may be issued such a license for travel to and from appointments approved by the Division of Child Support Enforcement of the Department of Social Services as a requirement of participation in a court-ordered intensive case monitoring program for child support, for which the participant maintains written proof of the appointment, including written proof of the date and time of the appointment on his person. The bill also provides that the Department of Motor Vehicles shall not renew a driver's license or terminate a license suspension imposed for nonpayment of child support until it has received from the Department of Social Services a certification that a person ordered by a juvenile and domestic relations district court into an intensive case monitoring program for child support for noncustodial parents continues successful participation in the program or has completed the program. The bill also provides for the option of home/electronic incarceration of a person convicted of nonsupport.

Patron - Marsden

SB602 Human infant; independent and separate existence. See HB 1033.

Patron - Newman

Title 19.2- Criminal Procedure

HB13 Availability of presentence reports to counsel for convicted person. Provides that counsel representing a person who has been convicted of a crime for which a presentence report was prepared by a probation officer may be provided a copy of the report, without a court order, when the convicted person is pursuing a post-conviction remedy.

Patron - Marshall, R.G.

HB84 Foreign search warrants to be honored. Provides that a Virginia corporation or other entity that provides electronic communication services or remote computing services to the general public, when properly served with a warrant and affidavit in support of the warrant, issued by a judicial officer or court of another state with jurisdiction over the matter, to produce a record or other information pertaining to a subscriber to or customer of such service or the contents of electronic communications, or both, shall produce the record or other information as if that warrant had been issued by a Virginia court. This provision applies only to records relating to certain violent or sexual criminal offenses, computer fraud and identity theft.

Patron - Marshall, R.G.

HB291 Appeal of bail decision. Specifies the court to which a bail decision, bond amount, or term of recognizance should be appealed. The proper court is determined based on where the initial determination was made and the court in which the charge is pending. The bill also streamlines the process by which an attorney for the Commonwealth makes a motion to increase bail. This bill is identical to SB 75.

Patron - Griffith

HB311 Hospitalization of inmates in local correctional facilities. Repeals provisions dealing with determining

(i) a defendant's competency to be sentenced after he has been convicted of a crime and (ii) whether an inmate who is in the custody of a local correctional facility needs to be involuntarily hospitalized for treatment of mental illness, and substantially incorporates these provisions into statutes dealing generally with determinations of a defendant's competency and the hospitalization of inmates in the custody of local correctional facilities. The bill sets forth the procedures that a court or a person having custody of an inmate must follow to determine whether treatment of mental illness is necessary. This bill is identical to SB 87.

Patron - O'Bannon

HB314 DNA data bank. Makes technical changes providing that instead of blood, saliva and tissue samples, "samples of human biological evidence" shall be analyzed. The bill also provides that results of analyses are to be provided to an accused or his attorney.

Patron - McClellan

HB500 Admissibility of certificates of analysis at preliminary hearing; trial. Provides that at any preliminary hearing, certificates of analysis and reports prepared by lab analysts, etc., shall be admissible without the testimony of the person preparing such certificate or report. The bill also provides that when such an analyst appears in court on the day of trial to testify, the certificate of analysis shall be admissible. In addition the bill requires a defendant who demands the testimony of an analyst to pay \$50 in court costs for expenses related to the analyst's appearance if the defendant is convicted.

Patron - Gilbert

HB568 Notice to Commonwealth of expert testimony in sentencing phase of capital murder trial. Provides that in any case in which a defendant charged with capital murder intends, in the event of conviction, to present testimony of an expert witness to support a claim in mitigation relating to the defendant's history, character or mental condition, he or his attorney shall give notice in writing to the attorney for the Commonwealth, at least 60 days (currently 21 days) before trial, of his intention to present such testimony.

Patron - Iaquinto

HB585 Information entered into VCIN. Provides that within 72 hours following the receipt of a written statement issued by a parole officer authorizing the arrest of a person who has violated the provisions of his post-release supervision or probation, the person's name and other appropriate information required by the Department of State Police shall be entered into the information systems known as the Virginia Criminal Information Network (VCIN). The information will be deemed a warrant authorizing the arrest of the person anywhere in the Commonwealth.

Patron - Landes

HB770 Arrest without warrant; DUI arrests. Allows an arrest to be made for misdemeanor offenses of DUI, boating while intoxicated or violation of an order prohibiting the operation of a watercraft, whether or not the offense occurred in the officer's presence. The bill also provides that the issuance of a summons to a DUI accused at a medical facility may be done without having to detain the person and that the issuance of the summons will be considered an arrest for purposes of DUI provisions, i.e. implied consent.

Patron - Cleaveland

HB927 Immediate sanction probation. Allows the establishment of up to two immediate sanction probation programs in the Commonwealth with a two-year sunset. The bill

provides that as a condition of suspension of sentence pursuant to § 19.2-303, a defendant who was not convicted of a violent crime may be ordered to participate in an immediate sanction probation program. An offender arrested for a violation of the conditions of his probation would receive an expedited hearing before the court. An affidavit prepared by his probation and parole officer detailing the offense for which he was arrested may be received into evidence without the officer's testimony. The immediate sanction hearing is not authorized for new criminal offenses or absconding for more than seven days. Such an offender would serve no more than 30 days in jail for a probation offense. The Virginia Criminal Sentencing Commission will evaluate the program.

Patron - Bell, Robert B.

HB946 Obtaining records from financial entities. Provides that electronic data and electronic communications are included in the information that certain financial entities must provide pursuant to a subpoena duces tecum.

Patron - Landes

HB979 Destruction of exhibits. Relieves the clerk of notifying a defendant of the destruction or donation of certain exhibits used at trial: drugs, weapons, or exhibits deemed contraband. The defendant's attorney still receives notice.

Patron - Anderson

HB1113 Forfeiture of vehicles used in pandering involving a minor or abduction. Requires that a vehicle knowingly used by the owner or another with the owner's knowledge during the commission of any felony abduction offense or pandering when the prostitute is a minor shall be seized by the arresting law-enforcement officer and forfeited to the Commonwealth.

Patron - Ebbin

HB1194 Bail terms set by court on a capias to be honored by magistrate. Provides that a magistrate who is to set the terms of bail of a person arrested and brought before him on a capias shall do so in accordance with the order of the court that issued the capias, if the court so orders. This bill is identical to SB 490.

Patron - Griffith

HB1195 Impanelment of multi-jurisdiction grand jury. Provides that the impaneling order shall designate the jurisdiction requested on the application as the jurisdiction where the multi-jurisdiction grand jury shall be convened and shall appoint a judge of the circuit court of that jurisdiction as the presiding judge. The requirement that a judge of the circuit court of the designated jurisdiction has to be appointed does not apply if all of the judges of that circuit have recused themselves.

Patron - Griffith

HB1204 Special conservators of the peace; authorized to use the Seal of the Commonwealth. Grants, upon a court order, special conservators of the peace to use the seal of the Commonwealth in a badge or other credential of office.

Patron - Lingamfelter

HB1216 Public defenders; supplemental compensation. Provides that supplemental compensation for public defenders provided by a locality shall go directly to the employees rather than going to the Indigent Defense Commission for distribution.

Patron - McClellan

HB1252 Electronic communication service providers; obtaining records. Authorizes the disclosure of the

records of providers of electronic communication service or remote computing service if the court orders disclosure for an investigation of a missing child, senior adult or incapacitated person. Under current law the court may order disclosure only if the records are relevant and material to an ongoing criminal investigation.

Patron - Greason

HB1255 Bail bondsman to receive criminal history information. Provides that if a judicial officer sets a secured bond and the person engages the services of a licensed bail bondsman, the magistrate executing recognizance for the accused shall, upon request of the bondsman, provide the bondsman with a copy of the person's Virginia criminal history record, if readily available, to be used by the bondsman only to determine appropriate reporting requirements to impose upon the accused upon his release. The bondsman may review the record on the premises only and must promptly return it to the magistrate. The bondsman will pay a \$15 fee which will be payable to the state treasury to be credited to the Literary Fund.

Patron - Iaquinto

SB72 Unexecuted warrants. Allows an attorney for the Commonwealth to move the court in which the warrant or summons would be returnable for the dismissal of any unexecuted warrant or summons issued by a magistrate. Dismissal would be without prejudice. This bill is a recommendation of the Virginia Criminal Justice Conference.

Patron - Reynolds

SB75 Appeal of bail decision. See HB 291.

Patron - Reynolds

SB87 Hospitalization of inmates in local correctional facilities. See HB 311.

Patron - Howell

SB88 Criminal Injuries Compensation Fund. Requires health care providers who provide services under the Criminal Injuries Compensation Fund to negotiate with the Virginia Worker's Compensation Commission, which administers the Fund, to establish agreements relating to rates for payment of claims. The rates will discharge the obligation to the provider in full except where the provider is an agency of the Commonwealth and the claimant receives a third party recovery in addition to the payment from the Fund.

Patron - Howell

SB106 Certificates of analysis and affidavits. Clarifies that provisions requiring notification of defendants by the Commonwealth must be followed only if the certificate or affidavit is to be used in lieu of testimony. The bill also specifies that the notice of defendant's right to object shall be provided simultaneously with the certificate or affidavit rather than attached to the certificate or affidavit. The bill provides that certain documents are considered to be certificates of analysis. The bill modifies legislation enacted during the August 2009 Special Session in response to the United States Supreme Court decision in *Melendez-Diaz v. Massachusetts*, 557 U.S. ____ (June 25, 2009).

Patron - McDougale

SB153 Destruction of exhibits. Relieves the clerk of notifying a defendant of the destruction or donation of certain exhibits used at trial: drugs, weapons, or exhibits deemed contraband. The defendant's attorney still receives notice. Any exhibits which are forfeitable to the state are controlled by other provisions of the Code where innocent owners have an opportunity to retrieve their property.

Patron - Stuart

SB162 Capital case sentencing forms. Removes from the Code of Virginia the statutory sentencing forms used in capital cases.

Patron - Edwards

SB248 Indigent defendants; right to ex parte hearing for appointment of experts in capital cases. Provides that an indigent defendant who has been charged with a capital offense may move in circuit court for the appointment of experts to assist in the preparation of his defense. The presiding judge shall designate another judge in the judicial circuit who may hold an ex parte hearing on such a motion and may order the appointment of an expert. Prior to an ex parte proceeding, communication, or request, a particularized need for confidentiality must be demonstrated in an adversarial proceeding. A motion for an ex parte hearing shall be in writing and filed under seal and any ex parte hearing conducted shall be on the record and kept under seal as part of the record of the case. The court may unseal the record after the trial is concluded for good cause shown.

Patron - Watkins

SB385 Admissibility in evidence of non-existence of an official record. Provides that at a hearing or trial an affidavit signed by a government official who is competent to testify, deemed to have custody of an official record, or signed by his designee, stating that after a diligent search, no record or entry of such record is found to exist among the records in his custody, is admissible as evidence that his office has no such record or entry, provided that the procedures for admission of such an affidavit as set forth in the statute governing admission of affidavits indicating non-registration of a sex offender have been followed, mutatis mutandis.

Patron - Obenshain

SB387 Certificates of analysis in criminal cases. Amends legislation enacted during the August 2009 Special Session in response to the United States Supreme Court decision in *Melendez-Diaz v. Massachusetts*, 557 U.S. ____ (June 25, 2009) to state that if the Commonwealth intends to have testimony by two-way video conferencing that information must be provided to the defendant in the notice that the Commonwealth is otherwise required to provide and the defendant must specifically object or he waives his right to object. The bill sets out procedures for video testimony and also clarifies that provisions requiring a 28-day notification to the defendant must be followed only if the certificate or affidavit is to be used in lieu of testimony.

Patron - Obenshain

SB490 Bail terms set by court on a capias to be honored by magistrate. See HB 1194.

Patron - Hurt

SB492 Foreign search warrants to be honored. Provides that a Virginia corporation or other entity that provides electronic communication services or remote computing services to the general public, when properly served with a warrant and affidavit in support of the warrant, issued by a judicial officer or court of another state with jurisdiction over the matter, to produce a record or other information pertaining to a subscriber to or customer of such service or the contents of electronic communications, or both, shall produce the record or other information as if that warrant had been issued by a Virginia court provided the record, information or communications are related to the commission of a criminal offense that is substantially similar to (i) a violent felony as defined in § 17.1-805, (ii) an act of violence as defined in § 19.2-297.1, or (iii)

any offense for which registration is required pursuant to § 9.1-902.

Patron - Hurt

§SB493 Records concerning electronic communication service or remote computing service. Clarifies that any provider of electronic communication service or remote computing service, including a foreign corporation that provides electronic communication service or remote computing service, shall disclose a record or other information pertaining to a subscriber to or customer of such service, excluding the contents of electronic communications, to an investigative or law-enforcement officer pursuant to (1) a search warrant issued by a magistrate, general district court or a circuit court; (2) a court order for such disclosure issued as provided in this section; or (3) the consent of the subscriber or customer to such disclosure.

Patron - Hurt

§SB494 Admissibility of records concerning electronic communication service or remote computing service. Provides that the provider of electronic communication service or remote computing service may verify the authenticity of the written reports or records that it discloses pursuant to a search warrant, court order, etc., excluding the contents of electronic communications, by providing an affidavit from the custodian of those written reports or records or from a person to whom said custodian reports certifying that they are true and complete and that they are prepared in the regular course of business. The bill also provides that when so authenticated, the written reports and records are admissible in evidence as a business records exception to the hearsay rule.

Patron - Hurt

Title 20- Domestic Relations

§HB40 Criminal nonsupport. Clarifies that a parent who is not subject to prosecution for criminal nonsupport because his child receives aid under a federal or state program for aid to the permanently and totally disabled is subject to prosecution for desertion and nonsupport of a spouse and for any children who are not receiving such aid.

Patron - Orrock

§HB66 Child and spousal support; vocational experts. Allows a court to appoint a vocational expert to conduct an evaluation of a party in cases involving child support, spousal support, and separate maintenance where the earning capacity, unemployment, or underemployment of a party is in controversy. The court may award costs or fees for the evaluation and the services of the expert at any time during the proceedings.

Patron - Toscano

§HB377 Equitable distribution; monetary award; enforcement. Clarifies that a monetary award made in a divorce case may be enforceable in the same manner as any other money judgment.

Patron - Lewis

§SB69 Surrogacy contracts. Provides that, upon expiration of three days following birth of any resulting child, a surrogate may relinquish her parental rights to the intended parents, if at least one intended parent is the genetic parent of the child, by signing a surrogate consent and report form naming the intended parents as the parents of the child. Under current law, the surrogate may relinquish such parental rights to

the intended parents upon expiration of 25 days following birth of any resulting child. The bill also makes it a Class 1 misdemeanor to accept compensation for otherwise arranging or inducing intended parents and surrogates to enter into surrogacy contracts in this Commonwealth. Under current law, to otherwise arrange or induce intended parents and surrogates to enter into surrogacy contracts in this Commonwealth is a Class 1 misdemeanor.

Patron - McEachin

Title 22.1- Education

§HB196 Economics education and financial literacy requirement; repealed. Postpones implementation of any additional graduation requirements, including the economics education and financial literacy requirement, until July 1, 2011.

Patron - Ware, R.L.

§HB208 Local school divisions; certain reporting requirements. Reduces certain reporting requirements of local schools. This is in response to the 2009 Appropriation Act, which required the Department of Education to review state laws and look for ways to reduce the administrative burden on local school divisions and the Department of Education.

Patron - Bulova

§HB257 Board of Education; homebound instruction. Requires the Board of Education to amend its regulations establishing Standards for Accrediting Public Schools in Virginia as they relate to homebound instructional services to address whether homebound instruction may be made available to students based upon evidence submitted by any person licensed to diagnose and treat mental, emotional, or behavioral disorders by a health regulatory board within the Department of Health Professions. Current regulations provide that certification must be made by a licensed physician or licensed clinical psychologist.

Patron - McClellan

§HB304 Standards of Learning; alternative assessments. Requires an annual justification, as part of the Individual Education Program, for every student who takes the Virginia Grade Level Alternative assessment instrument in grades three through eight. Such justification shall include evidence that the student meets participation criteria defined by the Department of Education.

Patron - O'Bannon

§HB394 Standards of Quality; standard diploma. Ensures that the sequential elective requirement for the standard diploma be identified in the Academic and Career Plan as described in Board of Education regulations. This bill is identical to SB 629.

Patron - Lohr

§HB491 Consumable materials; student fees. Ensures that language authorizing the assessment of fees to students for consumable materials must not be construed to authorize a school board to charge fees for instructional materials, textbooks, or other materials used by a school board employee that are not directly used by a public school student.

Patron - Lingamfelter

§HB557 Opening of the school year. Provides that the requirement that the school calendar begin after Labor Day may be waived by the Board of Education, provided the school

board certifies that it meets one of the good cause requirements in current law. This bill is identical to SB 253.

Patron - Tata

[HB566 Standards of Quality; School Performance Report Card.] Requires each local school board to include in its annual report to the Board of Education the number of Virginia workplace readiness skills assessments passed and the number of national occupational competency assessments passed. This number is in addition to the current related reporting requirements of the number of industry certifications obtained, state licensure examinations passed, and career and technical education completers who graduated. The bill requires each number to be reported as a separate category on the School Performance Report Card. This bill is identical to SB 630.

Patron - Tata

[HB623 Substitute teachers.] Provides that local school boards may employ temporarily employed teachers, with the approval of the Superintendent of Public Instruction on a case-by-case basis, for periods longer than 90 teaching days in a school year.

Patron - Orrock

[HB669 Triennial census of school population; sales and use tax distribution.] Eliminates the requirement that every three years a census of all school-age persons residing within each school division take place. Also eliminates all related requirements regarding appointment and compensation of persons taking census, agents, and census results. The bill also amends the procedure regarding sales and use tax distribution to localities so that distribution is based on an annual estimate of the school-age population of a school division done by the Weldon Cooper Center for Public Service at UVA. This bill also allows for up to \$115,000 to be given to the Weldon Cooper Center for Public Service to cover the cost of producing the estimate. This bill is identical to SB 413.

Patron - May

[HB704 Loudoun County school board; staggered terms.] Allows for staggered terms for the Loudoun County school board beginning with the November 2011 general election upon a majority vote of its members.

Patron - Greason

[HB709 Public schools; purchase of electronic textbooks.] Requires contracts and purchase orders with publishers of textbooks approved by the Board of Education for use in grades 6 - 12 to allow for the purchase of printed textbooks, printed textbooks with electronic files, or electronic textbooks separate and apart from printed versions of the same textbook. In addition, allows each school board to purchase an assortment of textbooks in any of the three forms listed above.

Patron - Peace

[HB907 Reports of certain acts to school authorities.] Provides that for any report from local law-enforcement authorities to the principal or his designee and the division superintendent regarding certain offenses committed by a juvenile student that would be an adult misdemeanor, local law-enforcement authorities and attorneys for the Commonwealth shall also be authorized to disclose information regarding terms of release from detention, court dates, and terms of any disposition orders entered by the court to the superintendent of such student's school division.

Patron - Bell, Robert B.

[HB1172 Virginia Index of Performance incentive program.] Codifies a current recognition program for schools

and local school divisions that recognizes and rewards fully accredited schools and school divisions that make significant progress toward achieving advanced proficiency levels in reading, mathematics, science, and history and social science and on other indicators of school and student performance. Requires the Board of Education to include in its guidelines for the program performance objectives and measures that promote student achievement in science, technology, engineering, and mathematics. This bill is identical to SB 145.

Patron - Phillips

[HB1199 Waiver of certain graduation requirements; pursuant to Board of Education criteria.] Requires the Board of Education to provide for the waiver of certain graduation requirements to be granted only for good cause and to be considered on a case-by-case basis.

Patron - Iaquinto

[HB1217 Firearm safety education program.] Allows local school boards to offer firearm safety education programs in the elementary grades. To assist local school boards opting to provide such instruction, the Board of Education must establish a standardized program of firearm safety education for students in the elementary school grades to promote the protection and safety of children. The bill requires that the program objectives incorporate, among other principles of firearm safety, accident prevention and the rules of the National Rifle Association's Eddie Eagle Gunsafe Program or the program of the National Crime Prevention Council. Local school boards offering the program must comply with Board curriculum guidelines and integrate the instruction in appropriate subject areas, if feasible, to ensure that every elementary school student receives instruction in firearm safety education.

Patron - Lewis

[HB1245 Surplus property of local school boards.] Authorizes elected local school boards to donate obsolete personal property to a Virginia nonprofit charitable organization.

Patron - Kory

[HB1388 Establishment of virtual school programs.] Requires the Superintendent of Public Instruction to develop, and the Board of Education to approve, criteria for approving and monitoring multi-division providers of online courses and virtual school programs. The bill also allows local school boards to enter into contracts with approved private or non-profit organizations to provide such courses and programs; such contracts shall be exempt from the Virginia Public Procurement Act. Any multi-division online provider operating prior to the adoption of approval criteria by the Board may continue operating until such criteria are adopted. This bill is identical to SB 738.

Patron - Bell, Richard P.

[HB1389 College Partnership Laboratory Schools.] Allows for the establishment of college partnership laboratory schools by any public institution of higher education that operates an approved teacher education program. Such schools shall be public schools established by a contract between the governing board of the school and the Board of Education. Teachers working in such schools shall be employees of the institution of higher education and shall either be licensed by the Board or eligible for such license. This bill is identical to SB 736.

Patron - Peace

[HB1390 Public charter schools; review and reconsideration.] Requires the public charter school applicant to submit its proposed charter application to the Board of Education for review, comment, and a pre-certification recommendation

prior to the submission of such application to a local school board. The Board's review must include a recommendation as to whether the application shall be approved by the local school division. Also, provides for an opportunity for a public charter school applicant to petition for reconsideration of a decision by a local school board to deny an application. Prior to such petition for reconsideration, an applicant may seek technical assistance from the Superintendent of Public Instruction.

Patron - Lingamfelter

SB46 Special education program for children with disabilities; recovery of attorney fees. Authorizes a court to award reasonable attorney fees and costs (i) to a prevailing party, who is the parent of a child with a disability, in a civil action he is allowed to bring before the court because he is aggrieved by earlier findings and a decision resolving a dispute as to program placements, individualized education programs, tuition eligibility and other matters; (ii) to a prevailing party who is the Board of Education or a local school division against the attorney of a parent who files a complaint or a subsequent cause of action that is frivolous, unreasonable, or without foundation, or against the attorney of a parent who continued to litigate after the litigation clearly became frivolous, unreasonable, or without foundation; or (iii) to a prevailing party who is the Board of Education or a local school division against the attorney of a parent, or against the parent, if the parent's complaint or subsequent cause of action was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase the cause of litigation.

Patron - Stuart

SB145 Virginia Index of Performance incentive program. See HB 1172.

Patron - Miller; J.C.

SB196 Notification of school nonattendance. Clarifies that, in addition to the attendance officer, school personnel, and volunteers, the school principal or his designee is responsible for notifying parents concerning students' nonattendance at school. This bill also provides that the school principal or his designee is also responsible for arranging the conference with parents and in developing the student's attendance plan.

Patron - Blevins

SB197 Public schools; records of pesticide application. Clarifies that each local school division, rather than each individual school, shall maintain records of any pesticide application on school grounds.

Patron - Blevins

SB253 Opening of the school year. See HB 557.

Patron - Reynolds

SB269 Driver education programs; fuel efficient driving practices. Requires the Board of Education to include fuel-efficient driving practices as part of the driver education curriculum.

Patron - Whipple

SB299 Virginia Council on the Interstate Compact on Educational Opportunity for Military Children; military family education liaison. Requires the Department of Education to employ a military family education liaison to provide staff support for the Virginia Council on the Interstate Compact on Educational Opportunity for Military Children and to assist military families and the state in facilitating the implementation of the Interstate Compact.

Patron - Miller; J.C.

SB333 Virginia School for the Deaf and the Blind; eligibility. Allows children from birth through age 21 to be eligible for the services of the Virginia School for the Deaf and the Blind. Currently, children from ages 2 to 21 are eligible. Any additional fiscal impact shall be funded from existing appropriations to the Virginia School for the Deaf and the Blind.

Patron - Hanger

SB354 Limited English proficient students; assessment. Provides that local school divisions may administer a locally developed or selected limited English proficiency assessment mandated for students pursuant to the federal No Child Left Behind Act, so long as such assessment has been approved by the Board of Education.

