

**DIGEST OF THE ACTS
OF THE
GENERAL ASSEMBLY OF VIRGINIA
AT THE
2011 SESSION**

which commenced at the Capitol in the City of Richmond on January 12, 2011, and adjourned
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PREFACE

For several decades the Division of Legislative Services annually has prepared for the Virginia Code Commission a Digest of the Acts. The Digest gives 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. However, we find 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 instituted in the current format.

Part A of the Digest is an index of all Code sections amended, added, or repealed by the 2011 General Assembly.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 2011 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 2011 General Assembly will become effective on July 1, 2011, 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 2011 General Assembly. These brief summaries are not detailed synopses of the acts, but are intended to point out the major features of new measures or the principal changes in existing law. Anyone desiring more detailed information about an act should obtain its full text.

The arrangement of the bills parallels the title and section number organization of the Code of Virginia. Some titles have a "Miscellaneous" section containing acts that usually do not have Code section numbers but are related to the subject matter of that title. Uncodified appropriation, bond, claims, and constitutional amendment measures are included at the end of the Summary.

Following the summaries is a chart showing all bills passed during the 2011 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, Senior Staff Assistant, with the assistance of Larry Garton, DLAS Senior Systems Analyst.

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§ 9.1-400, amending. (**HB 1852** (Chapter 572); **SB 1334** (Chapter 586))

§ 9.1-801, amending. (**HB 1852** (Chapter 572); **SB 1334** (Chapter 586))

§§ 9.1-802 and 9.1-803, repealing. (**HB 2520** (Chapter 594); **SB 1471** (Chapter 681))

§ 9.1-1100.1, adding. (**HB 2337** (Chapter 566))

§ 9.1-1101, amending. (**SB 1103** (Chapter 638))

§ 9.1-1200, repealing. (**HB 1773** (Chapter 780); **SB 1263** (Chapter 858))

§ 10.1-104.2, amending. (**HB 1831** (Chapter 341); **SB 1055** (Chapter 353))

§ 10.1-104.5, adding. (**HB 1830** (Chapter 781); **HB 1831** (Chapter 341); **HB 2368** (Chapter 505); **SB 1055** (Chapter 353))

§§ 10.1-104.6 and 10.1-104.7, adding. (**HB 1830** (Chapter 781))

§ 10.1-409, amending. (**HB 2424** (Chapter 276))

§ 10.1-414, amending. (**HB 1743** (Chapter 96); **SB 778** (Chapter 136))

§ 10.1-419, amending. (**HB 2520** (Chapter 594); **SB 1471** (Chapter 681))

§ 10.1-500.1, adding. (**HB 2337** (Chapter 566))

§ 10.1-502, amending. (**HB 1829** (Chapter 213); **SB 1412** (Chapter 228))

§ 10.1-563, amending. (**HB 1495** (Chapter 721); **SB 1064** (Chapter 720))

§ 10.1-603.2:01, adding. (**HB 2337** (Chapter 566))

§ 10.1-603.7, amending. (**HB 1831** (Chapter 341); **SB 1055** (Chapter 353))

§ 10.1-603.8, amending. (**HB 1758** (Chapter 400))

§ 10.1-603.8:1, amending. (**SB 1099** (Chapter 523))

§ 10.1-603.12:1, amending. (**HB 1739** (Chapter 453))

§ 10.1-603.16:1, adding. (**HB 2337** (Chapter 566))

§ 10.1-603.19, amending. (**SB 1060** (Chapter 637))

§ 10.1-604.1, adding. (**SB 1060** (Chapter 637))

§§ 10.1-605 and 10.1-605.1, amending. (**SB 1456** (Chapter 323))

§ 10.1-605.3, adding. (**SB 1060** (Chapter 637))

§ 10.1-606.4, amending. (**SB 1060** (Chapter 637))

§ 10.1-1012, amending. (**HB 1715** (Chapter 207))

§ 10.1-1100.1, adding. (**HB 2337** (Chapter 566))

§ 10.1-1102, amending. (**HB 1842** (Chapter 691); **SB 1280** (Chapter 714))

§ 10.1-1182.1, adding. (**HB 2337** (Chapter 566))

§ 10.1-1300.1, adding. (**HB 2337** (Chapter 566))

§ 10.1-1308, amending. (**HB 1625** (Chapter 393))

§ 10.1-1308.01, adding. (**HB 1625** (Chapter 393))

§§ 10.1-1327 and 10.1-1328, repealing. (**SB 1058** (Chapter 291))

§ 10.1-1400.1, adding. (**HB 2337** (Chapter 566))

§ 10.1-1402.1:1, amending. (**SB 1007** (Chapter 420))

§ 10.1-1700, amending. (**HB 1621** (Chapter 85); **SB 1104** (Chapter 159))

§ 10.1-1800, amending. (**HB 1842** (Chapter 691); **SB 1280** (Chapter 714))

§ 10.1-2128.1, amending. (**HB 2058** (Chapter 245))

§ 10.1-2128.2, adding. (**SB 1100** (Chapter 524))

§ 10.1-2129, amending. (**SB 1427** (Chapter 189))

§ 10.1-2136, amending. (**HB 1842** (Chapter 691); **SB 1280** (Chapter 714))

§ 10.1-2211, amending. (**SB 950** (Chapter 603); **SB 1410** (Chapter 543))

§ 12.1-10, amending. (**SB 1131** (Chapter 163))

§ 13.1-400.10, adding. (**SB 1387** (Chapter 298))

§§ 13.1-782 through 13.1-791, adding. (**HB 2358** (Chapter 698))

§§ 13.1-870.1 and 13.1-870.2, amending. (**HB 1877** (Chapter 693); **SB 841** (Chapter 704))

§ 13.1-1042, amending. (**SB 1356** (Chapter 379))

§ 15.2-106, amending. (**HB 2142** (Chapter 255))

§ 15.2-107.2, adding. (**HB 2338** (Chapter 127))

§ 15.2-901, amending. (**HB 2132** (Chapter 695); **SB 1354** (Chapter 542))

§ 15.2-907, amending. (**HB 1434** (Chapter 384); **SB 745** (Chapter 410))

§ 15.2-914, amending. (**HB 2100** (Chapter 251))

§ 15.2-915.4, amending. (**SB 757** (Chapter 832))

§ 15.2-922, amending. (**HB 1611** (Chapter 766))

§ 15.2-924.1, repealing. (**HB 1831** (Chapter 341); **SB 1055** (Chapter 353))

§ 15.2-936, amending. (**HB 2278** (Chapter 496); **SB 1073** (Chapter 438))

§ 15.2-958.5, adding. (**HB 1668** (Chapter 770); **SB 799** (Chapter 833))

§ 15.2-1300.1, adding. (**HB 2364** (Chapter 267))

§ 15.2-1418, amending. (**SB 1302** (Chapter 180))

§ 15.2-1535, amending. (**HB 2217** (Chapter 41); **SB 1276** (Chapter 51))

§ 15.2-1609.1, amending. (**HB 1771** (Chapter 339); **SB 901** (Chapter 350))

§ 15.2-1613.1, amending. (**HB 2284** (Chapter 664); **SB 777** (Chapter 300))

§ 15.2-1627, amending. (**HB 1809** (Chapter 210))

§§ 15.2-1815, 15.2-1816 and 15.2-1817, adding. (**HB 2075** (Chapter 660); **SB 1352** (Chapter 562))

§ 15.2-2114, amending. (**HB 1737** (Chapter 452))

§ 15.2-2118, amending. (**HB 1772** (Chapter 340); **HB 2409** (Chapter 509); **SB 1228** (Chapter 533))

§ 15.2-2119, amending. (**HB 2425** (Chapter 580); **SB 1216** (Chapter 529))

§ 15.2-2201, amending. (**HB 1963** (Chapter 237))

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§ 15.2-2209.1, amending. (**HB 2411** (Chapter 272))

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§ 15.2-2222.1, amending. (**SB 1206** (Chapter 647); **SB 1221** (Chapter 888))

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§ 15.2-2223.2, adding. (**SB 964** (Chapter 885))

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§ 15.2-2241, amending. (**HB 2472** (Chapter 512))

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§ 15.2-2286.1, amending. (**HB 1931** (Chapter 549); **SB 783** (Chapter 519))

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§ 15.2-2606, amending. (**HB 2004** (Chapter 590))

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§ 15.2-3548, amending. (**HB 1769** (Chapter 337); **SB 900** (Chapter 349))

§§ 15.2-4302 through 15.2-4305, amending. (**HB 2078** (Chapter 344); **SB 1092** (Chapter 355))

§ 15.2-4307, amending. (**HB 2078** (Chapter 344); **SB 1092** (Chapter 355))

§ 15.2-4308, repealing. (**HB 2078** (Chapter 344); **SB 1092** (Chapter 355))

§§ 15.2-4309 and 15.2-4310, amending. (**HB 2078** (Chapter 344); **SB 1092** (Chapter 355))

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§ 15.2-4507, amending. (**HB 2504** (Chapter 515))

§ 15.2-5102, amending. (**HB 1521** (Chapter 199))

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§ 15.2-5137, amending. (**SB 1160** (Chapter 642))

§ 15.2-5139, amending. (**HB 2425** (Chapter 580); **SB 1216** (Chapter 529))

§ 15.2-5370, amending. (**HB 2478** (Chapter 514))

§ 15.2-6319, amending. (**HB 2329** (Chapter 126); **SB 1256** (Chapter 178))

§§ 15.2-6500 through 15.2-6504, repealing. (**HB 2520** (Chapter 594); **SB 1471** (Chapter 681))

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§ 16.1-69.48:1.02, adding. (**HB 2449** (Chapter 511))

§ 16.1-69.55, amending. (**HB 2063** (Chapter 480); **SB 1222** (Chapter 445))

§ 16.1-77, amending. (**HB 1534** (Chapter 76); **HB 1590** (Chapter 14); **HB 2289** (Chapter 372); **SB 774** (Chapter 702); **SB 1327** (Chapter 378))

§ 16.1-79.1, amending. (**HB 1611** (Chapter 766))

§ 16.1-107, amending. (**HB 1845** (Chapter 58))

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§ 16.1-248.1, amending. (**SB 1168** (Chapter 644))

§ 16.1-253.1, amending. (**HB 2063** (Chapter 480); **SB 1222** (Chapter 445))

§ 16.1-253.4, amending. (**HB 2063** (Chapter 480); **SB 1222** (Chapter 445))

§ 16.1-260, amending. (**HB 1434** (Chapter 384); **HB 2462** (Chapter 825); **SB 745** (Chapter 410))

§ 16.1-264, amending. (**HB 2089** (Chapter 482))

§ 16.1-278.8:01, amending. (**HB 1434** (Chapter 384); **SB 745** (Chapter 410))

§ 16.1-279.1, amending. (**HB 2063** (Chapter 480); **SB 1222** (Chapter 445))

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§ 16.1-293, amending. (**HB 2036** (Chapter 39); **SB 1170** (Chapter 442))

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§ 17.1-218, repealing. (**HB 2149** (Chapter 63))

§ 17.1-258.3:2, amending. (**SB 1369** (Chapter 715))

§ 17.1-272, amending. (**HB 2063** (Chapter 480); **SB 1222** (Chapter 445))

§ 17.1-275, amending. (**SB 1068** (Chapter 707))

§§ 17.1-275.1 through 17.1-275.4, amending. (**HB 2150** (Chapter 565))

§ 17.1-275.7, amending. (**HB 2150** (Chapter 565); **SB 915** (Chapter 283))

§§ 17.1-275.8 and 17.1-275.9, amending. (**HB 2150** (Chapter 565))

§ 17.1-275.11:1, adding. (**HB 2449** (Chapter 511))

§ 17.1-276, amending. (**HB 2233** (Chapter 493); **SB 1004** (Chapter 434))

§ 17.1-293, amending. (**HB 1565** (Chapter 689); **HB 2483** (Chapter 625); **SB 1274** (Chapter 557); **SB 1369** (Chapter 715))

§ 17.1-294, amending. (**SB 1369** (Chapter 715))

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§ 18.2-56.1, amending. (**HB 1411** (Chapter 684))

§ 18.2-57, amending. (**HB 1516** (Chapter 230); **HB 1690** (Chapter 233); **SB 772** (Chapter 374))

§ 18.2-60.4, amending. (**HB 2063** (Chapter 480); **SB 1222** (Chapter 445))

§ 18.2-67.7, amending. (**HB 1898** (Chapter 785))

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§ 18.2-251, amending. (**HB 1434** (Chapter 384); **SB 745** (Chapter 410))

§ 18.2-255, amending. (**HB 1434** (Chapter 384); **SB 745** (Chapter 410))

§ 18.2-255.1, amending. (**HB 1434** (Chapter 384); **SB 745** (Chapter 410))

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§ 18.2-258, amending. (**HB 1434** (Chapter 384); **SB 745** (Chapter 410))

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§ 18.2-260.1, amending. (**HB 1605** (Chapter 204))

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§ 18.2-308.2:1, amending. (**HB 1699** (Chapter 775))

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§ 18.2-326, amending. (**HB 1832** (Chapter 732))

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§ 19.2-54, amending. (**HB 1479** (Chapter 196); **HB 1909** (Chapter 219))

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§ 19.2-70, amending. (**HB 1780** (Chapter 403); **SB 1198** (Chapter 414))

§ 19.2-70.3, amending. (**HB 1593** (Chapter 392))

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§ 19.2-123, amending. (**HB 2106** (Chapter 799); **SB 925** (Chapter 837))

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§ 19.2-310, amending. (**HB 1973** (Chapter 470))

§ 19.2-310.2, amending. (**HB 2065** (Chapter 247))

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§ 22.1-92, amending. (**HB 1885** (Chapter 216))

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§ 23-38.88, amending. (**HB 2510** (Chapter 828); **SB 1459** (Chapter 869))

§ 23-38.90, amending. (**HB 1592** (Chapter 332); **HB 2510** (Chapter 828); **SB 1459** (Chapter 869))

§ 23-38.91, amending. (**HB 2510** (Chapter 828); **SB 1459** (Chapter 869))

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§ 23-253.1, amending. (**HB 1842** (Chapter 691); **SB 1280** (Chapter 714))

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§ 46.2-332, amending. (**HB 1835** (Chapter 57); **SB 1003** (Chapter 70))

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§ 46.2-341.18:3, adding. (**HB 2026** (Chapter 477))

§ 46.2-341.20, amending. (**HB 1945** (Chapter 881); **SB 1281** (Chapter 889))

§ 46.2-388, amending. (**HB 2051** (Chapter 62); **SB 1266** (Chapter 73))

§ 46.2-398, amending. (**HB 2391** (Chapter 271))

§ 46.2-411, amending. (**HB 1791** (Chapter 54); **SB 1020** (Chapter 71))

§§ 46.2-608 and 46.2-609, amending. (**HB 2028** (Chapter 61))

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§ 46.2-624, amending. (**HB 1412** (Chapter 652); **SB 1416** (Chapter 678))

§ 46.2-644.03, amending. (**HB 1590** (Chapter 14); **SB 774** (Chapter 702))

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§ 46.2-692.2, adding. (**HB 1835** (Chapter 57); **SB 1003** (Chapter 70))

§ 46.2-696, repealing. (**HB 1945** (Chapter 881); **SB 1281** (Chapter 889))

§ 46.2-700, amending. (**SB 915** (Chapter 283))

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§ 46.2-743, amending. (**HB 1852** (Chapter 572); **SB 1334** (Chapter 586))

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§ 46.2-749.61, repealing. (**HB 1454** (Chapter 21))

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§ 46.2-1139, amending. (**HB 2051** (Chapter 62); **SB 1266** (Chapter 73))

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SB940 Emblems and designations; state saltwater fish. Designates the striped bass as the state saltwater fish.
Patron - Miller, J.C.

Title 2.2- Administration of Government

HB1457 Freedom of Information Act; violations and penalties. Doubles the civil penalties imposed for willful and knowing violations of FOIA. The bill also clarifies existing law that officers, employees, and members of public bodies may be subject to the civil penalties for knowing and willful violations of FOIA.
Patron - Marshall, R.G.

HB1477 Risk management plan; prison chaplains. Amends the Commonwealth's risk management plan to include prison chaplains who provide services at state correctional facilities for compensation. Current law only includes volunteer chaplains under the risk management plan.
Patron - Cox, M.K.

HB1557 Department of Veterans Services; ratio of department staff to veterans residing in the Commonwealth. Clarifies that the number of employees assigned to the processing of benefit claims shall be sufficient to maintain a ratio of one staff person for every 26,212 veterans residing in the Commonwealth. This bill is identical to SB 1399.
Patron - Cox, M.K.

HB1592 Public procurement; posting on website. Requires all state authorities, agencies, institutions, departments, and other units of state government to put requests for proposal and invitations to bid on the Department of General Services' website. The bill encourages, but does not require, local public bodies to do likewise.
Patron - Iaquinto

HB1595 Virginia Public Procurement Act; procurement of professional services by local public bodies. Increases the threshold from \$30,000 to \$50,000 for local public bodies procuring professional services in the aggregate or for the sum of all phases of such a contract or project. The bill provides that where such contracts are not expected to exceed \$50,000, the public body may establish written small purchase procedures that provide for competition wherever practicable.
Patron - Iaquinto

HB1609 Virginia Public Procurement Act; definitions; public body. Adds metropolitan planning organizations and planning district commissions to the definition of "public body" as used in the Virginia Public Procurement Act.
Patron - Orrock

HB1666 Department of Veterans Services; duties of Commissioner; establishment of advisory committees for veterans care centers. Removes the requirement for the Commissioner of the Department of Veterans Services to establish an advisory committee on the administration of veterans care

centers established in the Commonwealth. The bill also contains a technical amendment. This bill is identical to SB 958.
Patron - Cole

HB1679 State Executive Council for Comprehensive Services for At-Risk Youth and Families; powers and duties. Authorizes the State Executive Council for Comprehensive Services for At-Risk Youth and Families to deny funding to a locality if services are not provided in compliance with applicable state law or policy or federal law. This bill also establishes timelines for development of policies governing denial of funding by the State Executive Council and provides that the provisions of this act shall apply to services provided on or after July 1, 2011. This bill contains an emergency clause. This bill is identical to SB 1171.
Patron - Bell, Richard P.

HB1757 Address Confidentiality Program. Expands the Address Confidentiality Program for victims of domestic violence to all jurisdictions within the Commonwealth. The bill also provides that the Office of the Attorney General will prepare an evaluation of the statewide implementation of the program by December 31, 2012, and repeals the enactment clause that conditioned the continuation of the program upon an appropriation for that purpose. The bill is identical to SB 1199.
Patron - Wilt

HB1761 Department of Human Resource Management; TRICARE supplemental health coverage. Authorizes the Department of Human Resource Management to offer coverage under the state's cafeteria plan established under § 125 of the Internal Revenue Code to military retirees and their dependents who are eligible for benefits under the TRICARE Military Health System supplemental health plan. This bill is identical to SB 892.
Patron - Cox, M.K.

HB1773 Secretary of Veterans Affairs and Homeland Security. Establishes the Office of the Secretary of Veterans Affairs and Homeland Security with responsibility to the Governor for veterans services and homeland preparedness and security. The state entities reporting through the new Secretary's Office are the Department of Veterans Services, Secure Commonwealth Panel, Veterans Services Foundation, Virginia Military Advisory Council, and Virginia War Memorial Foundation. The bill also makes technical changes and is identical to SB 1263. The bill has an emergency clause.
Patron - Sherwood

HB1842 Boards, commissions and councils; membership; appointing authority; abolition. Makes policy improvements and clarifications to several state boards, commissions, and councils including (i) establishing staggered terms for nonlegislative citizen members appointed by the Governor, (ii) clarifying the Governor's authority when provided lists of nominees by nongovernmental entities, and (iii) standardizing the terms of chairmen of entities appointed by the Governor to two years and limiting such appointees to two consecutive terms as chair. The bill contains technical amendments and is identical to SB 1280.
Patron - Cole

HB1859 Public Procurement Act; verification of legal presence. Provides that any employer with more than an average of 50 employees for the previous 12 months entering into a contract in excess of \$50,000 with any agency of the Commonwealth to perform work or provide services pursuant to such contract shall register and participate in the federal E-Verify program to verify information and work authorization of

its newly hired employees performing work pursuant to such public contract. Any such employer who fails to comply shall be debarred from contracting with any agency of the Commonwealth for a period up to one year. Such debarment shall cease upon the employer's registration and participation in the E-Verify program. This bill is identical to SB 1049.

Patron - Anderson

[P]HB1860 Freedom of Information Act; proceedings for enforcement. Requires that the party against whom a FOIA petition is brought must receive a copy of the petition at least three working days prior to the filing of the petition. The bill contains technical amendments and is a recommendation of the FOIA Council. The bill is identical to SB 763.

Patron - Anderson

[P]HB1929 Virginia Public Procurement Act; price matching by Virginia businesses. Provides that whenever the lowest responsive and responsible bidder is a resident of any other state and such state allows a resident contractor of that state a price-matching preference, then a like preference shall be allowed to responsive and responsible bidders who are residents of Virginia.

Patron - Marshall, D.W.

[P]HB1939 Regulations promulgated when mandated by statute; requirements. Requires agencies, for regulatory changes that are nondiscretionary and necessary to conform to a change in law, to file the updated regulations with the Registrar of Regulations within 90 days of the law's effective date. The bill also requires the filing of a Notice of Intended Regulatory Action within 120 days of a law's effective date whenever a Virginia statutory change necessitates a change to, or repeal of, all or a portion of a regulation or the adoption of a new regulation.

Patron - Pollard

[P]HB1951 Virginia Public Procurement Act; bid, performance, and payment bonds. Raises the minimum contract amount required for bid, performance, or payment bonds from \$100,000 to \$500,000 for nontransportation-related construction projects. The bill provides that for nontransportation related construction projects between \$100,000 and \$500,000 where the bond requirements are waived, the prospective contractors must be prequalified. The amount (\$250,000) for transportation-related projects partially or wholly funded by the Commonwealth, however, remains the same.

Patron - Villanueva

[P]HB1691 Servicemembers and veterans services. Provides for the program established by the Department of Veterans Services to monitor and coordinate mental health and rehabilitative services support for Virginia veterans to cooperate with localities that may establish special treatment procedures for veterans and active military service members in the criminal justice system. The bill further provides that to facilitate local involvement and flexibility in responding to the problem of crime in local communities and to effectively treat, counsel, rehabilitate, and supervise veterans and active military service members who are offenders or defendants in the criminal justice system that any city, county, or combination thereof may develop, establish, and maintain policies, procedures, and treatment services for all such offenders who are convicted and sentenced for misdemeanors or felonies that are not felony acts of violence. The bill is identical to SB 1063.

Patron - Stolle

[P]HB1982 Governor's Development Opportunity Fund; criteria for grants or loans from the fund. Reduces, among other things, the threshold for private investment and

new job creation from \$10 million and 100 new jobs to \$5 million and at least 50 new jobs, and allows for awards from the Fund for projects with a minimum private investment of \$100 million that create at least 25 new jobs. The bill also sets forth new investment and job creation thresholds for projects in fiscally stressed localities. This bill is identical to SB 1379.

Patron - Kilgore

[P]HB2003 Department of General Services; surplus real property; inventory of state-owned land. Changes the fund to receive the 50 percent portion of the proceeds from the sale, lease, or conveyance of surplus property owned by the Commonwealth from the Conservation Resources Fund to the State Park Acquisition and Development Fund. The bill requires the Department of General Services to develop the criteria for and conduct an inventory of all real property, as defined in § 2.2-1147, owned by state departments, agencies and institutions by January 1, 2012, and update the inventory at least annually thereafter. In addition, the bill requires the Department to provide a listing of surplus real property owned by the Commonwealth on its website with a description of the properties, including parcel identification. This bill is identical to SB 1257.

Patron - LeMunyon

[P]HB2006 Regulatory flexibility for small businesses; periodic review. Clarifies the process for the notice of completion of the small business impact statement and review of existing regulations to minimize the economic impact of regulations on small businesses. The bill (i) changes the periodic review requirement from five years to four years to conform to the procedures for regulatory review adopted by each Governor under §§ 2.2-4013 and 2.2-4017, (ii) adds a requirement to publish a notice of the review and report of the findings in the Virginia Register of Regulations and post the notice on the Virginia Regulatory Town Hall, and (iii) provides for a 21-day public comment period after publication of the notice. The bill is recommended by the Virginia Code Commission based on a report of the Administrative Law Advisory Committee. The bill is identical to SB 1070.

Patron - LeMunyon

[P]HB2010 Southwest Virginia Cultural Heritage Foundation. Creates the Southwest Virginia Cultural Heritage Foundation to replace the Southwest Virginia Cultural Heritage Commission, which will cease to exist on July 1, 2011. The bill sets out the membership and powers and duties of the Foundation. The bill provides that the Southwest Virginia Cultural Heritage Foundation is the successor in interest to the Southwest Virginia Cultural Heritage Commission, removes the Chancellor of the Virginia Community College System, and provides that members of the Commission serving terms shall continue their terms as members of the board of trustees of the Southwest Virginia Cultural Heritage Foundation. The bill contains technical amendments. This bill is identical to SB 893.

Patron - Carrico

[P]HB2020 Virginia Freedom of Information Act; definitions. Clarifies that the definition of a "public record" does not include records that are not prepared for or used in the transaction of public business. The bill is in response to a court case in Loudoun County.

Patron - May

[P]HB2041 Virginia Freedom of Information Act; record and meeting exemption for certain commissions. Allows any commission created by executive order to study and make recommendations concerning the prevention of closure and realignment of federal security installations in Virginia to withhold from public disclosure certain records

relating to the relocation of national security facilities. The bill also allows those portions of meetings where such records are discussed to be closed to the public. The bill is identical to SB 1296.

Patron - Anderson

HB2042 Veterans Services Foundation. Requires the Veterans Services Foundation to provide an annual report to the Secretary of Veterans Affairs and Homeland Security on or before November 30. The bill also (i) provides that ex officio members of the Foundation are ineligible to serve as the Foundation's chair, (ii) provides that the Foundation shall meet four times per year, and (iii) clarifies that a majority of voting members constitutes a quorum. The bill also contains a technical amendment.

Patron - Anderson

HB2076 Office of the State Inspector General. Establishes the Office of the State Inspector General to be headed by a State Inspector General to investigate complaints alleging fraud, waste, abuse, or corruption by a state agency or nonstate agency or the officers and employees thereof. The bill also authorizes the State Inspector General to examine the management and operation of state agencies. The bill defines "nonstate agency" and provides a record exemption under the Freedom of Information Act for certain investigative/audit documents of the Office. The bill consolidates the offices of inspector general of the Departments of Behavioral Health and Developmental Services, Corrections, Juvenile Justice, and Transportation and the Department of the State Internal Auditor into this new office, and adds responsibility for tobacco indemnification and revitalization. The bill contains technical amendments and has a delayed effective date. The bill is identical to SB 1477.

Patron - Landes

HB2093 State and Local Government Conflict of Interests Act; prohibited conduct by constitutional officers. Prohibits a constitutional officer, during the one year after the termination of his public service, from acting in a representative capacity on behalf of any person or group, for compensation, on any matter before the agency of which he was an officer. The bill provides that it does not apply to attorneys for the Commonwealth.

Patron - Jones

HB2179 Local choice health insurance pool; inclusion of employees of area agencies on aging. Includes employees of area agencies on aging in the local choice health insurance pool.

Patron - Phillips

HB2198 Employment of personnel in the executive branch of state government. Clarifies that if an executive branch agency employee is promoted within the same agency to a higher position classification that requires a new probationary period and is unable to complete or satisfy the probationary period of employment for any reason other than misconduct, then such employee must be offered the previous classified position or an equivalent position for which a vacancy exists.

Patron - Comstock

HB2205 Secretary of the Commonwealth; acceptance of certain electronic signatures. Provides that nonsalaried citizen members of policy and supervisory boards, commissions, and councils in the executive branch of state government, and local boards, commissions, and councils, may sign their disclosure forms using electronic signatures. In addition, the bill authorizes the Secretary of the Commonwealth to

accept electronic signatures on applications for recommissioning a notary or electronic notary. The bill is identical to SB 1247.

Patron - Comstock

HB2236 Commercial use of seals of the Commonwealth. Authorizes the Governor to direct the State Treasurer to cause to be minted gold, platinum and silver coins for commemorative use that bear the seals of the Commonwealth.

Patron - Marshall, R.G.

HB2277 Compensation paid to citizen members of state boards, commissions, and other collegial bodies. Provides that nonlegislative members of boards, commissions, committees, councils, or other collegial bodies who are appointed at the state level and receive three or more travel reimbursements annually shall be required to participate in the Electronic Data Interchange Program administered or authorized by the Department of Accounts as a condition of accepting such appointment. The bill provides that the requirement applies only to such nonlegislative members who are appointed or reappointed on or after July 1, 2011.

Patron - Keam

HB2282 Department of General Services; centralized fleet; alternative fuels. Requires the Director of the Department of General Services, in conjunction with the Secretary of Administration and the Governor's senior advisor on energy, to develop a plan providing for the replacement of vehicles in the centralized fleet with vehicles that operate using natural gas, electricity, or other alternative fuels, to the greatest extent practicable, considering available infrastructure, the location and use of vehicles, capital and operating costs, and potential for fuel savings. The plan shall be submitted to the Governor for his review and approval. Once the plan is approved by the Governor, the Director is required to implement the plan for the centralized fleet. The bill provides that all state agencies and institutions shall cooperate with the Director in implementing the plan.

Patron - Marshall, D.W.

HB2317 Information Technology Advisory Council; technology application framework. Requires the ITAC to advise the Chief Information Officer on the creation of a technology application governance framework through which executive branch agencies can address agency business needs with potential information technology solutions. Agency leaders and information technology managers shall participate with the ITAC in the design of this framework. This bill is identical to SB 943.

Patron - Byron

HB2319 State agency mandates on localities. Provides that the assessment of mandates imposed on local governments currently required include an estimate of the fiscal impact of the mandates on the affected local governments in addition to a written justification as to why the mandate should or should not be eliminated. The bill is identical to SB 1382.

Patron - Byron

HB2324 Investment in research and technology in the Commonwealth. Amends the Commonwealth Research Commercialization Fund (CRCF) to allow for awards for a matching funds program and an eminent researcher program. The bill also expands upon the Innovation and Entrepreneurship Investment Authority's (IEIA) current responsibility to develop a strategic roadmap for research in the Commonwealth. The roadmap shall identify areas of focus for research investment in the Commonwealth based upon criteria set forth in the bill, and any awards from the CRCF must fall into one of

these areas of focus. The bill establishes a Research and Technology Investment Advisory Committee to assist the IEIA in making awards from the CRCF by ensuring that applications considered for awards are based upon sound science and research, are in an area of focus identified in the roadmap, and present significant potential for commercialization in the Commonwealth. This bill is identical to SB 1485.

Patron - Lingamfelter

HB2328 Six-Year Capital Outlay Plan. Specifies the process by which agencies' requests for capital projects are presented to the Six-Year Capital Outlay Plan Advisory Committee and the process the Advisory Committee shall follow. This bill is identical to SB 1428.

Patron - Lingamfelter

HB2330 Secretary of Public Safety; information exchange program. Requires the Secretary of Public Safety to establish an information exchange program with states that share a border with Mexico or Canada. The purpose of the exchange is to aid in the sharing of intelligence relating to international gangs, terrorist organizations, and other illegal activities in the Commonwealth. The Secretary is required to present a plan for establishing the exchange to the House Committee on Militia, Police and Public Safety and the Senate Committee for Courts of Justice no later than October 1, 2011.

Patron - Lingamfelter

HB2337 State agencies; use of certified mail for certain notices. Provides that whenever a state agency sends any mail or notice by certified mail and such mail or notice is sent certified mail, return receipt requested, then any additional mail or notice that is sent by such state agency pertaining to the same subject matter and purpose may be sent by regular mail.

Patron - Garrett

HB2375 Commonwealth Information Technology Governance and Oversight; information technology project risk and complexity. Provides for the creation of the Commonwealth Project Management Standard, by which information technology projects in state agencies and most public institutions of higher education will be initiated, procured and governed. Also, this bill clarifies the roles of the Secretary of Technology and the Chief Information Officer (CIO) in the governance and oversight of technology projects. Projects shall be approved or disapproved by either the Secretary of Technology or the CIO based on the overall cost, as well as the overall risk and complexity of the project.

Patron - O'Bannon

HB2448 Political contributions; prohibition during procurement process. Clarifies that a person must knowingly violate the prohibition against making or soliciting certain political contributions during the procurement process to the Governor, his political action committee, or the Governor's Secretaries in order to be subject to the civil penalty. The bill also requires that the party receiving a prohibited contribution must return it or, if the contributor cannot be identified, donate it to charity. The bill also provides that in order to trigger the prohibition against political contributions, the bid or proposal must be submitted to an executive branch agency that is directly responsible to the Governor.

Patron - Gilbert

HB2479 Virginia Liaison Office; Office of Intergovernmental Affairs; powers and duties. Changes the title of the Virginia Liaison Office to the Office of Intergovernmental Affairs. The bill also reorganizes and clarifies the responsibilities of the Office. The bill is identical to SB 1414.

Patron - Byron

HB2520 Advisory boards, councils, etc.; elimination. Eliminates certain advisory boards, councils, and other advisory collegial bodies. The bill contains numerous technical amendments. This bill is identical to SB 1471.

Patron - Peace

SB744 State and Local Government Conflict of Interests Act; employees of school boards; exception. Provides that certain relatives of a school board member in Planning District 3 may be considered for employment if (i) the board member certifies that he had no involvement with the hiring decision and (ii) the superintendent certifies to the remaining members of the governing body 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. Without the exception, employment of such relatives would only be permissible if the relative had been employed by the school division prior to the taking of office of the board member or prior to the inception of the relationship. The bill adds the exception for Planning District 3 that is currently held by Planning Districts 11, 12, and 13.

Patron - Reynolds

SB763 Freedom of Information Act; proceedings for enforcement. See HB 1860.

Patron - Puller

SB815 State Grievance Procedure; scope of hearing officer's decision; reinstatement. Clarifies that the reinstatement remedy that may be ordered by the hearing officer under the State Grievance Procedure consists of reinstatement to the same position or, if the position is filled, to an equivalent position.

Patron - McEachin

SB859 Mid-Atlantic Offshore Wind Energy Infrastructure Development Compact. Repeals the Mid-Atlantic Offshore Wind Energy Infrastructure Development Compact.

Patron - Wagner

SB892 Department of Human Resource Management; TRICARE supplemental health coverage. See HB 1761.

Patron - Wampler

SB893 Southwest Virginia Cultural Heritage Foundation. See HB 2010.

Patron - Wampler

SB943 Information Technology Advisory Council; technology application framework. See HB 2317.

Patron - Howell

SB951 Freedom of Information Act; transfer of records. Clarifies that the Library of Virginia is the custodian of records transferred to it for permanent archiving pursuant to the duties imposed by the Virginia Public Records Act (§ 42.1-76 et seq.) and for responding to requests for such records made under FOIA. This bill is a recommendation of the Freedom of Information Advisory Council.

Patron - Houck

SB958 Department of Veterans Services; duties of Commissioner; establishment of advisory committees for veterans care centers. See HB 1666.

Patron - Miller, J.C.

SB1032 Revenue Stabilization Fund; maximum size. Directs the Auditor of Public Accounts, when annually calculating the maximum size of the Revenue Stabilization Fund, to calculate the maximum at 15 percent (rather than 10 percent) as a result of the passage of the constitutional amendment that increased the maximum size from 10 percent to 15 percent.

Patron - Barker

SB1049 Public Procurement Act; verification of legal presence. See HB 1859.

Patron - Barker

SB1057 Reports by executive branch entities to the General Assembly. Authorizes state entities required to submit a report to multiple legislative branch entities to develop a consolidated report containing all required information. Such report shall be (i) formatted in compliance with the specific reporting requirements and (ii) provided in a manner designed to clearly delineate each legislative branch entity for which specific information is provided. The bill also provides that no hard copies of such annual or biennial reports may be printed unless requested by a legislator.

Patron - McDougale

SB1063 Servicemembers and veterans services. See HB 1691.

Patron - Miller, J.C.

SB1070 Regulatory flexibility for small businesses; periodic review. See HB 2006.

Patron - Edwards

SB1106 Department of General Services; centralized fleet; minimum mileage standard. Requires the Director of the Department of General Services to promulgate a minimum mileage standard for passenger-type vehicles assigned to the centralized fleet, taking into account best value, industry standard practices, and the use of alternative transportation methods. Currently, the minimum mileage required for assigning a vehicle is calculated using a statutory formula.

Patron - Hanger

SB1107 Virginia Public Procurement Act; small purchases. Increases from \$50,000 to \$100,000 the small purchases exemption under the Virginia Public Procurement Act for single or term contracts for goods and services other than professional services. The bill also provides that, in addition to a written informal solicitation of a minimum of four bidders or offerors for such purchases that are expected to exceed \$30,000, state agencies, departments, and institutions must post the notice on the Department of General Services' central electronic procurement website. The bill also encourages local public bodies to use the Department of General Services' central electronic procurement website.

Patron - Hanger

SB1114 Department of General Services; review of proposed use and occupancy of real property by state agencies; Governor's approval required. Clarifies that the use and occupancy of real property by state agencies shall comply with guidelines developed by the Department of General Services and require approval of the Governor.

Patron - Watkins

SB1126 Virginia Public Procurement Act; transportation-related construction projects. Provides for the duration of contract terms for environmental location, design and inspection work to one initial term of two years and clarifies

that the sum of all projects in a one-year term may not exceed \$5 million. The bill also provides for the Commonwealth Transportation Commissioner to appoint a committee to review performance and payment bonding requirements for construction projects. The committee shall make recommendations regarding any changes to such performance and payment bonding requirements to the Commissioner by December 1, 2011.

Patron - Stosch

SB1171 State Executive Council for Comprehensive Services for At-Risk Youth and Families; powers and duties. See HB 1679.

Patron - Marsden

SB1199 Address Confidentiality Program. See HB 1757.

Patron - Obenshain

SB1247 Secretary of the Commonwealth; acceptance of certain electronic signatures. See HB 2205.

Patron - Vogel

SB1255 FOIA exemption; Medicaid Fraud Control Unit. Exempts records of the Medicaid Fraud Control Unit from the mandatory disclosure provisions of the Virginia Freedom of Information Act.

Patron - Vogel

SB1257 Department of General Services; surplus real property; inventory of state-owned land. See HB 2003.

