

# VIRGINIA GENERAL ASSEMBLY



## 2000 SESSION SUMMARY

## Published by the Division of Legislative Services

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# Preface

This publication presents a summary of legislation considered by the Virginia General Assembly at the 2000 Session. Bill summaries are arranged by subject areas corresponding to the appropriate titles in the Code of Virginia. Noncodified bills of a substantive nature are also contained under their proper subject headings. Within each heading, the material is further separated into *Passed*, *Failed*, and *Carried Over* categories. (The General Assembly sometimes incorporates provisions from several bills in one substitute bill. Thus a bill may have failed, but some of its provisions have been "incorporated" in another bill. The summary for the bill will so note.) Bills affecting more than one title are printed under the dominant subject area of the legislation.

Other headings contain constitutional amendment resolutions, certain miscellaneous resolutions, charter and authority bills, and miscellaneous noncodified bills. A final category lists studies approved by the General Assembly. An index shows the page number on which the summary of a particular bill may be found.

The major substantive provisions of each measure are summarized. The appropriate bill number and patron are also noted so that one can obtain further information, if needed. A researcher should refer to the enrolled bill, the appropriate chapter of the 2000 Acts of Assembly, or the Legislative Information System on the Internet (<http://leg1.state.va.us/lis.htm>) for detailed information on legislation.

These summaries reflect actions of the 2000 General Assembly through adjournment sine die on March 10, 2000. Many of the measures are subject to gubernatorial review and veto. Therefore, some measures may be amended and some may not become law.

This document represents many hours of work and the concerted efforts of all Division of Legislative Services staff. I hope you will join me in thanking the staff for its dedicated service to the legislative process. A special word of thanks goes to the Division of Legislative Automated Systems, which provided technical and printing assistance that contributed greatly to the success of this publication.

E. M. Miller, Jr.  
Director, Division of Legislative Services

# 2000 SESSION SUMMARY

	Introduced	Continued	Passed	Failed
House Bills	1552	374	675	503
House Joint Resolutions	488	13	321	154
House Resolutions	26	0	25	1
House Total	2066	387	1021	658
<hr/>				
Senate Bills	781	154	414	213
Senate Joint Resolutions	304	12	230	62
Senate Resolutions	21	0	20	1
Senate Total	1106	166	664	276
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General Assembly Total	3172	553	1685	934

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# Administration of the Government Generally

## Passed

**HB26 Meetings of board of visitors of the University of Virginia.** Extends from July 1, 2000, to July 1, 2002, the authority of the board of visitors of the University of Virginia to conduct meetings via audio/video communication when at least two-thirds of the membership is physically assembled at its regular meeting place and when the customary requirements of public notice, voting and recordation of the meetings are followed.

*Patron - Woodrum*

**HB29 Budget bill.** Amends Appropriations Act of 1999, Chapter 935.

*Patron - Callahan*

**HB30 Budget Bill.** Makes appropriations for the 2000-02 biennium.

*Patron - Callahan*

**HB54 Virginia Freedom of Information Act (FOIA); electronic communication meetings.** Extends the exemption of certain public bodies from the FOIA's electronic communication meeting restrictions from July 1, 2000, to July 1, 2002. The exempted entities are (i) any public body (a) in the legislative branch of state government or (b) responsible to or under the supervision, direction, or control of the Secretary of Commerce and Trade or the Secretary of Technology or (ii) the State Board for Community Colleges. The bill also extends from October 15, 2000, to April 15, 2001, the filing date for submitting a report detailing their experience with meetings held under this pilot program.

*Patron - Woodrum*

**HB77 Line of Duty Act; death benefits** Increases, from \$50,000 to \$75,000, the death benefit for beneficiaries of law-enforcement officers and firefighters who die in the line of duty

*Patron - Callahan*

**HB445 Freedom of Information Act; disclosure of criminal records; notice of meetings.** Clarifies that certain records maintained by law-enforcement agencies are exempt from disclosure under the Freedom of Information Act (FOIA). The bill also clarifies that FOIA requires every public body to give notice of the date, time, and location of its meetings by placing the notice in a prominent public location at which notices are regularly posted and in the office of the clerk of the public body, or in the case of a public body which has no clerk, in the office of the chief administrator. This bill is a recommendation of the Joint Subcommittee Studying the Freedom of Information (HJR 501, 1999).

*Patron - Woodrum*

**HB450 State pool of funds; at-risk youth and families** Requires courts, prior to final disposition, to refer case where the pool of funds for at-risk youth and families are to be accessed to a local assessment and planning team for a recommendation regarding the level of treatment and services needed by the child and family. The local family assessment and planning team must make a report or forward a copy of the individual family services plan to the judge within 30 days of the

written referral. The court then shall consider the recommendation, but is not bound by it.

*Patron - Dickinson*

**HB456 State Treasurer; appointment.** Clarifies that the State Treasurer serves a term coincident with the Governor making the appointment or until a successor to the State Treasurer is appointed and qualified.

*Patron - Cantor*

**HB457 Virginia Security for Public Deposits Act; exemption for certain deposits.** Provides that the Virginia Security for Public Deposits Act shall not apply to deposits made by the State Treasurer in out-of-state financial institutions related to master custody and tri-party repurchase agreements, provided (i) such deposits do not exceed ten percent of average monthly investment balances and (ii) the out-of-state financial institutions used for this purpose have a short-term deposit rating of not less than A-1 by Standard & Poor's Rating Service or P-1 by Moody's Investors Service, Inc., respectively. This bill is identical to SB 239.

*Patron - Cantor*

**HB492 Virginia Public Broadcasting Board; definitions.** Removes the word "transmitters" from the definition of a public broadcasting station to allow certain public television stations to receive funding.

*Patron - Callahan*

**HB513 Internet privacy policy.** Directs every public body that has an Internet website to develop an Internet privacy policy ("Policy") and an Internet privacy policy statement ("Statement") by December 1, 2000. The Policy shall be consistent with the requirements of the Privacy Protection Act of 1976 and be tailored to reflect the individual public body's information practices. The Statement, which explains the Policy, shall be posted on the public body's website in a conspicuous manner by January 1, 2001. The bill also makes a technical amendment to correct an incorrect cross-reference. This bill is a recommendation of the Joint Commission on Technology and Science.

*Patron - Plum*

**HB551 Freedom of Information; Virginia Freedom of Information Advisory Council.** Creates the Virginia Freedom of Information Advisory Council in the legislative branch and sets its membership, terms, and powers and duties. Daily operations of the Council shall be carried out by its staff, which will come from the Division of Legislative Services. The duties of the Council are to (i) provide training about the Freedom of Information Act (FOIA), (ii) furnish, upon request, advisory opinions and guidelines on the requirements of FOIA, and (iii) publish educational materials on FOIA. There is a two-year sunset placed on the Council. The bill is a recommendation of the Joint Subcommittee Studying the Freedom of Information Act (HJR 501, 1999).

*Patron - Woodrum*

**HB612 Governor's Substance Abuse Prevention Program.** Gives the Governor the responsibility to administer the substance abuse prevention program within the Commonwealth and authority to authorize, direct and coordinate activities of state agencies in such program. The bill also provides the Governor with authority to establish an office of substance abuse prevention and to review and determine the direction and appropriateness of substance abuse prevention program expenditures by state agencies. The Governor shall report annually by December 1 of each year to the General Assembly on the activities of the office.

*Patron - Brom*

**HB614 Security of government database.** Requires the Governor to direct an appropriate entity to conduct periodic audits of all executive branch agencies and institutions of higher education regarding security procedures for protecting government databases and data communications. The designated entity may contract with a private firm or firms in completing this task. All government entities subject to such audits are to fully cooperate with the designated entity.

*Patron - Nixon*

**HB636 Conflict of Interests Act.** Provides that those school board employees and persons appointed to "positions of trust" by school boards designated by an adopted policy of the school board are to file disclosure statements. Currently, these individuals may be required to file disclosure statements pursuant to an ordinance adopted by the local governing body.

*Patron - Dillard*

**HB644 Virginia Human Rights Council; issuance of subpoena duces tecum.** Clarifies that employers covered under the Human Rights Act are subject to the procedure provided to the Council for issuance of subpoena duces tecum.

*Patron - Davis*

**HB690 Department of Personnel and Training.** Changes the name of the Department of Personnel and Training to the Department of Human Resource Management.

*Patron - Broman*

**HB743 Virginia Public Building Authority; powers.** Clarifies that the furnishing of a project is included in the definition of "cost." The bill removes the reference to the \$1,140 million cap on the total principal amount of certain outstanding bonds because it appears in the appropriation act. The bill contains technical amendments.

*Patron - Hargrove*

**HB828 Division of Risk Management.** Transfers the Division of Risk Management, currently within the Department of General Services, to the Department of the Treasury. The bill also contains technical amendments related to this transfer.

*Patron - Hargrove*

**HB830 Lobbyist reports.** Provides that the principal's and lobbyist's signatures on the lobbyist annual disclosure statement must be original signatures or electronic signatures in the format specified by the Secretary of the Commonwealth. Present law requires original signatures.

*Patron - Nixon*

**HB847 Department of Personnel and Training; administration of the state workers' compensation program.** Transfers the administration of the state Workers' Compensation program from the Department of General Services Division of Risk Management to the Department of Personnel and Training.

*Patron - Kilgore*

**HB850 Nonprofit boards; national trust entities.** Authorizes the Governor, the Attorney General, and the Commissioner of Agriculture and Consumer Services to sit on the Virginia Tobacco Trust Certification Board. The bill also extends civil immunity to these officials as well as the other directors of such entity.

*Patron - Kilgore*

**HB858 Department of General Services; review of proposed acquisitions of real property; exceptions.** Provides an exemption from the mandatory review by the Department of General Services and approval of the Governor for the acquisition of easements to further the purposes of the Virginia Land Conservation Foundation and the Open-Space Land Act. This bill is intended to simplify the process by which conservation easements are acquired.

*Patron - May*

**HB882 Virginia Tourism Authority; Heart of Appalachia.** Requires the Virginia Tourism Authority to designate the region known as the Heart of Appalachia, consist of Planning Districts 1 and 2, as the eighth marketing region in Virginia.

*Patron - Phillips*

**HB951 Department of General Services; purchase of surplus materials by children's homes.** Requires the Department of General Services, in their surplus materials procedure, to permit surplus materials to be sold to Virginia charitable corporations granted tax-exempt status under § 501 (c) (3) of the Internal Revenue Code and operating as children's homes. The bill contains technical amendments.

*Patron - Jackson*

**HB961 State health care plan; additional coverage for retired state employees.** Requires the state health care plan to provide optional coverage for vision and dental care for retired state employees.

*Patron - Keister*

**HB1005 Freedom of Information; exemptions.** Provides that, as it relates to any person, electronic toll collection records that identify an individual, vehicle, or travel itinerary including, but not limited to, vehicle identification data; vehicle enforcement system information; video or photographic images, Social Security or other identification numbers appearing on drivers' licenses, credit card or bank account data, home addresses, phone numbers, or records of the date or time of toll facility use are exempt from disclosure under the Freedom of Information Act.

*Patron - Rollison*

**HB1034 Office of the Inspector General for Mental Health, Mental Retardation and Substance Abuse Services.** Creates an Office of the Inspector General for oversight of facilities operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMR-SAS). The Inspector General for Mental Health, Mental Retardation and Substance Abuse Services (Inspector General) shall be appointed by the Governor, subject to confirmation by the General Assembly, and report to the Governor. The Inspector General shall be appointed initially for a term that expires one full year following the end of the Governor's term of office and, thereafter, the term shall be for four years. Duties of the position include hiring personnel, entering into contracts, applying for grants, preparing reports for the Governor concerning inspections and reviews of facilities, and preparing a report concerning the Inspector General's activities, inspections, reviews, and recommendations for the General Assembly. The Office of the Inspector General's powers and duties include: (i) conducting announced and unannounced inspections of facilities operated by DMHMRSAS, (ii) accessing any and all patient and resident information related to services delivery in such facilities, (iii) monitoring reports and critical-incident data prepared by DMHMRSAS, (iv) monitoring and participating in the promulgation of regulations by the State Mental Health, Mental Retardation and Substance Abuse Ser-



vices Board, and (v) receiving reports, information and complaints from the Department for Rights of Virginians with Disabilities. The Inspector General is exempt from the competitive procurement requirements.

*Patron - Bloxom*

**HB1065 Department of Planning and Budget; performance budgeting** Includes as additional duties of the Department of Planning and Budget the (i) development, coordination and implementation of a performance management system involving strategic planning, performance measurement, evaluation, and performance budgeting within state government; and (ii) development, implementation and management of an Internet-based information technology system to ensure that citizens have access to performance information. The bill also calls for the establishment of a Performance Management Advisory Committee to provide input regarding the direction and results of the state's performance management efforts.

*Patron - McClur*

**HB1124 Legal holidays.** Designates the Friday preceding the third Monday in January as Lee-Jackson Day. The bill redesignates the third Monday in January as the Martin Luther King, Jr., Day

*Patron - Robinson*

**HB1165 Freedom of Information Act; record exemptions.** Provides a record exemption from the Freedom of Information Act for records of the Department of Environmental Quality, the State Water Control Board, State Air Pollution Control Board or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such records shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This exemption shall not be construed to prohibit the disclosure of records related to inspection reports, notices of violation, documents detailing the nature of any environmental contamination that may have occurred or similar documents.

*Patron - Albo*

**HB1177 Department of Employee Relations Counselors; grievance procedure** Changes the name of the Department of Employee Relations Counselors to the Department of Employment Dispute Resolution. The bill also (i) authorizes the Director of the Department to hire hearing officers for grievance hearings through a competitive selection process, in addition to selecting hearing officers from the Supreme Court list, and allows the Director to establish policies for the removal of hearing officers deemed ineligible for continued selection; (ii) requires the Director to publish hearing officer decisions and Department rulings; (iii) authorizes appeals from hearing officers' decision to the circuit court in which the grievance arose; (iv) requires the circuit court to render a final decision within 15 days from the close of the hearing; (v) provides that cost of the appeal shall not be borne by the Commonwealth or the grievant; (vi) clarifies the jurisdiction of the Court of Appeals to hear appeals from grievance hearings; (vii) requires that documents related to a grievance be made available by the opposing party upon request of a party to the grievance; and (viii) grants a records exemption from the Freedom of Information Act for information furnished in confidence to the Department with respect to an investigation, consultation, or mediation under the grievance procedure, and memoranda, correspondence and other records resulting from any such

investigation, consultation or mediation. The bill contains technical amendments.

*Patron - Reid*

**HB1187 Freedom of Information Act; records exemption for the Attorney General.** Clarifies the records exemption from the Freedom of Information Act for written advice of legal counsel to state, regional, or local public bodies or public officials.

*Patron - Reid*

**HB1199 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.

*Patron - Cox*

**HB1200 Grant program for respite care services.** 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. The bill will not become effective unless an appropriation effectuating the purpose of the bill is included in the 2000 appropriation act enacted into law by the Governor. SB 518 provides a similar grant program for respite care services, with the effective date of the bill as of January 1, 2001.

*Patron - Cox*

**HB1295 Freedom of Information Act; records exemptions for certain local housing programs.** Grants a records exemption for personal information, as defined under the Privacy Protection Act of 1976, filed with any local redevelopment and housing authority concerning persons who have applied for occupancy or who have occupied affordable dwelling unit programs funded by local governments or by any such authority. The bill also provides that the Freedom of Information Act shall not be construed to prohibit the House of Delegates or the Senate of Virginia from adopting rules relating to the casting of votes by a member of a standing committee.

*Patron - Scott*

**HB1308 Educational institutions; Gunston Hall and the Frontier Culture Museum of Virginia** Moves the chapters relating to Gunston Hall and the Frontier Culture Museum of Virginia from Title 9 to Title 23. This bill is part of the proposed title revision of Titles 2.1 and 9 by the Code Commission.

*Patron - DeBoer*

**HB1327 Freedom of Information Act; records exemption for local human rights councils.** Exempts investigative notes and other correspondence and information furnished in confidence with respect to an investigation or conciliation process by local human rights or human relations commissions. The bill also contains technical amendments.

*Patron - Almand*

**HB1362 Attorney General; prosecution of criminal cases.** Amends Attorney General's jurisdiction in prosecuting crimes. The bill would create an original jurisdiction for the Attorney General to prosecute violations of the Virginia Computer Crimes Act (§ 18.2-152.1 et seq.) with the concurrence of the local attorney for the Commonwealth and crimes committed by Medicaid providers and their employees with the concurrence of the attorney for the Commonwealth.

*Patron - Griffith*

**HB1458 Health insurance; long-term care insurance for local employees.** Allows local governments or school

boards, upon their option, to participate in the long-term care insurance or other benefit program made available to them by the Department of Personnel and Training. This bill is identical to SB 517.

*Patron - Bolvin*

**HB1481 Department of General Services; upkeep and maintenance of the Virginia War Memorial Carillon.** Requires the Director of General Services (DGS) to enter into an agreement with the City of Richmond to allow the City to collect user fees for the use of the Virginia War Memorial Carillon. The bill requires the City to report annually to the Director of DGS regarding the fees collected by the City and its expenditures for the upkeep, maintenance, and improvement of the Carillon. The bill also provides that the proceeds from the lease or other conveyance of any interest in the Carillon by DGS shall be paid to the City for upkeep of the Carillon. Other uses of such funds by the City are prohibited. The bill contains an emergency clause.

*Patron - Rhodes*

**HB1510 Children; Comprehensive Services Act for At-Risk Youth and Families.** Creates the Office of Comprehensive Services for At-Risk Youth and Families, under the lead of the Secretary of Health and Human Resources. The Office would assume the responsibilities of the state management team to develop programs and fiscal policies that promote and support cooperation and collaboration in the provision of services at the state and local levels to troubled and at-risk youth and their families. The Office would also provide for training, oversight, and technical assistance to localities, serve as a liaison to participating state agencies, and hire a director and appropriate staff. The new state and local advisory team would provide many of the same functions in an advisory capacity to the Office. The state executive council would also be expanded to include the Director of Medical Assistance Services; two local government representatives to include a member of a county board of supervisors or a city council and a county administrator or city manager; and a private provider that maintains membership in an association of providers for children's or family services and receives funding as authorized by the Comprehensive Services Act.

*Patron - Morgan*

**HJ100 Confirming appointments to the State Health Benefits Advisory Council.** Confirms appointments by the Speaker of Anne R. Howard and Dr. Joseph W. Boatwright, III to the Council for two-year terms.

*Patron - Putney*

**SB148 Enhanced Public Safety Telephone Services (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. The Board shall be responsible for promoting and assisting the development, deployment and maintenance of a statewide enhanced emergency telecommunications system and enhanced wireline emergency telecommunication services in specific local jurisdictions not currently wireline E-911 capable. The Board shall also be responsible for overseeing and allocating the wireless E-911 special funds and managing moneys appropriated for enhanced wireline emergency telecommunication services in local jurisdictions not wireline E-911 capable as of July 1, 2000. 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 for their costs of operation pursuant to a budget proposal submitted to and reviewed by the Board. The Board shall have enforcement authority to ensure that funds are spent

for their intended purposes and shall review each operator's actual expenditures at the end of each year. 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 to be accounted for in a separate special revenue fund or in a cost center and revenue accounting system acceptable to the Auditor of Public Accounts. Funds collected from the tax shall be used to pay for reasonable direct capital costs and operating expenses incurred by the E-911 service facility. All local jurisdictions are required to be operating a wireline E-911 system by July 1, 2003. Certain documents submitted to the Wireless Carrier E-911 Cost Recovery Subcommittee created by the bill are exempt from disclosure under the Freedom of Information Act and the Subcommittee is granted an exemption to convene in a closed meeting when discussing or considering such documents.

*Patron - Stolle*

**SB218 Governor's Substance Abuse Prevention Program.** Gives the Governor responsibility to administer the substance abuse prevention program within the Commonwealth and authority to authorize, direct and coordinate existing and future activities of state agencies and political subdivisions in such program. The bill also provides the Governor with authority to establish an office of substance abuse prevention and to review and determine the direction and appropriateness of substance abuse prevention program expenditures by state agencies.

*Patron - Schrock*

**SB238 State Treasurer; appointment.** Clarifies that the State Treasurer serves a term coincident with the Governor making the appointment or until a successor to the State Treasurer is appointed and qualified.

*Patron - Stosch*

**SB239 Virginia Security for Public Deposits Act; exemption for certain deposits.** Provides that the Virginia Security for Public Deposits Act shall not apply to deposits made by the State Treasurer in out-of-state financial institutions related to master custody and tri-party repurchase agreements, provided (i) such deposits do not exceed ten percent of average monthly investment balances and (ii) the out-of-state financial institutions used for this purpose have a short-term deposit rating of not less than A-1 by Standard & Poor's Rating Service or P-1 by Moody's Investors Service, Inc., respectively.

*Patron - Stosch*

**SB242 Extending the sunset date of Chapter 704 of the Acts of Assembly of 1999.** Extends the exemption of certain public bodies from the FOIA's electronic communication meeting restrictions from July 1, 2000, to July 1, 2002. The exempted entities are (i) any public body (a) in the legislative branch of state government or (b) responsible to or under the supervision, direction, or control of the Secretary of Commerce and Trade or the Secretary of Technology or (ii) the State Board for Community Colleges. The bill also extends from October 15, 2000, to April 15, 2001, the filing date for submitting a report detailing their experience with meetings held under this pilot program.

*Patron - Newman*

**SB285 Department of General Services; disposition of surplus computers and related equipment.** Permits the donation of surplus computers and related equipment to public schools in Virginia and Virginia charitable corporations granted tax-exempt status under § 501 (c) (3) of the Internal Revenue Code and providing services to persons with disabili-

ties, at-risk youths, and low income families. The bill define "at-risk youth."

*Patron - Couric*

**SB340 Freedom of Information; Virginia Freedom of Information Advisory Council** Creates the Virginia Freedom of Information Advisory Council in the legislative branch and sets its membership, terms, and powers and duties. Daily operations of the Council shall be carried out by its staff, which will come from the Division of Legislative Services. The duties of the Council are to (i) provide training about the Freedom of Information Act (FOIA), (ii) furnish, upon request, advisory opinions and guidelines on the requirements of FOIA, and (iii) publish educational materials on FOIA. There is a two-year sunset placed on the Council. The bill is a recommendation of the Joint Subcommittee Studying the Freedom of Information Act (HJR 501, 1999).

*Patron - Bolling*

**SB367 Virginia Public Building Authority; powers.** Clarifies that the furnishing of a project is included in the definition of "cost." The bill removes the reference to the \$1,140 million cap on the total principal amount of certain outstanding bonds since this amount is contained in the appropriation act. The bill contains technical amendments.

*Patron - Norment*

**SB388 Department of Personnel and Training; administration of the state workers' compensation program.** Transfers the administration of the workers' compensation program for state employees from the Department of General Services' Division of Risk Management to the Department of Personnel and Training.

*Patron - Bolling*

**SB390 Freedom of Information; exemptions.** Provides that, as it relates to any person, electronic toll collection records that identify an individual, vehicle, or travel itinerar including, but not limited to, vehicle identification data; vehicle enforcement system information; video or photographic images; Social Security or other identification numbers appearing on drivers' licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use are exempt from disclosure under the Freedom of Information Act.

*Patron - Williams*

**SB391 Department of Professional and Occupational Regulation; Board for Barbers and Cosmetology.** Creates the Board for Barbers and Cosmetology by merging the current Board for Barbers and Board for Cosmetology. The merged board will be composed of two licensed barbers, two licensed cosmetologists, one licensed nail technician, who may also be a licensed cosmetologist engaged primarily in the practice of nail care, and two citizen members. In addition, the Governor shall appoint to the Board for Barbers and Cosmetology: (i) one licensed nail technician and two citizen members effective July 1, 2000, (ii) one licensed barber effective July 1, 2001, (iii) one licensed barber effective July 1, 2002, and (iv) two licensed cosmetologists effective July 1, 2002. The current regulations of the Board for Barbers and Board for Cosmetology shall remain in effect until July 1, 2002, or until the Board for Barbers and Board for Cosmetology adopt new regulations. Obsolete language which prohibited requiring prospective barbers to provide a health certificate as a condition of licensure is removed. The bill also contains technical amendments.

*Patron - Martin*

**SB400 Duties of the Department for the Aging.** Requires the Department to enter into a contract with an appro-

prate research entity with expertise in gerontology, disabilities and public administration to conduct an evaluation of local public guardian and conservator programs and to provide a report with recommendations to the Commissioner of the Department for the Aging and to the Public Guardian and Conservator Advisory Board by December 1, 2003, and every four years thereafter if the General Assembly appropriates money for the evaluation.

*Patron - Trumbo*

**SB415 Health insurance and retirement benefits; surviving spouses of persons killed in the line of duty.** Provides that health insurance benefits to a surviving spouse of a person killed in the line of duty do not terminate as a result of the surviving spouse remarrying.

*Patron - Colgan*

**SB441 Department of Personnel and Training.** Changes the name of the Department of Personnel and Training to the Department of Human Resource Management.

*Patron - Rerras*

**SB454 Virginia Public Broadcasting Board; definitions.** Removes the word "transmitters" from the definition of a public broadcasting station to allow certain public television stations to receive funding.

*Patron - Saslaw*

**SB479 Division of Risk Management.** Transfers the Division of Risk Management, currently within the Department of General Services, to the Department of the Treasury. The bill also contains technical amendments related to this transfer.

*Patron - Martin*

**SB517 Health insurance; long-term care insurance for local employees.** Allows local governments or school boards, upon their option, to participate in the long-term care insurance or other benefit program made available to them by the Department of Personnel and Training.

*Patron - Forbes*

**SB518 Grant program for respite care services.** Provides up to \$100,000 in matching funds to organizations for the development, expansion or start-up operation of adult day care services or other services that provide respite care to aged, infirm, or disabled adults. The bill sets out the process for applying for grants, and authorizes the Department for the Aging to examine the books and records of the community respite care organization has satisfied the grant requirements.

*Patron - Forbes*

**SB519 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.

*Patron - Forbes*

**SB579 State employees; defense of such persons** Provides that any state agency, board, or other employer of a state employee, other than an agency head, may employ counsel to defend such person when he is investigated of a crime, arrested, indicted, or otherwise prosecuted on any charge arising out of his official duties. The state entity must first make a preliminary finding that (i) the employee did not violate any law, ordinance or regulation as a result of the act in question and (ii) the employee will not be terminated from employment as a result of such act. In addition, the Attorney General must approve of the counsel hired and the reasonable compensation

to be paid to such counsel. Compensation for counsel will be paid out of the funds appropriated for the state agency, board, or other employer of the state employee.

*Patron - Stosch*

**SB584 Department of General Services; disposition of surplus materials.** Permits the donation of surplus materials to public television stations located in Virginia and other nonprofit organizations approved for the distribution of federal surplus materials.

*Patron - Hawkins*

**SB592 Virginia Tourism Authority.** Increases the size of the Board of Directors of the Tourism Authority from 13 to 15 by adding the Secretary of Natural Resources and one citizen member appointed by the Governor.

*Patron - Norment*

**SB611 State Executive Council for Comprehensive Services for At-Risk Youth and Families; membership.** Provides for the Governor to appoint two elected or appointed local officials of which one shall be a member of a local governing body and one shall be a chief administrative officer of a local governing body. Under current law, the Governor appoints one elected or appointed local official.

*Patron - Wampler*

**SB656 Portraits of certain state elected officials.** Removes from the list of works of art that must be approved by the Governor acting with the advice and counsel of the Art and Architectural Review Council, portraits of the Governor, the presiding officer of the Senate, and members of the General Assembly displayed in the appropriate chambers or other buildings under the control and supervision of the person's respective body or office. In addition, the bill deletes an obsolete provision relating to pending litigation and makes several style changes.

*Patron - Trumbo*

**SB672 Legal holidays.** Designates the Friday preceding the third Monday in January as Lee-Jackson Day. The bill redesignates the third Monday in January as the Martin Luther King, Jr., Day.

*Patron - Hanger*

**SB713 Department of General Services; upkeep and maintenance of the Virginia War Memorial Carillon.** Requires the Director of General Services (DGS) to enter into an agreement with the City of Richmond to allow the City to collect user fees for the use of the Virginia War Memorial Carillon. The bill requires the City to report annually to the Director of DGS regarding the fees collected by the City and its expenditures for the upkeep, maintenance, and improvement of the Carillon. The bill also provides that the proceeds from the lease or other conveyance of any interest in the Carillon by DGS shall be paid to the City for upkeep of the Carillon. Other uses of such funds by the City are prohibited. The bill contains an emergency clause.

*Patron - Watkins*

**SB715 Virginia Resources Authority.** Expands the list of projects to include major league baseball stadiums.

*Patron - Whipple*

**SB731 Mental Health, Mental Retardation and Substance Abuse Services 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 Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS). The fund shall also

consist of such moneys as shall be appropriated by the General Assembly and any private donations. The fund is administered by the Commissioner of DMHMRSAS. 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. The proceeds from the sale of any vacant DMHMRSAS buildings and land are to be first used to (i) deliver mental health and other services within the same service area as where such sold buildings and land were located; and (ii) provide benefits to those persons who will no longer be employees of the Commonwealth as a result of such sale. The bill also requires the Commissioner of DMHMRSAS to develop a comprehensive plan for the restructuring of the Commonwealth's mental health care programs and facilities and to provide the final plan by December 15, 2000, to the Governor and enumerated members of the General Assembly. Any restructuring plan or proposed sale of a facility shall be approved by the General Assembly.

*Patron - Martin*

**SB732 Department of Employee Relations Counselors; grievance procedure.** Changes the name of the Department of Employee Relations Counselors to the Department of Employment Dispute Resolution. The bill also (i) authorizes the Director of the Department to hire hearing officers for grievance hearings through a competitive selection process, in addition to selecting hearing officers from the Supreme Court list, and allows the Director to establish policies for the removal of hearing officers deemed ineligible for continued selection; (ii) requires the Director to publish hearing officer decisions and Department rulings; (iii) authorizes appeals from hearing officers' decision to the circuit court in which the grievance arose; (iv) requires the circuit court to render a final decision within 15 days from the close of the hearing; (v) provides that cost of the appeal shall not be borne by the Commonwealth or the grievant; (vi) requires the award of reasonable attorney fees and costs to the employee if the employee substantially prevails on the merits; (vii) clarifies the jurisdiction of the Court of Appeals to hear appeals from grievance hearings; (viii) requires that documents related to a grievance be made available by the opposing party upon request of a party to the grievance; and (ix) grants a records exemption from the Freedom of Information Act for information furnished in confidence to the Department with respect to an investigation, consultation, or mediation under the grievance procedure, and memoranda, correspondence and other records resulting from any such investigation, consultation or mediation. The bill contains technical amendments.

*Patron - Martin*

**SB776 Virginia Investment Partnership Act.** Expands the Virginia Investment Partnership Act to also include certain nonmanufacturing basic employers who make a capital investment of at least \$100 million and create at least 1,000 jobs.

*Patron - Mims*

## Failed

**H32 Virginia Public Building Authority.** Authorizes the Virginia Public Building Authority ("VPBA") to undertake projects consisting of the renovation, improvement, and furnishing of 16 public facilities and to issue revenue bonds not to exceed total project costs of \$107,353,000. The bill also (i) authorizes the VPBA to issue additional revenue bonds not to exceed \$29 million to be used by the Virginia Public Broadcasting Board to aid public television stations to meet FCC standards, and (ii) authorizes to VPBA to issue addi-

tional revenue bonds not to exceed \$13,150,000 to construct a Shipping Point Market for Fruit in the Piedmont-Roanoke region of the Commonwealth.

*Patron - Callahan*

**HB189 Governor's Development Opportunity Fund.** Clarifies that moneys in the Fund may be used for natural resource-based development, including, but not limited to, the construction of oyster reefs or fish hatcheries, the construction of hiking or biking trails, and the promotion of travel or tourism.

*Patron - Pollard*

**HB435 Virginia Public Building Authority; acquisition of Department of Correction's headquarters.** Authorizes the Virginia Public Building Authority ("VPBA") to acquire the building, improvements, and appurtenant land currently being leased to the Commonwealth for the Department of Correction's headquarters located at 6900 Atmore Drive in the City of Richmond, and to issue revenue bonds to finance the project not to exceed \$15 million. The bill also authorizes the VPBA to improve the General Assembly Building and to issue revenue bonds therefor not in excess of \$3,953,000. The legislation finds that an emergency exists and that it is effective upon passage.

*Patron - Callahan*

**HB517 Virginia Public Building Authority; financing projects under the Fire Services Grant Program.** Authorizes the Virginia Public Building Authority to issue revenue bonds in an amount not to exceed \$10 million plus financing expenses, and to deposit the proceeds in the Fire Services Grant Fund to assist combinations of localities with burn building or fire training facility construction and improvements. Prior to the issuance of the bonds the Virginia Fire Services Board shall present a plan for the allocation of the proceeds, and a repayment schedule, to be approved by the Governor. The bill amends portions of current law concerning the Virginia Public Building Authority and the Fire Services Grant Fund to accommodate the issuance and payment of the bonds. The bill also provides that a portion of any increases from year to year in deposits into the Fire Programs Fund will be used in the Fire Services Grant Fund Program.

*Patron - Clement*

**HB560 Distribution of general funds to localities.** Requires that two percent of the total general funds be returned to localities based equally on size of population and degree of fiscal stress.

*Patron - Diamonstein*

**HB571 Grievance procedure; decisions of hearing officers.** Authorizes either party in a grievance hearing to petition the circuit court having jurisdiction in the locality in which the employee is employed for an order carrying out the decision, including any recommendations, of the hearing officer. Currently, either party may petition such court for an order requiring the implementation of the hearing officer's decision.

*Patron - Cranwell*

**HB766 Virginia Economic Development Partnership Authority; duties** Provides that in conjunction with its responsibilities, the Virginia Economic Development Partnership Authority shall promote, in descending order, those localities with the highest rates of unemployment, as determined by the Commission on Local Government, to prospective new businesses.

*Patron - Day*

**HB832 Virginia Resources Authority.** Expands the list of projects to include major league baseball stadiums.

*Patron - Callahan*

**HB842 Law-Enforcement Officers' Procedural Guarantees.** Provides that upon the filing of a complaint or charges against a law-enforcement officer or whenever an internal investigation focuses on matters which are likely to result in a criminal, punitive, disciplinary or civil action against the law-enforcement officer, he shall have the right to be represented by legal counsel or any other representative he chooses. Such representative shall be present and available for consultation at all times prior to and during any questioning, unless such right is waived by the law-enforcement officer. Time, not to exceed three days, shall be afforded to the law-enforcement officer under investigation to obtain representation. For good cause shown, the chief officer may, within such three-day period, extend that period of time.

*Patron - Davis*

**HB1045 Department of General Services; upkeep and maintenance of the Virginia War Memorial Carillon.** Requires the Director of General Services (DGS) to enter into an agreement with the City of Richmond to allow the City to collect user fees for the use of the Virginia War Memorial Carillon. The bill requires the City to report annually to the Director of DGS regarding the fees collected by the City and its expenditures for the upkeep, maintenance, and improvement of the Carillon. The bill also provides that the proceeds from the lease or other conveyance of any interest in the Carillon by DGS shall be paid to the City for upkeep of the Carillon. Other uses of such funds by the City are prohibited. The bill contains an emergency clause. Incorporated into HB1481.

*Patron - Cantor*

**HB1109 Conflict of Interests Acts; disclosure forms.** Requires more specific information on the annual disclosure forms concerning the types of businesses to which services have been furnished by state and local government officers and employees and legislators and their close financial associates.

*Patron - Joannou*

**HB1190 Limits on Budget Bill.** Provides that expenses in the Budget Bill shall not increase at a greater rate than the revenues did for the prior two-year period.

*Patron - Purkey*

**HB1210 Department of Personnel and Training; accrual of annual leave** Requires the Department of Personnel and Training through its personnel policies to increase the accrual of annual leave for state employees with 15 years or more of service. The bill contains a technical amendment.

*Patron - Cantor*

**HB1278 General Assembly Conflict of Interests Act; prohibited conduct.** 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.

*Patron - Suit*

**HB1302 General Assembly Conflict of Interests Act; prohibited conduct.** Prohibits any General Assembly member from serving as a member and simultaneously serving as a commissioner of accounts.

*Patron - Wardrup*

**HB1382 Development of an urban policy for th Commonwealth.** Requires the Governor to create a cabinet-level committee to develop a written comprehensive state urban policy for the Commonwealth. The urban policy should clearly articulate how the Commonwealth will take into account the effect that its policies, programs and incentives will have on the Commonwealth's urban areas. This is a recommendation of the Commission on the Condition and Future of Virginia's Cities.

*Patron - Baskerville*

**HB1544 State grievance procedure; unfair performance evaluations.** Adds unfair or unjust performance evaluations for which a grievance may be held. Currently, only arbitrary or capricious performance evaluations are eligible for a grievance hearing.

*Patron - McEachin*

**SB29 Budget bill.** Amends Appropriations Act of 1999, Chapter 935.

*Patron - Chichester*

**SB30 Budget bill.** Makes appropriations for the 2000-02 biennium.

*Patron - Chichester*

**SB32 Virginia Public Building Authority.** Authorizes the Virginia Public Building Authority to undertake projects consisting of the renovation, improvement, and furnishing of three public facilities located in the City of Richmond. The legislation authorizes the Public Building Authority to issue revenue bonds to finance the projects not to exceed total project costs (not including financing costs, etc.) of \$28,854,000.

*Patron - Chichester*

**SB214 Personnel administration; preference for veterans for employment with the Commonwealth.** Provides for a preference for veterans who apply for employment with the Commonwealth and requires that such preference be applied in a manner consistent with federal and state law. Under the bill, intentional violation of the veteran's preference constitutes malfeasance in office subjecting the officer responsible for the violation to suspension or removal from office. In addition, the bill provides that if a reduction in force is necessary in a state agency and personnel are discharged according to seniority, the number of years of service of any veteran shall be determined by adding that veteran's total years of service in state government service to his total years of service as a member of the armed forces of the United States. The bill also provides for a veteran who has been denied employment with the Commonwealth to file a complaint with the director of the Department of Personnel and Training and gives such veteran standing to file an action in general district or circuit court based on an alleged failure to comply with the veteran's preference provisions. The bill further requires the Department to develop personnel policies relating to the implementation of the veteran's preference including (i) allowing any veteran who has been denied employment with the Commonwealth to file a complaint with the Department within 60 days of the denial and (ii) providing for the Department to investigate and attempt resolution of all such complaints within 60 days of receipt. "Veteran" is defined as any person who has received an honorable discharge and (i) has provided more than 180 consecutive days of full-time, active-duty service in the United States Army, Navy, Air Force, Marines, Coast Guard, or reserve components thereof, including the National Guard, or

(ii) has a service-connected disability rating fixed by the United States Veterans Administration.

*Patron - Puckett*

**SB263 Tobacco Settlement Payments.** To the extent set forth in the appropriation and other acts, authorizes the Governor to sell, from time to time, up to 40 percent of the tobacco settlement payments due to the Commonwealth of Virginia under the Master Settlement Agreement entered into with leading United States tobacco manufacturers on November 23, 1998. Sales may include only such payments that are due to the Commonwealth from and after July 1, 2001. Sales would be made to the Tobacco Settlement Financing Corporation, which is designated as a public body corporate and an independent instrumentality of the Commonwealth. The Tobacco Settlement Financing Corporation would issue bonds to raise monies to buy the Commonwealth's rights and title to and in future tobacco settlement payments. Bondholders would be paid from future tobacco settlement payments that are assigned to the Tobacco Settlement Financing Corporation by the Commonwealth. Any bonds issued by the Tobacco Settlement Financing Corporation would be non-recourse to the Commonwealth. Any residual, after payment to bondholders and expenses of the Tobacco Settlement Financing Corporation, would be distributed back to the Commonwealth.

*Patron - Stosch*

**SB341 Judicial Nominations Commission; local judicial nominations committees.** Creates the Judicial Nominations Commission to recommend candidates for election to the appellate courts of the Commonwealth. The 15-member Commission is composed of members appointed by the Speaker of the House of Delegates, the Senate Committee on Privileges and Elections and the Governor. Recommendations by the Commission are advisory only and not binding on the General Assembly. The bill also creates a local judicial nominations committee for each circuit comprised of citizens appointed by members of the General Assembly from that circuit. The committees are to make nonbinding recommendations to the General Assembly as to persons to be elected to vacant judgeships.

*Patron - Bolling*

**SB379 General Assembly Conflict of Interests Act; prohibited conduct.** Prohibits any General Assembly member from serving as a member and simultaneously serving as a commissioner of accounts.

*Patron - Rerras*

**SB451 Parole Board; abolition.** Abolishes the Virginia Parole Board and transfers its duties, responsibilities, and authority to the State Board of Corrections. The bill contains technical amendments.

*Patron - Marye*

**SB528 State and Local Government Conflict of Interests Act.** Excepts from prohibited contracts an elected constitutional officer whose sole interest in a contract with his owner agency is by reason of his existing marriage to his spouse who is employed by the same agency, if the spouse was employed by the agency for 10 or more years prior to the election of the officer.

*Patron - Puckett*

**SB610 Allocation of individual and corporate income tax revenues.** Provides that, starting with the fiscal year beginning July 1, 2002, an amount equal to (i) one-quarter of one percent of Virginia taxable income for every individual; plus (ii) all corporate income taxes collected in the immediately preceding fiscal year, as certified by the Comptroller,

shall be deposited annually into the Transportation Trust Fund to be used for transportation purposes. Such deposit shall be made no later than December 1 of the fiscal year.

*Patron - Saslaw*

**SB624 Health insurance coverage; part-time employees.** Provides that the Commonwealth may pay for all or a portion of the cost of health insurance for part-time stat employees. In cases where the Commonwealth pays only a portion of the cost of health insurance, the part-time employee will be required to pay the remaining cost of the health insurance in order to obtain coverage. A part-time state employee eligible for health insurance is a person working at least 20 hours per week for a period of at least six months.

*Patron - Edwards*

**SB625 Public Building Authority.** Authorizes the Public Building Authority to purchase the Department of Corrections Headquarters building located in the City of Richmond.

*Patron - Stosch*

**SB671 Development of an urban policy for the Commonwealth.** Authorizes the Governor to create a cabinet-level committee to develop a written comprehensive state urban policy to articulate how the Commonwealth will take into account the effect that its policies, programs and incentives will have on the Commonwealth's urban areas. This is a recommendation of the Commission on the Condition and Future of Virginia's Cities.

*Patron - Hanger*

**SB758 Communications facilities; lease of publicly owned land for communications purposes.** 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 tower and other communications facilities.

*Patron - Williams*

## Carried Over

**HB220 Firefighters; overtime compensation for firefighters and emergency medical technicians.** Requires firefighters, emergency medical technicians, paramedics, ambulance personnel, rescue workers, and hazardous materials workers to be paid overtime at a rate of not less than one and one-half times the employee's regular rate of pay for all hours of work in excess of 53 hours in a seven-day work period or 212 hours in a 28-day work period, or for work periods adopted between seven and 28 days, the number of hours which bears the same relationship to 212 as the number of days in the work period bears to 28. For purposes of computing fire protection employees' entitlement to overtime compensation all hours in which an employee works or is in a paid status shall be counted as hours of work. The bill provides for remedies for violation.

*Patron - Callahan*

**HB362 Virginia Retirement System; health insurance credits for retired school division employees.** Extends the health insurance credit of two and one-half dollars per month for each year of creditable service, with a monthly maximum of \$75.00, currently available to retired teachers, to retired school division employees who participated in the VRS and have at least 15 years of creditable service. This would cover school division employees not included under the definition of a teacher, including, but not limited to, bus drivers, janitors, teachers aides, and cafeteria and clerical workers. Under

current law, such employees are entitled to a credit of only one and one-half dollars per month for each year of creditable service, with a monthly maximum of \$45.00. The bill also allows retired school division employees to receive the credit if, after leaving school division service, they worked for a local government that does not elect to provide a retiree health insurance credit.

*Patron - Stump*

**HB390 Health insurance; part-time and hourly employees.** Provides that the health insurance benefits currently available to full-time, salaried state employees be provided to (i) all state employees who are paid on an hourly basis and who have been employed for at least six months, and (ii) all state employees who are paid on a salaried basis and who work at least 20 hours per week.

*Patron - Baskerville*

**HB434 Capital Expenditure Special Fund.** Requires that a portion of the growth in state income tax revenue from sources other than employer withholdings be deposited in a special fund and appropriated for nonrecurring expenditures, which include financing capital projects and reducing bonded indebtedness incurred for capital projects. The portion of nonwithholding revenues to be deposited in the Fund is the percentage by which the rate of the estimated growth in nonwithholding revenue exceeds the rate of the growth in general fund revenue. When year-end revenue figures are available, the rates of growth in both withholding a general fund revenues will be recalculated. If general fund revenue collections meet the revenue estimate and the revised percentage of nonwithholding revenues is greater than the amount previously calculated, the excess will be segregated for future deposit to the Fund. If general fund revenue collections meet the revenue estimate but the revised percentage of nonwithholding revenues is less than the amount previously calculated, the shortfall needed to finance nonrecurring expenditures will be met from general fund balances or other allocations of funds.

*Patron - Callahan*

**HB555 Health care coverage; hearing aids.** Requires the state employee health care plan to provide coverage for hearing examinations, hearing aids and related services.

*Patron - Kilgore*

**HB575 Local judicial nominations committees.** Establishes a judicial nominations committee in each circuit composed of citizens and lawyers appointed by majority vote of the members of the General Assembly who represent any portion of the circuit. The committees are to investigate candidates (including incumbent judges) for circuit and district court vacancies and submit reports on up to three nominations per vacancy to the General Assembly. There is an opt-out provision for those delegations that already have nomination procedures in place.

*Patron - Clement*

**HB623 Health insurance credit for retired state employees and teachers.** Increases the monthly amount of health insurance credit per year of creditable service (i) for retired state employees from four dollars to four and one-half dollars up to a maximum of \$135; (ii) for retired teachers from two and one-half dollars to three dollars up to a maximum of \$90; and (iii) for certain local employees from one and one-half dollars to two dollars up to a maximum of \$60.

*Patron - Putney*

**HB646 Virginia Human Rights Act; retaliation prohibited.** Provides that retaliation against a person who

reports the misuse of funds by employees of a public body or agency chartered or authorized by the Commonwealth shall be prohibited where such retaliation includes unfounded charge of unlawful discrimination. The bill defines "unfounded charges" to include those made by the employee who was alleged to have misused the funds or by someone who cooperates with the employee in making the unfounded charges. The bill also provides that nothing shall be construed to deny the person subject to the unfounded charges of unlawful discrimination a private right of action under Virginia Human Right Act.

*Patron - McClur*

**☐HB838 Line of Duty Act; probation and parole officers.** Includes adult and juvenile probation and parole officers under the protection of the Line of Duty Act.

*Patron - Hamilton*

**☐HB881 Division of Consolidated Laboratory Services; environmental laboratory certification program.** Provides an exemption from the Division of Consolidated Laboratory Services' laboratory certification regulations to laboratories in municipal treatment facilities serving less than 20,000 persons and owned by political subdivisions of the Commonwealth, including entities created pursuant to the Virginia Water and Waste Authorities Act.

*Patron - Phillips*

**☐HB900 Commonwealth of Virginia Cultural Facilities Bond Act of 2000.** Authorizes, subject to approval by a majority of the qualified voters of the Commonwealth votin thereon at the November 7, 2000, general election, the issuance of Commonwealth of Virginia Cultural Facilities Bonds pursuant to Article X, Section 9 (b) of the Virginia Constitution in an amount not exceeding \$90,100,000. The purpose of the bonds is to provide funds for paying, together with any other available funds, the cost of maintaining, restoring, repairing, improving, and refurbishing the physical plants, including incidental equipment, of cultural, historic and artistic facilities. The full faith and credit of the Commonwealth is pledged fo the payment of the principal of and interest on the bonds and any bond anticipation notes or refunding bonds. The bill authorizes the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds, to borrow money in anticipation of the issuance of the bonds, and to issue refunding bonds. The bill shall not become effective and no bonds shall be issued unless voter approval is obtained.

*Patron - Diamonstein*

**☐HB916 Health insurance credit; retired state employees.** Increases the amount of the monthly health insurance credit for retired state employees with 30 or more years of creditable service from \$120 to the amount of the premium for the Medicare supplement provided under the Commonwealth' retiree health benefits program.

*Patron - Cranwell*

**☐HB937 Division of Purchase and Supply; regulations; unsolicited proposals.** Requires the Division of Purchase and Supply to adopt regulations that establish the conditions under which a public body may accept unsolicited bid proposals and award contracts without the necessity for further competitive procurement. Such regulations may be based on the Federal Acquisition Regulation adopted by the U.S. General Services Administration.

*Patron - Plum*

**☐HB1085 Privacy Protection Act of 1976; disclosure of social security number and other personal information.** Prohibits any agency from disclosing the social securit

number, date of birth or any other personal information of any data subject, unless the disclosure or furnishing of such information is specifically required by federal or state law.

*Patron - Ware*

**☐HB1180 Public deposits; duties of public depositories.** Provides that no institution shall be deemed to have accepted the liabilities and duties imposed under this chapter with respect to any funds, other than funds deposited in an existing public deposit account, deposited at such instituti without written notice from the treasurer or public depositor that such funds represent a public deposit subject to this chapter. Currently, any institution accepting a public deposit which is required by law to be secured is deemed to have accepted the liabilities and duties imposed upon it by law.

*Patron - Reid*

**☐HB1380 Discrimination prohibited.** Prohibits discrimination in employment on the basis of sexual orientation.

*Patron - Baskerville*

**☐HB1448 Local lobbying regulation and disclosure law.** Provides for the regulation and disclosure of lobbying activities in counties and cities. Lobbying is defined to cover attempts to influence official actions by members of the county or city governing body, school board, planning commission, or board of zoning appeals or the county or city chief executive officer.

*Patron - Jones, D.C.*

**☐HB1472 Judicial Inquiry and Review Commission.** Provides for the specific appointment of a Commission Counsel, confirmed by the General Assembly, for a term of four years. Vacancies may be filled by the Commission during session interim; however, an appointed successor may serve only 30 days into session without receiving the requisite General Assembly confirmation. The Counsel may be appointed for subsequent terms, but must be confirmed after each appointment. The Counsel may hire staff with the prior approval of the Commission.

*Patron - Kilgore*

**☐HB1493 Privacy Protection Act.** Provides that no agency shall disclose the personal information (as defined i the act) of any data subject unless the disclosure of such information (i) is specifically required by federal or state law, (ii) is to another agency where disclosure is necessary for the performance of either agency's official duties as prescribed by law, or (iii) is made pursuant to other provisions of the Privacy Protection Act.

*Patron - Devolites*

**☐HB1504 Virginia Civil Rights Act of 2000.** This bill would create a single state agency to investigate, conciliate and adjudicate civil rights complaints concerning employment, housing and access to public accommodations. The agency would be an independent body separate from the executive, legislative and judicial branches of government. The Commission would be headed by three commissioners elected by the General Assembly. The election criteria and process would be modeled on the workers' compensation commission ensurin balance in viewpoint among the commissioners.

*Patron - Baskerville*

**☐HB1505 Virginia Veterans Care Center; Board of Trustees.** Removes the Virginia Veterans Care Center from under the direction and supervision of the Secretary of Administration. The bill also (i) authorizes the Board of Trustees o the Center to administer any other veteran care centers that may be established; (ii) changes the manner in which the Board



of Trustees are appointed from all appointments being made by the Governor to the Governor making five appointments, the Speaker of the House making three appointments, and the Senate Privileges and Elections Committee making two appointments; and (iii) provides that members of the Board may be removed by the Governor for cause as provided in existing law and not at the pleasure of the Governor.

*Patron - Cranwell*

**HB1513 State employee health insurance plan; coverage for prescription drugs.** Prohibits the Department of Personnel and Training from structuring the outpatient prescription drug program under the state employee health insurance plan in a manner that creates an incentive to purchase covered prescription drugs through mail-order services, until the Department has conducted a study of the costs and benefits of such an incentive feature. The report is to be submitted annually to the General Assembly. The bill has an emergency clause.

*Patron - Morgan*

**SB7 Economic development; Virginia Maritime Investment Act.** Establishes a grant program to be paid, subject to appropriation, from the Virginia Maritime Investment Partnership Grant Fund. The program provides grants to eligible ship repair companies making a capital investment of at least \$50,000. Eligible ship repair companies are companies that have continuously been repairing ships in Virginia for at least five years. The capital investment must increase the productivity of the ship repair company or result in the utilization of a more advanced technology by such company, or both. The Secretary of Commerce and Trade shall determine whether or not a grant is to be awarded to eligible ship repair companies based on guidelines establishing criteria for the awarding of a grant and based on recommendations of the Virginia Economic Development Partnership. In cases where a grant is awarded, the grant shall equal 10 percent of the cost of the capital investment. The guidelines for the awarding of a grant shall be reviewed by the chairmen of the House Appropriations and Senate Finance Committees before the Secretary of Commerce and Trade may award any grant. These guidelines must take into account the number of new jobs created, wages, the amount of the investment, the present net value of paid benefits to Virginia, and other factors. The amount of a grant any eligible ship repair company is eligible for shall not exceed \$25 million in aggregate. The Secretary of Commerce and Trade can approve up to \$20 million in grants in any one fiscal year. The aggregate amount of grants outstanding at any one time, however, may not exceed \$80 million. The Commonwealth's annual obligation for grants to an individual ship repair company shall not exceed \$750,000. The grants will be payable in five equal installments beginning in the second year after the capital investment is completed and verified as such by the Virginia Economic Development Partnership.

*Patron - Walker*

**SB103 Public Procurement Act; payment of living wage.** Requires vendors and contractors awarded state contracts to pay employees a wage that is indexed to 150 percent of the federal minimum wage for employees who receive health benefits and 175 percent for employees who do not receive health benefits.

*Patron - Miller, Y.B.*

**SB167 Virginia Retirement System; health insurance credits for retired school division employees.** Extends the health insurance credit of two and one-half dollars per month for each year of creditable service, with a monthly maximum of \$75.00, currently available to retired teachers, to retired school division employees who participated in the VRS

and have at least 15 years of creditable service. This would cover school division employees not included under the definition of a teacher, including, but not limited to, bus drivers, janitors, teachers aides, and cafeteria and clerical workers. Under current law, such employees are entitled to a credit of only one and one-half dollars per month for each year of creditable service, with a monthly maximum of \$45.00. The bill also allows retired school division employees to receive the credit if, after leaving school division service, they worked for a local government which does not elect to provide a retiree health insurance credit.

*Patron - Puckett*

**SB200 Public safety; overtime compensation for fire protection and law-enforcement employees.** Requires firefighters and other fire protection employees, including emergency medical technicians, paramedics, ambulance personnel, rescue workers, and hazardous materials workers to be paid overtime at a rate of not less than one and one-half times the employee's regular rate of pay for all hours of work in excess of 53 hours in a seven-day work period or 212 hours in a 28-day work period, or for work periods adopted between seven and 28 days, the number of hours which bears the same relationship to 212 as the number of days in the work period bears to 28. The bill also requires employers shall pay law-enforcement employees overtime compensation at a rate of not less than one and one-half times the employee's basis rate of pay for all hours of work in excess of 43 hours in a seven-day work period or 172 hours in a 28-day work period, or for work periods adopted between seven and 28 days, the number of hours which bears the same relationship to 172 as the number of days in the work period bears to 28. The bill provides for remedies for violation.

*Patron - Howell*

**SB266 State employees health insurance.** Requires the coverage for autism, which is included in the definition of biologically based mental illnesses, to include, effective July 1, 2000, medically appropriate speech, occupational, physical, and other related therapies relevant to the treatment of autism. This bill is the same as SB 605.

*Patron - Bolling*

**SB271 Health care coverage; hearing aids.** Requires the state employee health care plan to provide coverage for hearing examinations, hearing aids and related services.

*Patron - Houck*

**SB356 Health insurance credit for retired state employees and teachers.** Provides that retired state employees shall receive a health insurance credit calculated pro rata, based on years of creditable service, on the total premium for the Medicare supplement provided under the Commonwealth's retiree health benefits program. The bill provides retired teachers with monthly health insurance credits equal to three and one-half dollars for each full year of creditable service up to a maximum of \$105. Current law provides retired state employees with a monthly credit equal to four dollars for each year of creditable service up to \$120, and provides teachers a credit of two and one-half dollars for each year of creditable service up to \$75.

*Patron - Miller, K.G.*

**SB512 Virginia Investment Act of 2000.** Limits the rate of growth of state expenditures to the total of annual percentage changes in population and cost of living, but in no event greater than the three-year average of change in per capita personal income. Revenues in excess of the capped expenditure amount shall be deposited into the Virginia Investment Account, which is established. Money in the Account shall be

appropriated only for capital transportation projects, public school construction, higher education capital projects, research and development projects relating to economic development and reducing bonded indebtedness, and to address emergencies. The amount of annual deposits to the Account is capped at five percent of the excess of revenues over expenditures, including deposits to the Revenue Stabilization Fund and Water Quality Improvement Fund, in a fiscal year. The excess revenue over the amount required to be deposited in the Account is to be refunded pro rata on annual income tax returns. The limit on the rate of general fund growth may be exceeded if the Governor declares an emergency.

*Patron - Barry*

**CSB573 Economic development; Virginia Maritime Investment Act.** Establishes a grant program to be paid, subject to appropriation, from the Virginia Maritime Investment Partnership Grant Fund. The program provides grants to eligible ship repair companies making a capital investment of at least \$50,000. Eligible ship repair companies are companies that have continuously been repairing ships in Virginia for at least five years. The capital investment must increase the productivity of the ship repair company or result in the utilization of a more advanced technology by such company, or both. The Secretary of Commerce and Trade shall determine whether or not a grant is to be awarded to eligible ship repair companies based on guidelines establishing criteria for the awarding of a grant and based on recommendations of the Virginia Economic Development Partnership. In cases where a grant is awarded, the grant shall equal 10 percent of the cost of the capital investment. The guidelines for the awarding of a grant shall be reviewed by the chairmen of the House Appropriations and Senate Finance Committees before the Secretary of Commerce and Trade may award any grant. These guidelines must take into account the number of new jobs created, wages, the amount of the investment, the present net value of paid benefits to Virginia, and other factors. The amount of a grant any eligible ship repair company is eligible for shall not exceed \$25 million in aggregate. The Secretary of Commerce and Trade can approve up to \$20 million in grants in any one fiscal year. The aggregate amount of grants outstanding at any one time, however, may not exceed \$80 million. The Commonwealth's annual obligation for grants to an individual ship repair company shall not exceed \$750,000. The grants will be payable in five equal installments beginning in the second year after the capital investment is completed and verified as such by the Virginia Economic Development Partnership.

*Patron - Schrock*

**CSB605 State employees health insurance.** Requires the coverage for autism, which is included in the definition of biologically based mental illnesses, to include, effective July 1, 2000, medically appropriate speech, occupational, physical, and other related therapies relevant to the treatment of autism. This bill is the same as SB 266.

*Patron - Saslaw*

**CSB607 Freedom of Information Act; records exemptions.** Provides a records exemption from the Freedom of Information Act for logs or other similar records maintained by the clerk of any circuit court which can be used to identify both (i) the name of any person who has reviewed criminal records in the possession of the clerk and (ii) the criminal records such person has reviewed, to the extent that release of such logs or other similar records would jeopardize the safety of the person whose name appears therein.

*Patron - Saslaw*

**CSB657 Health professions and health; 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. Applicants must meet educational, specialized training, and competency standards set by the Board of Health Professions, with advice from the Advisory Council on Midwifery established in this bill, and must have a written protocol with an actively practicing physician who has hospital privileges and is experienced in providing labor and delivery care. In addition, midwives must obtain the informed, written consent of any pregnant woman seeking midwife care. The consent form, which must be approved by the Board of Health Professions, shall include information about the midwife's training, an explanation of the arrangements for physician backup, the midwife's level of malpractice or liability insurance, and a description of the patient's right to file complaints with the Board and the procedures for doing so. The Board of Health Professions shall promulgate regulations which, when implemented, will supersede current provisions in the Code for midwives, but the Board of Health will administer the licensing examination and issue licenses to midwives. The bill contains technical amendments.

*Patron - Rerras*

**CSB733 Virginia Veterans Care Center; Board of Trustees.** Removes the Virginia Veterans Care Center from under the direction and supervision of the Secretary of Administration. The bill also (i) authorizes the Board of Trustees of the Center to administer any other veteran care centers that may be established; (ii) changes the manner in which the Board of Trustees are appointed from all appointments being made by the Governor to the Governor making five appointments, the Speaker of the House making three appointments, and the Senate Privileges and Elections Committee making two appointments; and (iii) provides that members of the Board may be removed by the Governor for cause as provided in existing law and not at the pleasure of the Governor.

*Patron - Edwards*

## Agriculture, Horticulture and Food

Passed

**PHB552 Protection of farm and forest lands.** Revises the Important Farmlands law, which requires state agencies to evaluate the impacts of their actions on farm and forest lands. The bill replaces the definition of "important farmlands" with a set of characteristics that are exhibited by farm and forest lands that are worthy of protection, and clarifies that the requirement of evaluating impacts on farm and forest lands applies to highway and road construction projects. With regard to state agency farmland protection plans, the bill requires annual updates, review by the Secretary of Commerce and Trade, and that the Secretary submit an annual report to the standing committees of jurisdiction in the General Assembly. This is a recommendation of the Commission on the Future of Virginia's Environment. This bill is identical to SB396.

*Patron - Deeds*

**PHB638 Local animal ordinances.** Provides that an animal control officer shall confine an animal believed to be a dangerous or vicious dog until a decision is made by a magistrate as to whether or not the animal is a dangerous or vicious dog. The bill provides that an animal control officer may permit the owner or custodian to confine the animal until a decision is made if the animal control officer determines that the

owner or custodian can confine the animal in a manner that protects the public safety. Currently, the owner of the animal may confine the animal until a decision is made without a determination by the animal control officer that the owner can confine the animal in a manner that protects the public safety. This bill is identical to SB 440.

*Patron - Williams*

**HB973 Local retail farmers markets.** Allows localities to establish, operate, and maintain local retail farmers markets.

*Patron - VanYahres*

**HB1037 Cotton handlers.** Establishes a new law concerning cotton handlers, which includes cotton gins, merchants and warehouses. The bill contains requirements for licensing and bonds to be furnished by handlers, recordkeeping requirements, and provisions on the inspection and enforcement authority of the Department of Agriculture and Consumer Services.

*Patron - Bloxom*

**HB1038 Farmers markets.** Requires that persons operating farmers markets pursuant to a contract with the Commissioner of Agriculture and Consumer Services annually submit to the Commissioner and the Farmers Market Board a plan for, and a report on, the operation of the market. The plan is to describe the operator's goals for the coming year, and the report is to describe the extent to which the goals for the previous year were met. The Commissioner must annually submit a report summarizing the market operators' reports and plans to the chairmen of the standing committees of jurisdiction in the General Assembly. There are currently four wholesale farmers markets to which this bill would apply. This is a recommendation of the Joint Subcommittee Studying Virginia's Farmers Market System.

*Patron - Bloxom*

**HB1288 Virginia Farmer Major Drought, Flood and Hurricane Disaster Act.** Allows localities to develop grant programs to supply emergency financial assistance to farmers to offset a portion of any operating losses resulting from a major disaster as declared by the Governor. This is emergency legislation.

*Patron - Black*

**HB1514 Animal pounds.** Allows the Board of Agriculture and Consumer Services to impose civil penalties on animal shelters and county and city pounds that are violating Board regulations. The penalties may not exceed \$1,000 per violation, and each day is considered a separate offense. In determining the amount of any civil penalty, the Board shall consider (i) the history of previous violations at the pound; (ii) whether the violation has caused injury to, death or suffering of, an animal; and (iii) the demonstrated good faith of the locality to achieve compliance after notification of the violation. This bill has a delayed effective date of July 1, 2001.

*Patron - Morgan*

**SB162 Noxious weeds.** Declares the Purple Loosetrife, and its hybrids and cultivars, a noxious weed and requires the Commissioner and the Board of Agriculture and Consumer Services to regulate the transport and sale of this weed under the Noxious Weed Law.

*Patron - Watkins*

**SB396 Protection of farm and forest lands.** Revises the Important Farmlands law, which requires state agencies to evaluate the impacts of their actions on farm and forest lands. The bill replaces the definition of "important

farmlands" with a set of characteristics that are exhibited by farm and forest lands that are worthy of protection, and clarifies that the requirement of evaluating impacts on farm and forest lands applies to highway and road construction projects. With regard to state agency farmland protection plans, the bill requires annual updates, review by the Secretaries of Commerce and Trade and Natural Resources, and that the Secretary of Commerce and Trade submit an annual report to the standing committees of jurisdiction in the General Assembly. This is a recommendation of the Commission on the Future of Virginia's Environment. This bill is identical to HB 552.

*Patron - Hanger*

**SB440 Local animal ordinances.** Provides that an animal control officer shall confine an animal believed to be a dangerous or vicious dog until a decision is made by a magistrate as to whether or not the animal is a dangerous or vicious dog. The bill provides that an animal control officer may permit the owner or custodian to confine the animal until a decision is made if the animal control officer determines that the owner or custodian can confine the animal in a manner that protects the public safety. Currently, the owner of the animal may confine the animal until a decision is made without a determination by the animal control officer that the owner can confine the animal in a manner that protects the public safety. This bill is identical to HB 638.

*Patron - Rerras*

**SB534 Virginia Pest Law.** Repeals the requirement that the Commissioner of the Department of Agriculture and Consumer Services must appoint a State Entomologist and Plant Pathologist. The bill also authorizes the Commissioner to cooperate with public and private organizations to suppress, control, eradicate, or to prevent or retard the spread of any pest.

*Patron - Watkins*

**SB674 Milk and milk products; penalty** Provides that the Commissioner of Agriculture and Consumer Services may impose civil penalties on individuals who violate the provisions of regulations adopted by the Board of Agriculture and Consumer Services regarding standards of quality, permits, and sanitary requirements for milk, milk products, and milk production. Civil penalties imposed by the Commissioner are to be paid into the general fund of the state treasury.

*Patron - Hanger*

## Failed

**HB413 Equine infectious anemia.** Requires the State Veterinarian to order any animal infected with equine infectious anemia to be destroyed.

*Patron - Phillips*

**HB639 Local animal ordinances.** Permits localities to adopt more stringent ordinances to control dangerous or vicious dogs than are set forth in the dangerous or vicious dog provisions in the Code of Virginia.

*Patron - Williams*

**HB972 Weights and measures.** Exempts scales used in the selling of food products at community farmers' markets from inspections by the Department of Agriculture and Consumer Services. "Community farmers' market" is defined as a retail farmers' market that is managed by a locality, is open fewer than five days a week, and at which fresh fruits or vegetables or other agricultural products are sold by five or more vendors, each of whom produced the products he is selling.

*Patron - VanYahres*

**FSB439 Local animal ordinances.** Permits localities to adopt more stringent ordinances to control dangerous or vicious dogs than are set forth in the dangerous or vicious dog provisions in the Code of Virginia.

*Patron - Rerras*

## Carried Over

**CHB957 Food and drink; penalties.** Allows the Board of Agriculture and Consumer Services to impose civil penalties of up to \$1,000 in lieu of pursuing criminal prosecution prescribed by the food and drink laws. In deciding whether to assess a civil penalty or pursue criminal prosecution and in determining the amount of any civil penalty, the Board is to consider (i) the history of previous violations of the person, (ii) the seriousness of the violation, and (iii) the demonstrated good faith of the person charged in attempting to achieve compliance with the chapter after notification of the violation. Penalty money will be placed in the Food Safety Fund, which is created by the bill to be used for the administration of the food and drink laws.

*Patron - Larrabee*

**CHB1252 License tax on ownership of dogs or cats.** Increases the maximum amount that the governing body of a county or city may impose as a license tax on the ownership of a dog or cat from \$10 per year to \$25 per year.

*Patron - Brink*

## Alcoholic Beverage Control Act

### Passed

**P HB416 Alcoholic beverage control; local taxes on alcoholic beverages** Provides that no provision of law, general or special, shall authorize any county, city or town to adopt any ordinance or resolution which imposes any tax on the sale of alcoholic beverages, except for certain local taxes enumerated in the bill. However, this shall not affect the authority of any locality to impose a license or privilege tax or fee on a business engaged in the sale of alcoholic beverages if such is based on a flat or percent fee or is an annual or privilege tax which includes alcoholic beverages and treats them the same as nonalcoholic beverages.

*Patron - Reid*

**P HB747 Alcoholic beverage control; payment of taxes and fees by credit or debit cards.** Authorizes the ABC Board to accept credit or debit cards in payment for the taxes, penalties or other fees imposed on a licensee. In addition, the Board may assess a service charge for the use of a credit or debit card. The service charge shall not exceed the amount negotiated and agreed to in a contract with the Department.

*Patron - Cantor*

**P HB795 Alcoholic beverage control; annual mixed beverage amphitheater licenses.** Creates a new annual mixed beverage amphitheater license issued by the ABC Board to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 20,000 persons and is located in any county with a population between 210,000 and 216,000 (Prince William County) or in any city with a population between 392,000 and 394,000 (Virginia Beach). Such license authorizes the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers to

patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption. The bill also provides for the payment of a state and local license tax. The bill contains technical amendments. The bill also provides that individuals who hold a brewery license to operate a facility designed for and utilized exclusively for the education of persons in the manufacture of beer, including sampling of such products, within a theme or amusement park located on the premises occupied by such brewery or upon contiguous property. Samples must be consumed on the premises and only by individuals to whom such products may be lawfully sold.

*Patron - Wagner*

**P HB1078 Alcoholic beverage control; annual mixed beverage amphitheater licenses.** Creates a new annual mixed beverage amphitheater license issued by the ABC Board to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 5,000 persons and is located in any city with a population between 103,900 and 104,500 (Portsmouth). Such license authorizes the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The bill also provides for the payment of a state and local license tax. The bill contains technical amendments.

*Patron - Melvin*

**P HB1093 Alcoholic beverage control; farm winery licenses.** Divides farm winery licenses into two classifications, Class A or Class B, depending on (i) the percentage of fresh fruit or agricultural products used by the licensee in the production of wine and (ii) whether the licensee is required to grow the grapes/fruit on the property that constitutes the farm winery. With the Class A license, at least 51 percent of the agricultural product must be grown or produced on the farm (in Virginia). With the Class B farm winery license, 75 percent of the agricultural products used must be grown or produced in Virginia; however this license allows the licensee to enter into agreements for the purchase of grapes or other fruits from agricultural growers in Virginia. The bill provides for the state license tax to be paid by the Class A farm winery licensee and the Class B farm winery licensee. The bill also provides that no Class B farm winery license shall be granted to any person who has not operated under an existing farm winery license for at least seven years.

*Patron - Dudley*

**P HB1455 Alcoholic beverage control; hearings by the Alcoholic Beverage Control Board.** Allows the ABC Board to deny a hearing when an applicant receives a restricted license and reapplies within twelve months of the date of the issuance of such license for a lesser-restricted license at the same location.

*Patron - Jones, D.C.*

**P SB346 Alcoholic beverage control; local taxes on alcoholic beverages** Provides that no provision of law, general or special, shall authorize any county, city or town to adopt any ordinance or resolution which imposes any tax on the sale of alcoholic beverages, except for certain local taxes enumerated in the bill. However, this shall not affect the authority of any locality to impose a license or privilege tax or fee on a business engaged in the sale of alcoholic beverages if such is based on a flat or percent fee or is an annual or privilege tax

which includes alcoholic beverages and treats them the same as nonalcoholic beverages.

*Patron - Williams*

**SB457** **ABC; compensation of employees.** Removes the prohibition against any person receiving a percentage of the income of a licensed business or to have any beneficial interest in such business. Current regulations specifically allow employees of retail wine and beer or beer only establishments to receive compensation based on the total volume of sales, including alcohol, but this does not apply to mixed beverage licensees.

*Patron - Saslaw*

**SB523** **Alcoholic beverage control; refusal to grant license.** Eliminates the one year residency requirement for wholesale beer and wine licenses and replaces it with a restatement of the tied house prohibitions. Under current law, the ABC Board must refuse to grant a license to any applicant for a wholesale beer or wine license who does not meet the one year residency requirement. The bill also requires the ABC Board to review certain wholesale licenses it issued to any manufacturer prior to July 1, 2000, in light of this change in law.

*Patron - Mims*

**SB591** **Alcoholic beverage control; farm wineries.** Increases from 14 to 18 percent the amount of alcohol per volume of wine that a farm winery may produce. The bill also contains technical amendments.

*Patron - Norment*

**SB769** **Alcoholic beverage control; annual mixed beverage amphitheater licenses.** Creates a new annual mixed beverage amphitheater license issued by the ABC Board to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 5,000 persons and is located in any city with a population between 103,900 and 104,500 (Portsmouth). Such license authorizes the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The bill also provides for the payment of a state and local license tax. The bill contains technical amendments.

*Patron - Lucas*

**SB771** **Alcoholic beverage control; farm winery licenses.** Divides farm winery licenses into two classifications, Class A or Class B, depending on (i) the percentage of fresh fruit or agricultural products used by the licensee in the production of wine and (ii) whether the licensee is required to grow the grapes/fruit on the property that constitutes the farm winery. With the Class A license, at least 51 percent of the agricultural product must be grown or produced on the farm (in Virginia). With the Class B farm winery license, 75 percent of the agricultural products used must be grown or produced in Virginia; however this license allows the licensee to enter into agreements for the purchase of grapes or other fruits from agricultural growers in Virginia. The bill provides for the state license tax to be paid by the Class A farm winery licensee and the Class B farm winery licensee.

*Patron - Reynolds*

## Failed

**HB1193** **Alcoholic beverage control; mixed beverage licenses.** Authorizes the ABC Board to issue mixed beverage licenses to any establishments located on old Jonesboro Road between Routes 823 and 808, adjoining property owned by Virginia Interment College, and located midway between a city having a population between 17,500 and 18,500 and a town having a population between 7,000 and 7,500 (Olde Farm Golf Club in Washington County).

*Patron - Diamonstein*

**HB1418** **Alcoholic beverage control; local control.** Clarifies that no ordinance adopted by a locality can regulate or prohibit the promotion or marketing of alcoholic beverages.

*Patron - Katzen*

## Carried Over

**HB1185** **Alcoholic beverage control; suspension of licenses; imposition of penalties.** Increases the civil penalty for a second violation of the ABC laws by a licensee from \$2,500 to \$5,000. Under this bill, the \$5,000 penalty could be assessed by the ABC Board for a second or subsequent violation in lieu of or in addition to suspension of the license. Currently, the penalties for a second or subsequent violation are \$2,500 and \$5,000, respectively. The bill also contains a technical amendment.

*Patron - Reid*

## Banking and Finance

### Passed

**HB573** **Credit unions; fiduciary accounts.** Provides credit unions with the same protections and authorizations regarding the issuing of shares and maintaining of share accounts in the name of persons or entities for membership in the credit union as fiduciaries as other financial institutions enjoy. The credit union is held harmless for the payment of funds from or the delivery of funds into such account as long as the fiduciary has signed for such payment or delivery. The credit union need not inquire into whether the fiduciary is breaching his obligation when the fiduciary purchases shares in his own name with funds from the fiduciary account or with funds from other accounts of his principal; however, the credit union must not pay the amount of such shares if it has actual knowledge that the fiduciary is breaching his fiduciary obligation or that issuing the shares or paying the withdrawal constitutes bad faith.

*Patron - Bryant*

**SB212** **Consumer finance licensees.** Allows the State Corporation Commission, upon receipt of written notice of intent, to authorize the operation of another related business in a consumer finance licensee's office without a formal investigation and finding of fact. However, the Commission's authority to request various information concerning the other business is preserved, along with its authority to investigate the conduct of such other business and to prohibit or limit the conduct of such other business if it is operating unlawfully or not in the public interest.

*Patron - Holland*

**SB250 Consumer Finance Act.** Eliminates the requirement that the Bureau of Financial Institutions annually make and publish an analysis and recapitulation of the annual reports filed by lenders licensed to do business under the Consumer Finance Act.

*Patron - Holland*

**SB251 Identifying a business as a bank** Rewrites existing law that prohibits a person, entity, or organization that is not authorized to engage in banking or trust business from using signs or written materials indicating that it is a bank, and from using words such as "bank," "banking," "banker" or "trust" in connection with any business other than the business of banking. A violation remains a Class 6 felony. The changes remove outdated terminology and make technical corrections.

*Patron - Holland*

**SB376 Nonprofit debt counseling agencies; fees and qualifications** Authorizes licensed nonprofit debt counseling agencies to be reimbursed for the cost of a credit report and actual bank charges for automatic account debiting for debt repayment. The maximum monthly fee is increased from five to 20 dollars. No person or organization outside the Commonwealth may offer its debt counseling services to persons in the Commonwealth without qualifying under State Corporation Commission standards and paying the applicable licensure fee. The bill also requires such agencies to provide the debtor with a separate written notice informing the debtor that the provision of debt pooling and distribution services may have a derogatory effect on the debtor's credit report and credit scores.

*Patron - Stosch*

**SB620 Consumer Real Estate Settlement Protection Act; licensing requirements, standards and financial responsibility.** Requires title insurance agents acting in the capacity of settlement agents to be licensed. No insurer may intentionally make any materially false or misleading statement or entry on a settlement statement. In addition to current statutory penalties, the State Corporation Commission may order a penalty of up to \$5,000 for each violation; issue a temporary or permanent injunction, or restraining order; and order restitution to be made. These penalties are not exclusive of penalties set out by other licensing authorities, including penalties for the unauthorized practice of law. An insurer licensed for the business of title insurance who knows or believes one of its agents has committed any act of larceny in that agent's provision of escrow, closing or settlement services shall file with the Commission a complete statement of the relevant facts and circumstances. Statements are privileged communications, and do not subject the insurer, or its representative, to any liability.

*Patron - Barry*

## Carried Over

**HB488 Revolving credit and open-end sales and loan plans; telephonic credit solicitations.** Requires creditors who solicit consumers by telephone to receive a signed, written application from a consumer prior to extending credit.

*Patron - Orrock*

**HB1515 Financial institutions; deferred presentment services.** Establishes the requirements for operation in the business of deferred presentment services, or payday lending. "Deferred presentment services" is 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 pre-

sentment; and (iii) pays to the maker of the check the amount of the check, less the permitted fee. Anyone engaging in the business of deferred presentment services must be licensed with the State Corporation Commission by applying for a license, paying a \$1,000 license fee, and posting a \$10,000 bond. The SCC is authorized to investigate the affairs, business premises and records of deferred presentment services licensees and promulgate regulations to enforce this chapter. Violators of the bill's provisions are subject to both civil and criminal penalties.

*Patron - Morgan*

## Boundaries, Jurisdiction and Emblems of the Commonwealth

### Passed

**SB194 Senate armorial bearings.** Permits the Clerk of the Senate the statutory official use of the Senate armorial bearings because, under the rules, the clerk is the custodian of the public seal and design of armorial bearings of the Senate. The bill also clarifies that representations of the armorial bearings used by current members may be in other colors besides gold.

*Patron - Trumbo*

## Civil Remedies and Procedure

### Passed

**HB447 Effect of release or covenant not to sue.** Includes within the definition of covenant not to sue a "high low" agreement whereby one party seeking damages in tort agrees to accept as full satisfaction no more than one sum certain and the party from whom damages are sought agrees to pay no less than another sum certain regardless of the verdict at trial.

*Patron - Kilgore*

**HB616 Special forest wardens.** Provides that special forest wardens are included as "firefighters" for purposes of the duty of care owed to firefighters, the crime of impersonating a firefighter, and the unlawful use of telephone to interfere with emergency personnel.

*Patron - Orrock*

**HB735 Release of liability; right of rescission.** Provides that when a claimant executes a release of liability as a condition of settlement in a claim or action for personal injury within 30 days of the incident giving rise to such claim and the claimant was not represented by counsel, the release shall contain a separate and conspicuous notice of the right to rescind. The claimant shall have a right of rescission until midnight of the sixth business day after the day on which the release was executed, provided that he was not represented by counsel when the release was executed, the rescission was made in writing to the person or persons being released, their representative or insurance carrier, and the claimant returns to the person or persons being released any check or settlement proceeds received by the claimant prior to the rescission. The current

law allows such rescission for 72 hours following the execution of the release.

*Patron - Cranwell*

**PHB810 Medical records release.** Requires a health care provider to accept a photocopy, facsimile, or other copy of the original document signed by the patient providing authority for the requester to obtain the records, as if the copy was an original document.

*Patron - Joannou*

**PHB813 District courts and circuit courts may prescribe certain rules.** Allows the district and circuit courts to prescribe rules limited to those rules necessary to promote proper order and decorum and the efficient and safe use of courthouse facilities and clerks' offices. Such rules may include docket control procedures.

*Patron - Joannou*

**PHB870 Suspension or tolling statute of limitations.** Provides that any award of compensation by the Workers' Compensation Commission pursuant to Chapter 5 (§ 65.2-500 et seq.) of Title 65.2 (Workers' Compensation), which is subsequently found void ab initio, other than an award voided for fraud, shall toll the statute of limitations for the duration of compensation payments made pursuant to such award for any civil action upon the same claim or cause of action in a court of this Commonwealth.

*Patron - McEachin*

**PHB1126 Disclosure of certain employment information.** Provides that any employer who, upon request by a person's prospective or current employer, provides information about that person's professional conduct, reasons for separation or job performance, including information contained in any written performance evaluations, shall be immune from civil liability, provided that the employer is not acting in bad faith or with reckless disregard for whether the information is false. Punitive damages may be awarded if the employer acts in bad faith.

*Patron - Sherwood*

**PHB1205 Writs of possession** Provides that a writ of possession should be executed by the sheriff within 15 calendar days from receipt by the sheriff or as soon as practicable thereafter, but not later than 30 days from the date issued.

*Patron - Cantor*

**PHB1213 Summonses issued by attorneys.** Provides that if attendance is desired in a civil proceeding pending in a court or at a deposition in connection with such proceeding, a summons may be issued not less than five business days prior to the date attendance is desired by an attorney-at-law who is an active member of the Virginia State Bar at the time of issuance, as an officer of the court. An attorney-issued summons is required to be on a form approved by the Supreme Court, signed by the attorney and shall include the attorney's address. The attorney-issued summons shall be deemed to be a pleading. This bill also allows attorneys to issue subpoenas duces tecum. Currently, attorneys may not issue summonses. The act sunsets on July 1, 2001.

*Patron - Cantor*

**PHB1269 Liability for defamatory material on the Internet.** Establishes that no provider or user of an interactive computer service on the Internet shall be treated as the publisher or speaker of any information provided to it by another information content provider for the purposes of defamation lawsuits. Further, no provider or user of an interactive computer service shall be liable for any action voluntarily taken by

it in good faith (i) to restrict access to, or availability of, material or (ii) to make available, to information content providers or others, the technical means to restrict access to information provided by another information content provider.

*Patron - Rust*

**PHB1303 Summons for unlawful detainer.** Provides that if the summons for unlawful detainer is filed to terminate a tenancy pursuant to the Virginia Residential Landlord Tenant Act, the initial hearing on such summons by a judge of a general district court shall occur within 21 calendar days of service on the tenant, unless a judge is not available to hold court, in which case, the initial hearing shall be held as soon as practicable. Provides that the summons shall be served at least 10 days before the return date rather than five as under current law.

*Patron - McClur*

**PHB1499 School records as evidence.** Allows for the introduction into evidence of copies of school records solely related to attendance, transcripts or grades of a minor when they are material in matters involving the custody of that minor, or the termination of parental rights of that minor's parents, by affidavit.

*Patron - Devolites*

**PHB1546 Liability of landlord.** Provides that persons defined as "agents," (landlords, real estate brokers, salespersons and rental location agents) and property owners or agents responsible for maintenance are not liable for civil damages for lead poisoning in a residential dwelling if the agent has complied with the U.S. Residential Lead-Based Paint Hazard Reduction Act, provided literature on lead hazards and disclosed any known lead-based paint or hazard on the property prior to the signing of a contract to lease or purchase.

*Patron - Drake*

**PHB1547 Civil remedies; appeal bond.** Places a limit on the maximum amount of a bond necessary for an appeal, from a domestic or foreign judgment where damages other than compensatory damages have been awarded, which stays the execution of a judgment. If the appellee proves that the appellant is purposefully dissipating or diverting its assets for the purpose of evading the judgment, the bill provides that the limitation on the bond shall be rescinded and the full amount required. The bill has an emergency clause and applies to any action pending on or filed after the effective date of the bill.

*Patron - Cantor*

**PSB59 Lost evidences of debt.** Corrects an incorrect code reference. This bill is a recommendation of the Committee on District Courts.

*Patron - Trumbo*

**PSB220 Civil remedies and procedure; evidence.** Eliminates the requirement for the double certification of the authenticity of official records for introduction as evidence.

*Patron - Mims*

**PSB331 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 practice and provides that evidence of prior conduct may be relevant to rebut evidence of habit or routine practice.

*Patron - Norment*

**PSB342 Civil remedies; jury commissioners.** Provides for the judge of each circuit court to appoint, by the first

day of July, jury commissioners for a one-year term. Currently, the statute provides for jury commissioners to be appointed by the first day of October. Moving the date forward will allow the jury commissioners more time to prepare and submit a master jury list to be used for the selection of jurors.

*Patron - Mims*

**SB384 Civil remedies; medical malpractice.** Replaces the current procedure of sending a request for a case review by a medical malpractice panel to the clerk of the circuit court where the Motion for Judgment is filed with a proposed procedure requiring the requesting party to transmit the review request directly to the Supreme Court. The proposal also requires copies of the Motion and all responsive pleadings to accompany the transmittal to the Supreme Court. A copy of the request must be sent to all counsel of record. Finally, the bill imposes upon the Supreme Court a requirement that it designate a panel within 60 days after receipt of the request.

*Patron - Mims*

**SB385 Civil procedure; audio-visual depositions.** Brings video conferencing or teleconferencing within the ambit of discovery as a permissible method for taking depositions. The authorization and procedure sections of the Uniform Audio-Visual Deposition Act are amended to specifically include video conferencing and teleconferencing within the Act, making those two means of taking depositions apply to the taking of depositions under the Act.

*Patron - Mims*

**SB405 Tort liability; hospitals.** Allows a judgment against a nonprofit hospital to include the difference between insurance coverage and the medical malpractice cap. Under current law a nonprofit hospital which is insured for torts or negligence for not less than \$500,000 for each occurrence is liable in medical malpractice actions to the extent of its insurance or the medical malpractice cap, whichever is less. This bill eliminates the insurance cap as a limitation of liability.

*Patron - Williams*

**SB680 Juror Lists.** Requires jury commissioners to make reasonable effort to exclude the names of deceased persons and unqualified persons from the master jury list.

*Patron - Forbes*

## Failed

**HB18 Removal of action from general district court to circuit court.** Raises the amount for removal of general district court cases from \$3,000 to \$5,000.

*Patron - Armstrong*

**HB67 Attorney's fees; civil rights violations by Commonwealth.** Allows a plaintiff attorney's fees against the Commonwealth if a court finds that the Commonwealth deprived any person of his due process or equal protection guarantees and specifically includes any action on the part of the government which (i) discriminates against any person on the basis of his race, religion, or gender or (ii) violates the fundamental right and duty of a parent to direct the upbringing of the parent's child.

*Patron - McEachin*

**HB92 Civil Remedies; HMO liability; health care treatment decisions.** Establishes a cause of action for persons who suffer damages as a result of a health maintenance organization's failure to exercise ordinary care in making a health care treatment decision affecting such person. Persons may file

claims directly with the court and are not required to follow the procedures governing the utilization review process.

*Patron - McEachin*

**HB175 Parental liability for acts by minor resulting in damage to property in excess of \$2,500, injury or death.** Creates liability for the parents of a minor child if: (i) the child was living with the parent or parents, (ii) the parent or parents knew or should have known the child had a propensity to commit a willful or malicious act, and (iii) the parent or parents failed to use reasonable efforts to prevent the child's actions.

*Patron - Clement*

**HB524 Civil immunity; blood tests; DUI.** Expands the scope of civil immunity afforded medical personnel who withdraw blood from persons suspected of driving under the influence. Currently, no civil liability (except negligence) may attach to a medical worker who withdraws blood from a person who consents to such withdrawal. This bill expands medical personnel immunity by shielding such persons from civil liability (except negligence) in cases where a person is unable or unwilling to consent to have his blood withdrawn, provided such withdrawal is requested in writing by a law-enforcement officer.

*Patron - Armstrong*

**HB595 Civil remedies; actions against parents to recover damages to property by minors.** Increases from \$2,500 to \$4,000 the maximum amount that may be recovered from the parents of a minor who damages public property.

*Patron - McQuigg*

**HB753 Motion for summary judgment.** Repeals the section of the Code that prohibits the use of depositions as a basis for motion for summary judgment or motion to strike evidence.

*Patron - Howell*

**HB754 Bases for motions for summary judgment.** Sets forth the pleadings and orders, and enumerates the components of discovery, which may be considered by the court as the bases for granting a motion for summary judgment.

*Patron - Howell*

**HB809 Civil remedies; use of depositions.** Allows for motions for summary judgment to be based, in whole or in part, upon pleadings, depositions, answers to interrogatories admissions on file, or affidavits. Currently, such motions cannot be based on depositions unless agreed to by the parties.

*Patron - McDonnell*

**HB844 Dismissal of action by nonsuit.** Mandates that the court assess costs and reasonable attorney's fees against the nonsuiting party whenever a nonsuit is taken within a 15-day period before trial.

*Patron - Howell*

**HB848 Suits by prisoners.** Creates a statutory scheme which prisoners must follow in order to file any suit related to their confinement. The bill prescribes venue, pre-screening by the court, costs, fees, discovery, sanctions and specific conditions pursuant to which suit may be filed with the intent to significantly reduce frivolous lawsuits.

*Patron - Kilgore*

**HB992 Pleadings deemed filed upon delivery to mailing service.** Provides that any pleadings, motion documents, petitions, or other documents may be delivered by any commercial express mailing service, including Federal



Express, Express Mail, and others. Any such documents delivered to a commercial express mailing service for further delivery to a court for filing shall be considered filed when delivered to the mailing service.

*Patron - Robinson*

**HB1015 Juror Lists.** Requires jury commissioners to make reasonable effort to exclude the names of deceased persons and unqualified persons from the master jury list.

*Patron - Blevins*

**HB1028 Accrual of actions.** Provides for a specific accrual of action in the case of any person licensed as a real estate broker, salesperson or rental location agent who documents, in relationship to the relevant property built on or before 1978, (i) disclosure, in compliance with federal law and regulations, of material facts to any prospective purchaser or tenant concerning any lead hazard or contamination, (ii) that he has provided the prospective purchaser or tenant with educational material on the risks of exposure to lead, particularly for children, and (iii) that he has complied with the Essential Practices and Standard Treatments established by the federal Lead-Based Paint Hazard Reduction and Financing Task Force, any cause of action for lead poisoning brought by such prospective buyer or tenant shall begin to accrue on the day that the prospective buyer or tenant occupies the relevant property.

*Patron - Drake*

**HB1066 Disclosure of plaintiff's attorney's fees to jury.** Requires that in any civil case for damages in excess of one million dollars, the attorney for the plaintiff shall disclose to the jury the estimated percentage of the recovery that will be collected by the attorney as attorney's fees, if any.

*Patron - McClur*

**HB1103 Admissibility of evidence of damages to rental property** Provides that in a civil action to recover for damages to rented real property, evidence as to such damages may be presented by an itemized estimate or appraisal sworn to by a person who also swears (i) that he is a repairman, estimator or appraiser qualified to determine the amount of such damage; (ii) as to the approximate length of time that he has been engaged in the business of doing such repair work; and (iii) as to the trade name and address of his business and employer. Currently, expert testimony may be required to overcome a hearsay objection to written estimates.

*Patron - Albo*

**HB1218 Civil remedies; use of depositions.** Allows for motions for summary judgment to be based, in whole or in part, upon pleadings, depositions, answers to interrogatories, admissions on file, or affidavits. Currently, such motions cannot be based on depositions unless agreed to by the parties.

*Patron - McClur*

**HB1224 Duty of care to law-enforcement officers and firefighters, etc.** Abolishes the common law doctrine known as the Fireman's Rule.

*Patron - McEachin*

**HB1386 Student possession and self-administration of inhaled asthma medications.** Allows school principals, after certain conditions have been satisfied, to permit students who have a diagnosis of asthma and approval from a parent and appropriate medical professionals to possess and self-administer inhaled asthma medications. School employees and employees of local health departments assigned to a public school are granted immunity from civil damages for acts or omissions resulting from the supervision of self-administration

of inhaled asthma medications, and school boards are granted immunity from any civil damages for ordinary negligence acts or omissions resulting from the self-administration of asthma medications. The permission to possess and self-administer asthma medications is effective for one year, defined as 365 calendar days, and must be renewed annually. This measure was incorporated in HB 1010.

*Patron - Baskerville*

**SB298 Lawsuits that delay transportation projects.** Provides that a party, who initiates or joins an action against the Commonwealth where the Commonwealth prevails and the action is the direct cause of the delay of a construction project undertaken, authorized or contracted and paid for by the Virginia Department of Transportation or the Commonwealth Transportation Board, is liable for any costs that accrue to the project because of the delay.

*Patron - Barry*

**SB299 Lawsuits that delay transportation projects.** Provides that a party, who files an injunction against the Commonwealth where the Commonwealth prevails and the filing of the injunction is the direct cause of the delay of a construction project undertaken, authorized or contracted and paid for by the Virginia Department of Transportation or the Commonwealth Transportation Board, is liable for any costs that accrue to the project because of the delay.

*Patron - Barry*

**SB614 Civil immunity.** Provides civil immunity for public officials who participate in a program where persons on probation are ordered as a condition of probation to pick up litter along a section of public roadway or waterway, unless there is willful misconduct.

*Patron - Wampler*

## Carried Over

**HB663 Communications between licensed instructional personnel and students.** Provides that no licensed instructional personnel employed by a local school board pursuant to a probationary or continuing contract be required to testify in any custody action involving a current or former student, when the testimony involves the disclosure of personal information communicated to the teacher by a student seeking advice and counsel within the teacher-student relationship regarding the information so imparted. Mirroring other confidentiality statutes, the measure provides exceptions for cases in which the physical or mental condition of the student is at issue, for judicial discretion, and for reporting child abuse and neglect.

*Patron - Tate*

**HB702 Tolling or suspension of statutes of limitation.** Allows for the statute of limitations in a civil suit to be tolled during a criminal prosecution that arises out of the same incident.

*Patron - Watts*

**HB803 Lawsuits against products manufacturers.** Provides that the authority to bring suit and the right to recover against any marketer, manufacturer, distributor, dealer, seller, or trade association by or on behalf of any locality or any governmental entity for damages, abatement, injunctive relief or any other remedy resulting from or relating to the lawful design, marketing, manufacture, distribution, sale, or transfer of any lawful product to the public is reserved exclusively to the Commonwealth. The bill does not prohibit a locality or governmental entity from bringing an action against a com-

pany for breach of contract or warranty as to products purchased by the locality or entity. Additionally, the bill prohibits localities from regulating in any manner any products shows with regulations more stringent than those applying to shows of other types of items.

*Patron - Ruff*

**HB871** **Compromises on behalf of persons under a disability.** Expands the options for payment of proceeds of a lawsuit compromised on behalf of a person under a disability to include the attorney for and on behalf of the person under a disability in accordance with a pre-existing agreement setting forth the proposed disposition of the proceeds.

*Patron - McEachin*

**HB1155** **Who may serve process.** Requires private process servers to undergo a criminal history background check and training established by the Department Criminal Justice Services.

*Patron - Weatherholtz*

**HB1189** **Action against parent for damage caused by a minor child's bomb threat.** Provides that any person or entity that suffers actual damages may institute an action and recover from the parents, or either of them, of a minor child living with such parents, or either of them, for those actual damages suffered by reason of a minor child's bomb threat to an elementary, middle or high school.

*Patron - Purkey*

**HB1254** **Action against parent for damage caused by a minor child's bomb threat.** Provides that any person or entity that suffers actual damages may institute an action and recover from the parents, or either of them, of a minor child living with such parents, or either of them, for those actual damages suffered by reason of a minor child's bomb threat to an elementary, middle or high school. The recovery amount may not exceed \$5,000 per occurrence.

*Patron - Brink*

**HB1259** **Criminal procedure; evidence of medical records.** Allows the admission of medical records upon affidavit of the custodian of the record.

*Patron - Moran*

**HB1301** **Commissioners of Accounts.** Abolishes the Office of Commissioner of Accounts and places those responsibilities with local treasurers or local financial officers.

*Patron - Wardrup*

**HB1394** **Mediation; objection.** Eliminates the provision that allows one of the parties to object and thereby avoid participation in court-ordered mediation.

*Patron - McDonnell*

**HB1396** **Damages for loss of income.** Provides that evidence of provable damages for medical expenses does not include expenses that have been forgiven or adjusted by a health care provider or insurer and does not include medical expenses that the plaintiff or decedent has no legal obligation to pay.

*Patron - McDonnell*

## Commercial Code / Warehouse Receipts; Bills of Lading and Other Documents of Title

Passed

**HB7** **UCC; Warehouseman's liens.** Eliminates warehouse receipts as a requirement for the creation of a warehouseman's lien. The bill leaves in place, however, limits on liens created by "negotiable" warehouse receipts.

*Patron - Woodrum*

## Commercial Code / Secured Transactions

Passed

**HB1204** **Uniform Commercial Code; Secured Transactions.** Updates Article 9 (Secured Transactions) of the Uniform Commercial Code which was last revised in 1972 and adopted in every state. Article 9 provides a statutory framework for transactions which involve the granting of credit secured by personal property. Filing will be with State Corporation Commission only; local filing, other than fixture filings, will be abolished. The new Article 9 generally provides for the filing of a financing statement in the state where the debtor is incorporated. The scope of Article 9 is expanded to include kinds of property such as deposit accounts, health care receivables and commercial tort claims, that were excluded in original Article 9. The location of the debtor rather than the location of the collateral will determine where a security interest perfects. The fee for filing a financing statement is increased from \$10 to \$20. The bill has an effective date of July 1, 2001. Article 9 is the product of the National Conference of Commissioners of Uniform State Laws.

*Patron - Woodrum*

## Commissions, Boards and Institutions Generally

Passed

**HB8** **Code Commission; obsolete provisions.** Directs to the Virginia Code Commission the ongoing responsibility for the amendment or repeal of obsolete provisions in the Code of Virginia and the Virginia Acts of Assembly.

*Patron - Landes*

**HB9** **Code Commission; evaluation of unfunded laws.** Requires the Code Commission, in its recodification and title revision bills, to evaluate the need for and recommend in a separate report, the possible repeal of any section or provision of or relating to the revised title that has not been implemented during any of the previous five years because sufficient funds were not appropriated by the General Assembly. The House Committee on Appropriations and the Senate Committee on

Finance shall assist the Commission in identifying those Code sections and provisions that meet these conditions.

*Patron - Landes*

**PHB59 Virginia War Memorial Foundation; board of trustees.** Increases the membership of the board of trustees from 15 to 17, excluding the Secretary of Administration who serves ex officio, by increasing the appointments from the House of Delegates from three to four and the Senate from two to three. The bill provides that current members of the board of trustees whose terms have not expired as of July 1, 2000, shall not be affected.

*Patron - Hargrove*

**PHB479 Department of Criminal Justice Services; private security services.** Excepts an out-of-state central station dispatcher employed by a private security services business licensed by the Department of Criminal Justice Service from training requirements if he has a valid license, registration or certification as a central station dispatcher in the state where the monitoring duties are performed and has submitted his fingerprints to such regulating authority for a national criminal history records search.

*Patron - Reid*

**PHB528 Virginia Arts Foundation; use of funds.** Extends the moratorium on use of funds by the Virginia Arts Foundation from June 30, 2000, to June 30, 2001.

*Patron - Diamonstein*

**PHB1048 Virginia Small Business Growth Fund.** Increases the maximum amount of funds from the Virginia Small Business Growth Fund that can be used to match any loan from seven percent to 14 percent of the principal amount of the loan. The bill also clarifies that the amount of the deposit that the Virginia Small Business Financing Authority is required to make into any loan loss reserve account at a participating bank or lending institution can exceed the total of the deposits made to the account by the institution and the individual borrower.

*Patron - Cantor*

**PHB1106 Definition of "criminal justice agency."** Defines "criminal justice agency" to include any program certified by the Commission on VASAP pursuant to § 18.2-271.2, thus granting such programs all the privileges and powers available under the law to criminal justice agencies.

*Patron - Moran*

**PHB1300 Chesapeake Bay Bridge and Tunnel Commission.** Allows members of the Chesapeake Bay Bridge and Tunnel Commission to take their oath of office either before a judge of a court of record (as provided by current law), or before a clerk or deputy clerk of a court of record, a district court judge, the Secretary of the Commonwealth or his deputy, or a member of the State Corporation Commission. This bill is a duplicate of SB 689.

*Patron - Wardrup*

**PHB1321 Specialized Transportation Council.** Designates the Chairman of the Disability Commission and the Secretary of Health and Human Resources as co-chairmen of the Council and provides for staffing by the Disability Commission and, upon request, by the offices of the Secretary of Health and Human Resources and the Secretary of the Transportation.

*Patron - VanLandingham*

**PHJ11 Appointments; Tobacco Indemnification and Community Revitalization Commission.** Confirms appoint-

ments to the Commission by the Speaker of the House: Delegates Whittington W. Clement, Joseph P. Johnson, Jr., William W. Bennett, Jr., Allen W. Dudley, Terry G. Kilgore, and Kathy J. Byron, each for a four-year term, beginning July 1, 1999.

*Patron - Moss*

**PSB87 Live In Our Community Police Housing Program and Fund.** Establishes the Live In Our Community Police Housing Program to encourage law-enforcement officers to become homeowners and residents in communities covered by community-policing programs through subsidies and/or grants. The program shall be administered by the Department of Housing and Community Development (DHCD) in cooperation with the Department of Criminal Justice Services and the Virginia Housing Development Authority. The bill requires DHCD to promulgate regulations for the implementation of the program including the criteria for (i) eligible law-enforcement officers, (ii) selecting participating community policing programs, and (iii) home ownership or other suitable initiatives under the Program. The bill also establishes the Live In Our Community Housing Fund to provide financial support for the program and its administration.

*Patron - Edwards*

**PSB332 Joint Commission on Behavioral Health Care.** Establishes the Joint Commission on Behavioral Health Care to study, report and make recommendations for continuous improvement in all areas of publicly funded behavioral health care policy, management, financing, service delivery, regulation and evaluation. The Commission will sunset on July 1, 2003.

*Patron - Martin*

**PSB589 School resource officers.** Clarifies that school resource officers are employed to enforce school board rules and codes of student conduct.

*Patron - Norment*

**PSJ1 Appointments; Tobacco Indemnification and Community Revitalization Commission.** Confirms appointments by the Senate Committee on Privileges and Elections of Senators Richard J. Holland, William C. Wampler, Jr., Charles R. Hawkins, and Phillip P. Puckett to the Commission, each for a four-year term, beginning July 1, 1999.

*Patron - Miller, K.G.*

## Failed

**FHB403 Advanced communications; localities.** Allows localities, in addition to fiber-optic communication networks, to utilize satellite and wireless. Currently, a locality can lease its dark fiber (the medium used for fiber-optic networks) to its neighboring localities. The bill would allow a locality to lease satellite and wireless networks as well. The bill also allows the Advanced Communications Assistance Fund, and administered by the Innovative Technology Authority, to be used for financing the costs of satellite and wireless communication networks in addition to dark fiber. This bill is a recommendation of the Joint Commission on Technology and Science.

*Patron - Bennett*

**FHB1475 Joint Commission on Behavioral Health Care.** Establishes the Joint Commission on Behavioral Health Care to study, report and make recommendations for continuous improvement in all areas of publicly funded behavioral health care policy, management, financing, service delivery, regulation and evaluation. The Joint Commission is a recommendation of the Joint Subcommittee Studying the Future

Delivery of Publicly Funded Mental Health, Mental Retardation and Substance Abuse Services (HJR 225--1998). The Commission will sunset on July 1, 2005.

*Patron - Hall*

**HB1485 Gun Safety Lock Program and Fund.** Establishes the Gun Safety Lock Program and Fund as a non-reverting fund administered by the Criminal Justice Services Board to provide funds to local law-enforcement agencies for the purchase and distribution of safety locks for guns of citizens in the locality.

*Patron - Rhodes*

**SB424 Joint Commission on Behavioral Health Care.** Establishes the Joint Commission on Behavioral Health Care to study, report and make recommendations for continuous improvement in all areas of publicly funded behavioral health care policy, management, financing, service delivery, regulation and evaluation. The Joint Commission is a recommendation of the Joint Subcommittee Studying the Future Delivery of Publicly Funded Mental Health, Mental Retardation and Substance Abuse Services (HJR 225--1998). The Commission will sunset on July 1, 2005.

*Patron - Wanpler*

**SB736 Virginia Council on Minority Affairs.** Creates the Virginia Council on Minority Affairs, which shall determine the status and needs of Virginia's minority populations. The Council is directed to identify the needs of Virginia's minority populations and develop a strategic plan for the overall implementation of recommendations and legislative initiatives that are designed to address their needs and move such persons into the mainstream of society. Recent population projections indicate that the demographics of Virginia's population are becoming more culturally, racially, and ethnically diverse. Such population shifts, composed of immigrants, persons of impoverished backgrounds, persons with limited English proficiency, and racial and ethnic minorities, indicate the need to plan and assess the impact on state resources, local infrastructures, economic development, education, health and social services, transportation, and other state services. This bill is a recommendation of the Joint Subcommittee Studying the Status and Needs of African American Males in Virginia.

*Patron - Edwards*

## Carried Over

**HB582 Regulation of bail recovery agents aka bounty hunters.** Defines a "bail recovery agent," also called a "bounty hunter," as any person employed for the purpose of apprehending the principal on a bail bond or any fugitive from justice who has been released on bail. The bill also sets forth the requirements, set by the Department of Criminal Justice Services, for licensure (including mandatory training and insurance or bond) of such agents and limits on their activities. Currently, bail recovery agents are unregulated. The bill has a delayed effective date of January 1, 2001.

*Patron - Scott*

**HB796 Asian-American and Pacific Islander Advisory Council.** Creates the Asian-American and Pacific Islander Advisory Council to advise the Governor on the issues of concern to Asian-American and Pacific Islanders in the Commonwealth. The bill sets forth the membership, terms, and staff for this advisory council.

*Patron - Wagner*

**HB1146 Disaster Relief Board.** Creates the Disaster Relief Board and a special nonreverting fund from which

the Board distributes amounts to victims of any natural or man-made disaster occurring on or after January 1, 1999.

*Patron - Barlow*

**SB234 Advantage Virginia Electronic Procurement Program.** Creates the Advantage Virginia Electronic Procurement (AVEP) Program and the AVEP Fund. The AVEP Program would make a one-time grant of \$5,000 to (i) a small business located in the Commonwealth, (ii) which has been approved by the United States General Services Administration (GSA) to be listed on the Federal Supply Schedule ("the Schedule"), (iii) but is not listed on fedcenter.com website, (iv) provided that such business shall use the grant in order to be listed on the fedcenter.com website. The GSA maintains the Schedule, which consists of vendors. Any federal, state, or local government official may register with the GSA to conduct business with vendors listed on the Schedule. The vendors who are approved to be listed on the Schedule may be listed on the fedcenter.com website as well; however, to be listed on the website, the website operators charge a fee. Because electronic procurement tends to be easier, faster, and less costly than other methods of purchase, businesses that are listed on the website possess a competitive advantage over those businesses that are not. The AVEP Program would help small Virginia businesses not listed on the website to obtain the same competitive advantage as businesses that are. The Innovative Technology Authority is to implement the AVEP Program and report back to the Joint Commission on Technology and Science. The bill has a sunset of July 1, 2002. This bill is a recommendation of the Joint Commission on Technology and Science.

*Patron - Ticer*

**SB371 Regional Criminal Justice Academy Training Fund.** Provides that a county or city responsible for training a total of 1,000 or more law-enforcement officers that does not participate in the Fund is entitled to all moneys generated by the county or city that would otherwise be forwarded to the State Treasurer for deposit in the Fund.

*Patron - Stolle*

## Conservation

### Passed

**HB283 Care of Confederate cemeteries and graves.** Adds Cedar Grove Cemetery in Rockingham County, which maintains 68 Confederate graves, to the list of those entities receiving funds through the Department of Historic Resources for the care of such graves.

*Patron - Weatherholtz*

**HB600 Virginia Land Conservation Foundation.** Requires the Foundation to establish grant criteria that includes provisions for making grants to localities for purchase of development rights programs and provides that at least one member of the Foundation's Board of Trustees shall be a farmer.

*Patron - McQuigg*

**HB615 Temporary forest wardens.** Authorizes the State Forester to employ temporary forest wardens to extinguish fires in the Commonwealth.

*Patron - Orrock*

**HB698 State Treasurer as member of foundations.** Removes the State Treasurer as a board member of the Virginia State Parks Foundation, the Virginia Land Conservation Found-

ation, the Virginia Outdoors Foundation, and the Assistive Technology Loan Fund Authority. He is to be replaced on each of these by the appointment of a citizen member. This bill is identical to SB 323.

*Patron - Hargrove*

**PHB738 Open-space lands.** Provides that the City of Virginia Beach (described by population) may, at the request of the owner of the fee of any land protected by an open-space easement or other interest in land purchased by the city, sell such interest to the fee owner for the current full market value of the interest without substituting other real property for the land converted or diverted, if (i) the conversion or diversion is determined by the city council to be essential to the orderly development and growth of the locality and in accordance with the city's current comprehensive plan, (ii) the city determines by ordinance that the open-space land converted or diverted is no longer needed for open-space purposes and that substitution of other real property is not feasible, and (iii) no state or federal funds were used in connection with the city's acquisition of such interest. Current law requires that, where a locality converts or diverts open-space land in which it has acquired an interest to another use, it must substitute other real property.

*Patron - Suit*

**PHB757 Conservation; historical societies receiving appropriations; Kenmore Association, Inc.** Changes the name of the entity receiving appropriations for the restoration and perpetuation of "Ferry Farm," George Washington's boyhood home, from Kenmore Association, Inc. to George Washington's Fredericksburg Foundation and provides that property held by George Washington's Fredericksburg Foundation shall be exempt from taxation.

*Patron - Howell*

**PHB876 Federal dam safety inspection reports.** Removes references to obsolete U.S. Army Corps of Engineers' dam safety inspection reports.

*Patron - Ruff*

**PHB895 Small business environmental fund.** Replaces restrictions on how much of the Small Business Environmental Compliance Assistance Fund can be used to pay the costs of administering the Fund, with a limitation that costs must be reasonable and necessary. Currently, administrative costs are limited to the lesser of actual costs incurred for the previous fiscal year or ten percent of the average balance during that year.

*Patron - Cox*

**PHB945 Soil and water conservation dams** Establishes the Soil and Water Conservation District Dam Maintenance, Repair, and Rehabilitation Fund. The bill incorporates the existing Dam Maintenance and Repair Fund, which provides funding for minor repairs of soil and water conservation district dams, into a new fund that would also provide funds for major infrastructure repairs to Class I and Class II district dams. This bill is identical to SB 668.

*Patron - Thomas*

**PHB959 Solid waste management; permits.** Modifies the application requirements for a permit for a new or expanded municipal solid waste landfill when the owner and operator of the landfill is a public service authority of which the governing body of the locality in which the facility is located is a member. Currently, an applicant for a new or expanded municipal solid waste landfill must submit with its application a certification from the governing body of the locality in which the facility is to be located that an agreement regarding the operation of the facility has been reached

between the applicant and the governing body. The existing statute provides that this certification is not required only when the governing body is to be the owner and operator of the landfill. The bill provides that such a certification also shall not be required when the owner and operator of the landfill is a public service authority of which the governing body is a member.

*Patron - Keister*

**PHB981 Solid waste management facility permits** Requires that applications for permit amendments or variances allowing certain nonhazardous industrial waste facilities to expand contain the same information as is required for an application for a new solid waste management facility permit.

*Patron - Ruff*

**PHB1022 Financial assurance for waste facilities** Prohibits the owner or operator of a solid waste facility from reliance on captive insurers, approved surplus line insurers and risk retention groups as a means of assuring that he will have the financial capacity to properly close and care for the site after closure.

*Patron - Dillard*

**PHB1023 Financial responsibility for solid waste management facilities.** Requires the Virginia Waste Management Board to include facilities receiving solid waste from a ship, barge or other vessel in regulations which ensure that, if a solid waste management facility is abandoned, the costs associated with protecting the public health and safety from the consequences of such abandonment may be recovered from the person abandoning the facility.

*Patron - Dillard*

**PHB1095 Real property; lease of Commonwealth lands.** Authorizes the Department of Conservation and Recreation to lease a parcel of land located on Smith Mountain Lake in Franklin County for a term of 30 years, renewable for three additional 30-year terms, to Franklin County for public recreational use.

*Patron - Dudley*

**PHB1164 Virginia Land Conservation Foundation.** Increases the number of members of the Foundation's Board of Trustees so that there will be one per congressional district, plus the Secretary of Natural Resources and six members appointed from the Commonwealth at large. Allocations of money in the Virginia Land Conservation Fund, which is administered by the Foundation, are altered so that 25 percent of the money in the fund will be transferred to the Open-space Lands Preservation Trust Fund. The Board of Trustees is directed to seek assistance in developing grant criteria from a task force consisting of natural resources agency heads. The State Treasurer is removed from the Board. The bill also clarifies that the Foundation may provide direct (rather than matching) grants to state agencies, transfer lands to other entities that will hold them for conservation purposes, and dispose of money or other property given or bequeathed to it. If a private entity acquires an interest in land as a result of a grant or transfer from the Foundation, the interest must be held jointly by the private entity and a government entity. Up to \$250,000 per year of the interest generated by the Fund may be used for the Foundation's administrative expenses. The Department of Conservation and Recreation is directed to administer Foundation lands, and state agencies are directed to cooperate with the Foundation. The bill also directs the Foundation to attempt to achieve a fair geographic distribution of lands protected.

*Patron - Albo*

**PHB1228 Landfill closure** Requires disposal areas of landfills that are not equipped with liner and leachate control

systems meeting the current requirements of Waste Management Board regulations to be closed by 2020.

*Patron - McEachin*

**HB1307 Agricultural Stewardship Act.** Requires that measures required to control agricultural water pollution be maintained by the owner or operator of the subject property and gives the Commissioner of Agriculture and Consumer Services discretion to choose the time when the farmer will be required to begin and complete implementation of such measures. The bill also allows informal fact-finding conferences rather than formal hearings to be used and clarifies the manner in which various requirements of the Act may be enforced through corrective orders and court orders.

*Patron - Orrock*

**HB1324 Open-Space Lands Preservation Trust Fund.** Allows grants from the Fund to be made to aid localities in acquiring open-space easements. Currently, grants may only be made to persons conveying conservation easements to the Virginia Outdoors Foundation and a local co-holder. The bill also allows up to \$100,000 per year of any interest generated by the Fund to be used for the Foundation's administrative expenses, removes the requirement that interests in open-space lands acquired by public bodies must be located in urban areas, and adds a definition of "open-space easement." The definition of open-space easement is identical to the Code's current definition of conservation easement, except that an open-space easements may be held by government entities, while conservation easements are held by private charitable entities.

*Patron - Albo*

**HB1326 Conservation easements.** Allows a charitable entity that does not meet the requirements of the Virginia Conservation Easement Act to hold a conservation easement if the easement is co-held by another charitable entity that does meet the requirements.

*Patron - Almand*

**SB161 Property exchange.** Authorizes the Department of Conservation and Recreation to convey approximately one acre of land on the southeast boundary of Pocahontas State Park to Woodland Pond, which would, in exchange, convey approximately one acre of land of equal or greater economic and recreational value in the same area to the Department.

*Patron - Watkins*

**SB237 Historical societies and foundations.** Updates the list of historical societies and foundations receiving appropriations to reflect the change in the entity aiding in the restoration and perpetuation of "Ferry Farm," George Washington's boyhood home, from Kenmore Association, Inc. to George Washington's Fredericksburg Foundation. This bill is identical to HB757 except that HB757 also provides that property held by George Washington's Fredericksburg Foundation shall be exempt from taxation.

*Patron - Chichester*

**SB323 State Treasurer as member of foundations.** Removes the State Treasurer as a board member of the Virginia State Parks Foundation, the Virginia Land Conservation Foundation, the Virginia Outdoors Foundation, and the Assistive Technology Loan Fund Authority. He is to be replaced on each of these Boards by the appointment of a citizen member. This bill is identical to HB898.

*Patron - Wampler*

**SB459 Rappahannock River Basin Commission.** Repeals the sunset clause that would have terminated the Commission on July 1, 2000.

*Patron - Houck*

**SB668 Soil and water conservation dams** Establishes the Soil and Water Conservation District Dam Maintenance, Repair, and Rehabilitation Fund. The bill incorporates the existing Dam Maintenance and Repair Fund, which provides funding for minor repairs of soil and water conservation district dams, into a new fund that would also provide funds for major infrastructure repairs to Class I and Class II district dams. This bill is identical to HB 945.

*Patron - Hanger*

## Failed

**HB659 Redeemable beverage containers.** Requires that all beverage containers sold in Virginia have a redemption value of at least 10 cents. Dealers and redemption centers are required to pay redeemers who return such containers to them the redemption value printed on the container. Distributors are required to pick up these redeemed containers from dealers and redemption centers and pay them the redemption value printed on each container plus a handling fee of two cents per container. By March 1, 2002, and by March 1 of each year thereafter, distributors are required to (i) file annual reports with the Department of Taxation indicating the total value of redemption fees collected and redemptions paid out during the previous calendar year and (ii) forward to the Department of Taxation that amount of money by which redemption fees collected exceeded redemptions paid out. After deducting its expenses incurred in administering the reporting and collecting procedures of this program, the Department of Taxation is required to pay the remaining revenues collected into the state treasury to the credit of the newly established Unredeemed Container Fund, which will be administered by the Department of Environmental Quality. The revenues remaining in the Unredeemed Container Fund are to be released annually and placed in the newly established Virginia Recycling Trust Fund, which is also to be administered by the Department of Environmental Quality. Moneys placed in the Virginia Recycling Trust Fund are to be expended by the Department of Environmental Quality for purposes of improving waste management and recycling efforts in the Commonwealth, and may be paid out in the form of direct or matching grants to localities for their waste management and recycling programs. Violations of the bill's provisions are punishable by civil penalties of not less than \$100 nor more than \$1,000. All civil penalties collected are to be placed in the Virginia Recycling Trust Fund. The bill will become effective on January 1, 2001.

*Patron - Deeds*

**HB713 Management of Virginia's natural resources.** Expresses the goals of the General Assembly regarding the future management of Virginia's natural resources. Includes goals for resource-based industries; air and water quality; needs for monitoring, evaluation, and enforcement of environmental protection measures; land use, economic development and transportation; open space and recreational needs; waste management; the state's government structure; and the Chesapeake Bay Agreements. This is a recommendation of the Commission on the Future of Virginia's Environment.

*Patron - Plum*

**HB1290 Definition of recycling.** Expands the definition of recycling to include the composting of tree branches or stumps, leaves, brush, logs, or the like. Under this definition

of recycling in this manner, such composting operations would not require a permit from the Department of Environmental Quality. The recycling definition would only apply to composting operations of this type if (i) all foreign matter that might be mixed with the natural materials is immediately removed at the point of delivery to the site and (ii) the resultant compost material will only be used to assist agriculture or forestry on land that is owned or leased by the person doing the composting. The composting operation would be required to abide by all water quality laws and regulations.

*Patron - Black*

**HB1323 Virginia Land Conservation Foundation.** Alters allocations of money in the Virginia Land Conservation Fund, which is administered by the Foundation. The bill also clarifies that the Foundation may provide direct (rather than matching) grants to state agencies, transfer lands to other entities that will hold them for conservation purposes, and dispose of money or other property given or bequeathed to it. If a private entity acquires an interest in land as a result of a grant or transfer from the Foundation, the interest must be held jointly by the private entity and a government entity. Up to \$250,000 per year of the interest generated by the Fund may be used for the Foundation's administrative expenses. The Department of Conservation and Recreation is directed to administer Foundation lands, and state agencies are directed to cooperate with the Foundation. This bill was incorporated into HB 1164.

*Patron - Albo*

**SB290 Renaming state park.** Changes the name of Mason Neck State Park to Joseph V. Gartlan, Jr. State Park.

*Patron - Puller*

## Carried Over

**HB249 Financial assurance for solid waste facilities.** Directs the Waste Management Board, when promulgating regulations to ensure that owners and operators have the financial capacity to properly operate and close a solid waste facility, to require the owners and operators to pass a test of financial viability and deposit funds into an escrow account as a means of ensuring the availability of adequate funds to properly operate and care for the site when the facility is closed. The owner of the facility, in lieu of a test of financial viability and the establishment of an escrow account, may establish proof of financial assurance by using such mechanisms as surety bonds, certificates of deposit, securities, letters of credit, trust fund agreements and commercial insurance. The financial assurance requirement also includes the requirement that the owners and operators have the ability to pay for the cleanup of any facility-related pollution event. The regulations also will require the facility's owner to maintain pollution liability coverage for claims made by third parties by using commercial insurance or other financial instruments authorized by the Board.

*Patron - Dillard*

**HB590 Conservation easements.** Requires that when localities purchase conservation easements, public access to the land subject to the easement is allowed.

*Patron - Black*

**HB712 Virginia Natural Resources Policy Act.** Creates the Virginia Natural Resources Policy Act. The Act repeals the existing Environmental Impact Statement review process (which applies to state projects using \$100,000 in state funds) and replaces it with a natural resource impact review process, which applies to actions utilizing \$500,000 or more of state-provided funds for the acquisition of an interest in land;

for the construction of any new facility; or for the improvement, expansion, support or maintenance of an existing facility. Policies against which such actions are to be judged are expressed. The Virginia Natural Resources Council is created to review the natural resource impact reports and provide comment to the Governor. State funds are not to be disbursed for actions reviewable by the Council without the Governor's approval following his review of the Council's comments. Among the Council's other duties are to (i) foster the coordination and implementation of natural resource policies; (ii) biennially produce a report that includes a review of the state of the Commonwealth's natural resources; (iii) assist localities, when requested, in the evaluation of actions with potential natural resource impacts; and (iv) provide staff support to meetings that are to be held at least quarterly by the Secretaries and other members of the Governor's cabinet. The cabinet-level meetings are to review programs, policies and major initiatives to (a) identify conflicts with natural resource preservation efforts and the purposes and policies set forth in the Act; (b) evaluate the natural resource benefits and burdens of each Secretariat's programs, policies and initiatives, including the expenditure of state funds; and (c) develop planning, coordination and policy decisions to achieve the purposes and policies of the Act, including measures to utilize state funding in a manner that preserves and protects the Commonwealth's natural resources. This is a recommendation of the Commission on the Future of Virginia's Environment.

*Patron - Plum*

**HB791 Voluntary remediation of contaminated properties.** Expands the voluntary remediation program for properties owned by local governments. This bill eliminates the requirement that local governments pay registration fees when voluntarily remediating its properties. The bill also creates the Virginia Voluntary Remediation Fund, which would provide grants to local governments to help encourage remediation of contaminated properties.

*Patron - Deeds*

**HB930 Regulated medical waste.** Defines regulated medical waste and requires the Virginia Waste Management Board to promulgate regulations that limit the extent to which physicians' offices, patients' homes and other nonhospital facilities must comply with medical waste treatment requirements. The regulations may not require that sharps be treated prior to disposal if they are packaged in containers that are rigid and meet other requirements.

*Patron - Deeds*

**HB1025 Reporting of solid waste information.** Requires the Department of Environmental Quality (DEQ) to report quarterly the amount of solid waste disposed of in Virginia. Currently, the Department reports on the amount of solid waste annually. The report would include the volume and weight of additional categories of solid waste such as industrial waste, regulated medical waste, vegetative and yard waste, white goods, friable asbestos, and petroleum-contaminated soil. The information in the report would be provided electronically. The bill also requires that the reports that permitted facilities submit to DEQ will now include the amount of fees paid by the facilities to their host communities, broken down by the type of solid waste being disposed.

*Patron - Dillard*

**HB1217 Department of Environmental Quality; environmental laboratory certification programs.** Directs the Department of Environmental Quality (DEQ) to establish two environmental certification programs: one for laboratories conducting tests, analyses, measurements, or monitoring required by Virginia's environmental laws, and another pro-

gram in accordance with the accreditation standards of the National Environmental Laboratory Accreditation Conference (NELAC) for laboratories that routinely provide testing services for customers. Under the terms of the bill, DEQ must (i) establish fee schedules to offset the costs of administering these two certification programs, (ii) adopt emergency regulations for implementation of the NELAC-based program, and (iii) report on or before December 1, 2001, to the Governor and the General Assembly on its progress in developing and implementing both programs. This report must identify the fee categories established to support these programs and the adequacy of those fees. The bill also establishes a State Laboratory Certification Fund and repeals a section that required the Division of Consolidated Laboratory Services to establish a laborator certification program.

*Patron - Parrish*

**CSB286** Motor vehicle safety inspections at landfills. Makes the presence of a State Police-approved motor vehicle safety inspection station a prerequisite for issuance of any permit for the operation of any sanitary landfill. All commercial vehicles must pass an inspection at these stations prior to entering the landfill, regardless of when they were last inspected. Inspectors are charged with giving tickets to drivers of vehicles found to be in violation of any portion of Title 46.2 (Motor Vehicles) relating to defective, inadequate, improper, or missing equipment. Landfill permit holders are held responsible for use of the landfill by commercial vehicles that either have not been inspected or have failed the inspection. Each such violation constitutes a separate offense, punishable by a civil penalty up to \$25,000.

*Patron - Byrne*

**CSB704** **Collection of used oil, oil filters, and anti-freeze.** Requires the Department of Environmental Quality (DEQ) to create, maintain, and promote a toll-free "hot-line" number and Internet web site where information would be available as to collection sites accepting used motor oil, oil filters and anti-freeze. The bill also requires DEQ to provide merchants who sell motor oil at the retail level with signs that contain the toll-free number and Internet web site address.

*Patron - Ticer*

**CSB712** **Department of Environmental Quality; environmental laboratory certification programs.** Directs the Department of Environmental Quality (DEQ) to establish two environmental certification programs: one for laboratories conducting tests, analyses, measurements, or monitoring required by Virginia's environmental laws, and another program in accordance with the accreditation standards of the National Environmental Laboratory Accreditation Conference (NELAC) for laboratories that routinely provide testing services for customers. Under the terms of the bill, DEQ must (i) establish fee schedules to offset the costs of administering these two certification programs, (ii) adopt emergency regulations for implementation of the NELAC-based program, and (iii) report on or before December 1, 2001, to the Governor and the General Assembly on its progress in developing and implementing both programs. This report must identify the fee categories established to support these programs and the adequacy of those fees. The bill also establishes a State Laboratory Certification Fund and repeals a section that required the Division of Consolidated Laboratory Services to establish a laborator certification program.

*Patron - Watkins*

**CSB720** **Solid waste management facilities.** Requires the Virginia Waste Management Board to take into consideration whether there is a bond or other financial assur-

ance when promulgating regulations pertaining to financial responsibility for abandoned facilities.

*Patron - Mims*

## Contracts

### Passed

**PHB399** **Public Procurement Act; Design-Build/Construction Management Review Board.** Requires the licensed architect or engineer in the employ of or under contract with a public body to assist the public body in evaluating requests for proposals for design-build or construction management contracts. The bill (i) replaces references to the Capital Outlay Manual with the Review Board's regulations, which under the terms of the enabling legislation in 1996, the Review Board was required to adopt ; (ii) clarifies that approval of the Review Board is for the specific project submitted by a public body to the Review Board; and (iii) requires the Review Board to report again on or before December 31, 2002, concerning the Review Board's evaluation of and findings regarding all design-build and construction management construction undertaken by public bodies other than the Commonwealth since July 1, 1996. The bill also contains technical amendments.

*Patron - Woodrum*

**PHB596** **Virginia Public Procurement Act; discrimination prohibited.** Adds age, disability or any other basis prohibited by state law relating to discrimination in employment to the anti-discrimination statutes in the Virginia Public Procurement Act. As a result, (i) no public body may discriminate against a bidder or offeror on the basis of race, religion, color, sex, national origin, age, disability or any other basis prohibited by state law relating to discrimination in employment in the solicitation and award of public contracts and (ii) in all public contracts over \$10,000, the contractor must agree not to discriminate against an employee or applicant for employment on the basis of race, religion, color, sex, national origin, age, disability or any other basis prohibited by state law relating to discrimination in employment.

*Patron - McQuigg*

**PHB808** **Public Procurement Act; drug-free workplace.** Requires all public bodies to include in every contract over \$10,000 the following provisions: during the performance of the contract, the contractor agrees to (i) provide a drug-free workplace for the contractor's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the contractor that the contractor maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor. The bill defines a "drug-free workplace" as a site for the performance of work done in connection with a specific contract awarded to a contractor in accordance with the Virginia Public Procurement Act, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of a controlled substance or marijuana during the performance of the contract.

*Patron - McDonnell*



**HB1046 Virginia Public Procurement Act; thresholds for small purchases and contract modifications.** Increases from \$30,000 to \$50,000 the threshold for small purchases of goods and services other than professional services. As a result, a public body may procure goods and services under this amount without competitive sealed bidding or competitive negotiation. The bill also increases from \$10,000 to \$50,000 the threshold for modification of fixed-price contracts without the approval of the Governor or his designee.

*Patron - Cantor*

**HB1047 Virginia Public Procurement Act; procurement of architectural or professional engineering services.** Allows the award of term contracts for architectural and engineering services to multiple firms with a single Request for Proposal ("RFP") and sets the criteria for the use of such contracts. Currently, only one award can be made for each solicitation. The bill limits the sum of projects performed annually by a single architectural/engineering firm to \$500,000 or a lesser amount determined by the Director of the Department of General Services ("DGS"). Currently, the maximum amount is \$300,000.

*Patron - Cantor*

**HB1209 Virginia Public Procurement Act; protest of awards.** Provides that any bidder or offeror, who desires to protest the award or decision to award a contract shall submit such protest in writing to the public body, or an official designated by the public body, no later than 10 days after public notice of the award or the announcement of the decision to award, whichever occurs first. Public notice of the award or the announcement of the decision to award shall be given by the public body in the manner prescribed in the terms or conditions of the Invitation to Bid or Request for Proposal.

*Patron - Cantor*

**HB1233 Virginia Public Procurement Act; declaration of purpose.** Adds that the purpose of the Public Procurement Act is to seek competition to the maximum feasible degree, that procurement procedures involve openness and administrative efficiency.

*Patron - War*

**HB1239 Virginia Public Procurement Act; multiple awards.** Allows multiple awards under competitive negotiation for the procurement of other than professional services to more than one offeror where the terms and conditions of the multiple awards are provided in the Request for Proposal. Currently, multiple awards are authorized only under competitive sealed bidding.

*Patron - Tata*

**HB1240 Virginia Public Procurement Act; definitions; best value.** Adds the definition of "best value," defined as the overall combination of quality, price, and various elements of required services that in total are optimal relative to a public body's needs. The bill also provides that public bodies are encouraged to consider best value concepts when making procurement decisions involving goods and nonprofessional services, but not construction or professional services. Additionally, the Department of General Services is directed to study the feasibility and appropriateness of implementing, in its procurement procedures, the Contractor Performance and Rating System (CPARS) currently utilized by the federal government and submit its findings to the Governor and the General Assembly on or before December 1, 2000.

*Patron - Tata*

**HB1440 Virginia Public Procurement Act; electronic posting of public notices.** Allows public bodies to publish public notice on the Department of General Services' central electronic procurement website and other appropriate websites in addition to the current requirement for posting in a designated public area or publication in a newspaper of general circulation, or both. In addition, publishing by state agencies departments and institutions on the Department's central electronic procurement website shall be required by July 1, 2002.

*Patron - O'Brien*

**HB1552 Patrick Hospital Authority; creation.** Creates the Patrick Hospital Authority composed of nine members appointed by the Patrick County Board of Supervisors. The bill also exempts the Authority from the Virginia Public Procurement Act and includes an emergency clause.

*Patron - Day*

**SB235 Posting of procurement notices and advertisements on the Internet authorized.** Allows public bodies to publish public notice on the Department of General Services' central electronic procurement website and other appropriate websites in addition to the current requirement for posting in a designated public area or publication in a newspaper of general circulation, or both. In addition, posting by state agencies, departments and institutions on the Department's public internet procurement website shall be required by July 1, 2002. The bill is a recommendation of the Joint Commission on Science and Technology

*Patron - Ticer*

**SB383 Virginia Public Procurement Act; exemptions.** Provides an exemption from competitive sealed bidding or competitive negotiation for the purchase of electric utility services if purchased by a public body through an association of which it is a member, if the association was formed and is maintained for the purpose of promoting the interest and welfare of and developing close relationships with similar public bodies, provided such association has procured the electric utility service by use of competitive principles and provided that the public body has made a determination in advance after reasonable notice to the public and set forth in writing that competitive sealed bidding and competitive negotiation are not fiscally advantageous to the public. Currently, this exemption is available for the purchase of insurance. The bill also allows state agencies, in procuring information technology-related goods and services, other than professional services or construction, to award the contract to contractors located in high unemployment localities, under certain conditions. The bill defines "information technology-related goods and services." The bill contains a sunset for this type of procurement of July 1, 2002. The bill requires the Department of General Services to report on the impact of this provision by November 1, 2002.

*Patron - Watkins*

**SB538 Virginia Public Procurement Act; multiple awards.** Allows multiple awards under competitive negotiation for the procurement of other than professional services to more than one offeror where the terms and conditions of the multiple awards are provided in the Request for Proposal. Currently, multiple awards are authorized only under competitive sealed bidding.

*Patron - Hawkins*

**SB626 Virginia Public Procurement Act; thresholds for small purchases and contract modifications.** Increases from \$30,000 to \$50,000 the threshold for small purchases of goods and services other than professional services. As a result, a public body may procure such goods and services

under this amount without competitive sealed bidding or competitive negotiation except that purchases expected to exceed \$30,000 require written informal solicitations of a minimum of four bidders or offerors. The bill also increases from \$10,000 to \$50,000 the threshold for modification of fixed-price contracts without the approval of the Governor or his designee.

*Patron - Stosch*

**PSB627 Virginia Public Procurement Act; procurement of architectural or professional engineering services.** Allows the award of term contracts for architectural and engineering services to multiple firms with a single Request for Proposal ("RFP") and sets the criteria for the use of such contracts. Currently, only one award can be made for each solicitation. The bill limits the sum of projects performed annually by a single architectural/engineering firm to \$500,000 or a lesser amount determined by the Director of the Department of General Services ("DGS"). Currently, the maximum amount is \$300,000.

*Patron - Stosch*

**PSB638 Virginia Public Procurement Act; declaration of purpose** Adds the requirement that procurement procedures under the Virginia Public Procurement Act involve openness and administrative efficiency

*Patron - Hawkins*

**PSB639 Virginia Public Procurement Act; definitions; best value.** Adds the definition of "best value," defined as the overall combination of quality, price, and various elements of required services that in total are optimal relative to a public body's needs. Additionally, the bill provides that public bodies are encouraged to consider best value concepts when procuring goods and nonprofessional services, but not construction or professional services. The bill also requires that the criteria, factors, and basis for consideration of best value be stated in the procurement solicitation. The bill requires the Department of General Services to study the feasibility of implementing in Virginia the Contractor Performance and Rating System (CPARS) currently used by the federal government.

*Patron - Hawkins*

## Failed

**FHB862 Virginia Public Procurement Act; preference for contractors with apprenticeship programs.** Authorizes the Department of General Services to award a construction contract to the contractor who has an ongoing apprenticeship program approved by the Virginia Apprenticeship Council, so long as such contractor's bid price is no more than 10 percent greater than the bid price of the low responsive and responsible bidder.

*Patron - Woodrum*

**FHB1188 Virginia Public Procurement Act; exception to competitive sealed bidding.** Changes the standard from "is either not practicable or not fiscally advantageous" to "not in the best interest of the public body" for which a public body may use competitive negotiation instead of competitive sealed bidding for the procurement of goods, services, or insurance.

*Patron - Reid*

**FBSB636 Virginia Public Procurement Act; electronic posting of public notices.** Authorizes the posting of public notices for an Invitation to Bid or a Request for Proposal to be on a public internet procurement website designated by the Department of General Services, in addition to posting

such notices in a public place or by publication in a newspaper of general circulation. The bill also provides that, effective July 1, 2002, posting on the public internet procurement website designated by the Department of General Services shall be required.

*Patron - Hawkins*

**FBSB637 Virginia Public Procurement Act; exception to competitive sealed bidding.** Changes the standard from "is either not practicable or not fiscally advantageous" to "not in the best interest of the public body" for which a public body may use competitive negotiation instead of competitive sealed bidding for the procurement of goods, services, or insurance.

*Patron - Hawkins*

**FBSB728 Virginia Public Procurement Act; procurement of professional services.** Removes the prohibition on public body from requesting any price information in a Request for Proposal ("RFP") for professional services. The bill would allow a public body to request a nonbinding estimate of the cost of services in the RFP. The bill also requires a public body, after the discussion stage and before the negotiation stage, to select two or more offerors deemed to be full qualified and best suited among those submitting proposals.

*Patron - Martin*

## Carried Over

**CHB61 Transactions facilitating Internet gambling voided.** Voids any transactions conducted for the purpose of gaming, betting or wagering over the Internet. The Code of Virginia already voids all contracts to wager or repay gambling debts. This bill would also void transactions made for the purpose of gambling over the Internet. The bill provides that person or entity may recover the amount of such transactions or any other costs related to such transactions; thus, if an Internet transaction is conducted for the purpose of gambling over the Internet, no person or entity may collect any amount of money associated with such gambling activity. Transactions related to the state lottery are excluded from the provisions of this bill.

*Patron - Marshall*

**CHB1286 Virginia Public Procurement Act; design-build contracts for certain highways.** Authorizes the Department of Transportation to enter into contracts for the construction and reconstruction of, and improvements to, Route 28 from Route 7 in Loudoun County to Interstate 66 in Fairfax County on a fixed-price or not-to-exceed design-build basis. The bill also provides that written procedures governing the selection, evaluation, and award of such design-build contracts shall be consistent with those described in this chapter for the procurement of other than professional services through competitive negotiation.

*Patron - Black*

**CHB1381 Public Procurement Act; payment clauses.** Requires, in any contract awarded by any state agency or any agency of local government, a payment clause that requires the contractor to pay his employees a living wage. For the purposes of this bill, "living wage" is defined as a wage equal to (i) 125 percent of the federal poverty level or (ii) 100 percent of the federal poverty level if fully paid, comprehensive family medical coverage is provided to the employee. The bill also contains technical amendments.

*Patron - Baskerville*

**HB1388 Virginia Public Procurement Act; preferences for Virginia firms.** Requires a like preference to be given to the lowest responsible bidder who is a resident of Virginia whenever a non-Virginia bidder bids on a state contract and his state's law affords its contractors a preference.

*Patron - Griffith*

**SB464 Construction contracts.** Provides that no provision in a construction contract entered into after July 1, 2000, that delays the timing of payment to a subcontractor pending receipt of payment by the general contractor from the owner shall exceed 180 days. The bill also provides that such provision may not waive the right of a subcontractor to any defense or to an action to enforce a lien.

*Patron - Mims*

**SB761 Division of Purchase and Supply; regulations; unsolicited proposals.** Requires the Division of Purchase and Supply to adopt regulations which establish the conditions under which a public body may accept unsolicited bid proposals and award contracts without the necessity for further competitive procurement. Such regulations may be based on the Federal Acquisition Regulation adopted by the U.S. General Services Administration.

*Patron - Mims*

## Corporations

### Passed

**HB459 Registered limited liability partnerships.** Allows any law firm organized as a registered limited liability partnership and registered with the Virginia State Bar to serve as the registered agent of a corporation, limited liability company, limited partnership, or registered limited liability partnership. Currently, only law firms organized as professional corporations or professional limited liability companies may serve as registered agents.

*Patron - Morgan*

**HB662 Securities Act and Retail Franchising Act; civil penalties** Clarifies that the fines that the State Corporation Commission is authorized to impose for violations of the Securities Act and Retail Franchising Act are civil, rather than criminal, penalties.

*Patron - Purkey*

**HB902 Limited liability companies.** Clarifies that the existing provision for the domestication of a non-United States' entity as a limited liability company (LLC) does not require the dissolution of the foreign entity in its original jurisdiction; provides that a person may be admitted to membership in an LLC without acquiring economic rights in the LLC; clarifies the status of a former member's membership interest and the status of the company after a member dissociates; makes clear that it is permissible for an operating agreement to provide for the manner in which a new member will be admitted to the LLC upon an event that terminates the membership of the last remaining member of the LLC; and adds a provision to the Revised Uniform Limited Partnership Act to declare existing law regarding a limited partner's rights upon withdrawal from a partnership.

*Patron - Diamonstein*

**HB1060 Trustees as registered agent; partnerships and limited liability companies.** Authorizes an individ-

ual who is the trustee of a trust to be the registered agent for (i) a domestic or foreign limited partnership if the trust is general partner of such partnership; (ii) a domestic or foreign registered limited liability partnership if the trust is general partner of such partnership; or (iii) a domestic or foreign limited liability company if the trust is a member of such company.

*Patron - McClur*

**HB1428 Department of Professional and Occupational Regulation; certified interior designers.** Allows certified interior designers to form professional corporations (PC's) and professional limited liability companies (PLLC's) and requires such entities to register with the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board). The bill also provides that where a PC or PLLC offering the title of "certified interior designers" and also offers the professional services of architecture, engineering or land surveying, that at least two-thirds of the entity's stock be owned by an individual who is a licensee of the professional service offered.

*Patron - O'Brien*

**SB136 Professional corporations and professional limited liability companies; ownership of accounting firms.** Permits accounting firms that are professional corporations or professional limited liability companies to issue up to 49 percent of stock or membership interests to employees who are not authorized to render the services of accounting.

*Patron - Stosch*

**SB207 Resignation of registered agent; failure to file certificate of change.** Provides for the automatic termination of corporate existence, revocation of certificate of authority to transact business, or cancellation of certificate of limited liability company or limited partnership if an entity's registered agent has resigned and the entity does not timely appoint a new registered agent. The bill requires the SCC to mail a notice to the entity by first class mail and provides a minimum of two months for the entity to make the new appointment. Currently, the failure to timely appoint a new registered agent results in termination or revocation after the entity is cited in a rule to show cause, which is followed by the opportunity for a hearing before the Commission. The measure applies only to entities whose registered agents file a certificate of resignation on or after January 1, 2001.

*Patron - Colgan*

**SB217 Corporations; articles of merger.** Corrects an erroneous reference by substituting the word "plan" for "amendment" in provisions addressing the consent of shareholders or members to a plan of merger or share exchange.

