

# 2000 SESSION HIGHLIGHTS



*Session Highlights is designed to provide legislators with a list of significant legislation considered by the 2000 General Assembly, as selected by the staff of the Division of Legislative Services. This brief overview of the Session covers Assembly and Governor's actions through the Reconvened Session on April 19, 2000.*

## Abortion

### Failed

■ **Informed Consent.** Establishes certain conditions for obtaining informed written consent from a pregnant woman, of any age, prior to performing an abortion, including the requirement that each woman be given, at least 24 hours before the abortion, an explanation of the proposed procedures or protocols; an instruction that she may withdraw her consent at any time prior to the procedure; an offer to speak with the physician who is to perform the abortion; a statement of the probable gestational age of the fetus at the time the procedure is to be performed; and an offer to review printed materials that must be developed by the Department of Health.

## Commerce

### Passed

■ **UCITA.** Creates the Uniform Computer Information Transactions Act (UCITA), which was modeled after the Uniform Commercial Code, Article 2, and is designed to govern transactions of computer information. UCITA will become effective July 1, 2001, following study by the Joint Committee on Technology and Science.

■ **UETA.** Adopts the Uniform Electronic Transactions Act, under which electronic transactions are not invalidated merely because they are in electronic form. Provides rules and procedures for using electronic records and electronic signatures in commercial and governmental transactions. Repeals existing Virginia laws on electronic signatures and filings, but incorporates some of the existing provisions.

■ **Unclaimed Property.** Amends the Uniform Disposition of Unclaimed Property Act by excluding certain kinds of property, changing the reporting and retention requirements for unclaimed property, and revising the penalties for failure to report or deliver property or filing a false report.

■ **Electric Utility Restructuring.** Directs the SCC to recommend to the Legislative Transition Task Force, on or before January 1, 2001, whether electric metering services, electric billing services, or both, may be provided competitively. The recommendation shall also include a draft plan for

implementation of competition for metering services and billing services.

■ **Secured Transactions.** Updates Article 9 (Secured Transactions) of the Uniform Commercial Code, which provides a statutory framework for transactions which involve the granting of credit secured by personal property.

### Carried Over

■ **Payday Lending.** Establishes requirements for operating deferred presentment services, or payday lending, defined as a transaction pursuant to a written agreement between a licensee and the maker of a check whereby the licensee: (i) accepts a check from the maker dated on the date it was written, (ii) agrees to hold the check for a period of time prior to negotiation or presentment, and (iii) pays to the maker of the check the amount of the check, less the permitted fee.

## Constitutional Amendments

### Passed

■ **Lottery Proceeds Fund.** Provides for a referendum at the November 7, 2000, election to approve or reject an amendment requiring the General Assembly to establish a Lottery Proceeds Fund, which will consist of the net revenues from any lottery conducted by the Commonwealth. Proceeds from the fund will be distributed to counties, cities, and towns to be expended for public education purposes.

■ **Right to Hunt and Fish.** Provides for a referendum at the November 7, 2000, election to approve or reject an amendment adding a provision to Article XI, Conservation, to state that "the people have a right to hunt, fish, and harvest game, subject to such regulations and restrictions as the General Assembly may prescribe by general law."

## Courts

### Passed

■ **SABRE: Substance Abuse Reduction Effort.** Creates an omnibus drug statute reform. The bill requires that juveniles found delinquent and adults found guilty for a first drug offense be subject to periodic substance abuse testing, drug treatment and education. Mandates six months extra time on a felony sentence if the mandatory drug assessment indicates a substance abuse problem. Establishes quantities of certain controlled substances for which an offense of possession with intent to distribute penalizes the offender with a \$1 million fine and imprisonment for a period of 20 years to life, 20 years of which is a