Patron - Vogel

SB1263 Secretary of Veterans Affairs and Homeland Security. See HB 1773.

Patron - Vogel

SB1280 Boards, commissions and councils; membership; appointing authority; abolition. See HB 1842.

Patron - McWaters

SB1296 Virginia Freedom of Information Act; record and meeting exemption for certain commissions. See HB 2041.

Patron - Ruff

SB1301 Virginia Public Procurement Act; exemptions for certain transactions. Resolves the conflict between two sections of the Virginia Public Procurement Act relating to the amount (\$50,000) for local construction contracts involving state aid.

Patron - Ruff

SB1315 Governor's Development Opportunity Fund. Provides that the contract between the political subdivision and the business beneficiary regarding a grant awarded under the Governor's Development Opportunity Fund must include consideration of layoffs when determining the total net number of new jobs created over the course of the contract. In addition, the bill provides that whenever net layoffs instituted by a business beneficiary over the course of the period covered by a grant contract causes the total number of the new jobs to be fewer than the number agreed to, then the business beneficiary must return such portion of any funds received as provided by the formula established in the guidelines. The bill contains technical amendments.

Patron - McEachin

SB1336 Aerospace Advisory Council; membership. Provides that the President and CEO of the Virginia Eco-

conomic Development Partnership or his designee shall be one of seven ex officio members of the Aerospace Advisory Council.

Patron - Herring

[P]SB1337 Freedom of Information Act; Commercial Space Flight Authority. Creates an exemption from the mandatory disclosure requirements of FOIA for (i) records relating to rate structures or charges for using the facilities of the Commercial Space Flight Authority and (ii) records provided by a private entity to the Commercial Space Flight Authority, to the extent that such records contain (a) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (b) financial records of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (c) other information submitted by the private entity, where, if the records were made public, the financial interest or bargaining position of the Authority or private entity would be adversely affected. The bill also contains a meeting exemption for the discussion of the above records.

Patron - Herring

[P]SB1379 Governor's Development Opportunity Fund; criteria for grants or loans from the fund. See HB 1982.

Patron - Stanley

[P]SB1382 State agency mandates on localities. See HB 2319.

Patron - Stanley

[P]SB1399 Department of Veterans Services; ratio of department staff to veterans residing in the Commonwealth. See HB 1557.

Patron - Locke

[P]SB1400 Fort Monroe Authority Act. Moves the Fort Monroe Authority Act's enabling legislation from Title 15.2 to Title 2.2 and makes necessary technical changes. Additionally, the Authority may fix, charge, and collect rents, fees, and charges for the use of the services or facilities provided, owned, operated, or financed by the Authority benefiting property within the Authority's Area of Operation, with an exception provided for use by the Commonwealth or the City of Hampton. The Authority is expressly prohibited from arranging or contracting for the furnishing of works, services, privileges, or facilities the City of Hampton provides, except to the extent necessary to provide additional, more complete, or more timely services than are generally available in the City of Hampton to the residents, businesses, and visitors of Fort Monroe. The bill provides a formula detailing the fees the Authority shall pay the City of Hampton each year.

Patron - Locke

[P]SB1414 Virginia Liaison Office; Office of Intergovernmental Affairs; powers and duties. See HB 2479.

Patron - Norment

[P]SB1424 Virginia Public Procurement Act; action against contractor's payment. Provides that any claimant with a direct contractual relationship with any subcontractor but who has no contractual relationship with the contractor, may bring an action on the contractor's payment bond only if he has given written notice to the contractor within 90 days from the day on which the claimant performed the last of the labor or furnished the last of the materials for which he claims payment. Currently, the time for providing the notice is 180 days.

Patron - Locke

[P]SB1425 Virginia Public Procurement Act; process for withdrawal of bid due to error. Clarifies the procedure for withdrawal of a bid when the public body opens bids one day after the time fixed for the submission of bids. Under the procedure, the bidder must submit to the public body his original work papers, documents, and materials used in the preparation of the bid at or prior to the time fixed for the opening of bids. The bill provides for the public body to notify the bidder of its decision within five days of the withdrawal request.

Patron - Locke

[P]SB1428 Six-Year Capital Outlay Plan. See HB 2328.

Patron - Marsh

[P]SB1471 Advisory boards, councils, etc.; elimination. See HB 2520.

Patron - Martin

[P]SB1477 Office of the State Inspector General. See HB 2076.

Patron - Stosch

[P]SB1485 Investment in research and technology in the Commonwealth. See HB 2324.

Patron - Newman

Title 2.2- Miscellaneous; Administration of Government

[P]HB2190 Department of Social Services; plan for the provision of services to victims of human trafficking. Requires the Department of Social Services to develop a plan for the provision of services to victims of human trafficking, which shall include provisions for (i) identifying victims of human trafficking in the Commonwealth; (ii) assisting victims of human trafficking with applying for benefits and services to which they may be entitled; (iii) coordinating the delivery of services for victims of human trafficking; (iv) preparing and disseminating educational and training programs and materials to increase awareness of human trafficking and services available to victims; (v) developing and maintaining community-based services for victims of human trafficking; and (vi) assisting victims with family reunification or return to their place of origin if the person so desires.

Patron - Ebbin

[P]HB2201 Department of Planning and Budget; payroll services. Provides that the Department of Planning and Budget, in consultation with the Department of Accounts, shall require all agencies of the Commonwealth to participate to the fullest extent feasible in the Payroll Service Bureau operated by the Department of Accounts. Any agency identified by the Department of Planning and Budget not participating in the Payroll Service Bureau as of July 1, 2011, may be exempted from such participation if it can demonstrate to the satisfaction of the Department of Planning and Budget that participation is not feasible or fiscally advantageous.

Patron - Comstock

[P]HB2376 Elimination of agency mandates. Directs the Department of Social Services to eliminate mandates

related to office space and facility requirements imposed on local departments of social services.

Patron - Habeeb

Title 3.2- Agriculture, Animal Care, and Food

HB1541 Care of agricultural animals by owner; penalty. Provides standards of care specifically for agricultural animals that ensure accommodation for customary farming activities. An owner of an agricultural animal is required to provide feed to prevent malnourishment, water to prevent dehydration and veterinary treatment as needed to address impairment of health or bodily function when such impairment cannot be otherwise addressed through animal husbandry. The bill also clarifies certain procedures for the seizure and impoundment of agricultural animals. It allows agricultural animals whose owner has not met the new adequate care standards to be sold by a local governing body. This bill is identical to SB 1026.

Patron - Orrock

HB1725 Office of Farmland Preservation; Virginia Farmland Preservation Fund created. Creates the Virginia Farmland Preservation Fund, to consist of funds as may be appropriated by the General Assembly and any other moneys that may be made available from other public or private sources. The funds will be used solely for the purposes of preserving farmland in the Commonwealth and will be administered by the Department of Agriculture and Consumer Services. This bill is identical to SB 1105.

Patron - Knight

HB1759 Board of Agriculture and Consumer Services; membership. Provides that the presidents of the Virginia Polytechnic Institute and State University and Virginia State University may appoint designees for the purpose of membership on the Board of Agriculture and Consumer Services. The designees shall have voting privileges. This bill is identical to SB 1380.

Patron - Wilt

HB1830 Agriculture; resource management plans. Allows owners of agricultural land who implement and maintain a resource management plan to be deemed as being in full compliance with (i) any load allocation contained in a total maximum daily load (TMDL) established under § 303(d) of the federal Clean Water Act addressing benthic, bacteria, nutrient, or sediment impairments; (ii) any requirements of the Virginia Chesapeake Bay TMDL Watershed Implementation Plan; and (iii) applicable state water quality requirements for nutrients and sediment. The presumption does not prevent or preclude enforcement of provisions pursuant to (a) a resource management plan otherwise required by law, (b) a Virginia Pollutant Discharge Elimination System permit, (c) a Virginia Pollution Abatement permit, or (d) requirements of the Chesapeake Bay Preservation Act. The Soil and Water Conservation Board shall by regulation, and in consultation with the Department of Agriculture and Consumer Services and the Department of Environmental Quality, specify the criteria to be included in a resource management plan. The bill sets out minimum criteria for such regulations.

Patron - Scott, E.T.

HB1831 Fertilizer; regulation of application and labeling. Prohibits the sale, distribution and use of lawn maintenance fertilizer containing phosphorus beginning December

31, 2013. The prohibition does not apply to starter fertilizer, manipulated manure, yard waste compost, products derived from sewage sludge, soils containing fertilizer and fertilizer products intended for gardening, tree, shrub and indoor planting application, including nurseries, or reclaimed water. Also, beginning on December 31, 2013, it will be unlawful to offer for sale any deicing agent containing urea, nitrogen, or phosphorus intended for application on parking lots, roadways, and sidewalks, or other paved surfaces. However, retailers are allowed to sell their existing inventory of lawn maintenance fertilizer and deicing agents. On this date, a label will be required on bags of lawn fertilizer that states that the product should not be applied near storm drains or drainage ditches or when heavy rain is expected. The Board of Agriculture and Consumer Services will be required to establish reporting requirements for contractor-applicators and licensees who apply lawn fertilizer to more than 100 acres of nonagricultural lands annually. The report will include the total acreage or square footage and the location where the fertilizer is being applied. The bill requires golf courses to implement nutrient management plans by July 1, 2017. The plans are to be submitted to the Department of Conservation and Recreation for review and approval. The Department is to provide technical assistance and training for golf course operators. The agency will also have to establish a cost-share program to assist in implementation of the nutrient management plan. The Department of Agriculture and Consumer Services is authorized to develop consumer information and recommended best practices for the application of lawn fertilizer. The agency is also required to provide a public listing of contractor-applicators who apply fertilizer on nonagricultural lands and have met the training requirements. Finally, the bill prohibits localities from further regulating (i) contractor-applicators who are in compliance with the fertilizer laws, (ii) golf courses that have approved nutrient management plans, and (iii) agricultural operations with a resources management plan or a nutrient management plan. If localities find it necessary to adopt more stringent stormwater ordinances, they will have to report this fact to the Virginia Soil and Water Conservation Board. This bill is identical to SB 1055.

Patron - Scott, E.T.

HB2057 Virginia Department of Agriculture and Consumer Services; regulation of fertilizer. Revises the laws governing the manufacture and application of fertilizer to: (i) incorporate by reference the guidelines adopted by the Association of American Plant Food Control Officials, (ii) adopt generic precautionary labeling guidelines to prevent fertilizer runoff into the waterways, (iii) shift the permit year to begin on April 1 instead of July 1, (iv) require distributors of commercial fertilizer to submit an annual statistical report to the Commissioner regarding the amounts and localities of distributed product, (v) allow the Commissioner to issue written notices or warnings in lieu of instituting formal proceedings, (vi) authorize the Board to impose a civil penalty of up to \$250 on anyone who violates a written stop sale, and (vii) allow the imposition of late fees for failing to renew a registration, license, or permit and for failing to obtain a registration, license, or permit after receiving notice of this requirement. This bill is identical to SB 990.

Patron - Poindexter

SB990 Virginia Department of Agriculture and Consumer Services; regulation of fertilizer. See HB 2057.

Patron - Stuart

SB1026 Care of agricultural animals by owner; penalty. See HB 1541.

Patron - Puckett

[P]SB1055 Fertilizer; regulation of application and labeling. See HB 1831.

Patron - Stuart

[P]SB1059 Master Settlement Agreement; regulation of cigarette manufacturers. Permits a tobacco manufacturer to request removal from the Virginia Tobacco Directory under certain circumstances, such as the cessation of business operations, without penalty. Resellers may continue to vend cigarettes from such a manufacturer under limited conditions. Any manufacturer, wholesaler or retail dealer selling cigarettes for resale of a manufacturer or brand family that has been removed from the Directory shall notify the purchaser, who shall receive a refund. Any failure of the manufacturer to provide the purchaser with the refund shall be subject to a civil penalty of \$500 for each violation. The bill also extends the safe harbor for selling lawfully stamped cigarettes whose manufacturer and brand families have been removed from the Directory from 14 days to 45 days.

Patron - McDougale

[P]SB1079 Cattle Industry Board; name change. Changes the name of the Cattle Industry Board to the Beef Industry Council. The name change brings the current board into consistent nomenclature with the Virginia beef checkoff program, which is used to promote marketing and research of beef products, and the terminology used in other states and nationally.

Patron - Hanger

[P]SB1105 Office of Farmland Preservation; Virginia Farmland Preservation Fund created. See HB 1725.

Patron - Hanger

[P]SB1108 Home food inspections. Exempts a private home whose resident processes and prepares honey produced from hives owned by the resident from inspection by the Commissioner of Agriculture and Consumer Services. To be exempted the person has to meet certain conditions including selling less than 250 gallons of honey annually, affixing a label to the product that says "PROCESSED AND PREPARED WITHOUT STATE INSPECTION. WARNING: Do Not Feed Honey to Infants Under One Year Old," and annually certifying that these various conditions have been met.

Patron - Hanger

[P]SB1268 Tobacco Master Settlement Agreement; bond requirements; escrow payments by certain manufacturers. Requires that the bond posted by manufacturers for inclusion in the Directory be equal to the greater of \$50,000 or the escrow amount the manufacturer was required to deposit based on its highest calendar year's sales in Virginia. Under current law, the bond amount to be posted is the greater of \$50,000 or the escrow amount the manufacturer was required to deposit based on its previous calendar year's sales in Virginia. The bill also adds nonparticipating manufacturers that have been designated by the Attorney General as an elevated risk to the list of those manufacturers that may be required to make escrow payments on a quarterly rather than an annual basis.

Patron - Martin

[P]SB1380 Board of Agriculture and Consumer Services; membership. See HB 1759.

Patron - Stanley

Title 4.1- Alcoholic Beverage Control Act

[P]HB1496 Providing alcohol to an underage person. Provides that any person who purchases alcoholic beverages for or otherwise gives, provides, or willfully assists in the provision of alcoholic beverages to another person, knowing or having reason to know that such person was less than 21 years of age is guilty of a Class 1 misdemeanor. Current law does not address a violation committed when the violator has reason to know a person is underage.

Patron - Herring

[P]HB1833 Alcoholic beverage control; annual fee for brewery licenses. Provides for an annual fee for retail off-premises brewery licenses of \$120.

Patron - Scott, E.T.

[P]HB1975 Alcoholic beverage control; banquet licenses; exception. Provides that no banquet license shall be required for private meetings or private parties limited in attendance to members of a common interest community as defined in § 54.1-2345 and their guests, provided (i) the alcoholic beverages shall not be sold or charged for in any way, (ii) the premises where the alcoholic beverages are consumed is limited to the common area regularly occupied and utilized for such private meetings or private parties, and (iii) such meetings or parties are not open to the public.

Patron - Robinson

[P]HB1979 Alcoholic beverage control; tax on wine and other alcoholic beverages; exceptions. Provides an exemption from payment of tax on alcoholic beverages for shipments of alcoholic beverages (i) out of state for resale outside the Commonwealth and (ii) from Virginia to consumers outside of Virginia for personal consumption and not for resale. Current law provides the exception from payment of tax only for shipments to out-of-state wholesalers. This bill is identical to SB 1083.

Patron - Greason

[P]HB2226 Alcoholic beverage control; notice for registered public objections to new licensee applications. Requires public objections to new licensee applications be registered with the ABC Board within 30 days of initial publication of notice.

Patron - Wright

[P]HB2295 Alcoholic beverage control; definition of cider. Creates two classes of cider by defining it as any beverage, carbonated or otherwise, obtained by the fermentation of the natural sugar content of apples (i) containing not more than 10 percent of alcohol by volume without chaptalization or (ii) containing not more than seven percent of alcohol by volume regardless of chaptalization. The bill defines "chaptalization" as a method of increasing the alcohol in a wine by adding sugar to the must before or during fermentation. The expanded definition of cider is to take into account the natural sweetness of certain Virginia apples. This bill is identical to SB 1000.

Patron - Englin

[P]HB2501 Alcoholic beverage control; gourmet oyster house license. Creates a new wine and beer license for gourmet oyster houses and sets out the privileges of the license and the annual state and local license taxes.

Patron - Pollard

[P]SB1000 **Alcoholic beverage control; definition of cider.** See HB 2295.

Patron - Watkins

[P]SB1083 **Alcoholic beverage control; tax on wine and other alcoholic beverages; exceptions.** See HB 1979.

Patron - Hanger

[P]SB1249 **Alcoholic beverage control; operation of government stores; agents of the ABC Board.** Designates a distillery licensee that is independently certified as an organic distillery (Catocin Creek Distillery) by a USDA-accredited certification agency to be an agent of the ABC Board. As a result, such licensee may sell at retail its distilled spirits.

Patron - Vogel

[P]SB1292 **Alcoholic beverage control; conduct not prohibited; consumption of lawfully acquired wine at certain licensed establishments.** Provides that any restaurant licensed by the ABC Board may permit the consumption of lawfully acquired wine by bona fide customers on the premises in all areas and locations covered by the license. The bill provides that a licensee may charge a corkage fee to such customer for the wine so consumed; however, the licensee may not charge any other fee to such customer.

Patron - McWaters

[P]SB1308 **Alcoholic beverage control; referendum on mixed beverage sales in counties.** Provides for the residents of towns with a population of more than 1,000 to vote on the referendum for the sale of mixed beverages within the county in which those towns are located. Under current law, such towns vote only in a referendum in the town.

Patron - Ruff

[P]SB1457 **Alcoholic beverage control; regulations; prorated license fees for act of God.** Provides for proration of ABC license taxes for licensees whose place of business is destroyed by an act of God, including but not limited to fire, earthquake, hurricane, or storm, and requires the ABC Board to prescribe the schedule of proration. The bill also requires the ABC Board to adopt reasonable time, place, and manner restrictions on outdoor alcoholic beverage advertising so that such advertising does not encourage or otherwise promote the consumption of alcoholic beverages by persons to whom alcoholic beverages may not be sold. The bill specifies the parameters within which outdoor advertising regulations must comport. This bill contains an emergency clause.

Patron - Hanger

Title 5.1- Aviation

[P]HB2230 **Definitions; Title 5.1.** Adds definition of "aircraft based in this Commonwealth" to the definitions section of Title 5.1 (Aviation). The bill also alphabetizes existing definitions.

Patron - Ware, R.L.

[P]SB1278 **Airport licensing.** Provides for the removal of natural growth at "grandfathered" airports that are already licensed. The bill also includes technical amendments.

Patron - McWaters

Title 6.2- Financial Institutions and Services

[P]HB1992 **Banks; capital stock.** Exempts restricted stock award plans from the requirement that a bank's capital stock be paid in money. The measure also provides that a stock option shall not be granted at a price which is less than 100 percent of the fair market value per share of the stock; an existing provision limits such price to 100 percent of the stock's book value as shown by the bank's last published statement prior to the granting of the option.

Patron - Janis

[P]HB2366 **Out-of-state trust institutions.** Authorizes any national banking association that is supervised and regulated by the federal Comptroller of the Currency and is authorized by the Comptroller of the Currency to act as trustee, as executor, as administrator, or in another fiduciary capacity in the Commonwealth, to engage in the trust business in the Commonwealth. The measure codifies an opinion of the Attorney General that a statutory provision that bars out-of-state trust institutions without an office in the Commonwealth from engaging in trust business is preempted by § 92a of the National Bank Act to the extent it applies to national banks that are supervised and regulated by the Comptroller of the Currency.

Patron - Hugo

[P]SB786 **Definition of mortgage loan originator for residential mortgage loan; exception.** Allows for a limited exception under the mortgage loan originator definition for an individual who is employed by a housing counseling organization certified or approved by the U.S. Department of Housing and Urban Development and who assists borrowers in default, or imminent default, on their residential mortgages by negotiating or offering terms of such loans but does not otherwise engage in activities for which a license is required. This bill is recommended by the Virginia Housing Commission.

Patron - Watkins

[P]SB930 **Debt management plan providers; licensure; exemption.** Provides that licensed certified public accountants and accounting firms engaging in usual and customary services performed on behalf of clients are not credit counselors, and thus are exempt from licensing requirements applicable to persons offering debt management plans.

Patron - McDougle

[P]SB1009 **Mortgage lenders, mortgage brokers, and mortgage loan originators.** Prohibits the State Corporation Commission (SCC) from issuing provisional licenses to mortgage loan originators on or after July 1, 2011, and repeals the provision that authorized the SCC to issue such provisional licenses effective July 1, 2012. The measure authorizes the SCC to issue cease and desist orders with regard to mortgage loan originators that have violated requirements of applicable law. Finally, the measure requires applicants for a mortgage lender or mortgage broker license to pay an application fee of \$150 for each office at which the business to be licensed is to be conducted.

Patron - Watkins

[P]SB1367 **Motor vehicle title loans; nonresidents.** Eliminates provisions that prevent motor vehicle title lenders from making title loans to individuals whose motor vehicle is registered in another state. Currently, a title lender is required to have its security interest in the motor vehicle added to the

vehicle's certificate of title by complying with the requirements of Virginia's motor vehicle laws. This measure will allow title loans to be made to nonresidents of Virginia provided the lender's security interest is added to its certificate of title by complying with the laws of the state where it is registered.

Patron - Saslaw

Title 8.01- Civil Remedies and Procedure

HB1399 Virginia Fraud Against Taxpayers Act; waiver of sovereign immunity. Provides that the Virginia Fraud Against Taxpayers Act expressly waives sovereign immunity and creates a cause of action for an employee of the Commonwealth, its agencies, or any political subdivision against such entity if an adverse employment action is taken against the employee by his employer because the employee has opposed any practice by his employer prohibited by the Act or participated in an investigation, action, or hearing under the Act. Any relief awarded to an employee under this bill shall be reduced by any amount awarded to the employee through a state or local grievance process. This bill is in response to the Virginia Supreme Court's decision in *Ligon v. Goochland*, 279 Va. 312 (2010).

Patron - Janis

HB1459 Remedies; limitation on recovery in certain medical malpractice actions. Increases from \$2 million to \$2.05 million, on July 1, 2012, the cap on the recovery in actions against health care providers for medical malpractice. Thereafter, the cap is increased by \$50,000 annually with the last increase on July 1, 2031. This bill is identical to SB 771.

Patron - Albo

HB1476 Torts; sexual abuse; limitations period. Extends the limitations period for actions for sexual abuse committed during the infancy or incapacity of the abused person from two years to 20 years from the time of the removal of the infancy or incapacity or from the time the cause of action otherwise accrues. This bill is identical to SB 1145.

Patron - Albo

HB1527 Exemption from jury service; firefighters. Provides that any person who is the only person performing services for a political subdivision as a firefighter and whose services are so essential to the operations of the political subdivision that such political subdivision will suffer an undue hardship in carrying out such services if such person is required to perform jury duty shall be exempt from jury service if he so requests.

Patron - Edmunds

HB1877 Immunity of officers, etc., of nonprofits; dissolution. Provides that the immunity from civil liability the directors and other officers of tax exempt organizations enjoy for acts taken in their official capacities shall survive the termination, cancellation, or other discontinuance of the organization. This bill is identical to SB 841.

Patron - Filler-Corn

HB1973 Efficiency of court clerks' offices. Provides that the person responsible for taking attendance when the potential jurors are assembled, and not the clerk, is responsible for verifying the identities of the jurors. The bill also allows clerks to transmit or make available electronically to the Director of the Department of Corrections copies of the order

of trial and final order for persons sentenced to the Department. Finally, the bill provides that if a power of attorney that has been recorded is revoked, a clerk may require that the revocation of a power of attorney be prepared as a separate instrument which shall be recorded and indexed by the clerk.

Patron - Robinson

HB2055 Definitions for statutory rules of evidence in civil actions. Defines the terms "official publication," "publish," and "required to be published pursuant to the laws thereof" as they are used in Chapter 14 (Evidence) of Title 8.01 (Civil Remedies and Procedure).

Patron - Poindexter

HB2373 Medical malpractice; privileged communications of certain committees. Provides that nothing in the statute governing privileged communications of certain health committees shall be construed as providing any privilege to any health care provider, emergency medical services agency, community services board, or behavioral health authority with respect to any factual information regarding specific patient health care or treatment, including patient health care incidents, whether oral, electronic, or written. However, the analysis, findings, conclusions, recommendations, and the deliberative process of any medical staff committee, utilization review committee, or other committee, board, group, commission, or other entity, as well as the proceedings, minutes, records, and reports, including the opinions and reports of experts, of such entities shall be privileged in their entirety under the aforementioned statute. This bill is identical to SB 1469.

Patron - Peace

SB771 Remedies; limitation on recovery in certain medical malpractice actions. See HB 1459.

Patron - Saslaw

SB841 Immunity of officers, etc., of nonprofits; dissolution. See HB 1877.

Patron - Petersen

SB1145 Torts; sexual abuse; limitations period. See HB 1476.

Patron - Quayle

SB1156 Exemption from jury service; general registrar, electoral board, and their employees. Provides that any general registrar, local electoral board member, or person appointed or employed by a general registrar or local electoral board, except officers of election, shall be exempt from jury service upon his request. This exemption applies only to jury service starting (i) during the period beginning 90 days before any election and continuing through election day; (ii) during the period to ascertain the results of the election and continuing for 10 days after the local electoral board certifies the results of the election or the State Board of Elections certifies the results of the election; or (iii) during the period of an election recount or contested election. Any officer of election shall be exempt from jury service upon his request only on the day of the election and during the period to ascertain the results of an election or the period of an election recount or contested election.

Patron - Quayle

SB1209 Special appearance; waiver of objection to personal jurisdiction or defective process. Delineates what affirmative conduct on the part of a party constitutes a waiver of any objection such party may have to personal jurisdiction or defective process and what conduct does not constitute such

a waiver. This bill is a recommendation of the Boyd-Graves Conference.

Patron - Obenshain

[P]SB1262 Virginia Fraud Against Taxpayers Act. Provides that a designee of the Attorney General may issue civil investigative demands. The bill also provides that information obtained by the Attorney General or his designee pursuant to the issuance of a civil investigative demand may be shared with any qui tam relator if the Attorney General or his designee determines that such information is necessary as part of any false claims investigation. In addition, the bill changes the elements of offenses that make persons liable to the Commonwealth under the Act. Under current law, a person is civilly liable to the Commonwealth if he (i) knowingly presents to an officer or employee of the Commonwealth a false or fraudulent claim for payment or approval; (ii) knowingly makes a false record to get a false or fraudulent claim paid or approved by the Commonwealth; (iii) has possession of property used by the Commonwealth and, intending to defraud the Commonwealth, knowingly delivers less property than the amount for which the person receives a certificate or receipt; or (iv) conspires to do any act described in clauses (i) through (iii). Under the bill, a person is civilly liable to the Commonwealth if he, respectively, (a) knowingly presents a false or fraudulent claim for payment or approval (regardless of to whom the claim is made); (b) knowingly makes a false record material to a false or fraudulent claim (regardless of whether the claim was paid or approved by the Commonwealth); (c) has possession of property used by the Commonwealth and delivers less than all such money or property (regardless of whether the person intends to defraud the Commonwealth); or (d) conspires to do any act described in clauses (a) through (c).

Patron - Vogel

[P]SB1469 Medical malpractice; privileged communications of certain committees. See HB 2373.

Patron - Saslaw

Title 8.6A- Commercial Code / Bulk Sales

[P]HB2206 Title 8.6A; Uniform Commercial Code - Bulk Sales. Repeals Title 8.6A of the Code of Virginia, which is considered obsolete and has been repealed in 45 states. The National Conference of Commissioners on Uniform State Laws states that there is no evidence that fraudulent bulk sales occur frequently enough or engender credit losses significant enough to require regulation of all bulk sales.

Patron - Comstock

Title 9.1- Commonwealth Public Safety

[P]HB2213 Driver training standards for law-enforcement emergency calls and pursuits. Provides that the Department of Criminal Justice Services shall establish training standards and publish a model policy for law-enforcement personnel assigned to vehicle patrol duties that embody best practices for pursuits and for responding to emergency calls.

Patron - McQuinn

[P]HB2271 Computer and digital forensic services; exempt from regulation as a private security service busi-

ness. Exempts from regulation as a private security service business any individual engaged in (i) computer or digital forensic services or in the acquisition, review, or analysis of digital or computer-based information, whether for purposes of obtaining or furnishing information for evidentiary or other purposes or for providing expert testimony before a court, or (ii) network or system vulnerability testing, including network scans and risk assessment and analysis of computers connected to a network.

Patron - Keam

[P]HB2387 Powers and duties of the Criminal Justice Services Board and the Department of Criminal Justice Services. Repeals the requirements for the Department of Criminal Justice Services to (i) establish a Crime Prevention Center, (ii) adopt regulations for the implementation of detoxification center programs, and (iii) adopt the "McGruff" symbol and criteria for designation as a McGruff House. The bill also repeals the authority of the Board to provide for the coordination of the operation of a statewide comprehensive criminal justice information system for the exchange of criminal history record information among the criminal justice agencies of the state and its political subdivisions. In addition, the bill provides that the Virginia Law-Enforcement Accreditation Center established by the Department may, in cooperation with Virginia law-enforcement agencies, give technical assistance and administrative support, including staffing, for the establishment of a voluntary state law-enforcement accreditation standard. Under current law, the Department is required to give such assistance and support. This bill is identical to SB 1163.

Patron - Miller, J.H.

[P]HB2437 Regulation of bail bondsmen. Provides that a licensed bail bondsman shall not charge less than 10 percent or more than 15 percent of the amount of the bond for a bail bond premium and shall not loan money with interest for the purpose of helping another obtain a bail bond. A bail bond premium is defined as the amount of money paid to a licensed bail bondsman for the execution of a bail bond.

Patron - Herring

[P]SB944 Training standards for law-enforcement emergency calls and pursuits and lineups. Requires the Department of Criminal Justice Services to establish training standards and publish a model policy for law-enforcement personnel assigned to vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls and to establish training standards and publish a model policy for law-enforcement personnel involved in criminal investigations that embody current best practices for conducting photographic and live lineups.

Patron - Howell

[P]SB1163 Powers and duties of the Criminal Justice Services Board and the Department of Criminal Justice Services. See HB 2387.

Patron - Reynolds

[P]SB1453 Department of Criminal Justice Services; human trafficking. Requires the Department of Criminal Justice Services to, in conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing Virginia criminal statutes.

Patron - Newman

Title 10.1- Conservation

HB1495 Erosion and sediment control plans; local waste, water, and sewer authorities. Authorizes water, sewer, sewage disposal, stormwater control, refuse collection, and disposal authorities to file a general erosion and sediment control plan annually with the Virginia Soil and Water Conservation Board. The Board may also charge fees equal to the lower of (i) \$1,000 or (ii) an amount sufficient to cover the costs associated with standard and specification review and approval, project inspections, and compliance.

Patron - Ware, O.

HB1621 Open-space land. Expands the definition of open-space land in the Open-Space Land Act to include lands provided or preserved for agricultural and forestal production. This bill is identical to SB 1104.

Patron - Knight

HB1625 Qualified fumigation facilities exempted from regulations. Exempts facilities referred to as qualified fumigation facilities from various state and federal regulations. Qualified fumigation facilities conduct commodity fumigation using certain chemicals regulated under the federal Clean Air Act and as required by law and regulation, are not otherwise exempt under regulations of the State Air Pollution Control Board, have the potential to emit less than 10 tons per year of any hazardous air pollutant or 25 tons per year of any combination of hazardous air pollutants, and conduct fumigation activities that are, at a minimum, one of the following: (i) performed in buildings or locations within the facility that are no closer than 300 feet from an area regularly occupied by the public, (ii) performed in buildings or containers that are sealed during fumigation and that voluntarily employ capture and control technologies for the fumigant emissions, or (iii) monitored utilizing equipment and methods recognized as an industry standard or by the National Institute for Occupational Safety and Health. Qualified fumigation facilities must also post signs at the sites of fumigation activities and provide the Department of Environmental Quality with written notice and reports.

Patron - Knight

HB1715 Notification of conservation easement. Removes the requirement that the person recording the conservation easement mail a certified copy to the Attorney General. The bill does require that copies of the easement and any associated plats be mailed to the commissioner of revenue for the locality in which the property under easement is located, the Director of the Department of Conservation and Recreation, the Virginia Outdoors Foundation, and any other public body named in the instrument. If the easement is on lands where there is a historic place or landmark listed on the National Register of Historic Places or the Virginia Landmarks Register, notice of the date and place of recordation has to be given to the Department of Historic Resources rather than the Virginia Historic Landmarks Board, which currently receives such notice.

Patron - Wilt

HB1739 Right of entry. Gives the operators of a permitted MS4 system (localities) the right of entry to inspect properties that discharge into their municipal separate storm sewer facilities.

Patron - Bulova

HB1743 Nottoway River scenic designation. Extends that portion of the Nottoway River that is designated as a scenic river from the current 39.5 miles to 72.5 miles. The

bill does not preclude the Commonwealth or a local governing body from constructing, reconstructing, operating, or performing necessary maintenance on any transportation or public water supply project. This bill incorporates HB 2137. This bill is identical to SB 778.

Patron - Tyler

HB1829 Virginia Soil and Water Conservation Board. Increases the voting membership of the Virginia Soil and Water Conservation Board from 10 to 12 by adding three new at-large members and changing the voting privileges of the Director of the Department of Conservation and Recreation from a voting member of the Board to a nonvoting ex officio member. The three new at-large appointees are required to be knowledgeable of stormwater management. This bill is identical to SB 1412.

Patron - Scott, E.T.

HB2058 Water quality reports. Consolidates several reports on the progress in cleaning up Virginia's impaired waters into semiannual and annual reports submitted by the Secretary of Natural Resources to the legislative committees of oversight.

Patron - Poindexter

HB2368 Supplemental environmental projects. Authorizes the Virginia Soil and Water Conservation Board, the Director of the Department of Conservation and Recreation, and courts to provide for the undertaking of supplemental environmental projects through orders. A "supplemental environmental project" is an environmentally beneficial project undertaken as partial settlement of a civil enforcement action that is not otherwise required by law. The project must have a reasonable geographic nexus to the violation or, if no such project is available, advance objectives of the law or regulation violated. Categories of qualifying projects are listed in the bill, as are factors to be considered in determining the appropriateness and value of a project. The project must be agreed to by the person who is subject to the order and is enforceable as is any other provision of the order. A board, agency, or court decision to agree to a project is not subject to appeal. A similar authority was granted to the Department of Environmental Quality in 1997.

Patron - Ware, R.L.

HB2424 Scenic river. Designates a 19.2-mile segment of the Appomattox River in Chesterfield County as a scenic river. The bill does not preclude the Commonwealth or a local governing body from constructing, reconstructing, operating, or performing necessary maintenance on any road or bridge project. The owner of the Harvell Dam in the City of Petersburg may construct, reconstruct, operate, and maintain the Harvell Dam subject to other law and regulation.

Patron - Ingram

SB778 Nottoway River scenic designation. See HB 1743.

Patron - Lucas

SB950 Maintenance of Confederate grave sites. Authorizes the expenditure of \$5 per grave site or the average actual cost of routine maintenance for 310 graves in Fredericksburg Cemetery.

Patron - Houck

SB1007 Permit fees for solid waste facilities. Establishes the same fee structure for sanitary landfills, noncaptive industrial landfills, and construction and demolition debris landfills. All of these types of facilities will be required to pay an annual fee of \$0.115 per ton of waste deposited in their

facility. Currently, noncaptive industrial landfills pay an annual fee of \$8,000 and construction and demolition debris landfills pay \$4,000 annually, while the fee schedule for sanitary landfills is based on the annual tonnage of waste deposited in the landfill. Incinerators and energy recovery facilities will be assessed an annual fee of \$0.055 per ton. The fees will be adjusted annually based on the Consumer Price Index. The annual fee has been increased for other types of facilities such as composting, regulated medical waste, transfer stations, etc. The bill also requires the Department of Environmental Quality to continue its efforts to improve its solid waste program and submit a report to the General Assembly regarding such efforts by December 1, 2011.

Patron - Watkins

SB1058 Air emissions; repeal of laws and regulations related to the Clean Air Interstate Rule. Repeals air emissions laws and regulations related to the federal Clean Air Interstate Rule upon the earlier of (i) the date when facilities in the Commonwealth become subject to the requirements of a federal implementation plan adopted by the U.S. Environmental Protection Agency in response to the remand of the Clean Air Interstate Rule or (ii) the effective date of a final rule adopted by the State Air Pollution Control Board implementing federal requirements adopted by the U.S. Environmental Protection Agency in response to the remand of the Clean Air Interstate Rule. The bill requires that, in the event the State Air Pollution Control Board develops a final rule to implement federal requirements adopted by the U.S. Environmental Protection Agency in response to the remand of the Clean Air Interstate Rule, the State Air Pollution Control Board shall evaluate the inclusion of a renewable and energy-efficiency source set-aside as part of a new source set-aside when developing such rule.

Patron - McDougle

SB1060 Dam safety; regulation of impoundment structures. Allows the Director to provide financial assistance for the determination of the hazard classification for impounding structures, dam break analysis, the mapping and digitization of dam break inundation zones, incremental damage analysis, and other engineering requirements such as emergency action plan development. Dam owners whose impounding structure is not classified, or whose impounding structure is already classified but the owner believes that conditions indicate that the hazard potential classification should be reduced, may request that the Department conduct a simplified dam break inundation zone analysis to determine whether the impounding structure has a low hazard potential classification. Dam owners shall pay a fee not to exceed 50 percent of the costs for such services. If the Department finds that the impounding structure has a low hazard potential classification, the owner shall be eligible for coverage under a general permit. This bill incorporates SB 1406.

Patron - McDougle

SB1064 Erosion and sediment control plans; local waste, water, and sewer authorities. Authorizes water, sewer, sewage disposal, stormwater control, refuse collection, and disposal authorities to file a general erosion and sediment control plan annually with the Virginia Soil and Water Conservation Board. For such authorities, the Board may also charge fees equal to the lower of (i) \$1,000 or (ii) an amount sufficient to cover the costs associated with standard and specification review and approval, project inspections, and compliance.

Patron - Edwards

SB1099 Nonpoint nutrient offsets. Establishes priorities to be used by permit issuing authorities when considering off-site phosphorous control options for stormwater permits.

The bill also provides conditions under which use of an off-site option can be granted. In addition, permit-issuing authorities are to allow the full or partial substitution of nonpoint nutrient offsets for existing on-site nutrient control when the offsets will compensate for 10 or fewer pounds of the annual phosphorous requirement associated with the land-disturbing activity or the existing on-site controls are not functioning as anticipated and the use of the offset will make up the deficiency. The bill authorizes the acquisition of nonpoint nutrient offsets in compliance actions to compensate for nutrient control deficiencies when nutrient control deficiencies occur during the period of noncompliance and for permanent deficiencies. The prioritization established for existing nutrient reductions at the time of the land-disturbing activity and the conditions under which off-site options may be utilized are limited to those instances when there are nonpoint nutrient offsets available within the locality.

