

VIRGINIA GENERAL ASSEMBLY



2001 SESSION SUMMARY

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Preface

This publication presents a summary of legislation considered by the Virginia General Assembly at the 2001 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* and *Failed* categories. (The General Assembly sometimes incorporates provisions from several bills in one substitute bill. Thus a bill may have failed, but all or 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 2001 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 2001 General Assembly through adjournment sine die on February 24, 2001. 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

2001 SESSION SUMMARY

	Introduced	Continued	Passed	Failed
House Bills	1320	374	587	1107
House Joint Resolutions	417	13	294	136
House Resolutions	35	0	35	0
House Total	1772	387	916	1243
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Senate Bills	645	154	295	504
Senate Joint Resolutions	210	12	153	69
Senate Resolutions	17	0	17	0
Senate Total	872	166	465	573
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General Assembly Total	2644	553	1381	1816

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Administration of the Government Generally

P Passed

P HB1642 Department of Human Resource Management; leave for bone marrow or organ donation. Allows state employees with up to 30 days of paid leave in any calendar year, in addition to other paid leave, to serve as bone marrow or organ donors. The bill defines "state employee" as any person who is regularly employed full time on a salaried basis, whose tenure is not restricted as to temporary or provisional appointment, in the service of, and whose compensation is payable, no more often than biweekly, in whole or in part, by the Commonwealth or any department, institution, or agency of the Commonwealth. The bill further directs the Department of Human Resource Management to develop personnel policies allowing for the use of the donor leave.

Patron - Bryant

P HB1653 Inspector General for Mental Health, Mental Retardation and Substance Abuse Services. Clarifies the role and responsibilities of the Inspector General for Mental Health, Mental Retardation and Substance Abuse Services. This bill notes that the Inspector General is to provide inspections of and to make policy and operational recommendations for facilities operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services and providers in order to prevent problems, abuses and deficiencies in and improve the effectiveness of their programs and services. The Inspector General must report semiannually to the Governor and General Assembly concerning significant problems, abuses and deficiencies, recommend corrective actions and provide progress thereon. Such semiannual reports must be made public within 30 days of their transmission at a reasonable cost. The Inspector General must also report serious problems, abuses and deficiencies immediately to the Governor and the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services, and within seven calendar days thereafter to the chairs of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health. Additionally, the Inspector General must notify in a timely manner the attorney for the Commonwealth for the jurisdiction in which a state facility or provider is located and law enforcement, as appropriate, whenever the Inspector General has reasonable grounds to believe there has been a violation of state criminal law. All reports must be transmitted directly to the Governor and the General Assembly by the Inspector General without any preliminary clearances or approvals. Finally, the bill clarifies that the Office of the Inspector General must conduct unannounced inspections to each facility operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services at least once annually.

Patron - Hamilton

P HB1713 Creates Telecommuting Incentive Act. Directs the Secretary of Administration to direct the formulation and promulgation of policies, standards, specifications, and guidelines for information technology concerning telecommuting by the employees of state agencies. The head of each state agency is directed to develop a telecommuting policy, which shall be in accordance with the statewide policy to be developed by the Secretary of Administration, to maximize telecommuting without diminished employee work performance or service delivery. The Secretary of Administration is

also directed to advise and assist state agencies in developing the state agencies' telecommuting policies, and the Secretary may provide advice and assistance to a local government or a private sector employer upon the local government or the private sector employer's request. This bill incorporates HB 1943.

Patron - Scott

P HB1810 Structured Settlement Protection Act. Conditions transfers of structured settlement payments rights upon findings by a court or responsible administrative authority that (i) the transfer is in the best interest of the payee, (ii) the payee has been advised to seek independent professional advice and has received or waived such advice, and (iii) the transfer does not contravene a statute or order of a court or other governmental authority. Payees are required to be given a disclosure statement three days (rather than 10 days as currently provided) prior to signing a transfer agreement, which statement shall provide that the payee will have the right to cancel the agreement within three days after it is signed. Other changes (a) limit the courts that can approve transfers to those where the payee, insurer, or obligor resides; (b) clarify that the act is not intended to apply to a bank's blanket security interest unless it attempts to execute upon the settlement payments; (c) make the transferee liable for failure to comply with the act; and (d) prohibit confessed judgments. The Uniform Commercial Code's general restriction on assignments of certain receivables is made inapplicable to certain claims or rights to receive compensation for injuries or sickness. The measure repeals a sunset clause that provides that the act will expire on July 1, 2001, unless certain federal legislation has been enacted.

Patron - Woodrum

P HB1838 Suspension of judges. Removes provision that prohibits an investigation, formal hearing or suspension until the conclusion of the criminal case regarding the same matters in which the judge is a defendant. Under current law a suspension cannot be imposed or an investigation commenced until final disposition of the criminal case, including the exhaustion of all appeals. This bill is identical to SB 990 (Stolle).

Patron - Howell

P HB1847 Department of Planning and Budget; reporting requirements. Requires the Department of Planning and Budget to submit an annual report on or before the second Tuesday in January to the Chairman of the House Appropriations Committee and the Chairman of the Senate Finance Committee that sets forth state agencies' strategic planning information and performance measurement results for the preceding fiscal year.

Patron - McQuigg

P HB1859 Fair Employment Contracting Act; discrimination. Prohibits contracting agencies from engaging in any unlawful discriminatory practice as defined by the Virginia Human Rights Act. Unlawful discriminatory practice is defined in the Virginia Human Rights Act as conduct that violates any Virginia or federal statute or regulation governing discrimination on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability.

Patron - McQuigg

P HB1887 State and Local Government Conflict of Interests Act; exclusion for awards to teachers. Provides that the Act does not prohibit a teacher or school board employee from accepting an award or payment in honor of meritorious or exceptional services.

Patron - Rhodes

[P] HB1932 State and Local Government Conflict of Interests Act; persons required to file disclosure forms. Requires members of the board or governing body of a state authority to file the annual long-form statement of economic interest. For members of the governing body of any authority established in any county, or city having the power to issue bonds, the bill requires them to file the annual short-form statement of economic interest, unless the local appointing authority requires them to file the long-form.

Patron - Nixon

[P] HB2104 Private detectives. Repeals Chapter 738 of the 1970 Acts of the Assembly authorizing certain counties with a population in excess of 5,000 persons per square mile to regulate private detectives through the issuance of a license. This bill, a recommendation of the Virginia Code Commission, is in furtherance of the objective to repeal obsolete provisions in the Virginia Acts of Assembly as provided in § 9-77.10:2.

Patron - Landes

[P] HB2117 Civilian protection in cases of police misconduct. Removes the exemption for constitutional officers from having to have in place certain procedures allowing citizen submission of complaints regarding the conduct of the law-enforcement agency, law-enforcement officers in the agency, or employees of the agency.

Patron - DeBoer

[P] HB2169 Agencies' and court clerks' disclosure of certain account information prohibited. Prohibits agencies and court clerks that accept methods of payment other than cash, including but not limited to credit cards, debit cards, electronic checks, and other electronic payment and billing systems, for fees, services, taxes, or other charges, to disclose such account information or social security numbers or other identification numbers on driver's licenses. The prohibition does not apply if such disclosure is required to conduct and complete the transaction for which other methods of payment are used or if such disclosure is required by other law or ordered by the courts.

Patron - Nixon

[P] HB2185 Health insurance accounts; state employees. Directs the Department of Human Resource Management to recommend the development of a program for state employees whereby such employees may convert their accrued health insurance balance when they retire from state service to fund private health insurance coverage for themselves and their dependents. Such recommendation is to include input from the Virginia Retirement System.

Patron - Purkey

[P] HB2205 Judicial Inquiry and Review Commission. Gives the Commission jurisdiction over judges-elect, from the time of appointment or election until they take the oath of office. The bill also makes it clear that the Commission has jurisdiction over a retired judge's actions while sitting as a retired/recalled judge by defining the period of recall as a term. This bill is a recommendation of the Judicial Council.

Patron - Almand

[P] HB2236 Small Business Advisory Board; membership. Increases the membership of the Small Business Advisory Board from 17 to 18 members by adding an additional voting member to be appointed by the Governor.

Patron - Hargrove

[P] HB2305 Virginia Veterans Care Center. Authorizes the Virginia Veterans Care Center Board of Trustees to

govern and oversee the administration of additional facilities that may be established for the care of Virginia veterans. Current law limits the Board's authority to the Virginia Veterans Care Center.

Patron - Cox

[P] HB2315 Attorney General; settlement of disputes, claims and controversies. Clarifies that authorities are included in the list of entities for which the Attorney General may settle disputes, claims and controversies, including those arising under the Virginia Tort Claims Act. The bill also provides that an agency head can delegate approval authority for such settlement.

Patron - Jones, S.C.

[P] HB2329 Capital Access Fund for Disadvantaged Businesses. Increases from five to seven the percentage of the balance of the Fund that may be unencumbered by any special reserves or guarantees or the income earned by the Fund.

Patron - Jones, D.C.

[P] HB2357 Department of Human Resource Management; leave for service with volunteer fire department or rescue squad. Allows state employees with up to 16 hours of paid leave in any calendar year, in addition to other paid leave, to serve with a volunteer fire department or rescue squad. Under the bill, the entity for which the leave is to be granted must be a volunteer fire department, rescue squad or auxiliary unit thereof that has been recognized by an ordinance or resolution of the political subdivision where the volunteer fire department or rescue squad is located as being a part of the safety program of such political subdivision. The bill also defines "state employee" as any person who is regularly employed full time on a salaried basis, whose tenure is not restricted as to temporary or provisional appointment, in the service of, and whose compensation is payable, no more often than biweekly, in whole or in part, by the Commonwealth or any department, institution, or agency of the Commonwealth. The bill further directs the Department of Human Resource Management to develop personnel policies allowing for the use of the leave.

Patron - Weatherholtz

[P] HB2464 Department of Employment Dispute Resolution; review of grievance hearing decisions. Removes the authority of the Department of Employment Dispute Resolution to hear appeals of grievances involving patient abuse cases arising at the Department of Mental Health, Mental Retardation and Substance Abuse Services. The bill also provides for the appeal of circuit court decisions in special grievances from the Department of Corrections and the Department of Juvenile Justice.

Patron - O'Brien

[P] HB2517 Compensation of members of collegial bodies in the executive branch. Provides that the members of boards, panels, etc., in the executive branch cannot receive more than one per diem for attending meetings of multiple panels on a single day.

Patron - Reid

[P] HB2527 Virginia Economic Development Partnership. Requires the Partnership to prepare a specific plan annually for the marketing of high unemployment areas of Virginia and make an annual report to the Governor and the General Assembly.

Patron - Phillips

[P] HB2537 State employee health insurance plan. Requires that any health insurance plan for state employees

shall provide that health insurance benefits will continue for family members enrolled under such plan for at least 30 days after the death of the state employee.

Patron - Phillips

[P] HB2585 Comprehensive Services Act for At-Risk Youth and Families; community policy and management teams; powers and duties. Authorizes a community policy and management team, upon approval of the participating governing bodies, to contract with another community policy and management team to purchase coordination services provided that state pool funds are not used. This bill is identical to SB 1321.

Patron - Byron

[P] HB2699 Administration of government; Chesapeake Regional Olympic Games Compact. Creates the Chesapeake Regional Olympic Games Compact between the Commonwealth of Virginia, the State of Maryland (including the City of Baltimore), and the District of Columbia for the purpose of hosting the 2012 Olympic Games.

Patron - Callahan

[P] HB2712 Firefighters; overtime compensation for firefighters and emergency medical technicians. Requires certain 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 between the statutory maximum permitted under 29 U.S.C. 207 (k) and the hours for which an employee receives his salary, or if paid on an hourly basis, the hours for which the employee receives hourly compensation. A fire protection employee who is paid on an hourly basis shall have paid leave counted as hours of work in an amount no greater than the numbers of hours counted for other fire protection employees working the same schedule who are paid on a salaried basis in that jurisdiction. For purposes of computing fire protection employees' entitlement to overtime compensation for regularly scheduled work hours, all hours in which an employee works or is in a paid status shall be counted as hours of work.