minimum, mandatory term. The bill establishes minimum quantities of certain controlled substances for which an offense of possession with intent to distribute penalizes the offender with a \$1 million fine and life imprisonment, which may not be suspended. However, the sentence may be reduced to a mandatory, minimum 40 years if the defendant provides substantial assistance in the prosecution of another person for violation of § 18.2-248. The bill punishes transporting into the Commonwealth any Schedule I or II controlled substance by a minimum, mandatory five-year term plus a fine of up to \$1 million and a minimum, mandatory term of 10 years for a second or subsequent conviction. The bill punishes possession with intent to distribute anabolic steroids with six-months minimum, mandatory incarceration. The bill: (i) mandates substance abuse screening, treatment and education as a condition of a suspended sentence; (ii) revises the penalty for violation of the "drug-free school zone" law (possession with intent to distribute within 1,000 feet of a school or designated school bus stop) to include a one-year minimum, mandatory term for a second or subsequent conviction, if the offense involves a Class I, II, or III controlled substance or more than 1/2 ounce of marijuana; (iii) charges the Virginia Criminal Sentencing Commission with studying the recommended sentencing mid-points for cases involving Schedule I or II drugs and marijuana where the defendant has been previously convicted of such an offense.

■ **DUI.** Among the major changes, the bill amends the mandatory, minimum period of confinement for a second DUI offense within five years from 48 hours to five days and sets forth a mandatory, minimum period of confinement of 10 days upon conviction for a third offense within 10 years and of 30 days upon conviction for a third offense within five years. Requires forfeiture of registration and license plates of anyone convicted of a second or subsequent offense and allows hardship exemptions for an innocent person affected by such forfeiture. The bill also allows a VASAP evaluation to determine whether a person convicted of DUI is amenable to treatment and, therefore, eligible for a restricted license while in VASAP. Anyone convicted of a second offense within five years is ineligible for a restricted license for the first year following the second conviction.

■ **Evidence of Habit or Routine Practice.** Codifies Federal Rules of Evidence 406, which allows the admission of evidence of habit or routine practice. The bill defines habit and routine prac-

time and provides that evidence of prior conduct may be relevant to rebut evidence of habit or routine practice. The bill specifies that evidence of habit or routine practice is only applicable in a civil proceeding.

### Failed

■ **Crimes against Nature.** Reduces the penalty for crimes against nature, excluding bestiality, between consenting adults from a Class 6 felony to a Class 4 misdemeanor.

■ **Open Container Law.** Provides that it shall be unlawful for any person to possess any alcoholic beverage in the passenger area of a motor vehicle in other than the manufacturer's unopened, original container. The offense is punishable as a traffic infraction. Also reduces the penalty for the act of consuming alcohol while driving from a Class 4 misdemeanor to a traffic infraction.

### Carried Over

■ **Capital Murder.** Increases from 21 days to 45 days the amount of time prisoners have to raise new evidence following conviction of capital murder and imposition of the death sentence.

■ **Chief Justice.** Requires that the Chief Justice of the Supreme Court of Virginia be elected by the majority of the members of the Court as opposed to appointing the Justice who has served the longest. The bill does not apply to the current Chief Justice.

■ **Appointment of District Court Judges.** Gives the Governor the power to appoint district court judges when the Assembly is not in session if the vacancy occurs more than 30 days prior to the next session. This power is currently held by the circuit courts and is not restricted by the 30-day grace period.

## Education

### Passed

■ **One Minute of Silence.** Requires school boards to establish daily moments of silence for meditation, prayer or other silent activity in every classroom in the public schools in Virginia. No other activity will be allowed during this time. The Office of the Attorney General must provide legal counsel for the defense of this law.

■ **SOL.** Requires, by October 1, 2000, the Board of Education to establish a rotating schedule for the review and revision of the Standards of Learning (SOLs) in all subject areas and that all subject areas must be reviewed at least once every seven years.

■ **SOL.** Requires the Board of Education, in consultation with certain school superintendents, to establish a timetable for administering the SOL tests to ensure genuine end-of-course and end-of-grade testing.