Patron - Hanger

SB1100 Water Quality Improvement Fund; nutrient offsets. Creates the Nutrient Offset Fund as a subfund of the Virginia Water Quality Improvement Fund to be administered by the Director of the Department of Environmental Quality for the purchase of nutrient reductions certified under the Chesapeake Bay Watershed Nutrient Credit Exchange Program. Using moneys from the subfund, the Director of the Department of Environmental Quality may enter into long-term contracts with producers of nutrient offsets to purchase such offsets. Priority shall be given to nutrient offsets produced from facilities that generate electricity from animal waste. The nutrient offsets purchased with moneys from the subfund will be available for sale to owners or operators of new or expanded facilities required to offset nutrient loads through the watershed general permit.

Patron - Hanger

SB1104 Open-space land. See HB 1621.

Patron - Hanger

SB1119 Department of Environmental Quality; permit compliance; civil penalty procedures. Increases the limit of a civil penalty issued by a special order of the Director of the Department of Environmental Quality from \$10,000 to \$10,000 for an initial violation, \$15,000 for a second violation of the same provision, or \$30,000 for a third or subsequent violation of the same provision. The Department may issue a civil penalty of not more than \$10,000 after providing reasonable notice of the civil penalty in writing and allowing for an informal fact finding proceeding upon request. Additionally, the Department of Environmental Quality is required to develop guidance to improve communication and coordination between the Department of Environmental Quality and local governments regarding landfills, other than captive industrial landfills, including the issuance of permits.

Patron - McEachin

SB1410 Confederate graves. Provides funds for the maintenance of 407 Confederate graves at Portsmouth Cedar Grove Cemetery.

Patron - Quayle

SB1412 Virginia Soil and Water Conservation Board. See HB 1829.

Patron - Martin

SB1427 Criteria for water reuse. Requires the Secretary of Natural Resources, in developing written guidelines for awarding grants from the Water Quality Improvement Fund, to develop guidelines that define criteria and financial incentives for water reuse.

Patron - Hanger

[P]SB1456 Soil and Water Conservation Board; dam safety. Requires owners of dams who submit annual certifications relating to dam compliance to do so each year by January 15. Dam owners who fail to submit certifications in a timely fashion shall not enjoy the presumption that the dam is deemed to be in compliance with the spillway requirements of the Board's Impounding Structure Regulations. Dam owners must also make the same certifications available, upon request and within five business days, to any person. At each meeting of the Soil and Water Conservation Board, the Director of the Department of Conservation and Recreation shall identify those impounding structures that are currently classified as high hazard and determined noncompliant.

Patron - Hanger

Title 10.1- Miscellaneous; Conservation

[P]HB2167 Department of Conservation and Recreation; property conveyance. Authorizes the Department of Conservation and Recreation to negotiate a land exchange of a part of 1,191 acres for receipt of 36 acres in an area known as Biscuit Run in Albemarle County, Virginia. The purpose of this exchange is to provide the Department with a site for a state park that is less encumbered with private uses that may be detrimental to operations.

Patron - Abbitt

[P]SB793 Removal of mercury switches. Extends the sunset from July 1, 2012, to July 1, 2015, on the law that requires the removal of mercury switches in certain motor vehicles prior to their demolition.

Patron - Watkins

[P]SB1300 Department of Conservation and Recreation; conveyance of property. Authorizes the Department of Conservation and Recreation to divest itself of certain properties that were conveyed to it by Norfolk Southern Railroad for the High Bridge Trail State Park. These properties have no potential utility to the High Bridge Trail State Park and the divestiture would eliminate any liability to the Department associated with the private use of property by adjacent landowners, which preceded the donation by Norfolk Southern Railroad.

Patron - Ruff

Title 12.1- State Corporation Commission

[P]SB1131 State Corporation Commission; conflicts of interest. Requires a member of the State Corporation Commission (SCC) or any subordinate or employee of the SCC to recuse himself from and not participate in any regulatory matter at the SCC in which an entity whose rates, services, or financial ability to meet its obligations to the public is subject to supervision or regulation by the SCC is a party if the entity employs a member of the immediate family of the SCC member, subordinate, or employee.

Patron - Stosch

Title 13.1- Corporations

[P]HB2358 Benefit corporations. Authorizes a Virginia stock corporation to elect to be a benefit corporation. A benefit corporation is required to have, as one of its purposes, the purpose of creating a general public benefit, which is defined as a material positive impact on society and the environment taken as a whole, as measured by a third-party standard, from the business and operations of a benefit corporation. In addition, a benefit corporation may have the purpose of creating one or more specific public benefits, which include providing low-income or underserved individuals or communities with beneficial products or services; promoting economic opportunity for individuals or communities beyond the creation of jobs in the normal course of business; preserving the environment; improving human health; promoting the arts, sciences, or advancement of knowledge; increasing the flow of capital to entities with a public benefit purpose; and conferring any other particular benefit on society or the environment. In discharging their duties and considering the best interests of the benefit corporation, the board of directors and individual directors consider the effects of any corporate action on shareholders, employees, customers, and other persons and issues. A benefit corporation shall deliver to shareholders an annual report describing the ways in which the corporation generally pursued its general public benefit and related matters. A copy of the report shall be posted on the corporation's website.

Patron - McClellan

[P]SB1356 Limited liability companies; derivative actions. Removes a provision that allows a member of a limited liability company to bring a derivative action without first demanding that the members or managers of the limited liability company bring the action if an effort to cause the members or managers to bring the action is not likely to succeed. Without this "futility" exception, a member will be required in every case to make a demand on the limited liability company before bringing a derivative action. A member shall not bring a derivative proceeding unless he fairly and adequately represents the interests of the limited liability company and is a proper plaintiff.

Patron - Stosch

[P]SB1387 Automobile clubs; exemption. Exempts an entity from licensing and other requirements applicable to automobile clubs if the entity contracts with a licensed automobile club for the provision of emergency road service and towing service to the entity's customers.

Patron - Wampler

Title 15.2- Counties, Cities and Towns

[P]HB1521 Authorities as political subdivisions. Specifies that water authorities, sewer authorities, sewage disposal authorities, stormwater control authorities, and refuse collection and disposal authorities are political subdivisions of the Commonwealth.

Patron - Landes

[P]HB1522 Water and Waste Authorities; eminent domain powers. Amends the current law so that water and waste authorities have the power to exercise eminent domain as set out in Chapter 2 (§ 25.1-200 et seq.) or Chapter 3 (§ 25.1-300 et seq.) of Title 25.1 of the Code of Virginia, rather

than with the same authority as is vested in the Commonwealth Transportation Commissioner.

Patron - Landes

HB1668 City of Richmond; funding for community revitalization activities. Allows the City of Richmond to establish an enhanced building rehabilitation process using a newly created community revitalization fund for derelict residential property to combat blight, crime, and neighborhood decay.

Patron - McClellan

HB1737 Regulation of stormwater management systems. Clarifies statutory language and makes technical changes regarding a locality's authority to regulate stormwater management systems.

Patron - Bulova

HB1769 Annexations by townships. Amends the law to allow townships to use the traditional annexation process to seek to expand their boundaries as long as the consolidation agreement includes a provision allowing the exercise of that power. Only townships created as a result of a consolidation occurring subsequent to July 1, 2011, are authorized to use this annexation process. This bill is identical to SB 900.

Patron - Shuler

HB1771 Allocation of deputies to cities. Authorizes the State Compensation Board to allocate law-enforcement deputies to a city sheriff in cities without a police force if the city was created by the consolidation of a city and a county subsequent to July 1, 2011. This bill is identical to SB 901.

Patron - Shuler

HB1772 Lien for water and sewer charges. Adds the Town of Clifton Forge 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. This bill is identical to SB 1228.

Patron - Shuler

HB1809 Duties of attorneys for the Commonwealth and their assistants. Provides that elected and assistant attorneys for the Commonwealth may enforce the provisions of subsection D of § 18.2-268.3 (the civil offense of refusal to submit to the DUI blood alcohol test). The bill contains an emergency clause.

Patron - Surovell

HB1844 Notice of zoning administrator actions. Provides that when an applicant requesting a determination or other action from the zoning administrator is not the owner of the subject property, written notice shall be given to the owner within 10 days of the request.

Patron - Athey

HB1872 Public infrastructure maintenance bonds. Allows localities to require public infrastructure maintenance bonds from developers and property owners in conjunction with the construction of single- and two-family homes in instances where the provisions of a subdivision ordinance are not applicable. Such maintenance bonds shall not exceed an amount reasonably necessary to maintain and repair publicly owned streets, sidewalks and infrastructure on site or immediately adjacent to the construction and shall not exceed a maximum of \$5,000. The ordinance shall make provision for the

inspection of bonded improvements within five business days of completion and release of any performance guarantee within five business days of such inspection. This bill is identical to SB 1231.

Patron - Toscano

HB1931 Zoning; clustering. Provides that a cluster development is otherwise subject to applicable land use ordinances of the locality; however, the locality shall not impose more stringent land use requirements for such cluster development. Also, the locality shall not prohibit extension of water or sewer from an adjacent property to a cluster development provided the cluster development is located within an area designated for water and sewer service by a county, city, or town. This bill is identical to SB 783.

Patron - Marshall, D.W.

HB1963 Resident curator programs. Provides that a locality may develop a resident curator program for the purpose of managing, preserving, maintaining, or operating historic areas owned or leased by the locality.

Patron - Rust

HB1965 Local capital improvement programs. Adds "life cycle costs" to the facilities estimates prepared as part of the capital improvement program.

Patron - Rust

HB2004 Bonds; public notice. Provides that the public notice issued prior to a public hearing held in conjunction with the issuance of bonds shall state the proposed use of the proceeds, and if there is more than one use, state the proposed uses for which more than 10 percent of the total bond proceeds is expected to be used. In addition, a similar notice shall be provided to voters prior to a referendum involving the issuance of bonds.

Patron - LeMunyon

HB2075 Private capital lending for local governments. Allows a local government to enter into certain conduit lending agreements to finance certain capital projects. This bill is identical to SB 1352.

Patron - Ingram

HB2078 Agricultural and Forestal Districts Act; administration of program. Creates a program administrator designated by the local governing body to oversee the application process under the Agricultural and Forestal Districts Act. Localities are given the authority to prescribe which maps or aerial photographs shall accompany the application, and applications are to first be reviewed by the program administrator and the advisory committee before going to the local governing body. Currently, the applications are first reviewed by the local governing body before going to the planning commission and advisory committee for their recommendations. The procedure for withdrawal of land from agricultural and forestal districts is amended to mirror the procedure for creation of a district. This bill is identical to SB 1092.

Patron - Landes

HB2100 Regulation of certain family day homes. Allows certain Northern Virginia localities to require persons who provide child-care services to provide certification from a national criminal background check in addition to other certifications that may be currently required.

Patron - Bulova

HB2132 Cutting of grass; James City County. Adds James City County to the list of localities that may enforce a grass cutting ordinance on occupied property. The

existing general provisions apply to vacant property only. This bill is identical to SB 1354.

Patron - Barlow

HB2142 Fees for bad checks to localities. Raises the fee a locality may charge for the passing of a bad check to the locality from \$35 to \$50.

Patron - Johnson

HB2217 Local disability services. Eliminates the Disability Services Council and the State Rehabilitative Services Incentive Fund, the requirement that localities establish local disability services boards, and the authority of localities to establish local rehabilitative services incentive funds. This bill is identical to SB 1276.

Patron - Stolle

HB2284 Jail processing fee. Allows a locality to divide the fees collected post-conviction proportionately between a police department and the sheriff's department if costs are incurred by a police department for booking or fingerprinting services. Currently, the fee may go only to sheriff's offices and regional jails. This bill is identical to SB 777.

Patron - James

HB2329 Authorities for development of former federal areas; dissolution. Allows authorities created by proclamation of the Governor for the development of former federal areas to be dissolved not only upon resolution of the governing body of each locality within the area of operation of the authority but also upon determination by the Governor that the dissolution is appropriate. This bill is identical to SB 1256.

Patron - Lingamfelter

HB2338 Alternative method for local government to give notice by mail. Provides that a locality may give notice by regular mail in any instance in which two or more notices are required for the same action, the first notice is required to be sent by certified or registered mail, and at least one notice has previously been sent by certified or registered mail. Such notice shall be sent to the last address available through government records.

Patron - Garrett

HB2364 Joint aid agreements by localities. Provides that a locality may, by ordinance or resolution, authorize its chief administrative officer to arrange for provision of aid to other localities or receipt of aid from other localities, including approval by the chief administrator of agreements with other localities, subject to availability of resources. The ordinance or resolution may include terms and conditions deemed necessary by the governing body for participation in such aid and shall set forth the scope of the chief administrator's authority. Deployed personnel acting pursuant to the ordinance or resolution of the governing body shall have the same authority and immunity in other localities as in the locality where they are employed or volunteer.

Patron - Peace

HB2408 Notice to localities of certain state projects. Requires that notice of certain state capital projects involving new construction costing at least \$500,000 be sent to localities by registered mail and specifies that the notice shall be sent prior to, rather than during, the planning phase of the project. Failure of any state agency to strictly comply with such requirements will justify entry of an injunction on behalf of the locality.

Patron - Ware, R.L.

HB2409 Lien for water and sewer charges. Adds the Town of Abingdon to the list of localities that may by ordinance provide that taxes or charges for water or sewer service shall be a lien on the real estate served by such waterline or sewer system.

Patron - Johnson

HB2411 Extension of land use approvals; performance bonds. Provides that in instances where a locality has enacted a bonding moratorium or deferral option, existing performance bonds or other financial guarantees of completion may be waived or modified by the locality, in which case various land use approval extensions and deadline extensions shall continue to apply.

Patron - Lingamfelter

HB2425 Delinquent sewer and water fees and charges; notice. Requires that prior to recording a lien on an owner's property for a tenant's unpaid water or sewer fees, the water or sewer authority shall provide the owner with 30 days' written notification. The owner can avoid the lien by paying the obligations. If the former tenant pays the authority after the owner already has, the property owner shall be entitled to receive a refund and shall be subrogated against the former tenant in place of the authority in the amount paid by the property owner. Additionally, this legislation requires an authority to notify a property owner, if he so requests, of a tenant's delinquent water bill when a tenant's water bill has become 15 days delinquent. Furthermore, a locality or service authority may not deny service to a new tenant for unpaid fees and charges unless a lien has been recorded against the property owner. This bill is identical to SB 1216.

Patron - Ingram

HB2472 Performance guarantees. Provides that no locality shall require that a performance guarantee apply to any facility or improvement unless such facility or improvement is shown on the approved plat or plan. Also, the terms, conditions, and specifications contained in any agreement between a locality and an owner or developer of property entered into in conjunction with any performance guarantee shall be limited to those items provided for in the approved plan, plat, permit application, or similar document for which such performance guarantee is applicable.

Patron - Poindexter

HB2478 Southwest Virginia Health Authority; appointments. Adds two additional appointments to the Authority's board of directors.

Patron - Phillips

HB2504 Transportation District Commission of Hampton Roads. Provides for appointment by the Governor of one member of the Commission from each of the District's constituent localities. The bill also provides for the appointment of ex officio members with voting privileges by the District's constituent localities.

Patron - Cosgrove

SB757 Pneumatic gun regulations. Prohibits a locality from adopting an ordinance that prohibits the shooting of pneumatic guns on private property, with permission of the owner of the property, if reasonable care is taken to prevent a projectile from crossing the bounds of the property. The bill also invalidates any existing local ordinances that conflict with the provisions of the act.

Patron - Reynolds

SB773 Aircraft noise attenuation features. Allows any locality, or adjacent locality, that has not only a United States Master Jet Base but also a licensed airport or United States government or military air facility to adopt and enforce building regulations relating to the provision or installation of acoustical treatment measures applicable to buildings and structures, or portions thereof, in Assembly, Business, Educational, Institutional, and Mercantile groups, as defined in the International Building Code. This legislation is a recommendation of the Hampton Roads Joint Land Use Study.

Patron - Locke

SB777 Jail processing fee. See HB 2284.

Patron - Lucas

SB783 Zoning; clustering. See HB 1931.

Patron - Watkins

SB799 City of Richmond; funding for community revitalization activities. Allows the City of Richmond to establish an enhanced building rehabilitation process using a newly created community revitalization fund for derelict residential property to combat blight, crime, and neighborhood decay.

Patron - McEachin

SB873 Subdivision of a lot held in trust for conveyance to a family member. Authorizes localities to provide for subdivision of a lot for conveyance to a family member if the land is held in trust. All trust beneficiaries must be immediate family members and must agree that the property should be subdivided. Additionally, all beneficiaries must agree to place a restrictive covenant on the subdivided property that would prohibit the transfer of the property to a nonmember of the immediate family for a period of 15 years. A locality may provide exceptions to this 15-year time period but must execute a writing reflecting such modification.

Patron - Stuart

SB900 Annexations by townships. See HB 1769.

Patron - Deeds

SB901 Allocation of deputies to cities. See HB 1771.

Patron - Deeds

SB1092 Agricultural and Forestal Districts Act; administration of program. See HB 2078.

Patron - Hanger

SB1160 Mandatory connection to water and sewer systems. Provides that an authority may require adjacent property owners to connect their buildings to the authority's system upon or after the acquisition or construction of the water or sewer system. Currently, the law requires connection to be made upon the acquisition or construction of the water or sewer system.

Patron - Quayle

SB1204 Cash proffers; court costs. Allows for an award of fees, expenses, and court costs to a party who successfully contests an action in conflict with the provisions of § 15.2-2303.1:1. The sunset provision on this legislation is extended from July 1, 2014, to July 1, 2015.

Patron - Obenshain

SB1206 Traffic impact analysis. Removes the requirement that a supplemental traffic analysis accompany a plat or plan submitted to the Department of Transportation by a locality because the plat or plan substantially affects transpor-

tation on state-controlled highways if such plat or plan is permissible by right under the local zoning ordinance.

Patron - Obenshain

SB1216 Delinquent sewer and water fees and charges; notice. See HB 2425.

Patron - Smith

SB1221 Local rezoning actions. Provides for more limited review by VDOT when a property being considered for rezoning has already been subject to a VDOT review in connection with development of a local comprehensive plan.

Patron - Barker

SB1228 Lien for water and sewer charges. See HB 1772.

Patron - Deeds

SB1231 Public infrastructure maintenance bonds. See HB 1872.

Patron - Deeds

SB1256 Authorities for development of former federal areas; dissolution. See HB 2329.

Patron - Vogel

SB1276 Local disability services. See HB 2217.

Patron - Ruff

SB1302 Special meeting notification. Allows a member of a local governing body to be notified of special meetings via electronic mail or facsimile, in lieu of in writing delivered to his home or business, if he so requests.

Patron - Ruff

SB1339 Urban development areas; population projections. Allows population projections to be based on official government projections required for federal transportation planning purposes.

Patron - Puller

SB1352 Private capital lending for local governments. See HB 2075.

Patron - Norment

SB1354 Cutting of grass; James City County. See HB 2132.

Patron - Norment

SB1452 Commission on Local Government; mandates. Provides that the Commission shall assist a five member task force to be appointed by the Governor to review state mandates imposed on localities and to recommend temporary suspension or permanent repeal of such mandates.

Patron - Newman

Title 15.2- Miscellaneous; Counties, Cities and Towns

HB2171 Real and personal property tax interest and penalties; Town of Coeburn. Permits the Town of Coeburn (i) to waive the interest and penalty payments on real and personal property taxes for all tax years beginning prior to January 1, 2009, provided that the taxes are paid during the period October 1, 2009, through December 31, 2011, and (ii) to refund

any interest and penalty paid on such taxes during that time period.

Patron - Phillips

Charters

HB1536 Charter; City of Martinsville. Shifts the city's elections from May to November.

Patron - Merricks

HB1742 Charter; City of Fairfax. Amends the charter for the City of Fairfax by changing the date of the first meeting of the newly elected City Council members from the first Tuesday of July following their election to the second Tuesday of July following their election or at the first scheduled regular or special meeting of the City Council in July, whichever occurs first. Additionally, the charter is amended so that revenue bonds may be issued by the City without holding a bond referendum, as the charter currently requires. This bill is identical to SB 847.

Patron - Bulova

HB1763 Charter; Town of Rich Creek. Shifts council elections from May to November, removes a salary cap for council members, referencing state law for the setting of salaries, and updates several out of date provisions of the town's charter.

Patron - Crockett-Stark

HB1770 Charter; City of Alleghany Highlands. Provides a new charter for the City of Alleghany Highlands, the city created by the consolidation of Alleghany County and the City of Covington. This bill is identical to SB 899.

Patron - Shuler

HB1986 Charter; Town of Weber City. Deletes outdated provisions of the town charter.

Patron - Kilgore

HB2015 Charter; Town of Bluefield. Updates the town's boundaries, provides for the selection of a vice-mayor, and lengthens the mayor's term from two to four years.

Patron - Crockett-Stark

HB2031 Charter; Town of Purcellville. Allows the town council to increase the size of the board of architectural review from five to seven members.

Patron - May

HB2072 Charter; City of Hopewell. Amends the charter to change election day for city council members from May to November, beginning in November 2012, and to extend the terms of the council's president and vice-president from June 30, 2012, to December 31, 2012. Additionally, the office of the city attorney is further defined to allow the city attorney to serve as chief legal advisor to the council and to the chief administrative officer. The city attorney also is given the power to appoint and remove his employees authorized by the council and assistants. This bill is identical to SB 1159.

Patron - Ingram

HB2130 Charter; City of Franklin. Establishes staggered terms for the city's appointed school board. This bill incorporates HB 2354.

Patron - Barlow

HB2139 Charter; City of Williamsburg. Amends the charter for the City of Williamsburg so that vacancies in the city council are filled pursuant to Virginia Code. Vacancies may first be appointed by the remaining council members if a vacancy in the council occurs and then by the voters in a special election. This bill is identical to SB 1189.

Patron - Barlow

HB2406 Charter; Town of South Boston. Alters the method of filling vacancies on council and in the office of mayor so as to conform to state law. Other changes include updating Code references and allowing for incorporation of state law by reference.

Patron - Edmunds

HB2407 Charter; Town of Halifax. Changes the town's municipal elections to the date of the November general election.

Patron - Edmunds

HB2532 Charter; Town of Urbanna. Shifts the town's elections from May to November.

Patron - Rust

SB847 Charter; City of Fairfax. See HB 1742.

Patron - Petersen

SB880 Charter; City of Martinsville. Amends the charter of the City of Martinsville to change the date of the council member elections to the general election date in November. The measure also provides that three council members shall be elected on the November 2012 general election date and every four years thereafter, and the two other council members shall be elected on the November 2014 general election date and every four years thereafter. The terms of office of the council members begin in the January after their election, instead of the July after their election.

Patron - Reynolds

SB899 Charter; City of Alleghany Highlands. See HB 1770.

Patron - Deeds

SB1065 Charter; Town of Narrows. Amends the charter for the Town of Narrows to change elections for mayor and town council members from May to the November general election date.

Patron - Edwards

SB1081 Charter; Town of Dayton. Amends the charter for the Town of Dayton so that, effective January 1, 2013, the town council will consist of six members and a mayor, rather than seven members and a mayor.

Patron - Hanger

SB1138 Charter; City of Portsmouth. Repeals the existing charter and provides a new charter containing powers typically granted to cities. Numerous outdated and redundant provisions are deleted.

Patron - Quayle

SB1159 Charter; City of Hopewell. See HB 2072.

Patron - Quayle

SB1189 Charter; City of Williamsburg. See HB 2139.

Patron - Norment

Title 16.1- Courts Not of Record

HB1534 Civil jurisdiction in actions of unlawful entry or detainer in general district court. Provides that claims, counter-claims, and cross-claims filed in actions for unlawful entry or detainer are not subject to the maximum jurisdictional limit of \$15,000 applicable in general district court regardless of the purpose for which the occupant is using the premises. Under current law, such claims, counter-claims, and cross-claims are not subject to the maximum jurisdictional limit of \$15,000 applicable in general district court only if the occupant is using the premises primarily for business, commercial or agricultural purposes.

Patron - Sherwood

HB1590 Jurisdictional limits of courts. Increases from \$15,000 to \$25,000 the maximum civil jurisdictional limit of general district courts. This bill is identical to SB 774.

Patron - Iaquinto

HB1783 Juvenile records; confidentiality. Clarifies that the Department of Juvenile Justice may share confidential juvenile records with persons, agencies, and institutions having a legitimate interest regardless of the state in which they are located. The bill also allows the Department to share confidential juvenile records with a requesting party who has custody or is providing supervision for a juvenile and the release of the confidential information is in the interest of maintaining security in a secure facility in a state other than Virginia provided it meets that state's definition of "secure facility." This bill is identical to SB 1166.

Patron - Gilbert

HB1845 Appeal bond; liability insurance. Provides that an appeal bond is not required for an appeal of a civil case from district court if the defendant has sufficient indemnity coverage through a liability insurance policy to satisfy the judgment and the defendant's insurer provides a written irrevocable confirmation of coverage in the amount of the judgment. The bill also provides that the appeal bond shall be in an amount approved by the judge or the clerk of the district court or in an amount sufficient to satisfy the judgment of the district court. Currently, the appeal bond is set in an amount determined by the court or the clerk to be sufficient to satisfy the judgment of the circuit court to which the judgment is appealed.

Patron - Athey

HB2012 Law-enforcement employment; disclosure of juvenile records. Provides that a person who was adjudicated delinquent may be denied employment with the State Police or a local police department or sheriff's office where such denial is based on the nature and gravity of the offense, the time since adjudication, the time since completion of any sentence, and the nature of the job sought. The bill also provides that juvenile record information may be disseminated to the State Police or a local police department or sheriff's office for the purpose of screening a person for employment.

Patron - Carrico

HB2033 Prepayment of fines under local ordinances. Provides that the chief judge of a circuit court may enter an order allowing for the prepayment of fines imposed under local traffic infraction and other local ordinances. Currently, such an order must be entered by all judges of the circuit.

Patron - Peace

HB2036 Release of persons from commitment on parole supervision. Changes the time during which the court services unit shall consult with the local department of social services concerning return of a person released from the Department of Juvenile Justice to a locality from four weeks to 90 days prior to the date on which the person is released, and provides that during that time the court services unit and the local department of social services shall collaborate to develop a plan that prepares the person for successful transition from the Department's custody to the community. The plan shall identify the services necessary for such transition and how the services are to be provided. This bill is identical to SB 1170.

Patron - Peace

HB2089 Service of notice of emergency protective orders. Provides that a law-enforcement officer may effect service of an emergency protective order by personally serving the person subject to the order with a notification of the issuance of the order, which shall be on a form approved by the Supreme Court of Virginia. The officer making service shall enter or cause to be entered the date and time of service and other appropriate information into the Virginia Criminal Information Network and make due return to the court.

Patron - Herring

HB2449 Fee for analysis of computer of criminal defendant. Provides that a criminal defendant may be assessed costs in an amount equivalent to the actual cost for each computer analysis, not to exceed \$100, performed by a law-enforcement or other investigative agency upon any criminal conviction of any charge or charges requiring computer analysis when the analysis revealed evidence used at the trial of the person.

Patron - Gilbert

HB2462 Certain misdemeanor offenses by minors. Provides that in the case of a misdemeanor violation of § 18.2-250.1 (possession of marijuana) and § 18.2-266.1 (underage drinking and driving) a petition need not be filed if the juvenile is released to the custody of a parent or legal guardian pending the initial court date. Current law provides that no petition need be filed in the case of any violation of § 18.2-266 (DUI) or 29.1-738 (drunk boating). A procedure is established making it possible for a juvenile to have a misdemeanor possession of marijuana charge referred to intake for consideration of informal proceedings.

Patron - Habeeb

SB774 Jurisdictional limits of courts. See HB 1590.

Patron - McEachin

SB915 Inspection of motor vehicles. Restates requirements for motor vehicle safety inspections and places exemptions under a single Code section.

Patron - McDougle

SB1166 Juvenile records; confidentiality. See HB 1783.

Patron - Reynolds

SB1168 Detention of juvenile for violation of conditions of release. Provides that a juvenile taken into custody whose case is considered by a judge, intake officer or magistrate, who, following his release upon a Class 1 misdemeanor charge or a felony charge "under such conditions as may be imposed" by the judge, intake officer or magistrate and who then fails to adhere to the conditions of the court, intake officer or magistrate while on conditional release may be detained in a secure facility, pursuant to a detention order or warrant, upon a

finding by the judge, intake officer, or magistrate. This is to clarify that a juvenile may be detained for violation of such conditions.

Patron - Marsden

SB1170 Release of persons from commitment on parole supervision. See HB 2036.

Patron - Marsden

Title 17.1- Courts of Record

HB1565 Secure remote access to court records.

Provides that restrictions on the secure remote access to court records do not apply to secure access by attorneys in good standing with the Virginia State Bar and their authorized agents and attorneys admitted to practice pro hac vice. The bill also permits secure remote access by governmental agencies authorized by the clerk. This bill is identical to SB 1274.

Patron - Miller, P.J.

HB2149 Report of the Secretary of the Commonwealth; list of local officers. Eliminates the requirement that local governments send to the Secretary of the Commonwealth and that the Secretary of the Commonwealth publish a printed certified list of all local officers and constitutional officers. There is no need to print such a report since it is online.

Patron - Cline

HB2150 Court fees; fixed misdemeanor and fixed felony fees. Amends the fees collected by courts for felony and misdemeanor convictions to reflect amendments to § 15.2-1627.3 by Chapter 874 of the Acts of Assembly of 2010 increasing fees of attorneys for the Commonwealth.

Patron - Cline

HB2483 Secure remote access to court records. Allows access to an attorney's staff if directly supervised by counsel of record on a particular case.

Patron - Anderson

SB903 Definition of violent felony; penalty.

Removes an "and" in the list of violent felonies to make it clear that a person does not need to be convicted of both § 18.2-308.1 (possession of weapon on school property) and § 18.2-308.2 (possession of firearm by a felon) in order to have the offense qualify as a violent felony for the purpose of the sentencing guidelines. The bill also provides that using a firearm in a threatening manner in a school is the only felony in § 18.2-308.1 that qualifies as a violent felony.

Patron - Deeds

SB1068 Fees collected by circuit court clerks. Clarifies that the filing of a counterclaim or any other responsive pleading in annulment, divorce and separate maintenance proceedings is not subject to the \$60 fee charged by circuit court clerks. This bill is a recommendation of the Boyd-Graves Conference.

Patron - Edwards

SB1274 Secure remote access to court records. See HB 1565.

Patron - Obenshain

SB1369 Electronic filing in civil or criminal proceedings. Clarifies that clerks may provide official certificates and certified records in digital form of any document maintained by the clerk. The bill also confirms the clerks' authority

to perform notarial acts. The bill also makes various changes to clerks' duties regarding electronic filing.

Patron - Locke

Title 18.2- Crimes and Offenses Generally

HB1407 Punishment for underage drinking and driving; penalty. Provides that "zero tolerance" (0.02% BAC) underage drinking and driving is punishable as a Class 1 misdemeanor. Currently, the punishment is loss of license for six months and a fine of no more than \$500. This bill provides that the punishment must include forfeiture of such person's license to operate a motor vehicle for a period of one year from the date of conviction and either a mandatory minimum fine of \$500 or 50 hours of community service. This bill is identical to SB 770.

Patron - Janis

HB1411 Reckless handling of firearms; revocation of hunting license. Provides that a person's hunting or trapping license, or privilege to hunt or trap while possessing a firearm, may be revoked for a period of one to five years for a violation of § 18.2-56.1 (reckless handling of firearms) while hunting. Revocation for a person whose privilege to hunt has been revoked who hunts with a firearm will be for a period of one year to life. Currently, the penalties are revocation for a period of one year to life and for hunting with a firearm while the privilege is revoked, an additional period of one to five years.

Patron - Wilt

HB1434 Penalties for possession, sale, gift, distribution or possession with intent to sell, give or distribute synthetic cannabinoids; bath salts. Lists those chemicals that comprise synthetic cannabinoids and makes possession a Class 1 misdemeanor. Possession with intent to distribute and manufacturing are felonies. The first offender statute applies as it does to marijuana and controlled substances. The bill criminalizes privately compounding with the specific intent to circumvent the criminal penalties for synthetic cannabinoids. The bill also allows restitution for cleaning up sites where the drug is made. A number of Code sections are amended for the purpose of treating synthetic cannabinoids as marijuana is treated throughout the Code. The bill adds chemicals known as "bath salts" to Schedule I of the Drug Control Act. There is an emergency clause. This bill is identical to SB 745.

Patron - Garrett

HB1461 Authority for posting a property "no trespassing." Gives an agent of the owner, lessee, custodian, or other person lawfully in charge of a property the same authority to prohibit trespassing as the owner, lessee, custodian, or other person lawfully in charge.

Patron - Cox, M.K.

HB1487 Venue for criminal sexual assault coupled with a violent felony. Provides that venue for the trial of a person charged with committing or attempting to commit (i) a crime against nature, the crime of taking indecent liberties with a child, or a criminal sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 and (ii) a violent felony as defined in § 17.1-805 or 19.2-297.1 arising out of the same incident, occurrence, or transaction may be had in the county or city in which any such crime is alleged to have occurred or, with the concurrence of the attorney for the Commonwealth in the county or city in which the crime is alleged to have

occurred, in any county or city through which the victim was transported by the defendant in the commission of such offense.

Patron - Hope

[P]HB1516 Crimes; assault and battery of ABC agent. Adds special agents of the Department of Alcoholic Beverage Control to the definition of law-enforcement officer in the assault and battery criminal provision, which means that the punishment for committing an assault and battery on a special agent who is engaged in the performance of his public duties is elevated from a Class 1 misdemeanor to a Class 6 felony, with a six-month mandatory minimum term of confinement.

Patron - Orrock

[P]HB1552 Issuance of concealed handgun permits. Amends the language relating to the issuance of de facto concealed handgun permits. Current law states that if a court does not issue a permit or find that the applicant is disqualified, within 45 days of receipt of the application, the clerk is to certify the application and send it to the applicant. The certified application then serves as a de facto permit until the actual permit is issued or the applicant is found to be disqualified. The bill states that the clerk must mail or email the certified application to the applicant within five business days of the expiration of the 45-day period.

Patron - Cox, J.A.

[P]HB1584 Illegal gambling; definitions. Amends the definition of "illegal gambling" to clarify that the purchase of a product, Internet access, or other thing (e.g., phone card, movie rental vouchers), which purchase credits the purchaser with free points or other measurable units that may be risked by the purchaser for an opportunity to win money, is deemed consideration for the purposes of illegal gambling. The bill provides that but for the free points or other measurable units, the purchase of the product, Internet access, or other thing would be of insufficient value in and of itself to justify the purchase or is merely incidental to the chance to win money. This bill is identical to SB 1195.

Patron - Oder

[P]HB1605 Falsifying patient records. Rewrites statute on the fraudulent falsification of patient records, which is a Class 3 misdemeanor, to require intent to defraud and makes it a Class 1 misdemeanor.

Patron - Loupassi

[P]HB1690 Battery of emergency health care providers; penalty. Provides that the punishment for battery of a health care provider who is engaged in the performance of his duties as an emergency health care provider in an emergency room of a hospital or clinic or on the premises of any other facility rendering emergency medical care is a Class 1 misdemeanor, including a term of confinement of 15 days in jail, two days of which shall be a mandatory minimum term of confinement.

Patron - Stolle

[P]HB1699 Restoration of firearms rights. Makes parallel the process for the request for and conduct of a hearing requested by a person to restore his right to possess or carry a firearm after being acquitted by reason of insanity, adjudicated legally incompetent or mentally incapacitated, or involuntarily committed for mandatory treatment.

Patron - Athey

[P]HB1714 Identity Theft Passport. Makes the issuance of an Identity Theft Passport under certain conditions dis-

cretionary with the Office of the Attorney General, rather than mandatory. The bill also provides that the provisions of the Government Data Collection and Dissemination Practices Act denying the right of a government agency to require the disclosure of a social security number do not apply to the Code provisions that provide for issuance of an Identity Theft Passport.

Patron - Wilt

[P]HB1747 Possession of child pornography by law enforcement. Provides that an employee of a law-enforcement agency may lawfully possess child pornography for a bona fide law-enforcement purpose. This bill is identical to SB 1260.

Patron - Watts

[P]HB1777 Fake birth certificate; penalty. Provides that any person who manufactures, sells, or transfers a fictitious birth certificate or the birth certificate of another for the purpose of establishing a false identity for himself or for another person is guilty of a Class 6 felony. Current law punishes obtaining, possessing, transferring and selling as a Class 1 misdemeanor.

Patron - Gilbert

[P]HB1779 Preliminary protective orders. Makes the prohibition on purchasing and transporting a firearm applicable to persons subject to preliminary protective orders where a petition alleging abuse or neglect has been filed. Under current law, persons subject to a preliminary protective order are prohibited from purchasing or transporting a firearm regardless of any allegation. This bill is identical to SB 754.

Patron - Gilbert

[P]HB1856 Concealed handgun permits; lost or destroyed permits. Allows a concealed handgun permit holder to obtain a replacement permit in the event that the original permit is lost or destroyed. The permit holder would be required to submit a notarized statement to the clerk of the court that the permit was lost or destroyed and pay a fee not to exceed \$5, and the clerk would be required to issue a replacement permit within 10 business days. The replacement permit will have the same expiration date as the original permit.

Patron - Anderson

[P]HB1857 Transfer of firearms; documentation of residence. Clarifies that a member of the military may provide permanent orders assigning him to the Pentagon for purposes of providing documentation of residency when purchasing a firearm from a licensed dealer.

Patron - Anderson

[P]HB1898 Abduction; forced labor or services. Provides that abduction of any person for the purpose of prostitution or of a minor for the purpose of manufacturing child pornography is a Class 2 felony. The bill also provides that any person who receives any money or other valuable thing for or on account of causing any person to engage in forced labor or services, concubinage, prostitution, or the manufacture of any obscene material or child pornography is guilty of a Class 4 felony.

Patron - Hugo

[P]HB2059 Use of profane, threatening, or indecent language over the telephone; use of cellular telephones and other wireless telecommunications devices. Clarifies that the current statutory provision prohibiting the use of obscene, vulgar, or indecent language over the telephone applies to electronic communications, including visual or electronic messages, received or transmitted by a cellular phone or other

wireless telecommunications device. This bill is a recommendation of the Joint Commission on Technology and Science.