Patron - Amundson

[P] HB2738 Early intervention services system. Requires the Department of Mental Health, Mental Retardation and Substance Abuse Services, in consultation with the agencies that participate in the early intervention system, to promulgate regulations and adopt policies and procedures as necessary to assure consistent and equitable access to early intervention services, including, but not limited to, uniform statewide procedures on or before January 1, 2002, for public and private providers to determine parental liability and to charge fees for early intervention services in accordance with federal law and regulations. The bill requires the local inter-agency coordinating councils to implement such consistent and uniform statewide procedures on or before January 1, 2002, for the charging of fees.

Patron - Plum

[P] HB2778 Line of Duty Act; inclusion of police chaplains. Adds police chaplains in the City of Virginia Beach to the coverage provided under the Line of Duty Act.

Patron - Wardrup

[P] HB2855 Virginia Tourism Authority; travel guide. Requires the Virginia Tourism Authority to update a travel guide for the disabled in the first year of every biennium beginning in fiscal year 2003.

Patron - Morgan

[P] SB859 Display of POW/MIA flag. Requires the Governor to issue an annual proclamation requiring state officials to display the POW/MIA flag on all state owned or operated public buildings on Armed Forces Day, Memorial Day, Flag Day, Independence Day, Veterans Day and POW/MIA Recognition Day as a symbol of the state's concern for Americans who were prisoners of war or missing in action or still remain unaccounted for.

Patron - Barry

[P] SB878 Line of Duty Act; claim for payment. Provides for the Superintendent of the Department of State Police to report the findings of an investigation of a claim for payment to the State Comptroller within 10 business days after the completion of the investigation. Current law provides for the chief officer of the division or department last employing the beneficiary or claimant to report the findings of such investigation to the State Comptroller within forty-five days of receiving the claim. The bill also provides for reimbursement of the cost of investigations conducted by the Department of State Police from the appropriate employer that last employed the deceased or disabled employee. This bill is identical to HB 1863 (McDonnell).

Patron - Watkins

[P] SB884 Freedom of Information Act; exemptions; State Lottery Department. Exempts records and reports of the State Lottery Department pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the non-lottery operations of specific retail locations, and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed. The bill includes an emergency provision.

Patron - Stosch

[P] SB962 Department of Employment Dispute Resolution; review of grievance hearing decisions. Removes the authority of the Department of Employment Dispute Resolution to hear appeals of grievances involving patient abuse cases arising at the Department of Mental Health, Mental Retardation and Substance Abuse Services. The bill also provides for the appeal of circuit court decisions in special grievances from the Department of Corrections and the Department of Juvenile Justice.

Patron - Trumbo

[P] SB990 Suspension of judges. Removes provision that prohibits an investigation, formal hearing or suspension until the conclusion of the criminal case regarding the same matters in which the judge is a defendant. Under current law a suspension cannot be imposed or an investigation commenced until final disposition of the criminal case, including the exhaustion of all appeals. This bill is identical to HB 1838 (Howell).

Patron - Stolle

[P] SB1019 Attorney General; Secretary of Technology; guidelines to the Uniform Electronic Transactions Act's implications on state agencies. Directs the Attorney General, in consultation with the Secretary of Technology, to develop guidelines to the Uniform Electronic Transactions Act's implications on state agencies' implementation of electronic transactions. Upon receiving the guidelines, each agency is directed to examine the provisions of the Code of Virginia specific to that agency and identify where changes are necessary to facilitate the agency's implementation of electronic

transactions and report its findings to the Secretary of Technology.

Patron - Newman

[P] SB1042 Small Business Advisory Board; membership. Increases the membership of the Small Business Advisory Board from 17 to 18 members by adding an additional voting member to be appointed by the Governor. This bill is identical to HB 2236.

Patron - Williams

[P] SB1080 Public Accountancy. Establishes the Board of Accountancy (Board) as an independent board. Currently the Board is located operationally within the Department of Professional and Occupational Regulation (Department). The bill provides for the appointment of an executive director and staff for the Board, and generally vests the Board with the authority to regulate the public accounting profession. The bill also provides for the Department and the Board to enter into an agreement to transfer from the Department to the Board tangible personal property and records relevant to the transfer of duties and powers, and provide for the orderly and expeditious transfer of administrative and other responsibilities no later than December 31, 2001. In addition, the bill (i) requires the transfer of funds from the Department to the Board of Accountancy Fund established to support the operations of the Board, (ii) provides an two-year exemption from the Administrative Process Act for the promulgation of regulations pertaining to fees for licenses and certifications, (iii) provides that existing regulations promulgated by the Board of Accountancy shall remain in effect and continue to apply to licensees and certificate holders licensed or certified by the Board of Accountancy after July 1, 2001, and (iv) clarifies that current members of the Board whose terms have not expired as of July 1, 2001, are not affected.

Patron - Stosch

[P] SB1087 Secretary of Natural Resources; Chesapeake Bay 2000 agreement annual report. Requires the Secretary of Natural Resources to submit an annual report on specific progress made toward implementing the provisions of the Chesapeake Bay 2000 agreement. Such report shall include, but not be limited to, a description of the programs, activities, and initiatives of state and local governments developed and implemented to meet each of the goals and commitments contained in the agreement and an assessment of projected state funding necessary to meet those goals and commitments.

Patron - Bolling

[P] SB1098 Recodification of Titles 2.1 and 9; administration of government; commissions, boards, and institutions. Recodifies Title 2.1 as Title 2.2 and Title 9 as Title 9.1. In accordance with § 9-77.10, the Virginia Code Commission, in 1998, undertook three-year recodification of Titles 2.1 and 9. Title 2.1 was last recodified in 1965 and Title 9 had never been recodified. Because both Titles have undergone many changes since the publication of the Code of Virginia of 1950, and the laws concerning the administration of state government and its commissions, boards and institutions have been changed substantially during the past three decades, the need arose to (i) organize the laws in a more logical manner, (ii) delete obsolete and duplicative provisions, and (iii) improve the structure and clarity of Titles 2.1 and 9. During the recodification of Titles 2.1 and 9, the Virginia Code Commission has rewritten and combined sections or parts of sections to clarify provisions and to eliminate archaic, obsolete or redundant language. The general reorganization of Title 2.1 distinguishes the organization of state government (Subtitle I--Organization of State Government) from the operation of state

government (Subtitle II--Administration of State Government). In addition, the concept of a "Part" has been introduced as an organizational tool to separate functional areas within the Title. Generally, a "Part" is used to group related chapters. For example, the Governor and his cabinet secretaries have been consolidated into Part A--Office of the Governor--of Subtitle I. The Department of Law is Part B of Subtitle I. Further, state agencies related to the general operation of government have been consolidated into Part C of Subtitle I, and so on. The reorganization of Title 2.1 also includes many chapters from Title 9, Commissions, Boards and Institutions, now consolidated into Part D--State Authorities, Boards, Councils, Commissions and Other Collegial Bodies--because they were created in the executive branch of state government. Several chapters from Title 9 that were boards, councils, etc., created in the legislative branch have been moved to Title 30--General Assembly. Title 9 has been substantially reorganized and moves executive branch commissions and boards, etc., into proposed Title 2.2. As noted above, several chapters from Title 9 that were boards, councils, etc., created in the legislative branch have been moved to Title 30--General Assembly. The effect of this substantial reorganization is the creation of proposed Title 9.1--Commonwealth's Public Safety. As its name indicates, this proposed Title contains chapters relative to the Department of Criminal Justice Services and fire and police protection generally, taken exclusively from Titles 2.1 and 9.

Patron - Mims

[P] SB1116 Virginia Veterans Care Center; Board of Trustees. Authorizes the Board of Trustees of the Center to administer any other veteran care centers that may be established and 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.

Patron - Edwards

[P] SB1117 Thermal Imaging Camera Fund. Establishes the Thermal Imaging Camera Fund to assist local fire departments, other fire services organizations and local governments to purchase thermal imaging cameras and other related equipment. The bill also authorizes the Department of Fire Programs to establish an advisory panel to make recommendations for the use of the Fund. The members of the board consist of three members each from the following organizations: the State Fire Chief's Association, the Virginia Professional Firefighters Association, and the Virginia Firefighters Association. The bill further provides that the act shall not become effective unless an appropriation of general funds effectuating its purposes is included in the 2001 appropriations act.

Patron - Edwards

[P] SB1140 Council on Human Resources. Merges the Personnel Advisory Board, the State Health Benefits Advisory Council, the Virginia Equal Employment Opportunity Council and consolidates their functions in the Virginia Council on Human Resources. The Council shall consist of a total of 17 members of which 15 are voting and two are non-voting members. Eight members are appointed by the Governor, subject to confirmation by the General Assembly, four are appointed by the Speaker of the House, and three are appointed by the Senate Committee on Privileges and Elections. The Director of the Department of Human Resource Management and the Director of the Department of Employment Dispute Resolution serve permanently as ex officio members without voting privileges.

Patron - Lambert

[P] SB1299 "Pave-in-Place" program. Repeals the July 1, 2001, "sunset" on VDOT's "Pave-in-Place" program. This bill is the same as HB 2018 (May).

Patron - Mims

[P] SB1321 Comprehensive Services Act for At-Risk Youth and Families; community policy and management teams; powers and duties. Authorizes a community policy and management team, upon approval of the participating governing bodies, to contract with another community policy and management team to purchase coordination services provided that state pool funds are not used. This bill is identical to HB 2585.

Patron - Hawkins

[P] SB1322 Freedom of Information Act; exemption for certain electronic communications. Clarifies that separately contacting the membership, or any part thereof, of any public body for the purpose of ascertaining a member's position with respect to the transaction of public business, whether such contact is done in person, by telephone or by electronic communication is not prohibited, provided the contact is done on a basis that does not constitute a meeting as defined by FOIA. The bill also clarifies that any electronic communication generated by the separate contacts is still a "public record" under FOIA.

Patron - Hawkins

[P] SB1350 Comprehensive Services Act; family assessment and planning team. Requires the family assessment and planning team to provide for the participation of foster parents in the assessment, planning and implementation of services when a child has a program goal of permanent foster care or is in a long-term foster care placement. The case manager shall notify the foster parents of a troubled youth of the time and place of all assessment and planning meetings related to such youth. Such foster parents shall be given the opportunity to speak at the meeting or submit written testimony if the foster parents are unable to attend. The opinions of the foster parents shall be considered by the family assessment and planning team in its deliberations.

Patron - Ticer

[P] SB1370 Virginia Economic Development Partnership; special economic development services in rural communities. Provides that the Partnership, in order to assist the rural communities of the Commonwealth, shall develop a program for reviewing existing economic development programs of rural communities upon request.

Patron - Reynolds

[F] Failed

[F] HB1597 Access to scientific data from state-funded studies. Amends the Freedom of Information Act to include a right of access to scientific data used as the basis of new laws. This section is modeled on the Verifiable Science Act as drafted by the American Legislative Exchange Council in June 2000. The model is based on the Shelby Amendment to the Federal Freedom of Information Act.

Patron - Landes

[F] HB1600 Budget Bill. Appropriation of the public revenue for the two years ending respectively, on the thirtieth day of June, 2001, and the thirtieth day of June, 2002.

Patron - Callahan

[F] HB1635 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

[F] HB1726 Higher Education and Economic Development Trust Fund. Provides for the custody, investment and disbursement of the proceeds of the sale of one-half the allocation to the Commonwealth of Virginia pursuant to the Tobacco Master Settlement Agreement by the creation and application of the Virginia Tobacco Indemnification and Community Revitalization Endowment.

Patron - Rust

[F] HB1727 Tobacco Settlement Financing Corporation Act. Creates and empowers the Tobacco Settlement Financing Corporation as an independent public corporation authorized to acquire from the Commonwealth one-half of its allocation of the tobacco settlement payments received from the Master Tobacco Settlement Agreement, entered into by 46 states and the major tobacco manufacturers. Also permits issuance of tobacco bonds not deemed to constitute debt to the Commonwealth.

Patron - Rust

[F] HB1735 Virginia Public Building Authority; purpose; technical amendments. Provides that the Virginia Public Building Authority (Authority) is to have the additional responsibility for financing or refinancing grants by the Commonwealth or the undertaking of capital projects that benefit the Commonwealth, including grants or undertakings for state, regional or local authorities, its entities, agencies, boards, instrumentalities or any other entity, pursuant to other applicable provisions of Virginia law. Accordingly, the bill makes technical changes throughout the Virginia Public Building Authority Act (§ 2.1-234.10 et seq.).