Patron - Obenshain

SB361 Religious holidays; attendance records. Requires local school boards to develop policies ensuring that any student's absence because of the observance of a religious holiday be recorded as excused on the student's attendance record and that a student not be deprived of any award or of eligibility or opportunity to compete for any award or of the right to take an alternate test or examination, for any which he missed because of such absence.

Patron - Barker

SB413 Triennial census of school population; sales and use tax distribution. See HB 669.

Patron - Vogel

SB414 Competitive foods in public schools; report. Requires the Board of Education, in cooperation with the Department of Health, to promulgate and periodically update regulations setting nutritional guidelines for all competitive foods sold to students during regular school hours. The bill also requires (i) the Board to adopt either the Alliance for a Healthier Generation's Competitive Foods Guidelines or the Institute of Medicine's Recommended Standards for Competitive Foods in Schools as the initial statewide standard for competitive foods, and (ii) the Board to report to the General Assembly on the final regulations by December 1, 2011.

Patron - Vogel

SB538 Training centers; physician coverage. Requires the Department of Behavioral Health and Developmental Services to require the presence of a licensed physician at all times in any state training center.

Patron - Newman

SB629 Standards of Quality; standard diploma. See HB 394.

Patron - Wagner

SB630 Standards of Quality; School Performance Report Card. See HB 566.

Patron - Wagner

SB652 Public schools; policies in concussions. Requires the Board of Education to develop and distribute to local school divisions by July 1, 2011, guidelines for policies dealing with concussions in student-athletes and requires each local school division to develop policies and procedures regarding the identification and handling of suspected concussions in student-athletes.

Patron - Northam

[P]SB673 School board salaries; Amherst County. Reduces Amherst County school board salary from \$2,400 to \$2,200.

Patron - Newman

[P]SB715 Teacher training; civics education. Requires the Board of Education to promulgate regulations to require (i) all education preparation programs for teachers in history and social sciences, elementary education prek-6, and middle education 6-8 to include local government and civics instruction specific to Virginia and (ii) any teacher seeking renewal of a license with an endorsement in history and social sciences, elementary education prek-6, or middle education 6-8 to undertake study of the structures, function, and powers of state and local government of Virginia and the importance of citizen participation in the political process in state and local government of Virginia.

Patron - Petersen

[P]SB736 College Partnership Laboratory Schools. See HB 1389.

Patron - Newman

[P]SB737 Public charter schools; review and reconsideration. Requires the public charter school applicant to submit its proposed charter application to the Board of Education for review, comment, and a determination as to whether the application meets approval criteria developed by the Board, prior to submission to the local school board. Also, provides for an opportunity for a public charter school applicant to petition for reconsideration of a decision by a local school board to deny an application. Prior to such petition for reconsideration, an applicant may seek technical assistance from the Superintendent of Public Instruction.

Patron - Newman

[P]SB738 Establishment of virtual school programs. See HB 1388.

Patron - Newman

Title 22.1- Miscellaneous; Education

[P]HB111 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 were not already in effect on June 30, 2008, with the exception of the graduation and completion rate index, until July 1, 2011, unless such statutes or regulations are also specifically required by federal code, federal regulation, or court action. This bill is identical to SB 352.

Patron - Lohr

[P]SB352 Accreditation of schools; delayed implementation of certain statutes and regulations, etc. See HB 111.

Patron - Obenshain

[P]SJ85 Encouraging physical activity in public schools. Encourages the local school divisions to promote daily physical activity and reduce childhood obesity.

Patron - Petersen

Title 23- Educational Institutions

[P]HB7 State Council of Higher Education for Virginia; duties. Provides that when performing its duty to develop a uniform, comprehensive data information system designed to gather all information necessary to the performance of the Council's duties, the Council may contract with private entities to create de-identified student records for the purpose of assessing the performance of institutions and specific programs relative to the workforce needs of the Commonwealth.

Patron - Tata

[P]HB703 Regulation of private and out-of-state institutions of higher education; exemptions. Clarifies that the definition of "vocational" shall not include instructional programs intended solely for recreation, enjoyment, personal interest, or as a hobby, or courses or programs that prepare individuals to teach such pursuits. This bill is identical to SB 598.

Patron - Bulova

[P]HB903 Threat assessment teams; records. Exempts records of threat assessment teams established at public institutions of higher education from the provisions of the Freedom of Information Act, and allows these teams to receive health and criminal history records of students for the purposes of assessment and intervention. However, if an individual who had been under assessment commits certain violent acts, any records created by the team shall be made publicly available. This bill is identical to SB 207.

Patron - Bell, Robert B.

[P]HB928 Virginia Universities Clean Energy Development and Economic Stimulus Foundation. Creates the Virginia Universities Clean Energy Development and Economic Stimulus Foundation as a body corporate and a political subdivision of the Commonwealth. The Foundation shall identify, obtain, disburse, and administer funding for (i) research and development of alternative fuels, clean energy production, and related technologies; (ii) support of economic development projects in disadvantaged rural areas; and (iii) the provision of assistance in the commercialization of alternative fuels and clean energy technologies. Funding shall be awarded only to those proposed projects that best meet the established criteria and purposes of this act.

Patron - Bell, Robert B.

[P]HB1066 State Council of Higher Education for Virginia; uniform general studies certificate. Requires the development of a uniform certificate of general studies program by the State Council of Higher Education for Virginia, in consultation with the Virginia Community College System and Virginia public institutions of higher education, to be offered at each community college in Virginia. The program must ensure that a community college student who completes the one-year certificate program may transfer all credits to a four-year public institution of higher education in the Commonwealth, upon acceptance to the institution.

Patron - Athey

[P]HB1238 Public institutions of higher education; crisis and emergency management. Requires the president and vice-president of each public institution of higher education, or the superintendent in the case of the Virginia Military Institute, to annually certify in writing to the Department of Emergency Management comprehension and understanding of

the institution's crisis and emergency management plan. The bill also provides that each public institution of higher education shall annually conduct a functional exercise in accordance with the protocols established by the institution's crisis and emergency management plan. This bill is identical to SB 608.

Patron - Torian

SB165 Roanoke Higher Education Authority; Board of Trustees. Replaces the President of Hampton University with that of James Madison University on the Board of Trustees for the Roanoke Higher Education Authority.

Patron - Edwards

SB207 Threat assessment teams; records. See HB 903.

Patron - Edwards

SB209 International Baccalaureate; course credit. Requires the governing boards of each public institution of higher education to implement policies regarding the granting of credit for International Baccalaureate and Advanced Placement courses. The governing boards must report to the State Council of Higher Education for Virginia the policy adopted and implemented, and make the policy available on the institution's website.

Patron - Barker

SB598 Regulation of private and out-of-state institutions of higher education; exemptions. See HB 703.

Patron - Herring

SB608 Public institutions of higher education; crisis and emergency management. See HB 1238.

Patron - Edwards

SB712 Branch campus of George Mason University in the Republic of Korea. Authorizes the board of visitors of George Mason University to establish and operate a branch campus of the university in the Republic of Korea. This bill also authorizes the board of visitors to create a corporation or other legal entity, controlled by the board of visitors, to establish and operate the branch campus and allows the board of visitors to pursue planning and development of the branch campus. Certain provisions customary for the establishment of branch campuses of institutions in foreign lands and constitutional protections for Virginians either teaching or matriculating at the branch campus have been included. The corporation that may be created by the board of visitors of George Mason University is deemed a sole source provider under the Virginia Public Procurement Act (§ 2.2-4300 et seq.). This act will expire on July 1, 2012, if the board of visitors does not create a corporation or other legal entity in accordance with the provisions of this act.

Patron - Petersen

Title 24.2- Elections

HB50 Absentee voting; duties of the general registrar; penalty. Requires, once the printed ballots are available, that the general registrar send the absentee ballot within three business days of receiving a properly completed application. Any person who fails to discharge his duty regarding the absentee ballot process through willful neglect of duty and with malicious intent is guilty of a Class 1 misdemeanor.

Patron - Cole

HB63 In-person absentee voting; late applications and emergencies. Expands the scope of persons defined as members of the voter's immediate family, and whose death or hospitalization permits the registered voter to submit a late application for in-person absentee voting, to include children, including adopted children, legal guardians, and siblings of the whole or half blood.

Patron - Toscano

HB104 Elections; filing deadlines. Increases the duration of time between filing deadlines and November elections. Declarations of candidacy for a special election held in November will need to be filed 81 days, rather than 74 days, before the election. A referendum election must be ordered 81 days, rather than 60 days, before the referendum election.

Patron - Loupassi

HB125 Campaign Finance Disclosure Act; materials to be provided by State Board of Elections and Attorney General. Requires the Attorney General to provide a written explanation of the provisions of the Act that prohibit the personal use of campaign funds and to delineate the differences between prohibited personal uses of campaign funds and permitted uses of the funds. The Attorney General's explanation shall be distributed by the State Board to all candidates, committees, and persons subject to the Act's provisions.

Patron - Purkey

HB215 Campaign telephone calls; caller identification. Prohibits any candidate, candidate campaign committee, person, corporation, or political committee making campaign telephone calls to intentionally modify caller identification information in order to mislead the recipient as to the identity of the caller. If the call is made from an "automatic dialing-announcing device" and caller identification information includes a name associated with the telephone number, then the caller identification information shall include, as appropriate, the name of the candidate, candidate campaign committee, person, corporation, or political committee that has authorized and is paying for the calls or the vendor conducting the calls.

Patron - Alexander

HB217 Elections; absentee ballot lists. Requires the State Board of Elections to provide an electronic copy of the absentee voter applicant list to any political party or candidate, upon request and for a reasonable fee.

Patron - McClellan

HB220 Polling places; campaigning activities. Clarifies that the exemption allowing a voter to enter a polling place wearing a shirt, hat, or other apparel on which a candidate's name or a political slogan appears does not apply to candidates, representatives of candidates, or any other person who enters the polling place for a purpose other than voting. Local electoral boards are provided the flexibility in the designation of the 40-foot prohibited area if an entrance to the building is from an adjoining building, or if establishing the prohibited area outside the polling place would hinder or delay a qualified voter from entering or leaving the building.

Patron - Watts

HB356 Campaign finance; political campaign advertisements. Requires that the State Board of Elections hold a public hearing when determining whether the chapter on political campaign advertisements has been violated and whether to assess a civil penalty. The Board is required to send notice by certified mail to persons whose actions will be reviewed and who may be subject to a civil penalty at least 10 days before the hearing. Notice shall include the date and time

of the hearing, an explanation of the violation, and maximum assessable penalty.

Patron - Ware, O.

[P]HB390 State Board of Elections; voting equipment requirements. Authorizes the local electoral board to exclude absentee voters from the calculation of registered voters used to determine the number of mechanical and electronic voting or counting devices that must be provided in each precinct. The board must send the State Board a statement of the number of voting systems to be used in each precinct, and the State Board may direct the local board to provide more systems.

Patron - Dance

[P]HB450 Appointments to fill vacancies in local offices. Provides that persons appointed to serve the remainder of a term due to vacancy in a local office shall exercise all powers of the elected office. The bill also affirms that votes cast prior to July 1, 2010, by persons duly appointed to fill a vacancy, including votes appropriating money in excess of \$500, imposing taxes, or authorizing the borrowing of moneys, are validated and confirmed as the lawful vote of an elected member of the governing body. Although in conflict with a recent opinion of the Attorney General, the amendments are consistent with case law and an earlier opinion of the Attorney General.

Patron - Ware, R.L.

[P]HB499 Candidates for office; petitions. Provides that persons signing petitions for an independent candidate or candidate for nomination by primary will no longer be required to provide their social security number, but will be permitted to include the last four digits of their social security number.

Patron - Lingamfelter

[P]HB1000 Elections; emergency procedures. Requires a local electoral board to give notice, including notice to all candidates on the ballot if an emergency makes a polling place unusable or inaccessible and an alternate polling place is provided. The provision of the alternative polling place is subject to the prior approval of the State Board. The bill adds a definition of "emergency."

Patron - Nutter

[P]HB1014 Elections; filling vacancies in certain local offices; special elections. Provides that vacancies in a governing body or elected school board shall be filled by special election. If the vacant position is not that of a constitutional officer, the position may be filled temporarily by an interim appointment. The requirement for a special election overrides charter provisions that allow a governing body or school board to appoint a person to serve the entire remaining portion of a term. An exemption from the requirement to hold a special election for towns with a population of 3,500 or less is removed.

Patron - Athey

[P]HB1203 State Board of Elections; Candidate consent. Requires recognized political parties to receive consent from a candidate before nominating them.

Patron - Putney

[P]HB1225 Elections; voting equipment; acquisition of DREs. Allows localities to acquire direct recording electronic machines (DREs) for the purpose of providing one voting system at each polling place equipped for individuals with disabilities. The local electoral board shall notify the State Board when acquiring DREs under this subdivision and shall certify to the State Board that the DREs acquired under this

subdivision are necessary to meet accessible voting requirements. This bill is identical to SB 593.

Patron - Toscano

[P]HB1235 Absentee ballots; various deadlines related to ballot preparation and receipt; write-in absentee ballots. Requires that ballots be prepared and available for absentee voting not later than 45 days before any election rather than 45 days before the November election and 30 days before other elections. The bill also requires preparation of ballots 45 days in advance of special elections for federal office and allows, if necessary, preparation as soon after that deadline as possible for other special elections. Various deadlines for nominations and filings are adjusted in response to the ballot preparation change. The bill provides that voters who are entitled to vote absentee due to active duty military service, membership in the merchant marines, or temporary residence outside of the country, or the spouse or dependent residing with such a voter, may use a write-in absentee ballot to vote in state and local elections, as well as federal elections. The write-in absentee ballot may also serve as an absentee ballot application and voter registration application for state and local elections, as well as federal elections. Such voters may apply for multiple ballots for a one-year period. Current law allows multiple ballots for a period covering two federal elections. The bill also adds a requirement that the electoral board send such military and overseas voters an available printed absentee ballot within three business days.

Patron - Anderson

[P]HB1387 Campaign finance information and reports; public access. Clarifies that information, not required to be entered into the campaign finance database that candidates or committees may include in campaign finance report-creation software managed by or for the State Board is not required to be disclosed to the public.

Patron - Jones

[P]SB49 Authorized representatives at polling places; use of wireless communication devices. Provides that authorized representatives of political parties or candidates that are permitted to observe activities at polling places shall be a qualified voter in any jurisdiction in the Commonwealth. Currently, such representatives must be a qualified voter of the county or city where the polling place is located. The bill also permits such representatives to use handheld wireless communication devices at polling places provided such devices does not contain a camera or other imaging device.

Patron - Martin

[P]SB50 Officers of election; training. Provides that the State Board of Elections shall require certification that officers of election have been trained consistent with the training standards set by the Board. Such certification shall be submitted every four years by the local electoral board or general registrar that conducts the training.

Patron - Martin

[P]SB51 Absentee voting; poll watchers. Authorizes any person to vote absentee who has been designated by a political party or candidate to be a representative of that party or candidate inside a polling place on the day of the election.

Patron - Martin

[P]SB55 Absentee ballots; various deadlines related to ballot preparation and receipt; write-in absentee ballots. Requires that ballots be prepared and available for absentee voting not later than 45 days before any election rather than 45 days before the November election and 30 days before other elections. The bill also requires preparation of ballots 45 days

in advance of special elections for federal office and allows, if necessary, preparation as soon after that deadline as possible for other special elections. Various deadlines for nominations and filings are adjusted in response to the ballot preparation change. The bill provides that voters who are entitled to vote absentee due to active duty military service, membership in the merchant marines, or temporary residence outside of the country, or the spouse or dependent residing with such a voter, may use a write-in absentee ballot to vote in state and local elections, as well as federal elections. The write-in absentee ballot may also serve as an absentee ballot application and voter registration application for state and local elections, as well as federal elections. Such voters may apply for multiple ballots for a one-year period. Current law allows multiple ballots for a period covering two federal elections. The bill also adds a requirement that the electoral board send such military and overseas voters an available printed absentee ballot within three business days. A provision is added (i) to allow the counting of absentee ballots received from such voters after the close of the polls and two business days before the State Board of Elections meets to ascertain the results and (ii) to adjust the final returns to include such ballots.

Patron - Martin

SB60 Copying of absentee ballot applications. Provides that applications for absentee ballots may be inspected but not copied. Currently the applications may be inspected and copied.

Patron - Martin

SB61 Appointment of officers of election. Provides that if an electoral board decides to appoint substitute or additional officers of election after the appointments made by the board at its regular meeting in February, such appointments shall be made, if practicable, from lists of nominations filed by the political parties that are entitled to representation as officers. The bill also provides that, if practicable, no more than one-third of the officers appointed for each precinct may be citizens who do not represent any political party.

Patron - Martin

SB137 Lists of registered voters; disclosure to commissioners of the revenue and treasurers. Allows the State Board of Elections to furnish, for a reasonable fee, lists of registered voters to commissioners of the revenue and city or county treasurers for tax assessment, collection, and enforcement purposes.

Patron - Obenshain

SB306 Information provided to political parties and candidates. Provides that, upon request and at a reasonable charge not to exceed the actual cost incurred, a political party or candidate is entitled to receive a copy of (i) the list of officers of election showing their party designation and assigned precinct and (ii) any instructions or information provided by the State Board to local electoral boards and registrars. The Board is required to post on the Internet its rules and regulations within three business days of their adoption.

Patron - Martin

SB308 Retention of absentee ballot applications. Provides that the general registrar may retain all absentee ballot applications until the electoral board has ascertained the results of the election, and has determined the validity of and counted all provisional ballots, before delivering such applications to the clerk of the circuit court. Currently, such applications must be delivered to the clerk before noon on the day following the election.

Patron - Martin

SB309 Voter registration applications; retention of information on applicant's last previous residence. Provides that the general registrar for the locality where a voter currently resides shall retain a copy of the portion of the application that shows the applicant's last previous place of registration. The general registrar shall send the original portion to the appropriate registration official of another state if the applicant formerly resided in another state.

Patron - Martin

SB313 Absentee voters; central absentee voting precinct. Provides that a voter, who has applied for but did not receive or has lost an absentee ballot or who returns an unused or accidentally spoiled absentee ballot, shall be allowed to vote on election day at his proper polling place or at a central absentee voter precinct for his county or city.

Patron - Martin

SB506 Political contributions; prohibition during procurement process. Provides that neither the Governor, his political action committee, nor any pertinent Secretaries shall knowingly solicit or accept a contribution, gift, or other item with a value greater than \$50 from any bidder, offeror, or private entity who has submitted a bid or proposal pursuant to the Virginia Public Procurement Act, the Public-Private Transportation Act, or the Public-Private Education Facilities and Infrastructure Act during the bidding period. The restrictions only apply if the stated or expected value of the contract is \$5 million or more and do not apply to contracts awarded as the result of competitive sealed bidding. Furthermore, no bidder, offeror, or private entity who has submitted a bid or proposal under such acts shall offer or promise to make such a gift to the Governor, his political action committee, or any of his pertinent Secretaries. Any violation shall be a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater.

Patron - Smith

SB593 Elections; voting equipment; acquisition of DREs. See HB 1225.

Patron - Puller

SB654 Electronic reforms; State Board of Elections. Makes several amendments to Title 24.2 (Elections) that authorize the State Board of Elections to utilize various electronic systems. The bill provides that the State Board shall provide only electronic pollbooks, and not paper pollbooks, for any election held on or after November 1, 2010, and for all subsequent years and makes corresponding amendments that become effective on November 1, 2010. The bill further provides that the State Board may furnish an electronic copy of absentee voter applicant lists to candidates or political parties for use only for campaign and political purposes. Such lists shall not contain any voter's social security number, or part thereof; day and month of birth; or residence address of a voter who has provided a post office box in lieu of a residence street address.

Patron - Northam

SB723 Campaign finance disclosure; special reports of large contributions by governing body members. Repeals the provision (§ 24.2-948) enacted in 2004 that required governing body members during non-election years to report campaign contributions of \$500 or more within 15 business days of receipt. The bill amends other sections in the Code to delete references to the repealed provision.

Patron - Ticer

Title 25.1- Eminent Domain

[P]HB81 Compensation of condemnation jurors. Equalizes the pay of jurors in condemnation cases with that of regular jurors. Currently, regular jurors are paid \$30 per day once summoned and appearing for jury duty, and condemnation jurors are paid \$60 per day only if they are empanelled on the jury. This bill would pay each juror \$30 per day for being summoned and appearing, whether for regular jury service or for service as a condemnation juror.

Patron - Knight

[P]HB651 Use of commissioners in eminent domain cases. Reinstates the option of the landowner to choose between commissioners and juries to hear an eminent domain case. The option to choose commissioners was eliminated by Chapter 586 of the 2006 Acts of Assembly. The provisions of this bill apply only to actions filed on or after July 1, 2010.

Patron - Armstrong

Title 25.1- Miscellaneous; Eminent Domain

[P]HB997 Eminent domain; application to Norfolk. Extends the expiration date, from June 30, 2010, to December 31, 2010, for the exemption to requirements applicable to the exercise of the power of eminent domain by the City of Norfolk or the Norfolk Redevelopment and Housing Authority. The exemption was created in the 2007 legislation that, among other things, established limitations on what constituted a public use for which private property could be acquired by exercise of the power of eminent domain.

Patron - Howell, A.T.

Title 26- Fiduciaries Generally

[P]HB56 Testamentary trustees; relief of duty to file an inventory or annual accounts. Provides that any trustee under a will of a decedent probated on or after July 1, 2010, shall be relieved of the duty to file an inventory or annual accounts with the commissioner of accounts if the will does not direct the filing of such inventory or accounts and the trustee (i) obtains the written consent of all adult beneficiaries and the consent of all incapacitated beneficiaries, other than the trustee, to whom income or principal of the trust could be currently distributed, after providing those beneficiaries or, in the case of incapacitated beneficiaries, their representatives with certain documents and information; and (ii) files those consents with the commissioner on or before the date on which the inventory or next required accounting would otherwise be due. The commissioner of accounts shall be allowed a fee of \$25 for receiving and filing such consents. The bill also provides form language that may be included in a will that would require the trustee to file annual account. This bill is identical to SB 43.

Patron - Cole

[P]HB719 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 UPOAA 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 UPOAA contains an optional statutory form that may be used by an agent to certify facts concerning a power of attorney. This bill is identical to SB 159.

Patron - Peace

[P]SB43 Testamentary trustees; relief of duty to file an inventory or annual accounts. See HB 56.

Patron - Stuart

[P]SB159 Uniform Power of Attorney Act (UPOAA). See HB 719.

Patron - Edwards

Title 27- Fire Protection

[P]HB290 Fire programs; donated equipment; liability. Provides that any fire/EMS department of a city, town, or county, or any fire/EMS company donating equipment for fighting fires or performing emergency medical services to any fire/EMS department or any fire/EMS company, which equipment met existing engineering and safety standards at the time of its purchase by the donating entity, shall be immune from civil liability unless the organization acted with gross negligence or willful misconduct.

Patron - Griffith

[P]HB1162 Statewide Fire Prevention Code; State Fire Marshal; regulation of pyrotechnicians and fireworks operators. Provides for the State Fire Marshal to establish a certification program for pyrotechnician or fireworks operator to design, set up, conduct or supervise the design, setup or conducting of any fireworks display, either inside a building or outdoors. The bill also (i) adds a definition of fireworks operator or pyrotechnician, (ii) requires that at least one person holding a valid certification is present at the site where the fireworks display is being conducted, and clarifies that the certification requirement does not apply to the use or display of permissible fireworks or in connection with any fireworks display conducted by a volunteer fire department provided one member of the volunteer fire department holds a valid certification. The bill is identical to SB 8.

Patron - Cosgrove

[P]SB8 Statewide Fire Prevention Code; State Fire Marshal; regulation of pyrotechnicians and fireworks operators. See HB 1162.

Patron - Blevins

Title 28.2- Fisheries and Habitat of the Tidal Waters

[P]HB138 Aquaculture opportunity zones. Requires the Marine Resources Commission to establish by regulation aquaculture opportunity zones off the shores of the Northern Neck, Middle Peninsula, and Tangier Island for the propagation of commercial shellfish. The regulations are to establish the location of the zones, the procedures for maintaining zones, and penalties for violating the regulations. The Commission may set a single fee for the application and use of the zones.