Patron - Bell, Robert B.

[P]HB2066 Sex offenses prohibiting entry onto school or other property; penalty. Expands the prohibition on entry onto school grounds by any adult convicted of a sexually violent offense to include any school bus as defined in § 46.2-100 and any property, public or private, during hours when such property is being used solely by a public or private elementary or secondary school for a school-related or school-sponsored activity. A violation is punishable as a Class 6 felony. This bill is identical to SB 1185.

Patron - Bell, Robert B.

[P]HB2362 Restricted license. Authorizes the court to issue a restricted license to a person convicted of DUI and certain other offenses to travel to and from jail to serve a sentence of confinement in jail on weekends or nonconsecutive days.

Patron - McClellan

[P]SB745 Penalties for possession, sale, gift, distribution or possession with intent to sell, give or distribute synthetic cannabinoids; bath salts. See HB 1434.

Patron - Herring

[P]SB754 Preliminary protective orders. See HB 1779.

Patron - Reynolds

[P]SB770 Punishment for underage drinking and driving; penalty. See HB 1407.

Patron - Marsden

[P]SB772 Assault and battery; fire marshals; penalty. Adds fire marshals who have police powers to the definition of law-enforcement officer in the assault and battery criminal provision, which means that the punishment for committing an assault and battery on such a person who is engaged in the performance of his public duties is elevated from a Class 1 misdemeanor to a Class 6 felony, with a six-month mandatory minimum term of confinement.

Patron - Locke

[P]SB927 Sex offender registry; affidavits. Clarifies several provisions regarding the use of an affidavit in a criminal proceeding for failure to register as a sex offender. The bill makes it clear that the Melendez-Diaz procedures do not have to be followed for a preliminary hearing and that in preliminary hearings the Commonwealth is not responsible for summoning the custodian of the records issuing the affidavit.

Patron - McDougle

[P]SB1185 Sex offenses prohibiting entry onto school or other property; penalty. See HB 2066.

Patron - Norment

[P]SB1195 Illegal gambling; definitions. See HB 1584.

Patron - Obenshain

[P]SB1260 Possession of child pornography by law enforcement. See HB 1747.

Patron - Vogel

[P]SB1318 Sex offenders on school property; penalty. Clarifies that a sex offender is prohibited from entering or being present on school property during school-related or school-sponsored events.

Patron - Newman

Title 19.2- Criminal Procedure

[P]HB1455 Supervision and control of wiretap devices. Allows wiretap devices in the possession of any sheriff's office or police department to be under the direct control and supervision of a designee of the sheriff or chief of police.

Patron - Landes

[P]HB1479 Public availability of a search warrant affidavit. Provides that the affidavit for a search warrant may be made publicly available only after the warrant that is the subject of the affidavit has been executed or 15 days after issuance of the warrant, whichever is earlier. .

Patron - Loupassi

[P]HB1591 Notice of breath test certificates. Provides that, for purposes of compliance with notice to defendants of their right to confrontation of witnesses who perform chemical, etc., analyses of evidence to be offered at trial, in the case of DUI breath test certificates, the notice is to be provided to the clerk of court no later than three business days following the day that the certificate and notice are provided to the accused. Current law requires that such notice be provided to the clerk and defendant on the same day.

Patron - Iaquinto

[P]HB1593 Sealing of order; court-ordered disclosure of electronic communication service records. Provides that when a court orders the disclosure of records of a provider of electronic communication services or remote computing services, the order and any written application or statement of facts may be sealed for 90 days for good cause shown upon application of the attorney for the Commonwealth in an ex parte proceeding and that the attorney for the Commonwealth can apply to have the sealing continue for additional 90-day periods.

Patron - Iaquinto

[P]HB1650 Power of magistrates to issue felony arrest warrants. Provides that a magistrate may not issue an arrest warrant for a felony offense upon the basis of a complaint by a person other than a law-enforcement officer or an animal control officer without prior authorization from the attorney for the Commonwealth or a law-enforcement agency in his jurisdiction. Currently, the magistrate need only consult with the attorney for the Commonwealth or law-enforcement agency. The bill also requires a written complaint if the complaint is by a person other than a law-enforcement officer; currently a written complaint is required in such a situation whenever practicable. This bill is identical to SB 782.

Patron - Cosgrove

[P]HB1695 Unexecuted warrants. Clarifies that unexecuted warrants may be destroyed if dismissed under a provision enacted during the 2010 Session of the General Assembly allowing an attorney for the Commonwealth to move the court for the dismissal of an unexecuted warrant or summons issued by a magistrate. Dismissal and destruction of warrants that charge capital murder and those whose preservation is deemed justifiable by the court shall not be dismissed and destroyed. As introduced, this bill was a recommendation of the Committee on District Courts. This bill is identical to SB 756.

Patron - Athey

[P]HB1707 Criminal history record information; certain agencies. Authorizes the Department of Rehabilitative Services and the Department for the Blind and Vision Impaired to obtain criminal history record information for the purpose of

evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services that will assist the individual in obtaining employment. This bill is identical to SB 956.

Patron - Merricks

HB1713 Criminal procedure; presumption against admission to bail. Adds to the list of crimes charged for which there is a presumption against admission to bail, subject to rebuttal, obstruction of justice where a person threatens bodily harm or force to knowingly attempt to intimidate or impede a witness.

Patron - Wilt

HB1776 Expungement of police and court records; fingerprints. Requires a person petitioning for expungement because he was arrested or charged because his name or other identification was used without his consent to provide a complete set of fingerprints along with the petition. The bill also requires an expungement order to be accompanied by the petitioner's fingerprints when the charge is dismissed because the person arrested or charged is not the person named in the summons, warrant, etc.

Patron - Gilbert

HB1780 Communications intercepts by the Attorney General. Broadens the jurisdictional scope of a court issuing an order for a communications intercept sought by the Attorney General so that the order may be issued by the court in the jurisdiction where the crime occurs or where the intercept occurs. The bill also extends the timeline for submission of reports to the federal government regarding such intercepts, to accommodate intercepts not fully concluded by the end of the calendar year. This bill is identical to SB 1198.

Patron - Gilbert

HB1891 Criminal procedure; issuance of Governor's warrant. Changes the requirement that a Governor's warrant of arrest and extradition be received within four days of the transmission of a facsimile of such document in order for the facsimile to be treated as an original. The bill changes the requirement from four days to four working days.

Patron - Hope

HB1909 Search warrants. Allows a court to temporarily seal, for a specified period of time, a warrant and a return on the warrant in addition to the affidavit supporting the warrant, and to seal the order sealing the affidavit, warrant or return. The conditions in existing law concerning the sealing of an affidavit apply: sealing is upon application of the attorney for the Commonwealth for good cause shown in an ex parte hearing and an aggrieved party may move the court for the unsealing of the warrant and return with the burden of proof for continued sealing on the Commonwealth.

Patron - Miller, J.H.

HB1995 Child pornography. Provides that a defendant convicted of an offense relating to child pornography shall be ordered to pay mandatory restitution to the victim of the offense in an amount as determined by the court. The Commonwealth shall make reasonable efforts to notify victims of any such offense. This bill is identical to SB 1426.

Patron - Janis

HB2060 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 pursuant to a capias shall, unless circumstances exist that require him to impose more restrictive terms of bail, set bail in accordance with the order of the court that issued the capias if

such an order is affixed to or made a part of the capias by the court.

Patron - Bell, Robert B.

HB2063 Protective orders; availability; penalty. Renames "protective orders for stalking" as "protective orders" and expands the class of persons that is eligible to obtain a protective order by enlarging the types of conduct that permit the issuance of a protective order from certain specified criminal acts to any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. Such protective orders are available based on such conduct, regardless of the relationship of the parties involved. The bill also makes several amendments to make protective orders and family abuse protective orders more consistent, including amending the definition of "family abuse" to be consistent with the conduct that would allow for the issuance of a "protective order" and providing that a family abuse protective order may include a condition prohibiting the allegedly abusing person from committing a criminal offense that results in injury to person or property. The bill also makes the penalties for violating a protective order consistent with the penalties for violating a family abuse protective order: (i) any person convicted of a second violation of a protective order, when the offense is committed within five years of a conviction for a prior offense and when either the instant or prior offense was based on an act or threat of violence, shall be sentenced to a mandatory minimum term of confinement of 60 days; (ii) any person convicted of a third or subsequent offense, when such offense is committed within 20 years of the first conviction and when either the instant or any of the prior offenses was based on an act or threat of violence, is guilty of a Class 6 felony and punishment shall include a mandatory minimum term of confinement of six months; (iii) any person who commits an assault and battery resulting in serious bodily injury upon a person protected by a protective order is guilty of a Class 6 felony; and (iv) any person who violates a protective order by furtively entering the home of the protected party while such party is present or enters and remains in such home until the protected party arrives is guilty of a Class 6 felony. This bill is identical to SB 1222.

Patron - Bell, Robert B.

HB2065 DNA samples taken at arrest and upon conviction. Expands the scope of DNA (deoxyribonucleic acid) collection to provide that every person convicted of a violation of (i) § 18.2-67.4 (sexual battery), (ii) § 18.2-67.4:2 (sexual abuse of a child 13 years of age or older but under 15), (iii) subsection C of § 18.2-67.5 (attempt to commit sexual battery), (iv) § 18.2-130 (peeping), or (v) § 18.2-370.6 (penetrating the mouth of a child under 13 with the tongue) shall have a sample of his blood, saliva, or tissue taken for DNA analysis. The bill also provides that the Department of Forensic Science may include the identification characteristics of an individual's DNA profile in the DNA data bank when ordered by a circuit court pursuant to a lawful plea agreement.

Patron - Bell, Robert B.

HB2106 Bond; GPS tracking. Allows GPS (Global Positioning System) tracking for persons on secured bond or as a condition of probation or suspended sentence. This bill is identical to SB 925.

Patron - Armstrong

HB2143 Notice of seizure for forfeiture. Provides that when property is civilly seized for forfeiture (in drug and certain other cases), notice of the seizure is provided to the treasurer of the locality in which seized property is located.

Patron - Johnson

HB2158 Bonds in recognizances. Provides that bonds in recognizances in criminal or juvenile cases, whether the violation is committed against the Commonwealth or the locality, shall be payable to the jurisdiction where the recognizance was taken. Current law provides that such bonds in recognizances are paid to the Commonwealth of Virginia when the violation is committed against the Commonwealth.

Patron - Iaquinto

HB2272 Statute of limitation for local professional license violations. Creates a statute of limitations for local licensure violations by providing that prosecution of any misdemeanor violation of any professional licensure requirement imposed by a locality shall commence within one year of the discovery of the offense by the complainant, but in no case later than five years from occurrence of the offense.

Patron - Keam

HB2281 DNA data bank. Modifies the entities to which the Department of Forensic Science may release information from the DNA data bank to include attorneys for the United States Department of Justice and the Office of the Chief Medical Examiner and adds that such information may be released to further a prosecution, not just an investigation as under current law. This bill is identical to SB 1197.

Patron - Cline

HB2361 Child abduction. Makes it a duty of the Missing Children Information Clearinghouse to maintain close liaison with the National Crime Information Center and the National Center for Missing and Exploited Children for the exchange of information on children suspected of international travel. Furthermore, the bill makes property owned by a person and used to further the abduction of his child subject to lawful seizure and forfeiture. This bill is identical to SB 1141.

Patron - McClellan

HB2363 Criminal procedure; multijurisdiction grand jury. Includes a violation of § 18.2-178 (obtaining money or signature, etc., by false pretense) involving insurance fraud within the functions of a multijurisdiction grand jury to investigate any condition that involves or tends to promote certain criminal violations.

Patron - Loupassi

HB2423 Transfer of custody of person suspected of drunk boating. Reinstates language allowing for transfer of custody of a person arrested for drunk boating. The language was removed, in Chapter 840 of the Acts of the Assembly of 2010, from the statute providing for warrantless arrests and replaced with broader language applicable to arrests for both DUI and drunk boating that allows for an arrest in any location whether or not the offense was committed in the officer's presence.

Patron - Cleaveland

HB2438 Criminal cases; delayed appeal. Allows a defendant to move for a delayed appeal when an appeal from a criminal case has been denied or the conviction has been affirmed due to failure to file or timely file the indispensable transcript or written statement of facts. This provision is added to the current provisions that a defendant may move for leave to pursue a delayed appeal from circuit court to the Court of Appeals and from the Court of Appeals to the Supreme Court when an appeal in a criminal case was never initiated or was dismissed for failure to adhere to proper form, procedures, and time limits due to error, neglect, or fault of counsel, court reporter, the court, or an officer or employee of the court.

Patron - Herring

SB756 Unexecuted warrants. See HB 1695.

Patron - Reynolds

SB782 Power of magistrates to issue felony arrest warrants. See HB 1650.

Patron - Reynolds

SB925 Bond; GPS tracking. See HB 2106.

Patron - McDougale

SB956 Criminal history record information; certain agencies. See HB 1707.

Patron - Blevins

SB1067 Unauthorized practice of law; statute of limitations. Increases the statute of limitations on prosecutions of the unauthorized practice of law from one year to two years after discovery.

Patron - Edwards

SB1103 Department of Forensic Science; powers and duties. Provides for the Department of Forensic Science to provide forensic laboratory services upon the request of the head of any private police department that has been designated as a criminal justice agency by the Department of Criminal Justice Services.

Patron - Hanger

SB1141 Child abduction. See HB 2361.

Patron - Quayle

SB1162 Criminal procedure warrantless arrest. Gives authority to special agents of the Department of Alcoholic Beverage Control to arrest, without a warrant, any person who commits any crime in the presence of the agent and any person whom he has reasonable grounds or probable cause to suspect of having committed a felony not in his presence.

Patron - Reynolds

SB1184 Certificates of analysis; labs. Adds the Forensic Document Laboratory of the U.S. Department of Homeland Security as an authorized lab in criminal matters.

Patron - Norment

SB1197 DNA data bank. See HB 2281.

Patron - Obenshain

SB1198 Communications intercepts by the Attorney General. See HB 1780.

Patron - Obenshain

SB1222 Protective orders; availability; penalty. See HB 2063.

Patron - Barker

SB1426 Child pornography. See HB 1995.

Patron - Deeds

Title 20- Domestic Relations

HB1529 Pendente lite support orders; payment of debts. Provides that a pendente lite spousal support order may include ordering that a party pay secured or unsecured debts incurred jointly by the parties or in either party's name.

Patron - Toscano

HB1569 Equitable distribution; marital debts. Provides that for purposes of equitable distribution in divorce actions, the court is required to classify debts of the parties as either marital or separate. The bill defines what constitutes a marital debt and a separate debt for purposes of classification and establishes how a party may rebut such a classification. This bill is in response to the Virginia Supreme Court's decision in *Gilliam v. McGrady*, 279 Va. 703, 691 S.E.2d 797 (2010).

Patron - Cleaveland

SB910 Military parents; delegation of visitation rights. Provides that in cases involving a parent who is a member of the military and who has been deployed on active duty, a court may enter an order (i) delegating the deploying parent's visitation rights with a child to a family member of the deploying parent or (ii) awarding visitation rights to a family member of the deploying parent if the parent had physical custody of the child prior to the deployment and physical custody is awarded to the nondeploying parent or his family during the deployment. Written notice of the return of the deployed parent or guardian and the termination of the delegated visitation shall be provided by the previously deployed parent or guardian to any family member whose visitation is thereby terminated. The bill also provides that the court may provide for the appearance of parties and witnesses via electronic means at any hearing under the Virginia Military Parents Equal Protection Act (§ 20-124.7 et seq.).

Patron - Herring

Title 22.1- Education

HB1483 School calendar. Adds to the "good cause" circumstances for which school divisions may be granted a waiver from the post-Labor Day school opening schedule a school division that is entirely surrounded by a school division that has an opening date prior to Labor Day in the school year for which the waiver is sought.

Patron - Cleaveland

HB1493 Career and technical education; industry certifications. Provides that where there is a national industry certification for career and technical education instructional personnel or programs for automotive technology, the Board of Education must make such certification a mandatory part of the career and technical education program. The bill has a delayed effective date of July 1, 2012.

Patron - Greason

HB1708 Pittsylvania County school board; staggered terms. Allows for staggered terms for the Pittsylvania County school board beginning with the November 2012 general election upon a majority vote of its members.

Patron - Merricks

HB1792 Standards of Quality; Standard 2. Codifies in the Standards of Quality the flexibility to use funds provided in the appropriation act and provided to local school divisions for certain staffing standards related to instructional staff in mathematics, limited English proficiency, reading, technology, and assistant principals. Additionally, the bill amends the definition of "support services." This bill is identical to SB 1270.

Patron - Tata

HB1793 Public schools; diploma seals. Allows local school boards to award diploma seals for all Board of Education-approved diplomas.

Patron - Tata

HB1885 Public schools; unfunded programs. Deletes references to educational programs that have not been funded and do not exist and updates language in other sections to conform to current practice.

Patron - Bell, Richard P.

HB1976 Virginia Council on the Interstate Compact on Educational Opportunity for Military Children. Adds a fifth citizen member to the Virginia Council on the Interstate Compact on Educational Opportunity for Military Children and specifies that such member must be a representative from a military installation in Virginia. Such representative is to be appointed by the Governor.

Patron - Greason

HB2077 Violations related to secure mandatory testing; exclusion of students. Adds the act of excluding students from testing who are required to be assessed to the conditions under which the Board of Education may (i) bring a cause of action, (ii) suspend or revoke an administrative or teaching license, or (iii) initiate or cause to be initiated a review or investigation of any alleged break in security, unauthorized alteration, or improper administration of tests. The bill clarifies that any cause of action brought on behalf of the Board of Education may not be brought against a student enrolled in a public school.

Patron - Landes

HB2172 VIP incentive program; STEM course offerings. Requires the Board of Education to take into account in its guidelines for the Virginia Index of Performance program a school division's increase in enrollments and elective course offerings in science, technology, engineering, and mathematics. This bill is identical to SB 953.

Patron - Phillips

HB2243 Local school board policies; electronic records and signatures. Authorizes local school boards to adopt and implement policies pursuant to which electronic records and electronic signatures may be accepted from any parent, guardian, or other person having control or charge of a child enrolled in the relevant school division.

Patron - Torian

HB2291 Health requirements for students; immunizations. Allows licensed nurse practitioners, in addition to physicians, registered nurses, or local health department employees, to immunize public school students and to provide proof of such immunizations. Also, the bill provides that a licensed nurse practitioner may provide written certification that an immunization may be detrimental to a child's health for purposes of compliance with health requirements for public school students, home-instructed children, and children exempted or excused from school attendance.

Patron - Sickles

HB2439 Driver education in Planning District 8; nonpublic school students. Requires school boards in Planning District 8 to make the 90-minute parent/student driver education component available to all students and their parents or guardians who are in compliance with the compulsory school attendance statute.

Patron - Sickles

[P]HB2494 Standards for Accreditation; alternative accreditation. Provides that any school board, on behalf of one or more of its schools, may request from the Board of Education releases from state regulations and approval of an individual School Accreditation Plan.

Patron - Scott, E.T.

[P]SB953 VIP incentive program; STEM course offerings. See HB 2172.

Patron - Houck

[P]SB1270 Standards of Quality; Standard 2. See HB 1792.

Patron - Houck

Title 22.1- Miscellaneous; Education

[P]HB1554 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 exceptions of the graduation and completion rate index and the economics and financial literacy requirement, until July 1, 2012, unless such statutes or regulations are also specifically required by federal code, federal regulation, or court action. This bill is identical to SB 810.

Patron - Wilt

[P]SB810 Accreditation of schools; delayed implementation of certain statutes and regulations, etc. See HB 1554.

Patron - Obenshain

[P]SB906 Family life education; dating violence. Provides that any family life education curriculum offered by a local school division shall require the Standards of Learning objectives related to dating violence and the characteristics of abusive relationships to be taught at least once during middle school and at least twice during high school.

Patron - Deeds

Title 23.1- Educational Institutions

[P]HB1435 American Sign Language; recognition for completed coursework. Provides that if a local school board offers an elective course in American Sign Language, it must grant academic credit for course completion on the same basis as the successful completion of a foreign language course and count course completion in American Sign Language toward the fulfillment of any foreign language requirement for graduation. Additionally, the bill requires public institutions of higher education to count academic credit received for successful completion of American Sign Language courses in a secondary school or higher education institution toward satisfaction of the foreign language entrance requirements.

Patron - Bell, Richard P.

[P]HB1619 Virginia College Savings Plan. Clarifies the roles of the two advisory committees to the Board of the Virginia College Savings Plan and requires the Board to post

the annual report on its website. This bill is identical to SB 1362.

Patron - Cox, M.K.

[P]HB1647 Higher education; military reinstatement guidelines. Updates language requiring the State Council of Higher Education to issue and update military reinstatement guidelines to allow reinstatement for students whose service in the uniformed services has required sudden withdrawal or prolonged absence from enrollment in a public institution of higher education.

Patron - Tata

[P]HB1848 Eligibility for in-state tuition charges. Ensures that the established Virginia domicile of a spouse of an active duty military service member, and therefore in-state tuition eligibility, must not be affected by the establishment and maintenance of a place of residence in another jurisdiction for the purpose of maintaining a joint household with such member. The bill also provides that the spouse of an active duty military service member, if such spouse has established domicile and claimed a dependent student on federal or state income tax returns, must not be subject to minimum income tests or requirements. This bill is identical to SB 1279.

Patron - Stolle

[P]HB1861 Eligibility for in-state tuition; waiver of one-year residency requirement. Authorizes certain veterans who elect to establish Virginia as their permanent residence for domiciliary purposes to establish immediate residency in Virginia and become eligible for in-state tuition, rather than waiting the required one-year period. This bill is identical to SB 824.

Patron - Anderson

[P]HB1910 Cambridge Advanced (A/AS) Exams; course credit. Requires the governing boards of each public institution of higher education to implement policies regarding the granting of credit for Cambridge Advanced Exams. The bill also clarifies that students should be eligible for credit for International Baccalaureate and Advanced Placement examinations, not courses. This bill is identical to SB 1448.

Patron - Miller, J.H.

[P]HB1960 Tuition Assistance Grant Program. Amends the criteria for institutions of higher education to be eligible to receive tuition assistance on behalf of eligible students. For an institution not admitted to the program as of January 1, 2011, to be eligible, it must (i) be formed, chartered, established, or incorporated within the Commonwealth; (ii) have its principal place of business within the Commonwealth; (iii) conduct its primary educational activity within the Commonwealth; and (iv) be accredited by a nationally recognized regional accrediting agency. The bill also defines "principal place of business." This bill is identical to SB 1439.

Patron - Rust

[P]HB2094 Jamestown-Yorktown Foundation. Updates the primary duty of the Jamestown-Yorktown Foundation to conform with the agency's recently updated mission statement. The bill contains technical amendments and repeals an outdated Code section. This bill is identical to SB 1139.

Patron - Jones

[P]HB2510 Virginia Higher Education Opportunity Act of 2011. Establishes the Virginia Higher Education Opportunity Act of 2011 for the purpose of fueling strong economic growth in the Commonwealth and preparing Virginians for the top job opportunities in the knowledge-driven economy of the 21st century. The bill provides for (i) a new higher education

funding policy; (ii) the calculation of the state general fund share of an institution's basic operations and instruction funding need; (iii) per student enrollment-based funding; (iv) targeted economic and innovation incentives; (v) the creation of a STEM Public-Private Partnership; and (vi) the creation of a Higher Education Advisory Committee. The bill also makes technical amendments. This bill is a recommendation of the Governor's Commission on Higher Education Reform, Innovation and Investment. This bill is identical to SB 1459.

Patron - Cox, M.K.

SB824 Eligibility for in-state tuition; waiver of one-year residency requirement. See HB 1861.

Patron - Edwards

SB1074 In-state tuition; National Guard. Provides in-state tuition for any person who met the requirements for in-state tuition prior to being called to active duty in the National Guard of another state following completion of active duty service if during active duty that person maintained one or more of the following in Virginia rather than in another state or jurisdiction: a driver's license, motor vehicle registration, voter registration, employment, property ownership, or sources of financial support.

Patron - Barker

SB1077 International Baccalaureate and Advanced Placement; course credit. Clarifies that students should be eligible for credit for International Baccalaureate and Advanced Placement examinations, not the courses.

Patron - Barker

SB1139 Jamestown-Yorktown Foundation. See HB 2094.

Patron - Quayle

SB1279 Eligibility for in-state tuition charges. See HB 1848.

Patron - McWaters

SB1362 Virginia College Savings Plan. See HB 1619.

Patron - Stosch

SB1439 Tuition Assistance Grant Program. See HB 1960.

Patron - Herring

SB1448 Cambridge Advanced (A/AS) Exams; course credit. See HB 1910.

Patron - Barker

SB1459 Virginia Higher Education Opportunity Act of 2011. See HB 2510.

Patron - Houck

Title 23.1- Miscellaneous; Educational Institutions

HB2140 University of Virginia; management agreement. Clarifies that the University of Virginia is authorized to make full use of the additional financial and operational authority granted to it in its management agreement in providing assistance to the Southwest Virginia Higher Education Center. This bill is identical to SB 1110.

Patron - Johnson

SB1110 University of Virginia; management agreement. See HB 2140.

Patron - Wampler

Title 24.2- Elections

HB1501 Elections; distribution of mail voter registration application forms. Provides that the State Board of Elections, in cooperation with the Department of Game and Inland Fisheries, will make mail voter registration application forms available where hunting and fishing licenses are sold. This bill is identical to SB 1213.

Patron - Putney

HB1508 Elections; local electoral boards; certain prohibitions. Prohibits a member of a local electoral board from being the spouse or other relative of a candidate for or holder of an office filled in whole or in part by voters in the jurisdiction of the electoral board.

Patron - Cole

HB1568 Elections; absentee ballots; deceased voter. Provides that an absentee ballot cast by a voter found to be entitled to vote when he returned the ballot will be counted although the voter died between the time he returned the ballot and the time that the absentee ballots are counted on election day.

Patron - Cleaveland

HB1646 Referendum elections; voter petition requirements. Provides that the person circulating a petition calling for a referendum election must include on each page, front and back, of the petition: his name, his residence address, and, if different, his mailing address, and the name of the organization, if any, that he represents. The bill also specifies that a voter signing the petition may provide the last four digits of his social security number rather than the entire number.

Patron - Brink

HB1660 Special elections; filling vacancies in certain local offices. Clarifies that a vacancy in a local office shall be filled by special election to be held no later than the next general election in November, or in May if the vacant office is regularly scheduled by law to be filled at that time. If the vacancy occurs within 90 days of such general election, the special election shall be held no later than the second such general election.

Patron - Alexander

HB1702 Elections; vacancies in certain local offices; oaths. Provides that the failure by an elected local governing body member, mayor, or school board member to take the oath of office before attending his first meeting will not create a vacancy in the office so long as he takes the oath within 30 days after the first meeting. Under present law such vacancies must be filled by special elections.

Patron - Lewis

HB1746 Elections; biennial county supervisor elections; staggered terms. Provides that if the number of supervisors elected following the change to biennial elections and staggered terms who volunteer to accept a two-year term exactly equals the number of two-year terms to be assigned, they may accept the two-year terms and avoid the need for a drawing to assign the two-year and four-year terms. Present

law provides that the county electoral board will assign the two-year and four-year terms by lot.

Patron - Ingram

[P]HB1843 Presidential primary. Moves the presidential primary date from the second Tuesday in February to the first Tuesday in March. The bill retains the first Tuesday in March as the primary date before the May general election. This bill is identical to SB 1246.

Patron - Cole

[P]HB1858 Elections; clarifications related to absentee voting and identification required for certain first-time voters. Provides that certain voter registrations remain valid until the next November general election or federal general election, whichever is later, rather than for 365 days or a federal election cycle. The bill also requires absentee ballots to be available 45 days prior to the election or three business days after receipt of the completed application, whichever is later, and makes other technical changes. This bill is identical to SB 886.

Patron - Anderson

[P]HB2080 Elections; voting equipment; DREs. Allows, for a limited period until June 30, 2012, the purchase of direct recording electronic machines from any source to meet legal mandates to provide accessible voting equipment. The bill provides for oversight of such purchases by the State Board of Elections. Current law requires these purchases to be made from existing DRE inventories within the Commonwealth. The bill is identical to SB 1340.

Patron - Landes

[P]HB2251 Elections; pollbooks. Provides that when the electronic pollbooks fail to operate and no alternative voter list or pollbook is available, the officers of election shall maintain a written list of the persons voting and provide provisional ballots to those persons.

Patron - Nutter

[P]SB886 Elections; clarifications related to absentee voting and identification required for certain first-time voters. See HB 1858.

Patron - Martin

[P]SB887 Deadlines for certain special elections. Adjusts various deadlines for certain special elections and nominations in response to changes required by the federal Military and Overseas Voter Empowerment Act regarding when ballots are to be prepared and made available for absentee voting.

Patron - Martin

[P]SB889 Referendum petitions; social security numbers. Provides that each voter who signs a petition to call for a referendum election may provide the last four digits of his social security number on the petition. Currently, the voter must provide his entire social security number.

Patron - Martin

[P]SB945 Elections; voter whose name is erroneously omitted from the pollbook. Modifies the requirement that the voter provide his social security number, if any, to require only the last four digits of the number. The voter also provides his full name, birth date, and address on his sworn statement that he is a qualified and registered voter of the precinct. In these situations, the general registrar has informed the officers of election that the voter's name was omitted from the pollbook in error.

Patron - Howell

[P]SB1036 Elections; voting equipment; direct recording electronic voting machines (DREs). Allows localities to modify their DREs to meet legal mandates to provide accessible voting equipment and provides that the State Board of Elections must give prior approval to the modifications.

Patron - Barker

[P]SB1076 Elections; recount procedures. Provides that in a recount when ballots are rerun through optical scan tabulators, the total number of ballots counted by the tabulator and the total number of ballots set aside by the tabulator must equal the total number of ballots rerun through the tabulator. If this requirement is not met, all the optical scan ballots for the precinct must be counted by hand.

Patron - Barker

[P]SB1196 Elections; voter registration system; maintenance. Requires that the State Board of Elections promptly provide to general registrars pertinent information to update voter registration records and requires that the general registrars update records within 30 days of receipt of the information. The bill also allows the State Board to share voter registration information with the chief election officers of other states for the purpose of maintaining the voter registration system.

Patron - Obenshain

[P]SB1213 Elections; distribution of mail voter registration application forms. See HB 1501.

Patron - Smith

[P]SB1246 Presidential primary. See HB 1843.

Patron - Vogel

[P]SB1340 Elections; voting equipment; DREs. See HB 2080.

Patron - Puller

Title 24.2- Miscellaneous; Elections

[P]HB1507 Primary schedule in 2011. Moves the June 14, 2011, primary date to August 23, 2011, in anticipation of the 2011 redistricting process and adjusts various deadlines for filings and election preparations to accommodate the new primary date. The bill also authorizes the State Board of Elections to adjust dates and deadlines (other than the primary and election dates) if necessary to complete the Voting Rights Act Section 5 preclearance process. The bill declares that an emergency exists and that the bill is effective upon passage. The act will expire January 1, 2012.

Patron - Cole

Title 25.1- Eminent Domain

[P]HB1693 Eminent domain; waiver of appraisal. Changes the maximum property value subject to waiver of appraisals for real property being acquired by a state agency from \$10,000 to \$25,000, consistent with the amount allowed by federal regulations. If the value of the property is determined to be between \$10,000 and \$25,000, the state agency shall disclose that the valuation was not based on an appraisal

and that the property owner may request that an appraisal be made.

Patron - Athey

HB2161 Eminent domain; procedures. Provides that if a condemnor is required to provide an appraisal to the owner of property sought to be condemned, the condemnor must provide copies of all appraisals that the condemnor obtained prior to making an offer to acquire or initiating negotiations for the property. The bill also makes changes to the procedure for offering to sell condemned property back to the former owner to clarify when such an offer is required to be made and how such an offer is communicated to the former owner. The bill also provides that certain definitions in certain chapters of Title 25.1 (Eminent Domain) apply to the entire title. The provisions of the bill do not apply to the acquisition of real property by a railroad, public service corporation, municipal corporation, local governmental unit, or political subdivision of the Commonwealth, or any department, agency, or instrumentality thereof, or a combination of two or more such entities, that is (i) the subject of a certificate recorded prior to July 1, 2011, (ii) the subject of a petition for condemnation filed prior to July 1, 2011, or (iii) required to construct a project funded by bonds approved for issuance by a locality prior to July 1, 2011. This bill is identical to SB 1436.

Patron - Iaquinto

SB1436 Eminent domain; procedures. See HB 2161.

Patron - Smith

Title 27- Fire Protection

HB1580 Purchase of service-issued helmet or boots by certain firefighters. Authorizes a locality to allow any paid or volunteer firefighter for such jurisdiction with between 10 and 20 years of service to purchase the helmet or boots issued to the firefighter at fair market value. The bill also authorizes a locality to allow a paid or volunteer firefighter with over 20 years of service to purchase the helmet or boots issued to the firefighter at a price of \$1.

Patron - Dance

Title 28.2- Fisheries and Habitat of the Tidal Waters

HB1723 Virginia Marine Resources Commission; subaqueous beds; permit requirements. Increases the value of projects eligible for an expedited administrative permit review before the Commissioner from \$50,000 to \$500,000.

Patron - Knight

HB1886 Prohibited crabbing area. Clarifies the boundaries of the area where the taking or catching of crabs is prohibited.

Patron - Miller, P.J.

HB1944 Public oyster grounds. Increases the amount of time from five days to 30 days that the Marine Resources Commission is required to post a public notice before closing a public oyster ground. The public notice requirement does not apply to public rocks closed by the Department of Health or state replenishment programs.

Patron - Pollard

HB2310 Conveyance of state-owned bottomlands. Creates an administrative procedure that allows the Virginia Marine Resources Commission to convey title to filled subaqueous bottomlands if the applicant can provide evidence that such fill was lawfully deposited. The bill also removes the requirement that grantees compensate the Commonwealth in an amount equivalent to 25 percent of the assessed value of the specified parcel. Grantees will pay a fee to the Commonwealth in an amount reasonably related to the costs to effect the conveyance. The new procedure does not apply to subaqueous bottomlands filled by publicly funded initiative and put to a continuing public use such as beach nourishment projects and public landings. The bill shall become effective on October 1, 2011.

Patron - Cosgrove

HB2502 Measurement standard for oysters. Provides that oysters in the shell may be bought or sold by (i) one-half bushel or one bushel metallic containers or (ii) a container of not less than 2,800 cubic inches and not more than 3,000 cubic inches the make and model of which has been approved by the Virginia Marine Resources Commission. Current law prohibits buying or selling oysters in the shell by any measure other than metallic circular tubs with specific statutory dimensions.

Patron - Pollard

SB963 Aquaculture opportunity zones. Removes the authority of the Marine Resources Commission to establish commercial shellfish aquaculture opportunity zones in which temporary protective enclosures can be placed in the waters off the shores of the Northern Neck, the Middle Peninsula, and Tangier Island.

Patron - Northam

SB964 Marine Resources Commission; Virginia Institute of Marine Science; coastal resource management. Requires the Marine Resources Commission to establish and implement a general permit regulation that authorizes and encourages the use of living shorelines as the preferred alternative for stabilizing tidal shorelines. The Commission, in cooperation with the Department of Conservation and Recreation and with technical assistance from the Virginia Institute of Marine Science (VIMS), shall also develop integrated guidance for the management of tidal shoreline systems for the regulatory entities with authority over shoreline management projects. VIMS shall also develop comprehensive coastal resource management guidance for local governments. Those localities in Tidewater Virginia must incorporate such guidance at the next scheduled review of their comprehensive plan.

Patron - Northam

SB995 Special combined individual sportfishing licenses; boat license. Creates an additional boat license option for special combined individual sportfishing licenses, which allows licensees to fish in in all the tidal waters of the Commonwealth. The new license would enable the owner of a recreational boat, in any recreational boat he may own, and his passengers, to fish in the tidal waters of the Commonwealth under one combined license. The cost of the license for residents is \$125 and the cost of the license for nonresidents is \$200. Funds from the licenses will be shared between the Virginia Saltwater Recreational Fishing Development Fund and the Game Protection Fund.

Patron - Stuart

SB1133 Conveyance of state-owned bottomlands. Declares that lands that (i) were once or may have been state-owned bottomlands, (ii) were filled prior to July 1, 1960, and

(iii) were acquired by private persons after the bottomlands were filled, are free and clear of any claimed ownership by the Commonwealth. If a person desires further assurance of title, he may request the conveyance through a special Act of Assembly using the current conveyance procedure. In choosing to obtain the conveyance through this procedure, the person seeking the conveyance would be required to pay the amount equivalent to 25 percent of the assessed value of the specified parcel.

Patron - Wagner

Title 29.1- Game, Inland Fisheries and Boating

[P]HB1442 Hunting; practice of falconry; penalty. Updates state laws on the practice of falconry by (i) removing the limit on possession to three raptors, (ii) broadening the penalty that applies to the intentional removal of transmitting collars on dogs to include any transmitting device on raptors, and (iii) extending the rights of those hunting with dogs that permit the retrieval of such dogs from prohibited lands to those hunting with raptors.

Patron - Morgan

[P]HB1629 Parking violations on Department of Game and Inland Fisheries properties. Clarifies that parking violations that occur on DGIF properties are subject to a \$25 civil penalty, not to criminal penalties. The civil penalties will be deposited in the Game Protection Fund.

Patron - Watts

[P]HB1712 Fishing in interjurisdictional waters. Clarifies that if a person fishes in interjurisdictional inland waters he is subject to the laws of the jurisdiction in which he is fishing. This bill is identical to SB 1299.

Patron - Wright

[P]HB1889 Tracking dogs. Allows the use of tracking dogs on a lead to find wounded or dead bear or deer during archery, muzzleloader, or firearm bear or deer hunting seasons, so long as those who are conducting the retrieval effort have permission to hunt on or have access to the land and don't have a weapon in their possession.

Patron - Wilt

[P]HB1971 Acquisition of title to an abandoned vessel; notification procedures. Changes the notification requirement that a landowner proceeding to acquire title to a vessel abandoned on his land or in water adjacent to his land publish notice in a newspaper of general circulation from three consecutive days to three consecutive issues. This bill is identical to SB 991.

Patron - Robinson

[P]HB2176 Stocking of game animals and fish. Requires that policies to acquire and introduce any new species of game birds, game animals, or fish on the lands are implemented only with the authorization and cooperation of affected local governments. This bill is identical to SB 1017.