Patron - Callahan

[F] HB1757 Governor; severance benefit for appointed officials. Provides that the Governor, in his discretion, may provide gubernatorial appointees a severance benefit no greater than an amount equivalent to two weeks of salary for every consecutive year of service in the appointed position, not to exceed a total of 16 weeks of salary. The bill does not apply to officials removed from office for malfeasance, misfeasance, incompetency, misconduct, neglect of duty, absenteeism, conflicts of interests, failure to carry out the policies of the Commonwealth as established in the Constitution or by the General Assembly, or refusal to carry out a lawful directive of the Governor.

Patron - Jones, J.C.

[F] HB1768 Investment of state funds in corporate notes; ancillary contracts for notes, bonds and investments. Provides that the Department of Treasury may invest moneys belonging to it or within its control, other than sinking funds, in certain high quality corporate notes with a rating of at least BBB or Baa2, if the Commonwealth Treasury Board has determined the necessity and appropriateness of the use of such securities and has established controls for their use. This bill also provides that qualified public entities may enter into ancillary contracts that are in connection with or incidental to the authorized acquisition or carrying of any investments. Such contracts must be in connection with, or incidental to, entering into, maintaining or amending (i) any agreement that secures notes or bonds of the qualified public entity and is authorized or permitted by law or (ii) any investment or contract providing for any investment otherwise authorized or permitted by law.

Patron - Cox

HB1781 Governor's Development Opportunity Fund. Requires that the guidelines and criteria developed by the Virginia Economic Development Partnership shall include provisions that give a priority to projects within existing enterprise zones or that promote concentration of development along existing transportation and transit corridors thereby encouraging a reduction in vehicle miles traveled within a region.

Patron - Baskerville

HB1782 Legal holidays; Election Day. Designates the Tuesday following the first Monday in November as Election Day and an additional legal holiday.

Patron - Baskerville

HB1809 Cause of action for false allegation of unlawful discrimination. Provides that any person who is the subject of a false allegation of unlawful discrimination may, within three years from the date of the false allegation, bring an action in a court of law for compensatory damages and attorney's fees.

Patron - McClure

HB1863 Claims for payment under the Line of Duty Act. Provides that the Superintendent of the Department of the State Police shall report the results of any investigation of claims for payment under the Line of Duty Act to the State Comptroller's office within 10 working days after the completion of the investigation. Under current law, the report is made within 45 days of the receipt of the claim. Additionally, there is a provision for the State Police to be reimbursed by the Comptroller for the cost of the investigations. This bill is identical to SB 878 (Watkins).

Patron - McDonnell

HB1910 Retirement; health insurance credits. Reduces from 15 years to five years the amount of creditable service required for eligibility to receive monthly health insurance credits by retired (i) state employees, (ii) local employees, constitutional officers and their employees, and local social service employees, and (iii) teachers. The bill also removes the current caps on the amount of such monthly credits a retiree may receive.

Patron - Callahan

HB1942 Legal services for the indigent. Provides, with certain limited exceptions, that the same restrictions that exist in federal law (the Omnibus Consolidated Rescissions and Appropriations Act of 1996) regarding the use of federal funds for civil legal services to the indigent apply to programs that 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 also requires disclosure of the style of each case and the court in which it was filed.

Patron - Kilgore

HB1943 Secretary of Administration; creation of a teleworking pilot program. Requires the Secretary of Administration, in cooperation with the Secretary of Technology, to establish a teleworking pilot program to allow state employees to work at locations other than state offices through the use of telecommunication technology. The Secretary shall adopt a teleworking policy and guidelines necessary to estab-

lish and carry out the purposes of the pilot program and shall provide staff to manage the operations of the pilot program. The bill provides the method for participation of executive branch agencies and requires the Secretary to form an advisory committee made up of representatives of each secretariat and agency head from executive branch agencies selected to participate in the pilot program. The bill requires the Secretary to report to the Governor and the General Assembly by October 1, 2003, on the status of the pilot program. The bill further provides that the pilot program will terminate on October 1, 2003. This bill has been incorporated into HB 1713.

Patron - Hull

HB2002 Division of Consolidated Laboratory Services; creation of a laboratory certification and accreditation program. Requires the Division of Consolidated Laboratory Services, by regulation, to establish a program for the certification of (i) laboratories owned by local governments and other political subdivisions of the Commonwealth, including without limitation any authority or district, and (ii) non-commercial, private laboratories, which conduct tests, analyses, measurements, or monitoring required pursuant to the State Air Pollution Control Law, the Virginia Waste Management Act, or the State Water Control Law. The bill also requires the Division of Consolidated Laboratory Services, by regulation, to establish a program based on the National Environmental Laboratory Accreditation Conference (NELAC) standards for the accreditation of (i) all other laboratories conducting tests, analyses, measurements, or monitoring required pursuant to the State Air Pollution Control Law, the Virginia Waste Management Act, or the State Water Control Law and (ii) laboratories owned by local governments and other political subdivisions of the Commonwealth and noncommercial, private laboratories that desire NELAC-based accreditation in lieu of certification.

Patron - Parrish

HB2008 Line of duty disability. Clarifies that the continued health insurance coverage provided to certain employees disabled in the line of duty, applies to all such employees who are officially determined to be disabled on or after July 1, 2000, regardless of when the proximate cause of their disability occurred.

Patron - Jackson

HB2012 Retirement; health insurance credits. Raises the monthly health insurance credits by \$1.00 for each year of creditable service to retired (i) state employees, (ii) local employees, constitutional officers and their employees, and local social service employees, and (iii) teachers. Under current law such monthly credit for each year of creditable service is: (a) \$4.00 for retired state employees; (b) \$1.50 for retired local employees, constitutional officers and their employees, and local social service employees; and (c) \$2.50 for retired teachers.

Patron - Jackson

HB2025 Requiring the Department of Information Technology to publish and distribute a comprehensive telecommunications directory. Requires the Department to resume the biennial publication of a comprehensive telecommunications directory of agencies and institutions in the Commonwealth beginning January 1, 2002.

Patron - Bloxom

HB2080 Retirement; health insurance credits. Raises the monthly health insurance credits by \$1.00 for each year of creditable service to retired (i) state employees, (ii) local employees, constitutional officers and their employees, and local social service employees, and (iii) teachers. Under

current law such monthly credit for each year of creditable service is: (a) \$4.00 for retired state employees; (b) \$1.50 for retired local employees, constitutional officers and their employees, and local social service employees; and (c) \$2.50 for retired teachers.

Patron - Putney

[F] HB2091 Freedom of Information Act; record exemption for personal information. Provides a record exemption for records, documents or other information, the disclosure of which would constitute an unwarranted invasion of personal privacy. The bill contains a definition of unwarranted invasion of personal privacy. For the purposes of this exemption, disclosure shall not be construed to constitute an unwarranted invasion of personal privacy when (i) identifying details are deleted or excised; (ii) the person who is the subject of the requested record consents in writing to its disclosure; (iii) upon presenting reasonable proof of identity, a person seeks access to records pertaining to himself; or (iv) specifically required by state or federal law.

Patron - Devolites

[F] HB2108 Phragmites Advisory Board. Establishes a 15-member advisory board to advise the Governor and the General Assembly on the control and management of Phragmites Austrailus.

Patron - Pollard

[F] HB2109 Administration of state government; limitation on state expenditures. Provides that no money spent by any state agency, whether (i) independent or in the executive or legislative branch or (ii) appropriated to it or collected by it, shall be used in any political activity that is prohibited by § 501 (c) (3) of the Internal Revenue Code.

Patron - Pollard

[F] HB2124 Taxation; collection of local taxes. (i) Provides that the statutory setoff applies to all charges collected by the treasurer; (ii) authorizes treasurers to transmit tax bills by electronic means; and (iii) clarifies that the lien for taxes due attaches to property that has been specifically assessed. This bill has been incorporated into HB 1999.

Patron - Johnson

[F] HB2148 Retirement; health insurance credits for retired teachers. Reduces from 15 years to five years the amount of creditable service required for eligibility to receive monthly health insurance credits by retired teachers.

Patron - Dillard

[F] HB2201 Attorney General's authority to settle disputes. Increases the Attorney General's authority to settle disputes without the approval of the Governor from \$50,000 to \$100,000.

Patron - Almand

[F] HB2230 Funding of state agencies and institutions of higher education. Establishes the policy of the Commonwealth in regard to funding of indigent health care services provided by Virginia's three academic medical centers. This bill declares such policy to be to appropriate 100 percent of the costs of the indigent health care services provided by or through the Virginia Commonwealth University Health System Authority and the University of Virginia Medical Center and to provide at least 50 percent to meet the costs of indigent health care services provided by or through the Medical College of Hampton Roads (established as an authority in the Acts of Assembly of 1964). The two public academic medical centers are required to submit estimates of the amounts needed for this

purpose and the Medical College of Hampton Roads is required to submit such data and estimates as may be required.

Patron - Hall

[F] HB2231 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, currently available to retired teachers, to retired school division employees who participated in 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. 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. The effective date of the bill is July 1, 2002, and is contingent on sufficient appropriations by the General Assembly in the 2002 Session.

Patron - Stump

[F] HB2243 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

[F] HB2339 Acquisition of property by state agencies. Requires that when any state agency acquires real property and, as a result, a remainder of such property is, as the result of the acquisition by the state agency, no longer in compliance with local building setback requirements, the acquiring agency must offer to buy the remainder parcel at fair market value.

Patron - Blevins

[F] HB2383 State employee health insurance plan; prescription drug coverage. Requires any self-insured group health insurance plan for state employees that includes coverage for prescription drugs on an outpatient basis, if it provides discounts based on the method of purchasing, to provide the same discount for mail-order purchasing that it provides for any other permitted method of purchasing.

Patron - Rhodes

[F] HB2426 Capital Access Fund for Disadvantaged Businesses. Conforms provisions of the use of the Capital Access Fund for Disadvantaged Businesses to the Virginia Small Business Growth Fund. As amended, moneys in the Capital Access Fund shall be used to match deposits by borrowers and participating lenders in reserve accounts to cover potential future losses from the lender's loan portfolios. The amount of the Capital Access Fund's match shall not exceed 14 percent of the loan amount. Provisions authorizing the Capital Access Fund to be used for loan guarantees and interest rate write-downs are eliminated.

Patron - Jones, J.C.

[F] HB2448 Line of Duty Act; definition of disabled employee. Amends the definition of "disabled employee" to include any person who has become mentally or physically

incapacitated on or after April 8, 1972, as a direct or proximate result of the performance of his duty.

Patron - Clement

[F] HB2455 Division of Consolidated Laboratory Services; exemption. Exempts local, state and federal laboratories from regulations promulgated by the Division of Consolidated Laboratory Services for the certification of laboratories.

Patron - Phillips

[F] HB2619 Commonwealth of Virginia Cultural Facilities Bond Act of 2001. Authorizes, subject to approval by a majority of the qualified voters of the Commonwealth voting thereon at the November 6, 2001, general election, the issuance of Commonwealth of Virginia Cultural Facilities Bonds pursuant to Article X, Section 9 (b) of the Constitution of Virginia in an amount not exceeding \$82,150,000. The purpose of the bonds is to provide funds for paying, together with any other available funds, the cost of constructing, 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 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 - Diamonstein

[F] HB2650 Whistleblower protection for state employees. Prohibits the head of any state agency or other supervisor from discharging or otherwise discriminating or retaliating against a whistleblowing state employee who reports (i) a violation of a state or federal law, rule or regulation; (ii) gross mismanagement; (iii) a gross waste of state or federal funds; (iv) an abuse of authority; or (v) a substantial and specific danger to public health or safety, if the disclosure is not specifically prohibited by law. A whistleblower is also protected from retaliation if he participates in an investigation by an appropriate authority or a court action or refuses to carry out a directive that constitutes a violation of state or federal law, rule or regulation or poses a substantial and specific danger to the public health and safety. A whistleblower may bring a civil action to obtain reinstatement, payment of back wages, reinstatement of fringe benefits and seniority rights, actual damages, and litigation costs. If the violation was willful, the state employee is entitled to treble damages.