*Patron - Miller, Y.B.*

**SB325 Professional business entities.** Clarifies that the articles of incorporation of a professional corporation, and articles of organization of a professional limited liability company, include a clause setting forth the entity's sole and specific purpose. The legislation also clarifies that the provisions of the Nonstock Corporation Act shall apply to nonstock professional corporations except when its provisions are in conflict with the chapter under which professional corporations are established. A similar provision currently exists with respect to the applicability of the Stock Corporation Act to stock professional corporations.

*Patron - Wampler*

## Counties, Cities and Towns

### Passed

**PHB236 Industrial development authorities.** Provides that in Goochland County the authority may be called an economic development authority.

*Patron - Dickinson*

**PHB262 Liens for water and sewer charges.** Adds Culpeper County to those localities that have authority to provide that charges for water or sewer service may be a lien on the real estate served.

*Patron - Broman*

**PHB287 County board form of government; salaries.** Allows Grayson County to set board salaries in accordance with general law.

*Patron - Jackson*

**PHB361 Removal of grass, weeds, and other foreign growth.** Permits localities in Planning District 8 to require that owners of occupied property cut grass, weeds and other foreign growth on the property and if a property owner, after required notice, fails to do so the locality may cut such grass, weeds or other foreign growth and the cost and expenses thereof shall be chargeable to and paid by the owner of the property. The existing statute only applies to vacant property

*Patron - Callahan*

**PHB379 Speeding in residence districts; City of Falls Church.** Allows the City of Falls Church (described by population) to prohibit the operation of a motor vehicle at a speed of 15 miles per hour or more in excess of the applicable maximum speed limit in residential districts and to provide that any person who violates the prohibition shall be subject to a civil penalty of \$100, in addition to other penalty provided by law. This bill is identical to SB 107.

*Patron - Hull*

**PHB418 Agricultural and forestal districts; roll-back taxes.** Clarifies that roll-back taxes are due and payable upon the withdrawal of land from, or the termination of, agricultural and forestal districts. The sale or gift of a portion of land in a district to a family member shall not in and of itself constitute a withdrawal or removal of any of the land from a district.

*Patron - Grayson*

**PHB428 Attorneys for the Commonwealth.** Allows the use of volunteer (uncompensated) attorneys as assistant attorneys for the Commonwealth, in the Cities of Virginia Beach, Norfolk and Chesapeake where this provision was in effect from 1994 until its sunset in 1999.

*Patron - McDonnell*

**PHB443 Discharge of firearms.** Allows a city or town, by ordinance, to prohibit hunting within one-half mile of a subdivision.

*Patron - Larrabee*

**PHB470 Adoption of optional form of county government.** Requires the secretary of the appropriate electoral board to certify the results of a referendum to adopt an optional form of county government to the Commission on Local Government.

*Patron - Hull*

**PHB483 Regional industrial facility authorities.** Rewrites the definition of "region," so as to include all of the localities within Planning District 3, thereby giving the counties of Carroll, Grayson and Washington and the Cities of Bristol and Galax the ability to join such authorities.

*Patron - Johnson*

**PHB521 Prohibiting discharge of firearms.** Any locality that prohibits the discharge of firearms shall provide an exemption for the killing of deer pursuant to § 29.1-529. Such exemption shall apply on land of at least five acres that is zoned for agricultural use.

*Patron - Deeds*

**PHB522 Continuation of state aid to certain localities.** 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 where the consolidation results in (i) governmental consolidation or (ii) the consolidation of constitutional officers and school divisions. "Consolidation" includes those functions consolidated due to city reversion.

*Patron - Deeds*

**PHB538 Service districts.** Expands powers of service districts to control pest infestations by allowing control of cankerworms or other pests identified by the Department of Agriculture and Services. Currently, service districts may only act to control infestations by gypsy moths.

*Patron - Amundson*

**PHB539 Mandatory connection to water and sewage systems.** Adds Amelia County (described by population to those counties that may require connection to a water and sewage system by owners of property that may be served by such systems. Those persons having a domestic supply of potable water and an adequate system for the disposal of sewage shall not be required to discontinue such use, but may be required to pay a connection fee, a front footage fee, and a monthly nonuser service charge. This bill is identical to SB 335.

*Patron - Ingram*

**PHB547 Recordation of plats.** Clarifies that only a plat that has been approved by a locality shall operate to transfer to the locality the streets and other public uses indicated on the plat.

*Patron - Phillips*

**PHB570 Virginia Regional Industrial Facilities Act.** Adds areas within Planning Districts 13 and 14 to those areas that may create an authority under such act.

*Patron - Ruff*

**PHB655 Industrial Development Authorities.** Allows Henrico County to appoint 10 rather than eight members to the board of directors of such authority.

*Patron - Grayson*

**PHB679 Oaths of office; towns.** Allows town council members and members of Boards of Supervisors to take their oaths before any officer authorized by law to administer oaths. The language regarding town council members was dropped from the Code by the Title 15.1 recodification. Also, council members and members of Boards of Supervisors who, on or after December 1, 1997, qualified by taking the oath of office before any officer authorized by law to administer oaths, are

deemed to have satisfied the requirements of this section with regard to the taking of oaths.

*Patron - Weatherholtz*

**PHB681 Local recycling incentives.** Authorizes localities to grant incentives to encourage recycling.

*Patron - Louderback*

**PHB734 Use of escrowed funds; Town of Vienna.** Allows the Town of Vienna (described by population) to use funds from a developer that have been escrowed for construction of specific public improvements for other similar improvements under certain conditions. Such funds shall be used only if the governing body (i) obtains the written consent of the owner or developer who submitted the escrowed funds; (ii) finds that the facilities for which funds are escrowed are not immediately required; (iii) releases the owner or developer from liability for such improvements and (iv) accepts liability for the future cost of constructing such improvements. If a locality fails to locate such owner or developer after making a reasonable attempt to do so, the locality may proceed as if such consent had been granted. In addition, the escrowed funds to be used for such other improvement may only come from an escrow that does not exceed \$30,000, plus any accrued interest, and shall have been escrowed for at least five years. This bill is identical to SB 278.

*Patron - Devolites*

**PHB736 Local volunteers.** Allows the City of Virginia Beach (described by population) to appoint and train volunteers to assist with various property inspections including property maintenance and certain zoning matters. Such volunteers shall have any and all immunity provided to an employee of the locality doing an identical job.

*Patron - Suit*

**PHB752 Authority to impose road impact fees.** Adds Stafford County (described by population) to the localities authorized to impose road impact fees and provides road impact fee provisions shall expire on July 1, 2003, if no locality has imposed such fees by that date.

*Patron - Howell*

**PHB823 Regional industrial facility authority.** Adds the area within Planning District 14, which includes the counties of Amelia, Buckingham, Charlotte, Cumberland, Lunenburg and Prince Edward and the towns of Charlotte Courthouse, Dillwyn, Farmville, Kenbridge, Keysville and Victoria to those areas that may establish such authorities.

*Patron - Ingram*

**PHB841 Notice of referendum question on county police force.** Provides that the notice shall contain the ballot question and a statement of not more than 500 words on the proposed question. The explanation shall be presented in plain English, shall be limited to a neutral explanation, and shall not present arguments by either proponents or opponents of the proposal. The county may expend public funds to provide neutral information, but shall not use public funds to promote a particular position on the question, either in the notice or in any other distribution of information to the public.

*Patron - Davis*

**PHB855 Service districts.** Permits two or more localities to create a joint service district and provides that existing authority related to levying an annual tax and employing personnel, applies to the purchase of development rights. This bill is identical to SB 255.

*Patron - May*

**PHB856 Community development authorities.** Permits community development authorities to purchase development rights that will be dedicated as easements for conservation, open space or other purposes pursuant to the Open-Space Land Act. This bill is identical to SB 256.

*Patron - May*

**PHB887 Regional Competitiveness Act.** Clarifies the manner in which a region is awarded points by the Department of Housing and Community Development for existing joint activities in determining a region's eligibility for receiving incentive funds under the Act.

*Patron - Bryant*

**PHB905 Limitations on licensing and registration of firearms; limitation on lawsuits.** Provides that no locality shall have the authority to bring suit against a firearms or ammunition dealer, the right to bring any such action being reserved exclusively to the Commonwealth. This limitation also applies to any state governmental agency. Exceptions are made for certain breach of contract, breach of warranty and negligence actions.

*Patron - Cranwell*

**PHB909 Inspection of public water supply.** Requires every public water supply operator to test public water supplies at least quarterly for the presence of methyl tertiary-butyl ether (MTBE), an additive used in gasoline, which is a known carcinogen. The locality must maintain a record of the testing and, if the results of any test, indicate the presence of MTBE in excess of 15 parts per billion, the locality must immediately notify the Departments of Environmental Quality and Health. The Division of Consolidated Laboratory Services will maintain and make available, upon request, a list of laboratories performing this testing. The Division of Consolidated Laboratory Services will establish a fee system to offset the costs of test performed by it on behalf of public water supply operators for MTBE and will also report to the Governor and the General Assembly by November 1, 2000, on the estimated costs and personnel requirements for administering the MTBE tests.

*Patron - Cranwell*

**PHB922 Board salaries.** Allows a county board that is elected for staggered terms to set a maximum salary in any year in which at least 40 percent, rather than one-half, of the board will be elected.

*Patron - Dickinson*

**PHB925 Boards of zoning appeals.** Clarifies that the board shall consider the purpose and intent of applicable ordinances, laws and regulations in making its decisions. Also, the bill states that it is the intent of the section that board decisions be based on balanced testimony presented at board hearings and not on negotiations entered into with selected parties prior to a hearing. The bill specifies that board deliberations are subject to the Virginia Freedom of Information Act.

*Patron - Watts*

**PHB953 Claims against counties.** Provides that an appeal from the disallowance of a claim by the governing body of a county must be filed with the circuit court for the county. The existing law does not specify in which court the appeal must be filed.

*Patron - Jackson*

**PHB1018 Liability for failure to provide adequate security or crowd control.** Adds the City of Chesapeake (described by population) to provisions that will allow the city to provide by ordinance that any person who has negligent

failed to provide adequate security or crowd control at a sporting event, restaurant, night club or other business or commercial activity that draws large crowds of people may be liable in a separate civil action for the cost associated with any emergency response by the law-enforcement agency or emergency medical services personnel of such city caused by the sponsor, owner or tenant of any sporting event, restaurant, night club or other business or commercial establishment who negligently failed to provide adequate security or crowd control. Such person shall be liable to the city in an amount not to exceed \$1,000. This bill is identical to SB 681.

*Patron - Blevins*

**PHB1184 Action for damage to memorials for war veterans.** Allows the attorney for a locality to bring an action against any person who damages certain publicly-owned monuments, markers or memorials in order to recover the full cost of repairing such damage. The bill also provides that a private organization, society or museum may bring an action against any person who damages a monument, marker or memorial owned by the private organization, society or museum in order to recover the full cost of repairing such damage.

*Patron - Reid*

**PHB1232 Urban Public-Private Partnership Redevelopment Fund.** Creates a fund to be administered by the Department of Housing and Community Development for the purpose of making grants or loans to local governments for assembling, planning, clearing, and remediating sites in order to promote such sites to private developers for redevelopment. The Fund is created to address the serious problem of a lack of developable land in urban areas of the Commonwealth and the high cost of redeveloping such land. This is a recommendation of the Commission on the Condition and Future of Virginia's Cities.

*Patron - Ingram*

**PHB1245 Agricultural and forestal districts.** Allows the Director of the Department of Conservation and Recreation, or his designee, to advise a local governing body on issues related to proposals of state agencies, political subdivisions or public service corporation to acquire land or construct a project within a district.

*Patron - Orrock*

**PHB1255 Advertisement of legal notices on web sites.** Provides that a locality may advertise legal notices on the locality's World Wide Web site.

*Patron - Brink*

**PHB1262 Local personnel systems.** Allows localities, notwithstanding the provisions of a local charter, to establish a personnel system for local administrative officials and employees based on merit and professional ability. Such system shall consist of rules and regulations that provide for the general administration of personnel matters, a classification plan for employees, a uniform pay plan, and a procedure for resolving grievances of employees as provided by general law.

*Patron - Moss*

**PHB1268 Economic development grants to localities.** Creates the Governor's Economic Development Grant Fund which may be used by the Governor to make grants to localities in which one or more state-sponsored economic development projects completed on or after July 1, 1995, resulted in a demonstrated stress on local infrastructure. No locality may receive more than \$3,000,000 in aggregate in such grants. The aggregate amount of grants approved in any one fiscal year shall not exceed \$10 million and the Commonwealth's annual obligations for such grants shall not exceed \$1

million annually per locality. Economic development grants to eligible localities under the bill are to be offset by grants or loans awarded from the Governor's Development Opportunity Fund.

*Patron - May*

**PHB1385 Sale of certain property in the City of Richmond.** Allows the City of Richmond (described by population) to provide for the sale of buildings for the nominal amount of one dollar and to require the purchaser to complete all necessary repairs of the property within two years. The provisions apply to property which the city has obtained through use of existing procedures related to tax-delinquent or blighted property.

*Patron - Baskerville*

**PHB1411 Transportation District Commission of Hampton Roads.** Provides for the appointment of one member of the House of Delegates and one member of the Senate to the Transportation District Commission of Hampton Roads. This bill is identical to SB 246.

*Patron - Crittenden*

**PHB1454 Boards of zoning appeals.** Provides that a zoning ordinance may prescribe an appeal period of not less than 10 days for a notice of violation involving temporary or seasonal commercial uses, parking of commercial trucks in residential zoning districts. The existing statute provides that an individual has 30 days within which to file an appeal.

*Patron - Jones, D.C.*

**PHB1456 Zoning ordinances; restrictions on ABC licenses.** Provides that the City of Richmond may impose a condition upon any special use permit issued after July 1, 2000, relating to retail alcoholic beverage control licensees which provides that such special use permit will be subject to an automatic review by the governing body upon a change of ownership of the property, a change in possession, or a transfer of majority control of the business entity.

*Patron - Jones, D.C.*

**PHB1474 Virginia Regional Economic Development Authority.** Allows two or more localities to create such authorities for the purpose of enhancing the economic base for the member localities by developing, owning, and operating on a cooperative basis one or more development areas for commercial enterprises. An authority shall be a political subdivision of the Commonwealth and its powers shall include the power to sue and be sued in its own name; adopt bylaws, rules and regulations; enter into agreements with any other political subdivision of the Commonwealth for joint or cooperative action; enter into voluntary economic growth-sharing agreements; determine the locations of, develop, establish, construct, operate, regulate, and maintain facilities to the extent necessary or convenient to accomplish the purposes of the authority; acquire, own, hold, lease, use, sell, encumber, transfer, or dispose of, in its own name, any real or personal property or interests therein; enter into contracts of any kind; expend such funds as may be available to it for the purpose of developing facilities; fix and revise from time to time and charge and collect rates, rents, fees, or other charges for the use of facilities or for services rendered in connection with the facilities; borrow money from any source for any valid purpose; issue bonds; receive from participating localities, contributions of taxes levied within the district; distribute its revenues according to an agreement among participating localities, and; with the concurrence of the member localities, levy an incremental real property tax for capital investment and special services within the district. This is a recommendation of

the Commission on the Condition and Future of Virginia's Cities.

*Patron - Hall*

**HB1535** **Town of Irvington; council elections.** Increases council terms from two to four years and provides for staggered terms.

*Patron - Pollard*

**SB91** **County manager plan; grants for home ownership.** Allows the county board in counties that have adopted the county manager plan of government (Arlington County) to make grants of local funds up to \$3,000 to county employee for the purchase of a house, apartment or condominium in the county. The house, apartment or condominium purchased must be used as the principal residence of the grant recipient.

*Patron - Whipple*

**SB96** **County board form of government; salaries.** Allows the board of supervisors of counties with the county board form of government to be compensated in accordance with the provisions of general law

*Patron - Puckett*

**SB107** **Speeding in residence districts; City of Falls Church.** Allows the City of Falls Church (described by population) to prohibit the operation of a motor vehicle at a speed of 15 miles per hour or more in excess of the applicable maximum speed limit in residential districts and to provide that any person who violates the prohibition shall be subject to a civil penalty of \$100, in addition to other penalty provided by law. This bill is identical to HB 379.

*Patron - Whipple*

**SB246** **Transportation District Commission of Hampton Roads.** Provides for the appointment of one member of the House of Delegates and one member of the Senate to the commission of the Transportation District Commission of Hampton Roads. This bill is identical to HB 1411.

*Patron - Schrock*

**SB255** **Service districts.** Permits two or more localities to create a joint service district and provides that existing authority related to levying an annual tax and employing personnel, applies to the purchase of development rights. This bill is identical to HB 855.

*Patron - Mims*

**SB256** **Community development authorities** Permits community development authorities to purchase development rights that will be dedicated as easements for conservation, open space or other purposes pursuant to the Open-Space Land Act. This bill is identical to HB 856.

*Patron - Mims*

**SB260** **Planning district commission membership.** Provides that, in planning district number 4, the membership of the commission may include representatives of higher education institutions.

*Patron - Trumbo*

**SB268** **Local employment based on residency.** Extends a sunset clause from July 1, 2000, to July 1, 2002, thereby allowing the cities of Hopewell and Petersburg (described by population) to continue using residency as a basis for participation in local police or fire cadet programs or local homesteading programs.

*Patron - Quayle*

**SB278** **Use of escrowed funds; Town of Vienna.** Allows the Town of Vienna (described by population) to use funds from a developer that have been escrowed for construction of specific public improvements for other similar improvements under certain conditions. Such funds shall be used only if the governing body (i) obtains the written consent of the owner or developer who submitted the escrowed funds; (ii) finds that the facilities for which funds are escrowed are not immediately required; (iii) releases the owner or developer from liability for such improvements and (iv) accepts liability for the future cost of constructing such improvements. If a locality fails to locate such owner or developer after making a reasonable attempt to do so, the locality may proceed as if such consent had been granted. In addition, the escrowed funds to be used for such other improvement may only come from an escrow that does not exceed \$30,000, plus any accrued interest, and shall have been escrowed for at least five years. This bill is identical to HB 734.

*Patron - Howell*

**SB282** **Regional industrial facility authorities.** Rewrites the definition of "region," so as to include all of the localities within Planning District 3, thereby giving the counties of Carroll, Grayson and Washington and the Cities of Bristol and Galax the ability to join such authorities; adds the localities of Planning District 3 to those that may create an authority with two or more, rather than three or more, localities within the region and; allows for staggered terms of the board of directors.

*Patron - Marye*

**SB293** **Regional criminal justice training academies.** Specifies the procedures to be followed by a locality, political subdivision or other public body seeking to join an existing regional criminal justice training academy. The bill also specifies the procedures to be followed for the withdrawal of a locality, political subdivision or other public body from a regional criminal justice training academy.

*Patron - Holland*

**SB333** **Comprehensive plan** Clarifies that the 90 day period within which the governing body must act on the planning commission's recommendation, applies to both the development and amendment of the plan.

*Patron - Martin*

**SB335** **Mandatory connection to water and sewage systems.** Adds Amelia County (described by population) to those counties that may require connection to a water and sewage system by owners of property that may be served by such systems. Those persons having a domestic supply of potable water and an adequate system for the disposal of sewage shall not be required to discontinue such use, but may be required to pay a connection fee, a front footage fee, and a monthly nonuser service charge. This bill is identical to HB 539.

*Patron - Martin*

**SB409** **Adoption of ordinances and resolutions.** Provides that votes on all ordinances and resolutions adopted prior to February 27, 1998, in which an unanimous vote of the governing body was recorded, shall be deemed to have been validly recorded, notwithstanding provisions requiring that the name and vote of each member of the governing body be recorded.

*Patron - Bolling*

**SB617** **Local computer services.** Authorizes the City of Bristol (described by population) to provide certain

computer services, but not to include the communications link between the host computer and any person or entity other than such locality's, or an adjoining locality's, own departments or other governmental divisions.

*Patron - Wampler*

**SB643 Zoning; regulation of mountain ridge construction.** Permits localities containing "protected mountain ridges," defined as those ridges with an elevation of 2,000 feet or more and an elevation of 500 feet or more above the adjacent valley floor, to adopt an ordinance regulating the construction of tall buildings or structures on those mountain ridges. The ordinance would apply to all buildings or structures with a height of 40 feet or more above the natural grade but would not apply to television, radio and telecommunications towers, structures of a relatively slender nature, minor vertical projections of a parent building, or buildings designated as historical landmarks.

*Patron - Hanger*

**SB670 Location of state facilities and programs** Requires state agencies to evaluate the feasibility of siting state facilities in the Commonwealth's urban centers. In making such evaluation, the agency shall consider the fiscal advantages and conveniences associated with placing state facilities in such areas and whether the local governing body is supportive of the location as a desirable use of available land resources. The bill exempts facilities located on campuses of public institutions of higher education. This is a recommendation of the Commission on the Condition and Future of Virginia's Cities.

*Patron - Hanger*

**SB681 Liability for failure to provide adequate security or crowd control.** Adds the City of Chesapeake (described by population) to provisions that will allow the city to provide by ordinance that any person who has negligently failed to provide adequate security or crowd control at a sporting event, restaurant, night club or other business or commercial activity that draws large crowds of people may be liable in a separate civil action for the cost associated with any emergency response by the law-enforcement agency or emergency medical services personnel of such city caused by the sponsor, owner or tenant of any sporting event, restaurant, night club or other business or commercial establishment who negligently failed to provide adequate security or crowd control. Such person shall be liable to the city in an amount not to exceed \$1,000. This bill is identical to HB 1018.

*Patron - Forbes*

**SB755 Political activities of firefighters, emergency medical technicians and law-enforcement officers.** Provides that no locality shall prohibit firefighters, emergency medical technicians or law-enforcement officers from participating in political activities while these employees are off duty, out of uniform and not on the premises of their employment with the locality.

*Patron - Williams*

**SB770 Local hospital or health center commissions.** Revises the definition of health center to include nursing homes, adult care residences, independent living facilities and assisted living facilities, as defined in the Code, and licensed by the Departments of Social Services or Health. This bill also rearranges the definitions in alphabetical order. This bill clarifies the authority for local hospital or health care commissions, i.e., entities created by one or more local governments, to operate adult care residences. These commissions are already authorized to operate hospitals and nursing homes.

*Patron - Martin*

**SB780 Powers of the trustees of the Town of York.** Provides that the trustees of the Town of York may approve and execute conveyances, leases, management agreements, or other instruments with the York County Board of Supervisors involving all or a portion of the river shore land located in the town for purposes and for periods of time that the trustees and the Board of Supervisors agree will be of benefit to the residents of the town and the county.

*Patron - Williams*

Failed

**HB263 Liens for water and sewer charges.** Provides that Culpeper County (described by population) may by ordinance provide that charges incurred for use of water or sewers shall be a lien on the real estate served.

*Patron - Brom*

**HB420 Removal or disposal of trash and cutting of grass and weeds.** Permits localities to require, by ordinance, that an owner, occupant or other person in control of property remove or dispose of trash, garbage, refuse, litter and other like substances which might endanger the health and safety of others. The locality may also require that grass, weeds and other foreign growth on the property be cut. If the owner, occupant or other person in control of the property, after required notice, fails to remove or dispose of such trash, garbage, refuse and other like substances or to cut such grass, weeds or other foreign growth, the locality may do so and the cost and expenses thereof shall be chargeable to and paid by the owner, occupant or other person in control of the property. The existing statute applies only to owners of property.

*Patron - Grayson*

**HB534 Lawsuits against firearms manufacturers.** Provides that the authority to bring suit and the right to recover against any firearms or ammunition marketer, manufacturer, distributor, dealer, seller, or trade association by or on behalf of any locality or any governmental entity for damages, abatement, injunctive relief or any other remedy resulting from or relating to the lawful design, marketing, manufacture, distribution, sale, or transfer of firearms or ammunition to the public is reserved exclusively to the Commonwealth. The bill does not prohibit a locality or governmental entity from bringing an action against a firearms or ammunition company for breach of contract or warranty as to firearms or ammunition purchased by the locality or entity. A locality may also bring an action for injuries resulting from a firearm malfunction due to defects in design and manufacture. Additionally, the bill prohibits localities from regulating in any manner firearms shows with regulations more stringent than those applying to shows of other types of items.

*Patron - War*

**HB548 Adoption of ordinances and resolutions; towns.** Eliminates the provision requiring a two-thirds vote for town councils to impose a tax. There is no similar general law provision for counties or cities.

*Patron - Phillips*

**HB602 Civil penalties for violations of zoning ordinance.** Provides that if a violation is uncorrected at the time of an admission of liability or a finding of liability, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court.

*Patron - McQuigg*



**FHB665** **Suing localities.** Provides that localities may be sued in the circuit court of the locality. A similar provision, applicable to counties, was found in Title 15.1 but was not carried over to Title 15.2 during the recodification of 1997.

*Patron - Tate*

**FHB831** **Virginia Baseball Stadium Authority; procurement.** Exempts the authority from the provisions of the Virginia Public Procurement Act for the acquisition or construction of any facilities developed by the Authority. Currently the exemption applies to the operation of such facilities.

*Patron - Callahan*

**FHB843** **Permitted provisions in zoning ordinances.** Allows localities to provide for the review of zoning patterns at specified intervals to correct zoning designations in order to reflect current development and existing capital improvements.

*Patron - Howell*

**FHB853** **Impact fees.** Expands the existing road impact fee provisions to include school improvements and extends the applicability of such provisions from Northern Virginia localities to all localities. "Impact fee" is defined as a charge or assessment imposed against new development in order to generate revenue to fund or recover the costs of public facilities necessitated by and attributable to the new development. The value of any dedication, contribution or construction from the developer for off-site road improvements and school facility improvements within the service area shall be treated as a credit against the impact fee.

*Patron - May*

**FHB886** **Virginia Indoor Clean Air Act** Prohibits smoking in restrooms located in restaurants. Smoking is currently prohibited in restrooms located in buildings owned or leased by the state and public restrooms of health care facilities. There is also a technical amendment.

*Patron - Barlow*

**FHB908** **Special exceptions; single-family dwellings.** Provides that nothing in the planning and zoning chapter of Title 15.2 shall be construed to prevent a locality from requiring a special exception or special use permit for a use which includes three or more persons unrelated by blood, marriage or adoption residing in a single-family dwelling in an area zoned for single-family use.

*Patron - Cranwell*

**FHB976** **Repeated violations of health, safety and nuisance laws; enhanced civil penalty.** Provides that the City of Alexandria (described by population), may by ordinance provide for enhanced civil penalties for repeated violations of certain ordinances. The enhanced civil penalties may be assessed against any property owner who (i) during the previous 12 months, has either made admissions of liability or had findings of liability entered against him for civil penalties for six or more violations of local ordinances enacted pursuant to certain state nuisance provisions and (ii) subsequently violates a local ordinance enacted pursuant to any such state provision. The enhanced civil penalty shall not exceed \$500 for the first offense and \$1,000 for any subsequent offense.

*Patron - VanLandingham*

**FHB1070** **Zoning applicant disclosure.** Provides that localities may provide by ordinance that any applicant for an amendment to the zoning ordinance, including an applicant for a special exception or special use permit, make complete disclosure of all gifts and donations by the applicant, title owner, contract purchaser or lessee of the land that is the sub-

ject of the application, to a member of the governing body during the previous 12 months or during a member's current term of office, whichever is greater. The bill applies only to zoning actions involving five or more houses or where the property involved is assessed at \$200,000 or more.

*Patron - Marshall*

**FHB1100** **Adequate public facilities.** Allows localities to adopt reasonable provisions requiring applicants for various land use permits to demonstrate that public facilities related to the provision of public education, water, sewerage and roads are adequate to support the services that will be required by a proposed subdivision or rezoning. A locality may deny or delay approval or issuance of a building permit if the applicant is unable to demonstrate such adequacy.

*Patron - Grayson*

**FHB1166** **Clustering of single-family detached dwellings.** Provides that subdivision and zoning ordinances shall contain reasonable provisions allowing the clustering of single-family detached dwellings so as to preserve open space. No local ordinance shall require that a special exception, special use, or conditional use permit be obtained for the clustering of single-family detached dwellings on lots that are up to 20 percent smaller than otherwise required by local ordinance.

*Patron - Albo*

**FHB1285** **Impact fees.** Allows localities to adopt an impact fee ordinance for public facilities. "Impact fee" is defined as a charge or assessment imposed against new development in order to generate revenue to fund or recover the costs of public facilities necessitated by and attributable to the new development. Such ordinance shall not apply to property that received its zoning designation prior to January 1, 2001. Any locality adopting such an ordinance shall no longer accept proffers pursuant to §§ 15.2-2298 or 15.2-2303. The value of any dedication, contribution or construction from the developer for off-site road improvements and school facility improvements within the service area shall be treated as a credit against the impact fee.

*Patron - Black*

**FHB1334** **Virginia Baseball Stadium Authority; income tax credit.** Provides that if Virginia receives a major league baseball franchise the ownership group cannot own more than 45 percent of the team if such team wishes to play in the stadium built by the Virginia Baseball Stadium Authority. Provides an income tax credit for purchases for shares of the major league baseball team which are given as gifts to children age 18 or younger.

*Patron - Marshall*

**FHB1416** **Group homes** Provides that zoning ordinances shall consider a residential facility in which no more than eight aged persons reside, with one or more resident counselors or other staff persons, as residential occupancy by a single family. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility. Current law applies to residential facilities in which no more than eight mentally ill, mentally retarded, or developmentally disabled persons reside.

*Patron - Katzen*

**FHB1529** **Impact fees for residential development.** Provides that a locality may adopt an ordinance providing for payment of impact fees for residential development. The impact fee shall be in an amount representing the proportional total or partial cost of capital improvements reasonably related to the transportation, education, emergency services, law

enforcement, recreation, library or other needs for public facilities generated by the additional residential development. No impact fee shall be assessed unless the capital improvement related to the additional development have been included in the locality's capital improvement program. All impact fees collected shall be used by the locality for the purpose of completing capital improvements specified in the ordinance.

*Patron - Hargrove*

**SB116 Real estate taxes; roll-back taxes** Repeals the current authorization allowing localities to assess roll-back taxes when land being used for agricultural, horticultural, forest, or open-space use is rezoned or changed by the owner of such real estate to a more intensive use. Under current law, when an owner of real estate, in accordance with a local ordinance or agreement with a local governing body, restricts the use of such real estate to an agricultural, horticultural, forest, or open-space use, such owner may be assessed for real estate taxes based on the actual use for which the property is being held, as opposed to an assessment based on fair market value. However, current law also provides for back taxes (roll-back taxes) and interest based on the fair market value of such property when the owner of such real estate, prior to the expiration of the time period agreed to with the local governing body, changes its use from agricultural, horticultural, forest, or open-space use to a more intensive use. Currently, roll-back taxes may be assessed for up to the five most recent complete tax years.

*Patron - Potts*

**SB124 Authority to impose road impact fees.** Adds James City County (described by population) to the localities authorized to impose road impact fees.

*Patron - Norment*

**SB231 Land use planning.** Allows localities to subject telecommunications towers on state land to local comprehensive plan requirements.

*Patron - Couric*

**SB240 Continuation of state aid to certain localities.** Increases the period of time the Commonwealth shall continue to distribute certain state funds to localities at the same level such funds would have been provided had no consolidation taken place where the consolidation results in (i) governmental consolidation or (ii) the consolidation of constitutional officers and school divisions. "Consolidation" includes those functions consolidated due to city reversion.

*Patron - Trumbo*

**SB280 Governing bodies; prohibition on discharge.** Prohibits the discharge from employment of a member of a governing body in Smyth County (described by population), or of any town within such county, as a result of his absence from employment due to attendance at regular meetings of the governing body upon giving written notice of at least 10 days to his employer of such absence. Any employer violating the provisions of this section shall be subject to a civil penalty of up to \$2,500.

*Patron - Marye*

**SB463 Issuance of building permits based on capital improvements.** Allows any county that has an average annual growth rate of five percent or greater to establish the maximum number of building permits for new residences to be issued in each calendar year. As a condition to the exercise of this authority, the county shall (i) establish reasonable, maximum debt ratios for the county after consultation with its financial advisors, (ii) adopt a capital improvements program and annually fund the program, and (iii) annually fund at least 1

percent of the capital improvements program with current revenues, exclusive of debt service or funds collected pursuant to proffered zoning conditions. The ordinance may provide for the issuance of building permits for new residential units beyond the established maximum upon the payment by the permit holder of a proportional cash contribution for school and other local capital facilities' costs. Any such payment shall be subject to a reasonable credit for actual contributions to local capital facilities' costs that have been made pursuant to a proffered zoning condition.

*Patron - Mims*

**SB468 Political activities of firefighters, emergency medical technicians and law-enforcement officers.** Provides that no locality shall prohibit firefighters, emergency medical technicians or law-enforcement officers from participating in political activities while these employees are off duty, out of uniform and not on the premises of their employment with the locality.

*Patron - Byrne*

**SB608 Virginia Baseball Stadium Authority; procurement.** Exempts the Authority from the provisions of the Virginia Public Procurement Act for the acquisition or construction of any facilities developed by the Authority. Currently the exemption applies to the operation of such facilities.

*Patron - Saslaw*

**SB719 Impact fees.** Expands the existing road impact fee provisions to include school improvements and extends the applicability of such provisions from Northern Virginia localities to all localities. "Impact fee" is defined as a charge or assessment imposed against new development in order to generate revenue to fund or recover the costs of public facilities necessitated by and attributable to the new development. The value of any dedication, contribution or construction from the developer for off-site road improvements and school facility improvements within the service area shall be treated as a credit against the impact fee.

*Patron - Mims*

## Carried Over

**HB649 Vested rights.** Provides that only acts occurring after July 1, 1998, shall be applicable when determining what qualifies as a significant affirmative governmental act.

*Patron - Jones, S.C.*

**HB852 Issuance of building permits based on capital improvements.** Allows any county that has an average annual growth rate of five percent or greater to establish the maximum number of building permits for new residences to be issued in each calendar year. As a condition to the exercise of this authority, the county shall (i) establish reasonable, maximum debt ratios for the county after consultation with its financial advisors, (ii) adopt a capital improvements program and annually fund the program, and (iii) annually fund at least 1 percent of the capital improvements program with current revenues, exclusive of debt service or funds collected pursuant to proffered zoning conditions. The ordinance may provide for the issuance of building permits for new residential units beyond the established maximum upon the payment by the permit holder of a proportional cash contribution for school and other local capital facilities' costs. Any such payment shall be subject to a reasonable credit for actual contributions to local capital facilities' costs that have been made pursuant to a proffered zoning condition.

*Patron - May*

**HB1024 Full public disclosure of gifts and donations in certain counties.** Provides that in any county that has adopted an optional form of county government and that requires members of the board of supervisors, the planning commission, and the board of zoning appeals to make a full public disclosure of certain gifts or donations from applicants in proceedings before the board, the members shall report the totals of all such gifts and donations. If a land owner that has purchased land from a public agency subsequently requests zoning change, the members shall be required to make a full public disclosure of gifts and donations from the previous owner. Furthermore, in any such county, the attorney for the Commonwealth shall submit an annual public report to demonstrate that local elected officials have complied with all disclosure requirements.

*Patron - Dillard*

**HB1033 Regulation of exterior illumination.** Allows localities to provide for the regulation of exterior illumination levels of buildings and property. Such ordinance may call for exterior illumination to be accomplished with standard engineering practices that will cause such illumination to be confined to the boundaries of the property. The ordinance may apply to any private property or any property developed utilizing funds of the Commonwealth.

*Patron - Bloxom*

**HB1129 Conditional zoning** Provides that localities shall not include, as part of the conditional zoning process, conditions that require the applicant to create a property owners' association or that require members of a property owners' association to pay an assessment for open space, parks, schools, fire departments or other public facilities.

*Patron - Cranwell*

**HB1401 Rezoning of certain residential property.** Permits high-growth localities to include provisions in a zoning ordinance allowing a locality to reduce the intensity or density of a residential zoning classification, including rezoning to a non-residential use, on a property that has not begun significant development within five years of being zoned for residential use.

*Patron - Barlow*

**HB1442 Virginia Omnibus Local Government Financing Powers Act of 2000.** Reforms local government taxing authority, and the powers of counties, to allow high-growth localities, and localities with certain types of conditional zoning power, to more adequately fund transportation improvements and public school operations in order to relieve intensive growth pressures by (i) conforming local taxing powers by granting counties the same powers of taxation that are now granted only to municipalities by the Uniform Charter Powers Act; (ii) expanding the applicability of optional local income tax authority by including all high-growth localities; (iii) requiring the referendum for approval of the local income tax to be held at the general election in November of 2000; (iv) allowing the revenues from such tax to be used for educational purposes, rather than for transportation facilities only; (v) deleting provisions which would prevent a locality that levies the local income tax from reducing the total amount of its annual general fund appropriations for transportation below the amount appropriated prior to levying the tax; and (v) repealing the five-year sunset clause.

*Patron - Hull*

**HB1495 Fund raising from stopped motorists.** A civic organization shall not solicit stopped motorists for fund-raising purposes unless it has first obtained a permit from the

locality. A locality may issue such permits only for non-interstate roads and only for use by persons 18 years of age or older.

*Patron - Devolites*

**SB433 Transfer of development rights.** Authorizes localities as part of their zoning ordinances to provide for transfer of development rights from one parcel of land to another parcel of land, thereby increasing the density of development on one parcel while restricting development on the other parcel.

*Patron - Whipple*

**SB449 Zoning of certain group homes.** Clarifies that the relevant jurisdictions are required to consider only nonprofit group homes or other nonprofit residential facilities in which no more than eight mentally ill, mentally retarded, developmentally disabled, otherwise disabled, aged or infirm persons reside, with one or more resident counselors or other staff persons, as residential occupancy, i.e., having the same restrictions, etc. as single family resident zoning. In other words, in the case of for-profit facilities operated as businesses, the designated jurisdictions may apply other zoning restrictions.

*Patron - Ticer*

**SB465 Zoning ordinance; low income and disabled or senior citizen dwelling units.** Allows any locality to enact an ordinance requiring owners of new apartment projects with 25 units or more to set aside 10 percent of the units for persons of low income, persons aged 60 or older or disabled persons. Such ordinance shall provide that all building permit, impact, sewer and water connection fees for such units are waived.

*Patron - Colgan*

**SB561 Adoption of ordinances related to criminal laws of the Commonwealth.** Provides that any locality adopting an ordinance that parallels criminal laws of the Commonwealth shall, in the ordinance, incorporate by reference the appropriate Code section of the parallel state statute. In such localities, if an individual is charged with or cited for a violation of a local ordinance that parallels a criminal law of the Commonwealth, any summons or warrant issued to the individual shall include a reference to the Code section of the parallel state statute. Localities are not required to readopt ordinances heretofore validly adopted. Failure to include a reference to the Code section of the parallel state statute shall not be grounds for dismissal of the summons or warrant.

*Patron - Quayle*

**SB655 Disclosures in land use proceedings.** Requires any member of the governing body, the planning commission, or the board of zoning appeals in any proceeding before such body involving an application for a special exception or variance or involving an application for amendment of a zoning ordinance, prior to any hearing on the matter or at such hearing, to make a full public disclosure of any business or financial relationship which such member has, or has had within the 12 month period prior to such hearing with (i) the applicant in such case, (ii) the title owner, (iii) with any trust beneficiary having an interest in such land, and (iv) with the agent, attorney or real estate broker of any of the foregoing. Members shall also disclose receipt by the member, or by any person, firm, corporation or committee on his behalf from the applicant in the case of any gift or donation having a value of \$200 or more. Any person knowingly and willfully violating the provisions of the bill shall be guilty of a Class 1 misdemeanor.

*Patron - Houck*

**CSB669 Creation of shared-cities.** Provides for the creation of shared-cities, which shall have the powers, duties and responsibilities of a town and shall retain such additional powers of the former city as approved by the special court. The shared-city's legal relationship with the surrounding county shall be governed by the same laws that govern county-town relationships, except as modified by the order creating the shared-city. The process to create a shared-city may be initiated by a majority vote of the city council. Thereafter the process mirrors that of the city reversion process, including the appointment of a three-judge special court. This is a recommendation of the Commission on the Condition and Future of Virginia's Cities.

*Patron - Hanger*

**CSB714 Conditional zoning.** Provides that localities shall not include, as part of the conditional zoning process, conditions that require the applicant to create a property owners' association or that require members of a property owners' association to pay an assessment for open space, parks, schools, fire departments or other public facilities.

*Patron - Watkins*

## Courts not of Record

### Passed

**PHB275 Power of circuit court over juvenile offender.** Allows the circuit court to punish a juvenile convicted of a non-violent felony by imposing and suspending an adult sentence conditioned upon successful completion of terms and conditions as might be imposed by a juvenile court. The bill does not remove the circuit court's ability to punish the juvenile as an adult.

*Patron - Cantor*

**PHB295 Commitment to the Department of Juvenile Justice.** Changes criteria for commitment to the Department. Currently a child older than 10 years of age may be committed, this bill raises the age to 11 or older. The bill also provides for commitment to the Department for an offense which would be a Class 1 misdemeanor and the juvenile has been previously convicted of three Class 1 misdemeanors or a felony. Current law allows commitment for a Class 1 misdemeanor if the prior conviction was a felony or a Class 1 misdemeanor. The bill also clarifies that (i) abused and neglected children may not be committed to the Department and (ii) any juvenile who is in the custody of the Department and is subsequently convicted as an adult is to be transferred to the Department of Corrections. This bill is identical to SB 150 and SB 344.

*Patron - Hamilton*

**PHB387 Reimbursement for construction of detention homes and other facilities.** Requires the state to reimburse a locality 50 percent of the cost of construction, renovation, purchase, etc., of a detention home if the plans and specifications are preapproved by the Governor as required by law. This bill is identical to SB 196.

*Patron - McDonnell*

**PHB482 Medical evidence admissible in juvenile and domestic relations district court.** Places a medical laboratory on the same footing as a medical facility for the purpose of allowing laboratory analysis results into evidence. This change would allow a laboratory analysis to be admitted into

evidence in child abuse or family abuse cases with only an affidavit of the analyst attesting to the truth and accuracy of the results and would avoid requiring the analyst to testify.

*Patron - Watts*

**PHB490 Suspension of driver's license for truancy.** Requires the juvenile and domestic relations court to order the denial of driving privileges for at least 30 days to any child at least 13 years of age upon a finding that the child has failed to comply with certain school attendance and parent-school conference meeting requirements. The measure provides for restricted licenses to be issued upon demonstration of hardship.

*Patron - Hamilton*

**PHB507 Contempt of court.** Increases from \$50 to \$250 the maximum fine for contempt of court. The 1999 General Assembly increased the fine to \$250 in two sections but overlooked this section. This bill is a recommendation of the Committee on District Courts. Identical to SB 61.

*Patron - Cranwell*

**PHB511 Protective orders; family abuse.** Provides that a protective order may grant the petitioner use of a motor vehicle owned solely by the petitioner. Currently the petitioner may be granted use of a motor vehicle jointly owned by the parties but there is no provision to direct that a petitioner's own car be returned. This bill is identical to SB 353.

*Patron - Cranwell*

**PHB567 Detention orders.** Requires a detention order to state the offense for which the juvenile is being detained and if practicable, other pending and previous charges. The bill changes from "unreasonable danger to the person or property of others" to "a clear and substantial threat to the person or property of others" one of the standards to be considered in determining whether the juvenile should be released. This bill is a recommendation of the Youth Commission.

*Patron - Jones, J. C.*

**PHB673 Exceptions to confidentiality of juvenile records or information.** Allows a copy of any court order that imposes a curfew or other restrictions on a juvenile to be provided to the chief law-enforcement officer of the county or city wherein the juvenile resides. This bill is identical to SB 361.

*Patron - Byr*

**PHB688 Emergency custody orders for minors.** Authorizes magistrates to issue emergency custody orders for juveniles. A recent Attorney General opinion states that, under current law, a magistrate lacks authority to issue an emergency custody order under § 37.1-67.01 if the person is a minor. Section 37.1-67.01, regarding emergency custody orders, was added in 1995, and the cross reference was not picked up in the Psychiatric Inpatient Treatment of Minors Act. Thus, this bill is a technical amendment to correct an oversight made when the involuntary commitment statutes were revised in 1995. This bill is identical to Senate Bill 88.

*Patron - Hamilton*

**PHB755 Number of district court judges.** Increases the number of juvenile and domestic relations district court judges in the 14th judicial district (Henrico) and requires that the judges of the 14th judicial district render assistance to the 12th judicial district (Chesterfield, Colonial Heights) on a regular basis.

*Patron - Howell*

**PHB849 Claim of error; juveniles.** Provides that a claim of error must be raised within one year from the date of final judgment in the circuit court or one year from the effective

tive date of the statute, whichever is later, or it will not constitute a ground for relief in any judicial proceeding.

*Patron - Kilgore*

**HB948 Juvenile Community Crime Control Act.** Requires the community-based services developed pursuant to the Act to be based on an annual review and objective assessment of court-related data. The biennial plan required to be submitted to the State Board of Juvenile Justice must provide the projected number of juveniles that will not require secure detention or state commitment because of the community-based services. The bill adds a requirement that each locality submit a quarterly progress report to the Department of Juvenile Justice.

*Patron - Jackson*

**HB1101 Prepayable fines.** Provides that whether or not he was involved in an accident, a person charged with a traffic offense which is listed as prepayable in the Uniform Fine Schedule may prepay his fines and costs without court appearance. Currently, prepayable fines may not be prepaid by a person involved in an accident. This bill is effective January 1, 2001.

*Patron - Albo*

**HB1206 Juveniles; fingerprints and photographs.** Allows law-enforcement agencies to retain fingerprints and photographs of juveniles charged with, but not convicted of, violent juvenile felonies or ancillary crimes.

*Patron - Cantor*

**HB1498 Child's records.** Clarifies that the existing statute, that provides that neither parent shall be denied access to the academic or medical records, includes noncustodial parents.

*Patron - Devolites*

**SB61 Contempt of court.** Increases from \$50 to \$250 the maximum fine for contempt of court. The 1999 General Assembly increased the fine to \$250 in two sections but overlooked this section. The bill is a recommendation of the Committee on District Courts. Identical to HB 507.

*Patron - Trumbo*

**SB66 Postdispositional detention.** Allows a court to defer disposition and place a juvenile in the temporary custody of the Department of Juvenile Justice to attend a boot camp provided bed space is available and the juvenile (i) has been found delinquent for a non-status offense, (ii) has not previously been and is not currently being adjudicated delinquent or found guilty of a violent juvenile felony, (iii) has not previously attended a boot camp, (iv) has not previously been committed to the Department, and (v) has been assessed as appropriate for boot camp. Additionally, the bill provides that if a juvenile 14 years of age or older is found to have committed an offense which if committed by an adult would be punishable by confinement in a state or local correctional facility, and the court determines among other factors that the juvenile has not previously been, and is not currently being adjudicated delinquent or found guilty of a violent juvenile felony, then the court may order the juvenile confined in a detention home or other secure facility for juveniles for a period not to exceed six months. The period of confinement ordered may exceed 30 calendar days if the juvenile has had an assessment completed by the secure facility to which he is ordered concerning the appropriateness of the placement.

*Patron - Mims*

**SB88 Emergency admission** Provides that a minor may be taken into custody and admitted for inpatient treatment

with the assistance of a law-enforcement officer, pursuant to the emergency procedures specified in §§ 37.1-67.01 and 37.1-67.1. Currently, a minor may be taken into custody for involuntary civil commitment pursuant to procedures for a temporary detention order. This corrects an omission made when the adult civil commitment procedures were amended in 1995. Identical to HB 688.

*Patron - Edwards*

**SB150 Commitment to the Department of Juvenile Justice.** Changes criteria for commitment to the Department. Currently a child older than 10 years of age may be committed, this bill raises the age to 11 or older. The bill also provides for commitment to the Department for an offense which would be a Class 1 misdemeanor and the juvenile has been previously convicted of three Class 1 misdemeanors or a felony. Current law allows commitment for a Class 1 misdemeanor if the prior conviction was a felony or a Class 1 misdemeanor. The bill also clarifies that (i) abused and neglected children may not be committed to the Department and (ii) any juvenile who is in the custody of the Department and is subsequently convicted as an adult is to be transferred to the Department of Corrections. This bill is identical to HB 295 and S 344.

*Patron - Stolle*

**SB196 Detention home construction.** Requires the Commonwealth to reimburse any county, city or any combination thereof, one-half the actual cost of construction, enlargement, renovation, purchase or rental of a detention home or other facilities where the plans and specifications were approved by the Governor. Under current law the Commonwealth is obligated to reimburse up to one-half of the cost. The bill applies only to projects completed on and after July 1, 2001.

*Patron - Stolle*

**SB301 Juvenile competency evaluation.** Adds licensed professional counselors to the list of experts who may perform a juvenile forensic evaluation.

*Patron - Edwards*

**SB312 Juvenile records.** Allows law-enforcement agencies to release records of a juvenile 14 years of age or older charged with certain felonies. Under current law this information may be released only if the juvenile is charged with murder or aggravated malicious wounding. This bill also allows release if the charge is felonious injury by mob, abduction, malicious wounding, malicious wounding of a law-enforcement officer, felonious poisoning, adulteration of products, robbery, carjacking, rape, forcible sodomy, or object sexual penetration.

*Patron - Reynolds*

**SB343 Department of Juvenile Justice; confidentiality of Department records.** Allows the Department to share confidential information regarding a child with persons having a legitimate interest (e.g., providing services to the child under a Department contract or under the Virginia Juvenile Community Crime Control Act; or release of the information for security purposes).

*Patron - Forbes*

**SB344 Delinquent juveniles.** Changes criteria for commitment to the Department. Currently a child older than 10 years of age may be committed, this bill raises the age to 11 or older. The bill also provides for commitment to the Department for an offense which would be a Class 1 misdemeanor and the juvenile has been previously convicted of three Class 1 misdemeanors or a felony. Current law allows commitment for a

Class 1 misdemeanor if the prior conviction was a felony or a Class 1 misdemeanor. The bill also clarifies that (i) abused and neglected children may not be committed to the Department and (ii) any juvenile who is in the custody of the Department and is subsequently convicted as an adult is to be transferred to the Department of Corrections. This bill is identical to SB 150 and HB 295.

*Patron - Forbes*

**SB345 Virginia Juvenile Community Crime Control Act.** Amends that portion of the Act that provides funding for the Tidewater Regional Group Home Commission to allow that Commission to continue to receive direct funding for providing predispositional and postdispositional court services.

*Patron - Forbes*

**SB348 Exclusion of victims.** Provides that a victim in a juvenile or adult proceeding may not be excluded from the courtroom unless the court determines that the presence of the victim would impair the conduct of a fair trial.

*Patron - Mims*

**SB353 Protective orders; family abuse.** Provides that a protective order may grant the petitioner use of a motor vehicle owned solely by the petitioner. Currently the petitioner may be granted use of a motor vehicle jointly owned by the parties but there is no provision to direct that a petitioner's own car be returned. Identical to HB 511.

*Patron - Edwards*

**SB361 Exceptions to confidentiality of juvenile records or information.** Provides that a copy of any court order that imposes a curfew or other restrictions on a juvenile may be provided to the chief law-enforcement officer of the county or city wherein the juvenile resides. Identical to HB 673.

*Patron - Newman*

**SB446 Termination of parental rights.** Provides that when a child is in foster care and a parent is unable to have the care and custody of his child for 20 consecutive months or longer because of the parent's incarceration, the court is permitted to hear a termination of parental rights petition. The court must make findings concerning certain listed factors and determine, by clear and convincing evidence, that it is in the best interests of the child to terminate parental rights. When a parent is incarcerated so that he cannot have the care and custody of his child for 20 consecutive months, the foster care plan is not required to include reasonable efforts to reunite a child with his parent. This legislation is proposed by the Court Improvement Program in the Office of the Executive Secretary of the Supreme Court and has been endorsed by the Committee on District Courts and the Judicial Council of Virginia.

*Patron - Mims*

**SB447 Foster care** Provides that when it is necessary to remove a child from his home he may be placed with a relative or other interested individual, including grandparents, in lieu of placement with a local department of social services. The bill establishes standards for such placements which are appropriate for each stage of the dependency process. The bill establishes a new permanent goal known as "another planned permanent living arrangement" for foster children who require long-term residential treatment. Other amendments clarify aspects of the permanency planning process. Annual foster care review hearings must be held for children whose parental rights have been terminated until a final order of adoption is entered, instead of until they are placed for adoption. The bill also modifies the child's objection to a termination of parental rights. This bill is a recommendation of the Court Improve-

ment Program of the Office of the Executive Secretary of the Supreme Court and has been endorsed by the Committee on District Courts and the Judicial Council of Virginia.

*Patron - Mims*

**SB475 Juvenile court; jurisdiction for protective orders.** Clarifies that the juvenile court retains jurisdiction to hear a protective order petition when there is a bill of complaint for divorce filed in the circuit court and a hearing on different matter is scheduled 21 days from the date of filing. Apparently some petitioners for family abuse protective orders have been left without remedy in either juvenile or circuit court when the juvenile court declined to hold a hearing and either the respondent withdrew the bill of complaint or the circuit court was unable to schedule an expedited hearing on the protective order matter.

*Patron - Howell*

**SB520 Juvenile competency.** Provides for the civil commitment of a person who was charged with a crime who younger than the age of 18 but who reaches the age of 18 during the time that the court finds him unrestorable to competency and in need of inpatient hospitalization. In 1999, the Virginia Commission on Youth recommended legislation to provide juvenile court procedures for determining whether a juvenile is competent to stand trial, for restoration of competency and for dispositions for unrestorably incompetent juveniles. The current law provides that an unrestorably incompetent juvenile may be committed to a facility operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services for a period of up to three years, depending upon the charge. This bill provides the statutory authority to commit a juvenile who turns 18 to an adult facility.

*Patron - Forbes*

## Failed

**HB384 Drug offenses; required screening; commitment for treatment; post-release supervision.** Requires a first time drug offender to undergo substance abuse screening and submit to periodic testing and allows the court to commit the defendant, based on the screening, to a treatment facility. The bill also requires that felons whose screening indicates substance abuse have an additional suspended term of incarceration imposed of between six months and three years.

*Patron - McDonnell*

**HB651 Children in need of services.** Allows the juvenile or circuit court to find a child to be in need of services or a status offender in absentia and also allows the court to fine a child who is in need of services or a status offender up to \$100.

*Patron - Tata*

**HB668 Delinquent juveniles.** Allows the commitment of a juvenile to the Department of Juvenile Justice only if the juvenile has been adjudicated delinquent based on a felony offense. Currently, a juvenile may be committed for a Class 1 misdemeanor if it is a second or subsequent offense. The bill also allows the court to defer disposition and send a juvenile to boot camp for a Class 1 misdemeanor if it is a second or subsequent offense.

*Patron - McDonnell*

**HB669 Postdispositional detention.** Provides for 30 day sentencing to secure detention as a dispositional option for juveniles who have not been found delinquent within the preceding 12 months. The bill also provides that a juvenile whose

current offense is a Class 1 misdemeanor can be committed to the Department of Juvenile Justice only if his previous offense was a felony. Under current law the previous offense may be a misdemeanor. Juveniles who are placed in local detention for up to six months on a suspended commitment to the state may no longer subtract time served prior to disposition. Failure in post-dispositional placement will result in commitment to the State. The Board of Juvenile Justice is required to develop standards for separate programming for post-dispositional youth. The bill is a recommendation of the Commission on Youth.

*Patron - McDonnell*

**FHB670 Time limitations for detention.** Limits to 14 days the length of time a juvenile can be held in secure detention if no adjudicatory hearing has been held and if the juvenile has been detained for absconding from a facility or failing to appear in court. The bill also provides that a juvenile may be confined for violating a court order only if the original charge would warrant confinement and limits such confinement to 10 days. The bill prohibits placement in a juvenile detention facility of persons who violate a court order as a juvenile but are 18 or older at the time of disposition. The bill is a recommendation of the Youth Commission.

*Patron - McDonnell*

**FHB931 Bail procedures, bail arraignment, access to criminal history information and services.** Provided pursuant to the Pretrial Services Act.

*Patron - Cranwell*

**FHB1221 Protective orders in family abuse.** Limits the conditions a court may impose upon an abusing person to only that amount of protection necessary to ensure the safety of the parties.

*Patron - McClur*

**FHB1328 Drug screenings of certain offenders.** Allows juvenile substance abuse assessment to be done by qualified employees of agencies under contract to the Department of Juvenile Justice. The word "direct" is deleted so that employees qualified to conduct assessments have to be under the supervision of a certified substance abuse counselor but not the direct supervision of such counselor. Allows a pretrial services agency to request a person charged with a crime to submit to drug or alcohol screening or take a breath test for the presence of alcohol.

*Patron - Almand*

**FHB1538 Pro tempore judges.** Grants the authority for the appointment of district court judges to the Governor, instead of the circuit court judges, during recess of the General Assembly. The bill requires consultation by the Governor with each member of the General Assembly in the judicial district.

*Patron - Kilgore*

**FSB90 Psychiatric Inpatient Treatment of Minors Act.** Adds a reference to § 37.1-67.01 to clarify that the civil commitment emergency custody provisions applicable to adults apply to minors. Rolled into SB 88.

*Patron - Edwards*

**FSB144 Power of circuit court over juvenile offender.** Allows the circuit court to punish a juvenile convicted of a felony in the same manner as the juvenile courts, and no longer distinguishes between violent felonies and other felonies for purposes of punishment as a juvenile. The bill does not remove the circuit court's ability to punish the juvenile as an adult.

*Patron - Forbes*

**FSB155 Drug offenses; required screening; commitment for treatment; post-release supervision.** Requires a first time drug offender to undergo substance abuse screening and submit to periodic testing and allows the court to commit the defendant, based on the screening, to a treatment facility. The bill also requires that felons whose screening indicates substance abuse have an additional suspended term of incarceration imposed of between six months and three years. Rolled into SB 153 - Omnibus SABRE.

*Patron - Stolle*

**FSB600 Drug screenings of certain offenders.** Allows juvenile substance abuse assessment to be done by qualified employees of agencies under contract to the Department of Juvenile Justice. The word "direct" is deleted so that employees qualified to conduct assessments have to be under the supervision of a certified substance abuse counselor but not the direct supervision of such counselor. Allows a pretrial services agency to request a person charged with a crime to submit to drug or alcohol screening or take a breath test for the presence of alcohol. Rolled into SB 153 - Omnibus SABRE.

*Patron - Stolle*

**FSB678 Pro tempore judges.** Grants the authority for the appointment of district court judges to the Governor, instead of the circuit court judges, during recess of the General Assembly.

*Patron - Forbes*

## Carried Over

**CHB314 Authority to defer, discharge and dismiss.** Provides that at any time before a finding of guilt in a criminal case or delinquency proceeding, a judge of a district court may defer further proceedings and impose such terms and conditions upon the defendant, including probation, as the court deems proper in the case. The bill provides further that upon violation of a term or condition, the court may proceed with the case and that upon fulfillment of the terms and conditions, the court may discharge the person and dismiss the proceedings without an adjudication of guilt or impose a sentence in accordance with the law.

*Patron - Melvin*

**CHB687 Funding of local juvenile facilities, programs, etc.** Gives the Compensation Board responsibility for apportioning among the localities appropriations for juvenile secure detention facilities and programs. Currently, the Department of Juvenile Justice has this responsibility. The bill contains technical amendments.

*Patron - Hamilton*

**CHB700 Juvenile courts; termination of parental rights.** Grants the juvenile courts exclusive jurisdiction over cases involving the termination of parental rights, prescribes procedures governing juries in these cases, and provides for appeals to be taken directly to the Court of Appeals.

*Patron - Watts*

**CHB919 Limits on jurisdiction of the circuit court.** Removes the jurisdiction of the circuit courts to try misdemeanors for which a presentment or indictment is brought in or for which an information is filed except on appeal from district courts.

*Patron - Dickinson*

**HB950 Runaways.** Allows a child who has run away from his home, which is outside of the Commonwealth, to be taken into immediate custody.

*Patron - Jackson*

**HB952 Community-based system of services.** Transfers the responsibility establishing standards for local programs to the Department of Criminal Justice Services. The state's share of financial assistance will be reflected in the appropriation to the Juvenile Community Crime Control Act. The bill also adds to the State Board of Juvenile Justice the duties of approving plans for state and local secure facilities minimum standards for programs funded through the Department of Juvenile Justice, construction of detention homes, and for limiting the number of juveniles detained therein.

*Patron - Jackson*

**HB1084 Post-adoption contact agreements.** Creates a post-adoption contact agreement that can be entered into by a birth parent and either an agency or the adoptive parents, which states the type of information to be shared by the parties after the adoption is complete. However, the agreement is not enforceable in any court and in no event shall failure to enter into such agreement or failure to comply with the agreement affect the validity of (i) the consent to the adoption; (ii) the voluntary relinquishment of parental rights; (iii) the voluntary or involuntary termination of parental rights; or (iv) the finality of the adoption.

*Patron - Jones, J.C.*

**HB1260 Child not responsible because of mental illness or mental retardation.** Recognizes the finding of "not responsible because of mental illness or mental retardation" for a child charged with a delinquent act and closely parallels the adult statute. The standard requires that the child did not know the nature and consequences of the delinquent act or if he did know, he did not know the act was wrong. The finding specifically shall not be based on immaturity, age, or intoxication or substance abuse. If the court finds a child not responsible, and the child poses an unreasonable risk to the community, the court may commit the child to the Department of Mental Health, Mental Retardation and Substance Abuse Services for treatment. If the child does not pose a risk, the court may refer the child as one in need of services to the local family assessment and planning team for services under the Comprehensive Services Act for At-Risk Youth and Families. The bill adds such children to the mandated service pool under the Act. This bill is a recommendation of the Virginia Bar Association, which was requested by the General Assembly (see HJR 680, 1999) to review this area of the law. See also *Chatman v. Commonwealth*, 30 Va. App. 593 (1999), in which the Court of Appeals of Virginia held that the insanity defense is available to juveniles in delinquency proceedings. This case is on appeal to the Virginia Supreme Court.

*Patron - Darner*

**HB1550 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 the 30-day grace period.

*Patron - Kilgore*

**SB588 Community-based system of services.** Transfers the responsibility establishing standards for local programs to the Department of Criminal Justice Services. The state's share of financial assistance will be reflected in the appropriation to the Juvenile Community Crime Control Act

The bill also adds to the State Board of Juvenile Justice the duties of approving plans for state and local secure facilities minimum standards for programs funded through the Department of Juvenile Justice, construction of detention homes, and for limiting the number of juveniles detained therein.

*Patron - Norment*

**SB601 Funding of local juvenile facilities, programs, etc.** Gives the Compensation Board responsibility for apportioning among the localities appropriations for juvenile secure detention facilities and programs. Currently, the Department of Juvenile Justice has this responsibility. The bill contains technical amendments.

*Patron - Stolle*

## Courts of Record

### Passed

**P HB215 Technology Trust Fund; parcel identification numbers; use of land record cover sheets.** Provides for the expiration on July 1, 2002, of the additional fee collected by the circuit courts for the Technology Trust Fund. For those localities with a unique parcel identification system, the bill requires the use of such unique parcel identification numbers on land instruments in clerks' offices. The bill also allows the use of land record cover sheets statewide. Identical to SB 375.

*Patron - Phillips*

**P HB624 Courts of record; clerk's office.** Allows a circuit court clerk's office to be open on Saturdays for the limited purposes of receiving applications, granting licenses an examination and copying of records. This bill is identical to SB 249.

*Patron - Dickinson*

**P HB724 Number of circuit court judges.** Increases from four to five the number of circuit court judges in the 12th (Chesterfield, Colonial Heights) and 27th (Galax, Radford, Bland, Carroll, Floyd, Giles, Grayson, Montgomery, Pulaski Wythe) circuits.

*Patron - Almand*

**P HB725 Electronic filing of documents.** Makes technical changes in the procedures regarding documentation of electronic filings, the use of affidavits of authenticity, and the authenticity of signatures of notaries. The bill also codifies the existing sunset clause, which calls for the laws relating to electronic filing of documents in the clerks' offices to expire on July 1, 2004.

*Patron - Rust*

**P HB1128 Appeals in abuse and neglect cases.** Requires the circuit court, in cases involving child abuse or neglect pursuant to § 63.1-248.6:1 (appeals from administrative proceeding), to close the proceedings and seal the record in the case. The court may, for good cause shown, unseal the record.

*Patron - McDonnell*

**P HB1160 Local electronic device fund.** Provides that in any court in which electronic devices are used for recording testimony a fee of not more than \$20 shall be paid by the clerk on each day of the trial from the court reporter fund into a special local fund to repair and purchase such electronic devices.

*Patron - Jackson*



**PSB249 Courts of record; clerk's office.** Allows a circuit court clerk's office to be open on Saturdays for the limited purposes of receiving applications, granting licenses an examination and copying of records. Identical to HB 624.

*Patron - Houck*

**PSB370 Court of Appeals; judges.** Increases the number of judges on the Court of Appeals of Virginia from 10 to 11.

*Patron - Stolle*

**PSB375 Technology Trust Fund; parcel identification numbers; use of land record cover sheets.** Provides for the expiration on July 1, 2002, of the additional fee collected by the circuit courts for the Technology Trust Fund. The bill allows the use of parcel identification numbers on land instruments in clerks' offices using such systems and allows the use of land record cover sheets statewide. Identical to HB 215.

*Patron - Wampler*

**PSB597 Circuit court fees.** Provides for a flat fee of \$50 dollars for a petition seeking court approval of a settlement where no action has yet been filed.

*Patron - Stolle*

## Failed

**FHB381 Sentencing guidelines.** Provides that the midpoint of the sentencing range for possession of a Schedule I or II controlled substance is increased to eight months if the defendant has been previously convicted one or two times of a felony involving the possession or sale of a Schedule I or II controlled substance and to 12 months if there are three or more convictions. The bill also requires that the sentencing guidelines for these cases provide for either detention center/boot camp incarceration or incarceration corresponding to the midpoint and range.

*Patron - McDonnell*

**F SB254 Restoration of voting rights to former felons.** Adds a procedure for the restoration of the rights to register to vote and to vote to any person convicted of a nonviolent felony in Virginia, upon completion of sentence, probation, and parole. Completion of sentence, probation, and parole may be evidenced by the instrument discharging the person from prison or supervision. A copy of the discharge instrument shall be filed with the clerk of the court which imposed the sentence. Presently, a person who has been convicted of any felony in Virginia applies to the Governor for restoration of his civil rights. The bill does not preclude any application to the Governor for restoration of civil rights. The bill contains findings by the General Assembly that address the constitutional questions raised by the legislation.

*Patron - Marsh*

## Carried Over

**CHB609 Supreme Court; 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.

*Patron - Kilgore*

**CHB723 Court of appeals; filing of notice.** Eliminates a provision that the Court of Appeals may grant a 30-day extension for filing a petition for appeal in order to attain the ends of justice. This statutory provision is inconsistent with a

recent change to the Rules of the Supreme Court. The rule change provides that, "A single extension not to exceed thirty days may be granted if [at least two judges of the Supreme Court (rule 5:5(a))] or [at least three judges of the Court of Appeals (rule 5A:3(a))] concur in a finding that an extension for papers to be filed is warranted by the intervention of some extraordinary occurrence or catastrophic circumstance which was unpredictable and unavoidable." The rule change was prompted by HB 2359 (1999, Delegate Almand), which allowed the Supreme Court or Court of Appeals to grant a 30-day extension under certain circumstances. The bill also directed the Judicial Council to study the issue of granting extensions. HB 2359 was passed by the 1999 General Assembly with a reenactment clause; it will not become effective unless reenacted by the 2000 General Assembly.

*Patron - Almand*

**CHB929 Judicial Nominations Commission; local judicial nominations committees.** Creates a 15-member (with a minimum of one member from each congressional district) statewide Judicial Nominations Commission, elected by the General Assembly, to recommend appellate judicial candidates to the General Assembly and the Governor. The bill requires that five members be attorneys and 10 members be citizens who have never been licensed to practice law. Initially staggered, the terms of members will be four years. The Commission's recommendations are nonbinding. The local judicial nominations committees are established in each circuit through appointment by the General Assembly members who represent each circuit. The number of attorneys may not exceed 30 percent of the entire panel. The committees are required to maximize public input into their review process. The committees recommendations of up to three candidates for each vacancy are not binding on the General Assembly. A delegation may opt out of this process by certifying to the clerks of each house that the delegation has in place a process that ensures participation of each delegation member and participation by the general public in the nomination process.

*Patron - Deeds*

**CHB1058 Juvenile and Domestic Relations District Court.** Creates a pilot project to determine the efficacy of direct appeals from the juvenile and domestic district relations court to the Virginia Court of Appeals.

*Patron - McClur*

**CSB92 Sentencing guidelines** Provides that the midpoint of the sentencing range for possession of a Schedule I or II controlled substance is increased to eight months if the defendant has been previously convicted one or two times of a felony involving the possession or sale of a Schedule I or II controlled substance and to 12 months if there are three or more convictions. The bill also requires that the sentencing guidelines for these cases provide for either detention center/boot camp incarceration or incarceration corresponding to the midpoint and range.

*Patron - Lambert*

**CSB760 Legal services for the indigent.** Provides, with certain limited exceptions, that the same restrictions that exist in federal law regarding the use of federal funds for civil legal services to the indigent apply to programs which use state funds appropriated to the Legal Services Corporation of Virginia for the provision of legal services to the indigent. These include restrictions on or prohibitions against: political redistricting litigation and lobbying, representation of drug dealers in drug-related evictions, legal assistance to prisoners, abortion-related litigation, representation of illegal aliens, challenges to welfare reform, attorney's fees, class action suits and representation of aliens not in the United States. The bill als

requires disclosure of the style of each case and the court in which it was filed in court.

*Patron - Forbes*

## Crimes and Offenses Generally

### Passed

**HB78 Crimes; unlawful communication with prisoner.** Makes changes in language defining the term "prisoners" so that the term is used consistently in Code provisions that prohibit unlawful communications with and delivery of certain items to prisoners.

*Patron - Landes*

**HB141 Infected sexual battery.** Creates the Class 6 felony of infected sexual battery when the offender has intimate sexual contact with someone knowing he is infected with HIV, Syphilis or Hepatitis B with the intent to transmit the infection to another person.

*Patron - McClur*

**HB169 Sexual Battery.** Provides that the definition of sexual abuse in § 18.2-67.10 applies to the sexual battery section.

*Patron - Phillips*

**HB198 Use of explosives; issuance of permits; penalty.** Requires the Board of Housing and Community Development to consider all permit applications for manufacturing, storing, handling, using or selling explosives, including a background examination to include a criminal history record information check including all applicants and those designated persons representing corporate applicants. The bill also (i) requires the Board to deny a permit application of anyone convicted of a felony in Virginia, any other state, the District of Columbia, or the United States, unless the civil rights of the applicant have been restored; (ii) exempts from the permit requirements those persons holding a permit under Virginia mining laws; and (iii) requires the Department of Mines, Minerals, and Energy, to study application of this law to coal and mineral mining industries.

*Patron - Sherwood*

**HB202 Comprehensive Community Corrections Act for Local Responsible Offenders.** Defines local services as community-based probation and requires localities to adopt local community criminal justice boards, which include local officials (e.g., city manager, county administrator), and makes mandatory the service of those officials already appointed to these boards. The bill expands the options for removal of an offender for intractable behavior. The bill also limits participation to misdemeanants and those not charged with a violent felony. Allows expungement of a first offense of assault and battery against a household member.

*Patron - Almand*

**HB280 Possession of the date rape drug GHB; penalty.** Provides that the manufacture, sale, distribution or possession of GHB (the substances gamma-butyrolactone and 1, 4, butanediol) intended for human consumption is a Class 3 felony. The bill also adds these substances to the Drug Control Act.

*Patron - Suit*

**HB297 Assault of law-enforcement officers.** Specifies the inclusion of jail officers in local correctional facilities,

game wardens and deputy sheriffs among those officers included in the code provisions giving enhanced punishment for the assault of law-enforcement officers.

*Patron - Landes*

**HB309 Criminal background check required for employees of a gun dealer to transfer firearms; penalty.** Requires any person who sells firearms at a licensed dealership or at a gun show to submit to a national criminal history records check. The bill prohibits such person from selling firearms if they would be prohibited from the possession of a firearm. Penalties for a violation of the section include: a Class 5 felony for any employee who makes a false statement on the application for the criminal history records check and a Class 1 misdemeanor for any person who offers for transfer any firearm in violation of the section.

*Patron - Watts*

**HB373 Identity fraud.** Establishes the offense of identity fraud as the intent to unlawfully and without permission appropriate the identity of another person. A violation is a Class 1 misdemeanor. If the violation results in a loss of greater than \$200, if it is a second or subsequent conviction, or if the violator arrests and his actions in violation of the section result in the arrest and detention of the other person, it is a Class 6 felony.

*Patron - Byr*

**HB378 Abuse and neglect of incapacitated adults; penalty.** Amends the definition of abuse to remove "malicious conduct" and include "knowing and willful conduct." The bill provides that neglect must be knowing as well as willful. The bill expands the exemptions to abusive or neglectful conduct to exclude bona fide, recognized or approved medical care practices and conduct incident to necessary movement, placement, or protection from harm of the incapacitated adult.

*Patron - Drake*

**HB383 SABRE: Substance Abuse Reduction Effort.** Creates an omnibus drug statute reform. The bill requires juveniles found delinquent and adults found guilty for a first drug offense be subject to periodic substance abuse testing, drug treatment and education. The bill mandates six months extra time on a felony sentence if the mandatory drug assessment indicates a substance abuse problem. The bill establishes quantities of certain controlled substances for which an offense of possession with intent to distribute penalizes the offender with a \$1,000,000 fine and imprisonment for a period of 20 years to life, 20 years of which is a minimum, mandatory term. Those substances and quantities are: one or more kilograms of a substance containing a detectable amount of heroin, five or more kilograms of a substance containing a detectable amount of cocaine, 2.5 or more kilograms of cocaine base, 100 kilograms or more of a substance containing marijuana, 100 grams or more of methamphetamine, or 200 grams or more of a substance containing a detectable amount of methamphetamine. However, a person who violates the statute with regard to the above substances and quantities is not subject to the mandatory, minimum 20-year term if he has not been previously convicted of a violent crime, did not threaten violence in the commission of the offense, death or serious bodily injury did not occur, the person was not an organizer or leader, and the person fully cooperates. The bill also creates two new "kingpin" provisions. The first is punishable by a maximum \$1,000,000 fine and by 20 years to life with a 20-year mandatory, minimum term and is predicated upon gross receipts of between \$100,000 and \$250,000 in any 12-month period. 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 substances and quantities upon which the first kingpin penalty is predicated are: one to five kilograms of a substance containing a detectable amount of heroin; five to 10 kilograms of a substance containing a detectable amount of cocaine; 2.5 to 5.0 kilograms of cocaine base, 100 to 250 kilograms of a substance containing marijuana, 100 to 250 grams of methamphetamine, and 200 grams to one kilogram of a substance containing a detectable amount of methamphetamine. The second kingpin provision also imposes a maximum \$1,000,000 fine but increases imprisonment to life without release. Such punishment requires gross receipts of over \$250,000, plus possession of the following substance quantities: five or more kilograms of heroin, 10 or more kilograms of a substance containing cocaine, five or more kilograms of cocaine base, 250 kilograms or more of marijuana, or 250 kilograms or more of methamphetamine. A kingpin convicted under these provisions can also have his sentence reduced to a 40-year minimum, mandatory term for substantial assistance in the prosecution of another person. The bill punishes transporting into the Commonwealth one ounce or more of any Schedule I or II controlled substance by a minimum, mandatory three-year term plus a fine of up to \$1,000,000 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 punishes a third felony offense of trafficking in marijuana by a sentence of five years to life with three-year minimum, mandatory sentence, plus a maximum \$500,000 fine. The bill mandates substance abuse screening, treatment and education as a condition of a suspended sentence. The bill also 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 of incarceration for a second or subsequent conviction. The bill also charges the Virginia Criminal Sentencing Commission with study of the recommended sentencing midpoints for cases involving Schedule I or II drugs and marijuana where the defendant has been previously convicted of such an offense. This bill is identical to SB 153.

*Patron - McDonnell*

**HB437 Pointing laser at law-enforcement officer unlawful; penalty.** Provides that, if any person, knowing or having reason to know another person is a law-enforcement officer, a correctional officer, a probation or parole officer, or a person employed by the Department of Corrections directly involved in the care, treatment or supervision of inmates, intentionally projects at such other person a beam or a point of light from a laser or laser-like device, he is guilty of a Class 2 misdemeanor.

*Patron - Callahan*

**HB526 Computer network; definition.** Changes the definition of "computer network" to mean two or more computers connected by a network. The bill then defines a "network" as any combination of digital transmission facilities and packet switches, routers, and similar equipment interconnected to enable the exchange of computer data.

*Patron - Nixon*

**HB717 Court appearance; penalizing employee.** Clarifies that the job protections provided an employee for court appearance or for jury service extend to such appearances in any court whatsoever. The bill also increases the penalty against an employer who violates this section from a Class 4 to a Class 3 misdemeanor.

*Patron - Armstrong*

**HB811 Charitable gaming; fair market rental value.** Establishes a moratorium on any disciplinary actions by the Charitable Gaming commission solely based on an organization's failure to meet the required minimum percentage of gross receipts required to be used for charitable purposes provided (i) that organization was conducting gaming in a rented facility prior to January 1, 2000, and (ii) the organization is otherwise in compliance with the law. In addition, the bill also prohibits the lease or rental of any premises devoted to the conduct of charitable gaming from being conditioned upon the use or the purchase of any services, products or, or readily portable property from any landlord or other person unless they are included in the rent being paid. The bill also directs the Commission to examine the issues related to the fair market rental value and its effect on the ability of organizations to meet the minimum percentages of gross receipts required to be used for charitable purposes and to report to the Governor and General Assembly by January 10, 2001. The bill has a July 1, 2001 sunset.

*Patron - Joannou*

**HB978 Punishment for conviction of felony.** Limits the application of the death penalty for a Class 1 felony conviction to those who are 16 years of age or older at the time of the offense.

*Patron - Darner*

**HB1102 Alcohol safety action programs** Allows any person charged with driving while intoxicated to enter into an alcohol safety action program prior to trial.

*Patron - Albo*

**HB1108 Body-piercing.** Prohibits any person from performing body piercing on a person less than 18 years of age, unless the person's parent or guardian is present or unless the procedure is performed under the supervision of a medical doctor, registered nurse or other medical services personnel, with a Class 2 misdemeanor upon conviction, and a Class 1 misdemeanor for a second offense. Body-piercing is defined as "the act of penetrating the skin to make a hole, mark, or scar, generally permanent in nature" and does not include mechanized, presterilized ear-piercing. This bill also allows localities to regulate the sanitary conditions of body-piercing salons.

*Patron - Joannou*

**HB1131 Ignition interlock system.** Provides that the local alcohol safety action program shall make the published list of certified ignition interlock companies available to eligible offenders, who shall have the responsibility and authority to choose which certified ignition interlock company will supply the offender's equipment. This bill is identical to SB 535.

*Patron - Kilgore*

**HB1163 Charitable Gaming Commission; member expenses, notice of meetings, and open records.** Provides that Commission members be paid and reimbursed for expenses at the rate of \$50 a day, plus reasonable and necessary expenses. The bill also brings the governing statute of the Charitable Gaming Commission in line with the new Freedom of Information Act, and helps simplify FOI requests for information and records.

*Patron - Albo*

**HB1229 Assault and battery; actions by school personnel.** Provides that the offenses of simple assault and assault and battery do not include the use, by any teacher acting in his official capacity, of incidental, minor or reasonable physical contact or other actions designed to maintain order

and control; or reasonable and necessary force (i) to quell a disturbance or remove a student from the scene of a disturbance that threatens physical injury to persons or damage to property; (ii) to prevent a student from inflicting physical harm on himself; (iii) for self-defense or the defense of others; or (iv) to obtain possession of weapons or other dangerous objects or controlled substances. This language mirrors the provisions of § 22.1-279.1 that preclude the use of corporal punishment in public schools and set forth exceptions for the use of reasonable and necessary actions.

*Patron - McEachin*

**HB1461 Sale, distribution or possession of bidis.** Increases the civil penalties imposed on an individual or separate retail establishment violating the current prohibition on the sale or distribution of tobacco products to minors, if the violation involves a bidi. A bidi is defined as a product containing tobacco that is wrapped in temburni leaf or tendu leaf, or an other product that is offered to, or purchased by, consumers as a bidi or beedie. The civil penalties increase as follows: (i) for a first violation, a mandatory \$500; (ii) for a second violation, a mandatory \$1,000; and (iii) for a third or subsequent violation, a mandatory \$2,500.

*Patron - Bolvin*

**HB1492 Unlawful electronic file or mail.** Includes an obscene item stored in an electronic medium as one of the enumerated obscene items under § 18.2-373. The bill provides that an Internet service provider (ISP) or electronic mail service provider shall not be liable under § 18.2-391 when a person using such services violates this section.

*Patron - Devolites*

**HB1524 Harassment by computer; crime.** Creates a crime of harassment by computer. The bill would make it Class 1 misdemeanor to use a computer or computer network to communicate obscene, vulgar, profane, lewd, lascivious, or indecent language, or to make any suggestion or proposal of an obscene nature or threaten any illegal or immoral act with intent to coerce, intimidate, or harass.

*Patron - Albo*

**SB143 Criminal gang activity.** Creates a new series of separate and distinct felonies based on prohibited criminal street gang activity and participation in certain currently illegal activity.

*Patron - Forbes*

**SB149 Driving while intoxicated; penalties.** Makes numerous changes to the laws punishing drunk driving. 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. The bill requires a six-month ignition interlock period. The bill also allows a Virginia Alcohol Safety Action Program (VASAP) evaluation to determine whether a person convicted of DUI is amenable to treatment and, therefore, eligible for a restricted license while in a VASAP program. Anyone convicted of a second offense within five years is ineligible for a restricted license for the first year following the second conviction and is required to use an ignition interlock for six months at the end of the restriction period.

*Patron - Stolle*

**SB153 SABRE: Substance Abuse Reduction Effort.** Creates an omnibus drug statute reform. The bill requires juveniles found delinquent and adults found guilty for

a first drug offense be subject to periodic substance abuse testing, drug treatment and education. The bill mandates six months extra time on a felony sentence if the mandatory drug assessment indicates a substance abuse problem. The bill establishes quantities of certain controlled substances for which an offense of possession with intent to distribute penalizes the offender with a \$1,000,000 fine and imprisonment for a period of 20 years to life, 20 years of which is a minimum, mandatory term. Those substances and quantities are: one or more kilograms of a substance containing a detectable amount of heroin, five or more kilograms of a substance containing a detectable amount of cocaine, 2.5 or more kilograms of cocaine base, 100 kilograms or more of a substance containing marijuana, 100 grams or more of methamphetamine, or 200 grams or more of a substance containing a detectable amount of methamphetamine. However, a person who violates the statute with regard to the above substances and quantities is not subject to the mandatory, minimum 20-year term if he has not been previously convicted of a violent crime, did not threaten violence in the commission of the offense, death or serious bodily injury did not occur, the person was not an organizer or leader, and the person fully cooperates. The bill also creates two new "kingpin" provisions. The first is punishable by a maximum \$1,000,000 fine and by 20 years to life with a 20-year mandatory, minimum term and is predicated upon gross receipts of between \$100,000 and \$250,000 in any 12-month period. 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 substances and quantities upon which the first kingpin penalty is predicated are: one to five kilograms of a substance containing a detectable amount of heroin; five to 10 kilograms of a substance containing a detectable amount of cocaine, 2.5 to 5.0 kilograms of cocaine base, 100 to 250 kilograms of a substance containing marijuana, 100 to 250 grams of methamphetamine, and 200 grams to one kilogram of a substance containing a detectable amount of methamphetamine. The second kingpin provision also imposes a maximum \$1,000,000 fine but increases imprisonment to life without release. Such punishment requires gross receipts of over \$250,000, plus possession of the following substance quantities: five or more kilograms of heroin, 10 or more kilograms of a substance containing cocaine, five or more kilograms of cocaine base, 250 kilograms or more of marijuana, or 250 kilograms or more of methamphetamine. A kingpin convicted under these provisions can also have his sentence reduced to a 40-year minimum, mandatory term for substantial assistance in the prosecution of another person. The bill punishes transporting into the Commonwealth one ounce or more of any Schedule I or II controlled substance by a minimum, mandatory three-year term plus a fine of up to \$1,000,000 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 punishes a third felony offense of trafficking in marijuana by a sentence of five years to life with three-year minimum, mandatory sentence, plus a maximum \$500,000 fine. The bill mandates substance abuse screening, treatment and education as a condition of a suspended sentence. The bill also 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 of incarceration for a second or subsequent conviction. The bill also charges the Virginia Criminal Sentencing Commission with study of the recommended sentencing midpoints for cases involving Schedule I or II drugs and marijuana where the defendant has been previously convicted of such an offense. Identical to HB 383.

*Patron - Stolle*

**PSB176 Punishment upon conviction of certain criminal sexual acts.** Expands the list of those sexual offenses for which a second or subsequent offense is punishable by the maximum amount allowable for the latest offense, none of which is subject to suspension. This change allows a second offense, taken from the list of more serious (life imprisonment) second offenses, to aggravate the punishment of a less serious first offense. The bill also increases the punishment for a second or subsequent offenses of taking indecent liberties with children to a Class 5 felony. Currently all such offenses are Class 6 felonies.

*Patron - Howell*

**PSB197 Sexual offenses.** Provides that anyone convicted of an "offense prohibiting proximity to children" is forever prohibited from loitering within 100 feet of a primary, secondary or high school. The crimes that qualify as an offense prohibiting proximity to children are: abduction and kidnapping of a minor, abduction of a minor with intent to defile or for immoral purpose, crimes against nature with a minor relative, adultery or fornication with a minor relative, rape of a child under age 13, carnal knowledge of a child between 13 and 15, carnal knowledge of certain minors, forcible sodomy with a child under age 13, inanimate or animate object sexual penetration of a child under age 13, aggravated sexual battery of a child under age 13, taking indecent liberties with children, taking indecent liberties with child by person in custodial or supervisory relationship, cause or encouraging acts rendering children delinquent or abused, possession with intent to distribute of sexually explicit items involving children, possession of child pornography and employing a minor to assist in an obscenity offense.

*Patron - Williams*

**PSB199 Penalties for sale, gift, distribution or possession with intent to sell, give or distribute marijuana.** Raises the penalty for providing marijuana to an inmate from a Class 5 to a Class 4 felony

*Patron - Puckett*

**PSB202 Use of explosives; issuance of permits; penalty.** Requires the Board of Housing and Community Development to consider all permit applications for manufacturing, storing, handling, using or selling explosives, including a background examination to include a criminal history record information check including all applicants and those designated persons representing corporate applicants. The bill also (i) requires the Board to deny a permit application of anyone convicted of a felony in Virginia, any other state, the District of Columbia, or the United States, unless the civil rights of the applicant have been restored; (ii) exempts from the permit requirements those persons holding a permit under Virginia mining laws; and (iii) requires the Department of Mines, Minerals, and Energy, to study application of this law to coal and mineral mining industries.

*Patron - Mims*

**PSB525 Crimes; driving while intoxicated.** Requires the imposition of additional minimum, mandatory jail terms upon conviction if the accused's blood alcohol level was 0.20 or more. For a first offense, if the level was at least 0.20 but not more than 0.25, the mandatory confinement is for five days, or if the BAC is 0.25 or more, 10 days. For any second offense within 10 years, if the BAC was at least 0.20 but not more than 0.25, the term is 10 days; if 0.25 or more, 20 days.

*Patron - Mims*

**PSB535 Ignition interlock system.** Provides that the local alcohol safety action program shall make the published

list of certified ignition interlock companies available to eligible offenders, who shall have the responsibility and authority to choose which certified ignition interlock company will supply the offender's equipment. Identical to HB 1131.

*Patron - Watkins*

## Failed

**FHB82 Assuming the identity of another person.** Adds a new section to the Code, providing that any person who takes, assumes, or uses the name, birth date, social security number or identification of another person, living or dead, with the intent to (i) obtain credit, money, goods, services, license membership, status, or an occupation; (ii) avoid the payment of debt or other legal obligation; or (iii) avoid prosecution for a crime, shall be guilty of a Class 6 felony.

*Patron - McQuigg*

**FHB148 Possession of firearms and other dangerous weapons in county-owned or operated facilities.** Allows Fairfax County to adopt an ordinance making it unlawful to possess a dangerous weapon on any county-owned or operated facility.

*Patron - Scott*

**FHB157 Crimes; transporting controlled substances.** Provides for a minimum, mandatory term of three years, to be served consecutively with any other sentence imposed, for transporting a controlled substance. The minimum, mandatory term may not be suspended. The maximum fine that may also be imposed for this crime is increased from \$500,000 to \$1,000,000.

*Patron - Harris*

**FHB158 Crimes; manufacturing, distributing or possession of illegal steroids.** Imposes a minimum, mandatory six-month term of incarceration for any person found guilty of manufacturing, distributing or possessing illegal steroids.

*Patron - Harris*

**FHB242 Disarming a law-enforcement or correctional officer.** Creates a Class 6 felony for any person who knows or has reason to know a person is a law-enforcement or correctional officer and, with the intent to impede or prevent the officer from performing his official duties, knowingly and without the officer's permission removes a firearm, a chemical irritant weapon, stun weapon, or impact weapon from the possession of the officer or deprives the officer of the use of the weapon.

*Patron - Joannou*

**FHB244 Hate crimes.** Adds "sexual orientation" to the categories of victims whose selection for a "hate crime" involving assault or trespass amplifies the Class 1 misdemeanor or Class 6 felony penalty. The penalty includes a six month minimum, mandatory sentence, 30 days of which cannot be suspended.

*Patron - Almand*

**FHB282 Distribution of certain drugs to persons under 18 prohibited; penalty.** Removes the requirement that the minor be at least three years younger than the adult in order for an adult to be found guilty of trafficking in controlled substances and involving a minor by selling to the minor or having a minor assist in trafficking.

*Patron - Suit*

**FHB307 Transporting controlled substances; penalty.** Specifies that it is unlawful for any person to transport by

any means (i) one ounce or more of cocaine, coca leaves or any salt, compound, derivative or preparation thereof as described in Schedule II of the Drug Control Act , (ii) any other Schedule I or II controlled substance or (iii) five or more pounds of marijuana into the Commonwealth with intent to sell or distribute such substance.

*Patron - Howell*

**HB311 Threats to bomb or damage buildings or means of transportation; false information as to danger to such buildings, etc.;** punishment; venue. Provides that any person convicted of threatening to bomb or damage a building, knowingly conveying false information regarding the existence of such perils, or inciting such actions shall be guilty of a Class 5 felony. Previously, violations of these sections by juvenile under the age of 15 were punished as Class 1 misdemeanors.

*Patron - Sherwood*

**HB350 Possession of weapon in public building.** Makes the possession of a firearm in a public building a Class 6 felony and possession of other weapons a Class 1 misdemeanor. In addition, there is a mandatory, minimum term of three years if the person intends to use, attempts to use or displays the firearm in a threatening manner.

*Patron - Marshall*

**HB351 Possession of weapons in parks.** Makes the possession of a firearm in a public park a Class 6 felony and possession of other weapons a Class 1 misdemeanor. In addition, there is a mandatory, minimum term of three years if the person intends to use, attempts to use or displays the firearm in a threatening manner

*Patron - Marshall*

**HB352 Definition of "obscene."** Redefines the word "obscene" for the purposes of criminal prosecution to also mean hard-core pornography and defines "hard-core pornography" to mean any visual material or performance which explicitly depicts ultimate sexual acts, including vaginal or anal intercourse, fellatio, cunnilingus, anallingus or masturbation and which clearly and visibly depicts genital, anal or oral penetration, manipulation of the genitals, or ejaculation.

*Patron - Marshall*

**HB357 Penalties for possession of certain quantities of controlled substances or marijuana.** Raises the penalty for possession of large amounts of certain Class I and II controlled substances and marijuana to a mandatory, minimum term of 20 years in prison to life in prison.

*Patron - Albo*

**HB367 Possession of firearms by certain convicted people; penalty.** Provides that any person who has been convicted on two or more occasions of stalking, sexual battery attempted sexual battery, or of assault and battery of a family or household member, or a combination of any two or more such convictions, is prohibited forever from possessing a firearm.

*Patron - Scott*

**HB382 Penalty for subsequent conviction of certain drug offenses.** Punishes a subsequent conviction of manufacturing, selling, giving, distributing or possessing with intent to manufacture, sell, give or distribute a Class I or II controlled substance or transporting controlled substances into the Commonwealth by a sentence of imprisonment of five years to life and a fine of no more than \$500,000. The bill also provides that three years of such sentence of imprisonment shall be a minimum, mandatory term, not subject to suspension.

*Patron - McDonnell*

**HB385 Illegal drug sales** Amends statute that prohibits sale of drugs in or around schools and certain other public property to require a minimum, mandatory one year of imprisonment.

*Patron - McDonnell*

**HB466 Restricted license.** Allows the granting of a restricted license for medically necessary transportation of an elderly parent and travel necessary for court-ordered visitation with minor children.

*Patron - McDonnell*

**HB481 Testimony by child victims and witnesses.** Provides that in any criminal proceeding, including preliminary hearings, involving an alleged offense in which a child is the victim of or witness to a felony or an offense of the laws pertaining to kidnapping, criminal sexual assault or certain family offenses, the testimony of the alleged child victim or child witness may be taken in a room outside the courtroom and be televised by two-way closed-circuit television. This practice is currently limited to child victims of those crimes.

*Patron - Watts*

**HB563 Crimes; grand larceny defined.** Increases the amount necessary to qualify as grand larceny from \$200 to \$300, and amends the various sections which draw a distinction between grand larceny and petit larceny or between misdemeanors and felonies based on the \$200 amount.

*Patron - Moran*

**HB597 Assault and Battery.** Changes the definition of assault and battery against a school official to add "teacher's aide" to the list of victims which is now comprised of a teacher, principal, assistant principal or guidance counselor.

*Patron - McQuigg*

**HB629 The sale of tobacco products to minors.** Raises the penalty for the sale of tobacco products to a minor from \$100 to \$1,000 for a first violation and from \$200 to \$5,000 for a second or subsequent violation. Additionally, this amendment removes the option for the court that allowed the court to find that a retail establishment failed to train its employees, and thereafter impose a civil penalty not to exceed \$1,000 in lieu of any penalties imposed by the section.

*Patron - Albo*

**HB630 Penalty for driving while intoxicated; subsequent offense** Provides that any person convicted of a second offense of driving while intoxicated committed within less than five years after a first such offense shall be punishable by confinement in jail for a minimum, mandatory sentence of five days. The current minimum, mandatory sentence is 48 hours. This complies with TEA-21 (federal Transportation Equity Act for the 21st Century) requirements.

*Patron - Albo*

**HB718 Crimes against nature; penalty.** Reduces the penalty for crimes against nature, excluding bestiality, between consenting adults from a Class 6 felony to a Class 1 misdemeanor.

*Patron - Darner*

**HB758 Body piercing of persons less than eighteen years of age; penalty.** Provides that no person shall perform a body piercing of a person who is less than 18 years of age except in the presence of that person's parent or guardian when he knows or has reason to believe that person is less than 18 years of age. The bill punishes such behavior as a Class

misdemeanor, and as a Class 1 misdemeanor for a second or subsequent conviction.

*Patron - Pollard*

**FHB825 Maiming, killing or poisoning fowl or companion animals; penalty.** Increases the penalty for maliciously shooting, stabbing, wounding, administering poison to, or exposing poison with intent that it be taken by a fowl or companion animal from a Class 1 misdemeanor to a Class 6 felony

*Patron - Jones, S.C.*

**FHB958 Concealed handgun permits.** Provides that concealed handgun application records are sealed records to be opened only upon order of the court for good cause shown.

*Patron - Keister*

**FHB1107 Crimes against nature.** Decriminalizes the act of a person who carnally knows any male or female person who is 18 years of age or older.

*Patron - Moran*

**FHB1143 Charitable Gaming Commission; raffles.** Requires the Charitable Gaming Commission to adopt regulations which authorize a qualified organization to conduct up to eight raffles per year.

*Patron - Abbitt*

**FHB1182 Crimes; battery of a sports official.** Provides for a mandatory period of incarceration of two days when the accused is an adult who commits a battery against a sports official with the intent to cause bodily injury, and six months' mandatory incarceration if a weapon is used.

*Patron - Reid*

**FHB1313 Blood samples taken by emergency room personnel.** Provides that a hospital blood sample may serve as probable cause for DUI arrest of a driver involved in an accident, and allows the officer to direct the emergency room personnel to take another blood sample for Virginia lab analysis. The bill relieves hospital personnel from civil liability, in the absence of negligence, for following the officer's directions.

*Patron - Almand*

**FHB1314 Possessing a dangerous weapon in a publicly owned recreation or community center; penalty.** Allows the governing body of any county with an urban county executive form of government to adopt an ordinance making the possession of a dangerous weapon in a publicly owned recreation or community center a Class 1 (or less) misdemeanor. Exceptions are included for law enforcement personnel and court personnel.

*Patron - Hull*

**FHB1319 Charitable Gaming Commission; regulations.** Provides that the Virginia Charitable Gaming Commission shall determine fees for permit applications, audits and setting the percentage an organization is required to give on adjusted gross receipts, defined in the bill as gross receipts minus (i) winner-take-all games and (ii) the cost of gaming supplies.

*Patron - Ruff*

**FHB1322 Concealed weapons.** Allows any retired United States Marshal to carry a concealed weapon without having to apply for a permit if the proper proof for the need to carry has been issued by the United States Department of Justice.

*Patron - Ruff*

**FHB1384 Prostitution.** Provides that upon conviction of a second or subsequent offense of prostitution, the sentence of such person shall include a mandatory, minimum term of confinement of at least six months.

*Patron - Baskerville*

**FHB1482 Informed written consent for abortion.** 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. The printed materials to be developed by the Department of Health include information (i) indexed by geographical area on services available to assist a woman through pregnancy, childbirth and child rearing; (ii) depicting gestational development in two-week increments; and (iii) describing methods of abortion and the risks of abortion and full-term pregnancy. Informed written consent is not required in medical emergencies, which are defined as conditions which, on the basis of the physician's good faith clinical judgment, so complicate the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create a serious risk of substantial and irreversible impairment of a major bodily function.

*Patron - McDonnell*

**FHB1508 Handgun sales.** Prohibits the sale of handguns to anyone under the age of 21. Current law prohibits the sale to a minor.

*Patron - Almand*

**FHB1542 Stalking; harassment; crime.** Amends the current stalking statute to prohibit using electronic communication devices to stalk a person. This practice is sometimes referred to as "cyber-stalking." The bill would create a crime of harassment by computer. The bill would also make it a Class 1 misdemeanor to use a computer or computer network to communicate obscene, vulgar, profane, lewd, lascivious, or indecent language, or to make any suggestion or proposal of an obscene nature or threaten any illegal or immoral act (i) with intent to coerce, intimidate, or harass or (ii) to communicate in any such manner to an individual he knows or believes to be a juvenile. The bill would also make it a crime to communicate another person's personal information without that person's permission if done with the intent to coerce, intimidate, or harass that person.

*Patron - O'Brien*

**FSB81 Possession of firearm or other weapon on school property.** Eliminates several exceptions to the prohibition on possession of firearms and other weapons on school property. The exceptions eliminated are: possession as part of the school's curriculum, possession as part of a school-sponsored or school-authorized program, possession of an unloaded firearm in a closed container, a knife in a motor vehicle, or an unloaded shotgun or rifle in a firearms rack in a motor vehicle.

*Patron - Howell*

**FSB108 Illegal drug sales** Amends statute that prohibits sale of drugs in or around schools and certain other public property to require a minimum, mandatory one year of imprisonment. Rolled into SB 153 - Omnibus SABRE.

*Patron - Rerras*

**SB109** **Penalty for subsequent conviction of certain drug offenses.** Punishes a subsequent conviction of manufacturing, selling, giving, distributing or possessing with intent to manufacture, sell, give or distribute a Class I or II controlled substance or transporting controlled substances into the Commonwealth by a sentence of imprisonment of five years to life and a fine of no more than \$500,000. The bill also provides that three years of such sentence of imprisonment shall be a minimum, mandatory term, not subject to suspension. Rolled into SB 153 - Omnibus SABRE.

*Patron - Rerras*

**SB118** **Distribution of certain drugs to persons under 18 prohibited; penalty.** Removes the requirement that the minor be at least three years younger than the adult in order for an adult to be found guilty of trafficking in controlled substances and involving a minor by selling to the minor or having a minor assist in trafficking. Rolled into SB 153 - Omnibus SABRE.

*Patron - Quayle*

**SB120** **Crimes; manufacturing, distributing or possession of illegal steroids.** Imposes a minimum, mandatory six-month term of incarceration for any person found guilty of manufacturing, distributing or possessing illegal steroids. Rolled into SB 153 - Omnibus SABRE.

*Patron - Quayle*

**SB154** **Crimes; transporting controlled substances.** Provides for a minimum, mandatory term of three years, to be served consecutively with any other sentence imposed, for transporting a controlled substance. The minimum, mandatory term may not be suspended. The maximum fine that may also be imposed for this crime is increased from \$500,000 to \$1,000,000. Rolled into SB 153 - Omnibus SABRE.

*Patron - Stolle*

**SB184** **Solicitation to commit felony.** Increases and gradates the penalties. Rolled into SB 203.

*Patron - Reynolds*

**SB186** **Firearm sales to minors.** Under current law it is a Class 6 felony to furnish a handgun to a minor; this bill adds rifles and shotguns to that provision.

*Patron - Byrne*

**SB190** **Selling shotgun or rifle to minor.** Makes it a Class 6 felony to sell a rifle or shotgun to a minor without giving written notification to the parents and receiving written acknowledgement from the parents.

*Patron - Byrne*

**SB191** **Assault and battery.** Provides that a defendant convicted of assault and battery is guilty of a Class 6 felony if he has two prior convictions of any of the following offenses: assault and battery, malicious wounding, unlawful wounding, aggravated malicious wounding or murder. The prior convictions must be within 10 years of the assault and battery conviction and such incidents must have occurred different dates.

*Patron - Trumbo*

**SB192** **Use or display of firearm in committing felony.** Adds maliciously shooting at a motor vehicle and maliciously shooting at or within an occupied dwelling to those offenses for which a defendant may be convicted of the use of a firearm as a separate and distinct felony.

*Patron - Trumbo*

**SB316** **Refusal of blood or breath test.** Removes provision that prohibits the Commonwealth from introducing as evidence or commenting upon the fact that a defendant charged with driving under the influence refused to take a blood or breath test and allows the defendant's refusal of a blood or breath test to be admissible into evidence if deemed relevant by the court.

*Patron - Reynolds*

**SB365** **Refusal of blood or breath test.** Removes provision that prohibits the Commonwealth from introducing as evidence or commenting upon the fact that a defendant charged with driving under the influence refused to take a blood or breath test.

*Patron - Trumbo*

**SB697** **Crimes against nature.** Decriminalizes the act of a person who carnally knows any male or female person who is 18 years of age or older.

*Patron - Ticer*

**SB741** **Possessing open alcoholic beverages while operating a motor vehicle; penalty.** 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. The bill also reduces the penalty for the act of consuming alcohol while driving from a Class 4 misdemeanor to a traffic infraction.

*Patron - Rerras*

**SB781** **Civil jurisdiction of the general district courts, the crime of unlawful abortion, informed written consent as a prerequisite for a lawful abortion; penalty.** 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. The printed materials to be developed by the Department of Health include information (i) indexed by geographical area on services available to assist a woman through pregnancy, childbirth and child rearing; (ii) depicting gestational development in two-week increments; and (iii) describing methods of abortion and the risks of abortion and full-term pregnancy. Informed written consent is not required in medical emergencies, which are defined as conditions which, on the basis of the physician's good faith clinical judgment, so complicate the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create a serious risk of substantial and irreversible impairment of a major bodily function. Additionally, the bill provides that jurisdiction lies in the general district courts for a violation of the informed consent provisions.

*Patron - Forbes*

## Carried Over

**HB145** **Implied consent to post-accident chemical test to determine drug or alcohol content of blood.** Provides that any person, whether licensed by Virginia or not, who operates a motor vehicle upon a highway in this Commonwealth shall be deemed to have consented to have samples of his



blood, breath, or both blood and breath taken for a chemical test to determine the alcohol, drug, or both alcohol and drug content of his blood if he is involved in a traffic accident resulting in death or serious bodily injury and a law-enforcement officer finds, within two hours of the accident, probable cause to believe that the person caused the accident

*Patron - Deeds*

**HB173 Threats of death or bodily injury to persons; penalty** Provides that, if a person sends a note threatening to kill or injure another person, the person is guilty of the crime whether or not the person receiving the note is the intended victim. Currently, there is a crime only if the recipient or a member of his family is the intended victim. The bill also broadens liability for making oral threats to kill or to do bodily injury against persons in schools to include students and any other persons who have reason to be at a school. Currently, the law only applies to threatened school employees.

*Patron - Phillips*

**HB174 Threats; penalty** Adds the electronic transmission and web site posting of threats and bomb threat statutes and includes students in the class of individuals against whom it is illegal to make oral threats. The bill also increases the penalty for oral threats against school employees (now including students) from a Class 1 misdemeanor to a Class 6 felony

*Patron - Phillips*

**HB197 Oral or written threats to commit acts of violence on school property; penalty.** Provides that any person who makes an oral or written threat to commit an act of violence on any elementary, middle or secondary school property or at a school-sponsored event shall be guilty of a Class 6 felony

*Patron - Sherwood*

**HB246 Possession of firearm or other weapon on school property** Eliminates several exceptions to the prohibition on possession of firearms and other weapons on school property. The exceptions eliminated are: possession as part of the school's curriculum, possession as part of a school-sponsored or school-authorized program, possession of an unloaded firearm in a closed container, a knife in a motor vehicle, or an unloaded shotgun or rifle in a firearms rack in a motor vehicle.

*Patron - Dillard*

**HB247 Discharge of firearms in schools.** Eliminates an exemption to the provision that anyone who willfully discharges a firearm at a school or on public property within 1,000 feet of a school is guilty of a Class 4 felony. The exemption provided that the Class 4 felony provision did not apply to discharge of a firearm at a school (or on public property within 1,000 feet of a school) if the firearm was used for lawful hunting, for a program or curriculum sponsored by or conducted with permission of the school or while in or on an established shooting range.

*Patron - Dillard*

**HB270 Capital murder defined; penalty.** Makes it a capital offense to kill a person because of the victim's actual or perceived race, color, gender, sexual orientation, religious conviction or national origin.

*Patron - Parrish*

**HB271 Capital murder defined; penalty.** Makes the killing of a person for the purpose of preventing that person from testifying in any judicial proceeding a capital offense.

*Patron - Parrish*

**HB288 Use or display of firearm in committing felony.** Makes it a separate and distinct felony to use a firearm to commit voluntary manslaughter.

*Patron - Phillips*

**HB292 Manufacture, possession, use, etc., of fire bombs or explosive materials or devices; penalties.** Creates minimum, mandatory term of imprisonment of five years for the possession, manufacture or use of explosive materials, if the violation occurs on school grounds.

*Patron - McEachin*

**HB300 Driving under the influence of drugs.** Creates a rebuttable presumption that driving while there is any concentration whatsoever of a narcotic drug or a self-administered intoxicating drug in the blood constitutes driving under the influence of drugs. Current law requires proof that the driver's ability to drive is impaired by the drugs in order to be considered intoxicated.

*Patron - Deeds*

**HB310 Criminal records checks; the sale or transfer of firearms for a dealer or at a gun show; penalties.** Requires firearms dealers to conduct an annual criminal records check for each of their employees or agents who sell firearms either at their place of business or at a gun show. The provisions of this section track the language of § 18.2-308.2:2, which requires criminal records checks for purchasers of firearms. The bill requires criminal records checks for persons transferring firearms subject to § 18.2-308.2:2 at gun shows. Additionally, there is a requirement for the Virginia State Police to maintain permanent records of the consent forms and firearm seller's numbers. This bill also creates new crimes: Class 5 felony for providing false information on the consent form and Class 1 misdemeanors for either transferring a firearm in violation of this section or employing someone in violation of this section.

*Patron - Watts*

**HB316 Impeding a public sidewalk or walkway; penalty.** Provides that if any person without authority of law blocks or impedes access to any public sidewalk or public walkway with the intent to prevent the free movement of another person on the sidewalk or walkway, he is guilty of a Class 3 misdemeanor.

*Patron - Melvin*

**HB325 Murder of aborted newborn.** Provides that the willful and deliberate killing of a living child immediately after the attempted abortion of such child shall be punished by a term of imprisonment of not less than five years nor more than 40 years.

*Patron - Black*

**HB329 Disarming a law-enforcement or correctional officer.** Creates a Class 1 misdemeanor for any person who knows or has reason to know a person is a law-enforcement or correctional officer or an employee of the Department of Corrections and, with the intent to impede or prevent the officer from performing his official duties, by assault or otherwise, knowingly and without the officer's permission, removes a chemical irritant weapon, or impact weapon from the possession of the officer or deprives the officer of the use of the weapon. If the weapon removed is a firearm or stun weapon, the crime is a Class 6 felony.

*Patron - Callahan*

**HB331 Stopping payment on checks; larceny.** Provides that any person who, with intent to defraud, stops pay-

ment on a check, draft or order before the recipient is able to cash the same shall be guilty of larceny. If the check, draft, or order has a represented value of \$200 or more, such person shall be guilty of a Class 6 felony. In cases in which such value is less than \$200, the person shall be guilty of a Class 1 misdemeanor. The bill also provides, however, that if, within 72 hours following the stop-payment order, the maker of the check, draft or order deposits with the court of proper jurisdiction funds in an amount equal to the check, draft or order and gives notice to the intended recipient of the check, draft or order that payment has been stopped and the funds deposited with the court, it shall be presumed, subject to rebuttal, that no fraud was intended or larceny committed. Within 30 days following deposit of the funds with the court, the intended recipient may institute an action, in the court where the funds are deposited, against the maker, for recovery of the money.

*Patron - Griffith*

**CHB333 Crimes; criminal solicitation.** Enhances the penalty for criminal solicitation from a Class 6 felony to a Class 2 felony, regardless of the age of the person who the defendant tries to persuade to commit a felony.

*Patron - Griffith*

**CHB337 Solicitation to commit felony.** Increases and gradates the penalties.

*Patron - Armstrong*

**CHB339 Crimes; third misdemeanor conviction.** Adds the conviction of peeping or spying into an occupied dwelling to the list of sexual misdemeanors that are treated as felonies if they occur after a person has been convicted at least two times for any of the named misdemeanors during the previous 10 years. Currently, the list includes sexual battery or attempted sexual battery, intercourse with a child, and indecent exposure.

*Patron - Almand*

**CHB349 Homicide of a child; penalty.** Provides that the voluntary manslaughter of a child under the age of five is punishable as a Class 4 felony. (Currently, all voluntary manslaughter is punishable as a Class 5 felony.)

*Patron - Marshall*

**CHB368 Possession of firearms by certain convicted people; penalty.** Provides that any person who has been convicted of stalking, sexual battery, attempted sexual battery, or of assault and battery of a family or household member, is prohibited from possessing a firearm for a period of five years. A violation of the section is a Class 6 felony.

*Patron - Scott*

**CHB369 Threats to bomb or damage buildings or means of transportation; false information as to danger to such buildings, etc.; punishment; venue** Raises the penalty for making bomb threats from a Class 5 to a Class 4 felony and lowers the age whereby minors may be tried as adults from under 15 to under 13.

*Patron - Grayson*

**CHB389 Multiple murders or felonious assaults; penalty.** Creates a new punishment for conviction of multiple murders or felonious assaults that are part of the same act or transaction. A violation of this section is a separate and distinct offense and punishment may be imposed in addition to any punishment imposed for violation of the predicate offenses.

*Patron - Harris*

**CHB395 Personal protection; carrying concealed weapons; when lawful to carry.** Clarifies that a court shall

consult with either the local sheriff or police department to receive a report from the Central Criminal Records Exchange, prior to issuing a concealed weapons permit. Currently, this Code section uses the term "law-enforcement authorities."

*Patron - Joannou*

**CHB516 Threats to use guns in schools; penalty.** Provides that if any person with intent to cause fear in any other person communicates a threat to use a firearm to kill or do bodily harm to another person in the buildings or upon the grounds of any elementary, middle or secondary school, any school bus, any school property or the location of a school-sponsored activity, he shall be guilty of a Class 1 misdemeanor.

*Patron - Armstrong*

**CHB532 Juvenile records.** Allows law-enforcement agencies to release records of a juvenile 14 years of age or older charged with a felony. Under current law this information may be released only if the juvenile is charged with murder or aggravated malicious wounding.

*Patron - Armstrong*

**CHB672 Assault and battery on police animals; penalty** Punishes an assault and battery on a police animal as a Class 1 misdemeanor. Currently this is not a crime; however, maliciously doing bodily injury to a police animal is punishable as a Class 5 felony.

*Patron - Byr*

**CHB686 Possession of firearms by persons voluntarily admitted to a mental institution.** Prohibits persons voluntarily admitted to a public mental health facility pursuant to § 37.1-65, or to a private mental health facility, from purchase, possession or transportation of firearms. Under current law, this prohibition only applies to persons involuntarily committed to such facilities.

*Patron - Parrish*

**CHB822 Presentation of flags.** Provides that no person, group of persons, entity or locality shall prohibit or restrict the presentation of flags on private property.

*Patron - Ingram*

**CHB924 Refusal of blood or breath test.** Removes a provision that prohibits the Commonwealth from introducing as evidence or commenting in court upon the fact that a defendant charged with driving under the influence refused to take a blood or breath test. The bill allows the defendant's refusal of a blood or breath test to be admissible into evidence if deemed relevant by the court.

*Patron - Watts*

**CHB944 Charitable Gaming Commission; veterans' organizations.** Provides that veterans' organizations shall not be subject to the jurisdiction of the Charitable Gaming Commission. Under the bill, however, these organizations must still comply with the law as it relates to the conduct of the charitable gaming.

*Patron - Abbitt*

**CHB971 Presentation of flags.** Provides that no person, group of persons, entity or locality shall prohibit or restrict the presentation of flags on private property.

*Patron - Day*

**CHB996 Restricted license eligibility after conviction for refusal to give blood or breath in DUI case.** Provides that if the court or jury finds the defendant guilty of refusal to give blood or breath in a DUI case the court may, as an alternative to suspending the defendant's license for one

year, provide that the defendant be issued a restricted driver's license for a period of one year.

*Patron - Robinson*

**HB1067 Threats and bomb threats; penalty.** Adds the electronic transmission and web site posting of threats and bomb threat statutes and expands the list of targets to any person, no matter who actually receives the threat. The bill also includes students in the class of individuals against whom it is illegal to make oral threats. The bill also increases the penalty for oral threats against school employees (now including students) from a Class 1 misdemeanor to a Class 6 felony. The bill also adds bomb threats to the list of offenses required to be reported to school and law-enforcement authorities when the threat is made against school personnel, school property, or a school bus.

*Patron - Barlow*

**HB1171 Blood samples taken by emergency room personnel.** Provides that a hospital blood sample may serve as information a law enforcement officer may use to determine probable cause for DUI arrest of a driver involved in an accident. The officer may then obtain from the treating physician, with his concurrence, another blood sample for Virginia lab analysis. The bill relieves hospital personnel from civil liability, in the absence of negligence, for following the officer's directions.

*Patron - Bryant*

**HB1235 Possession or transportation of firearms or concealed weapons by convicted felons; penalties.** Prohibits any juvenile who was 14 years old or older when he committed a delinquent act equivalent to a felony from ever possessing, transporting, or carrying a hidden firearm. Currently, the prohibition expires when the person is 29.

*Patron - Scott*

**HB1309 Concealed weapon licenses issued out-of-state.** Reduces the restrictions on carrying a concealed weapon as they apply to an out-of-state concealed weapon license. The bill removes the requirement that a reciprocal agreement be in place in order for Virginia to recognize such out-of-state concealed weapon licenses as valid. The bill also requires that the State Police pursue a reciprocal agreement with each other state that requires such an agreement prior to its recognition of a Virginia concealed handgun permit as valid, and that the State Police maintain an easily accessible, updated list of reciprocal states on the Virginia state website.

*Patron - Abbitt*

**HB1400 Possession of marijuana; suspension of drivers license.** Increases the maximum sentence for possession of marijuana to a Class 1 misdemeanor and allows the court to suspend, for up to one year, the driver's license of any person convicted under this statute.

*Patron - McDonnell*

**HB1419 Restricted driver's license.** Expands the purposes for which a person may drive when issued a restricted driver's license following a DUI and certain other offenses to include driving to a place of worship, driving an elderly parent and court-ordered visitation.

*Patron - Katzen*

**HB1479 Where person may carry concealed handguns.** Removes the provision of the Code that prohibit carrying a concealed handgun onto the premises of any restaurant or club for which a license to sell and serve alcoholic beverages for on-premises consumption has been granted.

*Patron - Robinson*

**SB74 Possession of firearms by persons voluntarily admitted to a mental institution.** Prohibits persons voluntarily admitted to a public mental health facility pursuant to § 37.1-65, or to a private mental health facility, from purchase, possession or transportation of firearms. Under current law, this prohibition only applies to persons involuntarily committed to such facilities.

*Patron - Colgan*

**SB75 Possession of a firearm by persons subject to protective orders.** Prohibits persons subject to protective orders from possessing firearms. Currently, such persons are not prohibited from possession of a firearm, but are prohibited from purchasing or transporting firearms while the order is in effect. This bill allows the court that issued a concealed weapons permit to suspend the permit while the protective order is in effect.

*Patron - Colgan*

**SB82 Discharge of firearms in schools.** Eliminates an exemption to the provision that anyone who willfully discharges a firearm at a school or on public property within 1,000 feet of a school is guilty of a Class 4 felony. The exemption provided that the Class 4 felony provision did not apply to discharge of a firearm at a school (or on public property within 1,000 feet of a school) if the firearm was used for lawful hunting, for a program or curriculum sponsored by or conducted with permission of the school or while in or on an established shooting range.

*Patron - Howell*

**SB128 Penalties for possession of certain quantities of controlled substances or marijuana.** Raises the penalty for possession of large amounts of certain Class I and II controlled substances and marijuana to a mandatory, minimum term of 20 years in prison to life in prison.

*Patron - Norment*

**SB129 Capital murder defined; penalty.** Makes it a capital offense to kill a person because of the victim's actual or perceived race, color, gender, sexual orientation, religious conviction or national origin.

*Patron - Colgan*

**SB130 Capital murder.** Makes the killing of a person for the purpose of preventing that person from testifying in any judicial proceeding a capital offense.

*Patron - Colgan*

**SB145 Furnishing weapons to minors; penalty.** Provides that any person who sells or provides a handgun to a minor shall be guilty of a felony, shall not be eligible for probation and shall be sentenced to a minimum, mandatory term of imprisonment of one year. The minimum, mandatory term of imprisonment shall not be suspended in whole or in part and shall be served consecutively with any other sentence. The current section of the law provides for a Class 6 felony, but does not include the minimum, mandatory sentence.

*Patron - Rerras*

**SB173 Hate crimes; penalty** Adds gender and sexual orientation to the categories of victims whose selection for a "hate crime" involving assault or trespass amplifies the Class 1 misdemeanor or Class 6 felony penalty. The penalty includes a six-month sentence, 30 days of which are a mandatory, minimum term. The bill also expands the terroristic act report requirements of the State Police, and the availability of specific injunctive relief for acts motivated by hate. The bill adds the words "actual or perceived," so the offense exists notwith-

standing the offender's mistaken belief about the race, ethnicity, color, gender, sexual orientation or religion of the victim.

*Patron - Ticer*

**SB203 Solicitation to commit felony.** Increases and gradates the penalties.

*Patron - Trumbo*

**SB308 Civil immunity; blood tests; DUI.** Expands the scope of civil immunity afforded medical personnel who withdraw blood from persons suspected of driving under the influence. Currently, no civil liability (except negligence) may attach to a medical worker who withdraws blood from a person who consents to such withdrawal. This bill expands medical personnel immunity by shielding such persons from civil liability (except negligence) in cases where a person is unable or unwilling to consent to have his blood withdrawn, provided such withdrawal is requested in writing by a law-enforcement officer.

*Patron - Reynolds*

**SB311 Threat to use a firearm in a school.** Makes it a Class 1 misdemeanor to communicate a threat to use a firearm to kill or do bodily injury to another in school buildings on school grounds, on school buses, on school property, or at the location of any school-sponsored activity with the intent to cause fear in any other person.

*Patron - Reynolds*

**SB394 Fraudulently acquiring a confidential record.** Provides that any person who, by impersonating another person, or by fraud or deceit, acquires for an improper purpose information of another that is maintained as confidential or not open to the public, is guilty of a Class 1 misdemeanor.

*Patron - Newman*

**SB425 Weapons in county facilities; ordinances.** Authorizes a county with an urban county executive form of government (Fairfax) or the county manager plan of government (Arlington) to adopt an ordinance making possession of a dangerous weapon in a posted county-owned or -operated facility punishable as a Class 1 misdemeanor. The bill includes exceptions for law-enforcement personnel, judges, etc.

*Patron - Howell*

**SB426 Charitable Gaming Commission; volunteer fire departments and rescue squads.** Reduces the record-keeping burden for volunteer fire departments and rescue squads. Such organizations will be required to maintain complete records of all receipts and disbursements from their charitable gaming operations in conformance with generally accepted accounting principles. The bill also requires the Charitable Gaming Commission to audit the records maintained by such organizations every five years.

*Patron - Couric*

**SB508 Inhalants; selling to minors.** Makes it a Class 2 misdemeanor to sell to a minor any drugs or any other noxious substances or chemicals containing any ketone, aldehydes, organic acetates, ether, chlorinated hydrocarbons or vapors that he knows or has reason to know will be inhaled or smelled by the minor to intoxicate, inebriate, excite, stupefy or to dull his brain or nervous system.

*Patron - Reynolds*

**SB526 DUI.** Authorizes the use of hospital blood tests to establish intoxication presumptions with respect to DUI cases.

*Patron - Mims*

**SB556 Charitable Gaming Commission; fraternal and veterans' organizations.** Provides that fraternal and veterans' organizations shall not be subject to the jurisdiction of the Charitable Gaming Commission provided (i) participation in any charitable gaming conducted by such organization is limited exclusively to members of the organization and not open to the general public and (ii) no public solicitation or advertisement of charitable gaming is made by the organization. Under the bill, the organizations will remain subject to provisions of the code relating to the conduct of the games.

*Patron - Potts*

**SB775 Felony homicide.** Provides that killing someone accidentally while in the prosecution of any Class 1 misdemeanor violation of Article 4 (§ 18.2-280 et seq.) of Chapter 7 of Title 18.2 is involuntary manslaughter and punishable as Class 6 felony.

*Patron - Stolle*

## Criminal Procedure

### Passed

**HB95 Youthful offenders.** Requires a suspended period of confinement in addition to the four years of indeterminate commitment and requires confinement in a state facility for youthful offenders. Initial confinement must be followed by at least one and one-half years of supervised parole. The bill changes those eligible for indeterminate commitment by excluding certain sex offenders and all misdemeanants (currently misdemeanors involving injury to persons or property are included) and by allowing participation of all who committed the offense prior to age 21 (current law is limited to juveniles tried as adults and to persons who committed the offense after becoming 18 but before 21 years of age). The bill also adds specific program requirements for youthful offender facilities. The Department of Corrections is required to report annually to the General Assembly on the use of the youthful offender program by the judiciary. This bill is identical to S 168.

*Patron - Hamilton*

**HB424 Factors in rebuttal of a presumption against bail.** Provides that the court shall consider the following factors in determining, for the purpose of rebuttal of the presumption against bail, whether there are conditions of release that will reasonably assure the appearance of the person as required and the safety of the public: (i) the nature and circumstances of the offense charged, (ii) the history and characteristics of the person, including his character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings, and (iii) the nature and seriousness of the danger to any person or the community that would be posed by the person's release.

*Patron - Melvin*

**HB671 Payment of medical fees for evidence gathering in certain criminal cases.** Provides that associated medical costs involved in the gathering of evidence in all criminal cases and in all child abuse and neglect cases are paid by the Commonwealth out of the appropriation for criminal charges. Currently, this payment is only available in selected criminal cases.

*Patron - Byr*

**HB705 Jury instructions; capital case.** Provides that when requested by the defendant a jury shall be instructed that a person convicted of a capital offense committed after January 1, 1995, and given a life sentence will not be eligible for parole. The bill also requests the Supreme Court, with the Virginia State Bar, to recommend instructions for non-capital offenses.

*Patron - Melvin*

**HB744 Functions of a multi-jurisdiction grand jury.** Allows multi-jurisdictional grand juries to investigate incidents of cruelty to animals and murder.

*Patron - Cantor*

**HB820 Service of process including arrest warrant.** Clarifies that a sheriff may execute an arrest warrant throughout the county he serves and in a city surrounded by the county.

*Patron - Landes*

**HB1156 Where forgery may be prosecuted.** Amends the venue provisions for prosecution of forgery to include the county or city where the writing is found in the possession of the defendant.

*Patron - Weatherholtz*

**HB1312 Court-appointed counsel.** Increases the caps for fees paid to court-appointed counsel in indigent cases in annual increments. This bill is identical to SB 481.

*Patron - Almand*

**HB1395 Crime victims compensation; appeals.** Lengthens the period, from 20 to 45 days, for a claimant to file for review by the Workers' Compensation Commission of a decision regarding a claim for benefits from the Criminal Injuries Compensation Fund.

*Patron - McDonnell*

**HB1397 Compensation of victims of crime.** Provides that compensation for mental health counseling for survivors of crimes is not to exceed \$2,500 per claim. Current law allows for a recovery of \$1,000.

*Patron - McDonnell*

**HB1533 Bail and recognizance.** Provides that unless waived with the approval of the judicial officer and with the concurrence of the attorney for the Commonwealth or county, city or town attorney, if the person charged with a felony has previously been convicted of a felony or is on bond for an unrelated offense a felony in any jurisdiction, or is on probation or parole, he may be released, if at all, only on secured bond. Also, the bill requires that bondsmen receive proper and timely notice when there is a breach of the condition of appearance.

*Patron - Davis*

**SB62 Deferred disposition.** Allows costs to be assessed against a person whose disposition for assault and battery against a family member is deferred pending the completion of probation. The 1999 General Assembly established deferred disposition for defendants not previously convicted of assault and battery against a family member but did not amend the statute allowing costs to be imposed upon defendants in these cases.

*Patron - Trumbo*

**SB125 Post-release supervision of felons.** Requires that each person convicted for a felony committed on or after July 1, 2000, and sentenced to an active prison term, also have

imposed a period of post-release supervision and review by the Parole Board. Current law gives the court the option of such supervision period for felons subject to the no parole law

*Patron - Norment*

**SB168 Youthful offenders.** Requires a suspended period of confinement in addition to the four years of indeterminate commitment and requires confinement in a state facility for youthful offenders. Initial confinement must be followed by at least one and one-half years of supervised parole. The bill changes those eligible for indeterminate commitment by excluding certain sex offenders and all misdemeanants (currently misdemeanors involving injury to persons or property are included) and by allowing participation of all who committed the offense prior to age 21 (current law is limited to juveniles tried as adults and to persons who committed the offense after becoming 18 but before 21 years of age). The bill also adds specific program requirements for youthful offender facilities. The Department of Corrections is required to report annually to the General Assembly on the use of the youthful offender program by the judiciary. Identical to HB 95.

*Patron - Mims*

**SB188 Boot camp incarceration.** To be eligible for boot camp an individual must have been convicted of a nonviolent felony or be deemed by the court to be nonviolent in character. This bill revises the definition of nonviolent felony to include all felonies except those listed in the "three strikes and you're out" statute and any attempt to commit those felonies (murder, voluntary manslaughter, mob-related felonies, kidnapping or abduction, malicious felonious assault or malicious bodily wounding, robbery, criminal sexual assault and arson, and conspiracy to commit any of those violations, as a principal in the second degree or accessory before the fact).

*Patron - Mims*

**SB211 Criminal procedure; victims of crime.** Includes within the definition of "victim" a sibling when the direct victim is incapacitated or deceased. This addition allows the sibling to receive all notifications provided under the Crime Victims Act and the authority to make an impact statement when the direct victim is incapacitated or deceased.

*Patron - Howell*

**SB262 Certificates of analysis.** Provides that defense counsel's request for a certificate of analysis must be in writing, clearly state in its heading "Request for Copy of Certificate of Analysis," and be made at least 10 days before trial.

*Patron - Norment*

**SB279 Sex Offender Registry website.** Requires the State Police to remove all information which it knows to be inaccurate information from the Sex Offender Registry website.

*Patron - Howell*

**SB330 Restitution for property damage or loss.** Provides that if restitution is ordered to be paid by the defendant to the victim of a crime and the victim can no longer be located or identified, the Clerk shall deposit any such restitution collected to the Criminal Injuries Compensation Fund for the benefit of crime victims and that the administrator shall reserve a sum sufficient in the Fund from which he shall make prompt payment to the victim for any proper claims. The bill also provides that before making the deposit he shall record the name, last known address and amount of restitution due each victim appearing from the Clerk's report to be entitled to restitution.

*Patron - Norment*

**SB481 Compensation of court-appointed counsel.** Subject to such funds that are appropriated, increases court-appointed attorneys' fees by 20 percent in misdemeanor cases and by 40 percent in felony cases. A second enactment clause provides that the act becomes effective only if funds are appropriated by the 2000 General Assembly and prorates the fee increase based on the amount appropriated.

*Patron - Trumbo*

**SB524 Who may be present for execution of search warrants.** Provides that the following persons may be permitted to be present during or participate in the execution of a warrant to search a place if permitted by a law-enforcement officer conducting the search: (i) the owners and occupants of the place to be searched, and (ii) persons designated by the officer in charge of the search to provide assistance or expertise.

*Patron - Mims*

**SB603 National criminal background check; child care providers.** Authorizes any business or organization that provides care to children, the elderly or disabled to request the Department of State Police to conduct a national criminal background check, through the use of fingerprints, on persons who work or volunteer at such "qualified entities." To conduct the background check, the Department shall utilize (i) the national criminal history background check system which is maintained by the Federal Bureau of Investigation and (ii) the Central Criminal Records Exchange maintained by the Department. However, programs of religious instruction (such as Sunday schools, vacation bible schools, and Bar or Bat Mitzvah classes) and programs that provide babysitting during worship services are not entitled to request the background check. Additionally, the failure to request a background check shall not be negligence per se in any civil action. The bill contains a delayed effective date of January 1, 2001.

*Patron - Ticer*

**SB619 DNA data bank.** Provides that the Division of Forensic Science must confirm whether or not there is a DNA profile on file for a specific individual if a federal, state or local law-enforcement officer requests that information in furtherance of an official investigation.

*Patron - Houck*

**SB663 Crime victim rights.** Sets out in the Crime Victim and Witness Rights Act the existing requirement that the Attorney General notify a victim, if requested, of the filing and disposition of any appeal or habeas corpus proceeding involving the victim's case.

*Patron - Rerras*

## Failed

**HB52 National criminal background check; child care providers.** Authorizes any business or organization that provides care to children to request the Department of State Police to conduct a national criminal background check, through the use of fingerprints, on persons who work or volunteer at such organizations in a child care position. To conduct the background check, the Department shall utilize (i) the national criminal history background check system which is maintained by the Federal Bureau of Investigation and (ii) the Central Criminal Records Exchange maintained by the Department. This legislation is permitted by the National Child Protection Act enacted by the federal government in 1993.

*Patron - Crittenden*

**HB55 Exceptions to the speedy trial act.** Adds language to the speedy trial act to clarify that on the day of trial (i) continuances granted on the defendant's motion or (ii) the defendant's failure to object to a motion for continuance by the Commonwealth toll the running of the statute.

*Patron - Kilgore*

**HB407 Presentence reports.** Removes the requirement that probation officers prepare presentence reports in every felony case, but allows the court, in specified cases, to direct the preparation of such report in its discretion or on motion of the defendant.

*Patron - Phillips*

**HB515 Felonies and misdemeanor appeals; sentencing.** Requires a bifurcated proceeding and jury sentencing in a jury trial in the circuit court on an appeal from a conviction of a misdemeanor in the district court.

*Patron - Armstrong*

**HB559 Payment of medical fees.** Provides that the director of the local department of social services may approve reimbursement of the costs of evidence collection in cases involving child sexual and physical abuse. Under current law, only the attorney for the Commonwealth may do so, leaving no reimbursement in cases where no criminal charges are filed, but instead are referred by child protective services units and handled administratively.

*Patron - Cantor*

**HB599 Failure to appear on return date for summons issued under § 19.2-76.2.** Permits a court to issue a default judgment against a person when he fails to appear pursuant to a summons for a parking violation. The law currently requires a second summons to be executed upon the failure of a person to appear on the date contained in the initial summons.

*Patron - McQuigg*

**HB993 Presentence reports.** Removes the mandate in the Code that, in certain criminal cases, the court require the preparation of a presentence report and allows the court in all cases to exercise its discretion whether to require such report.

*Patron - Robinson*

**HB1000 Victim participation in plea agreements.** Provides that upon the victim's request, the attorney for the Commonwealth must keep the victim informed and confer with the victim throughout the plea negotiation process and obtain the victim's views. Prior to offering or entering into a plea agreement involving certain violent felony offenses, the attorney for the Commonwealth must inform the victim of the contents of the proposed plea agreement before it is agreed upon; discuss the case with the victim and obtain the victim's views regarding the proposed plea agreement; and notify the victim that the victim is entitled to be present and may submit a written impact statement and any objections to the plea agreement when the plea agreement is considered by the court. The victim has the right to be present and present a written impact statement at any proceeding in which a negotiated plea agreement will be presented to the court. The court is not allowed to accept a plea agreement unless it finds that the Commonwealth has, except for good cause shown, complied with the bill's provisions and the attorney for the Commonwealth represents to the court that the requirements of the Crime Victim and Witness Rights Act have been complied with and tells the court whether the victim has any objections to the agreement. There is a provision stating that the duty to confer does not limit the ability of the attorney for the Commonwealth to exercise his

discretion concerning the handling of any criminal charge against the defendant.

*Patron - McEachin*

**HB1071 Megan's law.** Adds causing or encouraging acts rendering children delinquent, abused, etc. to the list of offenses for which registration is required and adds sexual battery to the definition of sexually violent offense.

*Patron - Marshall*

**HB1082 Salaries of magistrates; local supplement.** Removes the local supplement for magistrates' salaries.

*Patron - Jones, J.C.*

**HB1317 Criminal procedure; testimony before a multi-jurisdiction grand jury.** Eliminates the limitation placed on the use of testimony against a witness educated from the witness before a multi-jurisdiction grand jury, provided that prior to testifying or producing evidence the witness was advised of his rights and privileges under the Fifth Amendment of the United States Constitution and he voluntarily, intelligently, and knowingly waived such rights. Currently such testimony can be used in a case against the witness/defendant, but only for the purpose of impeaching the witness/defendant.

*Patron - Ruff*

**SB387 Victim participation in plea agreements.** Provides that upon the victim's request, the attorney for the Commonwealth must keep the victim informed and confer with the victim throughout the plea negotiation process and obtain the victim's views. Prior to offering or entering into a plea agreement involving certain violent felony offenses, the attorney for the Commonwealth must inform the victim of the contents of the proposed plea agreement before it is agreed upon and discuss the case with the victim and obtain the victim's views regarding the proposed plea agreement. The victim has the right to be present and present a written impact statement at any proceeding in which a plea agreement recommending a specific sentence will be presented to the court. The court is not allowed to accept a plea agreement unless it finds that the Commonwealth has, except for good cause shown, complied with the bill's provisions. There is a provision stating that the duty to confer does not limit the ability of the attorney for the Commonwealth to exercise his discretion concerning the handling of any criminal charge against the defendant, does not confer upon the defendant any substantive or procedural rights, and does not affect the validity of any plea entered by the defendant.

*Patron - Mims*

**SB402 Acceptance of checks by clerks.** Raises from \$20 to \$40 the fee a circuit court clerk may charge for dishonored check or credit card. The provision in existing law that 10 percent of the value of the payment may be charged if it is more than the returned check fee is not charged.

*Patron - Trumbo*

**SB482 Certificates of analysis.** Provides that defense counsel's request for a certificate of analysis must be in writing, clearly state in its heading "Request for Copy of Certificate of Analysis," and be made after the case is filed. Failure of the clerk or attorney of the Commonwealth to comply with a request is grounds for a continuance to be charged against the Commonwealth. Rolled into SB 262.

*Patron - Trumbo*

## Carried Over

**HB13 Persons who are conservators of the peace.** Adds special agents of the Defense Criminal Investigative Service to the list of those persons considered conservators of the peace while performing their duties.

*Patron - Marshall*

**HB315 Use of discretionary sentencing guidelines.** Provides that in criminal cases tried by a jury, the jury shall be presented with completed sentencing guidelines worksheets prior to commencement of the sentencing phase of the trial. Additionally, the jury would be permitted to recommend a punishment based upon the guidelines. Currently, the jury is prohibited from considering sentencing guidelines when determining punishment.

*Patron - Melvin*

**HB704 Criminal procedure; testimony before a multi-jurisdiction grand jury.** Eliminates the limitation placed on the use of testimony against a witness educated from the witness before a multi-jurisdiction grand jury, provided that prior to testifying or producing evidence the witness was advised of his rights and privileges under the Fifth Amendment of the United States Constitution and he voluntarily, intelligently, and knowingly waived such rights. Currently such testimony can be used in a case against the witness/defendant, but only for the purpose of impeaching the witness/defendant.

*Patron - Albo*

**HB1021 Proportional suspension of sentence.** Creates a program of proportional suspension of sentence when an inmate has already begun to serve his time and allows the court, at any time before the completion of the defendant's sentence, to proportionally suspend up to three years of a term of imprisonment, conditioned upon participation in alternative service.

*Patron - Dillard*

**HB1222 Violation of court order regarding custody and visitation; penalty** Provides that if a person presents or gives a sworn statement, together with a supporting affidavit setting forth the salient facts regarding a case of the withholding of visitation or custody of a child in violation of a court order, to an officer of the court empowered to issue criminal warrants, the officer shall issue a warrant for the arrest of the alleged offender.

*Patron - McClur*

**HB1230 Pleas of insanity.** Provides that no person shall, while he is insane or feebleminded, be tried for a felony.

*Patron - McEachin*

**HB1311 Capital case bill of review.** Authorizes a prisoner under sentence of death or whose sentence of death has been commuted to life imprisonment by the Governor to present a capital case bill of review as a civil proceeding on no more than two occasions to the circuit court that entered the order fixing the prisoner's punishment at death, provided designated conditions are met. A person sentenced to death is required to file such bill (or bills) within three years. Service is to be upon the Attorney General and the Commonwealth's attorney for the county or city in which the original case was tried. The Commonwealth's attorney is to represent the Commonwealth in any resulting proceedings, but the Attorney General may assist with the consent of the Commonwealth's attorney. The bill of review is to be dismissed if the court finds that the conditions stipulated have not been met or that the evidence claimed to be newly discovered does not establish a sig-

nificant probability of actual innocence. If clear and convincing evidence of innocence is found, the court is to hear the newly discovered evidence and such evidence as the Commonwealth may present in rebuttal. If the court finds a significant probability of innocence, an order is to be issued granting the bill of review. Any decision by the circuit court may be appealed by the prisoner or by the Commonwealth by filing a petition for appeal to the Supreme Court within 30 days of the circuit court's decision.

*Patron - Almand*

**HB1370** **Interception, disclosure, etc.**, of wire, electronic or oral communications unlawful; exceptions. Provides that it shall not be a criminal offense for a person to intercept a wire, electronic or oral communication where such person is the spouse, parent or guardian of one of the parties to the communication and the communication occurs using any telephone in the residence of such spouse, parent or guardian.

*Patron - Armstrong*

**HB1398** **Filing of claims.** Allows victims of crimes to file a claim for compensation not later than one year after the discovery of the crime upon which the claim is based. Currently, such claims must be filed one year after the occurrence of the crime.

*Patron - McDonnell*

**SB252** **Sentencing for Class 1 misdemeanors.** Requires a bifurcated proceeding and jury sentencing in a jury trial in the circuit court when the defendant is found guilty of a Class 1 misdemeanor.

*Patron - Reynolds*

**SB408** **Writ of error.** Provides that a writ of error lies for any county, city or town from the circuit court to the judgment of a district court declaring an ordinance unconstitutional or otherwise invalid and requires that the district court remit the case file to the circuit court. If the circuit court requests, the district court must submit a statement of the basis for its determination. The bill also provides that in all cases a writ of error lies from the Supreme Court to the judgment of the circuit court declaring a local ordinance invalid; under current law misdemeanors are excepted.

*Patron - Bolling*

**SB694** **Special grand juries.** Authorizes an attorney for the Commonwealth to request a special grand jury to investigate criminal activity within his jurisdiction in much the same way as may currently be done with regard to criminal activity that crosses jurisdictional lines. The procedures would be similar to those applicable to the multi-jurisdictional grand juries. The special grand jury will have the power to investigate and to indict.

*Patron - Stolle*

## Domestic Relations

### Passed

**HB5** **Guideline for determination of child support** Requires a review of the guidelines by October 31, 2001, and shortens from four to three years the frequency with which the Secretary of Health and Human Resources shall review the child support guidelines.

*Patron - Cranwell*

**HB47** **Changing maintenance and support for a spouse; effect of remarriage.** Provides that a spouse entitled to spousal support shall have an affirmative duty to notify the payor spouse immediately of remarriage, and a payor spouse is entitled to restitution equal to the amount of any current support paid after the date of the remarriage, together with interest from the date of the remarriage and reasonable attorneys' fees and costs.

*Patron - Jones, J.C.*

**HB467** **Marriage; list of licenses not returned.** Changes the date by which the circuit court clerk must furnish the Commonwealth's attorney with a list of all marriage licenses issued in the preceding calendar year that have not been returned by the minister or other person performing the marriage from February 1 to March 31. The bill also repeals the \$20 fine against a clerk who fails to perform this duty. Identical to SB 398.

*Patron - McDonnell*

**HB1150** **Shared custody.** Makes technical adjustments under the shared custody and support guideline calculations: (i) for circumstances where the majority custodian has a much higher income, but the formula shows that he or she would pay the support; (ii) to show how shared custody parents are to reimburse each other or pay medical providers for extraordinary medical expenses; (iii) to give the court discretion in situations where a party's income is at or below a certain level in comparison to the poverty level.

*Patron - Barlow*

**HB1178** **Parent education.** Requires the court to order parents involved in custody and visitation cases to attend educational seminars on the effects of separation or divorce on children, parenting responsibilities, options for conflict resolution, and financial responsibility. The bill provides that a party's statement in the educational seminar admitting criminal activity or child abuse or neglect is admissible in a subsequent proceeding. The court may grant an exemption from participation for good cause shown. This bill has an effective date of July 1, 2001, and an expiration date of July 1, 2003. The Executive Secretary of the Supreme Court is requested to report on the provisions of the act to the General Assembly.