Patron - Pollard

HB296 Water safety zones. Authorizes marine patrol divisions of police departments in Tidewater localities and conservation police officers of the Department of Game and Inland Fisheries to patrol those tidal waters that have been designated as federal safety zones and federal restricted areas. This bill is identical to SB 398.

Patron - Cosgrove

HB373 Hunting, trapping, and fishing; penalties. Clarifies that courts may revoke licenses and privileges to hunt, trap, and fish upon the conviction of violations of laws and regulations related to those activities.

Patron - Shuler

HB1291 Fisheries; nonresident harvester's license. Prohibits the Marine Resources Commission from selling a commercial fishing license to a nonresident whose state of residence does not offer for sale the same or similar license to a resident of the Commonwealth.

Patron - Lewis

SB192 Fisheries; nonresident harvester's license. Prohibits the Marine Resources Commission from selling a commercial fishing license to a nonresident whose state of residence does not offer for sale the same or comparable license to a resident of the Commonwealth.

Patron - Northam

SB398 Water safety zones. See HB 296.

Patron - Wagner

SB668 Saltwater recreational fishing; conformance with national registry. Directs the Virginia Marine Resources Commission to establish the Fisherman Identification Program, which is to be consistent with the National Saltwater Angler Registry Program. In order to pay for the program, a one-time fee increase of not more than \$10 will be placed on the saltwater recreational boat license. Those persons who purchase a saltwater fishing license are not required to register with the program.

Patron - Northam

SB726 Ballast Water Control Report. Changes name from Hampton Roads Maritime Association to Virginia Maritime Association.

Patron - Blevins

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

HB142 Menhaden harvest cap. Continues the annual menhaden harvest quota of 109,020 metric tons for the Virginia portion of the Chesapeake Bay until January 1, 2014, three years beyond the original sunset date. Fisheries receive a credit to be applied in the following year if the actual harvest does not meet the harvest quota and a deduction if the actual harvest exceeds the harvest quota. This bill is identical to SB 47.

Patron - Pollard

SB47 Menhaden harvest cap. See HB 142.

Patron - Stuart

Title 29.1- Game, Inland Fisheries and Boating

HB128 Special fishing license. Authorizes the Department of Game and Inland Fisheries to issue free fishing licenses to disabled, active duty military personnel who are receiving inpatient or outpatient medical treatment from a hospital in Virginia, an adjoining state, or the District of Columbia. There is no cost for the license, and it is valid for one year.

Patron - Cox, M.K.

HB131 Hunters For The Hungry. Directs the Department of Game and Inland Fisheries to include in any application form for obtaining a hunting license or permit language allowing hunters to donate at least \$2 to Hunters For The Hungry. Currently, the level of voluntary contribution in the permit application is set at \$2.

Patron - Pollard

HB399 Bear, deer, and wildlife kill permits. Requires any person who kills a bear, deer, or other wildlife pursuant to a kill permit issued by the Director of the Department of Game and Inland Fisheries to utilize the animal only for human consumption. Such practices as mounting or displaying the carcass in some other manner are prohibited. In addition, if the animal is not going to be consumed, it must be disposed of within 24 hours.

Patron - Lohr

HB486 Impeding hunting. Makes it a Class 3 misdemeanor for any person to knowingly and intentionally facilitate or attempt to cause a violation of the baiting law by putting out bait or salt in a place used or occupied by hunters.

Patron - Lingamfelter

HB487 Board of Game and Inland Fisheries; regulatory authority. Expands the authority of the Board of Game and Inland Fisheries to adopt regulations on the feeding of any game, game animals, or fur-bearing animals. Currently, the Board has the authority to adopt regulations pertaining to the hunting, taking, capture, killing, possession, sale, purchase, and transportation of any wild bird, wild animal, or inland water fish.

Patron - Lingamfelter

HB488 Model bow hunting ordinance; penalty. Directs the Board of Game and Inland Fisheries to develop model bow hunting ordinances for those counties and cities where the deer population is overabundant, resulting in conflicts between humans and deer. The ordinances are to include the times of day in which such hunting can occur and limits on how many deer can be killed. The localities adopting one of the model ordinances may impose a Class 3 misdemeanor on those persons violating the ordinance.

Patron - Lingamfelter

HB801 License to fish; South Holston Reservoir. Adds a license for state residents to fish and to harvest trout in the interstate waters of South Holston Reservoir.

Patron - Johnson

HB940 Department of Forestry; hunting and trapping violations. Reduces the penalty for violations of hunting and trapping laws or regulations administered by the State Forester. Currently such a violation is punishable as a Class 1 misdemeanor and could include confinement in jail for not more than 12 months and a fine of not more than \$2,500. Under the

new provision, a violation would be punishable as a Class 3 misdemeanor and would include only the possibility of a fine of not more than \$500.

Patron - Abbitt

HB1218 Waterfowl blinds; licenses. Shifts the times to obtain waterfowl blind licenses to earlier in the year and distinguishes between nonriparian licenses for stationary blinds that have or have not been licensed the previous year. The provisions of the bill will become effective on January 1, 2011.

Patron - Pollard

HB1283 Possession of shed antlers. Allows a person to possess shed deer antlers.

Patron - Edmunds

SB243 Fishing license exemption. Exempts active duty military personnel who are residents and on leave from having to obtain a basic fishing license so long as they can show proof that they are on leave. Such an exemption does not extend to such persons to fish in waters stocked with trout.

Patron - Watkins

SB289 Infant lifetime hunting and fishing licenses. Establishes lifetime hunting and fishing licenses for residents and nonresidents who are younger than two years of age. The cost for infant lifetime licenses for hunting and fishing is \$125 each for residents and \$250 each for nonresidents. The original license remains valid even if the licensee changes his place of residency.

Patron - Deeds

SB546 Landowner liability arising from recreational activities; railroad rights-of-way. Ensures that railroad rights-of-way may be used for recreational purposes and for access to lands being used for recreational purposes without the easement holder owing a duty of care to the user. This exemption from civil liability already exists for landowners, but does not explicitly include railroad rights-of-way. The exemption does not apply if the landowner charges a fee for the use of the lands and does not include gross negligence or willful or malicious failure to guard or warn against a dangerous condition.

Patron - Edwards

Title 30- General Assembly

HB199 MEI Project Approval Commission; work of the Commission. Expands the scope of incentive packages to be reviewed by the MEI Project Approval Commission by eliminating the limitation that the Commission may only review incentive packages for MEI projects that are proposed to be funded by bonds of the Virginia Public Building Authority and by providing for the Commission to review incentive packages (including but not limited to incentive packages for MEI projects) for which (i) one or more of the incentives in the incentive package is not authorized under current law, or (ii) an amendment by the General Assembly is being sought to one or more currently existing incentives included as part of the incentive package. A Major Employment and Investment project is defined under current law as a regional economic development project in which a private entity is expected to make a capital investment exceeding \$250 million in the Commonwealth and to create more than 400 new full-time jobs. As part of its review, the Commission may endorse certain incentive packages for approval by the General Assembly. This bill is identical to SB 184.

Patron - Cox, M.K.

HB428 Bills required to be introduced by first day of a session. Repeals the provisions requiring the following types of bills to be filed no later than the first day of a legislative session: charter, claims, optional county form of government, corrections impact, local fiscal impact, sales tax exemption, and Virginia Retirement System.

Patron - Griffith

HB589 Virginia Code Commission. Expands the Commission membership by one or two optional nonlegislative citizens, as may be recommended by the Commission. Those members must have demonstrated legal knowledge in the codification of session laws and the recodification of statutes. Both are to receive the same compensation and privileges as other members of the Commission.

Patron - Landes

HB655 General Assembly Conflicts of Interests Act; House and Senate Ethics Advisory Panels. Opens ethics inquiries to the public after a preliminary investigation. During the preliminary investigation, the Panel will require that (i) the facts stated in the complaint taken to be true are sufficient to show a violation of the Conflicts of Interests Act, (ii) the complainant to appear and testify under oath as to the complaint and the allegations, and (iii) such violation has occurred by a preponderance of the evidence. Once the Panel determines to proceed with an inquiry into the conduct of any legislator, the Panel shall complete its investigations notwithstanding the resignation of the legislator during the course of the Panel's proceedings.

Patron - Armstrong

HB740 General Assembly Conflicts of Interests Act; disclosure of salary. Requires a member of the General Assembly to disclose in his annual disclosure of personal interests any salary and wages in excess of \$10,000 paid to him or his immediate family for employment with a state or local government or advisory agency, except for his salary received as a member of the General Assembly.

Patron - Janis

HB933 General Assembly Conflicts of Interests Act; disposition of cases. Provides that if the Senate or House Ethics Advisory Panel refers a case to the member's respective house based on the conclusion that the member has violated § 30-108 (failing to disqualify himself from taking part in an official action of the General Assembly on a matter in which he has a personal interest) or subsection C of § 30-110 (failing to disclose such personal interest), and the respective house determines that such a violation was made knowingly, the house shall refer the matter to the Attorney General for possible prosecution. Currently, the house may refer the matter to the Attorney General, but is not required to do so.

Patron - Bell, Robert B.

HB1227 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 professional degree programs and mandatory fees. This bill also clarifies that awards may be granted for part-time or full-time attendance in approved education programs for no more than the minimum number of credit hours required to complete the program requirements. The bill makes certain clarifying technical amendments to facilitate the Committee's work. This bill is a recommendation

of the Brown v. Board of Education Scholarship Awards Committee.

Patron - Dance

[P]SB101 Public-Private Partnership Advisory Commission. Provides that the Division of Legislative Services shall provide legal and research services to the Public-Private Partnership Advisory Commission with technical assistance being provided by the staffs of the House Committee on Appropriations, the Senate Finance Committee, and the Auditor of Public Accounts. The bill also clarifies that responsible public entities required to submit copies of detailed proposals under the Public-Private Education Facilities and Infrastructure Act must submit the copies to the chairman of the Commission.

Patron - Stosch

[P]SB184 MEI Project Approval Commission; work of the Commission. See HB 199.

Patron - Colgan

[P]SB350 Virginia Commission on the Centennial of Woodrow Wilson's Presidency. Establishes in the legislative branch of state government a commission charged with planning, developing, and implementing statewide appropriate programs and activities to commemorate the centennial of Woodrow Wilson's election and presidency from 1912 to 1921. The Commission will be composed of 11 members consisting of legislative and nonlegislative citizen members, and is authorized to appoint an advisory council to assist it with its work. The Advisory Council will be composed of persons who have knowledge and expertise concerning the life, scholarship, elections, and presidency of Woodrow Wilson, and the historical significance of his presidency on the American presidency, scholarship, international and domestic relations, and political and social systems. Members of the Advisory Council must be residents of Virginia and must agree to serve in a voluntary capacity without compensation or reimbursement. The work of the Commission shall not commence until private funding is secured. The Commission will expire on July 1, 2014.

Patron - Hanger

[P]SB431 State Government Spending Accountability Act. Directs the Auditor of Public Accounts to include on a searchable database a register of all funds expended for major agencies of the Commonwealth. In regard to the registry, the database would include the vendor name, date of payment, and a description of the expense, including also credit card purchases with the same information. The bill also requires the Auditor of Public Accounts to conduct a review of searchable databases used by other states and incorporate best practices for ease of use and transparency of state agency expenditures.

Patron - Herring

[P]SB512 General Assembly Conflicts of Interests Act; disclosure of salary paid by government. Requires a member of the General Assembly to disclose in his annual disclosure of personal interests any salary and wages in excess of \$10,000 paid to him or his immediate family for employment with a state or local government or advisory agency.

Patron - Norment

[P]SB516 Commission on Electric Utility Regulation. Extends the Commission on Electric Utility Regulation until July 1, 2012. Under current law, the Commission would expire on July 1, 2010.

Patron - Norment

Title 30- Miscellaneous; General Assembly

[P]HB42 Transportation programs; performance audit by Joint Legislative Audit and Review Commission (JLARC). Requires JLARC to administer a performance audit of the Commonwealth's transportation programs. JLARC shall issue an RFP to initiate the procurement process for a management consulting firm to conduct the audit. A final report on the findings of the performance audit shall be submitted to the Joint Commission on Transportation Accountability and the Governor no later than December 31, 2010. This bill is identical to SB 201.

Patron - Oder

[P]SB201 Auditor of Public Accounts. See HB 42.

Patron - Blevins

Title 32.1- Health

[P]HB11 Health services; peer utilization reviews. Clarifies that a health care provider may seek reconsideration or appeal of an adverse health care utilization review decision, and that written notification of an adverse decision must include instructions for requesting reconsideration or an appeal. This bill also provides that when a treating provider requests a peer review of an adverse decision during the reconsideration process, the request for reconsideration shall be vacated and the request shall be considered a request for an appeal, and that in any case under appeal, the case shall be reviewed by a peer of the health care provider proposing the treatment at issue who shall be board certified in the same or similar specialty as the treating health care provider. This bill contains a delayed enactment clause and shall not become effective until October 1, 2010.

Patron - Marshall, R.G.

[P]HB85 Umbilical cord blood education. Requires the Commissioner of Health to make information relating to umbilical cord blood developed by the Parent's Guide to Cord Blood Foundation available to the public on a website maintained by the Department of Health. This bill also requires health care practitioners who provide prenatal care to make information about umbilical cord blood available to every pregnant patient prior to the beginning of the patient's third trimester of pregnancy or at the time of the patient's first visit, whichever is later.

Patron - Marshall, R.G.

[P]HB173 EMS providers; vaccinations. Allows emergency medical services providers to administer vaccines to adults and minors pursuant to a protocol approved by the Board of Nursing. This bill contains an emergency clause. This bill is identical to SB 328.

Patron - Pogge

[P]HB270 Plan for the vaccination of school children. Requires the Department of Health to include in its vaccination plans procedures to ensure the prompt vaccination of all persons of school age in the Commonwealth, without preference regarding the manner of compliance with the compulsory school attendance law, upon declaration of an emergency involving a vaccine-preventable disease and consent of the parent of the person of school age, or the person of school age if such person is not a minor. This bill also requires the plans

developed be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention and be subject to the same review and update requirements as the State Emergency Operations Plan.

Patron - Englin

[P]HB371 COPN exception; establishment of a psychiatric service. Provides that the Commissioner of Health shall accept and review applications in any certificate of public need Batch Group G review cycle and may issue certificates of public need for the establishment of psychiatric services resulting from a relocation of psychiatric beds from one hospital in Planning District 5 to another hospital in Planning District 5. This bill also provides that no psychiatric beds relocated from one hospital to another hospital in Planning District 5 pursuant to such certificate of public need shall be converted to any other use than inpatient psychiatric care. This bill contains an emergency clause.

Patron - Shuler

[P]HB708 Home health aides; drug testing. Requires home health care organizations to establish policies for maintaining a drug-free workplace, which may include drug testing of employees, and requires home health care organizations to report any positive result of any drug test to the health regulatory boards responsible for licensing, certifying, or registering the person to practice, if any.

Patron - Peace

[P]HB710 Health care data and reporting. Requires the Department of Health to take steps to increase public awareness of data and information related to health care quality that is available through a website maintained by a nonprofit organization with which the Department has entered into a contract, and to provide guidance regarding how such data and information can be used to inform decisions about health care providers and services.

Patron - Peace

[P]HB733 Medicaid fraud. Provides that a person will be guilty of Medicaid fraud and therefore punishable for causing certain acts, in addition to knowingly and willfully engaging in such acts. The bill also provides that the Director of the Department of Medical Assistance Services may terminate or deny Medicaid provider contracts for a violation of statutes setting forth the crimes constituting Medicaid fraud or any other felony, or for any other reason for which the U.S. Secretary of Health and Human Services may do the same. The bill also requires the Director of the Department of Medical Assistance Services to investigate options for a comprehensive system that utilizes external records search and analytic technologies for the collection and review of data from public and private sources, to detect, prevent and investigate fraud, waste and abuse in Virginia's medical assistance services program, and to report his findings by December 1, 2010.

Patron - Albo

[P]HB1039 Notification of breach of medical information. Requires notification to residents of the Commonwealth if their unredacted or unencrypted medical information or health insurance information is the subject of a database breach. The notification required by this section would apply only to state and local government entities. This bill would become effective January 1, 2011.

Patron - Byron

[P]HB1285 Certificate of public need; public notice. Clarifies the role of the Department of Health regarding public hearings, including public notification of a public hearing, for

applications for certificates of public need in cases in which a regional health planning agency has not been designated.

Patron - Orrock

[P]HB1304 Virginia Health Workforce Development Authority; creation. Creates the Virginia Health Workforce Development Authority to take over the duties of the Statewide Area Health Education Centers Program. The mission of the Authority is to facilitate the development of a statewide health professions pipeline that identifies, educates, recruits, and retains a diverse, appropriately geographically distributed and culturally competent quality workforce. The bill also exempts the Authority from the Virginia Personnel Act, the Virginia Public Procurement Act, and taxation. This bill is identical to SB 731.

Patron - Nutter

[P]SB193 Medicaid provider agreements; authority to terminate. Allows the Director of the Department of Medical Assistance Services to refuse to enter into or renew, or elect to terminate an existing provider agreement or contract for any of the reasons the U.S. Secretary of Health and Human Services may do the same, makes clear that in cases in which a contract or agreement is terminated, the provider shall be entitled to an appeal of the decision, and that the director may consider aggravating or mitigating factors in determining the period of exclusion when a contract is terminated. This bill also requires the promulgation of emergency regulations.

Patron - Northam

[P]SB265 Hospice and home health care; licensure. Amends hospice licensure standards to allow inspections of facilities that are exempt from licensure to the extent necessary to ensure public health and safety, and allows the Commissioner of Health to cause any hospice or home care organization facility that fails such inspection to be relicensed. The bill requires home care organizations approved for payments for home health or personal care services by the Department of Medical Assistance Services prior to July 1, 2010, and not exempt from licensure to apply for licensure within 180 days of the effective date of the act and provides that such organizations shall be exempt from licensure until July 1, 2012, or until such time as the Commissioner has acted upon their application for licensure, whichever occurs first. This bill also prohibits new home care organizations from being licensed until July 1, 2012, but allows the Commissioner of Health to issue a request for and accept applications for: (i) the establishment of home care organizations in federally designated Health Professional Shortage Areas or (ii) home care organizations approved for payments for home health or personal care services by the Department of Medical Assistance Services prior to July 1, 2010.

Patron - Whipple

[P]SB328 EMS providers; vaccinations. See HB 173.

Patron - Stuart

[P]SB540 Rights of patients in nursing homes. Requires a written acknowledgment that a nursing home patient is fully informed about the services available at the facility and the charges for such services, and adds a responsible party as defined in regulation to the list of persons who can act on behalf of an incapacitated person.

Patron - Newman

[P]SB731 Virginia Health Workforce Development Authority; creation. See HB 1304.

Patron - Reynolds

Title 32.1- Miscellaneous; Health

HB415 Certificate of Public Need; exception. Provides that the relocation of no more than 10 nursing home beds or 10 percent of the beds, whichever is less, from one facility to another facility under common ownership or control that is located in an adjacent planning district shall not constitute a "project" and shall be exempt from the requirement of a certificate of public need, provided that the facility to which the beds will be relocated is in compliance with all other laws governing such facilities and, as of December 31 of the year preceding the year in which relocation is proposed, (i) the occupancy rate of the facility from which beds are to be relocated was, based upon the total number of beds for which the facility is licensed, less than 90 percent for that preceding year; (ii) the average occupancy rate of the facility to which beds are to be relocated was, based upon the total number of beds for which the facility is licensed, 95 percent or more over the previous two years; and (iii) prior to the transfer, the facility to which the beds are to be relocated was licensed for 50 or fewer nursing home beds. This bill is identical to SB 470.

Patron - Oder

HB1378 Department of Medical Assistance Services; pilot program for the use of biometric data. Requires the Department of Medical Assistance Services to design and develop a plan for a pilot program for the use of biometric data to identify medical assistance services recipients and link services rendered to specific recipients, in order to (i) increase the quality of care provided to recipients of medical assistance services; (ii) improve the accuracy and efficiency in billing for medical assistance services by providers; and (iii) reduce the potential for identity theft and the unlawful use of recipients' identifying information.

Patron - Sickles

HJ56 Virginia Cancer Plan; report. Requests the Virginia Cancer Plan Action Coalition to report on changes to the Virginia Cancer Plan to the Governor, the General Assembly, and the Joint Commission on Health Care in each year that changes are made to the Virginia Cancer Plan.

Patron - Dance

SB470 Certificate of Public Need; definition of project. See HB 415.

Patron - Miller, J.C.

SB549 Virginia Network for Geospatial Health Research Authority; created. Requires the Secretaries of Health and Human Resources and Technology to evaluate opportunities to partner with nonprofit organizations and institutions of higher education in the Commonwealth to develop a network for geospatial health research, and to report on their findings to the Governor; the Senate Committees on Education and Health, Finance, and General Laws and Technology; and the House Committees on Appropriations, Health, Welfare, and Institutions, and Science and Technology no later than December 1, 2010.

Patron - Barker

SB653 Certificate of public need; exception. Allows the Commissioner of Health to accept and approve a request to amend the conditions of a certificate of public need issued to a continuing care provider registered with the State Corporation Commission in which nursing facility or extended care services are provided to allow such continuing care provider to continue to admit community patients, other than contract holders, to its nursing facility beds through December 31,

2013, if the following conditions are met: (i) the facility is located in the City of Norfolk and operated as a not-for-profit and (ii) the facility's contract holder occupancy rate is less than 85 percent at the time of such application.

Patron - Northam

Title 33.1- Highways, Bridges and Ferries

HB197 Acceptance of subdivision streets into state secondary highway system. Provides that any street or segment of a street within a network addition that meets one or more of the public service requirements addressed in the regulations can be accepted into the secondary system, provided that the network addition satisfies all other requirements adopted pursuant to this section. In cases where a majority of the lots along the street or street segment remain undeveloped and construction traffic is expected to utilize that street or street segment after acceptance, the bonding requirement for such street or street segment may be required by VDOT to be extended for up to one year beyond that required in the secondary street acceptance requirements.

Patron - Ware, R.L.

HB209 Outdoor signs and advertising. Provides that all penalties and costs collected for violations of advertising provisions when the locality has entered into an agreement with the Commonwealth Transportation Commissioner shall be paid to the affected locality. Excludes signs and advertising erected only from Saturday through the following Monday from those agreements with the Commissioner.

Patron - Bulova

HB214 HOV lanes; use by vehicle with clean special fuel license plates. Extends until July 1, 2011, the sunset on use of HOV lanes by clean special fuel vehicles, regardless of the number of occupants.

Patron - Greason

HB222 Secondary highway system design standards. Provides that for urban and urban development areas in jurisdictions using the urban county executive form of government, the Virginia Department of Transportation shall work in conjunction with the jurisdiction and the Department of Rail and Public Transportation to review new design standards for state secondary highway system components that the jurisdiction proposes.

Patron - Watts

HB418 Commonwealth Transportation Board; rules and regulations. Provides that any rules and regulations promulgated by the Commonwealth Transportation Board shall be developed in accordance with the Administrative Process Act. This bill is identical to SB 255.

Patron - Oder

HB421 Allocation by CTB of funds for transit projects. Provides that prior to the annual adoption of the Six-Year Improvement Program, the Commonwealth Transportation Board may allocate up to 20 percent of the funds in the Commonwealth Mass Transit Fund designated for capital purposes to transit operating assistance if operating funds for the next fiscal year are estimated to be less than the current fiscal year's allocation, to attempt to maintain transit operations at approximately the same level as the previous fiscal year.

Patron - Hope

HB516 **Condemnations; highway construction.** Identifies VDOT as the party responsible for compiling interest accrued when the amount of an award in a highway construction-related condemnation proceeding is greater than that deposited with the court or through a certificate of deposit. This bill is the same as SB 405.

Patron - Rust

HB631 **Commonwealth Transportation Commissioner; advertising for bids; construction.** Provides that the Commonwealth Transportation Commissioner may let projects costing below \$300,000 to contract. The bill further provides that the Commissioner may, at his discretion, build or maintain any of the roads by state or local employees as he may designate in cases of emergency or on projects costing not more than \$600,000. This bill is identical to SB 254.