Patron - Robinson

[F] HB2695 Budget bills; restrictions; Virginia Investment Act of 2001. Limits the rate of growth of state expenditures in the Governor's budget bill, and, except under certain conditions, in budget bills reported by any committee of the House of Delegates or the Senate, 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. In addition, surplus revenues shall be deposited into the Virginia Investment Account, which is established. Money in the Account shall be appropriated only for capital transportation projects, conservation and recreation projects, public school construction, higher education capital projects, tax relief, environmental quality programs, research and development projects relating to economic development, and reducing bonded indebtedness.

Patron - Marshall

[F] HB2700 Freedom of Information Act; working papers exemption. Provides that the working papers exemp-

tion shall not be invoked by the mayor or chief executive officer of any political subdivision of the Commonwealth to prevent the sharing of documents or other records that are necessary to the informed deliberation of such local governing body.

Patron - Larrabee

[F] HB2709 Governor; Budget Bill. Requires the Governor in submitting the Budget Bill in even-numbered years and his amendments thereto in odd-numbered years to specify the particular proposed increases in expenditures from the prior fiscal year, if the Budget Bill or the amendments propose an increase in state expenditures above the amount of state expenditures for the prior fiscal year by a percentage that is greater than the total of the rates of increase in cost of living and population in the Commonwealth.

Patron - Albo

[F] HB2711 Attorney General; settlement of disputes. Provides that all moneys collected by the Attorney General that involve consumer or antitrust suits shall be transferred to the general fund to be appropriated by the General Assembly in a manner consistent with the requirements of the settlement agreement or decree.

Patron - Amundson

[F] HB2739 Comprehensive Services Act. Provides that the director of the Office of Comprehensive Services for At-Risk Youth and Families shall annually examine the costs borne by localities that are associated with services mandated under the Comprehensive Services Act and shall report such information to the state executive council by October 1 of each year. The director shall note in such report the extent to which certain localities appear to bear an inordinate cost for providing such services when compared to other localities. The director shall further propose to the state executive council a plan of addressing the inequitable fiscal burden upon localities associated with providing such services, including a plan for phasing-in the assumption of the costs of such mandated services by the Commonwealth.

Patron - Moss

[F] HB2797 Department of Human Resource Management; meritorious services awards and incentive plans. Allows citizens of Virginia to be compensated for proposing procedures or ideas that are adopted and that result in eliminating or reducing state expenditures or improving operations, provided such proposals are placed in effect. The bill also requires the Department of Human Resource Management to adopt and implement a program of incentive awards on the basis of (i) a suggestion, invention, superior accomplishment, productivity gain, or other personal effort that contributes to the efficiency, economy or other improvement of state government operations or achieves a significant reduction in paperwork or (ii) a special act or service in the public interest in connection with or related to the official employment of a state employee. Such program shall include cash awards, recognition awards, and grants of leave. The amount of any cash award shall be reasonably related to contribution of the employee and any such award (a) more than \$20,000 shall be approved by the Department and (b) more than \$50,000 shall be approved by the Governor.

Patron - Marshall

[F] HB2818 Budget Bill; Governor's submission. Requires that the Governor include in his Budget Bill salary increases for all classes of employees (state employees, state-supported local employees, college faculty, and public school teachers) or not provide a salary increase for any such class.

Patron - Watts

[F] HB2821 Line of Duty Act; continuation of health insurance for disabled employees. Provides that persons who are disabled in the line of duty on or after January 1, 1999, are eligible to receive continued health insurance coverage. Currently, only those persons disabled on or after July 1, 2000, are eligible for continued health insurance coverage.

Patron - Grayson

[F] HB2837 Governor; severance benefits for gubernatorial appointees. Prohibits the giving of severance benefits to certain gubernatorial appointees absent explicit authorization in law.

Patron - Deeds

[F] HB2838 Auditor of Public Accounts; audit of cost overruns on state projects. Requires the Auditor of Public Accounts to perform an audit of any state contract or project involving the procurement of any goods, services or construction where there is a cost overrun of more than 10 percent due to delays caused by acts or omissions of the contracting state agency, department or institution, its agents or employees or due to causes within their control.

Patron - Deeds

[F] HB2840 Commonwealth of Virginia Cultural Facilities Bond Act of 2001. Authorizes, subject to approval by a majority of the qualified voters of the Commonwealth voting thereon at the November 6, 2001, 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 \$97,170,000. 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 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 - Hall

[F] HB2844 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 - O'Bannon

[F] HB2861 Local option sales tax. The bill imposes local option sales and use taxes of one-half percent to be used for school construction, additions, infrastructure, site acquisition for public school buildings and facilities, renovations, including the costs of retrofitting or enlarging public school buildings, and debt service payments on such school projects that have been completed during the last 10 years.

Patron - Hull

[F] HJ545 Officially recognizing the Rappahannock Indian Tribe, Inc. Extends official state recognition to the Rappahannock Indian Tribe, Inc., also known as the Rappahannock-Portobago Indian Tribe. The Rappahannock Indian Tribe,

Inc. will be the ninth tribe officially recognized by the General Assembly.

Patron - Pollard

[F] SB800 Budget Bill. Appropriation of the public revenue for the two years ending respectively, on the thirtieth day of June, 2001, and the thirtieth day of June, 2002.

Patron - Chichester

[F] SB812 Line of Duty Act; definition of disabled employee. Amends the definition of "disabled employee" to include any person who has become mentally or physically incapacitated on or after April 8, 1972, as a direct or proximate result of the performance of his duty. The health care claim payments for such disabled employee or his qualifying dependents will be retroactive to the later of the first date of disability or July 1, 2000. The provisions of the bill will not become effective unless an appropriation effectuating the purposes of this act is included in the 2001 Appropriations Act, passed during the 2001 Session of the General Assembly and signed into law by the Governor.

Patron - Stolle

[F] SB815 Unlawful employment practices; sexual orientation. Prohibits employers employing more than five but less than 15 persons from discharging an employee on the basis of sexual orientation.

Patron - Whipple

[F] SB831 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 - Norment

[F] SB839 Virginia Public Building Authority; purpose; technical amendments. Provides that the Virginia Public Building Authority (Authority) is to have the additional responsibility for financing or refinancing grants by the Commonwealth or the undertaking of capital projects that benefit the Commonwealth, including grants or undertakings for state,

regional or local authorities, its entities, agencies, boards, instrumentalities or any other entity, pursuant to other applicable provisions of Virginia law. Accordingly, the bill makes technical changes throughout the Virginia Public Building Authority Act (§ 2.1-234.10 et seq.).

Patron - Chichester

[F] SB841 Tobacco Settlement Financing Corporation Act. Creates and empowers the Tobacco Settlement Financing Corporation as an independent public corporation authorized to acquire from the Commonwealth its allocation of the tobacco settlement payments received from the Master Tobacco Settlement Agreement, entered into by 46 states and the major tobacco manufacturers. Also permits issuance of tobacco bonds not deemed to constitute debt to the Commonwealth.

Patron - Hawkins

[F] SB842 Higher Education and Economic Development Trust Fund. Provides for the custody, investment and disbursement of the proceeds of any sale of the allocation to the Commonwealth of Virginia pursuant to the Tobacco Master Settlement Agreement by the creation and application of the Higher Education and Economic Development Trust Fund, the Virginia Tobacco Indemnification and Community Revitalization Endowment and the Virginia Tobacco Settlement Endowment.

Patron - Hawkins

[F] SB848 Governor; severance benefit for appointed officials. Provides that the Governor, in his discretion, may provide gubernatorial appointees a severance benefit no greater than an amount equivalent to two weeks of salary for every consecutive year of service in the appointed position, not to exceed a total of 16 weeks of salary. The bill does not apply to officials removed from office for malfeasance, misfeasance, incompetency, misconduct, neglect of duty, absenteeism, conflicts of interests, failure to carry out the policies of the Commonwealth as established in the Constitution or by the General Assembly, or refusal to carry out a lawful directive of the Governor.

Patron - Couric

[F] SB853 Investment of state funds in corporate notes; ancillary contracts for notes, bonds and investments. Provides that the Department of Treasury may invest up to 10 percent of moneys belonging to it or within its control, other than sinking funds, in certain high quality corporate notes with a rating of at least BBB or Baa2, if the Commonwealth Treasury Board has determined the necessity and appropriateness of the use of such securities and has established controls for their use. This bill also provides that qualified public entities may enter into ancillary contracts that are in connection with or incidental to the authorized acquisition or carrying of any investments. Such contracts must be in connection with, or incidental to, entering into, maintaining or amending (i) any agreement that secures notes or bonds of the qualified public entity and is authorized or permitted by law or (ii) any investment or contract providing for any investment otherwise authorized or permitted by law.

Patron - Miller, K.G.

[F] SB858 Legal holidays; National Election Day. Designates the Tuesday following the first Monday in November of every year of a national election for President of the United States as National Election Day.

Patron - Barry

[F] SB883 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 - Martin

[F] SB887 Department of Business Assistance; Workforce Retraining Program and Fund. Provides for the Department of Business Assistance to develop a Workforce Retraining Program to provide consulting services and funding to companies to assist in retraining their existing workforce. To be eligible for funding under the program, a company must demonstrate that it is undergoing (i) integration of new technology into its production process, (ii) a change of product line in keeping with marketplace demands, or (iii) substantial change to its service delivery process, which would require assimilation of new skills and technological capabilities by the firm's existing labor force. The bill also creates the Workforce Retraining Fund; however, the bill will not become effective unless an appropriation effectuating the purposes of this act is included in the 2001 Appropriations Act, passed during the 2001 Session of the General Assembly and signed into law by the Governor.

Patron - Miller, Y.B.

[F] SB927 Health insurance; teachers. Reduces from 15 to five the number of years of creditable service required for a teacher to be eligible for a health insurance credit that reduces the cost of health insurance premiums. The five-year requirement is consistent with the number of years required for teachers to become vested for pension benefits under the Virginia Retirement System.

Patron - Byrne

[F] SB928 Political activities by state agencies. Prohibits any state agency from expending public funds, and any state agency official or employee from using his official authority, for the purpose of influencing the outcome of any election for public office or public referendum.

Patron - Byrne

[F] SB1028 Virginia Pharmaceutical Buying Cooperative. Directs the executive director of the Department of Human Resource Management, in cooperation with the Attorney General and the Commissioner of Health, to negotiate and enter into biennial contracts with a third-party administrator for the establishment, implementation, and administration of the Virginia Pharmaceutical Buying Cooperative. The Cooperative must be self-supporting and must be established for the purpose of assuring that the senior citizens of Virginia will have access to medically necessary prescription drugs at the lowest possible prices. In addition, the Cooperative must utilize, where possible, the services of existing pharmacies throughout the Commonwealth and, if practicable, any mail-order or managed care pharmacies with which the Department of Human Resources Management has existing contracts. This bill establishes a finding by the Governor and the General Assembly that many Virginia senior citizens who have chronic or acute health conditions are faced with large prescription drug costs without any insurance or other third-party coverage for such pharmaceutical costs, and that these senior citizens must often make choices between paying for medically necessary prescription drugs and the other necessities of life. Any third-party administrator contracting for the establishment, implementation, and administration of the Cooperative must (i) establish a methodology to ascertain eligibility for membership; (ii) design, in a manner to meet the needs of the senior citizens of Virginia, a formulary of prescription drugs that are to be made

available through the Cooperative; (iii) set and revise, with the approval of the director of the Department of Human Resource Management, an affordable fee for joining the Cooperative that shall be sufficient to maintain the solvency of the program and to provide the third-party administrator with reasonable profits; (iv) prepare and submit, annually, for review the budget for the Cooperative to the director of the Department of Human Resource Management, the Attorney General, and the Commissioner of Health; (v) revise the Cooperative's budget in accordance with the requirements of the director of the Department of Human Resource Management, the Attorney General and the Commissioner of Health; (vi) establish purchasing agreements for the procurement or purchase by members of the drugs listed on the formulary; (vii) appoint, with the approval of the director of the Department of Human Resource Management, the Attorney General and the Commissioner of Health, a Virginia Pharmaceutical Buying Cooperative Advisory Committee to assist in the development of the program; (viii) aggressively, expeditiously, and effectively publicize the availability of membership in the Cooperative to the senior citizens of the Commonwealth; (ix) implement the Cooperative in a manner to coordinate the publicity, enrollment and service delivery with existing programs where possible; and (x) comply with the provisions of the executed contract. Eligible members must be at least 60 years old, maintain a domicile in Virginia, not be eligible for medical assistance services, and not have prescription drug coverage through a group or individual insurance or other benefit plan. The program cannot be construed as creating any legally enforceable right or entitlement to prescription drug coverage on the part of any person eligible for membership in the Cooperative or any right or entitlement to membership. The program will only be available to the extent supported by membership fees and management of such funds.