■ **Mandatory Student Drug Testing.** Permits local school boards to require any student who has been found, in accordance with the due process requirements set forth in § 22.1-277, to have been in possession of, or under the influence of, drugs or alcohol on a school bus, on school property, or at a school-sponsored activity in violation of school board policies, to undergo evaluation for drug or alcohol abuse, or both, and, if recommended by the evaluator and with the consent of the student's parents, to participate in a treatment program.

■ **Charter Schools.** Clarifies that charter schools, as public schools, shall be subject to the require-

ments of the Standards of Quality, including the Standards of Learning and the Standards of Accreditation, and directs each local school board to provide public notice by December 31, 2000, of its intent to accept or not to accept applications for charter schools. Deletes the outdated requirement that no more than two charter schools per school division be approved prior to July 1, 2000. Provides that charter schools shall not be reported in fall membership for purposes of calculating the state and local shares required to fund the Standards of Quality if the enrollment at the charter school is less than 100 students and constitutes less than five percent of the total enrollment of the relevant grades in that school division.

■ **Test Security Violations.** Permits legal action for injunctive relief or civil penalty, or both, against any person who knowingly and willfully gives unauthorized access to secure test questions, copies all or any portion of any secure test booklet, makes available test answer keys, or fails to follow test security procedures regarding secure mandatory tests administered to students required by the Code of Virginia or by the Board of Education, such as the SOLs.

■ **Homeless Pupils.** Revises various statutes addressing evidence of residence in the school division for public school enrollment. Added to those persons deemed to reside in a school division are those persons lacking a fixed, regular, and adequate nighttime residence and having a primary nighttime residence located within the school division that is (i) a supervised publicly or privately operated shelter designed to provide temporary living accommodations; (ii) an institution that provides a temporary residence for individuals intended to be institutionalized; or (iii) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

### Failed

■ **Income Tax Credits for Private School Expenses.** Establishes nonrefundable income tax credits for tuition and other instructional fees charged by a public or private school and for certain fees and costs incurred in association with home schooling. The maximum amount of the credit is 80 percent of the qualifying expenses incurred per child, or 100 percent if the taxpayer is a member of a household whose combined adjusted gross income does not exceed 185 percent of the federal poverty guideline amount. To qualify for the tax credit for educational expenses, the student for whom the expenses were incurred must be eligible to be enrolled in a public school free of charge, qualify to be claimed as a dependent on the taxpayer's federal tax return, and must not attend a free public school during the period that the expenses were incurred. The maximum amount of the credit for taxpayers who are not in low-income households is capped at \$500 for taxable year 2001. In subsequent years, the amount increases by \$500 per year until taxable year 2005, when the maximum allowable credit is capped at \$2,500.

■ **Labor Day Opening.** Repeals the law requiring local school boards to set the school calendar so that the first day students are required to attend school is after Labor Day, thus reverting the discretion to establish the school calendar to local school boards.

■ **Expulsion of Students for Firearms Possession.** Amends the section requiring automatic expulsion of students who possess firearms by eliminating the exception for firearms used as part of the curriculum or as part of other programs sponsored by the school or an organization permitted by the school to use its premises. However, ROTC programs currently al-

lowing the use of firearms are excepted, if the firearms are securely stored and maintained when not in use.

### Carried Over

■ **SOL: Multiple Criteria.** Provides that the results of any Standards of Learning (SOL) assessments cannot be the sole basis for the promotion or retention of students in grades three, five, and eight or for the awarding of diplomas. In addition, the Board of Education is to provide, in the Standards of Accreditation (SOA), for the use of multiple criteria in determining school accreditation status; in no event can the results of SOL tests be the sole basis for school accreditation.

### Vetoed

■ **Elementary School Guidance Counselors.** Amends the Standards of Quality to require, within the Standards of Accreditation, guidance counselors in elementary schools at the following staffing levels: one hour per day per 100 students, one full-time at 500 students, one hour per day additional time per 100 students or major fraction thereof.