Patron - Scott, E.T.

HB759 **HOV lanes; military personnel.** Allows any active duty military member in uniform to use HOV lanes, regardless of the number of passengers, on Interstate Route 264 and Interstate Route 64 for the purposes of traveling to or from a military facility in the Hampton Roads Planning District. This bill is identical to SB 696.

Patron - Stolle

HB806 **Virginia Alternative Fuels Revolving Fund.** Adds improvement of infrastructure such as refueling stations as a goal of the Fund. Requires that the Commissioner aggressively pursue grants and other sources of funding for the Fund.

Patron - Poindexter

HB1241 **Metropolitan planning organizations; membership.** Provides that any metropolitan planning organization may vote, with the concurrence of the Governor, to have its membership expanded to include members of the House of Delegates, as selected by the Speaker of the House of Delegates, and members of the Senate, as selected by the Senate Committee on Rules.

Patron - Oder

SB254 **Commonwealth Transportation Commissioner; advertising for bids; construction.** See HB 631.

Patron - Miller, Y.B.

SB255 **Commonwealth Transportation Board; rules and regulations.** See HB 418.

Patron - Miller, Y.B.

SB405 **Condemnations; highway construction.** See HB 516.

Patron - Petersen

SB552 **HOV lanes.** Extends the "sunset" on use of HOV lanes by clean special fuel vehicles, regardless of the number of their occupants, until July 1, 2011, but only if they are not traveling on I-66, I-95, or I-395.

Patron - Barker

SB553 **Increase transit use strategies.** Requires the Secretary of Transportation to make an annual report to the General Assembly on actions taken to promote transit use, etc.

Patron - Barker

SB696 **HOV lanes; military personnel.** See HB 759.

Patron - McWaters

Title 33.1- Miscellaneous; Highways, Bridges and Ferries

HB402 **Hampton Roads Bridge-Tunnel; unsolicited proposals.** Directs the Virginia Department of Transportation to accept for review unsolicited proposals to add capacity to the Hampton Roads Bridge-Tunnel.

Patron - Oder

HB530 **"Historic Route 1."** Designates U.S. Route 1 in Virginia as "Historic Route 1."

Patron - Nixon

HB564 **Norfolk/Virginia Beach light rail project.** Provides that funds for the Norfolk/Virginia Beach light rail project will be expended in accordance with Federal Transit Administration requirements, notwithstanding any contrary provision of law.

Patron - Tata

HB848 **Improvements to Route 711.** Provides that Buchanan County may enter into an agreement with Pike County, Kentucky, to improve Route 711. This bill is identical to SB 371.

Patron - Morefield

HB1109 **Virginia Route 27.** Designates Virginia Route 27 adjacent to the Pentagon in Arlington County as the "9/11 Heroes Memorial Highway."

Patron - Brink

SB371 **Improvements to Route 711.** See HB 848.

Patron - Puckett

Title 34- Homestead and Other Exemptions

HB1192 **Homestead deeds for personal property; previous filings.** Adds to the homestead deed for personal property form the following questions: (i) how many homestead deeds has the householder filed previously, (ii) what was the amount of the exemption, and (iii) what jurisdiction were they in.

Patron - Griffith

Title 35.1- Hotels, Restaurants, Summer Camps, and Campgrounds

HB495 **Serving of meals by churches.** Exempts churches serving meals consisting of food prepared in the homes of members or in the kitchen of the church from licensure requirements applicable to restaurants. This bill is identical to SB 117.

Patron - Lingamfelter

SB117 **Serving of meals by churches.** See HB 495.

Patron - Petersen

Title 36- Housing

HB312 Uniform Statewide Building Code; appeals to the local board of Building Code appeals and the State Building Code Technical Review Board. Clarifies that any person aggrieved by a local building official's application of the Uniform Statewide Building Code may appeal to the local board of Building Code appeals. The bill also provides the State Building Code Technical Review Board authority to hear appeals from decisions arising under application of the Virginia Manufactured Housing Construction and Safety Standards Law and the Virginia Certification Standards adopted by the Board of Housing and Community Development.

Patron - McClellan

HB313 Industrialized Building Safety Law. Provides that any person aggrieved by the Department of Housing and Community Development's application of the Industrialized Building Safety Law may appeal to the State Building Code Technical Review Board. Currently only local building officials, compliance assurance agencies, and industrialized building manufacturers are listed as being allowed such appeals. In addition, the bill deletes references to model code writing entities (except the National Fire Protection Association) and replaces them with the International Code Council.

Patron - McClellan

HB517 Uniform Statewide Building Code; violations; nonresidential property. Provides that a court may order violations of the Uniform Statewide Building Code on nonresidential buildings or structures be abated or otherwise remedied if the violations remain when the court is authorized to assess civil penalties. Currently the court is required to order abatement for residential buildings or structures but is not authorized to do so if the building or structure is nonresidential.

Patron - Rust

HB605 Board of Housing and Community Development; powers; Virginia Building Code Academy. Provides that the levy of two percent of building permit fees for the support of the Virginia Building Code Academy is not limited to building permits but also applies to permits issued in connection with the enforcement of amusement device regulations.

Patron - Merricks

HB687 Uniform Statewide Building Code; penalty for violation. Increases the civil penalty for a second or subsequent violations from \$150 to \$350 and the total for violations arising from the same operative set of facts from \$3,000 to \$4,000.

Patron - Miller, J.H.

HB1101 Statewide Fire Prevention Code; appeal from local fire code decisions. Provides that any local fire code may provide for an appeal to the local board of appeals for fire code violations, and if no such local board exists, to the State Building Code Technical Review Board.

Patron - Sickles

HB1174 Housing authorities; compensation of commissioners. Provides that a commissioner shall receive such compensation as may be determined by a locality for each meeting of the authority attended by the commissioner. Currently, that amount cannot exceed \$75.

Patron - Phillips

HB1260 Uniform Statewide Building Code; buildings or structures built on state-owned property. Provides that the Uniform Statewide Building Code shall also apply to buildings or structures built on state-owned property. The bill requires the Department of General Services to act as the building official for all buildings or structures built on state-owned property. The bill provides that the Building Code shall not apply to uninhabitable structures, equipment, or wiring owned by a public service company, a certificated provider of telecommunications services, or a franchised cable operator that are built on rights-of-way owned or controlled by the Commonwealth Transportation Board.

Patron - Brink

HB1374 Manufactured Housing Licensing and Transaction Recovery Fund Law. Clarifies that when the buyer of a manufactured home that is a single section unit fails to accept delivery, the manufactured home dealer may retain actual damages of \$1,000. The bill also provides that the authority of the Manufactured Housing Board to authorize up to five percent of the Manufactured Housing Transaction Recovery Fund balance for educational purposes and to pay staff expenses related to regulatory functions shall expire on July 1, 2011.

Patron - Scott, J.M.

Title 37.2- Behavioral Health and Developmental Services

HB150 Dispensing of medications by community services boards, behavioral health authorities, and crisis stabilization units. Authorizes community services boards, behavioral health authorities, and clinics established by the Virginia Department of Health or local health departments to receive, store, retain, and repack prescription drug orders dispensed to a patient for the purpose of assisting a client with self-administration of the drug. This bill also authorizes community services boards and behavioral health authorities to establish crisis stabilization units to provide residential crisis stabilization services and provides that the Board of Pharmacy may register crisis stabilization units licensed by the Department of Behavioral Health and Developmental Services to maintain stocks of Schedule VI drugs necessary for immediate treatment of patients admitted to the unit. This bill has an emergency clause.

Patron - O'Bannon

HB195 Community services boards; terms. Reduces the period of time a person must wait before being reappointed to a community services board from three years to one year from the end of the last three-year term for which the member was eligible to serve.

Patron - Cosgrove

HB247 Involuntary commitment, certification, and mandatory outpatient treatment orders; appeals. Reduces from 30 to 10 days the length of time for a person to appeal to circuit court an order for involuntarily commitment, mandatory outpatient treatment, or certification for admission to a training center. The bill also provides that an appeal does not operate to suspend any such order unless so ordered by a judge or special justice. The bill further provides that an order of the circuit court shall not extend the duration of involuntary admission or mandatory outpatient treatment set forth in the order appealed from. The bill also clarifies that the appeal shall be heard in accordance with the same provisions applicable to the original

order, except that the court in its discretion may rely upon the evaluation report in the commitment hearing from which the appeal is taken instead of requiring a new evaluation. This bill is identical to SB 63.

Patron - Kilgore

HB248 Psychiatric treatment of minors. Revises the Psychiatric Inpatient Treatment of Minors Act in order to create a stand alone juvenile commitment act that will be titled the Psychiatric Treatment of Minors Act and to eliminate various cross references to the adult commitment statutes in Title 37.2. The bill incorporates various provisions from the adult commitment statutes, including provisions regarding the transportation of persons in the commitment process, the preparation of preadmission screening reports, and the process for emergency custody and temporary detention orders, into the Act. The bill also revises the appeals process, reducing the time to note an appeal from 30 to 10 days, which is consistent with other appeals from the juvenile and domestic relations district court. This bill is identical to SB 65.

Patron - Kilgore

HB729 Mandatory outpatient treatment following inpatient treatment. Allows a court to enter an order for mandatory outpatient treatment following involuntary inpatient treatment, which orders a person to involuntary inpatient treatment and authorizes the person's treating physician to discharge the patient from inpatient treatment subject to mandatory outpatient treatment. To be eligible for such an order, the person must meet the criteria for involuntary inpatient treatment as well as demonstrate (i) a lack of compliance with treatment for mental illness, (ii) the need for outpatient treatment to prevent a relapse or deterioration that would likely result in his meeting the criteria for inpatient treatment, (iii) that the person is not likely to obtain outpatient treatment unless the court enters the order, and (iv) that the person is likely to benefit from outpatient treatment. Additionally, services must actually be available in the community and providers of services must have actually agreed to deliver the services. The bill also sets forth how orders for mandatory outpatient treatment following inpatient treatment will be enforced, reviewed, continued, and rescinded. This bill is identical to SB 360.

Patron - Albo

HB1099 Employment for individuals with autism; program goals. Requires the Department of Behavioral Health and Developmental Services, in coordination with the Department of Rehabilitative Services and local community services boards and behavioral health authorities, to establish specific goals for programs to assist individuals with Autism Spectrum Disorders to obtain and sustain employment.

Patron - Sickles

SB63 Involuntary commitment, certification, and mandatory outpatient treatment orders; appeals. See HB 247.

Patron - Lucas

SB65 Psychiatric treatment of minors. See HB 248.

Patron - Lucas

SB360 Mandatory outpatient treatment following inpatient treatment. See HB 729.

Patron - Barker

SB529 Civil commitment of sexually violent predators; screening. Provides that a licensed mental health professional certified by the Board of Psychology as a sex offender treatment provider may perform a screening for an initial deter-

mination of whether a prisoner meets the definition of a sexually violent predator when there is no specific scientifically validated instrument to measure the risk assessment of a prisoner.

Patron - Puller

Title 38.2- Insurance

HB10 Individual health insurance coverage; requirement to obtain. Provides that a resident of the Commonwealth shall not be required to obtain or maintain a policy of individual insurance coverage. This applies regardless of whether the person has or is eligible for health insurance coverage under any policy or program provided by or through his employer or a plan sponsored by the Commonwealth or the federal government. The measure also states that no provision of Title 38.2 renders a resident liable for any penalty, assessment, fee, or fine as a result of his failure to procure or obtain health insurance coverage. The measure does not apply to individuals voluntarily accepting coverage under a state-administered Medicare or Medicaid program.

Patron - Marshall, R.G.

HB77 Credit life insurance disclosures. Requires that a debtor, when buying a credit life insurance policy paid in advance or by a single premium, shall be provided with a notice of his right to a refund if the insurance is terminated prior to its scheduled maturity or the insured indebtedness is terminated or paid off early. The same disclosure requirement currently exists for insurance contracts on a debtor paid by a single premium.

Patron - Ware, R.L.

HB93 Uninsured motorist insurance coverage. Permits a liability insurer to be relieved of the costs of defending the owner or operator in a claim involving property damage or bodily injury, including death, incurred after the liability insurer makes an irrevocable written offer to pay the limits of its policy and notifies any insurer providing underinsured motorist coverage with respect to the claim. The insurer or insurers providing underinsured motorist coverage shall reimburse the liability insurer or insurers for the costs of defending the underinsured motor vehicle owner or operator. The liability insurer retains the duty to defend its insured. If underinsured motorist coverage is provided by more than one insurer, the cost to defend shall be assumed in the same order of priority as applies to payments of underinsured benefits. The provisions of this bill shall not apply in the event of either a jury verdict being returned in an amount equal to or less than the total liability coverage available for payment or a dispositive ruling dismissing the plaintiff's complaint. The provisions of the bill shall not apply to costs incurred in connection with an appeal.

Patron - Kilgore

HB116 Pharmacy benefits; freedom of choice. Authorizes accident and sickness insurers proposing to issue preferred provider policies or contracts, health maintenance organizations, corporations providing preferred provider subscription contracts, and health care plans for state employees to select a single mail order pharmacy provider as an exclusive provider of pharmacy services that are delivered to the covered person's address by mail, common carrier, or delivery service. SB 535 is identical.

Patron - Purkey

HB258 Individual health insurance coverage. Expands the scope of who is an eligible person for purposes of

guaranteed availability of individual health insurance coverage regardless of health status to include persons whose most recent prior creditable coverage was under the Commonwealth's Medicaid plan.

Patron - McClellan

HB260 Insurance; restitution. Authorizes the State Corporation Commission to require a person to make restitution in the amount of the direct actual financial loss if the person improperly withholds, misappropriates, or converts any money or property received in the course of conducting business. Currently, the Commission's authority to order restitution is limited to cases where an insurer charges an excessive rate or discriminatory premium or fails to pay undisputed amounts required under an insurance contract.

Patron - McClellan

HB315 Health insurance; continuation of coverage under group policy. Expands the ability of a person who becomes ineligible for coverage under a group health insurance policy to exercise the option to continue coverage under the group policy. The measure (i) extends the maximum length of continued coverage from 90 days to 12 months; (ii) allows premiums to be paid monthly; and (iii) requires the policyholder to inform the persons insured under the group policy of the option. The notice shall be provided within 14 days of the policyholder's knowledge of the covered person's loss of eligibility under the group policy. The measure also retains the policyholder's option to have the issuer issue an individual policy to the covered person who loses eligibility, and the maximum period for applying for such a policy is extended from 31 to 60 days after loss of eligibility.

Patron - McClellan

HB317 Group health insurance; enrollment opportunities. Requires group health insurance policies, health services plans, and health care plans to offer enrollment opportunities for employees and dependents who are eligible for coverage under, but not enrolled in, such policies or plans upon their (i) losing eligibility for coverage under the Commonwealth's Medicaid or FAMIS program or (ii) becoming eligible for premium assistance under either program. In order to enroll, the employee or dependent must request coverage within 60 days of being terminated from coverage under the state program or 60 days of becoming eligible for premium assistance. Employers providing such policies or group plans are required to notify employees of their potential eligibility for premium assistance under these state programs and to disclose to the Department of Medical Assistance Services, upon request, information to permit the Department to determine the cost-effectiveness of any premium assistance provided. The measure implements certain provisions of the federal Children's Health Insurance Program Reauthorization Act of 2009, and applies to corporations issuing subscription contracts, health maintenance organizations, and insurers.

Patron - McClellan

HB352 Group life insurance coverage. Allows coverage under a group life insurance policy to be extended to insure any person in whom the insured group member has an insurable interest, as may mutually be agreed upon by the insurer and the group policyholder. SB 465 is identical.

Patron - Rust

HB448 Virginia Life, Accident and Sickness Insurance Guaranty Association. Updates and expands the scope of the Virginia Life, Accident and Sickness Insurance Guaranty Association. The Association provides a system for the protection of policy owners, annuitants, and other persons against failure in an insurer's performance of its contractual obliga-

tions under life and accident and sickness insurance policies and annuity contracts as a result of the insurer's impairment or insolvency.

Patron - Ware, R.L.

HB531 Insurance rate filings; trade secrets. Exempts insurance rate-related information filed with the State Corporation Commission from public inspection and copying if it constitutes a trade secret as defined in the Uniform Trade Secrets Act. The insurer or other person filing the information has the burden of persuading the Commissioner of Insurance that information is a trade secret.

Patron - Nixon

HB532 Home service contract providers. Exempts any home service contract provider that has a net worth in excess of \$100 million from the provisions of Article 2 of Chapter 26 of Title 38.2 of the Virginia Code, which provides for the licensure regulation of such providers by the State Corporation Commission. SB 439 is identical.

Patron - Nixon

HB548 Group health insurance policies; wellness programs. Allows group health insurance policies to provide a discount to employers who institute employee wellness programs. The bill also allows an employer instituting and maintaining an employee wellness program to require any employee wishing to enroll to undergo a health assessment as a condition of enrollment.

Patron - Marshall, D.W.

HB554 COBRA continuation coverage. Requires small employers providing group health insurance coverage to offer to certain employees whose employment is involuntarily terminated the option to continue their coverage for any additional period, extending beyond the nine months of COBRA continuation coverage that is currently required, as may be specified by future amendments to the American Recovery and Reinvestment Act. The measure will take effect upon its passage.

Patron - Marshall, D.W.

HB556 Availability of basic health insurance. Authorizes health maintenance organizations to offer and sell to small employers group health care plans for health care services that do not include all of the state-mandated health insurance benefits. Currently, such limited coverage may be offered by health insurers and corporations providing policies, subscription contracts, or evidence of coverage. SB 642 is identical.

Patron - Marshall, D.W.

HB800 Insurance; life and annuities licenses. Removes the requirement that a nonresident insurance agent obtain a life and annuities license from the State Corporation Commission's Bureau of Insurance as a condition to obtaining a variable contract license. The existing requirement applies even if the nonresident agent does not plan to sell non-variable life or annuities products. The measure also updates an obsolete reference to the examination licensees are required to pass.

Patron - Plum

HB939 Insurance agents; continuing education program. Requires that the guidelines governing appeals of actions by the insurance continuing education board allow any person aggrieved by an action of the board or program administrator to appeal a decision to the Bureau of Insurance and then to the State Corporation Commission. Currently only a licensee aggrieved by an action that has the potential to affect

the licensee's status has the right to appeal decisions beyond the insurance continuing education board.

Patron - Abbitt

[P]HB1018 Insurance policies; countersignature requirements. Repeals a provision that prohibits insurance policies from containing any provision that deems the policy to be invalid due to the absence of the signature or countersignature of an agent or company representative.

Patron - Hugo

[P]HB1095 Individual health insurance coverage; COBRA period. Sets the parameters of the period an individual is not covered by health insurance as beginning the day after an individual's termination of coverage and ending when an application for coverage is submitted. When an application is submitted by mail, the date of the postmark is the date the application is submitted.

Patron - Sickles

[P]HB1263 Dental plans; reimbursement for health care services. Prohibits a contract between a dental plan and a dentist or oral surgeon from establishing the fee or rate that the dentist or oral surgeon is required to accept for the provision of health care services, or from requiring that a dentist or oral surgeon accept the reimbursement paid by the dental plan as payment in full, unless the services are covered services under the dental plan. The measure applies to contracts entered into, amended, extended, or renewed on or after July 1, 2010. The State Corporation Commission does not have jurisdiction to adjudicate individual controversies arising out of this measure. SB 622 is identical.

Patron - Ware, R.L.

[P]HB1375 Prescription drug benefits; standard reference compendia. Replaces obsolete publications from the list of standard reference compendia with existing approved publications. The measure revises the compendia for both private health insurance and the state employee's health insurance plan.

Patron - Garrett

[P]HB1377 Health services plan; program for residents of other state. Provides that, if another state enacts a law that requires a nonprofit health service plan operating in Virginia to provide a specified program for residents of the other state, the State Corporation Commission (SCC) may hold a hearing to evaluate the impact of the law on the health services plan. The SCC shall direct the Commissioner of Insurance to conduct an examination of the health services plan. The measure authorizes the SCC to issue orders to protect residents of the Commonwealth.

Patron - Sickles

[P]SB163 Health savings accounts; exemption from creditors' claims. Exempts moneys paid into or out of, the assets of, and the income of a health savings account from creditor process. Such assets shall not be liable to attachment, garnishment, or other process and shall not be seized, taken, appropriated, or applied by any legal or equitable process or operation of law to pay any debt or liability of the participant or beneficiary of the account.

Patron - Edwards

[P]SB283 Individual health insurance coverage; requirement to obtain. Provides that a resident of the Commonwealth shall not be required to obtain or maintain a policy of individual insurance coverage except as required by a court or the Department of Social Services where the individual is named a party in a judicial or administrative proceeding. This

applies regardless of whether the person has or is eligible for health insurance coverage under any policy or program provided by or through his employer or a plan sponsored by the Commonwealth or the federal government. The measure also states that no provision of Title 38.2 renders a resident liable for any penalty, assessment, fee, or fine as a result of his failure to procure or obtain health insurance coverage. The measure does not apply to individuals voluntarily accepting coverage under a state-administered Medicare or Medicaid program, or to students required by institutions of higher education to be insured as a condition of enrollment. The measure states that it does not impair the rights of persons to privately contract for health insurance for current or former family members. SB 311 and SB 417 are identical.

Patron - Quayle

[P]SB311 Individual health insurance coverage; requirement to obtain. See SB 283.

Patron - Martin

[P]SB417 Individual health insurance coverage; requirement to obtain. See SB 283.

Patron - Vogel

[P]SB439 Home service contract providers. See HB 532.

Patron - Saslaw

[P]SB465 Group life insurance coverage. See HB 352.

Patron - Howell

[P]SB477 Group health insurance policies; small employers. Clarifies that group accident and sickness policies and contracts sold to a small employer are required to include coverage for mammograms, pap smears, PSA testing, and colorectal cancer screening. The measure reconciles an inconsistency in 2009 legislation that arose when it was amended at the Governor's request during the reconvened session to require such policies to include these four mandated procedures.

Patron - Watkins

[P]SB535 Pharmacy benefits; freedom of choice. See HB 116.

Patron - Newman

[P]SB622 Dental plans; reimbursement for health care services. See HB 1263.

Patron - Wampler

[P]SB642 Availability of basic health insurance. See HB 556.

Patron - Reynolds

[P]SB675 Health insurance; mandated coverage for telemedicine services. Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the cost of such health care services provided through telemedicine services. "Telemedicine services" means the use of interactive audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment. Utilization review may be undertaken to determine the appropriateness of telemedicine services.

Patron - Wampler

[P]SB706 Health insurance; coverage for mental health and substance abuse services. Requires that group health insurance coverage issued to large employers provide mental health and substance use disorder benefits in parity with the medical and surgical benefits contained in the coverage, in

accordance with the Mental Health Parity and Addiction Equity Act of 2008.

Patron - Houck

Title 40.1- Labor and Employment

HB737 E-Verify Program. Requires agencies of the Commonwealth to enroll in the E-Verify Program by December 1, 2012, and to use the Program for each newly hired employee who is to perform work within the Commonwealth.

Patron - Albo

Title 43- Mechanics' and Certain Other Liens

SB105 Mechanics' and materialmen's liens. Removes the definitional requirement that one must give consent in writing in order to be a "mechanics' lien agent." The bill also authorizes any person entitled to claim a lien to notify the mechanics' lien agent that he seeks payment for labor performed or material furnished if the building permit contains the name, mailing address, and telephone number of the mechanics' lien agent. Current law provides that any person entitled to claim a lien may notify the mechanics' lien agent that he seeks payment for labor performed or material furnished only if, at the time of issuance, the building permit contains the name, mailing address, and telephone number of the mechanics' lien agent.

Patron - McDougale

Title 44- Military and Emergency Laws

HB46 Virginia Defective Drywall Correction and Resistance Fund; hazardous materials in dwellings. Creates the Virginia Defective Drywall Correction and Restoration Assistance Fund to promote the correction and restoration of residential property affected by the environmental problems attributable to defective drywall used in new construction or renovation that occurred between 2001 and 2008. The fund will be administered by the shall be Virginia Resources Authority and the Department of Housing and Community Development. Under the bill, the Department of Housing and Community Development would develop guidelines for the distribution of loans or grants from the Fund to particular recipients. The grants and loans may be used to pay the reasonable and necessary costs associated with (i) the remediation of a contaminated property to remove hazardous substances, hazardous wastes, or solid wastes, (ii) the stabilization or restoration of such structures or (iii) the demolition and removal of the existing structures, or other work necessary to remediate or reuse the real property.