Patron - Couric

SB1188 Capital improvement plan and budget recommendations. Provides that a capital improvement plan and budget recommendations for capital projects shall be submitted to the General Assembly every two years, in the second fiscal year of each biennium. The capital improvement plan lists projects that the Governor recommends be undertaken in the succeeding six fiscal years. The plan is to be submitted no later than August 15. For each fiscal year of the six-year plan, funding from the general fund for capital improvements and projects must equal at least two percent of the anticipated general fund revenues for the fiscal year. In the event that general fund revenue growth is projected to be less than five percent, the Governor shall propose alternative financing mechanisms for funding capital projects.

The budget bill shall contain appropriations for capital projects that are consistent with those capital projects included in the capital improvement plan for the corresponding fiscal year. In addition, the funding sources for capital improvements and projects recommended in the budget bill shall be a portion of general fund revenues based on certain criteria.

Patron - Chichester

SB1192 State employees' health plan; coverage for hearing aids. Requires the state employee health care plan to provide coverage for hearing aids and related services. Such coverage shall include one hearing aid per hearing-impaired ear, up to a cost of \$1,200, every 48 months. The covered person may choose a higher priced hearing aid and pay the difference in cost above \$1,200, with no penalty to the covered person or the hearing aid provider.

Patron - Houck

SB1206 Personnel administration; preference for veterans for employment with the Commonwealth. Pro-

vides for a preference for employment with the Commonwealth for veterans awarded the National Defense Medal. This medal is awarded to those who served during the Korean Conflict, the Vietnam War and the Persian Gulf War.

Patron - Forbes

SB1213 Virginia statewide transportation plan. Requires the Secretary of Transportation to prepare a statewide transportation plan and present it to the Governor and General Assembly. This bill has been incorporated into SB 1047.

Patron - Whipple

SB1252 Prescription drugs purchasing program for retired teachers. Requires the Department of Human Resource Management to establish a statewide prescription drugs purchasing program to provide access to a variety of prescription drugs at the lowest possible market rate for retired teachers who are at least 60 years of age and the dependents of such retired teachers. The Department shall contract with one or more pharmaceutical benefits management companies to administer the program. The program contractor may allow the retired teachers or their dependents to purchase their prescription medication by mail or through a pharmacy network. The Department shall conduct a statewide outreach and education campaign for retired teachers relating to the prescription drugs purchasing program. The Department shall develop a formulary in consultation with the pharmaceutical benefits management company or companies and shall adopt regulations regarding the establishment of such program.

Patron - Reynolds

SB1336 Creates Telecommuting Incentive Act. Directs the Secretary of Technology to direct the formulation and promulgation of policies, standards, specifications, and guidelines for information technology concerning telecommuting by the employees of public bodies. In addition, the Department of Technology Planning is directed to develop a comprehensive statewide plan for telecommuting by public employees, and the Department of Human Resource Management is directed to establish an incentive program for telecommuting. The head of each public body, in consultation with the Department of Technology Planning, is directed to develop a telecommuting policy to maximize telecommuting without diminished employee work performance. The Department of Technology Planning is also directed (i) to advise and assist private sectors in developing employee telecommuting, (ii) to develop incentives for private sectors to utilize employee telecommuting, and (iii) to evaluate status, effectiveness, and utilization of employee telecommuting, in both public and private sectors, and report its findings to the Secretary of Technology, who in turn is directed to annually report such findings to the General Assembly.

Patron - Puller


SB1351 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 up to \$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 on GSA's website, (iv) provided that such business shall use the grant in order to be listed on a Virginia-based private sector website authorized by the federal government to provide the full range of goods and services. 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 GSA's procurement

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 listed. 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, 2004.


Patron - Ticer

Agriculture, Horticulture and Food


Passed

 **HB1765 Confinement and disposition of animals by animal shelters; penalties.** Delays the effective date of the penalty provisions for county and city pounds that are violating regulations adopted by the Board of Agriculture and Consumer Services from July 1, 2001, to January 1, 2002.


Patron - Bryant

 **HB1980 Powers of the Virginia Farmers Market Board.** Eliminates the Farmers Market Board and provides that the Board of Agriculture and Consumer Services and the Commissioner of Agriculture and Consumer Services shall have those powers currently exercised by the Farmers Market Board. The Board of Agriculture and Consumer Services is to oversee the development of the farmers' market system and the Commissioner of Agriculture and Consumer Services is to manage the farmers' market system. The bill requires the Commissioner to report annually to the Board as to policies, programs and activities of the operators in the state-owned farmers' market facilities and the receipt and expenditure of funds by these operators. This bill is identical to SB 1280.


Patron - Orrock

 **HB1992 Powers of the Aquaculture Advisory Board.** Expands the powers of the Commissioner of Agriculture and Consumer Services with respect to the aquaculture industry.


Patron - Cox

 **HB2028 Membership of the State Seed Potato Board.** Eliminates the requirement that two of the seven members of the State Seed Potato Board be potato dealers and requires that all members of the Board be actively engaged in potato production. Currently, only five members of the Board are required to be actively engaged in potato production.


Patron - Bloxom

 **HB2105 Importation and breeding of dogs.** Repeals Chapter 167 of the 1938 Acts of Assembly, as amended by Chapter 156 of the 1964 Acts of Assembly, which prohibits the importation or breeding of German or Belgian Shepherds in six enumerated counties without first obtaining a special license for these dogs. This is a recommendation of the Virginia Code Commission as part of its annual review of uncodified Acts of Assembly for obsolete provisions in accordance with § 9-77.10:2. This Act directly conflicts with State policy, which classifies dogs individually according to their propensity to attack rather than by their particular breed.


Patron - Landes

 **HB2152 Regulations to prevent the spread of rabies.** Provides that any county that has adopted the urban county executive form of government (Fairfax County) may create an oral rabies vaccine distribution program. An ordinance creating the program must provide for notice to affected property owners and contain procedures for a property owner to be excluded from the program.


Patron - Amundson

 **HB2269 Confinement and disposition of animals by animal shelters; penalties.** Authorizes animal shelters to confine and dispose of dogs running at large without the required tag or in violation of a local ordinance, dogs not licensed as required by law, and cats in violation of local ordinances regarding licensure or running at large. Any animal shelter confining or disposing of such animals must be inspected by the State Veterinarian and operated in accordance with regulations issued by the Board of Agriculture and Consumer Services, be open to the public during reasonable business hours, and not be operated in a residential dwelling or in conflict with local zoning ordinances. The operator of an animal shelter that confines or disposes of such animals must comply with certain reporting requirements. An animal shelter that is operated in violation of Board regulations is subject to civil penalties.


Patron - Shuler

 **HB2355 Levy of excise tax on apples.** Provides for the holding of a referendum on the continuation of the levy of an excise tax on apples produced in Virginia. The referendum shall be held if at least 10 percent of apple producers or the Virginia State Horticultural Society petition the Board of Agriculture and Consumer Services for a referendum. Those who paid an excise tax in the previous tax year may vote in the referendum. If a majority of those voting in the referendum are opposed to the continuation of the levy of an excise tax, the tax will be repealed.


Patron - Weatherholtz

 **HB2497 Certificates of veterinary inspection for ornamental aquarium fish or invertebrate animals.** Provides that ornamental aquarium fish and invertebrate animals are exempt from the requirement of a certificate of veterinary inspection before being imported into Virginia. This bill is identical to SB 1043.

Patron - Larrabee

 **HB2729 Certification of organically produced foods.** Provides that the Commissioner or any third party authorized under federal law may certify foods as organically produced. The bill also provides that the Commissioner shall adopt regulations to conform the provisions of the Virginia Organic Food Act to any federal law or regulations relating to the definition of organic foods. The bill also (i) contains a delayed effective date until June 1, 2002, and (ii) requires the Department of Agriculture and Consumer Services to study the feasibility and appropriateness of becoming a certifying agent under the Federal Organic Foods Production Act of 1990 for organically produced foods in Virginia and to report its findings to the Governor and the General Assembly on or before December 1, 2001.

Patron - Orrock

 **SB1043 Certificates of veterinary inspection for ornamental aquarium fish or invertebrate animals.** Provides that ornamental aquarium fish and invertebrate animals are exempt from the requirement of a certificate of veterinary

inspection before being imported into Virginia. This bill is identical to HB 2497.

Patron - Williams

[P] SB1160 Office of Farmland Preservation. Continues the Agricultural Vitality Program within the Department of Agriculture and Consumer Services as the Office of Farmland Preservation. The bill provides for the powers and duties of the Office of Farmland Preservation, including the development of standards and criteria for local purchase of development rights and the administration of the Virginia Farm Link program. The bill requires the Commissioner to submit an annual report on the operation of the Office of Farmland Preservation to the chairmen of the House Committee on Agriculture and the Senate Committee on Agriculture, Conservation and Natural Resources.

Patron - Hanger

[P] SB1164 Regulation of milk and milk products; penalty. Provides that the Board of Agriculture and Consumer Services' adoption of regulations regarding standards of quality, permits, and sanitary requirements for milk, milk products, and milk production are to be exempt from the provisions of the Administrative Process Act with the exception of the legislative review provisions. The promulgation of regulations and the issuance of permits related to the sale or manufacture of cheese from any species not regulated prior to July 1, 2001, shall be in accordance with the provisions of the Administrative Process Act if the regulations or permits apply to persons who manufacture less than 1,000 pounds of such cheese annually. The bill also allows the Commissioner of Agriculture and Consumer Services to impose civil penalties or suspend the permit of any operator of a dairy farm on which there is found to be milk containing excessive drug residue. Civil penalties imposed by the Commissioner are to be paid into the general fund of the state treasury.

Patron - Hanger

[P] SB1280 Powers of the Virginia Farmers Market Board. Eliminates the Farmers Market Board and provides that the Board of Agriculture and Consumer Services and the Commissioner of Agriculture and Consumer Services shall have those powers currently exercised by the Farmers Market Board. The Board of Agriculture and Consumer Services is to oversee the development of the farmers' market system and the Commissioner of Agriculture and Consumer Services is to manage the farmers' market system. The bill requires the Commissioner to report annually to the Board as to policies, programs and activities of the operators in the state-owned farmers' market facilities and the receipt and expenditure of funds by these operators. This bill is identical to HB 1980.

Patron - Wagner

[F] Failed

[F] HB2010 Sale of restricted use pesticide. Directs the Department of Agriculture and Consumer Services to sell the restricted use pesticide Compound DRC-1339 to private applicators of pesticides.

Patron - Jackson

[F] SB1193 Powers of the Aquaculture Advisory Board. Eliminates the Aquaculture Advisory Board and provides that the Commissioner of Agriculture and Consumer Services shall have those powers currently granted to the Board.

Patron - Williams

Alcoholic Beverage Control Act

[P] Passed

[P] HB1701 ABC; amphitheater mixed beverage license. Repeals the sunset provision on the mixed beverage license granted to the performing arts center in Portsmouth.

Patron - Melvin

[P] HB1704 ABC licenses; rain sites. Provides that on an application for a banquet license, the applicant may identify an alternative location when the event is planned to be held outdoors. The bill also provides that any person granted a wine or beer license may display upon their premises point-of-sale advertising that features the use of a professional athlete or athletic team provided such ad meets federal requirements and does not show the athlete consuming alcohol either prior to or during participation is an athletic event or while driving a motor vehicle or other machinery nor does it imply that alcohol consumption enhances athletic prowess.

Patron - Drake

[P] HB2175 ABC; special licenses. Provides for a special ABC license for a motor sports road racing club facility in Halifax County (described by population). The bill would grant privileges to the motor sports club to offer for on-premises consumption beer, wine, or mixed beverages to spectators at locations on the premises in all areas covered by the license. The bill would also allow, similar to stadia and coliseums, persons to bring in their own lawfully acquired alcoholic beverages. The bill also provides for a special license for a recreational facility located near the Blue Ridge Parkway.