*Patron - Reid*

**SB127** **Mediation.** Provides that there is a \$100 mediation fee in custody, visitation and support cases and it is paid from the criminal fund.

*Patron - Norment*

**SB135** **Surrogate consent and report form.** Specifically directs the State Registrar of Vital Records to develop, furnish and distribute a surrogate consent and report form. When a non-court approved surrogacy contract is used, this form must be signed by the surrogate and filed by the intended parents within 60 days of the birth in order to have a new birth certificate established. The form has never been available since the law is amended to require filing within six months after the form becomes available to be treated as filing within the 60 days. Provides that a physician's acknowledged statement of the genetic relationships between the parties creates a rebuttable presumption that such statement is accurate.

*Patron - Stosch*

**SB275** **Child support.** Provides certain limited exceptions to the presumptive minimum monthly child support amount of \$65 for parents unable to pay. The bill also provides that the retroactivity of a child support debt created because of the payment of public assistance is limited to the date the



Department of Social Services exercised due diligence in the service of notice. This bill is recommended by the Virginia Bar Association Coalition Committee on Family Law Legislation and is based on recommendations made by the Child Support Quadrennial Review Panel.

*Patron - Howell*

**SB276 Child support; preexisting spousal support order.** This bill clarifies that spousal and child support can be contained in the same order and that the spousal support is counted in calculating gross income. The bill removes the word "preexisting" from the current statute which provides that spousal support is included or deducted from gross income only when it is paid pursuant to a preexisting order or written agreement. The Virginia Court of Appeals in *Frazer v. Frazer*, 23 Va. App 358 (1996) stated that spousal support should be calculated before child support and included or deducted from gross income for when calculating child support. This bill is recommended by the Virginia Bar Association Coalition Committee on Family Law Legislation and is based on recommendations made by the Child Support Quadrennial Review Panel.

*Patron - Howell*

**SB398 Marriage licenses not returned by minister.** Removes the fine on a circuit court clerk for failure to furnish the attorney for the Commonwealth with a list of marriage licenses issued during the preceding calendar year that were not returned by the ministers or other persons celebrating the marriages. The bill also adjusts the time for furnishing the report to the last day of March instead of the first day of February. Identical to HB 467.

*Patron - Trumbo*

**SB442 Child support; dental coverage.** Treats parental payment of dental care coverage like the payment of health care coverage. The cost of coverage directly allocable to the child is added to the basic child support obligation.

*Patron - Mims*

**SB590 Child visitation.** Provides that whether a parent has unreasonably denied the other parent access to or visitation with the child is a factor to be considered in determining the best interests of the child in custody and visitation matters.

*Patron - Norment*

**SB757 Termination of spousal support; cohabitation.** Amends the 1997 provision that a court may decrease or terminate spousal support if the payee spouse has been cohabitating in a relationship analogous to marriage for one year or more unless otherwise agreed by the parties or the termination would constitute a manifest injustice. This bill makes the termination of such support mandatory by the court unless the parties have otherwise agreed or the termination would be unconscionable.

*Patron - Williams*

## Failed

**HB468 Marriage licenses not returned.** Repeals the requirements that (i) clerks report annually to the attorney for the Commonwealth those marriage licenses that were not returned the previous year, and (ii) the attorney for the Commonwealth summons the minister or other person failing to make the return before the court.

*Patron - McDonnell*

**HB765 Withholding earnings for child support; penalty.** Provides that any employer who fails or refuses to withhold or mail the amount of child support, as specified in a

court order, either by himself or through his agents or employees, shall be guilty of a Class 1 misdemeanor.

*Patron - Day*

**HB1534 Covenant marriage.** Authorizes a form of marriage in which the parties must, before marrying, obtain premarital counseling and recite and sign a declaration of intent acknowledging that marriage is a lifelong relationship and pledging to obtain marital counseling should difficulties arise. Furthermore, in a covenant marriage, the time of separation necessary for parties to obtain a no-fault divorce is extended to two years for parents with minor children and extended to one year and six months for parties with no minor children. All other divorce grounds remain the same. Persons who are already married may redesignate their marriage as a covenant marriage after they obtain marital counseling and execute a declaration of intent.

*Patron - McDonnell*

**SB305 Revocation of death benefits upon divorce; exceptions.** Amends provision that divorce revokes the designation of a former spouse as a life insurance beneficiary to provide that if the former spouse is the designated beneficiary and contracts with a funeral home to provide funeral services for the deceased, the funeral home shall be paid out of the proceeds of the death benefit.

*Patron - Reynolds*

**SB306 Revocable beneficiary designations; revocation of death benefits by divorce or annulment.** Repeals a provision in Virginia's domestic relations laws enacted by the 1993 Session of the General Assembly. The provision, applicable to divorces and annulments occurring after July 1, 1993, revokes as a matter of law, any contractual provision for payment of death benefits to a former spouse, unless otherwise stipulated in (i) a decree of annulment or divorce, or (ii) an agreement between the parties. Examples of such death benefits include life insurance benefits, retirement benefits, IRA account benefits, etc.

*Patron - Reynolds*

**SB753 Custody of minor child.** Provides that when custody is at issue there shall be a rebuttable presumption that both parents shall share equitably in the responsibilities of rearing their children. The current statute says that the court shall assure minor children of frequent and continuing contact with both parents when appropriate. This bill takes out the words "when appropriate."

*Patron - Quayle*

**SB754 Custody and visitation.** Provides that a proposed or completed relocation of a child's principal residence constitutes a change in circumstances that may justify a change in custody

*Patron - Quayle*

## Carried Over

**HB46 Access to child's records.** Provides that a parent's access to the medical records of his minor child may be denied for good cause shown.

*Patron - Jones, J.C.*

**HB505 Biological testing to ascertain parentage.** Expands the law allowing biological testing for determination of parentage to allow any appropriate party to move for genetic testing when the natural biological mother is known and there is an admitted or alleged biological father. The bill requires the

moving party to prepay the costs of such genetic testing and any associated court costs.

*Patron - Cranwell*

**HB506 Evidence relating to parentage.** Allows a court to order genetic testing to determine whether an admitted father of a child is actually the father, and requires a court to do so if the test is requested by a party to the proceeding.

*Patron - Cranwell*

**HB508 Orders of support and expense incurred on behalf of child.** Allows a judge in an order establishing parentage to also order the equitable apportionment of expenses incurred on behalf of the child, no matter when the expenses were incurred. Currently, such expenses can only be apportioned for a period following the institution of the proceeding.

*Patron - Cranwell*

**HB620 Domestic relations.** Creates the Virginia Community Property Act to provide for disposition of property acquired by couples during marriage and designated as community property under an agreement or trust instrument.

*Patron - McClur*

**HB907 Joint custody; pilot project.** Provides for two-year pilot project in Danville, Prince William, Virginia Beach and Wise circuit courts where the court will order in custody disputes that both parents retain their roles as joint legal and physical custodians of their children to the maximum practical extent.

*Patron - Cranwell*

**HB926 Child visitation dispute resolution.** Requires the Supreme Court to establish three pilot projects utilizing visitation expeditors to resolve child visitation disputes. If the parties do not reach an agreement, the visitation expeditor will make a decision to resolve the dispute.

*Patron - Watts*

**HB1053 Health information provided to marriage license applicants.** Revises the categories of health information required to be provided to marriage license applicants to make the provision of information on birth control and the list of family planning clinics optional at the applicant's request.

*Patron - Marshall*

**HB1148 Child support; medical expenses.** Repeals current provisions regarding extraordinary medical expenses and provides that the parties share, in accordance with their respective income shares, all uninsured medical expenses above eight percent of the total support obligation. Eight percent of the total support obligation is presumed to be the medical expense threshold. A definition of "medical expenses" is added. The bill adds a requirement that support orders contain a provision for the payment of reasonably necessary uninsured medical expenses for dependent children. This bill is recommended by the Virginia Bar Association Coalition Committee on Family Law Legislation and is based on recommendations made by the Child Support Quadrennial Review Panel.

*Patron - Barlow*

**HB1149 Child support guidelines.** Provides for an adjustment to income under the support guidelines for support paid for other children of the parties but who are not the subject(s) of the current proceeding.

*Patron - Barlow*

**HB1220 Divorce.** Prohibits no-fault divorce if the parties have minor children and either party files a written objection to the initial pleading within 21 days of service.

*Patron - McClur*

**HB1281 Temporary custody, visitation and support.** Provides that a court shall provide both parents equal access to minor children at a hearing on a temporary order, absent a showing of detriment to the children.

*Patron - Albo*

**HB1310 Orders of support.** Provides that if the court to which an appeal of an order of support is taken determines that a reversible error was made by the court of original jurisdiction, the appellate court may then make retroactive modification from the date of the reversible error, to compensate the party prevailing on the appeal. Under current law, such modifications only apply from the date notice of the appeal was given to the respondent.

*Patron - Johnson*

**HB1500 Custody of minor child.** Provides that when custody is at issue there shall be a rebuttable presumption in favor of the parents having joint legal custody. Joint legal custody is described in § 20-124.1 as follows: "both parents retain joint responsibility for the care and control of the child and joint authority to make decisions concerning the child even though the child's primary residence may be with only one parent."

*Patron - Devolites*

**HB1501 Child visitation.** Requires the Supreme Court to develop and disseminate a default standard visitation plan.

*Patron - Devolites*

**HB1502 Divorce; property settlement.** Establishes a rebuttable presumption that all marital property is to be divided equally between the parties.

*Patron - Devolites*

**HB1532 Custody and visitation.** Substitutes the terms "shared parenting" and "sole parenting" for joint custody and sole custody and repeals the definition of joint custody. Custody and visitation are changed to "parenting arrangement." If there is clear and convincing evidence that the best interests of the child will be served, primary care and control of the child may be awarded to one person.

*Patron - Reid*

**SB277 Child support; medical expenses** Repeals current provisions regarding extraordinary medical expenses and provides that the parties share, in accordance with their respective income shares, all uninsured medical expenses above eight percent of the total support obligation. Eight percent of the total support obligation is presumed to be the medical expense threshold. A definition of "medical expenses" is added. The bill adds a requirement that support orders contain a provision for the payment of reasonably necessary uninsured medical expenses for dependent children. This bill is recommended by the Virginia Bar Association Coalition Committee on Family Law Legislation and is based on recommendations made by the Child Support Quadrennial Review Panel.

*Patron - Howell*

**SB462 Uniform Child Custody Jurisdiction and Enforcement Act.** Replaces the former UCCJA (1979) with an updated version addressing jurisdictional issues and expands the act to cover issues involving enforcement of custody an

visitation orders issued out of state. Jurisdiction is authorized if there is a significant connection between the parties and the Commonwealth, there is no other state that fits the definition of the child's home state and the parties are all within the Commonwealth. Additionally, a court may exercise temporary emergency jurisdiction if there is a danger of abuse to the child, a sibling or a parent. Once a court exercises jurisdiction, that jurisdiction continues and is exclusive until all parties have left the state, and any orders issued may be modified only by the state having continuing, exclusive jurisdiction. The bill therefore eliminates the current problems created when competent orders are issued in more than one state. Orders issued in other states may be registered in the juvenile courts here and enforced as Virginia orders. Attorneys for the Commonwealth are given authority to enforce orders and to use law enforcement to investigate and secure the presence of children. This bill is recommended by the Virginia Commissioners to the National Conference of Commissioners on Uniform State Laws. This bill contains some modifications from the version introduced during the 1999 Session.

*Patron - Mims*

**CSB740 Child support orders; modification.** Allows the court or administrative agency to modify a child support order to allow child support arrearages that accumulated due to extenuating circumstances to be paid in regular monthly installments after the child has reached the age when the child support obligation ceases.

*Patron - Maxwell*

## Drainage, Soil Conservation, Sanitation and Public Facilities Districts

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Passed

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**PHB594 Sanitary districts.** Allows sanitary districts to provide for the exemption from, deferral of or reduction of charges for the use of solid waste disposal systems by low-income senior citizens and permanently disabled citizens. Any such exemption, deferral or reduction may be conditioned upon the income criteria set forth in the provisions governing the exemption from or deferral of real estate taxes for these individuals.

*Patron - McQuigg*

## Education

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Passed

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**PHB20 School board salaries.** Increases the maximum annual salary for school board members in the following jurisdictions: Culpeper, from \$3,500 to \$4,500; Prince William, from \$8,000 to \$12,000; the City of Manassas, from \$2,400 to \$4,800; the City of Roanoke, from \$3,000 to \$4,200; and the City of Suffolk, from \$3,500 to \$5,000. In addition, salaries for school board members for the Cities of Colonial Heights, Falls Church, and Lynchburg are set at \$2,400, \$3,000, and \$2,400, respectively. Under current law, no school board can request the General Assembly's consideration of an increase in its annual salary limit unless the school board has taken an affirmative vote on the requested increase. Further, no school board

whose membership is elected in whole or in part can be awarded a salary increase, unless a specific salary increase is approved by affirmative vote by that school board. No salary increase may become effective during an incumbent member's term of office; however, this restriction will not apply if the school board members are elected or appointed for staggered terms. This measure incorporates HB 114, HB 431, HB 685, and HB 893.

*Patron - Woodrum*

**PHB53 Teacher-student ratios at detention homes.** Provides that teacher staffing ratios for regional or local detention homes will be based on a ratio of one teacher for every 12 beds based on the capacity of the facility; however, if the previous year's average daily attendance exceeds this bed capacity, the ratio will be based on the average daily attendance at the facility as calculated by the Department of Education from the previous year. Adoption of this measure would effectuate the reenactment clause included in HB 1268, which was passed by the 1999 Session and signed by the Governor on April 2, 1999 (1999 Acts of Assembly, c. 511).

*Patron - Crittenden*

**PHB188 Alternative education.** Clarifies that regional pilot projects for alternative education are designed for elementary as well as middle and high school students, and directs the Department of Education, in the 2001 fiscal year and upon the appropriation of funds for these purposes, to issue a request for proposals for regional pilot projects for selecte alternative education options for elementary school students. The first such grants would be awarded by September 1, 2001. The regional pilot project initiative was created in 1993; funding for middle and high school regional initiatives now covers these programs statewide.

*Patron - Diamonstein*

**PHB203 Standards of Quality; educational technology.** Revises Standard 1 (Basic skills, selected programs, an instructional personnel), Standard 3 (Accreditation, other standards and evaluation), Standard 5 (Training and professional development), and Standard 6 (Planning and public involvement) to place educational technology (computer skills and related technology) squarely within the scope of the Standards of Quality. Specifically, this provision requires (i) the Board of Education to include proficiency in the use of computers and related technology in the Standards of Learning; (ii) revises the requirement for local school board K through 12 programs to include "technological proficiency" to specify "proficiency in the use of computers and related technology"; (iii) modifies the requirements for the Standards of Accreditation to include "integration of educational technology into instructional programs" and "staff positions for supporting educational technology"; (iv) modifies the requirement for the Board of Education to provide technical assistance on professional development to local school boards designed "to seek to ensure" proficiency in the use of technology to stipulate "designed to ensure"; (v) each local school board's professional development program in educational technology to be designed to facilitate integration of computer skills and related technology into the curricula; (vi) the Board of Education's six-year technology plan to be developed "to integrate educational technology into the Standards of Learning and the curricula of the public schools in Virginia"; and (vii) local school division technology plans to be "designed to integrate educational technology into the instructional programs of the school division." A few technical syntax amendments are also made. In its initial form, the bill was a recommendation of the Joint Commission on Technology and Science.

*Patron - Plum*

**HB245 Standards of Quality; 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.

*Patron - Dillard*

**HB254 Reports of certain acts to law-enforcement and school authorities.** Adds conduct involving firebombs, explosive materials or devices, hoax explosive devices, chemical bombs, or other incendiary devices on a school bus, on school property, or at a school-sponsored activity and bomb threats or false bomb threats made against school personnel or involving school property or school buses to those incidents to be reported to school principals or their designees. The principal or his designee is to report all such incidents to the division superintendent, who must relay an annual report of these incidents to the Department. School principals must also report these incidents to law-enforcement officials pursuant to subsection D of § 22.1-280.1. The immunity statute for school personnel is also amended to include reporting or investigating these incidents. Law enforcement authorities may report this conduct, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be an adult misdemeanor. Possession of materials used in explosive devices or possession or use of such devices is a Class 5 felony. Construction or use of a hoax explosive device "so as to intentionally cause another person to believe that such device is a bomb or explosive" constitutes a Class 6 felony (§ 18.2-85). Threats to bomb or damage buildings constitute Class 5 felonies; however, persons under age 15 committing such acts would be guilty of a Class 1 misdemeanor. Currently, incidents to be reported to school principals, and, in turn, to the division superintendent and, ultimately, to the Department of Education and law-enforcement authorities, involve certain serious offenses involving assault, weapons, or controlled substances. This measure incorporates HB 406.

*Patron - Hamilton*

**HB391 Virginia Center for School Safety.** Establishes, from such funds as may be appropriated, the Virginia Center for School Safety within the Department of Criminal Justice Services. The Center is to (i) provide training for Virginia public school personnel in school safety and the effective identification of students who may be at-risk for violent behavior and in need of special services or assistance; (ii) serve as a resource and referral center for Virginia school divisions by conducting research, sponsoring workshops, and providing information regarding current school safety concerns; (iii) maintain and disseminate information to local school divisions on effective school safety initiatives in Virginia and across the nation; (iv) collect, analyze, and disseminate various school safety data, including school safety audit information, collected by the Department; (v) encourage the development of partnerships between the public and private sectors to promote school safety in Virginia; (vi) provide technical assistance to Virginia school divisions in the implementation of initiatives promoting school safety; and (vii) develop a memorandum of understanding between the Commissioner of the Department of Criminal Justice Services and the Superintendent of Public Instruction to ensure collaboration in areas of mutual concern, such as school safety audits and crime prevention. The bill will not become effective unless an appropriation effectuating the purpose of the bill is included in the 2000 appropriation act and signed into law by the Governor.

*Patron - Hamilton*

**HB430 Driver education programs.** Requires driver education programs to include instruction concerning motorcycle awareness.

*Patron - Reid*

**HB464 Possession of weapons on school property school buses, school bus stops, and during school activities.** Defines "school property" for the purpose of mandatory expulsion for possession of firearms on school property. School property is defined as any school owned or leased real property or vehicles and a vehicle operated by or on behalf of the school board.

*Patron - Tata*

**HB473 Teacher licensure by reciprocity.** Directs the Board of Education to provide for licensure by reciprocity for individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards (NBPTS) or a nationally recognized certification program approved by the Board of Education. The application for such individuals is to require evidence of such valid licensure and national certification, and shall not require official student transcripts. Current licensure regulations require individuals holding valid out-of-state licenses and seeking reciprocity in Virginia to include official student transcripts in the application process. According to Quality Counts '99, a publication of Education Week, 14 states, including North Carolina and Florida, provide license portability for out-of-state teachers having NBPTS certification. The 1999 Session of the General Assembly established the National Teacher Certification Incentive Reward Program and Fund to award incentive grants to public school teachers obtaining national certification from the National Board for Professional Teaching Standards.

*Patron - Amundson*

**HB489 Standard 3 (Accreditation, other standards and evaluation) of the Standards of Quality** Requires the Board of Education to include, in the requirements for verified credits for the standard and advanced studies diplomas, a provision that allows students completing elective classes into which the Standards of Learning (SOL) for any required course have been integrated to take the relevant SOL assessment for the relevant required course and receive, upon achieving a satisfactory score on the specific SOL test, a verified unit of credit for such elective class which must be deemed to satisfy the Board's requirement for verified credit for the required course.

*Patron - Orrock*

**HB536 Transfer of scholastic records.** Conforms current law to the requirements of the federal Family Educational Rights and Privacy Act (FERPA) by directing schools to annually notify parents of students currently enrolled and in attendance of their rights under FERPA and related regulations. In addition, a school responding to a request for the transfer of a student's scholastic record from another school division need not provide written notice of the transfer, to the parent or to a student who is 18 years of age or older, if the school has previously included in this annual notice a statement that it forwards such records to such requesting school divisions.

*Patron - Tata*

**HB588 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. This bill incorporates HB 1432.

*Patron - Black*

**HB605 Notification of reduction in force for teachers.** Directs any school board in a county having the county executive form of government that is adjacent to a county having the urban county executive form of government (Prince William) to notify by May 15 those teachers who may be subject to a reduction in force due to a decrease in the school board's budget as approved by the appropriating body

*Patron - McQuigg*

**HB633 Standards of Learning.** Requires, by October 1, 2000, the Board of Education to establish a regular schedule for the review and revision as may be necessary of the Standards of Learning (SOL) in all subject areas. The review of each subject area shall occur at least once every seven years; however, the Board may conduct such review and revision on a more frequent basis. A second enactment clause requires the Board to begin, by November 1, 2000, the review and revision of the SOL with a review and revision of the Social Studies Standards of Learning. The Board must concentrate its first cycle of review and revision on those SOLs linked to verified units of credit.

*Patron - Darner*

**HB635 School boards and appropriating bodies.** Provides that references throughout Title 22.1 to "governing body" or "local governing body" means the governing body of the county, city and town responsible for appropriating funds for the locality.

*Patron - Dillard*

**HB650 Teacher grievance procedure** Amends the teacher grievance procedure to provide that the members of the three-person panel must not be parties to, or witnesses to, the matter grieved and that panel members are prohibited from conducting an independent investigation involving the matter grieved.

*Patron - McDonnell*

**HB742 Residential charter schools for at-risk students.** Permits the creation of residential charter schools for at-risk students by a single school division or by two or more school divisions as a joint school. Applications for residential charter schools are to include a description of the residential program, facilities, and staffing; any parental education and after-care initiatives; funding sources for the residential and other services provided; and any counseling or other social services to be provided and their coordination with any current state or local initiatives. In addition, school boards are authorized to employ such health, mental health, social services, and other personnel for residential charter schools as contemplated in the charter agreement; however, there is no obligation for a school board to fund the residential or other services provided by a residential charter school. The conditions for funding the charter school will include funding for the educational program to be provided by the residential charter school for at-risk students. This measure, as introduced, was a recommendation of the special subcommittee of the House Committee on Education examining residential academies for at-risk students.

*Patron - Rhodes*

**HB785 Charter schools.** Clarifies that school divisions may authorize the creation of regional charter schools to be operated and chartered by two or more participating school boards and emphasizes that charter schools are public schools. This bill also clarifies that charter schools, as public schools

are subject to the requirements 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. The requirement that no more than two charter schools per school division be approved prior to July 1, 2000, has been deleted. Finally, the bill provides that charter schools will 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. This bill is identical to SB 411.

*Patron - Harris*

**HB805 Donations of obsolete hardware and software to students.** Permits school divisions to donate obsolete hardware and software to be replaced pursuant to the technology replacement program to public school students as provided in guidelines to be promulgated by the Board of Education. The guidelines must include criteria for determining student eligibility and need; a reporting system for the compilation of information concerning the number and socioeconomic characteristics of recipient students; and notification of parents of the availability of such donations of obsolete educational hardware and software. Currently, donations from school divisions may be offered to other school divisions and preschools.

*Patron - Tata*

**HB815 Prohibitions against obscene or profane language or conduct** Requires each school board to include, in its standards of student conduct, prohibitions against profane or obscene language. Several states have enacted similar statutes authorizing these disciplinary actions.

*Patron - Joannou*

**HB865 Transmission to school boards of records of founded complaints of child abuse and neglect** Requires the Department of Social Services to respond to requests by local school boards in cases where there is no match within the central registry of a founded complaint of child abuse or neglect regarding applicants for employment within 10 business days of receipt of such requests. In cases where there is a match within the central registry, the Department shall respond within 30 business days. The response may be by first-class mail or facsimile transmission. This bill is identical to SB 691.

*Patron - Tata*

**HB867 Legal action for test security violations.** Permits the Office of the Attorney General, on behalf of the Board of Education, to bring a cause of action for injunctive relief or civil penalty, or both, against any person who knowingly and willfully commits specified acts regarding secure mandatory tests administered to students required by the Code of Virginia or by the Board of Education, such as the Standards of Learning assessments. Among the enumerated prohibited acts are permitting unauthorized access to secure test questions; copying all or any portion of any secure test booklet; making available test answer keys; and making false certifications on the test security form established by the Department of Education. The measure defines a "secure test" as an item, question, or test that has not been made publicly available by the Department of Education. The measure is not to be construed as restricting the actions of the Board, the Department, or the Superintendent of Public Instruction in test development or selection, test form construction, standard setting, test scoring and reporting, and other related activities. The civil penalties collected by such actions are not to exceed \$1,000 for each violation and are to be deposited in the Literary Fund. In addition,

tion, the bill authorizes the Board of Education to suspend or revoke the teaching or administrative license of persons who knowingly and willfully commit specific acts regarding secure mandatory tests. No person whose license has been suspended or revoked will be subject to a civil penalty for the same infraction. This bill is identical to SB 548.

*Patron - Tata*

**HB903 Lottery Proceeds Nonrecurring Costs Fund.** Allows the governing body of any locality to authorize the local treasurer or fiscal officer, by ordinance or resolution, to create a separate escrow account upon the books of the locality for the deposit of that portion of the locality's appropriation from the lottery proceeds which are designated, pursuant to Item 139 B 4 of Chapter 935 of the 1999 Acts of Assembly or any other state law, to be used for nonrecurring costs. Non-recurring costs are defined, in the budget and in this provision, as including school construction, additions, infrastructure, site acquisition, renovations, technology, and other expenditures related to modernizing classroom equipment, and debt service payments on school projects completed during the last 10 years. The escrow accounts for the school construction grants cannot be used for the deposit of the nonrecurring costs appropriations.

*Patron - Diamonstein*

**HB927 Northern Neck-Middle Peninsula Public Education Consortium.** Establishes the Northern Neck-Middle Peninsula Public Education Consortium, governed by a board consisting of the region's school superintendents, the president or his designee of Rappahannock Community College, the Director of the Virginia Institute of Marine Science, and seven citizen members representing business, industry, and community interests in the region. The region's legislators will serve as nonvoting, advisory members of the board. The board may appoint additional nonvoting, advisory members to assist in the performance of its duties. The Consortium is to coordinate with educational institutions and agencies in the Commonwealth and surrounding areas to develop joint educational initiatives; promote and establish, in conjunction with the Department of Education and the region's public school divisions, regional programs to address area educational needs; coordinate the development and sharing of programs, educational techniques, and resources among and between the region's school divisions and institutions of higher education; and provide technical assistance to school divisions for the implementation of effective educational programs. From such funds as may be appropriated or received, an executive director may be appointed and is authorized to employ staff. This bill will not become effective unless an appropriation effectuating its purposes is included in the 2000 appropriation act, passed during the 2000 Session of the General Assembly, and signed into law by the Governor.

*Patron - Pollard*

**HB975 Remediation program regulations.** Directs school divisions to report to the Board of Education the number of students who successfully complete the objectives of remedial programs which they attended due to their performance on the Standards of Learning assessments. The bill also requires that the Board of Education promulgate regulations establishing standards for remediation programs by August 1, 2000. The second and third enactment clauses of Chapter 537 of the Acts of Assembly of 1999 are repealed to eliminate conflicts between the current reporting requirements of the law and the technical capacity of school divisions to comply with the requirements, as referenced in Board regulations. This bill is a recommendation of the Joint Subcommittee on Remediation.

*Patron - VanYahres*

**HB983 Health; immunizations and certificates.** Allows registered nurses, in addition to physicians and employees of local health departments, to immunize schoolchildren as required by statute and to provide certificates or documentary proof of such immunizations. The bill also deletes the requirement that physicians and nurses who certify that public school employees have been tested and found free of tuberculosis be employees of a local health department.

*Patron - Rhodes*

**HB987 Certain organizations approving accreditation processes.** Provides that the Board of Education may authorize, in a manner it deems appropriate, the Virginia Council for Private Education (VCPE) to accredit private nursery, preschool, elementary, and secondary schools, for purposes of facilitating the transfer of academic credits for students who have attended private schools and are now enrolling in public schools and to satisfy the accreditation requirement for an exemption from licensure for certain child day programs. Private schools are not required to be accredited by state law; however, they may seek accreditation from the Board of Education. In addition, various private organizations perform this accreditation function and may be approved by VCPE, which has an ongoing agreement with the Board acknowledging this arrangement.

*Patron - Rhodes*

**HB1009 Education; Western Virginia Public Education Consortium.** Creates the Western Virginia Public Education Consortium, governed by a board consisting of the region's school superintendents. The region's legislators will serve as nonvoting advisory members. The Consortium is to coordinate with entities providing programs and services to Consortium school divisions to reduce duplication of efforts; identify needs of member school divisions and develop plans and programs responding to those needs; facilitate the coordination of programs affecting K-12 vocational and technical education, workforce development, and other linkages; coordinate technology-related activities; develop and maintain linkages with schools and school divisions in Northern Virginia to promote enhanced usage of educational technology; and create the capacity for development of shared services and activities. The Consortium's offices are to be housed at Radford University. An executive director shall be appointed and authorized to employ staff.

*Patron - Shuler*

**HB1010 Student possession and self-administration of inhaled asthma medications.** Directs school boards to develop and implement policies to permit students who have a diagnosis of asthma to possess and self-administer inhaled asthma medications during the school day. The student must have written consent from a parent; written notice from a doctor or nurse practitioner that identifies the student, notes the diagnosis of asthma and approval to self-administer inhaled asthma medications; specifies the name and dosage of the medication, the frequency of administration, and circumstances which warrant the use of the medication; and attests to the student's demonstrated ability to self-administer safely and effectively. The policies must also provide for development of an individualized health care plan, including emergency procedures for any life-threatening conditions; consultation with the student's parent before any limitations or restrictions are imposed on the student's possession and self-administration of inhaled asthma medications, and before the permission to possess and self-administer inhaled asthma medications is revoked; for the self-administration of inhaled asthma medication to be consistent with the purposes of the Virginia School Health Guidelines and the Guidelines for Specialized Health

Care Procedure manuals; and for disclosure or dissemination of information pertaining to the health condition of a student to school board employees to comply with state and federal law relating to student scholastic records. The permission to possess and self-administer asthma medications is effective for one year, defined as 365 calendar days, and must be renewed annually. School principals and other employees of school boards and local health department personnel assigned to public schools, who supervise the self-administration of inhaled asthma medications by a student, will be immune from liability for any civil damages for acts or omissions resulting from the supervision of self-administration of inhaled asthma medications, when such function is performed in good faith, without compensation, and in the absence of gross negligence or willful misconduct. The measure incorporates HB 1386.

*Patron - Morgan*

**HB1019 Release of Standards of Learning assessments.** Directs the Board of Education to make publicly available the Standards of Learning (SOL) assessments in a timely manner and as soon as practicable following the administration of these tests, so long as this release does not compromise test security or deplete the bank of assessment questions necessary to construct subsequent tests. In addition, the SOL assessments, and any other tests or examinations developed or prescribed by the Board pursuant to Standard 3 of the Standards of Quality, are not to be required to be released as "minimum competency tests" if the Board determines the release would breach test security or deplete questions.

*Patron - Dillard*

**HB1020 Standards of Learning assessments; social studies.** Directs the Board of Education, in prescribing the Standards of Learning assessments, to provide local school boards the option of administering tests for United States History to 1877, United States History: 1877 to the Present, and Civics and Economics. Currently, the course content for these social studies areas are taught at different times between the 6th and the 8th grades in Commonwealth's school divisions; the Standards of Learning assessment for social studies at the 8th grade level covers all three areas. This provision will not become effective unless an appropriation effectuating its purposes is included in the 2000 appropriation act, passed during the 2000 Session of the General Assembly, and signed into law by the Governor.

*Patron - Dillard*

**HB1097 Criminal history record check; Floyd County Public Schools.** Adds Floyd County to the list of local school boards that require applicants who are offered or who accept permanent or temporary, part-time or full-time employment with the school board to submit to fingerprinting and a criminal history record check through the Central Criminal Records Exchange of the Federal Bureau of Investigation.

*Patron - Dudley*

**HB1147 Parental responsibility for student behavior.** Provides that the juvenile and domestic relations court, upon finding that a parent has willfully and unreasonably failed to accompany a suspended student to meet with school officials to discuss improving the student's behavior, or upon the student's receiving a second suspension or being expelled, may order not only the student or his parent, but both parents, if they have legal and physical custody, to participate in such programs or such treatment, including parenting counseling or a mentoring program, as the court deems appropriate to improve the student's behavior. In addition, the court may order both the student and his parents to be subject to such conditions and limitations as the court deems appropriate for the supervision, care, and rehabilitation of the student or his par-

ent. Current language indicates these options are available for the student or his parent. In addition, the bill provides that the principal may request the student's parent or parents, if both parents have legal and physical custody, to meet to discuss student conduct standards and other matters. The measure also includes a technical amendment.

*Patron - Barlow*

**HB1196 Standard 3 (Accreditation, other standards and evaluation) of the Standards of Quality** Requires the Board of Education, in establishing course and credit requirements for a high school diploma, to establish a procedure that allows qualified students, with the recommendation of the division superintendent, to obtain credit for a class upon demonstration of mastery of the course content and objectives, without completing the 140-hour class. Having received credit for the course, the student will be permitted to sit for the relevant Standards of Learning assessment and, upon receiving passing score, will earn a verified credit. The bill also includes a technical amendment concerning teacher licensure.

*Patron - Hargrove*

**HB1212 Certain school board agreements.** Amends the statute authorizing school boards to permit the use of school property, under such conditions as will not impair the efficiency of the schools, to allow the school boards to authorize the division superintendent to permit use of the school property, including buildings, grounds, vehicles, and other property, under such conditions as the school board deems will not impair the efficiency of the schools and are, therefore, proper. Permitted uses of buildings are specifically noted to include, but not be limited to, use as voting places in any primary, regular or special election and operation of a local or regional library pursuant to an agreement between the school board and a library board created as provided in § 42.1-35.

*Patron - Cantor*

**HB1238 School boards; criminal records checks of employees.** Directs all school boards to (i) require, as a condition of employment, fingerprinting for applicants who are offered or who accept school board employment, whether on a temporary, permanent, or part- or full-time basis, and (ii) submit the fingerprints and descriptive information through the Central Criminal Records Exchange to the Federal Bureau of Investigation to obtain the applicant's national criminal records history. Similarly, all school boards receiving a report of employee arrests for specific serious crimes are to require the employee to undergo fingerprinting and a criminal records check. The school board (i) may pay for all or a portion of the cost of the fingerprinting or criminal records check, or (ii) may, in its discretion, require the applicant to pay for all or a portion of the cost of such fingerprinting or criminal records checks. The statute now directs 56 jurisdictions (32 counties and 24 cities) to require these criminal records checks. Currently, the records are searched for all felonies and any misdemeanors involving drugs, abuse or neglect of children, moral turpitude, obscenity offenses, and sexual assault. In addition, school boards also receive reports of arrests for these crimes for current employees, who must then submit to fingerprinting and a criminal records check. The school board may now require applicants and employees to pay for the fingerprinting and records check or may pay for these services from such funds as may be available for that purpose.

*Patron - Tata*

**HB1353 Remediation programs.** Re-arranges paragraphs of Standard 1 of the Standards of Quality, pertaining to remediation programs and requirements in order to provide consistency, clarity, and readability. This provision clarifies that any student who does not pass the literacy tests or

any of the Standards of Learning assessments in grades three, five, or eight must be required to attend a summer school program or to participate in another form of remediation and that any student who passes one or more, but not all, of the Standards of Learning assessments in grades three, five, or eight may be required to attend a remediation program. In addition, the measure provides that summer school and other remediation must be chosen by the division superintendent to be appropriate to the academic needs of the student. This bill is a recommendation of the Joint Subcommittee on Remediation.

*Patron - VanYahres*

**HB1355 Virginia Innovative Remedial Education Pilot Program.** Changes the date for which the first grant awards must be made to approved pilot programs to January 1, 2001, and makes technical changes. This bill is a recommendation of the Joint Subcommittee on Remediation.

*Patron - VanYahres*

**HB1361 Reports of certain offenses to school authorities.** Authorizes law-enforcement officers to report suspected violations of the Drug Control Act by students that occurred on school property, on a school bus, or at a school-sponsored activity to school principals.

*Patron - Griffith*

**HB1404 Virginia Teaching Scholarship Loan Program.** Modifies the Virginia Teaching Scholarship Loan Program to (i) allow support through gifts, donations, grants, bequests, and other funds that may be obtained by the Department of Education; (ii) expand the Program to include scholarships to support critical teacher shortage disciplines, including special education as well as paraprofessional development; and (iii) to expand eligibility to include part-time students, sophomores and graduate students. Board regulations will include in the award criteria consideration of teacher shortages in rural and urban areas and in certain teaching endorsements. Scholarship recipients are to agree to teach in Virginia public schools in a critical teaching shortage discipline or, regardless of teaching discipline, in a school with a high concentration of students eligible for free or reduced lunch or in a rural or urban region of Virginia experiencing a teacher shortage. This bill also renames the Diversity in Teaching Program as the Diversity in Teaching Initiative, a component of the Virginia Teaching Scholarship Loan Program. The Initiative will provide incentives to students of diverse backgrounds and will consist of five pilot projects distributed across Virginia. The Board is to develop criteria for Diversity Initiative scholarships in consultation with the Office of the Attorney General. The bill also designates the present trust fund to cover the umbrella program (the Virginia Teaching Scholarship Loan Program) instead of solely for the Diversity in Teaching Initiative and requires Diversity in Teaching funds to be accounted for separately within the fund and distributed solely for scholarships awarded pursuant to the Diversity in Teaching Initiative. The Board of Education is required to promulgate emergency regulations, regardless of whether additional funds are appropriated for this program. The Board of Education is to promulgate emergency regulations to implement the Program within 280 days of its enactment. This measure is identical to HB 1408, SB 630, SB 652, and SB 737, and incorporates HB 946, HB 1227, HB 1263, HB 1318, HB 1453, and HB 1441.

*Patron - Christian*

**HB1406 Virginia Gifted Education Pilot Program.** Extends the expiration date on the provisions of the Virginia Gifted Education Pilot Program to July 1, 2003.

*Patron - Christian*

**HB1408 Virginia Teaching Scholarship Loan Program.** Modifies the Virginia Teaching Scholarship Loan Program to (i) allow support through gifts, donations, grants, bequests and other funds that may be obtained by the Department of Education; (ii) expand the Program to include scholarships to support critical teacher shortage disciplines, including special education as well as paraprofessional development; and (iii) to expand eligibility to include part-time students, sophomores and graduate students. Board regulations will include in award criteria consideration of teacher shortages in rural and urban areas and in certain teaching endorsements. Scholarship recipients are to agree to teach in Virginia public schools in critical teaching shortage discipline or, regardless of teaching discipline, in a school with a high concentration of students eligible for free or reduced lunch or in a rural or urban region of Virginia experiencing a teacher shortage. This bill also renames the Diversity in Teaching Program as the Diversity in Teaching Initiative, a component of the Virginia Teaching Scholarship Loan Program. The Initiative will provide incentives to students of diverse backgrounds and will consist of five pilot projects distributed across Virginia. The Board is to develop criteria for Diversity Initiative scholarships in consultation with the Office of the Attorney General. The bill also designates the present trust fund to cover the umbrella program (the Virginia Teaching Scholarship Loan Program) instead of solely for the Diversity in Teaching Initiative and requires Diversity in Teaching funds to be accounted for separately within the fund and distributed solely for scholarships awarded pursuant to the Diversity in Teaching Initiative. The Board of Education is required to promulgate emergency regulations, regardless of whether additional funds are appropriated for this program. The Board of Education is to promulgate emergency regulations to implement the Program within 280 days of its enactment. This measure is identical to HB 1404, SB 630, SB 652, and SB 737, and incorporates HB 946, HB 1227, HB 1263, HB 1318, HB 1453, and HB 1441.

*Patron - Crittenden*

**HB1438 Preschool physical examinations.** Allows a licensed nurse practitioner acting under the supervision of a licensed physician to provide a report of the comprehensive physical examination which is required within the 12 months prior to the date the pupil first enters public kindergarten or elementary school. In addition, the licensed nurse practitioner may summarize any abnormal physical findings and indicate any conditions that might identify the pupil as disabled in the report. Currently, this reporting responsibility is limited to licensed physicians. Pursuant to § 22.1-178, nurse practitioners may currently perform and sign the report of the results of physical examinations required for the employment of school bus drivers.

*Patron - O'Brien*

**HB1445 Student searches.** Directs school boards to adopt and revise, to be effective for the 2001-2002 school year, regulations governing student searches that are consistent with Board of Education's recently issued guidelines.

*Patron - Hull*

**HB1468 Compulsory school attendance.** Provides that a student who has been granted an alternative education plan and who fails to comply with the conditions of the plan will be in violation of the compulsory school attendance law. The division superintendent or attendance officer of the school division in which such student was last enrolled must seek the student's immediate compliance with the compulsory school attendance law.

*Patron - Hamilton*



**HB1484 Standards of Learning assessments.** Authorizes the Board of Education with such funds as may be appropriated for this purpose, to provide, through an agreement with vendors having the technical capacity and expertise to provide computerized tests and assessments, and test construction, analysis, and security, for (i) web-based computerized tests and assessments for the evaluation of student progress during and after remediation and (ii) the development of a remediation item bank directly related to the Standards of Learning. This bill will not become effective unless an appropriation effectuating its purposes is included in the 2000 appropriation act, passed during the 2000 Session of the General Assembly and signed into law by the Governor

*Patron - Rhodes*

**HB1517 Planning time for teachers.** Requires local school boards to seek to ensure that elementary school teachers in their employment have at least three hours during the students' school week for planning time.

*Patron - McEachin*

**HB1541 School board policies regarding certain activities.** Requires, no later than August 1, 2001, local school boards to develop and implement policies to ensure that public school students are not required to convey or deliver any materials that (i) advocate the election or defeat of any candidate for elective office, (ii) advocate the passage or defeat of any referendum question, or (iii) advocate the passage or defeat of any matter pending before a local school board, local governing body or the General Assembly of Virginia or the Congress of the United States. This provision must not be construed to prohibit the discussion or use of political or issue-oriented materials as part of classroom discussions or projects or to prohibit the delivery of informational materials.

*Patron - O'Brien*

**SB15 School board salaries.** Increases the maximum salary for the Prince William County School Board from \$8,000 to \$12,000; and adds the Town of Colonial Heights, with its current salary of \$2,400, and the City of Falls Church, with a maximum salary of \$3,000. Pursuant to subsection C, the chairman may be paid an additional \$1,100. This bill now incorporates the provisions of SB 138 (Martin) and SB 500 (Whipple).

*Patron - Chichester*

**SB113 Teacher licensure.** Establishes a mechanism for local school boards to issue three-year local teacher licenses. Such licenses would only be valid within the issuing school division, would not entitle the holder to continuing contract status, would not be renewable, and could be conditioned upon the completion of additional training. No more than 10 percent of the classroom teachers employed by the relevant local school division may hold such local licenses, based on the number of classroom teachers employed by the school division during the preceding school year. The holder of a locally issued license would be a probationary teacher for the entire three years, would be eligible to apply for a regular license issued by the Department of Education upon satisfaction of the relevant requirements, and would be subject to and entitled to all other requirements and rights provided in law and regulation. No applicant could be issued a local license if such person is eligible to be licensed by the Department of Education. This bill amends several existing licensure/terms of employment statutes to provide the appropriate references, etc. to the local licensure procedure.

*Patron - Potts*

**SB114 Virginia history requirement in middle and high school** Amends the requirement for study of documents of Virginia history and the United States Constitution to require emphasis on the relationship between the various documents and Virginia history and to state the purpose of this study as being to "increase knowledge of citizens' rights and responsibilities thereunder and to enhance the understanding of Virginia's unique role in the history of the United States." Standard 1 is also amended to clarify that the essential skills and concepts of citizenship include knowledge of Virginia history and world and United States history

*Patron - Potts*

**SB147 Public school enrollment of 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. Corresponding amendments are made to address those residences that may lie in more than one school division. School divisions may, upon receipt of an affidavit from persons seeking to enroll these pupils in public schools denoting that a street address cannot be provided, accept an alternative address in a form it deems appropriate. In addition, the school division is to refer these pupils, upon receipt of an affidavit from the person seeking to enroll the pupil that the requisite health examination report and records cannot be provided due to the pupil's homelessness, to the county or city health department for the required health examination materials.

*Patron - Quayle*

**SB170 Programs designed to promote educational opportunities.** Provides that the guidelines for the at-risk four-year-old preschool program may be differentiated according to the agency delivering the services in order to comply with various federal or state requirements and that the guidelines for the programs delivered by the public schools must require (i) one teacher for any class of nine students or less, (ii) if the average daily membership in any class exceeds nine students but does not exceed 18 students, a full-time teacher's aide must be assigned to the class, and (iii) the maximum class size must be 18 students. Currently, the Department of Education's guidelines require a pupil/teacher ratio of 8/1 and a maximum class size of 18. Pursuant to this provision, the Department may differentiate its service criteria according to the various service providers in order to comply with any relevant federal or state requirements, e.g., Head Start requires a 9/1 ratio and limits the maximum class size to 19 students. Certain provisions of the bill are based on moneys appropriated in the Appropriation Act.

*Patron - Puller*

**SB209 One minute of silence.** Revises the current law authorizing school boards to establish moments of silence for meditation, prayer or other silent activity to require daily observation of a moment of silence, not to exceed one minute, in every classroom in the public schools in Virginia. The current requirement that the teacher responsible for each classroom must take care that all pupils remain seated and silent and make no distracting display during this time is retained. The student may, in the exercise of his or her individual choice,

meditate, pray, or reflect or engage in any other silent activity which does not interfere with, distract, or impede other pupils in the like exercise of individual choice. The Office of the Attorney General is authorized to intervene and must provide legal counsel for defense of this provision. In addition, the Commonwealth of Virginia will be responsible for all legal fees incurred by any local school board for defense of this statute.

*Patron - Barry*

**SB224 Designation of race or ethnicity by public school elementary students** Prohibits school board employees administering tests or other assessment instruments from requiring any public elementary school students being tested to disclose their race or ethnicity on any such tests. This provision will not prevent relevant school division personnel from obtaining such information from the students' permanent records and placing this information on the test or assessment instrument.

*Patron - Miller, K.G.*

**SB244 Lottery Proceeds Nonrecurring Costs Fund.** Allows the governing body of any locality to authorize the local treasurer or fiscal officer, by ordinance or resolution, to create a separate escrow account upon the books of the locality for the deposit of that portion of the locality's appropriation from the lottery proceeds which are designated, pursuant to Item 139 B 4 of Chapter 935 of the 1999 Acts of Assembly or any other state law, to be used for nonrecurring costs. Non-recurring costs are defined, in the budget and in this provision, as including school construction, additions, infrastructure, site acquisition, renovations, technology, and other expenditures related to modernizing classroom equipment, and debt service payments on school projects completed during the last 10 years. The escrow accounts for the school construction grants cannot be used for the deposit of the nonrecurring costs appropriations.

*Patron - Bolling*

**SB248 Driver education programs.** Requires driver education programs to include instruction concerning motorcycle awareness. This measure is identical to HB 430.

*Patron - Houck*

**SB289 Teacher licensure by reciprocity.** Directs the Board of Education to provide for licensure by reciprocity for individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards (NBPTS) or a nationally recognized certification program approved by the Board of Education. The application for such individuals is to require evidence of such valid licensure and national certification, and shall not require official student transcripts. Current licensure regulations require individuals holding valid out-of-state licenses and seeking reciprocity in Virginia to include official student transcripts in the application process. According to Quality Counts '99, a publication of Education Week, 14 states, including North Carolina and Florida, provide license portability for out-of-state teachers having NBPTS certification. The 1999 Session of the General Assembly established the National Teacher Certification Incentive Reward Program and Fund to award incentive grants to public school teachers obtaining national certification from the National Board for Professional Teaching Standards. This measure is identical to HB 473.

*Patron - Puller*

**SB307 Criminal history record check; Floyd County Public Schools.** Adds Floyd County to the list of local school boards that require applicants who are offered or who accept permanent or temporary, part-time or full-time employ-

ment with the school board to submit to fingerprinting and a criminal history record check through the Central Criminal Records Exchange of the Federal Bureau of Investigation. This measure is identical to HB 1097.

*Patron - Reynolds*

**SB318 Standards of Learning assessments.** Directs the Board of Education to, in consultation with the chairpersons of the eight regional superintendents' study groups, establish a timetable for administering the Standards of Learning assessments to ensure genuine end-of-course and end-of-grade testing.

*Patron - Reynolds*

**SB364 Western Virginia Public Education Consortium.** Creates the Western Virginia Public Education Consortium, governed by a board consisting of the region's school superintendents. The region's legislators will serve as nonvoting advisory members. The Consortium is to coordinate with entities providing programs and services to Consortium school divisions to reduce duplication of efforts; identify needs of member school divisions and develop plans and programs responding to those needs; facilitate the coordination of programs affecting K-12 vocational and technical education, workforce development, and other linkages; coordinate technology-related activities; develop and maintain linkages with schools and school divisions in Northern Virginia to promote enhanced usage of educational technology; and create the capacity for development of shared services and activities. The Consortium's offices are to be housed at Radford University. An executive director shall be appointed and authorized to employ staff. This measure is identical to HB 1009.

*Patron - Trumbo*

**SB411 Charter schools.** Clarifies that school divisions may authorize the creation of regional charter schools to be operated and chartered by two or more participating school boards and emphasizes that charter schools are public schools. This bill also clarifies that charter schools, as public schools, are subject to the requirements 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. The requirement that no more than two charter schools per school division be approved prior to July 1, 2000, has been deleted. Finally, the bill provides that charter schools will 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. This bill is identical to HB 785.

*Patron - Barry*

**SB437 Preschool physical examinations.** Allows a licensed nurse practitioner acting under the supervision of a licensed physician to provide a report of a comprehensive physical examination of a pupil within the 12 months prior to the date the pupil first enters such public kindergarten or elementary school. In addition, the licensed nurse practitioner may summarize any abnormal physical findings and indicate any conditions that might identify the pupil as disabled in the report. Currently, this reporting responsibility is limited to licensed physicians. Pursuant to § 22.1-178, nurse practitioners may currently perform and sign the report of the results of physical examinations required for the employment of school bus drivers. This measure is identical to HB 1438.

*Patron - Potts*

**SB483 Special tax district in Westmoreland County.** Authorizes the establishment of a special tax district within Westmoreland County. The special tax district will encompass the county school division with the exclusion of the Town of Colonial Beach. This bill provides for a very careful, detailed calculation of the revenues attributable to the count and those revenues attributable to the town, with the calculations drawn according to state law and pro rata allocation of each jurisdiction's tax revenue, etc. using fractions (percentages) and committing the jurisdictions to using baseline data that is clearly identifiable. Any dispute will be settled by an arbitration panel, consisting of one person not associated with the county but selected by the county, one person not associated with the town but selected by the town, and the Auditor of Public Accounts, with the majority decision binding on both jurisdictions. The bill contains an emergency clause.

*Patron - Chichester*

**SB487 Study of the contributions to society of diverse people.** Amends the Standards of Quality to require that the Board of Education supplement the Standards of Learning for Social Studies to ensure the study of contributions to society of diverse people. "Diverse" is defined as including consideration of disability, ethnicity, race, and gender.

*Patron - Lambert*

**SB499 Admission to public schools for certain students; tuition charges** Revises the provision authorizing school boards to admit nonresident students and charge such students tuition to provide that persons of school age who reside beyond the boundaries of the Commonwealth but near thereto in a state or the District of Columbia which grants the same privileges to residents of the Commonwealth may be admitted and so charged. Currently, the nearby jurisdiction must border the admitting school division.

*Patron - Whipple*

**SB545 Extended School Year Incentive Program.** Creates the Extended School Year Incentive Program from such funds as may be appropriated, to be administered by the Board of Education, for incentive grants for public school divisions for the operation of schools beyond the 180-day school year required by the Standards of Accreditation. The grants shall not be awarded to support summer school initiatives. The provisions of the bill will not become effective unless an appropriation is included in the 2000 appropriation act, passed by the General Assembly, and signed into law by the Governor

*Patron - Marye*

**SB548 Legal action for test security violations.** Permits the Office of the Attorney General, on behalf of the Board of Education to bring a cause of action for injunctive relief or civil penalty, or both, against any person who knowingly and willfully commits specified acts regarding secure mandatory tests administered to students required by the Code of Virginia or by the Board of Education, such as the Standards of Learning assessments. Among the enumerated prohibited acts are permitting unauthorized access to secure test questions; copying all or any portion of any secure test booklet; making available test answer keys; and making false certifications on the test security form established by the Department of Education. The measure defines a "secure test" as an item, question, or test that has not been made publicly available by the Department of Education. The measure is not to be construed as restricting the actions of the Board, the Department, or the Superintendent of Public Instruction in test development or selection, test form construction, standard setting, test scoring and reporting, and other related activities. The civil penalties collected by such actions are not to exceed \$1,000 for each

violation and are to be deposited in the Literary Fund. In addition, the bill authorizes the Board of Education to suspend or revoke the teaching or administrative license of persons who knowingly and willfully commit specific acts regarding secure mandatory tests. No person whose license has been suspended or revoked will be subject to a civil penalty for the same infraction. This measure incorporates SB 547.

*Patron - Newman*

**SB606 Standards of Learning.** Requires, by October 1, 2000, the Board of Education to establish a regular schedule for the review and revision as may be necessary of the Standards of Learning (SOL) in all subject areas. The review of each subject area shall occur at least once every seven years; however, the Board may conduct such review and revision on a more frequent basis. A second enactment clause requires the Board to begin, by November 1, 2000, the review and revision of the SOL with a review and revision of the Social Studies Standards of Learning. The Board must concentrate its first cycle of review and revision on those SOLs linked to verified units of credit. This measure is similar, but not identical, to HB 633.

*Patron - Saslaw*

**SB630 Virginia Teaching Scholarship Loan Program.** Modifies the Virginia Teaching Scholarship Loan Program to (i) allow support through gifts, donations, grants, bequests and other funds that may be obtained by the Department of Education; (ii) expand the Program to include scholarships to support critical teacher shortage disciplines, including special education as well as paraprofessional development; and (iii) to expand eligibility to include part-time students, sophomores and graduate students. Board regulations will include in award criteria consideration of teacher shortages in rural and urban areas and in certain teaching endorsements. Scholarship recipients are to agree to teach in Virginia public schools in critical teaching shortage discipline or, regardless of teaching discipline, in a school with a high concentration of students eligible for free or reduced lunch or in a rural or urban region of Virginia experiencing a teacher shortage. The measure also renames the Diversity in Teaching Program as the Diversity in Teaching Initiative, a component of the Virginia Teaching Scholarship Loan Program. The Initiative will provide incentives to students of diverse backgrounds and will consist of five pilot projects distributed across Virginia. The Board is to develop criteria for Diversity Initiative scholarships in consultation with the Office of the Attorney General. The bill also designates the present trust fund to cover the umbrella program (the Virginia Teaching Scholarship Loan Program) instead of solely for the Diversity in Teaching Initiative and requires Diversity in Teaching funds to be accounted for separately within the fund and distributed solely for scholarships awarded pursuant to the Diversity in Teaching Initiative. The Board of Education is required to promulgate emergency regulations, regardless of whether additional funds are appropriated for this program to implement the Program within 280 days of the enactment of this measure. This measure is identical to HB 1404, HB 1408, SB 652, and SB 737.

*Patron - Miller, Y.B.*

**SB652 Virginia Teaching Scholarship Loan Program.** Modifies the Virginia Teaching Scholarship Loan Program to (i) allow support through gifts, donations, grants, bequests and other funds that may be obtained by the Department of Education; (ii) expand the Program to include scholarships to support critical teacher shortage disciplines, including special education as well as paraprofessional development; and (iii) to expand eligibility to include part-time students, sophomores and graduate students. Board regulations will include in award criteria consideration of teacher shortages in rural and

urban areas and in certain teaching endorsements. Scholarship recipients are to agree to teach in Virginia public schools in a critical teaching shortage discipline or, regardless of teaching discipline, in a school with a high concentration of students eligible for free or reduced lunch or in a rural or urban region of Virginia experiencing a teacher shortage. The measure also renames the Diversity in Teaching Program as the Diversity in Teaching Initiative, a component of the Virginia Teaching Scholarship Loan Program. The Initiative will provide incentives to students of diverse backgrounds and will consist of five pilot projects distributed across Virginia. The Board is to develop criteria for Diversity Initiative scholarships in consultation with the Office of the Attorney General. The bill also designates the present trust fund to cover the umbrella program (the Virginia Teaching Scholarship Loan Program) instead of solely for the Diversity in Teaching Initiative and requires Diversity in Teaching funds to be accounted for separately within the fund and distributed solely for scholarships awarded pursuant to the Diversity in Teaching Initiative. The Board of Education is required to promulgate emergency regulations, regardless of whether additional funds are appropriated for this program to implement the Program within 280 days of the enactment of this measure. This measure is identical to HB 1404, HB 1408, SB 630, and SB 737.

*Patron - Marsh*

**SB654 Virginia Gifted Education Consortium.** Extends the expiration of the provisions of the act to July 1, 2003. This bill is a recommendation of the Joint Subcommittee Studying the Educational Needs of Certain Underserved Gifted Students.

*Patron - Houck*

**SB673 Advisory Commission on the Virginia Schools for the Deaf and the Blind; per diem.** Authorizes per diem for legislative members serving on the Advisory Commission on the Virginia Schools for the Deaf and the Blind.

*Patron - Hanger*

**SB675 Virginia Schools for the Deaf and the Blind.** Changes the name of the Virginia School for the Deaf and the Blind at Hampton to the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton to reflect more accurately its mission. Currently, the Virginia School for the Deaf and the Blind at Hampton and the Virginia School for the Deaf and the Blind at Staunton are referenced in the Code together as the Virginia Schools for the Deaf and the Blind. The operational control of the schools is the responsibility of the Board of Education, which establishes the rules and regulations for the governance of the schools. The schools' activities and educational programs are administered, supervised, and directed by the Superintendent of Public Instruction. This bill alters the name of the school at Hampton and does not affect the powers and duties of the Board of Education and the Superintendent of Public Instruction relative to the control, administration, supervision, and direction of the schools.

*Patron - Hanger*

**SB682 Indoor air quality task force.** Adds a school administrator to the indoor air quality task force.

*Patron - Forbes*

**SB691 Records of founded complaints of child abuse and neglect.** Requires the Department of Social Services to respond to requests by local school boards for any record of founded complaints of child abuse and neglect in cases where there is no match within the central registry regarding applicants for employment within 10 business days of receipt of such requests. In cases where there is a match within the central registry, the Department is to respond to

requests made by local school boards within 30 business days of receipt of such requests. The response may be by first-class mail or facsimile transmission. This bill is identical to HB 865.

*Patron - Schrock*

**SB706 Advanced mathematics and technology diploma.** Directs the Board of Education, in the exercise of its authority to recognize exemplary academic performance by providing for diploma seals, to establish by July 1, 2000, criteria for awarding a diploma seal for advanced mathematics and technology for the standard and advanced studies diplomas. The Board shall consider including criteria for (i) technology courses; (ii) technical writing, reading, and oral communication skills; (iii) technology-related practical arts training; an (iv) industry, professional, and trade association national certifications.

*Patron - Couric*

**SB737 Virginia Teaching Scholarship Loan Program.** Changes the Diversity in Teaching Program to the Diversity in Teaching Initiative Awards and makes it a component of the Virginia Teaching Scholarship Loan Program. The Program focuses on at-risk and disadvantaged students. Currently, the Program specifies only at-risk students. The Board of Education is required to establish criteria in regulations for determining critical teacher shortage disciplines and high-poverty areas in the Commonwealth and to consult with the State Council of Higher Education in developing and implementing the Program. The criteria must reflect research findings concerning the characteristics of at-risk and disadvantaged students and the impact of socioeconomic deprivations on learning and the educational outcomes for such students. The bill provides that a paraprofessional is eligible to receive scholarships and awards to complete the undergraduate program to become a fully licensed teacher, or a program of study designed to increase his level of education or strengthen his classroom skills. Also, the bill sets criteria for the recipients of the awards. Students must repay the loans by teaching in a critical teacher shortage discipline, or in a high-poverty area, or in a school division with high concentrations of at-risk or disadvantaged students, or at grade levels or in a geographical region of the Commonwealth in where teachers who have been at-risk or disadvantaged students are under-represented. The Board of Education is required to promulgate emergency regulations, regardless of whether additional funds are appropriated for this program to implement the Program within 280 days of the enactment of this measure. This measure is identical to HB 1404, HB 1408, SB 630, and SB 652.

*Patron - Couric*

## Failed

**HB114 Colonial Heights school board salary.** Adds the Town of Colonial Heights to the list of local school boards for which the maximum annual salary of school board members has been established. This bill also provides that the salary of members of the Colonial Heights school board shall be as provided in § 22.1-32, rather than as currently conferred on the Town of Colonial Heights by charter. This measure was incorporated in HB 20.

*Patron - Cox*

**HB131 Standards of Quality; pupil-teacher ratios in certain courses.** Amends the Standards of Quality to require local school boards to assign licensed instructional personnel in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, counselors, and librarians, that are

not greater than 24 to one in mathematics classes in grades six through 12. This ratio is currently required for English classes in grades six through 12.

*Patron - Council*

**HB217 School day and year; apportionment of costs.** Provides that, upon approval by the local governing body, the local school board may increase the length of the school day or year, and that any resulting increases in salaries or other costs for maintaining a program meeting the Standards of Quality are to be borne by the locality. Any increased costs resulting from lengthening of the school day or year by the action of the Commonwealth would be shared by the Commonwealth and localities.

*Patron - Phillips*

**HB231 Funding for instructional positions.** Amends the Standards of Quality (SOQ) to provide that the state's share of funding for instructional positions in public schools shall be based on the statewide prevailing ratio of actual instructional personnel employed by school boards as reported to the Department of Education in the year upon which the biennial SOQ expenditures were based as provided in the appropriation act. Class size and divisionwide pupil-teacher ratios remain unchanged for purposes of school operations and organization. Currently, state funding for instructional positions is calculated based on the divisionwide ratio and class size limits set forth in the SOQ. A second enactment clause makes this measure effective July 1, 2002.

*Patron - Plum*

**HB248 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.

*Patron - Dillard*

**HB267 Technology resource assistants in public schools.** Amends the Standards of Quality (SOQ) to direct the Board of Education to require, in the minimum staffing levels set forth in the Standards of Accreditation (SOA), one technology resource assistant in each elementary, middle, high or combined school. In addition, corresponding amendments are made in the statutory provision authorizing grants for technology resource assistants; grants would be applied for hiring these personnel at all grade levels, in addition to those required by the SOQ and SOA. Currently, the grants are limited to the provide a technology resource assistant "to serve every elementary school...." Matching funds, calculated based on the composite index of local ability to pay, are required.

*Patron - Rhodes*

**HB291 Public school-based access to information infrastructure.** Requires public schools providing student access to the Internet and other aspects of the electronic information infrastructure to employ computer technology, or execute an agreement with a network service provider, inhibiting student access to materials harmful to juveniles, obscene materials and child pornography beginning in the 2000-2001 school year. Local school boards are to report their compliance with this requirement annually to the Superintendent of Public Instruction.

*Patron - Black*

**HB304 Pupil-teacher ratios and class sizes in kindergarten through grade four.** Lowers the pupil-teacher ratios and class sizes set forth in the Standards of Quality as follows: (i) in kindergarten, from a pupil-teacher ratio of 24:1

with no class being larger than 29 students (with full-time teacher's aide in classes whose average daily membership (ADM) exceeds 24) to 20:1 with no class being larger than 25 students (full-time teacher's aide required for classes whose ADM exceeds 25 students); (ii) in grades one, two and three from 24:1 to 20:1, with maximum class size reduced from 3 to 25; and (iii) in grade four, from 25:1 to 23:1, with a maximum class size of 36 reduced to 28.

*Patron - Armstrong*

**HB342 School division technology plans** Amends Standard 6 of the Standards of Quality to provide that support for the implementation of each school division technology plan required within the each six-year divisionwide improvement plan shall be funded from basic school aid on the basis of prevailing statewide costs, as provided in the appropriation act. Standard 6 currently directs school boards to revise and adopt biennially a divisionwide six-year improvement plan. Included in these plans are a variety of components, such as a technology plan consistent with the six-year technology plan adopted for the state by the Board of Education. This measure was incorporated in HB 520.

*Patron - Rhodes*

**HB405 Reporting of student offenses to law-enforcement authorities.** Requires school principal to report immediately to law-enforcement authorities on all incidents involving (i) the assault, assault and battery, sexual assault, death, shooting, stabbing, cutting or wounding of any person on a school bus, on school property, or at a school-sponsored activity; (ii) any conduct involving alcohol, marijuana, a controlled substance, an imitation controlled substance, or an anabolic steroid on a school bus, on school property or at a school-sponsored activity; (iii) any threats against school personnel while on a school bus, on school property or at a school-sponsored activity; or (iv) the illegal carrying of any dangerous weapon onto school property.

*Patron - Phillips*

**HB406 Reporting of student offenses to school and law-enforcement authorities.** Adds bomb threats to the list of offenses required to be reported to school and law-enforcement authorities when the threat is made against school personnel, school property, or a school bus. This measure was incorporated in HB 254.

*Patron - Phillips*

**HB426 Opening of the school year.** 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.

*Patron - War*

**HB431 School board salaries.** Increases the maximum annual salary for school board members for the County of Culpeper from \$3,500 to \$12,000. Under current law, no school board can request the General Assembly's consideration of an increase in its annual salary limit unless the school board has taken an affirmative vote on the requested increase. Further, no school board whose membership is elected in whole or in part can be awarded a salary increase, unless a specific salary increase is approved by affirmative vote by that school board. No salary increase may become effective during an incumbent member's term of office; however, this restriction will not apply if the school board members are elected or appointed for staggered terms. This measure was incorporated in HB 20.

*Patron - Brom*

**HB448 Criminal records checks for school board employees.** Requires all school boards to (i) require, as a condition of employment, fingerprinting for applicants who are offered or who accept school board employment, whether on a temporary, permanent, or part- or full-time basis, and (ii) submit these fingerprints and descriptive information through the Central Criminal Records Exchange to the Federal Bureau of Investigation to obtain the applicant's national criminal records history. The records are searched for all felonies and any misdemeanors involving drugs, abuse or neglect of children, moral turpitude, obscenity offenses, and sexual assault. In addition, school boards will also receive reports of arrests within Virginia for these crimes for current employees, who must then submit to fingerprinting and a national criminal records check. The costs of the fingerprinting and records checks are to be borne by the Commonwealth from such funds as may be appropriated. If state funding is insufficient, the school board is to pay for all or a portion of these costs, or may pass on all or a portion of the costs to the employee. Under current law the named school boards may require applicants and employees to pay for the fingerprinting and records checks or may pay for these services from such funds as may be available for that purpose. The statute directs 56 jurisdictions, (32 counties and 2 cities) to require fingerprinting and conduct national criminal records checks.

*Patron - Shuler*

**HB519 Speech-language pathologists in public schools.** Amends the Standards of Quality to require, within the staffing levels set forth in the Standards of Accreditation that speech-language pathologists be employed in elementary, middle, high and combined schools at levels to ensure one full-time for every 65 students identified as requiring such services.

*Patron - Dillard*

**HB520 School division technology plans** Amends Standard 6 of the Standards of Quality to provide that support for the implementation of each school division technology plan required within each six-year divisionwide improvement plan shall be funded from basic school aid on the basis of prevailing statewide costs, as provided in the appropriation act. Standard 6 currently directs school boards to revise and adopt biennially a divisionwide six-year improvement plan. Included in these plans are a variety of components, such as a technology plan consistent with the six-year technology plan adopted for the state by the Board of Education. This measure incorporated HB 342.

*Patron - Dillard*

**HB558 Teacher licensure.** Provides that the Board of Education's teacher licensure requirements permit candidates for initial licensure who have graduated from any institution of higher education, regardless of its accreditation status or whether its teacher education program has been approved by the Board, to take any professional teacher's examination prescribed by the Board for licensure. The measure also deletes language requiring persons graduating from Virginia institutions of higher education to be licensed as instructional personnel on and after July 1, 2002, by the Board of Education only if the endorsement areas offered at such institutions have been assessed by a national accrediting agency or by a state approval process, with final accreditation by the Board of Education. Current Board regulations require candidates for initial licensure to have a baccalaureate degree from an institution accredited by a regional accrediting agency recognized by the U.S. Department of Education; in addition, the institution's teacher education program must be approved by the Board of Education.

*Patron - Cantor*

**HB619 Opening of school year; waivers for good cause.** Adds to the three "good cause" scenarios for which the Board of Education grants waivers of the post-Labor Day school opening requirement, that "good cause" also exists when the Board of Education has determined, upon petition by a local school, that a waiver is in the best educational interests of the students of the school division. The Board is to consider the effect of any differences in opening days between contiguous school divisions. Amendments adopted in 1998 (SB 425) delineated the three "good cause" situations that may justify a waiver: the applicant school division must (i) have been closed an average of eight days per year during any five of the last 10 years because of severe weather conditions or certain other emergency situations; (ii) be providing an instructional program or programs in one or more of its elementary, middle or high schools, excluding the electronic classroom, which are dependent on and provided in one or more elementary, middle or high schools of another school division that qualifies for such waiver (waiver applicable only to the opening date for those schools where the dependent programs are provided); or (iii) be providing an experimental or innovative program approved by the Department of Education pursuant to the Standards of Accreditation (waiver only applicable to the opening date for schools where the experimental or innovative programs are offered generally to the student body).

*Patron - McClur*

**HB683 School calendar** Makes local school boards responsible for setting the school calendar and determining the opening of the school year, and eliminates the post-Labor Day opening requirement and the "good cause" scenarios for which the Board of Education might grant waivers of this requirement. Amendments adopted in 1998 (SB 425) delineated the three "good cause" situations that may justify a waiver: the applicant school division must (i) have been closed an average of eight days per year during any five of the last 10 years because of severe weather conditions or certain other emergency situations; (ii) be providing an instructional program or programs in one or more of its elementary, middle or high schools, excluding the electronic classroom, which are dependent on and provided in one or more elementary, middle or high schools of another school division that qualifies for such waiver (waiver applicable only to the opening date for those schools where the dependent programs are provided); or (iii) be providing an experimental or innovative program approved by the Department of Education pursuant to the Standards of Accreditation (waiver only applicable to the opening date for schools where the experimental or innovative programs are offered generally to the student body).

*Patron - Parrish*

**HB685 School board salaries.** Increases the maximum annual salary for school board members for Prince William County from \$8,000 to \$12,000 and for the City of Manassas from \$2,400 to \$4,800. Under current law, no school board can request the General Assembly's consideration of an increase in its annual salary limit unless the school board has taken an affirmative vote on the requested increase. Further, no school board whose membership is elected in whole or in part can be awarded a salary increase, unless a specific salary increase is approved by affirmative vote by that school board. No salary increase may become effective during an incumbent member's term of office; however, this restriction will not apply if the school board members are elected or appointed for staggered terms. This measure was incorporated in HB 20.

*Patron - Parrish*

**HB761 Part-time admission and enrollment of nonpublic school students.** Directs local school boards to

develop policies, consistent with their constitutional and statutory responsibilities for providing public education, for the part-time admission and enrollment of students who are either enrolled in a nonpublic school or receiving home instruction. The policies must address attendance zones, evidence of residence, equitable student selection, and compliance by such students with all relevant public school policies during attendance time. In addition, the policies shall require that the parent apply for the desired class or classes to the division superintendent or to the principal of the school to be attended, and shall require the parent to obtain permission for such part-time enrollment from the chief administrator of the relevant nonpublic school in which the student is enrolled on a full-time basis. Approval for part-time admission and enrollment shall only be granted if the school has space in the desired class or classes after accommodating the pupils who are regularly enrolled in the school and the school division. Approval is limited to admission and enrollment in no more than two classes. Pursuant to Standard 1 of the Standards of Quality, students enrolled in a public school on a less than full-time basis are counted in average daily membership in the relevant school division. Students who are either enrolled in a nonpublic school or receiving home instruction and who are enrolled in a public school on a less than full-time basis in any mathematics, science, English, history, social science, vocational education, fine arts, foreign language, health education or physical education course shall be counted in the average daily membership in the relevant school division on a pro rata basis as provided in the appropriation act. No such student will be counted as more than one-half of a student. The 1998-2000 Appropriation Act supports this requirement.

*Patron - Wagner*

**HB801 Standards of Learning assessments; administration in private schools.** Authorizes the Board of Education to enter into agreements for the administration of the Standards of Learning (SOL) assessments in private schools at the request of a Virginia private school. Any such agreements must provide that the administration be provided at a cost equal to the direct and indirect costs to the Commonwealth of such administration. These costs must be paid entirely by the relevant private school to ensure that no state or local funds are expended for any such assessment administration, scoring, analysis, or other related services. Under current law, the Board may accredit private nursery schools at their request. In addition, the Board may provide for the accreditation of private elementary, middle, and high schools "in accordance with standards prescribed by it, taking reasonably into account the special circumstances and factors affecting such private schools."

*Patron - Ruff*

**HB873 Standards of Learning assessments.** Directs the Board of Education to maintain sufficient Standards of Learning assessment questions to provide for the release of such assessments, upon request, to parents of students to whom the particular assessments have been administered.

*Patron - McEachin*

**HB893 School board salaries.** Increases the maximum annual salary for school board members for the City of Suffolk from \$3,500 to \$5,000. Under current law, no school board can request the General Assembly's consideration of an increase in its annual salary limit unless the school board has taken an affirmative vote on the requested increase. Further, no school board whose membership is elected in whole or in part can be awarded a salary increase, unless a specific salary increase is approved by affirmative vote by that school board. No salary increase may become effective during an incumbent

member's term of office; however, this restriction will not apply if the school board members are elected or appointed for staggered terms. This measure was incorporated in HB 20.

*Patron - Spruill*

**HB946 Virginia Teaching Scholarship Loan Program.** Expands the Virginia Teaching Scholarship Loan Program to provide awards for any year of undergraduate study and makes these scholarships available to full- and part-time students. The measure also includes some clarifying amendments. Designed to increase the number and diversity of students pursuing teaching, to assist paraprofessionals in becoming fully licensed teachers, and to increase the diversity of persons pursuing careers in teaching, the Program shall consist of three components: (i) awards to students pursuing teaching degrees in critical teacher shortage areas (including subject matter areas and various underserved geographic regions); (ii) awards to assist paraprofessionals in becoming fully licensed teachers; and (iii) awards to at-risk students. This measure was incorporated in HB 1404 and HB 1408.

*Patron - Jackson*

**HB963 Educational Excellence Trust Fund Program.** Establishes the Educational Excellence Trust Fund Program in place of the Virginia Public School Construction Grants Program and revises the Literary Fund loan provisions, the Virginia Public School Authority ("VPSA"), and the lottery to provide a mechanism for funding and distributing funds to local school boards for the construction of public school buildings. For fiscal years beginning on and after July 1, 2001, the bill requires deposit of 100 percent of state lottery revenues into the Educational Excellence Trust Fund ("Fund") with \$200,000 to be distributed annually to each school division, and all remaining amounts to be distributed pro rata to each school division according to average daily student membership adjusted by the locality's composite index of ability to pay. The funds shall be used by the school divisions for school construction, additions, infrastructure, site acquisition for public school buildings and facilities, renovations, technology, and other expenditures related to modernizing classroom equipment. The bill broadens VPSA's responsibilities to include administrative, financial, and bonding authority for the Fund. The bill authorizes the Board of Education to issue Literary Fund loans to fund part or all of the costs for constructing, renovating, retrofitting, enlarging, or modernizing school buildings.

*Patron - Jackson*

**HB970 Board of Education.** Requires members of the Board of Education, upon initial appointment, to take the eighth grade Standards of Learning assessments in English, mathematics, science, and social sciences. The results of such assessments shall be publicly reported.

*Patron - Day*

**HB1032 Pupil-teacher ratios in certain grades.** Amends the Standards of Quality (SOQ) to reduce the pupil teacher ratio in grade six from 25-to-one (with no class being larger than 35 students) to 24-to-one (with no class being larger than 29 students), and establishes a 24-to-one pupil-teacher ratio in grades seven and eight (with no class being larger than 29 students). Currently, the SOQ provides a 24-to-one ratio in English classes in grades six through 12.

*Patron - Jackson*

**HB1040 Public school technology resource assistants.** Requires funding for technology resource assistants in all public schools receiving school division grants for expanded access to educational technology. Current law requires funding for such assistants only in elementary schools.

*Patron - Amundson*

**HB1041 Teacher licensure.** Directs the Board of Education to provide, within its regulations governing teacher licensure, that persons possessing national certification from the National Board for Professional Teaching Standards (NBPTS) will not be required to accrue professional development points for purposes of license renewal. The measure also includes technical amendments.

*Patron - Amundson*

**HB1064 Health Services Program for Underserved High School Students.** Creates the Health Services Program for Underserved High School Students, consisting of five pilot projects and administered by the Department of Education, to increase the delivery of health and medical services to underserved high school students in the Commonwealth and to address health conditions that may affect the academic performance of those students. The Department of Education and the State Health Department are directed to promulgate joint regulations for the implementation of the Program and to establish criteria for the selection, administration, and evaluation of the five pilot projects. Health and medical services must be delivered upon the request of the student and with parental consent. The services shall include dental health care, screenings for sight and hearing, immunizations, routine health care, treatment of chronic health conditions such as diabetes and asthma, follow-up care of health problems diagnosed by licensed physicians, physical and athletic examinations, and appropriate medical referrals. By July 1, 2000, five pilot project sites must be located in one high school each in Northern Virginia, Richmond, Norfolk/Hampton Roads, Southside/Southwest, and the Shenandoah Valley. Each high school must have a full-time school nurse and other health-related professionals assigned, as needed, to the site. Each project must install a telephone with a dedicated line for health services personnel and telemedicine equipment and must establish an agreement with a local hospital for the delivery of emergency medical information via telemedicine. The Program expires on July 1, 2002.

*Patron - McClur*

**HB1201 Expulsion of students under certain circumstances.** Provides a technical amendment to clarify the definition of "destructive device" and to conform this definition with the action taken last year through a House Bill relating to expulsion of students for possession of guns on school property

*Patron - Tata*

**HB1227 Virginia Teaching Scholarship Loan Program.** Changes the Diversity in Teaching Program to the Diversity in Teaching Initiative Awards and makes it a component of the Virginia Teaching Scholarship Loan Program. The Program focuses on at-risk and disadvantaged students and the need for special educators. Currently, the Program specifies only at-risk students. The Board of Education is required to establish criteria in regulations for determining critical teacher shortage disciplines and high-poverty areas in the Commonwealth and to consult with the State Council of Higher Education in developing and implementing the Program. The criteria must reflect research findings concerning the characteristics of at-risk and disadvantaged students and the impact of socioeconomic deprivations on learning and the educational outcome for such students. The bill provides that paraprofessionals are eligible to receive scholarships and awards to complete undergraduate programs to become fully licensed teachers. Also, the bill sets criteria for the recipients of the awards. Students must repay the loans by teaching in a critical teacher shortage discipline, such as in special education, in a high-poverty area, in a school division with high concentrations of at-risk or disadvan-

taged students, or at grade levels or in a geographical region of the Commonwealth in which teachers who have been at-risk or disadvantaged students are under-represented. The Board of Education is required to promulgate emergency regulations to implement the Program within 280 days of its enactment. This bill is a recommendation of the Joint Subcommittee Study in the Overrepresentation of African-American Students in Special Education. This measure was incorporated in HB 1404 and HB 1408.

*Patron - McEachin*

**HB1234 Extended School Year Incentive Program.** Creates the Extended School Year Incentive Program and Fund, from such funds as may be appropriated, to be administered by the Board of Education, for incentive grants for public school divisions for the operation of schools beyond the 180-day school year required by the Standards of Accreditation. The Board is to establish procedures for calculating amounts for incentive grants to school divisions. Such calculations shall reflect the number of (i) additional days of actual school operation; (ii) students served; and (iii) the number of schools per division operating on such extended basis and shall incorporate consideration of local ability to pay. The grants shall not be awarded to support summer school initiatives. The Board is to develop a reporting mechanism whereby recipient school divisions shall account for the application of grant monies awarded from the Fund. The Board may issue guidelines governing the Program as it deems necessary and appropriate.

*Patron - Scott*

**HB1263 Virginia Teaching Scholarship Loan Program.** Revises the provisions of the Virginia Teaching Scholarship Loan Program (i) to allow support through gifts donations, grants, bequests, and other funds that may be obtained by the Department of Education; (ii) to clarify that the program consists of scholarships to support four components i.e., critical teacher shortage disciplines, high-poverty areas, paraprofessional development, and incentives to promote the pursuing of teaching careers by at-risk students; and (iii) to expand eligibility to part-time students and freshmen and sophomores. This bill also designates the present trust fund to cover the umbrella program (the Virginia Teaching Scholarship Loan Program) instead of solely for the Diversity in Teaching Program; requires Diversity in Teaching Program funds to be accounted for separately within the fund and distributed solely for scholarships awarded pursuant to the Diversity in Teaching Program; and provides for a tax deduction, beginning on an after January 1, 2001, for the total amount an individual actually contributed in funds to the Virginia Teaching Scholarship Loan Fund. The Board of Education is required to promulgate emergency regulations, regardless of whether additional funds are appropriated for this program. This measure was incorporated in HB 1404 and HB 1408.

*Patron - Moss*

**HB1264 Creation of special tax district in counties containing a town school division.** Allows Westmoreland County (described by population) to establish a special tax district to pay all or any portion of the county's expenditures for operating the county school division. The boundaries of the tax district shall be the same as the geographical area of the county school division and shall exclude the area of the Town of Colonial Beach, which operates a separate school division. The board of supervisors shall have no obligation to pay to the town any portion of the property taxes levied in the special tax district. The town shall pay for its share of expenditures to operate the town school division from town property taxes and other local, state, and federal revenues received by the town. The county and the town shall identify the sources of all revenues appropriated to their respective school divisions. The bill also



addresses several other technical issues related to the creation of such a tax district and provides that, in the event of a dispute, either the county or the town may initiate an arbitratio proceeding.

*Patron - Pollard*

**HB1318 Virginia Teaching Scholarship Loan Program.** Expands the Virginia Teaching Scholarship Loan Program to provide awards for any year of undergraduate study and alters the repayment term of teaching service in a critical shortage area from one year of service for each year of scholarship benefit to a term to be prescribed by Board of Education regulations. In addition, these scholarships will be available to full- and part-time students. The measure also includes some clarifying amendments. Designed to increase the number and diversity of students pursuing teaching, to assist paraprofessionals in becoming fully licensed teachers, and to increase the diversity of persons pursuing careers in teaching, the Program shall consist of three components: (i) awards to students pursuing teaching degrees in critical teacher shortage areas (including subject matter areas, as well as various underserved geographic regions and high-poverty areas); (ii) awards to assist paraprofessionals in becoming fully licensed teachers; and (iii) awards to at-risk students. This measure was incorporated in HB 1404 and HB 1408.

*Patron - Ruff*

**HB1330 Student representatives to school boards.** Authorizes local school boards to adopt procedures for the appointment of student representatives from among the students enrolled in the public schools in the division. The student representative would serve with limited voting powers and would be deemed to be a participatory member of local school boards for all matters except those concerning the budget, disciplinary and personnel actions, and other issues as may be identified by the school board. Currently, school boards may appoint student representatives to serve in nonvoting, advisory capacities.

*Patron - Almand*

**HB1335 Recitations of the Preamble of the Declaration of Independence; moral and ethical readings.** Permits local school boards to institute weekly recitation of a portion of the Preamble of the Declaration of Independence during school morning hours. Also, school boards are authorized to permit students to present certain moral and ethical readings during such morning hours.

*Patron - Marshall*

**HB1357 State Lottery Fund; distribution for local education.** Establishes, in statute, the distribution of the lottery proceeds to local school divisions that is currently only set forth in the 1998-2000 biennium budget. This provision requires that any lottery revenues remaining after lottery funds are specified, together with such other general funds as may be appropriated for the Standards of Quality, be used to fund the state's share of Basic Aid Payments in any budget item or budget subprogram relating to appropriation, apportionment, an distribution of lottery proceeds to localities. The payments must be appropriated, apportioned, and distributed upon the following conditions: (i) the funds must be used for nonrecurring costs; (ii) the funds must be matched by local governments, based on the composite index of local ability-to-pay; (iii) in order to receive the money, the locality must appropriate the funds solely for educational purposes and must not use the funds to reduce total local operating expenditures for public education below the amount expended by the locality for such purposes in the year upon which the relevant biennial Standards of Quality expenditure data were based; (iv) no locality will be required to maintain a per-pupil expenditure that is

greater than the per-pupil amount expended by the locality for such purposes in the year upon which the relevant biennial Standards of Quality expenditure data were based; and (v) non-recurring costs include school construction, additions, infrastructure, site acquisition, renovations, technology, and other expenditures related to modernizing classroom equipment, and debt service payments on school projects completed during the last 10 years. This is a recommendation of the Commission on the Condition and Future of Virginia's Cities.

*Patron - VanYahres*

**HB1358 Education; funding for the state Standards of Quality** Provides that notwithstanding any other provision of law, the Commonwealth shall fund at least 55 percent of the total actual costs of public education. The Standards of Quality and the formulas used by the Commonwealth to distribute funds to localities to meet the Standards of Quality shall be reviewed and revised biennially to meet such requirement. Beginning with the budget for fiscal year 2002, the Governor shall include in his budget recommendations adequate funds to meet the requirements of this bill. This is a recommendation of the Commission on the Condition and Future of Virginia's Cities.

*Patron - Moss*

**HB1373 School calendar.** Makes local school boards responsible for setting the school calendar and determining the opening of the school year, and eliminates the post-Labor Day opening requirement and the "good cause" scenarios for which the Board of Education might grant waivers of this requirement. Amendments adopted in 1998 (SB 425) delineated the three "good cause" situations that may justify a waiver: the applicant school division must (i) have been closed an average of eight days per year during any five of the last 10 years because of severe weather conditions or certain other emergency situations; (ii) be providing an instructional program or programs in one or more of its elementary, middle or high schools, excluding the electronic classroom, which are dependent on and provided in one or more elementary, middle or high schools of another school division that qualifies for such waiver (waiver applicable only to the opening date for those schools where the dependent programs are provided); or (iii) be providing an experimental or innovative program approved by the Department of Education pursuant to the Standards of Accreditation (waiver only applicable to the opening date for schools where the experimental or innovative programs are offered generally to the student body).

*Patron - Armstrong*

**HB1412 Quality instruction in public schools.** Allows local school boards to adopt procedures for the establishment of a continuing contract employment process that requires teachers to submit an application to their building principal for continuing contract status. After review by and with a recommendation from the principal, the continuing contract application will be forwarded to the superintendent, or designee, for consideration and recommendation to the school board. Applications for such continuing contract status may be made upon completion of the initial three-year probationary term of service. Local school boards may determine the number of times an applicant may submit an application. Such procedures shall apply to teachers who are hired as probationary teachers in an academic year after July 1, 2000. This option shall be available to teachers licensed through either traditional or alternative licensure routes. Local school board procedures are to include, but need not be limited to, (i) application materials that shall include evidence of pupil academic performance and may also include other data and materials to assist the local superintendent, or designee, in the application review process and the school board in making an employment determination,

e.g., professional credentials, employment evaluations, classroom observations, lesson plans and examinations and the applicant's demonstrated mastery of the relevant Standards of Learning; and (ii) procedures for applicants to obtain assistance from other education professionals in the preparation of application materials. The measure also amends the National Teacher Certification Incentive Reward Program to provide for incentive grants to public school teachers who obtain national certification from a nationally recognized certification program approved by the Board of Education. Currently, the Program specifies national certification from the National Board for Professional Teaching Standards. In addition, the measure directs school boards to include, within the criteria for performance evaluation of principals and supervisors, the effective evaluation of teacher performance that incorporates consideration of student academic progress and the skills and knowledge of instructional personnel, including, but not limited to, instructional methodology, classroom management, and subject matter knowledge.

*Patron - Katzen*

**HB1413 Driver education programs.** Requires the Board of Education to approve parent-instructed courses for the classroom and behind-the-wheel components of driver education. The requirement to approve correspondence courses is removed, and the Board is prohibited from requiring additional automobile equipment for parent-instructed behind-the-wheel training. Also removed are provisions that authorize public schools to provide behind-the-wheel driver training for a fee if space is available, and which clarify that public schools are not required to provide behind-the-wheel driving to nonpublic school students.

*Patron - Katzen*

**HB1431 School calendar; year-round schedule.** Exempts from the post-Labor Day opening requirement and waiver process those schools operating on a year-round calendar basis. The "year-round calendar" is defined to include those school-year calendars that provide for no less than 180 regular teaching days, at least 28 of which are scheduled to occur between June 15 and August 31. Such year-round schedules may incorporate intersession or enrichment courses but shall not include any regular or remedial summer school programs.

*Patron - O'Brien*

**HB1432 Mandatory student drug testing.** Permits local school boards to require, as a condition for reenrollment or continued enrollment in public school, that students who have been convicted or adjudicated delinquent of drug-related offenses to submit to drug testing. Board of Education regulations will govern such initiatives that may be adopted by local school boards. These regulations must address the constitutional rights and restrictions relating to mandatory testing for controlled substance and marijuana use by students in the public schools and are to include, but shall not be limited to, provisions which address the following: (i) criteria for developing school board policies that govern mandatory testing programs; (ii) identification of those students, such as those for whom an adjudication or conviction of drug-related offenses has been reported, to be required to be tested; (iii) requirements for student or parental consent; (iv) funding sources for such programs; (v) standards for ensuring the confidentiality of test results; (vi) standards for the evidence of drug testing to be submitted by such students' parents, including requirements for two additional tests of such students at two 60-day intervals within 120 days of such reenrollment; (vii) use of test results in any disciplinary actions, including requiring participation in substance abuse treatment programs; (viii) provisions for alternative education opportunities for students who have failed to provide satisfactory test results; (ix) any notice and due process

procedures required to protect individual rights; and (x) provisions of relevant state and federal laws. This measure was incorporated in HB 588.

*Patron - O'Brien*

**HB1453 Virginia Teaching Scholarship Loan Program.** Changes the Diversity in Teaching Program to the Diversity in Teaching Initiative Awards and makes the award program a component of the Virginia Teaching Scholarship Loan Program. The Program focuses on at-risk and disadvantaged students, paraprofessionals, and students transferring from the community colleges and private two-year institutions to approved teacher education programs. Currently, the Program specifies only at-risk students. The Board of Education is required to establish criteria in regulations for determining critical teacher shortage disciplines and high-poverty areas in the Commonwealth and to consult with the State Council of Higher Education in developing and implementing the Program. The criteria must reflect research findings concerning the characteristics of at-risk and disadvantaged students and the impact of socioeconomic deprivations on learning and the educational outcomes for such students. The bill provides that a paraprofessional is eligible to receive scholarships and awards to complete the undergraduate program to become a fully licensed teacher. Also, the bill sets criteria for the recipients of the awards. Students must repay the loans by teaching in a critical teacher shortage discipline; in a high-poverty area; in a school division with high concentrations of at-risk or disadvantaged students; or at grade levels or in a geographical region of the Commonwealth where teachers who have been at-risk or disadvantaged students are under-represented. The Board of Education is required to promulgate emergency regulations to implement the Program within 280 days of its enactment.

*Patron - Jones, D.C.*

**HB1462 Waivers of certain Board of Education regulations.** Provides that the Board of Education may waive compliance with certain regulations for schools and school boards. These waivers are not available for those regulations or provisions of regulations that (i) implement the Standards of Quality (SOQ); (ii) address student achievement requirements for school accreditation, student achievement expectations and graduation requirements prescribed in the Standards of Accreditation; (iii) are identified by the Board as necessary to meet federal statutory and regulatory requirements; or (iv) are identified by the Board as necessary to protect the health and safety of public school students and personnel. The waivers may be made for "good cause and subject to reasonable procedures and criteria" established pursuant to the Administrative Process Act. The waivers may be issued upon the Board's initiative; at the request of a school board; or at the request of an individual school, upon local school board approval of the request. Pursuant to the Standards of Accreditation (SOA), with the approval of the local school board, schools seeking to implement experimental or innovative programs that are not consistent with the SOA or other Board regulations may submit a waiver request to the Board for evaluation and approval prior to implementation. The request must include the purpose and objectives of the experimental/innovative program; mechanisms for measuring goals, objectives, and student academic achievement; and other specified information. The SOA provide that the waiver may not apply any regulations promulgated that are not mandated by state law or federal law or designed to promote health or safety. The Board may grant all or a portion of the request. Specifically excluded from waivers within the SOA are those that would violate the SOQ and those regulations addressing accreditation, student achievement expectations, graduation requirements, and learning objectives in the schools. The SOA (8 VAC 20-131-330) specifically

allow the Board to waive some SOA requirements "based on submission of a request from the division superintendent or chairman of the local school board. The request shall include documentation of the need for the waiver. In no event will waivers be granted to the requirements of Part III-Student Achievement."

*Patron - Bolvin*

**HB1521 Computation of pupil-teacher ratios for certain classes in the public schools.** Provides a weighted formula for calculating pupil-teacher ratios for students identified as having certain disabilities when such students are in special education and when such students are included in the regular classroom for 60 percent of the time. This weighted formula would count such students as more than one student for purposes of the divisionwide ratios required in subsection G of Standard 1 of the Standards of Quality.

*Patron - Dillard*

**SB80 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 allowing the use of firearms are excepted, if the firearms are securely stored and maintained when not in use.

*Patron - Howell*

**SB138 Colonial Heights school board salary.** Adds the City of Colonial Heights to the list of local school boards for which the maximum annual salary of school board members has been established. This bill also provides that the salary of members of the Colonial Heights school board shall be as provided in § 22.1-32, rather than as currently conferred on the City of Colonial Heights by charter.

*Patron - Martin*

**SB164 Standards of Quality; 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.

*Patron - Edwards*

**SB232 Alternative continuing contract teacher employment process.** Allows local school boards to adopt procedures for the establishment of a continuing contract employment process that requires teachers to submit an application to their building principal for continuing contract status. After review by and with a recommendation from the principal, the continuing contract application will be forwarded to the superintendent, or designee, for consideration and recommendation to the school board. Applications for such continuing contract status may be made upon completion of the initial three-year probationary term of service. Local school board may determine the number of times an applicant may submit an application. Such procedures shall apply to teachers who are hired as probationary teachers in an academic year after July 1, 2000. This option shall be available to teachers licensed through either traditional or alternative licensure routes. Local school board procedures are to include, but need not be limited to, (i) application materials that shall include evidence of pupil academic performance and may also include other data and materials to assist the local superintendent, or designee, in the application review process and the school board in making an employment determination, e.g., professional credentials, employment evaluations, classroom observations, lesson plans

and examinations and the applicant's demonstrated mastery of the relevant Standards of Learning; and (ii) procedures for applicants to obtain assistance from other education professionals in the preparation of application materials. The measure also amends the National Teacher Certification Incentive Reward Program to provide for incentive grants to public school teachers who obtain national certification from a nationally recognized certification program approved by the Board of Education. Currently, the Program specifies national certification from the National Board for Professional Teaching Standards. In addition, the measure directs school boards to include, within the criteria for performance evaluation of principals and supervisors, the effective evaluation of teacher performance that incorporates consideration of student academic progress and the skills and knowledge of instructional personnel, including, but not limited to, instructional methodology, classroom management, and subject matter knowledge. This measure is identical to SB 549 and HB 1412.

*Patron - Couric*

**SB486 Home instruction requirements.** Provides that a licensed teacher engaged by a parent authorized to home school his child or children may determine that a program of study or curriculum meets the requirements established by the Commonwealth for home instruction. The bill also provides that in addition to the battery of achievement tests approved by the Board of Education for evaluating the home schooled student's academic progress, the parent may offer the results of a battery of achievement tests approved by the Superintendent of Public Instruction or a licensed teacher engaged by the parent.

*Patron - Houck*

**SB500 Salary of members of the Falls Church City School Board.** Adds the Falls Church City School Board to the list of school boards for which a maximum annual salary limit for school board members is authorized.

*Patron - Whipple*

**SB547 Revocation of teaching license; violations of test security.** Authorizes the Board of Education to suspend or revoke the teaching or administrative license of any person who knowingly and willfully commits specified acts regarding secure mandatory tests administered to students required by the Code of Virginia or by the Board of Education, such as the Standards of Learning assessments. Among the enumerated prohibited acts are giving unauthorized access to secure test questions; copying all or any portion of any secure test booklet; making available test answer keys, and providing a false certification on any test security form required by the Department of Education. The bill defines a "secure test" as an item, question, or test that has not been made publicly available by the Department of Education. This provision must not be construed as restricting the actions of the Board, the Department, or the Superintendent of Public Instruction in test development or selection, test form construction, standard setting, test scoring and reporting, and other related activities. Current Board of Education regulations provide for the suspension, revocation, denial, and cancellation of teacher and administrator licenses. Grounds for suspension (8VAC 20-21-680) include physical, mental, or emotional incapacity; incompetence or neglect of duty; and "other good and just cause of a similar nature." Among the grounds for revocation (8VAC 20-21-660) are felony convictions, falsification of school records or reports, and conduct "detrimental to the health, welfare, discipline, or morale of students or to the best interest of the public schools...." The regulations also include various investigation and hearing procedures. SB 547 and HB 867 were initially identical. This measure was incorporated in SB 548.

*Patron - Newman*

**FSB549 Alternative continuing contract teacher employment process.** Allows local school boards to adopt procedures for the establishment of a continuing contract employment process that requires teachers to submit an application to their building principal for continuing contract status. After review by and with a recommendation from the principal, the continuing contract application will be forwarded to the superintendent, or designee, for consideration and recommendation to the school board. Applications for such continuing contract status may be made upon completion of the initial three-year probationary term of service. Local school board may determine the number of times an applicant may submit an application. Such procedures shall apply to teachers who are hired as probationary teachers in an academic year after July 1, 2000. This option shall be available to teachers licensed through either traditional or alternative licensure routes. Local school board procedures are to include, but need not be limited to, (i) application materials that shall include evidence of pupil academic performance and may also include other data and materials to assist the local superintendent, or designee, in the application review process and the school board in making an employment determination, e.g., professional credentials, employment evaluations, classroom observations, lesson plans and examinations and the applicant's demonstrated mastery of the relevant Standards of Learning; and (ii) procedures for applicants to obtain assistance from other education professionals in the preparation of application materials. The measure also amends the National Teacher Certification Incentive Reward Program to provide for incentive grants to public school teachers who obtain national certification from a nationally recognized certification program approved by the Board of Education. Currently, the Program specifies national certification from the National Board for Professional Teaching Standards. In addition, the measure directs school boards to include, within the criteria for performance evaluation of principals and supervisors, the effective evaluation of teacher performance that incorporates consideration of student academic progress and the skills and knowledge of instructional personnel, including, but not limited to, instructional methodology, classroom management, and subject matter knowledge. This measure is identical to SB 232 and HB 1412.

*Patron - Bolling*

**FSB571 Waivers of certain Board of Education regulations.** Provides that the Board of Education may waive compliance with certain regulations for schools and school boards. These waivers are not available for those regulations or provisions of regulations that (i) implement the Standards of Quality (SOQ); (ii) address student achievement requirements for school accreditation, student achievement expectations and graduation requirements prescribed in the Standards of Accreditation; (iii) are identified by the Board as necessary to meet federal statutory and regulatory requirements; or (iv) are identified by the Board as necessary to protect the health and safety of public school students and personnel. The waivers may be made for "good cause and subject to reasonable procedures and criteria" established pursuant to the Administrative Process Act. The waivers may be issued upon the Board's initiative; at the request of a school board; or at the request of an individual school, upon local school board approval of the request. Pursuant to the Standards of Accreditation (SOA), with the approval of the local school board, schools seeking to implement experimental or innovative programs that are not consistent with the SOA or other Board regulations may submit a waiver request to the Board for evaluation and approval prior to implementation. The request must include the purpose and objectives of the experimental/innovative program; mechanisms for measuring goals, objectives, and student academic achievement; and other specified information. The SOA pro-

vide that the waiver may not apply any regulations promulgated that are not mandated by state law or federal law or designed to promote health or safety. The Board may grant all or a portion of the request. Specifically excluded from waivers within the SOA are those that would violate the SOQ and those regulations addressing accreditation, student achievement expectations, graduation requirements, and learning objectives in the schools. The SOA (8 VAC 20-131-330) specifically allow the Board to waive some SOA requirements "based on submission of a request from the division superintendent or a chairman of the local school board. The request shall include documentation of the need for the waiver. In no event will waivers be granted to the requirements of Part III-Student Achievement."

*Patron - Rerras*

**FSB622 Virginia Lottery Proceeds Trust Fund.** Creates the Virginia Lottery Proceeds Trust Fund as a special nonreverting fund to be managed by the State Treasurer and consisting of the net revenues of any lottery conducted by the Commonwealth. The lottery proceeds must be appropriated from the Fund to the Commonwealth's counties, cities and towns, and the school divisions to be expended for public education. Localities must continue to fund their share of the costs of the Standards of Quality, without the use of distributions from the Fund. This bill also provides localities with the authority to establish escrow accounts for any lottery funds designated for school infrastructure, i.e., construction, additions, renovations, including retrofitting and enlarging public school buildings, technology infrastructure, site acquisition and debt service payments. This provision directs the lottery revenues to be dedicated to the Virginia Lottery Proceeds Trust Fund.

*Patron - Edwards*

**FSB623 School accreditation and pupil performance; multiple criteria.** Provides that the results of any Standards of Learning (SOL) assessments cannot be the sole or primary basis for the promotion or retention of students 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. Included among these criteria for school accreditation are consideration of access to high quality curricula and instruction designed to meet diverse needs, abilities, and interests; attendance, dropout, and graduation rates; student reading levels; school safety audits; postsecondary education and employment rates; school and divisionwide demographic factors; school and community resources; and parental involvement levels. In establishing accreditation standards and determining requirements for graduation and student achievement, the Board shall seek the assistance and input of teacher education faculty at the Commonwealth's public institutions of higher education, professional educators, parents, and community members. The current Standards of Accreditation (SOA) provide that, for grades in which the SOL tests are given, achievement of a passing score on the SOL tests "shall be considered in promotion/retention policies adopted by the local school board" (8 VAC 20-131-30). The proposed revisions to the SOA delete this statement. The proposed revisions provide instead that results of SOL assessments in grades K-8 are to be "part of set of multiple criteria for determining the promotion or retention of students." The proposed regulations are silent as to promotion/retention policies for grades 9-12, grades in which verified units of credit (earned by passing SOL assessments and successfully completing courses) are required for a diploma. However, the proposed SOA direct division superintendents to "certify to the Department of Education that the division's promotion/retention policy does not exclude students from membership in a grade or participation in a course

in which SOL tests are to be administered." Currently, the SOA provide that "[n]o promotion/retention policy shall be written in a manner as to systematically exclude students from membership in a grade or participation in a course in which SOL tests are to be administered" (8 VAC 20-131-30). The SOA do not specifically make the awarding of diplomas contingent upon the passage of SOL tests; however, beginning with the 9th grade class of 2000, students must earn six verified units of credit and nine verified units of credit for the standard and advanced studies diplomas, respectively. Verified units are earned upon passage of the relevant SOL test; the proposed SOA revisions add that the student must pass the course as well.

*Patron - Edwards*

**SB746 Study of the contributions to society of diverse people.** Amends the Standards of Quality to require that the Board of Education supplement the Standards of Learning for Social Studies to ensure the study of contributions to society of diverse people. This bill is a recommendation of the Joint Subcommittee Studying the Status and Needs of African-American Males in Virginia. This measure was incorporated in SB 487.

*Patron - Maxwell*

## Carried Over

**HB347 Diploma warranty.** Directs each local school board, beginning in school year 2000-2001, to provide a two-year warranty for students receiving a standard or advanced studies diploma from a high school in the school division. The warranty will guarantee minimum competencies in reading, writing, and mathematics and shall provide that students graduating with a standard or advanced studies diploma who are identified by an employer in the Commonwealth as deficient in one or more of these minimum competencies are entitled to receive retraining in such competencies from the relevant school division free of charge. Board of Education regulations will govern the initiative and will specify academic skills and competencies guaranteed, address criteria for determining the need for retraining in these particular competencies, and provide procedures for the identification of students entitled to retraining.

*Patron - Marshall*

**HB380 Programs designed to promote educational opportunities** Revises the requirements for the at-risk four-year-old preschool program when delivered by the public schools to increase the eligible population by (i) including three-year-olds as well as five-year-olds who are not eligible to attend kindergarten; (ii) increasing the percentage of children to be served from 60 percent to 80 percent of the eligible children; (iii) increasing the required pupil/teacher ratio by two children to 10/1 and the maximum class size to 20; and (iv) redefining "at-risk student" to cover children in families at or below 200 percent of the federal poverty level. Currently, the Department of Education's guidelines require a pupil/teacher ratio of 8/1 and a maximum class size of 18 and define eligible children to be from families having incomes at or below 1 percent of the federal poverty level. Pursuant to this provision, the Department may differentiate its service criteria according to the various service providers in order to comply with any relevant federal or state requirements, e.g., Head Start requires a 9/1 ratio and limits the maximum class size to 19 students.

*Patron - Darner*

**HB409 Standards of Learning assessments; use of multiple criteria for graduation, promotion, and accreditation.** 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. The current Standards of Accreditation (SOA) provide that, for grades in which the SOL tests are given, achievement of a passing score on the SOL tests "shall be considered in promotion/retention policies adopted by the local school board" (8 VAC 20-131-30). The proposed revisions to the SOA delete this statement. The proposed revisions provide instead that results of SOL assessments in grades K-8 are to be "part of a set of multiple criteria for determining the promotion or retention of students." The proposed regulations are silent as to promotion/retention policies for grades 9-12, grades in which verified units of credit (earned by passing SOL assessments and successfully completing courses) are required for a diploma. However, the proposed SOA direct division superintendents to "certify to the Department of Education that the division's promotion/retention policy does not exclude students from membership in a grade or participation in a course in which SOL tests are to be administered." Currently, the SOA provide that "[n]o promotion/retention policy shall be written in a manner as to systematically exclude students from membership in a grade or participation in a course in which SOL tests are to be administered" (8 VAC 20-131-30). The SOA not specifically make the awarding of diplomas contingent upon the passage of SOL tests; however, beginning with the ninth grade class of 2000, students must earn six verified units of credit and nine verified units of credit for the standard and advanced studies diplomas, respectively. Verified units are earned upon passage of the relevant SOL test; the proposed SOA revisions add that the student must pass of the course as well.

*Patron - Phillips*

**HB471 Advanced External Diploma Grants Program.** Establishes the Advanced External Diploma Grants Program and Fund, from such funds as may be appropriated or received, to be administered by the Board of Education, to provide grants to public high schools graduating students earning eligible advanced external diplomas, such as the International Baccalaureate and other advanced external diplomas approved by the Board. The Board is to establish procedures for determining amounts for grants to public high schools. The grants are to be calculated on a per-student basis and may be used for professional development and training, textbooks and supplies for such advanced external diplomas, any relevant testing fees, or other related educational initiatives or expenses approved by the Board. The per-student amount of any grant awarded from the Fund in any year may not exceed \$300. Under current law the Board of Education, in recognizing educational performance in school divisions, is to consider special school division accomplishments, such as numbers of dual enrollments and students in Advanced Placement and International Baccalaureate courses, and participation in academic year Governor's Schools. This bill is identical to SB 436.

*Patron - Amundson*

**HB512 Computer Proficiency Enhancement Project.** Creates the Computer Proficiency Enhancement Project ("Project") to be administered by the Virginia Department of Education ("Department"). The bill requires the Department to designate six schools (two elementary schools, two middle schools, and two high schools) located in economically disadvantaged areas of the Commonwealth as Project schools. The Department is to provide portable computers to these schools. The portable computers may be used in classroom settings and shall be available to students to take home

The Project will last three academic years, at the end of which the Department will report to the Governor and the General Assembly regarding the successes and shortcomings of the Project, along with the Department's recommendation regarding the Project. The Department is also required to provide interim reports to the Joint Commission on Technology and Science at the end of each academic year of the Project. The bill contains a sunset date of July 1, 2004. This bill is a recommendation of the Joint Commission on Technology and Science.

*Patron - Plum*

**HB631 Student assessments.** Revises Standard 3 of the Standards of Quality to provide that assessments developed by the Board of Education that may be used by classroom teachers are to supplement local assessments. The assessments are to be administered on a comprehensive or statistically valid sampling basis. The measure also directs local school boards, in assessing the educational progress of students as individuals and as groups, to use assessment instruments designed to facilitate authentic and direct gauges of student performance, such as consideration of work samples, projects and portfolios, teacher-made tests, external reviews of student achievement, and other assessments.

*Patron - Darner*

**HB632 School accreditation and pupil performance; multiple criteria.** Provides that the results of any Standards of Learning (SOL) assessments cannot be the sole or primary basis for the promotion or retention of students 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. Included among these criteria for school accreditation are consideration of access to high quality curricula and instruction designed to meet diverse needs, abilities, and interests; attendance, dropout and graduation rates; postsecondary education and employment rates; school and divisionwide demographi factors; school and community resources; and parental involvement levels. The current Standards of Accreditation (SOA) provide that, for grades in which the SOL tests are given, achievement of a passing score on the SOL tests "shall be considered in promotion/retention policies adopted by the local school board" (8 VAC 20-131-30). The proposed revisions to the SOA delete this statement. The proposed revisions provide instead that results of SOL assessments in grades K-8 are to be "part of a set of multiple criteria for determining the promotion or retention of students." The proposed regulations are silent as to promotion/retention policies for grades 9-12, grades in which verified units of credit (earned by passing SOL assessments and successfully completing courses) are required for a diploma. However, the proposed SOA direct division superintendents to "certify to the Department of Education that the division's promotion/retention policy does not exclude students from membership in a grade or participation in a course in which SOL tests are to be administered." Currently, the SOA provide that "[n]o promotion/retention policy shall be written in a manner as to systematically exclude students from membership in a grade or participation in a course in which SOL tests are to be administered" (8 VAC 20-131-30). The SOA do not specifically make the awarding of diplomas contingent upon the passage of SOL tests; however, beginning with the ninth grade class of 2000, students must earn six verified units of credit and nine verified units of credit for the standard advanced studies diplomas, respectively. Verified units are earned upon passage of the relevant SOL test; the proposed SOA revisions add that the student must pass of the course as well.

*Patron - Darner*

**HB637 School board salaries.** Eliminates the school board member salary limits specified for each school division, and provides instead that salaries for school board members representing counties, cities and towns must be consistent with salary procedures and limits set by statute or by charter for the relevant local governing body. The salary limits for members of the consolidated school divisions of Williamsburg/James City County, Greensville County/Emporia, and Alleghany County/Clifton Forge must be consistent with the salary limits established for the relevant county. Title 15.2 sets specific salary caps for city councils and boards of supervisors by population brackets; town councils may set their own salary levels. This bill also provides that the annual amount a school board, whether elected or appointed, may pay its chairman will be increased from \$1,100 to \$2,000 and retains the restriction that no school board can be awarded a salary increase, unless a specific salary increase is approved by affirmative vote of that school board. The bill has a delayed effective date of July 1, 2001.

*Patron - Dillard*

**HB767 Standards of Learning assessments.** Directs the Board of Education to establish procedures by which the Standards of Learning assessments may be scored or graded by local school boards.

*Patron - Day*

**HB770 Standards of Learning assessments.** Directs the Board of Education to schedule the administration of any Standards of Learning (SOL) assessments to occur following the completion of required curriculum course work and instruction required by the Standards of Learning for the relevant course.

*Patron - Day*

**HB956 Standards of Learning assessments.** Directs the Board of Education to schedule the administration of any Standards of Learning (SOL) assessments to occur following the completion of required curriculum course work and instruction required by the Standards of Learning for the relevant course.

*Patron - Jackson*

**HB1001 Regulations governing special education.** Prohibits the Board of Education from promulgating regulations for special education programs that require any local school board to exceed the requirements of state law or federal law or regulations, unless, in the case of federal law or regulations, state law directs the Board to exceed federal requirements.

*Patron - Rollison*

**HB1043 Remediation.** Adds to those students for whom attendance in a program of prevention, intervention or remediation is required, those pupils who are determined by their teachers to need these programs based on multiple measures of student achievement, consisting primarily of a variety of locally-developed classroom assessments of student work, and other relevant data, and supplemented by scores on standardized assessments, including the Standards of Learning (SOL) assessments. Currently, the Standards of Quality mandates attendance in these programs for students who are educationally at risk including, but not limited to, those whose scores are in the bottom national quartile on Virginia State Assessment Program Tests, who do not pass the literacy tests or who fail to achieve a passing score on any SOL assessment in grades three, five and eight.

*Patron - Darner*

**HB1179 School board disciplinary procedures.** Revises certain provisions relating to due process and expulsions, suspensions, and exclusions of students by school board. This bill provides (i) definitions of "expulsion," "long-term suspension," "short-term suspension," and "alternative education"; (ii) delineated steps and alternatives for due process procedures relating to suspension, expulsion and exclusion of students; (iii) a requirement that disciplinary committees of school boards be odd-numbered committees of at least three members; (iv) clarification of the responsibilities for the zero-tolerance law (Gun-Free Schools Act of 1994); and (v) clarification and simplification of the provisions authorizing disciplinary actions such as alternative education placements and exclusion. This bill authorizes school boards to establish, in their regulations, the responsibilities of hearing officers and board committees for long-term suspensions and expulsions.

*Patron - Reid*

**HB1226 Publication of procedure for changing special education placements.** Requires the Board of Education to publicize and disseminate widely, information regarding the rights of parents to (i) reject or contest the special education placement committee's recommendation that a child be placed in a special education program, and (ii) withdraw a child from such program whether or not the three-year period for evaluating student placements has elapsed, and whenever the parent determines that the placement was unwarranted and continuation of the placement cannot be justified. The Board of Education is required also to establish procedures in the regulations that protect parents from undue pressure and influence to reverse their position. The Board must promulgate emergency regulations to implement the provisions of the law and the Superintendent of Public Instruction must advise local school divisions of the provisions of the law within 30 days of its passage. This bill is a recommendation of the Joint Subcommittee Studying the Overrepresentation of African-American Students in Special Education Programs.

*Patron - McEachin*

**HB1241 Inclusion of certain end-of-course grades in scholastic record** Prohibits school divisions from expunging from the scholastic record of any middle school student an end-of-course grade received in an advanced, honors or high school level course taken during middle school enrollment. Some middle school students may enroll in upper level or advanced courses, such as Algebra I or Geometry, rather than take these courses at the high school level. This measure would prevent students from dropping a less-than-satisfactory grade from their middle school record and replacing it with subsequent end-of-course grade upon re-taking the class in high school.

*Patron - Tata*

**HB1351 Tuition assistance grants for students in nonsectarian private schools.** Establishes a program of tuition assistance grants, to be administered by the Board of Education, for full-time, Virginia-resident students in grades six through 12 attending nonsectarian, private, accredited, non-profit schools in the Commonwealth whose primary purpose is to provide elementary or secondary education and not to provide religious training or theological education. Board regulations will govern the administration of the program. The amount of any tuition assistance grant cannot exceed the annual state average per-pupil cost for public elementary or secondary education in Virginia for the previous year. Tuition grants can be used only for grades six through 12 in educational programs other than those providing religious training or theological education of an indoctrinating nature. The grants cannot be reduced by the student's receipt of other financial

aid; however, no student can receive a grant which, when added to any other financial aid, would enable the student to receive total assistance in excess of the estimated cost of attending the qualified private school. Determinations of residency, defined by cross-reference to the Code provision defining residency for higher education purposes, are to be made by the enrolling qualified private school. To ensure consistency and fairness, the Board is to (i) require all participating qualified private schools to file student specific data; (ii) monitor the domiciliary status decisions of these schools; and (iii) make final decisions on any disputes between the schools and the grant recipients. Article VIII, § 10 of the Virginia Constitution generally prohibits appropriations of public funds to any school or institution "not owned or exclusively controlled by the State or some political subdivision thereof"; however, this section also authorizes the General Assembly to "appropriate funds for educational purposes which may be expended in furtherance of elementary, secondary, collegiate, or graduate education of Virginia students in public and nonsectarian private schools...." The Supreme Court of Virginia, in *Harrison v. Day* (200 Va. 439 at 450, 106 S.E.2d 636 (1959)), has also construed this section to provide the General Assembly permissive authority to appropriate state funds for the education of Virginia students in nonsectarian private schools. In addition, a 1994 opinion of the Attorney General of Virginia echoes this interpretation of § 10 (1994 Op. Va. Att. Gen. 1).

*Patron - Drake*

**HB1402 Standards of Learning assessments.** Provides that the results of Standards of Learning (SOL) assessments shall not constitute the primary basis for student promotion or retention, the awarding of diplomas, or school accreditation. Currently, the Standards of Accreditation (SOAs) state that "the SOL assessments shall constitute the primary evaluation of student academic achievement" (8 VAC 20-131-40), and achievement of a passing score on the SOL tests shall be considered in promotion/retention policies adopted by the local school board." In addition, schools are to "use the SOL test results as part of a multiple set of criteria for determining advancing or retaining students in grades three, five, and eight. No promotion/retention policy shall be written in a manner as to systematically exclude students from membership in a grade or participation in a course in which SOL tests are to be administered" (8 VAC 20-131-30). Further, the SOAs clearly state that schools shall be accredited "primarily" based on pupil achievement, as evidenced by scores on the SOL tests and other assessments. In the elementary grades, accreditation will be based on the percentage of eligible students in grades three and five achieving passing scores on the SOL tests in the four core subject areas. In middle schools, SOL tests in the four core subjects for eighth graders and end-of-course tests "where applicable" will determine accreditation. End-of-course SOL test scores will support secondary school accreditation (8 VAC 20-131-280 D; 8 VAC 20-131-300). Pursuant to Standard 1 of the Standards of Quality, students who fail to pass all of the SOL tests in grades three, five and eight are now required to attend summer school or participate in another form of remediation. Students who fail any of the SOL tests in these grades are also the target of prevention and intervention programs in Standard 1. This bill is a recommendation of the Joint Subcommittee Studying the Educational Needs of Certain Underserved Gifted Students.

*Patron - Christian*

**HB1450 Virginia Banking-at-School Demonstration Program.** Creates the Virginia Banking-at-School Demonstration Program to provide practical learning experiences to allow students to apply money management and personal finance skills; to assist them in understanding the American economic system, banking, finance and investments; to explore

entrepreneurship; and to explore and apply mathematical concepts used in the world of business and finance in a realistic setting. The provisions of the bill expire on July 1, 2005. This bill is a recommendation of the Joint Subcommittee Studying the Status and Needs of African-American Males in Virginia.

*Patron - Jones, D.C.*

**☐HB1483 School accreditation and pupil performance; multiple criteria.** Directs the Board of Education, in establishing accreditation standards and determining requirements for graduation and student achievement, to seek the assistance and input of teacher education faculty at the Commonwealth's public institutions of higher education, professional educators, parents, and community members. The Board is to incorporate the use of multiple criteria in determining the accreditation status of public schools. In addition, the measure provides that the results of any Standards of Learning assessments may constitute one of multiple criteria, but shall not be the sole or primary basis, for the awarding any verified units of credit required for a standard or advanced studies diploma.

*Patron - Rhodes*

**☐HB1509 Standards for accreditation of public schools.** Enacts into statute the Standards of Accreditation (SOA) regulations for accrediting public schools, except those provisions relating to staffing levels, family life education, and the option of employing guidance counselors or reading specialists in elementary schools. The measure incorporates the SOA revisions currently proposed for adoption by the Board of Education. Staffing levels as currently set forth in Standard 3 of the Standards of Quality remain unchanged. Various references to diploma requirements appearing in Standard 3 are moved to the codified SOA sections of the measure, and references to the SOA in the Code of Virginia are adjusted to indicate the new Code sections as appropriate. A second enactment clause provides that references to "literacy tests" and the "Literacy Passport Tests" (LPT) in the codified SOA in this measure are not to be deemed to reinstitute the LPT requirement but shall be construed consistent with the phase-out of such tests effected pursuant to, legislation adopted by the 1998 Session.

*Patron - Dillard*

**☐HB1530 Student representative to Board of Education.** Directs the Governor to appoint a student representative to serve in an advisory capacity to the Board of Education. The student must be enrolled in a public high school in the Commonwealth. Appointments are for a term of one year each. The student representative may be re-appointed to serve subsequent or consecutive terms. The student representative is not to be construed to be a member of the Board for any purpose, including, but not limited to, establishing a quorum or making any official decision. The Board may exclude the nonvoting student representative from executive sessions or closed meetings pursuant to the Freedom of Information Act. Pursuant to Article VIII, § 4 of the Virginia Constitution, the Board of Education is to consist of nine members appointed by the Governor.

*Patron - Day*

**☐SB83 Standards of Quality; educational technology.** Revises Standard 1 (Basic skills, selected programs, an instructional personnel), Standard 3 (Accreditation, other standards and evaluation), Standard 5 (Training and professional development), and Standard 6 (Planning and public involvement) to make educational technology, i.e., computer skills and related technology, squarely within the scope of the Standards of Quality. Specifically, this provision requires (i) the Board of Education to include proficiency in the use of computers and related technology in the Standards of Learning; (ii) revises the

requirement for local school board K through 12 programs to include "technological proficiency" to specify "proficiency in the use of computers and related technology"; (iii) requires technology resource assistants to serve every school in each school division; (iv) modifies the requirements for the Standards of Accreditation to include "integration of educational technology into instructional programs" and "staff positions for supporting educational technology"; (v) adds to the staffing requirements for public schools "technology resource assistants, one to serve, either part time or full time, in each school" in each school division; (vi) modifies the requirement for the Board of Education to provide technical assistance on professional development to local school boards designed "to seek to ensure" proficiency in the use of technology to stipulate "designed to ensure"; (vii) each local school board's professional development program in educational technology is to be designed to facilitate integration of computer skills and related technology into the curricula; (viii) the Board of Education's six-year technology plan is to be developed "to integrate educational technology into the Standards of Learning and the curricula of the public schools in Virginia"; and (ix) local school division technology plans are to be "designed to integrate educational technology into the instructional programs of the school division." A few technical syntax amendments are also made. This bill is a recommendation of the Joint Commission on Technology and Science.

*Patron - Howell*

**☐SB84 Computer Proficiency Enhancement Project.** Creates the Computer Proficiency Enhancement Project ("Project") to be administered by the Virginia Department of Education ("Department"). The bill requires the Department to designate six schools (two elementary schools, two middle schools, and two high schools) located in economically disadvantaged areas of the Commonwealth as Project schools. The Department is to provide portable computers to these schools. The portable computers may be used in classroom settings and shall be available to students to take home. The Project will last three academic years, at the end of which the Department will report to the Governor and the General Assembly regarding the successes and shortcomings of the Project, along with the Department's recommendation regarding the Project. The Department is also required to provide interim reports to the Joint Commission on Technology and Science at the end of each academic year of the Project. The bill contains a sunset date of July 1, 2004, and its provisions will not become effective unless an appropriation is included in the 2000 appropriation act, passed by the General Assembly and signed into law by the Governor. This bill is a recommendation of the Joint Commission on Technology and Science.

*Patron - Howell*

**☐SB146 Virginia Retirement System; retirees hired as teachers.** Provides that retired persons who are members of the Virginia Retirement System may be hired as teachers without interrupting their retirement benefits. This bill applies to licensed instructional personnel who have been (i) retired for at least one year from employment with a Virginia local school board before returning to the classroom on a full-time basis; (ii) licensed to teach in the Commonwealth; and (iii) hired on an annual contract basis and ineligible for continuing contract status.

*Patron - Couric*

**☐SB412 Suspension of certain students' driver's licenses.** Authorizes school boards to establish regulations requiring the division superintendent to provide written notification to the Department of Motor Vehicles (DMV) of any student who has 15 or more unexcused absences, as defined by the local school board, and has failed to comply with efforts of



the school division to ensure his regular school attendance. This regulation must provide for notice to the parents and students of the potential for suspension of the student's driver's license, notice to the parents when the student has been determined to have acquired 15 or more unexcused absences, and an opportunity to appeal the school board's determination of the 15 or more unexcused absences to the division superintendent. The division superintendent's decision will be final. If the division superintendent notifies the DMV of the 15 or more unexcused absences, the student's license will be suspended until the division superintendent notifies the DMV, in writing, that the student is in regular school attendance.

*Patron - Colgan*

**SB436 Advanced External Diploma Grants Program.** Establishes the Advanced External Diploma Grants Program and Fund, from such funds as may be appropriated or received, to be administered by the Board of Education, to provide grants to public high schools graduating students earning eligible advanced external diplomas, such as the International Baccalaureate and other advanced external diplomas approved by the Board. The Board is to establish procedures for determining amounts for grants to public high schools. The grant are to be calculated on a per-student basis and may be used for professional development and training, textbooks and supplies for such advanced external diplomas, any relevant testing fees, or other related educational initiatives or expenses approved by the Board. The per-student amount of any grant awarded from the Fund in any year may not exceed \$300. Under current law, the Board of Education, in recognizing educational performance in school divisions, is to consider special school division accomplishments, such as numbers of dual enrollments and students in Advanced Placement and International Baccalaureate courses, and participation in academic year Governor's Schools. This bill is identical to HB 471.

*Patron - Puller*

**SB640 School calendar.** Makes local school boards responsible for setting the school calendar and determining the opening of the school year, and eliminates the post-Labor Day opening requirement and the "good cause" scenarios for which the Board of Education might grant waivers of this requirement. Amendments adopted in 1998 (SB 425) delineated the three "good cause" situations that may justify a waiver: the applicant school division must (i) have been closed an average of eight days per year during any five of the last 10 years because of severe weather conditions or certain other emergency situations; (ii) be providing an instructional program or programs in one or more of its elementary, middle or high schools, excluding the electronic classroom, which are dependent on and provided in one or more elementary, middle or high schools of another school division that qualifies for such waiver (waiver applicable only to the opening date for those schools where the dependent programs are provided); or (iii) be providing an experimental or innovative program approved by the Department of Education pursuant to the Standards of Accreditation (waiver only applicable to the opening date for schools where the experimental or innovative programs are offered generally to the student body).

*Patron - Hawkins*

**SB700 Early Childhood Education Scholarship Loan.** Establishes the Early Childhood Education Scholarship Loan Program, administered by the Board of Education, to increase the number of students pursuing careers in pre-elementary, early childhood or kindergarten education. The Program will consist of scholarship loans awarded annually to undergraduate students attending nonprofit two or four-year institutions of higher education in the Commonwealth whose primary purpose is to provide collegiate or graduate education

and not to provide religious training or theological education who: (i) are enrolled full time in an approved bachelor or associate degree program of pre-elementary, early childhood or kindergarten education and (ii) have and maintain a cumulative grade point average of at least 2.5 on a 4.0 scale or its equivalent. Recipients must agree to repay the scholarship loan obligation through teaching (bachelor degree recipients) or employment (associate degree recipients) in the Commonwealth in pre-elementary, early childhood or kindergarten education. The provisions of this act will not become effective unless an appropriation effectuating the purposes of this act is included in the 2000 appropriation act, passed during the 2000 Session of the General Assembly, and signed into law by the Governor.

*Patron - Ticer*

**SB744 Advocacy in public education.** Provides that the advisory school committees established by local school boards shall also advise the school board on matters pertaining to funding, school facilities, educational programs, teacher recruitment and retention, equity, and parental involvement. This bill is a recommendation of the Joint Subcommittee Studying the Status and Needs of African-American Males in Virginia.

*Patron - Maxwell*

**SB749 Standard 1 (Basic skills, selected programs, and instructional personnel) of the Standards of Quality.** Modifies the requirement for the Board to develop and approve objectives for mathematics, at the middle and high school levels, for personal living and finances, i.e., money management skills for individuals and families. This bill requires the Board to supplement the Standards of Learning for mathematics with personal living and finances objectives and materials.

*Patron - Maxwell*

## Educational Institutions

### Passed

**HB31 Commonwealth of Virginia Higher Educational Institutions Bond Act of 2000.** Authorizes the issuance of Commonwealth of Virginia Higher Educational Institutions Bonds pursuant to Article X, Section 9 (c) of the Constitution of Virginia in a principal amount not exceeding \$131,763,100. The purpose of the bonds is to provide funds for paying, together with any other available funds, the costs of acquiring, constructing, renovating, enlarging, improving, and equipping revenue-producing capital projects at institutions of higher learning of the Commonwealth. The net revenues derived from the capital projects and the full faith and credit of the Commonwealth are pledged for the payment of the principal of and the interest on the bonds and any bond anticipation notes or refunding bonds. The bill authorizes the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds, to borrow money in anticipation of the issuance of the bonds, and to issue refunding bonds. The bill finds that an emergency exists, and that it is in force from its passage. This bill is identical to SB 31. This bill contains an emergency clause.

*Patron - Callahan*

**HB438 Certain college tuition savings initiatives** Changes the name of the Virginia Higher Education Tuition Trust Fund to the Virginia College Savings Plan; removes contributors to a savings trust account within the Plan who are age

70 and over from the requirement that deductions for such contributions not exceed \$2,000 (a benefit currently afforded purchasers of prepaid tuition contracts); and broadens the definition of the Virginia fiduciary adjustment, for estate tax purposes, to include the state income tax deduction permitted for purchases of prepaid tuition contracts and contributions to savings trust accounts within the Plan. The measure is effective for taxable years beginning on and after January 1, 2000. This bill is identical to SB 359.

*Patron - Callahan*

**HB592 Southwest Virginia Higher Education Center** Adds the president of Old Dominion University to the Board of Trustees of the Southwest Virginia Higher Education Center.

*Patron - Johnson*

**HB610 Southwest Virginia Higher Education Center** Adds the Southwest Virginia Higher Education Center (SVHEC) to the list of those entities characterized as "educational institutions" and "governmental instrumentalities for the dissemination of education." Current law designates as "educational institutions" the Commonwealth's four-year public colleges and universities, the Virginia Community College System, the Woodrow Wilson Rehabilitation Center, the Virginia Schools for the Deaf and the Blind, and the Eastern Virginia Medical School. This classification in § 23-14 as an educational institution will enable SVHEC to issue bonds with the approval of its governing board and the Governor (§§ 23-15 and 23-19), acquire property (§ 23-16), be eligible for its bonds to be purchased by the Virginia College Building Authority (§§ 23-30.24, 23-30.25, 23-30.27, and 23-30.28), establish a campus police department, and authorize such campus police to purchase their service handguns (§ 23-232). This designation will not empower the SVHEC to establish unfunded scholarships (§ 23-31), nor will it place the Center under the State Council of Higher Education for Virginia (SCHEV), the coordinating council for two- and four-year public colleges and universities. In addition, the designation does not require SVHEC to submit an annual report to SCHEV regarding financial statements (§ 23-1.01). The term "educational institution" appears in a variety of contexts throughout the Code. The term, for purposes of § 23-14, does not necessarily include all entities described as "institutions of higher education" or "institutions of higher learning" elsewhere in the Code of Virginia. "Educational institution" is used broadly in Code provisions addressing matters such as employment, prohibited contracts, and certain field permits. "Educational institutions" may also sell real estate (§ 13.1-901); establish educational television stations (§ 15.2-966); have students excluded from certain toll payments (§ 22.1-187); and have governing board members reimbursed for travel expenses (§ 23-3). Public "educational institutions" receiving state funds may not discriminate against persons with disabilities (§ 51.5-43). Not referenced in § 23-14, nor subject to SCHEV as a coordinating council, are these designated "educational institutions": the Miller School of Albemarle, the Board of Regent of Gunston Hall, the Frontier Culture Museum, the Science Museum of Virginia, the Jamestown-Yorktown Foundation, and the Library of Virginia. The term has also been used in reference to private correspondence schools (§ 22.1-319). Designation as an "institution of higher education" has been applied to the Virginia Museum of Fine Arts, (which is not designated as an "educational institution") as well as the Science Museum of Virginia, and specifically makes these entities eligible to receive property and funds from localities (§ 23-3.1) and to maintain their state appropriations, despite any increases in endowment funds (§ 23-9.2). This bill is identical to SB 423.

*Patron - Kilgore*

**HB645 Jamestown-Yorktown Foundation.** Provides that the president of the Jamestown-Yorktown Foundation, Inc. will be a member of the Board of Trustees of the Jamestown-Yorktown Foundation, replacing the position currently filled by the president of the Jamestown-Yorktown Educational Trust. The Jamestown-Yorktown Educational Trust is a § 115 organization under the Internal Revenue Code; and its focus has shifted to concessions and other functions related to the Foundation. The Foundation, Inc., a § 501(c)(3) organization under the Internal Revenue Code, and will assist in fundraising to support the Jamestown-Yorktown Foundation. This bill is identical to SB 328.

*Patron - Davis*

**HB697 Virginia College Building Authority.** Removes the \$150 million cap on the aggregate principal amount of outstanding Virginia College Building Authority bonds to finance acquisition of equipment. The Authority was created to purchase such bonds "to serve educational institution purposes by financing the construction of projects of capital improvement at less cost, thereby facilitating such construction" and may also issue its own revenue bonds to pay for these projects. In addition, § 23-30.24 indicates legislative intent that the Authority purchase "new scientific, technical and other" equipment for lease or sale to colleges and universities, "thereby facilitating the acquisition and supply of such equipment to educational institutions and increasing the purchasing power of their funds, including funds provided by tuition and fees and by appropriations from the General Assembly." Currently, there is no similar statutory limit on outstanding bonds for construction projects. This bill is identical to SB 368.

*Patron - Hargrove*

**HB821 Student representatives to boards of visitors.** Requires the board of visitors of each four-year state institution of higher education to appoint one or more students as nonvoting, advisory representatives. The board of visitors may exclude these representatives from discussions of faculty grievances, faculty or staff disciplinary matters or salaries or other matters at the discretion of the board. This measure is identical to SB 438.

*Patron - Landes*

**HB846 Tuition Assistance Grants.** Deletes references to any loans previously made under the Tuition Assistance Grant Act (TAG), including repayment provisions and other requirements applying to loans made before July 1, 1980, and provides that pharmacy students may receive TAG grants for no more than four academic years. In addition, the measure provides that institutions acting as agents for students receiving TAG grants are to promptly credit funds disbursed to TAG students upon verification of the student's eligibility by the institution. Under current law, eligibility notification is provided by the State Council of Higher Education. The TAG initiative provides "a program of tuition assistance in the form of grants" to Virginia residents attending "private, accredited and nonprofit institutions of collegiate education in the Commonwealth whose primary purpose is to provide collegiate, graduate, or professional education and not to provide religious training or theological education." Identical to SB 559.

*Patron - Brom*

**HB866 Institutes for training teachers.** Removes the limitation that only four sites be established for institutes for training teachers. These institutes may be located at sites that include two- and four-year public institutions of higher education in Virginia. Legislation adopted in 1996 directed the State Council of Higher Education to establish, from such funds as may be appropriated for this purpose, institutes pro-

viding technology training for teachers, administrators, and librarians in the elementary and secondary schools and public libraries of the Commonwealth. The initial legislation (HB 1097) capped the institutes at no more than three sites; this number was increased to four in 1999 (HB 2671), and the institutes' mission altered to encompass "in-service training in the effective use of educational technology."

*Patron - Tata*

**HB920 Commonwealth Health Research Fund.** Provides that the Commonwealth Health Research Board may expend the annual income generated from investments of the Commonwealth Health Research Fund; annual income does not include any noncash dividends paid on investments of the Fund and any realized gain on the sale of any investment of the fund. Under current law, the Board may expend up to 90 percent of the annual income realized from investments of the Fund, including realized gains on the sale of investments, or grants that have the potential of maximizing human health benefits for the citizens of the Commonwealth and on certain enumerated expenses of administering the Fund. The bill provides that the Board may contract for professional services to assist the Board in the performance of its duties and responsibilities. The bill also provides that members of the Board shall be compensated for their services at the per diem rate specified in Chapter 924 of the 1997 Acts of Assembly as for members of the General Assembly. The Board and Fund were established by the 1997 Session of the General Assembly. The Fund consists of all stock and cash distributed to the Commonwealth as a policyholder pursuant to the conversion of Blue Cross and Blue Shield of Virginia from a mutual insurance company to a Virginia stock corporation. This bill is identical to SB 484.

*Patron - Dickinson*

**HB936 In-service training in educational technology.** Authorizes the provision of in-service training in the effective use of educational technology for adult education and literacy program professionals. The training is to be delivered at institutes established by the State Council of Higher Education for providing in-service training in educational technology for public school teachers, administrators, and librarians.

*Patron - Plum*

**HB980 Waivers of tuition for certain persons.** Provides grants for tuition and fees at Virginia community colleges for a Virginia resident who (i) has received a high school diploma or a general educational development (GED) certificate and was in foster care or in the custody of the Department of Social Services or is considered a special needs adoption at the time such diploma or certificate was awarded; (ii) is enrolled or has been accepted for enrollment as a full-time student in a degree or certificate program of at least one academic year in length in a Virginia community college; (iii) has not been enrolled in postsecondary education as a full-time student for more than five years; (iv) maintains the required grade point average established by the State Board for Community Colleges; (v) has submitted applications for federal student financial aid programs; and (vi) meets any additional financial need requirements established by the State Board for Community Colleges for the purposes of such grants. The State Board for Community Colleges, in consultation with the State Council of Higher Education and the Department of Social Services, is to establish regulations governing the grants that shall address renewal of grants; financial need; the calculation of grant amounts, after consideration of any additional financial resources or aid the student may hold; the grade point average required to retain such grant; and procedures for the repayment of tuition and fees after failure to meet the grant requirements.

*Patron - Darner*

**HB1133 University of Virginia's College at Wise; receipt of certain real property.** Authorizes the receipt by the University of Virginia's College at Wise, of two parcels of real property, including appurtenances, known as the Wise Hospital property, from Appalachian Regional Healthcare, Inc., with the approval of the Governor and in a form approved by the Attorney General.

*Patron - Kilgore*

**HB1159 Composition of Board of Visitors of Norfolk State University.** Provides that four members of the 13 member Board of Visitors of Norfolk State University (NSU) must be NSU alumni of which three alumni may be nonresidents of Virginia. The Governor may appoint alumni members from a list of qualified persons provided by the Norfolk State University Alumni Association.

*Patron - Robinson*

**HB1279 College Scholarship Assistance Act.** Deletes references to any loans previously made under the College Scholarship Assistance Act, including repayment provisions and other requirements, and provides that the grant amount may not exceed the amount provided in the Appropriation Act. In addition, the measure provides that students may be eligible for these grants if they have not previously received an undergraduate degree at the same level (for example, a student who has an associate degree may receive a grant to pursue a four-year degree but not an additional two-year degree). The College Scholarship Assistance initiative provides a statewide program of financial aid to eligible undergraduate students at accredited, degree-granting public or private nonprofit institutions of higher education in Virginia. Currently, grants are capped at \$2,000 per year. Students in those institutions or programs whose primary purpose is to provide religious training or theological education are not eligible for this aid. This bill is identical to SB 631.

*Patron - Suit*

**HB1463 Board of Visitors for Mount Vernon.** Creates staggered terms for members of the Board of Visitors for Mount Vernon. The bill also provides that current members of the board of visitors whose terms have not expired as of July 1, 2000 are not affected.

*Patron - Bolvin*

**HB1471 Medical College of Virginia Hospitals Authority.** Changes the name of the Medical College of Virginia Hospitals Authority to the Virginia Commonwealth University Health System Authority and provides a mechanism for merging the MCV Hospitals and the physician-faculty practice. This bill provides that the Vice President for Health Sciences or the person who holds such other title as subsequently may be established by the Board of Visitors of the University for the chief academic and administrative officer for the Health Sciences Campus of the university will serve on the Board of Directors of the Authority and increases the membership by six physician-faculty members, with two physician-faculty members to be appointed by the Governor, two physician-faculty members to be appointed by the Speaker of the House of Delegates; and one physician-faculty member to be appointed by the Senate Committee on Privileges and Elections. The new physician-faculty members must be faculty members of Virginia Commonwealth University with hospital privileges at Medical College of Virginia Hospitals at all times while serving on the Board. Staggered terms for the new appointees are provided by delineating different initial terms. The Chief Executive officer of the Authority will now be the Vice President for Health Sciences of VCU. The Vice President for Health Sciences/Chief Executive Officer of the Authority will be

jointly appointed by the Board of Directors of the Authority and the Board of Visitors of the University upon a vote of a majority of the members of each board who are present and voting at a joint meeting. The two boards will select and remove the Vice President/Chief Executive officer and set the conditions of his appointment, including salary

*Patron - Hall*

**HB1528 Advantage Virginia Incentive Program created.** Creates the Advantage Virginia Incentive Foundation ("Foundation"), the Advantage Virginia Incentive Fund ("Fund"), and the Advantage Virginia Incentive Program ("Program"). The Foundation would be a body politic of the Commonwealth and is to be administered by a board of trustees. The members of the board of trustees are to be appointed by the Governor. The Foundation is to establish and administer the Fund, and moneys of the Fund are to be used for awarding scholarships pursuant to the Program. The Program is to be administered by the Virginia Workforce Council, to provide scholarships to students attending two and four-year (i) public institutions of higher education, and (ii) private, nonprofit or for-profit, nonsectarian, degree-granting institutions of higher education that are institutionally accredited by an accrediting commission recognized by the United States Department of Education, and whose primary purpose is to provide collegiate, graduate, technical or professional education and not to provide religious training or theological education, who become employed in "occupational areas where there is high demand for workers in the Commonwealth," as such areas are designated by the Council. An occupational area where there is high demand for workers shall include occupations in Virginia localities and planning districts that (i) have annual average unemployment rates that are 50 percent higher than the final statewide average unemployment rate for the most recent calendar year or (ii) are within planning districts that have annual average unemployment rates for the most recent calendar year that are at least one percent greater than the final annual statewide average for the most recent calendar year, provided that such occupational areas in such Virginia localities and planning districts require, for successful completion, the level of education, skills, and training for which scholarships are granted under the bill. The granting of the scholarship to students enrolled in degree programs offered by private, accredited and nonprofit institutions of collegiate education in the Commonwealth whose primary purpose is to provide collegiate, graduate, or professional education and not to provide religious training or theological education mirrors the eligibility requirement under the Tuition Assistance Grant Program. The granting of the scholarships to students enrolled in degree programs offered by for-profit, nonsectarian post-secondary private schools and institutions of learning in the Commonwealth is pursuant to the 1998 Report of the Attorney General (p. 24), which provides that such tuition assistance program are allowed under Article VIII, Section 10 of the Constitution of Virginia. Eligible students can receive scholarships of up to \$3,000 per academic year, not to exceed a maximum of \$12,000, for tuition, books, and fees. A recipient is required to repay his scholarship by agreeing to become employed in an occupational area where there is high demand for workers in the Commonwealth within one calendar year after his graduation, and to continue thereafter until he has been continuously employed in such area for a period of years equal in number to the years that he has benefited from the Program's scholarship. Students who fail to maintain eligibility during a scholarship year or refuse to fulfill these terms and conditions are required to repay their AVIP scholarship with interest and any penalties the Council assesses. Priority will be given to students (i) who are closest to completing their degree programs, (ii) who dem-

onstrate financial need, and (iii) whose applications were received earliest by the Council.