Patron - Oder

HB1233 State active military duty; health care coverage. Allows a member of the Virginia National Guard called to state active duty by the Governor to continue his

health care coverage, at the member's expense. This bill is identical to SB 613.

Patron - Miller, P.J.

SB349 Reemployment rights of members of Virginia National Guard, Virginia State Defense Force, or naval militia. Extends the period in which a member of the Virginia National Guard, Virginia State Defense Force, or naval militia is required to apply for reinstatement in his former job to 90 days following his release from duty or from hospitalization following release, if the length of the member's absence by reason of service in the uniformed services exceeds 180 days. If the duration of his absence does not exceed 180 days, such notice must be given within 14 days, which is the current period allowed in all instances regardless of the duration of the absence. This notice period is consistent with that provided under the federal Uniformed Services Employment and Reemployment Rights Act for service members deployed for 181 days or longer.

Patron - Hanger

SB613 State active military duty; health care coverage. See HB 1233.

Patron - Wampler

Title 45.1- Mines and Mining

HB1179 Coalbed methane gas; presumption regarding estate of owner of surface rights. Provides that a conveyance, reservation, or exception of coal shall not be deemed to include coalbed methane gas. The presumption does not affect (i) a coal operator's right to vent coalbed methane gas for safety purposes or release coalbed methane gas in connection with mining operations or (ii) any settlement of any dispute, or any judgment or governmental order, as to the ownership or development of coalbed methane gas made or entered prior to the enactment of this provision. The Auditor of Public Accounts is required to conduct an operational and performance review of the accounting policies and procedures for the collection and disbursement of the escrow accounts by the Virginia Gas and Oil Board. The review will include (i) best practices for the collection of funds from gas operators to ensure that the Virginia Gas and Oil Board receives all moneys owing under law and allocates such moneys to entitled owners; (ii) best management practices for the disbursement of funds to ensure that entitled owners are promptly notified and able to access their funds; and (iii) recommendations for statutory or regulatory changes governing the management and accounting of all escrow funds under the control of the Virginia Gas and Oil Board. The bill declares that an emergency exists and that the bill is effective upon passage. This bill is identical to SB 376.

Patron - Phillips

HB1185 Coal mine safety. Makes several changes to the Coal Mine Safety Act. Surface foremen must take, at minimum, a 24-hour course of instruction in advanced first aid taught by a certified advanced first aid instructor and pass an examination approved by the Board of Coal Mining Examiners. Mine operators are required to review the substance abuse screening program with all miners at the time of employment and annually thereafter. Rules for the design and marking of dumping stations and the placement of explosives are changed in certain instances. This bill is identical to SB 561.

Patron - Phillips

HB1344 Coalbed methane gas; conflicting claims of ownership; arbitration. Requires that the Virginia Gas and Oil Board order arbitration to resolve conflicting claims of ownership over coalbed methane upon the written request of all parties claiming ownership. The arbitrator shall be appointed by the circuit court from a list of qualified persons maintained by the Department of Mines, Minerals, and Energy. To qualify as an arbitrator, a candidate (i) shall be an attorney licensed in the Commonwealth; (ii) shall have at least 10 years of experience in real estate law, including substantial expertise in mineral title examination; and (iii) shall disclose to the Board whether he has been engaged within the preceding three years by any person in matters subject to the jurisdiction of the Board or the Department. The arbitrator shall make a determination within six months and, after receiving notice of the written determination, the Gas and Oil Board must disburse any proceeds held in escrow and owing to the owner of the coalbed methane gas interest. The costs of the arbitrator shall be paid from the accrued interest on general escrow account funds. If the Department finds, at the outset of the request for arbitration, that there are insufficient funds to pay the estimated costs of the arbitration, the claimants may, by unanimous agreement, proceed with the arbitration process, notify the Board of such agreement, and bear the costs to the extent of the insufficiency. If the parties do not agree, the arbitration shall be delayed until such funds are available.

Patron - Kilgore

SB376 Coalbed methane gas; presumption regarding estate of owner of surface rights. See HB 1179.

Patron - Puckett

SB561 Coal mine safety. See HB 1185.

Patron - Puckett

Title 46.2- Motor Vehicles

HB61 DMV records; release of photographs. Provides for release by DMV of a hard copy image of any photographs of deceased persons who held driver's licenses or special identification cards when requested by members of the deceased person's family or the executor of his estate.

Patron - Toscano

HB97 Restricted driving privilege for out-of-state drivers. Provides that when the driver of any motor vehicle not licensed to drive in Virginia, but who has a valid driver's license from another jurisdiction, is convicted in Virginia of a violation for which license suspension and issuance of a restricted license is authorized, the court may issue a restricted driving privilege in Virginia upon the same conditions as if the person held a valid Virginia license.

Patron - Loupassi

HB98 Restricted learner's permit. Authorizes the Department of Motor Vehicles to issue a restricted learner's permit if the person is 25 years of age or older and a court has authorized restricted driving privileges to the person. This bill is identical to SB 107.

Patron - Loupassi

HB163 Vehicles driving abreast. Provides that the prohibition on vehicles driving abreast does not apply to vehicles lawfully overtaking and passing vehicles traveling in the same direction in a separate lane.

Patron - Orrock

HB190 Motor vehicle buyer's order. Revises the kinds of notice that dealers are required to provide customers in transactions that involve dealer-arranged financing.

Patron - Cosgrove

HB350 Distribution of handbills, etc., and sale of merchandise or services on highways. Makes the power to regulate and prohibit distribution of handbills, etc., and solicitation of contributions, and sale of merchandise on highways or public roadways and medians a statewide authority. The bill also adds the sale of services or attempted sale of services as a prohibited activity. This bill is identical to SB 35.

Patron - Rust

HB365 Local vehicle licenses; agreements with DMV. Provides that DMV will refuse registration or renewal of registration of a vehicle if any parking citation fees are owed to any county, city, or town, not just the county, city, or town that has entered into an agreement with DMV to deny registrations to persons who owe that particular locality the fee.

Patron - Ware, O.

HB378 Golf carts. Provides that in towns with a population of 2,000 or less, a golf cart or utility vehicle may cross a highway at an intersection conspicuously marked as a golf cart crossing by signs posted by the Virginia Department of Transportation if the highway has a posted speed limit of no more than 35 miles per hour and the crossing is required as the only means to provide golf cart access from one part of the town to another part of the town.

Patron - Lewis

HB445 DMV eye exams. Allows DMV greater flexibility in assessing applicants' and licensees' horizontal fields of vision.

Patron - Ware, R.L.

HB473 Weight limits for trucks hauling gravel, etc. Extends "sunset" on increased weight limits applicable to trucks hauling gravel and certain other cargoes in coal-producing counties to July 1, 2011.

Patron - Carrico

HB504 Maximum speed limit on nonsurface treated highways for certain counties. Adds Rappahannock County to the list of counties where the unposted maximum speed limit on nonsurface treated highways (dirt roads) is 35 miles per hour.

Patron - Gilbert

HB513 Administrative impoundment of motor vehicles. Provides for a three-day administrative impoundment of a motor vehicle when driving without an operator's license if the person has previously been convicted of driving without a license. A person who knowingly authorizes the operation of a motor vehicle by a person who he knows has no operator's license and who he knows has been previously convicted of driving without a license is guilty of a Class 1 misdemeanor. The provisions of the bill do not apply to a person whose license has been expired for less than one year prior to the offense or a person under 18 years of age at the time of the offense.

Patron - Rust

HB538 Motor vehicle equipment; amber warning lights. Allows non-tow trucks owned by towing and recovery businesses to be equipped with amber warning lights, provided the lights are lit only at towing and recovery sites.

Patron - Marshall, D.W.

HB549 Licenses and special identification cards; legal presence requirements. Exempts individuals placed under medical review by the Department of Motor Vehicles from legal presence requirements for the renewal, duplication, or reissuance of a driver's license or special identification card.

Patron - Marshall, D.W.

HB580 Local vehicle license fees. Allows localities to exempt members of certain authorized sheriff's volunteer citizen support units from local vehicle license fees. To qualify for this exemption, vehicle owners must have served at least 10 years in the locality.

Patron - Cole

HB692 Parking violations. Adds Prince William County to existing provisions that grant certain localities authority to provide by ordinance that whenever any motor vehicle against which there are three or more outstanding unpaid or otherwise unsettled parking violation notices is found parked upon private property, the vehicle may be removed or immobilized. The county previously had the authority granted under this provision but was inadvertently omitted from the rewrite of this section in 2007 by a bill that sought to replace locality descriptions with locality names.

Patron - Miller, J.H.

HB742 Impoundment of vehicle for driving while license suspended. Allows vehicle impoundment for a violation of § 18.2-272 (driving on a suspended license when suspended for driving for DUI or a DUI-related crime) and provides that a motor vehicle impounded or immobilized by the police following an arrest for driving on a suspended license, when suspended for DUI or a DUI-related crime, may be impounded or immobilized for an additional 90 days by the court upon conviction of that offense.

Patron - Cleveland

HB746 Toll payments; penalty. Provides that the operator of any toll facility or the locality within which such toll facility is located may install and operate or cause to be installed and operated a video-monitoring system in conjunction with an automatic vehicle identification system on facilities for which tolls are collected for the use of such toll facility for enforcement of toll collection.

Patron - Rust

HB810 Vehicle lengths. Increases the allowable length of triple saddle mount combination vehicles operated on National Highway System components to 97 feet.

Patron - Scott, E.T.

HB841 DMV records. Authorizes the Department of Motor Vehicles to use the National Change of Address System to update its customer records. This bill is identical to SB 479.

Patron - Stolle

HB849 Off-road recreational vehicles. Authorizes localities embraced by the Southwest Regional Recreation Authority to allow over-the-road operation of "off-road recreational vehicles" within their boundaries. This bill is identical to SB 373.

Patron - Morefield

HB856 Highway speed limits. Increases the general highway speed limit on highways where it is presently 65 mph to 70 mph. This bill is identical to SB 537.

Patron - Carrico

HB916 Commercial driver's license; disqualification. Provides that the Commissioner shall disqualify for a period of five years any person convicted of voluntary or involuntary manslaughter, where the death occurred as a direct result of the operation of a commercial motor vehicle.

Patron - Bell, Robert B.

HB975 Motor vehicle titles. Exempts "Special construction and forestry equipment" from having to be titled in Virginia.

Patron - Knight

HB1012 Motor vehicle dealers and manufacturers. Expands the definition of "franchised motor vehicle dealer" to include used car dealerships operating under the trademark of a manufacturer. The bill also defines the relevant market area applicable to dealers of heavy trucks and limits the certain control that may be exercised over the development and operation of a motor vehicle dealer's premises due to its franchise relationship with the manufacturer. The bill also addresses certain practices relating to warranty and sales incentive audits to guarantee motor vehicle dealers the right to return parts sent by automated ordering system. It also limits the power of a manufacturer to coerce the waiver of a motor vehicle dealer's rights under any contract or other law; and clarifies hearing procedures. This bill is almost identical to SB 527 except that SB 527 contains an emergency clause.

Patron - Athey

HB1159 "Move over" law. Requires drivers to move left on a four lane highway when approaching vehicles displaying flashing blue, red, or amber lights. The offense is punished as a traffic infraction, formerly a Class 1 misdemeanor. A second or subsequent violation, when such violation involved a vehicle with flashing, blinking, or alternating blue or red lights, is punishable as a Class 1 misdemeanor. These provisions shall not apply in highway work zones.

Patron - Oder

HB1240 Roof signs and markings for taxicabs. Requires taxicabs to bear roof signs and markings identifying them as taxicabs.

Patron - Oder

HB1269 Motor vehicle dealers; demonstrator vehicles; vehicle buyer's orders. Establishes conditions under which dealers may sell demonstrator vehicles. This bill is identical to SB 293.

Patron - Janis

HB1277 Vehicle exempt from registration. Limits certain exemptions from registration to pickup trucks, panel trucks, sport utility vehicles, and vehicles having a gross vehicle weight rating greater than 7,500 pounds.

Patron - Scott, E.T.

HB1295 Dulles Access Highway. Provides for the enforcement of the use of a photo-monitoring system or automatic identification system on the Dulles Access Highway. This bill is the same as SB 667.

Patron - Rust

SB35 Distribution of handbills, etc., and sale of merchandise or services on highways. See HB 350.

Patron - Lucas

SB45 Disabled parking; windshield placard contents. Provides that permanent and removable windshield placards shall not show the name, age, and sex of the person to

whom issued. Instead, holders of permanent windshield placards are required to carry Disabled Parking Placard Identification Cards issued by DMV.

Patron - Stuart

SB96 Eluding police; penalty. Provides that a person who attempts to escape or elude a law-enforcement officer who has given a signal to bring the motor vehicle to a stop is guilty of a Class 2 misdemeanor whether the attempt to escape or elude is on foot, in the vehicle or by any other means.

Patron - Quayle

SB107 Restricted learner's permit. See HB 98.

Patron - McDougle

SB172 Maximum speed limit on nonsurface treated highways for certain counties. Adds Nelson County to the list of counties where the unposted maximum speed limit on nonsurface treated highways (dirt roads) is 35 miles per hour.

Patron - Deeds

SB219 Safety belt use for persons under 18 years of age. Requires safety belt use by those under 18 years of age who are occupying the rear seats of motor vehicles.

Patron - Howell

SB293 Motor vehicle dealers; demonstrator vehicles; vehicle buyer's orders. See HB 1269.

Patron - McDougle

SB321 Motorcycles driving two abreast; law-enforcement officers. Allows law-enforcement officers on official duty to drive motorcycles two abreast in a single lane.

Patron - Reynolds

SB373 Off-road recreational vehicles. See HB 849.

Patron - Puckett

SB404 HOV lanes; clean special fuel vehicles; government use. Removes requirement that the Commissioner provide written regulations before the Department of Motor Vehicles may issue government-use license plates for clean special fuel vehicles.

Patron - Petersen

SB406 Salvage vehicles; maintenance and contents of records; reports. Clarifies items that must be contained in the records that licensees maintain on receipt of any vehicles and allows governing body of any locality to require that the records be reported to the police. The bill further provides that licensees hold onto vehicles for up to 10 days before crushing them.

Patron - Stuart

SB479 DMV records. See HB 841.

Patron - Watkins

SB522 Motorcycle dealers. Increases the radius of "relevant market areas" as that term applies to motorcycle dealers.

Patron - Norment

SB527 Motor vehicle dealers and manufacturers. Expands the definition of "franchised motor vehicle dealer" to include used car dealerships operating under the trademark of a manufacturer. The bill also defines the relevant market area applicable to dealers of heavy trucks and limits the certain control that may be exercised over the development and operation of a motor vehicle dealer's premises due to its franchise relationship with the manufacturer. The bill also addresses certain

practices relating to warranty and sales incentive audits to guarantee motor vehicle dealers the right to return parts sent by automated ordering system. It also limits the power of a manufacturer to coerce the waiver of a motor vehicle dealer's rights under any contract or other law; and to clarify hearing procedures. This bill contains an emergency clause, but is otherwise identical to HB 1012.

Patron - Norment

SB537 Highway speed limits. See HB 856.

Patron - Newman

SB646 Connection between vehicles; tow trucks. Provides that, when one vehicle is towing another, the fifth wheel, drawbar, trailer hitch, or similar device must (i) be structurally adequate for the weight being drawn, (ii) be properly and securely mounted, (iii) provide for adequate articulation at the connection without excessive slack, and (iv) be provided with a locking device that prevents accidental separation of the vehicles.

Patron - Watkins

SB667 Dulles Access Highway. See HB 1295.

Patron - Herring

Title 46.2- Miscellaneous; Motor Vehicles

SB18 Special license plates. Authorizes the issuance of special license plates (i) to supporters of the Virginia Kids Eat Free program, (ii) to supporters of the Professor Garfield Foundation, (iii) bearing the legend: TRUST WOMEN/ RESPECT CHOICE, (iv) bearing the legend: BUY LOCAL, (v) to supporters of the Virginia Recycling Association, (vi) and to supporters of the Washington Capitals hockey team.

Patron - Lucas

Title 50- Partnerships

SB461 Partnerships; offices and statements; penalty. Makes it unlawful for any person to sign a general or limited partnership document he knows is false in any material respect with intent that the document be delivered to the State Corporation Commission for filing. Violations are punishable as a Class 1 misdemeanor. The measure also redesignates the specified office of a limited partnership as its principal office, which conforms to terminology applicable to other types of business entities.

Patron - McEachin

Title 51.1- Pensions, Benefits, and Retirement

HB273 Virginia Retirement System; benefits for local law enforcement, correctional, and emergency response employees in certain localities. Permits any locality that is exempt from providing all of the statutory special retirement benefits for deputy sheriffs because the locality's annual retirement allowance exceeds the statutory amount, to provide

all of the other statutory benefits except the statutory annual retirement allowance to all employees eligible for such benefits. The additional costs of providing the benefits would be borne by the locality making the election.

Patron - Englin

HB560 Virginia Retirement System; sickness and disability plan. Codifies provisions of the Appropriation Act making changes to the sickness and disability program that, among other things, create a one-year waiting period and a different benefit structure for new employees, and amends various provisions of the current plan.

Patron - Tata

HB561 Virginia Retirement System; optional life insurance. Modifies the optional life insurance plan by (i) deleting the specific maximum amount of coverage, and replacing it with language clarifying that the maximum amount is set by the Board of Trustees of the Virginia Retirement System, and (ii) clarifying the difference in benefits for an employee who has been on leave without pay while serving in the military.

Patron - Tata

HB562 Virginia Retirement System; retirement supplement ("COLA"). Clarifies that the allowance supplement that is indexed to inflation will not reduce the allowance when there is deflation, and corrects how COLA adjustments should be calculated following a period of deflation. The bill also makes some technical changes.

Patron - Tata

HB892 Virginia Retirement System; withdrawal of member contributions. Requires a member of the Virginia Retirement System to be vested before being eligible to withdraw that portion of his accumulated contributions made by his employer on his behalf on or after July 1, 2010.

Patron - Barlow

HB1189 Virginia Retirement System; new employees. Modifies for new employees all the defined benefit retirement plans administered by the Virginia Retirement System (VRS) as follows: (i) requires employees to contribute five percent of creditable compensation (only local employers would be allowed to pick up this contribution), (ii) increases the number of months used to calculate average final compensation from 36 to 60, (iii) increases the cost and decreases the time in which employees may purchase certain prior service credits, and (iv) reduces the portion of the increase in the Consumer Price Index used for determining annual retirement allowance supplements (COLA) from three percent plus one-half of the next four percent to two percent plus one-half of the next eight percent. The bill also decreases the Commonwealth's contribution for employees in institutions of higher education participating in optional retirement plans from 10.4 percent to 8.5 percent of creditable compensation. However, institutions of higher education may provide an additional contribution of up to 0.4 percent each year at their own cost. New employees of institutions of higher education would also be required to contribute five percent of salary. In addition to these modifications, for new state and local employees covered under the main defined benefit plan (i.e., excluding the separate plans for state and local law enforcement employees and judges), the bill (a) changes the requirements for unreduced early retirement benefits from 50 years of age and 30 years of creditable service, to one whereby the sum of age plus years of service equals 90 and (b) sets the person's normal retirement date as his normal retirement date for federal social security. The bill would allow reduced early retirement to be taken only by those persons who have attained the age of 60 with at least five years

of creditable service. Finally, for judges appointed or elected to an original term commencing on or after July 1, 2010, service as a judge would be multiplied by the weighted years of service factor of (i) 1.5 if the person was less than 45 at the time of such original term, (ii) 2.0 if the person was at least 45 but less than 55 at the time of such original term, and (iii) 2.5 if the person was at least 55 at the time of such original term. This bill is identical to SB 232.

Patron - Putney

SB232 Virginia Retirement System; new employees. See HB 1189.

Patron - Watkins

Title 51.5- Persons with Disabilities

SB689 Virginia Office for Protection and Advocacy; dispute resolution proceedings. Requires the governing board of the Virginia Office for Protection and Advocacy to establish a policy and internal guidelines for the approval of the pursuit of legal remedies, including the initiation of any legal proceeding on behalf of the Office, any persons with disabilities, or any organization representing persons with disabilities.

Patron - Blevins

Title 53.1- Prisons and Other Methods of Correction

HB256 Prisons; disposal of unclaimed personal property of prisoner. Provides that if any prisoner in a state, local or community correctional facility leaves personal property valued at less than \$100 in the custody of such facility for 30 days upon being transferred to another facility, the director or sheriff, as the case may, may sell the property. The bill further provides that if any prisoner, upon being released or having escaped, leaves such property at the time of his release or escape, the Director or the sheriff, as the case may be, may sell such property at public sale or may otherwise dispose of the property. Currently, such property must be held for six months.

Patron - Miller, P.J.

HB357 Jail farms; transportation of prisoners. Allows for a regional jail operated within Planning District Five (Roanoke Valley-Alleghany) to transport prisoners, upon their release, back to the locality where arrested or convicted.

Patron - Ware, O.

HB361 Regional jails; disposition of fees for prisoners' keep. Allows regional jails to retain fees collected for prisoners' keep instead of crediting those fees to the locality that incarcerated the inmate.

Patron - Ware, O.

HB543 Prisoners; maintenance of highways; grass cutting. Authorizes the use of prisoner labor to maintain the medians or other nontraveled portions of state highways.

Patron - Marshall, D.W.

HB757 Work by prisoners; removal of graffiti, etc. Allows prisoners confined to jail to work on private property to

remove graffiti in those localities which have adopted an ordinance undertaking such projects.

Patron - Stolle

HB758 Workforces; private property. Allows a local workforce to perform work on private property owned or occupied by elderly or indigent persons if the property is identified by a citizens housing advisory committee as needing rehabilitation or repair and the property owner consents to the work.

Patron - Stolle

HB913 Victims of crime may visit perpetrator in prison facility. Provides that the Department of Corrections shall promulgate a policy to assist a person who was the victim of a crime committed by an offender incarcerated in any state correctional facility to visit with such offender. The policy may include provisions necessary to preserve the safety and security of those at such visit and the good order of the facility, including consideration of the offender's security level, crime committed, and institutional behavior of the offender. The Department shall make whatever arrangements are necessary to effectuate such a visit. The provisions of this bill do not apply to juvenile victims.

Patron - Bell, Robert B.

HB1161 Jailer-issued identification for prisoners. Allows sheriffs, jail superintendents and jail administrators to issue a special identification card to prisoners who do not possess valid ID at release. All costs shall be paid by the prisoner.

Patron - Cosgrove

SB528 Prisons; Treatment and control of prisoners. Requires a licensed psychiatrist or licensed clinical psychologist who is experienced in the diagnosis, treatment, and risk assessment of sex offenders to oversee sex offender treatment programs in the Virginia Department of Corrections. The program shall be administered by a licensed psychiatrist, licensed clinical psychologist, or a licensed mental health professional who is a certified sex offender treatment provider.

Patron - Puller

SB670 Payment of fines and costs by DOC inmates. Requires a person committed to the Department of Corrections who owes court imposed fines, costs, forfeitures, restitution or penalties to contribute part of his pay to such obligations as a condition of participating in a correctional facility work program.

Patron - McDougale

Title 54.1- Professions and Occupations

HB83 Pawnbrokers; daily reports. Authorizes any local governing body to enact an ordinance requiring a pawnbroker to maintain and file a daily report electronically through the use of a disk, electronic transmission, or any other electronic means of reporting approved by a law-enforcement officer. Currently, such authorization is limited to any town with a population between 13,000 and 14,000.

Patron - Knight

HB143 Practitioner self-referral. Clarifies when a health care practitioner may make a referral to an entity in which he or an immediate family member is an investor.

Patron - O'Bannon

HB153 Physical therapy; advertising. Provides that no person shall advertise services using the words "physical therapy" or "physiotherapy" unless those services are provided by a physical therapist or physical therapist assistant, and establishes a process for reporting possible violations. This bill is identical to SB 195.