Patron - Bennett

[P] HB2250 Alcoholic beverage control; referendum on Sunday wine and beer sales. Provides that notwithstanding the referendum on Sunday wine sales, where property that constitutes a farm winery lies within or abuts the boundaries of two adjoining counties, one of which has a population between 12,000 and 12,100 and one of which has a population between 17,450 and 17,500 (Floyd and Patrick Counties), the retail sale of wine by such farm winery licensee shall be allowed in the county that restricts the sale of wine and beer at one fixed location that contains all or part of the licensee's producing vineyard and vinification facilities. The bill sets certain limits by which the ABC Board may refuse to allow such retail licensee his retail sales privilege.

Patron - Day

[P] HB2313 Alcoholic beverage control; wine for judging. Allows persons who make homemade wine to give away a certain amount per year as gifts or for sampling at events organized for judging without having to obtain an ABC license. This exemption is similar to that for homemade beer. Neither the wine nor the beer can be sold and is strictly for noncommercial purposes. These provisions do not apply to any person who resides on property on which a winery, farm winery, or brewery is located.

Patron - Dickinson

[P] HB2791 Alcoholic beverage control; Sunday sale of wine and beer. Authorizes a referendum to be conducted in a supervisor's election district of a county on the question of the Sunday sale of wine or beer in that supervisor's election district.

Patron - Day

[P] SB970 ABC; amphitheater mixed beverage license. Repeals the sunset provision on the mixed beverage license granted to the performing arts center in Portsmouth. This bill is identical to HB 1701.

Patron - Lucas

[P] SB1100 ABC; special licenses. Provides for a special ABC license for a motor sports road racing club facility in Halifax County. The bill would grant privileges to the motor sports club to offer for on-premises consumption beer, wine, or mixed beverages to spectators at locations on the premises in all areas covered by the license. The bill would also allow, similar to stadia and coliseums, persons to bring in their own lawfully acquired alcoholic beverages.

Patron - Lucas

[F] Failed

[F] HB1888 ABC; refusal to grant license. Expands the types of information that the Board must consider in deciding whether to issue an ABC license to include the effects the establishment would have on the character of the neighborhood in which it would be located and objections filed by local residents.

Patron - Rhodes

[F] HB2449 Alcoholic beverage control; false identification. Authorizes retail licensees of the ABC Board to confiscate without force or violence a false identification presented to them for the purpose of purchasing alcoholic beverages. The bill requires the licensee to submit the identification so confiscated to a law-enforcement officer or magistrate within 24 hours of its confiscation. In addition, the bill grants the licensee immunity from civil damages, other than personal injury, in certain circumstances. The bill defines false identification. Retail licensee includes an agent or employee of the licensee.

Patron - Clement

[F] HB2538 Sale of alcohol to a minor; penalties. Creates the crime of giving alcohol to a minor under 15, punishable as a Class 6 felony or, if bodily injury is caused, a Class 5 felony. The law would not apply to alcohol provided by a parent or guardian, or as a component of a religious ceremony.

Patron - Phillips

[F] HB2766 Penalty for underage possession of alcohol. Provides that if the facts found by the court would justify a finding of guilt of underage possession of alcohol by a defendant who is less than 21 years of age, at any time before entering a judgment of guilt, the court shall defer further proceedings and suspend the defendant's driving privilege for six months. Upon the defendant's compliance with the conditions imposed by the court, it must dismiss the charge against the defendant. Currently, there is no specific provision for deferred disposition in such case.

Patron - Almand

[F] HB2769 Alcoholic beverage control; operation of government stores. Creates an exemption to the prohibition that no alcoholic beverages shall be consumed by any person in a government store. The exemption created by this bill allows for tastings conducted by a manufacturer under the supervision of the ABC Department and in accordance with any ABC Board regulations.

Patron - Reid

[F] SB1363 ABC; store closure. Prohibits the closure of a state ABC store that has been in continuous operation for

20 years in a town with a population of less than 2,500 without public notice and an affirmative vote of the governing body. The notice of the proposed closure shall be posted at the store location, printed in a newspaper of general circulation, and provided to the local governing body at least 60 days prior to the anticipated closing.

Patron - Trumbo

Aviation

[P] Passed

[P] HB1558 Keeping of certain waiting rooms, rest rooms, and other public facilities in good and sanitary condition; inspection of such facilities by the State Corporation Commission and the Department of Motor Vehicles. Repeals statutory requirement that waiting rooms and other public facilities used by or in connection with aircraft carriers and motor carriers of passengers be kept in good and sanitary condition and also repeals the authority of the State Corporation Commission and the Department of Motor Vehicles, respectively, to inspect such facilities and require changes to such facilities.

Patron - Landes

[P] SB796 Metropolitan Washington Airports Authority. Codifies as Chapter 10 of Title 5.1 of the Code of Virginia provisions of various Acts of Assembly relating to the Metropolitan Washington Airports Authority. This bill is a recommendation of the Virginia Code Commission.

Patron - Mims

Banking and Finance

[P] Passed

[P] HB1730 Charitable corporations serving as trustees of certain charitable trusts. Clarifies and validates the existing practice of some schools and charitable corporations that now serve as trustees of various split-interest trusts and pooled income funds. Current law prohibits most corporations from serving as trustees of charitable trusts.

Patron - Howell

[P] HB1760 CRESPA; depositing funds in conjunction with an escrow, settlement or closing. Provides that funds deposited with a settlement agent must be deposited no later than the second business day.

Patron - Jones, J.C.

[P] HB2161 Money order sales and money transmission services. Eliminates the requirement that a licensee have a physical presence in Virginia, so long as transactions are being conducted by Virginia citizens. Applicants for licenses are now required to submit audited financial statements and have a minimum net worth between \$100,000 and \$1 million. The penalty for unlicensed entities engaging in these regulated businesses is raised from a Class 3 misdemeanor to a Class 1 misdemeanor. The State Corporation Commission has enhanced examination powers over licensees, may examine licensees in conjunction with the regulatory authorities of other states, and may now impose civil penalties for violations.

Patron - Woodrum

P HB2471 Mortgage Lender and Broker Act; exemption for real estate brokers. Allows a real estate broker who is either an owner of an interest in a real estate firm or acts as a real estate broker in a sole proprietorship from having an ownership interest in a mortgage broker or lender or from receiving returns on investment arising from such ownership or payment of compensation for services actually performed for the mortgage broker or lender.

Patron - Plum

P HB2576 Mortgage lenders; notice of change of address to insurers. Requires mortgage lenders holding money in escrow for insurance premiums to notify the insurer in writing within the later of 30 days of a change of the mortgage lender's billing address, or 60 days prior to the renewal date of the insurance policy.

Patron - McDonnell

P HB2655 Bank investments. Authorizes any controlled subsidiary corporation to engage in any business that is authorized by statute, regulation or official interpretation for a subsidiary of a national bank or an out-of-state state bank. A controlled subsidiary corporation is redefined to be a corporation that is controlled by a Virginia-chartered bank, or controlled by more than one bank if at least one of the banks is chartered in this state.

Patron - Dudley

P HB2708 Mortgage loans; prohibited practices. Prohibits mortgage lenders and brokers from flipping mortgage loans. "Flipping" a mortgage loan means refinancing a mortgage loan within 12 months after the refinanced loan was originated, when the new loan does not result in any benefit to the borrower considering all of the circumstances. The Attorney General's office is authorized to enforce the prohibition.

Patron - Clement

P HB2787 Mortgage lenders and brokers; predatory lending practices. Increases the maximum penalty for a violation of the Mortgage Lender and Broker Act from \$1,000 to \$2,500, and increases the amount of the bond that mortgage lenders and brokers are required to post from \$5,000 to \$25,000. The measure also prohibits a mortgage lender from recommending or encouraging a person to default on an existing loan or other debt, if such default adversely affects such person's credit worthiness, in connection with the solicitation or making of a refinancing mortgage loan.

Patron - McEachin

P HB2789 Escrow accounts; disbursement of funds. Provides exceptions to the procedures for disbursing escrow funds to persons other than the settlement agent. Title insurance premiums payable to title insurers and agents may be (i) held in the settlement agent's escrow account, (ii) disbursed in the form of a check, or (iii) transferred into a separate title insurance premium escrow account. These transferred title insurance premium funds shall be itemized and identified within the separate title insurance premium escrow account. The bill also permits the settlement agent to hold funds in escrow pursuant to written instruction or agreement.

Patron - Blevins

P SB863 Consumer Finance Act loans. Repeals restrictions that currently limit the maximum amount of Consumer Finance Act loans to \$6,000, and limit the maximum term of such loans at 61 months. The measure also authorizes licensed lenders to impose late charges, not to exceed five per-

cent of the delinquent loan installment, and to charge loan processing fees.

Patron - Norment

P SB1079 Charges on installment loans. Permits banks and savings institutions to impose finance charges and other charges and fees at such rates and in such amounts on installment loans as the borrower may agree.

Patron - Stosch

P SB1103 Mortgage brokers. Clarifies that bona fide employees and exclusive agents of a licensed mortgage broker may negotiate, place or find mortgage loans without obtaining their own license under the Mortgage Lender and Broker Act.

Patron - Colgan

F Failed

F HB2499 Money and interest; interest rate for certain types of loans. Caps the interest rate at eight percent annually for loans to individuals secured by the assignment of, or payable upon the individual's receipt of, a settlement or award in a personal injury case.

Patron - Robinson

Boundaries, Jurisdiction and Emblems of the Commonwealth

P Passed

P HB1728 Official fleet of the Commonwealth. Designates the replicas of the three ships, Susan Constant, Godspeed, and Discovery, on display at the Jamestown Settlement museum, as the official fleet of the Commonwealth. This bill is identical to SB 1254 (Norment).

Patron - Howell

P HB2549 Emblems of the Commonwealth; official gold mining interpretive center. Designates Monroe Park, located in the County of Fauquier, as the official gold mining interpretive center of the Commonwealth.

Patron - Katzen

P SB1254 Official fleet of the Commonwealth. Designates the replicas of the three ships, Susan Constant, Godspeed, and Discovery, on display at the Jamestown Settlement museum, as the official fleet of the Commonwealth. This bill is identical to HB 1728.

Patron - Norment


F Failed

F HB2371 Official language of the Commonwealth. Removes the provision prohibiting state agencies and local governments from being required to provide any documents, information, literature or other written materials in any language other than English.


Patron - Joannou

Civil Remedies and Procedure


Passed

 **HB1577 Verification of the effective date of service of process upon the Secretary of the Commonwealth.** Provides that for verification of the effective date of service of process upon the Secretary of the Commonwealth, the person filing an affidavit of inability to serve a party may leave a self-addressed, stamped envelope with the clerk of the court who shall then mail verification of the date the certificate of compliance was filed with the court by the Secretary of the Commonwealth (i.e., the effective date of service of process) to the person who filed the affidavit.


Patron - Deeds

 **HB1710 Civil action for stalking.** Provides that a person may maintain a civil action against an individual who is alleged to have engaged in conduct that is prohibited under § 18.2-60.3 (criminal stalking), whether or not the individual has been charged or convicted for the alleged violation, for the compensatory damages incurred by the victim as a result of that conduct. The bill also provides that the victim may also seek and be awarded punitive damages, and costs in an action brought under this section.


Patron - Deeds

 **HB1849 Representation and removal in small claims court.** Provides that a defendant in small claims court shall have the right to representation by an attorney for the purpose of removal of the case to the general district court at any point preceding the handing down of the decision by the judge. Currently, a defendant may not be represented by an attorney for that purpose. This bill incorporates HB 1684.


Patron - McQuigg

 **HB2134 Personal jurisdiction.** Expands the list of when personal jurisdiction of a person may be exercised to include a cause of action arising from a person having incurred a tangible personal property tax liability to any political subdivision of the Commonwealth.


Patron - Deeds

 **HB2141 Authority of landlord to sell personal property removed from premises; recovery of possession by owner; disposition or sale.** Provides a method for the landlord in an eviction to dispose of any unclaimed property remaining on the premises on eviction day.