## Elections

### Passed

■ **Political Party Names on Ballots.** Provides for identification on the ballot, in federal, statewide, and General Assembly elections, of the candidate by the name of the political party that nominated the candidate or by the word "Independent." Present law prohibits party identification on the ballot except in presidential elections. The bill takes effect January 1, 2001.

■ **Voter ID.** Requires voters to show identification at the polls.

■ **Restoration of Voting Rights.** Permits certain nonviolent felons who have served their time, plus five years, to regain the right to vote by petitioning the circuit court. The Governor retains the final decision on restoration of voting rights.

■ **Local Elections.** Permits cities to hold local elections in November, rather than May.

## General Assembly

### Failed

■ **Conflict of Interests Act.** Prohibits any General Assembly member from serving as a member and simultaneously serving as a commissioner of accounts or commissioner in chancery. The bill is prospective in application and permits a General Assembly member who is serving as a commissioner on the effective date of the act to continue in service.

## Health

### Passed

■ **Certificate of Public Need.** Strikes the requirement for obtaining a certificate of public need before introducing into an existing medical facility any new cardiac nuclear medicine imaging service.

■ **Nurse Practitioners' Prescriptive Authority.** Phases in, over a three-year period, increases in the categories of drugs that nurse practitioners may prescribe.

■ **Certificate of Public Need.** Requires a transition for elimination of the requirements for determination of need to begin on July 1, 2001, and to be

completed by July 1, 2004, the deregulation to be accomplished in accordance with a plan to be developed by the Joint Commission on Health Care.

### Failed

■ **Certificate of Public Need.** Removes any specialized center or clinic for the provision of outpatient cancer treatment, regardless of whether providing services covered by certificate of need, from the requirement to obtain a certificate prior to initiating the service or purchasing covered equipment. The administration of general anesthesia will not be allowed in these exempted situations.

■ **Licensure of Midwives.** Requires persons practicing midwifery, which is the assessment and care of a pregnant woman and her newborn during pregnancy, labor, birth, and the postpartum period outside of the hospital, to be licensed. In addition, midwives must obtain the informed, written consent of any pregnant woman seeking midwife care.

### Vetoed

■ **Health Care Data Reporting.** Requires the submission of data on outpatient surgery under general anesthesia by doctors of medicine and osteopathy regardless of where performed.

## Higher Education

### Passed

■ **Students on Boards of Visitors.** Requires the board of visitors of each four-year state institution of higher education to appoint one or more non-voting advisory student representatives. The boards retain the power to exclude the students from discussions of faculty grievances, salaries, disciplinary matters, and "other matters."

## Insurance

### Passed

■ **Health Insurance for Children.** Revises and renames the Virginia Children's Medical Security Insurance Plan (CMSIP) as the Family Access to Medical Insurance Security (FAMIS) Plan. The FAMIS Plan coverage will be for individuals up to the age of 19 who (i) have family incomes at or below 200 percent of the federal poverty level; (ii) are not eligible for medical assistance services pursuant to Title XIX of the Social Security Act, as amended; (iii) are not covered under a group health plan or under health insurance coverage, as defined in § 2791 of the Public Health Service Act; (iv) have been without health insurance for at least 6 months or meet the exceptions as set forth in the Virginia Plan for Title XXI of the Social Security Act, as amended; and (v) meet both the requirements of Title XXI of the Social Security Act, as amended, and the FAMIS Plan.

■ **Colorectal Cancer Screening.** Requires coverage for colorectal cancer screening under the state employees health insurance program, the Virginia Medicaid program and any individual or group accident and sickness insurance policy providing hospital, medical and surgical or major medical coverage on an expense-incurred basis.