Patron - O'Bannon

HB192 Fair Housing Board educational materials on the Fair Housing Law; affidavit. Establishes that the Fair Housing Board shall promulgate regulations regarding educational materials concerning the Fair Housing Law, and persons in the business of selling or renting dwelling units without a real estate broker shall submit an affidavit to the Board that they have read and understood the law. This is a recommendation of the Virginia Housing Commission.

Patron - Cosgrove

HB201 Funeral services; handling of human remains. Provides that, upon taking custody of a dead human body, a funeral service establishment shall maintain the body in a manner that provides complete coverage and is resistant to leakage or spillage. If the body is to be stored for more than 48 hours prior to disposition, the establishment shall maintain the body in refrigeration or, with the express permission of the next of kin, have the body embalmed and, if the body is to be stored for more than 10 days at a location other than the establishment, disclose the location where the body is to be stored and the method of storage.

Patron - Alexander

HB231 Interpleader of real estate escrows. Establishes that suits in interpleader of real estate escrows shall go to General District Court, and protects escrow funds in the event of a real estate foreclosure. This bill is recommended by the Virginia Housing Commission.

Patron - Dance

HB250 Board for Contractors; Class C license. Raises the threshold for which a person must have a Class C contractor's license from less than \$7,500 to less than \$10,000. As a result, the Class B threshold is also raised from \$7,500 or more to \$10,000 or more.

Patron - Merricks

HB267 Advance Health Care Directive Registry. Eliminates the requirement that an advance directive or revocation of an advance directive be notarized before being submitted to the Advance Health Care Directive Registry. This provision will not go into effect until the Advance Health Care Directive Registry is created. This bill also requires the Commissioner of Health to work together with the Department for the Aging, Department of Health Professions, Bureau of Insurance, Virginia State Bar and other stakeholders to develop and implement a plan for informing the public about the availability of the Advance Health Care Directive Registry. This bill contains an emergency clause.

Patron - Englin

HB278 Funeral services; disposition of remains. Requires a funeral services provider to refrigerate or, with the express permission from the next of kin, embalm human remains within 48 hours of the receipt of such remains. The bill also provides that a person designated in a signed and notarized writing shall take priority over next of kin in making funeral arrangements, and clarifies procedures where the deceased has designated a person to make arrangements for his funeral and

disposition of his remains on a U.S. Department of Defense Record of Emergency Data.

Patron - Albo

HB286 Schedule VI prescriptions; certain infectious diseases. Authorizes a health care practitioner to prescribe Schedule VI antibiotics and antiviral agents to a person in close contact with a diagnosed patient of the practitioner without first conducting a physical examination of the person when the practitioner has a bona fide practitioner-patient relationship with the diagnosed patient, the practitioner meets all requirements for a bona fide practitioner-patient relationship with the person in close contact with the diagnosed patient other than the requirement for a physical examination, the practitioner believes that there is urgency to begin treatment to prevent transmission of a communicable disease, and emergency treatment is necessary to prevent imminent risk of death, life-threatening illness, or serious disability.

Patron - Dance

HB308 Regulation of mobile dental clinics. Requires the Board of Dentistry to develop regulations for the registration of mobile dental clinics and other portable dental operations.

Patron - O'Bannon

HB319 Funeral services; prerequisites for cremation. Removes the 24-hour waiting period as a possible prerequisite for cremation, and replaces it with a form of identification other than visual identification by next of kin, to be determined by the Board of Funeral Directors and Embalmers in regulations.

Patron - Alexander

HB382 Funeral services. Provides that when a person dies while on active military duty and has designated an individual to make arrangements for his funeral and disposition of his remains on a U.S. Department of Defense Record of Emergency Data, the designee shall be responsible for making such arrangements.

Patron - Sherwood

HB406 Board for Contractors; certification of accessibility mechanics. Provides for the certification of accessibility mechanics by the Board for Contractors. An "accessibility mechanic" is an individual who erects, constructs, installs, alters, services, repairs, tests, or maintains wheelchair lifts, incline chairlifts, certain dumbwaiters, and private residence elevators, in accordance with the Uniform Statewide Building Code. The bill is identical to SB 215.

Patron - Oder

HB408 Real Estate Appraiser Board; regulation of appraisal management companies. Provides for the regulation of real estate appraisal management companies by the Real Estate Appraiser Board.

Patron - Oder

HB409 Board for Contractors; prerequisite for obtaining business license. Requires any contractor applying for or renewing a business license in any locality to furnish prior to the issuance or renewal of the business license either (i) satisfactory proof that he is duly licensed or certified as a contractor or (ii) a written statement, supported by an affidavit, that he is not subject to licensure or certification as a contractor or subcontractor. The bill also prohibits any locality from issuing or renewing a business license unless the contractor has furnished his contractor license or certificate number or evidence of being exempt licensure as a contractor.

Patron - Oder

HB416 Board for Contractors; membership. Adds a certified water well systems provider as a member to the Board for Contractors. The bill contains a technical amendment.

Patron - Oder

HB468 Common interest communities; exemptions from licensure; powers and duties of Common Interest Community Board. Provides that a resident who provides bookkeeping, billing, or record keeping services to his association for compensation is not required to be licensed as a common interest community manager provided the fidelity bond maintained by the association insures the association against losses resulting from theft or dishonesty committed by such person. The bill requires that of the three citizen members of the Common Interest Community Board, one such member must serve or have served on the governing board of an association that is not professionally managed at the time of appointment. The bill contains technical amendments.

Patron - Watts

HB476 Regulation of polygraphs and other detection devices. Authorizes the Director of the Department of Professional and Occupational Regulation to approve the use of mechanical devices used to detect deception or verify truthfulness other than polygraphs. The use of such devices would be regulated, and operators of such devices would be required to be licensed just as polygraph examiners are currently licensed.

Patron - Carrico

HB587 Pharmacists; supervision of pharmacy technicians. Allows the Board of Pharmacy to set in regulations the maximum number of pharmacy technicians that a pharmacist may supervise.

Patron - Landes

HB590 Department of Professional and Occupational Regulation. Removes obsolete language from various sections of Title 54.1 and repeals one obsolete section of Title 54.1. This bill is a recommendation of the Virginia Code Commission.

Patron - Landes

HB650 Funeral services; disputes between next of kin. Provides a judicial process for determining who makes the decision for the arrangements for a decedent's funeral or the disposition of his remains when there is a dispute between the next of kin.

Patron - Armstrong

HB662 Health professions; disciplinary actions. Amends the disciplinary authority of the Department of Health Professions and its regulatory boards to (i) authorize the boards to accept the surrender of a license in lieu of disciplinary action, (ii) authorize a panel of a board to consider the recommendation of an agency subordinate, (iii) conform the prohibition on licensure reinstatement to the Nurse Licensure Compact, and (iv) allow the Department to immediately suspend a license in response to disciplinary action or felony convictions in any jurisdiction, or in response to license surrender in lieu of disciplinary action.

Patron - Morrissey

HB713 Board for Contractors; prerequisite for obtaining business license. Requires any contractor applying for or renewing a business license in any locality to furnish prior to the issuance or renewal of the business license either (i) satisfactory proof that he is duly licensed or certified as a

contractor or (ii) a written statement, supported by an affidavit, that he is not subject to licensure or certification as a contractor or subcontractor. The bill also prohibits any locality from issuing or renewing a business license unless the contractor has furnished his contractor license or certificate number or evidence of being exempt licensure as a contractor.

Patron - Peace

HB723 Health professions; practice of podiatry; expert witness. Clarifies that the practice of podiatry includes the prevention, diagnosis, treatment, and cure or alleviation of physical conditions, diseases, pain, or infirmities of the human foot and ankle, including the medical, mechanical, and surgical treatment of the ailments of the human foot and ankle. The bill also provides that a podiatrist shall not be permitted to testify as an expert witness against a doctor or osteopath where such doctor or osteopath is a defendant in a medical malpractice case or medical malpractice review panel proceeding. The bill states that an emergency exists and that the bill is effective upon passage. This bill is identical to SB 82.

Patron - Peace

HB725 Polysomnographic technologist; license required. Provides that no person shall practice as a polysomnographic technologist or assume the title "licensed polysomnographic technologist," "polysomnographic technologist," or "licensed sleep tech" unless such person is licensed by the Board of Medicine. This bill also creates the Advisory Board on Polysomnographic Technology to assist the Board in establishing the qualifications, examination, and other requirements for the regulation of licensed polysomnographic technologists.

Patron - Peace

HB792 Temporary licenses and certificates. Authorizes the regulatory boards within the Department of Professional and Occupational Regulation to issue a temporary license or certification to an applicant who holds a comparable license or certification issued by another state. A temporary license or certification shall be valid for not more than 45 days. This bill is identical to SB 474.

Patron - LeMunyon

HB797 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; limitation of liability contract clauses. Allows entities consisting of design professionals to include limitation of liability clauses in their contracts to perform services; but provides that individual licensees are not relieved of any responsibility that may exist for services performed by reason of employment or other relationship with an entity. The bill contains a technical amendment.

Patron - Griffith

HB953 Schedule II, Schedule III, Schedule IV, and Schedule V drugs. Adds tapentadol to Schedule II; boldione, desoxymethyltestosterone (mado1), and 19-no4-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione) to Schedule III; fospropofol to Schedule IV; and lacosamide to Schedule V of the drug control act.

Patron - Jones

HB963 Department of Professional and Occupational Regulation; Real Estate Board. Establishes a voluntary compliance program within the Real Estate Board to allow certain real estate brokers to bring practices, policies and procedures into compliance with applicable laws and regulations. In addition, the bill provides for the Real Estate Board to establish minimum education requirements for licensure by reciprocity.

Patron - Miller, J.H.

HB964 Schedule II drugs; require identification in filling prescriptions. Provides that a pharmacist shall require proof of identity from any person seeking to fill a prescription for a Schedule II drug before dispensing such drug and shall make a copy of such identification, unless the person seeking to fill the prescription is known to the pharmacist. This bill also provides that a pharmacist shall record the name and address of any person who seeks to fill a prescription for a Schedule II drug if the person is not the patient for whom the drug is prescribed, and that a pharmacist shall maintain records of names, addresses and, where required, copies of identification documents for at least one year. If such a prescription is delivered by mail, the delivery method employed must require the signature of the recipient as confirmation of receipt.

Patron - Lohr

HB982 Precious metals dealers; penalties for violation. Makes automatic a two-year revocation of a permit as a precious metals dealer for a second conviction for violation of any of the precious metals dealers laws.

Patron - Hugo

HB1145 Veterinarians; reporting suspected animal cruelty. Provides that any veterinarian who makes a report of suspected animal cruelty or who provides records or information related to a report of suspected cruelty or testifies in any judicial proceeding arising from such report, records, or information shall be immune from any civil or criminal liability or administrative penalty or sanction on account of such report, records, information, or testimony, unless such veterinarian acted in bad faith or with malicious purpose.

Patron - Scott, J.M.

HB1166 Unlawfully obtaining or attempting to obtain controlled substances; report. Provides that any person authorized to prescribe, dispense, or administer controlled substances pursuant to § 54.1-3408 who has reason to suspect that a person has obtained or attempted to obtain a controlled substance or prescription for a controlled substance by fraud or deceit may report the activity to the local law-enforcement agency for investigation. Any person who, in good faith, makes a report or furnishes information or records to a law-enforcement officer or entity pursuant to this section shall not be liable for civil damages in connection with making such report or furnishing such information or records.

Patron - Phillips

HB1219 Department of Professional and Occupational Regulation; powers and duties with respect to polygraph examiners. Clarifies the authority of the Department of Professional and Occupational Regulation with respect to the polygraph examiners regulatory program to (i) charge fees for issuing licenses and renewals, (ii) conduct investigations, (iii) enter into consent agreements related to investigations and disciplinary proceedings, and (iv) impose monetary penalties. In doing so the bill conforms the powers and duties of the agency for the polygraph examiners regulatory program to the powers and duties for other regulatory programs that it administers.

Patron - Carrico

HB1272 Department of Professional and Occupational Regulation; power and duties with respect to boxing, wrestling, and martial arts events. Clarifies the authority of the Department of Professional and Occupational Regulation to impose monetary penalties and enter into consent agreements related to investigations and disciplinary proceedings for the boxing, wrestling, and martial arts regulatory program. In doing so the bill conforms the powers and duties of the agency for the boxing, wrestling, and martial arts regulatory program

to the powers and duties held by the agency for other regulatory programs that it administers.

Patron - Phillips

HB1376 Board of Nursing; guidelines on administration of drugs to public school students with epilepsy and other seizure disorders. Directs the Board of Nursing to revise, in coordination with the Board of Medicine, guidelines for seizure management, including the list of rescue medications, for students with epilepsy and other seizure disorders. This bill provides that revised guidelines shall be finalized before August 1, 2010 and made available to local school boards for a fee not to exceed the cost of publication. This bill also requires the Board of Education to develop a standardized form to be used for authorizing administration of such medications in public schools.

Patron - Sickles

SB13 Determination of brain death; critical care specialist. Adds critical care specialists to the list of specialists who can make the determination of when a patient is brain dead.

Patron - Howell

SB82 Health professions; practice of podiatry; expert witness. See HB 723.

Patron - Howell

SB104 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; limitation of liability contract clauses. Allows entities consisting of design professionals to include limitation of liability clauses in their contracts to perform services; but provides that individual licensees are not relieved of any responsibility that may exist for services performed by reason of employment or other relationship with an entity. The bill contains a technical amendment.

Patron - McDougle

SB108 Daily reports of pawnbrokers. Authorizes any local governing body to enact an ordinance requiring a pawnbroker to maintain and file a daily report electronically through the use of a disk, electronic transmission, or any other electronic means of reporting approved by a law-enforcement officer. Currently, such authorization is limited to any town with a population between 13,000 and 14,000 (Front Royal).

Patron - McDougle

SB194 Health professions; certain consumer-directed services. Clarifies that nothing in Title 54.1 shall prevent any person from performing state or federally funded health care tasks directed by a consumer, which are typically self-performed, for an individual consumer who lives in a private residence and who, by reason of disability, is unable to perform such tasks but who is capable of directing the appropriate performance of such tasks. This includes the administration of non-oral, non-topical drugs.

Patron - Northam

SB195 Physical therapy; advertising. See HB 153.

Patron - Northam

SB215 Board for Contractors; certification of accessibility mechanics. See HB 406.

Patron - Locke

SB216 Fair Housing Board certification program. Provides that the Fair Housing Board shall promulgate regulations regarding educational materials concerning the Fair Housing Law, and persons in the business of selling or renting

dwelling units without a real estate broker shall submit an affidavit to the Board that they have read and understood the law. This is a recommendation of the Virginia Housing Commission.

Patron - Locke

SB273 Assessments for affordable housing units. Provides that assessments for certain affordable housing units be done according to the income approach, based on the property's current use and restrictions. This bill is a recommendation of the Virginia Housing Commission.

Patron - Whipple

SB275 Advance medical directives. Clarifies authority of an advance directive in cases in which a person is subject to an emergency custody, temporary detention, involuntary admission, or mandatory outpatient treatment order; eliminates the requirement that a second physician or licensed clinical psychologist provide a written certification that a patient is incapable of making an informed decision in cases in which the patient is unconscious or experiencing a profound impairment of conscious function due to trauma, stroke, or other acute physiological condition; adds a provision authorizing a person who has exhibited special care and concern for a patient and is familiar with the patient's beliefs and values to make health care decisions on that patient's behalf if the patient is incapable of making an informed decision, except in cases in which the proposed treatment involves the withholding or withdrawing of a life prolonging procedure; and clarifies the procedure regarding decisions over a patient's protest. This bill also provides that a public guardian may authorize admission of an incapacitated person to a mental health facility in certain situations.

Patron - Whipple

SB423 Liability of certain health care practitioners. Provides that no health care practitioner who renders at any site health care services, voluntarily and without compensation, to a patient of a clinic for the indigent and uninsured that is organized for the delivery of primary health care services as a federally qualified health center designated by the Centers for Medicare & Medicaid Services, shall be liable for any civil damages for any act or omission resulting from the rendering of such services unless the act or omission was the result of his gross negligence or willful misconduct.

Patron - Herring

SB457 Department of Professional and Occupational Regulation; Real Estate Board. Establishes a voluntary compliance program within the Real Estate Board to allow certain real estate brokers to bring practices, policies and procedures into compliance with applicable laws and regulations. In addition, the bill provides for the Real Estate Board to establish minimum education requirements for licensure by reciprocity. The bill also provides for the licensure of persons providing business broker services in the Commonwealth with the regulatory program to be administered by the Director of the Department of Professional and Occupational Regulation.

Patron - McEachin

SB474 Temporary licenses and certificates. See HB 792.

Patron - Watkins

SB596 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; issuance of license; emeritus designation. Establishes an emeritus designation for licensees of the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects who have retired from their practice provided (i) the license has not

been revoked or suspended by the Board and (ii) the license holder does not practice or offer to practice architecture, engineering, land surveying, or landscape architecture.

Patron - Deeds

SB665 Common Interest Community Board; powers and duties. Clarifies the authority of the Common Interest Community Board to impose monetary penalties and enter into consent agreements related to investigations and disciplinary proceedings. In addition, the bill (i) authorizes the Board to use informal fact-finding conferences in lieu of formal hearings and (ii) clarifies the authority of the Board regarding property owners' associations.

Patron - Whipple

Title 55- Property and Conveyances

HB191 Common Interest Community Board clarification for complaints. Specifies that each association shall establish a procedure for resolution of complaints and must adhere to the created procedure. This bill was recommended by the Virginia Housing Commission.

Patron - Cosgrove

HB213 Virginia Residential Landlord and Tenant Act and the Landlord and Tenant law; definition of landlord. Provides that the definition of landlord in the Virginia Residential Landlord and Tenant Act and the Landlord and Tenant law does not include community land trust. The bill defines a community land trust.

Patron - Toscano

HB407 Landlord and tenant laws; landlord and tenant obligations. Clarifies that the judgment rate of interest includes any and all amounts covered by the judgment. The bill, among other things, also (i) requires the general district court to accept electronically filed civil actions on forms developed by the executive secretary; (ii) provides that the homestead exemption does not apply to a money judgment for nonpayment of rent for which a writ of garnishment is issued, and which does not request a writ of fieri facias or levy on the real or personal property of the debtor; (iii) revises the ratio utility billing system for landlords and tenants; (iv) allows certain persons to prepare, execute, file, and have served on other parties, in any proceeding in a general district court, a warrant in debt, warrant in detinue, distress warrant, summons for unlawful detainer, suggestion for summons in garnishment, garnishment summons, writ of possession, writ of fieri facias, interpleader, and civil appeal notice without the intervention of any attorney; (v) adds a definition of "commencement date of the rental agreement" and effective date of same to the Virginia Residential Landlord Tenant Act codifying case law; (vi) revises the definition of "security deposit" under the Virginia Residential Landlord Tenant Act; (vii) revises the damage and renter's insurance coverage provisions of the Virginia Residential Landlord Tenant Act; (viii) allows tenant records to be disclosed to a local commissioner of the revenue, under certain circumstances, and to the commanding officer, military housing officer, or military attorney of the tenant; (ix) allows the landlord to withhold a portion of the security deposit until final settlement of utility bills; and (x) changes the times that trigger the payment of interest by the landlord on a security deposit. The bill also contains technical amendments.

Patron - Oder

HB417 Exchange Facilitators Act; established. Establishes requirements for the activities of exchange facilitators, who are persons that for a fee, enter into an agreement with a taxpayer to act as (i) a qualified intermediary in an exchange of like-kind property, (ii) an Exchange Accommodation Titleholder, or (iii) a qualified trustee or escrow holder. Exchange facilitators are required to notify exchange clients of change in control of the exchange facilitator; to maintain exchange funds in separately identified accounts or in a qualified escrow or qualified trust; to maintain errors and omissions insurance or deposit cash or letters of credit; and to account for moneys and property. Persons who engage in the business of an exchange facilitator are prohibited from making misrepresentations, failing to account for moneys or property of others, engaging in fraudulent or dishonest dealings, committing certain crimes, or materially failing to fulfill contractual duties to an exchange client. Violations are subject to a civil penalty of up to \$2,500. The Attorney General, attorney for the Commonwealth, or attorney for a locality may recover costs and reasonable expenses, including attorney fees, in any action brought under the Exchange Facilitators Act. This bill is recommended by the Virginia Housing Commission.

Patron - Oder

HB592 Federal rent control declared unnecessary. Repeals the provision formally notifying the federal Housing Expediter that the rental control provisions contained in the defense rental area program, established by the Veterans' Emergency Housing Act of 1946, were no longer necessary. The bill is a recommendation of the Virginia Code Commission.

Patron - Landes

HB667 Virginia Residential Property Disclosure Act; wastewater systems. Adds the following seller's representation to a prospective purchaser of residential property: the owner makes no representations with respect to the presence of any wastewater system, including the type or size thereof and maintenance responsibilities related thereto, located on the property and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any wastewater system, 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 - May

HB702 Property Owners' Association Act; fees for disclosure packet; when collected. Clarifies that for associations that are not professionally managed, all fees for providing the required disclosure packet shall be collected at the time of delivery of the disclosure packet and shall be an assessment against the lot and collectible as any other assessment. The bill contains technical amendments.

Patron - Bulova

HB714 Foreclosure sales; trustee to pay taxes. Clarifies that, in the event of a foreclosure sale, the trustee shall cause the proceeds of the sale to be applied to the payment of taxes on the property. The bill also eliminates a redundancy in the Code pertaining to the duties of a trustee in a foreclosure sale.

Patron - Peace

HB715 Releases of deed of trust. Allows certain title insurance companies to exercise the authority that settlement agents currently possess to release the lien of a deed of trust. References to "mortgage" are replaced with "deed of trust." The measure also authorizes a settlement agent to release a deed of trust lien upon written confirmation from the lien cred-

itor that such obligation has a zero balance. The procedure for lien releases by settlement agent and title insurance companies is limited to transactions involving real estate that is either unimproved with a lien amount not exceeding \$1 million or containing one to four residential dwelling units. The measure also eliminates a duplicative provision addressing a settlement agent's ability to obtain an assignment of the \$500 penalty imposed for a lender's failure to release a lien within the prescribed period.

Patron - Peace

[P]HB956 Virginia Condominium Act and the Virginia Property Owners' Association Act; display of the flag of the United States. Provides that a unit owners' or property owner's association shall not prohibit or otherwise adopt or enforce any policy restricting a unit or lot owner from displaying upon property to which that owner has a separate ownership interest or a right to exclusive possession or use the flag of the United States whenever such display is in compliance with the federal Flag Code. The bill also provides that the unit owners' or property owners' association may establish reasonable restrictions as to the size, place, duration, and manner of placement or display of the flag provided the restrictions are necessary to protect a substantial interest of the unit owners' or property owners' association. Under the bill in an action brought to enforce a rule pertaining to display of the flag, the unit owners' or property owners' association has the burden of proof regarding whether the rule protects a substantial interest of the association.

Patron - Lingamfelter

[P]HB1058 Virginia Condominium Act; the Virginia Property Owners' Association Act; amending association documents using technology. Provides that unless the declaration expressly provides otherwise, any notice required to be sent or received or any signature, vote, consent, or approval required to be obtained under any condominium instrument or declaration may be accomplished using the most advanced technology available at that time if such use is a generally accepted business practice. The notice provisions do not apply to any notice related to an enforcement action by the unit owners' association, an assessment lien, or foreclosure proceedings in enforcement of an assessment lien.

Patron - Bell, Richard P.

[P]HB1102 Property Owners' Association Act; authority of board of directors; parking. Provides that to the extent the declaration gives the board of directors the authority to adopt rules and regulations relating to the parking of motor vehicles by lot owners, such rules may establish a parking space designation plan which makes parking spaces available to less than all of the lot owners. The bill provides that if such a plan is adopted, the common expenses attributable to such parking spaces may be specially assessed against the lot owners involved.