*Patron - Scott*

**HB1548 University of Virginia; endowment funds.** Vests flexibility in investing or reinvesting endowment funds in the Board of Visitors of the University of Virginia. This provision authorizes the Board to invest or reinvest endowment funds in derivatives, options, and financial securities, including notes, stocks, treasury stocks, bonds, debentures, evidence of indebtedness, certificates of interest, etc. Present law authorizes the Board to invest and manage the endowment funds of the University in accordance with the provisions of the Uniform Management of Institutional Funds Act which restricts investment authority narrowly. This bill is identical to SB 777.

*Patron - Cantor*

**SB31 Commonwealth of Virginia Higher Educational Institutions Bond Act of 2000.** Authorizes the issuance of Commonwealth of Virginia Higher Educational Institutions Bonds pursuant to Article X, Section 9 (c) of the Constitution of Virginia in a principal amount not exceeding \$131,763,100. The purpose of the bonds is to provide funds for paying, together with any other available funds, the costs of acquiring, constructing, renovating, enlarging, improving, and equipping revenue-producing capital projects at institutions of higher learning of the Commonwealth. The net revenues derived from the capital projects, and the full faith and credit of the Commonwealth are pledged for the payment of the principal of and the interest on the bonds and any bond anticipation notes or refunding bonds. The bill authorizes the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds, to borrow money in anticipation of the issuance of the bonds, and to issue refunding bonds. The bill has an emergency clause.

*Patron - Chichester*

**SB328 Jamestown-Yorktown Foundation.** Provides that the president of the Jamestown-Yorktown Foundation, Inc. will be a member of the Board of Trustees of the Jamestown-Yorktown Foundation, replacing the position currently filled by the President of the Jamestown-Yorktown Educational Trust. The Jamestown-Yorktown Educational Trust is a § 115 organization under the Internal Revenue Code, and its focus has shifted to concessions and other functions related to the Foundation. The Foundation, Inc., a § 501(c)(3) organization under the Internal Revenue Code, and will assist in fund raising to support the Jamestown-Yorktown Foundation. This measure is identical to HB 645.

*Patron - Norment*

**SB359 Certain college tuition savings initiatives** Changes the name of the Virginia Higher Education Tuition Trust Fund to the Virginia College Savings Plan; removes contributors to a savings trust account within the Plan who are age 70 and over from the requirement that deductions for such contributions not exceed \$2,000 (a benefit currently afforded purchasers of prepaid tuition contracts); and broadens the definition of the Virginia fiduciary adjustment, for estate tax purposes, to include the state income tax deduction permitted for purchases of prepaid tuition contracts and contributions to savings trust accounts within the Plan. The measure is effective for taxable years beginning on and after January 1, 2000. This measure is identical to HB 438.

*Patron - Lambert*

**SB368 Virginia College Building Authority.** Removes the \$150 million cap on the aggregate principal amount of outstanding Virginia College Building Authority

bonds to finance acquisition of equipment. The Authority was created to purchase such bonds "to serve educational institution purposes by financing the construction of projects of capital improvement at less cost, thereby facilitating such construction" and may also issue its own revenue bonds to pay for these projects. In addition, § 23-30.24 indicates legislative intent that the Authority purchase "new scientific, technical and other" equipment for lease or sale to colleges and universities, "thereby facilitating the acquisition and supply of such equipment to educational institutions and increasing the purchasing power of their funds, including funds provided by tuition an fees and by appropriations from the General Assembly." Currently, there is no similar statutory limit on outstanding bonds for construction projects. This bill is identical to HB 697.

*Patron - Norment*

**SB373 Tuition grants for certain students.**

Removes the \$500 cap on the amount of tuition grants for members of the Virginia National Guard enrolled in an institution of higher education in Virginia and provides that the grant amount may not exceed the difference between the full cost of tuition and any other educational benefits for which they are eligible as members of the National Guard. Under current law, the grant amount may be half of the cost of tuition, not to exceed \$500 per term or \$1,000 in any one year. To be eligible for such a grant, the Virginia National Guard member must also have a minimum remaining obligation of two years, must have satisfactorily completed required initial active duty service, and must be satisfactorily performing duty pursuant to National Guard regulations.

*Patron - Wampler*

**SB423 Southwest Virginia Higher Education Center**

Adds the Southwest Virginia Higher Education Center (SVHEC) to the list of those entities characterized as "educational institutions" and "governmental instrumentalities for the dissemination of education." Current law designates as "educational institutions" the Commonwealth's four-year public colleges and universities, the Virginia Community College System, the Woodrow Wilson Rehabilitation Center, the Virginia Schools for the Deaf and the Blind, and the Eastern Virginia Medical School. This classification as an educational institution will enable SVHEC to issue bonds with the approval of its governing board and the Governor (§§ 23-15 and 23-19), acquire property (§ 23-16), be eligible for its bonds to be purchased by the Virginia College Building Authority (§§ 23-30.24, 23-30.25, 23-30.27, and 23-30.28), establish a campus police department, and authorize such campus police to purchase their service handguns (§ 23-232). This designation will not empower the SVHEC to establish unfunded scholarships (§ 23-31), nor will it place the Center under the State Council of Higher Education for Virginia (SCHEV), the coordinating council for two- and four-year public colleges and universities. In addition, the designation does not require SVHEC to submit an annual report to SCHEV regarding financial statements (§ 23-1.01). The term "educational institution" appears in a variety of contexts throughout the Code. The term, for purposes of § 23-14, does not necessarily include all entities described as "institutions of higher education" or "institutions of higher learning" elsewhere in the Code of Virginia. "Educational institution" is used broadly in Code provisions addressing matters such as employment, prohibited contracts, and certain field permits. "Educational institutions" may also sell real estate (§ 13.1-901); establish educational television stations (§ 15.2-966); have students excluded from certain toll payments (§ 22.1-187); and have governing board members reimbursed for travel expenses (§ 23-3). Public "educational institutions" receiving state funds may not discriminate against persons with disabilities (§ 51.5-43). Not referenced in § 23-14, nor subject to SCHEV as a coordinating council, are these designated

"educational institutions": the Miller School of Albemarle, the Board of Regents of Gunston Hall, the Frontier Culture Museum, the Science Museum of Virginia, the Jamestown-Yorktown Foundation, and the Library of Virginia. The term has also been used in reference to private correspondence schools (§ 22.1-319). Designation as an "institution of higher education" has been applied to the Virginia Museum of Fine Arts, (which is not designated as an "educational institution" as well as the Science Museum of Virginia, and specifically makes these entities eligible to receive property and funds from localities (§ 23-3.1) and to maintain their state appropriations, despite any increases in endowment funds (§ 23-9.2). This measure is identical to HB 610.

*Patron - Wampler*

**SB438 Student representatives to boards of visitors.**

Requires the board of visitors of each four-year state institution of higher education to appoint one or more students as nonvoting, advisory representatives. The board of visitors may exclude these representatives from discussions of faculty grievances, faculty or staff disciplinary matters or salaries or other matters at the discretion of the board. This measure is identical to HB 821.

*Patron - Rerras*

**SB460 Institutes for training teachers, administrators, and librarians; adult education and literacy programs.**

Requires the institutes established by the State Council of Higher Education for Virginia currently providing in-service training in the effective use of educational technology for teachers, administrators, and librarians in the elementary and secondary schools to provide the same training to such personnel of equivalent adult education and literacy programs.

*Patron - Houck*

**SB484 Commonwealth Health Research Fund.**

Provides that the Commonwealth Health Research Board may expend the annual income generated from investments of the Commonwealth Health Research Fund; annual income does not include any noncash dividends paid on investments of the Fund or any realized gain on the sale of any investment of the fund. Under current law, the Board may expend up to 90 percent of the annual income realized from investments of the Fund, including realized gains on the sale of investments, or grants that have the potential of maximizing human health benefits for the citizens of the Commonwealth and on certain enumerated expenses of administering the Fund. The bill provides that the Board may contract for professional services to assist the Board in the performance of its duties and responsibilities. The bill also provides that members of the Board shall be compensated for their services at the per diem rate specified in Chapter 924 of the 1997 Acts of Assembly as for members of the General Assembly. The Board and Fund were established by the 1997 Session of the General Assembly. The Fund consists of all stock and cash distributed to the Commonwealth as a policyholder pursuant to the conversion of Blue Cross and Blue Shield of Virginia from a mutual insurance company to a Virginia stock corporation.

*Patron - Chichester*

**SB542 Jamestown-Yorktown Foundation**

Authorizes the Jamestown-Yorktown Foundation (i) to determine what artworks, manuscripts, and artifacts may be acquired by purchase, gift, or loan, and to exchange or sell the items if not inconsistent with the terms of the acquisition; and (ii) to change the form of investment of any funds, securities, or other property, real or personal, consistent with the terms of the instrument under which the property was acquired, and to sell or convey any such property, except that any transfers of real property must be made with the consent of the Governor. The

language mirrors those powers already granted to the Virginia Museum of Fine Arts.

*Patron - Marye*

**SB559 Tuition Assistance Grants.** Deletes references to any loans previously made under the Tuition Assistance Grant Act (TAG), including repayment provisions and other requirements applying to loans made before July 1, 1980, and provides that pharmacy students may receive TAG grants for no more than four academic years. In addition, the measure provides that institutions acting as agents for students receiving TAG grants are to promptly credit funds disbursed to TAG students upon verification of the student's eligibility by the institution. Under current law, eligibility notification is provided by the State Council of Higher Education. The TAG initiative provides "a program of tuition assistance in the form of grants" to Virginia residents attending "private, accredited and nonprofit institutions of collegiate education in the Commonwealth whose primary purpose is to provide collegiate, graduate, or professional education and not to provide religious training or theological education." This measure is identical to HB 846.

*Patron - Quayle*

**SB631 College Scholarship Assistance Act.** Deletes references to any loans previously made under the College Scholarship Assistance Act, including repayment provisions and other requirements, and provides that the grant amount may not exceed the amount provided in the Appropriation Act. In addition, the measure provides that students may be eligible for these grants if they have not previously received an undergraduate degree at the same level (for example, a student who has an associate degree may receive a grant to pursue a four-year degree but not an additional two-year degree). The College Scholarship Assistance initiative provides a statewide program of financial aid to eligible undergraduate students at accredited, degree-granting public or private nonprofit institutions of higher education in Virginia. Currently, grants are capped at \$2,000 per year. Excluded from aid are students in those institutions whose primary purpose is to provide religious training or theological education.

*Patron - Mims*

**SB777 University of Virginia; endowment funds** Authorizes the board of visitors of the University of Virginia to invest or reinvest endowment funds in derivatives, options, and financial securities.

*Patron - Stosch*

## Failed

**HB301 Meetings of boards of visitors of the University of Virginia.** Extends from July 1, 2000, to July 1, 2001, the authority of the board of visitors of the University of Virginia to conduct meetings via audio/video communication when at least two-thirds of the membership is physically assembled at its regular meeting place and when the customary requirements of public notice, voting and recordation of the meetings are followed.

*Patron - Diamonstein*

**HB463 School calendar for higher education.** Clarifies the authority of the boards of visitors of institutions of higher education to set the calendar for the academic year, which, in the case of four-year institutions, is to provide for the cessation of classes and the closure of relevant institution from midday Monday before Thanksgiving through and including the Monday following Thanksgiving each year.

*Patron - Tate*

### **HB529 Commonwealth of Virginia Higher Education and Related Educational Facilities Bond Act of 2000**

Authorizes the issuance of Commonwealth of Virginia Higher Education and Related Educational Facilities Bonds pursuant to Article X, Section 9 (b) of the Virginia Constitution in an amount not exceeding \$297,500,000, subject to approval by a majority of the qualified voters of the Commonwealth voting thereon at the November 7, 2000, general election. The purpose of the bonds is to provide funds for paying, together with any other available funds, the cost of acquiring, constructing, restoring, repairing, improving, renovating and refurbishing the physical plants, including incidental equipment, of higher education and related educational facilities. The full faith and credit of the Commonwealth is pledged for the payment of the principal of and interest on the bonds and any bond anticipation notes or refunding bonds. The bill authorizes the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds, to borrow money in anticipation of the issuance of the bonds, and to issue refunding bonds. The bill shall not become effective, and no bonds shall be issued unless and until voter approval is obtained.

*Patron - Diamonstein*

**HB784 Tuition and fees.** Amends the statute requiring the reduction of tuition and mandatory educational and general fees for in-state undergraduate students by 20 percent in the 2000 fiscal year to prohibit the boards of visitors or other governing bodies of public institutions of higher education from increasing such tuition and mandatory educational and general fees for in-state undergraduate students through June 30, 2004.

*Patron - Rollison*

**HB966 Student representatives on boards of visitors.** Requires the board of visitors of each four-year state institution of higher education to appoint one or more nonvoting student representatives to the board. This measure was incorporated in HB 821.

*Patron - Wagner*

**HB1441 Waivers of tuition for certain education personnel.** Provides for the waiver of tuition and fees at four-year public institutions of higher education for Virginia residents who (i) are enrolled as full-time or part-time undergraduate students in an approved teacher education degree program in a public four-year institution of higher education in Virginia; (ii) are employed by a local school board as education paraprofessionals for the semester for which the waiver is sought; (iii) have completed at least two years of full-time employment as education paraprofessionals with a local school board in Virginia; (iv) maintain the required grade point average; and (v) meet the financial need requirements established by the State Council of Higher Education for Virginia. The State Council in consultation with the Board of Education, is to establish regulations governing these waivers. The regulations are to include provisions addressing education paraprofessional positions for which waivers may be obtained; financial need; verification of employment as an education paraprofessional; the grade point average required to retain such waiver; and procedures for the repayment of tuition and fees for failure to meet the waiver eligibility requirements. This measure was incorporated in HB 1404 and HB 1408.

*Patron - Hull*

**SB350 Advantage Virginia Incentive Program created.** Creates the Advantage Virginia Incentive Foundation ("Foundation"), the Advantage Virginia Incentive Fund ("Fund"), and the Advantage Incentive Program ("Program") The Foundation would be a body politic of the Commonwealth

and is to be administered by a board of trustees. The members of the board of trustees are to be appointed by the Governor. The Foundation is to establish and administer the Fund, and moneys of the Fund are to be used for awarding scholarship pursuant to the Program. The Program is to be administered by the Virginia Workforce Council, to provide scholarships to students attending two- and four-year public institutions of higher education or private, accredited and nonprofit institutions of collegiate education in the Commonwealth whose primary purpose is to provide collegiate, graduate, or professional education and not to provide religious training or theological education who become employed in "occupational areas where there is high demand for workers in the Commonwealth," as such areas are designated by the Council. The granting of the scholarship to students enrolled in degree programs offered by private, accredited and nonprofit institutions of collegiate education in the Commonwealth whose primary purpose is to provide collegiate, graduate, or professional education and not to provide religious training or theological education mirrors the eligibility requirement under the Tuition Assistance Grant Program. Eligible students can receive scholarships of up to \$3,000 per academic year, not to exceed a maximum of \$12,000, for tuition, books, and fees. A recipient is required to repay his scholarship by agreeing to become employed in an occupational area where there is high demand for workers in the Commonwealth within one calendar year after his graduation, and to continue thereafter until he has been continuously employed in such area for a period of years equal in number to the years that he has benefited from the Program's scholarship. Students who fail to maintain eligibility during a scholarship year or refuse to fulfill these terms and conditions are required to repay their AVIP scholarship with interest and any penalties the Council assesses. Priority will be given to students (i) who are closest to completing their degree programs, (ii) who demonstrate financial need, and (iii) whose applications were received earliest by the Council. The bill also creates tax credits for contributing to the Fund. The tax credits are available to any individual, estate or trust, partnership, or corporate taxpayers who contributes to the Fund; however, for a taxpayer to receive tax credit, the total sum of the tax contributions at the end of the year has to be equal to or greater than the money appropriated by the General Assembly for the Fund for that taxable year. If this matching requirement is not met, the contributors will not receive any tax credit and they will be given the option to have their contributions refunded. The amount of tax credit allowed per taxpayer is in the amount equal to fifty percent of the taxpayer's contribution to the Fund and is not to exceed the amount of tax imposed to the taxpayer in that taxable year. The total amount of the tax credits allowed for a taxable year is \$2.5 million. If the total amount exceeds \$2.5 million in a taxable year, the tax credit would be distributed on pro rata basis. If the total amount is less than \$2.5 million in a taxable year, the unused amount is rolled over to the succeeding taxable year.

*Patron - Ticer*

**SB352 Student representatives on boards of visitors.** Requires the board of visitors of each four-year state institution of higher education to appoint one or more nonvoting student representatives to the board. The board of visitors may exclude the nonvoting student representatives from discussions of faculty grievances, faculty or staff disciplinary matters or salaries or other matters at the discretion of the board. This measure was incorporated in SB 438.

*Patron - Byrne*

**SB443 Tuition and fees.** Amends the statute requiring the reduction of tuition and mandatory educational and general fees for in-state undergraduate students by 20 percent in the 2000 fiscal year to prohibit the boards of visitors or other

governing bodies of public institutions of higher education from increasing such tuition and mandatory educational and general fees for in-state undergraduate students through June 30, 2004.

*Patron - Mims*

**SB650 Diversity of employees of local school boards and institutions of higher education** Requires local school boards, the State Board for Community Colleges, an public four-year institutions of higher education to develop and implement a strategic plan to ensure diversity among employees of local school boards, and public two-year and four-year institutions of higher education. These entities must also provide training pertaining to lawful hiring and interviewing practices; constitutional, civil rights, and employment law; and related matters to certain personnel. The chairmen of the local school boards, the Chancellor of Community Colleges, and the chairmen of the boards of visitors of the respective senior institutions must document that such training has been conducted. The Board of Education and the State Council of Higher Education must recommend incentives that are within constitutional principles to school boards and institutions, respectively, to encourage them to hire minorities into positions in which they have been traditionally underrepresented. The Board and the Council must report annually to the Governor and to the General Assembly those institutions that have implemented such plans and conducted such training. The strategic plans are effective on and after July 1, 2000. This bill is a recommendation of the Commission on Access and Diversity in Higher Education.

*Patron - Marsh*

## Carried Over

**HB472 External Diploma Scholarship Program.** Establishes, from such funds as may be appropriated or received, the External Diploma Scholarship Program and Fund, administered by the State Council of Higher Education, to provide scholarships to students who have graduated from a Virginia public high school with an eligible external diploma, such as the International Baccalaureate, and who are enrolled in or accepted for enrollment in any four-year public institution of higher education in Virginia. Awards would be for one year; scholarships may be renewed annually for no more than three subsequent years of study for students enrolled in four-year undergraduate programs, or, from such funds as are available, for no more than four subsequent years of study for students enrolled in five-year undergraduate programs. Scholarship amounts are determined annually, but cannot exceed the actual amount of full tuition and required fees at the relevant four-year public institution of higher education. This bill is identical to SB 435.

*Patron - Amundson*

**HB1429 Ratio of in-state and out-of-state students.** Requires the governing bodies of public four-year institutions of higher education, beginning with the incoming freshman class of fall 2001, to maintain a ratio of the in-state and out-of-state student population in each incoming freshman class that is not less than 67 percent in-state students. The measure does not apply to Virginia Military Institute, Norfolk State University and Virginia State University.

*Patron - O'Brien*

**HB1434 Senior Citizens Higher Education Act.** Eliminates the one-year Virginia residency requirement for senior citizens wishing to enroll in Virginia public institutions of higher education on a tuition-free basis pursuant to the Senior Citizens Higher Education Act. The State Council of

Higher Education is to establish procedures for granting priority in accommodating senior citizens seeking these enrollments to those senior citizens who have established domicile in the Commonwealth. Senior citizens wishing to enroll for academic credit, however, must have had taxable income not exceeding \$10,000 for Virginia income tax purposes for the year preceding the year of desired enrollment. The bill contains technical amendments.

*Patron - O'Brien*

**HB1451 Institutions of higher education; direct solicitation of student credit cards.** Authorizes the boards of visitors (governing bodies) of public institutions of higher education to establish rules and regulations that prohibit direct solicitation, marketing, and distribution of credit cards to students enrolled at the institution on campus grounds and property owned by the institution, or owned by the state and controlled by the board of visitors. The rules and regulation may not restrict the right of the credit card vendors, financial institutions, or other consumer credit companies to contact students by mail, telephone, or electronic means. This bill is a recommendation of the Joint Subcommittee Studying the Status and Needs of African-American Males in Virginia.

*Patron - Jones, D.C.*

**SB223 Tuition and fees for in-state students.** Amends the statute requiring all public institutions of higher education to reduce the tuition and mandatory educational and general fees in effect on June 30, 1999, for in-state undergraduate students by 20 percent to require that the tuition and fees for graduate students in effect on June 30, 2000, be reduced by 20 percent for the July 1, 2000, to June 30, 2001, school year.

*Patron - Edwards*

**SB435 External Diploma Scholarship Program.** Establishes, from such funds as may be appropriated or received, the External Diploma Scholarship Program and Fund, administered by the State Council of Higher Education, to provide scholarships to students who have graduated from a Virginia public high school with an eligible external diploma, such as the International Baccalaureate, and who are enrolled in or accepted for enrollment in any four-year public institution of higher education in Virginia. Awards would be for one year; scholarships may be renewed annually for no more than three subsequent years of study for students enrolled in four-year undergraduate programs, or, from such funds as are available, for no more than four subsequent years of study for students enrolled in five-year undergraduate programs. Scholarship amounts are determined annually, but cannot exceed the actual amount of full tuition and required fees at the relevant four-year public institution of higher education. This bill is identical to HB 472.

*Patron - Puller*

## Elections

### Passed

**HB4 Elections; form of ballots; political party names on ballots** Provides for identification on the ballot of the candidate by the name of the political party that nominated the candidate in federal, statewide and General Assembly elections only. Independent candidates are to be identified by the word "Independent." Present law prohibits party identification on the ballot except in presidential elections. The bill takes

effect January 1, 2001. House Bill 585 has been incorporated into this bill.

*Patron - Purkey*

**HB71 Running for multiple offices; names on ballots.** Prohibits an individual from being on the ballot for more than two offices in any election. This bill is identical to SB 432.

*Patron - Callahan*

**HB93 Ballots and voting equipment.** Provides that, in precincts where "mark sense" ballots (for example, ballots marked by pencil and counted by a scanning device) are used, the mark sense ballot may serve as the official paper ballot with State Board approval.

*Patron - Callahan*

**HB425 Elections; procedures at the polls; voter identification.** Adds a requirement that every voter present form of identification when he offers to vote at the polls. The required identification may be any one of the following: his Commonwealth of Virginia voter registration card, his social security card, his valid Virginia driver's license, an identification card issued by a local, state, or federal government agency, or an identification card with a photograph of the voter issued by his employer. If a voter cannot present identification, he may still vote if he signs a statement, subject to felony penalties, that he is the named registered voter he claims to be. Under present law, a voter identification requirement applies only to certain first-time voters who have registered by mail and in certain challenged vote situations. The bill also deletes a provision enacted in 1999 that provided for a pilot project in up to 10 jurisdictions to test the voter identification process. In October 1999, the Virginia Supreme Court upheld the injunction issued by the Richmond City Circuit Court that prohibited implementation of the pilot program at the November 1999 elections in 10 counties and cities on the ground that all voters were not treated alike under the pilot program. House Bill 586 has been incorporated into this bill. This bill is identical to SB 1.

*Patron - Devolites*

**HB622 City and town elections** Allows cities and towns by ordinance to provide for the election of the governing body at the November general election rather than the May general election. Alternatively, voters may petition the circuit court asking that a referendum be held on the question of whether the city or town shall elect the mayor and council at the November general election. Several other sections are amended to eliminate the assumption that all elections for city and town governing bodies or school boards are held in May.

*Patron - Rhodes*

**HB693 Petition requirements for candidates and in presidential and referenda elections.** Amends the requirements for circulating petitions in response to federal case law developments. See *Buckley v. American Constitutional Law Foundation, Inc.*, U.S.S.C. No 97-930, January 12, 1999. Current law provides that the person circulating the petition and witnessing signatures on the petition must be a registered voter eligible to vote in the pertinent election. The amendment allows a person who is not a registered voter, but who is eligible to register to vote in the pertinent election, to circulate the petition. This bill is identical to SB 418.

*Patron - Sherwood*

**HB695 Campaign Finance Disclosure Act; final reports.** Provides for the closing of a campaign after the death



of a candidate and for the administrative closing of dormant campaign and committee accounts.

*Patron - Sherwood*

**HB699 State Board of Elections; voter registration system and collection of moneys** Authorizes the Board to provide for the production, distribution and receipt of information and lists through the Virginia Voter Registration System (VVRs) by any appropriate means including, but not limited to, paper and electronic means. This is a recommendation of the VVRs study committee and will allow for the current and envisioned VVRs processes, as well as for those that may be developed in the future. The State Board is also authorized to accept credit or debit cards in payment for lists, copies, fees and fines. This bill is identical to SB 392.

*Patron - Nixon*

**HB720 Campaign Finance Disclosure Act.** Provides that a candidate for the General Assembly who files campaign finance disclosure reports with the State Board of Elections by computer or electronic means will be relieved of the requirement to file copies of the reports with the local electoral board of the county or city where he resides. Candidates filing paper reports with the State Board will continue to file locally. The bill authorizes local electoral boards to accept computer or electronic reports from candidates for local office and requires the posting of those reports on the Internet. The secretaries of local electoral boards are given authority to assess fines against local candidates for late or incomplete filings. The penalty provision is revised to make it clear that the grace periods available for amending incomplete reports do not apply to the failure to file timely reports. This bill is identical to SB 417.

*Patron - Cox*

**HB782 Voter services at DMV offices.** Allows the office of a general registrar to be located in a DMV facility. The bill also moves the provision authorizing multijurisdictional staffing for voter registration offices in DMV facilities from the voter list section of the election laws to a more appropriate location under the duties and powers of the general registrar. This bill is identical to SB 419.

*Patron - Jones, S.C.*

**HB899 Campaign Finance Disclosure Act; reporting requirements and deadlines.** Grants a 72-hour extension of the reporting deadline in case of the death of a filer's close relative within the 72 hours prior to the deadline. This bill also authorizes the State Board of Elections or local electoral board to grant an extension up to five days in emergency situations.

*Patron - Barlow*

**HB977 Election laws; absentee ballot procedures.** Changes wording on the envelope used to return voted absentee ballots from "an actual resident" to "a legal resident." The change conforms the language on the return envelope to the language presently used on the absentee ballot application and reduces possible confusion for voters who are temporarily residing overseas and entitled to vote absentee. House Bill 721 has been incorporated into this bill.

*Patron - VanLandingham*

**HB1069 Campaign Finance Disclosure Act; campaign depositories.** Allows the campaign committee treasurer to transfer funds from the designated depository for the committee to another account or instrument to earn interest. The bill requires complete records of the transfers and continues to require that all campaign expenses be paid through the designated depository account.

*Patron - Marshall*

**HB1092 Campaign finance disclosure; statements of organization filed by political committees.** Requires, with certain exceptions, that a political committee provide in its statement of organization (i) an address in the Commonwealth for the committee, (ii) a residence address in the Commonwealth for the custodian, if any, of the committee's books and accounts and for at least one principal office (the treasurer or chief executive officer) of the committee, and (iii) the name of the financial institution in the Commonwealth that will serve as the committee's designated sole depository. Present law requirements remain in effect for any national political party committee and any political committee established or controlled by a corporation doing business in Virginia and allow the listing of out-of-state addresses and depositories. This bill is identical to SB 243.

*Patron - Purkey*

**HB1136 Campaign Finance Disclosure Act; definitions; reports of contributions and expenditures; and filing deadlines.** Changes the time period for filing pre-election, large contribution reports from 72 hours after receipt to the end of the next business day after receipt. The State Board will issue instructions to provide for timely delivery of disclosure reports. The bill further provides for more complete reporting of in-kind contributions and expenditures as well as cash contributions.

*Patron - Jones, S.C.*

**HB1141 Political campaign telephone calls; disclosure requirements; penalties.** Requires persons who make campaign telephone calls for compensation to state information to identify the candidate, campaign committee, or other committee or person who authorized the call. The requirement applies to any series of 25 or more calls made to convey or solicit information pertaining to elections to office and the candidates and political parties participating in the elections. A violator is subject to a civil penalty up to \$2,500.

*Patron - Jones, S.C.*

**HB1152 Campaign advertisements; identification requirements.** Specifies that the requirement for printing an authorization statement on campaign materials does not apply to a billboard or sign larger than six square feet in area, that has been authorized by the candidate and states only basic facts, i.e., the candidate's name and his political party, the elected office held, the elected office sought, and the election date. The bill also requires authorization statements on electronically transmitted campaign advertisements.

*Patron - Wardrup*

**HB1337 Election recounts and contests.** Allows the petitioner and parties in a recount to examine the pollbooks and election materials at the preliminary hearing under security measures approved by the chief judge of the circuit court. The bill also allows examination of all types of ballots during the recount. With respect to contests of General Assembly elections, the bill extends the period to file notice of the intent to contest the election from 20 days after the election to either 30 days after the election or three days after the conclusion of a recount proceeding, whichever is later. Further adjustments are made in the timetable for an election contest.

*Patron - Marshall*

**HB1414 Temporary voter registration procedures for presidential and federal elections.** Eliminates an inconsistency in the law by deleting a requirement that applications for temporary voter registration be made at least 30 days before an election. Other provisions of law now allow registra-

tion up to the 28th day before an election and are applicable to these temporary registrations.

*Patron - Katzen*

**HB1459 Elections; activities at polling places; election pages.** Authorizes the local electoral board in any county or city to conduct special programs in one or more polling places for high school students to serve as election pages, learn about the election process, and assist the officers of election and voters. Pages will serve under the supervision of the chief officer of election for the polling place. This bill is identical to SB 430.

*Patron - Bolvin*

**HB1486 Congressional, state legislative, and local election districts and precincts; redistricting and precinct changes; and use of United States Census population counts.** Provides that the General Assembly and local governing bodies shall use the census population data provided by the United States 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. The Bureau of the Census plans to release both sets of data at this time. The bill provides further that the present freeze on changes in precinct boundaries will end May 15, rather than June 1, 2001. The freeze is a feature of the Commonwealth's participation in the United States Bureau of the Census program to provide 2000 census population data by defined election precincts. The bill also states explicitly that precinct changes may be adopted by ordinance and submitted for clearance under Section 5 of the federal Voting Rights Act before May 15, 2001, but precinct changes may not be implemented in elections prior to that date.

*Patron - Devolites*

**HB1518 Procedures in election recounts** Allows the petitioner and parties, as part of the preliminary hearing in a recount, to examine the absentee ballots when the number of absentee ballots cast is sufficient to change the outcome of the election. The examination takes place under supervision of the electoral board and security measures approved by the chief judge of the circuit court overseeing the hearing.

*Patron - Rhodes*

**HB1536 Primary schedule in 2001.** Authorizes the State Board of Elections to reschedule the June 12, 2001, primary, and revise related schedules, if redistricting has not been completed and pre-clearance from the appropriate United States authority under § 5 of the Voting Rights Act has not been received in time to hold the primary at the regularly scheduled time. The Board may reschedule the primary to any Tuesday not later than September 11, 2001. The bill applies to elections for House of Delegates, constitutional officers, county governing bodies, and county school boards. This bill is identical to SB 773.

*Patron - Cox*

**HB1537 Special elections; vacancies in constitutional offices.** Requires an immediate special election to fill a vacancy in a constitutional office and eliminates the appointment of an interim constitutional officer by the judges of the circuit court of the county or city except in unusual circumstances. The constitutional offices are the clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, and treasurer. This bill takes effect October 1, 2000. This bill is identical to SB 688.

*Patron - Cox*

**SB1 Elections; procedures at the polls; voter identification.** Adds a requirement that every voter present a form of identification when he offers to vote at the polls. The required identification may be any one of the following: his Commonwealth of Virginia voter registration card, his social security card, his valid Virginia driver's license, an identification card issued by a local, state, or federal government agency, or an identification card with a photograph of the voter issued by his employer. If a voter cannot present identification, he may still vote if he signs a statement, subject to felony penalties, that he is the named registered voter he claims to be. Under present law, this voter identification requirement applies only to certain first-time voters who have registered by mail and in certain challenged vote situations. The bill also deletes a provision enacted in 1999 that provided for a pilot project in up to ten jurisdictions to test the voter identification process. In October 1999, the Virginia Supreme Court upheld the injunction issued by the Richmond City Circuit Court that prohibited implementation of the pilot program at the November 1999 elections in ten counties and cities on the ground that all voters were not treated alike under the pilot program. Senate Bill 139 has been incorporated into this bill. This bill is identical to HB 425.

*Patron - Miller, K.G.*

**SB204 Presidential primaries; officers of election.** Provides that any officer of election serving at the February primary shall complete his duties in connection with the primary whether or not he has been appointed to a new term beginning March 1. Emergency.

*Patron - Miller, K.G.*

**SB205 Election procedures; pollbooks and registered voter lists.** Extends from January 1, 2000, to July 1, 2001, the time for the State Board of Elections to conduct a pilot project to test the use at elections of one combined pollbook and list. The bill provides for reports on the results of the project from the Board to the Privileges and Elections Committees at both the 2000 and 2001 regular sessions. Emergency.

*Patron - Miller, K.G.*

**SB243 Campaign finance disclosure; statements of organization filed by political committees.** Requires, with certain exceptions, that a political committee provide in its statement of organization (i) an address in the Commonwealth for the committee, (ii) a residence address in the Commonwealth for the custodian, if any, of the committee's books and accounts and for at least one principal officer (the treasurer or chief executive officer) of the committee, and (iii) the name of the financial institution in the Commonwealth that will serve as the committee's designated sole depository. Present law requirements remain in effect for any national political party committee and any political committee established or controlled by a corporation doing business in Virginia and allow the listing of out-of-state addresses and depositories. This bill is identical to HB 1092.

*Patron - Bolling*

**SB315 Election laws; absentee voting.** Permits a person to vote absentee if he will be at his work place for 11 or more hours during the 13 hours that the polls are open on election day.

*Patron - Reynolds*

**SB319 Presidential primaries.** Provides that the Commonwealth, rather than the counties and cities, shall pay the costs of presidential primaries as provided in the appropriations act. Emergency.

*Patron - Reynolds*

**SB382 Presidential primaries; age qualification to participate.** Provides that any 17-year-old who will be 18 by the following November general election shall be eligible to register in advance of and vote at the February presidential primary election.

*Patron - Watkins*

**SB392 State Board of Elections; voter registration system and collection of moneys.** Authorizes the Board to provide for the production, distribution and receipt of information and lists through the Virginia Voter Registration System (VVRS) by any appropriate means including, but not limited to, paper and electronic means. This is a recommendation of the VVRS study committee and will allow for the current and envisioned VVRS processes, as well as for those that may be developed in the future. The State Board is also authorized to accept credit or debit cards in payment for lists, copies, fees and fines. This bill is identical to HB 699.

*Patron - Martin*

**SB417 Campaign Finance Disclosure Act.** Provides that a candidate for the General Assembly who files campaign finance disclosure reports with the State Board of Elections by computer or electronic means will be relieved of the requirement to file copies of the reports with the local electoral board of the county or city where he resides. Candidates filing paper reports with the State Board will continue to file locally. The bill authorizes local electoral boards to accept computer or electronic reports from candidates for local office and requires the posting of those reports on the Internet. The secretaries of local electoral boards are given authority to assess fines against local candidates for late or incomplete filings. The penalty provision is revised to make it clear that the grace periods available for amending incomplete reports do not apply to the failure to file timely reports. This bill is identical to HB 720.

*Patron - Miller, K.G.*

**SB418 Petition requirements for candidates and in presidential and referenda elections.** Amends the requirements for circulating petitions in response to federal case law developments. See, *Buckley v. American Constitutional Law Foundation, Inc.*, U.S.S.C. No 97-930, January 12, 1999. Current law provides that the person circulating the petition and witnessing signatures on the petition must be a registered voter eligible to vote in the pertinent election. The amendment allows a person who is not a registered voter, but who is eligible to register to vote in the pertinent election, to circulate the petition. This bill is identical to HB 693.

*Patron - Miller, K.G.*

**SB419 Voter services at DMV offices.** Allows the office of a general registrar to be located in a DMV facility. The bill also moves the provision authorizing multijurisdictional staffing for voter registration offices in DMV facilities from the voter list section of the election laws to a more appropriate location under the duties and powers of the general registrar. This bill is identical to HB 782.

*Patron - Miller, K.G.*

**SB420 Voter registration; transfers and cancellations.** Allows a voter who has moved between jurisdictions in the Commonwealth to transfer his registration without having to provide all the information originally required for registration. The registrar where the voter formerly resided is required to forward the original application for registration to the registrar for the voter's new locality. The time limit for a voter to cancel his registration is revised to coincide with the closing of the books prior to an election. Also, the State Board of Elec-

tions is given the authority to send notices requesting the confirmation of voters' addresses when they appear to have moved, and to receive the responses to such notices.

*Patron - Miller, K.G.*

**SB429 Elections; voting machines and equipment.** Allows a county or city, subject to the approval of the State Board of Elections, to use different voting machines or equipment within the same precinct. Present law requires the use of one system within each precinct. The change will allow, for example, the use of one special voting device or machine in a precinct for visually or physically handicapped voters.

*Patron - Whipple*

**SB430 Elections; activities at polling places; election pages.** Authorizes the local electoral board in any county or city to conduct special programs in one or more polling places for high school students to serve as election pages, learn about the election process, and assist the officers of election and voters. Pages will serve under the supervision of the chief officer of election for the polling place. This bill is identical to HB 1459.

*Patron - Whipple*

**SB432 Running for multiple offices; names on ballots.** Prohibits an individual from being on the ballot for more than two offices in any election. This bill is identical to HB 71.

*Patron - Whipple*

**SB485 Ballots and voting equipment.** Provides that in precincts where "mark sense" ballots (for example, ballots marked by pencil and counted by a scanning device) are used, the mark sense ballot may serve as the official paper ballot with State Board approval. The bill carries provisions for the securing of ballots and the later counting of the ballots when a counting device becomes inoperative during an election.

*Patron - Miller, K.G.*

**SB580 Town of Altavista; election of council.** Provides that the Town of Altavista, notwithstanding general law provisions to the contrary, will elect its mayor and council on the November general election date in even-numbered years. Emergency.

*Patron - Hawkins*

**SB688 Special elections; vacancies in constitutional offices.** Requires an immediate special election to fill a vacancy in a constitutional office and eliminates the appointment of an interim constitutional officer by the judges of the circuit court of the county or city except in unusual circumstances. The constitutional offices are the clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, and treasurer. The bill takes effect October 1, 2000. This bill is identical to HB 1537.

*Patron - Schrock*

**SB730 Absentee ballot applications.** Provides that certain absentee ballot applications from members of the uniformed services or merchant marines or persons regularly employed overseas, and their accompanying spouses or dependents, may be accepted more than 10 months before an election.

*Patron - Martin*

**SB773 Primary schedule in 2001.** Authorizes the State Board of Elections to reschedule the June 12, 2001, primary, and revise related schedules, if redistricting has not been completed and pre-clearance from the appropriate United States authority under § 5 of the Voting Rights Act has not

been received in time to hold the primary at the regularly scheduled time. The Board may reschedule the primary to any Tuesday not later than September 11, 2001. The bill applies to elections for House of Delegates, constitutional officers, county governing bodies, and county school boards. This bill is identical to HB 1536.

*Patron - Miller, K.G.*

## Failed

**HB503 Presidential primaries; officers of election.** Provides that any officer of election serving at the February primary shall complete his duties in connection with the primary whether or not he has been appointed to a new term beginning March 1. Emergency.

*Patron - Putney*

**HB525 Election procedures; pollbooks and registered voter lists.** Extends from January 1, 2000, to July 1, 2001, the time for the State Board of Elections to conduct a pilot project to test the use at elections of one combined pollbook and list. The bill provides for reports on the results of the project from the Board to the Privileges and Elections Committees at both the 2000 and 2001 regular sessions. Emergency.

*Patron - Cox*

**HB546 Local governing bodies; prohibited campaign contributions.** Prohibits any member of a local governing body, or his campaign committee, from accepting a campaign contribution from any person who is an applicant or party in a matter or application pending before the governing body for a special exception to a zoning regulation, a special use permit, or the subdivision of property, with certain limit and exceptions. Penalties for violations of the prohibitions are also set forth.

*Patron - Marshall*

**HB585 Elections; form of ballots; political party names on ballots** Provides for identification on the ballot of the candidate by the name of the political party that nominated the candidate. Independent candidates are to be identified by the word "Independent." Present law prohibits party identification on the ballot except in presidential elections. The bill takes effect January 1, 2001. This bill has been incorporated into House Bill 4.

*Patron - Black*

**HB586 Elections; procedures at the polls; voter identification.** Adds a requirement that every voter present form of identification when he offers to vote at the polls. This bill has been incorporated into House Bill 425.

*Patron - Black*

**HB682 Absentee voting.** Provides that employees of and volunteers for the offices of local electoral boards, registrars, and the State Board of Elections, who have office duties on election day, may vote by absentee ballot. The bill also creates, for certain military and overseas voters who file one application for all elections in a calendar year, an exception to the rule that absentee ballot applications will not be accepted more than 10 months before an election.

*Patron - Louderback*

**HB694 Voter registration; transfers and cancellations.** Allows a voter who has moved between jurisdictions in the Commonwealth to transfer his registration without having to provide all the information originally required for registration. The registrar where the voter formerly resided is required to forward the original application for registration to the regis-

trar for the voter's new locality. The time limit for a voter to cancel his registration is revised to coincide with the closing of the books prior to an election. Also, the State Board of Elections is given the authority to send notices requesting the confirmation of voters' addresses when they appear to have moved, and to receive the responses to such notices.

*Patron - Sherwood*

**HB721 Election laws; absentee ballot procedures.** Changes wording on the envelope used to return voted absentee ballots from "an actual resident" to "a legal resident." The change conforms the language on the return envelope to the language presently used on the absentee ballot application and reduces possible confusion for voters who are temporarily residing overseas and entitled to vote absentee. This bill has been incorporated into House Bill 977.

*Patron - Cox*

**HB788 Campaign Finance Disclosure Act; exemption from reporting requirements for certain local office candidates.** Provides that a candidate for local office may seek an exemption from the requirements to file periodic reports of contributions and expenditures. To qualify for the exemption the local candidate must certify that he will not solicit or accept campaign contributions, that he will not contribute personally more than, or expend more than, \$1,000 in his campaign, and that he will keep appropriate records for his campaign.

*Patron - Deeds*

**HB807 Elections; form of ballots; political party names on ballots.** Provides for identification on ballots of party candidates by the name of their political parties and of other candidates by the use of the term "Independent" or another designation as provided by the candidates. Present law prohibits party identification on the ballot except in presidential elections. The bill takes effect January 1, 2001.

*Patron - Marshall*

**HB1139 State Board of Elections; authority to provide for enforcement of election laws and investigations of violations.** Provides for concurrent jurisdiction for the State Board, as well as the Attorney General, to conduct investigations of election law violations.

*Patron - Jones, S.C.*

**HB1298 Local electoral boards; appointments.** Provides that the county or city political party committees of the two major political parties, rather than the circuit court judges, will appoint the members of the local electoral board and fill vacancies on the board. The House approved a floor substitute restoring the appointment power to the circuit court judges with some revisions to the present law and then defeated the bill.

*Patron - Sherwood*

**SB104 Elections; procedures at the polls; voter identification project.** Deletes the subsection, enacted in 1999, that provided for a pilot project in up to 10 jurisdictions to test a voter identification requirement. In October 1999, the Virginia Supreme Court upheld the injunction issued by the Richmond City Circuit Court that prohibited implementation of the pilot program at the November 1999 elections in the selected counties and cities.

*Patron - Miller, Y.B.*

**SB139 Elections; procedures at the polls; voter identification.** Adds a requirement that every voter present form of identification when he offers to vote at the polls. This bill has been incorporated into Senate Bill 1.

*Patron - Martin*

**FSB140 Elections; form of ballots; political party names on ballots** Provides for identification on the ballot of the candidate by the name of the political party that nominated the candidate. Independent candidates are to be identified by the word "Independent." Present law prohibits party identification on the ballot except in presidential elections. The bill takes effect January 1, 2001.

*Patron - Martin*

**FSB210 Elections; constitutional officers; candidacy requirement.** Requires nonpartisan nomination for candidates for constitutional offices (sheriff, attorney for the Commonwealth, treasurer, commissioner of the revenue, an clerk of the circuit court) by petition as provided by law for independent candidates.

*Patron - Barry*

**FSB229 Presidential primaries.** Prohibits the use of a pledge or loyalty oath to support the political party's candidates as a qualification for voter participation in the presidential primary. The present law authorizes the requirement of a pledge by the party conducting the primary subject to approval by the State Board of Elections. Other primaries in Virginia are open to all qualified voters.

*Patron - Potts*

**FSB516 Campaign Finance Reform Act.** Imposes limits on contributions to candidates for Governor, Lieutenant Governor, Attorney General and the General Assembly. The limit on contributions by individuals and other persons to a candidate is \$2,000 per election cycle; on contributions by political action committees (PACs), \$4,000; and on political party committees, \$10,000. There are no limits on contributions by a candidate to his own campaign. Civil penalties for violations of the limits may equal up to two times the excess contribution amounts.

*Patron - Puckett*

**FSB570 Campaign Finance Disclosure Act; reporting and investigating violations.** Authorizes the State Board of Elections to conduct its own investigation or audit when there is a possible violation of the Act or the provisions banning campaign fund raising during legislative sessions.

*Patron - Rerras*

**FSB647 Absentee voting procedures.** Provides that in-person absentee voting may take place in a public building owned or leased by the Commonwealth or an agency of the Commonwealth as well as in public buildings owned or leased by the locality. This change will allow, for example, in-person absentee voting at a Division of Motor Vehicles center and is a recommendation of the SJR 423 election laws study.

*Patron - Whipple*

## Carried Over

**CHB392 General Assembly Campaign Finance Reform Act.** Imposes limits on contributions to General Assembly candidates and provides for the voluntary acceptance of expenditure limits by candidates for the General Assembly. The limit on contributions is \$2,500 per election cycle on contributions by any person or committee to a candidate for the General Assembly. The limit is \$5,000 per election cycle to a candidate for the General Assembly who declares as a Campaign Finance Reform Act Candidate and agrees to abide by the expenditure limits set out in the Act. The expenditure limit for a candidate for the House of Delegates is \$125,000 in an election year and for a candidate for the Senate is \$250,000 in an election year. The expenditure limit in a non-

election year is 50 percent of the election year limit. Civil penalties for violations of the limits may equal three times the excess amounts.

*Patron - Hamilton*

**CHB587 Primary elections; voter registration by political party.** Adds party affiliation to the information that an applicant is asked to provide when registering to vote beginning January 1, 2001. The applicant may indicate that he is an independent. Voters registered prior to January 1, 2001, will be designated as independent unless they provide a political party designation to the general registrar. Voters may change their party affiliation or independent status by written notice at any time except the 28 days before an election when the registration records are closed. The state party chairman must notify the State Board by January 31 of each year whether the party will close its primaries and permit only registered party members to participate or whether it will open its primaries to party members and independent voters.

*Patron - Black*

**CHB656 Campaign Finance Disclosure Act; penalties.** Provides for a civil penalty of \$500 for the failure to file a campaign report due during the four months before through the 35 days after the November election. Present law imposes a penalty of up to \$300 for either late or incomplete filings. The bill requires the Secretary of the State Board of Elections to assess the penalty for missing the filing deadline and to give public notice on the Internet of the penalty and violator within five days of the missed deadline. The bill does not change the \$300 fine now applicable to timely but incomplete filings before and after the November election. The bill also amends the special provision that imposes a penalty for each day that a statewide office campaign is in violation, increasing the daily fine from \$100 to \$300.

*Patron - Rhodes*

**CHB657 Campaign Finance Disclosure Act; audits of certain campaign committees.** Requires the State Board of Elections to have an audit conducted of each candidate campaign committee for the offices of Governor, Lieutenant Governor, and Attorney General and of at least 10 percent of the candidate campaign committees, selected randomly, for the General Assembly. No audit shall be conducted for committees expending less than \$10,000. The State Board is required to report its audit findings to the Governor and General Assembly by the January 31 following the election year for the office.

*Patron - Rhodes*

**CHB827 Primary elections; voter registration by political party.** Adds party affiliation to the information that an applicant is asked to provide when registering to vote beginning January 1, 2001. The applicant may indicate that he is an independent. Voters registered prior to January 1, 2001, will be designated as independent unless they provide a political party designation to the general registrar. Voters may change their party affiliation or independent status by written notice at any time except the 28 days before an election when the registration records are closed. The state party chairman must notify the State Board by January 31 of each year whether the party will close its primaries and permit only registered party members to participate or whether it will open its primaries to party members and independent voters.

*Patron - Marshall*

**CHB928 General Assembly Campaign Finance Reform Act.** Imposes limits on contributions to candidates for the General Assembly. The limit on contributions by individuals and other persons to a General Assembly candidate is \$2,000 per election cycle; on contributions by political action

committees, \$10,000; and on contributions by political party committees, \$20,000. There are no limits on contributions by a candidate to his own campaign. Civil penalties for violations of the limits may equal two times the excess contribution amounts.

*Patron - Deeds*

**☐HB1073 Campaign Finance Reform Act.** Imposes limits on contributions to candidates for Governor, Lieutenant Governor, Attorney General and the General Assembly. The limit on contributions by individuals and other persons to a statewide office candidate is \$10,000 per election cycle and, on contributions by political action committees (PACs), \$20,000. The limit on contributions by individuals and other persons to a General Assembly candidate is \$2,000 per election cycle and, on contributions by PACs, \$4,000. There are no limits on contributions by political party committees or by a candidate to his own campaign. Civil penalties for violations of the limits may equal up to two times the excess contribution amounts.

*Patron - Melvin*

**☐HB1081 Restoration of civil rights to certain persons.** Provides that a person, who has lost his civil rights because of a non-violent felony conviction, may petition the circuit court of the locality where he was convicted or where he now resides, for restoration of his civil rights. If the court is satisfied that the petitioner, five or more years previously, had completed service of sentence, probation and parole, it may enter an order restoring the petitioner's civil rights as of the 90th day after the order. The Governor may act to deny restoration of rights during the 90-day period.

*Patron - Jones, J.C.*

**☐HB1137 Campaign Finance Disclosure Act; audits of certain campaign committees; penalties.** Requires the State Board of Elections to have random audits conducted of at least 50 percent of the candidate campaign committees for the offices of Governor, Lieutenant Governor, and Attorney General and of at least 10 percent of the candidate campaign committees for the General Assembly. No audit shall be conducted for committees expending less than \$10,000. The State Board is required to report its audit findings to the Governor and General Assembly by the January 31 following the election year for the office. The bill also increases the possible civil penalty for the failure to file a campaign report due during the four months before through the 35 days after the November election from \$300 to \$2,000 and for incomplete filings from \$300 to \$1,000, the amount of the penalty to be determined by the gravity of the violation.

*Patron - Jones, S.C.*

**☐HB1138 Campaign Finance Disclosure Act; campaign reports.** Requires any candidate for the General Assembly, who accepts contributions or makes expenditures of more than \$5,000, to file campaign finance disclosure reports with the State Board of Elections by computer or electronic means. Other candidates for the General Assembly will continue to have the option to file by computer or electronic means. An candidate for the General Assembly who does file by computer or electronic means will be relieved of the requirement to file copies of the reports with the local electoral board of the county or city where he resides. The bill authorizes local electoral boards to accept computer or electronic reports from candidates for local office.

*Patron - Jones, S.C.*

**☐HB1433 Primary elections; voter registration by political party; closed primaries.** Adds party affiliation to the information that an applicant is asked to provide when registering to vote beginning January 1, 2001. The applicant may indi-

cate that he is an independent. Voters registered prior to January 1, 2001, will be designated as independent unless they provide a political party designation to the general registrar. Voters may change their party affiliation or independent status by written notice at any time except the 28 days before an election when the registration records are closed. Only voters who have registered as being affiliated with the political party conducting the primary shall be eligible to participate in that primary.

*Patron - O'Brien*

**☐HB1449 Campaign contributions by foreign nationals.** Prohibits the making or acceptance of campaign contributions by foreign nationals in connection with elections or nominations to any public office in the Commonwealth.

*Patron - Jones, D.C.*

**☐SB253 Elections; central absentee voter precinct procedures.** Authorizes electoral boards to adopt certain alternative procedures in localities with central counting precincts and in which all absentee ballots are cast on paper ballots that must be counted manually. The alternatives include staffing by two, rather than three, officers before 5:00 p.m. and beginning to count ballots at 5:00 p.m. rather than 7:00 p.m.

*Patron - Puckett*

**☐SB378 Campaign Finance Disclosure Act; audits of certain campaign committees.** Requires the State Board of Elections to have an audit conducted of each candidate campaign committee for the offices of Governor, Lieutenant Governor, and Attorney General and of at least five percent of the candidate campaign committees, selected randomly, for the General Assembly. No audit shall be conducted for committees expending less than \$10,000. The State Board is required to report its audit findings to the Governor and General Assembly by the January 31 following the election year for the office.

*Patron - Rerras*

**☐SB431 Elections; local electoral boards and general registrars.** Prohibits an electoral board member or general registrar from continuing in office after his spouse or other close relative files as a candidate for an office to be filled in whole or in part by the voters of the member's or general registrar's county or city.

*Patron - Whipple*

**☐SB566 Primary elections; voter registration by political party.** Adds party affiliation to the information that an applicant is asked to provide when registering to vote beginning January 1, 2001. The applicant may indicate that he is an independent. Voters registered prior to January 1, 2001, will be designated as independent unless they provide a political party designation to the general registrar. Voters may change their party affiliation or independent status by written notice at any time except the 28 days before an election when the registration records are closed. The state party chairman must notify the State Board by January 31 of each year whether the party will close its primaries and permit only registered party members to participate or whether it will open its primaries to party members and independent voters.

*Patron - Martin*

**☐SB772 Local electoral boards; appointments.** Provides that the county or city political party committees of the two major political parties, rather than the circuit court judges, will appoint the members of the local electoral board and fill vacancies on the board.

*Patron - Miller, K.G.*

## Eminent Domain

### Passed

**SB63 Uniform Relocation Assistance Act.** Makes the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1972 applicable to any (i) state agency; (ii) political subdivision; (iii) department, agency or instrumentality of any political subdivision; (iv) person who has the authority to acquire property by eminent domain under state law; or (v) two or more of the aforementioned, which carries out a project that causes people to be displaced. The Act currently applies to such entities if they are carrying out projects with federal or state financial assistance. The Act requires condemnors to, among other things, (i) make relocation payments to displaced persons, (ii) make every reasonable effort to acquire expeditiously real property by negotiation, (iii) appraise the property, (iv) offer to acquire the property for an amount not less than its appraised value, (v) give at least 90 days' written notice of the date by which the occupant is required to vacate the condemned property, and (vi) offer to acquire the entire property if the acquisition of part of a property would leave its owner with an uneconomic remnant. The bill also raises the \$10,000 cap on payments for business relocation expenses to \$25,000 for the condemnee's reasonable expenses necessarily incurred in reestablishing the displaced business or farm at its new site, in accordance with criteria established by the condemnor. The existing cap on payment for the dislocation of a business or farm, in lieu of actual relocation expenses, is raised from \$20,000 to \$50,000. An appraisal is not required for property acquired by a locality, public service corporation or municipal corporation if the assessment is less than \$10,000. As introduced, this bill was a recommendation of the joint subcommittee studying eminent domain issues.

*Patron - Marye*

**SB453 Eminent domain procedures.** Allows persons whose property is taken or damaged through exercise of the power of eminent domain to elect to have the amount of just compensation determined by either a panel of commissioners or a jury. Under the current system, each party to a valuation dispute picks six freeholders to serve as commissioners, from which five persons are picked. The bill also (i) requires a condemnor to provide a copy of its appraisal of the property with its offer to purchase the condemnee's property; (ii) raises the limit for compensation for a survey conducted by the condemnee from \$100 to \$1,000; (iii) requires condemnors to conduct a title search of the property before making an offer to purchase or filing a certificate of take, in order to avoid delays in payments to condemnees; (iv) requires VDOT to use licensed real estate appraisers in conducting its valuations for property acquisitions; and (v) allows tenants whose lease term is 12 months or longer to intervene in an eminent domain proceeding.

*Patron - Marye*

### Failed

**SB111 Eminent domain; litigation expenses.** Authorizes a court, in its discretion, to award reasonable fee for attorneys, appraisers, and other experts incurred in condemnation litigation if the amount of compensation awarded exceeds the condemnor's highest written offer by 15 percent or more. In determining the amount of such fees to be awarded, the court is to consider, among such other factors as it deem relevant, the benefit provided to the condemnee by any of the

professional or expert witnesses for whom the litigation expenses were incurred. In determining whether to make an award, the court may consider (i) the extent that the condemnee engaged in conduct which unduly and unreasonably protracted the final resolution of the action; (ii) whether the position of the condemnor was substantially justified; and (iii) whether special circumstances make the award of litigation expenses unjust.

*Patron - Marye*

### Carried Over

**HB85 Condemnation.** Provides that a city or town may condemn property outside of its boundaries only if the property is located in a contiguous locality.

*Patron - Morgan*

## Fiduciaries Generally

### Passed

**HB750 Service of process; trustee.** Makes the backup remedy of § 26-7.1 (under which any fiduciary who qualifies and gives his bond in the circuit court clerk's office is deemed to appoint the clerk as ultimate agent for receipt of process if the fiduciary cannot be served) apply to a nonresident trustee of an inter vivos trust that has received a pour-over from a Virginia will.

*Patron - Howell*

**HB949 Bonds of fiduciaries, trustees, guardians or estate administrators.** Permits the court, clerk or other authority, requiring a fiduciary, trustee, guardian or administrator of an estate to be bonded, to require proof that the premium of the bond has been paid.

*Patron - Jackson*

## Fire Protection

### Passed

**HB845 Fire Prevention Code; enforcement by locality.** Allows a locality to enforce only those provisions of the State Fire Prevention Code regarding open burning, fire lanes, fireworks, and hazardous materials. Existing law provides that a locality may elect to enforce the provisions of the Fire Prevention Code; however, if a locality chooses to do so, it must enforce the provisions of the Fire Prevention Code in their entirety. This bill is identical to SB 498.

*Patron - Brom*

**HB1030 Local fire marshals; police powers.** Authorizes local fire marshals to be responsible for the investigation and prosecution of offenses involving hazardous materials if authorized to do so by the local governing body appointing the fire marshal.

*Patron - Drake*

**SB498 Fire Prevention Code; enforcement by locality.** Allows localities to enforce only those provisions of the State Fire Prevention Code regarding open burning, fire lanes, fireworks, and hazardous materials. Existing law provides that a locality may elect to enforce the provisions of the

Fire Prevention Code; however, if a locality chooses to do so, it must enforce the provisions of the Fire Prevention Code in their entirety.

*Patron - Couric*

**SB567 Local fire marshals; police powers.** Authorizes local fire marshals to be responsible for the investigation and prosecution of offenses involving hazardous materials if authorized to do so by the local governing body appointing the fire marshal.

*Patron - Rerras*

## Fisheries and Habitat of the Tidal Waters

### Passed

**HB48 Oyster grounds.** Removes approximately 5.28 acres of bottomland located in the Eastern Branch of the Elizabeth River from the Baylor Survey. This bill is identical to SB 219.

*Patron - Jones, J.C.*

**HB419 Local wetlands boards.** Allows members of wetlands boards in James City County (described by population) to serve on local boards created to implement the provisions of the Chesapeake Bay Preservation Act. The current statute permits a member of a wetlands board to also serve as the director of a soil or water and conservation board or as a member of a local planning or zoning commission, local erosion commission, or local board of zoning appeals.

*Patron - Grayson*

**HB667 Impact of piers on oyster and clam grounds.** Allows the construction of non-commercial piers by riparian landowners. Those wishing to construct a private pier are to provide the Commissioner of Marine Resources with information regarding the proposed pier's size and location. The 12-month waiting period for encroachment on leased oyster or clam grounds by those wishing to build a wharf, channel or bulkhead is eliminated, if the Commissioner finds that commercially productive oyster or clam grounds will not be impacted. A permit would be required for constructing non-commercial, private piers of 100 feet or more in length that cross oyster or clam grounds. The Marine Resources Commission would have to issue such a permit, and is empowered to reasonably prescribe the design and location of the pier so as to minimize the pier's impact on (i) the oyster and clam grounds, or (ii) the harvesting or propagation of the oysters or clams on these grounds.

*Patron - McDonnell*

**HB1277 Free fishing days.** Authorizes the Commissioner of the Marine Resources Commission to designate up to three free saltwater fishing days a calendar year and the Board of Game and Inland Fisheries to increase the current two free freshwater fishing days to three days a calendar year. This is emergency legislation. This bill is identical to SB 750.

*Patron - Larrabee*

**HB1305 Marine Habitat and Waterways Improvement Fund.** Establishes the Fund, which is to be used for the purposes of improving marine habitat and waterways including the removal of obstructions or hazardous property from state waters. The Fund will consist of fees, rents and royalties paid, on and after July 1, 2000, for the use or lease of or

easements in state-owned bottomlands, and penalties and civil charges for violating permits and regulations regarding state-owned bottomlands. The fees, rents and royalties are currently paid into the Public Oyster Rocks Replenishment Fund, and the penalties, in the discretion of the court assessing them, are paid into local treasuries to be used for repairing damage to bottomlands. The bill also allows commercial facilities engaged in the primary business of ship construction and repair to elect to pay a one-time permit fee of up to \$5,000 in lieu of other royalties.

*Patron - Bloxom*

**SB219 Oyster grounds.** Removes approximately 5.28 acres of bottomland located in the Eastern Branch of the Elizabeth River from the Baylor Survey. This bill is identical to HB 48.

*Patron - Schrock*

**SB750 Free fishing days** Authorizes the Commissioner of the Marine Resources Commission to designate up to three free saltwater fishing days a calendar year and the Board of Game and Inland Fisheries to increase the current two freshwater fishing days to three days a calendar year. This bill is identical to HB 1277.

*Patron - Rerras*

### Failed

**SB501 Commission membership.** Increases the number of members of the Virginia Marine Resources Commission from nine to 11. The new members will be persons who are trained and experienced in fisheries management, one of whom is required to be a scientist and the other is to be a marine biologist.

*Patron - Ticer*

### Carried Over

**SB621 Female crabs; penalties.** Makes it unlawful to catch, hold, possess, offer for sale, sell, offer to purchase or purchase an egg-bearing female crab or a female crab from which the egg pouch or sponge has been removed. A first-time offender would be guilty of a Class 4 misdemeanor. A second violation is a Class 3 misdemeanor and will result in the loss of a commercial fisherman's registration for 10 days. A third or subsequent violation is a Class 2 misdemeanor, and the violator would have his registration suspended for 30 days. A fisherman is exempt from any violation, if he returns the crabs to the water while they are alive and if he does not have more than two percent of his crab catch in the berry state. The bill has July 1, 2002, sunset date.

*Patron - Barry*

## Game, Inland Fisheries and Boating

### Passed

**HB100 Deer kill permit.** Exempts any locality that operates a Department of Game and Inland Fisheries-approved deer population control program from having to demonstrate that during the period covered by its previous year's authorization that hunting of deer or bear occurred. Currently, in order for a landowner to obtain a new deer kill permit, he has to dem-



onstrate that bear or deer were hunted on his land during the time covered by the previous kill permit.

*Patron - Bryant*

**PHB502 Sale of artificially raised trout.** Makes it lawful to sell or offer to sell artificially raised trout for uses as directed by the Board of Game and Inland Fisheries. Currently, it is lawful to sell or offer for sale such trout for human consumption only. This bill is identical to SB 395.

*Patron - Larrabee*

**PHB537 Powers of the Director of the Department of Game and Inland Fisheries.** Authorizes the Director to work with constituent organizations to achieve the agency's mission.

*Patron - Abbitt*

**PHB664 Sportsman's hunting and fishing license.** Establishes a new license, the sportsman's hunting and fishing license. This combination license can be purchased in lieu of having to separately purchase the basic state resident huntin and fishing licenses, the special license for hunting bear, deer and turkey (big game stamp), the special archery license, an the special muzzleloading license. The Board of Game and Inland Fisheries is authorized to set the fee for purchasing the license; however, the fee cannot exceed the total cost that would be incurred if someone purchased each of these licenses separately. This license would not be available until an automated point-of-sale system has been implemented.

*Patron - Tate*

**PHB675 Use of deer skeletal parts.** Allows the manufacture and sale of implements made from legally harvested deer skeletal parts.

*Patron - Abbitt*

**PHB896 Electronic point-of-sale licensing.** Authorizes the Department of Game and Inland Fisheries to implement an electronic point-of-sale system for issuing hunting, trapping and fishing licenses. The bill includes provisions defining the reporting requirements for those agents who will issue licenses using the new electronic system.

*Patron - Cox*

**SB395 Sale of artificially raised trout.** Makes it lawful to sell or offer to sell artificially raised trout for uses as directed by the Board of Game and Inland Fisheries. Currently, it is lawful to sell or offer for sale such trout for human consumption only. This bill is identical to HB 502.

*Patron - Hanger*

## Failed

**FHB497 Hunting and trapping license exemption** Allows persons 65 years of age or older to hunt or trap in the county or city in which they reside without having to obtain a hunting or trapping license. The current law limits the exemption from having to obtain a license to hunting or trapping on private property in the county or city in which they reside.

*Patron - Deeds*

**FHB1153 Deer kill permits.** Prohibits any person who violates provisions of his deer kill permit from being designated as a shooter who is authorized to kill deer or bear under the permit. Currently, if a person is guilty of violating any hunting or fishing law he is prohibited from being a shooter. Under both current law and the proposed bill, a violator is still

able to obtain a kill permit but someone else would have to be the shooter.

*Patron - Barlow*

**FHB1423 Disabled hunters** Allows disabled hunters who have been issued a permit to hunt from a vehicle to hunt antlerless deer on private property throughout the deer season, with the written permission of the landowner. They could also hunt on public land if it is permitted by the official in charge of managing the land.

*Patron - Katzen*

**FSB241 Beaver damage.** Allows landowners, whose property has been damaged due to the damming of a water body by beaver activity, to seek injunctive relief against the landowner upon whose property the beaver are located. The injunctive relief may require the owner of the property wher the beaver are located to remove beaver dams that are diverting water from or impounding water on an adjacent landowner's property and may require that the offending landowner provide such other relief as is necessary to prevent further damage t the adjacent landowner's property. The landowner damaged by the beaver activity would be entitled to compensatory damages as well as reasonable attorney's fees.

*Patron - Trumbo*

**FSB265 Spotlighting of deer.** Clarifies that any person who intentionally uses a light that is attached to a vehicle in a manner that is not necessary for the normal operation of the vehicle in order to avoid obstacles or negotiate curves in the roadway would be guilty of spotlighting deer, if light is cast beyond the roadway upon a place used by deer.

*Patron - Bolling*

**FSB314 Bag limits for deer.** Authorizes Henry County to increase the bag limit for taking deer from the four a license year, to five a license year. This bag limit would be the highest in the Commonwealth. Currently, the bag limit for persons hunting east of the Blue Ridge is four deer a license year and for those hunting west of the Blue Ridge the limit is three deer a license year.

*Patron - Reynolds*

## Carried Over

**CHB580 Sale of wildlife parts.** Allows Native Americans, who possess tribal enrollment cards indicating that they are members of a bona fide state or federally recognized tribe, to possess, offer for sale, sell, offer to purchase, or purchase wildlife parts.

*Patron - Davis*

**CHB901 Duck blinds.** Reduces the number of stationary duck blinds that riparian landowners, and persons or clubs who do not have riparian rights, may have licensed from two to one. The bill also reduces the distance that a floating blind must maintain from a stationary blind. Currently, a floating blind cannot be within 500 yards of a stationary blind. This bill allows floating blinds to be within 250 yards of a stationary blind if the stationary blind is not occupied one-half hour before sunrise. Lastly, the bill allows hunters to retrieve downed waterfowl on other landowners' property, provided they do it without having a firearm on their persons.

*Patron - Diamonstein*

## General Assembly

### Passed

**HB397 Correctional impact statements.** Provides that there will be one fiscal impact statement prepared by the Virginia Criminal Sentencing Commission for all adult sentencing changes; currently there are two: one prepared by the Commission and one by the Department of Planning and Budget. Juvenile bills will continue to be prepared by the Department of Planning and Budget in conjunction with the Department of Juvenile Justice. The 10-year look forward period of the enacted laws is reduced to six years. If the agency preparing the bill does not have sufficient information to project the offender population impact, the words "Cannot be determined" will be printed on the bill. Effective July 1, 2002, an analysis of the impact on local and regional jails, juvenile detention facilities, and state and local community corrections programs will be required. The bill also provides that the Corrections Special Reserve Fund is to be used only for capital expenses, rather than operating expenses as under current law. This bill is the recommendation of a joint subcommittee created pursuant to Item 477 D of the 1999 Appropriation Act. The subcommittee's study is available as a legislative document.

*Patron - Woodrum*

**HB510 General Assembly; exception to the first-day introduction requirement for charter and claims bills.** Allows charter and claims bills to be filed after the first calendar day of the session in accordance with the rules of the General Assembly, which is the case for all other first-day introduction bills. The procedural resolution provides that these bills may be introduced after the first day with the consent of two-thirds of the members of the house.

*Patron - Cranwell*

**HB719 Membership; Joint Commission on Technology and Science.** Increases the membership of the Joint Commission on Technology and Science ("Commission") to 12 by adding two more Delegates, in accordance with Rule 16 of the Rules of the House of Delegates, and one more Senator. The terms of members have been changed to coincide with their terms of office. Additionally, the Commission, which was required to annually elect a chairman from among its members, would be required to elect two co-chairmen, who are members of different political party caucuses.

*Patron - Purkey*

**HB906 Legislative consideration of sales and us tax exemptions.** Changes the requirements for submitting information to the Department of Taxation regarding requests for sales and use tax exemptions by limiting such required information to nonprofit organizations. It also eliminates an obsolete provision requiring that exemptions for non-profit organizations only be considered in even-numbered years. In 1999, § 30-19.03:1.1. was amended to allow the General Assembly to consider any tax relief measure, such as a request for sales and use tax exemption, at any time during a regular or special session.

*Patron - Cranwell*

**SB193 General Assembly; archival of original bills and resolutions.** Requires the Clerk of the Senate and the Clerk of the House of Delegates to transfer to the Library of Virginia the original bills and resolutions introduced in each house for archival purposes. Although the clerks are allowed to

destroy these measures under current law, the practice has been to send them to the Library for preservation.

*Patron - Trumbo*

**SB583 Joint Commission on Workforce Development.** Establishes the Joint Commission on Workforce Development as a legislative agency to study all aspects of workforce development and assist in stimulating, encouraging, and promoting workforce training and development in the Commonwealth. The Commission will, among other things, (i) evaluate the impact of existing statutes and proposed legislation related to workforce training and development, (ii) investigate, research and consider issues related to workforce training and development, and (iii) annually report its findings and recommendations to the General Assembly.

*Patron - Hawkins*

**SB595 Correctional impact statements** Provides that there will be one fiscal impact statement prepared by the Virginia Criminal Sentencing Commission for all adult sentencing changes; currently there are two: one prepared by the Commission and one by the Department of Planning and Budget. Juvenile bills will continue to be prepared by the Department of Planning and Budget in conjunction with the Department of Juvenile Justice. The 10-year look forward period of the enacted laws is reduced to six years. If the agency preparing the bill does not have sufficient information to project the offender population impact, the words "Cannot be determined" will be printed on the bill. Effective July 1, 2002, an analysis of the impact on local and regional jails, juvenile detention facilities, and state and local community corrections programs will be required. The bill also provides that the Corrections Special Reserve Fund is to be used only for capital expenses, rather than operating expenses as under current law. This bill is the recommendation of a joint subcommittee created pursuant to Item 477 D of the 1999 Appropriation Act. The subcommittee's study is available as a legislative document.

*Patron - Stolle*

### Failed

**HB58 General Assembly; disclosure of office allowances.** Requires members of the General Assembly who receive an allowance for unvouchered office expenses and supplies provided by the general appropriation act to keep a detailed and separate account of these funds and to file an annual disclosure statement. The disclosure statement must be filed with the State Board of Elections no later than the date members must file their statements of economic interests with the Clerks of the House and Senate. The statement must include an account of all receipts and expenditures recorded during the preceding calendar year. Unexpended balances must be carried forward and accounted for in the next reporting period. The bill prohibits legislators from making expenditures from these funds to family members.

*Patron - Purkey*

**HB531 General Assembly; distribution of the Code of Virginia.** Provides that members of the General Assembly must annually choose between receiving copies of the Code of Virginia, the supplements and replacement volumes and the hardbound volumes of the Acts of Assembly. The bill also clarifies that the hardbound volume set of the Code for House members will be paid from contingent funds of the Clerk of the House. The current law only addresses the payment of the Code for Senate members.

*Patron - Tata*

**FHB941 General Assembly; disclosure of office allowances.** Requires members of the General Assembly who receive an allowance for office expenses and supplies provided by the general appropriation act to keep a detailed and separate account of these funds and to file an annual disclosure statement. The disclosure statements must be filed with the respective Clerk of the House or Senate no later than the date members must file their statements of economic interests. The disclosure statement must include an account of all expenditures recorded during the preceding calendar year. Unexpended balances must be returned to the Commonwealth.

*Patron - Williams*

**FHB1120 General Assembly Select Commission on Transportation.** Creates a 20-member legislative Commission to study and make recommendations on transportation programs and policies in the Commonwealth.

*Patron - Robinson*

**FHB1140 General Assembly; office expenses.** Changes the office expense reimbursement arrangement to an accountable plan within the meaning of the Internal Revenue Code and the regulations thereunder. Members will be required to substantiate their business expenses on a quarterly basis and return any amount in excess of the substantiated expenses.

*Patron - Jones, S.C.*

**FHB1267 Joint Commission on Workforce Development.** Establishes the Joint Commission on Workforce Development as a legislative agency to study all aspects of workforce development and assist in stimulating, encouraging, and promoting workforce training and development in the Commonwealth. The Commission will, among other things, (i) evaluate the impact of existing statutes and proposed legislation related to workforce training and development, (ii) investigate, research and consider issues related to workforce training and development, and (iii) annually report its findings and recommendations to the General Assembly.

*Patron - Rust*

**FHB1447 General Assembly; legislative compensation; creation of a Citizens' Advisory Commission on Legislative Compensation.** Specifies the current regular and additional salaries of the members of the General Assembly appropriated in the general appropriation act and provides, beginning in January 2004, for the increase in the regular salary of members of the General Assembly to \$27,000 and the increase in salary of the Speaker of the House and Lieutenant Governor to \$38,000. Amounts are set forth in the Code so that future proposed salary increases would have to be voted upon separately from the appropriation bill. The bill also provides a separate office equipment expense allowance, set at a maximum of \$2,500 for a four-year period. Members are required to submit a voucher and accompanying receipts prior to receiving payment for equipment expenses. Finally, the bill requires the Joint Rules Committee to appoint, beginning in 2002, and every four years thereafter, a temporary Citizens' Advisory Commission on Legislative Compensation to examine the salary, expenses, and benefits of members of the General Assembly and their administrative assistants and secretaries. The Commission shall report its recommendations to the Governor and the General Assembly by December 1, after which it shall cease to exist until a new commission is appointed three years and seven months later.

*Patron - Hull*

**F SB355 General Assembly; judicial nominations.** Increases the responsibility of the Committees for Courts of Justice, the committees responsible for determining the qualifi-

cation of justices and judges in the Commonwealth, in the selection process of persons elected to the Supreme Court of Virginia and Virginia Court of Appeals. In addition to qualifying candidates for these courts, the committees will be statutorily responsible for nominating qualified candidates for consideration by their respective house. The houses shall be required to consider the committee's nominations first.

*Patron - Edwards*

**F SB410 Joint Commission on Health Care.** Allows the appointment of a former member of the Senate or House of Delegates who previously served on the Commission to fill vacated term created when a legislative member fails to retain his membership in the house from which he was appointed.

*Patron - Barry*

**F SB569 General Assembly; per diem for legislative aides.** Provides that the General Assembly shall annually appropriate funds sufficient to pay per diem and mileage for two persons to serve each member of the General Assembly as a secretary or administrative assistant during a legislative session or extension thereof.

*Patron - Rerras*

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## Carried Over

**C SB646 Information on proposed constitutional amendments.** Modifies the present law requirement for the preparation and distribution of a brief, neutral explanation of each proposed constitutional amendment approved by the General Assembly and submitted to the voters for approval or rejection. The changes include a requirement to post the explanation on the State Board of Elections website on the Internet, authorization for a brief statement on the effect of a "yes" or "no" vote and summary of pro and con arguments, and a requirement for prompt preparation of the explanation.

*Patron - Whipple*

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## Guardian and Ward

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### Passed

**P SB401 Annual reports by guardians.** Provides that the local department of social services must forward a copy of the report it receives from the guardian to the clerk of the circuit court within 60 days of receipt. Twice each year the local department must file with the clerk a list of guardians who are more than 90 days delinquent in filing the annual report.

*Patron - Trumbo*

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## Carried Over

**C HB826 Custody and care of ward and estate.** Repeals two Code of Virginia sections relating to the power of circuit courts to distribute the income or corpus of a minor's estate. There are other Code sections that apply to this distribution and the bill rectifies an inconsistency between the repealed sections and the other Code provisions.

*Patron - Hall*

## Health

### Passed

**HB326 Certificate of public need.** Authorizes, notwithstanding the provisions of subdivision 6 of § 32.1-102.3:2 as in effect on June 30, 1996, 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 of Title 38.2 for an increase in beds in [SC37] which nursing facility or extended care services are provided to allow such continuing care provider to continue, until the continuing contract holders constitute ninety percent of the occupancy for such facility or until July 1, 2004, whichever occurs first, to admit patients, other than continuing care contract holders, with whom the facility has an agreement with the individual responsible for the patient for private payment of the costs upon the following conditions being met: (i) the continuing care community is established for the care of retired military personnel and their families and (ii) the facility's bond requires that the nursing home unit maintain a 90 percent occupancy rate.

*Patron - Black*

**HB542 Phenylketonuria; Board of Health's responsibility for treatment.** Requires the Board of Health, out of such funds as may be appropriated, to include both the medical formulas and low protein modified foods (foods which are not naturally low in protein) in the food program for children with phenylketonuria and any pregnant woman who is diagnosed as requiring treatment for phenylketonuria. Currently, Virginia's program only supplies parents with the medical formulas, at a cost of no more than two percent of their annual income; however, no low protein modified foods are provided. The bill will provide reimbursement from the Department for low protein modified foods in an amount not to exceed \$2,000 per diagnosed person per year. Phenylketonuria is an inborn error of metabolism in which the body is unable to process an amino acid (phenylalanine) that, unless treated early by restricting phenylalanine intake, results in brain damage and mental retardation. In Virginia, all infants are tested for this disease at birth. The bill will not become effective unless an appropriation effectuating the purpose of the bill is included in the 2000 appropriation act and signed into law by the Governor.

*Patron - McDonnell*

**HB603 Statewide cancer registry.** Requires the Commissioner of the Department of Health to implement a system for notifying, within 30 days of receipt of the case records, all cancer patients whose records have been reported to the statewide cancer registry of the purpose, objectives, reporting requirements, confidentiality policies and procedures of the statewide cancer registry, including, but not limited to continued surveillance and investigation procedures, and to inform such patients of their rights under the Privacy Protection Act.

*Patron - McQuigg*

**HB613 Medical care facilities certificate of public need.** Provides that nuclear cardiac imaging services and equipment will not require a certificate of public need.

*Patron - Nixon*

**HB689 Health; qualifications for Commissioner.** Expands the pool of persons eligible for the position of Stat

Health Commissioner by adding, in addition to being certified by the American Board of Preventive Medicine, that the candidate may, instead, be certified by a recognized board in a primary care specialty as approved by the American Board of Medical Specialties. Any candidate will still be expected to have public health experience as currently provided in statute. Current qualifications severely narrow the field of candidates because so few individuals are certified by the American Board of Preventive Medicine.

*Patron - Hamilton*

**HB714 Certified nursing facility education initiative.** Authorizes the Board of Medical Assistance Services (Board), assisted by the Department of Medical Assistance Services (DMAS), to administer education initiatives for certified nursing facilities. The Director of DMAS shall contract with a nonprofit organization for early on-site training and assistance to promote quality of care in such facilities. Competitive procurement shall not apply. Such nonprofit organization shall be governed by a board of directors composed of the Director of DMAS, or his designee, a representative from the Virginia Department of Health, a representative from the Department of Social Services' Adult Protective Services Unit, a representative from the Office of the State Long-Term Care Ombudsman, and representatives from the consumer, long-term care provider, and business communities. The board of directors shall report on accomplishments, priorities, and activities of the nonprofit organization and submit a strategic plan to the Board, the Governor and the General Assembly. Funding to initially implement the nonprofit organization shall be from civil money penalty funds, and thereafter such organization shall be self-sustaining. Funding for services shall come from charges to nursing facilities, from general appropriations, and from civil money penalty funds. Civil money penalty funds are those funds collected by the DMAS for enforcement of nursing facility remedies pursuant to Title XIX of the Social Security Act.

*Patron - McQuigg*

**HB739 Certificate of public need.** Authorizes, notwithstanding the provisions of the moratorium on nursing home bed construction/additions which was in effect until July 1, 1996, the Commissioner of Health to accept and approve request to amend the conditions of a certificate of public need issued for an increase in beds in which nursing facility or extended care services are provided to allow such facility to continue, for three years from the issuance of a certificate of public need for the second mid-rise residential unit building associated with such facility or until June 30, 2003, whichever occurs first, 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) of Title 38.2; and (iv) was issued a certificate of public need prior to October 3, 1995.

*Patron - Suit*

**HB741 Health; duties of DMAS Director.** Adds specific duties to the general responsibilities of the Director of the Department of Medical Assistance Services, including the responsibilities to monitor health care financing programs, to advise the Governor and the General Assembly on matters related to health care financing, to consult with the General Assembly in developing policies and procedures on health care financing, and to communicate and work cooperatively with stakeholder organizations about issues and policies related to the Department's health care financing. The Director must also make a formal report each year by November 1 to the Gover-

nor and General Assembly on the status of the Department's operations and progress towards meeting health care financing problems.

*Patron - Rhodes*

**HB889 Health; Medicaid forecasting.** Requires the Department of Planning and Budget, in cooperation with the Department of Medical Assistance Services, to prepare and submit an estimate of Medicaid expenditures for the current year and a forecast for the next two years. Currently, the Department of Planning and Budget assists in this forecast. The bill provides that the Joint Legislative Audit and Review Commission will receive such forecast. The bill also repeals the sunset clause of July 1, 2004. This bill is identical to SB 515.

*Patron - Rollison*

**HB892 Medical assistance services; appeals** Provides that, to the extent not prohibited by federal statute or regulation, the findings of the Commissioner of Health, with respect to periodic surveys, i.e., inspections of nursing homes conducted pursuant to federal regulations relating to certification for reimbursement through Medicare and Medicaid, will be case decisions under the Administrative Process Act and will be subject to administrative appeal. Further, notwithstanding the current limitations concerning court review of inspection findings, the Commissioner's nursing home survey findings will be subject to court review. This bill also provides for an initial determination in cases of appeal as to whether an overpayment has been made by the Virginia Medicaid program to a provider of medical assistance services to be made within 180 days of receipt of the appeal request. If such initial determination is not made within 180 days, the decision is presumed to be in favor of the provider. A hearing officer is to make a ruling within 120 days, and the Director of the Department of Medical Assistance Services then has 60 days to adopt the recommendation of the hearing officer unless to do so would be in error of law or department policy. Rejection of the ruling by the hearing officer must be explained. No recovery can be made prior to the final decision, and interest will accrue on any amounts from the date of the final determination. The burden of proof is on the provider who shall receive reasonable attorney's fees on a one-time basis if he substantially prevails. The Board of Medical Assistance Services is required to promulgate emergency regulations. The Commissioner of Health must report to the Joint Commission on Health Care on the effects of the inspection findings being subject to administrative appeal, such as the kinds of survey deficiencies appealed, the reasons for the Department of Health's findings of deficiency, any federal actions taken as a result of the deficiencies, any effects on patient care, and the costs to the Commonwealth of the appeals.

*Patron - Woodrum*

**HB982 HIV premium assistance program.** Increases the eligibility income from 200 percent of federal poverty level to 250 percent of federal poverty level.

*Patron - VanLandingham*

**HB1008 Return of bodies donated for scientific study.** Requires institutions and individuals who receive lawfully donated bodies for scientific study and health training to return any cremated remains after such study or training has been completed to the decedent's next of kin or relatives, if (i) the decedent has stipulated in writing before his death that his cremated remains should be returned to his next of kin, or (ii) the decedent's next of kin, who donated the body, requests the return of the cremated remains in writing at the time of donation. The bill provides that the institution or individual that received the decedent's body is not obligated to return the cre-

ated remains, if the name, current address and telephone number of the decedent's next of kin or relatives are not provided in the written request. The institution or individual receiving the body must bear the costs of transporting and delivering the cremated remains.

*Patron - Shuler*

**HB1011 Health; medically underserved areas.** Defines "underserved area," for purposes of certain primary health care scholarships and loan repayment programs, to include medically underserved areas designated by the Board of Health and health professional shortage areas designed pursuant to federal regulations.

*Patron - Morgan*

**HB1012 Statewide asthma management.** Requires the Commissioner of the Department of Health, with such funds as may be appropriated, to develop a statewide comprehensive asthma management strategy which includes disease surveillance, public and professional education, identification and replication of best practices for public health and clinical interventions, public and private partnerships with health care providers, third-party payors, local school divisions, community coalitions, and identification of sources of grant funding. In addition, the Commissioner shall implement programs to meet the objectives of the statewide asthma management plan and report periodically to the Board of Health on such implementation. This bill is a recommendation of the Joint Commission on Health Care. This bill is identical to SB 490.

*Patron - Morgan*

**HB1049 Registration of automated external defibrillators; immunity.** Clarifies that immunity from liability relating to registered automated external defibrillators includes, when in compliance with the applicable law, registrants of the equipment, trainers of individuals who operate the registered automated external defibrillators, individuals who order the equipment (which is classified as a Schedule VI device in Virginia and requires a controlled device order under federal law and regulation), and the properly trained operators of the registered automated external defibrillators. In addition, physicians who supervise registered automated external defibrillators are provided some limited immunity when performing these responsibilities without compensation. This bill also clarifies that "compensation," as used in the Good Samaritan law, does not include the salary of any person who registers an automated external defibrillator, trains the individuals who operate the registered automated external defibrillators, orders the automated external defibrillators which will subsequently be registered, or operates a registered automated external defibrillator at the scene of an emergency. Other syntax changes reinforce the concept of and requirements for registration and fees of the machines. Automated external defibrillators are technological medical wonders combining heart monitors and defibrillators which are being stocked on airplanes and in many places where the public gathers. These computerized machines are capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia; determining, without intervention by an operator, whether defibrillation should be performed; and, if defibrillation is determined to be necessary, automatically charging the machine and delivering the proper electrical impulse to an individual's heart. In other words, these machines are used to prevent deaths during heart attacks. Training is required to operate this equipment; however, complex medical knowledge is not necessary to use this life-saving device.

*Patron - Cantor*

**HB1075 Health; Dentist Loan Repayment Program.** Establishes a loan repayment program for dental school

graduates identical to the existing program for physicians. Preference is given to graduates of Virginia Commonwealth University's School of Dentistry, and recipients must agree to a period of service in an underserved area or health professional shortage area. The Program is limited to funds appropriated. This bill is identical to SB 576.

*Patron - Melvin*

**HB1076 Health; health workforce recruitment and retention.** Requires the State Health Commissioner to direct activities and programs for recruitment and retention of health care providers for underserved populations, underserved areas, and health professional shortage areas (HPSAs). To assist in this, a Health Workforce Advisory Committee is established within the Department and includes representatives of various organizations and types of health care. The Commissioner is required to report to the Governor and the General Assembly by October 1 of each year.

*Patron - Melvin*

**HB1077 Statewide cancer registry; civil penalties.** Permits the Commissioner of the Department of Health, with such funds as may be appropriated, to implement a system for ensuring all cancer cases are completely and accurately reported to the statewide cancer registry by hospitals, clinics independent pathology laboratories and physician offices so long as consent to on-site inspection is obtained. The bill clarifies that registry information shall be confidential, yet the Commissioner may divulge the identity of patients and practitioners if pertinent to an investigation, research or study. Anonymity is to be preserved by those to whom the information is divulged. Finally, the bill clarifies that the unauthorized use, disclosure or release of data shall be subject, in addition to the existing remedies, to a civil penalty of up to \$25,000 for each violation. This bill is a recommendation of the Joint Commission on Health Care. This bill is identical to SB 575.

*Patron - Melvin*

**HB1090 Organ donations.** Requires each hospital in Virginia to establish a protocol for organ donation, in compliance with the Health Care Financing Administration's (HCFA) regulations, that includes (i) an agreement with an organ procurement organization designated in HCFA regulations for routine contact; (ii) the notification of organ procurement organizations in a timely manner of all deaths and imminent deaths in the hospital; (iii) the authorization of an organ procurement organization to determine the suitability of the decedent or patient for organ donation, and, in absence of an arrangement with any eye bank or tissue bank, the suitability for tissue and eye donation; (iv) an agreement with at least one tissue bank and at least one eye bank for retrieval, processing, preservation, storage, and distribution of tissues and eyes; (v) a process for collaboration with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate; (vi) the requirement that an individual making contact with the family must have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community, which such course encouraging discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family; and (vii) the coordination of the hospital with the organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, concerning the proper review of death records for identification of potential donors and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, or eyes take

place. This procedure must be followed, without exception, unless the relevant decedent or patient has expressed opposition to organ donation, the hospital administrator or his designee knows of this opposition, and no donor card or other relevant document can be found. This bill also (i) clarifies when the decedent's or patient's medical records may be disclosed; (ii) removes or revises some archaic language; (iii) clarifies various definitions; (iv) affirms that a donor document that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death; and (vi) notes, in several places, that no family member, guardian, agent named pursuant to an advance directive or person responsible for the decedent's estate can refuse to honor the donor designation, seek to revoke the donor's wishes, or seek to avoid honoring the donor designation.

*Patron - Bryant*

**HB1176 Standardized prescription benefits cards.** Requires the state employee's health insurance plan, the Virginia Medicaid program, and each health insurer, corporation providing individual or group accident and sickness subscription contracts, and health maintenance organization providing coverage for prescription drugs, to issue a standardized prescription benefits card. The standardized prescription benefits identification card must comply with the National Council for Prescription Drug Programs (NCPDP) standards as set forth in the NCPDP Pharmacy ID Card Implementation Guide. The standardized prescription benefits identification card must be capable of accommodating the mandatory and situational data elements included in the NCPDP Pharmacy ID Card Implementation Guide and must be issued to each new covered person and reissued upon changes in coverage that affect the data elements on the card. Contracts, policies or plans delivered, issued for delivery or renewed in this Commonwealth on and after July 1, 2002, must comply with this requirement. The bill will become effective if reenacted by the 2001 Session of the General Assembly.

*Patron - Reid*

**HB1202 Health; Statewide AHEC Program.** Requires the Statewide Area Health Education Program to include, in its annual report, a detailed summary of how state general funds were expended on the state and local level for the most recent fiscal year.

*Patron - DeBoer*

**HB1203 Health care data reporting.** Expands the patient-level data reported to the Board of Health and analyzed by the nonprofit health data organization to include all outpatient surgery performed under general anesthesia in hospitals ambulatory surgery centers, and doctors' offices, when performed by physicians of medicine or osteopathy. This provision becomes effective on July 1, 2001, except for an enactment which requires the nonprofit health data organization to review the impact of requiring the submission of outpatient surgical data by physicians and the impact of current inpatient reporting requirements on hospitals. The review will be conducted in consultation with the various affected parties and will include such items as an estimate of the number and type of outpatient surgical records to be submitted, plans for processing the outpatient surgical data, and estimates of resources needed to process and analyze the data and publish any appropriate reports. This information will be included in the organization's annual report and also a report to the Joint Commission on Health Care by October 1, 2000, and to the General Assembly prior to the 2001 Session.

*Patron - DeBoer*

**HB1257 Health; organ and tissue donor registry.** Establishes an Organ and Tissue Donor Registry to be administered by the Department of Health. The registry will contain information about persons who have indicated a willingness to donate in accordance with law. Such information shall be available only to the Department and qualified organ procurement organizations, eye banks, and tissue banks operating in or serving Virginia. The Board will promulgate regulations to implement the provisions of this act.

*Patron - Brink*

**HB1270 Health; certificate of public need.** Changes various timelines and procedures for issuance or denial of a certificate of public need including: (i) changing the references to health systems agency to health planning agency; (ii) extending the review period from 120 days by referencing the "appropriate batch period" established by the Board by regulation not to exceed 190 days; (iii) extending the time period for the Commissioner to make a determination from 15 days to 45 days after which time the Commissioner must notify the applicant or applicants that the application shall be deemed approved 25 calendar days after the expiration of the 45-day period unless information from the hearing officer permits the Commissioner to make his decision within that 25-day period; (iv) providing that, if the Commissioner does not make a determination within 70 calendar days after the closing of the record, the application shall be deemed approved; (v) deleting the provision for the refund of 50 percent of the fee paid if the application is not deemed approved; and (vi) providing that, if the Commissioner does not make a determination within 45 days, any applicant may institute a proceeding for mandamus against the Commissioner in the circuit court. In any appeal of the case decision granting a certificate of public need, the court may require the appellant to file a bond for protection of all parties interested in the case decision, conditioned on the payment of all damages and costs incurred in consequence of such appeal. If the applicants consent to extending any time period, the Commissioner, with the concurrence of the applicants, must establish a new schedule for the remaining time periods.

*Patron - Rust*

**HB1368 Long-term care nursing scholarship and loan repayment program.** Establishes a scholarship and loan repayment program for registered nurses, licensed practical nurses, and certified nurse aides who agree to work in a Commonwealth long-term care facility for a given period of time. This bill is a recommendation of the Joint Commission on Health Care. This bill is identical to SB 564.

*Patron - Brink*

**HB1405 Medical assistance services; coverage.** Requires Medicaid coverage for high-dose chemotherapy and bone marrow transplants for persons over 21 who have been diagnosed with myeloma or leukemia. These persons must be determined to have a performance status sufficient to proceed with such procedures. Current law already requires coverage of these procedures for those persons over 21 with lymphoma or breast cancer. The bill will not become effective unless an appropriation effectuating its purposes are included in the 2000 appropriation act, passed during the 2000 Session of the General Assembly, and signed into law by the Governor

*Patron - Christian*

**HB1487 Health; inspections.** Requires the Board of Health to make scheduled and unannounced inspections of facilities and physicians' offices that perform mammography services to ensure compliance with the laws, regulations or conditions specified by the Board. The Board currently inspects X-ray machines on a regular basis and has the general

power to enter any property housing an entity which is permitted, licensed or certified by the Board.

*Patron - Devolites*

**HB1488 Health; mammograms.** Requires the Board of Health to establish guidelines to require that licensed facilities or physicians' offices that perform mammography services offer to the patient, prior to departure, to develop the film to ensure quality and integrity of the film. When film developing is not available or the patient chooses not to wait the patient must be notified within two business days if another mammogram is necessary. This requirement does not imply or require that a diagnostic opinion be made at the time of the mammogram. The interpreting physician may require that the mammogram be retaken if, in the opinion of the physician, the study is of inadequate quality.

*Patron - Devolites*

**HB1489 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, when such individuals (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 six 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. Those individuals who were enrolled on the date of federal approval of the FAMIS Plan in CMSIP will continue to be enrolled in FAMIS for so long as they continue to meet the eligibility requirements of CMSIP. Participants whose incomes are between 100 and 150 percent of the federal poverty level will participate in cost sharing only nominally, with the annual aggregate cost-sharing not exceeding two and one-half percent of the family's gross income. The annual aggregate cost-sharing for all eligible children in families at or above 150 percent of the federal poverty level will not exceed five percent of the family's gross income or as allowed by federal law and regulations. No cost sharing will be required for well-child and preventive services. In the event an application is denied, the applicant must be notified of any services available in the locality that can be accessed by contacting the local department of social services. The FAMIS Plan will provide comprehensive health care benefits, including medical, dental, vision, mental health, and substance abuse services and physical therapy, occupational therapy, speech language pathology, and skilled nursing services for special education students. FAMIS participants who have access to employer-sponsored health insurance coverage may, but will not be required to, enroll in an employer's health plan, with payments being made on their behalf if enrollment in the employer's plan is cost effective. Supplemental insurance equivalent to the comprehensive health care benefits provided to other participants will be provided for the benefits not included in the employer-sponsored health insurance benefit plan. Existing DMAS contracts and future contracts will be used to provide the benefits through health maintenance organizations and other providers and employer insurance plans. FAMIS will provide that, in addition to any centralized processing site for administration of the program, DMAS may contract with third-party administrators to provide additional administrative services, including providing and assisting with applications. Local social services agencies must provide and accept applications for the program and assist families in completing applications. Any centralized pro-

cessing site will determine eligibility for either FAMIS or Medicaid and enroll the children accordingly. FAMIS must provide for coordinated implementation of publicity, enrollment, and service delivery with existing local programs. Employer-sponsored health insurance is defined as comprehensive health insurance offered by the employer when the employer contributes at least 50 percent towards the cost of dependent or family coverage, or as otherwise approved by Health Care Financing Administration (HCFA). The regulations for this program will include a comprehensive, statewide community-based outreach plan to enroll children in FAMIS or in Medicaid, as appropriate. The Outreach Plan must include specific strategies for improving outreach and enrollment in localities having less than the statewide average enrollment and enrolling uninsured children of former Temporary Assistance to Needy Families recipients. The Department will also maintain an Outreach Oversight Committee, composed of various interested parties and consumers, to make recommendations on state-level outreach activities, the coordination of regional and local outreach activities, and procedures for streamlining and simplifying the application process, brochures, other printed materials, forms, and applicant correspondence. DNAS will enroll applicants to the extent funds are available or as directed in the appropriation act. FAMIS is specifically noted as not being assistance or public assistance. The Medicaid fraud provisions will apply to FAMIS. The Board, or the Director, may adopt, promulgate and enforce regulations as may be necessary to implement and administer the FAMIS Plan. The provisions of the bill will not become effective until approved by HCFA; however, the Department is directed, as soon as possible after the enactment of this provision, to develop, submit, and seek approval of the FAMIS Plan. The Board is directed to promulgate emergency regulations. Certain outreach provisions of HB366 and eligibility provisions of HB1253 were incorporated into HB1489.

*Patron - Devolites*

**PHB1525 Emergency medical services vehicles.** Defines the term "ambulance" as a vehicle, vessel or aircraft, holding a valid permit from the State Emergency Medical Services Office, that is specially constructed, equipped, maintained, and operated, and is intended to be used for emergency medical care and the transportation of patients who are sick, injured, wounded, or otherwise incapacitated or helpless. This bill provides that any vehicle, vessel or aircraft must hold a valid emergency medical services vehicle permit issued by the Office of Emergency Medical Services to be licensed to operate and be considered an ambulance in the Commonwealth. The word "ambulance" is prohibited on any vehicle, vessel or aircraft that does not hold a valid permit. This bill also repeals the archaic law which authorizes counties to require any ambulance, when responding to emergency calls, to be staffed, in addition to other personnel, with a medical doctor or a graduate nurse or an attendant holding a valid first aid card or certificate of the advanced type issued by the American Red Cross or the United States Bureau of Mines. Current requirements for staffing are established at the state level and are uniform throughout the Commonwealth.

*Patron - Orrock*

**PSB25 Medical care facilities certificate of public need.** Strikes the requirement for obtaining a certificate of public need before introducing into an existing medical facility any new nuclear cardiac imaging service or equipment.

*Patron - Stosch*

**PSB337 Regulation of health care facilities; 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. This deregulation

will be accomplished in accordance with a plan to be developed by the Joint Commission on Health Care, in consultation with groups and organizations representing public and private health care providers and consumers and appropriate state agencies. The plan must be submitted for review and approval by the 2001 General Assembly. The plan for deregulation must include, but will not be limited to, provisions for (i) meeting the health care needs of the indigent and uninsured citizens of the Commonwealth, with all health care providers sharing the burden of such care; (ii) providing adequate oversight of the various deregulated services to protect the public health and safety and promote the quality of services provided by deregulated medical facilities and projects; (iii) monitoring the effects of deregulation on the number and location of medical facilities and projects throughout the Commonwealth; (iv) recommending appropriate regulation of nursing homes, certified nursing facilities, intermediate care facilities, extended care facilities, long-term care facilities, and new hospitals with respect to requirements for determination of need; (v) recommending a schedule for necessary statutory changes to implement the plan and for requiring, subject to approval of the General Assembly, that the appropriate regulatory boards promulgate regulations implementing the Commission's plan prior to any deregulation recommended in the plan; and (vi) determining the effect of deregulation on the unique mission of academic medical centers. In developing the plan, the Commission must also consider the impact of deregulation on state-funded health care financing programs and must include an examination of the fiscal impact of such deregulation on the market rates paid by such financing programs for health care and long-term care services.

*Patron - Martin*

**PSB338 Medical assistance services; transplantation services for adults.** Requires the state plan for medical assistance services to include a provision for payment of medical assistance services for liver, heart, and lung transplantation procedures for individuals over the age of 21 years when (i) there is no effective alternative medical or surgical therapy available with outcomes that are at least comparable; (ii) the transplant procedure and application of the procedure in treatment of the specific condition have been clearly demonstrated to be medically effective and not experimental or investigational; (iii) prior authorization by the Department of Medical Assistance Services has been obtained; (iv) the patient-selection criteria of the specific transplant center where the surgery is proposed to be performed has been used by the transplant team or program to determine the appropriateness of the patient for the procedure; (v) current medical therapy has failed, and the patient has failed to respond to appropriate therapeutic management; (vi) the patient is not in an irreversible terminal state; and (vii) the transplant is likely to prolong the patient's life and restore a range of physical and social functioning in the activities of daily living. Presently, the Virginia Medicaid program covers such services for individuals under the age of 21 years. The provisions of the bill will not become effective unless an appropriation is included in the 2000 appropriation act, passed by the General Assembly, and signed into law by the Governor.

*Patron - Potts*

**PSB489 Health; health workforce recruitment and retention.** Directs the State Health Commissioner to implement programs of recruitment and retention of health care providers for underserved populations, underserved areas, and health professional shortage areas (HPSAs). To assist in this, a Health Workforce Advisory Committee is established within the Department and includes representatives of various organizations and types of health care. The Commissioner is required



to report on the Department's activities to the Governor and the General Assembly by October 1 of each year.

*Patron - Lambert*

**SB490 Statewide asthma management.** Requires the Commissioner of the Department of Health, with such funds as may be appropriated, to develop a statewide comprehensive asthma management strategy which includes disease surveillance, public and professional education, identification and replication of best practices for public health and clinical interventions, public and private partnerships with health care providers, third-party payors, local school divisions, and community coalitions, and identification of sources of grant funding. In addition, the Commissioner shall implement programs to meet the objectives of the statewide asthma management plan and report periodically to the Board of Health on such implementation. This bill is a recommendation of the Joint Commission on Health Care. Identical to HB 1012.

*Patron - Lambert*

**SB515 Health; Medicaid forecasting.** Requires the Department of Planning and Budget, with the assistance of the Department of Medical Assistance Services, to prepare and submit an estimate of Medicaid expenditures for the current year and a forecast for the next two years to the General Assembly, including the Joint Legislative Audit and Review Commission. The bill also repeals the sunset clause of July 1, 2004. Identical to HB 889.

*Patron - Barry*

**SB529 Certain health professional credentials.** Requires the medical director who is the employee of a utilization review organization to be licensed to practice medicine in the Commonwealth. Also clarifies that a "peer of a health care provider" and a "physician advisor" be licensed in the Commonwealth or in another state with comparable licensing requirements to Virginia.

*Patron - Williams*

**SB533 Health care data reporting.** Requires health maintenance organizations (HMOs) to submit Health Employer Data and Information Set (HEDIS) information or other quality of care or performance information sets approved by the Board of Health to the Commissioner of Health. A non-profit organization under contract with the Department of Health will be authorized to compile, store, analyze, and evaluate such data. The Commissioner may grant a waiver of the HEDIS or other information set if he determines that the HMO has met Board-approved exemption criteria. The Board will establish a tiered-fee structure based on the number of enrollees of the HMO to cover the costs of collecting, etc., of the data. The fees cannot exceed \$3,000 for each HMO. This program is currently set to expire on July 1, 2003.

*Patron - Watkins*

**SB550 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, when such individuals (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 six 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.

Those individuals who were enrolled on the date of federal approval of the FAMIS Plan in CMSIP will continue to be enrolled in FAMIS for so long as they continue to meet the eligibility requirements of CMSIP. Participants whose incomes are between 100 and 150 percent of the federal poverty level will participate in cost sharing only nominally, with the annual aggregate cost-sharing not exceeding two and one-half percent of the family's gross income. The annual aggregate cost-sharing for all eligible children in families at or above 150 percent of the federal poverty level will not exceed five percent of the family's gross income or as allowed by federal law and regulations. No cost sharing will be required for well-child and preventive services. In the event an application is denied, the applicant must be notified of any services available in the locality that can be accessed by contacting the local department of social services. The FAMIS Plan will provide comprehensive health care benefits, including medical, dental, vision, mental health, and substance abuse services and physical therapy, occupational therapy, speech language pathology, and skilled nursing services for special education students. FAMIS participants who have access to employer-sponsored health insurance coverage may, but will not be required to, enroll in an employer's health plan, with payments being made on their behalf if enrollment in the employer's plan is cost effective. Supplemental insurance equivalent to the comprehensive health care benefits provided to other participants will be provided for the benefits not included in the employer-sponsored health insurance benefit plan. Existing DMAS contracts and future contracts will be used to provide the benefits through health maintenance organizations and other providers and employer insurance plans. FAMIS will provide that, in addition to any centralized processing site for administration of the program, DMAS may contract with third-party administrators to provide additional administrative services, including providing and assisting with applications. Local social services agencies must provide and accept applications for the program and assist families in completing applications. Any centralized processing site will determine eligibility for either FAMIS or Medicaid and enroll the children accordingly. FAMIS must provide for coordinated implementation of publicity, enrollment, and service delivery with existing local programs. Employer-sponsored health insurance is defined as comprehensive health insurance offered by the employer when the employer contributes at least 50 percent towards the cost of dependent or family coverage, or as otherwise approved by Health Care Financing Administration (HCFA). The regulations for this program will include a comprehensive, statewide community-based outreach plan to enroll children in FAMIS or in Medicaid, as appropriate. The Outreach Plan must include specific strategies for improving outreach and enrollment in localities having less than the statewide average enrollment and enrolling uninsured children of former Temporary Assistance to Needy Families recipients. The Department will also maintain an Outreach Oversight Committee, composed of various interested parties and consumers, to make recommendations on state-level outreach activities, the coordination of regional and local outreach activities, and procedures for streamlining and simplifying the application process, brochures, other printed materials, forms, and applicant correspondence. DMAS will enroll applicants to the extent funds are available or as directed in the appropriation act. FAMIS is specifically noted as not being assistance or public assistance. The Medicaid fraud provisions will apply to FAMIS. The Board, or the Director, may adopt, promulgate and enforce regulations as may be necessary to implement and administer the FAMIS Plan. The provisions of the bill will not become effective until approved by HCFA; however, the Department is directed, as soon as possible after the enactment of this provision, to

develop, submit, and seek approval of the FAMIS Plan. The Board is directed to promulgate emergency regulations.

*Patron - Bolling*

**SB551 Health; organ and tissue donor registry.** Establishes an Organ and Tissue Donor Registry to be administered by the Department of Health. The registry will contain information about persons who have indicated a willingness to donate in accordance with law. Such information will be available only to the Department and qualified organ procurement organizations, eye banks, and tissue banks operating in or serving Virginia. The Board will promulgate regulations to implement the provisions of this act.

*Patron - Bolling*

**SB564 Long-term care nursing scholarship and loan repayment program.** Establishes a scholarship and loan repayment program for registered nurses, licensed practical nurses and certified nurse aides who agree to work in a Commonwealth long-term care facility for a given period of time. This bill is a recommendation of the Joint Commission on Health Care. Identical to HB 1368.

*Patron - Martin*

**SB575 Statewide cancer registry; civil penalties.** Permits the Commissioner of the Department of Health, with such funds as may be appropriated, to implement a system for ensuring all cancer cases are completely and accurately reported to the statewide cancer registry by hospitals, clinics independent pathology laboratories and physician offices so long as consent to on-site inspection is obtained. The bill clarifies that registry information shall be confidential, yet the Commissioner may divulge the identity of patients and practitioners if pertinent to an investigation, research or study. Anonymity is to be preserved by those to whom the information is divulged. Finally, the bill clarifies that the unauthorized use, disclosure or release of data shall be subject, in addition to the existing remedies, to a civil penalty of up to \$25,000 for each violation. This bill is a recommendation of the Joint Commission on Health Care. Identical to HB 1077.

*Patron - Schrock*

**SB576 Health; Dentist Loan Repayment Program.** Establishes a loan repayment program for dental school graduates identical to the existing program for physicians. Preference is given to graduates of VCU's School of Dentistry, and recipients must agree to a period of service in an underserved area or health professional shortage area. The program is limited to funds appropriated. Identical to HB 1075.

*Patron - Schrock*

**SB581 Virginia Tobacco Settlement Foundation** Applies the standards of the State and Local Government Conflict of Interests Act to (i) members of the Board of Trustees and employees of the Virginia Tobacco Settlement Foundation and (ii) the members of the Tobacco Indemnification and Community Revitalization Commission. The bill also requires the director appointed by the Governor to be subject to confirmation by the General Assembly and provides for the Foundation to appoint a chairman and vice-chairman from its membership. Under current law, the Governor appoints these officers.

*Patron - Hawkins*

**SB596 Certificate of public need.** Authorizes, notwithstanding the provisions of the moratorium on nursing home bed construction/additions which was in effect until July 1, 1996, the Commissioner of Health to accept and approve request to amend the conditions of a certificate of public need issued for an increase in beds in which nursing facility or extended care services are provided to allow such facility to

continue, for three years after the date of issuance of a certificate of occupancy for the second mid-rise residential-unit building associated with the facility or until June 30, 2003, whichever occurs earlier, 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) of Title 38.2; and (iv) was issued a certificate of public need prior to October 3, 1995. The bill also creates a COPN exception to the request for applications (RFAs) procedure and requires the Commissioner to accept and authorizes him to approve an application for an increase of 60 beds in a described nursing facility in Giles County which will be dedicated to the provision of skilled nursing, hospice services, and care of persons with Alzheimer's and related diseases.

*Patron - Stolle*

**SB665 Rural health.** Requires the Commissioner of Health to submit to the Health Care Financing Administration (HCFA) an application to establish a Medicare Rural Hospital Flexibility Program in Virginia. The Commissioner is also required to develop a rural health care plan for the Commonwealth. The rural health care plan must be developed and revised as necessary as may be required by the Balanced Budget Act of 1997 and amendments to its provisions. The plan has to be developed in cooperation and consultation with the Virginia Hospital and Health Care Association, the Medical Society of Virginia representatives of rural hospitals, and experts within the Department of Health on rural health programs. The Commissioner may seek the assistance of the Virginia Health Planning Board and the regional health planning agencies in developing the plan. The plan must verify that Virginia will be designating critical access hospitals and certifying some facilities as "necessary providers" of health care in any rural area, including the process, methodology, and eligibility criteria for such designations or certifications. The plan must reflect local needs and resources and must include (as required by federal law) a mechanism for creating one or more rural health networks, ways to encourage rural health service regionalization, and initiatives to improve access to health services for rural Virginians. In addition and notwithstanding other law or regulations to the contrary, the plan must use, as minimum standards for critical access hospitals, the certification regulations for critical access hospitals promulgated by the Health Care Financing Administration pursuant to Title XVIII of the Social Security Act, and authorize critical access hospitals to utilize a maximum of ten beds as swing beds. Critical access hospitals are not prohibited from leasing unused portions of their facilities or reorganizing their corporate structures to facilitate the continuation of the nursing home beds that were licensed to such hospital prior to the designation as a critical access hospital.

*Patron - Reynolds*

**SB699 Examination of certain testing.** Requires the Commissioner of Health to examine the efficacy of requiring testing of infants for congenital adrenal hyperplasia (CAH), a developmental condition that is difficult to diagnose, with slowly developing symptoms, resulting in sudden death among affected infants early in life. This bill is an uncodified act. The Commissioner would be required to seek expertise from pediatricians and others and the parents of affected children and report to the 2001 General Assembly.

*Patron - Ticer*

**SB725 Testing for elevated blood lead levels.** Requires the Board of Health to promulgate emergency regulations establishing a protocol for the identification of children at

risk for elevated blood-lead levels. Effective July 1, 2001, the Commonwealth will require testing of children for elevated blood-lead levels or determinations that the children are at low risk for lead poisoning pursuant to Board regulations. These requirements will not apply to any child whose parent, guardian or other person having control or charge of such child objects to such testing on the grounds that the procedure conflicts with his religious tenets or practices. This bill is a recommendation of the Joint Subcommittee Studying Lead Poison Prevention.

*Patron - Lambert*

**SB778 Department of Mental Health, Mental Retardation and Substance Abuse Services; rights-of-way.** Authorizes the conveyance of a 50-foot right-of-way and a one 100-foot right-of-way on property held by the Department of Mental Health, Mental Retardation and Substance Abuse Services in Amherst County, to Amherst County, with the approval of the Governor and in a form approved by the Attorney General.

*Patron - Newman*

## Failed

**HB366 Virginia Children's Medical Security Insurance Plan (CMSIP); outreach.** Requires certain outreach activities, including: (i) Virginia's Title XXI Plan to provide for coordinated implementation of publicity, enrollment and service delivery with existing local programs throughout the Commonwealth that provide medical services, educational services, and case management services to children and (ii) the Board of Medical Assistance Services' regulations to include a comprehensive, statewide community-based outreach plan to enroll eligible children in CMSIP. The outreach plan must be developed and implemented in cooperation with the Department of Social Services and local social services agencies and other private and public outreach programs. The outreach plan must include, but need not be limited to, (i) a requirement that each regional social services agency hire an outreach coordinator; (ii) a blueprint, developed with the Department of Education and the local school division superintendents, for conducting outreach through the public schools of the Commonwealth which takes into consideration all requirements for delivery of health services by local school divisions; (iii) a procedure for directly contacting families who have received Temporary Assistance to Needy Families (TANF) at any time since June 1997, whose children are not enrolled in Medicaid or CMSIP, to provide such families with information and applications for CMSIP; (iv) a requirement that, in any locality in which 1,000 or more children are estimated to be eligible for CMSIP and enrollment is less than the statewide average enrollment, at least one caseworker shall be identified as the Children's Health Insurance Eligibility Specialist; and (v) such other strategies for informing the parents of eligible children as may be appropriate, such as educational activities, public service announcements, targeted mailings, and local community activities. This provision also requires the establishment, by the Department of Medical Assistance Services, of an Outreach Oversight Committee composed of representatives from community-based organizations engaged in outreach activities, social services eligibility workers, the provider community, and consumers. Quarterly meetings will be for the purpose of discussing strategies to improve outreach activities and to make recommendations regarding outreach, coordination, and procedures for streamlining and simplifying the application process, brochures, other printed materials, forms, and applicant correspondence. Certain outreach provisions of the bill were incorporated into HB1489.

*Patron - Brink*

**HB661 Virginia Prescription Drug Payment Assistance Program.** Establishes a program to be administered by the Department of Medical Assistance Services, modeled on Delaware's Prescription Drug Payment Assistance Program, to assist eligible elderly and disabled Virginians in paying for prescription drugs. The benefit is limited to prescription drugs manufactured by pharmaceutical companies that agree to provide manufacturer rebates. Eligible persons must have incomes below 200 percent of the federal poverty level or have prescription drug expenses that exceed 40 percent of his or her annual income. They must also be age 65 or older or eligible for federal Old Age, Survivors and Disability Insurance Benefits, and be ineligible for Medicaid prescription benefits and/or not receiving a prescription drug benefit through a Medicare supplemental policy or other third-party payer prescription benefit. Eligible persons enrolled in the program are eligible for an annual benefit of up to \$2,500. Eligible enrollees will receive an identification card to be presented to pharmacists and will start receiving the benefit the month after their eligibility is determined. Benefits will be paid to pharmacies under a point-of-service claims procedure to be established by DMAS. Participants are required to make a co-payment for each prescription, which in general will not exceed 25 percent of the cost but not less than five dollars. Money to pay the claims will come from the newly established Prescription Assistance Fund, which is to be financed by 20 percent of the proceeds received by the Commonwealth under the Master Tobacco Settlement Agreement. To the extent available, administrative costs are to be paid from the pharmaceutical manufacturer rebates. This bill is identical to HB 1403 and SB 470.

*Patron - Deeds*

**HB730 Medical care facilities certificate of public need.** Provides an exemption from the applicability of the certificate of public need law for a facility having an application pending as of January 1, 1999, for a COPN to construct an ambulatory surgery center in a city of 14 square miles having a population of more than 22,000 and less than 24,000, which was withdrawn on or before June 30, 1999. This provision amends the law providing for certain exemptions from coverage by the COPN law. The exempted facility must file a completed application for an exemption by October 1, 2000; the Commissioner must make forms for the application available by August 1, 2000; and the Commissioner may deny the exemption if the application is not complete on October 1, 2000.

*Patron - Griffith*

**HB816 Cancer care centers; certificate of public need.** Removes any cancer care center, defined as any specialized center or clinic or that portion of a physician's office developed 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. Registration of equipment purchases continues to be required. Such cancer centers shall not take into consideration the ability to pay in the provision of services and shall report annually to DMAS the amount of indigent care provided.

*Patron - Hamilton*

**HB839 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; and to develop a price-

based methodology for indirect costs using a Resource Utilization Group (RUG) methodology, by July 1, 2001. The RUG methodology will be differentiated for the specialized care program (heavy-care patients). The Department is required to publicize the regulations and provide a searchable electronic format. The Department must develop a plan for implementing the provisions of the bill and report to the Governor and General Assembly by January 1, 2001.

*Patron - Hamilton*

**HB878 Medical assistance services' audits and investigations.** Permits the attorney for the Commonwealth to audit and investigate providers of services furnished under the State Medical Plan within their jurisdictions, if the Office of the Attorney General declines to do so.

*Patron - Phillips*

**HB885 Medical assistance services.** Provides that the spouse of a nursing home resident who remains in the community shall have a protected resource minimum of \$74,820.

*Patron - Phillips*

**HB969 Medical care facilities certificate of public need.** Exempts projects for the renovation of existing nursing facilities or nursing homes or an increase in the number of nursing facility or nursing home beds, whether through the construction of a new facility or additions to an existing nursing facility or nursing home, when such proposed project is affiliated with the Virginia Veterans Care Centers and will be dedicated solely to the care of aged or disabled veterans meeting the admissions requirements in effect for such facilities on January 1, 2000.

*Patron - Louderback*

**HB1055 Reporting of certain complications to the Board of Health.** Requires any physician, regardless of whether he performed the surgical procedure, who treats a patient experiencing complications from an outpatient and inpatient surgical procedure which occurs within 60 days of the performance of the procedure to report to the Board on such complications in accordance with the Board's regulations. The Board's regulations must address, among other complications, any infections, perforations and psychological problems which have resulted from such surgical procedures.

*Patron - Marshall*

**HB1215 Medical assistance services.** Requires the Board of Medical Assistance Services to include in the state plan a provision for coverage of aged, blind and disabled individuals, in compliance with federal law, whose income does not exceed 80 percent of the federal poverty level as authorized by Title XIX of the Social Security Act, as amended.

*Patron - Tate*

**HB1253 Virginia Children's Medical Security Insurance Plan.** Requires the Board of Medical Assistance Services to promulgate regulations addressing eligibility which include, but need not be limited to: (i) a waiting period for previously insured children of not more than six months when such individuals have family incomes above 150 percent of the federal poverty level; (ii) a two-month waiting period for previously insured children when such individuals have family incomes at or below 150 percent of the federal poverty level; and (iii) a request for assignment of third-party payments and medical support rights to the state and for cooperation with the state in securing such payments, as well as child support payments; however, the granting of such assignment and cooperation shall not be a condition of eligibility. In a second enactment clause, the Board of Medical Assistance Services is required to promulgate emergency regulations for these provi-

sions (within 280 days of its enactment), and the Department of Medical Assistance Services is required to develop and submit to the federal Secretary of Health and Human Services the revisions to Virginia's Title XXI plan to implement the provisions of this act within 90 days of its enactment. Certain eligibility provisions of HB1253 were incorporated in HB1489.

*Patron - Brink*

**HB1272 Regulation of medical care facilities.**

Removes specialized services, major medical equipment, an operating rooms from the requirement to obtain a certificate of public need and authorizes the Board of Health to issue a license certifying accredited specialized centers and clinics and physician's offices developed for the provision of outpatient or ambulatory surgery, cardiac catheterization, or radiation therapy to be medical care facilities pursuant to § 32.1-137. The Board may revoke or suspend a license for failure to maintain accreditation with the Joint Commission on Accreditation of Health Care Organizations, the Accreditation Association of Ambulatory Health Care, or the American Association for Accreditation of Ambulatory Surgery Facilities and may reissue the license upon reinstatement of the accreditation. The Board is also authorized to issue provisional licenses for two years to facilities that have applied for accreditation and to certify such facilities as medical care facilities pursuant to its agreement with the federal government, i.e., the Secretary of Health and Human Services. A provisional license may be extended for a third year if the relevant accreditation organization provides the Board with a written statement confirming (i) a facility site visit within the six months prior to the date of the application for the third-year extension of the provisional license and (ii) sufficient progress of the facility toward accreditation.

*Patron - Rust*

**HB1320 Maternal and Child Health Fund.**

Establishes the Maternal and Child Health Fund, which is to be financed by 10 percent of the proceeds received by the Commonwealth under the Master Tobacco Settlement Agreement in addition to federal funds. The Fund shall be used by the Commissioner of the Department of Health to administer the state plan prepared by the Board of Health for maternal and child health services and children's specialty services pursuant to Title V of the United States Social Security Act.

*Patron - VanLandingham*

**HB1333 Board of Health; exemption.**

Exempts Planning Districts One and Two from the regulations pending on sewage handling and disposal.

*Patron - Phillips*

**HB1336 Regulation of certain health care facilities.**

Defines "hospital" as including any clinic performing 2 or more abortions per year. Any such clinic will be subjected to all of the requirements for outpatient surgical hospitals and the regulations of the Board in the same manner as any other hospital, including any standards, inspections, staffing and laboratory requirements, equipment mandates, or other criteria. Such facilities will be exempted from the certificate of public need requirements unless the facility expresses its intention to be licensed as an ambulatory surgery center.

*Patron - Marshall*

**HB1354 Master Settlement Agreement.** Provides for the appropriation of the remaining 40 percent of the state's share of the Master Settlement Agreement dollars in the following manner.

*Patron - VanYahres*

**HB1363 Medicaid adverse determinations.** Stipulates that, in any instance in which the Director of Medical Assistance Service's final decision on an appeal of the initial determination of provider reimbursement has not been received within 180 days of the closing of the record of the appeal, the provider may appeal the final decision in accordance with the Administrative Process Act or a de novo action may be filed in the appropriate circuit court. In any de novo civil action in which any person contests any action of the Department of Medical Assistance Services, the court must receive the records of the administrative proceedings, if any; must hear additional evidence at the request of either party; must base its decision on the preponderance of the evidence; and must grant such relief as the court determines appropriate.

*Patron - Griffith*

**HB1364 Medical care facilities certificate of public need.** Excludes from the requirement to obtain a certificate of public need a specialized center or clinic developed for the provisions of outpatient or ambulatory surgery when such specialized center or clinic consists of no more than two operating rooms and is dedicated exclusively to the provision of ophthalmic surgical services.

*Patron - Griffith*

**HB1365 Medical care facilities certificate of public need.** Excludes from the requirement to obtain a certificate of public need a proposed project for a specialized center or clinic developed for the provision of outpatient or ambulatory surgery when such specialized center or clinic is owned and operated solely by a single group practice dedicated to the practice of ophthalmic surgery and used exclusively for the provision of ophthalmic surgical services by such group practice. The use of such specialized center or clinic for the provision of services by practitioners other than those practitioners who are partners or owners in the single group practice would be prohibited.

*Patron - Griffith*

**HB1403 Virginia Prescription Drug Payment Assistance Program.** Establishes a program to be administered by the Department of Medical Assistance Services, modeled on Delaware's Prescription Drug Payment Assistance Program, to assist eligible elderly and disabled Virginians in paying for prescription drugs. The benefit is limited to prescription drugs manufactured by pharmaceutical companies that agree to provide manufacturer rebates. Eligible persons must have incomes below 200 percent of the federal poverty level or have prescription drug expenses that exceed 40 percent of his or her annual income. They must also be age 65 or older or eligible for federal Old Age, Survivors and Disability Insurance Benefits, and be ineligible for Medicaid prescription benefits and/or not receiving a prescription drug benefit through a Medicare supplemental policy or other third-party payer prescription benefit. Eligible persons enrolled in the program are eligible for an annual benefit of up to \$2,500. Eligible enrollees will receive an identification card to be presented to pharmacists and will start receiving the benefit the month after their eligibility is determined. Benefits will be paid to pharmacies under a point-of-service claims procedure to be established by DMAS. Participants are required to make a co-payment for each prescription, which in general will not exceed 25 percent of the cost but not less than five dollars. Money to pay the claims will come from the newly established Prescription Assistance Fund, which is to be financed by 20 percent of the proceeds received by the Commonwealth under the Master Tobacco Settlement Agreement. To the extent available, administrative costs are to be paid from the pharmaceutical

manufacturer rebates. This bill is identical to HB 661 and S 470.

*Patron - Christian*

**HB1551 Virginia Health Care Trust Fund.** Establishes the Virginia Health Care Trust Fund into which ten percent of the amount received by the Commonwealth pursuant to the Master Tobacco Settlement Agreement shall be deposited annually. The fund shall be used for health care purposes as specified in the general appropriations act.

*Patron - Hamilton*

**SB302 Medicaid and the Virginia Program for Displaced Workers.** Requires the Board of Medical Assistance Services to include, in Virginia's Medicaid program, the federal option to provide Medicaid eligibility to qualified COBRA continuation beneficiaries, i.e., individuals who are entitled to elect COBRA continuation coverage, whose incomes do not exceed 100 percent of the federal poverty level, and whose resources do not exceed twice the maximum amount of resources that an individual may have under Virginia's regular Medicaid program. In addition, this bill establishes a state-only program for displaced Virginia workers which is similar to the federal option for qualified COBRA continuation beneficiaries, with 24-month eligibility for individuals having incomes of 200 percent of the federal poverty level (or a higher income, at the discretion of the Board), allowable resources of twice the amount an individual may have to obtain Virginia Medicaid eligibility, and disallowance of the costs of incurred medical care or any other type of remedial care when determining income. The services must not exceed the amount, duration or scope of those available to Medicaid recipients. The Board is required to establish an aggressive outreach mechanism for recently displaced workers in Virginia in order to link them to essential services and ameliorate, to the extent possible, the effects of loss of income and benefits.

*Patron - Reynolds*

**SB320 Rural health.** Requires the Commissioner of Health to submit to the Health Care Financing Administration (HCFA) an application to establish a Medicare Rural Hospital Flexibility Program in Virginia. The Commissioner is also required to develop a rural health care plan for the Commonwealth. The rural health care plan must be developed and revised as necessary as may be required by the Balanced Budget Act of 1997 and amendments to its provisions. The plan has to be developed in cooperation and consultation with the Virginia Hospital and Health Care Association, representatives of rural hospitals, and experts within the Department of Health on rural health programs. The Commissioner may seek the assistance of the Virginia Health Planning Board and the regional health planning agencies in developing the plan. The plan must describe Virginia's commitment to designating critical access hospitals and whether Virginia wants to certify some facilities as "necessary providers" of health care in any rural area, including the process, methodology, and eligibility criteria for such designations or certifications. The plan must reflect local needs and resources and must include (as required by federal law) a mechanism for creating one or more rural health networks, ways to encourage rural health service regionalization, and initiatives to improve access to health services for rural Virginians.

*Patron - Reynolds*

**SB503 Medical assistance services; medically needy.** Requires the state plan for medical assistance services to include a provision for payment of medical assistance for

aged and disabled individuals with incomes up to 100 percent of the federal poverty guideline as permitted by federal law.

*Patron - Reynolds*

**FSB507 Medical assistance services.** Requires the Director of the Department of Medical Assistance Services to develop and apply for a waiver, pursuant to § 1115 of the federal Social Security Act, for a demonstration project to offer services to Virginia's working poor and other uninsured citizens through managed care organizations. The waiver must be designed, in so far as allowed by federal law and regulations, to provide services to families having children with chronic illnesses. The waiver must be financed by pooling various federal, state, and, if available for indigent care, local funds, such as the funds appropriated for the State/Local Hospitalization Program. A second enactment clause provides that the waiver must be developed and submitted to the Health Care Financing Administration by October 1, 2000, and must provide services to children with such chronic illnesses as diabetes whose families have incomes at or below 200 percent of the federal poverty level.

*Patron - Reynolds*

**FSB560 Health; duties of DMAS Director.** Adds specific duties to the general responsibilities of the Director of the Department of Medical Assistance Services, including the responsibilities to ensure that health care financing program are run efficiently and effectively, to advise and consult on a regular basis with the Governor, the General Assembly, and stakeholder organizations on matters related to health care financing, and to ensure the efficient enrollment of eligible children into any health insurance plan approved by the General Assembly. The Director shall also make a formal report each year by November 1 to the Governor and General Assembly on the status of the Department's operations and progress toward meeting health care financing problems.

*Patron - Quayle*

**FSB604 Health; Medical assistance services.** Changes the name of the Board and Department of Medical Assistance Services to the Board and Department of Health Care Financing. All duties and powers of the Board and Department shall remain the same. Current appointments to the Board shall expire on June 30, 2000, and shall be replaced by a board of 11 members with experience and expertise in health care delivery and health care financing to be comprised in the following manner and on staggered terms: six members shall be appointed by the Governor; three members shall be appointed by the Speaker of the House of Delegates; and two members shall be appointed by the Senate Committee on Privileges and Elections. The Board will be required to submit an annual report to the Governor and General Assembly rather than biennially as now provided. The bill includes technical amendments. This provision will become effective on June 30, 2002, at which time the current appointments to the Board of Medical Assistance Services will expire. The regulations of the Board of Medical Assistance Services will continue in effect unless and until revised or repealed by the new entity.

*Patron - Saslaw*

**FSB609 Health; licensure of ambulatory surgery centers.** Defines ambulatory surgery centers to meet federal standards and definitions and requires licensure of such facilities.

*Patron - Saslaw*

**FSB687 Emergency medical services.** Revises various sections relating to emergency medical services to modify the authority of local governments to prohibit ambulances from outside their jurisdictions from providing nonemergency trans-

port within their jurisdictions. The Richmond Ambulance Authority is also amended in this regard.

*Patron - Trumbo*

**FSB702 Medical records.** Ensures that the patient's consent is required for obtaining medical records in many situations; establishes that the medical records belong to the provider maintaining them and the patient; prohibits the charging of fees to the patient for his medical record; strikes the sentence rendering confidential communications with a practitioner and information otherwise acquired by the provider in the delivery of care a part of the patient's record; and modifies the list of persons who may receive the patient's records to place the patient first instead of twentieth. Technical renumbering is also included.

*Patron - Ticer*

**FSB723 Health Insurance; review of prescription drug plans.** Creates the Consumer Advisory Council for the Review of Prescription Drug Plans to develop a ratings system for health benefit plans providing coverage for prescription drugs. The rating system will be developed no later than July 1, 2001, and carriers and employers must display the plan's rating on the first page of any materials communicating information about the plan.

*Patron - Couric*

**FSB763 Textile Workers Relief Act of 2000.** Provides a state Medicaid program and additional unemployment benefits for displaced Virginia workers in high-unemployment areas. The Board of Medical Assistance Services is directed to develop the State Program for Displaced Virginia Workers to provide 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 two times the statewide unemployment rate or greater as of December 1999, the weekly unemployment benefit amount is increased by 43 percent, with a maximum weekly benefit amount of \$332. The current maximum is \$232. Displaced employees in high-unemployment localities do not have to serve a statutory waiting week for benefits, and those former employees in industries requiring shift work shall not be deemed unavailable for work if enrolled in higher education, provided that such enrollment only limits the employee's availability for work in one shift and the employee is otherwise available to work any other shifts. The bill has an emergency clause, and the bill is retroactive to January 1, 2000, except the increased unemployment benefits are retroactive to December 1, 1999. The bill will sunset on July 1, 2003.

*Patron - Reynolds*

**FSB768 Provision of fire protection or emergency medical services by a for profit entity.** Provides that any county, city or town that, as of June 30, 2000, provided fire protection or emergency medical services for its citizens through the utilization of a fire department and fire protection personnel, may not thereafter provide fire protection or emergency medical services by utilizing an entity that provides fire protection for the county, city or town for profit under contract or other agreement and that is not a county, city or town, or department of a county, city or town, or a state or federal agency, unless first approved by a majority of voters at a referendum called for that purpose.

*Patron - Lucas*

## Carried Over

**HB327** **Sale of body parts.** Makes it a Class 6 felony to buy or sell the body parts of an aborted child.

*Patron - Black*

**HB604** **Confidentiality of health records.** Requires the State Health Commissioner or his designee to obtain (i) the written consent of a patient with a noncommunicable disease or his agent or guardian or (ii) a court order in order to divulge the patient's identity in the course of investigations, research or studies of diseases or deaths of public health importance.

*Patron - McQuigg*

**HB840** **Health; medical assistance services.** Changes the name of the Board and Department of Medical Assistance Services to the Board and Department of Health Care Financing. All duties and powers of the Board and Department shall remain the same. Current appointments to the Board shall expire on June 30, 2000, and shall be replaced by a board of eleven members with experience and expertise in health care delivery and health care financing to be comprised in the following manner and on staggered terms: six members shall be appointed by the Governor; three members shall be appointed by the Speaker of the House of Delegates; and two members shall be appointed by the Senate Committee on Privileges and Elections. The Board will be required to submit an annual report to the Governor and General Assembly rather than biennially as now provided. The bill includes technical amendments. In addition, the Director assumes new responsibilities to ensure that programs are being administered efficiently and effectively, to advise the Governor and General Assembly on pertinent matters, to consult regularly with the appropriate staff and committees of the General Assembly, and to work with other agencies and stakeholders to ensure efficient enrollment of children in any appropriate health insurance program.

*Patron - Hamilton*

**HB934** **Health; pre-assessment screening teams.** For those individuals over the age of 18 and under 65 who have no indicators of cognitive impairment and have no legal guardian, the pre-assessment screening team must include a person employed by a Center for Independent Living, or someone named by them, who has personal experience with consumer-directed personal assistance and has knowledge of the assessment instrument. For persons over 65, the team may include such a representative at the discretion of the individual. Screening teams currently are composed of a nurse, social worker, and physician who are employees of the Department of Health or the local department of social services.

*Patron - Almand*

**HB1006** **Health; nursing homes.** Requires the Board of Health to develop staffing standards for nursing homes that will provide an average of five hours of direct care services per resident per 24-hour period. The Board shall develop a definition of direct care services by regulation.

*Patron - Watts*

**HB1072** **Health; medical assistance services.** Changes the name of the Board and Department of Medical Assistance Services to the Board and Department of Health Care Financing. All duties and powers of the Board and Department shall remain the same. Current appointments to the Board shall expire on June 30, 2000, and shall be replaced by a board of 11 members with experience and expertise in health care delivery and health care financing to be comprised in the following manner and on staggered terms: six members shall

be appointed by the Governor; three members shall be appointed by the Speaker of the House of Delegates; and two members shall be appointed by the Senate Committee on Privileges and Elections. The Board will be required to submit an annual report to the Governor and General Assembly rather than biennially as now provided. The bill includes technical amendments.

*Patron - Melvin*

**HB1113** **Virginia Pharmaceutical Assistance Program.** Establishes, within the Department of Health, the Virginia Pharmaceutical Assistance Program for the purpose of assuring that individuals who are 65 years old or older and whose incomes do not exceed 200 percent of the federal poverty level have access to medically necessary prescription drugs. The Board of Health is required to (i) use the Medicaid methodology for calculating income eligibility, (ii) establish a methodology for allowing participation of individuals who are eligible and whose prescription drug costs are covered, in part, by a health benefits plan or health insurance; (iii) give priority to individuals who do not have prescription drug coverage from any health benefits plan or health insurance; (iv) establish a formulary of covered drugs; and (v) appoint an advisory committee of no more than 20 citizens with expertise in prescription drug formularies or experience with the issues related to prescription drug coverage and senior citizens. The Board's regulations will also include a sliding fee scale of copayments, establish supply limits, and establish criteria for contracting for the procurement of drugs. This program will not be an entitlement and would only be available to the extent that funds are appropriated. The Board of Health is provided an exception from the procurement act for this program. Emergency regulations are required in a second enactment clause, and a third enactment clause authorizes the Board of Health to implement the program as a pilot to serve a predetermined number of clients on a first-come, first-served basis in the 2000-2002 biennium.

*Patron - Tate*

**HB1243** **Virginia Medivac Authority.** Directs the Board of Health, with input from the State Emergency Services Advisory Board, to organize the Virginia Medivac Authority to ensure that all regions of the state have access to medivac services. The Board must hold at least two public hearings before organizing the Authority. The Authority will be governed by a 15-member organization that consists predominantly of participants, i.e., public or private entities currently operating medivac services in Virginia. The Authority is given broad powers, including contracting, hiring, suing and being sued, and charging fees, etc., for its services. The revenues raised by the Authority must be geared to cover the expenses of its operation. The Board must promulgate emergency regulations.

*Patron - Orrock*

**HB1478** **Health Care Decisions Act.** Defines the health care decisions that an "agent" may make for a declarant under an advance directive to include visitation directives.

*Patron - Robinson*

**HB1531** **State Board of Health; onsite soil evaluators.** Provides that the State Board of Health's program to qualify individuals as authorized onsite soil evaluators require each evaluator to hold a current certificate as a Virginia certified professional soil scientist.

*Patron - Dickinson*

**SB142** **Local septic system databases.** Requires, with such funds as may be appropriated for this purpose, the Board of Health to develop and establish a uniform electronic system for the storage, retrieval, application, and approval of

local septic system and other onsite sewage system applications and permits. The local septic system database must be phased-in across the Commonwealth as funding becomes available, beginning with those jurisdictions with large volumes of applications due to growth and development. In order to provide for immediate implementation and planning for the statewide implementation of the database, the Board must, by January 1, 2002, implement a pilot project for two rural counties in which a large recreational lake is located as such pilot project is established in the appropriation act.

*Patron - Reynolds*

**CSB321 Medical care facilities certificate of public need.** Removes the purchase of computed tomographic (CT) scanners and the introduction, regardless of the site, of new computed tomographic scanning services from the requirement to obtain a certificate of public need. In recent years, improvements in computed tomographic scanning technology have made it possible for physicians to view various organs and organ systems in great detail, thus providing a more efficient diagnostic tool and eliminating the need for other more invasive techniques or those procedures requiring exposure to radiation or injection of tracers.

*Patron - Stosch*

**CSB469 Health; nursing homes.** Requires the Board of Health to develop staffing ratios in nursing homes sufficient to meet the needs of the residents therein. The term "staffing ratios" means the quotient of the number of personnel in a particular category of direct care givers regularly on duty for a particular time period in a nursing home divided by the number of residents of the nursing home at that time. The Board shall also promulgate regulations to (i) define direct care givers, (ii) establish higher staffing ratios to respond to particular circumstances, including care of residents with lower acuity levels and who require rehabilitation, and (iii) require public disclosure of staffing ratios.

*Patron - Byrne*

**CSB470 Virginia Prescription Drug Payment Assistance Program.** Establishes a program to be administered by the Department of Medical Assistance Services, modeled on Delaware's Prescription Drug Payment Assistance Program, to assist eligible elderly and disabled Virginians in paying for prescription drugs. The benefit is limited to prescription drugs manufactured by pharmaceutical companies that agree to provide manufacturer rebates. Eligible persons must have incomes below 200 percent of the federal poverty level or have prescription drug expenses that exceed 40 percent of his or her annual income. They must also be age 65 or older or eligible for federal Old Age, Survivors and Disability Insurance Benefits, and be ineligible for Medicaid prescription benefits and/or not receiving a prescription drug benefit through a Medicare supplemental policy or other third-party payer prescription benefit. Eligible persons enrolled in the program are eligible for an annual benefit of up to \$2,500. Eligible enrollees will receive an identification card to be presented to pharmacists and will start receiving the benefit the month after their eligibility is determined. Benefits will be paid to pharmacies under a point-of-service claims procedure to be established by DMAS. Participants are required to make a co-payment for each prescription, which in general will not exceed 25 percent of the cost but not less than five dollars. Money to pay the claims will come from the newly established Prescription Assistance Fund, which is to be financed by 20 percent of the proceeds received by the Commonwealth under the Master Tobacco Settlement Agreement. To the extent available, administrative costs are to be paid from the pharmaceutical manufacturer rebates. Identical to HB 661 and HB 1403.

*Patron - Reynolds*

**CSB473 Health; pre-assessment screening teams.** For those individuals over the age of 18 and under 65 who have no indicators of cognitive impairment and have no legal guardian, the pre-assessment screening team must include a person employed by a Center for Independent Living, or someone named by them, who has personal experience with consumer-directed personal assistance and has knowledge of the assessment instrument. For persons over 65, the team may include such a representative at the discretion of the individual. Screening teams currently are composed of a nurse, social worker, and physician who are employees of the Department of Health or the local department of social services.

*Patron - Puller*

**CSB477 Medical care facilities certificate of public need.** Strikes the requirement for obtaining a certificate of public need before introducing into an existing medical facility any new positron emission tomographic (PET) scanning service or purchasing new PET equipment.

*Patron - Martin*

**CSB513 Managed care health insurance plans.** Excludes preferred provider policies or contracts from the definition of a managed care health insurance plan (MCHIP). MCHIPs are required, among other things, to (i) apply to the Department of Health for quality assurance certification; (ii) establish procedures addressing complaint resolution and consumer satisfaction, access, availability, and continuity of care; and (iii) use a system of utilization review standards and an appeal process.