■ **Exempting Large Commercial Risks.** Provides an exemption for insurers of large commercial risks from SCC approval of policy forms and endorsements. A large commercial risk must employ a full-time risk manager and meet certain revenue and

employment requirements for the exemption to apply. The exemption does not apply to rates and forms for workers' compensation, professional liability, and commercial automobile policies.

■ **Credit Insurance.** Provides for the regulation of credit property insurance as a separate line of insurance and expands credit involuntary unemployment insurance (IUI) to allow coverage for debtors placed on an unpaid leave of absence.

■ **Morbid Obesity.** Requires health insurers, health maintenance organizations and corporations providing accident and sickness subscription contracts to offer coverage for the treatment of morbid obesity through gastric bypass surgery or such other methods as may be recognized by the National Institutes of Health as effective for the long-term reversal of morbid obesity.

### Failed

■ **HMO Liability.** Establishes a civil cause of action for persons who suffer damages as a result of an HMO's failure to exercise ordinary care in making a health care treatment decision that affects the person.

■ **Freedom of Choice.** Requires carriers offering preferred provider contracts, corporations offering subscription contracts, and health maintenance organizations that operate a managed care health insurance plan (MCHIP), to allow covered persons to choose their health care services provider. This right of choice extends to any provider that is not a member of the MCHIP's provider panel if the provider has previously notified the carrier of its agreement to accept, as payment in full, the reimbursement for health care services at the rates applicable to providers that are members of the MCHIP's provider panel.

## Local Government

### Passed

■ **E-911.** Establishes the Wireless E-911 Services Board and the Public Safety Communications Division of the Department of Technology Planning, and continues the Wireless E-911 special fund. Each mobile service provider shall collect a surcharge in the amount of 75 cents per month per customer, to be paid into the Wireless E-911 Fund. The Board shall use the moneys in the fund to pay the operators of the systems. Local jurisdictions which have or will establish enhanced E-911 services are authorized to impose a special tax in an amount not to exceed \$3.00 per month per customer. All local jurisdictions are required to be operating a wireline E-911 system by July 1, 2003.

■ **Economic Development Grants to Localities.** Provides that localities that have businesses qualifying for the business facility job tax credit will receive economic development grants from the state equivalent to 30 percent of the personal income taxes withheld from employees whose jobs were created by the qualifying businesses. Payments to a locality will be made according to where the employee resides and will be offset by any amount that the locality receives from the Governor's Development Opportunity Fund.

■ **Continuation of State Aid.** Increases the period of time the Commonwealth shall continue to distribute certain state funds to localities in support of consolidated governmental functions at the same level such funds would have been provided had no consolidation taken place. "Consolidation" includes those functions consolidated due to city reversion.

■ **Limitation on Lawsuits.** Provides that no locality shall have the authority to bring suit against a firearms or ammunition dealer, that right being reserved exclusively to the Commonwealth. This limitation also applies to any state governmental agency.

## Mental Health

### Passed

■ **Trust Fund.** Establishes the Mental Health, Mental Retardation and Substance Abuse Trust Fund for the net proceeds of the sale of vacant buildings held by the DMHMRSAS. The fund shall also consist of such moneys as shall be appropriated by the General Assembly and any private donations. Moneys in the fund are to be used to enhance and ensure the quality of care and treatment provided to consumers of the Commonwealth's mental health, mental retardation and substance abuse services.

### Vetoed

■ **Department for Rights of Virginians with Disabilities.** Removes the agency, which investigates charges of abuse in Virginia's mental hospitals, from the executive branch and reconstitutes it as an independent state agency.

## Natural Resources

### Passed

■ **Wetlands.** Requires that those proposing to conduct certain activities in nontidal wetlands first obtain a Virginia Water Protection Permit from the State Water Control Board. The board must establish both individual and general permits for such activities. General permits must be issued for activities impacting less than half an acre of wetlands and other specified activities. Permits will be conditioned upon compensatory mitigation for adverse impacts to wetlands. Normal agricultural and silvicultural activities are exempt from the permit requirement. The board is directed generally to establish and implement policies and programs to protect and enhance the Commonwealth's wetland resources, using a regulatory approach to achieve no net loss of wetlands and a voluntary approach to achieve a net resource gain.