Patron - Sickles

[P]SB151 Virginia Condominium Act and the Virginia Property Owners' Association Act; display of the flag of the United States. Provides that a unit owners' or property owner's association shall not prohibit or otherwise adopt or enforce any policy restricting a unit or lot owner from displaying upon property to which that owner has a separate ownership interest or a right to exclusive possession or use the flag of the United States whenever such display is in compliance with the federal Flag Code. The bill also provides that the unit owners' or property owners' association may establish reasonable restrictions as to the size, place, duration, and manner of placement or display of the flag provided the restrictions are necessary to protect a substantial interest of the unit owners' or

property owners' association. Under the bill, if an action is brought by a unit owners' or property owners' association to enforce a rule pertaining to display of the flag, the association shall bear the burden of proof that the restrictions as to the size, place, duration, and manner of placement or display of such flag are necessary to protect a substantial interest of the unit owners' association.

Patron - Stuart

[P]SB270 Common Interest Community Board clarification for complaints. Specifies that each Association shall establish a procedure for resolution of complaints and shall adhere to the created procedure. This bill was recommended by the Virginia Housing Commission.

Patron - Whipple

[P]SB282 Landlord and Tenant; eviction procedure; acceptance of redemption tenders. Provides that when a tenant presents on or before the first return date on an action for unlawful detainer for the nonpayment of rent, a redemption tender in the amount of all current rent, reasonable late charges, attorney fees, and court costs, the court shall continue the action for 10 days.

Patron - Quayle

Title 55- Miscellaneous; Property and Conveyances

[P]HB1302 Property conveyance. Authorizes the conveyance of certain real property in the Town of Lawrenceville owned by the Commonwealth (declared surplus by the Department of Corrections) to Roanoke River Rails-to-Trails, Inc. to maintain and operate a trail for public park purposes. The sale and conveyance shall be approved by the Governor.

Patron - Tyler

Title 56- Public Service Companies

[P]HB88 Prepaid electric utility service. Authorizes electric cooperatives to install and operate a prepaid metering equipment and system upon a customer's request. The equipment and system will terminate electric service immediately and automatically when the customer has incurred charges for electric service equal to the amount prepaid by the customer. Such service would be exempt from existing requirements that a utility provide one billing cycle before initiating a proceeding for a residential customer's nonpayment for local service, pay interest on deposits, return deposits after one year of satisfactory credit, give 10 days' notice prior to terminating service, and not terminate a customer's residential service for nonpayment of basic nonresidential services. Tariffs shall be filed with the State Corporation Commission for review and determination that the tariff is not contrary to the public interest.

Patron - Kilgore

[P]HB92 Electric cooperatives; renewable energy certificates. Provides that an electric cooperative is deemed to offer a tariff for electric energy provided 100 percent from renewable energy if it provides undifferentiated electric energy and the cooperative retires a quantity of renewable energy certificates (RECs) equal to 100 percent of the electric energy provided pursuant to such tariff. This measure applies for such tariffs filed on or after July 1, 2010, for residential customers

and filed on or after July 1, 2012, for nonresidential customers. A REC is defined, with respect to cooperatives, as a tradable commodity or instrument issued by a regional transmission entity that validates the generation of electricity from renewable energy sources or that is certified under a generally recognized REC standard. A cooperative offering renewable energy that involves the retirement of RECs is required to shall disclose information regarding source of the energy to customers. The measure also permits electric utility customers to continue purchasing renewable energy pursuant to the terms of a power purchase agreement that was in effect on the date the cooperative files tariff for the incumbent electric utility that serves the exclusive service territory in which the customer is located to offer electric energy provided 100 percent from renewable energy for the duration of the power purchase agreement.

Patron - Kilgore

HB204 Unauthorized addition of telecommunications services. Prohibits a telephone service provider or billing agent from willfully adding products, goods, or services not authorized by any customer, and from charging or attempting to collect charges from any customer for any such products, goods, or services without the customer's authorization. A customer will not be liable for charges through a billing carrier by a service provider or a billing agent without the customer's authorization. The measure requires service providers and billing agents to obtain written, oral, or electronic verification of a customer's authorization before submitting charges for products, goods, or services to the billing carrier.

Patron - Alexander

HB387 Telephone utilities; switched access rates. Requires the State Corporation Commission to establish a schedule for the elimination of the carrier common line element of intrastate carrier switched access charges. For incumbent local exchange carriers with more than 15,000 access lines, the charges are to be eliminated by July 1, 2013. For those with more than 15,000 access lines or that have received a grant and loan under the federal Broadband Initiatives Program, the Commission will determine such a schedule by July 1, 2011. Certain carriers with 15,000 or fewer access lines may apply for an opportunity to be heard on the issue of extending the deadline for elimination of such charges to a date not later than July 1, 2014. Carriers shall be permitted to increase retail rates to recover a reasonable amount of revenue lost due to the elimination of such charges.

Patron - Janis

HB442 Electric utilities; renewable energy. Authorizes an electric utility customer to continue purchasing renewable energy pursuant to the terms of a power purchase agreement that was in effect on the date there is filed with the State Corporation Commission a tariff for the incumbent electric utility that serves the exclusive service territory in which the customer is located to offer electric energy provided 100 percent from renewable energy for the duration of the power purchase agreement.

Patron - Toscano

HB533 Natural gas utilities; cost recovery for certain infrastructure improvement costs. Authorizes investor-owned natural gas utilities to petition the State Corporation Commission to implement a separate rider that will allow for recovery of certain costs associated with eligible infrastructure replacement projects. Eligible infrastructure replacement projects are projects that: (i) enhance safety or reliability by reducing system integrity risks associated with customer outages, corrosion, equipment failures, material failures, natural forces, or other outside force damage; (ii) do not increase revenues by directly connecting the infrastructure replacement to

new customers; (iii) reduce greenhouse gas emissions; (iv) are not included in the natural gas utility's rate base in its most recent rate case; and (v) are commenced on or after January 1, 2010. The costs recoverable from an eligible infrastructure replacement project include a return on the investment, a revenue conversion factor, depreciation, property taxes, and carrying costs on the over- or under- recovery of the eligible infrastructure replacement costs. A SAVE plan shall be allocated and charged so as to avoid undue cross-subsidization between rate classes. SB 112 is identical.

Patron - Nixon

HB754 Prepaid wireless E-911 charges; collection by retailers. Establishes the rate and procedures for the collection and remittance of prepaid wireless E-911 charges by dealers of prepaid wireless service in the Commonwealth. The bill would establish a charge of \$0.50 per retail purchase of prepaid wireless services that allow access to the 911 system. The dealer is required to remit prepaid wireless E-911 charges to the Department of Taxation, and liability for the charge is placed on the end user. The Department of Taxation would be required to establish guidelines implementing this measure, which shall include an exemption for small dealers. Dealers will be allowed to retain a discount of five percent of collected prepaid wireless E-911 charges. The provisions of the bill would apply to retail transactions occurring on or after January 1, 2011. SB 441 is identical.

Patron - Janis

HB1022 Renewable energy portfolio standard program. Provides that an investor-owned electric utility will receive triple credit toward meeting the goals of the renewable energy portfolio standard program for energy derived from offshore wind.

Patron - Hugo

HB1230 Underground Utility Damage Prevention Act; sewer laterals. Establishes a set of requirements for the protection of sewer system laterals and private sewer laterals that are unique from the general requirements of the Underground Utility Damage Prevention Act. The measure also establishes procedures to address recurring noncompliance with the provisions of the Act by localities and other political subdivisions of the Commonwealth. The measure will become effective on January 1, 2011.

Patron - Ware, R.L.

HB1246 Officers and directors of public utilities; required disclosure. Limits the disclosure requirement for any officer or director of a public utility with an ownership value of more than five percent or \$50,000 in a contractor or subcontractor hired by the utility on a construction, engineering, or equipment contract or subcontract with a value or more than \$750,000 to a utility that has its rates, tolls, charges, or schedules set by the Commission based on the public utility's cost of providing service. The disclosure requirement currently applies to all utilities.

Patron - Hugo

HB1308 Electric utility rates. Requires an investor-owned electric utility to suspend collection of interim rates during the pendency of the State Corporation Commission's consideration of the utility's base rate case. The SCC is required to issue its final order on the utility's application by July 15, 2010. With regard to base rate case proceedings involving any investor-owned electric utility that are filed after January 1, 2010, the SCC's final order is required to be issued within nine months, and any resulting revision in rates shall

take effect within 60 days after the order is entered. The provision will be in force from its passage. SB 680 is identical.

Patron - Carrico

SB112 Natural gas utilities; cost recovery for certain infrastructure improvement costs. See HB 533.

Patron - Petersen

SB372 Maintenance of roadways by Buchanan County. Authorizes the Buchanan County Board of Supervisors to maintain roadways within the right-of-way of railroads, subject to an agreement with the railroad.

Patron - Puckett

SB441 Prepaid wireless E-911 charges; collection by retailers. See HB 754.

Patron - Saslaw

SB680 Electric utility rates. See HB 1308.

Patron - Puckett

Title 57- Religious and Charitable Matters; Cemeteries

SB563 Charitable organizations; exemptions to reporting requirements. Adds veterans' posts or organizations to those groups that are exempt from submitting annual registration statements.

Patron - Ticer

SB676 Condemnation of abandoned graveyards by localities; continued use of property as a graveyard. Clarifies that when a locality acquires title to an abandoned or neglected graveyard, the locality may continue to maintain the property as a graveyard.

Patron - Wampler

Title 58.1- Taxation

HB17 Collection of state taxes; period of limitation. Reduces the period of limitation for the collection of state taxes from 20 years to 10 years.

Patron - Cole

HB141 Land preservation tax credit. Provides that only those nonprofit organizations that hold a conservation easement acquired pursuant to the Virginia Conservation Easement Act are ineligible to receive land preservation tax credits for donations of qualifying real property.

Patron - Pollard

HB228 Car tax relief; qualifying vehicle. Deletes the requirement that a vehicle held in trust can qualify for personal property tax relief only if there is no more than one beneficiary.

Patron - Watts

HB233 Assessments for affordable housing units. Provides that assessments for certain affordable housing units be done according to the income approach, based on the property's current use and restrictions. This bill is a recommendation of the Virginia Housing Commission. The bill is effective

for assessments for tax years beginning on or after January 1, 2011.

Patron - Dance

HB302 Sales and use tax exemption; certain computer equipment and enabling software. Expands the sales and use tax exemption for the purchase by certain entities of particular computer equipment by including enabling software, and clarifies what enabling hardware is covered under the current exemption by specifying that it includes chillers and backup generators. The expansion and clarification apply to purchases made on or after July 1, 2010, but prior to June 30, 2020. If purchases were made on or after July 1, 2009 but prior to July 1, 2010, the purchase is eligible for a grant in an amount equal to any tax imposed. This bill is identical to SB 130.

Patron - O'Bannon

HB355 State Tax Expenditure Report. Requires the Department of Taxation to issue an annual report to the General Assembly and to post on its website a summary of information of taxpayers claiming corporate income tax relief.

Patron - Englin

HB370 Transient Occupancy Tax; Alleghany County. Adds Alleghany County to those localities authorized to impose a transient occupancy tax not to exceed five percent, with any excess over two percent to be spent solely on tourism. Under current law, any county may impose a transient occupancy tax not to exceed two percent.

Patron - Shuler

HB384 Individual income tax; reporting requirements. Allows individual taxpayers to file amended returns because of a change or correction in their income tax owed to another state regardless if they have claimed a credit for the tax owed to such state.

Patron - Cox, J.A.

HB430 Real property tax assessment. Provides (i) that the fair market value of certain affordable housing be determined using the income approach, based on the property's current use and restrictions; (ii) additional requirements for real property appraisers; (iii) that a locality's real property sales assessment ratio higher than 130 percent is prima facie proof that the locality has failed to assess at 100 percent of fair market value; (iv) taxpayers access to certain information related to assessments; (v) additional requirements related to boards of equalization; and (vi) that the local assessing officer provide notice of any request to increase an assessment for commercial, multifamily residential, or industrial property assessments that are already being appealed.

Patron - Griffith

HB447 Income tax; land conservation tax credit fee limitations. Removes the \$10,000 cap on the 2 percent fee imposed on the transfer arising from the sale of land conservation tax credits and directs up to 50 percent of revenues be paid to the Department of Taxation and the Department of Conservation and Recreation first. The remaining revenues will be transferred to the Virginia Land Conservation Fund for distribution to the public or private conservation agencies responsible for enforcing the conservation purposes of the donated interest.

Patron - Ware, R.L.

HB457 Disclosure of tax information. Allows the Tax Commissioner to disclose to the Executive Director of the Northern Virginia Transportation Commission for his confi-

dential use, tax information as is necessary to facilitate the collection of the motor vehicle fuel sales tax.

Patron - Herring

HB523 Income taxes; recognition of income from capital gains. Grants an income tax deduction for any income taxed as a long-term capital gain for federal income tax purposes or any income taxed as investment services partnership interest income, on or after January 1, 2011, that is related to a qualified investment in a technology and science start-up business having a principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. The deduction would relate to investments made between April 1, 2010, and June 30, 2013.

Patron - Nixon

HB624 Major business facility job tax credit. Amends the Major Business Facility Job Tax Credit. Current law provides a \$1,000 tax credit for major business facilities that create at least 100 qualified full-time jobs. The legislation reduces the number of qualified full-time jobs required to be created to 50. In enterprise zones or economically distressed areas, the base or threshold is lowered from 50 newly created jobs to 25. The changes also allow the credit to be taken over a two-year period for taxable years beginning January 1, 2009, through December 31, 2012, rather than December 31, 2010. This bill is identical to SB 472.

Patron - Kilgore

HB626 Tobacco products tax; moist snuff. Changes the tax on moist snuff from 10 percent of the manufacturer's sales price to \$0.18 per ounce. The bill also would provide that loose leaf tobacco would be subject to the Commonwealth's tobacco products tax on a unit and weight basis. The provisions of the bill would become effective on January 1, 2011. This bill is identical to SB 478.

Patron - Kilgore

HB764 Income tax credits; landlords participating in housing choice voucher programs. Establishes an individual and corporate income tax credit beginning with the 2010 taxable year for landlords who participate in a housing choice voucher program. Eligible landlords would receive a tax credit equal to 10 percent of the fair market value of the rent for each qualified housing unit. Qualified housing units would be dwelling units located in a census tract in the Richmond Metropolitan Statistical Area in which less than 10 percent of the residents live below the poverty level. The Department of Housing and Community Development would administer the tax credit. The Department would not be allowed to issue more than \$450,000 in tax credits in any fiscal year. Tax credits would be allowed only for that portion of the taxable year in which a dwelling unit was included in a housing choice voucher program. The bill provides a five-year carryforward period for unused tax credits. This bill is identical to SB 458.

Patron - McClellan

HB765 Communications sales and use tax; distribution formula for Accomack and Northampton Counties. Provides that Accomack County and Northampton County receive monthly distributions of the communications sales and use tax equal to the distributions it would receive if the Auditor of Public Accounts had certified that they had received \$1,111,376 and \$549,025 respectively, of telecommunications and television cable funds in Fiscal Year 2006. The bill also permits the Tax Commissioner to make administrative adjustments to any locality's allocation of such revenues in certain circumstances, up to a maximum of \$100,000.

Patron - Lewis

HB803 Income tax; corporate and individual; green jobs tax credit. Allows a \$500 income tax credit for the creation of "green" jobs paying an annual salary in excess of \$50,000 for taxable years beginning on and after January 1, 2010 but before January 1, 2015. Each taxpayer is allowed a credit for up to 350 new green jobs. This bill is identical to SB 623.

Patron - Poindexter

HB820 Cigarette tax; penalties for unstamped cigarettes. Changes the civil penalties for unstamped cigarettes as follows: \$2.50 per pack, up to \$500, for the first violation by a legal entity within a 36-month period; \$5 per pack, up to \$1,000, for the second violation by the legal entity within a 36-month period; and \$10 per pack, up to \$50,000, for the third or subsequent violation by the legal entity within a 36-month period. If willful intent exists to defraud the Commonwealth, the penalty is \$25 per pack, up to \$250,000. The same penalties apply to any person who sells, purchases, transports, receives, or possesses unstamped cigarettes. This bill is identical to SB 476.

Patron - Surovell

HB837 Department of Taxation; limiting contact with taxpayers via email. Requires the Tax Commissioner to devise a method by which a taxpayer will only receive bulletins, publications, or other information provided by the Department electronically; upon request.

Patron - Carr

HB861 Motion picture film production tax credits. Provides income tax credits to any motion picture production company with qualifying expenses of at least \$250,000 with respect to a film production in the Commonwealth, for taxable years beginning on or after January 1, 2011. The aggregate amount of grants that may be awarded by the Virginia Film Office with respect to film productions in the Commonwealth shall not exceed \$2.5 million in the 2010-2012 biennium, and \$5 million in any biennium thereafter. This bill is identical to SB 257.

Patron - Cline

HB874 Cigarette tax; when to affix tax stamps. Changes the time for affixing tax stamps to cigarette packs from one business day after receipt of unstamped cigarettes to prior to shipping to other wholesale dealers or retail outlets.

Patron - Cline

HB972 Transient occupancy tax; Fairfax County limitations. Provides that any new transient occupancy tax or any increase in the rate of an existing transient occupancy tax in Fairfax County does not apply within the limits of any town located in Fairfax County, unless the governing body of the town consents. Under current law, in addition to the general two percent transient occupancy tax all counties may levy, Fairfax County may impose an additional transient occupancy tax not to exceed two percent. This bill is identical to SB 218.

Patron - Rust

HB985 BPOL tax; gross receipts of security brokers and dealers. Defines gross receipts of security brokers and security dealers to be exclusive of receipts that are paid to an independent contractor as a commission on the sale or purchase of a security. This bill is identical to SB 90.

Patron - Jones

HB999 Local property tax; separate classification for certified renewable energy manufacturing equipment, facilities, devices. Adds tangible personal property and

improvements to real property designed and used primarily for manufacturing a product from renewable energy as separate classifications of property for local property tax purposes. This bill is identical to SB 656.

Patron - Nutter

HB1045 Electronic filing of tax returns. Requires (i) tax preparers who file 50 or more individual income tax returns for taxable years that begin on or after January 1, 2010, to file all income tax returns electronically in subsequent taxable years; (ii) employers who furnish 150 or more withholding statements to employees for calendar year 2010, or 50 or more such statements for any calendar year beginning on and after January 1, 2011, to file their annual report electronically; and (iii) dealers who elect to file consolidated sales tax returns for any taxable year and who are required to remit payment by electronic funds transfer, to file monthly returns electronically. This bill is identical to SB 357.

Patron - Kory

HB1090 Communications sales and use tax; Tazewell County. Provides that Tazewell County's share of communications sales and use tax revenue be equal to the distributions it would have received if the Auditor of Public Accounts had certified that the County had received \$650,507 of telecommunications and television cable funds in fiscal year 2006. The bill also permits the Tax Commissioner to make administrative adjustments to any locality's allocation of such revenues in certain circumstances, up to a maximum of \$100,000. This bill is identical to SB 381.

Patron - Crockett-Stark

HB1298 Sales and use tax exemption; certain computer equipment used in large data centers. Lowers the new job threshold to receive the sales and use tax exemption from 50 new employees to 25 for a data center located in either a locality with an unemployment rate at least 150 percent of the state average or located in an enterprise zone.

Patron - Crockett-Stark

HB1301 Local taxation of short-term rental property. Classifies short-term rental property as a separate classification of merchants' capital, and would authorize the governing body of any locality to tax short-term rental property under the merchants' capital tax or under the short-term rental property tax, but not both. The bill also declares that short-term rental property does not constitute tangible personal property for purposes of local taxation. This bill is identical to SB 355.

Patron - Lohr

HB1329 State motor fuels sales tax in Northern Virginia. Defines "gross sales" and "sales price" for purposes of the state motor fuels sales tax in Northern Virginia. "Gross sales" means the same as its definition in provisions of the Retail Sales and Use Tax and would exclude separately stated federal diesel excise taxes. "Sales price" means the same as its definition in provisions of the Retail Sales and Use Tax but would include all transportation and delivery charges, even if separately stated.

Patron - Lingamfelter

HB1356 Local license fees and taxes; campgrounds, bed and breakfast establishments. Adds campgrounds and bed and breakfast establishments to those real property rental businesses that are not exempt from local license fees and taxes.

Patron - Lewis

SB57 Retail sales and use tax; countertops. Provides that dealers selling and installing countertops shall be deemed

retailers for purposes of the sales and use tax. As a retailer, the dealer would be required to collect the tax from the customer. Under current law, dealers selling and installing countertops are deemed to be the ultimate users and consumers of the countertops and pay the sales and use tax instead of collecting it from customers. Under current law, dealers selling and installing fences, venetian blinds, window shades, awnings, storm windows and doors, locks and locking devices, floor coverings, cabinets, kitchen equipment, and window or air conditioning units are deemed to be retailers and collect the sales and use tax from customers as opposed to paying it. The bill would provide the same tax treatment to dealers selling and installing countertops.

Patron - Martin

SB81 Use value assessment; agricultural, forestal, and agricultural and forestal districts. Provides that certain noncontiguous real property may be included as part of an agricultural, forestal, or agricultural and forestal district. Any noncontiguous real property included as part of an agricultural, forestal, or agricultural and forestal district would be deemed to be contiguous to any other real property located in such district for purposes of use value assessment.

Patron - Howell

SB90 BPOL tax; gross receipts of security brokers and dealers. See HB 985.

Patron - Quayle

SB130 Sales and use tax exemption; certain computer equipment and enabling software. See HB 302.

Patron - Stosch

SB178 Pass-through entities; penalties. Revises the failure to file an information return and the failure to remit withholding tax penalties on pass-through entities. These provisions apply to taxable years beginning on and after January 1, 2009.

Patron - Stosch

SB218 Transient occupancy tax; Fairfax County limitations. See HB 972.

Patron - Howell

SB233 Land preservation tax credit. Reduces from \$100,000 to \$50,000 the amount of the land preservation tax credit that may be claimed for taxable year 2011. Any taxpayer affected by the credit reduction would be allowed an additional taxable year in which to claim the land preservation tax credit.

Patron - Watkins

SB257 Motion picture film production tax credits. See HB 861.

Patron - Lucas

SB264 Land preservation tax credit; fee for transfer of credits. Changes the fee for the sale or distribution of land preservation tax credits to two percent of the value of the donated interest. Currently, the fee is two percent of the value of the donated interest, but not to exceed \$10,000. Revenues generated by such fees first shall be used by the Department of Taxation and the Department of Conservation and Recreation for implementation of the Fund and any amount exceeding 50 percent of the total revenue generated by the fee on an annual basis shall be transferred to the Virginia Land Conservation Fund for distribution to the public or private conservation agencies or organizations that are responsible for enforcing the conservation and preservation purposes of the donated interests.

Patron - Whipple

SB341 Land preservation tax credit; tax credit percentage. Requires the Department of Conservation and Recreation, when preparing its annual report, to consult with the Department of Taxation and the Department of Forestry and Department of Agriculture and Consumer Services to provide an estimate of the number of acres of land currently being used for "production agriculture and silviculture" that have been protected by qualified donations of less-than-fee interests. The bill also requires that the report include information, when available, on land qualifying for credits being used for "production agriculture and silviculture" that have onsite operational best management practices, which are designed to reduce the amount of nutrients and sediment entering public waters.

Patron - Hanger

SB355 Local taxation of short-term rental property. See HB 1301.

Patron - Obenshain

SB357 Electronic filing of tax returns. See HB 1045.

Patron - Stosch

SB381 Communications sales and use tax; Tazewell County. See HB 1090.

Patron - Puckett

SB428 Income taxes; recognition of income from capital gains. Grants an income tax deduction for any income taxed as a long-term capital gain for federal income tax purposes or any income taxed as investment services partnership interest income, on or after January 1, 2011, that is related to a qualified investment in a technology and science start-up business having a principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. The deduction would relate to investments made between July 1, 2010, and June 30, 2013. The bill contains an emergency clause.

Patron - Herring

SB458 Income tax credits; landlords participating in housing choice voucher programs. See HB 764.

Patron - McEachin

SB472 Major business facility job tax credit. See HB 624.

Patron - Watkins

SB476 Cigarette tax; penalties for unstamped cigarettes. See HB 820.

Patron - Watkins

SB478 Tobacco products tax; moist snuff. See HB 626.

Patron - Watkins

SB623 Income tax; corporate and individual; green jobs tax credit. See HB 803.