*Patron - Barry*

**CSB539 Virginia Pharmaceutical Assistance Program.** Establishes, within the Department of Health, the Virginia Pharmaceutical Assistance Program for the purpose of assuring that individuals who are 65 years old or older and whose incomes do not exceed 200 percent of the federal poverty level have access to medically necessary prescription drugs. The Board of Health is required to (i) use the Medicaid methodology for calculating income eligibility; (ii) establish a methodology for allowing participation of individuals who are eligible and whose prescription drug costs are covered, in part, by a health benefits plan or health insurance; (iii) give priority to individuals who do not have prescription drug coverage from any health benefits plan or health insurance; (iv) establish a formulary of covered drugs; and (v) appoint an advisory committee of no more than 20 citizens with expertise in prescription drug formularies or experience with the issues related to prescription drug coverage and senior citizens. The Board's regulations will also include a sliding fee scale of copayments, establish supply limits, and establish criteria for contracting for the procurement of drugs. This program will not be an entitlement and would only be available to the extent that funds are appropriated. The Board of Health is provided an exception from the procurement act for this program. Emergency regulations are required in a second enactment clause, and a third enactment clause authorizes the Board of Health to implement the program as a pilot to serve a predetermined number of clients on a first-come, first-served basis in the 2000-2002 biennium.

*Patron - Marye*

**CSB540 Medical assistance services.** Requires the Board of Medical Assistance Services to include in the state plan a provision for coverage of aged, blind and disabled individuals, in compliance with federal law, whose income does not exceed 100 percent of the federal poverty level as authorized by Title XIX of the Social Security Act, as amended.

*Patron - Marye*



**CSB557 Drug-testing policies in certain health care settings.** Requires every health care provider regulated by the Board of Health to initiate drug-free workplace initiatives by July 1, 2001. The Board of Health is required to promulgate regulations establishing the components of these programs, including: (i) differentiated requirements for various categories of health care providers in compliance with the federal Drug-Free Workplace Act; (ii) allowable drug-testing policies, in compliance with the federal Drug-Free Workplace Act and any applicable federal court decisions, including appropriate policies relating to proper notice and disclosure of the drug-testing policy, privacy assurances during and after testing, confidentiality protections for test results, and the consequences of refusal to take any drug test, appropriate disciplinary actions and consequences, the employees' right to contest or explain the test results, the types of testing that may be required, and the appropriate bases and situations for drug testing, including the circumstances which may be presumed to give rise to reasonable suspicion of substance abuse; and (iii) recommendations for substance abuse education and assistance programs. A second enactment requires emergency regulations.

*Patron - Potts*

**CSB613 Virginia Resources Authority.** Provides that the Environmental Protection Agency approves the bill's provisions as they pertain to the Commonwealth's qualifications for full funding from the federal government, allows the Virginia Resources Authority, with the prior approval of the Board of Health and the state treasurer, to pledge funds in the Water Supply Assistance Grant Fund as security for bonds of the Authority. The bill also gives the Department of Housing and Community Development the responsibility for making grants from the fund, if Senate Bill 616 is enacted into law by the Governor. Under current law, the Board of Health is charged with awarding grants from the fund.

*Patron - Wampler*

**CSB632 Health; cancer registry.** Prohibits the disclosure of any patient-identifying information for any patient who has requested in writing that such information be kept confidential. Penalties include a Class 1 misdemeanor and/or civil fines.

*Patron - Mims*

**CSB633 Regulation of medical care facilities.** Removes specialized services, major medical equipment, an operating rooms from the requirement to obtain a certificate of public need and authorizes the Board of Health to issue a license certifying accredited specialized centers and clinics and physician's offices developed for the provision of outpatient or ambulatory surgery, cardiac catheterization, or radiation therapy to be medical care facilities pursuant to § 32.1-137. The Board may revoke or suspend a license for failure to maintain accreditation with the Joint Commission on Accreditation of Health Care Organizations, the Accreditation Association for Ambulatory Health Care, or the American Association for Accreditation of Ambulatory Surgery Facilities and may reissue the license upon reinstatement of the accreditation. The Board is also authorized to issue provisional licenses for two years to facilities that have applied for accreditation and to certify such facilities as medical care facilities pursuant to its agreement with the federal government, i.e., the Secretary of Health and Human Services. A provisional license may be extended for a third year if the relevant accreditation organization provides the Board with a written statement confirming (i) a facility site visit within the six months prior to the date of the application for the third-year extension of the provisional

license and (ii) sufficient progress of the facility toward accreditation.

*Patron - Mims*

**CSB635 Medical care facilities certificate of public need.** Exempts projects for the renovation of existing nursing facilities or nursing homes or an increase in the number of nursing facility or nursing home beds, whether through the construction of a new facility or additions to an existing nursing facility or nursing home, when such proposed project is affiliated with the Virginia Veterans Care Centers and will be dedicated solely to the care of aged or disabled veterans meeting the admissions requirements in effect for such facilities on January 1, 2000.

*Patron - Miller, K.G.*

**CSB690 Medical care facilities certificate of public need.** Removes any specialized center or clinic or that portion of a physician's office developed 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. Registration of equipment purchases continues to be required.

*Patron - Schrock*

**CSB724 Virginia Children's Medical Security Insurance Plan.** Requires the Board of Medical Assistance Services to promulgate regulations addressing eligibility which include, but need not be limited to: (i) a waiting period for previously insured children of not more than six months when such individuals have family incomes above 150 percent of the federal poverty level; (ii) a two-month waiting period for previously insured children when such individuals have family incomes at or below 150 percent of the federal poverty level; and (iii) a request for assignment of their party payments and medical support rights to the state and for cooperation with the state in securing such payments, as well as child support payments; however, the granting of such assignment and cooperation shall not be a condition of eligibility. In a second enactment clause, the Board of Medical Assistance Services is required to promulgate emergency regulations for these provisions (within 280 days of its enactment), and the Department of Medical Assistance Services is required to develop and submit to the federal Secretary of Health and Human Services the revisions to Virginia's Title XXI plan to implement the provisions of this act within 90 days of its enactment.

*Patron - Lambert*

**CSB726 Lead-poisoning prevention; memorandum of agreement between the Departments of Health and Medical Assistance Services.** Requires the Commissioner of Health and the Director of the Department of Medical Assistance Services to develop and execute a memorandum of agreement relating to the prevention of lead poisoning, particularly among children. The memorandum of agreement must be revised on a periodic basis as necessary. The agreement must include, but need not be limited to, (i) requirements for regular and consistent communications and consultations between the two departments and other relevant state and local personnel and officials; (ii) a specific and concise description of the regulations of the Board of Health and the standards and guidelines of the Centers for Disease Control and prevention for elevated blood-level testing and lead-poisoning prevention; (iii) data sharing for the more efficient and effective delivery of services; and (iv) assignment of the specific responsibilities of the two state departments for reaching the goal of eliminating lead poisoning by 2010, including provisions addressing environmental investigations to determine the source of lead, required

testing by medical providers on a recommended schedule, education of Medicaid providers in the proper follow-up testing, and care coordination of patients with lead poisoning. This bill is a recommendation of the Joint Subcommittee Studying Lead-Poisoning Prevention.

*Patron - Lambert*

**CSB727 Medical assistance services and the children's health insurance program.** Requires the Board of Medical Assistance Services to ensure that all contracts for implementation of the children's health insurance program and all contracts for implementation of managed care include testing of children for elevated blood lead levels in accordance with the regulations of the Board of Health. This bill is a recommendation of the Joint Subcommittee Studying Lead Poisoning Prevention.

*Patron - Lambert*

## Highways, Bridges and Ferries

### Passed

**PHB60 Colvin Run Road.** Designates Colvin Run Road in Fairfax County a scenic highway and Virginia byway. This bill is a duplicate of SB 21.

*Patron - Callahan*

**PHB440 Korean War Veterans Memorial Highway.** Designates the entire length of I-295 in Virginia the "Korean War Veterans Memorial Highway." This bill is very nearly a duplicate of SB 322.

*Patron - Hargrove*

**PHB495 Interstate System interchanges and exit control.** Prohibits the Commonwealth Transportation Commissioner to exercise of the power of eminent domain to acquire any portion of or interest in the property of an existing commercial establishment if the sole purpose of such acquisition is to control or limit access to commercial establishments located within 300 feet of any segment of the interstate highway system, except to the extent necessary to meet federal requirements. At those interstate highway interchange locations where the value of land, buildings, and improvements has a fair market value of \$1 million or more, the Commonwealth Transportation Board is required to designate those interchanges as "urban," provided such designation does not conflict with any federal statute or regulation. The act becomes effective on July 1, 2001, unless, prior to that date, the Virginia Department of Transportation receives notice from the federal government that the provisions of this act will reduce or jeopardize federal funding of interstate highway construction in the Commonwealth. This is a duplicate of SB 110.

*Patron - Landes*

**PHB608 Transportation.** Provides for the funding of specified transportation projects throughout the Commonwealth to be paid 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 Amount 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, and (iii) any other appropriations that may be provided. This bill is identical to SB 33.

*Patron - Callahan*

**PHB642 Removal of illegal signs and other illegal advertising from highway rights-of-way.** Repeals July 1, 2000, "sunset" on authorization for the Commonwealth Transportation Commissioner to enter into agreements with local government authorities for removal of illegal signs and other illegal advertising from highway rights-of-way.

*Patron - Rollison*

**PHB708 Acquisition of real property for transportation purposes.** Provides that property acquired by the Commonwealth for use by VDOT in relocating the town of Grundy, shall, if no longer needed for that project, be conveyed to the town of Grundy for use in connection with economic redevelopment. If the property is not used by Grundy for economic development, the property reverts to the Commonwealth.

*Patron - Stump*

**PHB793 HOV lanes.** Institutes a one-year pilot project for HOV facilities in the Hampton Roads Planning District, temporarily lifting HOV restrictions when one or more lanes of the same highway carrying traffic in the same direction are blocked for ten minutes or longer. The pilot project will terminate if it prompts the Federal Highway Administration to require repayment of any federal highway construction funds.

*Patron - Wagner*

**PHB872 Directional signs on I-95.** Requires the Virginia Department of Transportation to replace signs directing Miami-bound and New York-bound traffic around the Richmond-Petersburg metropolitan area.

*Patron - McEachin*

**PHB897 Vietnam Veterans Memorial Bridge.** Designates the I-895 (Pocahontas Parkway) bridge over the James River as the "Vietnam Veterans Memorial Bridge" and designates the I-895 (Pocahontas Parkway) bridge over Virginia Route 5 as the "Powhatan Beaty Memorial Bridge." This bill is very similar to SB 288.

*Patron - Cox*

**PHB918 Virginia Coalfield Coalition Authority.** Establishes the Virginia Coalfield Coalition Authority to provide for the construction of a highway system (the Virginia Coalfield Expressway Corridor), with the approval of the Commonwealth Transportation Board, along the southwestern boundary of the Commonwealth. This bill is identical to SB 661.

*Patron - Phillips*

**PHB967 City street maintenance payments.** Authorizes city street maintenance payments for otherwise eligible local streets that have speed bumps or rumble strips.

*Patron - DeBoer*

**PHB1087 Eula W. Radcliffe Memorial Highway.** Designates the entire length of U. S. Route 60 in James City County and York County the "Eula W. Radcliffe Memorial Highway."

*Patron - Grayson*

**PHB1091 Outdoor advertising.** Exempts on-premises advertisements or advertisement structures with messages displayed as scrolling words and/or numbers from the current prohibition on advertising that involves motion or rotation of any part of the structure, moving reflective disks, run-

ning animation, or intermittent lights visible from any highway

*Patron - Purkey*

**HB1123 Commonwealth Transportation Commissioner; eminent domain.** Requires the Commonwealth Transportation Commissioner to notify the owner of a building, structure or other improvement if the Commissioner intends to condemn property in a manner that would result in a taking of such improvement. This bill permits the owner of the improvement to present evidence of the fair market value of such improvement in condemnation valuation proceeding. This bill is identical to SB 452.

*Patron - Bryant*

**HB1172 U. S. Route 29 Corridor Development Fund.** Establishes the U. S. Route 29 Corridor Development Fund, consisting of such moneys as are appropriated to it by the General Assembly and of all donations, gifts, bequests, grants, endowments and other moneys given, bequeathed, granted or otherwise made available to the Fund, for the purpose of highway construction in and improvements to the U. S. Route 29 Corridor. The bill will not become effective unless an appropriation effectuating the purpose of the bill is included in an appropriation act up through the 2005 appropriation act.

*Patron - Bryant*

**HB1223 Outdoor advertising.** Prohibits the elimination of outdoor advertising structures along any highway in the Commonwealth by amortization without just compensation. This bill is a duplicate of SB 522.

*Patron - McEachin*

**HB1287 Route 28 transportation improvement district.** Extends the term of the district 15 years beyond the presently specified 35-year maximum term.

*Patron - Black*

**HB1356 Conveyance of land by VDOT.** Allows the Virginia Department of Transportation (VDOT) to acquire land to replace parkland taken for highway projects in Albemarle County and Charlottesville.

*Patron - VanYahres*

**HB1409 Highway matching funds; utilities** Provides that, in Hampton and Newport News, costs associated with undergrounding of utilities, up to a total of \$5 million, shall constitute an element of urban system construction project costs.

*Patron - Crittenden*

**SB21 Colvin Run Road.** Designates Colvin Run Road in Fairfax County a scenic highway and Virginia byway. This bill is a duplicate of HB 60.

*Patron - Howell*

**SB33 Transportation.** Provides for the funding of specified transportation projects throughout the Commonwealth to be paid 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 Amount 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; (ii) Transportation Trust Fund and Highway Maintenance Operating Fund revenues above the amount currently forecast and programmed, and (iii) any other appropriations that may be provided. This bill is identical to HB 608.

*Patron - Stolle*

**SB71 Membership of Commonwealth Transportation Board.** Replaces reference to "Suffolk construction district" with "Hampton Roads construction district."

*Patron - Schrock*

**SB110 Commonwealth Transportation Board; eminent domain.** Prohibits the Commonwealth Transportation Commissioner from exercising eminent domain power to acquire any portion of the property of an existing commercial establishment, or any interest therein, if a purpose of the proposed acquisition is to control or limit access to commercial establishments located within 300 feet of an interstate highway. Designates interstate interchanges as "urban" if the value of land, buildings and improvements has a fair market value of \$1 million or more. The bill becomes effective July 1, 2001, unless VDOT receives notice from the federal government that the bill will reduce or jeopardize federal funding. As introduced, the bill was a recommendation of the joint subcommittee studying eminent domain issues. This bill is a duplicate of HB 495.

*Patron - Marye*

**SB288 Vietnam Veterans Memorial Bridge.** Designates the I-895 (Pocahontas Parkway) bridge over the James River the "Vietnam Veterans Memorial Bridge" and the I-89 (Pocahontas Parkway) bridge over Virginia Route 5 the "Powhatan Beaty Memorial Bridge." This bill is very similar to HB 897.

*Patron - Marsh*

**SB313 VDOT drainage easements.** Requires the Virginia Department of Transportation (VDOT) to perform repairs to permanent drainage easements.

*Patron - Reynolds*

**SB317 Littering; illegal trash dumping** Provides that an individual who illegally litters or dumps trash or garbage is subject to a fine of between \$250 to \$2,500 and a jail sentence of up to 12 months, either or both. Currently, a person who litters or dumps trash is subject to a Class 1 misdemeanor.

*Patron - Reynolds*

**SB322 Korean War Veterans Memorial Highway.** Designates the entire length of I-295 the "Korean War Veterans Memorial Highway." This bill is substantially the same as HB 440.

*Patron - Stosch*

**SB362 Kathleen K. Seefeldt Parkway.** Designates the Prince William County Parkway the "Kathleen K. Seefeldt Parkway."

*Patron - Colgan*

**SB452 Commonwealth Transportation Commissioner; eminent domain.** Requires the Commonwealth Transportation Commissioner to notify the owner of a building, structure or other improvement if the Commissioner intends to condemn property in a manner that would result in a taking of such improvement. This bill permits the owner of the improvement to present evidence of the fair market value of such improvement in condemnation valuation proceeding. Owner and fair market value are defined. Additionally, the provisions of the bill do not apply to condemnation proceedings filed prior to July 1, 2000.

*Patron - Marye*

**SB458 Location of highway routes.** Requires that VDOT's route location hearings be "open forum" hearings. In addition, when requested in writing by either (i) a member o

an affected local governing body or (ii) 25 citizens, the Department must conduct "traditional format" hearings that allows citizens an opportunity to address their comments directly to VDOT representatives in a structured, formal process. This bill is a duplicate of HB 1123.

*Patron - Houck*

**SB522 Outdoor advertising.** Prohibits the elimination of outdoor advertising structures along any highway in the Commonwealth by amortization without just compensation. This bill is identical to HB 1223.

*Patron - Forbes*

**SB661 Virginia Coalfield Coalition Authority.** Establishes the Virginia Coalfield Coalition Authority which is vested with the power, with the approval of the Commonwealth Transportation Board, to provide for the construction of the Virginia Coalfield Expressway, a highway system that would run along the southwestern boundary of the Commonwealth. The Chairman of the Authority is the Chairman of the Commonwealth Transportation Board. The Authority may not issue bonds to finance the construction of the highway system.

*Patron - Wampler*

**SB689 Chesapeake Bay Bridge and Tunnel Commission** Allows members of the Chesapeake Bay Bridge and Tunnel Commission to take their oath of office either before a judge of a court of record (as provided by current law), or before a clerk or deputy clerk of a court of record, a district court judge, the Secretary of the Commonwealth or his deputy, or a member of the State Corporation Commission.

*Patron - Schrock*

## Failed

**HB33 Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes.** Authorizes the Commonwealth Transportation Board, by and with the consent of the Governor, to issue Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes pursuant to the provisions of Article 5 (§ 33.1-267 et seq.) of Chapter 3 of Title 3.1 of the Code of Virginia and as permitted by Section 9(d), Article X of the Constitution of Virginia, provided that the principal amount outstanding at any time shall not exceed \$590,000,000. The purpose of the notes is to provide funds, with any other available funds, for paying all or a portion of the costs for accelerated construction of projects included in the Commonwealth Transportation Board's Six-Year Improvement Program. The bill amends several provisions in Article 5 (§ 33.1-267 et seq.) of Chapter 3 of Title 33.1 to accommodate issuance of the notes.

*Patron - Callahan*

**HB45 Korean War Veterans Memorial Highway.** Designates I-295 between its junction with I-64 in Henrico County and its junction with I-95 in Prince George County the "Korean War Veterans Memorial Highway."

*Patron - Hargrove*

**HB412 Flagpole.** Authorizes erection of a flagpole on U. S. Route 58 right-of-way controlled by the Virginia Department of Transportation in Coeburn and the flying of an extra large American flag therefrom.

*Patron - Phillips*

**HB461 Laurel Shelter Bridges.** Designates the twin bridges on U. S. Route 17 over Dragon Run at the Gloucester/Middlesex County boundary the "Laurel Shelter Bridges."

*Patron - Morgan*

**HB748 Roadside memorials.** Requires VDOT to develop design and installation criteria for signs to mark locations of highway deaths. All sign costs are to be borne by persons requesting installation of the signs.

*Patron - Cantor*

**HB773 U. S. Route 58 Commonwealth of Virginia Transportation Revenue Bonds.** Increases the maximum principal amount of the Transportation Revenue Bonds for the U.S. Route 58 Corridor Development Program by \$100 million, from \$704.3 million to \$804.3 million. The proceeds from the issuance of this additional \$100 million are not allocated to any specific portion of the project, but rather to finance further completion of the U.S. Route 58 Corridor Development Program.

*Patron - Day*

**HB775 U.S. Route 58 Corridor Development Project.** Requires one-half of any funds deposited in the general fund from the national tobacco settlement be used to further the completion of the U.S. Route 58 Corridor Development Program.

*Patron - Day*

**HB783 Transportation.** Provides for the funding of specified transportation projects throughout the Commonwealth to be paid by the proceeds from the issuance of Virginia Federal Highway Reimbursement Anticipation Notes whose outstanding principal shall not exceed \$800,000,000, and by distribution from the Priority Transportation Fund created by the bill. Required deposits to the Priority Transportation Fund include (i) additional revenues attributable to the Virginia Fuels Tax Act (HB 1275); (ii) 20 percent of all payments received by the Commonwealth from the tobacco settlement agreement; (iii) 25 percent of all corporate income taxes; and (iv) all motor vehicle insurance license taxes. The bill also appropriates 20 percent of the Commonwealth's tobacco settlement payments to health care.

*Patron - Rollison*

**HB890 Transportation revenue bonds; Northern Virginia Transportation District Program.** Increases the maximum principal amount of transportation revenue bonds that may be issued for the Northern Virginia Transportation District Program by \$29 million, from \$471.2 million to \$500.2 million, and designates the projects for the increased funding.

*Patron - Rollison*

**HB898 Secondary highway maintenance payments to Arlington and Henrico Counties.** Changes from 1985 to 1999 the base year for calculating secondary highway maintenance payments made to Arlington and Henrico Counties and increases the base payment per lane mile to \$10,95 for both counties. Hitherto, the base payment per lane mile was \$7,201 for Arlington and \$3,616 for Henrico.

*Patron - Reid*

**HB943 Lifting of vehicle access control.** Requires the Virginia Department of Transportation (VDOT) forthwith to lift vehicle access control on US 60 and US 15 within one-half mile of their junction in Buckingham County and not reimpose vehicle access control there without the General Assembly's authorization.

*Patron - Abbitt*

**HB1056 HOV lanes.** Provides a mechanism by which certain vehicles with volunteer rescue squad member or firefighter special licenses can be exempted from vehicle occu-

pancy requirements on HOV lanes in the 7th, 8th, 9th, and 16th planning districts, pending completion of the I-66 upgrade and Springfield "Mixing Bowl" Interchange reconstruction.

*Patron - Marshall*

**HB1110 Commonwealth of Virginia Transportation Bond Act of 2000.** Authorizes, subject to approval by a majority of the qualified voters of the Commonwealth voted thereon at the November 7, 2000, general election, the issuance of Commonwealth of Virginia Transportation Bonds pursuant to Article X, Section 9 (b) of the Virginia Constitution in an amount not exceeding \$1,000,000,000. The purpose of the bonds is to provide funds for paying, together with any other available funds, the cost of certain specified highway projects and the retirement of current debt on a highway project. The full faith and credit of the Commonwealth is pledged for the payment of the principal of and interest on the bonds and any bond anticipation notes or refunding bonds. The bill authorizes the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds, to borrow money in anticipation of the issuance of the bonds, and to issue refunding bonds. The bill shall not become effective and no bonds shall be issued unless voter approval is obtained.

*Patron - Tate*

**HB1118 Y2K Highway Project Commonwealth of Virginia Transportation Revenue Bond Act of 2000.** Authorizes the issuance of Y2K Highway Project Commonwealth of Virginia Transportation Revenue Bonds pursuant to the provisions of §§ 33.1-267 through 33.1-295 and Article X, Section 9 (d) of the Virginia Constitution in an amount not exceeding \$3,472,300,000. The purpose of the bonds is to provide funds for paying, together with any other available funds, the cost of certain highway projects throughout the Commonwealth. The bill authorizes the Transportation Board to issue the bonds to be sold through the Treasury Board, either at public or private sale. The bonds are not backed by the full faith and credit of the Commonwealth.

*Patron - McClur*

**HB1119 Suffolk Transportation District Program; Suffolk Transportation District Commonwealth of Virginia Transportation Revenue Bond Act of 2000.** Creates the Suffolk Transportation District Program similar to the Northern Virginia Transportation District Program, and authorizes a treasury loan of \$19 million to be deposited into the fund created for the Program on July 15, 2001, in the event that appropriations in that amount are not included for the fund in the appropriation act. The bill also authorizes the issuance of Suffolk Transportation District Commonwealth of Virginia Transportation Revenue Bonds pursuant to the provisions of §§ 33.1-267 through 33.1-295 and Article X, Section 9 (d) of the Virginia Constitution in an amount not exceeding \$100,000,000. The purpose of the bonds is to provide funds for paying, together with any other available funds, the cost of two highway projects within the Suffolk Transportation District. The bill authorizes the Transportation Board to issue the bonds to be sold through the Treasury Board, either at public or private sale. The bonds are not backed by the full faith and credit of the Commonwealth.

*Patron - Robinson*

**HB1276 Routes 100 and 114 Transportation Revenue Bond Act of 1999.** Authorizes the issuance of Transportation Revenue Bonds pursuant to the provisions of §§ 33.1-267 through 33.1-295 and Article X, Section 9 (d) of the Virginia Constitution in an amount not exceeding \$60,000,000. The purpose of the bonds is to provide funds for paying, together with any other available funds, the cost of the construction of highway projects along Route 100 in Giles County

and Route 114 in Montgomery County. The bill authorizes the Transportation Board to issue the bonds to be sold through the Treasury Board, either at public or private sale. The bonds are not backed by the full faith and credit of the Commonwealth.

*Patron - Shuler*

**HB1512 Highways in Urbana.** Allows the Urbana town council to close the highways in the town for up to 24 hours in connection with the annual Urbana Oyster Festival, and charge admission for persons and vehicles into the town during the time that the highways are closed.

*Patron - Morgan*

**SB226 No-truck route; US 17** Prohibits operation of trucks and truck/semitrailer combinations on US 17 in Fauquier County between US 50 and Interstate 66, except for local deliveries.

*Patron - Potts*

**SB283 Welcome signs along I-81 in Pulaski County.** Provides for the installation and maintenance by the Virginia Department of Transportation (VDOT) of welcome signs along I-81 in Pulaski County if the county enters into a contract to pay for the signs, their installation, and their maintenance.

*Patron - Marye*

**SB472 Transportation revenue bonds; Northern Virginia Transportation District Program.** Increases the maximum principal amount of transportation revenue bonds that may be issued for the Northern Virginia Transportation District Program by \$29 million, from \$471.2 million to \$500.2 million, and designates the projects for the increased funding.

*Patron - Puller*

**SB536 Secondary highway maintenance payments to Arlington and Henrico Counties.** Changes from 1985 to 1999 the base year for calculating secondary highway maintenance payments made to Arlington and Henrico Counties and increases the base payment per lane mile to \$10,95 for both counties. Hitherto, the base payment per lane mile was \$7,201 for Arlington and \$3,616 for Henrico.

*Patron - Stosch*

**SB615 U. S. Route 58 Commonwealth of Virginia Transportation Revenue Bonds.** Increases the maximum principal amount of the Transportation Revenue Bonds for the U.S. Route 58 Corridor Development Program by \$900 million, from \$704.3 million to \$1.6 billion. The proceeds from the issuance of this additional \$900 million are not allocated to any specific portion of the project, but rather to finance further completion of the U.S. Route 58 Corridor Development Program.

*Patron - Wampler*

**SB651 Directional signs on I-95.** Requires the Virginia Department of Transportation to replace signs directing Miami-bound and New York-bound traffic around the Richmond-Petersburg metropolitan area.

*Patron - Marsh*

**SB710 Priority Transportation Fund** Creates the Priority Transportation Fund as a nonreverting fund to address critical high priority transportation needs throughout the Commonwealth in innovative ways.

*Patron - Watkins*

**SB747 Highway construction; relocation of utilities.** Provides that the costs of all relocation of utilities under-

taken in connection with any highway construction project are to be considered project costs, regardless of whether the utilities were above or below ground at the beginning of the project, or whether or not they were relocated above or below ground.

*Patron - Maxwell*

## Carried Over

**HB540 Railroad crossing.** Requires Norfolk Southern forthwith to reopen the highway crossing of its tracks between Golf Course Drive (Virginia Route 630) and U. S. Route 460 in Prince George County.

*Patron - Ingram*

**HB565 Acquisition of real property by Virginia Department of Transportation (VDOT).** Requires that before VDOT can acquire certain real property it must provide certain notice of its intention to do so, offer to hold a hearing on the acquisition, hold the hearing if asked to do so, and, after the hearing, advise the local governing body within whose jurisdiction the property is located of VDOT's plans (if any) for compensating the locality for the loss of tax base that will result from VDOT's acquisition of the property.

*Patron - Moran*

**HB691 Highway construction allocations.** Changes the formula for allocating primary system highway construction funds among the construction districts to vehicle-miles traveled weighted 65 percent; primary road lane mileage weighted 20 percent; density of use weighted 10 percent; and need weighted five percent, provided that no district receive an allocation less than it received in fiscal year 1999-00.

*Patron - McClur*

**HB814 Public-Private Transportation Act; imposition of tolls on certain facilities.** Limits the number of Public-Private Transportation Act facilities that may be tolled by defining "reconstructed to provide for increased capacity."

*Patron - Joannou*

**HB851 Paving of unpaved secondary roads; "pave-in-place" program.** Allows the Virginia Department of Transportation (VDOT) to consider paving roads with less than 40-foot rights-of-way if the land for the project is acquired by means other than by gift. This treatment is presently limited only to projects where the land is acquired by gift. For the "pave-in-place" program of paving other unpaved roads on less than 40-foot rights-of-way with limited vehicle travel volumes, the bill provides the following minimum specifications: pavement 18 feet wide, shoulders one foot wide on either side of the pavement, and adequate drainage ditches along the outer edge of each shoulder. Deviations from these standards toward greater pavement or shoulder widths may be made on a case-by-case basis.

*Patron - May*

**HB984 HOV facilities.** Provides for issuance of HOV facility pass stickers and authorizes promulgation of regulations to cover validity period, method of display, and cost. Proceeds would be deposited into the Transportation Trust Fund. These stickers would allow vehicles on which they are displayed to use any HOV facility in Virginia regardless of the number of the vehicle's passengers. Commercial vehicles would not be eligible to use these stickers.

*Patron - Rhodes*

**HB1059 Referendum; Fairfax County.** Provides for a referendum in the Kinross, Navy, Waples Mill and Lee

Corner Precincts of Fairfax County on November 7, 2000, on the question of whether the voters are in favor of changes affecting Ox Road between Vale Road and Lawyers Road that raise the speed limit to more than 35 miles per hour and install sidewalks on both sides of that portion of Ox Road. If a majority vote for the changes, the Department of Transportation may proceed with the changes. If a majority vote against the changes, the Department is prohibited from proceeding. The referendum has no effect on alternative changes or improvements to Ox Road.

*Patron - McClur*

**HB1063 Northern Virginia Transportation District.** Adds Loudoun, Prince William, and Stafford counties and the cities of Fredericksburg, Manassas and Manassas Park to the District; adds representatives of the Commonwealth Transportation Board, the Department of Rail and Public Transportation, Capital Region Transportation Planning Board, and the Washington Metropolitan Transportation Authority; increases the voting membership by adding one additional member of the Virginia Senate and one additional member of the House of Delegates to the District's Commission; allows all Commission members to participate equally in all Commission activities, but provides that only local government representatives and members of the House of Delegates and Virginia Senate may vote; and abolishes other transportation districts created within Northern Virginia and transfers their powers and responsibilities to the Northern Virginia Transportation District.

*Patron - McClur*

**HB1099 Kenny Wallace Highway.** Designates the entire length of Hampton Roads Center Parkway in the City of Hampton, including any future extensions, the "Kenny Wallace Highway."

*Patron - Christian*

**HB1122 Virginia Transportation Facilities Authority.** Creates the Virginia Transportation Facilities Authority, headed by a nine-member Board of Directors (with the chairman and vice chairman of the Commonwealth Transportation Board serving as the chairman and vice chairman of the Board) for the purpose of acquiring, constructing, improving, maintaining, and operating transportation facilities in the Commonwealth. The Authority may issue pledge bonds and other forms of debt, but may issue revenue bonds only with the approval of the General Assembly. The Authority cannot undertake construction of any transportation facility unless (i) specifically authorized to do so in a bill or resolution passed by each house of the General Assembly or (ii) requested to do so by resolution of the Commonwealth Transportation Board. The Authority is specifically authorized to acquire three existing toll facilities: the Dulles Toll Road, the Powhite Parkway Extension Toll Road and the George P. Coleman Memorial Bridge. The bill also transfers to the Authority the unallocated balances in the Toll Facilities Revolving Account on July 1, 2000.

*Patron - Robinson*

**HB1273 Road maintenance.** Provides that the Commonwealth Transportation Board, in distributing funds for road maintenance, shall take into consideration the high traffic volume in urban areas and the resulting disproportionate maintenance needs in such areas. This is a recommendation of the Commission on the Condition and Future of Virginia's Cities.

*Patron - Rust*

**HB1274 Mass Transit Fund.** Increases the percentage of funding from the Transportation Trust Fund to the Mass Transit Fund from 14.7 percent to 15.1 percent. The minimum

amount of local matching funds required for the capital expenses associated with various types of mass transit projects is reduced from five percent to two percent. This is a recommendation of the Commission on the Condition and Future of Virginia's Cities.

*Patron - Rust*

**HB1446 Highway maintenance and construction; Fairfax County.** Provides, if so requested by a resolution adopted by the Fairfax County Board of Supervisors and transmitted prior to January 1, 2001, to the Commonwealth Transportation Board, that Fairfax County will be treated as a city for the purpose of highway construction and maintenance, beginning on July 1, 2001; requires the transfer to Fairfax County of land, structures, facilities, equipment, employees, and resources that had been involved with the programs transferred to Fairfax County; and provides that this shall not affect highway construction or maintenance contracts entered into prior to the effective date of the act for projects in Fairfax County.

*Patron - Hull*

**SB267 Logo sign program.** Requires the Commonwealth Transportation Board to promulgate detailed regulations on participation of restaurants in VDOT's roadside logo sign program.

*Patron - Potts*

**SB291 Joseph V. Gartlan, Jr., Parkway.** Designates the Franconia-Springfield Parkway in Fairfax County from Rolling Road to Beulah Street the "Joseph V. Gartlan, Jr., Parkway."

*Patron - Puller*

**SB310 U.S. Route 58 Corridor Development Program and Fund.** Increases, from \$40 million to \$75 million the annual amount of state recordation tax revenues dedicated by statute to the U.S. Route 58 Corridor Development Fund.

*Patron - Reynolds*

## Housing

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### Passed

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**HB375 Housing Revitalization Zone Act.** Allows the Governor to designate housing revitalization zones for the purpose of encouraging private sector rehabilitation of blighted areas through grants. The program is to be administered by the Department of Housing and Community Development. Eligibility for zone designation includes areas that (i) have per capita income below 80 percent of the median per capita income for the planning district or (ii) have a residential vacancy rate that is at least 120 percent of the average vacancy rate for the planning district. Qualified business firms and qualified owner occupants are required to meet minimum investment levels based on the type of construction. Also, the bill (i) specifies that 50 percent of all money received by local governments as grants from the Virginia Removal or Rehabilitation of Derelict Structures Fund be utilized in areas designated by the Governor as housing revitalization zones and (ii) increases from \$200,000 to \$1,000,000 the maximum grant from such fund. This is a recommendation of the Commission on the Condition and Future of Virginia's Cities.

*Patron - Reid*

**HB454 Virginia Fair Housing Law; housing for older persons.** Confirms the Virginia Fair Housing Law to the

federal Fair Housing Law in the area of housing for older persons. The bill removes the requirement that, in order to qualify for housing for older persons, there be significant facilities and services specifically designed to meet the physical or social needs of older persons, or, if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons. The bill also provides that the 80 percent threshold necessary to qualify for housing for older persons shall be based on the number of occupied units and not the total number of units occupied by persons aged 55 years or older. As a result, it may be easier to qualify for housing for older persons and exclude families with children.

*Patron - Cantor*

**HB518 Uniform Statewide Building Code; rehabilitation of existing buildings.** Directs the Board of Housing and Community Development to make changes that are necessary to the Uniform Statewide Building Code to improve low and moderate housing, including adequate training of building officials and Code enforcement personnel. The bill requires the Board of Housing and Community Development to report to the 2002 Session of the General Assembly in its progress in this regard.

*Patron - Clement*

**HB745 Building code violations** Provides that the fine imposed on a person convicted of a third or subsequent violation of the Uniform Statewide Building Code involving the same property shall be no less than \$2,500 nor more than \$5,000 with none of the fine being subject to suspension. Current law provides for a fine of not more than \$2,500.

*Patron - Cantor*

**HB1088 Uniform Statewide Building Code; farm buildings and structures.** Repeals the July 1, 2000, sunset clause relating to the definition of "farm building or structure" and the exemption of such buildings or structures from the provisions of the Uniform Statewide Building Code. The bill also provides that the Building Code exemption does not apply to restaurants operated on farms.

*Patron - Orrock*

**SB711 Housing Revitalization Zone Act.** Allows the Governor to designate housing revitalization zones for the purpose of encouraging private sector rehabilitation of blighted areas through performance based grants. The program is to be administered by the Department of Housing and Community Development. Eligibility for zone designation includes areas that (i) have per capita income below 80 percent of the median per capita income for the planning district or (ii) have a residential vacancy rate that is at least 120 percent of the average vacancy rate for the planning district. Qualified business firms and qualified owner occupants are required to meet minimum investment levels based on the type of construction. The bill requires that at least 25 percent of any increase in real estate tax revenues in housing revitalization zones be appropriated within such zones for those tax years in which grants are paid to qualified business firms and qualified owner occupants. This is a recommendation of the Commission on the Condition and Future of Virginia's Cities.

*Patron - Watkins*

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### Failed

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**HB572 Manufactured Housing Board; membership.** Allows the Governor, in the event that manufactured home manufacturers are not available, to appoint citizens who have knowledge of the industry to fill the two appointments on

the Virginia Manufactured Housing Board. The bill also provides that current members of the Board whose terms have not expired as of July 1, 2000, are not affected.

*Patron - Bryant*

**HB1104 Uniform Statewide Building Code; application to certain farm buildings.** Adds the definition of "farm building and structures" as a building or structure not used for residential purposes located on property where farming operations take place and used primarily for any of the following uses or combinations thereof: (i) storage, handling, production, display, sampling or sale of agricultural, horticultural, floricultural or silvicultural products produced on the farm; (ii) sheltering, raising, handling, processing or sale of agricultural animals or agricultural animal products; (iii) business or office uses relating to the farm operations where the area utilized for such office use has an occupancy load of less than 11 people; (iv) use of farm machinery or equipment or maintenance or storage of vehicles, machinery or equipment used on a farm; (v) storage or use of supplies and materials used on the farm; or (vi) implementation of best management practices associated with farm operations. The bill also provides that farm buildings and structures are exempt from the provisions of the Building Code, except those portions of farm buildings and structures that (i) have over 2,000 square feet used for retail trade purposes or for the sampling of agricultural products or (ii) are used by the general public for any type of public assembly purposes where 75 or more people are present at any one time. However, farm buildings and structures lying within a flood plain or in a mudslide-prone area shall be subject to flood-proofing regulations or mudslide regulations, as applicable. The bill provides that the term "retail trade" does not include the sale of live animals.

*Patron - Albo*

## Carried Over

**HB1145 Housing; powers of housing authorities; limitations.** Requires that real property identified by a housing authority for redevelopment be acquired by the housing authority within 36 months after announcement of the redevelopment plan. If a housing authority decides against acquiring real property identified for redevelopment, it shall reimburse the owner of such property his reasonable expenses related to the proposed acquisition of his property, upon request. This is a recommendation of the joint subcommittee studying eminent domain issues.

*Patron - Drake*

**HB1331 Uniform Statewide Building Code; inspection warrants.** Authorizes the issuance of inspection warrants for the enforcement of the Uniform Statewide Building Code by local building departments and sets the procedure for the issuance of the inspection warrant. Currently, fire officials have this authority to enforce the Fire Prevention Code.

*Patron - Almand*

**SB616 Virginia Water Supply Revolving Fund.** Transfers administration of the Virginia Water Supply Revolving Fund from the Board of Health to the Department of Housing and Community Development. In addition, the bill requires the Department of Housing and Community Development to enter into a memorandum of agreement with the Department of Health to develop the intended use plan required by the federal Safe Water Drinking Act. The bill also provides that the provisions of the act will not become effective until the memorandum of agreement is approved by the Environmental Protection Agency.

*Patron - Wampler*

**SB662 Unlawful discrimination.** Prohibits discrimination in housing on the basis of sexual orientation.

*Patron - Marsh*

## Institutions for the Mentally Ill; Mental Health Generally

### Passed

**HB1293 Mental Health, Mental Retardation and Substance Abuse Services 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 Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS). The fund shall also consist of such moneys as shall be appropriated by the General Assembly and any private donations. The fund is administered by the Commissioner of DMHMRSAS. 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. The proceeds from the sale of any vacant DMHMRSAS buildings and land are to be first used to (i) deliver mental health and other services within the same service area as where such sold buildings and land were located; and (ii) provide benefits to those persons who will no longer be employees of the Commonwealth as a result of such sale. The bill also requires the Commissioner of DMHMRSAS to develop a comprehensive plan for the restructuring of the Commonwealth's mental health care programs and facilities and to provide the final plan by December 15, 2000, to the Governor and enumerated members of the General Assembly. Any restructuring plan or proposed sale of a facility shall be approved by the General Assembly. This bill is identical to SB 731.

*Patron - Callahan*

**SB261 Civil commitment of sexually violent predators.** Changes the effective date of the civil commitment process, which was enacted by the 1999 General Assembly, from January 1, 2001, to July 1, 2001. The process provides for the screening and evaluation for civil commitment of prisoners in the custody of the Department of Corrections who were convicted of certain sexual offenses and are nearing the end of their sentences.

*Patron - Norment*

### Failed

**HB728 Criminal background checks.** Permits community services boards, local departments, behavioral health authorities and agencies licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services to conditionally hire, pending receipt of the national criminal background check from the Federal Bureau of Investigation, applicants if (i) a proper application has been made; (ii) the applicant attests that he has been convicted of no barrier crime; (iii) the Central Criminal Records Exchange report pertaining to the applicant has been obtained from a local law enforcement agency or the state police; (iv) it has been determined that all other qualifications for employment have been met; and (v) the applicant is not allowed to work alone with consumers during the conditional employment period.

*Patron - Rust*



**FHB1258** **Group homes for the mentally ill, mentally retarded and developmentally disabled.** Requires the Department of Mental Health, Mental Retardation and Substance Abuse Services to publish a notice when an entity or person seeks to establish a group home for the mentally ill, mentally retarded or developmentally disabled. The notice shall include, at a minimum, (i) the name and address of the person or entity that will operate the group home, (ii) the street address of the group home, (iii) the maximum number of persons who will reside in the group home, (iv) a description of the types of services that will be rendered or available to the residents, (v) the Department's name and address as licensing authority, (vi) a contact person from the Department, and (vii) a solicitation of public comment for a period of a minimum of 30 days.

*Patron - Moran*

## Carried Over

**CHB968** **Mental health; predischarge planning.** Provides that, in the process of developing a predischarge plan for a person eligible to be discharged from a state mental health facility or training center, the proportion of persons receiving residential services in a political subdivision to the total population of that political subdivision shall not exceed the proportion of persons in the Commonwealth receiving residential services to the total population of the Commonwealth.

*Patron - DeBoer*

**CHB1197** **Community services boards.** Revises provisions relating to the operation of community services boards and local government departments who are responsible for the delivery of mental health, mental retardation and substance abuse services. The bill establishes a new section to set forth the powers and duties of local government department with policy advisory boards. Services funded by local dollar are not governed or limited by the performance contract and only fees collected for services that are funded by state-controlled dollars are to be included in the performance contract. The bill permits governing bodies with administrative policy boards or policy advisory boards to designate certain services to be provided without charge. Administrative policy boards may allow procurement, in addition to personnel or financial management to be carried out by the local government department, and performance of such responsibilities by a local government shall not be subject to state oversight. The bill also requires that current funding and projected funding for three years thereafter for discharges of consumers from state hospitals must be identified by the Department of Mental Health, Mental Retardation and Substance Abuse Services. Local governments are recognized as being parties to the performance contract when their community services board is a local government department, and a deadline is set for DMHMRSAS to review and sign contracts. Specific duties of DMHMRSAS are established for inclusion in the performance contract. Finally, a 90-day notice period for reduction in state-controlled funds is established. The bill contains technical amendments.

*Patron - Wagner*

**CHB1390** **Mental health; background checks.** Provides exemptions to the barrier crimes for background checks for persons applying for employment in substance abuse treatment programs to allow persons to be hired who have been convicted of drug distribution, burglary or pandering, provided that the crimes occurred more than five years prior to the date of application for employment.

*Patron - Christian*

**CHB1473** **Temporary detention orders; physician or psychologist appeal.** Provides that any physician or clinical psychologist whose recommendation for a temporary detention order on a person that he is treating is denied by a magistrate based on a negative evaluation by an employee of the local community services board or its designee may appeal such denial to a judge.

*Patron - Hall*

**CSB491** **Adult care residences; licensing** Transfers licensing responsibility from the Department of Social Services to the Department of Mental Health, Mental Retardation and Substance Abuse Services for adult care residences that admit 51 percent or more consumers. Consumer means a current or former direct recipient of public or private mental health, mental retardation or substance abuse treatment or habilitation services. The bill directs the State Board of Mental Health, Mental Retardation and Substance Abuse Services to promulgate emergency regulations to implement these provisions.

*Patron - Lambert*

## Insurance

### Passed

**PB21** **Birth-Related Neurological Injury Compensation Act; notification of possible beneficiaries.** Limits the type of insurance companies required to notify possible beneficiaries under the Act to those providing medical malpractice liability insurance.

*Patron - Woodrum*

**PB44** **Insurance; investments by domestic insurers.** Eliminates the restriction that allows domestic insurers to invest in the capital stock of only those banks or trust companies that earned a minimum rate of return.

*Patron - Woodrum*

**PB165** **Accident and sickness insurance; coverage for hospitalization and anesthesia for dental procedures.** Requires health insurers, health maintenance organizations and corporations providing accident and sickness subscription contracts to provide coverage for general anesthesia and hospitalization or facilities charges of a licensed outpatient surgery facility for dental care provided to a covered person who is determined by a licensed dentist in consultation with the covered person's treating physician to require general anesthesia and admission to a hospital or outpatient surgery facility to effectively and safely provide dental care and (i) is under the age of five, (ii) is severely disabled, or (iii) has a medical condition and requires admission to a hospital or outpatient surgery facility and general anesthesia for dental care treatment. Such insurers, corporations or organizations (i) may require prior authorization for this benefit in the same manner as is required for other covered benefits and (ii) shall restrict coverage for general anesthesia expenses and for facility charges to the appropriate licensed providers.

*Patron - Shuler*

**PB398** **Virginia Birth-Related Neurological Injury Compensation Act.** Clarifies that only parties to litigation who are either participating hospitals or physicians under the Virginia Birth-Related Neurological Injury Compensation Act may move the court to refer the action to the Workers' Compensation Commission for the purpose of determining

whether the requirements of the Act are satisfied. The bill also requires that a motion to refer the action to the Commission be filed no later than 120 days after the date the party seeking the referral filed its grounds of defense. The bill specifies what constitutes a petition and certain filing and administrative requirements. The bill provides that the definition of participating physician includes a partnership, corporation, professional corporation, professional limited liability company or other entity through which the physician practices. The bill has an emergency clause.

*Patron - Woodrum*

**HB453 Insurance; notice of exclusion of coverage for flood damage.** Requires every insurer issuing a fire insurance policy or contract that excludes coverage for flood damage to provide written notice explicitly stating that flood damage coverage is excluded, and that information regarding flood insurance is available from the insurance agent or the National Flood Insurance Program.

*Patron - Cantor*

**HB455 Insurance agents; continuing education requirements.** Eliminates the current requirement that nonresident agents who fail to comply with Virginia's continuing education requirements must complete Virginia's pre-licensing education and examination requirements prior to regaining their licenses. Such nonresident agents will continue to have their licenses terminated and will continue to have to wait 9 days or pay a \$1,000 administrative penalty before regain their license. The waiver of the pre-licensing education and examination requirements for terminated non-resident agent will apply if they are licensed in states that either have a continuing education requirement or have reciprocal provisions for Virginia resident agents. The bill also allows any resident agent who is age 65 or older with 20 or more years of continuous licensure in any state to apply for a permanent exemption from the continuing education requirements if he has held a Virginia resident license for at least four continuous years by the end of the biennium. Currently, the exemption for agents age 65 with 20 continuous years of licensure applies only to agents who have had a Virginia license for 20 years. Finally, the bill clarifies several provisions pursuant to which the insurance continuing education board may grant waivers from the continuing education requirements imposed on insurance agents.

*Patron - Cantor*

**HB494 Health plans sponsored by community action agency.** Excludes from insurance regulations a health care services plan which was sponsored by a private non-profit agency organized in 1965. The measure expires July 1, 2001. The measure has an emergency clause.

*Patron - Woodrum*

**HB574 Insurance; child health supervision services.** Exempts short-term policies from the mandate that health insurance policies, health services plans and health care plans offer child health supervision services.

*Patron - Bryant*

**HB660 Health insurance; access to ambulance services.** Prohibits health insurers, health maintenance organizations and corporations providing accident and sickness subscription contracts from requiring a person covered under such policy, contract or plan to obtain prior authorization before accessing an emergency 911 system or other state, county or municipal emergency medical system for ambulance services, and from establishing an emergency medical response and transportation system in competition with a governmental 911 or other emergency system.

*Patron - Grayson*

**HB716 Credit property and credit involuntary unemployment insurance.** Provides for the regulation of credit property insurance as a separate line of insurance, an expands credit involuntary unemployment insurance (IUI) to allow coverage for debtors placed on an unpaid leave of absence. Credit property insurance is insurance against direct physical damage to personal household property (other than motor vehicles, mobile homes, and watercraft) used as collateral in a credit transaction. Provisions applicable to credit IUI are generally made applicable to credit property insurance. Forms for both types of insurance must provide for the refund of unearned premiums on a pro rata basis if the insurance is terminated prior to the scheduled maturity date of the indebtedness. The Bureau of Insurance is given jurisdiction over insurance certificates for credit property insurance and credit IUI delivered or issued for delivery in Virginia where the group policy is delivered in another state. The rates for credit property insurance and credit IUI are made subject to the "prior approval" provisions, rather than the "file and use" provisions. Minimum loss ratios are established for credit property insurance and credit IUI rates to start at 40 percent in January 1, 2001, and increase to 45 percent on January 1, 2003, and 50 percent on January 1, 2005.

*Patron - Woodrum*

**HB726 Managed care health insurance plans; Office of Managed Care Ombudsman; External Review Process.** Clarifies provisions of the 1999 omnibus health insurance legislation regarding the Managed Care Ombudsman and the external review process. The amendments make clear that legislation created an Office of Managed Care Ombudsman, rather than a single position. Other amendments regarding the External Review Process (i) establish the threshold for the External Review Process at \$300 in out-of-pocket costs to the covered person if the adverse decision is not reversed; (ii) increase to 30 days the time period for the external reviewer to complete its review; (iii) increase the other time periods for actions by the parties related to the review and the Bureau; (iv) make a utilization review entity's failure to comply with the Commissioner's written ruling subject to sanctions as a knowing and willful violation of the statute; (v) provide that fees paid by utilization review entities are paid to the Bureau's maintenance fund; (vi) establishes sanctions against utilization review entities who fail to pay the fee within a reasonable time; (vii) provide that, before entering into contracts with an impartial health entity to conduct external reviews, the Bureau shall determine that the entity possesses the necessary credentials and is otherwise qualified to conduct the review; (viii) limits access to the external review process to individuals covered under a contract issued in this Commonwealth; and (ix) clarify that the Commissioner of Insurance is to affirm recommendations of the independent review entity unless they are arbitrary, capricious or beyond the review entity's authority. The bill also makes a number of housekeeping amendments to other provisions of the 1999 legislation.

*Patron - Rust*

**HB756 Insurance; change to domestic insurer.** Requires that any insurer domiciled in another state that becomes a domestic insurer shall be recognized as an insurer initially licensed, in another jurisdiction, as of the date it was first licensed as an insurer in the state of its original domicile.

*Patron - Howell*

**HB762 Insurance; confidentiality of information provided to SCC** Excludes from subpoena or public inspection any confidential proprietary information of an insurer provided to the State Corporation Commission provided that the insurer (i) invokes such exclusion upon submission of the

information for which protection from disclosure is sought, (ii) identifies the information for which protection is sought, an (iii) states the reason protection is necessary. The Commission may use the information in furtherance of regulatory or legal action and may publish aggregate findings, but may not disclose the confidential proprietary information without notice and an opportunity for hearing. Disclosure of the information to the SCC shall not cause a waiver of an existing privilege or claim of confidentiality.

*Patron - Morgan*

**HB835 Dental and optometric insurance; non-stock corporations.** Eliminates the requirement that a non-stock corporation administering a dental or optometric plan be an agent for the participating dentists and optometrists. A change in a nonstock corporation's agent status must be approved by the State Corporation Commission after review of the corporation's financial condition and method of doing business. Nonstock corporations not acting as agents for dentist and optometrists must keep a contingency reserve of no less than the amount required for 45 days of operating expenses.

*Patron - Woodrum*

**HB854 Insurance; electronic notice of cancellation to lienholder.** Permits insurers of motor vehicle, homeowner's and liability insurance policies required to transmit a notice of cancellation to a lienholder to transmit such notice electronically, provided that the insurer and the lienholder agree by separate agreement upon the specifics for transmittal and acknowledgement of notification.

*Patron - May*

**HB914 Health care coverage; childhood immunizations.** Requires health insurers, health maintenance organizations and corporations providing health care coverage subscription contracts to provide coverage for childhood immunizations, subject to any co-payment or co-insurance requirements under the policy. The required benefits apply to children from birth to 36 months of age and extend to all routine and necessary immunizations, defined as diphtheria, pertussis, tetanus, polio, hepatitis B, measles, mumps, rubella, and such other immunizations as may be prescribed by the Commissioner of Health. This mandate does not apply if the insured has elected to obtain coverage for child health supervision services, without any co-payment or co-insurance being required, under the existing mandate to offer such coverage.

*Patron - Bryant*

**HB923 Long-term care insurance; refund of unearned premiums.** Requires individual long-term care insurance policies and certificates to return unearned premiums on a pro-rata basis to insureds in the event of cancellation by the carrier or the insured. The measure does not apply to single-premium policies.

*Patron - Watts*

**HB940 Life insurance; educational loans** Authorizes life insurance policies to include educational loan provisions as additional benefits, where the loan applicant is a covered individual under the insurance policy and the loan provides funds for the individual or his dependent to attend an institution of higher education, trade school, or technical school.

*Patron - Bryant*

**HB1014 Health insurance portability; eligibility for Medicare risk plans and preexisting conditions.** Exempts Medicare risk plans receiving compensation from Medicare from the requirements of including certain questions on applications to determine eligibility of the applicant. The

preexisting condition limitation period for late health plan enrollees is changed from 18 months to 12 months, reflecting the same period that applies to all other enrollees.

*Patron - Morgan*

**HB1111 Prescription drug formularies.** Requires an insurer, corporation, or health maintenance organization that maintains one or more closed drug formularies to establish a process to allow an enrollee to obtain, without additional cost-sharing beyond that provided for formulary prescription drugs in the enrollee's covered benefits, a specific, medically necessary nonformulary prescription drug when the enrollee has been receiving the specific nonformulary prescription drug for at least six months previous to the development or revision of the formulary and the prescribing physician has determined that the formulary drug is an inappropriate therapy for the specific patient or that changing drug therapy presents a significant health risk to the specific patient. After reasonable investigation and consultation with the prescribing physician the insurer, corporation or health maintenance organization shall act on such requests within one business day of receipt of the request. Substituting an approved generic drug for its branded equivalent does not constitute a change in drug therapy.

*Patron - Tate*

**HB1176 Standardized prescription benefits cards.** Requires the state employee's health insurance plan, the Virginia Medicaid program, and each health insurer, corporation providing individual or group accident and sickness subscription contracts, and health maintenance organization providing coverage for prescription drugs, to issue a standardized prescription benefits card. The standardized prescription benefits identification card must comply with the National Council for Prescription Drug Programs (NCPDP) standards as set forth in the NCPDP Pharmacy ID Card Implementation Guide. The standardized prescription benefits identification card must be capable of accommodating the mandatory and situational data elements included in the NCPDP Pharmacy ID Card Implementation Guide and must be issued to each new covered person and reissued upon changes in coverage that affect the data elements on the card. Contracts, policies or plans delivered, issued for delivery or renewed in this Commonwealth on and after July 1, 2002, must comply with this requirement. The bill will become effective if reenacted by the 2001 Session of the General Assembly.

*Patron - Reid*

**HB1211 Health maintenance organizations; exception to licensing requirement.** Exempts an HMO licensed in a state contiguous to Virginia from the requirement that it be licensed in Virginia if (i) the HMO contracts on a limited basis with health care providers in Virginia for the provision of services to enrollees under contracts not delivered or issued for delivery in Virginia, if the number of Virginia residents receiving such services does not exceed 500 enrollees of the HMO, and the contracts with the providers include a harmless clause.

*Patron - Cantor*

**HB1236 Refunds of unearned health insurance premiums.** Requires individual accident and health insurance policies to contain a provision authorizing the insured to cancel the policy at any time and requiring the insurer to promptly return the unearned portion of the premium, calculated pro rata. The provisions giving an insured a cancellation option and the right to a refund of unearned premium are made applicable to health services plans and health maintenance organizations. The measure is effective January 1, 2001.

*Patron - Scott*

**HB1266 Health insurance; EDI standards for uniform referral form.** Requires the State Corporation Commission to adopt a uniform referral form for any managed care health insurance plan. The form shall incorporate the data elements adopted by the Health Care Financing Authority for its Electronic Data Interchange standards.

*Patron - Rust*

**HB1366 Health insurance; provider panels.** Mandates that provider panel contracts must permit the provider to refuse to participate in one or more of the other provider panels when contracts are executed. This measure applies to contracts that require the provider, as a condition of participating in one of the provider panels, to participate in any other provider panel. The refusal to participate shall not affect the provider's ability to serve on new or existing panels. The prohibition does not apply to participants in the state Medicaid plan.

*Patron - Griffith*

**HB1376 Accident and sickness insurance; diabetes coverage.** Clarifies several provisions of the mandated benefit for coverage of diabetes. The bill prohibits carriers from categorizing supplies for diabetes treatment as durable medical equipment, ensuring that such supplies are not subject to the dollar limits applicable generally to durable medical equipment. Other provisions (i) allow managed care health insurance plans to require the health care professional providing diabetes outpatient self-management training and education to be a member of the plan's provider network if the network includes sufficient health care professionals who are qualified by specific education, experience, and credentials to provide the covered benefits; (ii) require the covered benefit for outpatient self-management training and education to be performed in-person; and (iii) prohibit carriers from imposing policy or calendar year dollar or durational benefit limitations or maximums for the diabetes benefits or services provided.

*Patron - Armstrong*

**HB1497 Accident and sickness insurance; notice of priority of benefits.** Requires accident and sickness insurers, corporations providing individual or group accident and sickness subscription contracts, and health maintenance organizations to provide written notification to the insured, subscriber or member, as a prominent part of its enrollment materials, that if such person is covered under another group policy, contract or plan, that policy, contract or plan may have primary responsibility for the covered expenses of other family members enrolled with the insured, subscriber or member. The notice shall describe the conditions under which coverage would be primary for dependant children, and the method for verifying which coverage would have primary responsibility. A similar requirement is established by this bill with respect to the health insurance plan for state employees.

*Patron - Devolites*

**HB1511 Long-term care insurance.** Establishes limits on periods for contestability of long-term care insurance policies. Each long-term care policy is required to include an incontestability provision providing that a policy may be rescinded or a claim denied: (i) during the six months following issuance, upon a showing of misrepresentation that is material to the acceptance of coverage; (ii) between six months and two years following issuance, upon a showing of misrepresentation that is both material to the acceptance of coverage and that pertains to the condition for which benefits are sought; and (iii) after two years, only upon a showing that the insured knowingly and intentionally misrepresented relevant facts relating to the insured's health. The bill also (i) requires that policyholders be offered the option of purchasing a policy con-

taining a nonforfeiture benefit; (ii) authorizes the State Corporation Commission to issue regulations regarding long-term care insurance policies and certificates; (iii) prohibits the marketing of a long-term care insurance policy or certificate as qualified long-term care insurance policy or federally tax-qualified long-term care insurance contract unless the policy or contract contains a statement prominently disclosing that such policy or certificate is a qualified long-term care insurance policy or federally tax-qualified long-term care insurance contract; (iv) prohibits the field issuance of such policies by an agent or third-party administrator; and (v) prohibits such policies from providing that an insurer who has paid benefits may recover the benefit payments in the event that the policy is rescinded. The Joint Commission on Health Care and Bureau of Insurance are required to conduct a study of the NAIC's efforts in the area of reporting requirements and comparative disclosure for long-term care insurance policies in other states. The provision regarding nonforfeiture benefits will take effect on January 1, 2001, or 60 days following the adoption of regulations by the SCC, whichever first occurs.

*Patron - Morgan*

**SB26 Colorectal cancer screening.** Requires health insurers, health maintenance organizations, corporation providing health care coverage subscription contracts, the state employees health insurance program, and the Virginia Medicaid program to provide coverage for colorectal cancer screening. The coverage must be provided in accordance with the most recently published recommendations established by the American College of Gastroenterology, in consultation with the American Cancer Society, for the ages, family histories, and frequencies referenced in such recommendations. The coverage cannot be more restrictive than or separate from coverage in any policy, contract or plan that is provided for any other illness, condition or disorder.

*Patron - Couric*

**SB52 Insurers; accounting practices and procedures.** Incorporates by reference various guidances set forth in the accounting practices and procedures manuals of the National Association of Insurance Commissioners (NAIC). The NAIC recently adopted Statements of Statutory Accounting Practices (SSAPs) that will be the basis of new accounting guidance that will become effective for statements and disclosures filed after January 1, 2001, which is the effective date of this legislation. Existing provisions regarding the valuation of bonds, securities, and real estate, leaseholds and mortgages are repealed. References to the guidance set forth in the NAIC accounting practices and procedures manuals are substituted for current provisions for identifying assets that are not admitted for purposes of determining an insurer's financial condition.

*Patron - Stosch*

**SB54 Risk-based capital act; health organizations.** Applies the Risk-Based Capital (RBC) Act to health maintenance organizations, health services plans, and dental or optometric services plans. From July 1, 2000, until January 1, 2001, the monitoring provisions of the RBC Act will apply to HMOs. Effective January 1, 2001, these health organizations operating in Virginia will be subject to the RBC Act. Numerous changes to the RBC Act reflect its applicability to all licensees, rather than only to insurers. The risk-based capital of health organizations will be determined in accordance with the formula set forth in instructions adopted by the NAIC. The SCC may exempt from the RBC Act a domestic health organization that writes direct business only in Virginia and assumes no reinsurance in excess of five percent of direct premium written, an writes direct annual premiums of \$2 million or less for compre-

hensive medical coverages or is a dental or optometric services plan that covers fewer than 2,000 lives.

*Patron - Stosch*

**SB73 Health maintenance organizations.** Codifies certain provisions of the rules governing HMOs promulgated by the SCC. Provisions require (i) applicants for an HMO license to provide a financial feasibility plan and a financial statement, (ii) annual and quarterly statements to include a statement of covered and uncovered expenses, and (iii) the initial deposit prior to licensure of an amount not less than \$300,000 which may be reduced for an HMO with operating profits for the two most recent years. The bill also clarifies the policies and procedures for using deposited amounts.

*Patron - Colgan*

**SB78 Insurance; technical amendments.** Corrects erroneous cross-references and uses of terminology in several provisions of the insurance laws.

*Patron - Holland*

**SB79 Payment of attorney's fees; health services plans, health maintenance organizations, legal services plans, and dental and optometric plans.** Subjects health services plans, health maintenance organizations, legal services plans, and dental and optometric plans to payment of the reasonable attorney's fees of insured individuals in civil suits to determine the extent of coverage, if a court determines that such an entity did not act in good faith in denying coverage or failing or refusing to make payment under a policy.

*Patron - Holland*

**SB206 Reinsurance agreements.** Requires a domestic insurer to obtain written approval from the State Corporation Commission prior to entering into or modifying an reinsurance treaty or risk-sharing arrangement if in any 12-month period the reinsurance premium or the anticipated change in the insurer's liabilities exceeds 50 percent of the insurer's surplus to the policyholders as of the preceding December 31. Failure to obtain such approval is punishable as a Class 1 misdemeanor.

*Patron - Wampler*

**SB221 Health care coverage; childhood immunizations.** Requires health insurers, health maintenance organizations (HMOs) and corporations providing health care coverage subscription contracts to provide coverage for childhood immunizations, subject to any co-payment or co-insurance requirements under the policy. The required benefits apply to children from birth to 36 months of age and extend to all routine and necessary immunizations, including diphtheria, pertussis, tetanus, polio, hepatitis B, measles, mumps, rubella, and other such immunizations as may be prescribed by the Commissioner of Health. The mandate does not apply if the insured has elected to obtain coverage for child health supervision services, without any co-payment or co-insurance being required, under the existing mandate to offer such coverage.

*Patron - Edwards*

**SB230 Fire Programs Fund.** Clarifies the language establishing the Fire Programs Fund, which is a special nonreverting fund in the state treasury financed by an assessment on insurance companies that write fire, miscellaneous property, marine, homeowners or farmowners insurance. The bill ensures that interest earned on money in the Fund, including interest earned on any assessments held by the SCC but not yet deposited into the Fund, will be credited to the Fund.

*Patron - Watkins*

**SB274 Accident and sickness insurance; diabetes coverage.** Clarifies several provisions of the mandated benefit for coverage of diabetes. The bill prohibits carriers from categorizing supplies for diabetes treatment as durable medical equipment, ensuring that such supplies are not subject to the dollar limits applicable generally to durable medical equipment. Other provisions (i) allow managed care health insurance plans to require the health care professional providing diabetes outpatient self-management training and education to be a member of the plan's provider network if the network includes sufficient health care professionals who are qualified by specific education, experience, and credentials to provide the covered benefits; (ii) require the covered benefit for outpatient self-management training and education to be performed in-person; and (iii) prohibit carriers from imposing policy or calendar year dollar or durational benefit limitations or maximums for the diabetes benefits or services provided.

*Patron - Howell*

**SB284 Health insurance; prescription drug coverage.** Prohibits carriers from excluding any drug from coverage solely on the basis of the length of time since the drug obtained FDA approval.

*Patron - Couric*

**SB304 Life insurance; notification of revocation by divorce.** Requires that any life insurance or annuity contract, containing a beneficiary designation in which the designated beneficiary is the spouse of the policy owner, contain language explaining that Virginia law revokes the spouse as beneficiary upon divorce and how to avoid such a revocation.

*Patron - Reynolds*

**SB358 Health insurance; mental health coverage.** Clarifies that the 1999 legislation requiring the state health care plans, health insurers, health services plans and health maintenance organizations to provide coverage for biologically based mental illness applies to policies, contracts, and plans delivered, issued for delivery, reissued or extended, or to which a term is changed or the premium is adjusted, on or after January 1, 2000, which is the effective date of the requirement. The change ensures that the requirement is not made retroactively applicable to policies, contracts, and plans in effect on the legislation's effective date. Amendments also clarify that the mandated coverage does not apply to individual policies.

*Patron - Houck*

**SB455 Health insurance for small employers; bona fide associations.** Exempts health insurance issuers that offer health insurance coverage in a small employer market from requirements that (i) coverage be offered and made available to all eligible employees of every small employer and their dependents that apply for the coverage; and (ii) all products that the issuer is actively marketing be offered to all small employers unless the coverage or product is made available in the small group market only through one or more bona fide associations. A bona fide association is an association which (i) has been actively in existence for at least five years; (ii) has been formed and maintained in good faith for purposes other than obtaining insurance; (iii) does not condition membership in the association on any health status-related factor relating to an individual (including an employee of an employer or a dependent of an employee); (iv) makes health insurance coverage offered through the association available to all members regardless of any health status-related factor relating to such members (or individuals eligible for coverage through a member); (v) does not make health insurance coverage offered through the association available other than in connection with

a member of the association; and (vi) meets other requirements imposed by law.

*Patron - Saslaw*

**SB456 Cancellation of insurance policies.** Repeals the right of an individual who purchases insurance from a lending institution, bank holding company, savings institution holding company, or subsidiary or affiliate to cancel the insurance within 10 days following its purchase. Upon cancellation, the individual is currently entitled to receive a pro rata refund of the premium. The bill also prohibits lenders from conditioning the availability of credit upon the purchase of insurance from such lender.

*Patron - Saslaw*

**SB541 Accident and sickness insurance; coverage for the treatment of 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. The state employee's health insurance plan is required to offer the same coverage.

*Patron - Lambert*

**SB587 Insurance rate and form regulation; exempting large commercial risks.** Provides an exemption for insurers of large commercial risks from State Corporation Commission 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.

*Patron - Norment*

**SB593 Dental and optometric insurance; non-stock corporations.** Eliminates the requirement that a non-stock corporation administering a dental or optometric plan be an agent for the participating dentists and optometrists. A change in a nonstock corporation's agent status must be approved by the State Corporation Commission after review of the corporation's financial condition and method of doing business. Nonstock corporations not acting as agents for dentist and optometrists must keep a contingency reserve of no less than the amount required for 45 days of operating expenses.

*Patron - Norment*

**SB718 Health insurance; provider panels.** Mandates that provider panel contracts must permit the provider to refuse to participate in one or more of the other provider panels when contracts are executed. This measure applies to contracts that require the provider, as a condition of participating in one of the provider panels, to participate in any other provider panel. The refusal to participate shall not affect the provider's ability to serve on new or existing panels. The prohibition does not apply to participants in the state Medicaid plan.

*Patron - Colgan*

**SB759 Virginia Life, Accident and Sickness Insurance Guaranty Association; structured settlement annuities.** Provides that the Life, Accident and Sickness Insurance Guaranty Association will provide coverage for structured settlement annuities based on the residence of the injured person receiving payments under the annuity.

*Patron - Newman*

## Failed

**HB549 Motor vehicles; liability insurance.** Raises from \$20,000 to \$25,000 the minimum amount of motor vehicle liability insurance required to cover damage to property. The bill is effective January 1, 2001.

*Patron - Phillips*

**HB554 Health care coverage; hearing aids.** Requires health insurers, health maintenance organizations and corporations providing health care coverage subscription contracts to provide coverage for treatment of hearing loss and impairment, including hearing aids.

*Patron - Kilgore*

**HB653 Accident and sickness insurance; coverage for EEG biofeedback.** Requires health insurers, health care subscription plans and health maintenance organizations to provide coverage for training and education in the use of EEG biofeedback equipment and techniques. EEG biofeedback is defined as electroencephalogram biofeedback or neurofeedback prescribed as a treatment for attention deficit disorder, attention deficit-hyperactivity disorder, depression, stress-related and anxiety disorders, Tourette's Syndrome, insomnia, migraine headaches or epilepsy. The EEG biofeedback training and education must be prescribed and provided by a licensed health care professional. The bill's provisions are applicable to policies and plans issued on and after July 1, 2000.

*Patron - Diamonstein*

**HB915 Managed care health insurance plans; 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. In addition, if the carrier requests in writing, an outside provider must execute the form of contract or agreement that the carrier requires all of the members of its provider panel to execute. Such agreement or contract must be signed by the outside provider within 30 days of the provider's receipt of the carrier's request. The bill prohibits reduced or disparate coverage and the imposition of monetary penalties if individuals receive their health care services from an outside provider. The bill also bars carriers from (i) denying immediate access to electronic claims filing to an outside provider that has executed the carrier's provider panel contract or agreement and (ii) requiring a covered person to make payment at point of service unless members of the MCHIP's provider panel are subject to the same requirement. A similar freedom to choose provision is added to the state employee's health insurance plan. The existing provision requiring HMO plans to offer optional point of service coverage is repealed.

*Patron - Cranwell*

**HB1050 Accident and sickness insurance; health services plans, licensed pharmacists.** Requires health insurers and health service plan providers, whose policies or contracts cover services that may be provided by licensed pharmacists, to provide equal coverage for such services when provided by licensed pharmacists.

*Patron - Cantor*

**FHB1237 Motor vehicle insurance; cancellation of registration upon cancellation of insurance.** Requires insurance companies to notify the former insured and the Department of Motor Vehicles when a motor vehicle liability insurance policy has been cancelled. The DMV is required to cancel the motor vehicle's registration 30 days after receipt of the notice unless the owner has either produced evidence of required insurance or has paid the fee required for registration of an uninsured motor vehicle and has furnished proof of financial responsibility.

*Patron - Scott*

**FHB1284 Health insurance; health services plans, marriage and family therapists.** Requires health insurers and health service plan providers, whose policies or contracts cover services that may be provided by marriage and family therapists, to provide equal coverage for such services when provided by marriage and family therapists.

*Patron - Shuler*

**FHB1415 Insurance agents.** Requires licensed insurers to accept and honor requests by policyholders for a change of agent of record if the agent is duly licensed with and appointed by the insurer. The change must be made within 30 business days following the insurer's receipt of the request.

*Patron - Katzen*

**FHB1425 Health care coverage networks; any willing provider; hospitals.** Requires health care insurers, corporations providing accident and sickness subscription contracts, and health maintenance organizations to accept any hospital as a preferred or participating provider if it is willing to accept the same terms and conditions of network inclusion applicable to other hospitals accepted as network providers.

*Patron - Griffith*

**FSB165 Health care coverage for biologically based mental illness; speech, occupational, physical and related therapies.** Requires the state employees' health plan, health insurers, health maintenance organizations (HMOs) and corporations providing health care coverage subscription contracts to provide coverage for speech and language therapy, occupational therapy, physical therapy and related therapies for the treatment of biologically based mental illness.

*Patron - Edwards*

**FSB272 Health care coverage; hearing aids.** Requires health insurers, health maintenance organizations and corporations providing health care coverage subscription contracts to provide coverage for treatment of hearing loss and impairment, including hearing aids.

*Patron - Houck*

**FSB287 Managed care health insurance plans; liability for health care coverage decisions.** Provides that health carriers offering managed care health insurance plans have the duty to exercise ordinary care when making decisions regarding the provision of coverage for health care services under the plan. Health carriers are liable for damages arising from injury to or death of a covered person proximately caused by the health carrier's negligence in making any decision that results in a delay in, or denial of, the provision of health care services. The limitations of recovery governing medical malpractice actions and the provisions of Virginia law governing utilization review are not applicable to actions brought pursuant to this bill.

*Patron - Edwards*

**FSB466 Accident and sickness insurance; diabetes coverage.** Adds medications approved by the federal Food and Drug Administration to the items covered by the mandated benefit for coverage for diabetes.

*Patron - Colgan*

**FSB480 Local government group self-insurance pools.** Expands the definition of "political subdivision" to include any nonprofit organization that provides community service programs and that derives a minimum of 80 percent of its funding from public sources; thereby allowing such organizations to participate in local government group self-insurance pools. This bill has been incorporated into SB 300.

*Patron - Trumbo*

**FSB543 Employers' liability and workers' compensation insurance.** Establishes distinct definitions for employers' liability insurance and workers' compensation insurance, and prohibits the State Corporation Commission from approving forms for writing combinations of these classes of insurance. The bill also allows a policy of personal liability insurance to include employers' liability insurance.

*Patron - Marye*

**FSB729 Health care coverage; mental health coverage.** Clarifies that the requirement that health insurers, health service plans and health maintenance organizations provide coverage for biologically based mental illness does not apply to individual accident and sickness insurance policies. The bill also provides that the requirement does not apply to policies, contracts, or plans issued to employers with 50 or fewer employees; currently, the exemption applies to employers with 25 or fewer employees.

*Patron - Martin*

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## Carried Over

**CHB1151 Accident and sickness insurance; coverage for the treatment of infertility.** Requires the state health plan, health insurers, health maintenance organizations and corporations providing accident and sickness subscription contracts to provide coverage for the treatment of infertility. The bill's provisions are applicable to policies, plans and contracts delivered, issued for delivery or renewed on and after July 1, 2000. They are not applicable to short-term travel, accident-only, limited or specified disease policies, or to short-term non-renewable policies of not more than six months' duration, or to coverage under Medicare.

*Patron - Barlow*

**CHB1208 Managed care health insurance plans.** Excludes preferred provider policies or contracts from the definition of a managed care health insurance plan (MCHIP). MCHIPs are required, among other things, to (i) apply to the Department of Health for quality assurance certification; (ii) establish procedures addressing complaint resolution and consumer satisfaction, access, availability, and continuity of care; and (iii) use a system of utilization review standards and an appeal process.

*Patron - Cantor*

**CHB1261 Health coverage for biologically based mental illness; social anxiety disorder.** Adds social anxiety disorder to the list of diagnoses included in the definition of biologically based mental illness.

*Patron - Darner*

**CHB1283 Health insurance; discrimination against victims of abuse.** Prohibits health carriers from deny-

ing, excluding or limiting coverage on the basis of an insured's history of abuse. Health carriers must maintain confidential the insured's personal information relating to abuse, and may only disclose it under certain limited circumstances. It is unfair/discriminatory for a health carrier to request information relating to an applicant's or insured's abuse status, or make use of that information, however obtained, except for the limited purposes of complying with legal obligations or verifying a person's claim to be a subject of abuse. A health carrier that takes an adverse action on the basis of a medical condition that is abuse-related must explain the reason for its action in writing and demonstrate that its action (i) does not have the purpose or effect of treating abuse status as a medical condition or underwriting criterion; (ii) is not based upon any actual or perceived correlation between a medical condition and abuse; (iii) is otherwise permissible by law and applies in the same manner and to the same extent to all applicants and insureds with a similar medical condition without regard to whether the condition of claim is abuse-related; and (iv) except for claim actions, is based on a determination that there is a correlation between the medical condition and a material increase in insurance risk.

*Patron - Watts*

**CSB300** **Local government group self-insurance pools.** Expands the definition of "political subdivision" to include any nonprofit organization that provides community service programs and that derives a minimum of 80 percent of its funding from public sources; thereby allowing such organizations to participate in local government group self-insurance pools.

*Patron - Edwards*

## Labor and Employment

### Passed

**PHB1125** **Labor and employment; polygraphs.** Prohibits any person from submitting, referring to, offering, or presenting an analysis of polygraph test charts produced during any polygraph examination in any state employees grievance procedure or proceeding conducted by a county, city or town.

*Patron - Suit*

**PHB1372** **Antique and model boilers.** Clarifies the inspection and testing requirements of antique and model boilers. The bill (i) adds a requirement for magnetic particle examination as an alternative to dye penetrant examinations, (ii) adds that the hydrostatic test at the maximum allowable working pressure should only be performed once if the inspector makes certain findings, and (iii) allows the Commissioner to grant waivers or variances from the requirements for antique or model boilers upon evidence of an applicant meeting certain alternate standards.

*Patron - Armstrong*

**PSB369** **Labor and employment; polygraphs.** Eliminates the use of polygraphs in any state, county, city or town grievance or disciplinary proceedings. The bill also defines law-enforcement agencies for the purpose of using polygraphs to exclude sheriffs and deputies.

*Patron - Stolle*

**PSB514** **Boiler and Pressure Vessel Safety Act injunctions.** Authorizes the Safety and Health Codes Board and the Commissioner of Labor and Industry to petition any appropriate court of record for injunctive relief for violation of the Boiler and Pressure Vessel Safety Act. The existing pro-

visions authorizing the Board, when a boiler or pressure vessel poses an immediate danger to human life, to pursue civil penalties and other remedies are deleted.

*Patron - Barry*

**PSB562** **Boiler and Pressure Vessel Safety Act; hobby and model boilers' inspection and testing.** Changes references from "antique boiler" to "hobby boiler." A boiler may be placed in nonoperating status if it does not pass inspection. Boilers shall be tested according to the method appropriate for the boiler type.

*Patron - Quayle*

### Failed

**FHB634** **Labor and employment; governmental employee associations.** Permits employees of the Commonwealth, its political subdivisions, or any governmental agency of any of them, to form associations for the purpose of discussing their interests with their employing agencies whenever such agencies agree to engage in such discussions. Current law permits these governmental employees to form such associations for the purpose of promoting their interests before their employing agencies.

*Patron - Darner*

**FBSB416** **Boiler and Pressure Vessel Safety Act; hobby and model boilers' inspection and testing.** Changes references from "antique boiler" to "hobby boiler." A boiler may be placed in nonoperating status if it does not pass inspection. Boilers shall be tested according to the method appropriate for the boiler type. The civil penalty for leaving a boiler unattended while in operation is eliminated.

*Patron - Miller, K.G.*

**FBSB716** **Unlawful employment practices; sexual orientation.** Prohibits employers employing more than five but less than fifteen persons from discharging an employee on the basis of sexual orientation.

*Patron - Whipple*

### Carried Over

**CHB1527** **Labor and employment; payment of wages by electronic funds transfer.** Permits any employer of 20 or more persons to require its employees to receive payment by electronic funds transfer ("direct deposit"), where at least two-thirds of the employees have elected to receive payment by that means. Payment must be made in full by the date it is due, and the employer has to develop an alternative to direct deposit for employees who do not have an account at a financial institution.

*Patron - Moran*

## Mechanics' and Certain Other Liens

### Failed

**FHB1389** **Mechanic's liens** Provides that a general contractor shall give the owner of a project a guarantee stating that all subcontractors or material providers will be paid within forty-five days of payment to the general contractor or completion of the work of the subcontractor or material provider.

*Patron - Griffith*



**SB363 Liens.** Increases garage liens from \$300 to \$1,000; increases mechanics' liens from \$625 to \$3,000; an increase from \$3,000 to \$7,000 the value that personal property may be sold at public auction by a lienholder.

*Patron - Colgan*

## Military and Emergency Laws

### Passed

**HB799 Establishment of Fort Pickett Reservation and a Fort Pickett police force.** Creates a Fort Pickett Reservation on the site (those lands licensed by the Department of the Army to the Virginia Army National Guard on October 1, 1997) of the former Fort Pickett. The bill also creates a Fort Pickett police force.

*Patron - Ruff*

**HB1338 Joint action by political subdivisions.** Provides that any political subdivision may provide or receive assistance in the event of a disaster under the provisions of any local mutual aid agreement or by the Statewide Mutual Aid program.

*Patron - Byr*

**HB1352 Virginia Emergency Services and Disaster Law.** Changes the Virginia Emergency Services and Disaster Law to reflect the name change of the State Office of Emergency Services to the Department of Emergency Management.

*Patron - Byr*

**SB245 Emergency services and disaster aid; towns.** Allows towns with a population of up to 3,500 and over \$15,000 in damages and towns with between 3,500 and 5,000 and over \$20,000 in damages to be eligible for emergency disaster relief. Currently, only towns with a population of more than 5,000 and the Town of Chincoteague are eligible for such aid.

*Patron - Bolling*

## Mines and Mining

### Passed

**HB1086 Solar Photovoltaic Manufacturing Incentive Grant Program.** Provides annual grants for six years for an entity that, after January 1, 2002, (i) commence the manufacture of solar photovoltaic panels in the Commonwealth or (ii) expands its current manufacturing capacity by a certain level, makes a capital investment of at least \$25 million, and employs a certain number of employees. The amount of the grant ranges from \$0.25 to \$0.75 per watt, and is based on the number of watts of the rated capacity of panels sold annually, the year in which they are sold, and whether certain investment targets and employment levels are met. An entity may not receive in the same year both grants relating to the initial manufacture of solar photovoltaic panels and grants for the expansion of production of such panels.

*Patron - Grayson*

**HB1439 Mineral Mine Safety Act; annual reports.** Provides that independent contractors shall file annual reports with the Department of Mines, Minerals and Energy

regarding the name of the independent contractor, the number of the independent contractor's employees working at each mine, the number of the independent contractor's employee hours worked at each mine, and the lump sum amount of wages paid by the independent contractor at each mine. The bill also provides that wage information in annual reports submitted to the Department shall be exempt from the Virginia Freedom of Information Act and shall not be published or opened to public inspection. The existing statute provides that the licensed operator of every mine shall file annual reports with the Department regarding the operator's employees, the quantity of minerals mined, and other information required by the Department. The bill incorporates HB 1154.

*Patron - O'Brien*

**SB666 Virginia Propane Education and Research Act; penalty.** Creates the Virginia Propane Education and Research Board within the Department of Mining, Minerals and Energy to promote and develop the propane industry in the Commonwealth. The establishment of the Board and the funding of its activities are contingent upon the favorable outcome of a referendum on whether the members of the propane industry agree to be assessed one-tenth of one cent per gallon of propane sold per year in Virginia. The assessment will be used to fund the Virginia Propane Education and Research Fund. Monies in the Fund are to be used in carrying out the provisions of the Act.

*Patron - Hanger*

### Failed

**HB414 Mineral rights regarding migratory gases; presumption of ownership.** Creates presumption that the owner of the surface real property is the owner of all migratory gases located beneath the surface real property. This presumption applies to all lease agreements entered into on or after July 1, 2000. A similar presumption regarding the ownership of migratory gases that was set forth in the Code was repealed in 1990.

*Patron - Phillips*

**HB1154 Mineral Mine Safety Act; confidentiality of trade secrets.** Provides that information in annual reports submitted to the Department of Mines, Minerals and Energy under the Mineral Mine Safety Act, including the names of the employees, agents, and officers of the licensed operator of a mine and the quantity of minerals mined, shall be considered confidential to the extent that such information is or might reveal a trade secret. Incorporated into HB 1439.

*Patron - Weatherholtz*

### Carried Over

**HB880 Mining activity; applications for permit and surface effects of underground coal mining operation.** Provides that a permit application for coal surface mining operations shall not be approved unless the applicant demonstrates to the Director of the Department of Mines, Minerals and Energy that the area proposed to be mined is not located under impoundments of water used for public water supply purposes, watercourses that supply a significant quantity of water to such impoundments, and adjacent areas reasonably necessary to protect the public water supply. The bill also requires the Director to suspend ongoing underground coal mining under such impoundments, watercourses, and adjacent areas if he finds imminent danger to the public water supply.

*Patron - Phillips*

**HB1248 Virginia Gas and Oil Act; permit applications.** Provides that a permit or proposed drilling unit shall be granted if, after a hearing to consider objections to a proposed drilling unit or location, a well operator and the objecting coal owners are unable to agree upon a drilling unit or location for a new well. The permit or proposed drilling unit will not, however, be granted if the Virginia Gas and Oil Board determines that the drilling unit or location will unreasonably interfere with the safe recovery of coal, oil, gas, or coalbed methane gas as proposed. The Board may also modify the drilling unit or location to permit the safe recovery of coal, oil, gas, or coalbed methane gas as proposed. In an application for a permit to drill a coalbed methane gas well or to convert any methane drainage borehole into a coalbed methane gas well, the consent from the operators of coal seams located within 750 feet of the proposed well location shall not be required where the coal seam is a stratum of coal deeper than 750 feet below the lowest surface elevation within 750 horizontal feet of the proposed well location. The consent from the operators of coal seams located within 750 feet of the proposed well location shall be deemed granted (i) if the applicant has obtained consent to stimulate the tracts comprising the majority of the acreage located within 750 feet of the proposed well location and title to the coal is held by multiple owners, or (ii) by order of the Board where (a) the applicant has exercised due diligence in attempting to obtain the consent of a coal operator, (b) the coal operator has withheld its consent, and (c) the proposed method of stimulation will not render the coal seam unworkable or impair mine safety

*Patron - Kilgore*

## Motor Vehicles

### Passed

**HB10 Special license plates.** Repeals authority for issuance of certain special license plates as to which fewer than 350 applications have been received within the three-year period specified in § 46.2-725. The affected license plates are those for former members of the U. S. Army, Navy, and Air Force; members of the First Marine Division Association, the Veterans of Foreign Wars; the Virginia Future Farmers of America Association, the Communications Workers of America, and the Virginia Sheriffs' Association; supporters of the American Red Cross; presidents of institutions of higher learning; supporters of organ transplant programs, Virginia state parks, the U. S. Olympic Committee, and the 4-H Foundation; the Virginia Apple Blossom Festival; and those celebrating Native American heritage.

*Patron - Landes*

**HB19 Restoration of privilege after driving while license revoked or suspended for failure to pay uninsured motorist fee.** Provides that an habitual offender may immediately petition for the reinstatement of his driving privilege upon the payment of an uninsured motorist fee (or proof of insurance) if his status as an habitual offender results from driving while his license was suspended for failure to have paid the fee (or insured his car).

*Patron - Armstrong*

**HB27 Special license plates; Special Forces Association.** Authorizes issuance of special license plates for members of the Special Forces Association Association and the Veterans of the Battle of Iwo Jima organization.

*Patron - Callahan*

**HB39 Special license plates; NARFE members.** Authorizes issuance of special license plates for members of the National Association of Retired Federal Employees.

*Patron - Dickinson*

**HB56 License plates.** Explicitly prohibits covering vehicle license plates with colored glass, colored plastic, or any other type of covering that alters or obscures the letters and numbers on or color of the license plates.

*Patron - Cranwell*

**HB57 Vehicle registration cards; disabled owners.** Provides that whenever disabled parking license plates or DV disabled parking license plates are issued for a vehicle registered in the name of more than one owner, the registration card for that vehicle must include a notation indicating which owner or owners of the vehicle is disabled. Vehicles owned by organizations that transport disabled persons are exempt.

*Patron - Cranwell*

**HB69 Out-of-service inspections.** Adds Wythe County and the Town of Herndon to the list of localities whose specially trained law-enforcement officers are authorized to perform "out-of-service" motor vehicle inspections.

*Patron - Callahan*

**HB126 Special license plates; Virginia Federation of Women's Clubs.** Authorizes the issuance of special license plates bearing the seal of the Virginia Federation of Women's Clubs.

*Patron - Cantor*

**HB164 Motor vehicles; use of speed determination devices in aircraft.** Allows State Police to use microcomputer devices in fixed-wing and/or rotary-wing aircraft to enforce speed limits. The bill also contains editorial changes and corrections.

*Patron - Shuler*

**HB261 Special license plates; local government attorneys.** Authorizes the issuance of special license plates for local government attorneys.

*Patron - Brom*

**HB355 Suspended and revoked driver's licenses; penalties.** Provides for increased penalties for driving while a driver's license is suspended including minimum, mandatory terms for multiple offenses. The bill clarifies unclear language concerning the method of tallying multiple convictions and corrects omissions in identifying eligible convictions for enhanced DUI punishment. The bill also creates a minimum ten-day punishment for the third offense of driving on a suspended or revoked license or driving while declared a habitual offender and for certain other multiple offenses. The bill also imposes a mandatory three-year suspension for driving while intoxicated if the driver was at the time driving while his license was under suspension for reckless driving. Finally, the bill provides for the issuance of a restricted permit to a person who would otherwise have his license suspended for failure to pay fines and costs. This bill is identical to SB 183.

*Patron - Moran*

**HB356 Photo red programs** Requires that images recorded of a vehicle operated in violation of traffic light signals shall include at least one image of the vehicle before it illegally entered the intersection, and at least one image of the vehicle after it illegally entered the intersection.

*Patron - Moran*

**HB370 Motor vehicles; license fees.** Permits localities to charge an additional license fee of no more than one dollar on motor vehicles. The funds from such fees must be paid into the Volunteer Firefighters' and Rescue Squad Workers' Pension Fund ("Fund"). The legislation clarifies that contributions to the Fund by a locality must be made on behalf of all members of the Fund who are volunteers for fire departments or rescue squads within the jurisdiction of the locality. Similarly, the legislation clarifies that contributions to the Fund by a fire department or rescue squad must be made on behalf of all members of the Fund within the particular fire department or rescue squad. The legislation is effective on the last to occur of (i) July 1, 2000, or (ii) the first day of the third month following the date that the Virginia Retirement System obtains a ruling of the Internal Revenue Service that affirmatively states that the defined contribution plan established by Chapter 12 (§ 51.1-1200 et seq.) of Title 51.1 (Pensions, Benefits, and Retirement) shall be treated as a qualified plan for federal income tax purposes.

*Patron - Tate*

**HB386 Driving while intoxicated; penalties.** Makes numerous changes to the laws punishing drunk driving. 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. The bill requires a six-month ignition interlock period. The bill also allows a Virginia Alcohol Safety Action Program (VASAP) evaluation to determine whether a person convicted of DUI is amenable to treatment and, therefore, eligible for a restricted license while in a VASAP program. Anyone convicted of a second offense within five years is ineligible for a restricted license for the first year following the second conviction and is required to use an ignition interlock for six months at the end of the restriction period. Identical to SB 149.

*Patron - McDonnell*

**HB396 Special license plates; supporters of the Monitor-Merrimac Foundation.** Authorizes the issuance of special license plates to supporters of the Monitor-Merrimac Foundation. The annual fee for such plates shall be \$25 in addition to the prescribed fee for state license plates. For each such \$25 fee collected in excess of 1,000 registrations, \$15 shall be paid into the state treasury and distributed annually to the Mariner's Museum to further the construction of the U.S.S. Monitor Center.

*Patron - Joannou*

**HB429 Special license plates; supporters of the Motorcycle Rider Safety Training Program.** Authorizes the issuance of special license plates bearing the legend: SHAR THE ROAD. The annual fee for such plates shall be \$25 in addition to the prescribed fee for state license plates. For each such \$25 fee collected in excess of 1,000 registrations, \$15 shall be paid into the state treasury and credited to the Motorcycle Rider Safety Training Program Fund created pursuant to § 46.2-1191.

*Patron - Reid*

**HB432 Motorcycles; auxiliary brake lights.** Allows motorcycles to be equipped with auxiliary brake lights, subject to approval and regulation by the Superintendent of State Police. This bill is a duplicate of SB 247.

*Patron - Nixon*

**HB436 Motor vehicle, T&M vehicle, trailer, and motorcycle dealers; buyer's order forms.** Requires that dealers need file a copy of the buyer order form on which their processing fee is stated only with original license applications, and not (as provided in current law) with license renewal applications as well.

*Patron - Wardrup*

**HB441 Antique motor vehicle.** Allows motor vehicles registered as antique motor vehicles to be used for general transportation purposes if certain conditions are met: (i) the physical condition of the license plates has been inspected and approved by the Department; (ii) the license plates are registered to the specific vehicle by the Department; (iii) the owner of the vehicle periodically registers the vehicle with the Department and pays a registration fee for the vehicle equal to that which would be charged to obtain regular state license plates for that vehicle; (iv) the vehicle passes a periodic safety inspection; (v) the vehicle displays current decals attached to the license plate, issued by the Department, indicating the valid registration period for the vehicle; and (vi) when applicable, the vehicle meets vehicle emissions inspection requirement.

*Patron - Larrabee*

**HB487 Traffic lights; enforcement.** Authorizes law-enforcement officers who have not observed a traffic light violation to detain a violator, provided that another law-enforcement officer who has observed the violation immediately sends a radio message to the detaining officer positively identifying the vehicle the violator was driving.

*Patron - Orrock*

**HB501 Warning lights on vehicles.** Allows vehicles used by municipal safety officers in the performance of their official duties to be equipped with flashing amber warning lights. This bill duplicates a portion of SB 309.

*Patron - Armstrong*

**HB514 Special license plates; 25th anniversary of Poquoson.** Authorizes issuance of special license plates commemorating the 25th anniversary of Poquoson.

*Patron - Morgan*

**HB533 Disregarding signal by law-enforcement officer to stop; eluding police; penalties.** Provides for an affirmative defense to a felony charge of eluding police. The defense -- a showing by the defendant that he reasonably believed he was being pursued by a person other than a law-enforcement officer -- is currently only available for a misdemeanor charge.

*Patron - Armstrong*

**HB544 Commercial vehicles.** Prohibits operation of commercial vehicles (other than buses and school buses) on the left-most lane of interstate highways with speed limits of at least 65 mph and more than two lanes in each direction, except when preparing to exit a highway via a left exit or when being used to perform maintenance or construction work. This bill applies the same limitation to similar interstate highways within the 8th Planning District, regardless of the speed limit.

*Patron - Marshall*

**HB550 Salvage vehicle; release of motor vehicle information.** Allows DMV to release vehicle data to prospective buyers of the vehicle. This bill is the same as HB 777.

*Patron - Phillips*

**HB564 Prohibiting license reinstatement until successful completion of ASAP.** Provides that unless the court

waives the requirement for completion of the program for good cause shown DMV shall not return a suspended license to any person who has not completed ASAP and who was ordered to complete it pursuant to a DUI conviction. Any person who drives in violation of this provision is guilty of driving without a license (Class 2 misdemeanor). Identical to SB 292.

*Patron - Moran*

**PHB566 Laser speed determination devices.** Allows Charlottesville, Albemarle County and Stafford County to use laser speed determination devices.

*Patron - VanYahres*

**PHB581 County improvements to primary and secondary highways.** Allows any county to use its general revenues, revenues derived from the sale of bonds, or federal revenue sharing funds to improve primary or secondary highways. Present law limits this ability to Albemarle, Arlington, Augusta, Chesterfield, Culpeper, Fairfax, Frederick, Hanover, Henrico, James City, Loudoun, Prince William, Roanoke, Rockingham, Spotsylvania, Stafford, and York Counties.

*Patron - Scott*

**PHB626 Operation of emergency vehicles.** Allows emergency vehicles to pass stopped or slow-moving vehicle to the left in no-passing zones and to pass by crossing highway centerlines. Any such maneuver would be subject to the same restrictions applicable to other "illegal" operations performed by emergency vehicles.

*Patron - Reid*

**PHB627 Amber warning lights.** Allows amber warning lights on fire apparatus, ambulances, and rescue and life-saving vehicles to be mounted at locations other than on the rear of the vehicles, provided the lights can be seen from behind the vehicle.

*Patron - Reid*

**PHB640 Payments to DMV.** Provides for use of "transaction receipts" as evidence of payments made to the Department of Motor Vehicles (DMV) for electronic transactions (such as Internet transactions) extending or renewing DMV-issued documents (such as vehicle registrations).

*Patron - Rollison*

**PHB641 Salvage dealers.** Limits to "major components" the parts of vehicle as to which salvage dealers must provide origin data upon request of law-enforcement officers. "Major component" is defined to include the front clip assembly, rear clip assembly, engine, transmission, airbags, door, and frame.

*Patron - Rollison*

**PHB643 Special license plates; 250th anniversary of Dumfries.** Authorizes issuance of special license plates commemorating the 250th anniversary of Dumfries.

*Patron - Rollison*

**PHB658 License plates; reserved numbers/letters** Requires that license plates with reserved numbers/letters have at least one number or letter, and allows them to have as many as eight numbers/letters.

*Patron - Marshall*

**PHB666 Special license plates; Virginia Statute for Religious Freedom.** Authorizes issuance of special license plates celebrating the Virginia Statute for Religious Freedom.

*Patron - Tate*

**PHB674 Farm vehicles.** Exempts from registration farm vehicles used to: (i) take another farm vehicle to or from a repair shop, (ii) dispose of farm rubbish, and (iii) obtain and transport seeds, fertilizers, chemicals, or animal feed. Trips by such unregistered vehicles are limited to 30 miles. The bill also allows over-the-road operation of farm machinery and tractors to and from repair shops for repairs.

*Patron - Jones, S.C.*

**PHB676 Motor vehicle dealer records.** Allows motor vehicle, T&M vehicle, trailer and motorcycle dealers to retain records either in their original form, or in film, magnetic, or optical media (including but not limited to microfilm, microfiche, or other electronic media).

*Patron - Abbitt*

**PHB707 Permits for certain haulers and loaders.** Eliminates the requirement that trip permits for oversize and overweight unladen, rubber-tired, self-propelled haulers and loaders be issued on an individual trip basis.

*Patron - Stump*

**PHB722 Special license plates; supporters of the Virginia Breast Cancer Foundation.** Authorizes the issuance of special license plates bearing the legend: Virginia Breast Cancer Foundation. The annual fee for such plates shall be \$25 in addition to the prescribed fee for state license plates. For each such \$25 fee collected in excess of 1,000 registrations, \$15 shall be paid into the state treasury and distributed annually to the Virginia Breast Cancer Foundation and used to support statewide breast cancer educational programs.

*Patron - Cox*

**PHB729 Motor vehicles; speed determination devices.** Allows Roanoke County to use laser speed determination devices. The bill also contains editorial changes and corrections.

*Patron - Griffith*

**PHB777 Release of information by DMV.** Authorizes the Commissioner of the Department of Motor Vehicles (DMV) to release to prospective vehicle purchasers information on the vehicles they are thinking about buying. The Commissioner may charge a fee for this information. No release of personal information is allowed. This bill is the same as HB 550.

*Patron - Rollison*

**PHB780 DMV fees.** Increases the fee paid to the Department of Motor Vehicles (DMV) for service of process from \$15 to \$19, and for replacement or duplication of registration cards from no charge to two dollars; The bill also provides for a two dollars fee for replacement or duplication of International Registration Plan cab cards, registration cards for overload permits, and dealer registration cards.

*Patron - Rollison*

**PHB860 Speed limits.** Provides that the maximum speed limit on unpaved highways in Loudoun County will be 35 mph (instead of 55). This 35 mph speed limit can be increased or decreased by the Commonwealth Transportation Commissioner or other authority having jurisdiction over the affected highway, but the increased or decreased speed limit would have to be posted to be enforceable.

*Patron - May*

**PHB932 Right-of-way of pedestrians.** Allows Arlington County and Alexandria by ordinance to provide for the installation and maintenance of highway signs specifically

requiring motorists to yield the right-of-way to pedestrians in marked crosswalks. Any operator of a motor vehicle who fails to yield the right-of-way as required by such signs will be guilty of a traffic infraction punishable by a fine of no less than \$100 nor more than \$500. The Commonwealth Transportation Board is to develop criteria for the design, location, and installation of such signs. The bill does not apply to any limited access highway.

*Patron - Almand*

**HB991 VASAP to monitor certain restricted licenses.** Permits the court to require a drug offender or person in wrongful possession of alcohol who is issued a restricted driver's license be monitored by an alcohol safety action program during the period of license suspension. Any violation of the terms of the restricted license shall be reported forthwith to the court by such program.

*Patron - Robinson*

**HB999 Salvage vehicle; release of motor vehicle information.** Removes automatic issuance of salvage certificate for unrecovered stolen vehicles, revises the definition of late model vehicle for salvage purposes, and provides for a prospective buyer vehicle history listing. This bill is a duplicate of SB 756 and a partial duplicate of HB 550 and HB 777.

*Patron - Robinson*

**HB1002 Vehicle registration; taxicabs.** Allows the permanent registration of taxicabs.

*Patron - Rollison*

**HB1096 Local vehicle licenses and taxes** Allows localities to give a discount of 50 percent in fees charged for local licenses (windshield decals) for vehicles owned or leased by persons who are 65 years old or older. No such discount can be given to more than one vehicle owned or leased by the same person.

*Patron - Dudley*

**HB1181 Board of Transportation Safety.** Increases the size of the Board of Transportation Safety to 12 members from its present 11.

*Patron - Reid*

**HB1186 Commercial vehicles; use of certain lanes on interstate highways prohibited.** Exempts commercial vehicles on I-295 from commercial vehicle lane use limitations until July 1, 2002. This bill is a duplicate of SB 377.

*Patron - Reid*

**HB1256 Driver training schools.** Provides for imposition of limitations on school operations for relatively minor violations and a mechanism for suspension of licenses when licensee conduct presents a danger to the public health safety or welfare.

*Patron - Brink*

**HB1299 Motor vehicle, T&M vehicle, trailer, and motorcycle dealers; consignment of vehicles by certain nonprofit organizations; fees.** Provides a mechanism by which nonprofit organizations exempt from taxation under § 501 (c) (3) of the Internal Revenue Code can obtain certificates allowing them to consign donated vehicles for sale by licensed motor vehicle, T&M vehicle, trailer, and motorcycle dealers. The dealers would have to provide affirmative notice to prospective buyers as to vehicles that did not pass safety inspections. Issuance of certificates to nonprofit organizations would be subject to a \$25 annual fee. The bill also prohibits the non-

profit organizations from assigning values to the donated vehicles.

*Patron - Wardrup*

**HB1345 Overweight vehicles; concrete haulers.** Provides for overweight permits for three-axle vehicles used to haul concrete up to 70,000 pounds gross weight and 50,000 pounds axle weight for a tri-axle grouping. The bill further provides for additional overweight extensions, for vehicles used to haul concrete, beyond the currently allowed five percent extension of single axle weights of 20,000 by authorizing weight extensions of up to five percent on the tandem axle weight limit, four-axle weight, the tri-axle grouping weight, and the three-axle weight provided for in § 46.2-1142. A sliding fee of from \$35 to \$200 would be charged for permits authorizing the additional axle weight extensions.

*Patron - Drake*

**HB1371 Special license plates; Class-J No. 611 steam locomotive.** Authorizes issuance of special license plates commemorating the Class-J No. 611 steam locomotive.

*Patron - Armstrong*

**HB1375 One-trip vehicle transportation permits.** Provides for issuance of one-trip vehicle transportation permits for vehicles to be purchased in another state by a Virginia resident and registered in Virginia. Department of Motor Vehicles (DMV) is to issue to the prospective purchaser one-trip permits that are not active and valid unless and until the purchaser receives an original bill of sale pertaining to the vehicle for which the permit was issued. Such permits are valid for three days and must be kept with the bill of sale in the vehicle until the vehicle is properly registered with DMV. The DMV Commissioner may charge a reasonable fee, adequate to recover the Department's costs, for the issuance of these permits, and may promulgate related regulations as he deems necessary or convenient.

*Patron - Armstrong*

**HB1421 Special license plates; Fraternal Order of Police associates and auxiliaries** Provides for a common design for special license plates for associate and auxiliary members of the Fraternal Order of Police.

*Patron - Katzen*

**HB1422 Special license plates; U.S. Submarine Force centennial.** Authorizes issuance of special license plates celebrating the U.S. Submarine Force centennial. This authorization will expire on July 1, 2005.

*Patron - Katzen*

**HB1430 Driver's licenses.** Requires that adult applicants for driver's licenses who have not previously held driver's licenses must show that they either have passed a driver's training class at a commercial driver training school or held a learner's permit for at least 30 days before first being given a behind-the-wheel test by the Department of Motor Vehicles (DMV).

*Patron - O'Brien*

**HB1435 Special license plates; Marriage Encounter Movement.** Authorizes issuance of special license plates to supporters of the Marriage Encounter Movement.

*Patron - O'Brien*

**HB1436 Learner's permits.** Prohibits holders of learner's permits from taking the DMV behind-the-wheel test for a driver's license more than three times in any three-month period.

*Patron - O'Brien*

**HB1457 Special license plates; registered nurses.** Authorizes issuance of special license plates to registered nurses.

*Patron - Spruill*

**HB1465 Driver's license endorsements, classifications, and restrictions.** Updates, consolidates, and revises the law on driver's license endorsements, classifications, and restrictions to remove obsolete references and clarify remaining provisions. This is a "housekeeping" bill.

*Patron - Bolvin*

**HB1466 Parking.** Allows Fairfax County to regulate or prohibit parking of watercraft, boat trailers, motor homes, and camping trailers on any public highway in the county. This bill is the same as SB 474.

*Patron - Bolvin*

**HB1516 Special license plates; retired state employees.** Authorizes issuance of special license plates to retired state employees.

*Patron - Morgan*

**HB1522 Emissions inspections** Exempts vehicles 25 years old or older from emissions inspections.

*Patron - Dillard*

**SB3 Driver's license.** Adds § 18.2-272 (driving while the driver's license has been forfeited for a conviction under § 18.2-266) to those offenses for which a third offender has his license revoked. It appears that § 18.2-272 was inadvertently omitted.

*Patron - Trumbo*

**SB18 Special license plates; Corvette enthusiasts** Authorizes special license plates to Corvette enthusiasts.

*Patron - Trumbo*

**SB34 Special license plates; naval aviators.** Authorizes the issuance of special license plates for submarine service veterans, supporters of the American Red Cross, naval aviators, insurance agents, and supporters of the Family and Children's Trust Fund.

*Patron - Schrock*

**SB60 Incorporation of state motor vehicle statutes into local ordinances.** Changes from "article" to "chapter" a reference intended to apply to Chapter 13 of Title 46.2, a chapter that is not subdivided into articles.

*Patron - Trumbo*

**SB122 Special license plates; POW/MIA logo.** Authorizes issuance of special license plates bearing the POW/MIA logo.

*Patron - Maxwell*

**SB123 Special license plates; veterans of the Asiatic-Pacific Campaign.** Authorizes the issuance of special license plates to veterans of the Asiatic-Pacific Campaign.

*Patron - Maxwell*

**SB183 Suspended and revoked driver's licenses penalties.** Provides for increased penalties for driving while a driver's license is suspended including minimum, mandatory terms for multiple offenses. The bill clarifies unclear language concerning the method of tallying multiple convictions and corrects omissions in identifying eligible convictions for enhanced DUI punishment. The bill also creates a minimum 10-day punishment for the third offense of driving on a sus-

pending or revoked license or driving while declared a habitual offender and for certain other multiple offenses. The bill also imposes a mandatory three-year suspension for driving while intoxicated if the driver was at the time driving while his license was under suspension for reckless driving. Finally, the bill provides for the issuance of a restricted permit to a person who would otherwise have his license suspended for failure to pay fines and costs. Identical to HB 355.

*Patron - Norment*

**SB215 Welfare fraud investigations.** Provides access for local department fraud prevention and investigation units to law-enforcement databases regarding motor vehicle registration and ownership to facilitate welfare fraud investigations.

*Patron - Puckett*

**SB227 Funeral processions; penalty.** Prohibits impeding or disrupting escorted funeral processions. Violators would be subject to a fine up to \$200 and four driver demerit points.

*Patron - Potts*

**SB247 Motorcycles; auxiliary brake lights.** Allows motorcycles to be equipped with auxiliary brake lights, subject to approval and regulation by the Superintendent of State Police. This bill is the same as HB 432.

*Patron - Houck*

**SB292 Prohibiting license reinstatement until successful completion of ASAP.** Provides that unless the court waives the requirement for completion of the program for good cause shown DMV shall not return a suspended license to any person who has not completed ASAP and who was ordered to complete it pursuant to a DUI conviction. Any person who drives in violation of this provision is guilty of driving without a license (Class 2 misdemeanor). Identical to HB 564.

*Patron - Marsh*

**SB309 Warning lights on vehicles.** Allows vehicles used as pace cars, security vehicles, or fire-fighting vehicles used by speedways and motor vehicle race tracks and by municipal safety officers in the performance of their official duties to be equipped with flashing amber warning lights. This bill overlaps HB 501.

*Patron - Reynolds*

**SB360 Out-of-service inspections.** Adds Bedford County to the list of localities whose specially trained law-enforcement officers are authorized to perform "out-of-service" inspections on trucks and tractor-trailer combinations.

*Patron - Newman*

**SB377 Commercial vehicles; use of certain lanes on interstate highways prohibited.** Exempts commercial vehicles on I-295 from commercial vehicle lane use limitations until July 1, 2002. This is the same as HB 1186.

*Patron - Stosch*

**SB404 Motor vehicle security interests.** Provides that an application for the registration or recordation of a security interest is deemed perfected on the date it is filed with the Department of Motor Vehicles.

*Patron - Trumbo*

**SB407 Motor vehicle, T&M vehicle, trailer, and motorcycle dealers; hearings before DMV Commissioner.** Provides that, in a decision rendered by the Commissioner of the Department of Motor Vehicles in disputes between motor vehicle, T&M vehicle, trailer, and motorcycle dealers and

manufacturers, the Commissioner may assess a civil penalty up to \$1,000 per day for noncompliance with his decision.

*Patron - Williams*

**SB413 Special license plates; supporters of public schools; fees.** Authorizes use of the fees collected for "supporter of public schools" license plates to buy public school textbooks. Present law limits use of these funds to "classroom supplies and equipment."

*Patron - Colgan*

**SB414 "Photo red" traffic light signal enforcement program.** Adds Albemarle, James City, Prince William, and York Counties and the cities of Charlottesville, Hampton, Manassas, Manassas Park, and Newport News to the list of localities authorized to have "photo red" traffic light signal enforcement programs.

*Patron - Colgan*

**SB461 Improper driving.** Allows an attorney for the Commonwealth to reduce a reckless driving charge to improper driving at any time prior to the court's decision.

*Patron - Mims*

**SB474 Parking.** Allows Fairfax County to regulate or prohibit parking of watercraft, boat trailers, motor homes and camping trailers on any public highway in the county. This bill is the same as HB 1466.

*Patron - Puller*

**SB578 Vehicle safety inspections.** Increases the maximum fee allowed to be charged for vehicle safety inspections as follows: (i) no more than \$25 for each inspection of (a) any truck that has a gross vehicle weight rating of 26,000 pounds or more, (b) any tractor truck, or (c) any motor vehicle that is used in the transportation of passengers and has a seating capacity of more than 16 passengers; (ii) no more than \$7 for each inspection of any motorcycle; and (iii) no more than \$15 for each inspection of any other vehicle.

*Patron - Barry*

**SB649 VASAP for reckless driving.** Allows VASAP as a condition of probation for any alcohol-related or drug-related reckless driving conviction.

*Patron - Marsh*

**SB751 Transportation of persons less than 16 years old.** Prohibits, with exemptions for farming operation and organized parades, transportation of persons less than 1 years old in the beds of pickup trucks.

*Patron - Norment*

**SB756 Salvage vehicles; recovered stolen vehicles.** Removes automatic issuance of salvage certificate for unrecovered stolen vehicles, revises the definition of late model vehicle for salvage purposes. This is a duplicate of HB 999.

*Patron - Williams*

## Failed

**HB36 Special license plates; general registrars.** Moves from § 46.2-746.9 to § 46.2-737 authorization for issuance of special license plates for general registrars. The effect of this change is to exempt these plates from the standard minimum order requirements.

*Patron - Parrish*

**HB127 Special license plates; veterans of World War II, the Korean War, the Vietnam War, Operation**

**Desert Shield, or Operation Desert Storm.** Changes the \$10 annual surcharge imposed for the issuance of World War II veteran, Korean War veteran, Vietnam War veteran, and Operation Desert Shield/Desert Storm veteran special license plates to one-time \$25 surcharge.

*Patron - Shuler*

**HB320 Motor vehicles; penalty for failure to stop at accident.** Increases from a Class 6 to a Class 5 felony the penalty for the failure of a driver of a vehicle to stop at an accident.

*Patron - Day*

**HB393 Special license plates; 173rd Airborne Brigade.** Authorizes issuance of special license plates to members and former members of the 173rd Airborne Brigade, instead of to members of the Society of the 173rd Airborne Brigade. These license plates would be exempt from minimum order requirements generally applicable to special license plates.

*Patron - War*

**HB439 Special license plates; military assault forces.** Reduces the additional fee for special license plates for members of military assault forces from \$10 per year to a one-time surcharge of \$15.

*Patron - Davis*

**HB442 Traffic lights; "photo red" program.** Allows Hampton to participate in the pilot program using photo-monitoring equipment to enforce of traffic light signals ("photo red").

*Patron - Larrabee*

**HB486 Speeding; specially posted residence districts.** Increases the penalty for speeding in specially posted residence districts from a fine of no more than \$200 to a fine of \$250 for a first offense, and \$500 for a second or subsequent offense.

*Patron - Orrock*

**HB569 Special license plates; foxhunting enthusiasts.** Authorizes issuance of special license plates to foxhunting enthusiasts.

*Patron - Ruff*

**HB576 Driver's license applications; change of address forms.** Provides for obtaining, through driver's license applications and DMV change of address forms, the zip codes where applicants and licensees work. Furnishing of this information is voluntary. The information is to be used solely by DMV or other state agencies to determine and analyze commuting patterns. Data thus released by DMV to other agencies cannot contain any "personal information," as defined in the Privacy Protection Act of 1976.

*Patron - Albo*

**HB583 Speed determination devices.** Requires law-enforcement officers, upon request, to allow affected motorists to see the readings on the radar devices. This is provided for under current law for microcomputer and laser speed determination devices, but not radar.

*Patron - Spruill*

**HB589 Special license plates; Soldier's Medal recipients.** Authorizes issuance of special license plates to recipients of the Soldier's Medal and their unremarried surviving spouses.

*Patron - Black*

**HB593** "Photo red" traffic light signal enforcement program. Adds Prince William County and the cities of Manassas and Manassas Park to the list of localities authorized to have "photo red" traffic light signal enforcement programs.

*Patron - McQuigg*

**HB648** Special license plates; survivors of the Battle of Chosin Reservoir; persons awarded the Navy Cross, the Distinguished Service Cross, the Air Force Cross, or the Distinguished Flying Cross. Replaces an annual \$10 surcharge for issuance of these plates with a one-time \$10 surcharge.

*Patron - Jones, S.C.*

**HB654** Local bicycle helmet ordinances. Provides for imposition of fine against the parent, guardian, or person standing in loco parentis to the violator, and suspension of fines if, after the violation but before the imposition of the fine, the violator shows he has a protective helmet.

*Patron - Grayson*

**HB731** Motor vehicles speed determination devices. Allows State Police to use microcomputers in fixed wing and/or rotary wing aircraft to enforce speed limits on highways in the Interstate System; repeals limitation of Stat Police to acquisition of no more than two microcomputer speed determination devices; provides that law-enforcement officers are not required to show airborne microcomputer speed detection device readings to affected motorists.

*Patron - Griffith*

**HB800** Driver's licenses; English proficiency. Requires that applicants for Virginia Driver's licenses have sufficient proficiency in the English language to read and understand highway informational, directional, and warning signs.

*Patron - Ruff*

**HB824** Special license plates; Virginia Insurance Continuing Education Board. Authorizes issuance of special license plates to members of the Virginia Insurance Continuing Education Board.

*Patron - Jones, S.C.*

**HB954** Welfare fraud investigations. Provides access for directors of local departments of social services or their designees to law-enforcement databases regarding motor vehicle registration and ownership only in order to facilitate welfare fraud investigations.

*Patron - Jackson*

**HB1029** Intermodal chassis. Provides procedures for ensuring safety of intermodal chassis and containers pulled by truckers.

*Patron - Drake*

**HB1127** Uniform Fine Schedule. Requires the Supreme Court to amend the Uniform Fine Schedule to include additional offenses and infractions.

*Patron - McDonnell*

**HB1157** Motor vehicle registrations; farm vehicle exemptions. Allows unregistered vehicles to travel on the highways to and from refuse disposal facilities to dispose of trash and garbage generated on a farm.

*Patron - Landes*

**HB1158** Motor vehicle registration; farm vehicle exemptions. Allows machinery and tractors to operate to and from repair shops for repairs without being registered.

*Patron - Landes*

**HB1280** Safety lap belts and shoulder harnesses. Provides that a law-enforcement officer can now stop a vehicle for failure of the driver or passengers to wear a seatbelt. 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.

*Patron - Jones, J.C.*

**HB1294** Motor vehicle dealers; warranty obligations. Provides that the manufacturer's reasonable time standards be applied when calculating compensation of a dealer for warranty service and diagnostic work; allows the payment of a reasonable handling fee when a manufacturer provides a part at no cost to the dealer; removes the provision allowing compensation in the same manner as warranty parts compensation when there has been no dealer investment. The bill also requires reasonable material documentation in accordance with the manufacturer's written policies and procedures for warranty compensation.

*Patron - Jones, J.C.*

**HB1346** Overweight vehicles; concrete haulers. Provides for overweight permits for three-axle vehicles used to haul concrete up to 74,000 pounds gross weight and 54,000 pounds axle weight for a tri-axle grouping. The bill further provides for additional overweight extensions, for vehicles used to haul concrete, beyond the currently allowed five percent extension of single axle weights of 20,000 by authorizing weight extensions of up to five percent on the tandem axle weight limit, four-axle weight, the tri-axle grouping weight, and the three-axle weight provided for in § 46.2-1142. A sliding fee of from \$35 to \$200 would be charged for permits authorizing the additional axle weight extensions.

*Patron - Drake*

**HB1347** Uninsured motor vehicles; waiver of operator's rights. Provides that any person who knowingly operates an uninsured motor vehicle owned by him without having paid the applicable fee for registering an uninsured vehicle thereby waives his right to recover for noneconomic loss incurred by him or his estate if he is injured or killed in a crash with another vehicle that is insured or has properly proved financial responsibility.

*Patron - Drake*

**HB1407** Mopeds. Requires that moped operators have driver's licenses (but does not require a motorcycle endorsement to the license) and that moped operators and passengers wear safety helmets; repeals a section granting local governments the authority to adopt ordinances requiring substantially the same equipment for mopeds mandated statewide by the bill.

*Patron - Crittenden*

**HB1417** Selling vehicles. Prohibits selling of any registered vehicle at any address other than the address shown on the vehicle's registration card, unless the seller has obtained written permission from the owner of the property and displays this permission on the vehicle. Violations are punishable as Class 4 misdemeanors.

*Patron - Katzen*

**HB1467** Proof of insurance. Requires operators of vehicles registered as insured vehicles to carry proof of insur-



ance, and operators of vehicles registered as uninsured vehicles to carry proof of payment of the uninsured vehicle fee, when driving on the public highways. Failure, refusal, or inability to produce such proof of insurance or proof of payment of the uninsured vehicle fee when requested by a law-enforcement officer constitutes a traffic infraction (fine up to \$200).

*Patron - Bolvin*

**HB1496 Stopping at railroad grade crossings.** Makes it a Class 4 misdemeanor (fine up to \$250) instead of the present traffic infraction (fine up to \$200) to fail to obey railroad crossing signals and other provisions of law relating to when a vehicle must stop at railroad grade crossings.

*Patron - Devolites*

**SB9 Vehicles drawing trailers and semitrailers.** Authorizes drawing of two trailers or semitrailers by a tractor truck or pickup truck if (a) no trailer or semitrailer in the combination is transporting any cargo, (b) no trailer or semitrailer in the combination weighs more than 3,200 pounds, and (c) the trailers or semitrailers are being transported from a manufacturer located in Virginia to a licensed Virginia dealer for resale.

*Patron - Trumbo*

**SB269 Riding bicycles on highways; mirrors required.** Provides that no person may ride a bicycle on a highway in the Commonwealth if the bicycle is not equipped with a mirror that reflects to the rider a view of the highway for a distance of not less than 200 feet to the rear of such bicycle.

*Patron - Miller, Y.B.*

**SB354 Special identification license plates; members of the Amateur Radio Emergency Service and Radi Amateur Civil Emergency Services** Authorizes issuance of special identification license plates to members of the Amateur Radio Emergency Service and Radio Amateur Civil Emergency Services. ARES/RACES license plates are to be valid for two years, and renewable upon written certification that the applicant has met annual continuing education requirements and has actively participated in annual Simulated Emergency Tests as set forth by the ARES/RACES State Section Emergency Coordinator and State RACES Office.

*Patron - Edwards*

**SB511 Motor vehicle emissions inspections.** Increases the maximum allowed fee for a motor vehicle emissions inspection from \$20 to \$50, provided the amount of the fee is posted on the premises of the inspection station and disclosed in the document presented, prior to the inspection, to the operator of the vehicle to be inspected. The bill also eliminates obsolete references to expired emissions inspections programs and fees allowable therefor.

*Patron - Barry*

**SB641 Driver's licenses of minors.** Limits to parents or guardians who have primary physical custody the ability to have the Department of Motor Vehicles (DMV) cancel their children's or wards' driver's licenses.

*Patron - Hanger*

**SB745 Photo enforcement of traffic light signals** Allows every county, city, and town to establish a program for photo enforcement of traffic light signals ("photo red" program).

*Patron - Maxwell*

**SB748 Use of "revenue sharing" funds for highway projects in counties.** Allows cities to participate in the "revenue sharing" fund distribution of certain state highway

matching funds (under § 33.1-75.1) under the same terms as counties.

*Patron - Maxwell*

**SB762 Disabled parking license plates.** Authorizes use of disabled parking license plates on leased vehicles.

*Patron - Mims*

## Carried Over

**HB66 Motor vehicle sun shading and window tinting films.** Prohibits issuance of state safety inspection approval stickers for vehicles not in compliance with sun shading and window tinting requirements.

*Patron - Cranwell*

**HB240 Special license plates; Soldier's Medal recipients.** Authorizes issuance of special license plates to recipients of the Soldier's Medal and their unremarried surviving spouses.

*Patron - Hull*

**HB417 "Photo red" traffic light signal enforcement program** Adds James City County to the list of localities authorized to have "photo red" traffic light signal enforcement programs.

*Patron - Grayson*

**HB422 Driver's licenses; special identification cards.** Prohibits display of any social security number on any Virginia driver's license or DMV-issued special identification card. Persons who choose to have driver's license numbers that are not the same as their social security cards will continue to have those numbers displayed on their driver's licenses.

*Patron - Darner*

**HB465 Passing on highways** Prohibits, except for specific situations, use of left-most lane on limited access highways for anything but passing other vehicles going in the same direction.

*Patron - Johnson*

**HB475 Nighttime driving restriction.** Prohibits persons under age 18 from operating a motor vehicle between the hours of midnight and 5:00 a.m. unless they are driving to or from work or a school-sponsored activity, are driving when accompanied by a parent or spouse, or are driving in the case of an emergency.

*Patron - Parrish*

**HB557 Mopeds.** Provides that, for all purposes of Title 46.2 (Motor Vehicles), mopeds will be treated as motorcycles in Front Royal.

*Patron - Louderback*

**HB584 Motor vehicle laws.** Prohibits use of quotas by law-enforcement agencies in enforcing the provision of Title 46.2 (Motor Vehicles) of the Code of Virginia.

*Patron - Spruill*

**HB678 Presumption that reckless driver and vehicle owner are the same person.** Provides that, in any prosecution for reckless driving, if it is proved beyond a reasonable doubt that (i) the motor vehicle described in the warrant or summons is the actual vehicle alleged to have been operated in violation of the section, (ii) such motor vehicle was operated in violation of the section, and (iii) when the violation occurred the defendant was the registered owner of the vehicle, it shall

be rebuttably presumed that the defendant was operating the vehicle.

*Patron - Weatherholtz*

**HB733 Railroad warning signals.** Establishes a pilot program for photo enforcement of warning signals at railroad grade crossings. The program very closely parallels the pilot program for photo enforcement of traffic light signals ("photo-red" program), except that this program would be available to any county, city, or town (and not to limited localities) and it would not expire on July 1, 2005 (as the "photo-red" program does).

*Patron - Devolites*

**HB894 Safety belts in school buses.** Requires school buses purchased by, or for use by, any school or school division on or after January 1, 2001, to be equipped with safety belts or safety belts and shoulder harnesses of types approved by the Superintendent of State Police. The Board of Education must adopt policies, guidelines, and regulations to ensure that all passengers, including the driver, wear these belts and/or harnesses whenever the bus is in motion.

*Patron - Spruill*

**HB974 "Photo red" traffic light signal enforcement program.** Adds Charlottesville and Albemarle County to the list of localities authorized to have "photo red" traffic light signal enforcement programs.

*Patron - VanYahres*

**HB990 Passing on highways** Requires, except for specific situations, all traffic on limited access highways to stay in the right-most lane except when passing other vehicles going in the same direction.

*Patron - Rhodes*

**HB1042 Driver's licenses; fees.** Provides a discount of 50 cents per year for issuance of driver's licenses to persons who designate their willingness to be organ donors.

*Patron - Amundson*

**HB1089 Three-for-life.** Increases, effective July 1, 2001, from two dollars per year (two-for-life) to three dollars per year (three-for-life) the motor vehicle registration surcharge used to support emergency medical services.

*Patron - Orrock*

**HB1393 Passing a stopped school bus.** Provides that in a prosecution for the civil offense (rather than a prosecution of the criminal offense) of passing a stopped school bus, the only way to rebut the presumption that the registered owner was the driver at the time of the offense is to identify the probable driver. Currently, there is not a specific and exclusive way to rebut the presumption.

*Patron - McDonnell*

**SB642 Special license plates; vehicles used to transport persons with certain medical conditions** Authorizes issuance of special license plates for use on vehicles equipped, as authorized in § 46.2-1053, with window tint darker than that allowed on vehicles used by the general public, because they are used to transport persons with medical conditions that render them susceptible to harm or injury from exposure to sunlight or bright artificial light. Only vehicles bearing these special license plates would be allowed to drive on the public highways if equipped with the darker window tinting.

*Patron - Hanger*

**SB644 Pedestrians.** Eliminates the requirement that pedestrians shall not carelessly or maliciously interfere with traffic. The bill also requires that (i) pedestrians cross highways only at intersections or marked crosswalks; (ii) when pedestrians cross highways other than at intersections or marked crosswalks, they must yield the right-of-way to vehicles in the roadway; (iii) pedestrians who cross highways at locations where pedestrian tunnels or overpasses are provided must yield the right-of-way to vehicles on the roadway; (iv) pedestrians shall not cross intersections diagonally except in localities where the practice is allowed by local ordinance; and (v) drivers of vehicles exercise due diligence in not colliding with pedestrians.

*Patron - Whipple*

**SB686 Uninsured motor vehicles; waiver of operator's rights.** Provides that any person who knowingly operates an uninsured motor vehicle owned by him without having paid the applicable fee for registering an uninsured vehicle thereby waives his right to recover for noneconomic loss incurred by him or his estate if he is injured or killed in a crash with another vehicle that is insured or has properly proved financial responsibility.

*Patron - Schrock*

**SB696 Safety lap belts and shoulder harnesses.** Provides that a law-enforcement officer may stop a vehicle for failure of the driver or passengers to wear a seatbelt. 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. This bill is the same as HB 1280.

*Patron - Stolle*

## Notaries and Out-of-State Commissioners

### Failed

**HB458 Notary fees for inmates.** Requires that inmates committed to the Department of Corrections be assessed a fee for all notarial acts. The fees collected will be paid into the fund established to use profits from correctional facility stores for educational, recreational, or other purposes beneficial to inmates.

*Patron - Morgan*

## Partnerships

### Passed

**SB208 Virginia Uniform Partnership Act** Clarifies and simplifies provisions of the Virginia Uniform Partnership Act relating to filing annual reports and paying associated fees by registered limited liability partnerships. Partnerships will be required to file annual continuation reports beginning the July 1 after the calendar year during which they became registered. The bill contains an emergency clause and is effective retroactively to January 1, 2000, to relieve those partnerships that obtain registered limited liability status between January 1 and July 1, 2000, of the requirement that they file an annual report by July 1, 2000.

*Patron - Colgan*

## Pensions, Benefits and Retirement

### Passed

**PHB12 Virginia Retirement System; early retirement provisions for certain local government officials.** Reduces the age at which certain local government officials who are involuntarily terminated may retire without a penalty reduction from age 55 to 50. The bill also adds county, city, and town attorneys to the list of local government officials covered.  
*Patron - Kilgore*

**PHB14 Virginia Retirement System.** Provides that the employees and retirees of a city or town which loses its status as a city or a town maintain their accrued retirement rights within the Virginia Retirement System.  
*Patron - Deeds*

**PHB79 Retirement plan; certain employees of public school divisions.** Provides for the Virginia Retirement System, rather than the school boards, (i) to develop the policies and procedures to administer the optional retirement plan which may be offered by school boards for certain employees of public school divisions, and (ii) to determine the contribution by the school board to such retirement plan. The legislation provides that school boards which previously elected to provide an alternative retirement plan for employees may elect to have the foregoing provisions apply to such plan. Such election must be made prior to January 1, 2001.  
*Patron - Tata*

**PHB132 Deferred compensation plan for state employees; administrative fees.** Provides that employers shall pay state employees' administrative fees for participating in the deferred compensation plan.  
*Patron - Putney*

**PHB133 Virginia Retirement System; limitation of board liability.** Provides that the Board of Trustees of the Virginia Retirement System shall not be liable for losses to an employee's or beneficiary's account which result from the employee's or beneficiary's exercise of control over the account.  
*Patron - Putney*

**PHB134 Retirement; health insurance credits for retired local officers.** Expands the recipient base of the retiree health insurance credit currently provided to certain local officers and their employees to include all constitutional officers and all their employees.  
*Patron - Putney*

**PHB135 Virginia Retirement System.** Makes several technical corrections and clarifications to the retirement systems and programs administered by the Virginia Retirement System ("VRS"). The legislation (i) brings the newly created Virginia Law Officers' Retirement System ("VaLORS") into conformity with other VRS retirement programs by adding VaLORS to the list of VRS retirement programs which are conditionally exempt from the Privacy Protection Act, adding VaLORS members to the list of state employees who are not members of the regular state employee retirement system, adding VaLORS retirees to the other VRS retirees who may participate in the state retiree health insurance program and the group insurance program, adding VaLORS retirees to the VRS

retirees who receive the health insurance credit and the option for service credit in lieu of the transitional severance benefit authorizing service in VaLORS to be credited to members of the Judicial Retirement System, and conforming the administration of VaLORS death benefits to their administration in the State Police Officers' Retirement System; (ii) clarifies that certain retirees are credited with the greater of their years of state service or years as a teacher for establishing the health insurance credit; (iii) provides that the VRS Board may invest the assets of any VRS retirement system or program on a pooled basis; (iv) corrects the reference in § 51.1-142 to the number of years of service above which certain employees may purchase credit for prior years of service, from three to four; (v) provides that the credit for up to one year of service which may be purchased for any leave without pay for the birth or adoption of a child is on a per occurrence basis; (vi) deletes obsolete requirements associated with the Workforce Transition Act; (vii) changes from fifty-five to fifty certain references to minimum age requirements to conform to recent provisions for certain employees who are fifty years old and have at least thirty years of service; (viii) clarifies and brings current the additional retirement allowance which is adjusted biennially and paid to certain retirees until their sixty-fifth birthday; (ix) deletes an obsolete retirement benefit for judges; and (x) provides that of the six members appointed by the Governor to the Volunteer Firefighters' and Rescue Squad Workers' Pension Fund Board, three shall come from a list provided by the Virginia State Firefighter's Association and three from the Virginia Association of Volunteer Rescue Squads.  
*Patron - Putney*

**PHB143 Sickness and disability program for state employees.** Provides that employees moving directly from a non-faculty position to a faculty position within the same institution of higher education between January 1, 1999 and December 31, 1999, may, upon request, maintain the sickness and disability benefits that they were receiving in the non-faculty position.  
*Patron - Deeds*

**PSB20 Virginia Retirement System.** Provides that members may purchase up to one year of service for the birth or adoption of each child (in cases of unpaid leave of absences).  
*Patron - Puller*

**PSB28 Sickness and Disability Program for state employees.** Makes technical changes, adds a definition for "existing employee," and provides that (i) employees participating in the newly created Virginia Law Officers' Retirement System are eligible for the program; (ii) the definitions of "partial disability" and "total disability" are changed to attain a consistent, complete, and cohesive definition of "disability" and to ensure that disability be determined according to employees' ability to perform "essential job functions"; (iii) payment may be made for accumulated disability credits upon employees' entry into long-term disability; (iv) the amount of annual sick leave and family and personal leave for new employees when they commence employment and in subsequent years is clarified; (v) the applicable waiting periods for disability benefits begin on the first day of a disability; (vi) the salary increases included in creditable compensation during periods of short-term disability are general salary increases; (vii) supplemental short-term disability benefits may cover periodic absences due to a major chronic condition; (viii) employees must apply for Social Security disability benefits to be eligible for long-term disability benefits, and must reapply and appeal Social Security denials of benefits or they will be deemed to have received such benefits which will reduce benefits which may be received under the state disability program; (ix) disability ben-

efits are offset by employees' wages and salary from employment times the creditable compensation replacement percentage; (x) employees pay back, with interest, benefits wrongfully received under certain conditions; (xi) employee cannot receive disability benefits during periods of incarceration or when the disability results from the employee's commission of a felony; (xii) disability benefits are not payable to any employee determined to be noncompliant with the program; (xiii) the procedure for appeals which may be allowed by the VRS Board will be developed by the Board and modeled after the claims provisions provided in the Employee Retirement Income Security Act of 1974; and (xiv) no person shall receive more than one disability benefit at the same time.

*Patron - Holland*

**PSB36 Retirement plan; certain employees of institutions of higher education.** Removes the oversight from the Secretaries of Administration and Education of the policies and procedures developed by the Virginia Retirement System (VRS) to administer the optional retirement plan for certain employees of institutions of higher education. The legislation permits VRS to appoint an advisory committee of higher education employees to provide guidance to VRS.

*Patron - Miller, K.G.*

**PSB51 Virginia Retirement System; adjustments to ceilings on benefits.** Provides that any adjustments to the ceilings on retirement benefits set forth in § 415 of the Internal Revenue Code will apply to members of the Virginia Retirement System, including those who have died, retired, or otherwise terminated service with a nonforfeitable right to a retirement allowance before the effective date of any such adjustments.

*Patron - Stosch*

**PSB76 Retirement plan; University of Virginia Medical Center.** Provides that all new employees of the University of Virginia Medical Center employed on or after July 1, 2000, shall be covered in a Medical Center retirement plan. Employees of the Medical Center hired before July 1, 2000, and persons hired on and after July 1, 2000, who are members of VRS, may elect, but are not required, to change to the Medical Center retirement plan. Contributions for the retirement of persons employed on or after July 1, 2000, and covered under a Medical Center retirement plan will be determined by the University of Virginia Board of Visitors. For employees of the Medical Center employed before July 1, 2000, who choose the Medical Center retirement plan, contributions to such plan shall be eight percent of creditable compensation. For employees who elect to remain members of VRS, the Medical Center is required to collect and pay all employee and employer contributions to VRS and for employees under VRS who elect to become members of a Medical Center plan, VRS is required to transfer to the Medical Center Retirement Plan assets equal to the actuarially determined present value of the employee's accrued basic benefit.

*Patron - Holland*

*Patron - Barry*

## Failed

**FHB286 Virginia Retirement System benefits.** Requires that the monthly service retirement allowance payable to teachers who retired with unreduced benefits prior to January 1, 1980, with at least 15 years of service be at least \$800.

*Patron - Jackson*

**FHB317 Retirement; disability.** Provides an additional disability allowance of \$500 per month to any former constitutional officer who is disabled as a result of a felonious act committed upon him during the official discharge of his constitutional duties prior to 1970.

*Patron - Barlow*

**FHB358 Defined contribution retirement plan; Executive Director of the Virginia Advisory Council for Adult Education and Literacy.** Permits the Executive Director of the Virginia Advisory Council for Adult Education and Literacy to participate in the defined contribution retirement plan.

*Patron - Dillard*

**FHB647 Virginia Retirement System; restriction on denial of benefits.** Prohibits the denial of retirement benefits to a state employee based on statements he makes in any civil proceeding, except a civil proceeding whose purpose is to determine his retirement benefits.

*Patron - McClur*

**FBSB77 Retirement; disability.** Provides an additional disability allowance of \$500 per month to any former constitutional officer who is disabled as a result of a felonious act committed upon him during the official discharge of his constitutional duties prior to 1970.

*Patron - Holland*

**FBSB132 Deferred retirement option program.** Establishes a deferred retirement option program for state employees, state police officers, local government employees, teachers, and judges. To participate in the program, members must be eligible to retire under the Virginia Retirement System, State Police Officers' Retirement System, Virginia Law Officers' Retirement System or Judicial Retirement System with unreduced benefits. The employee continues working during the period of his participation in the program, not to exceed five years, during which time an amount equal to the amount of the monthly retirement benefit that he would have received, if he had retired instead of enrolling in the program, is deposited monthly in a deferred retirement option account. The deferred retirement option account balance, with interest, shall be paid to the participant when he retires. The bill has a delayed effective date of July 1, 2001.

*Patron - Colgan*

**FBSB151 Mandatory retirement under Judicial Retirement System.** Repeals mandatory retirement for justices of the Supreme Court of Virginia and for judges of the Court of Appeals of Virginia on and after July 1, 2000.

*Patron - Stolle*

**FBSB257 Virginia Retirement System; credit for service.** Provides service credit to any member in service who is (i) credited with five or more years of membership service; and (ii) an employee of a juvenile and domestic relations district court clerk's office for a county with a population between 56,900 and 57,050, as reported in the 1990 census of the population of the United States, for service rendered after January 1, 1975, as a permanent part-time employee in such clerk's office. A permanent part-time employee means a person compensated on a salaried basis and who works at least 20 hours per week.

*Patron - Reynolds*

## Carried Over

**CHB1 Deferred retirement option program.** Establishes a deferred retirement option program for state employ-

ees, state police officers, local government employees, teachers, and judges. To participate in the program, member must be eligible to retire under VRS, SPORS, VaLORS or the JRS with unreduced benefits. The employee continues working during the period of his participation in the program, not to exceed five years, during which time a percentage of the amount of the monthly retirement benefits that he would have received if he had retired instead of enrolling in the program is deposited in an account. The percentage, determined at an amount that ensures that the program does not affect employer contribution rates, shall not exceed 100 percent. The account balance, with interest, shall be paid to the participant when he retires.

*Patron - Hamilton*

**☐HB11 Virginia Law Officers' Retirement System; Department of Corrections internal investigators.** Expands the definition of "employee" to include internal investigators of the Department of Corrections, making such individuals members of the Virginia Law Officers' Retirement System.

*Patron - Landes*

**☐HB15 Virginia Law Officers' Retirement System; juvenile probation officers.** Adds state juvenile probation officers to the employees participating in the Virginia Law Officers' Retirement System.

*Patron - Armstrong*

**☐HB16 Virginia Law Officers' Retirement System; membership.** Adds wardens, assistant wardens, field unit superintendents, and assistant field unit superintendents employed by the Department of Corrections to the list of employees participating in the Virginia Law Officers' Retirement System.

*Patron - Armstrong*

**☐HB34 Virginia Law Officers' Retirement System; membership.** Adds juvenile probation officers to the list of employees participating in the Virginia Law Officers' Retirement System.

*Patron - Ingram*

**☐HB38 Virginia Law Officers' Retirement System; membership.** Adds juvenile probation officers to the list of employees participating in the Virginia Law Officers' Retirement System.

*Patron - Parrish*

**☐HB64 Virginia Law Officers' Retirement System; membership.** Adds conservation officers of the Department of Conservation and Recreation to the list of employees participating in the Virginia Law Officers' Retirement System.

*Patron - Deeds*

**☐HB73 Local retirement systems.** Requires any locality that provides a retirement system outside of the Virginia Retirement System (VRS) to provide its members who retire with applicable age and service requirements with retirement allowances that equal or exceed VRS allowances. Under current law, such localities are required to provide only two-thirds of the VRS allowance and only to members who retire at age 65 or older

*Patron - Callahan*

**☐HB74 Retirement benefits; sheriffs and certain deputy sheriffs** Adds sheriffs in localities that participate in the Virginia Retirement System and certain deputy sheriffs, as members in the Virginia Law Officers' Retirement System ("VaLORS"). Currently, such sheriffs must be provided the

same benefits outside VaLORS, and the same benefits may be provided to deputy sheriffs, but are not required.

*Patron - Callahan*

**☐HB75 Retirement for police officers; service requirements.** Provides that a member of a local police department may retire at any age after 25 years of service and that there will be supplemental benefits for service beyond 25 years. Currently, the service requirement is 20 years, but the police officer must have attained the age of 50 years.

*Patron - Callahan*

**☐HB76 Retirement; state police officers.** Provides that a state police officer who retires after 25 years of service shall not be a member in the state retirement plan if he becomes an employee of the state in another capacity. This also applies to local law enforcement officers who have been covered by the Virginia Retirement System.