### Carried Over

■ **State Recordation Tax.** Requires that the amount by which each year's collections of state recordation taxes exceed \$91.4 million (the amount generated by the tax in 1996) shall be distributed to the Virginia Land Conservation Foundation, to be phased in over the next four fiscal years.

## Redistricting

### Passed

■ **Census Population Counts.** Provides that the General Assembly and local governing bodies shall use the census population data provided by the Bureau of the Census that has been used to apportion the seats in the United States House of Representatives among the states. The apportionment counts are actual enumeration counts in contrast to population counts that are statistically modified to offset undercounted and overcounted population segments.

## Senior Citizens

### Passed

■ **Grant Program.** Provides up to \$100,000 in matching funds to organizations for the development or expansion of adult day care services or other services that provide respite care to aged, infirm, or disabled adults.

■ **Department for the Aging Toll-Free Hotline.** Establishes within the Department for the Aging a toll-free number to provide resource and referral information to older Virginians and their families and to provide such other assistance and advice as may be requested.

### Failed

■ **Virginia Prescription Drug Payment Assistance Program.** Establishes a program to assist eligible elderly and disabled Virginians in paying for prescription drugs.

■ **Medicaid Reimbursement of Nursing Facilities.** Requires the Department of Medical Assistance Services to develop a revised nursing home reimbursement procedure, effective July 1, 2001, consisting of two distinct cost centers: direct care costs and indirect costs.

## Social Services

### Passed

■ **Child Protective Services.** The bill requires the State Board of Social Services to implement emergency regulations on out-of-family CPS joint investigations to be accomplished in consultation with state agencies with oversight of the protection of children. In addition the bill mandates a report by the Commissioner of DSS to the General Assembly standing committees overseeing these issues by this fall outlining the recommendations of the state board advisory committee that was set up to address all such out-of-family investigations.

## State Government

### Passed

■ **FOIA "Sunshine Office."** Creates the Virginia Freedom of Information Advisory Council in the legislative branch, to be staffed by the Division of Legislative Services. The duties of the council are to (i) provide training about FOIA, (ii) furnish, upon request, advisory opinions and guidelines on the requirements of FOIA, and (iii) publish educational materials on FOIA.

■ **Eminent Domain.** Gives landowners the option of having just compensation for property that is taken or damaged to be determined either by a civil jury or by a panel of commissioners.

■ **King Holiday.** Redesignates the third Monday in January as Martin Luther King, Jr., Day and designates the preceding Friday as Lee-Jackson Day.

### Failed

■ **Communications Facilities.** Provides detailed criteria for the lease or other conveyance of the use of land by the Virginia Department of Transportation to communications companies for construction and operation of towers and other communications facilities.

### Carried Over

■ **Virginia Correctional Enterprises.** Provides for the July 1, 2002, elimination of the mandatory source requirement for departments, institutions and agencies, supported in whole or in part with funds from the state treasury, to purchase articles and services produced or manufactured by persons confined in state correctional facilities. The bill also requires Virginia Correctional Enterprises to comply with the Public Procurement Act.

## Taxation

### Passed

■ **Income Tax Subtractions for Income Received by Tobacco Farmers from Tobacco Settlement Funds.** Provides a subtraction from federal adjusted gross income for individuals, and from federal taxable income for corporations, when calculating Virginia taxable income for any amounts received by tobacco farmers or tobacco farming businesses from tobacco settlement funds and certain federal assistance funds.

■ **Fuels Tax; "Tax at the Rack."** Changes the procedures for collecting and remitting fuels taxes and rewrites the fuels tax laws. Motor fuels tax will be imposed at the point fuel is removed from a terminal. Licensed suppliers holding an inventory position in motor fuel in a terminal will be required to remit the tax to the DMV by the twentieth day of the second month following the removal. Currently, fuel tax payments are remitted to DMV by dealers and jobbers.