Patron - Phillips

[P]HB2370 Multiple-year licenses. Authorizes the Board of Game and Inland Fisheries to issue multiple-year hunting, fishing, or trapping licenses or permits. The costs of these types of licenses cannot exceed the costs of the permits or licenses if they were purchased on an annual basis.

Patron - Knight

[P]HB2415 Hunting licenses for partially disabled veterans. Establishes a special hunting license for resident and nonresident veterans who have a service-connected disability of at least 70 percent as rated by the U.S. Department of Veterans Affairs. The resident veterans will pay one-half the cost of the annual state basic hunting license and the nonresident veterans will pay one-half the cost of the nonresident basic hunting license.

Patron - Armstrong

[P]SB982 Endangered and threatened species. Authorizes the Board of Game and Inland Fisheries to adopt regulations that allow the (i) taking, possession, exportation, transportation, or release of fish or wildlife within or among designated experimental populations of a specific species, within the context of an approved conservation plan for the species, and (ii) incidental taking of certain endangered or threatened species of fish and wildlife as long as the project enhances the long-term survival of the species and the taking is at a minimum level. The bill exempts the incidental taking of animals from designated experimental populations from the currently authorized prohibitions and penalties. Currently, the Board may permit the taking, transportation, exportation, or possession of any endangered or threatened species of fish or wildlife only for zoological, educational, scientific, or preservation purposes.

Patron - Whipple

[P]SB991 Acquisition of title to an abandoned vessel; notification procedures. See HB 1971.

Patron - Stuart

[P]SB1017 Stocking of game animals and fish. See HB 2176.

Patron - Puckett

[P]SB1299 Fishing in interjurisdictional waters. See HB 1712.

Patron - Ruff

Title 29.1- Miscellaneous; Game, Inland Fisheries and Boating

[P]HB1855 Fish passageways for the Harvell Dam. Requires the Department of Game and Inland Fisheries prior to any breach of the Harvell Dam on the Appomattox River to prepare a report on the alternatives to the proposed breach of the dam. The report is to be submitted to the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources on or before November 30, 2011.

Patron - Dance

Title 30- General Assembly

[P]HB1514 Virginia Disability Commission. Clarifies that the Virginia Disability Commission shall serve as the primary forum in the Commonwealth where the needs of and issues affecting people with physical and sensory disabilities are identified and addressed, and provides that the Commission shall serve as the primary body for coordinating proposals and recommendations of all commissions and agencies for legislation or budget actions affecting persons with physical and sensory disabilities, including receiving, reviewing, and

responding to proposals and recommendations. The bill also provides that the Commission shall report its recommendations related to legislative priorities and policies for adoption or examination by the General Assembly to the General Assembly and the Governor by October 1 of each year.

Patron - Orrock

HB1540 Duties of the Division of Legislative Services. Clarifies that the annual report of the Division of Legislative Services to the General Assembly and the Governor will be submitted for the most recently completed calendar year as soon as practicable after the first day of the next regular session and that the report may be electronically transmitted to legislators via the legislative electronic information system. The annual report includes the status of all reports, actions, or data collection required by legislation enacted by the General Assembly or otherwise requested by the General Assembly of agencies and collegial bodies.

Patron - Orrock

HB2303 Joint Commission on Health Care; sunset. Extends the sunset for the Joint Commission on Health Care from July 1, 2012, to July 1, 2015. This bill is identical to SB 988.

Patron - Brink

SB790 Unemployment compensation bills; impact statement. Requires that bills enhancing unemployment compensation benefits payable to a claimant contain a statement reflecting the projected impact on the solvency level of the unemployment trust fund and the average increase in state unemployment tax liability of employers. Currently, such bills are required to contain an estimate of potential revenue losses of state tax revenues.

Patron - Watkins

SB988 Joint Commission on Health Care; sunset. See HB 2303.

Patron - Puller

SB1069 Virginia Code Commission. Changes appointment authority for the two circuit court member representatives to the Code Commission from the Governor to the Speaker of the House of Delegates and the Senate Committee on Rules and adds the Governor or his designee to the Commission.

Patron - Edwards

SB1269 Autism Advisory Council created. Creates the Autism Advisory Council as an advisory council in the legislative branch of state government to promote coordination of services and resources among agencies involved in the delivery of services to Virginians with autism spectrum disorders and to increase public awareness of such services and resources. The Council will not be created unless funds are included in the appropriation act. The Council will expire on July 1, 2014.

Patron - Houck

SB1271 Auditor of Public Accounts to review distribution of local retail sales and use tax. Requires the Auditor of Public Accounts to review each year the collection and distribution of the retail sales and use tax, with a focus on the collection and distribution of local retail sales and use taxes. Beginning with the fiscal year ending June 30, 2013, the Auditor shall recommend annual benchmarks for evaluating the effectiveness of the Department of Taxation in collecting and distributing the local retail sales and use tax.

Patron - Houck

Title 30- Miscellaneous; General Assembly

SB1054 Commission on Civics Education. Clarifies that the Commission on Civics Education will continue until July 1, 2012, if the Commission is funded by a separate appropriation in the general appropriation act or funded with non-general funds or donations to sustain its work.

Patron - Petersen

Title 31- Guardian and Ward

HB2085 Guardianship; child custody. Eliminates the option for parents who are separated but not divorced to bring a custody proceeding in either circuit court or juvenile and domestic relations district court. Such actions shall be brought in juvenile and domestic relations district court, unless concurrent jurisdiction exists with the circuit court, i.e., divorce actions.

Patron - Herring

Title 32.1- Health

HB1464 Disposition of unclaimed bodies; Department of Behavioral Health and Developmental Services. Provides that in the case of a person who has been committed to the custody of the Department of Behavioral Health and Developmental Services and died prior to his release, whose body is unclaimed and whose body the Commissioner of Health refuses to accept for scientific study, the Department of Behavioral Health and Developmental Services shall bear the reasonable costs of disposition of the body. This bill also provides that if a claimant is unable to pay reasonable expenses of disposition, the expenses shall be borne by the county or city where the claimant currently resides.

Patron - Wright

HB1626 Onsite sewage systems; voluntary upgrades. Allows the owner of an onsite or alternative discharging sewage system that is not failing to obtain a construction permit to improve the system, in accordance with regulations of the Board of Health, provided such upgrade is for the purposes of reducing threats to the public health or to ground and surface waters, including the reduction of nitrogen discharges. The bill contains an emergency clause.

Patron - Knight

HB1661 Disposition of dead bodies; how expenses paid. Clarifies that, following any investigation or autopsy performed by the Medical Examiner, expenses for the disposition of a dead body shall be borne by a claimant who claims the body or, if the claimant is unable to pay the reasonable expenses of disposition, the county or city in which the deceased person resided, if a resident of Virginia at the time of death, or the county or city in which the death occurred, if the deceased person was not a resident of Virginia or the location of the deceased person's residence cannot reasonably be determined. If the body is unclaimed and the Commissioner of Health does not accept the body for scientific study, the body shall be accepted by the sheriff of the county or city in which the death occurred, and the costs of disposition shall be borne by the county or city in which the deceased person resided, if a

resident of Virginia at the time of death, or the county or city in which the death occurred.

Patron - Alexander

HB1675 Emergency medical services; variances. Provides that an agency or governmental entity applying for a variance or exemption from regulations governing emergency medical services shall submit the application to the local governing body or chief administrative officer of the local government for review, and shall include any recommendations of the local governing body or chief administrative officer of the local government together with the application for a variance or exemption. This bill provides that providers who are certified or candidates for certification by the Office of Emergency Medical Services shall not be required to submit an application for a variance or exemption to the local governing body or chief administrative officer of the jurisdiction for review but shall submit the application for a variance or exemption to the Operational Medical Director and the head of the agency with which the provider is affiliated and shall submit any recommendations of the Operational Medical Director or agency head together with the application. A provider who is not affiliated with an agency shall submit an application for a variance or exemption to the Commissioner of Health or the Board of Health, whichever is appropriate.

Patron - Pogge

HB1697 Certificate of public need; exempts Veterans Services facilities. Exempts any facility of the Department of Veterans Services from the certificate of public need requirements. This bill is identical to SB 986.

Patron - Athey

HB1719 Vital records; copies for veterans. Allows any veteran or his survivor to obtain a certified copy of a vital record to obtain service-connected benefits, free of charge. This bill is identical to SB 959.

Patron - Massie

HB1818 Nursing homes; information regarding family councils. Provides that the State Board of Health shall require each nursing home and certified nursing facility to, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration to the listed responsible party or a contact person of the resident's choice up to six times per year and to post notices and information in a designated location within the nursing home or certified nursing facility. This bill is identical to SB 976.

Patron - Hope

HB1836 Hospitals; blood sample of infants. Requires every hospital providing maternity care to offer to obtain a sample of blood from an infant born at the hospital and provide that sample to the mother of the infant. This bill has a delayed effective date of July 1, 2012.

Patron - O'Bannon

HB1841 Obstetrical and pediatric pilot programs; annual report. Repeals the requirement for the Department of Health to annually report to the Joint Commission on Health Care on the impact and effectiveness of certain obstetrical and pediatric pilot programs in underserved areas.

Patron - Howell, A.T.

HB1847 Health workforce activities; annual report. Repeals the requirement for the Commissioner of Health to submit an annual report on health workforce activities to the Governor and the General Assembly.

Patron - Stolle

HB1868 Adult adopted person; access to identifying information. Requires the State Registrar of Vital Records to mail an adult adopted person's original certificate of birth to him upon order of the Commissioner of Social Services or order of a circuit court. This bill also provides that if a circuit court corrects or establishes a date of birth for a person born in a foreign country during an adoption proceeding or upon a petition to amend a certificate of foreign birth, the State Registrar shall issue a certificate of birth showing the date of birth established by the court.

Patron - Toscano

HB2017 Death certificates; organ procurement organizations. Requires the State Registrar or the city or county registrar to disclose data about or issue a certified copy of a death certificate to a nonprofit organ, eye or tissue procurement organization that is a member of the Virginia Transplant Council for the purpose of determining the suitability of organs, eyes and tissues for donation.

Patron - Alexander

HB2034 Attorney General; investigation of complaints. Provides that the Attorney General shall investigate complaints of alleged abuse or neglect of persons in the care or custody of others who receive payments for medical assistance under the state plan for medical assistance, regardless of whether the patient is a recipient of medical assistance. The bill also exempts records or information provided to the Office of the Attorney General's Medicaid Fraud Control Unit from disclosure pursuant to the Freedom of Information Act. This bill is identical to SB 1214.

Patron - Peace

HB2035 Medicaid fraud; restitution. Requires the court to order restitution to be made to the Department of Medical Assistance Services for any loss caused by a felony conviction of making a false statement or representation in applications for payment under Medicaid. This bill is identical to SB 1215.

Patron - Peace

HB2173 Drinking water community confidence reports; publication. Requires the Department of Health to include in its regulations governing waterworks, water supplies, and pure water a process whereby waterworks serving fewer than 10,000 people may seek and the Board of Health may grant a waiver of the requirement that the waterworks mail copies of its community confidence report to each customer of the system at least once annually. Such waterworks shall instead provide notice of the report via publication in a newspaper of general circulation and by such other means as the waterworks deems appropriate and make copies of the report available to the public upon request. This bill is identical to SB 1024.

Patron - Phillips

HB2255 Disclosure of health records; dispensing of controlled substances. Clarifies that nothing in the Health Records Privacy Act shall prohibit a health care provider who dispenses a controlled substance to a patient from disclosing information obtained from the Prescription Monitoring Program and contained in a patient's health care record to another health care provider when such disclosure is related to the care or treatment of the patient. This bill also provides that nothing shall prevent a person who prescribes or dispenses a controlled substance from redisclosing information obtained from the Prescription Monitoring Program to another prescriber or dis-

penser who prescribes or dispenses a controlled substance to a recipient. This bill is identical to SB 1029.

Patron - Nutter

[P]HB2279 Emergency medical services personnel; certification. Requires the Commissioner of Health to consider relevant military experience, education, and training completed by an applicant for certification as emergency medical services personnel; provides that the Commissioner may accept such experience, education, and training as satisfying the requirements for certification; and requires the Board of Health to establish criteria for determining when an applicant's experience, education and training satisfies the requirements for certification.

Patron - Keam

[P]HB2292 Health records; electronic access. Provides that health records, disclosure of which has been authorized by a patient or as otherwise allowed by state law, shall be made available electronically but only to the extent and in the manner authorized by federal law, except that a health care entity shall not be obligated to provide records in the electronic format requested if (i) the electronic format is not reasonably available without additional cost to the health care entity, (ii) the records would be subject to modification in the format requested, or (iii) the health care entity determines that the integrity of the records could be compromised in the electronic format requested.

Patron - Sickles

[P]HB2326 Water companies. Authorizes the Board of Health's regulations for determining the amount of bonds or escrowed funds required of licensed water suppliers to be based on the age and condition of the system infrastructure and the cost of maintaining, repairing, or replacing such infrastructure. The Board or a local governing body may proceed against the bond or escrowed fund upon the revocation of a waterworks operation permit.

Patron - Lingamfelter

[P]HB2515 Health records; disclosure requirements. Clarifies that a health care entity is required to share, at the request of the subject of the records, health records with other health care entities, in the format requested by the individual in the manner authorized by the federal law unless (i) the electronic format is not reasonably available without additional cost to the health care entity, (ii) the records would be subject to modification in the format required, or (iii) the health care entity determines that the integrity of the records could be compromised in the electronic format requested.

Patron - BaCote

[P]SB924 Board of Health; regulation of facilities. Requires the Board of Health to promulgate regulations containing minimum standards for policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities. This bill provides that minimum standards for construction, maintenance, operation, staffing, equipping, staff qualifications and training, and conditions under which services may be provided, as well as requirements for policies related to infection prevention, disaster preparedness, and facility security for hospitals, nursing homes, and certified nursing facilities, shall also apply to any facility in which five or more first trimester abortions per month are performed, and that such facilities shall be classified as a category of hospital for the purposes of such requirements. This bill requires the Board of Health to promulgate regulations to implement the provisions of this act within 280 days of enactment.

Patron - McDougale

[P]SB959 Vital records; copies for veterans. See HB 1719.

Patron - Northam

[P]SB960 Children's hospitals; definition. Defines "children's hospital" as a hospital (i) whose inpatients are predominantly under 18 years of age and (ii) which is excluded from the Medicare prospective payment system pursuant to the Social Security Act.

Patron - Northam

[P]SB976 Nursing homes; information regarding family councils. See HB 1818.

Patron - Whipple

[P]SB986 Certificate of public need; exempts Veterans Services facilities. See HB 1697.

Patron - Locke

[P]SB1024 Drinking water community confidence reports; publication. See HB 2173.

Patron - Puckett

[P]SB1029 Disclosure of health records; dispensing of controlled substances. See HB 2255.

Patron - Puckett

[P]SB1039 Certificate of public need; nursing facilities. Clarifies provisions allowing certain nursing facilities in continuing care retirement communities to participate in the Medical Assistance Program.

Patron - Barker

[P]SB1094 Youth health risk survey. Requires the Department of Health to develop and administer a random survey of students in public middle and high schools to facilitate planning and implementation of effective programs for substance abuse prevention through collection of information identifying trends in alcohol, tobacco, and other drug use and the assessment of risk and protective factors among youth of the Commonwealth. The bill provides that a student shall not be required to participate if his parents refuse consent in writing prior to administration of the survey, and requires local school boards to develop policies for the notification of parents of students selected for participation in the survey.

Patron - Hanger

[P]SB1117 Death certificates; who may sign. Allows supervised nurse practitioners and physician assistants to determine cause of death and sign death certificates, provided they have access to the decedent's medical history and the death is due to natural causes. In addition, the bill expands the description of which physicians may determine cause of death and sign a death certificate and provides civil immunity for signature and determination of cause of death on a certificate for physicians, physician assistants and nurse practitioners who sign death certificates and determine cause of death, in the absence of gross negligence or willful misconduct.

Patron - Northam

[P]SB1214 Attorney General; investigation of complaints. See HB 2034.

Patron - Smith

[P]SB1215 Medicaid fraud; restitution. See HB 2035.

Patron - Smith

[P]SB1321 Certificate of public need; relocation of nursing home beds. Allows an entity that has relocated nurs-

ing home beds in certain circumstances and thereafter closed the facility to, within 36 months of such closure, relocate the remaining beds to another facility, either existing or new, under common ownership or control, without regard to the criteria set forth in § 32.1-102.3:5. The bill allows the Commissioner to issue a certificate of public need for such relocation. The bill contains technical amendments.

Patron - Newman

Title 32.1- Miscellaneous; Health

HB1456 Certificate of public need; authorization of certain amendment. Authorizes the Commissioner of Health to accept and approve a request to amend the conditions of a certificate of need issued for an increase in beds in which nursing facility or extended care services are provided to allow such facility to continue to admit persons, other than residents of the cooperative units, to its nursing facility beds when such facility (i) is operated by an association described in § 55-458; (ii) was created in connection with a real estate cooperative; (iii) offers its residents a level of nursing services consistent with the definition of continuing care in Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2; and (iv) was issued a certificate of need prior to October 3, 1995.

Patron - Knight

HB1643 Certificate of public need; exception. Requires the Commissioner of Health to accept and review and authorizes the Commissioner of Health to issue certificates of public need for the addition of up to 10 nursing home beds for a certified nursing home licensed for less than 60 beds, which is operated not for profit, is located in Planning District 15 but accepts patients from areas of the Commonwealth outside of the planning district, and provides care for patients regardless of ability to pay.

Patron - O'Bannon

HB2384 Medicaid Works program; maximum allowable earnings. Requires the Department of Medical Assistance Services to increase the maximum allowable gross earnings for individuals participating in the Medicaid Works program established pursuant to § 1902(a)(10)(A)(ii)(XV) of the Social Security Act to the maximum gross income amount allowed by the Ticket to Work and Work Incentives Improvement Act of 1999 that does not trigger collection of mandatory premiums.

Patron - Orrock

HB2427 Certificate of public need; amendment authorized. Allows the Commissioner of Health to 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, 2014, if the following conditions are met: (i) the facility is located within the County of Botetourt 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. This bill is identical to SB 1212.

Patron - Putney

HB2453 Certificate of public need; nursing home beds in Planning District 11. Allows the Commissioner of Health to issue a certificate of need for a new 90-bed nursing home in Planning District 11, provided that (i) any such nurs-

ing home facility application also proposes the replacement and relocation of all nursing home beds of an existing nursing home located in Planning District 11, licensed as of December 31, 2010, of no more than 45 licensed beds, all of which shall be relocated to the new 90-bed nursing home; (ii) Virginia Health Information has reported that the fiscal year 2009 occupancy rate of the nursing home to be replaced was at least 85 percent; and (iii) such new 90-bed nursing home is to be located in the city or county that is adjacent to the city or county of the nursing home that shall be replaced and relocated. This bill contains an emergency clause. This bill is identical to SB 1434.

Patron - Garrett

SB1149 Certificate of public need; amendment authorized. 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 pursuant to Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 of the Code of Virginia 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, 2014, if the following conditions are met: (i) the facility is located within the City of Suffolk 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 - Quayle

SB1212 Certificate of public need; amendment authorized. See HB 2427.

Patron - Smith

SB1434 Certificate of public need; nursing home beds in Planning District 11. See HB 2453.

Patron - Smith

Title 33.1- Highways, Bridges and Ferries

HB1432 HOV lanes; use by vehicle with clean special fuel license plates. Extends until July 1, 2012, the sunset on use of HOV lanes by clean special fuel vehicles, regardless of the number of occupants.

Patron - Greason

HB1648 Rail Enhancement Fund; allocation and use of funds. Provides that allocations from this fund may be used as matching funds for federal grants to support rail projects. The bill repeals the Rail Advisory Board, which had previously provided advice on the use of these funds.

Patron - Cosgrove

HB1758 Local roads; notice. Provides that those cities and towns that decide to take over responsibility for their construction programs must notify the Commonwealth Transportation Board by December 31 (currently July 1) for implementation the following fiscal year. The bill exempts Rural Rustic Roads from regulations requiring additional engineering or improvements beyond those required to provide an adequate hard surface. The bill eliminates, in certain circumstances, the requirement that a local governing body hold a public hearing when provided notice that VDOT plans to pave a secondary road within the locality and requires that the local governing body provide concurrence or other recommendation to the

Commissioner within 72 hours of VDOT providing such notice.

Patron - Wilt

HB1825 Commonwealth Transportation Commissioner. Changes the title "Commonwealth Transportation Commissioner" to "Commissioner of Highways." The bill also eliminates the requirement that the Commissioner employ an assistant commissioner for the environment, transportation planning, and regulatory affairs; allows the Commissioner to transfer, abandon, and discontinue roads in the primary and secondary systems of state highways or move roads from one such system to another when such actions are recommended as appropriate by the Chief Engineer in connection with a construction or maintenance project; eliminates the requirement that the CTB must declare excess right-of-way surplus before VDOT may sell the land; and amends the Code to allow VDOT to submit one comprehensive report focusing on VDOT operations and services. This bill is identical to SB 1005.

Patron - Oder

HB1947 Right to enter on land for transportation purposes. Removes the requirement that notice of intent to enter be sent by certified mail. The bill also eliminates the required waiting period if the landowner agrees to or requests an earlier date of entry than that specified in the notice.

Patron - Cox, J.A.

HB1957 Powers and duties of CTB. Makes various changes to the powers and duties of the Commonwealth Transportation Board (CTB): (i) clarifies that local roads in counties outside the state secondary highway system are local roads, and not part of the state system; (ii) increases the limitation on contract values that the Commonwealth Transportation Commissioner and the Director of the Virginia Department of Rail and Public Transportation may let; (iii) eliminates the duty of the CTB to regulate outdoor theaters; (iv) provides for the updating of the Statewide Transportation Plan every four years (instead of five); and (v) repeals the section that allows the CTB to designate its employees as special police officers. This bill is identical to SB 1135.

Patron - Rust

HB2001 Quiet pavement technology. Requires VDOT to expedite the development of quiet pavement technology.

Patron - LeMunyon

HB2025 Noise abatement practices and technologies. Provides that first consideration should be given to the use of noise reducing design and low noise pavement materials for highway projects that require mitigation of traffic noise. The bill also clarifies use of vegetative screening when visual screening is required.

Patron - May

HB2164 Funding for construction of industrial access railroad tracks. Changes the limit on allocation of funds for construction of industrial access railroad tracks that any county, city, or town receives in any one fiscal year from not more than 25 percent to not more than 50 percent of the funds.

Patron - Abbitt

HB2233 Transportation agency efficiencies and cost recoveries. Exempts the Department of Transportation (VDOT) and the Department of Rail and Public Transportation (DRPT) from paying any fee for remote access to land records; provides for VDOT to recommend to the Commonwealth Transportation Board (CTB) an annual rate to be used by

VDOT to make payments for maintenance; deletes references to the statewide maintenance cost index, the base lane per mile rate, and fund allocation; and adds language indicating that total payments are not to exceed CTB allocations. The bill also ensures that payback provisions specified are available to VDOT if a locality chooses to cancel a project in the six-year plan after approval of the location and design. Further, the bill eliminates the requirement of refunding bonds any time within three years of the date of maturity. This bill is identical to SB 1004.

Patron - Anderson

HB2379 Discontinued secondary system highways. Provides that when a secondary system highway is discontinued, the highway shall continue to be available for use by the public as a road, unless it has been abandoned or its use has been modified by an ordinance.

Patron - Pogge

HB2508 Commonwealth Transportation Board; transfer of interest in and control over landings. Provides that, for purposes of transfer of interest in and control over a landing to a public access authority, landing includes wharfs, piers, and docks.

Patron - Morgan

HB2527 Transportation funding. Creates the Virginia Transportation Infrastructure Bank (Bank) that would be managed and administered by the Virginia Resources Authority. The Bank would be capitalized as appropriated by the General Assembly. Up to 20 percent of the capitalization of the Bank may be used to make grants to localities for transportation projects as determined by the Bank, and the remainder is used to make loans to private or public entities for transportation projects as determined by the Bank. The bill authorizes the issuance of Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes whose outstanding aggregate principal amount, together with any outstanding aggregate principal amount of Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes, cannot exceed \$1.2 billion, with the proceeds used for transportation projects as determined by the Commonwealth Transportation Board. The bill also increases the aggregate principal amount of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds that may be issued in fiscal year 2011-2012 from \$300 million to \$500 million and in fiscal year 2012-2013 from \$300 million to \$600 million. The bill establishes the Intercity Passenger Rail Operating and Capital Fund to be used by the Director of the Department of Rail and Public Transportation, with the approval of the Commonwealth Transportation Board, on projects that expand and improve intercity passenger rail service. Finally, the bill increases from \$50 million to \$200 million the total limit on revenue-sharing funds allocated by the Commonwealth Transportation Board (CTB) to certain counties, cities, and towns in any one fiscal year and increases from \$1 million to \$10 million the per project cap on funds; and provides that the funds allocated by the CTB will be distributed in accordance with the revenue-sharing guidelines established by the CTB. This bill is identical to SB 1446.

Patron - Howell, W.J.

SB894 Commonwealth Transportation Board's cooperation with persons maintaining marine museums. Repeals a Code of Virginia provision authorizing the CTB to cooperate with persons maintaining marine museums in a county in the Commonwealth adjoining a city located on navigable water with a population of 30,000 or more.

Patron - Miller, Y.B.

[P]SB896 State and municipal turnpike projects. Repeals certain Code provisions relating to the establishment of turnpikes. The Commonwealth Transportation Board and the Virginia Department of Transportation have never used these sections to issue revenue bonds for turnpike projects and no city or town has constructed a toll facility connected to a state turnpike project.

Patron - Miller, Y.B.

[P]SB897 Interstate 66 Economic Development Program. Repeals the Interstate 66 Economic Development Program.

Patron - Miller, Y.B.

[P]SB1004 Transportation agency efficiencies and cost recoveries. See HB 2233.

Patron - Watkins

[P]SB1005 Commonwealth Transportation Commissioner. See HB 1825.

Patron - Watkins

[P]SB1112 Metropolitan Planning Organizations (MPOs). Specifies the role of MPOs in the Commonwealth's transportation decision-making process.

Patron - Miller, Y.B.

[P]SB1135 Powers and duties of CTB. See HB 1957.

Patron - Wagner

[P]SB1446 Transportation funding. See HB 2527.

Patron - Wampler

Title 33.1- Miscellaneous; Highways, Bridges and Ferries

[P]HB1602 Virginia War of 1812 Heritage Trail. Creates The Virginia War of 1812 Heritage Trail as a part of the national observance of the bicentennial of the War of 1812.

Patron - Peace

[P]HB1612 Patriots Crossing project. Requires the Virginia Department of Transportation to accept for review unsolicited proposals for construction of the Patriots Crossing (Third Crossing) project at Hampton Roads. This bill is identical to SB 856.

Patron - Oder

[P]HB1735 Blue Star Memorial Highway. Designates the entire length of Route 3 in Lancaster County as the "Blue Star Memorial Highway."

Patron - Pollard

[P]HB1789 Norfolk/Virginia Beach light rail project. Clarifies that the extension of the proposed light rail system from the City of Norfolk to the oceanfront area of Virginia Beach is one option for, and has not been preselected as, the public transportation project to be constructed along the Interstate 264 corridor on the right-of-way of the Norfolk Southern Railway.

Patron - Tata

[P]HB1900 Compton Road. Designates Compton Road in Fairfax County a Virginia byway.

Patron - Hugo

[P]HB2116 The Road to Revolution. Adds Leatherwood Plantation in Henry County to this heritage trail of sites significant to Patrick Henry. This bill is identical to SB 1161.

Patron - Armstrong

[P]SB856 Patriots Crossing project. See HB 1612.

Patron - Wagner

[P]SB874 George Washington Toll Road Authority. Adds Stafford County as a participating locality.

Patron - Stuart

[P]SB952 Bridges in the vicinity of Lake Anna. Names six bridges in the vicinity of Lake Anna.

Patron - Houck

[P]SB1161 The Road to Revolution. See HB 2116.

Patron - Reynolds

[P]SB1290 Pearl Harbor Memorial Highway. Designates I-664 and I-264 in the Hampton Roads Highway Construction District the "Pearl Harbor Memorial Highway."

Patron - McWaters

[P]SB1462 VDOT regulations; transportation planning; subdivision streets. Requires VDOT to review and revise certain of its regulations applicable to transportation planning and subdivision streets.

Patron - Puckett

Title 34- Homestead and Other Exemptions

[P]HB1422 Homestead exemptions. Adds one firearm, not to exceed \$3,000 in value, to the list of items that every householder shall be entitled to hold exempt from creditor process. The bill also increases the maximum exemption for a motor vehicle from \$2,000 to \$6,000. This bill is identical to SB 839.

Patron - Albo

[P]SB839 Homestead exemptions. See HB 1422.

Patron - Petersen

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

[P]HB1940 Restaurant regulations; exemption for certain nonprofit fund-raisers. Allows localities to adopt ordinances exempting nonprofit organizations selling food at fund-raisers from restaurant regulations.

Patron - Pollard

Title 36- Housing

HB1826 Virginia Housing Development Authority; loan servicing agreements. Authorizes the Virginia Housing Development Authority to make contracts and enter into agreements to act as the loan servicer to a housing lender for loans on properties located in or outside of the Commonwealth to persons and families of any income.

Patron - Oder

HB1887 Virginia Housing Development Authority Act; terms and conditions of purchases from and sales to mortgage lenders of mortgage loans. Removes requirement that a lender reinvest sales proceeds and make certification of prudent investment in the case of single family loans that when made by the lender will be purchased by a housing development authority. The bill has an emergency clause. The bill is identical to SB 985.

Patron - Bulova

HB2168 Uniform Statewide Building Code; statute of limitations. Harmonizes the statute of limitations for criminal prosecutions under the Uniform Statewide Building Code at one year. Currently, the Uniform Statewide Building Code provides that such prosecutions shall be commenced within two years while § 19.2-8 provides that such prosecutions must be commenced within one year. This bill is identical to SB 941.

Patron - Abbitt

SB941 Uniform Statewide Building Code; statute of limitations. See HB 2168.

Patron - Miller, J.C.

SB985 Virginia Housing Development Authority Act; terms and conditions of purchases from and sales to mortgage lenders of mortgage loans. See HB 1887.

Patron - Locke

Title 36- Miscellaneous; Housing

SB1455 Virginia Amusement Device Act; amusement device or structure. Excludes snow tubing parks and rides, ski terrain parks, ski slopes and ski trails from the definition of amusement device or structure under the Virginia Amusement Device Act.

Patron - Hanger

Title 37.2- Behavioral Health and Developmental Services

HB1698 Sexually violent predators. Expands a procedure for rescission of a sexually violent predator's refusal to participate with a mental health examination to allow him to rescind a refusal to participate and provides that assessment hearings may be done by videoconference. This bill is identical to SB 1275.

Patron - Athey

HB1729 Background checks; providers licensed by DBHDS. Allows community services boards and providers licensed by the Department of Behavioral Health and Developmental Services to hire for compensation a person who has

been convicted of not more than one offense of assault and battery of a law-enforcement officer under § 18.2-57, or an equivalent offense in another state if (i) the person has been granted a simple pardon if the offense was a felony committed in Virginia, or the equivalent if the offense was committed in another state; (ii) more than 10 years have elapsed since the conviction; and (iii) the hiring provider determines, based upon a screening assessment, that the criminal behavior was substantially related to the applicant's substance abuse and that the person has been successfully rehabilitated and is not a risk to consumers based on his criminal history background and his substance abuse history, notwithstanding the statutory prohibition on employment of a person otherwise convicted of assault and battery.

Patron - Carrico

HB1790 Discharge from a training center; consent of parent, guardian, or responsible person required. Provides that a consumer in a training center shall only be discharged upon consent of the consumer or, if the consumer lacks capacity to consent, upon the consent of his legally authorized representative, and following disclosure of information regarding the actual availability and accessibility of services sufficient to meet the needs of the consumer in the community. The provisions of this bill shall not become effective unless reenacted by the 2012 Session of the General Assembly.

Patron - Tata

HB2013 Community services boards; drug formulary. Requires the Commissioner of Behavioral Health and Developmental Services to establish and maintain a committee composed of representatives of the Department of Medical Assistance Services, state facilities operated by the Department, community services boards, and at least one health insurance plan, and at least one consumer to develop a drug formulary for use at all community services boards, state facilities operated by the Department, and providers licensed by the Department, and provides that the Department shall do so no later than July 1, 2011.

Patron - Pogge

HB2090 Execution of emergency custody orders. Increases from four to six hours the time in which an emergency custody order must be executed after its issuance.

Patron - Herring

HB2227 Assessment of sexually violent predators; qualifications. Eliminates requirement that persons who conduct risk assessments of sex offenders be skilled in the treatment of sex offenders and adds the requirement that such persons be knowledgeable about the treatment of sex offenders.

Patron - O'Bannon

HB2533 Behavioral Health and Developmental Services Trust Fund. Requires that the Fund be used for behavioral health and developmental services and to facilitate transition from state training centers to community-based services. The bill requires that the Fund be used for the purpose of financing community-based services, including services provided through the Medicaid Intellectual Disability Home and Community-Based Waiver program, and for the purpose of transitioning individuals with intellectual disabilities from state training centers to community-based care. The bill also requires the Secretary to submit semiannual reports to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance. This bill is identical to SB 1486.

Patron - Cox, M.K.

§SB750 Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. Establishes a mechanism for resolving multistate jurisdictional disputes regarding adult guardianships and conservatorships. Procedures are provided for determining which jurisdiction is the "home state" having primary jurisdiction, transferring a guardianship or conservatorship to another state, registering orders, and addressing emergency situations. The Act has been adopted in 19 states and the District of Columbia.

Patron - Howell

§SB1275 Sexually violent predators. See HB 1698.

Patron - Obenshain

§SB1486 Behavioral Health and Developmental Services Trust Fund. See HB 2533.

Patron - Northam

Title 38.2- Insurance

§HB1458 Life insurance; retained asset accounts. Requires insurance companies licensed in the Commonwealth that offer retained asset accounts for death benefits to provide the beneficiary, at the time a claim is made, with written information describing the settlement options available under the policy. If the insurer settles benefits through a retained asset account, the insurer shall provide the beneficiary with a supplemental contract that clearly discloses the rights of the beneficiary and the obligations of the insurer under the supplemental contract. The insurer is also required to make certain disclosures regarding retained asset accounts. SB 1388 is identical.

Patron - Marshall, R.G.

§HB1504 Insurance companies; investments in derivative transactions; exercising qualified financial contracts upon insolvency or delinquency. Establishes conditions under which domestic insurers may engage in transactions involving derivative instruments, including options, warrants, caps, floors, collars, swaps, forwards, and futures. Derivative instruments may be used to engage in hedging transactions and replication transactions provided insurers establish written guidelines for their use and procedures to determine that their transactions comply with such guidelines. The guidelines shall be submitted to the State Corporation Commission (SCC) for prior approval. The SCC may adopt rules and regulations for derivative transactions including financial solvency standards, valuation standards, and reporting requirements. An insurer engaged in hedging transactions shall demonstrate to the SCC the ongoing effectiveness of the derivative transaction or combination of the transactions through cash flow testing or other analyses. Limits are established on the percentage of assets that may be used in hedging transactions. An insurer's replication transactions are required to comply with limitations on investments by the insurer, and the aggregate statement value of all assets being replicated is limited to 10 percent of the insurer's admitted assets. The measure also provides rules regarding a person's ability to exercise a contractual right to terminate obligations under a netting agreement or qualified financial contract with an insurer because of the insurer's insolvency, financial condition, or default or the commencement of a delinquency proceeding against the insurer. A receiver may not avoid a transfer arising under or in connection with a netting agreement or qualified financial contract that is made before the commencement of a delinquency proceeding unless the transfer was made with actual intent to hinder, delay, or defraud the insurer, a receiver,

or creditors. If a receiver disaffirms or repudiates a netting agreement or qualified financial contract within a reasonable period after the commencement of a delinquency proceeding, the claim of a counterparty against the estate arising from the disaffirmance or repudiation shall be allowed or disallowed as if the claim arose before the filing of the petition for liquidation or rehabilitation. The measure also provides that the prohibition on investments by domestic insurers in securities that will subject the insurer to any assessment does not include ordinary contractual payments or the transfer of collateral or margin made under derivative instruments. The measure includes an enactment clause that allows insurers currently investing in derivative instruments to continue doing so after the effective date of this act provided they submit guidelines to the SCC for review by April 1, 2011.

Patron - Ware, R.L.

§HB1538 Health insurance; multiple employer welfare arrangements. Exempts multiple employer welfare arrangements (MEWAs) that are comprised only of banks together with their plan-sponsoring organization, and their respective employees, from the provisions of the Commonwealth's insurance laws. Currently, such an exemption applies to MEWAs comprised of banks and their employees. The term "plan-sponsoring organization" is defined as an association that sponsors a MEWA comprised only of banks and that, among other things, has been in existence for at least five years and was not formed for the purpose of obtaining insurance.

Patron - Merricks

§HB1586 Insurance; large commercial risks. Makes professional liability insurance policies eligible for the exemptions that currently exist for most types of policies written for large commercial risks. Currently, professional liability insurance and workers' compensation insurance are the only lines of insurance excluded from the provision that exempts insurance of large commercial risks from requirements that policy forms and rates be filed with, and approved by, the State Corporation Commission. The measure also eliminates the requirement that insurers issuing policies under the exemption for large commercial risks report annually to the State Corporation Commission on the number of exempted policyholders and the criteria establishing the exemption. SB 1015 is identical.

Patron - Kilgore

§HB1928 Health insurance; independent external reviews. Revises the process for independent external reviews of a health carrier's adverse decision regarding covered health care benefits. The measure (i) eliminates the minimum eligibility threshold, (ii) eliminates the \$50 filing fee, and (iii) expands situations for which an independent external review may be requested to include covered persons of all licensed health carriers. Currently, only persons covered by managed care health insurance programs may request an independent external review. Under this measure, insurers are required to incur the full cost of every review; currently, the Commonwealth incurs the cost of any review that does not result in denied services being covered. The measure tracks the Uniform Health Carrier External Review Model Act prepared by the National Association of Insurance Commissioners. The federal Patient Protection and Affordable Care Act requires states to adopt such an external review program by July 1, 2011. The measure also requires health carriers to establish an internal appeals process. The utilization review standards are revised to apply to adverse determinations, which are defined as determinations by a managed care health insurance plan that a request for benefit does not meet the plan's requirements or is determined to be experimental or investigational, thereby resulting in a denial, reduction, or termination of the requested benefit. The length of time the utilization review entity is required to maintain records is

increased from five to six years. The measure expires July 1, 2014.