*Patron - Callahan*

**☐HB90 Virginia Law Officers' Retirement System; membership.** Expands membership in the Virginia Law Officers' Retirement System to include sworn members of the enforcement division of the Department of Motor Vehicles.

*Patron - Landes*

**☐HB108 Virginia Law Officers' Retirement System; membership.** Expands the list of employees who are members of the Virginia Law Officers' Retirement System to include juvenile probation officers.

*Patron - Cantor*

**☐HB116 Virginia Law Officers' Retirement System; membership.** Adds juvenile probation officers to the list of employees participating in the Virginia Law Officers' Retirement System.

*Patron - DeBoer*

**☐HB117 Virginia Law Officers' Retirement System; membership.** Expands membership in the Virginia Law Officers' Retirement System to include employees, including support staff, of the Forensic Unit within the Department of Mental Health, Mental Retardation and Substance Abuse Services.

*Patron - DeBoer*

**☐HB139 Virginia Law Officers' Retirement System; membership.** Expands membership in the Virginia Law Officers' Retirement System to include police officers of the Department of Mental Health, Mental Retardation, and Substance Abuse Services.

*Patron - Davis*

**☐HB146 Virginia Law Officers' Retirement System; membership.** Expands membership in the Virginia Law Officers' Retirement System to include teachers and other instructional personnel in the Department of Correctional Education.

*Patron - Deeds*

**☐HB147 Virginia Retirement System; service retirement allowance.** Provides an additional retirement allowance for employees and teachers who retire with more than 30 years of creditable service, and removes the ceiling on the health insurance credit provided to them. The additional allowance is equal to one percent of the employee's average final compensation multiplied by the amount by which his creditable service exceeds 30 years. Other statutory provisions regarding the health insurance credit provided in cases of disability are modified to conform to the removal of the ceiling on

such credits. The bill does not apply to any person who retires prior to July 1, 2001.

*Patron - Tata*

**HB151 Virginia Law Officers' Retirement System; membership.** Expands membership in the Virginia Law Officers' Retirement System to include police officers of the Department of Mental Health, Mental Retardation, and Substance Abuse Services.

*Patron - Grayson*

**HB159 Retirement benefits; law enforcement and related positions.** Changes the cessation date of the additional allowance payable under the State Police Officers' Retirement System and the Virginia Law Officers' Retirement System from when the member attains the age of 65 to when the member attains the minimum age of eligibility for Social Security retirement benefits. The change also would apply to local law enforcement and related employees who are provided benefits equivalent to those provided under the State Police Officers Retirement System.

*Patron - Harris*

**HB161 Virginia Law Officers' Retirement System; membership.** Adds conservation officers of the Department of Conservation and Recreation to the list of employees participating in the Virginia Law Officers' Retirement System. The bill has a technical correction.

*Patron - Rollison*

**HB172 Virginia Retirement System; purchase of prior service credit.** Permits certain members of the Virginia Retirement System to purchase up to four years of prior service credit at the rate of five percent of salary for periods of prior service with certain public employers other than the Commonwealth, even if such prior service already is creditable with another retirement system. Current law prohibits such purchase if the prior service already is creditable with another retirement system. The bill contains a technical amendment.

*Patron - Phillips*

**HB184 Virginia Retirement System; prior service credit.** Permits state employees, for retirement benefit purposes, to purchase up to four years of prior service credit for service in a full-time hourly wage position with the Commonwealth prior to July 1, 1988. The cost to the employee is five percent of his present annual compensation for each year to be credited, or five percent of the average of his highest three years of compensation, whichever is greater.

*Patron - Bloxom*

**HB191 Virginia Law Officers' Retirement System; membership.** Adds juvenile probation officers to the list of employees participating in the Virginia Law Officers' Retirement System.

*Patron - Abbitt*

**HB193 Virginia Law Officers' Retirement System; membership.** Expands membership in the Virginia Law Officers' Retirement System to include parole examiners employed by the Parole Board.

*Patron - Abbitt*

**HB200 Virginia Retirement System; teachers.** Provides that in calculating retirement benefits for teachers, creditable compensation includes all taxable compensation plus certain elective salary reductions or deferrals.

*Patron - Kilgore*

**HB201 Virginia Law Officers' Retirement System; membership.** Expands the list of employees who are members of the Virginia Law Officers' Retirement System to include juvenile probation officers.

*Patron - Kilgore*

**HB216 Virginia Retirement System; service credit for accumulated sick leave.** Permits state employees who are vested in the Virginia Retirement System (VRS) to convert their sick leave balances to retirement service credits at the rate of 173 sick leave hours for each month of service credit, up to a maximum of five years, at any time during their employment. Current law permits an employee, upon retirement, to use such sums as his employer may provide as payment for any unused sick leave balances to purchase service credit at an amount equal to the lesser of (i) the present value of the actuarial liability represented by additional service as determined by VRS or (ii) 20 percent of his present salary or the average annual creditable compensation during his 36 highest consecutive months of creditable service, whichever is greater.

*Patron - Phillips*

**HB218 Virginia Retirement System; teachers.** Provides that in calculating retirement benefits for teachers, creditable compensation includes all taxable compensation plus certain elective salary reductions or deferrals.

*Patron - Phillips*

**HB219 Retirement benefits for certain local employees.** Requires that retirement benefits equivalent to retirement benefits provided to state police be provided to jail officers of regional jail farms, regional jails, or jail authorities that participate in the Virginia Retirement System. Under current law, the provision of such benefits is permissive, but not mandatory.

*Patron - Callahan*

**HB250 Retirement; eligibility for local law enforcement officers' benefit.** Provides that superintendents and detention officers of regional or local juvenile detention facilities may receive the enhanced benefits for local law enforcement officers, as approved by the respective juvenile detention board or authority and the participating political subdivisions of such entities.

*Patron - Dillard*

**HB251 Virginia Retirement System; school instructional and administrative personnel.** Provides that certain retired schoolteachers and administrative employees may return to teach without interrupting their retirement benefits.

*Patron - Dillard*

**HB252 Virginia Retirement System; retirees hired as teachers.** Provides that retired members of the Virginia Retirement System may be hired as teachers without interrupting their retirement benefits.

*Patron - Dillard*

**HB256 Deferred compensation plan for government employees.** Provides that the same contribution made by the Commonwealth state employees' deferred compensation accounts also be made to teachers' deferred compensation accounts. The bill has a delayed effective date of January 1, 2001.

*Patron - Callahan*

**HB268 Virginia Retirement System; purchase of service credit.** Permits state employees who formerly worked

for certain political subdivisions to purchase the amount of service credit in their retirement accounts with the political subdivisions that otherwise did not transfer into their retirement account with the Virginia Retirement System. The employee must pay an amount equal to five percent of his present annual compensation for each year to be credited or five percent of his average annual creditable compensation during his 36 highest consecutive months of creditable service, whichever is greater.  
*Patron - Hargrove*

**HB272 Virginia Retirement System; purchase of prior military service credit.** Permits vested members of the Virginia Retirement System to purchase prior service credit for active-duty service in the military at a cost of five percent of the member's current salary or highest three consecutive years of salary, whichever is greater, for each year purchased. Current law limits such purchases to four years of service credit and permits additional purchases under certain circumstance at higher costs.  
*Patron - Kilgore*

**HB273 Life insurance benefits; retired state employees.** Provides that retired state employees, including employees retired for disability, shall have group life insurance benefits equal to their annual salaries as of their retirement dates. Currently, a retiree's group life insurance benefits are reduced annually until they are equal to 50 percent of his annual salary as of his retirement date.  
*Patron - Kilgore*

**HB284 Virginia Law Officers' Retirement System; membership.** Expands membership in the Virginia Law Officers' Retirement System to include wildlife worker, wildlife biologist assistant, wildlife biologist, wildlife biologist manager, wildlife biologist assistant director of wildlife operations, wildlife biologist assistant director of wildlife resources, and wildlife biologist director in the Department of Game and Inland Fisheries.  
*Patron - Weatherholtz*

**HB294 Virginia Law Officers' Retirement System; additional retirement allowance.** Provides that the additional retirement allowance payable until the age of 65 to retirees under the Virginia Law Officers' Retirement System ("VaLORS"), be paid pro rata according to the member's years of service in a VaLORS position. Eligibility for the allowance begins when a member has served at least five years in a VaLORS position. Under current law, eligibility for certain members begins only after 20 years of service in a VaLORS position.  
*Patron - Ruff*

**HB303 Virginia Retirement System; prior service credit.** Permits members of the Virginia Retirement System who have at least five years of service to purchase up to five years of service credit for prior years of service with certain public employers other than the Commonwealth. The cost to the member is five percent of salary per year of service purchased. Currently, only four years of such service credit may be purchased, and the member must have at least 25 years of service.  
*Patron - Diamonstein*

**HB305 Virginia Law Officers' Retirement System.** Expands the list of employees who are members of the Virginia Law Officers' Retirement System to include juvenile probation officers, the direct supervisors of juvenile probation officers, and the direct supervisors of adult probation and parole officers.  
*Patron - Armstrong*

**HB318 Retirement benefits; sheriffs and certain deputy sheriffs.** Adds sheriffs in localities that participate in the Virginia Retirement System and certain deputy sheriffs, as members in the Virginia Law Officers' Retirement System ("VaLORS"). Currently, such sheriffs must be provided the same benefits outside VaLORS, and the same benefits may be provided to deputy sheriffs, but are not required.  
*Patron - Harris*

**HB328 Retirement benefits for local public safety employees.** Provides that any member of a police department or fire department who becomes disabled while discharging official duties or who has completed 20 years of service and attained the age of 50 years may retire with certain disability or retirement benefits. The bill applies to all counties having the county manager plan of government. Current law provides such benefits only to members of police departments and does not apply to Arlington County.  
*Patron - Callahan*

**HB332 Virginia Retirement System; member contributions.** Requires that the member's contribution to the Virginia Retirement System (five percent of creditable compensation) for local and state employees be paid by the member's employer. Under current law, such contribution by the employer is permissive. The Commonwealth and most localities currently pay the contribution on behalf of employees.  
*Patron - Griffith*

**HB353 Virginia Retirement System; purchase of prior service credit.** Permits state employees who are members in service of the Virginia Retirement System to purchase prior service credit on a pro rata basis for periods of part-time, salaried employment with the Commonwealth.  
*Patron - Shuler*

**HB371 Retirement benefits; sheriffs and certain deputy sheriffs.** Adds sheriffs in localities that participate in the Virginia Retirement System and certain deputy sheriffs, as members in the Virginia Law Officers' Retirement System ("VaLORS"). Currently, such sheriffs must be provided the same benefits outside VaLORS, and the same benefits may be provided to deputy sheriffs, but are not required.  
*Patron - Tate*

**HB372 Retirement benefits; law enforcement and related positions.** Changes the cessation date of the additional allowance payable under the State Police Officers' Retirement System and the Virginia Law Officers' Retirement System from when the member attains the age of 65 to when the member attains the minimum age of eligibility for Social Security retirement benefits. The change also would apply to local law enforcement and related employees who are provided benefits equivalent to those provided under the State Police Officers' Retirement System.  
*Patron - Tate*

**HB423 Virginia Retirement System; service credit for accumulated leave.** Permits state employees who are vested in the Virginia Retirement System (VRS) to convert their sick leave, annual leave, personal leave, or compensatory leave balances to retirement service credits at the rate of 17 sick leave hours for each month of service credit, up to a maximum of five years. Current law permits an employee, upon retirement, to use such sums as his employer may provide as payment for any unused sick leave balances to purchase service credit at an amount equal to the lesser of (i) the present value of the actuarial liability represented by additional service

as determined by VRS or (ii) 20 percent of his present salary or the average annual creditable compensation during his 36 highest consecutive months of creditable service, whichever is greater.

*Patron - McEachin*

**HB462 Virginia Law Officers' Retirement System; membership.** Expands the list of employees who are members of the Virginia Law Officers' Retirement System to include juvenile probation officers.

*Patron - Jones, J.C.*

**HB652 Virginia Law Officers' Retirement System; membership.** Adds juvenile probation officers to the list of employees participating in the Virginia Law Officers' Retirement System.

*Patron - Diamonstein*

**HB947 Deferred retirement option program.** Establishes a deferred retirement option program for state employees, state police officers, local government employees, teachers, and judges. To participate in the program, member must be eligible to retire under VRS, SPORS, VaLORS or the JRS with unreduced benefits. The employee continues working during the period of his participation in the program, not to exceed five years, during which time a percentage of the amount of the monthly retirement benefits that he would have received if he had retired instead of enrolling in the program is deposited in an account. The percentage, determined at an amount that ensures that the program does not affect employer contribution rates, shall not exceed 100 percent. The account balance, with interest, shall be paid to the participant when he retires. The bill has a delayed effective date of July 1, 2001.

*Patron - Keister*

**SB10 Virginia Law Officers' Retirement System; juvenile probation officers.** Adds state juvenile probation officers to the employees participating in the Virginia Law Officers' Retirement System.

*Patron - Houck*

**SB37 Virginia Law Officers' Retirement System.** Extends membership in the Virginia Law Officers' Retirement System to all persons credited with at least 20 years of service rendered in a hazardous position (a position that entitled a person to membership in the Virginia Law Officers' Retirement System effective October 1, 1999), regardless of whether such persons worked in a hazardous position after October 1, 1999.

*Patron - Reynolds*

**SB38 Virginia Law Officers' Retirement System.** Extends membership in the Virginia Law Officers' Retirement System to all persons employed in court services units (including, but not limited to, juvenile probation officers, court service unit directors, and clerical staff) of the Department of Juvenile Justice.

*Patron - Reynolds*

**SB44 Virginia Retirement System; purchase of credit for prior military service.** Permits purchase of credit for prior military service, under certain conditions, even when the prior military service is creditable to another retirement system, if such is required by federal statutes governing military retirement.

*Patron - Chichester*

**SB56 Virginia Retirement System; teachers.** Provides that in calculating retirement benefits for teachers, credit-

able compensation includes all taxable compensation plus certain elective salary reductions or deferrals.

*Patron - Trumbo*

**SB57 Virginia Retirement System; member contributions.** Requires that the member's contribution to the Virginia Retirement System (five percent of creditable compensation) for local and state employees be paid by the member's employer. Under current law, such contribution by the employer is permissive. The Commonwealth and most localities currently pay the contribution on behalf of employees.

*Patron - Trumbo*

**SB68 Retirement benefits; sheriffs and certain deputy sheriffs.** Adds sheriffs in localities that participate in the Virginia Retirement System and certain deputy sheriffs, as members in the Virginia Law Officers' Retirement System ("VaLORS"). Currently, such sheriffs must be provided the same benefits outside VaLORS, and the same benefits may be provided to deputy sheriffs, but are not required.

*Patron - Bolling*

**SB72 Deferred retirement option program.** Establishes a deferred retirement option program for teachers eligible to retire under VRS with unreduced benefits. Under the program, a teacher will continue working during the period of his participation in the program, not to exceed five years, during which time a percentage of the amount of the monthly retirement benefits that he would have received if he had retired instead of enrolling in the program is deposited in an account. The percentage, determined at an amount that ensures that the program does not affect employer contribution rates shall not exceed 100 percent. The account balance, with interest, shall be paid to a participating teacher when he retires. This is an optional program. The bill has a delayed effective date of July 1, 2001.

*Patron - Williams*

**SB94 Virginia Retirement System benefits.** Requires that the monthly service retirement allowance payable to teachers who retired with unreduced benefits prior to January 1, 1980, with at least 15 years of service be at least \$800.

*Patron - Reynolds*

**SB97 Prior service credit for military service.** Allows a member of the Virginia Retirement System who has 25 or more years of creditable service to purchase prior service credit for active duty military service at a cost of one percent of salary if the service was in (i) a combat theater of operation during world War II, (ii) an area designated as a combat zone pursuant to the Internal Revenue Code, (iii) a qualified hazardous duty area defined in P.L. 104-117, or (iv) Somalia during the conduct of Operation Restore Hope. Currently, such persons may purchase prior service credit for active duty military service, whether it was in the specified areas or not, at a cost of five percent of salary.

*Patron - Puckett*

**SB131 Virginia Retirement System benefits.** Provides that the monthly retirement allowance payable to any teacher who has (i) at least 25 years of creditable service as teacher and is at least 65 years old; or (ii) at least 30 years of creditable service as a teacher, shall not be less than \$800.

*Patron - Colgan*

**SB146 Virginia Retirement System; retirees hired as teachers.** Provides that retired persons who are members of the Virginia Retirement System may be hired as teachers with-



out interrupting their retirement benefits. This bill applies to licensed instructional personnel who have been (i) retired for at least one year from employment with a Virginia local school board before returning to the classroom on a full-time basis; (ii) licensed to teach in the Commonwealth; and (iii) hired on an annual contract basis and ineligible for continuing contract status.

*Patron - Couric*

### **CSB152** **Deferred retirement option program.**

Establishes a deferred retirement option program for state employees, state police officers, local government employees, teachers, and judges. To participate in the program, member must be eligible to retire under VRS, SPORS, VaLORS or the JRS with unreduced benefits. The employee continues working during the period of his participation in the program, not to exceed five years, during which time a percentage of the amount of the monthly retirement benefits that he would have received if he had retired instead of enrolling in the program is deposited in an account. The percentage, determined at an amount that ensures that the program does not affect employer contribution rates, shall not exceed 100 percent. The account balance, with interest, shall be paid to the participant when he retires. The bill has a delayed effective date of July 1, 2001.

*Patron - Stolle*

## Persons with Disabilities

### Passed

**PHB415** **Persons with disabilities** Provides that the local disabilities boards must report every three years instead of every two years and clarifies that the localities may provide additional staff to these boards. The Department of Rehabilitative Services shall administer the funds appropriated for local disability boards, including staff support to the boards, and provide guidance and technical assistance to the boards with consultation for appropriate state agencies. The Department for Rehabilitative Services currently provides staff support to the local disabilities boards, with localities authorized to provide supplemental staff support.

*Patron - Tate*

**PHB491** **Persons with mental retardation, developmental disabilities, or mental illness.** Revises the external human rights system for persons with mental retardation, developmental disabilities, or mental illness. The Department for Rights of Virginians with Disabilities is removed from the executive branch and becomes an independent state agency renamed the Virginia Office for Protection and Advocacy. The bill creates a governing board for the Office consisting of 11 members who are appointed by the Governor and the General Assembly for staggered terms. This board shall hire the agency director who, in turn, shall retain legal counsel. The Office is given the authority to access facilities and programs, receive notification of deaths in state facilities and to protect the confidentiality of records. The Office will also monitor compliance with human rights regulations and make the reports available to the public. The bill establishes within the Office an ombudsman program and creates the Protection and Advocacy Fund. The bill contains technical amendments. The bill is a recommendation of the Joint Subcommittee Studying the Future Delivery of Publicly Funded Mental Health, Mental Retardation and Substance Abuse Services.

*Patron - Hamilton*

**PHB1304** **Persons with mental retardation, developmental disabilities or mental illness.** Provides for the confidentiality of client records and investigative files of the Department for Rights of Virginians with Disabilities (DRVD). DRVD staff currently review client files to determine which documents are protected by existing exemptions under Virginia's Freedom of Information Act (FOIA) and which must be provided in response to FOIA requests made by adverse parties in legal proceedings, the media and others. This bill would protect sensitive information obtained by DRVD during its investigation of complaints of abuse or neglect.

*Patron - Bloxom*

**PHB1348** **Persons with mental retardation, developmental disabilities or mental illness.** Provides the Department for Rights of Virginians with Disabilities (DRVD) with access to facilities or institutions that provide care and treatment to individuals with disabilities to investigate allegations of abuse or neglect, to monitor the care and treatment of individuals with disabilities, and to protect the rights of individuals with disabilities. The Department is also provided authority to examine the records of the facilities or institutions (including individual records), unless prohibited by federal law, regarding commitment, care, treatment, and habitation of individuals with disabilities within the facilities and institutions. Patient records will be accessible without written consent of the person when the individual is the subject of a complaint or there is probable cause to believe that the patient has been subjected to abuse or neglect, the patient is unable to authorize the Department to have access by reason of his mental or physical condition, and there is no legal guardian or the Commonwealth or a designee of the Commonwealth is the legal guardian. This access is already granted to DRVD under federal law; Virginia statutory access will clarify and strengthen DRVD's ability to access public and private facilities and institutions. The Department will not have access to peer review, utilization review, disciplinary committee or practice privilege application files which are privileged communications pursuant to the Medical Malpractice Act.

*Patron - Drake*

**PHB1350** **Persons with mental retardation, developmental disabilities or mental illness.** Provides for notification to the Director of the Department for Rights of Virginians with Disabilities (DRVD) by the directors of state facilities of critical incidents or deaths in state mental health and mental retardation facilities within 48 hours of their occurrence. The Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services shall provide a follow-up written report of the known facts within 15 working days of the critical incident or death. Such notification promotes DRVD's ability to carry out its federal mandate to monitor and investigate incidents of abuse and neglect.

*Patron - Drake*

**PHB1520** **Disability; developmental disability.** Specifies that Prader-Willi syndrome is included in the definition of "functional and central nervous system disabilities." The Department of Rehabilitative Services coordinates services to persons with such disabilities. "Prader-Willi syndrome" means a specific disorder that is usually caused by a chromosomal change, resulting in life-long functional and cognitive impairments and life-threatening obesity.

*Patron - Dillard*

**SB552** **Persons with mental retardation, developmental disabilities or mental illness.** Provides for the confidentiality of client records and investigative files of the Department for Rights of Virginians with Disabilities (DRVD).

DRVD staff currently review client files to determine which documents are protected by existing exemptions under Virginia's Freedom of Information Act (FOIA) and which must be provided in response to FOIA requests made by adverse parties in legal proceedings, the media and others. This bill would protect sensitive information obtained by DRVD during its investigation of complaints of abuse or neglect.

*Patron - Hanger*

**SB554** **Persons with mental retardation, developmental disabilities or mental illness.** Provides the Department for Rights of Virginians with Disabilities (DRVD) with access to facilities or institutions that provide care and treatment to individuals with disabilities and to access the records of such facilities and institutions, as well as the records of individuals with disabilities within the facilities and institutions for the purposes of investigating abuse or neglect. Such access is already granted to DRVD under federal law, and state statutory access will clarify and strengthen DRVD's ability to access public and private facilities and institutions. The Department will not have access to privileged information as defined in the Medical Malpractice Act.

*Patron - Hanger*

**SB555** **Persons with mental retardation, developmental disabilities or mental illness.** Provides for notification to the Director of the Department for Rights of Virginians with Disabilities (DRVD) by the directors of state facilities of critical incidents or deaths in state mental health and mental retardation facilities within 48 hours of their occurrence. The Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services shall provide a follow-up written report of the known facts within 15 working days of the critical incident or death. Such notification promotes DRVD's ability to carry out its federal mandate to monitor and investigate incidents of abuse and neglect.

*Patron - Hanger*

**SB709** **Persons with mental retardation, developmental disabilities, or mental illness.** Revises the external human rights system for such persons. The Department for Rights of Virginians with Disabilities is removed from the executive branch and becomes an independent state agency renamed the Virginia Office for Protection and Advocacy. The bill creates a governing board for the Office consisting of 11 members who are appointed by the Governor and the General Assembly for staggered terms. This board shall hire the agency director who, in turn, shall retain legal counsel. The Office is given the authority to access facilities and programs and to protect the confidentiality of records. The Office will also monitor compliance with human rights regulations and make the reports available to the public. The bill establishes within the Office an ombudsman program and creates the Protection and Advocacy Fund. The bill contains technical amendments. The bill is a recommendation of the Joint Subcommittee Studying the Future Delivery of Publicly Funded Mental Health, Mental Retardation and Substance Abuse Services, HJR 225 (1998).

## Failed

**HB1349** **Persons with mental retardation, developmental disabilities, or mental illness.** Transfers the Department for Rights of Virginians with Disabilities from the Secretariat of Health and Human Resources to the Secretariat of Administration. This bill codifies Executive Order 46 (1999).

*Patron - Drake*

**SB553** **Persons with mental retardation, developmental disabilities, or mental illness.** Transfers the Depart-

ment for Rights of Virginians with Disabilities from the Secretariat of Health and Human Resources to the Secretariat of Administration. This bill codifies Executive Order 46 (1999).

*Patron - Hanger*

## Carried Over

**HB1026** **Persons with disabilities** Includes in the definition of "physical impairment" severe chemical sensitivities.

*Patron - Dillard*

## Police, State

## Passed

**HB285** **Establishment of division for drug law enforcement and investigation within the State Police.** Establishes a division for drug law enforcement and investigation within the State Police to enforce the laws of the Commonwealth and conduct investigations related to the manufacturing, selling, giving or distributing of controlled substances or imitation controlled substances or marijuana, or transporting controlled substances or marijuana into the Commonwealth. The bill allows interstate and intrastate cooperation with other agencies.

*Patron - Weatherholtz*

**SB45** **Establishment of division for drug law enforcement and investigation within the State Police.** Establishes a division for drug law enforcement and investigation within the State Police to enforce (i) the laws of the Commonwealth and conduct investigations related to the manufacturing, selling, giving or distributing of controlled substances or imitation controlled substances or marijuana, or (ii) to transporting controlled substances or marijuana into the Commonwealth, or (iii) when requested by the Attorney General, any sheriff, chief of police, attorney for the Commonwealth or grand jury.

*Patron - Chichester*

## Failed

**SB743** **Virginia Racial Profiling and Report Statistics Act.** Requires the Superintendent of State Police to require each state police officer, during the course of his official duties regarding traffic stops, to record the race, ethnicity, gender, and age of each motorist stopped and the specific reason for the stop, when a routine traffic stop or a traffic stop for any traffic violation results in (i) a search of the motorist or his vehicle; (ii) the detaining of a motorist for questioning; or (iii) the charge or arrest of the motorist for the commission of an alleged criminal offense. The bill also requires the development of a mechanism for collecting, analyzing, interpreting, and reporting data and statistics generated through such traffic stop reports. The Superintendent may engage any accredited public two-year or four-year institution of higher education in the Commonwealth or an independent body with the experience, expertise and technical capacity to conduct such research to assist in designing the reporting mechanisms and analyzing and reporting the data to the Governor and the General Assembly. This is a section one bill and will not be codified upon its enactment. The provisions of the bill expire on July 1, 2002. This bill is a recommendation of the Joint Subcommittee

Studying the Status and Needs of African-American Males in Virginia.

Patron - Maxwell

## Carried Over

**CSB693 Department of State Police.** Provides that officers meeting satisfactory years of service requirements and not otherwise deemed ineligible by the Superintendent of State Police shall not be otherwise restricted in their movement through the career progression program.

Patron - Stolle

## Prisons and Other Methods of Correction

### Passed

**PHB509 Restriction on suits against prisoners.** Expands the types of lawsuits that may be filed against a prisoner without the appointment of a committee to include suit for divorce. Currently such actions are limited to actions to establish a parent and child relationship between a child and a prisoner and actions to establish a prisoner's child support obligation. This addition avoids the possibility that the failure to appoint a committee would result in the continuation of an unwanted marriage.

Patron - Cranwell

**PHB611 Prisons and other methods of corrections.** Conforms the monthly inmate data reporting by regional jail superintendents with that for sheriff-run local jails. Superintendents of regional jails will be required to report to the Compensation Board whereas currently they make such reports to the Director of Corrections. The time frame for reporting monthly data is also changed from five to 10 days following the end of the month. The 1997 General Assembly made these same changes for sheriff-run local jails.

Patron - Kilgore

**PHB985 Corrections; guards.** Requires that officers in state correctional facilities must be the same gender as the inmates when the inmate is required to disrobe. This rule can be suspended in times of a declared emergency.

Patron - Rhodes

**PHB1004 Prisoners' alternative sentencing programs.** Increases from a Class 2 misdemeanor to a Class 1 misdemeanor for a prisoner to leave, without proper authority, his work release program, his place of home electronic monitoring, or his limits of confinement of electronic monitoring or to fail to return to such programs. Any prisoner found guilty of such violation will be ineligible for further participation in such a program.

Patron - Jones, J.C.

**PHB1080 Restoration of civil rights to convicted felons.** Requires the Director of the Department of Corrections to provide for notice to certain felons (certain violent, drug and voting felonies are excluded), at the time of completing service of sentence, probation, and parole, of their loss of civil right and the process for restoring civil rights. The bill also direct the Secretary of the Commonwealth to advise applicants for restoration of civil rights of the fact that their application is complete and the date of its transmittal to the Governor. The

bill provides procedures for petitioning the circuit court, criteria for approval by the court and approval of the court order by the Governor.

Patron - Jones, J.C.

**PSB329 Alternative incarceration programs.** Allows parolees to participate in the detention center incarceration program or the diversion center incarceration program upon a violation of parole, provided the parole violation was not a felony or a Class 1 or 2 misdemeanor.

Patron - Norment

**PSB399 Prisons and other methods of corrections.** Conforms the monthly inmate data reporting by regional jail superintendents with that for sheriff-run local jails. Superintendents of regional jails will be required to report to the Compensation Board whereas currently they make such reports to the Director of Corrections. The time frame for reporting monthly data is also changed from five to 10 days following the end of the month. The 1997 General Assembly made these same changes for sheriff-run local jails.

Patron - Trumbo

**PSB692 Minimum standards for local jails.** Allows the Board of Corrections to adopt square footage standards that are no stricter than nationally accepted standards.

Patron - Stolle

### Failed

**FHB178 Authority of jail superintendents and jail officers.** Provides that jail superintendents and jail officers, including those of the regional jails, shall have the same authority as conservators of the peace while pursuing a prisoner who has escaped from the facility while being transported to and from the facility, providing security and supervision of prisoners taken to a medical, dental, or psychiatric facility, and providing a security escort and supervision of prisoners transported to a funeral or graveside service.

Patron - Pollard

**FHB289 Prisons; felonies by prisoners.** Makes it a Class 5 felony for a prisoner to procure, sell, secrete or possess a Schedule IV, V, or VI drug as defined in the Drug Control Act.

Patron - Phillips

**FHB790 Department of Corrections; overtime work policy.** Directs the Department of Corrections to provide credit or compensation for overtime in an amount equal to the number of hours actually worked. Currently Departmental employees are compensated for a maximum of eight hours of overtime, regardless of the number of hours actually worked.

Patron - Deeds

**FHB960 Jail; good time credit.** Allows the sheriff or jail administrator to grant prisoners serving a sentence of 24 months or less who participate in work programs credits to their sentences not to exceed one day for each day served. Current law prohibits the earning of any type of credit in excess of 15 percent of his sentence by a prisoner committed to jail upon a felony offense.

Patron - Keister

**FHB1374 State reimbursement for jail construction.** Requires the state to reimburse a locality 40 percent of the capital costs of a jail construction project necessitated by the closing of a state certified jail farm.

Patron - Armstrong

**FSB11 Authority of jail superintendents and jail officers.** Provides that jail superintendents and jail officers, including those of the regional jails, shall have the same authority as conservators of the peace while pursuing a prisoner who has escaped from the facility while being transported to and from the facility, providing security and supervision of prisoners taken to a medical, dental, or psychiatric facility, and providing a security escort and supervision of prisoners transported to a funeral or graveside service.

*Patron - Chichester*

**FSJ5 Super-maximum security facilities.** Directs the Joint Legislative Audit and Review Commission (JLARC) to study the operation of the two super-maximum security facilities, Red Onion and Wallen's Ridge State Prisons, operated by the Department of Corrections. In its study, JLARC shall include (i) an analysis of the extent to which the Department's classification system is, in fact, ensuring that only dangerous, predatory or escape-risk inmates are being confined at Level 6 facilities, including an analysis of criteria and procedures for placement at and release from these facilities; (ii) an evaluative comparison of the Department's classification system, as it pertains to the placement of inmates in its Level 6 facilities and of the Department's use of segregation in Level 6 facilities, with best practices models in other states; (iii) an analysis of the need for two super-maximum security facilities in Virginia given current population projections and analysis of proportion of inmates who are dangerous or disruptive; (iv) an evaluation of the inmate and staff safety at Red Onion and Wallen's Ridge State Prisons; (v) the number of inmates annually at Red Onion and Wallen's Ridge State Prisons who are eligible for parole or who are serving less than life sentence and who may one day re-enter society; (vi) an assessment of the number of inmates at Level 6 facilities who are mentally ill and whether confinement of mentally ill inmates in super-maximum facilities is consistent with their treatment needs; (vii) an evaluation of the extent to which inmate programs that reduce idleness and promote development of personal, educational and vocational skills could be increased at the Commonwealth's Level 6 facilities without jeopardizing safety and security; and (viii) an analysis of the extent to which super-maximum security facilities contribute to the fulfillment of the Commonwealth's rehabilitation mandate.

*Patron - Howell*

## Carried Over

**CHB91 Sheriffs; jail superintendents; defraying prisoners' keep.** Allows sheriffs and jail superintendents to establish programs, in accordance with regulations promulgated by the Board of Corrections, to defray the costs associated with prisoners' keep.

*Patron - Landes*

**CHB446 Interstate Compact for Adult Offender Supervision.** Sets out the Interstate Compact which, if adopted, would become effective July 1, 2001, and replaces the existing Interstate Corrections Compact. A study resolution is being introduced to direct the Crime Commission to study the Compact to determine if Virginia should adopt the new Compact.

*Patron - Kilgore*

**CHB1426 Department of Corrections; 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 correc-

tional facilities. The bill also requires Virginia Correctional Enterprises to comply with the Public Procurement Act and prohibits VCE from (i) using special bidding practices; (ii) the using the drawings, specifications, quotations or other proprietary information developed by private companies to develop a bid; and (iii) employing design personnel. The bill clarifies that only the Director of the Division of Purchases and Supply is authorized to grant exemptions from the mandatory source requirement, while it remains in effect, and that the Director is required to make determinations regarding requests for such exemptions within 30 days of receipt. The Virginia Correctional Enterprises Advisory Board and Department of Corrections must report to the Governor and the General Assembly in 2001, 2002 and 2003 regarding the status of and progress made towards the elimination of the mandatory source requirement. The bill is a recommendation of the Joint Subcommittee Studying Prison Industries.

*Patron - O'Brien*

**CSB270 Interstate Compact for Adult Offender Supervision.** Sets out the Interstate Compact which, if adopted, would become effective July 1, 2001, and replaces the existing Interstate Corrections Compact. See Senate Joint Resolution 86 which directed the Crime Commission to study the Compact to determine if Virginia should adopt it.

*Patron - Miller, Y.B.*

**CSB764 State reimbursement for jail construction.** Requires the state to reimburse a locality 40 percent of the capital costs of a jail construction project necessitated by the closing of a state certified jail farm.

*Patron - Reynolds*

## Professions and Occupations

### Passed

**PHB84 Reports of disciplinary actions to the Board of Medicine.** Corrects a reference to the federal law relating to confidentiality of certain substance abuse treatment, rehabilitation, research, etc., records. The referenced federal law limits disclosure of any substance abuse records relating to any program conducted, regulated, or directly or indirectly assisted by a federal agency. The current reference is outdated as the relevant law has been transferred several times during this decade.

*Patron - Morgan*

**PHB253 Health Professions; Board of Licensed Professional Counselors, Marriage and Family Therapists and Substance Abuse Professionals.** Changes the name of the current board to be known as the Board of Counseling.

*Patron - Hamilton*

**PHB427 Foreign subpoena in lawyer disciplinary proceedings.** Facilitates the attendance of witnesses and the production of documents in interstate disciplinary investigations. This subpoena power will be recognized only when requested by those jurisdictions that grant Virginia's subpoenas for disciplinary proceedings the same power. This bill is identical to Senate Bill 89.

*Patron - McDonnell*

**PHB452 Health Professions; psychology.** Adds provisions for continuing education requirements of 14 hours of approved education annually for licensure as a psychologist licensed by the Board of Psychology. The bill allows the Board to approve criteria for courses and course providers. Written

certification of attendance and satisfactory completion shall be maintained for four years by both the course provider and the applicant for licensure. The Board shall also have the authority to grant exemptions or waivers or to reduce the number of hours required in cases of certified illness or undue hardship.

*Patron - Hamilton*

**HB484 Authority to consent to surgical and medical treatment of certain minors; emergency medical services.** Provides that, whenever delay in providing (i) transportation in an emergency medical services vehicle or (ii) medical or surgical treatment at the scene of an accident, fire or other emergency to a minor may adversely affect such minor's recovery, and no person authorized to consent to treatment is available within a reasonable time under the circumstances, no liability shall be imposed on emergency medical services personnel by reason of lack of consent to transportation or treatment. The bill requires that, in the case of a minor 14 years of age or older who is physically capable of giving consent, such consent shall be obtained first.

*Patron - Landes*

**HB504 Licenses or certificates of contractors.** Provides that the awarding authority in a bid process shall require a contractor or bidder to submit a copy of his license or certificate or number prior to considering the bid.

*Patron - Cranwell*

**HB523 Board for Contractors; liquefied petroleum gas fitter and natural gas fitter providers.** Extends the provision for the waiver of examination for individuals applying for licensure as a liquefied petroleum gas fitter or natural gas fitter to within one year of the effective date of the Board's final regulations. Current law contains a waiver of the examination for such individuals who apply between July 1, 1999, and July 1, 2000. The bill also provides that individuals applying for licensure as a liquefied petroleum gas fitter between July 1, 2000, and July 1, 2005, shall be deemed to have fulfilled the examination requirement if they can demonstrate at least five years of experience in an apprenticeship capacity under the direct supervision of a gas fitter.

*Patron - Armstrong*

**HB618 Cemetery Board.** Requires cemetery companies providing a grave or an above-ground crypt or niche, without compensation, to deposit 10 percent of the retail sales price within 30 days after the close of the month in which the property is provided to the customer. The bill defines "retail sales price" as the standard, nondiscounted price included on the general price list required to be provided by the cemetery company upon beginning discussion of burial arrangements or the selection of any property or services. In addition, the bill adds to the definition of "cemetery company" any person maintaining a facility used for the interment or disposal of the remains and required to maintain perpetual care or preneed trust funds. The bill also contains technical amendments.

*Patron - War*

**HB677 Mental health service providers duty to inform.** Requires any mental health service provider, as defined in § 54.1-2400.1, who learns of evidence that indicates a reasonable probability that another mental health provider is or may be guilty of a violation of standards of conduct to advise his patient of the right to report such information to the Department of Health Professions. The mental health service provider must provide the patient with information, including, but not limited to, the Department's toll-free complaint hotline number for consumer complaints and written information published by the Department of Health Professions, explaining how to file a report. The mental health service provider must

also document in the patient's record the alleged misconduct the category of licensure or certification and approximate dates of treatment, if known, of the mental health services provider who will be the subject of the report, the action taken by the mental health service provider to inform the patient of his right to file a complaint with the Department of Health Professions. The mental health service provider will be immune from an civil liability or criminal prosecution resulting therefrom unless such person acted in bad faith or with malicious intent. Any person failing to inform a patient of his right to file a complaint against a regulated person as provided in this bill will be subject to a civil penalty not to exceed \$100.

*Patron - Weatherholtz*

**HB709 Attorneys; practice of patent law.** Clarifies the requirements for attorneys admitted to the Virginia State Bar for the limited practice of patent law.

*Patron - Plum*

**HB818 Health professions; nurse practitioners.** Expands the prescriptive authority of nurse practitioners, as follows: Schedules V and VI controlled substances on and after July 1, 2000; Schedules IV through VI on and after January 1, 2002; and Schedules III through VI controlled substances on and after July 1, 2003. Currently, nurse practitioners' prescriptive authority is limited to Schedule VI drugs. The bill also removes from the Boards of Nursing and Medicine the responsibility of developing a formulary for the specific drugs that nurse practitioners are allowed to prescribe and requires the supervising physician to develop a written agreement with each nurse practitioner under his supervision listing the controlled substances the nurse practitioner is or is not authorized to prescribe. In addition to the requirement of periodic site visits by physicians who supervise nurse practitioners which is currently in the law, the joint regulations of the Boards of Nursing and Medicine will include requirements for continued nurse practitioner competency, e.g., continuing education, testing, and/or any other requirement. The regulations must also address the need to promote ethical practice, an appropriate standard of care, patient safety, the use of new pharmaceuticals, and appropriate communication with patients. A second enactment clause requires the Joint Commission on Health Care, with the full cooperation of the Medical Society of Virginia, the Old Dominion Medical Society, the Board of Medicine, the Board of Nursing, and nurse practitioner associations, to study nurse practitioner prescriptive authority as provided in this act to determine the impact of the authority to prescribe Schedules III through VI controlled substances and devices on patient care, provider relationships, third-party reimbursement, physician practices, and patient satisfaction with nurse practitioner treatment. A preliminary report on this study must be provided by the Joint Commission to the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by July 1, 2003. The Joint Commission must complete its work in time to submit its written findings and recommendations to the Governor and 2004 General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

*Patron - Devolites*

**HB979 Health professions; physician assistants.** Authorizes physicians and podiatrists to delegate to physician assistants initial and ongoing evaluation and treatment of patients in hospitals, including emergency departments. In hospitals, physician assistants must report any acute or significant findings or changes in patients' clinical status to the supervising physician as soon as circumstances require, and record these findings in appropriate institutional records. The physician assistant must transfer to a supervising physician the

direction of care of any patient in an emergency department who has a life-threatening injury or illness. The supervising physician must review, prior to the patient's discharge, the services rendered by the physician assistant in an emergency department. The supervising physician must be present in the facility when a physician assistant is practicing in an emergency department. The physician responsible for the care of the patient must sign a protocol under Board regulations agreeing to act as a supervising physician for the assistant practicing in a hospital.

*Patron - Jones, S.C.*

**HB994 Health professions; veterinarians.** Requires veterinarians to release rabies immunization and relevant treatment data for any animal under their care when requested by a treating physician of a person when administration of the rabies treatment protocol is being contemplated.

*Patron - Robinson*

**HB1013 Health professions; Drug Control Act.** Updates the Drug Control Act to reflect changes in the practice of pharmacy, to clarify requirements of a prescription, to remove obsolete language pertaining to the process for new drug approval, to eliminate the requirement for permitted pharmacies to maintain the current edition of the United States Pharmacopoeia Dispensing Information, and to conform drug schedules with changes in federal drug schedules.

*Patron - Morgan*

**HB1198 Health professions; innovative pharmacy programs.** Authorizes the Board of Pharmacy to institute procedures to allow pilot projects for new and innovative procedures or processes in the practice of pharmacy. The provision specifically provides that the scope of practice of pharmacy is not expanded beyond current statutory guidelines. Projects may address such issues as the form of prescription and the transfer of information, manner of recordkeeping, use of ancillary personnel, and new technologies in the dispensing process. The Board will establish a committee to review and approve, either unconditionally or with conditions, any proposals, and denied proposals may be appealed.

*Patron - Jones, S.C.*

**HB1249 Health; nursing workforce information.** Requires, with such funds as are appropriated for this purpose, the Board of Nursing to collect certain information about the nursing workforce in the Commonwealth and make such non-identifying information available to interested parties.

*Patron - Brink*

**HB1250 Health professions; practice of acupuncture** Requires that, prior to performing any acupuncture procedure, any acupuncturist who is not licensed to practice medicine, osteopathy, chiropractic or podiatry must obtain either (i) written documentation that the patient had received a diagnostic examination by a medical practitioner with regard to that ailment or (ii) must provide to the patient a written recommendation for such a diagnostic exam. The bill also eliminates the need for any persons licensed to practice medicine, osteopathy, chiropractic or podiatry to be separately licensed to practice acupuncture, but requires the Board of Medicine by regulation to develop appropriate education, training and practice guidelines for such practitioners. Foreign speaking acupuncturists who speak the language of a majority of their clients will be exempt from the Test of Spoken English and Test of English as a Foreign Language. At this time, such foreign speaking acupuncturists cannot obtain licensure in Virginia.

*Patron - Brink*

**HB1341 Powers and duties of the Board of Pharmacy.** Defines "electronic transmission prescription" and "facsimile prescription" and provides that such prescriptions, which meet standards set by the Board, shall be valid original prescriptions.

*Patron - Byr*

**HB1367 Health care decisions.** Requires, in those instances in which a physician determines the terms of an advance directive of a qualified patient or the treatment decision of a person designated to make the decision on the treatment to be medically or ethically inappropriate, that the physician make reasonable effort to inform the patient or the patient's designated decision-maker of such determination and the reasons for the determination. If the conflict remains unresolved, the physician must make a reasonable effort to transfer the patient to another physician who is willing to comply with the terms of the advance directive. The physician must provide the patient or his authorized decision-maker a reasonable time of not less than 14 days to effect such transfer and must continue to provide, during this period, any life-sustaining care to the patient which is reasonably available to him, as requested by the patient or his designated decision-maker; however, the physician is not required to provide treatment that he is physically or legally unable to provide or treatment that he is physically or legally unable to provide without denying the same treatment to another patient. "Life-sustaining care" is defined as "any ongoing medical treatment that utilizes mechanical or other artificial means to sustain, restore or supplant a spontaneous vital function, including hydration, nutrition, maintenance medication, and cardiopulmonary resuscitation."

*Patron - Griffith*

**HB1391 Professional use of prescriptions.** Provides an exception from the Drug Control Act for persons who administer drugs to students in Virginia public schools in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security, and record keeping. Training for such persons must be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

*Patron - McDonnell*

**HB1427 Department of Professional and Occupational Regulation; certified interior designers.** Repeals the current provision allowing the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects ("the Board"), to waive the examination requirement for certain applicants applying for certification as an interior designer who made application on or before July 1, 1995. The Board may continue to accept satisfactory evidence of licensing or certification in another state or country in lieu of an examination.

*Patron - O'Brien*

**HB1437 Health professions; pharmacy.** Expands the definition of a bona fide practitioner-patient relationship to mean that the practitioner, prior to prescribing a drug, has obtained or has access to a readily available medical and drug history, communicated the benefits and risks of the drug being prescribed, performed an appropriate examination of the patient, and initiated additional interventions and follow-up, if needed. The bill also prohibits out-of-state pharmacists from dispensing any drugs to patients in Virginia that do not result from a bona fide practitioner-patient relationship. Further, a prescription is to be filled by such pharmacists unless there is a bona fide practitioner-patient-pharmacist relationship and a

prescription not issued in the usual course of treatment or for authorized research is not valid prescription. Nonresident pharmacies must aver that their pharmacists do not knowingly fill or dispense a prescription for a patient in Virginia in violation of these requirements. These provisions are recommendations by the Board of Medicine and the Department of Health Professions in their study of the sale of drugs via the Internet.

*Patron - O'Brien*

**HB1469 Health professions; Board of Physical Therapy.** Establishes a Board of Physical Therapy separate from the Board of Medicine and transfers the powers and duties to the new board. The bill also includes licensed physical therapists and physical therapist assistants under the definitions for professional service under professional corporation and limited liability corporations in Title 13.1. Physical therapy continues to be practiced under the referral and direction of licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery. A physical therapist assistant acts under the direction and control of a physical therapist and the patient's physician. The bill contains technical amendments.

*Patron - Hamilton*

**HB1477 Renal dialysis treatment.** Permits unlicensed persons, designated as dialysis care technicians, to administer specified medications for renal dialysis treatment under the supervision of a licensed physician or nurse. The bill defines a dialysis care technician as an unlicensed individual who, under the supervision of a licensed practitioner of medicine or a registered nurse, assists in the care of patients undergoing renal dialysis centers in Medicare-certified renal dialysis facilities. The dialysis care technician must demonstrate competency by completing an approved training program. This bill is a recommendation of the Joint Commission on Health Care.

*Patron - Hall*

**SB89 Foreign subpoena in lawyer disciplinary proceedings.** Facilitates the attendance of witnesses and the production of documents in interstate disciplinary investigations. This subpoena power will be recognized only when requested by those jurisdictions which grant Virginia's subpoenas the same privilege for disciplinary proceedings in Virginia. Identical to HB 427.

*Patron - Edwards*

**SB295 Board of Funeral Directors and Embalmers.** Makes technical changes in the powers and duties of the Board and adds provisions simplifying the process for notifying the Board regarding use of a temporary manager. The bill also requires those providing cremation services to register with the Board and provides the Board with the authority to adopt procedures for the registration process. This change is necessary as the result of recent changes in statute requiring crematories to register with the Board rather than the Health Department.

*Patron - Houck*

**SB386 Health professions; exemption from licensure.** Exempts from state licensure any psychologist duly licensed in another state or the District of Columbia when testifying as a treating psychologist or who is employed as an expert for the purpose of possibly testifying as an expert witness.

*Patron - Mims*

**SB434 Health professions; data required.** Changes the reference in the reporting requirements for podiatrists to the Council on Podiatric Medical Education of the American Podiatric Medical Association to correct an inaccurate reference. This board is the body analogous to the American Board of

Medical Specialties and is responsible for approving specialty board certifications.

*Patron - Reynolds*

**SB488 Health; nursing workforce information.** Requires the Board of Nursing, with such funds as are appropriated, to collect certain information about the nursing workforce in the Commonwealth, update the information biennially, and make such nonidentifying information available to interested parties. The information to be collected will include, but not be limited to: demographic data, level of education, employment status, employment settings, geographic locations, type of nursing position or area of specialty, and number of hours per week worked. The Board must promulgate emergency regulations to implement this provision which will include such items as the number and types of data elements to be collected and confidentiality protections.

*Patron - Lambert*

**SB494 Health professions; occupational therapists.** Adds language to the licensure requirements for occupational therapists to ensure that unlicensed persons do not practice occupational therapy under another job title. The bill also requires that a graduate of an accredited program may practice until he has taken and passed the examination required by the Board but must use the title "Occupational Therapist, License Applicant" or "OTL-Applicant" for disclosure to patients of his status. Previously, applicants were allowed to use the fully accredited licensing title prior to taking and passing the exam.

*Patron - Edwards*

**SB531 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; landscape architecture.** Provides that in order to use the title "landscape architect" a person must be certified by the Board for Architects, Professional Engineers Land Surveyors, Certified Interior Designers and Landscape Architects. The bill provides for a waiver of the certification examination under certain circumstances.

*Patron - Watkins*

**SB565 Practitioner Self-Referral Act.** Amends the Practitioner Self-Referral Act to make its provisions applicable to health care providers who refer patients for care in any adult care residence in which they have a financial interest. This bill is a recommendation of the Joint Commission on Health Care.

*Patron - Martin*

**SB677 Health care decisions.** Requires, in those instances in which a physician determines the terms of an advance directive of a qualified patient or the treatment decision of a person designated to make the decision on the treatment to be medically or ethically inappropriate, that the physician make reasonable effort to inform the patient or the patient's designated decision-maker of such determination and the reasons for the determination. If the conflict remains unresolved, the physician must make a reasonable effort to transfer the patient to another physician who is willing to comply with the terms of the advance directive. The physician must provide the patient or his authorized decision-maker a reasonable time of not less than 14 days to effect such transfer and must continue to provide, during this period, any life-sustaining care to the patient which is reasonably available to him, as requested by the patient or his designated decision-maker; however, the physician is not required to provide treatment that the physician is physically or legally unable to provide or treatment that he is physically or legally unable to provide without denying the same treatment to another patient. "Life-sustaining care" is defined as "any ongoing medical treatment that utilizes

mechanical or other artificial means to sustain, restore or supplant a spontaneous vital function, including hydration, nutrition, maintenance medication, and cardiopulmonary resuscitation."

*Patron - Forbes*

**SB679 Health professions; pharmacy.** Defines radiopharmaceutical as "any drug that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons" (with certain exceptions) and establishes precise requirements for dispensing radiopharmaceuticals in terms of the containers, the prescription data, and physician and patient specifications. Also defines a nuclear medicine technologist and provides a definition for scope of duties under a qualified nuclear pharmacist.

*Patron - Forbes*

**SB683 Health professions; physician assistants.** Authorizes the delegation and supervision of initial and ongoing evaluation and treatment of hospital patients, including emergency department patients, to physician assistants when performed under the direction, supervision and control of an appropriate licensee. The physician assistants, when practicing in a hospital, must report acute or significant findings or changes in a patient's clinical status to the supervising physician as soon as circumstances require and record these findings in the records. A patient with a life-threatening injury or illness must be transferred to a supervising physician. The supervising physician must review, prior to the patient's discharge, the services rendered to the patient by a physician assistant in a hospital's emergency department. A physician assistant practicing in an emergency department must be under the supervision of a physician who is present within the facility. Physician assistants practicing in hospitals must have signed protocols with the physician responsible for the patient, pursuant to regulations of the Board of Medicine.

*Patron - Forbes*

**SB708 Temporary licensure of foreign licensed physicians.** Increases to two years the period for which physicians licensed in foreign countries may receive a temporary nonrenewable license to practice while attending an advanced training program in an institute for post graduate health science operated collaboratively by a health care system, having hospitals and health care facilities with residency and training programs, and a public institution of higher education. These physicians can only practice in the hospitals and outpatient clinics of the collaborating health care system during the time they are in the training program. Current law provides for temporary licensure of these physicians for only six months.

*Patron - Barry*

**SB734 Health Care Decisions Act.** Defines the health care decisions that an "agent" may make for a declarant under an advance directive to include visitation decisions, subject to physician orders and policies of the institution to which the declarant is admitted.

*Patron - Edwards*

## Failed

**HB359 Penalty for practicing law without authority.** Increases the penalty for practicing law without authority to a Class 6 felony for a second or subsequent offense. The first offense penalty is a Class 1 misdemeanor.

*Patron - Almand*

**HB884 Restricted volunteer licenses for dentists, dental hygienists, and optometrists.** Authorizes the Boards of

Dentistry and Optometry to issue restricted volunteer licenses to dentists, dental hygienists, and optometrists who hold corresponding licenses in good standing in another state and are only practicing under the sponsorship of a nonprofit organization that arranges for the free, short-term, voluntary provision of health care services in underserved areas of Virginia. These practitioners would not be required to take a jurisprudence examination, would not be authorized to receive any payments, and could receive a restricted volunteer license spanning only the limited time necessary to participate in a single or a series of free, short-term, voluntary health care services provided on an intermittent basis at health care fairs or health care events arranged by a nonprofit sponsoring organization. At least on out-of-state nonprofit organization would like to arrange events lasting no more than a day or two for the delivery of dental and optometric services to people living in remote, underserved areas of Virginia where few, if any, dentists and optometrists practice; however, no provision for allowing out-of-state dentists, dental hygienists or optometrists to practice legally in Virginia under these circumstances presently exists.

*Patron - Phillips*

**HB1068 Health professions; optometry.** Allows optometrists to practice their profession as a lessee of a mercantile or commercial establishment. Prohibits the practice of optometry as an employee of a mercantile or commercial establishment with no exemptions.

*Patron - War*

**HB1074 Licensed health care practitioners required to display license.** Requires any person who is licensed to practice medicine, osteopathic medicine, chiropractic, podiatry, physical therapy, or as a physical therapist's, physician's or podiatrist's assistant to display his license in the patient waiting area of each office in which he provides individual patient care.

*Patron - Melvin*

**HB1079 Abortion; informed consent.** Requires the Board of Medicine to promulgate regulations ensuring that women seeking abortions are fully informed and that consent is voluntarily given. Further, all physicians performing abortions must wait 24 hours after obtaining consent to perform the abortion and all persons providing abortion services must have effect liability insurance covering the services being provided or must have hospital privileges. A third enactment clause requires the Board of Medicine to promulgate emergency regulations.

*Patron - Marshall*

**HB1470 Health professions and health; 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. Applicants must meet educational, specialized training, and competency standards set by the Board of Health Professions, with advice from the Advisory Council on Midwifery established in this bill, and must have a written protocol with an actively practicing physician who has hospital privileges and is experienced in providing labor and delivery care. In addition, midwives must obtain the informed, written consent of any pregnant woman seeking midwife care. The consent form, which must be approved by the Board of Health Professions, shall include information about the midwife's training, an explanation of the arrangements for physician backup, the midwife's level of malpractice or liability insurance, and a description of the patient's right to file complaints with the Board and the procedures for doing so. The Board of Health Professions shall promulgate regulations which, when implemented, will supersede current provisions in



the Code for midwives, but the Board of Health will administer the licensing examination and issue licenses to midwives. The bill contains technical amendments.

*Patron - Hamilton*

## Carried Over

**HB496 Cemetery Board.** Prohibits cemetery companies from all at-need and preneed solicitations using in-person communication. Current law prohibits in-person communications that are false, misleading or contrary to the stated purpose.

*Patron - Deeds*

**HB921 Health professions; dentistry.** Clarifies current law to ensure that any person who has been licensed to practice dentistry in any other country may submit an application to the Board of Dentistry to practice in Virginia provided that they meet educational and practice criteria equal to the minimum standards for dentists practicing in the Commonwealth. The Board by regulation shall determine the approved programs, schools and foreign licensure standards that meet the Commonwealth's requirements for licensure.

*Patron - Dickinson*

**HB962 School board volunteers; administering injections in emergencies.** Directs the Board of Nursing to promulgate guidelines for training school board volunteers in the identification of medical emergencies to be treated by injection and in the administration of medication by injection to students in these emergency situations. The measure also excludes these school board volunteers, when acting in accordance with the guidelines, from the practice of nursing.

*Patron - Thomas*

**HB1031 Real Estate Appraisers Board; exemption from licensure** Provides that an individual who is not licensed residential real estate appraiser, a certified residential real estate appraiser, or a certified general real estate appraiser, may make an evaluation for compensation and may testify as an expert witness in any legal proceeding if the court finds such individual qualified as an expert witness. The bill also contains technical amendments.

*Patron - Cranwell*

**HB1035 Practice of dentistry in underserved areas.** Requires (i) the Board of Health to establish criteria to identify dentally underserved areas in Virginia in addition to medically underserved areas; (ii) the definition of "primary care resources" to include physicians, nurses, dentists, and dental hygienists; (iii) the Board of Dentistry to issue a temporary license to a dentist who is otherwise qualified but not licensed to practice dentistry in Virginia through examination; and (iv) establishes temporary licensure conditions, i.e., the applicant has not failed an examination for licensure in Virginia, the applicant will practice as a clinician in or, in the case of dentally underserved areas identified by the Board of Health, under contract as a primary care resource with the Virginia Department of Health or the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services. The license will be valid for two years or as otherwise specified in the contract and certified to the secretary of the Board of Dentistry by the Commissioner of Health or the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services.

*Patron - Bloxom*

**SB273 Professions and occupations; pawnbrokers.** Requires pawnbrokers to keep a photograph or photo-

graphs of the person pawning or pledging goods taken together with the items being pawned or pledged. The photograph will be kept with the other written records currently required.

*Patron - Howell*

## Property and Conveyances

### Passed

**HB607 Condominium Act; access to records.** Gives unit owners in a condominium access to documentation, correspondence, or management or executive organ reports compiled for or on behalf of the unit owners' association or the executive organ by its agents or committees for consideration by the executive organ unless such documents are prepared for an executive session. The bill also requires the Housing Study Commission to study the operation of property owners' association and determine whether the Real Estate Board should investigate violations. Currently, these records may be withheld from inspection and copying.

*Patron - Callahan*

**HB763 Uniform Disposition of Unclaimed Property Act.** Exempts promotional incentives, property valued at less than \$100, gift certificates, and credit balances payable to a business association from the reporting requirement of the Uniform Disposition of Unclaimed Property Act. An action or proceeding may not be maintained by the administrator more than five years after the holder identified the property on a filed report, filed a report in which the holder should have identified the property, or filed a report giving the administrator reasonable notice of a dispute regarding the property, except that the period of limitation is extended to 10 years in the case of a materially false report or failure to file a report. The period that a holder is required to retain records is five years if a report is filed; if no report is filed, the period is 10 years. The State Treasurer is prohibited from entering into contingency fee contracts, or permitting statistical estimation without the consent of the holder, if the holder is located in Virginia. The civil penalties for willful failure to comply with the act are increased. This bill is identical to SB 676.

*Patron - Cantor*

**HB786 Release of deed of trust or other lien.** Makes a technical correction to a Code section that was amended in 1996 to provide that lien creditors must file affidavits with certificates of satisfaction rather than produce the actual note. The language stricken in this bill deletes the reference to delivering the cancelled note at the time of the recording of the deed of trust, which has caused confusion since the 1996 amendment.

*Patron - Deeds*

**HB789 Uniform Statutory Rule Against Perpetuities.** Creates a statutory rule against perpetuities that is uniform with what many other states have adopted. Under current law, a property interest is valid only if it vests within a life in being plus 21 years, which is the codification of the common law rule against perpetuities. Under the new uniform law, any interest that must vest within the period of the rule would remain valid, but any interest that might fail under the present rule would have 90 years to actually vest. After 90 years, if the interest has not vested, a court would reform it to create an interest that conforms to the donor's original intent. Additionally, the uniform rule clarifies when the time period for the rule

begins to run, which is a point of confusion and the subject of litigation under the common law rule.

*Patron - Deeds*

**HB1207 Mortgages; priority of certain refinance mortgages over subordinate mortgages.** Gives a refinance mortgage priority over a subordinate mortgage if (i) the refinance mortgage is identified as such in bold or capitalized letters; (ii) the amount secured by such refinance mortgage does not exceed the outstanding principal balance secured by the prior mortgage plus \$5,000; and (iii) the interest rate of the debt secured does not exceed the interest rate set forth in the prior mortgage.

*Patron - Cantor*

**HB1231 Property Owners' Association Act; access to records.** Provides that documentation, correspondence, or management or board reports compiled for or on behalf of the association or the board by its agents or committees for consideration by the board shall be made available for inspection by lot owners unless such documents are prepared for an executive session.

*Patron - Grayson*

**HB1296 Condominium and Property Owners' Association Acts; rule violations.** Provides that after the date a lawsuit is filed challenging the assessment of charges for association rules violations, no additional charges shall accrue. If the court rules in favor of the association, the association shall be entitled to collect such charges from the date the action was filed as well as all other charges assessed against the unit or lot owner prior to the action.

*Patron - Hall*

**HB1297 Real Estate Board; duties** Requires the Real Estate Board to develop and disseminate a one-page form to accompany association disclosure packets, which form shall summarize the unique characteristics of property owners' associations generally and shall make known to prospective purchasers the unusual and material circumstances affecting a lot owner in a property owners' association, including, but not limited to, (i) the obligation of a lot owner to pay regular annual or special assessments to the association, and the penalty for failure/refusal to pay such assessments; (ii) the purposes for which such assessments may be used; (iii) and the importance the declaration of restrictive covenants and other governing documents play in association living.

*Patron - Hall*

**HB1315 Virginia Residential Landlord and Tenant Act.** Amends the Virginia Residential Landlord and Tenant Act by (i) clarifying the applicability of the Act; (ii) distinguishing between an application fee and a security deposit; (iii) adding a definition of "managing agent" as a person authorized by the landlord to act on behalf of the landlord under a management agreement; (iv) clarifying what constitutes notice under the Act; (v) deleting the archaic term "notice to quit"; (vi) changing the term "lease" to "rental agreement," a defined term under the Act; (vii) providing that no unilateral change in the terms of a rental agreement by a landlord or tenant shall be valid unless (a) notice of the change is given in accordance with the terms of the rental agreement or as otherwise required by law and (b) both parties consent in writing to the change; (viii) clarifying the confidentiality of tenant records; (ix) replacing the term "check-in" with "move-in"; (x) providing that a landlord may be compensated by a television service provider for the use and occupancy of the landlord's property in an amount reasonably related to the value of the property and the services rendered by the landlord; (xi) providing that a rule or regulation adopted or changed, or provided to the tenant

after the tenant enters into the rental agreement shall be enforceable against the tenant if reasonable notice of its adoption or changes has been given to the tenant and it does not work a substantial modification of his bargain; (xii) replacing the term "apartment" with "dwelling unit"; (xiii) consolidating the various sections dealing with tenants' assertions into one section; and (xiv) clarifying that a landlord's acceptance without reservation of a rent payment with knowledge in fact of material noncompliance by the tenant constitutes a waiver of the landlord's right to terminate the rental agreement. The bill contains numerous housekeeping amendments and moves existing sections within the Act for more appropriate placement. The bill provides that clause (xv) above shall not become effective until July 1, 2001. The bill is a recommendation of the Virginia Housing Study Commission pursuant to HJR 739.

*Patron - Almand*

**HB1316 Manufactured Lot Rental Act; security deposits.** Clarifies that the security deposit provisions of the Virginia Residential Landlord and Tenant Act apply to the tenants in a manufactured home park, except that a security deposit cannot be increased or an additional security deposit be required where there is an automatic renewal of the rental agreement.

*Patron - Almand*

**HB1342 Virginia Residential Landlord and Tenant Act; security deposits.** Provides that in the event that damages to the premises exceed the amount of the security deposit and require the services of a third party contractor, the landlord must give written notice to the tenant advising him of that fact within the 30-day period. If notice is given as prescribed, the landlord shall have an additional 15-day period to provide an itemization of the damages and the cost of repair. The bill contains a technical amendment.

*Patron - Drake*

**HB1343 Virginia Residential Landlord and Tenant Act; definitions.** Includes pet deposits in the definition of security deposit.

*Patron - Drake*

**HB1392 Attorney General; review disposition of assets of nonprofit entities.** Expands the categories of nonprofit health care entities that are required to notify the Attorney General of a proposed disposition of assets, in order that the Attorney General may exercise his authority over their activities. The categories of nonprofit health care entities that are included by this legislation include (i) licensed nursing homes, (ii) certified nursing facilities, and (iii) registered continuing care facilities.

*Patron - McDonnell*

**HB1503 Tenants by the Entireties; Trusts.** Provides that the principal family residence of a husband and a wife that is held by them as tenants by the entirety and conveyed to their joint trust or equally to their separate trusts has the same immunity from the claims of their separate creditors as if it had remained a tenancy by the entirety.

*Patron - McClur*

**SB264 Property owners' associations; flag display.** Requires that any provisions relating to flag displays, including, but not limited to, reasonable restrictions as to size, place, and manner of placement or display, be included in the association's disclosure packet. The bill also provides that, unless specifically prohibited in the association's rules or regulations or architectural guidelines provided in the disclosure packet, an association may not restrict lot owners from displaying the flag of (i) the United States, (ii) the Commonwealth,

(iii) any active branch of the armed forces of the United States, or (iv) any military valor or service award of the United States.

*Patron - Bolling*

**PSB366 Self-service storage facilities; liens.** Requires the self-service storage facility owner to notify the lienholder of record on personal property having a fair market value in excess of \$1,000 (current law is \$600) of a proposed public auction of the property due to default. The owner is not obligated to hold any balance for a properly notified lienholder or other lien creditor if not claimed within 30 days. The bill also provides that the owner's legal remedies are not limited to those spelled out in the Virginia Self-Service Storage Act.

*Patron - Hawkins*

**PSB502 Rule against perpetuities.** Establishes an exception to the rule against perpetuities that provides that the rule shall not apply to any trust or any interest created in personal property held in such trust, or to any power of appointment over personal property held in such trust, or to any power of appointment over personal property granted under such trust, when the trust instrument, by its terms, provides that the rule against perpetuities shall not apply to such trust.

*Patron - Reynolds*

**PSB676 Uniform Disposition of Unclaimed Property Act.** Exempts promotional incentives, property valued at less than \$100, gift certificates, and credit balances payable to a business association from the reporting requirement of the Uniform Disposition of Unclaimed Property Act. An action or proceeding may not be maintained by the administrator more than five years after the holder identified the property on a filed report, filed a report in which the holder should have identified the property, or filed a report giving the administrator reasonable notice of a dispute regarding the property, except that the period of limitation is extended to 10 years in the case of a materially false report or failure to file a report. The period that a holder is required to retain records is five years if a report is filed or 10 years if no report is filed. The State Treasurer is prohibited from entering into contingency fee contracts, or permitting statistical estimation without the consent of the holder, if the holder is located in Virginia. The civil penalties for willful failure to comply with the act are increased.

*Patron - Colgan*

**PSB721 Property Owners' Association Act.** Provides that meetings of the board of directors must provide a designated period of time during the meeting to allow members of the association to comment on matters relating to the association. The measure provides requirements for meetings of the board of directors that are conducted by telephone or video conference or similar electronic means. The bill further (i) limits the total amount of charges for any offense of a continuing nature to \$900 and (ii) makes suits to enforce any perfected lien under the Act subject to jurisdictional provisions of the Code of Virginia relating to general district and circuit court. The measure also requires the Virginia Housing Study Commission to review (i) the operation of property owners associations covered by the Act and (ii) whether the Real Estate Board should be charged with the investigation and resolution of alleged violations of state law involving such associations. The Commission is required to complete its work in time to submit its findings to the 2001 session of the General Assembly.

*Patron - Mims*

**PSB722 Condominium Act.** Provides additional notice requirements for meetings of the executive organ of a unit owners' association. The bill (i) provides that unit owners may request to be notified of executive organ meetings on a continual basis and receive reasonable notice of special or

emergency meetings, (ii) requires that at least one copy of all agenda packets that are furnished to members be made available at the same time such documents are furnished to the board of directors, and (iii) prohibits the executive organ from voting by secret ballot in an open meeting except for the election of officers. Requirements are also provided for meetings of the executive organ conducted by telephone or video conference or similar electronic means. In addition, meetings of the executive organ must provide a designated period of time during the meeting to allow unit owner comment. The bill further (i) limits the total amount of charges for any offense of a continuing nature to \$900 and (ii) makes suits to enforce any perfected lien under the Act subject to jurisdictional provisions of the Code of Virginia relating to general district and circuit court. The bill contains technical amendments.

*Patron - Mims*

## Failed

**FHB1161 Implied warranties on new homes; synthetic stucco.** Extends the implied warranty for new dwellings to cover the exterior wall envelope of new dwellings constructed in whole or in part with synthetic stucco, commonly known as exterior insulation and finish systems. The bill defines "exterior wall envelope" to mean a system or assembly of exterior wall components, including exterior wall finish materials, that provide protection of the building's structural members, including framing and sheathing materials, and conditioned, interior space from detrimental effects of the exterior environment.

*Patron - Albo*

**FHB1191 Standard of care; portfolio strategy; risk and return objectives.** Provides that a trustee shall have a fiduciary obligation to ensure that any portfolio created with the assets of the trust is a diversified portfolio that balances risk, returns and suitability; takes into account taxes and inflation; and is tailored to the beneficiary's needs.

*Patron - Purkey*

## Carried Over

**CHB606 Condominium Act; enforcement by the Real Estate Board.** Requires the Real Estate Board to investigate complaints made against persons other than the declarant, its agents, employees or other representatives, and provides the imposition of monetary penalties for violations. Currently, it is within the discretion of the Board to investigate these types of complaints.

*Patron - Callahan*

**CHB715 Condominium and property owners' associations; lien for assessments.** Removes the authorization for condominium property owners' associations to employ nonjudicial foreclosures for nonpayment of assessments.

*Patron - McQuigg*

**CHB933 Virginia Residential Landlord and Tenant Act.** Provides that the Virginia Residential Landlord and Tenant Act (VRLTA) applies to all condominium units located in Fairfax and Arlington counties and any city located completely within such counties. The bill also (i) expands notice to quit protections to tenants of properties receiving federal funds from HUD, (ii) increases the number of days after termination of the tenancy from 30 to 45 that a landlord has to notify a tenant of any deductions in the security deposit as well as tendering any amount due the tenant, (iii) clarifies the amount of prior notice that a tenant must receive before a landlord enters a unit for routine maintenance by changing the term "reason-

able notice" to "at least twenty-four hours' notice," (iv) provides that if the landlord willfully violates the provisions relating to security deposits, the tenant is entitled to return o the full amount of the security deposit plus interest, and (v) clarifies the responsibility of the tenant to repair or replace any damaged areas resulting from the installation of allowable devices installed by him (e.g., chain latches, burglary and fire prevention devices).

*Patron - Almand*

**HB1083 Landlord and tenant laws.** Gives a tenant additional opportunities to redeem in an unlawful detainer action. The bill also (i) makes all single-family residences and condominium units subject to the Virginia Residential Landlord and Tenant Act, (ii) allows tenants to use rent escrow i cases where the tenant has had more than three notices or civil warrants in a prior year or in the last six months, (iii) authorizes the judge to vacate an order for possession in nonpayment of rent cases where the tenant has successfully disputed charges other than contract rent and pays all amounts found to be owned to the landlord within three business days after entry of the order of possession, and (iv) gives a tenant the opportunity to limit his liability for post-possession rent under certain circumstances. The bill contains technical amendments.

*Patron - Jones, J.C.*

## Public Service Companies

### Passed

**HB460 Public utilities.** Adds licensed competitive providers of electrical service to the list of entities from whom lessors may purchase electricity, natural gas, and water for resale to their tenants. A provision prohibiting multiple rate increases in a 12-month period by telephone cooperatives is removed because the SCC does not regulate the rates charged by telephone cooperatives. Finally, the bill corrects a Code citation.

*Patron - Morgan*

**HB746 Utility consumer services cooperatives; utility aggregation cooperatives.** Clarifies the authority of utility consumer services cooperatives to sell retail electricity to their members when the competitive market emerges in 2002. Electric cooperatives conducting regulated utility services may not conduct unregulated business activities, other than traditional cooperative activities, except through an affiliate. "Traditional cooperative activities" are defined as businesses, services, or activities in which cooperatives have traditionally engaged in Virginia. The bill also amends and clarifies aspects of cooperative corporate governance and makes certain provisions consistent with Virginia's existing corporate statutes by (i) eliminating references to the consolidation of cooperatives, (ii) permitting cooperatives to have one or more classes of membership if set forth in the cooperative's bylaws, and (iii) clarifying that only members of a cooperative can be elected to the board of directors.

*Patron - Cantor*

**HB792 Public utilities; landfill gas.** Excludes companies selling or delivering landfill gas and/or electricity generated from landfill gas, from a solid waste management facility permitted by the Department of Environmental Quality from the definition of a public utility. The exclusion applies to any company that sells the landfill gas (i) to not more than one commercial or industrial purchaser, (ii) from the solid waste management facility, and (iii) after the natural gas or electri

public utility, municipal corporation or county providing gas service does not agree, within sixty days after the company makes an offer, to purchase the gas on mutually satisfactory terms. The public utility within whose certificated gas service territory the purchaser of the landfill gas is located may file for approval of a proposed tariff to reflect any changes in servi resulting from the purchaser's use of the landfill gas.

*Patron - Deeds*

**HB797 Powers of cooperatives.** Prohibits utility consumer services cooperatives and utility aggregation cooperatives, and their affiliates, from engaging on a not-for-profit basis in business activities (other than regulated electric utility services, unregulated sales of electric power to its members within its certificated service territory, and traditional cooperative activities) unless such business activity is not currently provided by any person other than a cooperative. The State Corporation Commission must first determine that (i) no other person is likely to provide the products or services within a reasonable time or (ii) the co-op's affiliate will not receive the benefit of any federal tax exemption that is not available to persons other than cooperatives and will not receive the benefit of federally guaranteed or subsidized financing not available t non-cooperatives. These restrictions do not apply to business activities of a cooperative or its affiliate in operation on or before July 1, 1999.

*Patron - Wagner*

**HB1377 Public utilities; termination of power supply to sewerage systems** Requires operators of sewerage systems to notify their energy supply utilities, the SCC, and the Department of Environmental Quality, in writing, that they operate sewerage treatment facilities. No utility supplying energy to a sewerage system shall suspend service to a sewerage system without giving the SCC and the Director of the Department of Environmental Quality 10 days' written notice.

*Patron - Armstrong*

**SB160 Public utilities; landfill gas.** Excludes companies selling or delivering landfill gas, electricity generated from landfill gas, or both, derived from a solid waste management facility permitted by the Department of Environmental Quality from the definition of a public utility. The exclusion applies to any company that sells the landfill gas (i) to not more than one commercial or industrial purchaser, (ii) from the solid waste management facility, and (iii) after the natural gas or electric public utility or municipal corporation providing gas service does not agree, within 60 days after the company makes an offer, to purchase the gas or electricity on mutuall satisfactory terms. The public utility within whose certificated gas service territory the purchaser of the landfill gas or electricity is located may file for approval of a proposed tariff to reflect any changes in service resulting from the purchaser's use of the landfill gas.

*Patron - Watkins*

**SB225 Blocking caller identification to telephone number #77.** Designates #77 as an official access number for wireless telephone usage for access to designated offices of the Department of State Police. Such number shall be used solely for official business. Callers are prohibited from blocking caller identification or other essential information on calls t that number. Providers of telecommunications services will not be liable for civil damages for services related to #77 calls unless resulting from gross negligence or willful misconduct.

*Patron - Stolle*

**SB403 Powers of cooperatives.** Prohibits utility consumer services cooperatives and utility aggregation cooperatives, and their affiliates, from engaging on a not-for-profit

basis in business activities (other than regulated electric utility services, unregulated sales of electric power to its members within its certificated service territory, and traditional cooperative activities), unless such business activity is not currently provided by any person other than a cooperative. In addition the State Corporation Commission must first determine that (i) no other person is likely to provide the products or services within a reasonable time or (ii) the co-op's affiliate will not receive the benefit of any federal tax exemption that is not available to persons other than cooperatives and will not receive the benefit of federally guaranteed or subsidized financing not available to non-cooperatives. These restrictions do not apply to the business activities of a cooperative or its affiliate in operation on or before July 1, 1999.

*Patron - Trumbo*

**SB445 Public utilities; underground utility line separation standards.** Eliminates the statutory minimum standards for separation of underground utility lines and require operators to adhere to minimum separation standards established by National Electric Safety Code, the SCC, the Department of Health, and standards established by the Utility Industry Coalition of Virginia, regardless of whether lines are under public or private land. The charges are effective July 1, 2001, and the Commission shall publish its proposed regulations for comment by January 1, 2001. The bill provides that the Commission may not order action by, or impose penalties on, any county, city or town. However, the Commission shall inform counties, cities and towns of alleged violations by the locality of the accepted industry standards or regulations adopted under this section and, at the request of the locality, suggest corrective action.

*Patron - Mims*

**SB532 Electric utility restructuring; capped rates.** Authorizes the State Corporation Commission to adjust the capped rates charged by certain distribution cooperatives to match the cost of providing distribution services. Capped rates are effective from January 1, 2001, until as late as July 1, 2007, for each service territory of every incumbent utility. Until the end of the capped rate period, the electric utility shall make electric service available at capped rates to any customer in the incumbent electric utility's service territory.

*Patron - Watkins*

**SB585 Electric utility restructuring.** Directs the Virginia State Corporation Commission 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 Commission's recommendations may vary by service, type of seller, region, incumbent electric utility and customer group. The recommendation shall take into account, among other factors, the technological feasibility of furnishing any such services on a competitive basis. The recommendation shall also include a draft plan for implementation of competition for metering services and billing services. Competition for such services may be implemented concurrently or pursuant to separate schedules as determined by the General Assembly. Other provisions (i) clarify when municipalities and other political subdivisions may aggregate intra- and inter-governmental load without the necessity of obtaining a license as aggregators; (ii) clarify that the wires charges calculated by the Commission shall not be less than zero; (iii) authorize the Commission to implement its proposed consumer education recommendations and to fund the program through the Commission's regulatory tax; (iv) provide that capped rates established pursuant to rate applications made prior to January 1, 2001, will be interim in nature and subject to refund with interest until the Commission has completed its investigations of these applications, and (v) provides

for certain adjustments in determining the projected market price for generation. The measure also clarifies what activities constitute aggregation, and includes several technical amendments. The bill is a recommendation of the Legislative Transition Task Force.

*Patron - Norment*

**SB594 Utility consumer services cooperatives; utility aggregation cooperatives.** Clarifies the authority of utility consumer services cooperatives to sell retail electricity to their members when the competitive market emerges in 2002. Electric cooperative conducting regulated utility services may not conduct unregulated business activities, other than traditional cooperative activities, except through an affiliate. "Traditional cooperative activities" are defined as businesses services, or activities in which cooperatives have traditionally engaged in Virginia. In addition, the bill amends and clarifies aspects of cooperative corporate governance and makes certain provisions consistent with Virginia's existing corporate statutes by (i) eliminating references to the consolidation of cooperatives, (ii) permitting cooperatives to have one or more classes of membership if set forth in the cooperative's bylaws, and (iii) clarifying that only members of a cooperative can be elected to the board of directors.

*Patron - Norment*

## Failed

**HB864 Public service companies; underground utility line standards.** Requires operators with authority to install underground utility lines or facilities to do so in accordance with the accepted industry standards and applicable regulations such as the National Electrical Safety Code, the Commission's Pipeline Safety Regulations, and the Department of Health's Waterworks Regulations.

*Patron - Wagner*

**HB1003 Private railroad grade crossings.** Prohibits closure of certain railroad crossings by railroads without written permission from certain affected landowners.

*Patron - Jones, J.C.*

**SB339 Underground Utility Damage Prevention Act.** Prohibits the State Corporation Commission from requiring any person to report any probable violation of the Underground Utility Damage Prevention Act or any incident involving damage, dislocation, or disturbance of any utility line. The authority of the Commission to allow the voluntary reporting of probable violations of the Act is affirmed.

*Patron - Bolling*

## Carried Over

**HB875 Private railroad grade crossings.** Prohibits closure of certain railroad crossings by railroads without written permission from certain affected landowners.

*Patron - Ruff*

**HB888 Underground Utility Damage Prevention Special Fund; civil penalties.** Requires the filing of a specific complaint and request for the imposition of civil penalties before the SCC may impose civil penalties.

*Patron - Wagner*

**HB1054 Deaf and hard-of-hearing; Virginia Relay.** Creates the Consumer Advisory Board for Virginia Relay within the Department for the Deaf and Hard-of-Hearing to provide consumer advice on Virginia's telecommunications relay service to state agencies as to whether it is meeting the

needs of its clients and to assist in providing information about access to services. The bill contains a technical amendment.

*Patron - Marshall*

**HB1480 Cable television; broadband Internet access.** Requires franchised cable television franchisees to provide any requesting Internet service provider (ISP) access to its broadband Internet access transport services on nondiscriminatory rates, terms, and conditions. The access is to be provided at any technically feasible point selected by the requesting ISP. If a cable operator providing broadband Internet access transport services becomes subject to more extensive access requirements imposed by any other jurisdiction in the United States, a requesting ISP may require the cable operator to comply with such more extensive access requirements. An ISP that is denied access in violation of this act may bring a private action. The substantially prevailing party may be awarded reasonable costs, expenses, and attorneys fees. The Attorney General and the locality issuing the cable franchise may also bring actions to enforce the requirements for access.

*Patron - Robinson*

**SB478 Private railroad grade crossings.** Prohibits closure of certain railroad crossings by railroads without written permission from certain affected landowners.

*Patron - Martin*

**SB707 Cable television; broadband Internet access.** Requires franchised cable television franchisees to provide any requesting Internet service provider (ISP) access to its broadband Internet access transport services on nondiscriminatory rates, terms, and conditions. The access is to be provided at any technically feasible point selected by the requesting ISP. If a cable operator providing broadband Internet access transport services becomes subject to more extensive access requirements imposed by any other jurisdiction in the United States, a requesting ISP may require the cable operator to comply with such more extensive access requirements. An ISP that is denied access in violation of this act may bring a private action. The substantially prevailing party may be awarded reasonable costs, expenses, and attorneys fees. The Attorney General and the locality issuing the cable franchise may also bring actions to enforce the requirements for access.

*Patron - Barry*

## Religious and Charitable Matters; Cemeteries

Passed

**HB696 Solicitation of Contributions Act; exemptions.** Clarifies the exemption from the Solicitation of Contributions Act for any health care institution granted tax-exempt status under § 501 (c) (3) of the Internal Revenue Code that is wholly organized for the delivery of health care services without charges (free clinics). For the purposes of the bill, "delivery of health care services without charge" includes the delivery of dental, medical or other health services where a reasonable minimum fee is charged to cover administrative costs. The bill also contains technical amendments.

*Patron - Sherwood*

**HB1214 Solicitation of Contributions Act; enforcement.** Authorizes the Attorney General to issue civil investigative demands for violations of the Solicitation of Contributions Act. Currently, the Attorney General has this author-

ity under the Virginia Antitrust Act and the Consumer Protection Act. The Attorney General, in his discretion, may present and disclose any investigative evidence in any action or proceeding brought by the Attorney General under the Virginia Antitrust Act. The bill contains technical amendments.

*Patron - Cantor*

Failed

**HB1225 Religious and charitable matters; religious freedom preserved.** Provides that no government entity shall substantially burden a person's free exercise of religion except if (i) the government entity proves that application of the restriction to the person is essential to further a compelling governmental interest and (ii) the proposed action is the least restrictive means of furthering that interest. "Government entity" as defined under the bill includes state and local governments and those officials acting under color of state law. The bill provides that a person whose exercise of religious freedom has been burdened may assert a claim of violation in a judicial proceeding and the court may grant appropriate relief, including attorney's fees.

*Patron - McEachin*

**SB448 Religious and charitable matters; religious freedom preserved.** Provides that no government entity shall substantially burden a person's free exercise of religion except if (i) the government entity proves that application of the restriction to the person is essential to further a compelling governmental interest and (ii) the proposed action is the least restrictive means of furthering that interest. "Government entity" as defined under the bill includes state and local governments and those officials acting under color of state law. The bill provides that a person whose exercise of religious freedom has been burdened may assert a claim of violation in a judicial proceeding and the court may grant appropriate relief, including attorney's fees.

*Patron - Mims*

## State Corporation Commission

Passed

**SB324 State Corporation Commission fines.** Increases the maximum fine which the SCC may impose against a company for a violation of Chapter 15 of Title 56 or any rule, order, regulation or requirement of the SCC from \$500 to \$10,000 per day for each offense. The maximum fine that the SCC may impose for failure of any order or injunction of the SCC is increased from \$1,000 to \$5,000 in the case of an individual, and to \$10,000 in the case of a business conducted by an entity other than an individual, per day for each offense. The maximum amount of a fine that the Commission may impose whenever no fine or other penalty is specifically imposed by statute is increased from \$500 to \$5,000 in the case of an individual and from \$5,000 to \$10,000 in the case of a business entity.

*Patron - Wampler*

**SB326 State Corporation Commission; delivery and filing of documents.** Makes a number of housekeeping amendments to provisions relating to the delivery by the SCC to, and filing of business, organizational and other documents by, business entities. The technical amendments (i) give mailings from the SCC to limited liability companies, limited partnerships, and registered limited liability partnerships the same

presumption of delivery that currently exists for mailings to corporations; (ii) clarify that limited liability company documents delivered to the SCC for filing may be executed by a person other than a member or manager; (iii) correct two erroneous citations in the Virginia Uniform Partnership Act; and (iv) allow a registered limited liability partnership to change its principal office of record by making an appropriate change on its annual report rather than by an amendment to its statement of registration.

*Patron - Wampler*

## Carried Over

**HB834 State Corporation Commission; members' areas of specialty.** Requires the members of the State Corporation Commission to rotate areas of specialty and responsibility no less often than every two years, and provides that no member shall retain responsibility over the same subject matter area longer than two years in any six-year period.

*Patron - Woodrum*

**HB1491 Trade and commerce; Virginia Website Protection Act.** Creates the Virginia Website Protection Act ("Act"). The Act gives legal recognition to the existing and future conventions and protocols that comprise the World Wide Web by establishing that a website is personal property and creates new civil causes of actions to redress wrongful conduct injurious to website owners. To take advantage of the protections of the Act, a website owner must register with the State Corporation Commission and domesticate his website in Virginia. The SCC is to establish and maintain the Virginia Website Registry; however, the SCC is not to enforce, interpret, or validate any provision of the agreement between the website owner and the website user nor hear any case or controversies arising out of such agreement.

*Patron - Devolites*

**SB767 Trade and commerce; Virginia Website Protection Act.** Creates the Virginia Website Protection Act ("Act"). The Act gives legal recognition to the existing and future conventions and protocols that comprise the World Wide Web by establishing that a website is personal property and creates new civil causes of actions to redress wrongful conduct injurious to website owners. To take advantage of the protections of the Act, a website owner must register with the State Corporation Commission and domesticate his website in Virginia. The SCC is to establish and maintain the Virginia Website Registry; however, the SCC is not to enforce, interpret, or validate any provision of the agreement between the website owner and the website user nor hear any case or controversies arising out of such agreement.

*Patron - Ticer*

## Taxation

### Passed

**HB28 Property tax exemptions.** Combines numerous property tax exemption bills which provide local property tax exemptions to the following nonprofit organizations: Sunlight Lodge No. 1558; Melrose/Rugby Neighborhood Forum, Inc.; Mountain Empire Regional Business Incubator, Inc.; Community Fire Co., Inc.; Cape Charles Rescue Services, Inc.; Northampton Fire and Rescue, Inc.; Rolling Hills Swim Club, Inc.; Baycliff Civic League, Inc.; Camelot Community Club, Inc.; Broyhill Crest Recreation, Inc.; Needle's Eye Ministries,

Inc.; Kiwanis Foundation, Inc.; League of Older Americans, Inc.; Valley Program for Aging Services, Inc.; Beth Shalom Assisted Living; NRV Nursing Center, Inc.; Springfield Swimming and Racquet Club; Springfield Youth Club, Inc.; Community Arts Center Foundation; Chesapeake Care, Inc.; Chesapeake Health Investment Program; Wise County Historical Society, Inc.; Historical Society of Pound, Inc.; The Preservation of Historic Suffolk, Inc.; The Children's Center; Reston Interfaith Housing Corporation, Inc.; Arts Enter Cape Charles, Inc.; Conservation, Inc.; North King Street Improvement Council, Inc.; Bren Mar Recreation Association, Inc.; Women's Center; Rivanna Conservation Society; Falls Church Housing Corporation; Loudoun Interfaith Relief, Inc.; The Fauquier and Loudoun Garden Club; Outreach for Christ, Inc.; The Good Shepherd Alliance, Inc.; The International Society of Air Safety Investigators; Carroll Wellness Center; Serenit House Substance Abuse Recovery Program, Inc.; Central Virginia Housing Coalition, Inc.; Bedford Christian Ministries; Historic Port Royal, Inc.; Guinea Heritage Association, Ltd.; Last Great Waters, Inc.; Northern Virginia Dental Clinic, Inc.; Meals of Virginia Beach, Inc.; Harrison Museum of African American Culture; and Greenspring Village, Inc.

*Patron - Ingram*

**NOTE: The provisions of the following bills were incorporated into HB28:** House Bills 6, 23, 42, 88, 103, 104, 105, 113, 115, 120, 122, 124, 138, 136, 137, 162, 166, 168, 170, 171, 179, 180, 182, 187, 204, 205, 208, 214, 237, 241, 257, 258, 281, 290, 293, 302, 312, 324, 340, 341, 376, 469, 774 and 1526.

**HB37 Real estate tax; reports of income data.** Excludes certain owner-occupied business property from the kinds of real estate for which income data may be requested by the assessor.

*Patron - Parrish*

**HB51 Transient occupancy tax; Stafford County and Gloucester County.** Permits any county with a population no less than 60,000 and no greater than 62,500 and any county having a population no less than 29,750 and no greater than 31,000 to impose the transient occupancy tax at a rate of up to five percent with the amount above two percent being used for promoting tourism. The tax in excess of two percent shall not apply to travel campgrounds in a county within the larger population brackets. Technical amendments are included which arrange localities in numerical order.

*Patron - Howell*

**HB70 Income tax; voluntary contribution to the Family and Children's Trust Fund of Virginia.** Removes the beginning date and the sunset date from the Code section dealing with voluntary contributions of refunds to the Family and Children's Trust Fund of Virginia.

*Patron - Callahan*

**HB94 Individual income tax withholding.** Defers the effective date of additional individual income tax withholding allowances from January 1, 2001, until January 1, 2003. This bill is identical to SB 46.

*Patron - Callahan*

**HB99 Miscellaneous sales and use tax exemptions.** Provides a sales and use tax exemption for the sale of tangible personal property to Nuclear Regulatory Commission-licensed nuclear power plants that are located outside the Commonwealth. Recently, the Department of Taxation has decided to

tax personal property stored in Virginia but used outside of the state by such facilities. This bill is identical to SB 157.

*Patron - Bryant*

**HB101** **Recordation tax exemption in the City of Lynchburg.** Provides an exemption from recordation tax on deeds transferring property and on deeds of trust or mortgage securing loans in the City of Lynchburg from a Habitat for Humanity-type nonprofit organization. The exemption also applies to deeds of trust or mortgage securing loans made by such an organization.

*Patron - Bryant*

**HB106** **Sales and use tax exemptions; Provides sales and use tax exemption from July 1, 2000, through June 30, 2001, for the following organizations: AOL Foundation, Inc.;** American Armoured Foundation, Inc.; state soil and water conservation districts; Old Dominion Association of Church Schools; George C. Marshall Research Foundation; Outreach to Asia Nationals; Society of Port Republic Preservationists, Inc.; Springfield, Virginia Youth Club, Inc.; Housing and Community Services of Northern Virginia, Inc.; Ecumenical Community Helping Others, Inc.; Konnarock, Green Cove, Laurel Valley Community Association; York Masonic Lodge #12 of the Ancient Free and Accepted Masons; Fairfax County Master Gardeners Association, Inc.; United Ostomy Association, Inc., Northern Virginia Chapter #0567; Community Based Services, Inc.; Housing Options, Inc.; Beth Shalom Assisted Living; Virginians for Child Abuse Prevention, Inc.; Presbyterians for Faith, Family and Ministry; History Museum of Western Virginia; Mill Mountain Playhouse Company, DBA Mill Mountain Theatre; Hospice of Williamsburg; FISH; Community Arts Center Foundation, Inc.; Chesapeake Health and Investment Program; National Council of Jewish Women, Hampton Roads Section, Inc.; Appomattox County Historical Society; Lifetime Learning Institute of Northern Virginia; The Episcopal Church Home; United States Specialty Sports Association; Grandma Rita's Children, Inc.; Hospice Support of Fauquier County, Inc.; Central American Resource Center; Alliance for Physically Disabled, Inc.; Arlington Boathouse Foundation, Inc.; Mothers Against Drunk Driving; The Plains Community League; Amherst County Habitat for Humanity, Inc.; Pedlar River Institute; Amherst County Commission Against Domestic Violence; American Academic and Cultural Exchange, Inc.; Richmond Christian Medical and Dental Society; Christmas in April-Staunton/Augusta County, Inc.; Lewis-Gale Foundation; Tranquility Breast Cancer Foundation; Cave Spring Softball League, Inc.; Salem Educational Foundation and Alumni Association; Virginia Amateur Sports/Commonwealth Games; Nineteenth Century Studies Association; Ashoka-Innovators for the Public; Lynchburg Area Center for Independent Living; The Conspiracy of Silence Ministries; Virginia Statewide AHEC Program and community AHEC programs; Spectrum Theatre.

*Patron - Rust*

**NOTE: The provisions of the following bills were incorporated into HB 106:** House Bills 43, 50, 65, 81, 83, 86, 89, 97, 98, 102, 107, 109, 112, 125, 130, 138, 149, 150, 152, 154, 163, 167, 177, 192, 195, 196, 210, 213, 221, 230, 232, 239, 243, 260, 264, 265, 266, 269, 276, 278, 299, 334, 335, 338, 345, 364, 365, 374, 388, 449 and 562.

**HB119** **Income tax; individual; subtraction for disability income.** Provides a subtraction for up to \$20,000 of disability income as defined by the Internal Revenue Code when calculating Virginia taxable income of residents for taxable years beginning on and after January 1, 2001.

*Patron - Orrock*

**HB123** **Motor fuels tax; exemption for pleasure boats.** Allows a refund of the motor fuels tax paid for pleasure boats and watercraft used for recreational purposes.

*Patron - Cantor*

**HB160** **Income tax; tax credit for low-income families.** Provides a non-refundable income tax credit for taxable years beginning on and after January 1, 2000, to individuals or persons filing a joint return whose family Virginia adjusted gross income does not exceed the amounts outlined in the federal poverty guidelines. Family Virginia adjusted gross income is the combined Virginia adjusted gross income of the individual, the individual's spouse, and any person claimed as a dependent on the individual's or spouse's income tax return. The credit allowed is \$300 each for the individual, the individual's spouse, and any person claimed as a dependent on the individual's or married persons' income tax return. The credit can only be claimed on one return for married persons file separate returns, cannot exceed the individual's or married persons' income tax liability, and is not allowed for individuals or married persons who claim certain subtractions and/or deductions from the adjusted gross income reported on their Virginia individual income tax returns.

*Patron - Reid*

**HB176** **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. The bill also provides for a subtraction, beginning with the 2000 taxable year, from federal adjusted gross income for certain reparation payments received by victims or targets of Nazi persecution. The bill contains an emergency clause. SB 178 provides for the same subtractions with respect to the receipt of tobacco settlement funds.

*Patron - Clement*

**HB190** **Taxation on intangible personal property; classification and exemption.** Classifies certain property used in commercial fishing as intangible personal property, segregated for state taxation only, and exempts the property from taxation.

*Patron - Pollard*

**HB255** **Food and beverages/meals tax; changes in food definition.** Amends the federal Food Stamp definition of "food" for purposes of the local food and beverages/meals tax by allowing the tax to be levied on sandwiches, salad bar items sold from a salad bar, prepackaged single-serving salads consisting primarily of an assortment of vegetables, and non-factory sealed beverages. In addition, it clarifies that alcoholic beverages sold in factory sealed containers and purchased for off-premises consumption shall not be subject to the tax. Finally, a second enactment clause directs the Commission on Virginia's State and Local Tax Structure for the 21st Century to study the fiscal impact on localities if they were required to compensate businesses that collect the meals tax on food and beverages by allowing the businesses to retain a percentage of the revenue collected. In conducting the study, the Commission shall consult with the Virginia Municipal League, the Virginia Association of Counties and all interested industry groups. The bill incorporates House Bills 49 and 156.

*Patron - Callahan*

**HB279** **Natural Gas Consumption Tax.** Restructures the taxation of natural gas by eliminating the gross



receipts tax and special regulatory revenue tax and by imposing a net corporate income tax and a consumption tax on gas utilities. This bill is identical to SB 185.

*Patron - Rust*

**HB360 Motor vehicle sales and use tax; exemption; motor vehicles transferred to inter vivos trust.** Provides an exemption from the motor vehicle sales and use tax for motor vehicles transferred to an inter vivos trust when the individual titleholder of the Virginia titled motor vehicle and the trust beneficiaries are the same persons and when no consideration passes between the titleholder and the beneficiaries.

*Patron - Scott*

**HB402 Technology industry in tobacco-dependent localities.** Creates tax credits and/or grants for capital, debt, cash, and stock investments in certain technology companies located in tobacco-dependent communities and for qualified research taking place in tobacco-dependent communities. The Technology Initiative in Tobacco-Dependent Localities Fund will be used to fund such tax credits and/or grants. Credits for capital investments are limited to 50 percent of the amount of the investment up to \$500,000 per taxable year and may be taken in the year the capital investment was completed or made. Tax credits for debt, cash, and stock investments are limited to 50 percent of the amount of the investment up to \$500,000 in aggregate per taxpayer. Tax credits for debt, cash, and stock investments may first be taken in the taxable year in which the Tobacco Indemnification and Community Revitalization Commission finds that such investments were spent in a tobacco-dependent locality. Tax credits for qualified research taking place in tobacco-dependent localities is limited to 50 percent of the amount paid or incurred for such research and may be taken in the year in which such research and development activity occurred.

*Patron - Bennett*

**HB408 Taxation; abatement of property taxes on damaged buildings.** Authorizes localities to abate levies on buildings which are (i) razed, or (ii) destroyed or damaged by a fortuitous happening beyond the control of the owner, in cases where the destruction or damage renders such buildings unfit for use and occupancy for 30 days or more during the calendar year. The bill contains an emergency clause.

*Patron - Grayson*

**HB444 Entitlement to certain sales tax revenues** Entitles the City of Hampton (described by population) to all sales tax revenues generated by transactions taking place in certain public facilities to pay the cost of bonds issued to pay for such public facilities. Such entitlement shall continue for the lifetime of such bonds, which entitlement shall not exceed 30 years, and all such sales tax revenues shall be applied to repayment of the bonds.

*Patron - Larrabee*

**HB474 Collection of state taxes by credit and debit cards; service charge.** Provides greater flexibility for the acceptance of credit and debit cards in the payment of state taxes by allowing the Tax Commissioner to enter into contracts providing the service charge for accepting payment of taxes by debit or credit card. Currently, such charges may not exceed four percent of the amount of tax, penalty, and interest paid and may not exceed the amount charged to the Department. This bill is identical to SB 47.

*Patron - Parrish*

**HB478 Motor fuels tax; refunds.** Replaces the terms "person," "firm" and "corporation" with "licensed exporter" for purposes of motor fuels tax refunds owed to such

exporter. The bill also requires the licensed exporter to show proof the tax has been paid to another state, district or country when seeking a refund of the tax paid in the Commonwealth. There are also technical changes.

*Patron - Parrish*

**HB493 Commonwealth Airport Fund; distributions to MWAA.** Eliminates the July 1, 2000, "sunset" on the formula for distribution of Commonwealth Airport Fund monies to the Metropolitan Washington Airports Authority (MWAA). This bill is identical to SB 258.

*Patron - Callahan*

**HB498 Corrections of Erroneous Assessments; Definitions; "Assessmen ."** Allows the Department of Taxation to send assessments to taxpayers by electronic means, including electronic mail and facsimiles, and prescribes the process for sending such assessments. This bill is identical to SB 55.

*Patron - May*

**HB527 Property transfers to and from revocable trusts.** Exempts transfers of motor vehicles, watercraft and aircraft to revocable trusts from transfer taxes when there is no change in beneficial interest. The bill also exempts from the recordation tax the transfer of real property from the trust after the settlor's death to any beneficiary, as is the case with transfers under a will.

*Patron - Howell*

**HB568 Income tax; open space recreation and conservation voluntary contributions.** Removes the sunset date from the code section dealing with open space recreation and conservation voluntary contributions of tax refunds. HB 833 is incorporated in this bill.

*Patron - Thomas*

**HB598 Personal property taxation; classification.** Adds travel trailers as a classification of personal property for purposes of taxation, permitting localities to set the tax rate for travel trailers the same as for camping trailers and motor homes.

*Patron - McQuigg*

**HB617 Land-use taxation; sliding scale assessments.** Allows the land-use special assessment and taxation to be established on a sliding scale which provides a lower assessment, instead of tax rate, for property held for longer periods of time.

*Patron - Orrock*

**HB628 Local taxes; payment by debit card.** Allows localities to accept payment of local taxes, fees or other charges generated by the sale of utility services by debit cards and to impose a service charge for accepting payment by credit and debit cards in an amount not to exceed the amount contractually agreed to. Currently, only credit cards may be authorized by localities for such payments, and the service charge may not exceed the greater of four and one-half percent of the tax, or six dollars.

*Patron - Reid*

**HB684 Tangible personal property tax; classification of certain tangible personal property for taxation purposes.** Clarifies that the tax rate on certain personal property used in a trade or business may be assessed by a local governing body at a tax rate different from the rate on other classifications of personal property and less than the rate levied by such

local government on its general class of tangible personal property.

*Patron - Parrish*

**HB692 Local income tax.** Provides that imposition of the local income tax permitted in certain localities after a local referendum may be set forth on the referendum ballot in one-quarter percent increments not to exceed one percent. The local tax shall be used for (i) transportation projects for certain localities that are part of a plan approved in December 1999 by a transportation council consisting of state and local elected officials; and/or (ii) public education purposes including the construction of, renovation of, technology for and debt service for public schools. However, at least 55 percent of revenues from the local income tax must be expended for transportation purposes. The taxing authority expires on July 1, 2003, if no locality has imposed the tax by that date. The bill repeals current law that restricts any such local income tax to a duration of five years. The bill incorporates House Bills 49 and 1506.

*Patron - McClur*

**HB706 Income tax; voluntary contribution of refund to Children of America Finding Hope.** Allows taxpayers who are entitled to an income tax refund to contribute all or a portion of such refund, but not less than one dollar, to Children of America Finding Hope, an organization designed to reach children with emotional and physical needs. This bill is effective for taxable years beginning on and after January 1, 2001.

*Patron - Stump*

**HB727 Income tax; historic rehabilitation tax credit.** Moves up the date from 2002 to 2000 for taxpayers to be eligible for the historic rehabilitation tax credit in Virginia for work done on such a project in another state which has a reciprocal tax credit agreement; however, no credit may actually be taken until taxable years beginning on and after January 1, 2002.

*Patron - Rust*

**HB732 Tax credits; coalfield employment enhancement tax credit.** Extends the sunset date for the availability of the coalfield employment tax credit from tax year beginning before January 1, 2002, to tax years beginning before January 1, 2008. For credits earned in tax years beginning on and after January 1, 2002, 85 percent 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 percent 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. Current law provides for the Commonwealth to redeem 90 percent of the excess of the credit over the taxpayer's state tax liability with 10 percent of such excess deposited in such regional economic development fund. It also extends the tax year in which the credit may be taken from 2004 to 2010. This bill is identical to SB 421.

*Patron - Kilgore*

**HB737 Income tax; declaration of estimated tax.** Adds merchant seamen to those individuals (farmers and fishermen) who may file their declaration of estimated taxes on or before January 15 of the succeeding year, provided that at least two-thirds of total estimated gross income for such individuals for the applicable taxable year is derived from farming, fishing or working as a merchant seaman. The bill is effective for taxable years beginning on and after January 1, 2001.

*Patron - Suit*

**HB751 Collection of taxes and other debts by treasurers and localities.** Changes the current requirement that every writ, warrant, notice, summons, or other process issued by a treasurer be served by the treasurer or his designee, or by the sheriff, from mandatory to permissive. The bill also raises from five dollars to 20 dollars the amount of certain uncollected taxes below which the treasurer is not required to maintain on official lists. The bill incorporates House Bill 1016.

*Patron - Howell*

**HB781 Personal property tax; personal property used in the provision of Internet services.** Creates a separate classification, for tax rate purposes, of personal property used in the provision of Internet services, including Internet web-hosting services. Localities are authorized to tax such property at a rate that does not exceed the rate applicable to the general class of personal property within such localities.

*Patron - Rust*

**HB911 Excess cost recovery program.** Repeals the outdated provisions on the elimination of the excess cost recovery program and the excess cost recovery repeal fund.

*Patron - Cranwell*

**HB1057 Enterprise zone act.** Authorizes the establishment of one noncontiguous zone area for a joint enterprise zone formed between any county with a population between 45,800 and 45,900 and any county with a population between 32,300 and 32,400 (with the population of each county being determined as reported in the 1990 census). Currently, a locality may have three distinct enterprise zones, though one of these zones may consist of two non-contiguous "sub-zone" areas. This bill will allow an enterprise zone that is a joint zone, and which meets the population criteria, to have separate sub-zones for each of the participating jurisdictions. The non-contiguous zone areas are not considered as separate zones in calculating the maximum number of zones permitted under the enterprise zone program. SB 281 authorizes the establishment of one noncontiguous zone for joint enterprise zones formed between any localities regardless of population. SB 374 increases the number of enterprise zones the Governor may approve from 55 to 60, with such zones to be located in localities that have annual average unemployment rates for the most recent calendar year that are 50 percent higher than the final statewide average unemployment rate for the most recent calendar year.

*Patron - Johnson*

**HB1094 Sales and use tax; modular building partial exclusion.** Provides that only 60 percent of the retail sales price of a modular building shall be subject to the sales and use tax. The bill also defines modular building, modular building manufacturer, and modular building retailer.

*Patron - Dudley*

**HB1134 Electric utility consumption tax; costs incurred by cooperatives.** Provides that a service provider, when calculating the amount of tax due, shall take into account a portion of the costs incurred by an electric utility cooperative that purchases electricity from a federal entity for the purpose of resale in the Commonwealth.

*Patron - Kilgore*

**HB1135 Income tax; Virginia Coal Employment and Production Incentive Tax Credit.** Requires taxpayers to consume the Virginia mined coal they purchase in order to earn the credit. The bill is effective January 1, 2001; however, it

shall not apply to any contract to purchase coal whose bid closing dates are before the bill is introduced.

*Patron - Kilgore*

**HB1142 Income tax; rent reductions tax credit.** Provides a tax credit to individuals and corporations that provide rent reductions of at least 15 percent to elderly, disabled or previously homeless tenants, for taxable years beginning on and after January 1, 2000, through December 31, 2005. The tax credit is 50 percent of the total rent reductions allowed, not to exceed the taxpayer's tax liability. The amount of credits allocated in any fiscal year will not exceed \$50,000. The bill continues a credit that expired December 31, 1999, and only provides credit for dwelling units upon which such credit was received for all or part of the month of December 1999.

*Patron - Diamonstein*

**HB1173 Historic rehabilitation tax credit** Adds owner-occupied buildings to the definition of "material rehabilitation" for purposes of calculating the historic rehabilitation tax credit and provides that the cost for improvements and reconstruction shall amount to at least 25 percent of the assessed value of such buildings for local real estate tax purposes. An "owner-occupied building" is any building that is used as a personal residence by the owner. The bill is effective for taxable years beginning on and after January 1, 2001.

*Patron - Cranwell*

**HB1216 Sale of real estate for delinquent taxes process.** Grants cities the authority to adopt an ordinance to sell real estate that has been tax delinquent for 12 months and provides for the right to a rehearing on delinquent tax sales within 90 days of entry of the confirmation of sale. The current requirement that real estate be tax delinquent for 24 months before becoming eligible for sale remains for counties, cities and towns that do not adopt the ordinance. The bill also authorizes local governing bodies to adopt an ordinance waiving tax liens for the purchaser under certain circumstances. Such liens remain the obligation of the owner of the property at the time the liens were imposed.

*Patron - Cantor*

**HB1219 Secrecy of tax information.** Allows the treasurer or other assessing official to provide to representatives of property owners', condominium unit owners' and real estate owners' associations or the owners of property governed by such associations, the names and addresses of parties having a security interest in real property governed by the association when a written request is given stating the reasons such information is needed. This legislation passed the 1999 Session with a reenactment clause requiring its passage during the 2000 Session in order for it to be enacted.

*Patron - McClur*

**HB1247 Personal property tax; extension of time to pay.** Clarifies that the governing body of any locality may extend the time to pay personal property taxes, for good cause. It also provides that extensions to pay taxes and to file, for good cause, may be accomplished by the governing body's resolution.

*Patron - Stump*

**HB1275 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 Department of Motor Vehicles (DMV) by the twentieth day of the second month following the removal. Currently, fuel tax payments are remitted to DMV by

dealers and jobbers. Under the proposed legislation, licensed distributors removing fuel from a terminal and certain importers shall not be required to pay the tax to the licensed supplier until the date the supplier is required to pay the tax to DMV. A licensed supplier acts as trustee for tax payments received. Out-of-state suppliers of imported fuel may act as trustee and remit taxes to DMV; otherwise, the tax must be remitted by licensed importer. Refiners, terminal operators, bonded importers and suppliers who are position holders or who receive motor fuel through a two-party exchange must post a \$2 million bond. Other businesses must post a bond for three times their average monthly liability, up to \$300,000 but not less than \$2,000. Licensees may be required to file tax returns electronically. Suppliers are provided a collection allowance of 0.1 percent, up to \$5,000 per month. Distributors and certain importers are provided an allowance of 1.0 percent, with no cap, in lieu of the current collection allowance. The measure includes special provisions relating to taxes on alternative fuels. A floorstocks tax is imposed on fuel held in storage on the effective date of the act. The felonies listed in the act are felonies under the existing fuels tax laws. Other violations of the fuel tax laws are punishable with civil penalties or as misdemeanors. The bill repeals the current fuels tax chapter of the Code. The measure takes effect January 1, 2001. Identical to SB 530.

*Patron - Rust*

**HB1306 Income tax credits; forested buffers for waterways** Provides a nonrefundable income tax credit to an individual or corporation who owns land abutting a waterway on which timber is harvested, and who forbears harvesting timber on certain portions of the land near the waterway for 15 years. The amount of the credit is equal to 25 percent of the value of the timber in the forest retained as a buffer, up to \$17,500. The State Forester is directed to develop guidelines and to certify individual plans of qualifying taxpayers. There is a recapture provision if the timber is harvested before the end of the 15-year period. SB 664 provides a tax credit under the same terms and conditions as this bill except that SB 664 requires that the forested buffer be at least 50 feet in width. This bill requires that the forested buffer be at least 35 feet in width.

*Patron - Bloxom*

**HB1387 Illegal sales of cigarettes.** Prohibits the sale of cigarettes in this Commonwealth that the manufacturer did not intend to be sold, distributed or used in the United States. This bill is identical to SB 653.

*Patron - Clement*

**HB1444 Personal property; motor vehicles owned or leased by churches.** Classifies as exempt property motor vehicles that are leased by churches, in either the church's name or the ecclesiastical officer's name, and used for religious purposes. Under current law, the title holder of the leased vehicle (i.e., the lessor) is legally liable for the payment of tangible personal property tax on such vehicle.

*Patron - Hull*

**HB1494 BPOL tax; related entity exclusion.** Broadens the "affiliated group" definition to include limited partnerships, limited liability partnerships, and limited liability companies organized under the laws of the Commonwealth or another state in addition to stock corporations. Localities may not levy the BPOL tax on the receipts or purchases of such "entities" in an affiliated group from others in the same affiliated group.

*Patron - Devolites*

**SB12 Income taxes; historic rehabilitation tax credit.** Extends the carryover period, from five to 10 years, for using the historic rehabilitation tax credit to reduce Virginia income taxes. Both individuals and businesses may qualify for the credit. The effective date for this change is for taxable years beginning on or after January 1, 2000.

*Patron - Miller, K.G.*

**SB35 Property tax exemption; Beth Sholom Sands.** Grants a property tax exemption to Beth Sholom Sands, a benevolent nonprofit corporation, for property located in the City of Virginia Beach.

*Patron - Schrock*

**SB46 Individual income tax withholding.** Defers the effective date of additional individual income tax withholding allowances from January 1, 2001, until January 1, 2003. This bill is identical to HB 94. Identical to HB 94.

*Patron - Chichester*

**SB47 Collection of state taxes by credit and debit cards; service charge.** Provides greater flexibility for the acceptance of credit and debit cards by allowing the Department of Taxation to negotiate and contract for the amount of service charges for such transactions. Currently, such charge may not exceed four percent of the amount of tax, penalty, and interest paid and cannot exceed the amount charged to the Department. Identical to HB 474.

*Patron - Chichester*

**SB48 Sales and use tax exemption.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, for the following organizations: King Pharmaceuticals Benevolent Fund, Inc.; Housing and Community Services of Northern Virginia, Inc.; Spotsylvania Preservation Foundation, Inc.; Coordinators/2, Inc.; Senior Center of Richmond, Virginia, Inc.; state soil and water conservation districts; Carpenter Center for the Performing Arts; Downtown Presents, Inc.; Valley Conservation Council, Inc.; Young Women's Christian Association of Bristol; Coalition on Donation; Mathews Maritime Foundation, Inc.; The Middlesex County Women's Club, Inc.; Roanoke Valley Speech and Hearing Center, Inc.; Southwestern Virginia Genealogical Society, Inc.; Joy of Sports Foundation; Good Shepherd Housing and Family Services, Inc.; Washington Regional Network For Livable Communities; Oak Spring Garden Foundation; Foundation of the University of Virginia's Bland Experimental Farm and Orland E. White Arboretum, Inc.; Jubilee Family Development Center; Evangelical Theological Society; Lynchburg Area Center for Independent Living; Lynchburg Symphony Orchestra, Inc.; Legacy Project, Inc.; International Internship Programs; Virginia Statewide AHEC Program and community AHEC programs; American Armoured Foundation, Inc.; Friends of the Rappahannock; Rolling Thunder, Inc., VA Chapter One.

*Patron - Wampler*

**NOTE: The provisions of the following bills were incorporated into SB 48:** Senate Bills 4, 8, 14, 16, 39, 40, 41, 43, 48, 50, 65, 69, 70, 85, 86, 99, 100, 106, 112, 117, 159, 172, 180, 182, 195 and 357.

**SB53 Minimum tax on telecommunications companies; certification of gross receipts.** Clarifies that the State Corporation Commission may make more than one certification of the gross receipts of telecommunications companies to the Department of Taxation; however, at least one certification is required for each separate tax year. The bill also clarifies that the State Corporation Commission may correct information on

the names, addresses, and gross receipts of telecommunications companies previously certified to the Department of Taxation. The authority to correct such previously certified information is limited to a period of 18 months from the date of the initial certification. Additionally, the time period for a telecommunications company to apply to the Commission for a review, and possible correction, of any items included in a certification to the Department of Taxation would be extended from 90 days to 18 months.

*Patron - Stosch*

**SB55 Corrections of erroneous assessments; definitions; "assessment."** Allows the Department of Taxation to send assessments to taxpayers by electronic means, including electronic mail and facsimiles, and prescribes the process for sending such assessments. Identical to HB 498.

*Patron - Stosch*

**SB95 Property tax exemption; Habitat for Humanity.** Exempts from local taxation the real and personal property of Habitat for Humanity and its affiliates or subsidiaries, provided the local governing body passes a resolution approving the exemption. Habitat for Humanity organizations generally are exempt from taxation under § 501 (c) (3) of the Internal Revenue Code. Such organizations build houses together in partnership with families in need. This exemption would apply to all real and personal property located in Virginia.

*Patron - Puckett*

**SB115 Local property taxes; motor homes.** Creates a separate classification of personal property for motor homes used for recreational purposes only, which allows local governing bodies to tax motor homes at rates below the rate applicable to the locality's general class of tangible personal property. Under current law motor homes are classified and taxed at the same rate as camping trailers for personal property tax purposes. This bill incorporated SB 158.

*Patron - Potts*

**SB121 Fuels tax.** Provides for a refund of 35 percent of the motor fuel and other fuels taxes paid by persons purchasing fuel in quantities of five gallons or more for consumption in a bulk feed delivery truck.

*Patron - Miller, K.G.*

**SB137 Property tax exemptions.** Grants property tax exemptions to the following nonprofit organizations: Needle's Eye Ministries, Inc., Reston Interfaith Housing Corp.; The Women's Center; Rivanna Conservation Society; Springboard Recreation Club; Parent Educational Advocacy Training Center; Royal Pool Association, Inc.; BizNet, Inc.; Virginia Beach Community Trust Exempt Fund; and Central Virginia Housing Coalition.

*Patron - Stosch*

**NOTE: The provisions of the following bills were incorporated into SB 137:** Senate Bills 22, 23, 24, 98, 101, 102, 765 and 766.

**SB157 Miscellaneous sales and use tax exemptions.** Provides a sales and use tax exemption for the sale of tangible personal property to Nuclear Regulatory Commission-licensed nuclear power plants that are located outside the Commonwealth. Recently, the Department of Taxation has decided to tax personal property stored in Virginia but used outside of the state by such facilities. Identical to HB 99.

*Patron - Newman*

**SB163 Electric utility taxation.** Allows the consumption tax liability of an eligible customer-generator who is engaged in net metering to be determined on a net basis, measured by the difference between the amount of power consumed and the amount generated and put on the electricity grid. Under the Electric Utility Restructuring Act, customer-generators who generate electricity through certain small solar, wind, or hydroelectric systems are permitted to employ net metering equipment, subject to SCC regulations. The bill also amends the provisions of the consumer utility tax relating to the transition in the basis of assessment from the cost of electricity consumed to the amount of kilowatt hours consumed. Localities are required to amend their consumer utility tax ordinances by October 31, 2000, to provide for the conversion to a rate based on per-kWh consumption that is revenue neutral to the locality and does not shift the amount of the tax among classes of consumers. Kilowatt hours delivered are those supplied from the electric grid to such customer-generators minus the kilowatt hours generated and fed back to the electric grid by customer-generators. The procedures to be followed upon the nonpayment of the electricity consumption tax and the consumer utility tax are also clarified. The bill is a recommendation of the Legislative Transition Task Force established under the Electric Utility Restructuring Act.

*Patron - Watkins*

**SB178 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 (i) tobacco farmers; (ii) persons holding a tobacco marketing quota or tobacco farm acreage allotment; or (iii) persons with the right to grow tobacco pursuant to a quota or allotment as a result of the Master Settlement Agreement from tobacco settlement funds. The subtraction is effective for taxable years beginning on and after January 1, 1999. HB 176 provides for the same subtractions with respect to the receipt of tobacco settlement funds.

*Patron - Hawkins*

**SB185 Natural Gas Industry Restructuring.** Creates a retail supply choice program for natural gas customers and replaces the state and local gross receipts taxes and special regulatory revenue tax with a consumption tax on consumer and a corporate income tax on gas suppliers, pipeline distribution companies, and gas utilities. The bill is patterned after the legislative package on electric utilities restructuring adopted during the 1999 Session of the General Assembly. Gas suppliers, pipeline distribution companies and gas utilities are authorized to file a retail supply choice plan with the SCC that includes (i) a schedule to implement the program; (ii) a methodology to recover stranded costs from consumers who do not participate in the choice program; (iii) proposed unbundled rates and terms and conditions to provide nondiscriminatory, open access; and (iv) provisions to ensure that one class of customer does not subsidize another class. Customers of municipal-owned utilities cannot participate in the program. The bill would impose a state consumption tax based upon units of 100 cubic feet (CCF) used per month, at a rate of \$.0135 per CCF consumed, up to 500 CCF, which would be added as a separate charge to the consumer's monthly bill. The local consumption tax rate would be \$0.004 per CCF consumed and the special regulatory tax rate would be \$ 0.002 per CCF consumed, with both consumption taxes limited to the first 500 CCF consumed per month. Localities are authorized to impose an additional tax based on CCF delivered monthly to each consumer, with a \$3.00 maximum per month for residential consumers. Federal, state, and local governments would be exempt from the con-

sumption taxes and such taxes would not be imposed on consumers of municipal-owned utilities. Under current law, gas suppliers, pipeline distribution companies, and gas utilities are subject to a state license tax on gross receipts of two percent and a special assessment tax paid to the SCC of 0.11 percent of gross receipts. Localities are also permitted to impose a license tax on gross receipts not to exceed 0.5 percent. The corporate income tax and consumption tax provisions would be effective for taxable years beginning on or after January 1, 2001. Identical to HB 279.

*Patron - Watkins*

**SB198 Local taxes; interest on refunds** Provides that localities are not required to pay interest on refunds to taxpayers if the amount of the refund that would be due is \$10 or less or if the refund is related to prorated personal property taxes. The 1999 General Assembly passed legislation requiring a locality to pay interest on refunds at the same rate charged by the locality on delinquent taxes.

*Patron - Howell*

**SB233 Taxation of telecommunications service.** Expands prohibition on dual taxation (by counties and towns) imposed on consumers of telecommunication services.

*Patron - Trumbo*

**SB258 Commonwealth Airport Fund; distributions to MWAA.** Eliminates the July 1, 2000, "sunset" on the formula for distribution of Commonwealth Airport Fund monies to the Metropolitan Washington Airports Authority (MWAA). Identical to HB 493.

*Patron - Barry*

**SB349 Exemptions from motor vehicle sales and use tax.** Exempts purchases of vehicles from the motor vehicle sales and use tax if (i) the purchaser was leasing the vehicle and paid the tax on the vehicle when he leased it and (ii) the purchaser presents an original copy of the lease to the Department of Motor Vehicles.

*Patron - Mims*

**SB381 Boards of equalization; notice of sittings** Provides that notice of sittings of boards of equalization must be posted at each public library, voting precinct, or both. Current law requires such posting at each public library.

*Patron - Watkins*

**SB421 Tax credits; coalfield employment enhancement tax credit.** Extends the sunset date for the availability of the coalfield employment 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 percent 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 percent of such excess shall be deposited by the tax commissioner in a regional economic development fund administered by the Coalfields Economic Development Authority to be used for regional economic diversification. Current law allows the Commonwealth to redeem 90 percent of the excess of the credit over the taxpayer's state tax liability with 10 percent of such excess deposited in a regional economic development fund administered by the Coalfields Economic Development Authority. It also extends the tax year in which the credit may be taken from 2004 to 2010. This bill is identical to HB 732.

*Patron - Wanpler*

**SB495 Income tax; military retirement pay of holders of the Medal of Honor.** Provides that, in calculating Virginia taxable income of residents for taxable years begin-

ning on and after January 1, 2001, military retirement income of an individual awarded the Congressional Medal of Honor shall be subtracted from federal gross income.

*Patron - Edwards*

**SB505 State Lottery Fund; profits.** Requires the Comptroller to transfer to the Lottery Proceeds Fund, created in this bill as a nonreverting fund, the audited balances of the State Lottery Fund, less the special reserve fund, at the close of each fiscal year. The transfer for each year shall be made in two parts: (i) on or before June 30, the Comptroller shall transfer balances of the State Lottery Fund for the fiscal year, based on an estimate determined by the State Lottery Department, and (ii) no later than 10 days after receipt of the annual audit report required by § 58.1-4023, the Comptroller shall transfer to the Lottery Proceeds Fund the remaining audited balances of the State Lottery Fund for the fiscal year. If such annual audit discloses that the actual revenue is less than the estimate on which the transfer was based, the State Comptroller shall transfer the difference between the actual revenue and the estimate from the Lottery Proceeds Fund to the State Lottery Fund. The creation of the Lottery Proceeds Fund is contingent upon the passage of an amendment to the Virginia Constitution in November 2000.

*Patron - Reynolds*

**SB530 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 Department of Motor Vehicles (DMV) by the 20th day of the second month following the removal. Currently, fuel tax payments are remitted to DMV by dealer and jobbers. Under the proposed legislation, licensed distributors removing fuel from a terminal and certain importers shall not be required to pay the tax to the licensed supplier until the date the supplier is required to pay the tax to DMV. A licensed supplier acts as trustee for tax payments received. Out-of-state suppliers of imported fuel may act as trustee and remit taxes to DMV; otherwise, the tax must be remitted by a licensed importer. Refiners, terminal operators, bonded importers and suppliers who are position holders or who receive motor fuel through a two-party exchange must post a \$2 million bond. Other businesses must post a bond for three times their average monthly liability, up to \$300,000 but not less than \$2,000. Licensees may be required to file tax returns electronically. Suppliers are provided a collection allowance of 0.1 percent, up to \$5,000 per month. Distributors and certain importers are provided an allowance of one percent, with no cap, in lieu of the current collection allowance. The measure includes special provisions relating to taxes on alternative fuels. A floorstocks tax is imposed on fuel held in storage on the effective date of the act. The felonies listed in the act are felonies under the existing fuels tax laws. Other violations of the fuel tax laws are punishable with civil penalties or as misdemeanors. The bill repeals the current fuels tax chapter of the Code. The measure takes effect January 1, 2001. Identical to HB 1275.

*Patron - Williams*

**SB537 Estimated tax payments; estates and trusts.** Changes the manner for annualizing income of trust and estates for purposes of determining whether such trusts or estates have underpaid estimated taxes for the taxable year and are subject to penalties and interest. For purposes of annualizing income in determining if there is an underpayment of estimated taxes, this bill would, for trusts and estates, annualize taxable income through the month which is two months before the month in which an estimated tax payment is required. This

bill is effective for taxable years beginning on and after January 1, 2001.

*Patron - Stosch*

**SB558 Local taxes; payment of administrative costs, etc.** Allows localities to impose on persons chargeable with delinquent taxes or other delinquent charges a fee to cover administrative costs, etc.

*Patron - Quayle*

**SB634 State income tax checkoff; removal of sunset.** Removes the sunset provision on the state income tax checkoff for open space and conservation contributions. Under current law, a taxpayer's ability to designate a portion of his refund for such purposes expires on January 1, 2001.

*Patron - Trumbo*

**SB653 Illegal sales of cigarettes.** Prohibits the sale of cigarettes in this Commonwealth that the manufacturer did not intend to be sold, distributed or used in the United States. The penalty is a Class 5 felony. Identical to HB 1387.

*Patron - Hawkins*

**SB664 Income tax credits; riparian forest buffers for waterways.** Provides a nonrefundable income tax credit to an individual or corporation who owns land abutting a waterway on which timber is harvested, and who forbears harvesting timber on certain portions of the land near the waterway for a 15-year period. The amount of the credit is equal to 25 percent of the value of the timber in the forest retained as a buffer, up to \$17,500. The State Forester is directed to develop guidelines and to certify individual plans to qualifying taxpayers. There is a recapture provision for those taxpayers who harvest the timber prior to the end of the 15 years.

*Patron - Reynolds*

**SB752 Property owned by the Commonwealth; service charges for Virginia Port Authority (VPA) facilities.** Provides for a service charge for tax-exempt property owned by the VPA and its instrumentalities based upon the assessed value of the property and the amount of VPA cargo tonnage shipped through counties, cities and towns. From such funds as may be appropriated by the General Assembly. If such funds are not appropriated, the service charge shall be computed as provided under current law. Under current law, service charges for tax exempt state-owned property, including VPA property, is based upon the assessed value of the state-owned tax exempt property and the amount the locality spends for police and fire protection and refuse collection.

*Patron - Quayle*

## Failed

**HB6 Property tax exemption; Melrose/Rugby Neighborhood Forum, Inc.** Grants a real property tax exemption to Melrose/Rugby Neighborhood Forum, Inc., a charitable and benevolent nonprofit corporation, for real property located in the City of Roanoke. This bill has been incorporated into HB 28.

*Patron - Woodrum*

**HB22 Motor fuel tax; refunds.** Changes the term "person" to "licensed exporter" for purposes of motor fuel tax refunds owed to such exporter. The bill also requires the licensed exporter to show proof the tax has been paid to another state, district or country when seeking a refund of the tax paid in the Commonwealth. There are also technical changes.

*Patron - Parrish*

**HB23 Property tax exemption; Mountain Empire Regional Business Incubator, Inc.** Grants a real property tax exemption to Mountain Empire Regional Business Incubator, Inc., a benevolent and educational nonprofit corporation, for real property located in Scott County. This bill has been incorporated into HB 28.

*Patron - Kilgore*

**HB42 Property tax exemptions; Community Fire Company, Inc.; Cape Charles Rescue Services, Inc.; Northampton Fire and Rescue, Inc.** Grants real and personal property tax exemptions to Community Fire Company, Inc.; Cape Charles Rescue Services, Inc.; and Northampton Fire and Rescue, Inc., for real and personal property located in Northampton County. This bill has been incorporated into HB 28.

*Patron - Bloxom*

**HB43 Sales and use tax exemption; American Armoured Foundation, Inc.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) corporation organized to collect and display to the public a representative sample of past and present military vehicles; to gather, write, edit, publish and otherwise create and disseminate material relating to the history of military vehicles; and to promote public awareness and understanding of the contribution military vehicles have made to various nations. Incorporated into HB 106.

*Patron - Clement*

**HB49 Local income tax.** Adds education as an additional purpose for which the local income tax may be used, provided at least 50 percent of the revenues collected by an county or city shall be expended for transportation purposes. The provision requiring any locality which imposes the tax to sunset it at the end of five years is repealed. If no locality enacts the tax by July 1, 2001, the entire local income tax article shall expire.

*Patron - Scott*

**HB50 Sales and use tax exemption; state soil and water conservation districts.** Broadens the exemption for state soil and water conservation districts to include tangible personal property which they sell. Such districts, like the majority of the other organizations exempt from the sales and use tax, currently enjoy the exemption for items which they purchase. Incorporated into HB 106.

*Patron - Howell*

**HB65 Sales and use tax exemption; George C. Marshall Research Foundation.** Provides a sales and use tax exemption for a federally tax-exempt nonprofit organization, from July 1, 2000, through June 30, 2001, which is organized to operate a museum on the life and times of Gen. George C Marshall. Incorporated into HB 106.

*Patron - Deeds*

**HB68 Income tax credits for educational expenses and contributions.** 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 and qualify to be

claimed as a dependent on the taxpayer's federal tax return. 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. In the case of students enrolled in a qualified school not charging tuition, the credit cannot exceed \$550 per child. The legislation also provides an income tax credit for cash donations to a charitable tax-exempt corporation in Virginia that (i) provides financial assistance up to \$3,100 per child for the education of children from low-income households and households in which parents lack sufficient tax liability to claim the personal tax credits allowed by this bill, and (ii) expends all of certain cash contributions as grants to cover qualifying educational expenses of such children. Support for home schooling is limited to \$550 per child. The maximum amount of the credit starts at \$200 per taxpayer for taxable year 2001, and increases in \$100 annual increments thereafter until reaching \$500 in 2004. Such contributions cannot be designated for the direct benefit of a specific child. Taxpayers cannot claim both types of credits in the same year. Both types of tax credits become effective for taxable years beginning on or after January 1, 2001. The Department of Taxation is required to promulgate regulations to implement these credits, including providing the format for a standardized receipt to be issued by school tuition organizations and qualifying schools.

*Patron - Katzen*

**HB81 Sales and use tax exemption; Outreach to Asia Nationals.** Provides a sales and use tax exemption for federally tax-exempt nonprofit organization, from July 1, 2000, through June 30, 2001, which is organized for purposes including, but not limited to, (i) providing opportunities for the citizens of Virginia to participate in the provision of health care, education, and the daily needs of Tibetan refugee children in refugee camps in Nepal and (ii) providing opportunities for Virginia citizens to give hearing aids to deaf children in Vietnam and to participate in medical teams going into Cambodia, Laos and Nepal. Incorporated into HB 106.

*Patron - Sherwood*

**HB83 Sales and use tax exemption; Society of Port Republic Preservationists, Inc.** Grants a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a nonprofit federally tax-exempt corporation that studies and preserves the social, economic and political history of a village in a county with a population of at least 57,450 but no more than 60,000. Incorporated into HB 106.

*Patron - Landes*

**HB86 Sales and use tax exemption; Springfield, Virginia Youth Club, Inc.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, for tangible equipment and uniforms for use by children in football, soccer, basketball, lacrosse, softball and cheerleading purchased by nonprofit corporation that is exempt from taxation pursuant to § 501 (c) (3) of the Internal Revenue Code and organized for the purpose of (i) offering sports activities to children in the northern part of Virginia, and (ii) advancing the character of youth and promoting sportsmanship, team spirit, fair play, honesty and patriotism among youth by providing and supervising youth sports programs. Incorporated into HB 106.

*Patron - Albo*

**HB87 Property tax exemption; Greenspring Village, Inc.** Grants a personal property tax exemption to Greenspring Village, Inc., a charitable and benevolent nonprofit corporation, for personal property located in Fairfax County.

*Patron - Albo*

**HB88** **Property tax exemption; the Rolling Hills Swim Club, Inc.** Grants a property tax exemption to the Rolling Hills Swim Club, Inc., a nonprofit corporation providing a public park and playground, for real and personal property located in Fairfax County. This bill has been incorporated into HB 28.

*Patron - Albo*

**HB89** **Sales and use tax exemption; Housing and Community Services of Northern Virginia, Inc** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) corporation providing housing-related services to low and moderate income households, within the boundaries of the Eighth Planning District, including such services as, but not limited to, eviction prevention services, housing identification and placement services, and housing financial assistance services. Incorporated into HB 106.

*Patron - Albo*

**HB97** **Sales and use tax exemption; Konnarock, Green Cove, Laurel Valley Community Association.** Provides a sales and use tax exemption for a federally tax-exempt nonprofit organization, from July 1, 2000, through June 30, 2001, which is organized to promote public safety, health, good living, fellowship, recreation, conservation, justice, and law and order for the citizens of the Konnarock, Green Cove, Laurel Valley communities. Incorporated into HB 106.

*Patron - Johnson*

**HB98** **Sales and use tax exemption; York Masonic Lodge # 12 of the Ancient Free and Accepted Masons.** Provides a sales and use tax exemption for a federally tax-exempt nonprofit organization, from July 1, 2000, through June 30, 2001, which is organized to perform a wide array of charitable services including, but not limited to, aid to patients and research for eye operations, speech therapy, burns, and Alzheimer's disease; provision of scholarships for high school students to attend college; and aid for religious pilgrimages. Incorporated into HB 106.

*Patron - Johnson*

**HB102** **Sales and use tax exemption; Fairfax County Master Gardeners Association, Inc.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) corporation providing free public service in the area of consumer horticulture and preservation of the environment. Incorporated into HB 106.

*Patron - Callahan*

**HB103** **Property tax exemption; Baycliff Civic League, Inc.** Grants a property tax exemption to Baycliff Civic League, Inc., a benevolent nonprofit corporation, for real and personal property located in the City of Virginia Beach. This bill has been incorporated into HB 28.

*Patron - Purkey*

**HB104** **Property tax exemption; the Camelot Community Club, Inc.** Grants a property tax exemption to the Camelot Community Club, Inc., a nonprofit corporation providing a public park and playground, for property located in Fairfax County. This bill has been incorporated into HB 28.

*Patron - Rust*

**HB105** **Property tax exemption; the Broyhill Crest Recreation, Inc.** Grants a property tax exemption to the Broyhill Crest Recreation, Inc., a nonprofit corporation provid-

ing a public park and playground, for property located in Fairfax County. This bill has been incorporated into HB 28.

*Patron - Rust*

**HB107** **Sales and use tax exemption; United Ostomy Association, Inc., Northern Virginia Chapter #0567.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) corporation organized to provide ostomy-related educational and support services in the Northern Virginia area. Incorporated into HB 106.

*Patron - Rust*

**HB109** **Sales and use tax exemption; Community Based Services, Inc.** Provides a sales and use tax exemption for purchases and sales by a federally tax-exempt corporation, from July 1, 2000, through June 30, 2001, which is organized for the purpose of developing and operating residential programs and support services for persons with mental disabilities to help them discover life opportunities for expanded choices, personal growth, increased independence, and participation in community life. Incorporated into HB 106.

*Patron - Cantor*

**HB110** **Sales and use tax exemption; Cystic Fibrosis Foundation.** Provides a sales and use tax exemption for sales and purchases of a federally tax-exempt nonprofit organization, from July 1, 2000, through June 30, 2001, which is organized for the purposes of (i) aiding in the research, study, training, and dissemination of information with respect to the disease known as mucoviscidosis (otherwise known as cystic fibrosis) and related diseases; (ii) providing indirect patient services to victims of such diseases; and (iii) soliciting contributions to support research programs. Incorporated into HB 106.

*Patron - Cantor*

**HB111** **Sales and use tax exemption; Money Management by Mail, Inc.** Provides a sales and use tax exemption for a federally tax-exempt nonprofit organization, from July 1, 2000, through June 30, 2001, which is organized to provide debt management counseling and education services to consumers on a nonprofit basis by mail, telephone, online means, electronic media, and other means.

*Patron - Cantor*

**HB112** **Sales and use tax exemption; Housing Options, Inc.** Provides a sales and use tax exemption for purchases and sales by a federally tax-exempt nonprofit corporation, from July 1, 2000, through June 30, 2001, which is organized for the purpose of making housing opportunities available for persons with mental disabilities who reside in the central area of Virginia. Incorporated into HB 106.

*Patron - Cantor*

**HB113** **Property tax exemption; Needle's Eye Ministries, Inc.** Grants a real property tax exemption to Needle's Eye Ministries, Inc., a religious nonprofit corporation, for real property leased to it by the City of Richmond. This bill has been incorporated into HB 28.

*Patron - Cantor*

**HB115** **Property tax exemption; the Kiwanis Foundation, Inc.** Grants a property tax exemption to the Kiwanis Foundation Inc., a nonprofit corporation providing public park and playground, for real property located in Chesterfield County. This bill has been incorporated into HB 28.

*Patron - Cox*

**HB120** **Property tax exemption; League of Olde Americans, Inc.** Grants a property tax exemption to the



League of Older Americans, Inc., a charitable and benevolent nonprofit corporation, for real property located in the City of Roanoke. This bill has been incorporated into HB 28.

*Patron - Thomas*

**HB122 Property tax exemption; Valley Program for Aging Services, Inc.** Grants a personal property tax exemption to Valley Program for Aging Services, Inc., a benevolent nonprofit corporation, for personal property located in the cities of Buena Vista, Harrisonburg, Lexington, Staunton, and Waynesboro, and in Augusta, Bath, Highland, Rockbridge, and Rockingham counties. This bill has been incorporated into HB 28.

*Patron - Landes*

**HB124 Property tax exemption; Beth Shalom Assisted Living.** Grants a property tax exemption to Beth Shalom Assisted Living, a charitable and benevolent nonprofit corporation, for real and personal property located in Henrico County. This bill has been incorporated into HB 28.

*Patron - Cantor*

**HB125 Sales and use tax exemption; Beth Shalom Assisted Living.** Provides a sales and use tax exemption for purchases and sales by a federally tax-exempt nonprofit organization, from July 1, 2000, through June 30, 2001, which is organized for the purpose of providing assisted-living services at affordable prices. Incorporated into HB 106.

*Patron - Cantor*

**HB128 Property tax exemption; NRV Nursing Center, Inc.** Grants a real property tax exemption to NRV Nursing Center, Inc., a charitable and benevolent nonprofit corporation, for real property located in Montgomery County. This bill has been incorporated into HB 28.

*Patron - Shuler*

**HB130 Sales and use tax exemption; Presbyterians for Faith, Family and Ministry.** Provides a sales and use tax exemption for purchases of general printing materials used to publish a bimonthly journal by a federally tax-exempt nonprofit organization, from July 1, 2000, through June 30, 2001, which is organized to publish a bimonthly theological journal and to distribute it to thousands of churches and individuals. Incorporated into HB 106.

*Patron - Shuler*

**HB136 Property tax exemption; Springfield Swimming and Racquet Club** Grants a property tax exemption to the Springfield Swimming and Racquet Club, a nonprofit corporation providing a public park and playground, for property located at 7400 Highland Street in Fairfax County. This bill has been incorporated into HB 28.

*Patron - Albo*

**HB137 Property tax exemption; Springfield Youth Club, Inc.** Grants a property tax exemption to the Springfield Youth Club, Inc., a charitable nonprofit corporation, for property located in Fairfax County. This bill has been incorporated into HB 28.

*Patron - Albo*

**HB138 Sales tax exemption; Ecumenical Community Helping Others, Inc.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) organization providing assistance to those in need by providing (i) food, clothing, housewares and transportation and (ii) financial assistance for housing, utilities, medication and transportation. Incorporated into HB 106.

*Patron - Albo*

**HB140 Property tax exemption; the Running Man Recreation Association.** Grants a property tax exemption to the Running Man Recreation Association, a nonprofit corporation providing a public park and playground, for property located in York County.

*Patron - Davis*

**HB149 Sales and use tax exemption; History Museum of Western Virginia.** Provides a sales and use tax exemption for a tax-exempt nonprofit organization, from July 1, 2000, through June 30, 2001, which is organized to operate a museum that promotes interest in the history of western Virginia through various activities. Incorporated into HB 106.

*Patron - Woodrum*

**HB150 Sales and use tax exemption; Mill Mountain Playhouse Company, DBA Mill Mountain Theatre.** Provides a sales and use tax exemption for purchases and sales by a federally tax-exempt nonprofit organization, from July 1, 2000, through June 30, 2001, which is organized for the purpose of operating a year-round, professional theatre serving the western area of Virginia with cultural and educational programs and outreach services to youth. Incorporated into HB 106.

*Patron - Woodrum*

**HB152 Sales and use tax exemption for the Hospice of Williamsburg.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) corporation providing support services to terminally ill persons and their caregivers. Incorporated into HB 106.

*Patron - Grayson*

**HB153 Sales and use tax exemption; The Colonial Williamsburg Foundation.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) corporation promoting preservation of the 18th century capital of the colony of Virginia through historical, research, educational, and interpretive activities, and through the reconstruction, restoration, and maintenance of historical sites, structures, objects and works of art.