■ **Coalfield Employment Enhancement Tax Credit.** Extends the sunset date for the availability of the tax credit from tax years beginning before January 1, 2002, to tax years beginning before January 1, 2008. For the tax years beginning on and after January 1, 2002, 85% of the excess of the credit over the taxpayer's state tax liability for the applicable tax year shall be redeemable by the Commonwealth. The remaining 15% of such excess shall be deposited by the tax commissioner in a regional economic development fund administered by the Coalfields Economic Development Authority and to be used for regional economic diversification.

■ **Natural Gas Consumption Tax.** Restructures the taxation of natural gas by eliminating the gross receipts tax and imposing a net corporate income tax and a consumption tax.

## Transportation

### Passed

■ **Funding.** Provides for the funding of specified transportation projects throughout the Commonwealth to be paid for by the proceeds from the issuance of Virginia Federal Highway Reimbursement Anticipation Notes (FRANs), whose outstanding principal shall not exceed \$800,000,000; by distribution from the Priority Transportation Fund created by the bill; and by general fund appropriations. Required deposits to the Priority Transportation Fund include (i) additional revenues attributable to the Virginia Fuels Tax Act (HB 1275); (ii) Transportation Trust Fund and Highway Maintenance Operating Fund revenues above the amount currently forecast and programmed; (iii) beginning July 1, 2002, one-third of insurance license tax revenues; and (iv) any other appropriations that may be provided.

■ **Aerial Radar.** Allows the State Police to use aerial radar to enforce traffic laws on interstate highways.

■ **Children in Pickup Trucks.** Bans children under the age of 16 from riding in the bed of a pickup truck.

### Carried Over

■ **Seat Belts.** Provides that a law-enforcement officer can stop a vehicle for failure of the driver or passengers to wear a seat belt. However, the officer is not allowed to search or inspect a vehicle, its contents, the driver, or a passenger because of a violation of this section alone.

### Vetoed

■ **Safety Inspections.** Increases the maximum fee allowed to be charged for vehicle safety inspections from \$10 to \$15 for automobiles, from \$5 to \$7 for motorcycles, and from \$15 to \$25 for trucks.

## Unemployment Compensation

### Passed

■ **Unemployment Compensation.** Increases the maximum weekly unemployment compensation benefit from \$230 to \$268 statewide, eliminates the waiting week when an employer ceases operating without paying the last week of wages, and allows individuals attending classes to receive benefits.

### Failed

■ **Textile Workers Relief.** Provides a state Medicaid program and additional unemployment benefits for displaced Virginia workers in high-unemployment areas. The State Program for Displaced Virginia Workers provides at least 24 months coverage for individuals and their families who are eligible for NAFTA transitional adjustment assistance. For displaced workers whose residence or last place of employment is in a locality with an unemployment rate of 10 percent or greater as of January 1, 2000, the weekly unemployment benefit amount is increased by 43 percent, with a maximum weekly benefit amount of \$332. Employees do not have to serve a statutory waiting week for benefits. The bill has an emergency clause, and the Medicaid and unemployment benefits expire on July 1, 2003.

## Workers' Compensation

### Passed

■ **Coverage for Alien Workers.** Includes alien workers, whether lawfully or unlawfully employed, as employees within the scope of the Virginia Workers Compensation Act. The bill gives unlawfully-employed alien workers the same status under the act that unlawfully-employed minors currently have. The bill overturns a Virginia Supreme Court decision that an undocumented worker cannot be an "employee" under the act because the purported contract of hire is unenforceable.

■ **Professional Employer Organizations.** Requires any person desiring to engage in the business of providing professional employer services to register with the Workers' Compensation Commission before it undertakes to provide such services.