Patron - Marshall, D.W.

HB1958 Health insurance; market reforms. Confirms inconsistent and conflicting requirements of Virginia's health insurance laws to corresponding provisions of the federal Patient Protection and Affordable Care Act that became effective on September 23, 2010. The provisions of the federal act that are implemented by these amendments include (i) requirements that employers offering dependent coverage provide coverage for dependents of employees until they reach age 26; (ii) limits on the ability of insurers to impose annual and lifetime dollar limits on essential benefits; (iii) limits on rescission of health insurance policies except in cases of fraud or misrepresentation; (iv) requirements that nongrandfathered plans cover preventive services without out-of-pocket cost-sharing for the insured; (v) requirements that nongrandfathered plans permit covered persons to designate any participating primary health care professional who is available to accept the covered person and prohibits such plans from requiring authorization or referral for obstetrical or gynecological care by in-network health care professionals specializing in obstetrics or gynecology; (vi) prohibitions on nongrandfathered plans imposing preexisting condition exclusions for enrollees who are under 19 years of age; and (vii) prohibitions on nongrandfathered plans charging higher cost-sharing for emergency services that are obtained out of a plan's network or from requiring preauthorization for emergency services. The measure expires July 1, 2014.

Patron - Rust

HB1985 Underinsured motorist insurance coverage. Provides that a liability insurer's written offer to pay the limits of its policy may be made contingent upon waiver of subrogation. These provisions clarify legislation enacted in the 2010 Session that permits a liability insurer to be relieved of the costs of defending the owner or operator in a claim to the extent the costs are incurred after the liability insurer makes an irrevocable written offer to pay the limits of its policy. This measure further states that these provisions, including the liability insurer's irrevocable offer and the underinsured insurer's liability for defense costs, do not apply if a jury verdict is returned for an amount equal to or less than the total liability coverage available for payment or a ruling dismissing the complaint, including the plaintiff's voluntary nonsuit.

Patron - Kilgore

HB2170 Virginia Birth-Related Neurological Injury Compensation Program; parties' expenses. Prohibits the Workers' Compensation Commission from awarding attorney fees incurred in opposing a claimant's admission to the Birth-Related Neurological Injury Compensation Program. The measure also prohibits the award of attorney fees and expenses incurred by any physician, hospital, or nurse midwife that is a party to a proceeding regarding admission to the Program, or their medical malpractice carrier, in a proceeding involving a birth-related neurological injury claim. The prohibitions on paying expenses do not apply to certain photocopying costs or compensation of the Office of the Attorney General.

Patron - Phillips

HB2286 Surplus lines insurance. Eliminates the requirement that a surplus lines broker be licensed in Virginia unless the broker is selling, soliciting, or negotiating contracts of insurance for insureds whose home state is Virginia. The measure also establishes uniform eligibility requirements for the approval of nonadmitted, or unlicensed, insurers in Virginia and clarifies that surplus lines premium taxes will be collected

for risks whose home state is Virginia. The amendments implement provisions of the federal Nonadmitted and Reinsurance Reform Act of 2010.

Patron - Sickles

HB2480 Portable electronics insurance. Establishes a procedure for vendors of portable electronics to sell insurance that provides coverage for the repair or replacement of such devices. The vendor will be required to hold a limited lines property and casualty insurance agent license to sell or offer coverage under such policies. The vendor's employees and authorized representatives are not subject to licensure as producers if, among other requirements, the vendor is licensed, maintains a training program, and does not compensate its employees or authorized representatives based primarily on the number of customers purchasing coverage. The measure provides for the issuance of a license to an applicant whose home state does not issue a producer license with a similar line of authority. The State Corporation Commission is authorized to promulgate rules and regulations.

Patron - Marshall, D.W.

SB916 Virginia Life, Accident and Sickness Insurance Guaranty Association; advertisements. Requires that the Virginia Life, Accident and Sickness Insurance Guaranty Association's summary document be posted on the Association's website.

Patron - McDougle

SB1015 Insurance; large commercial risks. See HB 1586.

Patron - Puckett

SB1062 Health insurance; mandated coverage for autism spectrum disorder. See HB 2467.

Patron - Howell

SB1124 Administration of gross premium tax on insurance companies. Transfers the administration of the gross premiums on certain insurance companies from the State Corporation Commission to the Department of Taxation. Surplus lines brokers that fail to file required reports are subject to fines and penalties. Provisions regarding the tax on surplus lines insurance policies are effective July 1, 2011. Other provisions shall become effective for the taxable year on or after January 1, 2013.

Patron - Stosch

SB1388 Life insurance; retained asset accounts. See HB 1458.

Patron - Barker

SB1390 Life insurance; specified disease coverage or limited benefit health coverage. Provides that "life insurance" includes additional benefits providing specified disease coverage or limited benefit health coverage if these coverages comply with certain minimum standards established by the State Corporation Commission for individual accident and health insurance policies.

Patron - Howell

SB1482 Virginia Life, Accident and Sickness Insurance Guaranty Association; surplus funds. Establishes a procedure for the Virginia Life, Accident and Sickness Insurance Guaranty Association to dispose of surplus funds on hand with respect to the insolvency of an insurer. This measure requires the Association to use such surplus funds to reimburse member insurers for assessment costs not otherwise amortized and offset and then to pay the remaining surplus to the State Corporation Commission for deposit to the general fund. A

member insurer that contends that it is entitled to any portion of the surplus refunded to the Commonwealth may present evidence of such entitlement to the Commission. If the Commission determines that the member insurer is entitled to a portion of the surplus, the State Treasurer is directed to pay such amount to the member insurer. These provisions replace existing requirements that the Association's board refund to member insurers the amount by which the assets of the account exceed the amount necessary to carry out the Association's obligations by an equitable method established in the plan of operation in proportion to the contribution of each insurer to that account.

Patron - Wagner

Title 38.2- Miscellaneous; Insurance

[P]HB2434 Health benefits exchange; intent to develop. States that it is the intent of the General Assembly that the Commonwealth create and operate its own health benefits exchange or exchanges that meet the relevant requirements of the federal Patient Protection and Affordable Care Act. The Virginia Exchange shall ensure that no qualified health insurance plan sold or offered for sale through an exchange provides coverage for abortions, except for an abortion performed when the life of the mother is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, or when the pregnancy is the result of an alleged act of rape or incest. The Governor and the State Corporation Commission's Bureau of Insurance are requested to work with the General Assembly, relevant experts, and stakeholders generally to provide recommendations for consideration by the 2012 Session of the General Assembly regarding the structure and governance of the Virginia Exchange. The recommendations are due by October 1, 2011. The measure states that it shall not be construed or implied to recognize the constitutionality of the 2010 federal health care reform legislation. It further states that it constitutes the election of the Commonwealth to prohibit abortion coverage in qualified health plans offered through an exchange. The measure will expire on July 1, 2014.

Patron - Kilgore

[P]HB2467 Health insurance; mandated coverage for autism spectrum disorder. Requires health insurers, health care subscription plans, and health maintenance organizations to provide coverage for the diagnosis of autism spectrum disorder (ASD) and treatment for ASD in individuals from age two to six, subject to an annual maximum benefit of \$35,000 of coverage for applied behavior analysis. Treatment for ASD includes applied behavior analysis when provided or supervised by a board certified behavior analyst, who shall be licensed by the Board of Medicine, and the prescribing practitioner is independent of the provider of the applied behavior analysis. The mandate to provide coverage will not apply to individual or small group policies, contracts, or plans. The mandate will apply to the state employees' health insurance plan and to the local choice health program. This measure will not apply to an insurer, corporation, or health maintenance organization, or to government employee programs, if the costs associated with coverage exceed one percent of premiums charged over the experience period. This bill is identical to SB 1062.

Patron - Greason

Title 42.1- Libraries

[P]SB1297 State Law Library; responsibility for placement of certain law books. Removes the requirement for the Division of Purchases and Supply to ensure the placement of certain law books for the State Law Library.

Patron - Ruff

Title 44- Military and Emergency Laws

[P]HB1774 State of emergency; preparation for response. Authorizes the Governor to allocate a sum sufficient for preparation of the Virginia National Guard and the Virginia State Defense Force to respond to certain enumerated circumstances, regardless of whether or not an official state of emergency is declared. However, the response preparation is limited to 300 personnel and five days, unless a state of emergency is declared. The bill also makes technical amendments. This bill is identical to SB 891.

Patron - Sherwood

[P]HB1852 Military laws of Virginia. Makes several amendments to the military laws of the Commonwealth. Many of the changes are technical, such as updating references to the Virginia State Guard and Virginia State Defense Force to the Virginia Defense Force and deleting obsolete references. The bill also makes amendments to the appointment of officers of the National Guard, nonjudicial punishment, and special courts-martial. The bill is identical to SB 1334.

Patron - Stolle

[P]HB1994 Virginia National Guard; failure to report. Amends the section of the Code of Virginia addressing a member of the Virginia National Guard's failure to report for duty. Failure to report would be a Class 4 misdemeanor; the bill allows any officer of the missing soldier's or airman's unit to swear out a warrant. This bill is identical to SB 1128.

Patron - Janis

[P]SB891 State of emergency; preparation for response. See HB 1774.

Patron - Wampler

[P]SB1128 Virginia National Guard; failure to report. See HB 1994.

Patron - Stosch

[P]SB1334 Military laws of Virginia. See HB 1852.

Patron - Herring

Title 45.1- Mines and Mining

[P]HB2123 Coal surface mining operations; national pollutant discharge elimination system permits. Clarifies that the authority to issue pollutant discharge elimination system permits for coal surface mining operations has been delegated by the State Water Control Board to the Director of the Department of Mines, Minerals and Energy. The Director, by examining the available and relevant data, shall determine whether a discharge may cause or contribute to an instream excursion above the narrative or numeric criteria of a water

quality standard. If a total maximum daily load (TMDL) has been established for the receiving water body, it shall be considered in the reasonable potential determination. If the receiving water body does not have a TMDL established, the Director may consider biological monitoring, chemical monitoring, and whole effluent toxicity testing. The Director may require whole effluent toxicity testing if he determines that the discharge adversely affects the biological condition of the receiving water body. This bill is identical to SB 1025.

Patron - Poindexter

HB2471 Department of Mines, Minerals and Energy; Coal Mine Safety Act; penalty. Updates the Coal Mine Safety Act to reflect current federal law and industry standards. The changes include expanded safety and emergency response plans; circuitry, voltage, and grounding requirements; and a penalty for any person who provides false information during investigations by the Chief of the Division of Mines of the Department of Mines, Minerals and Energy. This bill is identical to SB 1310.

Patron - Poindexter

SB1025 Coal surface mining operations; national pollutant discharge elimination system permits. See HB 2123.

Patron - Puckett

SB1310 Department of Mines, Minerals and Energy; Coal Mine Safety Act; penalty. See HB 2471.

Patron - Puckett

Title 46.2- Motor Vehicles

HB1412 Vehicles damaged by water. Increases threshold for reporting water damage from \$1,000 to \$3,500 and requires insurance companies to report payment of such a claim to the Department of Motor Vehicles. This bill is identical to SB 1416.

Patron - Hugo

HB1426 Taxicabs; markings and roof signs. Requires taxicabs to have markings and roof signs identifying them as operating as taxicabs or performing taxicab services.

Patron - Oder

HB1454 Special license plates with expired authorizations. Repeals references to special license plates whose authorizations have expired.

Patron - Landes

HB1551 Regulation of parking by certain counties and towns. Grants to Hanover County the same powers to regulate vehicular parking presently granted to the Counties of Arlington, Fairfax, Stafford, and Prince William and the Towns of Clifton, Herndon, and Vienna.

Patron - Cox, J.A.

HB1558 Overweight farm machinery and agricultural multipurpose drying units. Prohibits the operation of overweight farm machinery or agricultural multipurpose drying units on any Interstate Highway System component when the axle and gross weights are over certain amounts.

Patron - Scott, E.T.

HB1651 Licenses, permits, and special identification cards issued only to U.S. citizens. Requires the Department of Motor Vehicles to cancel any license, permit, or

special identification card it has issued to an individual if it is notified by a federal government agency that the individual is not a citizen of the United States or is not legally present in the United States.

Patron - Cosgrove

HB1694 Driver's license; suspension for failure to pay child support. Increases from \$500 to \$600 the minimum child support payment that a person must make pursuant to an agreement with the Department of Social Services in order to renew or reinstate the person's driver's license. The bill also provides that if a person fails to comply with such an agreement, the person's driver's license shall not be renewed or reinstated until the child support delinquency is paid in full or the person enters a subsequent agreement and makes a minimum payment of \$1,200. If a person fails to comply with a subsequent agreement, the minimum child support payment is raised to \$1,800 in order to renew or reinstate a driver's license.

Patron - Athey

HB1696 Motor vehicle dealers and manufacturers. Places limitations and conditions on the relationship between motor vehicle dealers and manufacturers. This bill is identical to SB 1191.

Patron - Athey

HB1726 Bridge vertical clearance; signage. Clarifies that the Commissioner's responsibility for posting restricted vertical clearances applies only to bridges on roads under the Commissioner's jurisdiction. Localities are responsible for placing signs for restricted vertical clearances on roads maintained by the locality.

Patron - Carrico

HB1782 Maximum speed limit on nonsurface treated highways for certain counties. Adds Page County to the list of counties where the unposted maximum speed limit on nonsurface treated highways is 35 miles per hour.

Patron - Gilbert

HB1791 Driver's license reinstatement fees. Provides for additional fees for reinstatement of driver's licenses of persons with multiple current driver's license suspensions or revocations. This bill is identical to SB 1020.

Patron - Tata

HB1799 Special license plates; fleet vehicles of businesses. Provides for the issuance of special license plates for fleet vehicles of business entities. The bill provides that these plates have their own fee structure and criteria for issuance.

Patron - Brink

HB1835 Notices from DMV; fee for exchange of license plates. Establishes certain practices relating to government efficiency, including allowing driver's license expiration notices, etc., to be sent by first-class mail or email and eliminating requirements to send notices of suspension or revocation and mandatory license clinic attendance by certified mail. The bill also imposes a \$5 service charge on transactions performed at DMV Customer Service Centers if such transactions could have been completed by telephone, by mail, or electronically. The bill also creates a procedure and fee options for an exchange of license plates and imposes a minimum fee for the exchange. This bill is identical to SB 1003.

Patron - O'Bannon

HB1838 Motor vehicle dealers; bonding requirements; limitations on recoveries from Motor Vehicle Transaction Recovery Fund (MVTRF). Clarifies that a claimant

may not collect more than a total of \$20,000 between the bond and the Motor Vehicle Transaction Recovery Fund (MVTRF). Only dealers in business less than three years carry a bond. The bill also modifies the method by which funds may be used from the MVTRF to pay for the administration of the Fund.

Patron - Garrett

[P]HB1903 Print-on-demand program; temporary transport license plates to dealers and vehicle owners. Provides that the Department of Motor Vehicles may develop and implement procedures and requirements necessary for the delivery of temporary transport license plates to dealers and the issuance of temporary transport license plates by dealers to vehicle owners, using print-on-demand technology.

Patron - Hugo

[P]HB1904 License plates; unladen vehicles. Provides that license plates for persons delivering unladen vehicles may also be issued to any business engaged in automobile auctions and can only be used if either the origin or destination of the vehicle being delivered is within the Commonwealth. In addition to the pickup and delivery of a vehicle, use of these license plates shall be limited to driving on the highway in order to test the installation, service, or repairs of vehicle equipment at a distance of not more than five miles from the place of business.

Patron - Hugo

[P]HB1911 Video-monitoring system; school bus violations. Authorizes localities to adopt ordinances to allow local school divisions to install and operate video-monitoring systems on school buses in order to detect drivers passing stopped school buses. This bill is identical to SB 946.

Patron - Miller, J.H.

[P]HB1945 Regulation of motor carriers by DMV; commercial driver's licenses. Revises statutes relating to motor carriers, including requiring DMV to simply notify localities of the issuance of overweight and oversize permits and eliminating the requirement for for-hire contract passenger carriers and irregular-route common carriers to prove public convenience and necessity when applying for a license. The bill also updates Virginia law on commercial driver's licenses to comply with federal requirements. This bill is the same as SB 1281.

Patron - Cox, J.A.

[P]HB1962 Toll violation notice. Sets out the procedures for issuance of toll violation notices.

Patron - Rust

[P]HB1972 Golf carts and utility vehicles. Authorizes limited over-the-road operation of golf carts and utility vehicles by Department of Conservation and Recreation employees, provided the speed limit on the highway is no more than 35 mph.

Patron - Robinson

[P]HB1981 Traffic lights. Allows motorcycle and moped drivers and bicycle riders, in certain situations, to proceed through intersections controlled by traffic lights showing steady red signals.

Patron - Greason

[P]HB2011 Motor Vehicle Dealer Board. Allows the Commissioner of Agriculture and Consumer Services to designate someone to serve in his place on the Motor Vehicle Dealer Board. The bill also requires motor vehicle dealers, T&M vehicle dealers, trailer dealers, and motorcycle dealers to have Internet connections and email addresses and sets fees for reprinting licenses, certificates, and registrations and for rein-

stating licenses, certificates, and registrations that have been suspended. Further, it requires dealers to keep records of safety inspections performed on vehicles sold at retail and to retain completed original buyer's orders for five years instead of the present four years.

Patron - Carrico

[P]HB2026 Commercial vehicles; persons required to register with the Sex Offender and Crimes Against Minors Registry. Prohibits persons for whom registration with the Sex Offender and Crimes Against Minors Registry is required from driving school buses and from being issued commercial driver's licenses and instruction permits to drive school buses.

Patron - May

[P]HB2028 Vehicle registration; federal and state safety requirements. Allows DMV to deny, suspend, or revoke vehicle registration as a result of a motor carrier's failure to comply with federal or state safety requirements.

Patron - May

[P]HB2043 Reckless driving; failing to stop at a school bus. Provides that a person driving a motor vehicle shall stop his vehicle when approaching, from any direction, any school bus that is stopped on any highway, private road, or school driveway for the purpose of taking on or discharging children, etc., and remain stopped until all the persons are clear of the highway, private road, or school driveway and the bus is put in motion and that failure to do so is reckless driving. This bill is identical to SB 769.

Patron - Anderson

[P]HB2051 Size and weight compliance agents; citations for overweight vehicles. Allows the Commissioner of the Department of Motor Vehicles to appoint staff as "size and weight compliance agents" to enforce certain vehicle size limits. The bill outlines procedures for issuance of citations and enforcement of certain vehicle size limits by size and weight compliance agents. This bill is identical to SB 1266.

Patron - Carrico

[P]HB2128 Special license plates; minimum number of prepaid orders. Increases from 350 to 450 the minimum number of prepaid applications DMV must receive before issuing standard special license plates. The increase does not apply to special license plates issued or authorized on or before July 1, 2011.

Patron - Scott, E.T.

[P]HB2163 Abandoned motor vehicle; definition. Removes from the definition of "abandoned motor vehicle" a motor vehicle, trailer, or semitrailer that (i) has remained unclaimed in a garage for more than 10 days or (ii) has remained unclaimed in a self-storage unit. The bill has technical amendments and an emergency clause.

Patron - Abbitt

[P]HB2372 Flashing amber warning lights on certain vehicles. Allows certain state vehicles performing environmental functions to be equipped with flashing amber warning lights. The lights are not to be lit while the vehicle is in motion.

Patron - Edmunds

[P]HB2374 Moped; definition. Sets out in the definitions for Title 46.2 what is already set out in § 46.2-914: that a moped shall be considered a motorcycle when operated at speeds in excess of 35 miles per hour.

Patron - Robinson

HB2391 **Disposition of driver's licenses upon revocation or suspension.** Provides that the court shall not order the physical surrender of a driver's license for any revocation or suspension of a privilege to drive in Virginia of a person who does not have a Virginia driver's license but has a valid driver's license from another jurisdiction.

Patron - Albo

HB2413 **All-terrain vehicles in Tazewell County.** Allows over-the-road operation of ATVs at certain locations in Tazewell County, subject to the approval of the County Board of Supervisors.

Patron - Crockett-Stark

HB2420 **Televisions in motor vehicles.** Prohibits the use of a television receiver in a motor vehicle when moving images are visible to the driver while the vehicle is in motion.

Patron - Villanueva

HB2429 **Golf cart and utility vehicle use on highways.** Fixes a punctuation error to clarify exceptions for use of golf carts and utility vehicles.

Patron - Habeeb

HB2457 **Abandoned and salvage vehicles; licensees; penalty.** Removes from the definition of "abandoned motor vehicle" a motor vehicle, trailer, or semitrailer that (i) has remained unclaimed in a garage for more than 10 days or (ii) has remained unclaimed in a self-storage unit. The bill provides that any licensee who utilizes machinery to crush a vehicle must apply for a permit if such crushing occurs at a location not specified on the license. The bill also allows law-enforcement officials to examine salvage vehicles that have been repaired or rebuilt for highway use and updates penalties for any violations by licensees.

Patron - Abbitt

HB2458 **Demolished or dismantled motor vehicles; licensee requirements.** Sets out procedures by which licensees and scrap metal processors may demolish or dismantle certain motor vehicles. The provisions of the bill become effective on October 1, 2011.

Patron - Abbitt

HB2461 **Maximum weight limits for certain trucks.** Extends "sunset" on increased weight limits applicable to trucks hauling gravel and certain other cargoes in coal-producing counties to July 1, 2012.

Patron - Carrico

HB2485 **Reckless driving; locations.** Expands the list of places where a person can be found guilty of reckless driving to include governmental property open to the public.

Patron - Miller, J.H.

SB762 **Emergency vehicles proceeding past red lights.** Provides that emergency vehicles proceeding past any steady or flashing red signals, traffic lights, stop signs, or other devices indicating moving traffic shall stop, must flash emergency lights and either (i) sound a siren, exhaust whistle, or air horn designed to give automatically intermittent signals or (ii) yield right-of-way or, if required for safety, bring the vehicle to a complete stop before proceeding with due regard to the safety of persons and property.

Patron - Puller

SB769 **Reckless driving; failing to stop at a school bus.** See HB 2043.

Patron - Marsden

SB792 **Airport shuttle service.** Provides for the same treatment of carriers in Henrico County as for those in the City of Norfolk for the purpose of improving airport shuttle service.

Patron - Watkins

SB871 **Golf carts.** Clarifies existing law pertaining to crossing of highways by golf carts and utility vehicles.

Patron - Stuart

SB946 **Video-monitoring system; school bus violations.** See HB 1911.

Patron - Howell

SB1003 **Notices from DMV; fee for exchange of license plates.** See HB 1835.

Patron - Watkins

SB1013 **Special license plates; Purple Heart recipients; fees.** Eliminates the fee for issuance or renewal of Purple Heart license plates, provided that only one set of plates can be issued free for any one applicant.

Patron - Puckett

SB1020 **Driver's license reinstatement fees.** See HB 1791.

Patron - Puckett

SB1144 **Examination of driver's license holders thought to be incompetent.** Allows DMV-required examinations of driver's license holders thought to be incompetent to be performed by licensed physician assistants.

Patron - Quayle

SB1191 **Motor vehicle dealers and manufacturers.** See HB 1696.

Patron - Norment

SB1266 **Size and weight compliance agents; citations for overweight vehicles.** See HB 2051.

Patron - Smith

SB1281 **Regulation of motor carriers by DMV; commercial driver's licenses.** See HB 1945.

Patron - McWaters

SB1331 **Speed limits.** Allows municipalities that maintain their own roads to increase or decrease speed limits on highways over which they have jurisdiction following appropriate traffic engineering investigation.

Patron - Herring

SB1389 **Release of driver information by Department of Motor Vehicles.** Authorizes DMV to release to the Virginia Council of the Girls Scouts of the USA driver information about volunteers with the Council.

Patron - Miller, Y.B.

SB1416 **Vehicles damaged by water.** See HB 1412.

Patron - Newman

SB1437 **Motor vehicle dealers and manufacturers.** Provides that in every case of a hearing before the Commissioner authorized based on a request or petition of a motor vehicle dealer, the manufacturer, factory branch, distributor, or distributor branch shall have the burden of proving by a preponderance of the evidence that the manufacturer, factory branch, distributor, or distributor branch has good cause to take the action or actions for which the dealer has filed the petition

for a hearing or that such actions are reasonable if required under the relevant provision.

Patron - McDougle

Title 46.2- Miscellaneous; Motor Vehicles

HB1418 Special license plates. Authorizes the issuance of special license plates (i) bearing the legend: "DON'T TREAD ON ME," (ii) bearing the national motto: "In God We Trust," (iii) for members and supporters of the Friends of the Blue Ridge Parkway, Inc., and (iv) for supporters of the James River Park System.

Patron - O'Bannon

HB1603 Special license plates; bicentennial of the American War of 1812. Authorizes the issuance of special license plates marking the bicentennial of the American War of 1812. In addition to the prescribed cost of state license plates, these plates will be subject to a one-time surcharge of \$15; \$5 of this \$15 will be paid to the Virginia Bicentennial of the American War of 1812 Commission to support its operation and programs in Virginia. Minimum order requirements, etc., established by § 46.2-725 will not apply to these plates. Authorization for the special license plates expires on July 1, 2015, the date on which the Commission shall expire. This bill is a recommendation of the Virginia Commission on the Bicentennial of the War of 1812.

Patron - Peace

HB1692 Authority to change speed limits. Allows the City of Virginia Beach to set variable speed limits on highways within its jurisdiction to be effective under conditions such as darkness, traffic conditions, atmospheric conditions, weather emergencies, and like conditions that may affect driving safety.

Patron - Stolle

HB2022 Overweight vehicle fees. Provides that the Commissioner of the Department of Motor Vehicles, in consultation with the Commonwealth Transportation Commissioner and the Executive Director of the Virginia Port Authority, shall develop a comprehensive, tiered schedule of fees for overweight vehicles, taking into consideration the Virginia Department of Transportation's research on the cost impact of damage to Virginia's highways from overweight vehicles, the administrative feasibility of such fee structure, and the impact of such fee structure on the Commonwealth's economic competitiveness. Such fee structure shall be presented to the Joint Commission on Transportation Accountability by December 15, 2011.

Patron - May

SB761 Special license plates; centennial of Fort Belvoir. Authorizes the issuance of special license plates celebrating the centennial of Fort Belvoir.

Patron - Puller

SB811 Special license plates; "In God We Trust." Authorizes the issuance of special license plates bearing the national motto: "In God We Trust."

Patron - Obenshain

Title 47.1- Notaries and Out-of-State Commissioners

HB1670 Conflict of interests for notaries. Expands what conduct constitutes a conflict of interest for a notary to include the performance of any notarial act with respect to any document, writing, or electronic document where the notary is a signatory or is named in the document to be notarized. A notary who acts in violation of this bill's provision is guilty of official misconduct.

Patron - Brink

HB2318 Electronic notaries. Allows, in the case of an electronic notarization, a notary to notarize a document when the signer is not in the notary's presence if satisfactory evidence of the identity is established. Furthermore, the bill allows satisfactory evidence to be based on video or audio conference technology that permits the notary to communicate with and identify the principal at the time of the notarial act. This bill is identical to SB 827.

Patron - Byron

SB827 Electronic notaries. See HB 2318.

Patron - Edwards

Title 51.1- Pensions, Benefits, and Retirement

HB1794 Virginia Retirement System; collection of overpayments. Authorizes the Virginia Retirement System to collect overpayment of retirement benefits from the retiree's employer under certain conditions.

Patron - Tata

HB1795 Virginia Retirement System; employee who becomes member on or after July 1, 2010. Amends certain provisions of the Workforce Transition Act and retirement plans administered by the Virginia Retirement System to recognize the difference in benefits accorded a person who becomes a Virginia Retirement System member before July 1, 2010, and on or after July 1, 2010.

Patron - Tata

HB1796 Plans administered by the Virginia Retirement System; technical changes. Makes certain technical changes to the administration of various Virginia Retirement System plans, including (i) permitting multiple deductions for purchase of prior service and for the purchase of partial months; (ii) clarifying the extent of coverage for the voluntary long-term care insurance programs previously administered by the Department of Human Resource Management; (iii) clarifying the retirement options of persons receiving disability benefits under the Virginia Sickness and Disability Program; (iv) clarifying the eligibility for the health insurance credit as it relates to participants in the defined contribution plan for certain employees of public school divisions; and (v) clarifying the eligibility for participants in the defined contribution plan for certain political appointees to participate in the retiree health benefits program.

Patron - Tata

HB1797 Long-term care insurance provided by the Commonwealth. Clarifies that only employees participating in the Virginia Sickness and Disability Program are to ben-

efit from long-term care insurance paid for by the Commonwealth for state employees. The bill also provides that the long-term care insurance program is to include provisions under which a person may purchase continuing coverage if he ceases to participate in the Virginia Sickness and Disability Program.

Patron - Tata

[P]HB2095 Virginia Retirement System; loss of benefits for certain felony convictions. Provides that a member of any of the retirement programs administered by the Virginia Retirement System forfeits his retirement benefits if it is determined that he has been convicted of a felony that arose out of misconduct in any position covered under the retirement programs administered by the Virginia Retirement System.

Patron - Jones

[P]HB2096 Virginia Retirement System; constitutional officers. Permits any constitutional officer who has 20 or more years of creditable service, and whose office is abolished, to retire with unreduced benefits (i) at the age of 60 if the officer is first elected to office after July 1, 2010, and (ii) at the age of 50 for all others.

Patron - Jones

[P]SB902 Retired judges; appearing as counsel. Permits retired justices or judges to appear as counsel in cases in courts of the Commonwealth if (i) the retired justice or judge has been retired for at least two years and is not authorized for temporary recall by the Chief Justice of the Supreme Court, (ii) the retired justice or judge is appearing as counsel, pro bono, for an indigent person in a civil matter, (iii) such civil matter is assigned or referred to the retired justice or judge by a non-profit legal aid program organized under the auspices of the Virginia State Bar, and (iv) the retired justice or judge is not an employee, officer, or board member of such nonprofit legal aid program.

Patron - Deeds

Title 51.5- Persons with Disabilities

[P]HB1839 Statewide Independent Living Fund. Eliminates the Statewide Independent Living Fund, eliminates obsolete language regarding the process by which the Department of Rehabilitative Services provides personal care assistance to persons with significant disabilities, and eliminates obsolete language related to the Department of Rehabilitative Services' role in efforts to eliminate environmental barriers affecting persons with disabilities. This bill is identical to SB 1148.

Patron - Garrett

[P]SB1148 Statewide Independent Living Fund. See HB 1839.

Patron - Quayle

Title 52- Police (State)

[P]HB1717 Insurance fraud. Clarifies that the definition of "insurer" includes self-insured private and public employers for the purposes of the Department of State Police's investigation of insurance fraud, including who is entitled to protection from immunity for furnishing information to State

Police as part of its investigation. The bill states that it is declarative of existing law.

Patron - Merricks

[P]HB1948 Virginia Fusion Intelligence Center; review of databases. Changes the requirement that data in the Virginia Fusion Intelligence Center databases be reviewed every year to a requirement that it be reviewed every three years. Information that is determined to not be related to terrorist activity shall be removed from the database. This bill is identical to SB 1259.

Patron - Villanueva

[P]SB870 Blue Alert Program. Provides for the establishment of a Blue Alert Program to be administered by the Department of State Police when a suspect for a crime involving the death or serious injury of a law-enforcement officer has not been apprehended and is a serious threat to the public or when a law-enforcement officer is missing while in the line of duty under suspicious circumstances.

Patron - Stuart

[P]SB1259 Virginia Fusion Intelligence Center; review of databases. See HB 1948.

Patron - Vogel

Title 53.1- Prisons and Other Methods of Correction

[P]HB1613 Local prisoner programs; workforces in certain cemeteries. Allows workforces to assist with maintaining privately owned, abandoned cemeteries.

Patron - Ward

[P]HB1688 Corrections facilities. Requires the Department of Corrections to offer to test an inmate who does not have a record of a positive test result for infection with human immunodeficiency virus within 60 days of his scheduled discharge. Prior to administering the test, the Department shall inform the inmate of the purpose of the test. An inmate may decline being tested. This bill is identical to SB 1258.

Patron - Dance

[P]HB2040 Corrections; use of inmate labor. Authorizes the use of inmate labor at rest areas along the Interstate Highway System. This bill is identical to SB 1109.

Patron - Anderson

[P]HB2219 Local correctional facilities; jailers; revocation of good conduct credits. Requires the jailer to have a written policy for the revocation of good time credit.

Patron - Stolle

[P]HB2225 Department of Corrections; inmate trust accounts. Requires the Department of Corrections to establish for each inmate a personal trust account consisting of 10 percent of any funds received by an inmate from any source until the account has a balance of \$1,000. Funds in an inmate's personal trust account shall be paid to the inmate upon parole or final discharge. SB 923 is identical.

Patron - Wright

[P]SB923 Department of Corrections; inmate trust accounts. See HB 2225.

Patron - McDougale

[P]SB1001 Powers of the State Board of Corrections. Repeals the Board's authority to (i) ensure the development of long-range programs and plans for corrections services provided at the state and local level; (ii) review and comment on all applications for federal funds and all budget and appropriations requests for the Department of Corrections prior to submission to the Governor; and (iii) monitor the activities of the Department and its effectiveness in implementing standards and goals of the Board. The bill also repeals the power of the Board to authorize the payment of medical expenses incurred by a prisoner after his release or discharge from the Department when such expenses are the result of an injury suffered by the prisoner while incarcerated and not caused by the misconduct of the prisoner.

Patron - Watkins

[P]SB1109 Corrections; use of inmate labor. See HB 2040.

Patron - Hanger

[P]SB1227 Jails; electronic visitation and messaging. Allows sheriffs and jail superintendents who operate correctional facilities to charge a fee for the use of an electronic visitation system or electronic messaging system. The fee may not exceed the actual costs of establishing and operating the system and the proceeds are to be used only to offset those costs.

Patron - Howell

[P]SB1258 Corrections facilities. See HB 1688.

Patron - Vogel

[P]SB1287 Jails; localities' responsibility to pay jail expenses. Provides that a sheriff or jail superintendent may seek payment from the local governing body of the city or county, the regional jail authority, or other body responsible for fiscal management of a regional jail for the cost of food, clothing, and medicines for inmates, and the local governing body of the county or city, the regional jail authority, or other body responsible for fiscal management of a regional jail shall be responsible for the payment of such costs.

Patron - McWaters

Title 53.1- Miscellaneous; Prisons and Other Methods of Correction

[P]HB2435 DOC; elimination of agency mandates. Directs the Department of Corrections to eliminate mandates related to contract inmate classification reporting requirements imposed on localities.

Patron - Habeeb

Title 54.1- Professions and Occupations

[P]HB1492 Water well systems providers; definition. Clarifies that a water well systems provider is qualified to install, remove or repair geothermal water well systems to the point of connection to the ground source heat pump. This bill is identical to SB 766.

Patron - Cox, M.K.

[P]HB1535 Licensure or certification by the Board of Medicine or Board of Nursing; consideration of military training and experience. Provides that the Boards of Medicine and Nursing shall consider and may accept relevant practical experience and didactic and clinical components of education and training completed by an applicant for licensure as a respiratory care practitioner; occupational therapist; radiologist assistant; radiologic technologist; radiologic technologist, limited; registered nurse; and practical nurse and for certification as a nurse aide during his service as a member of any branch of the armed forces of the United States as evidence of satisfaction of the educational requirements for licensure or certification, as appropriate.

Patron - Merricks

[P]HB1659 Funeral services; prerequisites for cremation. Allows a sheriff to make visual identification of a body prior to cremation if no next-of-kin or other named representative is available upon court order.

Patron - Alexander

[P]HB1734 Board for Professional Soil Scientists and Wetland Professionals; licensed professional soil scientists. Requires professional soil scientists to be licensed by the Board for Professional Soil Scientists and Wetland Professionals effective July 1, 2013. Currently, professional soil scientists are subject to voluntary certification. The bill sets out the requirements for licensure and continuing education and grandfathered soil scientists under certain conditions. The bill contains technical amendments and is identical to SB 1265.

Patron - Carrico

[P]HB1862 Professions and occupations; expiration of certain documents issued to spouses of citizens of Virginia serving in the armed forces of the United States. Provides an extension of the expiration of certain licenses, certifications, registrations or other documents held by the spouse of a member of the armed forces of the United States when the spouse accompanies the citizen for a period of service outside of the country. This bill is identical to SB 1361.

Patron - Cosgrove

[P]HB1907 Real Estate Board; licensure and practice of real estate. Requires the Real Estate Board to approve a continuing education program of at least three hours on the changes in the law made by this bill as a prerequisite for renewal or reinstatement of a broker or salesperson license. The bill further limits the liability of real estate licensees in their real estate dealings. The bill (i) defines the terms for property management agreements and brokerage agreements, and sets out required provisions in such agreements; (ii) revises the dual representation provisions for real estate licensees and provides standard disclosure forms to be used in connection therewith; (iii) allows all required documents and records to be maintained by real estate licensees to be kept in electronic form; and (iv) revises the required disclosures under the Virginia Residential Property Disclosure Act and requires certain disclosures to be made on the Virginia Real Estate Board's website. The bill contains technical amendments and contains a delayed effective date for certain provisions contained in the bill.

Patron - Miller, J.H.

[P]HB1917 Reporting on health professionals; assisted living facilities. Provides that the administrator of every licensed assisted living facility shall report to the Department of Health Professions any information indicating that a

health professional may have a substance abuse or mental health problem.

Patron - Merricks

HB1968 Physician assistants; when signature accepted. Provides that whenever any law or regulation requires a signature, certification, stamp, verification, affidavit, or endorsement by a physician, it shall be deemed to include a signature, certification, stamp, verification, affidavit, or endorsement by a physician assistant.

Patron - Robinson

HB1974 Department of Professional and Occupational Regulation; architects and engineers; prerequisites for obtaining business license. Requires any architect or professional engineer 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 (ii) a written statement, supported by an affidavit, that he is not subject to licensure as an architect or engineer. The bill also prohibits any locality from issuing or renewing a business license unless the architect or professional engineer has furnished his license number or evidence of being exempt from licensure.

Patron - Robinson

HB2018 Cemetery Board; exemptions; resale of interment right. Establishes requirements for the resale of interment rights in a cemetery located in the state. Any resale conducted in compliance with the requirements set out by the bill shall be exempt from regulation by the Cemetery Board.