*Patron - Grayson*

**HB154 Sales and use tax exemption for FISH.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) organization that provides assistance to the needy, including food, clothing and transportation to medical appointments. Incorporated into HB 106.

*Patron - Grayson*

**HB155 Sales and use tax exemption, National Center for the Courts.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) organization which is organized to improve the administration of justice in the nation and help the courts of the states, commonwealths, and territories to better serve litigants through research, education and training.

*Patron - Grayson*

**HB156 Food and beverage/meals tax.** Allows localities to impose the food and beverage tax on sandwiches, items sold from salad bars, non-factory-sealed beverages and ready-to-eat single meal platters. Such items would be exempt from the tax as "food" defined in the Food Stamp Act of 1977. Incorporated into HB 255.

*Patron - Grayson*

**HB162 Property tax exemption; Community Arts Center Foundation.** Grants a real property tax exemption to

Community Arts Center Foundation, a cultural organization, for real property located in Halifax County. This bill has been incorporated into HB 28.

*Patron - Bennett*

**HB163 Sales and use tax exemption; Community Arts Center Foundation, Inc.** Provides a sales and use tax exemption for a federally tax-exempt nonprofit organization, from July 1, 2000, through June 30, 2001, which is organized for the purpose of establishing a regional cultural arts center that will promote, provide, and preserve the performing and visual arts for the education of the citizens in the southern region of Virginia. Incorporated into HB 106.

*Patron - Bennett*

**HB166 Property tax exemption; Chesapeake Care, Inc.** Grants a property tax exemption to Chesapeake Care, Inc., a charitable and benevolent nonprofit corporation for property located in the City of Chesapeake. This bill has been incorporated into HB 28.

*Patron - Blevins*

**HB167 Sales and use tax exemption; Chesapeake Health and Investment Program.** Provides a sales and use tax exemption for a federally tax-exempt nonprofit organization, from July 1, 2000, through June 30, 2001, which is organized to provide services to low-income children and families, including parent education, transportation, health assessments, home visiting, developmental screenings, and referrals for medical care. Incorporated into HB 106.

*Patron - Blevins*

**HB168 Property tax exemption; the Chesapeake Health Investment Program.** Grants a property tax exemption to the Chesapeake Health Investment Program, a charitable and benevolent nonprofit organization, for property located in the City of Chesapeake. This bill has been incorporated into HB 28.

*Patron - Blevins*

**HB170 Property tax exemption; the Wise County Historical Society, Inc.** Grants a property tax exemption to the Wise County Historical Society, Inc., a charitable nonprofit corporation, for personal property located in Wise County.. This bill has been incorporated into HB 28.

*Patron - Phillips*

**HB171 Property tax exemption; the Historical Society of the Pound, Inc.** Grants a property tax exemption to the Historical Society of the Pound, Inc., a charitable nonprofit corporation, for personal property located in Wise County.. This bill has been incorporated into HB 28.

*Patron - Phillips*

**HB177 Sales and use tax exemption; National Council of Jewish Women, Hampton Roads Section, Inc.** Provides a sales and use tax exemption for a federally tax-exempt nonprofit corporation, from July 1, 2000, through June 30, 2001, which is organized (i) to purchase dictionaries for needy high school students; (ii) to loan medical equipment for home use; (iii) to provide entertainment tickets to emotionally disturbed children; and (iv) to support the Virginia Peninsula Council on Domestic Violence. Incorporated into HB 106.

*Patron - Diamonstein*

**HB179 Property tax exemption; the Preservation of Historic Suffolk, Inc.** Grants a property tax exemption to the Preservation of Historic Suffolk, Inc., a charitable nonprofit

corporation, for property located in the City of Suffolk. This bill has been incorporated into HB 28.

*Patron - Jones, S.C.*

**HB180 Property tax exemption; The Children's Center** Grants a property tax exemption to the Children's Center, a charitable nonprofit organization, for property located in the City of Suffolk. This bill has been incorporated into HB 28.

*Patron - Jones, S.C.*

**HB181 Sales and use tax exemption; Community Bible Study, Inc.; limited.** Provides a sales and use tax exemption for the costs of meals and lodging from August 1 2000, through August 31, 2000, purchased by any nonprofit tax-exempt corporation which develops religious study and devotional materials to be used in Bible study classes and holds its 25th Anniversary Conference in Northern Virginia. This has been drafted as a §1 bill because of its limited duration.

*Patron - Plum*

**HB182 Property tax exemption; Reston Interfaith Housing Corporation.** Grants a property tax exemption to Reston Interfaith Housing Corporation, a charitable and benevolent nonprofit corporation, for property located in Fairfax County and the Town of Herndon. This bill has been incorporated into HB 28.

*Patron - Plum*

**HB185 Sales and use tax exemption; commercial and industrial exemptions.** Removes the sunset date (June 30, 2001) from the sales and use tax exemption for activities and items associated with space facilities, satellites, and vehicles.

*Patron - Bloxom*

**HB186 Property tax exemption; volunteer fire departments and rescue squads.** Exempts volunteer fire departments and volunteer rescue squads from real and personal property taxation even if they charge for services. Currently, such organizations are exempt only if they do not charge for services.

*Patron - Bloxom*

**HB187 Property tax exemption; Arts Enter Cape Charles, Inc.** Grants a property tax exemption to Arts Enter Cape Charles, Inc., a benevolent nonprofit corporation, for property located in Northampton County. This bill has been incorporated into HB 28.

*Patron - Bloxom*

**HB192 Sales and use tax exemption; Appomattox County Historical Society.** Provides a sales and use tax exemption, from July 1, 2000, through June 30, 2001, for tangible personal property purchased by a tax-exempt nonprofit organization which operates a museum dedicated to historic preservation, restoration and research in central Virginia. Incorporated into HB 106.

*Patron - Abbitt*

**HB194 Sales tax exemption; the Brain Injury Association, Inc.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) corporation promoting the welfare of individuals, with intellectual or behavioral disabilities resulting from head injuries, through such services as, but not limited to, (i) developing and contributing to programs dealing with the prevention and treatment of head injuries and rehabilitation and long-term care of individuals with head injuries; (ii) providing information on the care of individuals with head injuries to caregivers, including information on the rights of handicapped persons and lists of facilities for their care; and (iii) developing new and aiding existing

facilities providing permanent or transitional living environments for head-injured persons.

*Patron - Watts*

**HB195 Sales and use tax exemption; Lifetime Learning Institute of Northern Virginia.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a tax-exempt nonprofit corporation located in Northern Virginia, which is organized to design and deliver educational programs for older persons by older persons to keep them up-to-date on technology, psychology and health maintenance. Incorporated into HB 106.

*Patron - Watts*

**HB196 Sales and use tax exemption; the Episcopal Church Home.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) organization providing a family environment to elderly persons in a peaceful, relaxed and comfortable home and encouraging them to continue to be vital members of the community. Incorporated into HB 106.

*Patron - Moss*

**HB204 Property tax exemption; Conservation, Inc.** Grants a real property tax exemption to Conservation, Inc., a cultural nonprofit corporation, for real property located in the City of Hampton. This bill has been incorporated into HB 28.

*Patron - Christian*

**HB205 Property tax exemption; North King Street Improvement Council, Inc.** Grants a real property tax exemption to North King Street Improvement Council, Inc., a benevolent nonprofit corporation, for real property located in the City of Hampton. This bill has been incorporated into HB 28.

*Patron - Christian*

**HB208 Property tax exemption; Bren Mar Recreation Association, Inc.** Grants a property tax exemption to the Bren Mar Recreation Association, Inc., for real property it owns in Fairfax County. This bill has been incorporated into HB 28.

*Patron - Watts*

**HB210 Sales and use tax exemption; Old Dominion Association of Church Schools.** Provides a sales and use tax exemption for a federally tax-exempt nonprofit organization, from July 1, 2000, through June 30, 2001, which is organized to facilitate cooperation among church operated schools, to provide educational and athletic activities for students, and to provide professional development opportunities for teachers. Incorporated into HB 106.

*Patron - Howell*

**HB213 Sales and use tax exemption; United States Specialty Sports Association.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) corporation fostering participation in clean, wholesome, and competitive athletic events through the creation, organization and promotion of programs in various sports. Incorporated into HB 106.

*Patron - DeBoer*

**HB214 Property tax exemption; the Women's Center** Grants a property tax exemption to the Women's Center, a charitable and benevolent nonprofit corporation, for property located in Fairfax County and the Town of Vienna. This bill has been incorporated into HB 28.

*Patron - Devolites*

**HB221 Sales and use tax exemption; Grandma Rita's Children, Inc** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) corporation providing assistance and support to needy and abused children through the operation of a special trips camp. Incorporated into HB 106.

*Patron - Callahan*

**HB222 Sales and use tax exemption; NTI Institute for Applied Behavioral Science.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) corporation providing educational, training, research and publication services to businesses, government, organizations and the general public in the field of human relations and management.

*Patron - VanLandingham*

**HB223 Sales and use tax exemption; National Mental Health Association.** Provides a sales and use tax exemption for a federally tax-exempt nonprofit organization, from July 1, 2000, through June 30, 2001, which is organized for the purpose of providing to the public, at no cost, information on mental illnesses and treatments, and referrals for local treatment services.

*Patron - VanLandingham*

**HB224 Sales and use tax exemption; America's Promise -- The Alliance for Youth, Inc.** Provides a sales and use tax exemption for sales and purchases by a federally tax exempt organization, from July 1, 2000, through June 30, 2001, which is organized to mobilize all sectors of society, utilizing large numbers of volunteers and voluntary activity, to provide the necessary resources for the development of America's youth into outstanding citizens.

*Patron - VanLandingham*

**HB225 Sales and use tax exemption; Water Environment Federation.** Provides a sales and use tax exemption for a federally tax-exempt nonprofit organization, from July 1, 2000, through June 30, 2001, which is organized for the purpose of disseminating technical information to the water quality industry and to the public on ways to improve water quality and other issues that affect the water supply.

*Patron - VanLandingham*

**HB226 Sales and use tax; temporary exemption.** Provides that each year for the period beginning August 1 and ending September 15 ("back -to-school" period) there will be no state sales and use tax on purchases of any items of clothing or back-to-school supplies with a taxable value of \$50 or less sold to a person qualifying for food stamps. There will continue to be a local sales and use tax on these items. The Department of Taxation is directed to promulgate regulations for the implementation of these provisions.

*Patron - Robinson*

**HB230 Sales and use tax exemption; Hospice Support of Fauquier County, Inc.** Provides a sales and use tax exemption for a federally tax-exempt nonprofit organization, from July 1, 2000, through June 30, 2001, which is organized for the purpose of providing support to terminally ill patients and their families in the Fauquier County area. Incorporated into HB 106.

*Patron - Katzen*

**HB232 Sales and use tax exemption; Central American Resource Center.** Provides a sales and use tax exemption for a federally tax-exempt nonprofit organization, from July 1, 2000, through June 30, 2001, which is organized

to provide legal, educational, empowerment, and other services to the Central American and Latin communities in the Washington, D.C. metropolitan area including Northern Virginia. Incorporated into HB 106.

*Patron - Darner*

**HB233 Sales and use tax exemption; NAMI (formerly the National Alliance for the Mentally Ill).** Provides a sales and use tax exemption for purchases and sales by a federally tax-exempt nonprofit organization, from July 1, 2000, through June 30, 2001, which is organized for the purpose of eradicating mental illness and improving the quality of life of those who are affected by serious no-fault brain disease.

*Patron - Darner*

**HB237 Property tax exemption; Rivanna Conservation Society.** Grants a property tax exemption to the Rivanna Conservation Society, a charitable nonprofit organization, for real property located in Fluvanna County. This bill has been incorporated into HB 28.

*Patron - Dickinson*

**HB239 Medical-related sales and use tax exemption; Alliance for the Physically Disabled, Inc.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a nonprofit tax-exempt corporation which is located in Northern Virginia and organized to provide housing facilities and services specially designed to meet the physical, social and employment needs of the physically disabled and to promote their health, security and happiness in an effort to assist them in achieving social and economic self-sufficiency. Incorporated into HB 106.

*Patron - Hull*

**HB241 Property tax exemption; Falls Church Housing Corporation.** Grants a property tax exemption to Falls Church Housing Corporation, a charitable organization for its real property located in the City of Falls Church. This bill has been incorporated into HB 28.

*Patron - Hull*

**HB243 Sales and use tax exemption; Arlington Boathouse Foundation, Inc.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, for a tax-exempt nonprofit corporation which will provide for the funding, construction and operation of a community rowing boathouse. Incorporated into HB 106.

*Patron - Almand*

**HB257 Property tax exemption; Loudoun Interfaith Relief, Inc.** Grants a property tax exemption to Loudoun Interfaith Relief, Inc., a charitable and benevolent nonprofit corporation, for personal property located in Loudoun County and acquired on April 7, 1999. This bill has been incorporated into HB 28.

*Patron - May*

**HB258 Property tax exemption; The Fauquier and Loudoun Garden Club.** Grants a property tax exemption to The Fauquier and Loudoun Garden Club, an historical and cultural nonprofit organization, for real property located in Loudoun County. This bill has been incorporated into HB 28.

*Patron - May*

**HB260 Sales and use tax exemption; The Plains Community League.** Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2000, through June 30, 2001, which is organized for the purposes of (i) supporting students in their pursuit of higher education through scholarships and tutoring, (ii) providing food for

needy families at Thanksgiving, and (iii) creating community spirit through other activities. Incorporated into HB 106.

*Patron - May*

**HB264 Sales and use tax exemption; Amherst County Habitat for Humanity, Inc.** Provides a sales and use tax exemption for building materials purchased by a federally tax-exempt nonprofit organization, from July 1, 2000, through June 30, 2001, which is organized to build houses to provide housing opportunities to low-income persons, at cost with no-interest mortgages. Under current law, this organization is among those that may receive a refund of sales and use taxes paid upon such purchases upon application to the Department of Taxation. The bill eliminates the requirement of such application by exempting the tax at the time of purchase. Incorporated into HB 106.

*Patron - Bryant*

**HB265 Sales and use tax exemption; Pedlar River Institute.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) corporation in Central Virginia which is organized to (i) create educational programs that raise community awareness regarding watershed health, (ii) collect data about the watershed to help further soil, water and habitat conservation, and (iii) design project models that can be used by rural Virginia schools and communities. Incorporated into HB 106.

*Patron - Bryant*

**HB266 Sales and use tax exemption; Amherst County Commission Against Domestic Violence.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, for tangible personal property purchased by a nonprofit § 501 (c) (3) organization which provides emergency shelter and services for domestic violence victims, educates the community regarding domestic violence and is located in the Eleventh Planning District. Incorporated into HB 106.

*Patron - Bryant*

**HB269 Sales and use tax exemption; American Academic and Cultural Exchange, Inc.** Provides a sales and use tax exemption for a federally tax-exempt nonprofit corporation, from July 1, 2000, through June 30, 2001, which is organized for the purpose of providing opportunities for international educational exchange for foreign high school students to visit Virginia, and for Virginia high school students to visit foreign countries. Incorporated into HB 106.

*Patron - Hargrove*

**HB274 Income tax; refund of surplus revenues.** Requires the refund of surplus revenues when they exceed the amount required to be deposited in the Revenue Stabilization Fund by at least \$50 million. The Department of Taxation shall make refunds based on each taxpayer's pro rata share of excess revenues collected in the calendar year in which the fiscal year surplus is determined. The taxpayer must have filed an income tax return for such calendar year.

*Patron - Cantor*

**HB276 Sales and use tax exemption; Virginians for Child Abuse Prevention, Inc.** Grants a sales and use tax exemption for tangible personal property purchased by a federally tax-exempt corporation which is organized to (i) teach and foster the prevention of cruelty to children; (ii) create programs that treat and solve the problems of child abuse and neglect; and (iii) develop a statewide coalition of child abuse and neglect services, agencies and programs. Incorporated into HB 106.

*Patron - Cantor*

**HB278 Sales and use tax exemption; Richmond Christian Medical and Dental Society.** Provides a sales and use tax exemption retroactive to August 1, 1995, through June 30, 2001, to a § 501 (c) (3) organization (i) fostering the faith of students in healthcare graduate studies on the campus of the Medical College of Virginia, (ii) developing and encouraging medical missions overseas, (iii) promoting and supporting volunteer services in medical and dental care for the needy and homeless, and (iv) discouraging out-of-wedlock teenage sexual activity. Incorporated into HB 106.

*Patron - War*

**HB281 Property tax exemption; Outreach for Christ, Inc.** Grants a property tax exemption to Outreach for Christ, Inc., a benevolent nonprofit corporation, for property located in the City of Virginia Beach. This bill has been incorporated into HB 28.

*Patron - Suit*

**HB290 Property tax exemptions; The Good Shepherd Alliance, Inc. and The International Society of Air Safety Investigators.** Provides exemptions from the property tax imposed by Loudoun County for (i) real property owned by the Good Shepherd Alliance, Inc., and (ii) personal property owned by the International Society of Air Safety Investigators. This bill has been incorporated into HB 28.

*Patron - Black*

**HB293 Property tax exemption; Carroll Wellness Center.** Grants a real property tax exemption to Carroll Wellness Center, a charitable nonprofit organization, for real property located in Carroll County. This bill has been incorporated into HB 28.

*Patron - Jackson*

**HB299 Sales and use tax exemption; Christmas in April-Staunton/Augusta County, Inc.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a nonprofit tax-exempt corporation which is organized to sponsor projects to repair homes of the elderly, poor and disabled in the Shenandoah Valley. Incorporated into HB 106.

*Patron - Landes*

**HB302 Property tax exemption; the Serenity House Substance Abuse Recovery Program, Inc.** Grants a property tax exemption to the Serenity House Substance Abuse Recovery Program, Inc., a charitable nonprofit corporation, for property located in the City of Newport News. This bill has been incorporated into HB 28.

*Patron - Diamonstein*

**HB306 Property tax exemption; The Loyal Order of Moose, Stafford, No. 2215.** Grants a property tax exemption to the Loyal Order of Moose, Stafford, No. 2215, a benevolent organization, for property it owns in Stafford County

*Patron - Howell*

**HB312 Property tax exemption; Central Virginia Housing Coalition, Inc.** Grants a property tax exemption to the Central Virginia Housing Coalition, Inc., a charitable nonprofit corporation for property located in the City of Fredericksburg. This bill has been incorporated into HB 28.

*Patron - Orrock*

**HB321 Sales and use tax; temporary exemption.** Provides an exemption from the state sales and use tax for tangible personal property items purchased for a period beginning August 29 and ending September 7 each year.

*Patron - Day*

**HB322 Reduced sales and use tax for certain clothing, footwear, and computers** Establishes a state sales and use tax exemption during the period from September 1 through September 7, 2000, and every September 1 through September 7 thereafter, for "clothing and footwear" costing less than \$500 per article; "computer systems" costing less than \$1,500; and "computers," "computer hardware," and "computer software" costing less than \$500. The bill also requires the Department of Taxation to promulgate regulations that implement the temporary exemption program by August 15, 2000. This bill has been incorporated into HB 28.

*Patron - Day*

**HB324 Property tax exemption; Bedford Christian Ministries.** Grants a property tax exemption to Bedford Christian Ministries, a charitable organization, for real property it owns which is located in Bedford County. This bill has been incorporated into HB 28.

*Patron - Putney*

**HB334 Sales and use tax exemptions; Lewis-Gale Foundation, Tranquility Breast Cancer Foundation, and Cave Spring Softball League, Inc.** Extends the sunset from 2000 to 2001 for certain medical-related and miscellaneous sales and use tax exemptions. Incorporated into HB 106.

*Patron - Griffith*

**HB335 Sales and use tax exemption; Salem Educational Foundation and Alumni Association.** Provides a sales and use tax exemption for purchases and sales by a federally tax-exempt nonprofit organization, from July 1, 2000, through July 1, 2001, which is organized to develop endowments to establish scholarship funds in perpetuity for graduates of Salem High School. Incorporated into HB 106.

*Patron - Griffith*

**HB338 Sales and use tax exemption; Mothers Against Drunk Driving** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) organization whose main purpose is to stop drunk driving. Incorporated into HB 106.

*Patron - Almand*

**HB340 Property tax exemption; Historic Port Royal, Inc.** Grants a property tax exemption to Historic Port Royal, Inc., an historic nonprofit corporation, for property located in Caroline County. This bill has been incorporated into HB 28.

*Patron - Morgan*

**HB341 Property tax exemption; the Guinea Heritage Association, Ltd.** Grants a property tax exemption to the Guinea Heritage Association, Ltd., a charitable and educational nonprofit corporation, for property located in Gloucester County. This bill has been incorporated into HB 28.

*Patron - Morgan*

**HB345 Sales and use tax exemption; Virginia Amateur Sports/Commonwealth Games.** Provides a sales and use tax exemption for a federally tax-exempt nonprofit organization, from July 1, 2000, through June 30, 2001, which is organized for the purpose of sponsoring amateur sports throughout the Commonwealth. Incorporated into HB 106.

*Patron - Cranwell*

**HB354 Tax Repeal.** Repeals the merchant's capital and business, professional, and occupational license taxes. The effective date of the repeal is January 1, 2002.

*Patron - Shuler*

**HB363 Sales and use tax exemption; National Center for Victims of Crime.** Provides a sales and use tax exemption for purchases and sales by a federally tax-exempt nonprofit organization, from July 1, 2000, through June 30, 2001, which is organized for the purpose of serving as a national resource center for victims of crime and their advocates, and establishing training and other programs to assist victims and their advocates to deal effectively with the judicial system.

*Patron - Brink*

**HB364 Sales and use tax exemption; Nineteenth Century Studies Association.** Provides a sales and use tax exemption for a federally tax-exempt nonprofit organization, from July 1, 2000, through June 30, 2001, which is organized for the purpose of promoting interdisciplinary scholarship and research of 19th century culture and supporting that purpose, in part, by sponsoring an annual conference, an annual journal, and an annual newsletter. Incorporated into HB 106.

*Patron - Brink*

**HB365 Sales and use tax exemption; Ashoka - Innovators for the Public.** Provides a sales and use tax exemption for a federally tax-exempt nonprofit organization, from July 1, 2000, through June 30, 2001, which is organized for the purpose of globally finding and supporting individuals with ideas for far-reaching social change to yield regional and national advances in education, health, human rights, the environment, and other areas of social concern. Incorporated into HB 106.

*Patron - Brink*

**HB374 Sales and use tax exemptions; Lynchburg Area Center for Independent Living.** Provides sales and use tax exemptions from July 1, 2000, through June 30, 2001, to a 501 (c) (3) corporation assisting persons with disabilities to reach their independent living goals. Incorporated into HB 106.

*Patron - Byr*

**HB376 Property tax exemption; Last Great Waters, Inc.** Grants a property tax exemption to Last Great Waters, Inc., a benevolent nonprofit corporation, for property located in the City of Virginia Beach. This bill has been incorporated into HB 28.

*Patron - Wardrup*

**HB377 Sales and use tax; limited exemption for certain school-related items.** Exempts book bags, clothing and footwear from sales and use tax for a three-day period each August, provided the article costs \$50 or less. Localities are given the option of imposing the tax.

*Patron - Drake*

**HB388 Sales and use tax exemption; The Conspiracy of Silence Ministries.** Provides a sales tax exemption for a federally tax-exempt nonprofit organization, from July 1, 2000, through June 30, 2001, which is organized (i) to confront the epidemic of sexual abuse and domestic and dating violence in our society with an aggressive awareness and prevention ministry of seminars, workshops, school assemblies, and educational programs; (ii) to guide survivors of abuse through the healing process of growth in God's grace to a point of physical, mental, emotional, and spiritual wholeness; and (iii) to develop programs, as resources permit, to heal dysfunctional families, minister to the needs of teenage runaways, and provide counseling to perpetrators of sexual assault, domestic violence, and other deviant behavior. Incorporated into HB 106.

*Patron - McDonnell*

**HB449 Sales and use tax exemption; Virginia Statewide AHEC Program and community AHEC programs.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) entity organized to promote careers in health services and to provide access to primary care for medically underserved populations through community-academic partnerships. Incorporated into HB 106.

*Patron - Moran*

**HB469 Property tax exemption; the Northern Virginia Dental Clinic, Inc.** Grants a property tax exemption to the Northern Virginia Dental Clinic, Inc., a charitable and benevolent nonprofit corporation, for personal property located in Fairfax County. This bill has been incorporated into HB 28.

*Patron - Hull*

**HB500 Income tax; tax credits for qualifying business activities in historic district enterprise zones.** Allows a tax credit to business firms for their qualifying business activities in historic district enterprise zones. The amount of the credit is the lesser of (i) \$25,000 per year or (ii) 25 percent of the taxes imposed per year with respect to the qualifying business activity. The credit shall not exceed the business firm's tax liability and any unusable credit may be carried over for 10 years. Localities must designate a historic district enterprise zone in which the business firm locates or is located at the time of such designation and the firm must undertake qualifying business activities. Any business firm applying to the Department for a credit shall attach a certification by the governing body of the locality. The governing body's certification shall establish that (i) the structure in which the business activity is conducted is located within a historic district enterprise zone as designated by the governing body of the locality; and (ii) the business activity was (a) not previously conducted within the zone by the business firm and is conducted in a structure that is determined by the governing body of the locality to be compatible with the architectural standards of the historic district enterprise zone as determined by the governing body of the locality or (b) previously conducted by the business firm within such zone immediately prior to its being designated as a zone and is conducted in a structure which is maintained in accordance with the local historic district enterprise zone ordinance as determined by the governing body of the locality.

*Patron - Armstrong*

**HB545 Tangible personal property tax; classification for valuation purposes.** Provides that the basis for tangible personal property tax on automobiles shall not exceed the purchase price, less applicable depreciation percentages, for a taxpayer who purchases an automobile from a Virginia motorcycle dealer in an arm's length transaction.

*Patron - Marshall*

**HB553 State recordation tax.** Requires that \$40 million per year of the money generated by the state recordation tax be allocated to the Virginia Land Conservation Foundation. The allocation will be available only after currently existing allocations of recordation tax revenues are made. This is a recommendation of the Commission on the Future of Virginia's Environment.

*Patron - Deeds*

**HB562 Sales and use tax exemption; Spectrum Theatre.** Provides a sales and use tax exemption for purchases of tangible personal property and services by a federally tax-exempt nonprofit organization, from July 1, 2000, through June 30, 2001, which is organized to give students interested in acting, directing and playwriting a chance to explore their talents in a professional setting; and to produce drama which

speaks to current cultural issues such as discrimination and war. Incorporated into HB 106.

*Patron - VanYahres*

**HB578 Income tax; subtractions for income received by tobacco growers and tobacco quota owners or holders 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 growers and quota owners or holders, or tobacco growing and quota owning or holding businesses from tobacco settlement funds. This subtraction will be allowed for taxable years beginning on and after January 1, 1999. The bill declares that an emergency exists and that it is effective upon passage. Incorporated in HB 176.

*Patron - Phillips*

**HB579 BPOL tax; flat fee.** Revises the business, professional and occupation license tax, making it a flat fee based on gross receipts for all businesses within a locality. The license fee ranges from \$25 (for receipts of \$100,000 or less) to \$2,500 (for receipts of \$5,000,001 or more). The effective date is January 1, 2001. The bill also directs the Department of Taxation, with the assistance of the Virginia Municipal League, the Virginia Association of Counties and any business organization or organizations which the Department of Taxation selects, to review the provisions of the bill and their effects beginning July 1, 2004, and to make recommendations concerning their findings to the 2005 General Assembly.

*Patron - Davis*

**HB591 Personal property tax; motor vehicle held in trust.** Adds motor vehicles held in a private trust for personal use by an individual to the definition of "qualifying vehicle" for purposes of tax relief under the Personal Property Tax Relief Act of 1998.

*Patron - Black*

**HB760 Real estate tax; capping tax for elderly and disabled.** Requires each locality to adopt the current real estate tax relief program in the Code of Virginia for the elderly and disabled or to limit the amount of real estate taxes the elderly and the disabled pay on their sole dwelling to (i) the amount paid by the elderly taxpayer in the year he attains the age of 65, and (ii) the amount paid by the disabled taxpayer in the year he became permanently and totally disabled. Localities suffering revenue losses due to this will be reimbursed by the Commonwealth. The bill is effective for taxable years beginning on and after January 1, 2001.

*Patron - Robinson*

**HB768 Income tax; deduction for contributions to public school division endowment funds.** Provides a deduction in calculating Virginia taxable income for contributions not to exceed \$1,000 annually, made by taxpayers to public school division endowment funds, effective for taxable year beginning on and after January 1, 2001. The deduction is allowed to the extent the taxpayer has not also deducted such contribution for federal income tax purposes.

*Patron - Day*

**HB769 Income tax; public school division endowment fund tax credit.** Provides an income tax credit to individuals who donate money to a public school division endowment fund during the taxable year, for taxable years beginning on and after January 1, 2000. The credit is equal to the amount donated to the fund, not to exceed \$1,000 each tax year.

*Patron - Day*

**HB771 Income tax; deduction for fire and rescue squad volunteers.** Provides a deduction when calculating Virginia taxable income of \$250 for members of volunteer fire and rescue squads, effective for taxable years beginning on and after January 1, 2000.

*Patron - Day*

**HB774 Property tax exemption; Meals of Virginia Beach, Inc.** Grants a property tax exemption to Meals of Virginia Beach, Inc., a benevolent nonprofit corporation, for property located in the City of Virginia Beach. This bill has been incorporated into HB 28.

*Patron - Wardrup*

**HB776 Taxation on improvement to real property; City of Fairfax.** Permits any city having a population no less than 19,500 and no greater than 21,000 to provide for the partial exemption from real estate taxes in an amount up to 50 percent of all improvements on commercial real property whose improvements, by virtue of age and use, have undergone substantial renovation, rehabilitation or replacement.

*Patron - Rust*

**HB779 State recordation tax; amount to be taxed.** Requires the recordation tax to be based on the amount paid for the property and removes the option of basing it on the assessed value.

*Patron - Tate*

**HB798 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. This subtraction will be allowed for taxable years beginning on and after January 1, 1999. The bill declares that an emergency exists and that it is effective upon passage.

*Patron - Ruff*

**HB817 Income tax; tax credits for qualifying business activities in historic district enterprise zones.** Allows a tax credit to business firms for their qualifying business activities in historic district enterprise zones. The amount of the credit is the lesser of (i) \$25,000 per year or (ii) 25 percent of the taxes imposed per year with respect to the qualifying business activity. The credit shall not exceed the business firm's tax liability and any unusable credit may be carried over for 10 years. Localities must designate a historic district enterprise zone in which the business firm locates or is located at the time of such designation and the firm must undertake qualifying business activities. Any business firm applying to the Department for a credit shall attach a certification by the governing body of the locality. The governing body's certification shall establish that (i) the structure in which the business activity is conducted is located within a historic district enterprise zone as designated by the governing body of the locality; and (ii) the business activity was (a) not previously conducted within the zone by the business firm and is conducted in a structure that is determined by the governing body of the locality to be compatible with the architectural standards of the historic district enterprise zone as determined by the governing body of the locality or (b) previously conducted by the business firm within such zone immediately prior to its being designated as a zone and is conducted in a structure which is maintained in accordance with the local historic district enterprise zone ordinance as determined by the governing body of the locality.

*Patron - Devolites*

**HB829 Income tax; teleworking tax credit.** Grants a tax credit to certain qualified employers for eligible costs incurred to provide an employee with the ability to telework, for taxable year 2001. The credit equals 100 percent of the cost of the initial set-up to enable teleworking for an employee who works five or more days weekly. The credit per employee is limited to \$2,000 annually. Total credits granted shall not exceed \$10,000,000 and total participation shall not exceed 10,000 employees. Twenty percent of the credits are reserve for employers who hire teleworkers in localities that have average unemployment rates for the most recent calendar year that are 150 percent higher than the final statewide average unemployment rate for the most recent calendar year.

*Patron - Howell*

**HB833 State income tax checkoff; removal of sunset.** Removes the sunset provision on the state income tax checkoff for open space and conservation contributions. Under current law, a taxpayer's ability to designate a portion of his refund for such purposes expires on January 1, 2001. Included in HB 568.

*Patron - Louderback*

**HB857 Sales and use tax allowance.** Provides an allowance to the beneficial owner of a qualified investment project in an amount equal to the Commonwealth's sales and use tax rate (three and one-half percent) multiplied by the cost of materials purchased for the project. "Qualified investment project" means any real estate improvement project in the Commonwealth commenced after January 1, 1999, that includes at least 1,750,000 square feet of finished office space, is able to accommodate at least 10,000 persons, and has a real estate investment of at least \$350,000,000.

*Patron - May*

**HB879 Severance tax on coal and gases.** Clarifies that severance tax on coal and gases is a gross receipts tax.

*Patron - Phillips*

**HB883 Motor vehicle sales and use tax; credit for trade-ins.** Allows for a deduction of the value of a motor vehicle in determining the sales price for motor vehicle sales and use tax purposes, provided such value does not exceed the price originally paid for such motor vehicle.

*Patron - Phillips*

**HB904 State Lottery Fund** Establishes, in statute the distribution of the lottery proceeds to local school divisions that is currently only set forth in the 1998-2000 biennium budget. This provision requires that any lottery revenues remaining after lottery funds are specified, together with such other general funds as may be appropriated for the Standards of Quality, to be used to fund the state's share of Basic Aid Payments in any budget item or budget subprogram relating to appropriation, apportionment, and distribution of lottery proceeds to localities must be appropriated, apportioned, and distributed upon the following conditions: (i) no more than 50 percent for recurring costs and at least 50 percent for nonrecurring costs; (ii) the funds must be matched by local governments, based on the composite index of local ability-to-pay; (iii) in order to receive the money, the locality must appropriate the funds solely for educational purposes and must not use the funds to reduce total local operating expenditures for public education below the amount expended by the locality for such purpose in the year upon which the relevant biennial Standards of Quality expenditure data were based; (iv) no locality will be required to maintain a per-pupil expenditure that is greater than the per-pupil amount expended by the locality for such purposes in the year upon which the relevant biennial Standards of

Quality expenditure data were based; and (v) nonrecurring costs mean school construction, additions, infrastructure, site acquisition, renovations, technology and other expenditures related to modernizing classroom equipment, and debt service payments on school projects completed during the last 10 years.

*Patron - Diamonstein*

**HB912 Income tax; Virginia taxable income of residents; age deduction.** Requires the age deduction amounts of \$12,000 and \$6,000 to be indexed annually based on the Consumer Price Index, for taxable years beginning on and after January 1, 2001. Incorporated in HB 1098.

*Patron - Cranwell*

**HB942 Lottery profits for education.** Provides that approximately (i) 61 percent of lottery revenues shall be distributed in support of the state share of basic aid to localities and (ii) 39 percent shall be distributed as financial assistance for lottery proceeds revenue sharing. This language follows similar language in the budget.

*Patron - Williams*

**HB1016 Local tax administration; payment of administrative costs.** Clarifies that localities may impose a fee to cover administrative costs upon each person with delinquent taxes or "other charges." Incorporated into HB 751.

*Patron - Blevins*

**HB1017 State Lottery Fund.** Establishes, in statute, the distribution of the lottery proceeds to local school divisions that is currently only set forth in the 1998-2000 biennium budget. This provision requires that any lottery revenues remaining after lottery funds are specified, together with such other general funds as may be appropriated for the Standards of Quality, to be used to fund the state's share of Basic Aid Payments in any budget item or budget subprogram relating to appropriation, apportionment, and distribution of lottery proceeds to localities must be appropriated, apportioned, and distributed upon the following conditions: (i) no more than 50 percent for recurring costs and at least 50 percent for nonrecurring costs; (ii) the funds must be matched by local governments, based on the composite index of local ability-to-pay; (iii) in order to receive the money, the locality must appropriate the funds solely for educational purposes and must not use the funds to reduce total local operating expenditures for public education below the amount expended by the locality for such purposes in the year upon which the relevant biennial Standards of Quality expenditure data were based; (iv) no locality will be required to maintain a per-pupil expenditure that is greater than the per-pupil amount expended by the locality for such purposes in the year upon which the relevant biennial Standards of Quality expenditure data were based; and (v) nonrecurring costs mean school construction, additions, infrastructure, site acquisition, renovations, technology and other expenditures related to modernizing classroom equipment, and debt service payments on school projects completed during the last ten years.

*Patron - Blevins*

**HB1027 Local taxes; use of professional accounting firms for audits.** Allows commissioners of the revenue to hire professional accounting firms to assist with local tax audits, provided they are not done on a contingency fee basis.

*Patron - Drake*

**HB1039 State Lottery Fund; appropriations.** Requires that at least 50 percent of the amount remaining in the State Lottery Fund after any appropriations from the Fund for the Standards of Quality shall be distributed to local school



divisions to be spent solely on nonrecurring expenditures. The bill also specifies how funds will be accounted for that may be deposited to a Lottery Proceeds Fund should a constitutional amendment regarding such Fund pass.

*Patron - Bloxom*

**HB1052** **Income tax credit; agricultural.** Provides an income tax credit to individuals and corporations that are engaged in agricultural production for market. The amount of the credit is equal to 10 percent of Virginia taxable income attributable to agricultural production for market. The tax credits do not apply to agricultural operations in localities with populations of less than 85,000. The bill provides a refundable tax credit if taxable income from all sources is less than \$35,000.

*Patron - Marshall*

**HB1098** **Income tax; taxable income; age deduction.** Requires the age deduction amounts of \$12,000 and \$6,000 to be indexed annually based on the Consumer Price Index, for taxable years beginning on and after January 1, 2001.

*Patron - Wagner*

**HB1105** **Income tax; earned-income tax credit.** Provides a refundable earned-income tax credit to individuals with a dependent child under age 18 equal to 10 percent of the federal earned-income credit allowed under § 32 (a) (1) of the Internal Revenue Code for taxable years beginning January 1, 2001. Taxpayers receive a refund equal to the amount their credit exceeds their tax liability for the taxable year. Also requires federal approval for TANF funds to be used to pay the refundable portion.

*Patron - Moran*

**HB1132** **Electric utility consumption tax; consumer services cooperatives and calculation of the tax.** Reestablishes alternative tax arrangements for customers of utility consumer services cooperatives that purchase wholesale power from certain federal entities, such as the Tennessee Valley Authority. These entities pay a federally required payment in lieu of state taxes that is calculated on a gross-proceeds basis. The consumption tax imposed on such consumers would be adjusted to compensate for the amount that continues to be collected by the Commonwealth from the federal entity, thus preventing these customers from being subjected to the same tax twice. The Department of Taxation may audit the record and books of the cooperatives to ensure that the tax has been properly calculated and remitted to the State Corporation Commission.

*Patron - Kilgore*

**HB1144** **Property owned by the Commonwealth; service charges for Virginia Port Authority (VPA) facilities.** Provides for a service charge for tax-exempt property owned by the VPA and its instrumentalities based upon the assessed value of the property and the amount of cargo tonnage shipped through such property. Under current law, service charges for tax exempt state-owned property, including VPA property is based upon the assessed value of the state-owned tax exempt property and the amount the locality spends for police and fire protection and refuse collection. The bill also provides that the service charge imposed shall be paid from the general fund.

*Patron - Drake*

**HB1174** **Allocation of individual and corporate income tax revenues.** Provides that, starting with the fiscal year beginning July 1, 2002, an amount equal to (i) one-quarter of one percent of Virginia taxable income for every individual; plus (ii) all corporate income taxes collected in the immedi-

ately preceding fiscal year, as certified by the Comptroller, shall be deposited annually into the Transportation Trust Fund to be used for transportation purposes. Such deposit shall be made no later than December 1 of the fiscal year.

*Patron - Cranwell*

**HB1265** **Sales and use tax; refund authorized for certain Internet equipment.** Allows Internet service providers and web-hosting companies to apply annually for a refund of the state portion of the sales and use tax paid on new equipment used for new services. The refunds will be paid on a pro rata basis from a special non-reverting fund consisting of appropriations. For purposes of the bill, "Internet service" means a service that enables users to access content, information, electronic mail, and the Internet as part of a package of services sold to customers.

*Patron - Rust*

**HB1289** **Income tax; deduction for regular annual assessments paid to a common interest community.** Grants a deduction when calculating Virginia taxable income for taxable years beginning on and after January 1, 2001, to individuals for the amounts paid as regular annual assessments to common interest communities.

*Patron - Black*

**HB1291** **Income tax; credit for purchase of teacher's instructional materials.** Provides a credit against the individual income tax to teachers in the Commonwealth in grades K through 12, both public and private, who purchase instructional materials and supplies for use in their classrooms. The credit is limited to the lesser of \$100 or the tax liability of the individual during the year of the purchase, and any excess may be carried over for five years. The effective date for the credit is January 1, 2001. The legislation will be delayed if any of the events that would delay the car tax relief occurs in calendar year 2000. If such a delay occurs, the law shall become effective January 1 of the first year thereafter in which none of the delaying events occurs.

*Patron - Black*

**HB1292** **Tangible personal property tax.** Classifies tangible personal property used in a trade or business which has a value of less than \$250 as a household good which a local governing body may exempt from taxation.

*Patron - Black*

**HB1379** **Income tax; riparian forest buffers credit.** Grants a nonrefundable tax credit to any taxpayer owning forest land who reserves a riparian forest buffer that is at least 50 feet wide, effective for taxable years beginning on and after January 1, 2001. The credit is equal to 50 percent of the fair market value of the timber forest within the forest buffer. The State Forester will determine and certify the fair market value of such timber forest. A "riparian forest buffer" is an area of trees, usually containing shrubs and other vegetation, that is adjacent to a body of water which is managed to maintain the integrity of stream channels and shorelines; to reduce the impact of upland sources of pollution; and to supply food, cover and thermal protection to fish and other wildlife. This bill has been incorporated into HB 1306.

*Patron - Armstrong*

**HB1460** **Total combined income; tax relief for the elderly and handicapped.** Raises the limit on combined total income on eligibility for exemptions or deferrals on property tax of the elderly and handicapped to \$40,000. The current limit on combined total income is \$30,000.

*Patron - Bolvin*

**HB1506** **Local government taxing authority.** Requires the referendum from approval of the optional local income tax to be held at the general election in November of 2000; allows the revenues from such tax to be used also for educational purposes, rather than for transportation facilities only; deletes provisions which would prevent a locality that levies the local income tax from reducing the total amount of its annual general fund appropriations for transportation below the amount appropriated prior to levying the tax; and repeals the five-year sunset clause.

*Patron - Hull*

**HB1507** **Local authority to operate parks, recreation facilities, and playgrounds.** Allows localities to regulate the activities of persons using its parks, recreation facilities, and playgrounds. Notice of any such ordinance shall be posted at each public entrance to each such park, recreation facility, or playground that is within the scope of the ordinance.

*Patron - Hull*

**HB1519** **Cigarette tax; Page County.** Permits Page County to impose a cigarette tax not to exceed 20 cents per pack.

*Patron - Louderback*

**HB1526** **Property tax exemption; Harrison Museum of African American Culture.** Grants a real property tax exemption to the Harrison Museum of African American Culture, a charitable or benevolent organization, for real property located in the City of Roanoke, so long as the organization pays to the City of Roanoke an annual service charge equal to 20 percent of the real property taxes applicable if the property were not exempt.

*Patron - Woodrum*

**HB1545** **State Lottery Fund.** Creates the Lottery Proceeds Fund ("Fund") and requires that the annual transfer to the Fund from State Lottery Fund profits be made in two parts. By June 30 the Comptroller shall transfer profits for the fiscal year to the general fund, based on an estimate determined by the State Lottery Department. Then, no later than 10 days following the actual audited report of such profits that is required to be made on or before August 15, the Comptroller shall transfer to the general fund any remaining audited amount not previously transferred according to the estimate. If the audit discloses that the transfer to the general fund according to the estimate was too high, then the Comptroller shall transfer the excessive amount from the general fund back to the State Lottery Fund. The bill also specifies that at least 50% of the lottery revenues remaining after appropriations to school divisions for costs of meeting the Standards of Quality, shall be used by local school divisions on non-recurring expenditures. The bill's effective date is delayed to July 1, 2001, and is contingent upon passage of a constitutional amendment by the electorate on November 7, 2000, establishing the Lottery Proceeds Fund. The bill contains a technical amendment.

*Patron - Callahan*

**SB4** **Sales and use tax exemption; Housing and Community Services of Northern Virginia, Inc** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) corporation providing housing-related services to low and moderate income households, within the boundaries of the Eighth Planning District, including such services as, but not limited to, eviction prevention services, housing identification and placement services, and housing financial assistance services. Incorporated in SB 48.

*Patron - Saslaw*

**SB8** **Sales and use tax exemption; Spotsylvania Preservation Foundation, Inc.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) corporation operating for the purpose of preserving, protecting, and promoting awareness of the historic, natural, and cultural resources of a county located in the 16th Planning District and accomplishing this purpose by donating applicable books to libraries, the placing of historic markers, and providing or arranging historic and cultural tours in such counties. Incorporated in SB 48.

*Patron - Houck*

**SB14** **Sales and use tax exemption; Coordinators/2, Inc.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a corporation located within the boundaries of the 15th Planning District, and which (i) is exempt from federal income taxation pursuant to § 501 (c) (3) of the Internal Revenue Code; (ii) is organized for the purpose of assisting in the placement of children with adoptive families; and (iii) accomplishes its purpose by providing adoption-related services to children waiting to be adopted, birth parents, prospective adoptive parents, adoptive families, and adult adoptees. Incorporated in SB 48.

*Patron - Lambert*

**SB16** **Sales and use tax exemption; Senior Center of Richmond, Virginia, Inc.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) corporation located within the boundaries of the 15th Planning District, providing services and programs designed to maintain and improve the health, wellness, good cognitive functioning, and quality of life for persons 50 years of age or older, and assisting such persons to function independently. Incorporated in SB 48.

*Patron - Watkins*

**SB19** **Property tax exemption; Greenspring Village, Inc.** Grants a property tax exemption to Greenspring Village, Inc., a charitable nonprofit corporation, for personal property located in Fairfax County.

*Patron - Puller*

**SB22** **Property tax exemption; Reston Interfaith Housing Corporation, Inc.** Grants a property tax exemption to Reston Interfaith Housing Corporation, Inc., a charitable and benevolent nonprofit corporation, for property located in Fairfax County and the Town of Herndon. Incorporated in SB 137.

*Patron - Howell*

**SB23** **Property tax exemption; the Women's Center.** Grants a property tax exemption to the Women's Center, a charitable and benevolent nonprofit corporation, for property located in Fairfax County and the Town of Vienna. Incorporated in SB 137.

*Patron - Howell*

**SB24** **Property tax exemption; Rivanna Conservation Society.** Grants a property tax exemption to the Rivanna Conservation Society, a charitable nonprofit organization, for real property located in Fluvanna County. Incorporated in SB 137.

*Patron - Houck*

**SB27** **Property tax exemption; Beth Sholom Terrace.** Grants a property tax exemption to Beth Sholom Terrace, a charitable nonprofit corporation, for property located in the City of Virginia Beach.

*Patron - Schrock*

**SB39 Sales and use tax exemption; state soil and water conservation districts.** Clarifies that tangible personal property purchased for use or consumption by state soil and water conservation districts are exempt from the sales and use tax. Incorporated in SB 48.

*Patron - Reynolds*

**SB40 Sales and use tax exemption; Carpenter Center for the Performing Arts.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) organization promoting the performing arts by providing theatrical facilities at below market cost to performing arts groups and promoters. Incorporated in SB 48.

*Patron - Lambert*

**SB41 Sales and use tax exemption; Downtown Presents, Inc.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) corporation producing special events and festivals designed to bring the community together and promote public interest in downtown Richmond. Incorporated in SB 48.

*Patron - Lambert*

**SB42 Use tax payable by contractors.** Clarifies that the existing sales and use tax exemption for the Mount Vernon estate covers untaxed tangible personal property furnished to the organization for use under a contract. Generally, dealers are required to collect sales tax on materials sold to contractors, and the contractor is liable for use tax on the material if a sales tax was not collected by the dealer.

*Patron - Gartlan*

**SB43 Sales and use tax exemption for the Valley Conservation Council, Inc.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) corporation promoting preservation of the rural and small-town character of the Shenandoah Valley by facilitating natural resource conservation and environmentally sound land use. Incorporated in SB 48.

*Patron - Hanger*

**SB50 Sales and use tax exemption; Young Women's Christian Association of Bristol** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) organization, located within the boundaries of the Johnson City-Kingsport-Bristol, TN-VA Metropolitan Statistical Area, assisting low income citizens through programs that (i) provide child care to low income parents who are employed or in job training; (ii) support pregnant teenagers; (iii) promote adult literacy; (iv) foster education, youth development and women's wellness; and (v) provide evening meals to low income families. Incorporated in SB 48.

*Patron - Wampler*

**SB65 Sales and use tax exemption; Coalition on Donation.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a § 501 (c) (3) corporation addressing the nation-wide shortage of transplantable organ by promoting an increase in organ and tissue donation through campaigns in national print and broadcast media and community-based programs designed to educate the public about the virtues and benefits of organ and tissue donation. Incorporated in SB 48.

*Patron - Watkins*

**SB69 Sales and use tax exemption for Mathews Maritime Foundation, Inc.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a non-profit corporation, located within the boundaries of the 18th

Planning District, promoting maritime history through such activities as, but not limited to, (i) the establishment of a museum dedicated to the shipbuilding industry, (ii) archeological investigations of shipbuilding sites, and (iii) the reconstruction and maintenance of a 19th century shipbuilding and fishing village. Incorporated in SB 48.

*Patron - Bolling*

**SB70 Sales and use tax exemption; The Middlesex County Women's Club, Inc.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) corporation, located within the boundaries of the 18th Planning District, and which (i) is operated and organized to promote civic, social, educational, and cultural advancement; and (ii) accomplishes this purpose by means including, but not limited to, providing educational mentoring to primary and high school students and funding scholarships to graduating high school students and women re-entering college. Incorporated in SB 48.

*Patron - Bolling*

**SB85 Sales and use tax exemption; Roanoke Valley Speech and Hearing Center, Inc.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) corporation providing medical services to individuals regardless of economic status, with speech, hearing and language disorders, including such services as, but not limited to, evaluation, diagnosis and treatment. Incorporated in SB 48.

*Patron - Edwards*

**SB86 Sales and use tax exemption; Southwestern Virginia Genealogical Society, Inc.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to nonprofit corporation, located within the boundaries of the Fifth Planning District, that promotes activities related to genealogy, including but not limited to, research, education, record-keeping, and collection and publication of documents. Incorporated in SB 48.

*Patron - Edwards*

**SB93 Sales and use tax; limited exemption for certain school-related items.** Exempts school supplies, clothing and footwear from sales and use tax for a 10-day period each August, provided the article costs \$200 or less. Sales of such items at theme parks shall not be exempt. The Department of Taxation shall develop guidelines describing the school supplies which qualify and make such list available electronically and in hard copy

*Patron - Lambert*

**SB98 Property tax exemption; Springboard Recreation Club, Inc.** Grants a property tax exemption to Springboard Recreation Club, Inc. for its real and personal property located in Fairfax County. The corporation is designated as public park and playground organization. Incorporated in SB 137.

*Patron - Puller*

**SB99 Sales tax exemption; Joy of Sports Foundation.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) organization, located within the boundaries of the Eighth Planning District, and (i) assisting children in developing self-esteem and academic and life skills through sports and physical play, (ii) educating the public about the power of sports in children's development, and (iii) providing educational materials on children and sports to parents and teachers. Incorporated in SB 48.

*Patron - Puller*

**SB100 Sales and use tax exemption; Good Shepherd Housing and Family Services, Inc.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) corporation preventing homelessness and fostering self-sufficiency for individuals and families by providing housing and related services, grants to prevent eviction, and counseling and support to homeless Virginia citizens. Incorporated in SB 48.

*Patron - Puller*

**SB101 Property tax exemption; Parent Educational Advocacy Training Center, Inc.** Grants a property tax exemption to Parent Educational Advocacy Training Center, Inc., a nonprofit charitable organization, for personal property it owns in Fairfax County. Incorporated in SB 137.

*Patron - Puller*

**SB102 Property tax exemption; The Royal Pool Association, Inc.** Grants a property tax exemption to The Royal Pool Association, Inc., a public park and playground nonprofit corporation, for real and personal property located in Fairfax County. Incorporated in SB 137.

*Patron - Saslaw*

**SB106 Sales and use tax exemption; Washington Regional Network For Livable Communities.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) corporation organized to (i) inform citizens about transportation, land use, and environmental issues that affect the National Capital Region; (ii) expand public participation in transportation planning and decision-making; (iii) ensure that federal air quality and transportation laws are implemented; (iv) advocate additional transit facilities, pedestrian access, and bicycle pathways; and (v) promote the coordination of transportation, environmental, and land use planning at the municipal, county, state and regional levels. Incorporated in SB 48.

*Patron - Whipple*

**SB112 Sales and use tax exemption; Oak Sprin Garden Foundation.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) organization, located within the boundaries of the Ninth Plannin District, and promoting the study and knowledge of gardening, landscape design, and horticulture through such activities as but not limited to (i) operating and maintaining a library for books, manuscripts, works of art, and related artifacts; (ii) sponsoring educational programs for scholars and the public; (iii) publishing, distributing and selling educational publications, including free or subsidized dissemination of such works; and (iv) maintaining gardens and research facilities. Incorporated in SB 48.

*Patron - Potts*

**SB117 Sales and use tax exemption; Foundation of the University of Virginia's Blandy Experimental Farm and Orland E. White Arboretum, Inc.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a § 501 (c) (3) corporation providing support to the University of Virginia's Orland E. White Arboretum, through scientific research, cultural and educational programs for the public, and financial assistance for tangible improvements. Incorporated in SB 48.

*Patron - Potts*

**SB158 Local property taxes; motor homes.** Creates a separate classification of personal property for motor homes used for recreational purposes only, which allows local governing bodies to tax motor homes at rates below the rate

applicable to the locality's general class of tangible personal property. Under current law motor homes are classified and taxed at the same rate as camping trailers for personal property tax purposes. Incorporated in SB 115.

*Patron - Newman*

**SB159 Sales and use tax exemptions for the Jubilee Family Development Center, Evangelical Theological Society, Lynchburg Area Center for Independent Living, Lynchburg Symphony Orchestra, Inc., and Legacy Project, Inc.** Provides sales and use tax exemptions from July 1, 2000, through June 30, 2001, to (i) a 501 (c) (3) corporation, located within the boundaries of the 11th Planning District, and providing services and activities to promote individual and family development for youth and their families; (ii) a 501 (c) (3) organization, located within the boundaries of the 11th Planning District, and fostering biblical scholarship through the exchange of oral and written expression of religious thought and research; (iii) a 501 (c) (3) corporation, located within the boundaries of the 11th Planning District, and assisting persons with disabilities to reach their independent living goals; (iv) a 501 (c) (3) corporation, located within the boundaries of the 11th Planning District, and staging symphony performances and educational programs on music in the Central Virginia area; and (v) a 501 (c) (3) corporation, located within the boundaries of the 11th Planning District, and promoting African-American history and culture through programs, exhibitions, and the cataloging and storing of historical artifacts for scholars. Incorporated in SB 48.

*Patron - Newman*

**SB166 Sales and use tax; limited exemption for certain school-related items.** Exempts book bags, clothing and footwear from sales and use tax for a three-day period each August, provided the article costs \$50 or less. Localities are given the option of imposing the tax.

*Patron - Norment*

**SB171 Minimum tax on telecommunications companies; paging and messaging services companies.** Provides a sales and use tax exemption for tangible personal property sold or leased to radio common carriers, as defined in Part 22.99 of Title 47 of the Code of Federal Regulations, providing one-way and/or two-way paging and messaging services (paging services companies). The bill also makes paging services companies subject to the minimum tax on telecommunications companies. Under current law, paging services companies are subject to the corporate income tax, and not a minimum tax on telecommunications companies.

*Patron - Puller*

**SB172 Sales tax exemption; International Internship Programs.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) corporation, located within the Eighth Planning District established pursuant to § 15.2-4203, and providing cross-cultural and educational exchange programs, internships, and training seminars for students, teachers, and professionals, with emphasis on such exchange between Japan and the United States. Incorporated in SB 48.

*Patron - Ticer*

**SB180 Sales and use tax exemption; Virginia Statewide AHEC Program and community AHEC programs.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) entity organized to promote careers in health services and to provide access to primary care for medically underserved populations through community-academic partnerships. Incorporated in SB 48.

*Patron - Hawkins*

**SB181** **Property tax exemption; Concerned Christians of Evington and Vacinity, Inc.** Grants a property tax exemption to Concerned Christians of Evington and Vacinity, Inc., a nonprofit corporation, for property located in Campbell County.

*Patron - Hawkins*

**SB182** **Sales and use tax exemption; American Armoured Foundation, Inc.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) corporation organized to collect and display to the public a representative sample of past and present military vehicles; to gather, write, edit, publish and otherwise create and disseminate material relating to the history of military vehicles; and to promote public awareness and understanding of the contribution military vehicles have made to various nations. Incorporated in SB 48.

*Patron - Hawkins*

**SB187** **Sales and use tax on food purchased for human consumption.** Effective July 1, 2000, exempts food purchased for human consumption, as defined in the Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended, from state and local sales and use taxes. The bill provides for a General Fund reimbursement for the current (i) one-half percent of the state sales and use tax paid into the Transportation Trust Fund; (ii) one percent local sales and use tax; and (iii) one percent sales and use tax distributed to localities by school population.

*Patron - Edwards*

**SB195** **Sales and use tax exemption; Friends of the Rappahannock.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) corporation organized to protect the natural, scenic, recreational and historical values of the Rappahannock River and its tributaries. Incorporated in SB 48.

*Patron - Houck*

**SB201** **Property tax exemption; Legacy Project, Inc.** Grants a property tax exemption to Legacy Project, Inc., a cultural nonprofit corporation, for real and personal property located in the City of Lynchburg.

*Patron - Newman*

**SB213** **License taxes; additional two percent tax on gross receipts of businesses severing gases.** Provides an additional license tax on every person engaging in the business of severing gases from the earth. A county or city may impose this additional tax at a rate not to exceed two percent of the gross receipts from the sale of gases severed within the county or city. Revenues from this tax shall be used exclusively for constructing new and improved water systems and lines in areas with natural water supplies that are insufficient from the standpoint of quality or quantity. Current law allows counties and cities to levy license taxes on businesses severing gases at a rate not to exceed three percent. This bill would increase that rate to a total of five percent.

*Patron - Puckett*

**SB357** **Sales and use tax exemption; Rolling Thunder, Inc., VA Chapter One.** Provides a sales and use tax exemption for a federally tax exempt nonprofit organization, from July 1, 2000, through June 30, 2001, which is organized (i) to create public awareness regarding prisoners of war and persons missing in military action and (ii) to raise funds for needy persons. Incorporated in SB 48.

*Patron - Maxwell*

**SB467** **Taxation on improvement to real property; City of Fairfax.** Permits any city having a population no less than 19,500 and no greater than 21,000 to provide for the partial exemption from real estate taxes in an amount up to 50 percent of all improvements on commercial real property whose improvements, by virtue of age and use, have undergone substantial renovation, rehabilitation or replacement.

*Patron - Byrne*

**SB493** **Income tax; earned income tax credit for low-income families with children.** Provides a non-refundable earned income tax credit for taxable years beginning January 1, 2000, to individuals with at least one dependent child and whose family adjusted gross income does not exceed the amounts outlined in the federal poverty guidelines. The credit shall equal the greater of (i) 75 percent of the federal earned income tax credit allowed the individual or (ii) \$300 for each eligible child.

*Patron - Puller*

**SB497** **Income taxes; distributions from trusts.** Provides a credit against Virginia individual income taxes for income distributions of a trust, derived from sources outside the Commonwealth, in those cases where such distribution is also taxable in another state and the taxpayer has paid such tax to the other state.

*Patron - Couric*

**SB521** **State Lottery Fund** Establishes, in statute the distribution of the lottery proceeds to local school divisions that is currently only set forth in the 1998-2000 biennium budget. This provision requires that any lottery revenues remaining after lottery funds are specified, together with such other general funds as may be appropriated for the Standards of Quality, to be used to fund the state's share of Basic Aid Payments in any budget item or budget subprogram relating to appropriation, apportionment and distribution of lottery proceeds to localities must be appropriated, apportioned and distributed upon the following conditions: (i) no more than 50 percent for recurring costs and at least 50 percent for nonrecurring costs; (ii) the funds must be matched by local governments, based on the composite index of local ability-to-pay; (iii) in order to receive the money, the locality must appropriate the funds solely for educational purposes and must not use the funds to reduce total local operating expenditures for public education below the amount expended by the locality for such purposes in the year upon which the relevant biennial Standards of Quality expenditure data were based; (iv) no locality will be required to maintain a per-pupil expenditure that is greater than the per-pupil amount expended by the locality for such purposes in the year upon which the relevant biennial Standards of Quality expenditure data were based; and (v) nonrecurring costs mean school construction, additions, infrastructure, site acquisition, renovations, technology, and other expenditures related to modernizing classroom equipment, and debt service payments on school projects completed during the last 10 years.

*Patron - Forbes*

**SB527** **State Lottery Fund** Establishes, in statute the distribution of the lottery proceeds to local school divisions that is currently only set forth in the 1998-2000 biennium budget. This provision requires that any lottery revenues remaining after lottery funds are specified, together with such other general funds as may be appropriated for the Standards of Quality, to be used to fund the state's share of Basic Aid Payments in any budget item or budget subprogram relating to appropriation, apportionment and distribution of lottery proceeds to localities must be appropriated, apportioned and distributed

upon the following conditions: (i) no more than 50 percent for recurring costs and at least 50 percent for nonrecurring costs; (ii) the funds must be matched by local governments, based on the composite index of local ability-to-pay; (iii) in order to receive the money, the locality must appropriate the funds solely for educational purposes and must not use the funds to reduce total local operating expenditures for public education below the amount expended by the locality for such purpose in the year upon which the relevant biennial Standards of Quality expenditure data were based; (iv) no locality will be required to maintain a per-pupil expenditure that is greater than the per-pupil amount expended by the locality for such purposes in the year upon which the relevant biennial Standards of Quality expenditure data were based; and (v) nonrecurring costs mean school construction, additions, infrastructure, site acquisition, renovations, technology, and other expenditures related to modernizing classroom equipment, and debt service payments on school projects completed during the last 10 years.

*Patron - Mims*

**SB544 Local taxes; use of professional accounting firms for audits.** Allows commissioners of the revenue to hire professional accounting firms to assist with local tax audits, provided they are not done on a contingency fee basis.

*Patron - Marye*

**SB572 State Lottery Fund; appropriations.** Requires that 100 percent of the amount remaining in the State Lottery Fund after any appropriations from the Fund for the Standards of Quality, used to fund the state's share of Basic Aid Payments, shall be distributed to local school divisions to be spent solely on nonrecurring expenditures. Nonrecurring expenditures shall include payments for school site acquisition, construction, additions, renovations, infrastructure, technology, and other expenditures related to modernizing classroom equipment, and debt service payments on school projects completed within 10 years of the proposed debt service payment.

*Patron - Rerras*

**SB586 Local recordation taxes.** Beginning July 1, 2001, authorizes cities and counties to impose local recordation taxes at a rate of two-thirds of the state tax on the recordation of deeds. Under current law, cities and counties are authorized to impose recordation taxes at a rate of one-third of the state tax on the recordation of deeds. Any amount collected attributable to the increase in such rate shall be used exclusively for certain specified purposes including transportation additions and improvements and public education.

*Patron - Norment*

**SB658 Tax credits; individual income taxes.** Provides a credit against individual income taxes for contributions to institutions of higher education and § 501 (c) (3) organizations exempt from federal taxation, provided such contribution is designated for use by such institutions and organizations to provide mentoring, apprenticeships, assistance in meeting the Standards of Learning, or college preparation for youths from low-income families. The credit is limited to \$500 for an individual taxpayer and \$1,000 for taxpayers filing a joint return. The credit cannot be carried forward to future taxable years or backward to prior taxable years. Any amount claimed as a credit may not also be claimed as an itemized charitable deduction for Virginia individual income tax purposes. The bill is effective for taxable years beginning on and after January 1, 2001.

*Patron - Wampler*

**SB717 Enhanced emergency telephone service tax; E-911 tax.** Clarifies that the E-911 tax may be imposed

only to recover the cost of or to pay for direct recurring and nonrecurring capital and operating costs relating to the purchase and maintenance of all necessary data, hardware and software required to provide E-911 service. Direct recurring operating expenses also include salaries and other personnel costs of dispatchers and direct call-takers of an E-911 system, and the salary and other personnel costs of the E-911 director or coordinator so long as such person has no other duties other than the responsibility for directing an E-911 system. The Auditor of Public Accounts is required to audit, once every three years, the moneys collected from the imposition of the E-911 tax and the expenditures of such moneys to ensure that such moneys are being expended solely to recover or to pay for allowable costs. The bill also requires the Senate Finance Committee, the House Appropriations Committee, and the House Finance Committee to study the cost of establishing an E-911 system in those localities currently without such a system, and to make recommendations for using moneys in the general fund to establish an E-911 system in such localities.

*Patron - Colgan*

**SB765 Property tax exemption; BizNet, Inc.** Grants a property tax exemption to BizNet, Inc., a benevolent nonprofit corporation, for property located in the City of Virginia Beach. Incorporated in SB 137.

*Patron - Schrock*

**SB766 Property tax exemption; Virginia Beach Community Trust Exempt Fund.** Grants a property tax exemption to Virginia Beach Community Trust Exempt Fund, a benevolent nonprofit organization, for property located in the City of Virginia Beach. Incorporated in SB 137.

*Patron - Schrock*

**SB774 State Lottery Profits.** Requires that state lottery profits be transferred to the Lottery Proceeds Fund. By June 30 the Comptroller shall transfer profits for the fiscal year to the Lottery Proceeds Fund, based on an estimate determined by the State Lottery Department. Then, no later than 10 days following the actual audited report of such profits that is required to be made on or before August 15, the Comptroller shall transfer to the Lottery Proceeds Fund any remaining audited amount not previously transferred according to the estimate. If the audit discloses that the transfer to the Lottery Proceeds Fund according to the estimate was too high, then the Comptroller shall transfer the excessive amount from the Lottery Proceeds Fund back to the State Lottery Fund. The bill also specifies that the appropriation of lottery revenues to local school divisions for public education purposes shall be used for operating, capital outlay, or debt service expenses as determined by each local school division, and that such appropriations shall not reduce the total local expenditures required of local school divisions by the appropriation act. All deposits to, and appropriations from, the Lottery Proceeds Fund shall be accounted for and considered to be a part of the general fund of the State Treasury. The effective date of the bill is January 1, 2001, contingent upon the passage of an amendment to the Constitution of Virginia creating the Lottery Proceeds Fund.

*Patron - Chichester*

## Carried Over

**HB2 Income tax; distribution of income tax revenues to localities.** Provides for a percentage of individual income tax revenues to be returned to localities, based on the taxpayer's residence, beginning in 2001. The percentage amount in 2001 and thereafter is five percent of the income tax

revenues collected in taxable year 2000 and each taxable year thereafter.

*Patron - Hamilton*

**HB3 Income tax; individual; personal exemption amount.** Increases the personal exemption for Virginia taxable income purposes from \$800 to \$1,000 from January 1, 2001, through December 31, 2001, and to \$1,200 beginning on and after January 1, 2002.

*Patron - Hamilton*

**HB72 Property tax exemption; the National Wildlife Federation.** Grants a property tax exemption to the National Wildlife Federation, a charitable nonprofit corporation, for property located in Fairfax County.

*Patron - Callahan*

**HB277 Income tax; distribution of revenues to localities.** Requires the transfer of five percent of net individual income tax revenues to localities based on point of collection, for taxable years beginning on and after January 1, 2001. Such transfer will not occur if actual general fund revenues for the fiscal year preceding a fiscal year in which such distributions are to occur do not exceed the official general fund revenue estimates for such preceding fiscal year by at least one percent and if any of the circuit breakers in the Personal Property Tax Relief Act of 1998 occur. If the transfer occurs, the locality must reduce its real estate, or its real estate and other locally levied taxes, by an amount equal to the lesser of (i) 90 percent of the net individual income tax revenues allocated to the county or city, or (ii) five percent of real estate tax revenues for such county or city in the tax year immediately before the year such rates are reduced.

*Patron - Rust*

**HB296 Sales and use tax; limited exemption for certain school-related items.** Exempts school supplies, clothing and footwear from sales and use tax for a 10-day period each August, provided the article costs \$200 or less. Sales of such items at theme parks shall not be exempt. The Department of Taxation shall develop guidelines describing the school supplies which qualify and make such list available electronically and in hard copy. This bill has been incorporated into HB 322.

*Patron - Reid*

**HB319 Sales and use tax on food purchased for human consumption.** Effective July 1, 2000, exempts food purchased for human consumption, as defined in the Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended, from state and local sales and use taxes. The bill provides for a General Fund reimbursement for the current (i) one-half percent of the state sales and use tax paid into the Transportation Trust Fund; (ii) one percent local sales and use tax; and (iii) one percent sales and use tax distributed to localities by school population.

*Patron - Day*

**HB330 Use tax; exemption for Internet purchases.** Exempts from the use tax purchases, totaling \$500 or less per transaction, which are made over the Internet or through out-of-state catalogs.

*Patron - Griffith*

**HB343 Sales and use tax exemption; Internet sales.** Provides a sales and use tax exemption for any product or service sold over the Internet regardless of point-of-sale.

*Patron - Cranwell*

**HB344 Sales and use tax; Food Tax Reduction Program.** Eliminates the four and one-half percent sales tax on food purchased for human consumption over a period begin-

ning on January 1, 2000, and ending with the elimination of the tax by April 1, 2004.

*Patron - Cranwell*

**HB348 Income tax; personal exemption amount.** Beginning with the January 1, 2000, taxable year, increases the personal exemption for Virginia taxable income purposes from \$800 to \$1,000 for each personal exemption allowable to the taxpayer for federal income tax purposes. For taxable years beginning on and after January 1, 2001, the \$1,000 personal exemption will increase based upon annual increases in the Consumer Price Index.

*Patron - Marshall*

**HB400 Tax credit for investing in a small technology business.** Creates a state tax credit for individuals, partnerships, and corporations that invest in small technology businesses. A small technology business is defined as a private business which (i) is engaged in research and development or commercialization of information technology or biotechnology, (ii) has 10 or fewer full-time employees, and (iii) is engaged in business in the Commonwealth. An individual taxpayer is allowed a credit in the amount equal to 25 percent of the investment, not to exceed \$50,000. A partnership or a corporation is allowed a credit in the amount equal to 25 percent of the investment, not to exceed \$100,000. The Secretary of Technology and the Tax Commissioner are given authority to promulgate regulations governing the credit. The provisions of the bill are applicable to small technology businesses located in localities that have average unemployment rates for the most recent calendar year that are 150 percent higher than the final statewide average unemployment rate for the most recent calendar year. This bill is a recommendation of the Joint Commission on Technology and Science.

*Patron - Bennett*

**HB401 Qualified equity and subordinated debt investments tax credit.** Amends the qualified equity and subordinated debt investment tax credit (§ 58.1-339.4) in the following manner: (i) increases the total amount of tax credit available in a calendar year from \$5 million to \$20 million; (ii) changes the \$50,000 cap per taxpayer to the amount equal to 10 percent of the total amount of tax credit available in a calendar year; (iii) reduces the tax credit from an amount equal to 50 percent of the investment to 25 percent of the investment so that the total amount invested would be higher; and (iv) reduces the number of years an investor must retain the equities from five years to two years. In addition, the bill requires the Virginia Department of Taxation to adopt regulation which will (i) make tax credits available in quarterly installments of 25 percent of the total annual credit on first-come, first-served basis, (ii) caps the amount of credit allowed per taxpayer in a quarter to two and one-half percent of the total amount allowed in a calendar year, and (iii) expunges any unclaimed credit in a quarter. This bill is a recommendation of the Joint Commission on Technology and Science.

*Patron - Bennett*

**HB421 Virginia Technology and Biotechnology Investment Act created.** Creates a research and development tax credit, not to exceed 50 percent of the tax liability due, not to exceed \$500,000, for "technology" and "biotechnology" companies in Virginia and permits the credit to be carried over for up to 10 years. The bill also creates a tax credit for individual taxpayers, estates, trusts, partnerships, and corporations that invest in technology or biotechnology companies. This tax credit, not to exceed 50 percent of the tax liability due and not to exceed \$500,000, can be claimed for each of the five tax years beginning on and after January 1, 2000. In addition, any unused tax credits can be carried over, in most circumstances,

for up to 10 years. The bill permits technology or biotechnology companies to carry over net operating losses for up to 10 years. The bill creates a "corporation tax benefit certificate program" to be administered by the Innovative Technology Authority in cooperation with the Tax Department. Under the program, technology or biotechnology companies may transfer their unused but otherwise allowable research and development tax credits or net operating loss carry-overs for a minimum of 75 cents on the dollar to another corporation taxpayer provided neither is an affiliate or a subsidiary of the other. The proceeds from the transfer can be used for a broad range of "costs" associated with operating a technology or biotechnology company. This bill is a recommendation of the Joint Commission on Technology and Science.

*Patron - Purkey*

**☐HB477 Lottery proceeds; remove "primary" from advertising language.** Deletes the term "primary" so that no funds shall be spent for the purpose of inducing individuals to play the lottery.

*Patron - Parrish*

**☐HB485 Income tax; additional deduction for dependents under the age of 13.** Allows taxpayers an additional \$200 deduction when calculating their Virginia taxable income for taxable years beginning on and after January 1, 2001, for each dependent who is under the age of 13 and for whom the taxpayer is allowed a personal exemption on their state and federal income tax returns. The bill also removes the portion of the expenses incurred for the care of such dependents from the deduction allowed for employment-related expenses. Finally, it deletes obsolete language which expired at the end of 1987.

*Patron - Orrock*

**☐HB535 Individual income tax; standard deduction.** Allows taxpayers to itemize deductions or take the standard deduction on their Virginia return, regardless of how they treated such deductions on their federal return. Under current law, taxpayers who itemize deductions on their federal return must also itemize deductions on their Virginia return. This change becomes effective for taxable years beginning on and after January 1, 2001.

*Patron - Cantor*

**☐HB541 Income tax; indexing the personal exemption amount.** Requires the \$800 personal exemption to be indexed annually according to the federal government's prior fiscal year CPI-U for taxable years beginning January 1, 2001.

*Patron - War*

**☐HB701 Additional motor fuels sales tax in certain transportation districts.** Allows an additional motor fuels sales tax of up to five percent in the Northern Virginia Transportation District or in any transportation district that is subject to subsection C of § 15.2-4515 of the Code of Virginia and that is contiguous to the Northern Virginia Transportation District, following a majority approval by referendum of the voters in counties and cities comprising at least 80 percent of the district's population. The revenues are to be distributed to all localities in the district in proportion to the share of urban or secondary funds received by each locality of the district's total of such funds and are to be used for transportation and transportation-related services and expenditures of the localities. The bill contains technical amendments.

*Patron - Watts*

**☐HB772 Income tax; fire and rescue squad volunteers tax credit.** Provides an income tax credit for individuals who serve as volunteers on local fire and rescue squads for tax-

able years beginning on and after January 1, 2000. The credit is one dollar per hour not to exceed \$100 each tax year.

*Patron - Day*

**☐HB802 Income tax; personal exemption.** Increases the personal exemption/deduction for Virginia taxable income purposes to the following amounts: (i) \$1,400 for taxable year 2001; (ii) \$2,000 for taxable year 2002; (iii) \$2,600 for taxable year 2003; (iv) \$3,200 for taxable year 2004; (v) \$3,700 for taxable year 2005; and (vi) the greater of \$4,000 or the federal exemption amount for taxable year 2006 and each taxable year thereafter. There are also technical corrections that delete obsolete language.

*Patron - Ruff*

**☐HB819 Income tax; employer-provided commuting benefits tax credit.** Grants an income tax credit to employers who pay eligible commuting expenses of their employees for taxable years beginning on and after January 1, 2001. Eligible commuting expenses are those costs that cover travel between an employee's residence and place of employment by means of multiple-seating vehicle transportation and mass-transit transportation. The maximum credit for commuting expenses is the lesser of \$30 a month per employee or the employer's tax liability for the tax year.

*Patron - Scott*

**☐HB859 Virginia Technology Internship Program tax credits.** Grants a tax credit to employers in an amount equal to up to 50 percent of all wages paid to an eligible student intern for services performed in conjunction with an eligible information technology internship. The amount of the credit per eligible student intern shall not exceed \$2,000. The total amount of such tax credits shall not exceed \$2,000,000. In addition, an employer is allowed a credit of \$1,000 per teacher or guidance counselor to whom the employer provides an eligible information technology training course. The total amount of such tax credits shall not exceed \$500,000. Both credits are available for taxable year 2001.

*Patron - May*

**☐HB863 Income and sales and use tax rates.** Repeals the sales and use tax and increases the individual and corporate income tax rates to make up the revenue loss. The sales and use tax repeal would be effective December 1, 2000, and the income tax rates increase would be effective January 1, 2001.

*Patron - Wagner*

**☐HB869 Land use taxation; roll-back taxes; Prince William County.** Provides that liability to roll-back taxes shall not attach when the assessment on real estate that qualifies for land use decreases due to the county's change in its comprehensive plan in any county with the county executive form of government, which is adjacent to a county with the urban county executive form of government.

*Patron - Parrish*

**☐HB874 Income tax; subtraction for unemployment benefits.** Provides a subtraction from federal adjusted gross income, when computing Virginia taxable income, for cash payments and discharges of indebtedness received by a member of the plaintiff class in the class settlement of certain consolidated actions against the U.S. Department of Agriculture.

*Patron - McEachin*

**☐HB910 State Lottery Fund; profits.** Removes the provision requiring that funds appropriated from the general



fund to commence operation of the state lottery be repaid within the first 12 months of initial sales.

*Patron - Cranwell*

**☐HB913 Income tax; personal exemption increased.** Increases the deduction from \$800 to \$1,200 annually for each personal exemption allowed for federal income tax purposes. The bill also deletes out-of-date language.

*Patron - Cranwell*

**☐HB917 Food tax reduction program; Food Tax Reserve Fund.** Requires that the Food Tax Reserve Fund be provided for in the general appropriation act.

*Patron - Cranwell*

**☐HB938 Additional motor fuels sales tax in Northern Virginia Planning District.** Allows an additional motor fuels sales tax of 10 cents in the Northern Virginia Planning District following a majority approval by referendum of the voters in counties and cities comprising the district. The revenues are to be distributed to all localities in the district in proportion to the share of urban or secondary funds received by each locality of the district's total of such funds and are to be used for transportation and transportation-related services and expenditures of the localities. The bill contains technical amendments.

*Patron - Plum*

**☐HB939 Additional local sales tax in Northern Virginia Planning District.** Allows an additional local sales tax of one percent in the Northern Virginia Planning District following a majority approval by referendum of the voters in counties and cities comprising the district. The revenues are to be distributed to all localities in the district as the other local one percent is distributed and are to be used for transportation and transportation-related services and expenditures of the localities. The additional tax has a five-year sunset but may be extended by referendum.

*Patron - Plum*

**☐HB995 Property tax exemption; Beth Sholom Sands.** Grants a property tax exemption to Beth Sholom Sands, a benevolent nonprofit corporation, for property located in the City of Virginia Beach.

*Patron - Robinson*

**☐HB997 Sales and use tax; increase by two cents.** Increase the sales and use tax by two cents from four and one-half percent to six and one-half percent, with the additional two percent added to the Transportation Trust Fund, effective on July 1, 2001.

*Patron - Robinson*

**☐HB998 Individual income tax; indexing age subtraction amounts.** Requires the \$6,000 and \$12,000 age deduction amounts to be indexed annually based on the most recent percentage increase in the social security wage base, for taxable years beginning on and after January 1, 2000.

*Patron - Robinson*

**☐HB1044 Individual income tax; subtractions from taxable income for victims of Nazi persecution.** Provides a subtraction to victims, their spouses and their children and stepchildren from individual income taxes beginning in taxable year 2000 for income relating to (i) the return or replacement of assets stolen from victims of Nazi persecution; and (ii) payments to compensate an individual forced into labor against his will, under the threat of death, during World War II and its prelude and direct aftermath.

*Patron - Cantor*

**☐HB1061 Income tax; Virginia taxable income o residents; personal exemptions.** Gradually increases the personal exemption from \$800 to \$2,500 by taxable year 2004. In 2005, the \$2,500 deduction amount shall be indexed according to the Consumer Price Index. Some obsolete language is also deleted.

*Patron - McClur*

**☐HB1062 Income tax; Virginia taxable income o residents; indexing personal exemption.** Requires the personal exemption of \$800 to be indexed annually based on the Consumer Price Index, for taxable years beginning on and after January 1, 2001.

*Patron - McClur*

**☐HB1112 Income tax; personal/dependent exemption tax credit.** Allows a nonrefundable income tax credit to individuals for each of their personal and dependent exemptions allowed for federal income tax purposes for taxable years beginning on and after January 1, 2000. The taxpayer may take a credit in the amount of (i) \$50 for each such exemption if his federal adjusted gross income is less than \$50,000 and (ii) \$25 for each such exemption if such income is at least \$50,000 but less than \$75,000. In addition, the taxpayer must have been resident of the Commonwealth for the entire tax year. Any unused tax credit may be carried over for five years.

*Patron - Tate*

**☐HB1115 Liens on real estate and personal property for unpaid severance taxes.** Creates a lien, for the payment of taxes and levies authorized under §§ 58.1-3712, 58.1-3713, and 58.1-3713.4, on real and personal property owned by persons engaging in the business of severing coal or gases from the earth. This lien is prior to all other liens, except for liens on real estate for the payment of real estate taxes. The lien covers the real and personal property owned by persons engaged in the business of severing coal or gases, and applies only to real and personal property located in the county or city where such severing takes place.

*Patron - Stump*

**☐HB1116 Local taxes; delinquent taxes list.** Adds to the list of taxes for which the local treasurer shall receive a credit the list of real estate on the commissioner's land book improperly placed thereon or not ascertainable, with the amount of taxes charged thereon.

*Patron - Stump*

**☐HB1117 License taxes; additional two percent tax on gross receipts of businesses severing gases.** Provides an additional license tax on every person engaging in the business of severing gases from the earth. A county or city may impose this additional tax at a rate not to exceed two percent of the gross receipts from the sale of gases severed within the county or city. Revenues from this tax shall be used exclusively for constructing new and improved water systems and lines in areas with natural water supplies that are insufficient from the standpoint of quality or quantity. Current law allows counties and cities to levy license taxes on businesses severing gases at a rate not to exceed three percent. This bill would increase that rate to a total of five percent.

*Patron - Stump*

**☐HB1121 Sales tax on motor vehicle fuels.** Allows transportation districts to impose a retail sales tax on motor vehicle fuels, subject to a referendum in the district. Proceeds from the tax must be used for projects or programs specified in the referendum.

*Patron - Robinson*

**☐HB1130 Motor fuels tax; five cents increase.** Increases the tax on motor fuel, diesel fuel and special fuel by five cents per gallon. The net revenues generated shall be deposited into the Transportation Trust Fund.

*Patron - Robinson*

**☐HB1167 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.

*Patron - Albo*

**☐HB1175 Assessments of real property; appeals.** Authorizes boards of equalization to adjust assessments of real property to fair market value and requires that a person first complain to the board of equalization, commissioner of revenue, or other appropriate official prior to making application to court for relief with respect to the fair market value of real property

*Patron - Reid*

**☐HB1242 Tax credits; individual income taxes.** Provides a credit against individual income taxes for contributions to institutions of higher education and § 501 (c) (3) organizations exempt from federal taxation, provided such contribution is designated for use by such institutions and organizations to provide mentoring, apprenticeships, assistance in meeting the Standards of Learning, or college preparation for youths from low-income families. The credit is limited to \$500 for an individual taxpayer and \$1,000 for taxpayers filing a joint return. The credit cannot be carried forward to future taxable years or backwards to prior taxable years. Any amount claimed as a credit may not also be claimed as an itemized charitable deduction for Virginia individual income tax purposes. The bill is effective for taxable years beginning on and after January 1, 2001.

*Patron - Orrock*

**☐HB1244 Local infrastructure fees.** Allows the governing body of any city or county, by ordinance, and only after approval by voter referendum, to impose an infrastructure fee on residential transactions, in an amount equal to one third of the amount of the state recordation tax collectible for the Commonwealth, upon the recordation of each taxable instrument in such city or county. The infrastructure fee shall be payable only once for a single transfer. The infrastructure fees shall be used only for transportation and school construction projects identified in the locality's capital improvements plan.

*Patron - Orrock*

**☐HB1325 Income tax; different tax rate on income derived from sale of certain real estate.** Provides for the imposition of a 2.3 percent tax rate on the taxable proceeds of a sale of an apartment building or complex to its tenant organization or to a nonprofit organization, effective for taxable year beginning on and after January 1, 2001.

*Patron - Almand*

**☐HB1329 Imposition of individual income tax.** Exempts individuals having less than \$8,000 and married couples having less than \$13,000 in Virginia adjusted gross income from paying the individual income tax, for taxable years beginning on and after January 1, 2001.

*Patron - Almand*

**☐HB1378 Income tax; law enforcement officer's surviving spouse tax credit.** Allows an income tax credit for personal property taxes paid by an individual who is the sur-

viving spouse of a law enforcement officer killed in the line of duty and who has a Virginia taxable income of less than \$50,000. The credit is in lieu of any deduction for the personal property taxes for which the surviving spouse may be eligible. The credit would be effective for taxable years beginning and after January 1, 2001.

*Patron - Armstrong*

**☐HB1490 Local taxation; telecommunication services.** Prohibits localities from increasing the rate of tax on telecommunications services, including "911" services, above the rate in effect in the locality on January 1, 2000.

*Patron - Devolites*

**☐SB2 Income tax; standard deduction for married taxpayers.** Increases the standard deduction for married taxpayers calculating their Virginia taxable income from \$5,000 to \$6,000 beginning January 1, 2001, thereby eliminating any "marriage penalty." The standard deduction for single taxpayers is \$3,000.

*Patron - Schrock*

**☐SB17 Income tax; individual; standard deduction amount.** Beginning with the January 1, 2000, taxable year, increases the standard deduction for Virginia taxable income purposes for individuals and married persons (one-half of such amount in the case of a married individual filing a separate return) based upon annual increases in the Consumer Price Index.

*Patron - Watkins*

**☐SB64 Sales and use tax exemption; United Network For Organ Sharing.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a § 501 (c) (3) corporation organized exclusively to improve the effectiveness of the organ procurement and transplantation system in the United States through maintenance of a computerized data base of potential transplant recipients, a systematic matching of donated organs with recipients, and post transplant follow-up for statistical and research purposes.

*Patron - Watkins*

**☐SB105 Sales tax exemption; the Whitman-Walker Clinic, Inc.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) corporation meeting the needs of people living with or impacted by HIV and AIDS through health care and support services and working to prevent the spread of HIV through outreach, training programs and seminars.

*Patron - Whipple*

**☐SB126 Sales and use tax exemption; The Colonial Williamsburg Foundation.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) corporation promoting preservation of the 18th century capital of the colony of Virginia through historical, research, educational and interpretive activities, and through the reconstruction, restoration and maintenance of historical sites, structures, objects and works of art.

*Patron - Norment*

**☐SB134 Sales tax exemption; Atlantic Rural Exposition, Inc.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) corporation (i) promoting the agricultural industry while fostering the appropriate use of land and natural resources and (ii) educating agricultural producers, businesses, the youth of Virginia, and the consuming public by all available means, including holding fairs and exhibitions.

*Patron - Stosch*

**SB169 Sales and use tax exemption; paging and messaging services companies.** Provides a sales and use tax exemption for tangible personal property sold or leased to radio common carriers, as defined in Part 22.99 of Title 47 of the Code of Federal Regulations, providing one-way and/or two-way paging and messaging services (paging services companies).

*Patron - Puller*

**SB174 Sales and use tax exemption; NTI Institute for Applied Behavioral Science.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) corporation providing educational, training, research and publication services to businesses, government, organizations and the general public in the field of human relations and management.

*Patron - Ticer*

**SB175 Sales and use tax exemption; the Village Foundation.** Provides a sales and use tax exemption from July 1, 2000, through June 30, 2001, to a 501 (c) (3) corporation promoting the social, education, physical and mental well-being of African-American men and boys.

*Patron - Ticer*

**SB189 Sales and use tax; NISH.** Grants a sales and use tax exemption to a federally tax-exempt nonprofit corporation that is organized to promote the welfare and employment of severely handicapped persons.

*Patron - Puller*

**SB216 Liens on real estate and personal property for unpaid severance taxes.** Creates a lien, for the payment of taxes and levies on real and personal property owned by persons engaging in the business of severing coal or gases from the earth. This lien is prior to all other liens, except for liens on real estate for the payment of real estate taxes. The lien covers the real and personal property owned by persons engaged in the business of severing coal or gases, and applies only to real and personal property located in the county or city where such severing takes place.

*Patron - Puckett*

**SB236 Tax credits; child day-care facilities.** Increases the percentage of expenditures made by child day-care facilities eligible for the day-care facility investment tax credit from 25 percent of expenditures to 35 percent of expenditures. The bill also increases the aggregate amount of the tax credit allowed to child day-care facilities from \$25,000 to \$30,000 and provides that the Department of Taxation may approve in each fiscal year up to \$150,000 in day-care facility investment tax credits, which is an increase over the present maximum amount of \$100,000. The bill allows small qualified child day-care businesses operating in enterprise zones a tax credit of 70 percent of the taxes due to the Commonwealth in such businesses' second through 10th tax years. Under current law, all small qualified business firms operating in enterprise zones are allowed a tax credit of 60 percent of the taxes due to the Commonwealth in such businesses' second through 10th tax years. The total amount of tax credits per fiscal year available to all small qualified business firms operating in enterprise zones will remain the same at \$16 million.

*Patron - Miller, Y.B.*

**SB334 Individual income taxes; personal exemption and standard deduction amounts.** For taxable year 2000, increases the personal exemption for Virginia taxable income purposes from \$800 to \$1,000 for each personal exemption allowable to the taxpayer for federal income tax

purposes. Also, for taxable year 2000, increases the standard deduction for married persons from \$5,000 to \$6,000, thereby eliminating any "marriage penalty." The standard deduction for single taxpayers remains unchanged at \$3,000. For the 2001 taxable year and subsequent taxable years, the \$1,000 personal exemption and the standard deduction for individuals and married persons will increase based upon annual increases in the Consumer Price Index.

*Patron - Martin*

**SB336 Income tax credits for educational expenses and contributions.** 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. In the case of students enrolled in a qualified school not charging tuition, the credit cannot exceed \$550 per child. The legislation also provides an income tax credit for cash donations to a charitable tax-exempt corporation in Virginia that (i) provides financial assistance up to \$3,100 per child for the education of children from low-income households and households in which parents lack sufficient tax liability to claim the personal tax credits allowed by this bill, and (ii) expends all of certain cash contributions as grants to cover qualifying educational expenses of such children. Support for home schooling is limited to \$550 per child. The maximum amount of the credit starts at \$200 per taxpayer for taxable year 2001, and increases in \$100 annual increments thereafter until reaching \$500 in 2004. Such contributions cannot be designated for the direct benefit of a specific child. Taxpayers cannot claim both types of credits in the same year. Both types of tax credits become effective for taxable years beginning on or after January 1, 2001. The Department of Taxation is required to promulgate regulations to implement these credits, including providing the format for a standardized receipt to be issued by school tuition organizations and qualifying schools.

*Patron - Martin*

**SB347 Income tax; personal exemption amount.** Beginning with the January 1, 2000, taxable year, increases the personal exemption for Virginia taxable income purposes from \$800 to \$1,200 for each personal exemption allowable to the taxpayer for federal income tax purposes. For taxable years beginning on and after January 1, 2001, the \$1,200 personal exemption will increase based upon annual increases in the Consumer Price Index.

*Patron - Rerras*

**SB393 State Lottery Board; membership.** Increases the membership of the State Lottery Board from five to six by providing for the appointment by the Governor of an owner or operator of a retail establishment that sells lottery tickets.

*Patron - Martin*

**CSB397 State recordation tax.** Requires that \$40 million per year of the money generated by the state recordation tax be allocated to the Virginia Land Conservation Foundation. The allocation will be available only after currently existing allocations of recordation tax revenues are made. This is a recommendation of the Commission on the Future of Virginia's Environment.

*Patron - Hanger*

**CSB427 Individual income tax; tax credit for qualified adoption expenses.** Grants a tax credit for qualified adoption expenses paid by individuals for taxable years beginning on and after January 1, 2000. The credit is limited to \$3,000 per adoption. The credit may be used for the taxable year in which such qualified adoption expenses have been paid and is limited in a taxable year to the amount of individual income taxes owed to the Commonwealth. Any allowable credit that cannot be used in a particular taxable year may be carried over for credit in the next five taxable years until the total amount of the tax credit has been taken.

*Patron - Couric*

**CSB428 Income tax; employer-provided commuting benefits tax credit.** Grants an income tax credit to employers who pay eligible commuting expenses of their employee for taxable years beginning on and after January 1, 2001. Eligible commuting expenses are those costs that cover travel between an employee's residence and place of employment by means of multiple-seating vehicle transportation and mass-transit transportation. The maximum annual credit for commuting expenses is the lesser of \$240 per employee or the employer's tax liability for the tax year. Employers may not claim a tax credit for the expenses to the extent he has taken a deduction for such expenses for federal income tax purposes.

*Patron - Whipple*

**CSB444 Income tax; teleworking tax credit.** Grants a tax credit to certain qualified employers for eligible costs incurred to provide an employee with the ability to telework, for taxable year 2001. The credit equals 100 percent of the cost of the initial set-up to enable teleworking for an employee who works five or more days weekly. The credit per employee is limited to \$2,000 annually. Total credits granted shall not exceed \$10,000,000 and total participation shall not exceed 10,000 employees.

*Patron - Mims*

**CSB471 Distribution of recordation taxes to counties and cities.** Increases the amount of state recordation taxes distributed annually to counties and cities from \$40 million to \$111 million. State recordation tax revenues must be used for transportation or public education purposes.

*Patron - Puller*

**CSB476 Additional motor fuels sales tax in Eighth Planning District** Allows an additional motor fuels sales tax of five percent of the sales price in the Eighth Planning District following a majority approval by those voting in an Eighth Planning District referendum to be held on November 7, 2000. Revenues attributable to the additional tax are appropriated to individual transportation projects by the Commonwealth Transportation Board only upon recommendation of the Northern Virginia Transportation Coordinating Council.

*Patron - Howell*

**CSB492 Income tax; earned-income tax credit.** Allows a refundable earned-income tax credit for low-income individuals. The amount of the credit is graduated starting at 10 percent of the federal earned-income tax credit for individuals

with Virginia earned income of \$11,000 or less and decreasing by one percentage point to two percent of the federal earned income tax credit for individuals with Virginia earned income in excess of \$18,000 but not greater than \$19,000. The credit will be available for taxable years beginning on and after January 1, 2000.

*Patron - Puller*

**CSB504 Food tax reduction program; Food Tax Reserve Fund.** Requires that the Food Tax Reserve Fund be provided for in the general appropriation act.

*Patron - Reynolds*

**CSB574 Virginia Technology Internship Program tax credits.** Grants a tax credit to employers in an amount equal to up to 50 percent of all wages paid to an eligible student intern for services performed in conjunction with an eligible information technology internship. The amount of the credit per eligible student intern shall not exceed \$2,000. The total amount of such tax credits shall not exceed \$2,000,000. In addition, an employer is allowed a credit of \$1,000 per teacher or guidance counselor to whom the employer provides an eligible information technology training course. The total amount of such tax credits shall not exceed \$500,000. Both credits are available for taxable year 2001.

*Patron - Schrock*

**CSB698 Individual income tax; subtractions from taxable income for victims of Nazi persecution.** Provides a subtraction from individual income taxes beginning in taxable year 2000 for income relating to (i) the return or replacement of assets stolen from victims of Nazi persecution; and (ii) payments to compensate an individual forced into labor against his will, under the threat of death, during World War II and its prelude and direct aftermath.

*Patron - Ticer*

## Trade and Commerce

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### Passed

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**PHB499 Uniform Electronic Transactions Act.** Adopts the Uniform Electronic Transactions Act (UETA) promulgated by the National Conference of Commissioners on Uniform State Laws. Under UETA, electronic transactions are not invalidated merely because they are in an electronic form instead of on paper. The bill provides rules and procedures for using electronic records and electronic signatures in both commercial and governmental transactions. UETA provides uniform rules and language used by several states. The bill repeals existing Virginia laws on electronic signatures and electronic filings but incorporates some of these existing provisions, such as the exemption for the court filings. The bill also makes technical amendments throughout the Code to conform to the provisions of UETA. The bill is a recommendation of the Joint Commission on Technology and Science.

*Patron - May*

**PHB561 Uniform Computer Information Transactions Act.** Creates the Uniform Computer Information Transactions Act (UCITA). The UCITA was promulgated by the National Conference of Commissioners on Uniform State Laws. Modeled after the Uniform Commercial Code, Article 2, the UCITA is designed to govern transactions of computer information. The bill also directs the Joint Committee on Technology and Science to study the impact of the UCITA on businesses in the state and report its findings to the Governor an

General Assembly by December 1, 2000. The UCITA will become effective July 1, 2001. This bill is a recommendation of the Joint Commission on Technology and Science.

*Patron - May*

**HB778 Enterprise zone act.** Authorizes the establishment of one noncontiguous zone area for a joint enterprise zone formed between two or more localities. Currently, a locality may have three distinct enterprise zones, though one of these zones may consist of two non-contiguous "sub-zone" areas. This bill will allow an enterprise zone that is a joint zone to have separate sub-zones for each of the participating jurisdictions. The noncontiguous zone areas are not considered a separate zones in calculating the maximum number of zones permitted under the enterprise zone program. The bill has an emergency clause.

*Patron - Tate*

**HB861 Virginia Racing Commission; steeplechase licenses.** Authorizes the Virginia Racing Commission to issue a license to an owner or operator of a steeplechase facility for the purpose of conducting pari-mutuel wagering at the licensed steeplechase facility where (i) the steeplechase facility has been sanctioned by the Virginia Steeplechase Association and (ii) the owner or operator of the facility is a nonprofit civic association or local association of employees under § 501 (c) (4) of the Internal Revenue Code. Currently, the Commission may issue such a license if the facility is sanctioned by the National Steeplechase Association and the owner or operator of the facility is exempt from taxation under § 501 (c) (3) of the Internal Revenue Code.

*Patron - May*

**HB1162 Virginia Racing Commission; powers; live racing days.** Extends the Virginia Racing Commission's authority to alter the number of live racing days (set in statute as 150 days) from five to six years.

*Patron - Albo*

**HB1540 Virginia Racing Commission.** Provides that regulations of the Virginia Racing Commission (VRC) relating to the promulgation of technical rules regulating actual live horse racing at race meetings licensed by the Commission are exempt from the Administrative Process Act. The bill also authorizes the VRC to (i) waive the requirements for fingerprints and background investigations for permit holders participating in (a) horse racing in non-secure areas or (b) non-racing activities; (ii) accept a letter of credit from licensees; and (iii) waive the permit requirement for any person who possesses a valid permit or license to participate in the conduct of horse racing in another racing jurisdiction and participates in horse racing in Virginia on nonconsecutive racing days.

*Patron - Reid*

**SB281 Enterprise zone act.** Authorizes the establishment of one non-contiguous zone area for each jurisdiction participating in a joint enterprise zone area. Currently, a locality may have three distinct enterprise zones, though one of these zones may consist of two non-contiguous "sub-zone" areas. This bill will allow an enterprise zone that is a joint zone to have separate sub-zones for each of the participating jurisdictions. The noncontiguous zone areas are not considered a separate zones in calculating the maximum number of zones permitted under the enterprise zone program. This bill has an emergency clause.

*Patron - Marye*

**SB372 Uniform Computer Information Transactions Act.** Creates the Uniform Computer Information Transactions Act (UCITA). The UCITA was promulgated by the

National Conference of Commissioners on Uniform State Laws. Modeled after the Uniform Commercial Code, Article 2, the UCITA is designed to govern transactions of computer information. This bill is a recommendation of the Joint Commission on Technology and Science. The Joint Committee on Technology and Science is directed to study the impact of the act and report its findings to the Governor and General Assembly by December 1, 2000. The UCITA will become effective July 1, 2001.

*Patron - Schrock*

**SB374 Enterprise zone act.** Increases the maximum number of enterprise zone designations from 55 to 60. Five of the areas designated as enterprise zones on or after July 1, 2000, must be in localities with unemployment rates that are 50 percent higher than the statewide average.

*Patron - Wampler*

**SB582 Motor fuels; direct fueling of commercial vehicles.** Permits the dispensing of diesel fuel into a commercial vehicle from a tank vehicle on the premises of a commercial, industrial, governmental or manufacturing establishment, provided: (i) the highway vehicle is used in connection with the business or function of the establishment; (ii) the owner of the tank vehicle complies with all requirements pertaining to the collection and payment of taxes on diesel fuel; (iii) the owner complies with the weights and measures laws, (iv) each delivery is metered and recorded and the customer is provided an invoice or delivery ticket; (v) the tank vehicle is designed equipped and operated to prevent spills during fueling operations and to minimize spillage in the event of operator error or equipment malfunction; (vi) the owner of the tank vehicle has in place a contingency plan for the cleanup of spills occurring during fueling operations, and (vii) the owner is licensed in Virginia as a distributor. The measure will become effective January 1, 2001.

*Patron - Hawkins*

**SB598 Live Horseracing Compact.** Establishes the compact and creates the Compact Committee, to which the Governor will appoint one member. Among other things, the purpose of the compact is to establish uniform requirements among the party states for licensing participants in live horseracing with pari-mutuel wagering and facilitating the growth of the horse industry in each party state through simplifying the process for participants in live racing and reducing cost and duplication involved with separate licensing in each state conducting live racing. The Committee is authorized to determine license categories and issue licenses to participants in live horse racing.

*Patron - Stolle*

**SB599 Racing Commission; suspension or revocation of license.** Authorizes the Racing Commission to summarily suspend any license for up to 90 days pending a hearing if the Commission determines the action is required to protect the public health, safety and welfare, including revenues due the Commonwealth, localities and the horsemen's purse account. The Commission is required to schedule the hearing within 14 days of the summary suspension and to provide the licensee with at least five business days' notice of the hearing. The Commission may also revoke a license for the operation of a satellite facility if the licensee fails to conduct assigned live racing days. The bill also sets out the percentage of money required to go to purses from satellite wagering facilities and changes. In addition, the bill provides for up to two percent out of the amount in the horsemen's account to be used for paying administrative costs of the horsemen's organization. The bill also changes the distribution of the breakage by providing for 70 percent to be retained by the licensee to be used for capital

improvements and 30 percent to the a Racing Benevolence Fund. Under current law, the licensee retains all of the breakage. The bill contains an emergency clause.

*Patron - Stolle*

## Failed

**FHB63 Unsolicited telephonic sales calls.** Creates the "Telephone Privacy Act," which (i) requires telephone solicitors to properly identify themselves; (ii) requires the Consumer Affairs Division of the Department of Agriculture and Consumer Services to establish a registry of individuals who do not wish to receive unsolicited telephone calls; (iii) prohibits telephone solicitors from making telephonic sales calls to persons listed on the registry; (iv) requires telephone companies to notify customers about the registry and their rights under this chapter; and (v) authorizes the Board of Agriculture and Consumer Services to prescribe regulations to implement the provisions of the legislation. This bill provides that violations are subject to the enforcement provisions of the Virginia Consumer Protection Act. Listing on the registry requires a one-time \$10 registration fee and a \$5 annual renewal fee.

*Patron - Marshall*

**FHB121 Enterprise zones.** Raises the cumulative credit allowed to a small qualified zone resident in any five-year period from \$125,000 to \$250,000. This is a recommendation of the Commission on the Condition and Future of Virginia's Cities.

*Patron - Moss*

**FHB411 Unsolicited telephonic sales calls** Creates the Telephone Privacy Act, that (i) requires telephone solicitors to properly identify themselves; (ii) requires the Consumer Affairs Division of the Department of Agriculture and Consumer Services to establish a registry of individuals who do not wish to receive unsolicited telephone calls; (iii) prohibits telephone solicitors from making telephonic sales calls to persons listed on the registry; (iv) requires telephone companies to notify customers about the registry and their rights under this chapter; and (v) authorizes the Virginia Board of Agriculture and Consumer Services to prescribe regulations to implement the provisions of the legislation. This bill provides that violations are subject to the enforcement provisions of the Virginia Consumer Protection Act.

*Patron - Grayson*

**FHB476 Virginia Telephone Solicitation Act** Prohibits telephone solicitors from making telephone solicitations to persons who register with the Consumer Affairs Division of the Department of Agriculture and Consumer Services to be placed on a list of numbers of persons who do not wish to receive telephone solicitations. Listing on the registry requires a \$10 registration fee and a \$5 annual renewal fee. Telephone solicitors may obtain a copy of the numbers on the list for a \$10 annual fee. Violations are subject to the enforcement provisions of the Virginia Consumer Protection Act. Telephone companies are to notify customers about the data base and their rights under this Act.

*Patron - Parrish*

**FHB480 Telephone Conversation Monitoring Privacy Act.** Requires any enterprise, prior to recording or monitoring any telephone conversation between its employees or agents and consumers who have placed telephone calls to the enterprise, to disclose to the consumer that the telephone conversation is or may be recorded or monitored. The firm must also give the consumer a reasonable opportunity to conduct his business with the enterprise via telephone without having the

telephone conversation recorded or monitored. The requirements apply to telephone calls that are made from and to locations within Virginia. This act does not apply to any recording or monitoring of telephone conversations conducted in connection with any bona fide investigation of criminal activity. A violation is a prohibited practice under the Virginia Consumer Protection Act.

*Patron - Watts*

**FSB13 Consumer protection act; lewd telephone enterprises.** Classifies a misrepresentation in an advertisement, telephone directory or other publication about the nature or identity of a lewd telephone enterprise as a prohibited practice under the Consumer Protection Act. A lewd telephone enterprise is a business in which the operator engages in lewd, obscene, vulgar, profane or lascivious language with the caller. Willfully engaging in a prohibited practice is subject to civil penalty of up to \$2,500.

*Patron - Reynolds*

**FSB351 Unsolicited telephonic sales calls.** Creates the "Freedom From Telemarketing Intrusion Act," which: (i) requires the Consumer Affairs Division of the Department of Agriculture and Consumer Services to establish a registry of individuals who do not wish to receive unsolicited telephone calls; (ii) prohibits telephone solicitors from making telephonic sales calls to persons listed on the registry; (iii) establishes penalties for violating the Act of \$500 for the first violation and \$1,000 for subsequent violations; and (iv) authorizes the Board of Agriculture and Consumer Services to prescribe regulations to implement the provisions of the legislation.

*Patron - Byrne*

**FSB422 Enterprise zone act.** Authorizes the establishment of one noncontiguous zone area for a joint enterprise zone formed between any county with a population between 45,800 and 45,900 and any county with a population between 32,300 and 32,400 (with the population of each county being determined as reported in the 1990 census). Currently, a locality may have three distinct enterprise zones, though one of these zones may consist of two non-contiguous "sub-zone" areas. This bill will allow an enterprise zone that is a joint zone, and which meets the population criteria, to have separate sub-zones for each of the participating jurisdictions. The non-contiguous zone areas are not considered as separate zones in calculating the maximum number of zones permitted under the enterprise zone program.

*Patron - Wampler*

**FSB618 Local telecommunications services.** Exempts municipal electric systems from provisions that prevent localities from establishing any department which has authority to offer telecommunications equipment; infrastructure, other than pole or tower attachments; or services, other than intragovernmental radio dispatch or paging systems shared by adjoining localities, for sale or lease to any person or entity other than such locality's departments. Municipal electric systems are given authority to provide computer services, which is defined in § 18.2-152.2 as "computer time or services, including data processing services, Internet services, electronic mail services, electronic message services, or information or data stored in connection therewith."

*Patron - Wampler*

## Carried Over

**CHB543 Racing Commission; satellite facilities; local referendum.** Clarifies that the approval of a referendum on one of the two questions that may appear on a local referen-

dum (1. Shall pari-mutuel wagering be permitted in...at a licensed racetrack in accordance with Chapter 29. [§ 59.1-364 et seq.] of Title 59.1 of the Code of Virginia? 2. Shall pari-mutuel wagering be permitted in ... at satellite facilities in accordance with Chapter 29. [§ 59.1-364 et seq.] of Title 59.1 of the Code of Virginia?) shall not be considered approval of both questions. The bill also provides that its provisions are declarative of existing law.

*Patron - Marshall*

**HB710 Trademarks; actions for infringement against domain names.** Provides standards for which a domain name may be transferred to the owner of a trademark in an infringement action and provides for the recovery of attorneys' fees by the domain name registrant if infringement is not proven.

*Patron - Plum*

**HB711 Trademarks; protection against and remedies for infringement of domain names.** Includes Internet domain names in the definition of trademark infringement and provides remedies for such infringement.

*Patron - Plum*

**HB806 Personal Information Privacy Act; sale or release of certain electronic information prohibited; damages.** Requires electronic mail service providers to obtain consent from their subscribers prior to selling or otherwise releasing subscribers' names or electronic mail or message addresses. The bill also requires providers to determine the types or categories of unsolicited electronic mail or messages that the subscriber does not wish to receive. Violations are subject to \$100 in damages, plus reasonable attorneys' fees and costs.

*Patron - Marshall*

**HB989 Telephone solicitation; prohibited act.** Prohibits telephone solicitors from using an automatic telephone dialing system in such a way that the telephone call is not immediately connected with a live person, or solicitor. The bill is designed to prohibit a practice where telephone solicitors generate a number of calls at one time, then connect the first answered calls to the available solicitors but terminate the rest of the calls whether answered or not. Placing these provisions in the Virginia Home Solicitation Sales Act ensures that violating this prohibition would constitute a violation of the Virginia Consumer Protection Act and be enforceable by the Attorney General.

*Patron - Rhodes*

**HB1183 Virginia Consumer Protection Act; definition of "services."** Amends the definition of "services" in the Virginia Consumer Protection Act to require that service performed by an agent for the supplier for which costs are transferred must be a non-negotiable element of the transaction. Provides that such non-negotiable charges include destination or shipping charges.

*Patron - Reid*

**SB602 Virginia Consumers' Financial Privacy Protection Act.** Limits the authority of a financial institution to disclose personal information about its customers. No financial institution shall disclose any personal information of a customer without written consent of the consumer, except when necessary to effect a transaction, to protect the institution's confidentiality, to provide information to rating agencies, and to comply with law. Every financial institution must disclose to the consumer its policies and practices regarding maintaining confidentiality, and disclosure, of personal information.

*Patron - Byrne*

## Unemployment Compensation

### Passed

**HB1339 Unemployment compensation; definition of "employment."** Requires unemployment coverage for persons providing public human services, such as babysitting and health services, in the home of a welfare recipient when such coverage is required under the Federal Unemployment Tax Act.

*Patron - Byr*

**HB1340 Unemployment compensation; Workforce Development Training Fund.** Creates the Workforce Development Training Fund to provide or expand training and retraining opportunities for the Commonwealth's workforce. The Fund may be used for specific purposes related to training and retraining of workers, including providing grants to local workforce investment areas designated under the federal Workforce Investment Act of 1998. The Virginia Workforce Council shall establish the procedures, criteria and performance measures for the Fund and shall report to the Governor annually regarding its findings.

*Patron - Byr*

**HB1464 Employment training and unemployment compensation; conformity with federal law.** Changes references to the federal Job Training Partnership Act to the federal Workforce Investment Act.

*Patron - Bolvin*

**SB612 Workforce Development Training Fund.** Creates the Workforce Development Training Fund to provide or expand training and retraining opportunities for the Commonwealth's workforce. The Fund may be used for specific purposes related to training and retraining of workers, including providing grants to local workforce investment areas designated under the federal Workforce Investment Act of 1998. The Virginia Workforce Council shall establish the procedures, criteria and performance measures for the Fund and shall report to the Governor annually regarding its findings.

*Patron - Wanpler*

**SB779 Unemployment compensation benefits.** Increases the maximum weekly unemployment benefit from \$230 to \$268, effective retroactively to November 28, 1999. The maximum weekly benefit is currently scheduled to increase from \$230 to \$232 effective July 1, 2000. Employees will not have to serve a statutory waiting week for benefits if the employer terminated operations, closed its business, or declared bankruptcy without paying final wages earned. Former employees whose work requires shift work shall not be deemed unavailable for work if the individual is currently enrolled in one or more classes of education related to employment or is continuing in a certificate or degree program at an institution of higher education, provided that such enrollment only limits the employee's availability for work in one shift and the employee is otherwise available to work any other shifts. The bill has an emergency clause, and is effective retroactive to November 28, 1999.

*Patron - Hawkins*

### Failed

**HB764 Unemployment compensation; benefit eligibility conditions; drug use prohibited.** Requires applicants for unemployment compensation to sign statements declarin

that (i) their last employment was not terminated due to illegal drug use; (ii) they have not used illegal drugs within the 90-day period preceding the claim for benefits; (iii) they will not use illegal drugs at any time while receiving unemployment compensation benefits; and (iv) they acknowledge current law disqualifies them from receiving any further benefits if they fail a drug test or screen required in connection with an offer of suitable employment.

*Patron - Day*

**HB1369 Textile Workers Relief Act of 2000.** Provides a state Medicaid program and additional unemployment benefits for displaced Virginia workers in high-unemployment areas. The Board of Medical Assistance Services is directed to develop the State Program for Displaced Virginia Workers to provide 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. The current maximum is \$232. Displaced employees in high-unemployment localities do not have to serve a statutory waiting week for benefits, and those former employees in industries requiring shift work shall not be deemed unavailable for work if enrolled in higher education, provided that such enrollment only limits the employee's availability for work in one shift and the employee is otherwise available to work any other shifts. The bill has an emergency clause, and the Medicaid and unemployment benefits shall expire on July 1, 2003.

*Patron - Armstrong*

**HB1523 Unemployment compensation; Virginia Workforce Incentive Program.** Creates the Virginia Workforce Incentive Program, administered by the Virginia Employment Commission, to reimburse employers for expenditures incurred in providing employment for eligible workers. An eligible employee is a person who (i) had resided in a city or county with a unemployment rate that exceeds 10 percent; (ii) is hired as a full-time employee by an eligible employer for a position located at least 60 miles from his residence; and (iii) was unemployed and was either receiving unemployment benefits or had exhausted eligibility for such benefits when he was hired by an eligible employer. The bill applies only to employees hired on or after January 25, 2000. To be eligible for reimbursement of the reasonable and necessary actual costs of meals, transportation and lodging incurred as a direct consequence of the eligible employee's employment, the employer must hire eligible employees for full-time positions in a locality with an unemployment rate that is less than five percent. In addition, the expenses must have been incurred as a bona fide inducement to recruit the eligible employees. Expenditures eligible for reimbursement include any amount expended by the employer in reimbursing the employee, provided that the reimbursement rates do not exceed those applicable to reimbursement of state employees for similar travel expenditures. The weekly reimbursement amount for any employee is capped at the amount of weekly unemployment benefits for which the employee would have been eligible. In addition, an employer shall not be reimbursed for more than 26 weeks of eligible expenses incurred with respect to any eligible employee in any year. Generally, covered employers required to pay assigned or experience rated unemployment insurance taxes are required to pay a contribution to the Virginia Workforce Incentive Fund. This contribution is equal to eight percent of each employer's unemployment insurance tax rate, and a reduction equal to this contribution shall be credited to the employer's unemployment tax obligations.

*Patron - Wagner*

**SB303 Unemployment compensation benefit eligibility criteria; waiting week.** Eliminates the requirement that an employee be unemployed for one week before he is eligible for benefits.

*Patron - Reynolds*

**SB509 Additional unemployment compensation benefits.** Establishes an additional unemployment benefit for individuals who (i) have exhausted their regular unemployment benefits; (ii) are not eligible for the supplemental trade readjustment allowances (TRA) payable under the federal Trade Act; and (iii) live in or had their last place of employment in a locality with an unemployment rate of 10 percent or more. The weekly amount of the additional benefit is the same as under the regular benefit schedule, and the total benefit is the weekly amount multiplied by the number of weeks the individual was eligible for regular benefits, not to exceed 26 weeks.

*Patron - Reynolds*

**SB659 Unemployment compensation; Employment Opportunity Expansion Fund.** Creates the Employment Opportunity Expansion Fund to provide or expand employment opportunities for the Commonwealth's workforce. The Fund may be used for specific purposes related to training and retraining of workers and creation of jobs throughout the Commonwealth. Generally, employers required to pay unemployment insurance taxes are required to pay a contribution to the Fund equal to four percent of each employer's unemployment insurance tax rate, and a reduction equal to this contribution shall be applied to the employer's tax rate.

*Patron - Wampler*

## Carried Over

**HB794 Unemployment compensation fund; holding account refunds.** Establishes a process to limit the growth of the Unemployment Trust Fund balance above \$1 billion. A holding account is established, into which moneys in the clearing account shall be deposited. Such funds currently are credited directly from the clearing account directly into Virginia's account in the federal Unemployment Trust Fund. If Virginia's balance in the Trust Fund is less than \$1 billion, the moneys will be paid into the Trust Fund as is currently required. However, if the Trust Fund balance exceeds \$1 billion, the moneys will stay in the holding account until the Trust Fund balance falls below \$1 billion or the balance in the holding account reaches \$50 million. If the Trust Fund balance falls below \$1 billion first, money from the holding account will be transferred to the Trust Fund to restore the balance to such level. If the balance in the holding account reaches \$50 million first, that amount, less the costs of administering the refund, shall be refunded to the employers who paid into the fund during the period the Trust Fund balance topped \$1 billion, on a pro rata basis.

*Patron - Wagner*

**HB955 Unemployment compensation benefits; second claim for TRA enrollees.** Creates an exception to the requirement that, as a condition of receiving unemployment benefits, an individual must have worked during 30 days for 240 hours subsequent to the beginning of the immediately preceding benefit year during which he received benefits. The exception applies to individuals who are enrolled in training approved under the federal Trade Act of 1974. Currently, such persons may be barred from making second benefit claims. The bill also includes an exception to prevent the employer from being responsible for benefit charges as a result of bene-



fits being payable under the exception for individuals enrolled in training approved under the federal Trade Act of 1974.

*Patron - Jackson*

**CHB1443 Unemployment compensation; weekly benefit amount.** Increases the maximum weekly unemployment benefit from \$230 to \$268, effective retroactively to November 28, 1999. The maximum weekly benefit is currently scheduled to increase from \$230 to \$232 effective July 1, 2000. Employees will not have to serve a statutory waiting week for benefits if the employer terminated operations, closed its business, or declared bankruptcy without paying final wages earned. Former employees whose work requires shift work shall not be deemed unavailable for work if the individual is currently enrolled in one or more classes of education related to employment or is continuing in a certificate or degree program at an institution of higher education, provided that such enrollment only limits the employee's availability for work in one shift and the employee is otherwise available to work any other shifts. The bill has an emergency clause, and is effective retroactive to November 28, 1999.

*Patron - Hull*

## Warehouses, Cold Storage and Refrigerated Locker Plants

Passed

**PSB327 Sale of burley tobacco.** Changes the maximum commission that may be charged by a warehouse operator from three to four percent of the sales price of the tobacco sold.

*Patron - Puckett*

## Waters of the State, Ports and Harbors

Passed

**PHB404 Toxic substances in state waters.** Increases the requirements for the State Water Control Board (SWCB), Department of Environmental Quality (DEQ) and the Virginia Department of Health to monitor and report toxic substances in state waters. The bill requires that in its annual toxics report to the General Assembly, the SWCB should include a description of those segments of Virginia's waters where there has been a commitment to conduct additional evaluation and monitoring of toxic substances. Water segments that are identified in the state Water Quality Monitoring Plan are to be monitored at least once every three years, contingent upon the availability of funding. The SWCB is to conduct a review of its toxic removal or remediation technologies at least once every five years. Under the legislation, members of the public would be able to petition the SWCB for the inclusion of a water segment in the agency's monitoring plan, which could result in the collection of fish tissue and sediment samples. The SWCB must consider and respond to these petitions but is not compelled to include such segments in the water quality monitoring plan. However, if the segment is not included in the plan, the SWCB must provide a written rationale explaining why the petition request was denied. DEQ will be required to post fish tissue and sediment results on its Internet site for at least one year. The bill also

requires that a memorandum of agreement be developed between DEQ and the Virginia Department of Health. The purpose of the memorandum is to ensure the timely exchange and evaluation of reliable water quality and fish advisory information between the two agencies. DEQ will be required to develop a written policy describing the circumstances and factors that indicate the need for an assessment of potential sources of toxic contamination. The Department of Health is also required to develop a written policy that identifies criteria which will be used to determine whether toxic substances are present in levels that will trigger the issuance of a fish consumption advisory. The memorandum of agreement and the written policies will be submitted to the chairmen of the committees, which have oversight responsibilities for DEQ activities. This bill is identical to SB 179.

*Patron - Bennett*

**PHB451 Sewage discharge certificates.** Requires that applications for discharge certificates (permits) for sewage discharges into surface water impoundments contain notification from the locality where the discharge will take place that the location and operation of the discharging facility are consistent with applicable zoning ordinances. If the locality does not respond to the request for the notification within 45 days, the requirement for the notification is waived. This bill is identical to SB294.

*Patron - Dickinson*

**PHB625 Lake level contingency plans.** Requires that permits issued for surface water impoundments that provide cooling water to power generators include a lake level contingency plan to allow specific reductions in the flow required to be released when the water level above the dam drops below designated levels due to drought conditions. This bill is identical to SB296.

*Patron - Dickinson*

**PHB804 Virginia Resources Authority.** Increases the number of members on the Board of Directors of the Virginia Resources Authority from nine to 11, by adding the Director of the Department of Aviation or his designee and one citizen member appointed by the Governor.

*Patron - Tata*

**PHB1170 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. Between the enactment of the bill and such time as permit regulations are adopted, those who drain, excavate or ditch a wetland must compensate the impact on the wetland. 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. Water Protection Permits will be issued after an opportunity for public comment is provided. Local governments are prohibited from imposing wetland permit requirements that duplicate those imposed under federal or state law. The bill also clarifies that wetlands are state waters under the State Water Control Law, and requires the Board to seek a Section 404 Clean Water Act State Programmatic General Permit from the U.S. Army Corps of Engineers. This bill is identical to SB 648.

*Patron - Bryant*

**HB1192 Maritime Incident Response Advisory Board.** Establishes the 14-member Maritime Incident Response Advisory Board whose purpose is to recommend and direct the development of goals, policies and plans to improve the management of maritime fire and incidents in Hampton Roads and throughout the Commonwealth. This bill is identical to SB 739.

*Patron - Diamonstein*

**HB1282 Reclamation and reuse of wastewater.** Requires the State Water Control Board to encourage and establish requirements for the reclamation and reuse of wastewater as an alternative to directly discharging pollutants to waters of the state.

*Patron - Landes*

**HB1424 Rappahannock River Basin Commission.** Repeals the sunset clause that would have terminated the Commission on July 1, 2000.

*Patron - Katzen*

**SB177 Sewerage systems.** Requires that an owner of a privately-operated sewerage system that discharges more than 1,000 gallons but less than 40,000 gallons of effluent a day obtain a pollution discharge permit from the State Water Control Board. The owner of such a facility would have to file a plan to control, prevent, or contain any threat to public health or the environment if the facility ceases operation. The plan will also include a demonstration by the owner that he has the financial capability to properly close the facility. An owner who ceases operations and knowingly and willfully fails to implement a closure plan would be liable for the costs incurred in abating, removing or containing the harm or threat if such failure results in significant harm to human health or the environment. The owner also would be subject to a Class 4 felony penalty, if he knowingly and willfully failed to implement the closure plan or provide adequate funds to implement such plan.

*Patron - Reynolds*

**SB179 Toxic substances in state waters.** Increases the requirements for the State Water Control Board (SWCB), Department of Environmental Quality (DEQ) and the Virginia Department of Health to monitor and report toxic substances in state waters. The bill requires that in its annual toxics report to the General Assembly, the SWCB should include a description of those segments of Virginia's waters where there has been a commitment to conduct additional evaluation and monitoring of toxic substances. Water segments that are identified in the state Water Quality Monitoring Plan are to be monitored at least once every three years, contingent upon the availability of funding. The SWCB is to conduct a review of its toxic removal or remediation technologies at least once every five years. Under the legislation, members of the public would be able to petition the SWCB for the inclusion of a water segment in the agency's monitoring plan, which could result in the collection of fish tissue and sediment samples. The SWCB must consider and respond to these petitions but is not compelled to include such segments in the water quality monitoring plan. However, if the segment is not included in the plan, the SWCB must provide a written rationale explaining why the petition request was denied. DEQ will be required to post fish tissue and sediment results on its Internet site for at least one year. The bill also requires that a memorandum of agreement be developed between DEQ and the Virginia Department of Health. The purpose of the memorandum is to ensure the timely exchange and evaluation of reliable water quality and fish advisory information between the two agencies. DEQ will be required to develop a written policy describing the circumstances and factors that indicate the need for an assessment of potential

sources of toxic contamination. The Department of Health is also required to develop a written policy that identifies criteria which will be used to determine whether toxic substances are present in levels that will trigger the issuance of a fish consumption advisory. The memorandum of agreement and the written policies will be submitted to the chairmen of the committees, which have oversight responsibilities for DEQ activities. This bill is identical to HB 404.

*Patron - Hawkins*

**SB294 Sewage discharge certificates.** Requires that applications for discharge certificates (permits) for sewage discharges into surface water impoundments contain notification from the locality where the discharge will take place that the location and operation of the discharging facility are consistent with applicable zoning ordinances. If the locality does not respond to the request for the notification within 45 days, the requirement for the notification is waived. This bill is identical to HB451.

*Patron - Houck*

**SB296 Lake level contingency plans.** Requires that permits issued for surface water impoundments that provide cooling water to power generators include a lake level contingency plan to allow specific reductions in the flow required to be released when the water level above the dam drops below designated levels due to drought conditions. This bill is identical to HB 625.

*Patron - Houck*

**SB389 Virginia Resources Authority.** Increases the number of members on the Board of Directors of the Virginia Resources Authority from nine to 11, by adding the Director of the Department of Aviation or his designee and one citizen member appointed by the Governor. This bill is identical to HB 804.

*Patron - Williams*

**SB645 Water quality monitoring and reporting.** Increases both the number of water quality monitoring stations and the frequency of sampling by at least five percent annually, with priority given to those water bodies for which there is credible evidence showing impairment of the water body. Currently, monitoring and sampling is to be expanded so that the sampling effort will ultimately be representative of all river and stream miles in the state, but with no requirement to specifically expand, by a certain percentage annually, the number of monitoring stations or the frequency of sampling. The expansion of the water quality monitoring is contingent upon the appropriation of adequate funding.

*Patron - Whipple*

**SB648 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. Between the enactment of the bill and such time as permit regulations are adopted, those who drain, excavate or ditch a wetland must compensate the impact on the wetland. 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. Water Protection Permits will be issued after an opportunity for public comment is provided.

Local governments are prohibited from imposing wetland permit requirements that duplicate those imposed under federal or state law. The bill also clarifies that wetlands are state water under the State Water Control Law, and requires the Board to seek a Section 404 Clean Water Act State Programmatic General Permit from the U.S. Army Corps of Engineers. This bill is identical to HB 1170.

*Patron - Whipple*

**SB739 Maritime Incident Response Advisory Board.** Establishes the 14-member Maritime Incident Response Advisory Board to recommend and direct the development of goals, objectives, policies and plans needed to develop and improve management of maritime fire and incident issues in Hampton Roads and throughout the Commonwealth. This bill is identical to HB 1192.

*Patron - Maxwell*

## Failed

**HB35 Virginia Petroleum Storage Tank Fund fee; exemption for Virginia Railway Express.** Exempts the operator of a commuter train carrying passengers in the Potomac-Rappahannock Transportation District from paying the fee on dyed diesel fuels. Such fees are deposited in the Virginia Petroleum Storage Tank Fund.

*Patron - Parrish*

**HB1246 Certificates for alterations of state waters.** Adds wetlands to the definition of state waters and requires a certificate from the State Water Control Board for excavations in wetlands. Certificates are not required for normal agricultural, ranching or silvicultural activities or de minimis movements of soil and that are neither intended to cause nor in fact cause the destruction, drainage or degradation of wetlands.

*Patron - Wagner*

**SB450 Wetlands** Requires that those proposing to drain, dredge, excavate, ditch, permanently flood or impound, fill, or discharge any material into 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. Permittees must replace wetlands lost at a 2:1 acreage ratio. 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. Regulatory programs are to be designed to achieve no net loss of existing wetland acreage and functions. Voluntary and incentive-based programs are to be developed to achieve a net resource gain in acreage and functions of wetlands. Water Protection Permits will be issued after an opportunity for public comment is provided. The bill also clarifies that wetlands are state waters under the State Water Control Law, and requires the Board to seek Section 404 Clean Water Act State Programmatic General Permit from the U.S. Army Corps of Engineers. Incorporated into SB 648.

*Patron - Ticer*

**SB695 Certificates for alterations of state waters.** Adds wetlands to the definition of state waters and requires certificate from the State Water Control Board for excavations in wetlands. Certificates are not required for normal agricultural, ranching or silvicultural activities or de minimis movements of soil and that are neither intended to cause nor in fact cause the destruction, drainage or degradation of wetlands.

*Patron - Stolle*

## Carried Over

**SB684 Firefighting on Hampton Roads.** Requires the Virginia Port Authority, from funds appropriated for such purpose, to purchase a response vessel to fight fires on Hampton Roads and on adjacent property. The provisions of the bill are effective only if an appropriation for such purpose is included in the 2000 appropriation act signed by the Governor.

*Patron - Forbes*

**SB705 Dumping of motor oil from used oil filters and anti-freeze.** Makes it unlawful to discharge motor oil from used oil filters or anti-freeze into or upon state waters, lands, or storm drain systems. The person responsible for such discharges would be subject to the same criminal and civil penalties as an owner of a petroleum storage tank whose facility discharged oil into state waters, lands or storm drains, and would be liable for all costs and expenses associated with the investigation, containment, and cleanup of the discharge.

*Patron - Ticer*

## Welfare (Social Services)

### Passed

**HB556 Adoption assistance; children with special needs.** Requires the local board of social services or child-placing agency to give adoptive parents information about the child's eligibility for subsidy, the child's special needs, the current and potential impact of these needs and the appeal process. The bill clarifies that the local board that initiated the adoption assistance agreement continues to be responsible for subsidy payments if the adoptive parents move to another jurisdiction.

*Patron - Darner*

**HB740 Social services; Neighborhood Assistance Act.** Changes the sunset clause for the authorization of tax credits under the Neighborhood Assistance Act from June 30, 2000, to June 30, 2002. The program is scheduled to expire on July 1, 2000.

*Patron - Diamonstein*

**HB836 Adult care residences; access.** Provides that adult care residences shall provide reasonable access to staff of community services boards for the purpose of (i) assessment or evaluation, (ii) case management or other services or assistance, or (iii) monitoring the care for community services board clients in the facility, or to evaluate other facility residents who have previously requested services. This bill is a recommendation of the Joint Commission on Health Care.

*Patron - Hamilton*

**HB837 Adult care residences; disclosure of staffing levels.** Requires licensed adult care residences, upon admission and upon request, to provide in writing a description of the types of staff working in the facility and the services provided, including the hours such services are available. This bill is a recommendation of the Joint Commission on Health Care.

*Patron - Hamilton*

**HB935 Child protective services; central registry.** Deletes the requirement that the central registry of the names of those persons who have been found to have abused or neglected a child in an out-of-family situation also contain the name of the abused child when the parent or guardian is not the abuser. Current regulation requires that the name of the child or

children also appear on the central registry along with the name of the abuser. If a child's name currently appears on the registry without consultation with and permission of the parents or guardians for a founded case of abuse and neglect that does not name the parents or guardians of the child as the abuser or neglecter, such parents or guardians may have the child's name removed by written request to the Department.

*Patron - Almand*

**HB988** **Vision impaired; Board and Department** Changes the name of the Department and Board for the Visually Handicapped to the Department and Board for the Blind and Vision Impaired.

*Patron - Rhodes*

**HB1051** **Adult care residences.** Directs the State Board of Social Services to implement emergency regulations for adult care residences that take into consideration cost constraints of smaller operations in complying with such regulations.

*Patron - Cantor*

**HB1168** **Adult protective services; mandatory reporters.** Requires nursing homes, certified nursing facilities and adult care residences to train all employees who are mandatory reporters of adult abuse, neglect and exploitation on the reporting procedures and the consequences for failing to report.

*Patron - Deeds*

**HB1169** **Adult protective services.** Requires that nursing homes, certified nursing facilities and adult care residences post the Adult Protective Services toll-free number in a place that is conspicuous and public.

*Patron - Deeds*

**HB1194** **Adult care residences; training.** Requires applicants for licensure of an adult care residence who have not previously owned or managed or do not currently own or manage an adult care residence in Virginia to undergo training by the Department of Social Services or other Commissioner-approved training program. The training will focus on health and safety issues and rights of residents and must be completed prior to the granting of an initial license, unless the Commissioner, at his discretion, grants the license conditioned upon the owner or manager's completion of the required training. The Commissioner may also approve for licensure applicants who meet requisite experience criteria as established by the Board. This bill is a recommendation of the Joint Commission on Health Care. Identical to SB 577.

*Patron - Diamonstein*

**HB1251** **Adult care residence; revised definitions.** Renames adult care residences as assisted living facilities, which are defined as congregate residential settings that provide or coordinate personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged infirm or disabled and who are cared for in a primarily residential setting. Exceptions are made for facilities licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Department of Social Services, and certain U.S. Department of Housing and Urban Development, U.S. Department of Agriculture, and Virginia Housing Development Authority projects that may fall within the definition of assisted living facilities. The bill permits a person meeting the qualifications of administrator of a nursing home, as defined by the State Board of Social Services (State Board), to be deemed qualified to serve as an administrator of an assisted living facility or a combined assisted living facility/nursing home provided they are part of the same building. The bill directs the

State Board to promulgate regulations to enable assisted living facilities to provide safe, secure environments for residents having serious cognitive impairments. This bill is a recommendation of the Joint Commission on Health Care.

*Patron - Brink*

**HB1344** **Child day programs exempt from licensure.** Permits on-duty, part-time employees who work less than two hours a day to participate in unlicensed child-minding services offered on site in commercial or recreational establishments. Identical to SB 380.

*Patron - Drake*

**HB1359** **Child protective services; pilot multiple response system.** Continues until July 1, 2002, the multiple response child protective services system pilot program that is underway in five jurisdictions of the Commonwealth. Pursuant to legislation passed by the 1996 General Assembly, the pilot project has been ongoing in the local child protective services agencies of Albemarle County, Loudoun County, Montgomery County, and the City of Portsmouth, and the combined agency of York-Poquoson. The pilot program provided an alternative response to reports of child abuse and neglect other than the current single investigatory track. For valid reports of possible child abuse and neglect, the pilot agencies decided whether to place the complaints in the investigation response track or the assessment response track. The investigation response track is reserved for complaints involving a serious safety issue and results in a finding. The assessment response track is for complaints where there was no immediate concern for child safety and no disposition is made. A family assessment is performed and the local agency offers services, when needed, to reduce the risk of abuse or neglect.

*Patron - VanYahres*

**HB1360** **Child protective services; statewide differential response system.** Requires the Department of Social Services to implement a statewide child protective services differential response system ("system") for responding to reports of child abuse and neglect. Rather than requiring a full-scale investigation of every report, the reports would now be evaluated by the local department of social services and less serious reports would be subject to a family assessment. The emphasis is on offering services rather than on making a determination of abuse or neglect. In family assessments, no disposition would be entered into the central registry. The Department shall publish a plan to implement the system in local departments of social services by July 1, 2000, and complete implementation in all local departments by July 1, 2003.

*Patron - VanYahres*

**HB1383** **Economic and Employment Improvement Program for Disadvantaged Persons.** Transfers the administrative responsibility for the Economic and Employment Improvement Program for Disadvantaged Persons from the Governor's Employment and Training Department to the Department of Social Services. The bill broadens the statutory provisions of the program to extend educational and job training services to persons who are (i) eligible to participate in vocational education and job skills training programs under state and federal welfare reform laws; (ii) ineligible to continue to receive assistance under state and federal welfare reform laws; and (iii) returning to the community from state and federal correctional facilities. Educational and job skills programs are required to be designed to assist eligible participants in moving from minimum wage jobs to college and to employment and occupations that will facilitate career development and economic independence. The bill also expands the awards committee to include persons with expertise in the delivery of adult literacy programs, job skills training and apprenticeships,

and state and federal welfare reform laws. Currently, state and federal welfare reform laws do not include a required education component, which is essential to prepare persons who do not have an adequate educational foundation to succeed in vocational education and job skills training programs.

*Patron - Baskerville*

**SB141 Child day centers operated by religious institutions; criminal background checks.** Permits child day centers operated by religious institutions that are exempt from licensure to allow employees or volunteers to work pending the outcome of their criminal background checks. The centers must, however, obtain the criminal background check on employees or volunteers within 21 days of employment or commencement of volunteer service, a practice which is consistent with the requirement for licensed child day centers. The bill also clarifies that the criminal background check for other persons who are not employees or volunteers is confined to only those who are expected to be alone with one or more children in the child day center. Identical to SB 228.

*Patron - Martin*

**SB228 Child day centers operated by religious institutions; criminal background checks.** Permits child day centers operated by religious institutions that are exempt from licensure to allow employees or volunteers to work pending the outcome of their criminal background checks. The center must, however, obtain the criminal background check of employees or volunteers within 21 days of employment or commencement of volunteer service, which is consistent with the requirement for licensed child day centers. The bill also clarifies that the criminal background check for other persons who are not employees or volunteers is confined to only those who are expected to be alone with one or more children in the child day center. Identical to SB 141.

*Patron - Potts*

**SB259 Child protective services.** Requires the State Board of Social Services to implement emergency regulations on out-of-family child protective services joint investigation to be accomplished in consultation with state agencies with oversight of the protection of children. The bill mandates a report by the Commissioner of DSS to the General Assembly standing committee overseeing these issues by September 30, 2000, outlining the recommendations of the state board advisory committee that was set up to address all such out-of-family investigations.

*Patron - Barry*

**SB380 Child day programs exempt from licensure.** Permits on-duty, part-time employees who work less than two hours a day to participate in unlicensed child-minding services offered on site in commercial or recreational establishments. Identical to SB 1344.

*Patron - Watkins*

**SB506 Temporary assistance to needy families (TANF) benefits and services.** Permits local departments of social services to provide TANF-related benefits and service to needy families in Virginia, with such funds as are appropriated therefor. Such TANF-related benefits and services may be provided to needy families for any purpose permitted by federal or state law. Such benefits and services include, but are not limited to, nonrecurrent, short-term benefits, work subsidies child care and transportation to families who are employed, contributions to individual development accounts and employment related services. The bill directs the State Board of Social Services to promulgate emergency regulations to implement these provisions.

*Patron - Reynolds*

**SB510 Unlicensed child day centers; staff ratios** Changes the staff ratios in unlicensed child day centers to permit 16- and 17-year-olds to count as staff as long as they are under the supervision of an adult. An adult staff member shall supervise no more than two staff members under 18 years of age at any time. The bill requires that staff members shall be counted toward the ratio only when supervising children, and requires at least one adult staff member to be regularly present. These amendments are consistent with the requirements for licensed child day centers.

*Patron - Reynolds*

**SB577 Adult care residences; training.** Requires applicants for licensure of an adult care residence who have not previously owned or managed or do not currently own or manage an adult care residence in Virginia to undergo training by the Department of Social Services or other Commissioner-approved training program. The training will focus on health and safety issues and rights of residents and must be completed prior to the granting of an initial license, unless the Commissioner, at his discretion, grants the license conditioned upon the owner or manager's completion of the required training. The Commissioner may also approve for licensure applicants who meet requisite experience criteria as established by the Board. This bill is a recommendation of the Joint Commission on Health Care. Identical to HB 1194.

*Patron - Schrock*

**SB628 Economic and Employment Improvement Program for Disadvantaged Persons.** Transfers the administrative responsibility for the Economic and Employment Improvement Program for Disadvantaged Persons from the Governor's Employment and Training Department to the Department of Social Services. The bill broadens the statutory provisions of the program to extend educational and job training services to persons who are (i) eligible to participate in vocational education and job skills training programs under state and federal welfare reform laws; (ii) ineligible to continue to receive assistance under state and federal welfare reform laws; and (iii) returning to the community from state and federal correctional facilities. Educational and job skills programs are required to be designed to assist eligible participants in moving from minimum wage jobs to college and to employment and occupations that will facilitate career development and economic independence. The bill also expands the awards committee to include persons with expertise in the delivery of adult literacy programs, job skills training and apprenticeships, and state and federal welfare reform laws. Currently, state and federal welfare reform laws do not include a required education component, which is essential to prepare persons who do not have an adequate educational foundation to succeed in vocational education and job skills training programs.

*Patron - Miller, Y.B.*

**SB667 Neighborhood Assistance Act; donations** Expands the Neighborhood Assistance Act to allow individuals to receive a tax credit on monetary donations of at least \$50 but not more than \$200 to eligible programs. Traditionally, the Act has allowed businesses and professionals to donate money or in-kind services in return for a credit. The program is capped in statute at present to a total of eight million dollars in available tax credits.

*Patron - Hanger*

**SB685 Adoption.** Repeals the current chapter on adoption (Chapter 11 of Title 63.1) and reorganizes the sections into six separate articles of a new chapter. The new articles are: general provisions, which applies to all types of adoptions; agency adoptions; parental placement adoptions;

stepparent adoptions; adult adoptions; and records. Prior to this change, all of the types of adoptions were lumped into the same code sections, creating confusion among the courts, parties and agencies involved. These changes separate each type of adoption into individual articles, which clearly identify all of the procedures necessary to complete the process. Several of the larger code sections were split into the parts that apply to each specific type of adoption. There are no policy changes related to adoption in this bill, only a reorganization of the current law.

*Patron - Reynolds*

## Failed

**HB433 Child day centers operated by religious institutions; staff ratios.** Provides that unlicensed child day centers operated by religious institutions shall employ staff personnel according to specific ratios of adults to children. This bill changes the adult-to-child ratio for children from zero to 24 months from 1:4 to 1:5 and the adult-to-child ratio for children from ages 24 months to six years from 1:10 to 1:12.

*Patron - Nixon*

**HB703 Child abuse and neglect; animal control officers, etc., to report suspected child abuse.** Requires animal control officers, humane investigators, and State Veterinarian's representatives to report suspected child abuse or neglect in the same manner as law-enforcement officers, teachers, etc.