Patron - Hanger

SB633 Neighborhood assistance tax credits; impoverished people. Changes the definition of "impoverished people" for education proposals under the Neighborhood Assistance Act Tax Credit program from 180 percent to 200 percent of the current federal poverty guidelines. As a condition of eligibility for a neighborhood assistance tax credit, current law requires that at least 50 percent of the persons served by a neighborhood organization are impoverished people.

Patron - Stosch

SB656 Local property tax; separate classification for certified renewable energy manufacturing equipment, facilities, devices. See HB 999.

Patron - Ruff

SB661 Land preservation tax credit; donations. Requires the Director of the Department of Conservation and Recreation to verify the conservation value of certain donations described under the Virginia Land Conservation Incentives Act of 1999 that are from the same parcel of land if the land preservation tax credit from the donation would be at least \$250,000.

Patron - Hanger

SB669 Voluntary contributions of tax refunds; Virginia Capitol Preservation Foundation. Adds the Virginia Capitol Preservation Foundation to the list of organizations that may receive contributions of taxpayer refunds. The Foundation will be added to the bottom of the list of other organizations waiting to appear on the income tax return.

Patron - Colgan

SB692 Fee in lieu of probate tax. Imposes a fee in the amount of \$25 for the recordation of a list of heirs of a decedent who died intestate.

Patron - Ruff

Title 58.1- Miscellaneous; Taxation

HB1118 Individual income tax; Virginia Military Family Relief Fund payments. Allows individuals who receive payments from the Virginia Military Family Relief Fund to subtract them from their federal adjustable gross income when calculating their Virginia taxable income, for taxable years beginning on and after January 1, 2010. This bill is identical to SB 619.

Patron - Stolle

HB1349 Taxation; Virginia Free File program. Requires the Tax Commissioner to establish a Virginia Free File program, modeled after the federal Free File program, no later than December 31, 2010. The new Virginia Free File program would be offered at no cost to certain lower-income taxpayers.

Patron - Byron

SB619 Individual income tax; Virginia Military Family Relief Fund payments. See HB 1118.

Patron - Herring

Title 59.1- Trade and Commerce

HB555 Enterprise Zone Grant Program; preference for allocating grant funds. Changes the eligibility for enterprise zone job grants in areas with an unemployment rate that is one and one-half times or more than the state average to positions paying at least 150 percent of the federal minimum wage including health benefits. Currently positions paying less than 175 percent of the federal minimum wage are not eligible for the job grants. In addition, the bill provides that when the sum of grants for job creation and real property investment

exceeds the total annual appropriation for payments, allocations shall be prioritized to fully fund the grants for job creation with any remaining funds to be allocated to the real property investment grants.

Patron - Marshall, D.W.

HB677 Specialized Biotechnology Research Performance Grant Program; established. Establishes the Specialized Biotechnology Research Performance Grant Program for nonprofit entities engaged in research, development, and production related to molecular diagnostics and drug development that enter into a performance-based memorandum of understanding with the Commonwealth prior to June 30, 2010. Grants would be paid to an eligible entity based in Fairfax County that commits in the memorandum of understanding and fulfills its obligation to (i) make a new capital investment of at least \$200 million, (ii) create at least 415 new full-time jobs, and (iii) meet any other criteria set forth in the memorandum of understanding. Grants from the program to a qualified entity shall not exceed \$22 million in the aggregate. This bill is identical to SB 644.

Patron - May

HB872 Virginia Credit Services Businesses Act. Authorizes a credit services business to receive payments from a consumer in advance of complete and full performance of the services that the business agreed to perform for or on behalf of the consumer if the consumer has agreed to pay for services during the term of a subscription agreement, if the consumer is authorized to cancel the subscription agreement at any time. A credit service business generally undertakes to improve a consumer's credit record, history, or report or obtain an extension of credit for a consumer.

Patron - Cline

HB1249 Virginia Health Spa Act. Clarifies provisions of the Virginia Health Spa Act by instituting consistent usage of the term "facility" for the location where health spa services are offered, and the term "health spa" for the person selling memberships. The measure also requires that refunds by a health spa to a buyer be issued within 30 days after receipt of a notice of cancellation or the permanent closing of the buyer's facility.

Patron - Knight

HB1257 Purchase of service handguns; resignation in good standing. Provides that certain law-enforcement officers who are eligible for retirement with at least 20 years of service and who resign from their position in good standing to take another position covered by the Virginia Retirement System may purchase their service handgun for \$1.

Patron - Miller, P.J.

SB42 Purchase of service handguns. Allows a law-enforcement officer who retires at or after age 70 with at least 10 years of service to purchase his service handgun for \$1.

Patron - Stuart

SB116 Virginia Consumer Protection Act; religious bodies. Provides that any transaction that involves the advertisement, sale, lease, or license, or the offering for sale, lease or license, of goods or services to a church or other religious body constitutes a "consumer transaction" for purposes of the Virginia Consumer Protection Act.

Patron - Petersen

SB386 Admission into evidence of certificates of analysis of motor fuel or lubricating oils. Provides that a certificate of analysis of any motor fuel or lubricating oils shall be admitted into evidence in any case relating to misbranding,

etc., of motor fuel or lubricating oil, provided that the requirements (for admission of certificates of analysis that comport with the decision in *Melendez-Diaz v. Massachusetts*) of subsection A of § 19.2-187.1 have been satisfied and the accused has not objected to the admission of the certificate pursuant to subsection B of § 19.2-187.1.

Patron - Obenshain

SB491 Sale of used building fixtures; penalty. Requires dealers in secondhand building fixtures to retain records of identifying information about the seller or purchaser of such materials and to obtain documentation establishing that the person lawfully possesses any article being sold. Dealers are required to keep the records for five years. If the dealer buys copper gutters, downspouts, or similar copper or aluminum materials, he is required to hold the articles for not less than 15 days following the date he gives the required notice of the transaction to the chief of police or sheriff. The measure also increases the penalty for a first violation to a Class 3 misdemeanor and for a second or subsequent violation to a Class 1 misdemeanor.

Patron - Hurt

SB644 Specialized Biotechnology Research Performance Grant Program; established. See HB 677.

Patron - Howell

Title 60.2- Unemployment Compensation

HB535 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 3, 2011; it is currently scheduled to apply to claims filed on or after July 4, 2010.

Patron - Nixon

HB550 Repayment of unemployment benefits. Allows the Virginia Employment Commission to negotiate the terms of repayment for benefits to which a recipient is not entitled. The Commission may deduct up to 50 percent of future benefits, forego collection of the payable amount until the recipient has found employment, or determine and institute an individualized repayment plan for the recipient. The Commission may reinstitute any other method of collecting an overpayment if the individual fails to enter into or comply with the terms of a repayment plan.

Patron - Marshall, D.W.

HB760 Department of Veterans Services; Veterans Skills Database. Requires the Virginia Employment Commission, in cooperation with the Department of Veterans Services and the Secretary of Commerce and Trade, to establish the Veterans Skills Database, an Internet-accessible database of veterans and their workforce skills, for the purpose of marketing and promoting the workforce skills of veterans to potential employers. The database will be free to both veterans and employers.

Patron - Stolle

Title 62.1- Waters of the State, Ports and Harbors

HB4 Roanoke River Basin Advisory Committee. Removes the cap on reappointments for nonlegislative citizen members of the Roanoke River Basin Advisory Committee. Currently, nonlegislative citizen members may only serve three consecutive two-year terms. This bill is identical to SB 317.

Patron - Wright

HB515 Wetlands and stream mitigation. Prohibits localities from regulating the location of wetlands and stream mitigation projects that are subject to a Virginia Water Protection Permit or a Corps of Engineer § 404 permit. However, a locality may continue to determine the allowed uses within its zoning classifications.

Patron - Rust

HB1135 Wastewater discharge permits. Requires the owner or operator of a wastewater treatment facility with a discharge greater than 1,000 gallons per day up to 39,999 gallons per day that has not begun the discharge of pollutants prior to January 1, 2011, to demonstrate to the Department of Environmental Quality that he has acquired waste load allocations sufficient to offset his nitrogen and phosphorus discharges.

Patron - Morgan

HB1221 Virginia Water Facilities Revolving Fund. Provides that loans may be made from the Virginia Water Facilities Revolving Fund, at the State Water Control Board's discretion, to a local government for construction of facilities or structures or implementation of best management practices that reduce or prevent pollution of state waters caused by stormwater runoff from impervious surfaces. However, under the bill, wastewater treatment facilities will have the first priority in obtaining financing from the Fund.

Patron - Bulova

HB1290 Nutrient trading. Allows wastewater treatment facilities on the Eastern Shore to acquire nitrogen and phosphorus credits from facilities in the Potomac and Rappahannock tributaries. Currently a permitted facility can acquire point source nitrogen credits, among other restrictions, from one or more permitted facilities in the same tributary.

Patron - Lewis

SB317 Roanoke River Basin Advisory Committee. See HB 4.

Patron - Ruff

SB345 Oyster restoration projects. Authorizes the Virginia Resources Authority to finance oyster restoration efforts undertaken by local governments.

Patron - Hanger

SB569 Water Supply Plan Advisory Committee. Establishes the State Water Resources Plan Advisory Committee to assist the Department of Environmental Quality (DEQ) in the development and implementation of the state water resources plan. The Director of DEQ is to appoint the members of the Committee who will be representatives of various stakeholder groups, including water users, water providers, agricultural, conservation, and environmental organizations, state and federal agencies, and university faculty.

Patron - Ticer

Title 63.2- Welfare (Social Services)

HB411 Shaken baby syndrome; distribution of information. Requires the Department of Social Services to make information about shaken baby syndrome, its effects, and resources for help and support for caretakers available in a printable format, and information about how to acquire such information in an audiovisual format, available on a website maintained by the Department, and to inform every child welfare program licensed by the Department about the available information. This bill also provides that information about shaken baby syndrome shall be made available to foster and adoptive parents, and staff of child day programs and children's residential facilities.

Patron - Oder

HB443 Adoption assistance. Amends eligibility and application process requirements for adoption assistance; provides for separate maintenance, nonrecurring expense, and state special services payments; sets forth the requirements of each; and amends provisions governing changes in the amount of maintenance payments.

Patron - Toscano

HB736 Virginia Child Protection Accountability System. Adds the Department of State Police and circuit courts to the list of entities required to report information for inclusion in the Virginia Child Protection Accountability System. This bill is identical to SB 284.

Patron - Albo

HB747 Stepparent and close relative adoption; appointment of guardian ad litem not required. Allows a court to waive appointment of a guardian ad litem for a child in cases of stepparent or close relative adoption.

Patron - Toscano

HB749 Consent to parental placement adoption; out-of-state placements. Allows a birth parent who is located in the Commonwealth to waive his right to consent to the adoption of his child pursuant to the laws of the Commonwealth and elect to exercise consent pursuant to the laws of the receiving state. Consent shall be made under oath, in writing, and signed by the parent, and shall expressly state that the parent waiving consent has received independent legal counsel from an attorney licensed in Virginia advising him of the laws of the Commonwealth and the laws of the receiving state.

Patron - Toscano

HB750 Post-adoption contact and communication agreements. Provides that in any case of adoption, adoptive parents may enter into post-adoption contact and communication agreements, and that the court may consider the appropriateness of any post-adoption contact and communication agreement at a permanency hearing for any child in foster care.

Patron - Toscano

HB921 Department of Social Services; retention of records. Requires local departments of social services to keep all records from cases involving child sexual abuse involving injuries or conditions that result in or were likely to have resulted in serious harm to a child for a period of 25 years from the date of the complaint.

Patron - Bell, Robert B.

HB1133 Adoption; explanation of legal effects. Clarifies the requirement that a local board or child-placing agency provide information about the adoption process, its legal effects, and the alternatives to adoption to the birth mother and, if reasonably available, the father of a child to be placed for adoption.

Patron - Keam

SB277 Temporary Assistance for Needy Families (TANF); applications. Allows TANF applicants to retain pre-existing support they may have received on their own behalf or on behalf of any other family member.

Patron - Quayle

SB284 Virginia Child Protection Accountability System. See HB 736.

Patron - Quayle

SB339 Licensure of a facility; interviews with residents or participants. Provides that interviews with residents or participants of facilities or programs licensed or seeking licensure by the Department of Social Services shall be (i) scheduled in advance of the interview and authorized by the person to be interviewed or his legally authorized representative and (ii) limited to discussion of issues related to the applicant's or licensee's compliance with applicable laws and regulations. This bill also sets forth inspection requirements for assisted living facilities, and provides that an incident report filed by an assisted living facility, pursuant to regulations adopted by the Board, for any major incident that negatively affects or threatens the life, health, safety or welfare of any resident of the facility shall not be considered a complaint, but may trigger an investigation including an onsite visit if the Commissioner finds an investigation is necessary.

Patron - Hanger

SB415 Foster care and independent living services. Requires local departments that provide independent living services to persons between 18 and 21 years of age to provide any person who chooses to leave foster care or terminate independent living services before his twenty-first birthday written notice of his right to request restoration of independent living services. The written notice shall be included in the person's transition plan, which shall be created at least 90 days prior to the person's discharge from foster care.

Patron - Vogel

SB728 Child support orders; emergency. Eliminates the ability of the Department of Social Services to order 2.5 percent cash medical support payments from the noncustodial parent when the child is a recipient of Medicaid or the Family Access to Medical Insurance Security Plan. The bill also requires the Department to repay any 2.5 percent payments received since July 1, 2009.

Patron - Quayle

Title 63.2- Miscellaneous- Welfare (Social Services)

HB718 Foster care; plan to reduce. Requires the Governor and the Department of Social Services, together with other appropriate executive branch agencies, to develop a plan to increase permanent placements of children with families to reduce the number of children in foster care by 25 percent by 2020.

Patron - Peace

Title 64.1- Wills and Decedents' Estates

HB346 Small Estate Act; revision. Revises the Small Estate Act by repealing related provisions in the Title 6.1 (Banking and Finance), Title 51.1 (Pensions, Benefits, and Retirement), and Title 64.1 (Wills and Decedents' Estates) and consolidating them in the Act. The bill also allows that a person holding a small asset belonging to a decedent may pay or deliver the asset to a designated successor if he presents an affidavit on behalf of the other known successors if the value of the asset does not exceed \$50,000 and other conditions are met. The person holding the asset may pay or deliver it without being presented with an affidavit if the value of the asset does not exceed \$15,000. A designated successor who received an asset has a fiduciary duty to other successors to safeguard the asset and pay or deliver it to other successors as required by law. The bill also provides that a person holding a small asset may pay or deliver up to \$3,500 of the asset for the handling of the funeral of the decedent.

Patron - Watts

HB755 Wills and trusts; formula clauses referring to federal estate and generation-skipping transfer tax laws; application. Provides that a formula for calculating transfers or devises based on federal estate or generation-skipping transfer tax law contained in a will or trust of a decedent who dies after December 31, 2009, and before January 1, 2011, shall be construed to refer to the tax law applicable on December 31, 2009. The bill is intended to address the consequences of the repeal of the federal estate and generation-skipping transfer taxes with respect to estates and taxable transfers occurring after December 31, 2009, and before January 1, 2011. The bill contains an emergency clause and its provisions will also be effective retroactive to December 31, 2009.

Patron - Janis

HB1345 Probate; list of heirs. Provides that the list of heirs that must be filed with the clerk of court when a personal representative for a decedent's estate seeks to qualify or a will is submitted to probate shall reflect the heirs in existence on the date of the decedent's death. If there are any changes as to who should be included on the list of heirs, an additional list of heirs shall be filed that includes such changes.

Patron - Barlow

Title 65.2- Workers' Compensation

HB603 Workers' Compensation Commission; notices. Authorizes the Workers' Compensation Commission to satisfy its obligations to provide copies of notices, opinions, orders, and awards by sending them by electronic communications in the manner prescribed by the Commission. SB 611 is identical.

Patron - Loupassi

HB705 Workers' Compensation Commission; awards. Repeals provisions that require the Workers' Compensation Commission to send copies of awards by priority mail with delivery confirmation or equivalent mailing option. The measure also increases the period in which an application

for review of an award may be made from 20 to 30 days. SB 612 is identical.

Patron - Merricks

[P]HB761 Workers' Compensation Commission filings. Expands the options for filing materials with the Workers' Compensation Commission to include means of electronic transmission that have been approved by the Commission. SB 610 is identical.

Patron - Marshall, D.W.

[P]HB807 Workers' compensation insurance; proof of coverage. Authorizes workers' compensation insurance carriers to file proof of coverage within 30 days of an insurance policy's inception. The filing shall be made electronically in the form prescribed by, and to the agent designated by, the Workers' Compensation Commission. SB 597 is identical.

Patron - Poindexter

[P]SB597 Workers' compensation insurance; proof of coverage. See HB 807.

Patron - Wampler

[P]SB610 Workers' Compensation Commission filings. See HB 761.

Patron - Edwards

[P]SB611 Workers' Compensation Commission; notices. See HB 603.

Patron - Edwards

[P]SB612 Workers' Compensation Commission; awards. See HB 705.

Patron - Wagner

Title 67- Virginia Energy Plan

Passed

[P]HB389 Virginia Offshore Wind Project Development Authority. Creates the Virginia Offshore Wind Development Authority to facilitate and support the development of the offshore wind industry and wind-powered electric energy facilities located off the coast of the Commonwealth beyond the Commonwealth's three-mile jurisdictional limit. The Authority is charged with, among other tasks, (i) identifying existing state and regulatory or administrative barriers to the development of the offshore wind industry, (ii) collecting metocean and environmental data, (iii) upgrading port facilities to accommodate the manufacturing and assembly of project components and vessels that will support such projects, and (iv) applying to the U.S. Department of Energy for loan guarantees for such projects. SB 577 is identical.

Patron - Janis

[P]HB756 Royalties from offshore drilling. Requires that all revenues and royalties paid to the Commonwealth as a result of offshore natural gas and oil drilling shall be distributed as follows: (i) 70 percent to the Transportation Trust Fund, (ii) 20 percent to the Virginia Coastal Energy Research Consortium, and (iii) 10 percent to localities for improvements to infrastructure and transportation.

Patron - Stolle

[P]HB787 Offshore energy resources. States that it shall be the policy of the Commonwealth to support oil and natural gas exploration, development, and production 50 miles or more

off Virginia's coast, taking into account the impact on affected localities, armed forces, and the mid-Atlantic regional spaceport. Currently, the policy is limited to supporting exploration for natural gas resources 50 miles or more offshore. SB 394 is identical.

Patron - Villanueva

[P]SB394 Offshore energy resources. See HB 787.

Patron - Wagner

[P]SB577 Virginia Offshore Wind Project Development Authority. See HB 389.

Patron - McEachin

[P]SB713 Coastal Energy Research Consortium. Adds George Mason University to the membership of the Coastal Energy Research Consortium and the President of George Mason University or his designee to the governing board of the Consortium. The measure also directs that a representative of NASA's Langley Research Center shall serve as a nonvoting member of the Consortium's board of directors.

Patron - Petersen

Constitutional Amendments

[P]HB16 Constitutional amendment (voter referendum); property exempt from taxation. Provides for a referendum at the November 2010 election on the approval of a proposed constitutional amendment relating to property exempt from taxation. The proposed amendment allows the General Assembly to authorize localities to establish their own income or financial worth limitations for purposes of granting property tax relief for homeowners not less than 65 years of age or permanently and totally disabled. The Constitution presently requires a showing that the homeowners granted property tax relief bear an extraordinary tax burden on the property in relation to their income or financial worth as provided by the General Assembly by state law. This bill is identical to SB 547.

Patron - Cole

[P]HB147 Constitutional amendment (voter referendum); limit on taxes or revenues and the Revenue Stabilization Fund. Provides for a referendum at the November 2010 election on the approval of a proposed constitutional amendment relating to the limit on the size of the Revenue Stabilization Fund. The proposed amendment 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. This bill is identical to SB 362.

Patron - O'Bannon

[P]HB149 Constitutional amendment (voter referendum); property tax exemptions. Provides for a referendum at the November 2, 2010, election to approve or reject an amendment requiring the General Assembly to provide a real property tax exemption for the principal residence of a veteran, or his or her surviving spouse, if the veteran has a 100 percent service-connected, permanent, and total disability. This bill is identical to SB 31.

Patron - O'Bannon

[P]HJ11 Constitutional amendment (second resolution); property exempt from taxation. Amends the Constitution of Virginia to allow the General Assembly to authorize localities to establish their own income or financial worth limitations for purposes of granting property tax relief for home-

owners not less than 65 years of age or permanently and totally disabled. The Constitution presently requires a showing that the homeowners granted property tax relief bear an extraordinary tax burden on the property in relation to their income or financial worth as provided by the General Assembly by state law. This resolution is identical to SJ 97.

Patron - Cole

[P]HJ33 Constitutional amendment (second 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 resolution is identical to SJ 13.

Patron - O'Bannon

[P]HJ34 Constitutional amendment (second 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. This resolution is identical to SJ 81.

Patron - O'Bannon

[P]SB31 Constitutional amendment (voter referendum); property tax exemptions. See HB 149.

Patron - Puller

[P]SB362 Constitutional amendment (voter referendum); limit on taxes or revenues and the Revenue Stabilization Fund. See HB 147.

Patron - Barker

[P]SB547 Constitutional amendment (voter referendum); property exempt from taxation. See HB 16.

Patron - Barker

[P]SJ13 Constitutional amendment (second resolution); property tax exemption for certain veterans. See HJ 33.

Patron - Puller

[P]SJ81 Constitutional amendment (second resolution); limit on taxes or revenues and the Revenue Stabilization Fund. See HJ 34.

Patron - Barker

[P]SJ97 Constitutional amendment (second resolution); property exempt from taxation. See HJ 11.

Patron - Barker

Miscellaneous (Including Budget and Bonds)

[P]HB5 Claims; Victor Anthony Burnette. Provides relief in the amount of \$226,065 to Victor Anthony Burnette, who was incarcerated from October 1979 to November 1987 after being convicted of rape and burglary. Forensic testing conducted in 2006 using previously unavailable technology excluded Burnette as a contributor of evidence samples recovered from the victim. 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 Burnette's

incarceration. The payment of the award will be in an initial lump sum equal to 20 percent of the total compensation award to be paid on August 1, 2010, and the remaining 80 percent to purchase an annuity to be paid out in monthly payments over 25 years commencing August 1, 2011. In addition, the bill entitles Burnette to receive up to \$10,000 for tuition for career and technical training within the Virginia Community College System. Under the bill, Burnette will immediately be ineligible to receive any unpaid amounts from the compensation award if he is subsequently convicted of any felony.

Patron - Loupassi

[P]HB29 Budget Bill. Amending Chapter 781, 2009 Acts of Assembly.

Patron - Putney

[P]HB30 Budget Bill. Appropriations of the Budget submitted by the Governor of Virginia providing a portion of revenues for the two years ending respectively on the thirtieth day of June, 2011, and the thirtieth day of June, 2012.

Patron - Putney

[P]HB41 Bonds; capital projects at colleges and universities. Authorizes the Treasury Board to issue bonds pursuant to Article X, Section 9 (c) of the Constitution of Virginia in an amount up to \$206,870,000 plus financing costs to finance revenue-producing capital projects at institutions of higher education. The bill declares that an emergency exists and that the bill is effective upon passage.

Patron - Putney

[P]SB1 Relief for purchaser of property sold at treasurers' sales; Charles L. Kingrea. Provides relief to Charles L. Kingrea. In 1970 and 1971, Mr. Kingrea purchased real property in Floyd County pursuant to the treasurer's delinquent tax sale. Under law at the time, Mr. Kingrea would have been eligible after a number of years to make application to obtain clear title; however, a statute that would have permitted him to continue the process to completion was repealed in 1984 pursuant to the recodification of Title 58 of the Code of Virginia because it was deemed "obsolete." The bill would allow Mr. Kingrea to complete the process to obtain clear title to the properties. The bill has a July 1, 2014, sunset clause. This bill also contains an emergency clause.

Patron - Reynolds

[P]SB15 Bonds; capital projects at colleges and universities. Authorizes the Treasury Board to issue bonds pursuant to Article X, Section 9 (c) of the Constitution of Virginia in an amount up to \$206,870,000 plus financing costs to finance revenue-producing capital projects at institutions of higher education. The bill declares that an emergency exists and that the bill is effective upon passage.

Patron - Colgan

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