Patron - Alexander

HB2037 Social work; title protection. Provides that it shall be unlawful for any person not licensed by the Board of Social Work to use the title "Social Worker" in writing or in advertising in connection with his practice unless he simultaneously uses the clarifying initials signifying a degree in social work. The bill provides exceptions for federally required and defined social workers in nursing homes and hospices and has a delayed effective date of July 1, 2013.

Patron - Peace

HB2193 Podiatry; expands definition. Expands the definition of podiatry to include the diagnosis and treatment of lower extremity ulcers, provided that the treatment of severe lower extremity ulcers proximal to the foot and ankle only be performed by appropriately trained, credentialed podiatrists in an approved hospital or ambulatory surgery center at which the podiatrist has privileges. This bill is identical to SB 1396.

Patron - Ebbin

HB2216 Laboratory results; authority to receive directly. Allows a laboratory, with authorization from patient, to provide a copy of the report of the results directly to the insurance carrier, health maintenance organization, or self-insured plan that provides health insurance or similar coverage to the patient. This bill is identical to SB 1116.

Patron - Stolle

HB2218 Health care providers; third-party reimbursement programs. Clarifies that physicians shall not be required to participate in any public or private third-party reimbursement program as a condition of licensure.

Patron - Stolle

HB2220 Pharmacies; continuous quality improvement program. Requires pharmacies to implement a continuous quality improvement program to provide for a systematic, ongoing process of analysis of dispensing errors that uses find-

ings to formulate an appropriate response and to develop or improve pharmacy systems and workflow processes designed to prevent or reduce future errors. This bill requires the Board of Pharmacy to work cooperatively with pharmacists representing all areas of pharmacy practice in implementing the requirements of this act.

Patron - Rust

HB2229 Health professionals; competency assessments. Changes the requirement for assessing physicians who have had three medical malpractice judgments or claims in a 10-year period so that it only affects actively practicing physicians. The bill also changes the amount required to trigger the assessment from \$10,000 to \$75,000 and allows the Board of Medicine to post the number of assessments done on its website, rather than through a report to the General Assembly.

Patron - O'Bannon

HB2253 Health professions; reciprocity exemption from licensing. Provides an exemption for the requirement that health professionals be licensed for a practitioner who is in good standing with the applicable regulatory agency in another state and who is treating a patient who is being transported to or from Virginia for care. This bill is identical to SB 828.

Patron - Nutter

HB2256 Schedule II drugs; identification required in filling prescriptions. Specifies that certain duties imposed upon a pharmacist in the delivery of Schedule II drugs may be undertaken by the agent of the pharmacist. The bill also provides that if the person seeking to take delivery of a drug listed on Schedule II pursuant to a prescription is not the patient for whom the drug is prescribed and the person is not known to the pharmacist or his agent, the pharmacist or his agent shall either make a photocopy or electronic copy of the person's identification or record the full name and address of the person. The bill also reduces the period of time for which the pharmacist must maintain records of the names and addresses or copies of the proof of identification of persons taking delivery of Schedule II drugs when they are not the person for whom the drug is prescribed from one year to one month. This bill is identical to SB 1150.

Patron - Nutter

HB2464 Drug Control Act; Schedule II. Conforms Schedule II of the Drug Control Act to the federal drug classification schedule.

Patron - Nutter

SB766 Water well systems providers; definition. See HB 1492.

Patron - Northam

SB809 Attorney liability to client. Removes language from statute authorizing attorney malpractice actions that provides that damages not exceeding 15 percent, in lieu of interest, may be awarded against the attorney. This bill is a recommendation of the Boyd-Graves Conference.

Patron - Obenshain

SB828 Health professions; reciprocity exemption from licensing. See HB 2253.

Patron - Edwards

SB983 Department of Professional and Occupational Regulation; common interest communities; powers of certain regulatory boards and programs. Extends the expiration deadline for provisional common interest community manager licenses from June 30, 2011, to June 30, 2012. The bill also (i) amends bonding requirements for associations

whose residents are exempt from licensure by the Common Interest Community (CIC) Board to conform to the Condominium and Property Owners Association Acts, (ii) provides for the payment of court-appointed receivers from the Common Interest Community Management Recovery Fund, and (iii) clarifies the CIC Board's authority to promulgate regulations. In addition, the bill clarifies Virginia Real Estate Time-Share Act and Condominium Act provisions governing the irrevocable appointment for service of process to apply only to nonresidents and corrects an erroneous reference contained in the Condominium Act. The bill has an emergency clause.

Patron - Whipple

SB1014 Dental hygienists; extension of educational and preventive care protocol. Extends for one year the protocol allowing dental hygienists to provide educational and preventive dental care in the Lenowisco, Cumberland Plateau, and Southside Health Districts, which are designated as Virginia Dental Health Professional Shortage Areas by the Department of Health. The bill also delays the report required until January 1, 2012.

Patron - Puckett

SB1078 Local government run child care; administration of certain medicines. Allows the employees of a child day program regulated by a local government to administer medication to a child if such employee (i) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, doctor of medicine or osteopathic medicine, or pharmacist; (ii) has obtained written authorization from a parent or guardian; (iii) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (iv) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be administered by a parent or guardian to the child.

Patron - Barker

SB1093 Administration of assisted living facilities. Provides that in cases in which a licensed assisted living facility administrator dies, resigns, is discharged, or becomes unable to perform his duties, an assisted living facility may continue to operate for up to 150 days with an acting administrator who has applied to an approved administrator-in-training program or has completed such program and is awaiting licensure, or for up to 90 days with an acting administrator who has not applied for licensure. The bill allows for a single 30-day extension for facilities operating with an acting administrator who has applied for licensure, completed the administrator-in-training program, and is awaiting the results of the national examination, and provides that no assisted living facility shall operate under the supervision of an acting administrator for more than one time during any two-year period unless authorized to do so by the Department of Social Services.

Patron - Hanger

SB1096 Pharmacies; access to Prescription Monitoring Program. Provides that the Board of Pharmacy shall include in its regulations a requirement that nothing shall prevent a pharmacist who is eligible to receive information from the Prescription Monitoring Program from requesting and receiving such information. However, no pharmacy shall be required to maintain Internet access to the Prescription Monitoring Program.

Patron - Hanger

SB1116 Laboratory results; authority to receive directly. See HB 2216.

Patron - Northam

SB1146 Dentists; sedation and anesthesia permits. Requires dentists, with certain exceptions, who use sedation or anesthesia in a dental office to obtain either a conscious/moderate sedation permit or a deep sedation/general anesthesia permit issued by the Board of Dentistry. The bill requires the Board of Dentistry to promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

Patron - Quayle

SB1147 Health professions; social security numbers for investigations. Allows the investigative personnel of the Department of Health Professions to request and receive social security numbers from practitioners or federal employee identification numbers from facilities.

Patron - Quayle

SB1150 Schedule II drugs; identification required in filling prescriptions. See HB 2256.

Patron - Quayle

SB1182 Board of Bar Examiners; exam application. Expands the methods of submitting an application to take the bar exam to include third party commercial carriers in addition to mailing using the U.S.P.S.

Patron - Norment

SB1245 Registered nurses; provisional licensure. Allows the Board of Nursing to issue a provisional license to an applicant for licensure as a registered nurse who has met the educational and examination requirements for licensure, in order to allow the applicant to obtain clinical experience. A person practicing under a provisional license shall only practice under the supervision of a licensed registered nurse, in accordance with regulations established by the Board.

Patron - Vogel

SB1265 Board for Professional Soil Scientists and Wetland Professionals; licensed professional soil scientists. See HB 1734.

Patron - Vogel

SB1361 Professions and occupations; expiration of certain documents issued to spouses of citizens of Virginia serving in the armed forces of the United States. See HB 1862.

Patron - Stosch

SB1375 Board for Contractors; regulation of building analysts. Provides for the licensure of residential building energy analysts by the Board for Contractors. The bill defines residential building energy analysis. In addition, the bill also requires the Board for Professional and Occupational Regulations to evaluate the regulation of residential building energy analyst and submit a report by November 1, 2013.

Patron - Wagner

SB1396 Podiatry; expands definition. See HB 2193.

Patron - Lucas

Title 55- Property and Conveyances

HB1610 Defective Chinese drywall; disclosure, assessed value, real estate tax exemption. Requires licensees engaged by sellers and buyers, and landlords who have actual knowledge of defective Chinese drywall in a dwelling unit, to disclose that information to the prospective tenant or buyer. If a tenant is not provided disclosure within 60 days of discovery of defective drywall, he may terminate the lease. The bill also provides, upon confirmation by a building official that defective Chinese drywall is present, that the commissioner or other assessing official may reassess the property accordingly. Local governments may also designate the property as a rehabilitation district for purposes of granting the owner a partial real estate tax exemption. This bill is a recommendation of the Housing Commission. This bill is identical to SB 942.

Patron - Oder

HB1611 Landlord and tenant laws. The bill (i) provides that localities must have a uniform set of standards as provided in the Statewide Building Code for smoke detectors, and tenants must maintain smoke detectors, (ii) prohibits tenants from painting or altering a dwelling unit without the prior written approval of the landlord, and (iii) defines private process server. The bill also allows a landlord to take legal action against a relocated tenant for noncompliance during the relocation and, in cases involving a deceased tenant, authorizes the landlord to dispose of such tenant's property if not claimed by the person identified on the lease to be notified in the event of the death of a tenant after the 10-day notice to such person. Currently, such person has 30 days after the 10-day notice to remove the decedent's property before it may be disposed of by the landlord. The bill further provides that withholding tax from a Virginia source for a nonresident landlord is not required where the landlord owns no more than four dwelling units and removes the grandfather provision for a rental inspection district created by Fairfax City before January 1, 2009. Finally, the bill includes the following provisions that are subject to a reenactment clause: (a) authorization for service of process to be accomplished by a sheriff and for service to be received and accepted electronically provided sufficient proof of delivery is retained, (b) increasing the fee which may be charged from \$12 to \$25, (c) allowing the sheriff to charge an additional \$10 for electronic service.

Patron - Oder

HB1674 Common interest communities; definitions; fees for disclosure packets. Delays until July 2012 the time by which an employee of a common interest community manager must hold a certificate from the Common Interest Community Board. The bill, in cases where a receiver has been appointed, allows the receiver to recover the unpaid portion of any attorney fees, costs, and expenses from the Common Interest Community Management Recovery Fund, if there are sufficient funds in that Fund. The bill reduces from 90 to 45 days the time when the selling owner will be responsible for the fees for preparation of the disclosure packet when no settlement occurs on the unit or lot. The bill contains technical amendments.

Patron - Pogge

HB1682 Subordinate mortgage. Increases to \$150,000 from \$50,000 the maximum amount of a subordinate mortgage that retains its subordinate status upon the refinancing of the primary mortgage.

Patron - Toscano

HB1741 Common interest communities; charges for access to association books and records. Provides that charges for access to association books and records may be imposed only in accordance with a cost schedule adopted by the board. The cost schedule shall (i) specify the charges for materials and labor, (ii) apply equally to all members in good standing, and (iii) be provided to such requesting member at the time the request is made. The bill has a delayed effective date of July 1, 2012.

Patron - Bulova

HB1768 Mold remediation; exemption from licensure; mold in dwelling units. Clarifies that a tenant, after a temporary relocation for mold remediation, is still responsible for payment of rent for the remainder of the term of the rental agreement following the remediation. The bill provides that the affected Code sections do not entitle the tenant to a termination of a tenancy where the landlord has remediated a mold condition in accordance with professional standards set in law.

Patron - Shuler

HB2099 Real estate settlements; disclosures. Provides that the disclosure required by the seller under the Virginia Residential Property Disclosure Act may be provided by electronic means and overnight delivery using a commercial service or the U.S. Postal Service. Currently the disclosure must be made by either hand delivery or by United States mail. Regarding disclosures related to settlement service providers, the bill requires that a person making a referral to an affiliated settlement service provider where the person owns more than one percent of the affiliated service provider must disclose the percentage of the interest. Under the bill if the percentage is higher than 50 percent, the disclosure must state that the service provider is a subsidiary of the person making the referral.

Patron - Scott, J.M.

HB2133 Land trusts; successor trustee. Provides that where a land trust has been created by the recordation of a deed of conveyance to a trustee, and the trustee named in the deed is unable to serve, the beneficiaries of the trust, by majority decision, shall name a successor trustee. If the beneficiaries cannot be identified, or cannot agree on a successor trustee, the circuit court where the deed was recorded shall name the successor trustee. The name and address of the successor trustee shall be recorded with the clerk.

Patron - Barlow

HB2160 Implied warranties on new homes; notice of breach. Allows a vendee to give notice of a breach to the vendor by hand delivery.

Patron - Iaquinto

HB2188 Common interest communities; payment of resale disclosure packet fees. Decreases from 90 to 45 days, where settlement does not occur, the time when a seller of a condominium unit or lot will be responsible for the payment of all allowable fees related to the preparation of the disclosure packet provided by the association. The bill provides that such assessment must be made by the association within one year after delivery of the disclosure packet.

Patron - Lewis

HB2289 Common interest communities; rules violations; jurisdiction of general district courts. Provides that a court may order the owner of common interest community property who is in violation of such community's rules to abate or remedy the violation. The bill also provides that a general district court may enter default judgment against an owner on

the association's sworn affidavit. The bill contains technical amendments. This bill is identical to SB 1327.

Patron - Sickles

HB2290 Virginia Property Owners' Association Act; notice to lot owners of pesticide use. Requires the association to post notice of all pesticide applications in or upon the common areas at least 48 hours prior to the application.

Patron - Sickles

HB2507 Form of deeds. Provides that when a trust is the grantor or grantee of a deed, the deed shall contain the names of the trust's trustees serving at the time the deed was made.

Patron - Morgan

SB829 Tenants' assertion; rent escrow. Incorporates sections from the Virginia Residential Landlord Act into the Virginia Landlord Tenant Act to more clearly direct a tenant on procedure when the tenant asserts that adverse conditions exist on the leased premises: fire hazard, serious threat to the life, health or safety of occupants. The bill provides for rent to be placed in an escrow account before the judge determines the parties' responsibilities. This bill is recommended by the Virginia Housing Commission.

Patron - Locke

SB931 Transfer fee covenants. Provides that a transfer fee covenant recorded in the Commonwealth on or after July 1, 2011, shall not run with the title to real property and is not binding on, or enforceable against, any subsequent owner, purchaser, or mortgagee of any interest in real property. The bill further provides that any lien purporting to secure the payment of a transfer fee under a transfer fee covenant recorded in the Commonwealth on or after July 1, 2011, is void and unenforceable.

Patron - McDougle

SB942 Defective Chinese drywall; disclosure, assessed value, real estate tax exemption. See HB 1610.

Patron - Miller, J.C.

SB1072 Inter vivos QTIP trusts. Provides that the donor spouse who establishes for his spouse a QTIP (qualified terminable interest property) trust, which effectively gives the donee spouse a life estate in the trust property, or an inter vivos power of appointment marital deduction trust shall not have the trust property included in the donor spouse's estate for estate tax purposes.

Patron - Edwards

SB1220 Virginia Residential Landlord Tenant Act; notice to tenant in event of foreclosure. Provides that if a landlord fails to notify the tenant of a notice of mortgage acceleration, or notice of foreclosure sale relative to the loan on the dwelling unit then the tenant has the right to terminate the rental agreement upon written notice to the landlord at least five business days prior to the effective date of termination. In addition, the bill requires a landlord to disclose in writing to any prospective tenant if he has received any notice of mortgage default, notice of mortgage acceleration, or notice of foreclosure sale relative to the loan on the dwelling unit.

Patron - Barker

SB1323 Common interest communities; payment of resale disclosure packet fees. Decreases from 90 to 45 days, where settlement does not occur, the time when a seller of a condominium unit or lot will be responsible for the pay-

ment of all allowable fees related to the preparation of the disclosure packet provided by the association.

Patron - Marsden

SB1327 Common interest communities; rules violations; jurisdiction of general district courts. See HB 2289.

Patron - Herring

Title 55- Miscellaneous; Property and Conveyances

HB2162 Property transfer; Department of General Services; Mennel Milling Company. Authorizes the Department of General Services to convey certain real property to the Mennel Milling Company located in Roanoke County, Virginia. The property is in exchange for three parcels of land for use by the Virginia Department of Transportation for an area maintenance headquarters to serve the southwestern portion of Roanoke County. The bill includes an emergency clause. This bill is identical to SB 1211.

Patron - Cleaveland

HB2209 Property transfer; Virginia Commonwealth University; City of Richmond. Authorizes the board of visitors of Virginia Commonwealth University to convey certain real property to the City of Richmond. Under the bill, the property must be used for the official Richmond Slave Trail located in Richmond, Virginia, and such use must commence within five years of the conveyance. If these conditions are not met, the property shall revert to the board of visitors of Virginia Commonwealth University. This bill is identical to SB 971.

Patron - McQuinn

HB2498 Property conveyance. Authorizes the Department of General Services, with the approval of the Governor, to convey certain property to Isle of Wight County.

Patron - Barlow

SB921 Property conveyance. Authorizes the Virginia Marine Resources Commission to grant and convey a permanent easement and right-of-way across the bed of the Piankatank River and a permanent easement and right-of-way across the bed of the Narrows, including a portion of the Baylor Survey, to Virginia Electric and Power Company (Dominion Virginia Power), for the purpose of installing and operating a submarine electric distribution cable system. This is emergency legislation.

Patron - McDougle

SB971 Property transfer; Virginia Commonwealth University; City of Richmond. See HB 2209.

Patron - Marsh

SB1211 Property transfer; Department of General Services; Mennel Milling Company. See HB 2162.

Patron - Smith

Title 56- Public Service Companies

HB1658 Public-Private Education Facilities and Infrastructure Act of 2002; legislative review of certain proposals initiated by private entities. Provides that any responsible public entity that is a state agency receiving a

detailed proposal from a private entity for a qualifying transportation facility that is a port facility shall provide notice to the Public-Private Partnership Advisory Commission.

Patron - Purkey

HB1912 Electric utility ratemaking procedures; recognition of Commonwealth Energy Policy. Directs the State Corporation Commission (SCC), when required to approve the construction of an electric utility facility, to consider the economic and job creation objectives of the Commonwealth Energy Policy. The SCC is also directed, when determining the reasonableness or prudence of a utility's use of renewable energy resources, to consider the extent to which the use of such resources furthers the objectives of the Commonwealth Energy Policy and whether the cost of such resources is likely to result in unreasonable increases in rates paid by consumers.

Patron - Miller, J.H.

HB1983 Net energy metering program. Increases the maximum capacity of an electrical generation facility of a residential customer that qualifies for participation in a net energy metering program from 10 to 20 kilowatts. The measure also provides that a customer-generator whose generating facility has a capacity that exceeds 10 kilowatts shall pay a monthly standby charge. A supplier's methodology for assessing a standby charge is required to allow the supplier to recover only the portion of its infrastructure costs that are properly associated with serving the eligible customer-generators. The State Corporation Commission is directed to conduct a proceeding to determine the reasonableness of standby charges.

Patron - Kilgore

HB2024 Electrical transmission lines; impact minimizations plans. Requires that applications to the State Corporation Commission for approval of an electrical transmission line of 138 kilovolts or more include a summary of the applicant's efforts to reasonably minimize adverse impacts on the scenic assets, historic districts, and environment of the area concerned.

Patron - May

HB2105 Public utilities; electric vehicle charging service. Excludes any person who is not a public service corporation and who provides electric vehicle charging service at retail from the meaning of the terms "public utility," "public service corporation," or "public service company." The ownership or operation of a facility at which electric vehicle charging service is sold, and the selling of electric vehicle charging service from that facility, does not render the person a public utility, public service corporation, or public service company solely because of that sale, ownership, or operation. The provision of electric vehicle charging service by a person who is not a public utility shall not constitute the retail sale of electricity if the electricity furnished in connection with the provision of electric vehicle charging service is used solely for transportation purposes and the person providing the electric vehicle charging service has procured the furnished electricity from the public utility that is authorized by the State Corporation Commission to engage in the retail sale of electricity within the exclusive service territory in which the service is provided. Providing electric vehicle charging service is declared to be a permitted electric utility activity of a certificated electric utility. The Commission is barred from setting the rates, charges, and fees for the provision of retail electric vehicle charging service provided by nonutilities. The measure directs public utilities to evaluate options to develop and offer off-peak charging rates or other incentives to encourage owners of an electric vehicle to charge or recharge its battery during nonpeak times, when practical. Finally, the measure provides that the Commis-

sion is authorized to approve pilot programs conducted by public electric utilities. The pilot programs may offer special rates, contracts, or incentives to determine the feasibility of allowing time-differentiated rates that encourage users of electric motor vehicles to charge vehicles during nonpeak periods. An electric utility that participates in a pilot program will be entitled to recover annually the costs of its participation in such a program conducted on or after January 1, 2011.

Patron - Bulova

HB2125 Electric utilities; biennial rate cases. Requires the State Corporation Commission to enter its final order in biennial rate review proceedings not more than eight months after the date of filing. Currently, such an order is required to be entered not more than nine months after the end of the investor-owned electric utility's test period under review. The measure has an emergency clause. SB 1472 is identical.

Patron - Poindexter

HB2184 Telecommunications fees. Limits liability for the wireless E-911 surcharge to wireless customers with devices capable of two-way interactive voice communication.

Patron - Janis

HB2237 Electric utility ratemaking incentives; coalbed methane gas. Authorizes investor-owned electric utilities to earn an enhanced rate of return, equal to 150 basis points above the authorized rate of return, on their investments in generation facilities that are fired at least 50 percent by coalbed methane gas produced from Virginia wells. SB 1392 is identical.

Patron - Morefield

HB2297 Termination of water services; procedures to be followed. Provides that a public utility providing water service shall not terminate service for nonpayment until it first sends written notice to the customer by mail 10 days in advance of making the termination. In no event shall service be terminated until 20 days after the customer's bill has become due.

Patron - Englin

HB2367 Telecommunications services; regulation. Eliminates certain requirements applicable to competitive telecommunications services. The requirement that competitive services be offered for sale under a filed tariff is eliminated. The State Corporation Commission shall permit, but may not mandate, the detariffing of any or all terms, conditions, or rates for retail telephone service not found prior to January 1, 2011, to be a basic local exchange telephone service. After July 1, 2013, the Commission shall permit, but may not mandate, the detariffing of any or all terms, conditions, or rates for any or all retail telephone services. In addition, the measure (i) eliminates the facility-building requirement of telephone companies in instances where a person has service available from one or more alternative providers of wireline or terrestrial wireless communications service at prevailing market rates; (ii) permits an incumbent provider to meet its obligation to furnish reasonably adequate service and facilities through the use of any and all wireline or terrestrial wireless technology, subject to a requirement that when a telephone company restores service to an existing wireline customer, the company shall offer the option to furnish service using wireline facilities; (iii) provides that the Commission may conclude that competition can effectively ensure reasonably adequate retail services in competitive exchanges and may carry out its duty to ensure that a public utility is furnishing reasonably adequate retail service in its competitive exchanges by monitoring individual customer complaints and requiring appropriate responses to such complaints; (iv) amends the requirement of prior approval for the

sale of all of the assets of a telephone company to provide that the Commission in such a proceeding shall consider only the financial, managerial, and technical resources to render local exchange telecommunications services of the person acquiring ownership or control; (v) eliminates requirements associated with telegraph service that is no longer offered in the Commonwealth; (vi) expands the definition of mail used for providing notice to customers to include electronic mail; (vii) provides that the prohibition on multiple rate increases within a 12-month period does not apply to competitive services; (viii) exempts telephone companies from provisions relating to energy and capital resource use conservation, standard units of products or service, and fuel purchases; (ix) eliminates provisions relating to the authority of the Commission to establish areas where a telephone company may provide mobile telephone service; (x) deletes obsolete provisions applicable to the extension of telephone facilities into rural areas and to the rates of telephone companies set by municipal ordinances; (xi) allows the detariffing of interexchange service; and (xii) provides that requirements that telephone companies file reports, other than reports relating to the special revenue tax, will expire on December 31 of each year unless the Commission extends the requirement after notice and an opportunity for a hearing. SB 1368 is identical.

Patron - Hugo

SB787 Wireless E-911 Services Board; name. Changes the name of the Wireless E-911 Services Board to the E-911 Services Board.

Patron - Watkins

SB788 Wireless E-911 Fund; distributions. Amends the procedure by which the Wireless E-911 Services Board distributes funds in the Wireless E-911 Fund. The measure requires the Board to recalculate the distribution percentage for each public safety answering point annually before the start of each fiscal year based on the cost and call load data from one or more of the previous fiscal years. Currently, the Board calculates the distribution formula each October based on the data from the prior year.

Patron - Watkins

SB895 Donation of capital stock of turnpike or ferry corporations. Repeals Code provision allowing any turnpike or ferry corporation to donate and transfer its entire capital stock to the Commonwealth Transportation Board or to political subdivisions.

Patron - Miller, Y.B.

SB1123 Wireless E-911 surcharge. Requires that all E-911 surcharges collected from customers be remitted to the Department of Taxation rather than the Wireless E-911 Services Board. This was a recommendation of the Governor's Commission on Government Reform and Restructuring.

Patron - Stosch

SB1127 Public-Private Education Facilities and Infrastructure Act of 2002; review of proposals initiated by private entities. Provides that whenever a responsible public entity rejects a proposal initiated by a private entity that purports to develop specific cost savings, the public entity shall specify the basis for the rejection.

Patron - Stosch

SB1368 Telecommunications services; regulation. See HB 2367.

Patron - Saslaw

SB1392 Electric utility ratemaking incentives; coalbed methane gas. See HB 2237.

Patron - Puckett

SB1472 Electric utilities; biennial rate cases. See HB 2125.

Patron - Stanley

Title 56- Miscellaneous; Public Service Companies

HB1686 Distributed solar generation demonstration programs. Directs the State Corporation Commission (SCC) to exercise its existing authority to consider for approval petitions filed by a utility to own and operate distributed solar generation facilities and to offer special tariffs to facilitate customer-owned distributed solar generation as alternatives to net energy metering. The SCC's approval of such programs shall follow notice to all affected parties and opportunity for hearing. After distributed solar generation installations cease to be part of a demonstration program, they shall continue to operate either as utility-owned facilities or as customer-owned installations pursuant to the terms of a tariff arrangement.

Patron - Toscano

HB2027 Underground transmission lines; pilot program. Extends the scheduled expiration of the pilot program established in 2008 for the underground placement of certain electric transmission lines from July 1, 2012, to July 1, 2014. The due date for the State Corporation Commission's final report on the pilot program is postponed until December 1, 2014.

Patron - May

HB2159 Electric utility service terminations; customers with a serious medical condition. Directs the State Corporation Commission to establish limitations on the authority of electric utilities to terminate electric service to the residence of a customer who has a serious medical condition or resides with a family member with a serious medical condition. The Commission is further directed to adopt regulations, by October 31, 2011, to implement the limitations. The regulations shall establish a cost recovery mechanism. SB 1165 is identical.

Patron - Iaquinto

SB1165 Electric utility service terminations; customers with a serious medical condition. See HB 2159.

Patron - Reynolds

Title 57- Religious and Charitable Matters; Cemeteries

HB2177 Access to private cemeteries. Prevents a landowner from erecting a wall, fence or other structure or device that prevents ingress and egress to the cemetery or grave on the landlord's private property by persons authorized by law to have a right of ingress and egress, unless the wall, fence or other structure or device has a gate or other means by which ingress and egress can be accomplished.

Patron - Phillips

SB1235 Charitable organizations; exemptions to reporting requirements. Abolishes the exemption from submitting annual registration statements that was extended to certain veterans' posts and organizations during the 2010 Session of the General Assembly.

Patron - Ticer

Title 57- Miscellaneous; Religious and Charitable Matters; Cemeteries

SB1483 Limitation of state and local government authority; certain charitable organizations. Places limits on the authority of state and local government entities over charitable organizations that are nonstock corporations granted tax-exempt status under § 509(a) of the Internal Revenue Code. Under the bill, government agencies are prohibited from (i) requiring disclosure of demographic information regarding employees, officers, directors, trustees, owners of the organization or recipients of money or in-kind contributions without the consent of such individuals or entities; (ii) requiring the membership of the governing body to include individuals based on demographic characteristics; and (iii) requiring the distribution of funds to an individual or entity based on the demographic characteristics of the individual or entity.

Patron - Vogel

Title 58.1- Taxation

HB1425 Local taxes; collection. Reduces the period of nonpayment of taxes, from six months to three months, before private collection agents may be used to collect delinquent local taxes. The bill also removes the exclusion of real estate taxes from the local taxes that treasurers may refer to private collection agents for collection.

Patron - Albo

HB1437 Business, professional and occupational license tax; gross receipts or Virginia taxable income. Allows localities to decide whether to impose the BPOL tax on a business's gross receipts or its Virginia taxable income. The provisions of the bill would not apply to certain utility businesses.

Patron - Cole

HB1447 Income tax; research and development expenses tax credit. Allows income tax credits for individuals and businesses for qualified research and development expenses for taxable years beginning on or after January 1, 2011, but before January 1, 2016. The tax credit amounts are (i) 15 percent of the first \$167,000 in Virginia qualified research and development expenses, or (ii) 20 percent of the first \$175,000 of Virginia qualified research and development expenses if the research was conducted in conjunction with a Virginia public or private college and university. The Department of Taxation shall develop policies and procedures for the application process for the tax credits. There is a \$5 million cap on the total amount of credits allowed in any taxable year. This bill is identical to SB 1326.

Patron - Cline

HB1451 Combined transient occupancy and food and beverage tax. Permits Madison County to impose a com-

bined transient occupancy and food and beverage tax, at a rate not to exceed four percent, on the total amount charged by a bed and breakfast when the charges for the occupancy of the room or space and for the sale of food and beverages are assessed in the aggregate and not separately stated. The tax shall be levied only if a food and beverage tax has been approved in a referendum within the county.

Patron - Scott, E.T.

HB1452 Transient occupancy tax. Adds Madison County, Accomack County, Washington County, and Brunswick County to the list of counties that may impose a transient occupancy tax rate up to three percent in addition to the two percent rate available to all counties (a total maximum tax rate of five percent). All revenue from the additional three percent rate shall be used solely for travel and tourism.

Patron - Scott, E.T.

HB1470 Real property tax; membership of boards of equalization. Permits appointment of alternate members to boards of equalization to serve if a member is absent or abstains.

Patron - Greason

HB1524 Sales and use tax; collection by certain contractors. Provides that any person or entity primarily engaged in the business of furnishing and installing tangible personal property that provides electronic or physical security on real property for the use of a financial institution shall be deemed a retailer of such personal property and the sales and use tax for such property shall be collected from the contractor's customer rather than being paid by the contractor when he purchases the property. Such collection procedure shall also apply when the contractor installs the personal property on real property not for the use of a financial institution.

Patron - Landes

HB1526 Real property tax; appeal. Provides that information regarding the income and expenses of income-producing real property may be used in a complaint to a board of equalization, even though such information was not timely presented to the assessor, provided that the income and expense information is provided to the board of equalization no later than the appeal filing deadline of the board.

Patron - Greason

HB1532 Local tax administration; special commissioner to execute title to real estate. Lowers the threshold percentage of taxes and liens together on property from 50 percent to 35 percent of the assessed value of the parcel and, if only taxes, from 25 percent to 15 percent of the assessed value of the parcel in order to allow more properties to be conveyed to the Cities of Hopewell, Newport News, Norfolk, Petersburg, and Richmond in lieu of a public sale at auction.

Patron - Howell, A.T.

HB1587 Local license taxes. Permits any county, city or town to provide relief from license taxes to any business locating in such county, city or town for the first time, for the first two years after such location.

Patron - Iaquinto

HB1588 Real property tax assessments; appeals. Specifies that the burden of proof is on a taxpayer, when he appeals the assessment of real property to a board of equalization or to a circuit court, to show by a preponderance of the evidence that the property in question is valued at more than fair-market value or the assessment is not uniform in its application. The bill includes requirements on assessors to provide certain notice and to furnish certain information in appeals of

assessments. The bill is applicable to tax years beginning on or after January 1, 2012. This bill is identical to SB 1350.

Patron - Iaquinto

HB1645 Real property tax; exemption for disabled veterans. Codifies the constitutional amendment adopted by voters in November 2010 that provides for a property tax exemption for veterans who have a 100 percent, service-related disability. The exemption is effective for tax payers beginning on or after January 1, 2014 and would apply to the principal residence and the land, not exceeding one acre, upon which it is situated. However, if the locality exempts more than one acre under its tax relief program for the elderly, then the real estate tax exemption for the disabled veteran would apply to the principal residence and the same number of acres as are exempt under the tax relief program for the elderly. The constitutional amendment requires the General Assembly to enact the exemption in general law. This bill is identical to SB 987.

Patron - O'Bannon

HB1672 Real property tax; land use valuation. Adds James City County to those localities permitted to enact certain other provisions regarding the zoning classifications applicable to all localities in implementing land use valuation for real property taxes.

Patron - Pogge

HB1798 Motor vehicle rental tax. Removes the administration and collection of the motor vehicle rental tax from the Department of Motor Vehicles and transfers it to the Department of Taxation. This bill is identical to SB 1132.

Patron - Brink

HB1820 Land preservation tax credits. Provides that the maximum amount of credits that may be issued in any calendar year by the Department of Taxation shall be \$100 million plus any previously issued credits that have been disallowed or invalidated by the Department. The bill also allows the Tax Commissioner to have a second appraisal conducted on property for which an application for the credit has been made if he provides written notice to the donor within 30 days of the application being filed, and requires that the Tax Commissioner make a final determination within 180 days of such notice. This bill is identical to SB 1232.

Patron - Ware, R.L.

HB1822 Local incentives for the design, development, or production of goods for national defense. Creates a separate classification of machinery and tools designed and used directly in manufacturing or processing materials, components, or equipment for national defense. Local governments would be authorized to tax such machinery and tools at a rate that is less than the rate generally applicable to machinery and tools. The bill also authorizes local governments to establish, by ordinance, local defense production zones including incentives and regulatory flexibility for the design, development, or production by a defense production business of materials, components, or equipment for national defense. This bill is identical to SB 999.

Patron - Peace

HB1837 Income tax; farm wineries and vineyards tax credit. Creates an income tax credit for licensed farm wineries equal to 25 percent of the cost of certain winery equipment and materials for taxable years beginning on and after January 1, 2011. There is a \$250,000 cap on the total amount of credits allowed in a calendar year. This bill is identical to SB 1264.

Patron - Garrett

HB1840 Individual income tax; long-term care insurance tax credit. Doubles the amount of the credit an individual can take for long-term care insurance from 15 percent to 30 percent of the amount of the premium paid for such insurance, for taxable years beginning on and after January 1, 2012. The bill has a reenactment clause.

Patron - Garrett

HB1851 Real property tax; classification of certain historical buildings. Creates a separate class of property for real property tax rate purposes, consisting of buildings that are on the Virginia Landmarks Register that are maintained in proper condition, permitting localities to impose a lower tax rate than that imposed on other types of real property. This bill is identical to SB 860.

Patron - Stolle

HB1874 Commonwealth's tax code; conformity with federal law; emergency. Advances the conformity with the federal tax code from January 22, 2010, to December 31, 2010, and restores conformity to the qualified motor vehicle tax deduction. The bill also contains an emergency clause and ensures that the measure will override certain budget language. This bill is identical to SB 1384.

Patron - Purkey

HB1899 Real property tax assessment; partial exemption for certain improvements. Clarifies that the partial exemption from the assessed value of real property subject to real property tax for improvements to rehabilitated, renovated, or replacement residential structures or for improvements in rehabilitation districts or redevelopment or conservation areas runs with the land and shall not be reduced during the period of exemption, unless the locality notifies the taxpayer at the time the exemption is approved that the amount may be reduced. The bill contains technical amendments. This bill is identical to SB 785.

Patron - Hugo

HB1941 Communications sales and use tax; Lancaster County. Changes the distribution formula for communications sales and use tax revenues so that Lancaster County receives an increased amount each month, based on the amount it would have received in 2006, if the locality had imposed the local consumer utility tax.

Patron - Pollard

HB1942 Sales tax and litter tax; agricultural produce. Exempts agricultural produce or eggs from the sales and use tax when sold in farmers markets and at roadside stands provided the individual's annual income from such sales does not exceed \$1,000. The bill also exempts agricultural produce or eggs from the litter tax when sold in farmers markets and at roadside stands provided the individual's annual income from such sales does not exceed \$1,000 and any container provided by the individual to hold purchased items has been previously used.

Patron - Pollard

HB1950 Livable home tax credit. Increases the maximum amount of credit that may be allowed from \$2,000 to \$5,000 and makes licensed contractors eligible to receive the credit.

Patron - Villanueva

HB2019 Town and county treasurer reciprocal agreements. Allows the treasurer of any county and the treasurer of any town partially or totally within that county to enter into a reciprocal agreement granting each treasurer the author-

ity to collect the other's local real and personal property taxes. The governing body of each locality must approve the agreement. Identical to SB 909.

Patron - May

HB2141 Tax; filing tax returns by overnight delivery service. Places filing of tax returns by overnight delivery service in the same category as filing by U.S. mail for timely filing purposes.

Patron - Johnson

HB2145 Tax documents admissible in court. Specifies that tax bulletins, guidelines, and other published tax documents are admissible in court. The bill includes technical amendments.

Patron - Cline

HB2155 Publication of information contained in local payment warrants. Authorizes local governments to publish aggregated information relating to warrants paid by the locality. This bill is identical to SB 844.

Patron - Cline

HB2183 Sales tax registration with local commissioners of the revenue. Allows dealers to register for sales tax purposes with the local commissioner of the revenue, if such commissioner elects to provide such service. Currently, dealers may register only with the Tax Commissioner. This bill is identical to SB1226

Patron - Cline

HB2197 Income tax; telework expenses tax credit. Provides a tax credit to employers for expenses incurred in allowing employees to telework pursuant to a signed telework agreement for taxable years beginning on or after January 1, 2012, but before January 1, 2014. An employer would be eligible for a credit of up to \$1,200 per teleworking employee. The total credit amount any one employer may take for 2012 and 2013 is \$50,000. The aggregate amount of tax credits that will be issued is capped at \$1 million annually for taxable years 2012 and 2013. This bill is identical to SB 1335.