*Patron - Watts*

**HB964 Child protective services.** Removes employees of local school boards from the child protective services system. The bill provides that, if a complaint is made that an employee of a local school board has abused or neglected a child, the complaint will be made to the division superintendent and to the attorney for the Commonwealth. Reports of abuse and neglect by employees of local school boards will no longer be investigated by local departments of social services. The provisions regarding the central registry will no longer apply to teachers, so they will not be listed in the registry if they are convicted of child abuse in a criminal case. Persons who are mandatory reporters of child abuse and neglect will still be required to report suspected cases of abuse and neglect by teachers, and teachers will remain mandatory reporters, as well. Employees in private schools will still be subject to investigation.

*Patron - Jackson*

**HB1332 Child support.** Allows the Department of Social Services to enter into consent orders with a party owing child support subject to current requirements for rebutting the presumptive guidelines and only to the extent allowed under federal law.

*Patron - Phillips*

**HB1452 Exemptions from certain work requirements for college attendance and apprenticeship training** Exempts persons participating in the Virginia Initiative for Employment Not Welfare (VIEW) program from job search and work requirements if the individuals are enrolled in an accredited two-year or four-year institution of higher education or are engaged in training and instruction in an apprenticeable occupation as defined in §40.1-120, for as long as the individual is continuously enrolled or engaged in such program of study or training. This bill is a recommendation of the Joint Subcommittee Studying the Status and Needs of African-American Males in Virginia.

*Patron - Jones, D.C.*

**SB222 Temporary Assistance to Needy Families (TANF) program.** Provides that local departments of social services may place Virginia Initiative for Employment Not Welfare (VIEW) participants, subject to their consent, directly in a vocational educational program by exempting from VIEW job search requirements those participants meeting certain eligibility criteria. Eligible participants include those with employment-related problems, such as participants (i) with less than a high school education, (ii) whose reading or math skills are at or below the eighth grade level, (iii) who have not retained a job for a period of at least three consecutive months in a 12-month period, (iv) who are undergoing treatment for substance abuse or family violence, or (v) who are pregnant minors. The bill changes participant eligibility for such programs from two, to one, of the criteria. The bill also changes the requirement that the local department of social services have an individual memorandum of understanding with an employer for placement of each participant in a job, to a general agreement that has the training providers demonstrating to the local department that they have memoranda of understanding with employers to place participants who successfully complete the program in jobs in the local job market in which the employer does business.

*Patron - Edwards*

**SB496 Adult protective services registry.** Establishes the adult protective services registry, which shall contain a listing of any person employed by a facility or program licensed or funded by the Departments of Health, Social Services, or Mental Health, Mental Retardation and Substance Abuse Services who has abused, neglected or exploited a person 60 years of age and older, when that abuse, neglect or exploitation resulted in a local department of social services determination that such person had or has need of protective services. Applicants for employment at nursing homes, adult care residences, and mental health, mental retardation, and substance abuse programs and facilities are required to obtain a search of the adult protective services registry for a record of any investigation of adult abuse, neglect or exploitation undertaken on the applicant. The adult protective services registry is to be maintained by the Adult Protective Services Unit of the Department of Social Services. The bill contains an amendment to correct an internal inconsistency resulting from HB 2572 (1999) that a felon convicted of possession of drugs is barred from employment for five years or if he continues on probation or parole or failed to pay court costs rather than barred completely.

*Patron - Edwards*

**SB701 Licensed child day center personnel qualifications.** Provides the qualifications for licensed child day center program leaders and child care supervisors.

*Patron - Ticer*

**SB742 Economic and Employment Improvement Program for Disadvantaged Persons.** Transfers the administrative responsibility for the Economic and Employment Improvement Program for Disadvantaged Persons from the Governor's Employment and Training Department to the Department of Social Services. The bill broadens the statutory provisions of the program to extend educational and job training services to persons who are (i) eligible to participate in vocational education and job skills training programs under state and federal welfare reform laws; (ii) ineligible to continue to receive assistance under state and federal welfare reform laws; and (iii) returning to the community from state and federal correctional facilities. Educational and job skills programs are required to be designed to assist eligible participants in moving from minimum wage jobs to college and to employ-

ment and occupations that will facilitate career development and economic independence. The bill also expands the awards committee to include persons with expertise in the delivery of adult literacy programs, job skills training and apprenticeships, and state and federal welfare reform laws. Currently, state and federal welfare reform laws do not include a required education component, which is essential to prepare persons who do not have an adequate educational foundation to succeed in vocational education and job skills training programs. This bill is a recommendation of the Joint Subcommittee Studying the Status and Needs of African-American Males in Virginia. Incorporated into SB 628.

*Patron - Maxwell*

## Carried Over

**HB891 Adult protective services registry.** Establishes the adult protective services registry, which shall contain a listing of any person employed by a facility or program licensed or funded by the Departments of Health, Social Services, or Mental Health, Mental Retardation and Substance Abuse Services who has abused, neglected or exploited a person 60 years of age and older, when that abuse, neglect or exploitation resulted in a local department of social services determination that such person had or has need of protective services. Applicants for employment at nursing homes, adult care residences, and mental health, mental retardation, and substance abuse programs and facilities are required to obtain a search of the adult protective services registry for a record of any investigation of adult abuse, neglect or exploitation undertaken on the applicant. The adult protective services registry is to be maintained by the Adult Protective Services Unit of the Department of Social Services. The bill contains an amendment to correct an internal inconsistency resulting from HB 2572 (1999) that a felon convicted of possession of drugs is barred from employment for five years or if he continues on probation or parole or failed to pay court costs rather than barred completely.

*Patron - Rollison*

**HB965 Social services; child abuse and neglect.** Requires that the person mandated by law to report suspected incidents of child abuse or neglect make the report directly to the local department of social services or the child abuse hot line. Reports to the heads of institutions or their designees shall not be required nor shall it serve as a substitute for the report. Current law states that if teachers, certain staff members, or others working in certain institutions observe potential abuse or neglect, a report to the head of the institution relieves that person of making a report. The head of the institution receiving the report is then required to make such report.

*Patron - Jackson*

**HB986 Temporary assistance to needy families (TANF) benefits and services.** Permits local departments of social services to provide TANF-related benefits and service to needy families in Virginia, with such funds as are appropriated therefor. TANF-related benefits and services may be provided to needy families for any purpose permitted by federal or state law. Such benefits and services include, but are not limited to, nonrecurrent, short-term benefits, work subsidies, child care and transportation to families who are employed, contributions to individual development accounts and employment related services. The bill directs the State Board of Social Services to promulgate emergency regulations to implement these provisions. Finally, the bill adds up to an additional year of day care and transportation transitional services for persons whose TANF financial assistance is terminated.

*Patron - Rhodes*

**HB1476 Advisory Council on Adult Care Residences.** Creates a 24-member Advisory Council on Adult Care Residences to advise the Board of Social Services on the review and enforcement of regulations promulgated by the Board. The 16 citizen members of the Advisory Council are voting members and the eight members representing state government entities are ex officio members with no voting power.

*Patron - Hall*

**SB629 Temporary Assistance to Needy Families (TANF) day care.** Requires the Department of Social Services to provide child day care services for the children of TANF recipients, participants in the Virginia Initiative for Employment Not Welfare (VIEW), and former VIEW participants for 12 months after termination of TANF financial assistance if such services are needed to (i) fulfill a VIEW requirement, (ii) enable the individual to seek or retain employment, or (iii) attend a job training or educational program, which has been approved by the local department of social services as likely to result in self-sufficiency, unless the local department subsequently determines that the recipient is not making satisfactory progress toward completion of such job training or educational program. The bill also requires such services for those individuals who are otherwise eligible for child day care pursuant to State Board of Social Services regulations.

*Patron - Miller, Y.B.*

**SB703 Temporary Assistance to Needy Families** Provides for up to 24 months of transitional child care for persons whose TANF financial assistance is terminated, either voluntarily or involuntarily, if such assistance enables the individual to work.

*Patron - Ticer*

## Wills and Decedents' Estates

### Passed

**HB394 Wills.** Provides that an emancipated minor is competent to make a will. Currently, § 6.1-334 provides that one of the effects of an order emancipating a minor is to allow that minor to execute a will. This change will correct the conflict between the two sections.

*Patron - Howell*

**HB759 Wills and estates.** Provides that, if any beneficiary of an estate objects, no husband, wife or parent who has been barred from all interest in the estate because of desertion or abandonment shall be suitable to serve as an administrator of the estate of the deceased spouse or child.

*Patron - Pollard*

### Carried Over

**HB1195 Probate of estates.** Requires fiduciaries of estates to send to beneficiaries copies of the will and notice that the accounting is before the commissioner of accounts for settlement.

*Patron - Diamonstein*

## Workers' Compensation

### Passed

**HB410 Workers' compensation for coal worker's pneumoconiosis; definition of average weekly wage.** Confirms the calculation of the average weekly wage for employees eligible for an award for coal worker's pneumoconiosis to the calculation for all other awards as defined at the beginning of the workers' compensation title.

*Patron - Phillips*

**HB577 Workers' compensation; disability from pneumoconiosis.** Requires that the members of any panel or committee required to interpret or classify a chest roentgenogram for purposes of diagnosing a coal worker's pneumoconiosis shall be approved B-readers. A list of approved B-readers is compiled by the National Institute for Occupational Safety and Health pursuant to federal regulations on specifications for medical examinations for underground coal miners.

*Patron - Phillips*

**HB601 Workers' compensation; cancer presumption.** Adds ovarian and breast cancer to the list of cancers which are presumed to be occupational diseases for volunteer and salaried firefighters and Department of Emergency Services hazardous materials officers.

*Patron - McQuigg*

**HB868 Workers' compensation; executive exclusion.** Makes an executive officer's exercise of his option to reject workers' compensation coverage effective on the last to occur of (i) the date such person delivers the appropriate form to the employer or (ii) the effective date of the insurance policy. An executive officer who has rejected coverage can reinstate coverage by notice to the employer and to the Virginia Workers' Compensation Commission. Reinstated coverage will not extend to injuries that occur within five days of the giving of the notice; currently, injuries that occur within 30 days of such notice are excluded.

*Patron - Tata*

**HB1007 Workers' compensation coverage; hazardous materials emergency response team members.** Allows regional volunteer hazardous materials emergency response team members to be deemed employees, for purposes of the Workers' Compensation Act, of the political subdivision in which the team's principal office is located. Such designation will be effective only in localities where the governing body has adopted a resolution acknowledging the members to be employees for purposes of the Act.

*Patron - Shuler*

**HB1036 Workers' compensation; 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 and has an emergency clause.

*Patron - Bloxom*

**HB1271 Workers' compensation; professional employer organizations.** Requires any entity 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. A professional

employer organization may obtain workers' compensation insurance in its own name for all co-employees that it shares or that are allocated to it pursuant to the agreement between the professional employer organization and the client company. If the professional employer arrangement obtains workers' compensation insurance covering its co-employees, its policy shall cover all employees at the workforce of the client company, other than those covered by the client company's policy. The bill also (i) authorizes insurers to audit any professional employer arrangement to ensure that the appropriate premium is charged for workers' compensation insurance coverage and (ii) provides that a professional employer arrangement shall not be deemed to be engaged in the occupation, trade or profession of its client company solely as the result of providing services to that company.

*Patron - Rust*

**HB1420 Workers' compensation; medical reports.** Adds certified rehabilitation providers providing services to an injured employee to the list of persons to whom health care providers, upon request, are required to furnish a copy of the employee's medical report. Currently, health care providers are required to give copies of the medical report to the injured employee, his employer, and the insurer.

*Patron - Katzen*

**SB735 Workers' compensation; professional employer organizations.** Requires any entity engaging in the business of providing professional employer services to register with the Workers' Compensation Commission before it undertakes to provide such services. A professional employer organization may obtain workers' compensation insurance in its own name for all co-employees that it shares or that are allocated to it pursuant to the agreement between the professional employer organization and the client company. If the professional employer arrangement obtains workers' compensation insurance covering its co-employees, its policy shall cover all employees at the workforce of the client company, other than those covered by the client company's policy. The bill also (i) authorizes insurers to audit any professional employer arrangement to ensure that the appropriate premium is charged for workers' compensation insurance coverage and (ii) provides that a professional employer arrangement shall not be deemed to be engaged in the occupation, trade or profession of its client company solely as the result of providing services to that company.

*Patron - Edwards*

### Failed

**HB812 Workers' compensation; when notice of accident not required.** Eliminates the requirement for employee notice of the accident to the employer if the employer is already compensating the employee for the accident.

*Patron - Joannou*

### Carried Over

**HB41 Presumption as to death or disability from hypertension or heart disease; special agents of the Department of Alcoholic Beverage Control** Extends the presumption for work-related death or disability from hypertension or heart disease under workers' compensation to include special agents of the Department of Alcoholic Beverage Control.

*Patron - Woodrum*



## Juvenile Justice

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### Passed

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**SB297 Offices on youth.** Makes revisions to the Delinquency Prevention and Youth Development Act. Local youth services citizen boards are required to actively participate with community representatives in developing a comprehensive plan and to at least annually make formal recommendations to the governing authority about the plan and its implementation. Activities of the offices on youth are standardized in the areas of assessment, assisting in planning and modifying services, and collaborating in the development and dissemination of local service inventories and in identifying service gaps and potential funding sources. This bill is a recommendation of the Youth Commission.

*Patron - Houck*

## Constitutional Amendments

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### Passed

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**HB749 Constitutional amendment (voter referendum); 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. The General Assembly may appropriate a portion of the lottery revenues for other purposes by a four-fifths vote of the members voting in each house. Any locality accepting a distribution from the Fund must fund its portion of the cost of maintaining standards of quality without the use of Fund distributions. A Code of Virginia provision is added to state that deposits to and appropriations from the Lottery Proceeds Fund will be treated as part of the general fund of the state treasury for purposes of appropriation acts and comptroller's reports.

*Patron - Howell*

**HB787 Constitutional amendment (voter referendum); right to hunt, fish, and harvest game** Provides for a referendum at the November 7, 2000, election to approve or reject the addition to the Conservation Article of a statement 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."

*Patron - Deeds*

**HJ121 Constitutional amendment (second resolution); Lottery Proceeds Fund** Requires 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. The General Assembly may appropriate a portion of the lottery revenues for other purposes by a four-fifths vote of the members voting in each house. Any locality accepting a distribution from the Fund must fund its portion of the cost of maintaining standards of quality without the use of Fund distributions. House Joint Resolution 169 has been incorporated into this resolution.

*Patron - Howell*

**HJ124 Constitutional amendment (second resolution); right of the people to hunt, fish, and harvest game.** Adds 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."

*Patron - Deeds*

**SJ131 Constitutional amendment (second resolution); Lottery Proceeds Fund** Requires 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. The General Assembly may appropriate a portion of the lottery revenues for other purposes by a four-fifths vote of the members voting in each house. Any locality accepting a distribution from the Fund must fund its portion of the cost of maintaining standards of quality without the use of Fund distributions.

*Patron - Newman*

**SB546 Constitutional amendment (voter referendum); 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. The General Assembly may appropriate a portion of the lottery revenues for other purposes by a four-fifths vote of the members voting in each house. Any locality accepting a distribution from the Fund must fund its portion of the cost of maintaining standards of quality without the use of Fund distributions. A Code of Virginia provision is added to state that deposits to and appropriations from the Lottery Proceeds Fund will be treated as part of the general fund of the state treasury for purposes of appropriation acts and comptroller's reports. This bill is identical to HB 749.

*Patron - Newman*

### Failed

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**HJ1 Constitutional amendment (first resolution); Governor's term of office.** Permits the Governor to succeed himself in office. The amendment allows two terms (either in succession or not in succession) but prohibits election to a third term.

*Patron - Purkey*

**HJ4 Constitutional amendment (first resolution); assessment of real estate at less than fair market value.** Authorizes the General Assembly to allow the governing body of any local government to cap the assessed value of real estate owned by a person 65 years of age or older to the assessed value in effect at the time such person turned at least 65 years of age. The General Assembly also may, by general law, directly cap the assessed value of real estate owned by persons 65 years of age or older.

*Patron - Moss*

**HJ169 Constitutional amendment (second resolution); Lottery Proceeds Fund** Requires 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.

The General Assembly may appropriate a portion of the lottery revenues for other purposes by a four-fifths vote of the members voting in each house. Any locality accepting a distribution from the Fund must fund its portion of the cost of maintaining standards of quality without the use of Fund distributions. This resolution has been incorporated into House Joint Resolution 121.

*Patron - Pollard*

**[F]HJ181 United States Constitution; Equal Rights Amendment.** Ratifies the Equal Rights Amendment to the United States Constitution that was proposed by Congress in 1972. This joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress.

*Patron - Darner*

**[F]SJ5 Constitutional amendment (first resolution); restoration of right to vote for felons.** Authorizes the General Assembly to provide by law for the restoration of civil right for felons who have completed service of sentence, probation and parole and met such other conditions or limitations as may be provided by law.

*Patron - Miller, Y.B.*

**[F]SJ6 Constitutional amendment (first resolution); General Assembly; term limits.** Limits members of the Senate to three terms (12 years) and members of the House of Delegates to six terms (12 years). The limitations apply to service for both consecutive and nonconsecutive terms. Service for partial term does not preclude serving an additional 12 years. A person may serve 12 years in each house or a total of 24 years in the General Assembly in a lifetime. The limits apply to terms of service beginning on or after the start of the year 2002 regular session of the General Assembly.

*Patron - Potts*

**[F]SJ132 Constitutional amendment (voter referendum); 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. See Senate Bill 546.

*Patron - Newman*

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## Carried Over

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**[C]HJ30 Constitutional amendment (first resolution); local sources of revenues.** Requires the General Assembly to maintain local sources of revenue and to appropriate general funds to localities to offset any loss of revenues occasioned by the passage of a law diminishing a local source of revenue. The General Assembly may override the maintenance requirement by a four-fifths majority vote of the members voting on the measure.

*Patron - Darner*

**[C]HJ95 Constitutional amendment (first resolution); General Assembly; term limits.** Limits members of the Senate to two full terms (eight years) and members of the House of Delegates to four full terms (eight years). The limitations apply to service for both consecutive and nonconsecutive terms. Service for a partial term does not preclude serving the allowed number of full terms. In addition to any partial term, a person may serve eight years in each house or a total of 16 years in the General Assembly in a lifetime. The limits apply to terms of

service beginning on or after the start of the 2002 Regular Session of the General Assembly.

*Patron - Moss*

**[C]HJ170 Constitutional amendment (first resolution); rainy day fund.** Requires that interest on the Revenue Stabilization Fund, or "rainy day fund," be deposited into the Virginia Housing Partnership Revolving Fund or its successor. Currently, the interest is kept in the "rainy day fund."

*Patron - VanYahres*

**[C]HJ190 Constitutional amendment; Transportation Trust Fund.** Prohibits "raiding" of the Transportation Trust Fund by the General Assembly for nontransportation purposes.

*Patron - Marshall*

**[C]HJ216 Constitutional amendment (first resolution); Governor's time to act on bills.** Moves the reconvened session to the eighth Wednesday following sine die of a regular session to give the Governor an additional 15 days to act on legislation presented to him when there are fewer than seven days left in the session. The Governor's time to consider bills returned to him from a reconvened session of a regular or special session is reduced from 30 days to 15 days.

*Patron - McDonnell*

**[C]SJ212 Constitutional amendment (first resolution); retirement of debt.** Requires that 10 percent of surplus revenues remaining after (i) all appropriations for a fiscal year and (ii) the making of required deposits to the Revenue Stabilization Fund, shall be used to retire state debt.

*Patron - Hawkins*

**[C]SJ252 Constitutional amendment (first resolution); restoration of right to vote for felons.** Authorizes the General Assembly to provide by law, or establish a process by law, for the restoration of civil rights for felons who have completed service of sentence, probation, and parole and met such other conditions or limitations as may be prescribed by law.

*Patron - Hanger*

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## Miscellaneous

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### Passed

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**[P]HB40 Claims; Garrett, Thomas A.** Provides for the payment of \$11,000 to Thomas A. Garrett for the cost of an alternative sand filter waste disposal system, to be paid from the Onsite Sewage Indemnification Fund.

*Patron - Dickinson*

**[P]HB62 Claims; Dugan, Christopher.** Provides relief for Christopher Dugan, whose father is a United States Army veteran. Dugan was denied eligibility under the Virginia War Orphans Education Program because at the time of his application he was twenty-seven years old and over the twenty-five-year old age limit. The Veterans' Administration provided his father with a 100 percent disability rating effective as of September 15, 1994, but did not inform him of the rating until November 24, 1997. The over-three-year period that elapsed left Dugan beyond the eligible age limit. The bill provides for the Director of the Department of Veterans' Affairs to review Dugan's eligibility application for educational assistance notwithstanding the age and to provide such assistance as he

would be entitled under the Virginia War Orphans Education Program.

*Patron - McQuigg*

**HB80** **Claims; Murray, George M.** Provides relief for George M. Murray in the amount of 76.5459 percent of the Virginia income taxes actually paid on Mr. Murray's federal retirement income for the taxable years 1985 through 1988. Mr. Murray returned a Form FR 1 indicating that he elected to be bound by the outcome of the Harper litigation but the Department of Taxation did not receive the form.

*Patron - Tata*

**HB183** **Awards service handgun to widow of Troy D. Ashe.** Awards the service handgun of Virginia State Trooper Troy D. Ashe to his widow

*Patron - Bloxom*

**HB229** **Claims; Farrell, Kathy Irene.** Provides \$25,000 in relief to Kathy Irene Farrell. Mrs. Farrell's husband, William Patrick Farrell, was a police officer with the Town of Front Royal who died in 1991 as the result of his contracting hepatitis from a bite during an arrest in 1977. Mrs. Farrell's claim for benefits under the Line of Duty Act (§§ 2.1-133.5 through 2.1-133.11) was denied by the Comptroller because it was not received within five years of her husband's death.

*Patron - Katzen*

**HB235** **Claims; Tiller, Deborah P.** Provides \$100,000 in relief to Deborah P. Tiller. One-half of such sum is payable on or before July 1, 2000, and the balance is to be paid in five equal installments from July 1, 2001, through July 1, 2005, contingent upon written mental and physical evaluations, and upon her not returning to work in the corrections field. Ms. Tiller was a hearing officer at the Virginia Correctional Facility for Women operated by the Department of Corrections. In 1996, s. Tiller was attacked by an inmate, who was angered by the penalty imposed on her by s. Tiller during a hearing. The attack resulted in emotional and physical damage and ultimately caused Ms. Tiller to retire.

*Patron - Dickinson*

**HB621** **Department of Military Affairs; Waller Road Depot** Authorizes the conveyance of a 50-foot portion of the parcel of real property known as the Waller Road Depot held by the Department of Military Affairs, consisting of 0.38 acres, more or less, located on Waller Road in Henrico County, to Linwood S. Raikes, with the approval of the Governor in a form approved by the Attorney General. The Department of Military Affairs will receive the proceeds from the property conveyance.

*Patron - Rhodes*

**HB1399** **Provision of fire protection or emergency medical services by a for profit entity.** Provides that any county, city or town that, as of June 30, 2000, provided fire protection or emergency medical services for its citizens through the utilization of a fire department, emergency services personnel or fire protection personnel, may not thereafter provide fire protection or emergency medical services by utilizing an entity that provides fire protection for the county, city or town for profit under contract or other agreement and that it not a county, city or town, or a department of a county, city or town, or a state or federal agency, unless first approved by a majority of voters at a referendum to be held on the date of the next general election. The bill provides, however, that a county, city or town shall not be required to obtain referendum approval prior to contracting for such services, for a period not exceeding 12 months, if the county, city or town has, by ordi-

nance or resolution, declared a need to temporarily supplement its existing personnel.

*Patron - Hamilton*

**HB1539** **Blue Ridge Hospital.** Authorizes the Governor to convey Blue Ridge Hospital, located at the base of Monticello Mountain, on such terms and conditions in a manner that respects the historical and environmental significance of Monticello Mountain. In 1978, the hospital was conveyed by the Virginia Department of Health to the Rectors and Visitors of the University of Virginia. The bill states that all medical activities have ceased at the hospital and that the only remaining activity on the property, a day-care facility, is scheduled to close on June 30, 2000.

*Patron - Rust*

**SB660** **Concealed weapons permit; purchase of handguns by certain officers.** Allows a former Superintendent of the Department of State Police who leaves service after a minimum of five years to purchase his service weapon for one dollar

*Patron - Wampler*

## Failed

**HB199** **Claims; Taylor Katherine Miller.** Provides \$1,050.00 in relief to Katherine Miller Taylor. The amount represents the legal costs spent by Ms. Taylor to pursue a grievance with Southwestern Virginia Mental Health Institute based on a determination by the Department of Employee Relations Counselors that the grievance was sufficient to proceed to a hearing.

*Patron - Tate*

**HB207** **Claims; Wright, Steven B.** Provides \$22,000 in relief for Steven B. Wright. Mr. Wright expended the money pursuing a grievance against the Department of Environmental Quality after he was assigned to a new position within the agency. The hearing conducted pursuant to the grievance resulted in a finding that DEQ's assignment to the new position was arbitrary and recommended reinstatement to the former position.

*Patron - Cranwell*

**HB212** **Claims; Yates, James A.** Provides \$3,227.19 in relief to James A. Yates. Mr. Yates was employed by the Brunswick County School Board in 1998 as an automotive mechanic when injuries suffered in an automobile accident prevented him from performing his heavy work requirements and necessitated his application for permanent disability. The Board's benefits administrator improperly delayed submission of the disability application to the Virginia Retirement System for seven months, resulting in Mr. Yates being deprived of disability benefits for that period of time. The bill provides for the claim to be allocated from the distribution of net ABC profits appropriated to Brunswick County pursuant to pursuant to § 4.1-117 of the Code of Virginia.

*Patron - DeBoer*

**HB227** **Claims; Sims, Jeffrey L.** Provides \$350,000 in relief for Mr. Sims because the VRS failed to notify him of his retirement options.

*Patron - Robinson*

**HB298** **Claims; Tiller, Deborah P.** Provides \$150,000 in relief to Deborah P. Tiller. Ms. Tiller was a hearing officer at the Virginia Correctional Facility for Women operated by the Department of Corrections. In 1996, Mrs. Tiller was attacked by an inmate, who was angered by the penalty

imposed on her by Mrs. Tiller during a hearing. The attack resulted in emotional and physical damage and ultimately caused Ms. Tiller to retire. Despite Ms. Tiller's requests for increased security during hearings, the DOC made no additional arrangements for her safety up to the time of the attack.

*Patron - Dickinson*

**HB323 Claims; Canterbury Village subdivision.** Provides for the payment of \$124,000 for the relief of residents of the Canterbury Village subdivision located in Fauquier County. The water supply for the subdivision failed due to the owner's continued failure to comply with the law pertaining to the operation of a waterworks over the course of several years. The bill provides for \$62,000 of the payment to come from the state treasury and \$62,000 to come from the general fund appropriation to the Department of Health state local cooperative health budget from such funds that would be appropriated to the Fauquier County Health Department. The bill also provides for the Department of Health to place the funds in escrow to be used to cover the expenses of connecting the subdivision to an adjoining waterworks system.

*Patron - Katzen*

**HB336 Claims; Peters, Kenneth.** Provides \$10,143.80 in relief to Kenneth Peters. Mr. Peters served as an officer in the City of Martinsville Police Department for 12 years and four months when he resigned to accept a position with the civil police force in Bosnia. After initially being informed by the Department that he would be able to take a one-year leave of absence, he had to resign when informed just before leaving that the leave of absence would not be accepted. The amount of the relief is to compensate Mr. Peters for between 100 and 110 full working days of sick time that he had accumulated at the time of his resignation.

*Patron - Armstrong*

**SB5 Claims; Stophel, Henry.** Provides \$65,000 in relief for Henry Stophel, contingent upon his deeding his property in Henry County to the Commonwealth. Beginning with rains from Hurricane Fran, Mr. Stophel's property has sustained severe soil erosion and mud slides. The house was built on unstable soil, and the combination of soil saturation from heavy rainfall and the presence of the road cut at the toe of the slope caused the failure of the soil. The erosion problem was exacerbated by the Department of Transportation's removing fill dirt from a highway adjacent to his property following the initial mud slide in 1996. The assessed value of Mr. Stophel's property is less than the cost of constructing improvements to stabilize the hillside.

*Patron - Reynolds*

**SB133 Claims; Grammer, Vernon H.** Provides \$8,500 in relief to Vernon H. Grammer. Mr. Grammer owns property on which he operates a retirement home for senior adults. In September 1999, severe rains from Hurricane Floyd resulted in unprecedented flooding of a pond and damage to a dam on Mr. Grammer's property. Due to the damage, VDOT closed Route 616, which crosses the dam and serves as the main access road to Mr. Grammer's property. In order to repair the dam and restore access to his property, Mr. Grammer incurred expenses of \$8,500.

*Patron - Chichester*

**SB738 Property lease.** Authorizes the Department of Education to lease property known as Fleming Hall, to the R. E. Lee Camp No. 1, Soldiers Home Memorial, Inc.

*Patron - Hanger*

## Carried Over

**HB228 Claims; Frazier, William R.** Provides \$10,000 in relief to William R. Frazier for fencing damaged by the Department of Transportation while performing improvements to State Route 651.

*Patron - Katzen*

**HB346 Claims; John C. Grimberg Co., Inc.** Provides \$1.2 million in relief to John C. Grimberg Co., Inc. (Grimberg). The company was hired by the Metropolitan Washington Airport Authority (MWAA) to perform a construction project. A dispute arose during the construction and MWAA improperly acted to delay proper settlement of the dispute causing Grimberg to needlessly expend the money in litigation expenses and attorney fees.

*Patron - Marshall*

**HB1549 Claims; Lawton, Steve.** Provides \$500,000 in relief for Steve Lawton. Mr. Lawton was incarcerated between 1988 and 1997 for a crime which he did not commit. He was pardoned by Governor Allen in 1997 after the alleged victim recanted her testimony.

*Patron - Crittenden*

**SB156 Claims; Hall, Floyd and Karen.** Provides \$50,000 in relief to Floyd and Karen Hall (the "Halls"). The Hall's daughter, Ms. Lisa Renee Hall ("Ms. Hall"), took her life in 1995. Ms. Hall spoke with school personnel about her suicidal thoughts. The Halls were never informed of these discussions by school personnel or Ms. Hall. Additionally, Ms. Hall never informed her parents of her suicidal thoughts. The Halls brought litigation against the local school board but did not prevail in Bedford County. The 1999 Session of the General Assembly passed SB 1250 that requires licensed school personnel, in certain circumstances, to contact a parent of a student whom they believe is at imminent risk of suicide.

*Patron - Newman*

## Charters and Authorities

### Passed

**HB17 Charter; City of Franklin.** Authorizes city council members to serve as commissioners of the Franklin Redevelopment and Housing Authority; however, the number of council members serving on the Authority shall not comprise a majority. City council is given authority to terminate the terms of existing commissioners. City council members shall receive no compensation for serving as commissioners. This bill is identical to SB 6.

*Patron - Council*

**HB96 Charter; City of Bristol.** Adds a sixth member to the Bristol Virginia Utilities Board to be appointed from the membership of the Washington County Board of Supervisors. Also, the requirement that public property is to be sold by auction or an equivalent competitive procedure is replaced with authority to sell property by whatever means will most benefit the citizens of the city. The publication requirement for such sale is changed from four to two weeks. This bill is identical to SB 49.

*Patron - Johnson*

**HB118 Charter; City of Petersburg.** Provides for the transition from appointed to elected school boards. The bill

also reiterates a state law that exempts employees of the police and fire cadet programs and employees participating in the homesteading program from provisions that would otherwise prohibit the city from instituting a residency requirement.

*Patron - DeBoer*

**HB129** **Charter; Town of Blacksburg.** Updates the town's boundary description.

*Patron - Shuler*

**HB142** **Charter; City of Norfolk.** Grants council sole power to authorize an advisory referendum to be held at the general election in November 2000 on the question of whether the mayor shall be popularly elected; conforms penalties for misdemeanors to those permitted by general law; specifies additional duties of the director of finance; streamlines the description of the city auditor's duties; clarifies the procedure for dealing with unencumbered balances; shifts responsibility for issuing warrants for payment of claims from the city auditor to the assistant director of finance or the city controller when the city manager acts as director of finance; deletes various provisions related to acquisition of property by the airport authority; and makes various technical and clarifying amendments. This bill is identical to SB 67.

*Patron - Williams*

**HB144** **Charter; City of Lexington.** Updates references to the Code of Virginia, allows council members who are presiding at meetings to vote, provides for the advertisement of all new ordinances, and makes numerous technical and clarifying amendments.

*Patron - Deeds*

**HB206** **Charter; Town of New Castle.** Allows the town council to appoint a planning commission and a board of zoning appeals consisting of at least three members. Under general law, such commissions and boards shall have at least five members.

*Patron - Cranwell*

**HB209** **Charter; Town of Pulaski.** Reduces the number of council members from eight to six, not including the mayor

*Patron - Keister*

**HB211** **Charter; Town of Rocky Mount.** Provides a new charter for the Town of Rocky Mount and repeals the town's current charter, which was enacted in 1962. The charter contains powers typically granted to towns.

*Patron - Dudley*

**HB234** **Charter; Town of Orange.** Updates the town's boundaries.

*Patron - Broman*

**HB238** **Charter; Town of Louisa.** Provides for staggered elections for the town council.

*Patron - Dickinson*

**HB259** **Charter; Town of Purcellville.** Replaces the mayor pro tempore with a vice mayor to be selected by council to serve a one-year term.

*Patron - May*

**HB308** **Charter; Town of Smithfield.** Provides that council vacancies shall be filled in accordance with general law.

*Patron - Barlow*

**HB530** **Peninsula Port Authority of Virginia.** Reduces the size of the commission of the Peninsula Port Authority of Virginia from nine to seven members; provides that they will be appointed by the Newport News city council and shall have been appointed to the executive committee of the Peninsula Alliance for Economic Development; and provides that they must be residents of Hampton, Newport News, Poquoson, Williamsburg, Gloucester County, James City County, or York County. The bill does not apply to appointments made prior to March 1, 2000. This bill is identical to SB 406.

*Patron - Diamonstein*

**HB680** **Dinwiddie Airport and Industrial Authority.** Changes the name "Petersburg Airport" to "Dinwiddie County Airport."

*Patron - DeBoer*

**HB877** **Southeastern Public Service Authority of Virginia.** Provides that the Southeastern Public Service Authority of Virginia shall have perpetual existence until its dissolution pursuant to the provisions of the Virginia Water and Waste Authorities Act. Existing members of the Authority are allowed to withdraw at any time provided that all obligations to the Authority incurred by a locality remain in full force and effect following the withdrawal. Currently, the applicable statutes provide that an authority created under the Virginia Water and Waste Authorities Act may exist for a period of 50 years and that a member locality may only withdraw from an authority upon the unanimous consent of the other members and, if the authority has outstanding bonds, the unanimous consent of the holders of the bonds. This bill is identical to SB 563.

*Patron - Jones, S.C.*

**HB1114** **Tourist Train Development Authority.** Creates the Authority and its board, which will consist of three representatives of the governing bodies of Tazewell County and the Town of Bluefield, four citizen members from Tazewell County, and one legislator. The Authority's powers are similar to those that other authorities possess. The authority may also cooperate with any private or governmental entity in the state of West Virginia in the development of a tourist train.

*Patron - Tate*

**SB6** **Charter; City of Franklin.** Authorizes city council members to serve as commissioners of the Franklin Redevelopment and Housing Authority; however, the number of council members serving on the Authority shall not comprise a majority. City council is given authority to terminate the terms of existing commissioners. City council members shall receive no compensation for serving as commissioners. Identical to HB 17.

*Patron - Holland*

**SB49** **Charter; City of Bristol.** Adds a sixth member to the Bristol Virginia Utilities Board to be appointed from the membership of the Washington County Board of Supervisors. Also, the requirement that public property is to be sold by auction or an equivalent competitive procedure is replaced with authority to sell property by whatever means will most benefit the citizens of the city. The publication requirement for such sale is changed from four to two weeks. This bill is identical to HB 96.

*Patron - Wampler*

**SB58** **Charter; City of Covington.** Provides that any vacancies in the offices of treasurer and commissioner of the

revenue shall be filled in accordance with general law and deletes obsolete language.

*Patron - Trumbo*

**PSB67 Charter; City of Norfolk.** Grants council sole power to authorize an advisory referendum to be held at the general election in November 2000 on the question of whether the mayor shall be popularly elected; conforms penalties for misdemeanors to those permitted by general law; specifies additional duties of the director of finance; streamlines the description of the city auditor's duties; clarifies the procedure for dealing with unencumbered balances; shifts responsibility for issuing warrants for payment of claims from the city auditor to the assistant director of finance or the city controller when the city manager acts as director of finance; deletes various provisions related to acquisition of property by the airport authority; and makes various technical and clarifying amendments. This bill is identical to HB 142.

*Patron - Rerras*

**PSB406 Peninsula Port Authority of Virginia.** Reduces the size of the commission of the Peninsula Port Authority of Virginia from nine to seven members; provides that they will be appointed by the Newport News city council and shall have been appointed to the executive committee of the Peninsula Alliance for Economic Development; and provides that they must be residents of Hampton, Newport News, Poquoson, Williamsburg, Gloucester County, James City County, or York County. The bill does not apply to appointments made prior to March 1, 2000. Identical to HB 530.

*Patron - Williams*

**PSB563 Southeastern Public Service Authority of Virginia.** Provides that the Southeastern Public Service Authority of Virginia shall have perpetual existence until its dissolution pursuant to the provisions of the Virginia Water and Waste Authorities Act. Existing members of the Authority are allowed to withdraw at any time provided that all written obligations to the Authority incurred by a locality remain in full force and effect following the withdrawal. Currently, the applicable statutes provide that an authority created under the Virginia Water and Waste Authorities Act may exist for a period of 50 years and that a member locality may only withdraw from an authority upon the unanimous consent of the other members and, if the authority has outstanding bonds, the unanimous consent of the holders of the bonds. This bill is identical to HB 877.

*Patron - Quayle*

## Failed

**FHB313 Charter; City of Portsmouth.** Allows the city to assess up to an additional two dollars in certain criminal or traffic cases in its district or circuit court. Any such sum collected shall be used only for the construction, renovation or maintenance of the courthouse and related facilities.

*Patron - Melvin*

**FHB1410 Peninsula Port Authority of Virginia.** Reduces the size of the commission of the Peninsula Port Authority of Virginia from nine to seven members; provides that they will be appointed jointly by the Hampton and Newport News city councils; and provides that they must be residents of Hampton, Newport News, Poquoson, Williamsburg, Gloucester County, James City County, or York County. The bill does not apply to appointments made prior to March 1, 2000.

*Patron - Crittenden*

**F SB119 Charter; City of Portsmouth.** Allows the city to assess up to an additional two dollars in certain civil, criminal or traffic cases in its district or circuit court. Any such sum collected shall be used only for the construction, renovation or maintenance of the courthouse and related facilities. Other amendments (i) grant the city manager authority to appoint secretaries who shall serve at the pleasure of the city manager, (ii) give the city attorney authority to appoint and dismiss employees of the Department of Law, and (iii) provide that every deputy city attorney, assistant city attorney and secretary to the city attorney shall serve at the pleasure of the city attorney.

*Patron - Quayle*

## Carried Over

**CHB24 Metropolitan Washington Airports Authority; Freedom of Information Act.** Provides that the Metropolitan Washington Airports Authority is subject to the provisions of the Virginia Freedom of Information Act.

*Patron - Marshall*

**CHB25 Metropolitan Washington Airport Authority; procurement.** Limits the Metropolitan Washington Airport Authority's exemption from the Public Procurement Act to contracts with a total value of up to one million dollars.

*Patron - Marshall*

**CHB1543 Metropolitan Washington Airports Authority; membership.** Increases the membership of the Metropolitan Washington Airports Authority from 13 to 18. The additional members are to be appointed as follows: three members to be appointed by the Speaker of the House of Delegates and two members to be appointed by the Senate Committee on Privileges and Elections. The bill increases the quorum requirements from seven to 10 members.

*Patron - Marshall*

## Study Resolutions

### Passed

**PHJ14 Study; compilation of credit card information.** Requests the SCC's Bureau of Financial Institutions to compile and provide access to information regarding the fees and charges assessed by revolving credit card issuers doing business within the Commonwealth and to report on its progress in this endeavor. The Bureau is to make the fee and charges information available on the SCC's web site. Iowa, Minnesota, and New York currently prepare and distribute periodic compilations of the rates, fees, and other terms of credit card agreements offered by lending institutions in those states.

*Patron - Morgan*

**PHJ34 Study; Disability Commission** Continues the Disability Commission for a four-year period in order to continue to provide evaluation and legislative recommendations to enhance the provision of services to those Virginians who have physical and sensory disabilities. Staffing would continue to be provided by the Virginia Board for People with Disabilities, with additional staffing support. A budget amendment has been prepared for the staffing needs. The Lieutenant Governor would continue to serve as the chair and provide legislative

coordination for the Commission's efforts. Membership has been reconstructed to meet current requirements.

*Patron - Landes*

**PHJ35 Biotechnology venture capital study.** Requests the Innovative Technology Authority, in consultation with the Virginia Biotechnology Research Park Authority, to study the feasibility of establishing a state-sponsored venture capital program tailored for biotechnology and report the findings and recommendations to the Governor and the 2001 General Assembly. The Authorities are also requested to consider all regions of the Commonwealth where existing or newly formed biotechnology centers of research and industry are located. State-supported research universities, medical colleges, and public-private initiatives, such as the Carilion Biomedical Institute, must be consulted and involved in the study. This resolution is a recommendation of the Joint Commission on Technology and Science.

*Patron - Bennett*

**PHJ45 Study; Normal Pressure Hydrocephalus.** Requests the Division of Neurological Surgery at the Medical College of Virginia of Virginia Commonwealth University to conduct an epidemiologic survey of the elderly population in Virginia extended care facilities in order to identify the number of patients with suspected Normal Pressure Hydrocephalus (NPH) who could benefit from medical therapy.

*Patron - Hargrove*

**PHJ47 Study; workplace violence in Virginia.** Requests the Department of Labor and Industry to study the causes and methods of reduction of workplace violence in Virginia.

*Patron - Johnson*

**PHJ64 Study; Richmond toll facilities.** Directs the Joint Legislative Audit and Review Commission to study the operation of toll facilities by the Richmond Metropolitan Authority and the retirement of debt to allow the toll free operation of the Downtown Expressway, the Powhite Parkway, and the Powhite Extension. In conducting its study, the Commission shall, in addition to such other actions or activities as may appear necessary or desirable, consider (i) the amount of debt issued in connection with the construction and maintenance of the toll facilities, (ii) the use of its toll-generated revenues, (iii) existing relationships between RMA and VDOT, including the retirement of the debt associated with the Powhite Extension (iv) policies and procedures adopted and used to ensure prudent fiscal management, integrity of funds, and responsible stewardship of the public trust, and (v) methods, resources, and a schedule appropriate for such retirement of debt as to allow the toll-free operation of the toll facilities. HJR 69 was incorporated into this resolution.

*Patron - Nixon*

**PHJ125 Study; Hampton Roads Third Crossing Bridge-Tunnel Commission** Establishes a 16-member commission to expedite construction of a third crossing of Hampton Roads. The Department of Transportation is requested to provide to the Commission, at least every six months, a report concerning the status of the Hampton Roads Third Crossing Bridge-Tunnel project including, but not limited to, the process and progress of the environmental studies, preliminary engineering, and any other analyses of the Hampton Roads Third Crossing Bridge-Tunnel project as part of any process required by the Environmental Protection Act or other applicable provisions of state and federal law, including the Code of Federal Regulation.

*Patron - Wagner*

**PHJ126 Study; domestic relations division of circuit court.** Establishes a joint subcommittee to study the feasibility of establishing a domestic relations division in each judicial circuit, which would have jurisdiction over divorce cases on custody, visitation, and support actions incident to the filing of a divorce. The joint subcommittee is also requested to determine the efficacy of making the juvenile and domestic relations district court a court of record for domestic cases.

*Patron - Joannou*

**PHJ129 Study; Rural Virginia Prosperity Commission.** Establishes the Rural Prosperity Commission to study and recommend what policies and strategies can be instituted to foster economic development in Virginia's rural areas and to help rebuild Virginia's rural areas. Identical to SJR 140.

*Patron - Clement*

**PHJ149 Study; Roanoke River Basin** Requests the State Water Commission to study the desirability and feasibility of establishing an intergovernmental structure to facilitate the planning and coordination of water resources in the Roanoke River Basin.

*Patron - Bennett*

**PHJ154 Study; Virginia-Maryland-District of Columbia Joint Legislative Commission on Interstate Transportation.** Creates a legislative commission to provide a forum in which Virginia and Maryland legislators and representatives from the District of Columbia can identify opportunities for and barriers to improved transportation links between the two states and the District of Columbia, including but not necessarily limited to new or expanded bridge crossings and transit services.

*Patron - Callahan*

**PHJ157 Study; scrap recycling.** Continues the joint subcommittee established to examine the impact of incentives to attract new businesses on existing businesses in the Commonwealth, particularly scrap recyclers for two years in order for the consultants to complete their work by the end of 2001.

*Patron - Wagner*

**PHJ158 Study; impact of Virginia's sales and use tax on federal government contractors.** Requests the Commission Studying Virginia's State and Local Tax Structure for the 21st Century to study the impact Virginia's sales and use tax, and more particularly the "true object" test, has on federal government contractors. Identical to SJR 150.

*Patron - Parrish*

**PHJ159 Study; teacher shortage.** Directs the Commission on Educational Accountability, in cooperation with the Board of Education, the State Council of Higher Education, the Senate Committee on Finance, and the House Committee on Appropriations, to study the demand for and preparation of classroom teachers. In its deliberations, the Commission, together with the participating state agencies, shall project the number of classroom teachers needed in Virginia over the next 10 years; review the teacher education process; assess recruitment and retention efforts; evaluate procedures for awarding continuing contracts, including how Virginia may retain the most capable teachers and replace teachers who do not meet the qualifications, standards, and expectations set for teachers; consider the issues associated with compensation of teachers; determine the adequacy of pre-service and in-service professional development of teachers; and recommend ways to attract and retain an adequate supply of teachers in Virginia. Identical to SJR 248.

*Patron - Council*

**PHJ161 Study; groundwater.** Directs the State Water Commission to study karst groundwater monitoring and protection in the Shenandoah Valley.

*Patron - Landes*

**PHJ162 Study; national agenda for the visually impaired.** Requests the Department of Education and the Department for the Visually Handicapped to study the impact of adopting the National Agenda for the Education of Children and Youths with Visual Impairment, Including Those with Multiple Disabilities in the Commonwealth, which provides goals and strategies for serving visually impaired children.

*Patron - Landes*

**PHJ178 Study; indigent defense.** Directs the Virginia State Crime Commission to study existing methods for providing indigent defense in the Commonwealth.

*Patron - Drake*

**PHJ187 Study; State Corporation Commission.** Establishing a joint subcommittee to study the regulatory responsibilities, policies, and activities of the State Corporation Commission. The joint subcommittee shall study the impact of such policies and activities on the lives of the citizens of the Commonwealth. Identical to SJR 173.

*Patron - Cantor*

**PHJ200 Study; child day care services for low-income families.** Requests the Department of Social Services, or, under certain conditions, the Commission on Early Childhood and Child Day Care Programs to study the funding of child day care for low-income families. If funds are not appropriated in the budget for assistance for child day care to low-income families, the study is shifted from the Department to the Commission. The study shall include an analysis of child day care needs of former Temporary Assistance for Needy Families (TANF) recipients and low-income families and recommendations to ensure that low-income families have the child day care services that they need to become and remain economically independent.

*Patron - Melvin*

**PHJ202 Study; continuing the Commission on Access and Diversity.** Continues the Commission on Access and Diversity in Higher Education in Virginia to, among other things, (i) provide legislative representation during the OCR civil rights review of the Commonwealth, relative to the U. S. Supreme Court decision in Fordice; (ii) continue its consultation and collaboration with the U. S. Department of Education's Office for Civil Rights, receive and respond to the findings and recommendations of the U. S. Department of Education's Office for Civil Rights; (iii) examine the legal obligations, if any, imposed on the Commonwealth by recent federal court decisions regarding the desegregation of public colleges and universities; (iv) evaluate the status of the Virginia Plan for Equal Opportunity in Higher Education; (v) recommend specific immediate and long-term initiatives to ensure equal educational opportunities for all Virginians, and to increase the number of African-American and other minority students, faculty, and administrators at the undergraduate and graduate levels, and in the professional schools; (vi) monitor the Congress, federal agencies, and federal and state courts relative to litigation, court decisions, and administrative action pertaining to equal educational opportunity and affirmative action; (vii) address the shortage of teachers, particularly minority teachers and faculty; (viii) develop the Blueprint to Close the Academic Achievement Gap between Disadvantaged and Historically Underrepresented and White Students; and (ix) continue its dialogue and work with the Southern Education Foundation

and other national associations concerning, but not limited to, teacher recruitment, access to higher education, high stakes testing, and the Blueprint. This resolution is a recommendation of the Commission on Access and Diversity in Higher Education.

*Patron - Jones, J.C.*

**PHJ212 Study; evaluation of incumbent judges.** Requests the Judicial Council of the Supreme Court of Virginia to recommend evaluation criteria for the judiciary.

*Patron - McDonnell*

**PHJ213 Study; campaign finance reform.** Establishes a joint legislative subcommittee to examine the costs of campaigning in Virginia, the effectiveness of the Commonwealth's present disclosure laws and their enforcement, the constitutional options available to regulate campaign finances, and possible revisions in Virginia's laws to promote the integrity of, and public confidence in, Virginia's campaign laws. Identical to SJR 80.

*Patron - Wagner*

**PHJ223 Study; Educational infrastructure and technology.** Continues the Commission on Educational Infrastructure and Technology. The resolution notes some of the history of the Commission and that, over the last several years, the Commission has implemented study plans to collect data and background information on Virginia construction and educational technology programs and the programs implemented in other states. Further, the Commission has received presentations on North Carolina, Ohio, and West Virginia, conducted a review of construction issues in other states in the Southern region, examined higher education methodology for determining space utilization, received data on the Commonwealth's student demographics and the effects of facility needs, and initiated its own survey of facilities needs in Virginia. The Commission's focus in 1999 was on the school of the new millennium, what it will look like and how technology will impact building design and curricula, school operations, teaching, student achievement, and student discipline. In the course of this examination, the Commission has heard presentations on several innovative, high-tech public school programs and has reaffirmed its conviction that school construction and educational technology are inextricably linked. Identical to SJR 237.

*Patron - Diamonstein*

**PHJ228 Study; services available for children with autism and pervasive developmental disorders.** Requests the Departments of Education, Health, and Mental Health, Mental Retardation and Substance Abuse Services to study the services available for children with autism and pervasive developmental disorders. This resolution explains that several different types and levels of autism are recognized, including autistic disorder, pervasive developmental disorder not otherwise specified, Asperger's disorder, Rett's disorder, and childhood disintegrative disorder. These disorders are complex conditions that are still the subject of debate regarding the proper diagnostic techniques, the actual diagnoses, and the best approaches to treatment and education. The Departments are directed to examine the characteristics, number, and location of children with autism and pervasive developmental disorders in Virginia; the availability of teachers and other special education and treatment professionals; the level of expertise found in the various areas of Virginia; and the adequacy of the available services for children with autism and pervasive developmental disorders. The Departments must also evaluate the various treatment and education approaches and make recommenda-



tions concerning the efficacy of these approaches and ways to increase services to the children and their parents.

*Patron - Thomas*

**PHJ231 Study; Overrepresentation of African-American Students in Special Education Programs.** Continues the Joint Subcommittee Studying the Overrepresentation of African-American Students in Special Education Programs. The joint subcommittee shall (i) monitor the development and implementation of the State Improvement Plan for Special Education; (ii) monitor recent changes in federal and state laws and regulations governing special education, particularly the collection and reporting requirements concerning minority students; (iii) continue to review the process of identifying students for special education; (iv) evaluate the training and recommend ways to address the shortage of special education teachers, and other professionals typically involved in developing IEP plans for students; (v) determine the demographic composition of students identified for special education in Virginia public schools, for grades K-12, by gender, race, age, disability, grade level, if applicable, and school division; (vi) review the criteria for determining whether a student is learning disabled, educable mentally retarded, or emotionally disturbed; (vii) assess the impact of poverty, language, and culture on the identification of minority students for special education; (viii) complete objectives under HJR 707 (1999); (ix) determine the number and reasons for the reversal of special education placements; and (x) consider such other related issues as the joint subcommittee may deem appropriate. During the course of its study, the joint subcommittee shall request the Department of Education to provide a comprehensive briefing concerning the State Improvement Plan for Special Education, and to collect, analyze, and report to the joint subcommittee certain data and information noted in HJR 232, the State Improvement Plan for Special Education, and new reporting procedures required by federal law. This resolution incorporates HJR 232.

*Patron - McEachin*

**PHJ239 Study; commercial promotional activities in high schools.** Establishes the Joint Subcommittee to Study Commercial Promotional Activities in High Schools. This resolution notes the growth and emphases on athletics in secondary schools, including middle schools, and the pressure on public school athletes to perform well. The difficult situations that have occurred in some other states are acknowledged, and the hope that Virginia will avoid these situations is expressed. The 14-member joint subcommittee is directed to examine the legal and ethical issues related to athletic apparel companies and other companies providing gifts to schools and individuals as a quid pro quo for some advertising benefit, such as displaying the logo on school property or having a team or teams wear the company's apparel. The joint subcommittee must also study disclosure issues, player eligibility issues, parental rights issues, school finance considerations, contract issues, and the benefits and drawbacks of advertising displays.

*Patron - Tata*

**PHJ247 Study; Condition and Future of Virginia's Cities.** Continues the Commission on the Condition and Future of Virginia's Cities for the purpose of receiving the report from the Commission to Study Virginia's State and Local Tax Structure for the 21st Century. This is a recommendation of the Commission on the Condition and Future of Virginia's Cities.

*Patron - Moss*

**PHJ249 Study; Unemployment compensation funding requirements** Continues the Joint Subcommittee Studying the Funding Requirements of the Virginia Unemployment Trust Fund. The joint subcommittee is requested to provide

continued legislative oversight of the Unemployment Trust Fund to ensure its continuing adequacy to meet current and projected benefit payments.

*Patron - Rust*

**PHJ253 Study; Housing Study Commission.** Directs the Virginia Housing Study Commission, in cooperation with the Virginia Department of Housing and Community Development and certain other agencies shall conduct the following: (i) the continuing study, as provided in HJR 253 as introduced, of whether changes relating to protection from carbon monoxide poisoning and life safety matters relating to chimneys, fireplaces, vents, and solid fuel burning appliances should be made to the Uniform Statewide Building Code to reflect more closely current provisions of the National Fire Protection Association Code; (ii) the study, with assistance from the Virginia Housing Development Authority, of strategies for increasing home ownership opportunities among minorities and new citizens of the United States, as provided in HJR 254; (iii) the study of provisions of the Condominium Act relating to the adequacy of reserve funds established for the maintenance of common areas, pursuant to HJR 224; (iv) the study of affordable housing and community revitalization opportunities in the Commonwealth, utilizing historic preservation strategies, as provided in HJR 255; (v) the study of the need for and recommendations to foster the improvement of organizational infrastructure, outreach efforts, technical assistance, and construction services for indoor plumbing installation in the homes of rural Virginians living without indoor plumbing, pursuant to HJR 256; (vi) the study, with assistance from the Virginia Interagency Action Council for the Homeless, of the number and needs of homeless persons in rural areas of the Commonwealth and recommendations to foster the self-sufficiency and the participation in the current economic expansion, pursuant to HJR 257; and (vii) the study of the Uniform Statewide Building Code (USBC) for the purpose of clarifying existing law and examining the provisions of the USBC affecting building standards and design in order to determine whether revisions to the Uniform Statewide Building Code may be necessary, pursuant to HJR 236.

*Patron - Diamonstein*

**PHJ282 Study; ABC licenses.** Establishes a joint subcommittee to examine the current definitions related to on-premises alcoholic beverage licenses.

*Patron - Griffith*

**PHJ285 Study; public-private partnerships for museums.** Creates a 10-member commission to study the feasibility and appropriateness of creating public-private partnerships for the operation of museums and other educational and cultural entities in the Commonwealth. In conducting its study, the commission is to examine, among other things, public-private partnerships in other states; the feasibility and appropriateness of implementing any such partnerships in the Commonwealth on a pilot project basis; current state and non-state museum funding and operational practices; and such other issues as it deems appropriate.

*Patron - Armstrong*

**PHJ291 Study; faith-based community service groups.** Continues the Special Task Force to Study Ways Faith-Based Community Service Groups May Provide Assistance to Meet Social Needs.

*Patron - McDonnell*

**PHJ297 Study; Lead Poisoning Prevention.** Continues the Joint Subcommittee Studying Lead Poisoning Prevention. The Joint Subcommittee proposes to (i) work with the real estate and other industries to ensure the establishment of equi-

table standards for lead risk reduction in order to protect the children and the business community of the Commonwealth; (ii) receive reports and data on the implementation of its initiatives to ensure testing of persons at-risk of lead poisoning, particularly children; (iii) reach agreement on the most appropriate ways to resolve the concerns of real estate professionals and home owners concerning liability for lead risks; (iv) provide a forum for the real estate professionals, the housing industry, and the parents of young children who suffer from lead poisoning in order to reach the goal of the Centers for Disease Control and Prevention to eliminate lead poisoning by 2010; and (v) examine such other issues as may be appropriate in reducing the impact of lead poisoning. The Joint Subcommittee will be limited to holding two meetings during the interim.

*Patron - Crittenden*

**PHJ302 Study; task force on assessments for students in special education and to continue the work of the Joint Subcommittee on Remediation.** Creates an eight-member special task force composed of members of the Commission on Educational Accountability to examine the need for appropriate alternative forms of Standards of Learning assessments for students receiving special education and related services and to continue the work of the Joint Subcommittee on Remediation. The special task force is to consider, among other things, current state-of-the-art testing and assessment of students receiving special education and related services; the development of appropriate forms of Standards of Learning assessments that will provide students receiving special education and related services with a range of modifications and accommodations to meet their educational needs; and such other issues as it deems appropriate. However, notwithstanding the provisions of SJR 498 (1999), citizen members and members of the House of Delegates appointed by the Speaker to the Commission on Educational Accountability, pursuant to SJ 498 (1999), shall be subject to reappointment or replacement by the Speaker of the House. Members of the House of Delegates shall be appointed in accordance with the principles of Rule 16 of the Rules of the House of Delegates. With regard to the continuation of the work of the Joint Subcommittee on Remediation, the Commission shall become familiar with the issues and policies regarding the joint subcommittee's work and its subsequent findings and recommendations throughout the course of its study so that efforts are not duplicated, and complete the objectives in the joint subcommittee's work plan for 2000. The special task force shall regularly apprise the Commission on Educational Accountability regarding its deliberations, findings, and recommendations on a schedule to be determined by the Commission. This resolution incorporates HJR 273.

*Patron - O'Brien*

**PSJ3 Study; exercise of eminent domain.** Continues the joint subcommittee studying the current means and adequacy of compensation to Virginia citizens whose properties are taken through the exercise of eminent domain. The joint subcommittee was established by SJR 271 and HJR 491 (1999).

*Patron - Watkins*

**PSJ3 Joint Commission on Management of the Commonwealth's Workforce.** Continues the Joint Commission on Management of the Commonwealth's Workforce to evaluate and monitor the Commonwealth's compensation, personnel, and management policies and procedures.

*Patron - Holland*

**PSJ5 Study; shifting truck-borne freight to trains.** Requests the Secretary of Transportation to expand the scope

of her study on the desirability and feasibility of establishing additional intermodal transfer facilities, pursuant to House Joint Resolution 704 (1999), to include the potential for shifting Virginia's highway traffic to railroads.

*Patron - Edwards*

**PSJ72 Study; electronic contracting and electronic procurement.** Directs the Auditor of Public Accounts, in consultation with the Virginia Department of General Services, to study whether audits of public accounts can be satisfactorily conducted with electronic contracting and electronic procurement processes. In conducting the study, the Auditor of Public Accounts shall determine whether audits of public accounts, as required by the laws of the Commonwealth, can be satisfactorily conducted using electronic procurements, contracts, and transactions in lieu of paper-based procurements, contracts, and transactions, and identify any statutory or regulatory barriers or obstacles which may prevent the implementation of electronic contracting and electronic procurement processes that are envisioned for the Commonwealth. This resolution is a recommendation of the Joint Commission on Technology and Science.

*Patron - Ticer*

**PSJ75 Study; Underground Utility Damage Prevention Act.** Establishes a joint subcommittee to study the status and implementation of the Virginia Underground Utility Damage Prevention Act.

*Patron - Bolling*

**PSJ76 Study; Future of Virginia's Environment.** Continues the Commission on the Future of Virginia's Environment for a fifth year. The Commission is to continue to monitor the implementation of its recommendations and create opportunities for the members of the Commission to become educated on environmental issues that may require legislative action.

*Patron - Bolling*

**PSJ78 Study; Normal Pressure Hydrocephalus.** Requests the Division of Neurological Surgery at the Medical College of Virginia of Virginia Commonwealth University to conduct an epidemiologic survey of the elderly population in Virginia extended care facilities in order to identify the number of patients with suspected Normal Pressure Hydrocephalus (NPH) who could benefit from medical therapy. Identical to HJR 45.

*Patron - Martin*

**PSJ79 Study; submerged aquatic vegetation.** Directs the Virginia delegation to the Chesapeake Bay Commission to continue its study of ways to protect submerged aquatic vegetation.

*Patron - Bolling*

**PSJ80 Study; campaign finance reform.** Establishes a joint legislative subcommittee to examine the costs of campaigning in Virginia, the effectiveness of the Commonwealth's present disclosure laws and their enforcement, the constitutional options available to regulate campaign finances, and possible revisions in Virginia's laws to promote the integrity of, and public confidence in, Virginia's campaign laws. Identical to HJR 213.

*Patron - Colgan*

**PSJ121 Study; Northern Virginia Regional Transportation Authority.** Creates a joint subcommittee to study the creation of a Northern Virginia Regional Transportation Authority. In conducting the study, the joint subcommittee shall determine the purpose, needs, benefits, authority, compo-

sition, responsibility, and funding of a Northern Virginia Regional Transportation Authority. Further, the joint subcommittee shall determine whether the powers and duties of the Northern Virginia Transportation Authority should include: (i) identifying transportation needs and possible solutions; (ii) determining the efficacy of privatizing such solutions; (iii) accepting, raising, and the disbursement of funds; (iv) the authority to sell bonds, and to buy, sell, hold, lease, and condemn property; and (v) designing, constructing, and maintaining transportation infrastructure or the ability to cause the design, construction, and maintenance of transportation infrastructure.

*Patron - Barry*

**PSJ124 Study; law enforcement efforts.** Directs the Virginia State Crime Commission to continue its study of law enforcement efforts, generally, until 2002.

*Patron - Stolle*

**PSJ127 Study; personal property tax relief funding by the Commonwealth.** Directs the Auditor of Public Accounts to examine the extent to which tax relief granted under the Personal Property Tax Relief Act of 1998 is accruing to or being received by businesses ineligible for such tax relief under the provisions of the Act.

*Patron - Watkins*

**PSJ134 Study; farmland protection.** Establishes a task force to develop a comprehensive farmland protection policy for the Commonwealth. This is a recommendation of the Commission on the Future of Virginia's Environment.

*Patron - Hanger*

**PSJ140 Study; Rural Virginia Prosperity.** Establishes the Rural Virginia Prosperity Commission. The Commission shall study and recommend what policies and strategies can be instituted to foster economic development in Virginia's rural areas and to help rebuild Virginia's rural areas. Identical to HJR 129.

*Patron - Hawkins*

**PSJ150 Study; sales and use tax on federal government contractors.** Directs the Commission to Study Virginia's State and Local Tax Structure for the 21st Century to study the impact of the Virginia sales and use tax, and more particularly the true object test, on federal government contractors. Identical to HJR 158.

*Patron - Colgan*

**PSJ153 Study; occupational therapy assistants.** Requests the Department of Health Professions to study the need for an appropriate level of regulation for occupational therapy assistants.

*Patron - Houck*

**PSJ154 Study; low-income energy assistance programs.** Directs the Consumer Advisory Board, established pursuant to the Virginia Electric Utility Restructuring Act, to study low-income household energy assistance programs in the Commonwealth. The Board shall examine all aspects of low-income household energy assistance programs in the Commonwealth, including the feasibility of tax credits as an incentive for energy consumers and suppliers to fund needed energy assistance programs for low-income households. The Board is also directed to study the use of penalties and fees assessed against competitive energy providers to fund such programs. This resolution is a recommendation of the Legislative Transition Task Force.

*Patron - Norment*

**PSJ162 Study; Virginia's farmers.** Requests the Board of Agriculture and Consumer Services to study the economic condition and disaster assistance needs of Virginia's farmers. Identical to SJR 236.

*Patron - Forbes*

**PSJ173 Study; State Corporation Commission.** Establishing a joint subcommittee to study the regulatory responsibilities, policies, and activities of the State Corporation Commission. The joint subcommittee is directed to examine the structure, staffing, and budget of the State Corporation Commission to determine the Commission's impact on the economy and lives of the citizens of the Commonwealth. Identical to HJR 187.

*Patron - Norment*

**PSJ177 Study; Shipbuilding industry.** Continues the Joint Subcommittee Studying Economic Incentives to Promote the Growth and Competitiveness of Virginia's Shipbuilding Industry. The Joint Subcommittee shall continue to examine (i) state regulation of TBT, (ii) dual state and federal jurisdiction over workers' compensation for shipyard workers, (iii) the establishment of a state commission to promote and provide marketing assistance to the industry, (iv) the Commonwealth's tax structure and its impact on the shipyard industry, and (v) incentive grants for capital investments by shipyards.

*Patron - Schrock*

**PSJ192 Study; child support.** Directs the Joint Legislative Audit and Review Commission to include in its study of child support enforcement an examination of the costs of raising children in Virginia when parents live in separate households for the purpose of developing data that can be used to determine appropriate child support amounts.

*Patron - Howell*

**PSJ193 Transportation in Reston.** Requests the Secretary of Transportation, the Commonwealth Transportation Board, the Department of Transportation, the Department of Rail and Public Transportation, the County of Fairfax, WMATA, LINK, the Dulles Corridor Rail Association, the Dulles Corridor Task Force, local elected officials and Reston community and business leaders to work together to ensure that a coordinated transportation plan is implemented for the Reston community.

*Patron - Howell*

**PSJ194 Study; establishment of state park at Trevilian Station Battlefield.** Requests that the Department of Conservation and Recreation, contingent upon the appropriation of funds to the Trevilian Station Battlefield Foundation, study the feasibility of the establishment of a Trevilian Station Battlefield State Park.

*Patron - Houck*

**PSJ199 Study; completion rates.** Requests the State Council of Higher Education for Virginia to study the feasibility of tracking college and university completion rates separately from college and university graduation rates.

*Patron - Miller, Y.B.*

**PSJ208 Study; kinship care.** Directs the Virginia Commission on Youth to study kinship care. In conducting the study, the Commission shall consider means to eliminate obstacles to appropriate kinship care while ensuring necessary monitoring.

*Patron - Miller, Y.B.*

**PSJ218 Study; city issues.** Requests the Advisory Commission on Intergovernmental Relations to study and develop recommendations of the Commission on the Condition and Future of Virginia's Cities. The Advisory Commission shall submit an interim report in 2001 and its final report to the Governor and to the 2002 Session of the General Assembly.

*Patron - Hanger*

**PSJ223 Study; Workers' compensation insurance costs; small farmers.** Requests the Workers' Compensation Commission and State Corporation Commission to study methods to make workers' compensation insurance coverage more affordable for small farmers.

*Patron - Marye*

**PSJ233 Study; small business development centers.** Directs the Joint Legislative Audit and Review Commission to study small business development centers in Virginia and other locally based centers organized to assist and develop small businesses. In conducting the study, the Commission shall examine (i) the policies and procedures governing the formation of small business development centers in Virginia and other locally based centers organized to assist and develop small businesses; (ii) the existing procedures and criteria for such centers to receive state and federal funding under programs administered by the Virginia Department of Business Assistance; and (iii) the appropriate degree of control over the operations and personnel decisions of such centers by the Department. Policies and procedures governing the formation of small business development centers in Virginia.

*Patron - Colgan*

**PSJ236 Study; Virginia's farmers.** Requests the Board of Agriculture and Consumer Services to study the economic condition and disaster assistance needs of Virginia's farmers. In conducting the study, the Board shall determine (i) how the Commonwealth and its agencies, in cooperation with the United States Department of Agriculture, may work more effectively and timely in assisting Virginia's agricultural producers when a natural disaster occurs; and (ii) any other actions that may be required to improve the general economic condition of Virginia's farmers. Identical to SJR 162.

*Patron - Couric*

**PSJ237 Study; Commission on Educational Infrastructure and Technology.** Continues the Commission on Educational Infrastructure and Technology. The resolution notes some of the history of the Commission and that, over the last several years, the Commission has implemented study plans to collect data and background information on Virginia construction and educational technology programs and the programs implemented in other states. Further, the Commission has received presentations on North Carolina, Ohio, and West Virginia, conducted a review of construction issues in other states in the Southern region, examined higher education methodology for determining space utilization, received data on the Commonwealth's student demographics and the effects of facility needs, and initiated its own survey of facilities needs in Virginia. The Commission's focus in 1999 was on the school of the new millennium, what it will look like and how technology will impact building design and curricula, school operations, teaching, student achievement and student discipline. In the course of this examination, the Commission has heard presentations on several innovative, high-tech public school programs and has reaffirmed its conviction that school construction and educational technology are inextricably linked. Identical to HJR 223.

*Patron - Mims*

**PSJ239 Study; Uniform Computer Information Transactions Act.** Directs the Joint Commission on Technology and Science to study the Uniform Computer Information Transactions Act (UCITA) and suggest alternatives or amendments to the UCITA that will assure that interests of both the licensors and the licensees are adequately protected. The Commission is directed to delegate the work of the study to a subcommittee of four commission members, working cooperatively with an advisory group of industry representatives.

*Patron - Newman*

**PSJ242 Study; continuing, and vocational and technical education.** Continues the Joint Subcommittee to Study the Feasibility of Developing a Center for Continuing and Vocational Education as the Joint Subcommittee to Study Continuing and Vocational/Technical Education. The joint subcommittee shall (i) complete the planned site visits of vocational/technical programs; (ii) review Virginia's laws relating to vocational/technical education for their relevancy to existing and future programs; (iii) continue its examination of the feasibility of developing a center for continuing and vocational education; and (iv) examine such other issues relating to continuing and vocational/technical education as it may deem necessary.

*Patron - Quayle*

**PSJ243 Study legislative process** Directs the Joint Rules Committee to study ways to improve the legislative process and to maintain the citizen legislature. The study shall include, but not be limited to, an examination and evaluation of: (i) bill drafting practices, including, but not limited to, a review of titles, summaries, and conventions such as the use of population brackets; (ii) pre-filing; (iii) procedures for the introduction and patronage of legislation; (iv) committee and subcommittee size and responsibilities; (v) consideration of legislation in committees, subcommittees and on the floor; (vi) the use of technology, including technology for filing legislation and adding and removing co-patrons electronically; (vii) the scheduling of interim meetings and activities; (viii) session dates and the possible inclusion of recesses; (ix) the budget process; (x) staffing services; (xi) orientation and training of members and staff; and (xii) other aspects of the legislative process designed to improve efficiency and maintain the citizen legislature. The resolution also provides for the establishment of a Citizen Advisory Board to assist the Committee in its work.

*Patron - Norment*

**PSJ248 Study; shortage of classroom teachers.** Directs the Commission on Educational Accountability, in cooperation with the Board of Education, the State Council of Higher Education, the Senate Committee on Finance, and the House Committee on Appropriations, to study the demand for and preparation of classroom teachers. In its deliberations, the Commission, together with the participating state agencies, shall project the number of classroom teachers needed in Virginia during the next 10 years; review the teacher education process; assess recruitment and retention efforts; evaluate procedures for awarding continuing contracts, including how Virginia may retain the most capable teachers and replace teachers who do not meet the qualifications, standards, and expectations set for teachers; consider the issues associated with compensation of teachers; determine the adequacy of pre-service and in-service professional development of teachers; and recommend ways to attract and retain an adequate supply of teachers in Virginia. Further, the Commission shall communicate and collaborate with other study committees charged to examine aspects

of teacher education, recruitment, retention, and other related issues. Identical to to HJR 159.

*Patron - Hanger*

**PSJ258 Study; child day care services for low-income families.** Requests the Department of Social Services to study the funding of child day care for low-income families. The study shall include an analysis of child day care needs of former TANF recipients and low-income families, and recommendations to ensure that low-income families have the child day care services that they need to become and remain economically independent. In the event state funds are not appropriated in the 2000-2002 Appropriations Act to assist low-income families with child day care, of which a portion shall be used to support the Department's study, the Commission on Early Childhood and Child Day Care Programs shall conduct the study

*Patron - Lucas*

## Letter Studies

**FHJ9 Study; patient safety and medical errors.** Requests the Joint Commission on Health Care to study the 1999 report of the Committee on Quality Health Care in America (Institute of Medicine) and the efficacy and appropriateness of implementing the report's findings and recommendations in the Commonwealth. In conducting its study, the Joint Commission is to consult with health care providers, consumers, and insurers; examine current Virginia and national data regarding adverse medical events; review current patient safety initiatives in Virginia health care practices; and develop specific recommendations for the implementation of patient safety measures in Virginia. The Joint Commission is to report its findings to the Governor and 2001 Session of the General Assembly. **Letter** from the Speaker to the Joint Commission on Health Care to conduct the study.

*Patron - Marshall*

**FHJ18 Study; Information and Referral Centers.** Requests the Secretary of Health and Human Resources to follow-up on a Joint Legislative Audit and Review Committee study of the current information and referral centers for human services across the Commonwealth. The study found, among other things, that, although this system has been in place since 1983 and has been the focus of numerous directives for improvement, it is still not a well-developed system. The Secretary is to report to the Chairmen of the Senate Finance and House Appropriations Committees by October 1, 2000, and also report to the Governor and the 2001 Session of the General Assembly. **Letter** from the Speaker to the Secretary of Health and Human Resources to conduct the study.

*Patron - Landes*

**FHJ46 Study; two-way communications systems in public schools.** Directs the Board of Education to develop a plan for need-based assistance for local school divisions to install telecommunication systems in classrooms. In conducting its study, the Department is to, among other things, (i) examine classroom telecommunication systems in other states; (ii) determine the availability of similar systems in the Commonwealth's public schools; (iii) review current infrastructure and fiscal needs regarding such systems in Virginia's public schools; (iv) consider ways in which the installation of such systems might be appropriately incorporated within school, division, and statewide planning; and (v) develop a plan for the implementation of any recommended actions regarding the statewide installation of such systems in the Commonwealth's public school classrooms. The Department shall complete its work in time to submit its findings and recommendations to the

Governor and the 2001 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents. **Letter** from the Speaker to the Board of Education to conduct the study

*Patron - Tata*

**FHJ66 Study; improvements to intersections along Virginia Route 28.** Request the Virginia Department of Transportation (VDOT) to study what improvements need to be made to intersections along Virginia Route 28 between Virginia Route 7 and US Route 29 and how to fund those improvements. **Letter** from the Speaker to the Virginia Department of Transportation to conduct the study.

*Patron - McClure*

**FHJ70 Study; Victims' rights.** Creates a 29-member joint subcommittee to study compliance with and enforcement of victims' rights laws. **Letter** from the Speaker to the Department of Criminal Justice Services.

*Patron - Watts*

**FHJ73 Study; preservation of Civil War battlefield sites and open space.** Establishes a nine-member joint subcommittee to study the most effective methods of financing the preservation of Civil War battlefields and open space lands. **Letter** from the Speaker to the Department of Conservation and Natural Resources to conduct the study.

*Patron - Callahan*

**FHJ74 Study; Tables of speed and stopping distances in § 46.2-880.** Requests the Virginia Transportation Research Council to study the tables of speed and stopping distances in § 46.2-880 of the Code. The study is to consider (i) the accuracy, completeness, and currency of the data contained in the tables, (ii) the amendments that should be made to such tables, and (iii) the usefulness and appropriateness of including the tables in the Code. **Letter** from the Speaker to the Transportation Research Council to conduct the study.

*Patron - Deeds*

**FHJ105 Study; fiscal autonomy for elected school boards.** Establishes a joint subcommittee to study the implications of granting fiscal autonomy to elected school boards. **Letter** from the Speaker to the Commission Studying Virginia's State and Local Tax Structure for the 21st Century to conduct the study.

*Patron - Dillard*

**FHJ106 Study; Virginia elections emergency contingency plan.** Establishes a joint legislative subcommittee to study the means and procedures to suspend, delay, or reschedule an election due to a natural or man-made disaster occurring before or during an election. **Letter** from the Speaker to the State Board for Elections to conduct the study

*Patron - Grayson*

**FHJ118 Study; reduction of solid waste.** Establishes an 11-member joint subcommittee to examine strategies to reduce the amount of solid waste being deposited in Virginia's landfills. The joint subcommittee is to examine ways in which the state can encourage the use of alternative waste management practices in order to meet the goal of a 25 percent reduction in the amount of solid waste deposited in Virginia's landfills by 2005. **Letter** from the Speaker to the Secretary of Natural Resources to conduct the study.

*Patron - Williams*

**FHJ119 Study; serious emotional disturbance.** Directs the Virginia Commission on Youth to study children

and youth with serious emotional disturbance requiring out-of-home placement. **Letter** from the Speaker to the Commission on Youth to conduct the study

*Patron - Rhodes*

**FHJ128 Study; highway construction districts.** Requests the Virginia Department of Transportation to study highway construction districts in Virginia, and the desirability and feasibility of changes in the number, size, overall role of such districts in carrying out the Commonwealth's highway program generally, and their role as the basis of appointment of members of the Commonwealth Transportation Board in particular. **Letter** from the Speaker to the Governor's Commission on Transportation Policy

*Patron - Joannou*

**FHJ151 Study; VDOT Office of Public-Private Partnership.** Requests the Virginia Department of Transportation to study the need for, responsibilities of, and budget for an Office of Public-Private Partnership within its organizational structure. **Letter** from the Speaker to the Virginia Department of Transportation to conduct the study.

*Patron - May*

**FHJ152 Study; remittance of state and local sales tax by dealers.** Creates a joint subcommittee to study the feasibility of changing the remittance of the state and local sales tax by dealers from the state level to the local level. **Letter** from the Speaker to the Commission Studying Virginia's State and Local Tax Structure for the 21st Century to conduct the study.

*Patron - Louderback*

**FHJ153 Study; Finance Options for Constructing a Baseball Stadium** Establishes a joint subcommittee to oversee the Virginia Baseball Stadium Authority efforts to secure a major league baseball team as well as finalize the financing proposed to pay for construction of a major league baseball stadium. **Letter** from the Speaker to the Virginia Baseball Stadium Authority to conduct the study.

*Patron - Callahan*

**FHJ155 Study; telecommunications construction.** Establishes a joint subcommittee to study the coordination of telecommunications construction in the public rights-of-way of the Commonwealth. **Letter** from the Speaker to the Virginia Department of Transportation to conduct the study.

*Patron - Callahan*

**FHJ164 Study; emergency medical services training and certification costs.** Directs the Joint Legislative Audit and Review Commission to study regional emergency medical service office policies regarding compensation for training expenses and the location of clinical training and the impact of such policies on the ability of local volunteer emergency medical service providers to recruit volunteers. **Letter** from the Speaker to the State Health Department's Office of Emergency Medical Services to conduct the study.

*Patron - Pollard*

**FHJ174 Study; self-propelled rail cars.** Requests the Virginia Department of Rail and Public Transportation (VDRPT) to study the feasibility of providing rail service using independent, self-propelled rail cars. **Letter** from Speaker to the Virginia Department of Rail and Public Transportation (VDRPT) to conduct the study.

*Patron - May*

**FHJ175 Study; Tech Prep and ARI.** Requests the Department of Education and the Virginia Community College

System to study Tech Prep and apprenticeship programs. In conducting the study, the Department and the System shall (i) review the enrollment data for Tech Prep and ARI programs and develop a demographic profile of the persons served in each program; (ii) determine which occupational training programs are in high demand, and which of these programs are preferred by men and women; (iii) evaluate the quality of Tech Prep and ARI training programs and their ability to provide the level of skills training needed to compete successfully in an increasingly high technological and computer-dependent society; (iv) determine whether or not such programs and their graduates are demanded by business and industry; (v) recommend appropriate and feasible strategies to improve and increase the availability of these programs to serve more people; and (vi) recommend appropriate outreach strategies to attract women to such occupational training programs, and to apprise them of opportunities for advancement and economic prosperity through these fields. **Letter** from the Speaker to the Department of Education and the Virginia Community College System to conduct the study, and to request the Department of Education to transmit certain data and information to the Virginia Community College System to facilitate its work.

*Patron - Baskerville*

**FHJ176 Study; emergency health services in public schools.** Directs the Joint Commission on Health Care to study the provision of emergency health services in the public schools of the Commonwealth, including how many, and which, localities require first aid and/or CPR training for all of their school personnel, including school bus drivers; the kind of training required, and the length of the training in hours; and any requirements for refresher courses for this training. **Letter** from the Speaker to the Department of Education to conduct the study

*Patron - Baskerville*

**FHJ177 Study; nontraditional college students.** Requests the State Council of Higher Education to study the needs of nontraditional college students. In conducting the study, the Council shall (i) determine the number of nontraditional students enrolled in Virginia institutions of higher education and establish a demographic profile of such students; (ii) determine the types of academic programs support services currently available that are targeted to older adults, and identify other programmatic and support service needs; (iii) determine and review the best practices for meeting the needs of nontraditional students, particularly programs and services that can be provided regionally or collaboratively among public and private colleges and universities in the Commonwealth; and (iv) develop strategies and recommend specific ways in which Virginia can respond to the needs and demands of this growing segment of undergraduate and graduate students. **Letter** from the Speaker to the State Council of Higher Education to conduct the study

*Patron - Baskerville*

**FHJ183 Certain Standards of Accreditation issues.** Requests the Board of Education to consider the English as Second Language/Limited English Proficiency (ESL/LEP) issues in revising the Standards of Accreditation, particularly those issues relating to the requirements for obtaining a high school diploma. This resolution transmits some suggestions made to the Commission to Study Educational Issues Involving Students for Whom English is a Second Language or Students who Have Limited English Proficiency. Some of these suggestions were to (i) allow ESL/LEP students who have completed a course for which verified credit is awarded to be granted a verified credit for such course if satisfactorily completed in their first or primary language; (ii) provide assessments to ESL/LEP students that are designed to measure the

students' knowledge, rather than their English skills and understanding of complex language nuances; and (iii) consider the issues generally applicable to transfer students and others vis-a-vis ESL/LEP students, particularly those students coming into Virginia's public school system who, through no fault of their own, have previously had little formal education in their first or primary language. **Letter** from the Speaker to the Board of Education to conduct the study, and to request that the Board include the substance of HJR 184 in its study.

*Patron - VanLandingha m*

**FHJ185 Super-maximum security facilities.** Directs the Joint Legislative Audit and Review Commission (JLARC) to study the operation of the two super-maximum security facilities, Red Onion and Wallen's Ridge State Prisons, operated by the Department of Corrections. In its study, JLARC shall include (i) an analysis of the extent to which the Department's classification system is, in fact, ensuring that only dangerous, predatory or escape-risk inmates are being confined at Level 6 facilities, including an analysis of criteria and procedures for placement at and release from these facilities; (ii) an evaluative comparison of the Department's classification system as it pertains to the placement of inmates in its Level 6 facilities and of the Department's use of segregation in Level 6 facilities with best practices models in other states; (iii) an analysis of the need for two super-maximum security facilities in Virginia given current population projections and analysis of proportion of inmates who are dangerous or disruptive; (iv) an evaluation of the inmate and staff safety at Red Onion and Wallen's Ridge State Prisons; (v) the number of inmates annually at Red Onion and Wallen's Ridge State Prisons who are eligible for parole or who are serving less than life sentence and who may one day re-enter society; (vi) an assessment of the number of inmates at Level 6 facilities who are mentally ill and whether confinement of mentally ill inmates in super-maximum facilities is consistent with their treatment needs; (vii) an evaluation of the extent to which inmate programs that reduce idleness and promote development of personal, educational and vocational skills could be increased at the Commonwealth's Level 6 facilities without jeopardizing safety and security; and (viii) an analysis of the extent to which super-maximum security facilities contribute to the fulfillment of the Commonwealth's rehabilitation mandate. **Letter** to the House Committee on Appropriations to conduct the study.

*Patron - Bloxom*

**FHJ186 Study; student disciplinary statutes.** Establishes a joint legislative subcommittee to study student disciplinary statutes and to suggest recommendations for revision. During the course of the study, the joint subcommittee must collaborate and communicate with other study committees charged to examine related issues, and confer with state education officials and representatives of the education community at the state and national levels. In conducting the study, the joint subcommittee shall, among, other things review court decisions, state and federal laws and regulations pertaining to its objectives, consider local practices in developing and implementing school board policies, and recommend ways to ensure prompt response to crises and violations of school board policies while ensuring equity, due process, and the safety of students and school personnel. **Letter** to the Commission on Youth to conduct the study.

*Patron - Amundson*

**FHJ191 Study; Secretary of Commerce and Trade.** Requests the Secretary of Commerce and Trade to reinstitute the 1994 Study and Advisory Committee established under H.J.R. 192 relating to regulatory barriers which hinder the availability of affordable housing in Virginia. **Letter** from the

Speaker to the Department of Housing and Community Development to conduct the study.

*Patron - McClur*

**FHJ192 Study; Bull Run Road.** Requests the Virginia Department of Transportation (VDOT) to study needed improvements to Bull Run Road in Fairfax County between Bull Run Road's intersection with US 29 and the Fairfax county line. **Letter** from the Speaker to the Virginia Department of Transportation to conduct the study.

*Patron - McClur*

**FHJ193 Study; insurance coverage for volunteer firefighters.** Requests the State Corporation Commission's Bureau of Insurance to study insurance coverage for volunteer firefighters in the Commonwealth. The Bureau shall specifically examine (i) the extent to which volunteer firefighters are covered by workers' compensation insurance and other types of insurance, (ii) whether the provision of insurance coverage for volunteer firefighters is affecting the level of participation in volunteer fire departments, and (iii) whether insurance coverages provided for volunteer firemen should extend beyond those provided under current workers' compensation laws. **Letter** from the Speaker to the State Corporation Commission's Bureau of Insurance to conduct the study.

*Patron - McClure*

**FHJ198 Study; access to dental care.** Requests the Joint Commission on Health Care, in cooperation with a number of other affected entities, to continue its study of ways to increase access to dental care in the Commonwealth. This is a recommendation of the Joint Commission on Health Care. **Letter** from the Speaker to the Joint Commission on Health Care to conduct the study, and to request the Commission to include the substance of HJR 296 in its study, and coordinate its work with the Virginia Commonwealth University School of Dentistry's study, pursuant to HJR 172.

*Patron - Melvin*

**FHJ201 Study; Health Care Decisions Act.** Requests the Commissioner of Health to examine the Health Care Decisions Act. Following a detailed study of the concepts and issues, the Natural Death Act, enacted in 1983, evolved into the Health Care Decisions Act, which encompasses all varieties of advance directives, including health care durable power of attorney. The Health Care Decisions Act establishes procedures for individuals to make advance declarations on the level of treatment they want if they become terminally ill, including the appointment of an agent to make these decisions; a procedure for decision making in the absence of an advance directive for patients who are incapable of making an informed decision; and a Do-Not-Resuscitate provision. The Commissioner is requested to examine the operation of the Health Care Decisions Act with regard to (i) the physical and mental condition or diagnosis of patients who use advance directives; (ii) the circumstances of the individuals who access this process e.g., whether institutionalized or living at home and whether supported by public programs or private funds; (iii) the effects and ethical implications of specific circumstances, e.g., the existence of inheritances, guardians ad litem, or powers of attorney; (iv) the withdrawal of treatment, particularly the withdrawal of artificially administered nutrition and hydration, from patients who are incapable of informed consent and for whom no advance directive is available; (v) professional attitudes and actions in relation to this act among the professions serving the terminally ill, the elderly, and the disabled; and (vi) any need for protecting human life while balancing the rights of individuals. **Letter** from the Speaker to the Commissioner of Health to conduct the study.

*Patron - Marshall*

**FHJ203 Study; teacher peer review.** Requests the Board of Education to study the feasibility and appropriateness of implementing a teacher peer review process in the Commonwealth. In conducting its study, the Board shall review, among other things, the current use of this process in the evaluation of Virginia public school teachers; application of peer review in other states; the potential implementation of a peer review process on a pilot project or other limited basis; and such other issues as it deems appropriate. **Letter** from the Speaker to the Board of Education to conduct the study.

*Patron - Grayson*

**FHJ209 Study; Retaliatory discharge of whistleblowing private-sector employees.** Establishes a joint subcommittee to examine employer-employee relations in light of recent Virginia Supreme Court decisions challenging the Commonwealth's commitment to its duly enacted public policies. **Letter** to the House Committee for Courts of Justice to conduct the study.

*Patron - Moran*

**FHJ219 Study; central registry for brain injury.** Requests the Disability Commission to evaluate the current system for reporting brain injuries to the central registry and for disseminating information to survivors and their families about available assistance. **Letter** from the Speaker to the Joint Commission on Health Care to conduct the study.

*Patron - Jackson*

**FHJ222 Study; investors in high-risk accounts.** Establishes a joint subcommittee to study the feasibility and necessity of requiring disclosure and suitability interviews for high-risk securities accounts. **Letter** from the Speaker to the State Corporation Commission to conduct the study.

*Patron - Purkey*

**FHJ225 Study; pilot indigent pharmacy program.** Requesting the Technical Advisory Panel of the Virginia Indigent Health Care Trust Fund and the Department of Medical Assistance Services, in cooperation with the Virginia Department of Health, to develop a pilot indigent pharmacy program as a means of improving access to prescription medications for the indigent and uninsured. This is a recommendation of the Joint Commission on Health Care. **Letter** from the Speaker to the Technical Advisory Panel of the Virginia Indigent Health Care Trust Fund to conduct the study.

*Patron - Diamonstein*

**FHJ227 Study; public dental programs.** Requests the State Health Commissioner to examine the feasibility of establishing a public dental health program in those communities that do not currently have access to services. This is a recommendation of the Joint Commission on Health Care. **Letter** from the Speaker to the Commissioner of Health to conduct the study.

*Patron - DeBoer*

**FHJ237 Study; traumatic brain injury among individuals in juvenile detention homes.** Directs the Virginia Commission on Youth to study the incidence and treatment of traumatic brain injury among individuals in Virginia's 21 juvenile detention homes. **Letter** from the Speaker to the Virginia Commission on Youth to conduct the study.

*Patron - Scott*

**FHJ241 Study; bonus incentive program for state employees.** Establishes a joint subcommittee to study the merits and mechanics of establishing a bonus incentive program for state employees based on suggestions or improvements that

save money for the Commonwealth. **Letter** from the Speaker to the Department of Personnel and Training to conduct the study.

*Patron - Louderback*

**FHJ243 Study; speech-language pathology assistants.** Requests the Board of Health Professions, with the assistance of the Department of Education, to continue the study on the necessity of regulating the practice of speech-language pathology assistants. **Letter** from the Speaker to the Board of Health Professions, together with adopted amendments, to conduct the study.

*Patron - Brink*

**FHJ245 Study; access to news resources for the blind and visually impaired.** Requests the Department for the Visually Handicapped to study means of providing access to news for visually impaired individuals, including the services offered by the National Federation for the Blind of Virginia, Inc. **Letter** from the Speaker to the Department for the Visually Handicapped to conduct the study.

*Patron - Brink*

**FHJ246 Study; extraterritorial jurisdiction over health insurance.** Requests the Joint Commission on Health Care to study extraterritorial jurisdiction over group accident and sickness insurance policies issued outside Virginia. The study includes a determination whether, and to what extent, group accident and sickness insurance policies should provide the same benefits to all Virginia residents regardless of where the group policy is issued. **Letter** from the Speaker to the State Corporation Commission's Bureau of Insurance to conduct the study.

*Patron - Moran*

**FHJ250 Study; speedy trial.** Directs the Virginia State Crime Commission to study Virginia's speedy trial statute. **Letter** from the Speaker to the Virginia State Crime Commission to conduct the study.

*Patron - Black*

**FHJ252 Board of Housing and Community Development.** Requests the Virginia Board of Housing and Community Development to consider studying whether changes relating to chimney inspection standards designed to foster protection from carbon monoxide poisoning and address life safety matters relating to chimneys, fireplaces, vents, and solid fuel burning appliances should be made to the Uniform State-wide Building Code to reflect more closely current provisions of the National Fire Protection Association Code. **Letter** from the Speaker to the Virginia Housing Study Commission to conduct the study.

*Patron - Diamonstein*

**FHJ262 Study; telephone rates for inmates.** Requests the State Corporation Commission to study present charges for Department of Corrections' prison and jail inmate long-distance calling and recommend any alternatives for the provision of long-distance service to inmates. **Letter** from the Speaker to the State Corporation Commission to conduct the study.

*Patron - Almand*

**FHJ268 Study; Corporate citizenship** Establishes a joint subcommittee to study corporate citizenship within the Commonwealth. The study shall include (i) the history of corporate citizenship within the nation and the Commonwealth along with the current reemergence of interest in this area; (ii) the appropriateness of providing standard guidance for the preparation and dissemination of ethical and social impact



statements as part of such corporate citizenship; and (iii) the ways by which enhanced corporate citizenship can be encouraged and facilitated at the local and state levels. **Letter** from the Speaker to the Secretary of Commerce and Trade, the State Council of Higher Education, and the State Corporation Commission to conduct a joint study.

*Patron - Darner*

**FHJ271 Study; public school grievance procedure** Establishes a joint subcommittee to study the public school grievance procedure. **Letter** to the House Committee on Education to conduct the study. Identical to SJR 226.

*Patron - Drake*

**FHJ274 Study; CMSIP.** Requests a joint subcommittee to examine the current 12-month waiting period for those children eligible for the state children's health insurance program but who were previously covered or dropped from another insurance plan. **Letter** from the Speaker to the Department of Medical Assistance Services to conduct the study.

*Patron - Baskerville*

**FHJ276 Study; wage replacement to care for family members.** Requests the Department of Personnel and Training in conjunction with the Virginia Retirement System to study the feasibility of providing wage replacement benefits to state employees to cover absences covered under the Family and Medical Leave Act. **Letter** from the Speaker to the Department of Personnel and Training and the Virginia Retirement System to conduct a joint study

*Patron - Baskerville*

**FHJ287 Study; legislative process.** Directs the joint subcommittee to study the legislative process. Among the proposals to be considered are (i) encouraging prefiling of legislation; (ii) requiring prefiling of administrative measures; (iii) modifying procedures and deadlines for requesting, introducing, and considering legislation during the session; (iv) developing technology to make the process more expeditious, including filing legislation electronically; (v) managing interim meetings and activities, including designating specific times during the interim for standing committee and study group meetings and controlling the cost of legislative studies; and (vi) streamlining the process in any manner to improve its effectiveness and efficiency. **Letter** from the Speaker to the Joint Rules Committee to conduct the study.

*Patron - McDonnell*

**FHJ288 Study; nurses.** Requests the Joint Commission on Health Care, in collaboration with a number of professional nursing and medical care organizations, to identify specific and effective short- and long-term strategies to educate, train, recruit, and retain qualified nurses in Virginia. **Letter** from the Speaker to the Joint Commission on Health Care to conduct the study.

*Patron - McDonnell*

**FHJ290 Study; Department of Professional and Occupational Regulation; home inspectors.** Requests the Department of Professional and Occupational Regulation to study whether home inspectors should be certified or licensed by the Department in light of the fact that almost every residential real estate contract in the Commonwealth now includes condition that a home inspection occur prior to closing to protect the buyer from unknown structural defects in the home. **Letter** from the Speaker, together with adopted amendments to the Board of Professional and Occupational Regulations to conduct the study.

*Patron - McDonnell*

**FHJ293 Study; gifted students.** Establishes the Commission on the Educational Needs of Certain Underserved Gifted Students. The commission is requested to examine the issues and problems associated with the underrepresentation of minority and low-income students in gifted education programs and to make recommendations to ameliorate this problem. **Letter** from the Speaker to the Department of Education to continue the study.

*Patron - Christian*

**FHJ303 Study; homicides of the elderly** Establishes a joint subcommittee to study elderly homicide. In conducting its study, the joint subcommittee is directed to investigate undetected elderly homicide in order to develop information on the offenders, their victims, motives, means of death, investigative approaches and resources, indicators and awareness. **Letter** from the Speaker to the Virginia State Crime Commission to conduct the study.

*Patron - O'Brien*

**FHJ305 Study; appropriateness of the penalty for involuntary manslaughter.** Establishes a joint subcommittee to study of the appropriateness of the penalty for involuntary manslaughter. **Letter** from the Speaker to the Virginia State Crime Commission to conduct the study

*Patron - O'Brien*

**FHJ308 Study; expanded number, hours of operation, and mission of highway weighing stations.** Requests the Virginia Department of Transportation, with the assistance of the Department of State Police, to study expanding the number, hours of operation, and mission of highway weighing stations, to assess the desirability, feasibility, and cost/benefit of having more weighing stations, having them operate 24 hours a day and seven days a week, and performing safety inspections of trucks at the stations. **Letter** from the Speaker, together with the adopted amendment in the nature of a substitute, to the Virginia Department of Transportation to conduct the study.

*Patron - Bolvin*

**FHJ311 Study; changes in the Virginia Sales and Use Tax.** Examine the appropriate role of the sales and use tax in today's economy to ensure it is as fair and equitable as possible. **Letter** from the Speaker to the Commission Studying Virginia's State and Local Tax Structure for the 21st Century to conduct the study.

*Patron - Rhodes*

**FHJ313 Study; air transportation needs of high-tech business.** Requests the Center for Innovative Technology to study improvement needs at Virginia's regional airports in order to meet the demands and expectations of high-tech businesses. **Letter** from the Speaker, together with adopted amendments, to the Center for Innovative Technology to conduct the study.

*Patron - Devolites*

**FHJ314 Study; sales and use tax exemption for the infrastructure of the Internet.** Requests the Department of Taxation in conjunction with the Secretary of Technology to study the utility of a sales and use tax exemption for elements of the Internet's infrastructure in expanding the resources of the Internet to all Virginians. **Letter** from the Speaker to the Department of Taxation to conduct the study.

*Patron - Devolites*

**FHJ316 Study; cellular telecommunications.** Directs the Joint Commission on Technology and Science to study the

methods necessary to ensure compliance by local governments with the Federal Telecommunications Act of 1996. **Letter** from the Speaker to the Joint Commission on Technology and Science to conduct the study, and to request JCOTS to include the focus of HJR 251 in its study.

*Patron - Devolites*

**FHJ369 Study; palliative care.** Requests the Joint Commission on Health Care, in conjunction with the American Cancer Society, Hospice, the Medical Society of Virginia, the Virginia Nurses Association, the Virginia Pharmacists Association, the Hospital and Health Care Association, and the Virginia Cancer Pain Initiative, to study the issues involved in palliative care. **Letter** from the Speaker, together with adopted amendments, to the Joint Commission on Health Care to conduct the study

*Patron - Morgan*

**FHJ370 Study; postpartum depression, its effects and prevention** Requests the Department of Health to establish an interagency task force to study postpartum depression. This resolution describes the feeling of many women following child birth and the fact that this condition can result in a severe condition called depressive psychosis in which new mothers may experience rapid changes in mood, lose of interest in the baby, suicidal thoughts, and thoughts of harming the baby. The task force is to be composed of local health department representatives, the Chief Medical Examiner, representatives of law-enforcement, judges, the Board of Medicine, Board of Nursing, obstetricians and gynecologists, pediatricians, and others as the Commissioner deems appropriate. The task force will consider the etiology of postpartum depression, develop a profile of women suffering from this condition, determine the prevalence of the problem in Virginia and the extent to which information concerning the condition is available to women of child-bearing age, and recommend ways to treat postpartum depression, heighten the public's awareness of this condition, and sensitize physicians and other health care providers to the seriousness of this illness. The Department of Health and the task force will report in 2001. **Letter** from the Speaker to the State Health Department to conduct the study.

*Patron - Morgan*

**FHJ371 Study; hearing loss.** Requests the Department of Health to study strategies to prevent hearing loss from loud noises. This resolution notes the loud sounds that are prevalent in everyday life, such as television, radio, wash machines, automobiles, buses, motorcycles, lawnmowers, vacuum cleaners, garbage disposals, trucks, and music. The harmful effects of many loud noises on the structures of the ear are also described; however, noise-induced hearing loss is preventable if individuals would only practice good health habits to protect their hearing, such as wearing protective gear and being sensitive to the dangers of loud noise. The Department of Health will be advised by a task force of medical and other experts to be appointed by the Commissioner. The Department must report in 2001. **Letter** from the Speaker to the State Health Department to conduct the study.

*Patron - Morgan*

**FHJ378 Study; allocation of local funds to regional Governor's School Programs.** Requests the Board of Education and the Superintendent of Public Instruction, in conjunction with the Virginia Gifted Education Consortium, the Commission on Local Government and the Department of Planning and Budget, to study the feasibility and fiscal impact of a new mechanism for allocating local funds to regional Governor's School Programs. **Letter** from the Speaker to the Board of Education to conduct the study.

*Patron - Cantor*

**FJSJ77 Study; webcasting.** Directs the Joint Rules Committee to study and develop guidelines on webcasting (broadcasting over the Internet) and remote broadcasting by legislative entities. This resolution is a recommendation of the Joint Commission on Technology and Science. **Letter** from the Speaker to the Joint Rules Committee to conduct the study.

*Patron - Newman*

**FJSJ84 Study; institutionalization of children with developmental disabilities** Requests the Secretary of Health and Human Resources to study the institutionalization of children with developmental disabilities in nursing homes and other long-term care facilities. The study shall include (i) a determination of the actual number of children with developmental disabilities currently in nursing homes and long-stay institutional residences; (ii) the historical and current reasons why children reside in institutional settings; (iii) any barriers in the current delivery system to family and community care; (iv) identification of additional supports children need in order to be able to reside in family homes; and (v) how these supports can be provided. **Letter** from the Speaker requesting the Secretary of Health and Human Resources to conduct the study

*Patron - Miller, Y.B.*

**FJSJ86 Study; Corrections Compact.** Directs the Virginia State Crime Commission to study the Interstate Compact for Adult Offender Supervision. The Commission shall determine whether changes are necessary in the existing Compact and whether a revised Compact should be established and implemented to replace the existing Compact to improve data collection, reporting, and the sharing of information regarding the exchange of parolees and probationers between and among states. **Letter** from the Speaker to the Virginia State Crime Commission to conduct the study.

*Patron - Miller, Y.B.*

**FJSJ123 Study; plan for a four-year university in South Central Virginia.** Requests the State Council of Higher Education for Virginia, in direct collaboration with four members of the Joint Subcommittee to Study the Need for Increased Availability of Higher Education Services in South Central Virginia, to develop a plan for a four-year university in South Central Virginia. The plan must be developed after taking into consideration all available options, including, but not limited to, developing a branch of an existing university, while emphasizing that the existing institutions in the region, both public and private, must be bolstered by the new university. Other options for improving and increasing educational opportunities and access in the South Central region are also listed. **Letter** from the Speaker to the State Council of Higher Education to conduct the study.

*Patron - Hawkins*

**FJSJ126 Study; posting reduced truck speeds on entrance and exit ramps** Requests the Virginia Department of Transportation (VDOT) to study posting of reduced truck speeds on highway entrance and exit ramps whose geometry exposes heavy trucks to danger of tipping over. **Letter** from the Speaker to the Virginia Department of Transportation to conduct the study.

*Patron - Watkins*

**FJSJ133 Study; reduction of solid waste.** Directs the Commission on the Future of Virginia's Environment to examine strategies to reduce the amount of solid waste being deposited in Virginia's landfills. The Commission is to examine ways in which the state can encourage the use of alternative waste management practices in order to meet the goal of a 2 percent reduction in the amount of solid waste deposited in

Virginia's landfills by 2005. **Letter** from the Speaker to the Commission on the Future of Virginia's Environment to conduct the study

*Patron - Hanger*

**FSJ146 Study; incentives to promote employment opportunities for disabled workers.** Requests the Disability Commission to study the feasibility of offering tax and other incentives to technology companies as a means to create employment opportunities for disabled persons (those persons under a disability as defined under the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.) in positions that require an education or training in computer programming, engineering electronics, or other technology fields. **Letter** from the Speaker to the Disability Commission to conduct the study.

*Patron - Ticer*

**FSJ148 Study; youth suicide prevention plan.** Directs the Virginia Commission on Youth, with the assistance of the State Department of Health; the Department of Mental Health, Mental Retardation and Substance Abuse Services; the Department of Education; the Virginia Council on Coordinating Prevention; survivor groups; and other interested individuals to develop a comprehensive youth suicide prevention plan. **Letter** to the Commission on Youth to conduct the study.

*Patron - Houck*

**FSJ155 Study; Victims and witnesses.** Directs the Virginia State Crime Commission to study victim and witness safety. The Commission study shall consider ways to increase victim and witness safety before, during, and after trial, including through means used by other states, such as dispensing with preliminary hearings in cases deemed dangerous to victims or witnesses, use of secret grand jury indictments, use of investigative grand juries, and allowing police officers to summarize evidence, including hearsay evidence, at the preliminary hearing phase. **Letter** from the Speaker to the Virginia State Crime Commission to conduct the study.

*Patron - Stolle*

**FSJ156 Study; higher education technology curriculum for the twenty-first century.** Requests the Secretary of Education, Secretary of Technology, and Secretary of Commerce and Trade, in consultation with the Commonwealth's state-supported colleges and universities, the State Council of Higher Education for Virginia, and the Virginia Community College System, to develop a common, transferable set of competencies, and that public two-year and four-year institutions develop, together, the Higher Education Technology Curriculum for the Twenty-first Century to be offered as the core curriculum at each of the Commonwealth's state-supported colleges and universities. **Letter** from the Speaker to the Secretary of Education, the Secretary of Technology, the Secretary of Commerce and Trade, the State Council of Higher Education, and the Virginia Community College System to conduct the study, jointly.

*Patron - Stolle*

**FSJ169 Study; indigent care.** Requests the Joint Commission on Health Care, in cooperation with the Commonwealth's academic health centers, the Senate Finance and House Appropriations Committees, the Department of Planning and Budget, and the State Council of Higher Education for Virginia to study the feasibility of establishing a "risk-sharing" formula or other model of shared accountability for funding the cost of unreimbursed indigent care at the academic health centers. This is a recommendation of the Joint Commission on Health Care. **Letter** from the Speaker to the Joint Commission on Health Care to conduct the study.

*Patron - Bolling*

**FSJ190 Study; central registry for brain injury.** Requests the Disability Commission to evaluate the current system for reporting brain injuries to the central registry and for disseminating information to survivors and their families about available assistance. **Letter** from the Speaker to the Joint Commission on Health Care to conduct the study.

*Patron - Puller*

**FSJ197 Study; therapeutic interchange of drugs.** Requests the Department of Health's Center for Quality Health Care Services and Consumer Protection and the Bureau of Insurance of the State Corporation Commission to monitor consumer complaints regarding therapeutic exchange of chemically dissimilar drugs. In conducting the study, the Department and Bureau shall: (i) record and monitor all consumer complaints regarding the practice of therapeutic interchange received during a period of two years beginning July 1, 2000, and ending June 30, 2002; (ii) classify the consumer complaints that are received by the specific aspect of therapeutic interchange that gave rise to the complaint; and (iii) report their findings to the chairmen of the Senate Committee on Education and Health, the House Committee on Health, Welfare and Institutions, and the Joint Commission on Health Care. **Letter** from the Speaker to the Department of Health's Center for Quality Health Care Services and Consumer Protection and the Bureau of Insurance of the State Corporation Commission to conduct the study.

*Patron - Lambert*

**FSJ210 Study; volunteering services and technology to public schools.** Directs the Commission on Educational Infrastructure and Technology to study ways to increase the involvement of businesses, organizations, and individuals in volunteering services and providing technology to all public schools and school divisions. **Letter** from the Speaker to the Commission on Educational Infrastructure and Technology to conduct the study.

*Patron - Miller, Y.B.*

**FSJ217 Study; urban BMPs.** Directs the Commission on the Future of Virginia's Environment to study the need to expand the best management practices for the nonpoint source pollution program to include urban land uses. **Letter** from the Speaker to the Commission on the Future of Virginia's Environment to conduct the study

*Patron - Hanger*

**FSJ219 Study; not-for-profit competition.** Requests the Commonwealth Competition Council to conduct a study of the ongoing or permanent commercial activities of not-for-profit organizations. The study shall also consider the effects of such activities on state revenues. **Letter** from the Speaker to the Commonwealth Competition Council to conduct the study.

*Patron - Hanger*

**FSJ226 Public school grievance procedure.** Directs the Commission on Educational Accountability to study the public school grievance procedure. In conducting its study, the Commission shall consider and evaluate the continuing contract statutes and case law for instructional and administrative personnel. The study shall include, but not be limited to: (i) thorough review of the statutory grievance procedure, (ii) an examination of the benefits and disadvantages of the continuing contract system relative to the provisions of the grievance procedure, (iii) the extent to which statutes governing the rights of principals and supervisors are not consistent with those of teachers, and (iv) how the grievance procedure is applied at public colleges and universities and for state employees. The study shall consider any existing guidelines

for the evaluation of teachers, the development of a model teacher evaluation form, and the development of a comprehensive training program for the evaluation of school administrators and teachers, which includes the proper use of the teacher and administrator evaluation forms. **Letter** from the Speaker to the House Committee on Education to conduct the study. Identical to HJR 271.

*Patron - Rerras*

**FSJ228 Study; nurses.** Requests the Joint Commission on Health Care, in collaboration with several professional nursing and medical care organizations, to identify specific and effective short- and long-term strategies to educate, train, recruit and retain qualified nurses in Virginia. The request to conduct the study is contingent upon the availability of sufficient resources to the Joint Commission on Health Care to undertake the study. **Letter** to the Joint Commission on Health Care to conduct the study.

*Patron - Ticer*

**FSJ232 Study; funding the Standards of Quality.** Directs the Joint Legislative Audit and Review Commission to study the funding of the Standards of Quality and local educational programs and services that exceed the minimum requirements of the Standards of Quality in the Commonwealth. The Commission is requested, among other things, to (i) review current statutory, constitutional, and budgetary provisions governing the calculation of SOQ costs and funding; (ii) identify and review the educational programs and services of local school divisions that exceed the Standards of Quality and that are not currently funded by the Standards of Quality; (iii) determine the extent to which local educational programs and services that exceed the Standards of Quality are within the locality's ability to pay; (iv) review the Department of Education's process and procedure for calculating and distributing state funds based on the current funding methodology; (v) determine the need to develop a formula to fund local educational programs and services that exceed the Standards of Quality and recommend appropriate options; and (vi) evaluate the need to adjust the current basic school aid formula and determine the efficacy of devising an alternative method for funding public education in Virginia that is sufficient to meet the actual costs of education. The Joint Legislative Audit and Review Commission is to submit its findings and recommendations by June 1, 2001. **Letter** from the Speaker to the Joint Legislative Audit and Review Commission to conduct the study.

*Patron - Stolle*

**FSJ235 Study; the hearing officer system and appeals of special education decisions.** Directs the Administrative Law Advisory Committee, an agency established to advise the General Assembly concerning the Administrative Code and other legal matters relating to administrative procedures, to study the hearing officer system and appeals of special education decisions. The resolution notes recent proposed revisions of the special education regulations, which have made some improvements in the hearing officer system vis-a-vis special education hearings. However, parents of disabled children and their attorneys do not believe that these efforts are enough. The Committee is directed to consult with the parents of disabled children and their attorneys concerning the problems experienced and to address any allegations of inappropriate ex parte contact, judge shopping techniques, insufficient training in conducting the hearings, and the lack of hearing officer expertise in the relevant law. **Letter** from the Speaker to the Administrative Law Advisory Committee to conduct the study.

*Patron - Edwards*

**FSJ240 Study; the use of cameras, monitors, and other appropriate electronic surveillance equipment by schools.** Directs the Virginia State Crime Commission to study the use of cameras, monitors, and other appropriate electronic surveillance equipment by school divisions. This resolution describes recent violent events across the nation and notes the use of cameras, monitors, and other appropriate electronic surveillance equipment in other states to keep schools safe and to prevent violence. **Letter** to the Virginia State Crime Commission to conduct the study.

*Patron - Newman*

## Carried Over

**CHJ68 Study; locations for rail stations along the I-66 corridor.** Requests the Virginia Department of Transportation and the Virginia Department of Rail and Public Transportation to identify (i) preferred locations for passenger rail stations along the Interstate Route 66 corridor, (ii) potential sources of revenues to support construction of such stations, and (iii) necessary legislative and other actions needed to begin the accumulation of financial and other resources required for the construction of those stations. This resolution has been carried over to the 2001 Session of the General Assembly.

*Patron - McClur*

**CHJ230 Study; law relating to juvenile driving.** Requests the Joint Legislative Audit and Review Commission to study Virginia's laws relating to juvenile drivers and assess their effectiveness. This resolution has been carried over to the 2001 Session of the General Assembly.

*Patron - Parrish*

**CHJ238 Study; Northern Virginia Regional Transportation Authority.** Establishes a 15-member joint subcommittee to study consolidation of transportation authorities and similar entities in Northern Virginia. This resolution has been carried over to the 2001 Session of the General Assembly.

*Patron - Scott*

**CHJ240 Study; four-year college in Virginia Beach.** Establishes an 11-member joint subcommittee to be established to study the need for a public four-year institution of higher education in the metropolitan Virginia Beach area. The joint subcommittee is to review the policies and procedures, if any, for the establishment of colleges in Virginia and examine (i) regional and potential student demographics; (ii) area educational levels as well as high school and college graduation rates; (iii) the status of economic development of the metropolitan Virginia Beach area; (iv) the availability of appropriate facilities, space, and grounds for the construction or location of a college, including the feasibility and appropriateness of transforming the existing higher education center operated by Old Dominion University and Norfolk State University into a separate, four-year institution; (v) the availability of qualified instructors, administrators, and staff; (vi) the study disciplines and degrees that might be offered at such an institution; (vii) the potential costs of establishing the college; (viii) community and local government support for the college; (ix) consultation with the State Council of Higher Education and other relevant entities regarding the establishment of a college; and (x) such other issues as it deems necessary. The joint subcommittee is to report to the Governor and the 2001 Session of the General Assembly. This resolution has been carried over to the 2001 Session of the General Assembly.

*Patron - Tata*

**CHJ258 Study; Department of Professional and Occupational Regulation** Requests the Virginia Department

of Professional and Occupational Regulation (DPOR) to study the need for and, if required, issue regulations establishing a certification program for chimney safety professionals as part of the DPOR contractor licensure program. This resolution has been carried over to the 2001 Session of the General Assembly.

*Patron - Williams*

**☐HJ259 Study; training and retaining child care workers.** Establishes a joint subcommittee to study ways to improve the education, training, financial rewards, and job stability of child care professionals in order to enhance child day care program quality in the Commonwealth. This resolution has been carried over to the 2001 Session of the General Assembly.

*Patron - Scott*

**☐HJ299 Study; Implementation of Federal Mandates Act.** Directs the Joint Legislative Audit and Review Commission to study state compliance with the Implementation of Federal Mandates Act. This resolution has been carried over to the 2001 Session of the General Assembly.

*Patron - Katzen*

**☐SJ8 Study; hub airport in Eastern Virginia** Creates a 12-member joint subcommittee to study the feasibility of establishing a hub airport in Eastern Virginia.

*Patron - Williams*

**☐SJ8 Study; highway construction project criteria.** Authorizes a seven-member joint subcommittee to study criteria and procedures for selecting highway construction projects for inclusion in the Commonwealth Transportation Board's Six-Year Improvement Program.

*Patron - Williams*

**☐SJ167 Study; preserving open-space.** Requests the Department of Conservation and Recreation to study future land use along Paradise Creek and to recommend ways the Commonwealth might participate in the development of a public park and recreational area.

*Patron - Quayle*

**☐SJ174 South-central Virginia Economic Development Commission.** Establishes the South-central Virginia Economic Development Commission, a 20-member group, for the purpose of implementing initiatives to turn the economy in the South-central area of Virginia in a new direction. This resolution defines "South-central Virginia" as the communities of interest bordered in the south by the state line between North Carolina and the counties of Patrick, Henry, Pittsylvania, Halifax, Mecklenburg and Brunswick, proceeding north to include the counties of Franklin and Campbell and the City of Lynchburg, then proceeding northeast to include the county of Appomattox, then turning south again to include the county of Prince Edward, Charlotte, and Lunenburg, thus closing the line and subsuming all cities and towns located within these named jurisdictions, e.g., Martinsville, Danville, Farmville, and Lynchburg. The Commission will be, if funds are appropriated, empowered to hire a consultant who must be an expert in writing grants to be submitted to foundations and various agencies of the federal government in such areas as rural health care, job training and development, tourism, and education. The Commission's purpose will be to develop at least three initiatives to augment the economy of South-central Virginia, through grants and special projects. The consultant may be required to produce a brochure highlighting the qualities, attractions, people, and history of South-central Virginia. The Division of Legislative Services, the consultant, and, if available, the Rural Economic Analysis Program at Virginia Poly-

technic Institute and State University will provide staff assistance. This study's cost will not exceed \$205,400.

*Patron - Hawkins*

**☐SJ189 Study; Internet voting.** Directs the Joint Commission on Technology and Science to review developments in the practical application of online voting in the Commonwealth, its use in other states, issues of security and ballot secrecy, and the costs and potential cost savings for Virginia's localities of introducing this technology into the Commonwealth's election process.

*Patron - Couric*

**☐SJ211 Study; legislative internship program.** Establishes a select committee to study the feasibility of the establishment of the Virginia Legislative Internship Program.

*Patron - Miller, Y.B.*

**☐SJ213 Study; water quality monitoring system.** Directs the Joint Legislative Audit and Review Commission to study the progress made by the Department of Environmental Quality toward full implementation of the Water Quality Monitoring, Information and Restoration Act.

*Patron - Whipple*

**☐SJ229 Study; Crime Commission; identity fraud.** Directs the Virginia State Crime Commission to study identity fraud and theft.

*Patron - Ticer*

**☐SJ251 Study; Interstate Route 81 reconstruction and widening.** Establishes a 15-member advisory commission to serve as an institutional link between the Department of Transportation and affected communities, businesses, and citizens during the reconstruction and widening of Interstate Route 81. The panel is to report to the Governor and the 2001 Session of the General Assembly.

*Patron - Hanger*

## Other Resolutions

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### Passed

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**☐HJ62 Education web portal.** Requests the Virginia Information Providers Network Authority, in association with the Virginia Information Providers Network, to create a common gateway to serve as a web portal for educational information and services similar to that created by the Authority for government information and services. The web portal would provide a fast, convenient access to educational information and services for all Virginians interested in such information and services. The resolution requests that the web portal include information on the procurement of educational technology compiled from the Department of General Services' central electronic procurement website and other appropriate websites. This resolution is a recommendation of the Joint Commission on Technology and Science.

*Patron - Plum*

**☐HJ65 Electronic commerce.** Expresses the sense of the General Assembly that state agencies and institutions take such steps as are necessary to ensure that the Commonwealth is fully engaged in electronic commerce by July 1, 2002.

*Patron - Nixon*

**PHJ71 Voluntary school prayer.** Urges Congress to propose a constitutional amendment to allow for voluntary school prayer in public schools.

*Patron - Landes*

**PHJ103 Funding of rest stops.** Urges Congress to provide additional federal funding for construction of new interstate highway rest stops and expansion of existing rest stops in order to provide truckers with places to rest and thus improve highway safety.

*Patron - McQuigg*

**PHJ127 Greek Independence Day.** Designates March 25, 2000, as Greek Independence Day in Virginia in honor of the anniversary of Greece's successful struggle for self-determination.

*Patron - Joannou*

**PHJ133 Battle of Great Bridge.** Commemorates the 225th anniversary of the Battle of Great Bridge in which the Second Virginia Regiment defeated the British at the first land battle of the American Revolution fought on Virginia soil.

*Patron - Blevins*

**PHJ148 Quilt Museum.** Designates the Virginia Quilt Museum in Harrisonburg as the Official Quilt Museum of the Commonwealth.

*Patron - Weatherholtz*

**PHJ150 National World War II Memorial.** Expresses the support of the General Assembly for Virginia's contribution to the completion of the memorial, and encourages citizens of the Commonwealth and the governments of the other states to contribute.

*Patron - Davis*

**PHJ163 National Airborne Day in Virginia.** Designates August 16, in 2000 and in each year thereafter, as National Airborne Day in Virginia, in honor of the courage and sacrifice of America's paratroopers.

*Patron - Jones, J.C.*

**PHJ165 Rail service to Dulles.** Expresses the sense of the General Assembly that the General Assembly, the Governor, and executive branch should work cooperatively to bring about extension of Metrorail service through Tyson's Corner to Dulles Airport.

*Patron - Plum*

**PHJ168 Long-term care.** Urges Congress to protect senior assets from liquidation to meet the eligibility requirements for federal medical and long-term care benefits.

*Patron - Larrabee*

**PHJ171 Support of rail transportation.** Expresses the sense of the General Assembly that greater attention and resources should be devoted to rail transportation in Virginia.

*Patron - Shuler*

**PHJ199 Race and ethnicity classifications** Encourages state agencies and private sector health-related organizations to adopt the new federal race and ethnicity classifications and to implement administrative practices to comply with new federal standards.

*Patron - Melvin*

**PHJ204 Virginia FFA Day** Proclaims February 24, 2000, as Virginia FFA Day, in honor of the many contributions of the Future Farmers of America to the Commonwealth.

*Patron - Orrock*

**PHJ207 Army Museum at Fort Belvoir.** Urges the Congress of the United States to establish the national United States Army Museum at Fort Belvoir

*Patron - Albo*

**PHJ210 National World War II Memorial.** Expresses the support of the General Assembly for Virginia's contribution to the completion of the memorial, and encourages citizens of the Commonwealth and the governments of the other states to contribute.

*Patron - Watts*

**PHJ214 Importation of waste.** Urges Congress to enact legislation giving states and localities the power to control the importation of waste into their jurisdictions.

*Patron - Plum*

**PHJ242 Health; advance directives.** Requests the Virginia Board of Medicine, the Medical Society of Virginia, the Old Dominion Medical Society, the Virginia Academy of Family Physicians, the Virginia Hospital and Healthcare Association, the Virginia Healthcare Association, the Virginia Association of Non-Profit Homes for the Aging, the Virginia Association for Home Care, the Virginia Bar Association, the Virginia State Bar, and other appropriate entities to encourage their members to promote greater awareness of advance directives. This is a recommendation of the Joint Commission on Health Care.

*Patron - Brink*

**PHJ260 Virginia Center for Community Health.** Requests the Governor, with the support and assistance from participants in the Virginia Turning Point initiative, to encourage and facilitate the development of a Virginia Center for Community Health between the public and private sector.

*Patron - Bloxom*

**PHJ261 Farm and forest lands.** Requests all entities that exercise eminent domain powers to recognize the intrinsic value of farm and forest lands.

*Patron - Orrock*

**PHJ270 Day of National Concern About Young People and Gun Violence.** Recognizes October 17, 2000, as the Day of National Concern About Young People and Gun Violence in Virginia and urges Virginia's school districts to give their students the opportunity to sign the Student Pledge Against Gun Violence.

*Patron - Almand*

**PHJ283 Medicaid benefits for individuals displaced by NAFTA.** Urges Congress to enhance the benefits for individuals eligible for NAFTA transitional adjustment assistance by providing expanded and short-term eligibility for medical assistance services to such individuals and their families.

*Patron - Armstrong*

**PHJ284 NAFTA retraining benefits.** Urges Congress to increase the amount of time for NAFTA retraining benefits from 52 weeks to 78 weeks.

*Patron - Armstrong*

**PHJ289 Charitable choice.** Requests the Secretary of Health and Human Resources to designate an individual in that

office to act as a liaison to provide information and other resource assistance in the implementation of the "charitable choice" provision of the 1996 Personal Responsibility and Work Reconciliation Act, which allows faith-based, private, and charitable groups to compete with other organizations and be considered for contracts with the state to provide social services.

*Patron - McDonnell*

**[P]HJ298 Armenian Genocide.** Designates April 24, 2000, as Virginia Day of Remembrance of the Armenian Genocide of 1915-1923.

*Patron - Cantor*

**[P]HJ300 Personal safety education in public schools.** Requesting the Board of Education to join with the state boards of education for the states of Maryland, West Virginia, Kentucky, Tennessee and North Carolina to encourage the inclusion of personal safety education in the public school curriculum and to encourage a similar program within the private schools.

*Patron - Katzen*

**[P]HJ301 Virginia Naturally 2000.** Recognizes Virginia Naturally 2000 as the Commonwealth's official environmental education initiative goals. The environmental educational initiative, launched by the Governor and spearheaded by the Secretary of Natural Resources, is designed to coordinate environmental education efforts among Virginia's state agencies, federal agencies, local governments, private industry and business, nonprofit environmental organizations, public and private school systems.

*Patron - Katzen*

**[P]HJ310 Consumer credit reporting.** Urges Congress to amend the Fair Credit Reporting Act to prohibit credit reporting agencies from using information related to the number of inquiries in a consumer's credit report to determine the consumer's overall rating.

*Patron - Robinson*

**[P]HJ372 Sustainable Forestry Initiative.** Encourages the public, forest landowners, environmental organizations, and resource agencies to support the forest industry's Sustainable Forestry Initiative and its objectives of increasing knowledge, understanding, professionalism, and stewardship that will foster the sustained yield of all benefits, economic and ecological, from Virginia's forests for the present as well as for all future generations.

*Patron - Pollard*

**[P]HJ384 Antibiotics.** Endorses the recommendation of the federal Centers for Disease Control and Prevention and the American Academy of Pediatrics regarding the overuse of antibiotics and urges Virginia's health care professionals and managed care plans to adopt those recommendations.

*Patron - Morgan*

**[P]HJ385 Importation of municipal solid waste.** Urges the Congress of the United States to enact the Solid Waste Interstate Transportation and Local Authority Act of 1999 (HR 1190) that gives state and local governments additional authority to regulate the importation of municipal solid waste into their jurisdictions.

*Patron - Davis*

**[P]HJ386 Scottish-American Heritage Month.** Designates September as Scottish-American Heritage Month in Vir-

ginia, in honor of the many contributions of Virginians of Scottish descent.

*Patron - Grayson*

**[P]HJ399 Kid's Day.** Designates June 4, 2000, and the first Sunday in June in each succeeding year, as Kid's Day in the Commonwealth.

*Patron - Drake*

**[P]HR3 House of Delegates; portrait of the former Speaker.** Authorizes the painting of a portrait of former Speaker of the House of Delegates Thomas Warren Moss, Jr. to be hung in the Chamber of the House.

*Patron - Wilkins*

**[P]HR4 Confirming nominations to the House Ethics Advisory Panel.** Confirms the nominations of the Speaker to appoint the Honorable Bernard S. Cohen and Mrs. Phyllis E. Galanti to four-year terms commencing July 1, 2000.

*Patron - Reid*

**[P]HR6 Coal Industry Retiree Health Benefit Act.** Memorializes the President of the United States and the Congress to work together to reform the financial structure of the Coal Industry Retiree Health Benefit Act.

*Patron - Stump*

**[P]SB568 Virginia Biotechnology Research Park Authority, powers and duties.** Amends the powers and duties of the Virginia Biotechnology Research Park Authority. The bill allows the President of Virginia Commonwealth University, the Mayor for the City of Richmond, and the Secretary of Commerce and Trade (the three ex officio members of the Authority's board of directors) to appoint designees who are entitled to exercise all powers of their designators and to perform all related functions. In addition to the Authority's existing power to issue bonds, the bill allows the Authority to borrow money; to create entities to facilitate activities or programs; to participate in joint ventures; and to assist entities that the Authority may create or entities with whom the Authority may participate in joint ventures.

*Patron - Rerras*

**[P]SJ35 Health care for military retirees.** Memorializes Congress to pass "The Keep Our Promise to America's Military Retirees Act." The Act fulfills the broken promise to retirees, who entered the uniformed services prior to June 7, 1956, by extending to them coverage under the Federal Employees Health Benefits Program (FEHBP) paid entirely by government contributions. In addition, the Act reestablishes adequate health care to all military retirees by allowing them to participate in the FEHBP program.

*Patron - Schrock*

**[P]SJ41 Education web portal.** Requests the Virginia Information Providers Network Authority, in association with the Virginia Information Providers Network, to create a common gateway to serve as a web portal for educational information and services similar to that created by the Authority for government information and services. The web portal would provide a fast, convenient access to educational information and services for all Virginians interested in such information and services. The resolution requests that the web portal include information on the procurement of educational technology. This resolution is a recommendation of the Joint Commission on Technology and Science.

*Patron - Howell*

**[P]SJ92 Site of the United States Army Museum.** Urges Congress and the Secretary of the Army to select Fort

Belvoir, Virginia, as the site of the United States Army Museum, the creation of which has been authorized by Congress.

*Patron - Puller*

**PSJ9 Medicaid benefits for individuals displaced by NAFTA.** Urges Congress to enhance the benefits for individuals eligible for NAFTA transitional adjustment assistance by providing expanded and short-term eligibility for medical assistance services to such individuals and their families.

*Patron - Reynolds*

**PSJ9 NAFTA retraining benefits.** Urges Congress to increase the amount of time for NAFTA retraining benefits from 52 weeks to 78 weeks.

*Patron - Reynolds*

**PSJ109 Virginia byways.** Requests the Virginia Department of Transportation, in conjunction with the Commonwealth Transportation Board, to encourage local governments to nominate additional eligible roads for Virginia byway designation.

*Patron - Ticer*

**PSJ125 Health care benefits for active duty and retired military personnel.** Urges Congress to restore full health care service benefits to active duty and military retirees. In 1995, federal legislation was enacted that eliminated the right to free, quality, lifetime medical care to persons in the military who serve 20 years or more. Due to the elimination of this guarantee and the closing and downsizing of numerous military medical facilities, military retirees on a fixed income, in particular, have difficulty accessing health care and cannot afford out-of-pocket costs for medical services and prescriptions.

*Patron - Schrock*

**PSJ129 Naming the tower at the Air and Space Museum.** Urges the Smithsonian Institute to name the tower, to be located at the new Air and Space Museum at Dulles International Airport, the "Donald D. Engen Tower."

*Patron - Colgan*

**PSJ147 Exceptional Children's Week.** Designates the week of February 14-18, 2000, and the third week in February in each succeeding year, as Exceptional Children's Week in Virginia, in recognition of the outstanding efforts of educators and organizations to bring the benefits of education to Virginia's exceptional children.

*Patron - Houck*

**PSJ157 Virginia Center for Community Health.** Requests the Governor, with the support and assistance from participants in the Virginia Turning Point initiative to encourage and facilitate the development of a Virginia Center for Community Health between the public and private sector.

*Patron - Quayle*

**PSJ163 Long-term care.** Urges Congress to protect senior assets from liquidation to meet the eligibility requirements for federal medical and long-term care benefits.

*Patron - Forbes*

**PSJ175 Environmental education** Recognizes Virginia Naturally 2000 as the official environmental education initiative goals of the Commonwealth.

*Patron - Hawkins*

**PSJ178 Medicaid; low-income programs.** Encourages Virginia's aging community, advocacy groups, and health

care professional organizations to include information in their publications and activities that would educate their members about Medicaid assistance programs for low-income Medicare beneficiaries. In educating their members, the organizations are encouraged to gain and share knowledge about the benefits and general eligibility requirements for these programs and to encourage enrollment in these programs by eligible elderly and disabled individuals in their communities. This is a recommendation of the Joint Commission on Health Care.

*Patron - Schrock*

**PSJ195 Quilt Museum.** Designates the Virginia Quilt Museum in Harrisonburg as the Official Quilt Museum of the Commonwealth.

*Patron - Miller, K.G.*

**PSJ196 Battle flag of the 28th Virginia Infantry Regiment.** Urges the Governor of Minnesota and the Minnesota Legislature to expedite the return of the battle flag of the 28th Virginia Infantry Regiment captured during Pickett's Charge at the Battle of Gettysburg. The battle flag is currently in the possession of the Minnesota Historical Society.

*Patron - Trumbo*

**PSJ222 Increase funding for HBCUs; Urges the Congress to increase funding for Historically Black Colleges and Universities (HBCUs) an financial aid for middle income students.** This resolution is a recommendation of the Commission on Access and Diversity in Higher Education.

*Patron - Marsh*

**PSJ244 Voluntary citizen review panels.** Encourages local governing bodies to establish voluntary citizen review panels to present the views of citizens before the governing body, further communication between citizens and police departments, and represent citizens in seeking resolution to problems with police departments. This resolution is a recommendation of the Joint Subcommittee Studying the Status and Needs of African-American Males in Virginia.

*Patron - Maxwell*

**PSJ246 Education and job training programs and pastoral care services.** Encourages the Departments of Corrections and Juvenile Justice Services to increase their educational programs and to strengthen and improve transition services in order to reduce recidivism among their respective populations. The Departments of Corrections and Juvenile Justice are also encouraged to provide more space and opportunities to accommodate inmates' needs for spiritual counseling and pastoral care. This resolution is a recommendation of the Joint Subcommittee Studying the Status and Needs of African-American Males in Virginia.

*Patron - Maxwell*

**PSJ249 Grand Caverns and Natural Chimneys Regional Parks.** Requests the Department of Conservation and Recreation to develop a plan, in conjunction with localities comprising the Upper Valley Regional Park Authority, for a possible partnership with the state or the gradual conversion to state ownership and operation of Grand Caverns and Natural Chimneys Regional Parks.

*Patron - Hanger*

**PSJ250 Resolution; social services.** Requests the Governor to direct all executive agencies to review their policies and procedures for the delivery of services under their purview to maximize the "charitable choice" provision in federal law efficiently and in a manner which meets constitutional scrutiny.

*Patron - Hanger*



**PSJ253 Payment vouchers.** Encourages the Department of Social Services to develop a payment voucher system for reimbursement of services provided to clients.

*Patron - Hanger*

**PSJ255 Dairy industry.** Urges Congress to protect Virginia's dairy industry by approving the Southern Dairy Compact and ensuring that the federal Clean Water Act is implemented in a way that does not place an undue burden on farmers.

*Patron - Reynolds*

**PSJ266 Vietnam War "In Memory" plaque.** Urges Congress to pass the Vietnam Veterans Recognition Act of 1999, which authorizes a memorial plaque within the current Vietnam Memorial to recognize those veterans who died after their service in Vietnam, but as a direct result of that service.

*Patron - Puller*

## Failed

**FHJ12 Resolution; Chesapeake 2000 Agreement.** Requests the Governor to sign an agreement which contains a commitment to reduce the rate of conversion of forest and agricultural land to development by 30 percent.

*Patron - Murphy*

**FHJ120 Virginia Livestock Center.** Designates the Rockingham County Fairgrounds as the Virginia Livestock Center of the Shenandoah Valley.

*Patron - Weatherholtz*

**FHJ123 Completion of the US Route 58 Improvement Program.** Memorializes the Virginia Department of Transportation to complete the U. S. Route 58 Improvement Program as expeditiously as possible.

*Patron - D y*

**FHJ180 Blue crab management.** Expresses the General Assembly's recognition of the importance of the Virginia Marine Resources Commission to develop an effective Blue Crab Management Plan.

*Patron - Pollard*

**FHJ221 Virginia Long-Term Care Foundation created.** Creates the Virginia Long-Term Care Foundation, similar to the Virginia Health Care Foundation, to provide financial and technical support, in the form of grants, donations, or other assistance, to promote the development of innovative regional and local long-term care strategies and best practices. Membership of the foundation board consists of 14 persons representing the legislature and appointees of the Governor. The leadership of the various affected state agencies shall serve as nonvoting, ex officio members. A separate budget amendment has been prepared. This is a recommendation of the Joint Commission on Health Care. **Letter** from the Speaker to the Governor encouraging him to establish the Virginia Long-Term Care Foundation. Identical to SJR 158.

*Patron - Hamilton*

**FHJ233 Parent Educational Advocacy Training Centers.** Requests the Board of Education to inform school divisions, parents, and advocates of children with disabilities of the services offered by the Parent Educational Advocacy Training Centers to support parents and families of disabled children. The Board shall provide a listing of regional Parent Educational Advocacy Training Centers in Virginia, including information that services are free of charge and information regarding contact persons and a description of the services offered. This resolution is a recommendation of the Joint Sub-

committee Studying the Overrepresentation of African-American Students in Special Education Programs **Letter** from the Speaker to the Board of Education requesting it to disseminate such information.

*Patron - McEachin*

**FHJ292 State Council of Higher Education; outreach, recruitment and retention programs.** Requests the State Council of Higher Education to encourage institutions of higher education to establish outreach, recruitment and retention programs to provide poor and minority students the opportunity to pursue undergraduate, graduate and professional education. This resolution is a recommendation of the Commission on Access and Diversity in Higher Education **Letter** from the Speaker to the State Council of Higher Education requesting the Council to notify higher education institutions accordingly.

*Patron - Barlow*

**FHJ295 State Council of Higher Education (SCHEV); costs of higher education** Expresses support for the State Council of Higher Education's proposal that the General Assembly fund 100 percent of "true need" to assist students and their families in meeting the real costs of higher education. Funding 100 percent of "true need" will allow more poor and minority students, and others who would not be able to afford college, to seek higher education. The Commission on Access and Diversity in Higher Education supports the Council's proposal that an additional \$6 million per year be appropriated to meet 100 percent funding of true need to reduce student debt burden system-wide. The Commission also requests that the General Assembly consider the Council's proposal and any other available ways of relieving financial pressures on college students, including increasing the availability of financial aid and lowering higher education costs. This resolution is a recommendation of the Commission on Access and Diversity in Higher Education.

*Patron - Christian*

**FHJ306 Advisory board on commercial driver training schools.** Requests the Governor to appoint an advisory board on commercial driver training schools to facilitate communications between the Commissioner of the Department of Motor Vehicles and the commercial driver training schools of Virginia, in order to improve the effectiveness of the regulation of those schools in the interest of all Virginians.

*Patron - O'Brien*

**FHJ309 Memorializing Congress; health care.** Memorializing Congress and the President to enact revisions to the Balanced Budget Act of 1997 to address the severe financial impact that this legislation is having on the Commonwealth's academic health centers, and to review how certain aspects of the BBA have been interpreted and implemented by the U.S. Health Care Financing Administration.

*Patron - Hall*

**FHJ312 Communication, collaboration, and cooperation among the public and higher education systems and the Virginia General Assembly.** Encourages the Secretary of Education to facilitate communication, collaboration, and cooperation among the public and higher education systems, and the Virginia General Assembly to establish a K-16 continuum. The Secretary of Education is also requested to apprise the Commission on Access and Diversity in Higher Education regarding progress toward accomplishing the objectives, initiatives that promote the K-16 continuum, and dialogue with the community and business to strengthen support for public and higher education, and efforts to ensure better articulation and alignment of curricula between public and higher education. The Secretary shall also recommend

to the Commission by December 1, 2000, any changes to existing state laws that are necessary to assist public and higher education agencies in accomplishing their individual missions and the objectives of this resolution. **Letter** from the Speaker to the Secretary of Education encouraging him to facilitate communication, collaboration, and cooperation among the public and higher education systems, and the Virginia General Assembly to establish a K-16 continuum.

*Patron - Rhodes*

**FHJ426 Communications Education Week.** Recognizes April 2 through April 8, 2000, as Communications Education Week in Virginia and commends six inductees into the Virginia Communications Hall of Fame.

*Patron - Cox*

**FHJ427 Global Nomads International Day.** Designates October 14, 2000, as Global Nomads International Day in the Commonwealth.

*Patron - Tata*

**FHJ429 Pearl S. Buck Month.** Designates April as Pearl S. Buck Month in Virginia.

*Patron - Bryant*

**FHJ430 Sheikh Hasina Day.** Designates April 8, 2000, as Sheikh Hasina Day in Virginia to honor the recipient of the Pearl S. Buck Award.

*Patron - Bryant*

**FSJ3 Resolution; Chesapeake 2000 Agreement.** Requests the Governor to sign an agreement which contains a commitment to reduce the rate of conversion of forest and agricultural land to development by 30 percent.

*Patron - Gartlan*

**FSJ158 Virginia Long-Term Care Foundation.** Encourages the Governor, with the support and assistance of the General Assembly, to facilitate the establishment of the Virginia Long-Term Care Foundation. A separate budget amendment has been prepared to fund the Foundation. This is a recommendation of the Joint Commission on Health Care. **Letter** from the Speaker to the Governor requesting that he apprise the 2001 General Assembly of any action that he may take regarding the resolution. Identical to HJR 221.

*Patron - Schrock*

**FSJ165 Certified nurse aides.** Requests the State Council of Higher Education for Virginia to work with Virginia nursing schools to encourage students to obtain certified nurse aide credentials early in their nursing training to meet the anticipated shortage of nurse aides in future years as our population

ages and demand for long-term care in nursing facilities increases. **Letter** from the Speaker to the State Council of Higher Education to conduct the study.

*Patron - Martin*

**FSJ201 Metropolitan Washington Regional Transportation Act.** Urges Congress to approve the Metropolitan Washington Regional Transportation Act.

*Patron - Saslaw*

**FSJ203 National air traffic control and airport infrastructure deficiencies.** Urges the Congress of the United States and requests the United States Secretary of Transportation and the Governor of Virginia to provide leadership in bringing together interested parties to resolve the nation's air traffic control and airport infrastructure deficiencies.

*Patron - Saslaw*

**FSJ247 Commissioners for Promotion of Uniformity of Legislation.** Requests the Virginia Commissioners for Promotion of Uniformity of Legislation to encourage the National Conference of the Commissioners for Promotion of Uniformity of Legislation to establish a special committee to develop a model act relating to concealed handgun permits and licenses, and that the National Conference use Virginia's current statute as the special committee's guide.

*Patron - Hanger*

**FSR3 Judicial nominations.** Increases the responsibility of the Committee for Courts of Justice in the selection process of persons elected to the Supreme Court of Virginia and the Virginia Court of Appeals. In addition to qualifying candidates for these courts, the Committee will nominate qualified candidates for consideration by the Senate.

*Patron - Edwards*

## Carried Over

**CHJ279 Memorializing Congress; federal judiciary.** Memorializes Congress to amend the United States Constitution to provide for 10-year terms for federal judges.

*Patron - Purkey*

**CSJ254 Piedmont Regional Criminal Justice Training Academy.** Supporting continuation of the Piedmont Regional Criminal Justice Training Academy as it is currently structured.

*Patron - Reynolds*

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