Patron - Drake


 **HB2189 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. This bill is identical to SB 1122 (Edwards).

Patron - Watts


 **HB2366 Summonses issued by attorneys.** Repeals the clause that provided that House Bill 1213 from the 2000 General Assembly Session expires on July 1, 2001. House Bill 1213 provided that an attorney may issue a summons not less than five business days prior to the date attendance is desired in a civil proceeding pending in a court or at a deposition in connection with such proceeding. An attorney-issued summons is required to be on a form approved by the Supreme Court, signed by the attorney, and include the attorney's address. The attorney-issued summons is deemed to be a pleading. Attorneys are also allowed to issue subpoenas duces

tecum. This bill is identical to SB 902 (Mims) and incorporates HB 2366.


Patron - O'Bannon

 **HB2372 Number of witnesses whose depositions may be taken.** Provides that notwithstanding any provision of law or rule of court, there shall be no limit on the number of witnesses whose depositions may be taken by a party except by order of the court for good cause shown. Currently, Rule 4:6A of the Rules of the Virginia Supreme Court limits the number of witnesses who may be deposed to five.


Patron - Joannou

 **HB2424 Civil actions; insurer's reservation of rights.** Requires an insurer to give notice to a claimant of the insurer's reservation of rights at least 30 days prior to trial.


Patron - Armstrong

 **HB2488 Civil immunity and privileged communications.** Provides immunity from civil liability for any act, decision, omission, or utterance made by a member of a community services board or a behavioral health authority in the performance of his duties, as long as such act, decision, omission, or utterance is not done in bad faith or with malice. While providing such immunity, the bill ensures that the minutes, records, and reports of such bodies are not privileged communications.


Patron - Moran

 **HB2722 Dismissal of action by nonsuit.** Provides that if notice to take a nonsuit of right is given to the opposing party within five days of trial, the court in its discretion may assess against the nonsuiting party reasonable witness fees and travel costs of expert witnesses scheduled to appear at trial, which are actually incurred by the opposing party solely by reason of the failure to give notice prior to five days of trial. The court shall have the authority to determine the reasonableness of expert witness fees and travel costs.


Patron - Dickinson

 **HB2864 Certain copies of health care provider's records and papers.** Sets the costs for copies for hard copy generated from computerized or other electronic storage, or other photographic, mechanical, electronic, imaging or chemical storage process made by health care providers.

Patron - McDonnell

 **SB802 Convicts as witnesses in civil actions.** Allows a juvenile and domestic relations district court to issue an order to the Department of Corrections to deliver to the sheriff's office in the jurisdiction of the court issuing the order a prisoner who is a witness in an action for the termination of parental rights. Under current law the Department of Corrections is to deliver witnesses in circuit court actions but the statute does not specify where the prisoner is to be delivered. The bill will partially overrule *Commonwealth v. Brown*, 2000 Va. Lexis 73 (2000), which held that general district courts do not have the statutory authority to issue transportation orders for prisoners confined within a state correctional facility. The bill also provides for the taking of a prisoner's testimony by telephone in certain cases and requires the party seeking the testimony to pay for the transportation costs when the court requires the presence of the prisoner.

Patron - Reynolds

 **SB808 Medical malpractice cap.** Provides that the medical malpractice cap for actions occurring prior to August 1, 1999, is the amount set forth in the statute at the time the act of malpractice occurred. The bill provides that this amendment is declarative of existing law. Apparently some plaintiffs have

argued that there is no cap for actions arising prior to August 1, 1999, because the time period prior to August 1, 1999, is not mentioned in the statute as it was amended by the 1999 General Assembly to increase the cap effective August 1, 1999.

Patron - Norment

[P] SB902 Summons issued by attorneys. Repeals the clause that provided that House Bill 1213 from the 2000 General Assembly Session expires on July 1, 2001. House Bill 1213 provided that an attorney may issue a summons not less than five business days prior to the date attendance is desired in a civil proceeding pending in a court or at a deposition in connection with such proceeding. An attorney-issued summons is required to be on a form approved by the Supreme Court, signed by the attorney, and include the attorney's address. The attorney-issued summons is deemed to be a pleading. Attorneys are also allowed to issue subpoenas duces tecum. This bill is identical to HB 2366 (O'Bannon).

Patron - Mims

[P] SB907 Request for review by medical malpractice review panel. Allows the trial date for the medical malpractice case to be set after the panel has been designated during the stay for the panel proceedings.

Patron - Mims

[P] SB908 Guardians ad litem. Expands the exception in current law that a guardian ad litem need not be appointed for a defendant under a disability who is represented by counsel of record to include a similarly represented plaintiff under a disability. This bill is a recommendation of the Boyd-Graves Conference.

Patron - Mims

[P] SB974 Expert witnesses. Provides that in equitable distribution cases the court may allow one expert witness for each party to remain in the courtroom throughout the hearing without, as is current law, the request of all parties.

Patron - Norment

[P] SB1122 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. This bill is identical to HB 2189.

Patron - Edwards

[F] Failed

[F] HB1155 Who may serve process. Requires private process servers to undergo a criminal history background check and training established by the Department of Criminal Justice Services. Provides that convicted felons may not serve process unless their rights have been restored. A violation is a Class 3 misdemeanor.

Patron - Weatherholtz

[F] HB1612 Expert testimony by a biomechanical engineer. Provides that a biomechanical engineer, when properly qualified, may testify as an expert witness in a court of law as to medical etiology, diagnosis, prognosis, and disability, including anatomical, physiological and pathological considerations. A recent Supreme Court decision, *Combs v. N&W Railway Co.*, 256 Va. 490 (1998), provides that a biomedical engineer may not testify as to diagnosis of an injury. This bill seeks to clarify the issue.

Patron - Woodrum

[F] HB1649 Convicts as witnesses in civil actions. Allows a juvenile and domestic relations district court to issue

an order to the Department of Corrections to deliver a prisoner who shall appear as a witness in an action for the termination of parental rights. This is currently allowed only for actions in circuit court. The bill will partially overrule *Commonwealth v. Brown*, 2000 Va. Lexis 73 (2000), which held that general district courts do not have the statutory authority to issue transportation orders for prisoners confined within a state correctional facility. The bill is narrow in scope and only applies to actions for the termination of parental rights. This bill incorporates HB 2072.

Patron - Armstrong

[F] HB1808 Prohibition of use of statements in proceedings to deny retirement benefits. Provides that retirement benefits shall not be denied to an employee based on statements made by the employee during litigation in pleadings or testimony, except in a proceeding to determine the employee's retirement benefits.

Patron - McClure

[F] HB1851 Discretionary interlocutory appeal. Provides that the Supreme Court or the Court of Appeals, in its discretion, may permit an appeal to be taken from any order of a circuit court although the order is not a final order, provided the written order of the circuit court states that the order involves a controlling question of law as to which there is substantial ground for difference of opinion, that an immediate appeal from the order may materially advance the ultimate termination of the litigation, and that the court and the parties agree it is in the parties' best interest to seek resolution of the issue in the appellate court prior to the conclusion of the trial. The act has a two-year sunset clause.

Patron - McQuigg

[F] HB1870 Modification of spousal support awards. Seeks to correct the unintended result of the August 2000 decision of the Court of Appeals in *Rubio v. Rubio* by repealing the second enactment of Chapter 604 of the Acts of Assembly of 1998 retroactively to July 1, 1998. That second enactment, intended to apply only to suits for modification of spousal support orders initially brought prior to July 1, 1998, for defined-duration alimony, was interpreted by the court so as to apply to petitions for any modification to spousal support. The bill also amends the Code of Virginia to specifically apply the change only to defined-duration alimony.

Patron - Cranwell

[F] HB1893 Liability for sale of alcohol to an underage person. Creates a cause of action against an ABC retail licensee who sells alcohol to an underage person if the consumption of the alcohol caused or contributed to an injury to person or property while the underage person operated a motor vehicle.

Patron - Griffith

[F] HB1976 Depositions as a basis for summary judgment. Provides that a motion for summary judgment or to strike the evidence may be based, in whole or in part, upon pleadings, depositions, answers to interrogatories, answers to requests for admissions or affidavits filed in the suit or action. However, in actions for injury to person or damage to property, wrongful death, defamation or violations of civil rights, no such motion shall be sustained upon discovery depositions under Rule 4:5 or affidavits, unless all parties to the suit or action shall agree.

Patron - McClure

[F] HB2071 Jury service. Eliminates all exemptions from jury service and eliminates the provision that a person must have been a resident of the Commonwealth for one year

before being eligible to serve as a juror. The bill adds a provision that the court has discretion to excuse persons from jury service upon a showing of true hardship. This bill is a recommendation of the Judicial Council.

Patron - Howell

[F] HB2072 Prisoner appearance in district court and attorney disciplinary proceedings. Allows district courts, in civil cases, to use telephonic communication systems and electronic video and audio communication systems to provide for the appearance of an incarcerated party or a witness or when otherwise authorized by the court. The bill requires that prisoners be transported to a juvenile and domestic relations district court when the judge determines the prisoner's presence is essential in proceedings regarding child abuse or neglect, entrustment agreements, termination of parental rights, overturning the voluntary relinquishment of parental rights, determination of parentage, consent to adoption, and foster care plans or review. There is also a provision for transporting prisoners to Virginia State Bar disciplinary hearings. Following the decision of the Supreme Court of Virginia in *Brown v. Commonwealth*, 259 Va. 697 (2000), the Department of Corrections will no longer comply with transportation orders issued by district courts in civil cases. This bill has been incorporated into HB 1649.

Patron - Howell

[F] HB2222 Terms of settlement of civil lawsuit to be public. Provides that an agreement made in settlement of a civil lawsuit, any term or provision of which is agreed and intended by the parties to be kept in confidence, is void and unenforceable.

Patron - Deeds

[F] HB2253 Liability of the Commonwealth for collision with deer. Modifies the Virginia Tort Claims Act (§ 8.01-195.1 et seq.) to include liability against the Commonwealth for damage to or loss of property or personal injury or death caused by a collision with a deer upon the highways of the Commonwealth.

Patron - Day

[F] HB2285 Limitations on enforcement of judgments in general district court. Makes it abundantly clear that the enforcement of judgments entered in the general district courts shall be 10 years, unless an abstract of such judgment is docketed in the judgment book of a circuit court. Upon the docketing of such judgment, the limitation for the enforcement of a district court judgment shall be the same as for a judgment of the circuit court, which is 20 years.

Patron - Barlow

[F] HB2299 Remedy for the arbitrary refusal of a motor vehicle insurance claim. Makes the insurer's bad faith denial, refusal, or failure to pay an insured's claim, no matter what amount, subject to the provisions requiring that, upon a finding by the court of such bad faith, the insured is liable to the insured for double the amount of the judgment, together with reasonable attorney's fees and expenses.

Patron - Deeds

[F] HB2350 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

[F] HB2351 Commonwealth liable in state employee discrimination law suits. Waives the Commonwealth's claim of sovereign immunity for cases of state employee discrimination.

Patron - McEachin

[F] HB2382 The Virginia Internet Privacy Protection Act. Creates the Virginia Internet Privacy Protection Act to protect consumers' personal information over the Internet. The Act defines three types of consumer personal information. Necessary personal information consists of information provided by a consumer to an Internet company, for the purpose of transacting with the Internet company, that is necessary to conduct or complete the transaction. Necessary personal information includes but is not limited to name, address, telephone number and credit card number. Optional personal information consists of information provided by the consumer to an Internet company that is not necessary to conduct or complete the transaction, such as information sought by companies in a consumer survey. Profiled personal information refers to consumer information collected by the Internet company, usually without the knowledge of the consumer, by using "cookies" or other similar technology. The Act prohibits disclosure of payment information, such as account information of credit card or other payment methods. The Act requires the Internet company to first obtain an express consent of the consumer before disclosing, selling, transferring or sharing the consumer's (i) other necessary personal information, (ii) optional personal information, and (ii) profiled personal information that specifically identifies the consumer. As for profiled personal information that does not specifically identify a consumer, the Act allows the Internet company to disclose, sell, transfer or share unless the consumer explicitly prohibits doing so. None of these prohibitions apply if the disclosure, sale, transfer or sharing of personal information falls under the exclusions provided by the Act; for example, disclosure to a third party to conduct or complete the transaction, requirement under other law or court order, or the request of the consumer. The Act requires the Internet companies to establish an Internet privacy policy to inform consumers about the requirements of the Act and the Internet companies' personal information policies and practices. The Act also provides for civil relief should any consumer be injured due to an Internet company's violation of this Act, but also provides an affirmative defense of bona fide error for the Internet company. The Act also makes violation of the Act a prohibited practice under the Virginia Consumer Protection Act (§ 59.1-196 et seq.), thus giving the Attorney General of Virginia jurisdiction to enforce the provisions of the Act.