Patron - Comstock

HB2221 Aircraft sales and use tax; exemptions. Creates an exemption from the aircraft sales and use tax for qualified companies that are headquartered in Virginia, make a minimum of a \$4 million capital investment in Virginia, create at least 50 new jobs in Virginia, and enter into a memorandum of agreement with the Virginia Economic Development Partnership. The exemption expires December 31, 2014. The bill also creates an exemption from the aircraft sales and use tax for aircraft that are purchased in Virginia, but are registered outside of the Commonwealth and removed from the Commonwealth within 60 days of purchase. This bill is identical to SB 1188.

Patron - Oder

HB2231 Neighborhood Assistance Act income tax credit. Permits trusts to be eligible for the Neighborhood Assistance Act income tax credit.

Patron - Anderson

HB2278 Real estate tax relief for the elderly and permanently and totally disabled. Authorizes local governments to establish annual income or financial worth limitations as a condition of eligibility for real property tax relief for the elderly and permanently and totally disabled. The bill implements the amendment to Article X, Section 6 (b) of the Constitution of Virginia that limits the General Assembly's ability to establish the limitations and allows the General Assembly to

authorize local governments to establish the limitations. The bill contains an emergency clause. This bill is identical to SB 1073.

Patron - Keam

HB2285 Tourism zones; tax revenues for tourism projects. Entitles certain tourism projects to a percentage of the state and local sales tax revenues generated on the premise of the project, to be used towards debt service to bridge the gap between available debt and equity and the expected costs of the project. In order to qualify for the entitlement, the project must have at least 80 percent of the funding for the project in place. If a locality passes an ordinance adopting a tourism plan and identifies by ordinance a tourism project that meets a deficiency in the plan, and the State Comptroller certifies the project, then the project is entitled to one percent of the state sales tax generated on the premises of the project. The locality must also provide, by ordinance, one percent of the local sales generated on the premises, and the tourism project must provide a match for the one percent state sales tax revenue. This bill is identical to SB 1193.

Patron - James

HB2335 Insurance premiums tax; retaliatory costs tax credit. Enhances the retaliatory tax credit for the insurance premiums tax by increasing the amount of the refund for certain taxpayers receiving the credit in 2000, beginning in taxable year 2011, from a maximum of \$800,000 annually to \$7 million annually. This bill is identical to SB 1359.

Patron - Garrett

HB2385 Income tax; barge and rail usage tax credit. Grants an income tax credit for the usage of barge and rail to move cargo containers throughout the Commonwealth rather than trucks or other motor vehicles on the Commonwealth's highways. The amount of the credit is \$25 per 20-foot equivalent unit (TEU) moved by barge or rail. The credit will be available for taxable years beginning on January 1, 2011, but before January 1, 2015. The Tax Commissioner would be allowed to issue up to \$1.5 million in tax credits in a fiscal year. This bill is identical to SB 1282.

Patron - Purkey

HB2419 Sales tax revenue distribution; certain public facilities. Expands the definition of the public facilities in which the sales and use taxes collected are distributed to the locality in which the facility is located for repayment of bonds issued to create the public facility. The bill also expands the time in which such bonds may be issued.

Patron - Villanueva

HB2531 Corporate income tax; Virginia port volume increase tax credit. Provides an income tax credit to taxpayers engaged in manufacturing goods or the distribution of manufactured goods that use Virginia port facilities and increase their port cargo volume by five percent in a single year over their base year port cargo volume. The five percent requirement may be waived for a taxpayer qualifying as a major facility. The tax credit would equal \$50 for each TEU above the base year port cargo volume. The total credit amount available in a calendar year is \$3.2 million and each taxpayer would be limited to \$250,000 annually. The credit generally would be available for taxable years beginning on and after January 1, 2011, but before January 1, 2016. This bill is identical to SB 1481.

Patron - Purkey

SB742 Neighborhood assistance tax credits; eligibility of certain pharmacists. Clarifies that pharmacists donating pharmaceutical services to patients of a free clinic, which clinic

is an organization exempt from taxation under the provisions of § 501(c)(3) of the Internal Revenue Code, with such pharmaceutical services performed at the direction of an approved neighborhood organization, shall be eligible for neighborhood assistance tax credits.

Patron - Howell

SB784 Assessments of real property; affordable housing. Requires owners of four or fewer rental units of real property to furnish to a real estate assessor, board, or department statements of income and expenses attributable to the property to determine that it is affordable rental housing. This bill is recommended by the Virginia Housing Commission.

Patron - Watkins

SB785 Real property tax assessment; partial exemption for certain improvements. See HB 1899.

Patron - Watkins

SB844 Publication of information contained in local warrants. See HB 2155.

Patron - Petersen

SB860 Real property tax; classification of certain historical buildings. See HB 1851.

Patron - Wagner

SB863 Neighborhood Assistance Act Tax Credit; definition of impoverished people. Amends the definition of "impoverished people." Currently the definition differs based on what type of proposal is being submitted by a nonprofit entity requesting an allocation of tax credits under the Neighborhood Assistance Act Tax Credit. This legislation would eliminate any differences and define "impoverished people" as individuals with family annual incomes not in excess of 200 percent of the current poverty guidelines.

Patron - Wagner

SB909 Town and county treasurer reciprocal agreements. See HB 2019.

Patron - Herring

SB957 City of Poquoson real estate tax rates. Authorizes the City of Poquoson to impose a tax rate on improvements to real property at a tax rate that is different than the City's tax rate on the land upon which the improvements are located.

Patron - Miller, J.C.

SB965 Retail sales and use tax exemption for spaceport activities. Eliminates the sunset date of the sales and use tax exemption for personal property involved in spaceport activities. The sales and use tax exemption is set to expire on July 1, 2011.

Patron - Northam

SB974 Income tax; agricultural best management practices. Allows any taxpayer to apply for a refund of individual income tax credits that he receives for agricultural best management practices and that he cannot use, which would be refunded by the Tax Commissioner on behalf of the Commonwealth for 100 percent of their face value.

Patron - Whipple

SB979 Land preservation tax credit; threshold for verification of conservation value. Provides that the annual report compiled by the Department of Conservation and Recreation on qualified donations of less-than-fee interests include

information on riparian buffers required by deed restriction on land qualifying for tax credits.

Patron - Whipple

SB984 Transient Occupancy Tax; Brunswick County and Washington County. Adds Brunswick County and Washington 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 - Lucas

SB987 Real property tax; exemption for disabled veterans. See HB 1654.

Patron - Puller

SB999 Local incentives for the design, development, or production of goods for national defense. See HB 1822.

Patron - Stosch

SB1073 Real estate tax relief for the elderly and permanently and totally disabled. See HB 2278.

Patron - Barker

SB1111 Virginia Coal Employment and Production Incentive Tax Credit. Extends from July 1, 2011, to July 1, 2016, the sunset date for the redemption or refund provision of the tax credit, which would allow a person with an economic interest in coal to redeem with the Tax Commissioner that portion of the tax credit that exceeds the person's tax liability.

Patron - Wampler

SB1129 Neighborhood Assistance Act Tax Credit program. Extends the sunset date of the Neighborhood Assistance Act Tax Credit program from July 1, 2011, to July 1, 2014.

Patron - Stosch

SB1130 Taxation. Removes obsolete language from various sections of Title 58.1. The bill contains technical amendments.

Patron - Stosch

SB1132 Motor vehicle rental tax. See HB 1798.

Patron - Stosch

SB1136 Income tax; international trade facility tax credit. Grants an income tax credit equal to (i) \$3,000 for every employee hired by Virginia shippers that results from increased cargo moving through a Virginia cargo facility operated by the Virginia Port Authority or (ii) two percent of any capital investment made by a Virginia shipper to facilitate increased cargo moving through a Virginia cargo facility operated by the Virginia Port Authority. The taxpayer would elect which credit to take. The Tax Commissioner would be allowed to issue up to \$250,000 in tax credits in a fiscal year under the tax credit program. The credit will become available for taxable years on and after January 1, 2011, but before January 1, 2015.

Patron - Wagner

SB1137 Virginia Fuels Tax Act; definition of commercial watercraft. Clarifies that the exemption from sales and use tax for motor fuels used in commercial watercraft applies to any watercraft owned by a private business and used in the conduct of its business and operations.

Patron - Wagner

SB1152 Taxation; accrual of interest on assessments in dispute. Provides that after a taxpayer is audited and assessed and an application for correction is filed with the Tax Commissioner, interest will accrue at the Federal short-term rate starting nine months from the assessment date.

Patron - Quayle

SB1153 Land preservation tax credit. Provides that a land preservation tax credit shall not be reduced by the amount of unused credit that could have been claimed in a prior year by the taxpayer but was unclaimed.

Patron - Quayle

SB1188 Aircraft sales and use tax; exemptions. See HB 2221.

Patron - Norment

SB1193 Tourism zones; tax revenues for tourism projects. See HB 2285.

Patron - Norment

SB1226 Sales tax registration with local commissioners of the revenue. See HB 2183.

Patron - Petersen

SB1232 Land preservation tax credits. See HB 1820.

Patron - Deeds

SB1236 Clean fuel vehicle and advanced cellulosic biofuels job creation tax credit; sunset date. Extends the sunset date of the tax credit from the 2011 taxable year to the 2014 taxable year.

Patron - Ticer

SB1264 Income tax; farm wineries and vineyards tax credit. See HB 1837.

Patron - Vogel

SB1282 Income tax; barge and rail usage tax credit. See HB 2385.

Patron - McWaters

SB1326 Income tax; research and development expenses tax credit. See HB 1447.

Patron - Herring

SB1335 Income tax; telework expenses tax credit. See HB 2197.

Patron - Herring

SB1343 Retail sales and use tax; commercial and industrial exemptions. Extends from July 1, 2011, to July 1, 2016, the sunset date for the retail sales and use tax exemption for property used in the drilling, extraction, or processing of natural gas or oil and the reclamation of the well area.

Patron - Norment

SB1344 Additional transient occupancy tax; Historic Triangle area. Prohibits more than one person of the same local government, including the governing body of the locality, from serving as a member of the Williamsburg Area Destination Marketing Committee at the same time. This bill also provides that any person who has been selected to the Committee by other than a local governing body who becomes or is a member of the local governing body of the City of Williamsburg, James City County, or York County shall be ineligible to serve on the Committee. The Committee is charged with advertising the Historic Triangle area from the revenues of the

additional local transient occupancy tax established for the same purpose.

Patron - Norment

SB1350 Real property tax assessments; appeals. See HB 1588.

Patron - Norment

SB1359 Insurance premiums tax; retaliatory costs tax credit. See HB 2335.

Patron - Stosch

SB1384 Commonwealth's tax code; conformity with federal law; emergency. See HB 1874.

Patron - Colgan

SB1408 Business, professional, occupational license tax; exemption for unprofitable business. Allows localities to exempt from the BPOL tax businesses that lose money and are unprofitable during the taxable year, for taxable years beginning on or after January 1, 2012. The business is required to submit its income tax return as proof to the local commissioner of revenue.

Patron - Ruff

SB1431 Tire recycling fee. Provides that the tire recycling fee shall be collected by the person who installs tires in the Commonwealth, pursuant to an agreement with a person who (i) makes the retail sale of such tires and (ii) does not collect the tire recycling fee.

Patron - Wagner

SB1447 Tax revenues generated by commercial spaceflight; Virginia Commercial Space Flight Authority. Transfers to the Virginia Commercial Space Flight Authority the portion of corporate income tax collected from corporations attributable to the sale of commercial human spaceflights and spaceflight training. The transfer to the Virginia Commercial Space Flight Authority begins on July 1, 2011, and lasts through fiscal year 2015.

Patron - Wampler

SB1450 Taxation; fillable tax forms. Requires the Tax Commissioner to ensure that all state tax forms are fillable forms in a portable document format for taxable years beginning on and after January 1, 2012, and made available on the Department's website. The Tax Commissioner must develop guidelines for using the forms and publish them on the website. Finally, such forms shall not replace, supersede, modify, duplicate, or compete with the Virginia Free File program.

Patron - Deeds

SB1478 Judicial sale of real estate. Authorizes a locality to institute proceedings to sell real property that is located within or abutting a community development authority and upon which special taxes or assessments have been imposed when the special tax or assessment is delinquent on the first anniversary of the date on which the tax or assessment became due. Under the bill, a locality is not allowed to institute proceedings to sell property that is (i) a single-family residence if the owner of the property is the resident on such first anniversary or (ii) an individual residential unit in a multi-unit structure or building if the owner of the unit is the resident of the unit on such first anniversary. The bill contains an emergency clause.

Patron - Stosch

SB1481 Corporate income tax; Virginia port volume increase tax credit. See HB 2531.

Patron - Wagner

Title 58.1- Miscellaneous; Taxation

[P]HB2038 Local cigarette tax enforcement. Calls for the Tax Commissioner to convene a working group of interested parties to review policies with regard to how the local cigarette tax is enforced and administered. This bill is identical to SB 1085.

Patron - Peace

[P]HB2244 Personal Property Tax Relief Act; transmission of certain information. Provides that the Department of Motor Vehicles shall include in the information furnished to commissioners of the revenue regarding vehicles qualifying for personal property tax relief whether the vehicle is held in a private trust for nonbusiness purposes by an individual beneficiary.

Patron - Torian

[P]SB1085 Local cigarette tax enforcement. See HB 2035.

Patron - Hanger

Title 59.1- Trade and Commerce

[P]HB1599 Enterprise zones; attestation of information. Eliminates the requirement that the accuracy and validity of information from business firms with base year employment of 100 or fewer positions, and that create 25 or fewer grant eligible positions, on permanent full-time positions, wage rates, and provision of health benefits provided in enterprise zone applications be attested to by an independent certified public accountant licensed in Virginia. SB 1348 is identical.

Patron - BaCote

[P]HB1832 Virginia Racing Commission; powers and duties; retainage; illegal wagering on horse racing; penalty. Removes the specific percentage on pari-mutuel pools by the licensee and allows the Commission to approve an amount to be so retained as jointly requested by a recognized majority horseman's group and an unlimited licensee. The bill also (i) increases for wagers placed on simulcast horse races outside of Virginia, the retainage of one and thirty one-hundredths percent of the pool, with five one-hundredths to be distributed to the Virginia Thoroughbred Association for the promotion of breeding in Virginia, and (ii) provides a heightened penalty for illegal wagering on horse racing. In addition, the bill provides that the Commission shall not issue a license to, and shall revoke the license of, an entity that withholds the sale at fair market value to an unlimited licensee of simulcast horse racing signals that such entity sells to other racetracks, satellite facilities, or advance deposit account wagering providers located in or outside of the Commonwealth.

Patron - Scott, E.T.

[P]HB2050 Purchasers of secondhand metal articles. Requires any person buying secondhand metal articles used by or belonging to a railroad, telephone, mining, industrial, manufacturing, or public utility company to pay for such articles by check if the cost of the items exceeds \$1,000.

Patron - Carrico

[P]HB2131 Redesignation of joint enterprise zones. Authorizes the Department of Housing and Community Development to expand an existing joint enterprise zone consisting

of two localities provided (i) both the local governing bodies in which the proposed redesignated zone submit to the Department resolutions supporting the proposed redesignation and applications for the redesignation and (ii) the area of the locality that will be in the redesignated zone is contiguous to the existing joint enterprise zone and includes a revenue-sharing district that has experienced the loss of at least 900 permanent full-time positions within a 12-month period. This bill is identical to SB 779.

Patron - Barlow

[P]HB2148 Trademark infringement. Requires the court in any criminal proceeding involving trademark infringement, upon the request of the Commonwealth, to order that material infringing on a trademark in the possession or under the control of a defendant or law-enforcement officer be destroyed or delivered for destruction, or alternatively disposed of in another manner with the consent of the owner of the registered mark. Currently, courts are required to order that such materials be destroyed, delivered, or otherwise disposed of in civil proceedings brought by the registrant of the trademark. The measure also provides that a mark is deemed to be in use in connection with goods whose nature makes the placement of a tag or label impracticable if the mark is on documents associated with the goods or their sale and the goods are possessed in the Commonwealth. Finally, the measure provides that it is the owner of a registered mark, rather than its registrant, to whom a person infringing on a trademark is liable.

Patron - Cline

[P]HB2316 Clean Energy Manufacturing Incentive Grant Program created. Repeals the Solar Photovoltaic Manufacturing Incentive Grant Program effective July 1, 2013, and the Biofuels Production Incentive Grant Program effective July 1, 2017, to create a program that provides financial incentives to companies that manufacture or assemble equipment, systems, or products used to produce renewable or nuclear energy, or products used for energy conservation, storage, or grid efficiency purposes. To be eligible for a grant, the manufacturer must make a capital investment greater than \$50 million and create at least 200 full-time jobs that pay at least the prevailing wage. A wind energy supplier must make a capital investment of greater than \$10 million and create at least 30 full-time jobs that pay at least the prevailing wage to be eligible for a grant. Solar photovoltaic manufacturing grants based on sales in 2011 are capped at \$1 million. SB 1360 is identical.

Patron - Byron

[P]HB2495 Advanced Shipbuilding Training Facility Grant Program. Revises the Advanced Shipbuilding Training Facility Grant Program by allowing the Commonwealth, the eligible city, and the qualified shipbuilder to structure an agreement whereby the eligible city would receive grants, not to exceed \$42 million, to be used toward payment of the costs of building the facility, and the qualified shipbuilder, upon fulfilling performance requirements, would gain ownership of the facility at the end of the grant period. These parties retain the authority under current law to structure an agreement whereby the qualified shipbuilder receives grants upon fulfilling performance requirements. The bill also changes the date by which a memorandum of understanding must be reached to qualify a shipbuilder for the Program, from June 30, 2009, to August 31, 2011.

Patron - Jones

[P]HB2526 Purchase of service handguns. Clarifies that when a law-enforcement officer is eligible to purchase his

service handgun, he may purchase a weapon of like kind if his actual service handgun is not available.

Patron - Miller, P.J.

SB779 Redesignation of joint enterprise zones. See HB 2131.

Patron - Lucas

SB854 Sales of secondhand building materials. Authorizes the chief of police or sheriff to refuse to issue a permit to allow a person to engage in the business of trading in secondhand building materials if the applicant has been convicted of a felony or crime of moral turpitude within three years preceding the application. The measure also (i) requires an applicant for a permit to provide his address, age, gender, and fingerprints; (ii) obligates junk dealers selling or acquiring secondhand building materials to report information about sales of secondhand building materials to the chief of police or sheriff; (iii) exempts authorized scrap sellers from the requirements; and (iv) provides that a person is deemed to be regularly engaged in the business of trading in secondhand building materials if he conducts 26 or more transactions within a year or offers for sale more than 600 pounds of secondhand building materials. Finally, the measure removes a provision making it unlawful for certain persons to "accept" certain secondhand metal items used by or belonging to certain utility or manufacturing companies; it remains unlawful to barter, purchase, exchange, or buy such items.

Patron - Wagner

SB1294 Virginia Consumer Protection Act; defective drywall; penalties. Makes it a prohibited practice under the Virginia Consumer Protection Act for a supplier to sell, offer for sale, or use in the construction, remodeling, or repair of any residential dwelling in Virginia, any drywall that he knows or has reason to know is drywall that, as a result of containing the same or greater levels of strontium sulfide that has been found in drywall manufactured in China and imported between 2004 and 2007, is capable of releasing sulfur compounds into the air. Such a sale, offering or use of drywall that has been designated by the Consumer Product Safety Commission as posing a substantial product hazard is also made a prohibited practice under the Virginia Consumer Protection Act. The prohibition does not apply to the sale or offering for sale of any building or structure in which such drywall has been permanently installed or affixed. The measure applies to transactions occurring on or after the effective date of the measure, which will become effective upon enactment pursuant to an emergency clause.

Patron - Miller, J.C.

SB1348 Enterprise zones; attestation of information. See HB 1599.

Patron - Norment

SB1360 Clean Energy Manufacturing Incentive Grant Program created. See HB 2316.

Patron - Stosch

Title 59.1- Miscellaneous; Trade and Commerce

HB2365 Virginia Racing Commission; authorization to join Interstate Racing and Wagering Compact. Authorizes the Virginia Racing Commission to enter into the

Interstate Racing and Wagering Compact, as proposed by the Association of Racing Commissioners International.

Patron - Peace

Title 60.2- Unemployment Compensation

HB2357 Unemployment compensation; Social Security offset. Eliminates the requirement that unemployment compensation benefits be reduced by 50 percent of the amount of the claimant's Social Security Act or Railroad Retirement Act retirement benefits in years when the solvency level of the unemployment trust fund is less than 50 percent. Currently, such a reduction in unemployment benefits is not required in years when the solvency level of the unemployment trust fund exceeds 50 percent. SB 1113 is identical.

Patron - McClellan

SB791 Extended unemployment benefits. Clarifies the expiration of provisions, enacted in 2009, that expanded the criteria for a state "on" indicator, during which unemployed individuals are eligible for extended benefits to include weeks when the unemployment rate equaled or exceeded 6.5 percent and was more than 110 percent of the average for either or both of the corresponding three-month periods ending in the two preceding calendar years. The revised eligibility criteria will apply to weeks beginning not later than the week ending three weeks prior to the last week for which federal sharing is authorized by § 2005(a) of the federal American Recovery and Reinvestment Act of 2009, including weeks for which such sharing is authorized by an extension of or amendment to the federal law.

Patron - Watkins

SB1010 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 1, 2012; it is currently scheduled to apply to claims filed on or after July 3, 2011.

Patron - Watkins

SB1113 Unemployment compensation; Social Security offset. See HB 2357.

Patron - Watkins

Title 62.1- Waters of the State, Ports and Harbors

HB1649 Virginia Water Protection Permit; fee exemption; U.S. Navy. Extends the exemption from fee requirements for a Virginia Water Protection Permit to dredging activities performed by the Department of the Navy. Dredging operations sponsored by the Army Corps of Engineers are already exempted from such fees. This bill is identical to SB 961.

Patron - Cosgrove

HB1828 Virginia Pollution Abatement Permit; inspection requirements. Removes the rule that the Department of Environmental Quality must inspect all facilities covered by a Virginia Pollution Abatement Permit annually for

confined animal feeding operations or at least once every five years for all others. The bill sets a new standard that all facilities should be inspected to ensure compliance with statutory, regulatory, and permit requirements. This bill is identical to SB 1298.

Patron - Scott, E.T.

HB1943 No discharge zones. Provides that the criteria for establishing no discharge zones shall be based on the improvement of impaired tidal creeks. The bill also describes the actions that must be taken to ensure that there is no discharge of sewage from vessels while in a no discharge zone.

Patron - Pollard

HB2103 Aboveground storage tanks. Requires the State Water Control Board to develop standards for facilities with aboveground storage tanks in the City of Fairfax having an aggregate capacity of one million gallons or greater, existing prior to January 29, 1992, to upgrade to meet best practices standards for new or retrofitted tanks. The tanks have to meet these performance standards by July 1, 2021. This bill is identical to SB 843.

Patron - Bulova

HB2126 Location of wetland mitigation banks. Removes the references to an outdated map used to identify mitigation banks and instead uses the more readily identifiable hydrologic unit boundaries of the National Watershed Boundary Dataset.

Patron - Pollard

HB2389 Virginia Resources Authority; renewable energy projects. Adds renewable energy projects to those projects which the Virginia Resources Authority may finance.

Patron - Pollard

HB2486 Plan for impaired waters. Requires that the plan developed and implemented to restore impaired waters be controlling unless it is amended or withdrawn by the State Water Control Board. This bill is identical to SB 1441.

Patron - Cox, J.A.

HB2519 Virginia Water Protection Permits; multi-agency review. Requires the natural resources agencies other than the Department of Environmental Quality eligible to provide comments on the issuance of Virginia Water Protection Permits shall do so within 45 days or be deemed to have approved the permit without further opportunity to comment. Currently, such agencies, including the Department of Game and Inland Fisheries, the Department of Conservation and Recreation, the Virginia Marine Resources Commission, the Department of Health, and the Department of Agriculture and Consumer Services must provide comments within 45 days, but the consequences of a failure to do so in a timely manner are not set out. This bill is identical to SB 1021.

Patron - Morefield

SB843 Aboveground storage tanks. See HB 2103.

Patron - Petersen

SB961 Virginia Water Protection Permit; fee exemption; U.S. Navy. See HB 1649.

Patron - Northam

SB1021 Virginia Water Protection Permits; multi-agency review. See HB 2519.

Patron - Puckett

SB1102 Point source nutrient trading. Exempts from the "two-for-one" rule point source nutrient removal tech-

nologies such as manure gasifiers that are being used by non-point sources (a farm) to generate and sell nutrient allocation offsets. The current Chesapeake Bay Watershed Nutrient Credit Exchange Program requires that two pounds of a nutrient be purchased for each pound to be offset when the allocation is purchased from a nonpoint source.

Patron - Hanger

SB1298 Virginia Pollution Abatement Permit; inspection requirements. See HB 1828.

Patron - Ruff

SB1309 Virginia Resources Authority. Modifies provisions regarding the Virginia Resources Authority to conform to the Public Finance Act.

Patron - Colgan

SB1441 Plan for impaired waters. See HB 2486.

Patron - Obenshain

Title 63.2- Welfare (Social Services)

HB1608 Temporary Assistance for Needy Families. Provides that the Department of Social Services is designated as the state agency responsible for coordinating state efforts related to supporting public agencies and charitable and community groups seeking to assist low-income Virginians in their efforts to become self-sufficient and establishes the Temporary Assistance for Needy Families Fund to supplement the Department's administration of the Temporary Assistance for Needy Families block grant and assist the Commonwealth in maximizing program funds by leveraging individual, corporate, and charitable donations. This bill is identical to SB 1224.

Patron - Orrock

HB1767 Placement of children; criminal history and central registry check. Eliminates language granting local boards of social services and licensed child-placing agencies discretion in deciding when to obtain background checks on adult household members residing in a home with a person with whom the local board or agency is considering placing a child on an emergency, temporary, or permanent basis and makes such checks mandatory. This bill is identical to SB 1040.

Patron - Crockett-Stark

HB1905 Child day programs; exemption from licensure requirements. Clarifies that a child day program that, by written policy given to and signed by a parent or guardian, allows school-aged children to enter and leave the premises without permission or supervision shall be exempt from licensure requirements regardless of (i) such program's location or the number of days per week of its operation; (ii) the provision of transportation services, including drop-off and pick-up times; or (iii) the scheduling of breaks for snacks, homework, or other activities.

Patron - Hugo

HB1984 Child welfare; placement of children. Provides that in cases in which a child cannot be returned to his family or placed for adoption and kinship care is not in the best interests of the child, the Department of Social Services shall consider other placements and services that may be in the best interests of the child. This bill is identical to SB 1178.

Patron - Kilgore

HB2157 Recognition of foreign adoptions. Provides that in cases in which a child has been adopted pursuant to the laws of a foreign country and enters the United States with an IR-3 or IH-3 visa issued by the United States Citizenship and Immigration Service, the adoptive parents shall not be required to readopt the child in Virginia and the adoption shall be recognized by the Commonwealth and the rights and obligations of the parties shall be determined as though the order of adoption was entered by a court of the Commonwealth. This bill also establishes a streamlined process whereby adoptive parents of children adopted pursuant to the laws of a foreign country and brought into the United States with an IR-3 or IH-3 visa may obtain a certificate of birth for the child.

Patron - Iaquinto

SB802 Regulation of child day programs; use of outdoor play equipment and areas. Provides that regulations governing child day centers shall not prohibit child day programs providing care for school-age children at a location that is currently approved for school occupancy and that houses a public or private school during the school year from allowing school-age children to use outdoor play equipment and areas approved for use by students of the school during school hours.

Patron - Houck

SB866 VIEW work requirement; exemption. Provides that a parent or caretaker-relative of a child under 12 months of age who personally provides care for the child may be exempt from mandatory participation in VIEW for up to 12 months. Months during which a parent or caretaker-relative is exempt from mandatory participation in VIEW may be consecutive or nonconsecutive.

Patron - Martin

SB1037 Foster care plan; independent living. Eliminates independent living as a permanency goal option for foster care plans approved on or after July 1, 2011, except in cases involving children admitted to the United States as refugees or asylees who are 16 years of age or older.

Patron - Barker

SB1038 Foster care; school placement. Allows a child placed in foster care to remain at his original school, if it is determined to be in his best interests. The bill requires the determination to be made in writing by the placing social services agency and the local school division together, and adds the school placement to the foster care plan.

Patron - Barker

SB1040 Placement of children; criminal history and central registry check. See HB 1767.

Patron - Barker

SB1178 Child welfare; placement of children. See HB 1984.

Patron - Marsden

SB1223 Temporary Assistance for Needy Families Funding Pool. Establishes the Temporary Assistance for Needy Families (TANF) Funding Pool Program to consist of TANF block grant funds to be awarded to service providers for expanded TANF programs. Funds shall be awarded by the Department of Social Services to service providers through a competitive Request for Proposals process.

Patron - Barker

SB1224 Temporary Assistance for Needy Families. See HB 1608.

Patron - Barker

Title 64.1- Wills and Decedents' Estates

SB1423 Wills and trusts; formula clauses referring to federal estate and generation-skipping transfer tax laws; application. Amends a section added to the Code during the 2010 Session that was designed to address the consequences of the anticipated 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, to address the retroactive reinstatement of such taxes as well as other changes made to federal tax law. The bill provides that the decision by a decedent's personal representative not to have the estate tax apply to a decedent's estate in 2010 does not affect the meaning of formula clauses for calculating transfers or devises based on federal estate or generation-skipping transfer tax law contained in a will or other instrument. The bill also provides that the fiduciaries or beneficiaries of an estate may petition the court to determine how the decedent would want such formula clauses construed and may also enter into a non-judicial agreement regarding the construction of such clauses. The bill contains an emergency clause and its provisions will be effective upon its passage.

Patron - Edwards

Title 65.2- Workers' Compensation

HB1475 Workers' compensation; presumption that injury is work related. Creates a presumption, in the absence of a preponderance of evidence to the contrary, that an injury is work related. The presumption arises in a claim for compensation under the Workers' Compensation Act where an employee is physically or mentally unable to testify and there is un rebutted prima facie evidence that the injury was work related. SB 823 is identical.

Patron - Ware, O.

HB1705 Workers' compensation; modifications to employee's home and automobile. Authorizes the Workers' Compensation Commission, in awards entered for incapacity for work, to require the employer to furnish and maintain modifications to or equipment for the injured employee's automobile. Such awards may be made upon the determination by the treating physician and the Commission that they are medically necessary. Such an award may be in addition to currently authorized awards for bedside lifts, adjustable beds, and home modifications. The measure also increases the maximum aggregate cost of all such items and modifications on account of any one accident from \$25,000 to \$42,000.

Patron - Lewis

HB1812 Workers' compensation; infectious disease presumption; police officers of Metropolitan Washington Airports Authority and Norfolk Airport Authority. Adds police officers of the Metropolitan Washington Airports Authority and the Norfolk Airport Authority to the list of public safety employees who are entitled to the presumption that certain infectious diseases are occupational diseases compensable under the Workers' Compensation Act. This presumption applies with respect to police officers of the Metropolitan Washington Airports Authority only for periods that the

Authority voluntarily subjects itself to the provisions of the Workers' Compensation Act.

Patron - Miller; P.J.

[P]HB2401 Workers' compensation; farm and horticultural laborers. Increases, from two to three, the number of full-time farm and horticultural laborers an employer may have in service and remain exempt from requirements of the Workers' Compensation Act.

Patron - Wright

[P]HB2477 Workers' compensation coverage; pneumoconiosis. Deletes the requirement that the 1980 standard of the International Labour Office Classification of Radiographs of Pneumoconiosis be used in determining coal worker's pneumoconiosis, and requires that the current ILO Classification of Radiographs of the Pneumoconiosis be used.

Patron - Phillips

[P]SB823 Workers' compensation; presumption that injury is work related. See HB 1475.

Patron - Edwards

Title 66- Juvenile Justice

[P]SB954 Juvenile work programs. Adds additional members to the committee that reviews agreements with a public or private entity for the operation of a work program for juveniles committed to the Department of Juvenile Justice. In addition, the bill requires the committee to develop and submit to the Department a plan for the establishment of a network of businesses willing to employ juveniles released from the Department's commitment. The provisions of this act shall become effective on July 1, 2012.

Patron - Miller; Y.B.

Title 67- Virginia Energy Plan

[P]HB2191 Voluntary Solar Resource Development Fund. Requires the Department of Mines, Minerals and Energy to provide the option to make voluntary contributions to the Voluntary Solar Resource Development Fund, which is established by this measure. Moneys in the Fund will be loaned for projects that involve the acquisition, installation, or operation of photovoltaic devices, solar water heating devices, or certain solar space heating devices at a residence, structure occupied by a nonprofit organization, or commercial establishment. The measure expires July 1, 2016. SB 975 is identical.

Patron - Ebbin

[P]SB862 Commonwealth Energy Policy; local renewable energy facility siting ordinances. Requires that a local ordinance addressing the siting of renewable energy facilities be consistent with provisions of the Commonwealth Energy Policy, provide reasonable criteria to be addressed in the siting of any such facility that generates electricity from wind and solar resources, and include provisions establishing reasonable requirements on the siting of any such facility. Measures required by the ordinance are required to be consistent with the locality's existing ordinances.

Patron - Wagner

[P]SB975 Voluntary Solar Resource Development Fund. See HB 2191.

Patron - Whipple

[P]SB1134 Offshore Wind Development Authority; membership. Exempts members of the U.S. Armed Forces who serve on the Virginia Offshore Wind Development Authority from a provision barring federal government employees from holding a state office. The measure also clarifies the process by which the Governor appoints to the Authority persons nominated by the Secretary of the Navy.

Patron - Wagner

Constitutional Amendments

[P]HJ679 Constitutional amendment (first resolution); legislative sessions. Provides that the General Assembly may agree to delay the reconvened session for a period of up to one week. The Constitution now provides that the reconvened session will be held on the sixth Wednesday after adjournment of a regular or special session. The proposed amendment would allow the General Assembly to postpone the reconvened session for a brief period, for example, to avoid convening on a religious holiday.

Patron - Englin

[P]HJ693 Constitutional amendment (first resolution); taking or damaging of private property; public use. Revises the prohibition on the enactment by the General Assembly of laws whereby private property may be taken or damaged. An existing provision authorizing the General Assembly to define what constitutes a public use is removed. The proposed amendment provides that private property can be taken or damaged only for a public use, only with just compensation to the owner, and only so much taken as is necessary for the public use. Just compensation must equal or exceed the value of the property taken, lost profits and lost access, and damages to the residue caused by the taking. A public service company, public service corporation, or railroad exercises the power of eminent domain for public use when such exercise is for the authorized provision of utility, common carrier, or railroad services. In all other cases, a taking or damaging of private property is not for public use if the primary use is for private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development, except for the elimination of a public nuisance existing on the property. The condemnor bears the burden of proving that the use is public, without a presumption that it is.

Patron - Joannou

Miscellaneous (Including Budget and Bonds)

[P]HB1500 Budget Bill. Amending Chapter 874, 2010 Acts of Assembly.

Patron - Putney

[P]HB1505 Bonds; capital projects at institutions of higher learning. Authorizes the Treasury Board to issue bonds pursuant to Article X, Section 9 (c) of the Constitution of Virginia in an amount up to \$64,579,000 plus financing costs to finance revenue-producing capital projects at Virginia Commonwealth University and Virginia State University. The bill declares that an emergency exists and that the bill is effective upon passage. This bill is identical to SB 801.

Patron - Putney

SB801 Bonds; capital projects at institutions of higher learning. See HB 1505.
Patron - Colgan

SB1458 Claims; Richard Hitt; Charles P. Jarrett. Provides relief to Richard Hitt and Charles P. Jarrett for not receiving the Virginia Retirement System benefits that are based on Hazardous Duty service when they were told that certain purchased service would be counted as Hazardous Duty and, therefore, qualify them for the hazardous duty supplemental benefits. The bill authorizes the Virginia Retirement System to pay the hazardous duty supplement to Mr. Hitt and Mr. Jarrett as outlined in subsection B of § 51.1-206.
Patron - Houck

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SB1145	10	SB1236	57	SB1337	6	SB1453	11
SB1146	48	SB1245	48	SB1339	17	SB1455	37
SB1147	48	SB1246	28	SB1340	28	SB1456	14
SB1148	45	SB1247	5	SB1343	57	SB1457	9
SB1149	34	SB1249	9	SB1344	57	SB1458	63
SB1150	48	SB1255	5	SB1348	59	SB1459	27
SB1152	57	SB1256	17	SB1350	57	SB1462	36
SB1153	57	SB1257	5	SB1352	17	SB1469	11
SB1156	10	SB1258	46	SB1354	17	SB1471	6
SB1159	18	SB1259	45	SB1356	14	SB1472	52
SB1160	17	SB1260	22	SB1359	57	SB1477	6
SB1161	36	SB1262	11	SB1360	59	SB1478	57
SB1162	24	SB1263	5	SB1361	48	SB1481	57
SB1163	11	SB1264	57	SB1362	27	SB1482	39
SB1165	52	SB1265	48	SB1367	9	SB1483	53
SB1166	19	SB1266	43	SB1368	52	SB1485	6
SB1168	19	SB1268	8	SB1369	20	SB1486	38
SB1170	20	SB1269	31	SB1375	48		
SB1171	5	SB1270	26	SB1379	6		
SB1178	61	SB1271	31	SB1380	8		
SB1182	48	SB1274	20	SB1382	6		
SB1184	24	SB1275	38	SB1384	57		
SB1185	22	SB1276	17	SB1387	14		
SB1188	57	SB1278	9	SB1388	39		
SB1189	18	SB1279	27	SB1389	43		
SB1191	43	SB1280	5	SB1390	39		
SB1193	57	SB1281	43	SB1392	52		
SB1195	22	SB1282	57	SB1396	48		
SB1196	28	SB1287	46	SB1399	6		
SB1197	24	SB1290	36	SB1400	6		
SB1198	24	SB1292	9	SB1408	57		
SB1199	5	SB1294	59	SB1410	13		
SB1204	17	SB1296	5	SB1412	13		
SB1206	17	SB1297	40	SB1414	6		
SB1209	10	SB1298	60	SB1416	43		
SB1211	50	SB1299	30	SB1423	61		
SB1212	34	SB1300	14	SB1424	6		
SB1213	28	SB1301	5	SB1425	6		
SB1214	33	SB1302	17	SB1426	24		
SB1215	33	SB1308	9	SB1427	13		
SB1216	17	SB1309	60	SB1428	6		
SB1220	50	SB1310	41	SB1431	57		
SB1221	17	SB1315	5	SB1434	34		
SB1222	24	SB1318	22	SB1436	29		
SB1223	61	SB1321	34	SB1437	43		