Patron - Rhodes

[F] HB2404 Limitation of civil lawsuits by prisoners. Creates a statutory scheme that prisoners must follow in order to file any suit related to their confinement. The bill substantially limits prisoners' ability to maintain civil lawsuits by prescribing venue, pre-screening by the court, prepayment of all costs and fees, limiting discovery, imposing sanctions and specific conditions pursuant to which suit may be filed.

Patron - Kilgore

[F] HB2407 Civil liability for drug dealers. Creates a cause of action by which a drug dealer may be sued in tort for damages including, but not limited to, the cost of treatment and rehabilitation, medical expenses, support expenses, accidents or injury and any other loss proximately caused by the use of an illegal controlled substance.

Patron - Griffith

[F] HB2500 Medical malpractice review panels; privileged communications. Provides that any person who is

the subject of the proceedings, minutes, records or reports of a medical malpractice review panel shall receive a copy of any such document concerning that individual.

Patron - Robinson

[F] HB2521 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

[F] HB2761 Duty of care to law-enforcement officers and firefighters, etc. Abolishes the Fireman's Rule, a common-law doctrine that limits a defendant's liability for otherwise culpable conduct resulting in injuries and property damage to firefighters, law-enforcement officials, and their employees. It is based on assumption of the usual risks of injury in such employment, whether caused by a negligent or a non-negligent act of the defendant.

Patron - McEachin

[F] SB813 Jury service; exemptions. Provides that full-time graduate and undergraduate college students will be exempt from jury service upon their request.

Patron - Williams

[F] SB1060 Limitations on enforcement of judgments in general district court. Makes it abundantly clear that the enforcement of judgments entered in the general district courts shall be 10 years, unless an abstract of such judgment is docketed in the judgment book of a circuit court. Upon the docketing of such judgment, the limitation for the enforcement of a district court judgment shall be the same as for a judgment of the circuit court, which is 20 years.

Patron - Quayle

[F] SB1262 Limitation of civil lawsuits by prisoners. Creates a statutory scheme that prisoners must follow in order to file any suit related to their confinement. The bill substantially limits prisoners' ability to maintain civil lawsuits by prescribing venue, pre-screening by the court, prepayment of all costs and fees, limiting discovery, imposing sanctions and specific conditions pursuant to which suit may be filed.

Patron - Quayle

[F] SB1268 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

[F] SB1293 Civil liability for drug dealers. Creates a cause of action by which a drug dealer may be sued in tort for economic damages including, but not limited to, the cost of treatment and rehabilitation, medical expenses, loss of economic or educational potential, loss of productivity, absenteeism, support expenses, accidents or injury and any other pecuniary loss proximately caused by the use of an illegal controlled substance; noneconomic damages including, but not limited to, physical and emotional pain and suffering, physical

impairment, emotional distress, mental anguish, disfigurement, loss of enjoyment, loss of companionship, services, and consortium and other nonpecuniary losses proximately caused by an individual's use of an illegal controlled substance; punitive damages; and costs.

Patron - Mims

Commercial Code / Secured Transactions; Sales of Accounts; Contract Rights and Chattel Paper

[P] Passed

[P] HB1769 Government bonds. Provides that Article 9 of the Uniform Commercial Code (Secured Transactions) does not apply to a sale of promissory notes by the Commonwealth or a governmental unit of the Commonwealth in connection with or in furtherance of its borrowing power. Also exempt is the creation, perfection, priority, and enforcement of a security interest, lien or pledge created, made or granted by the governmental unit to pay or secure any bonds, notes, obligations or other debt securities issued thereby. Security interests, liens or pledges created by the governmental unit in goods or software, or the proceeds thereof, are governed by the UCC.

Patron - Cox

[P] SB911 Government bonds. Provides that Article 9 of the Uniform Commercial Code (Secured Transactions) does not apply to a sale of promissory notes by the Commonwealth or a governmental unit of the Commonwealth in connection with or in furtherance of its borrowing power. Also exempt is the creation, perfection, priority, and enforcement of a security interest, line or pledge created, made or granted by the governmental unit to pay or secure any bonds, notes, obligations or other debt securities issued thereby. Security interests, liens or pledges created by the governmental unit in goods or software, or the proceeds thereof, are governed by the UCC.

Patron - Norment

Commissions, Boards and Institutions Generally

[P] Passed

[P] HB1652 Criminal Justice Services; school resource officers. Provides that the Board may disburse annually up to five percent of the School Resource Officer Grants Fund for the training of the school resource officers.

Patron - Hamilton

[P] HB1745 Thermal Imaging Camera Advisory Board and Fund. Establishes the Thermal Imaging Camera Fund administered by the Department of Fire Programs to assist local fire departments, other fire services organizations and local governments to purchase thermal imaging cameras. The provisions of the bill will only become effective if an appropriation of General Funds effectuating the purposes of the bill is included in the 2001 Appropriations Act.

Patron - Thomas

HB1840 **Compilation and publication of compacts to which the Commonwealth is a party.** Provides that the Virginia Code Commission will annually codify and arrange for publication of all compacts and will forward a copy of each new, amended or repealed compact to the Secretary of the Commonwealth for her use in the appointment process of compact members. Currently the Secretary compiles the compacts and periodically publishes them in volume form.

Patron - Howell

HB1926 **Virginia Information Providers Network Authority; powers and duties; financing and operations.** Clarifies that state agencies and local governments, whom already had statutory authority to contract with the Virginia Information Providers Network Authority (Authority) for use of the Authority's facilities and Authority's services, may pay for such use and services. Provides that the Authority may fix and collect fees for such use and services, and further clarifies that state funds may not be used for the Authority's purposes except as provided by the Code of Virginia. This bill is identical to SB 1023.

Patron - May

HB2023 **Community policing.** Specifies activities that the Department and Board of Criminal Justice Services must undertake to promote community policing philosophy and practice throughout the Commonwealth.

Patron - Callahan

HB2137 **Council on Human Resources.** Merges the Personnel Advisory Board, the State Health Benefits Advisory Council, the Virginia Equal Employment Opportunity Council and consolidates their functions in the Virginia Council on Human Resources. The Council shall consist of 17 members appointed by the Governor, the Speaker of the House and the Senate Committee on Privileges and Elections. The Council is authorized to advise the Governor, the Director of the Department of Human Resource Management and the Director of the Department of Employment Dispute Resolution on all matters relating to human resource management, including but not limited to (i) the Department of Employment Dispute Resolution's program of employee management relations, including the improvement of communications between employees and agencies and instrumentalities of the Commonwealth; (ii) the Department of Human Resource Management's training and management programs, compensation and classification practices, health and other benefit programs, recruitment practices, and equal employment opportunity; (iii) the Department of Human Resource Management plan or plans, subject to approval by the Governor, for providing health insurance coverage for employees of local governments, local officers, teachers, and retirees, and the dependents of such employees, officers, teachers and retirees; and (iv) any additional functions as the Governor deems appropriate.

Patron - Suit

HB2168 **Center for Innovative Technology.** Requires the president of the Center for Innovative Technology to report annually to the Joint Commission on Technology and Science regarding the Center's initiatives, projects and work plans.

Patron - Nixon

HB2180 **Tobacco Indemnification and Community Revitalization Commission.** Amends the definition of active tobacco producer and quota holder and clarifies that obligations of the Tobacco Indemnification and Community Revitalization Commission shall not be a debt or grant or loan of credit of the Commonwealth. The bill also authorizes the

Commission to make payments from the Tobacco Indemnification and Community Revitalization Fund to (i) quota holders to the extent such individuals are not being otherwise compensated by a federal loss assistance program based on substantially the same distribution criteria as established by the Commission, and (ii) tobacco dependent communities to assist in finding alternative uses for tobacco and tobacco-related business. Finally, the bill requires that the Commission appoint and employ an executive director and determine his compensation. The bill has an emergency enactment clause.

Patron - Dudley

HB2181 **Tobacco Indemnification and Community Revitalization Commission; administration of indemnification and economic development payments.** Provides that payments made to tobacco farmers from the Tobacco Indemnification and Community Revitalization Fund (Fund) shall not be transferable or assignable, except in certain circumstances. The bill also (i) prohibits grants, loans or other distributions paid from the Fund to promote economic growth and development from being subject to execution, levy, attachment, garnishment or other legal process, (ii) authorizes the Commission to recover payments erroneously made from the Fund, (iii) provides time limitations regarding applications for indemnification payments, and (iv) adds confidentiality provisions relating to certain personal and financial information provided to the Tobacco Indemnification and Community Revitalization Commission. The bill has an emergency enactment clause.

Patron - Dudley

HB2502 **Cultural diversity competency training and exemptions of law-enforcement officers.** Clarifies that the Department of Criminal Justice Services must establish compulsory training standards in cultural diversity competency for basic training and the recertification of law-enforcement officers. Also provides that law-enforcement officers must have cultural diversity sensitivity, in addition to basic training in previous capacities as a law-enforcement officer, as a condition of exemption from certain mandatory training requirements. This bill is a recommendation of the Special Subcommittee on Racial Profiling and Pretextual Traffic Stops of the House Committee on Transportation.

Patron - Robinson

HB2519 **Department of Criminal Justice Services; private security services businesses.** Adds definitions for the terms "employed," "general public," and "natural person." The bill also clarifies the exemption from licensure, certification or registration for (i) claims adjusters, (ii) employees of a business that is not a private security services business, and (iii) persons engaged exclusively in the business of furnishing information regarding an individual's financial rating. The bill also expands the authority of the Department to deny applications for licensure/certification/registration based on convictions of certain enumerated misdemeanors in addition to current law that is limited to misdemeanors involving moral turpitude.

Patron - Reid

HB2693 **Virginia Workforce Council; membership.** Adds a representative of health care employers to the Virginia Workforce Council. This bill incorporates HB 1865 and HB 2234.

Patron - Welch

HB2743 **Creation of the Virginia Research and Technology Advisory Commission.** Creates the Virginia Research and Technology Advisory Commission ("Commission"), which is to be an advisory commission under the execu-

tive branch. The Commission will consist of 27 members, which include three legislative members, 20 citizen members, and the Secretaries of Commerce and Trade, Education, and Technology, or their designees; and the Director of the State Council of Higher Education or her designee, to be appointed by the Speaker of the House, the Senate Committee on Privileges and Elections, and the Governor. Legislative members will be appointed to serve terms coincident with their terms of office, and citizen members will be appointed for terms of four years. The Commission shall study and advise the Governor on appropriate research and technology strategies for the Commonwealth with emphasis on policy recommendations that will enhance the global competitive advantage of both research institutions and technology-based commercial endeavors within the Commonwealth. In addition, the Commission must make recommendations to the allocation committee of the Commonwealth Technology Research Fund regarding disbursements from the fund.

Patron - May

[P] HB2790 Natural Gas Consumption Tax and local license tax on public utilities. Allows any utility that has not collected the local license tax on a current basis to pay the tax in three annual installments beginning July 1, 2001, and to recover the taxes paid on natural gas sales by amortizing the amount over three years.

Patron - Rust

[P] HB2859 Virginia-Asian Advisory Board. Creates the Virginia-Asian Advisory Board to advise the Governor on ways to improve economic and cultural links between the Commonwealth and Pacific Rim nations, with a focus on the areas of commerce and trade, art and education, and general government. The bill provides for the membership of the Board and its powers and duties.

Patron - Wardrup

[P] HB2860 Establishes a Law-Enforcement Accreditation Center within the Department of Criminal Justice Services. The Center may, in cooperation within Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary accreditation standards. The Center may provide accreditation assistance and training, resource material, and research methods and procedures that will assist the Virginia law-enforcement community in efforts to obtain accreditation status. Any state funding for such Center shall be subject to approval of the General Assembly.

Patron - Weatherholtz

[P] HB2871 Exceptions to certain private security licensing requirements. Provides that a law-enforcement officer who receives compensation under the terms of a contract, express or implied, as a security officer, is exempted from the licensing requirements of the Department of Criminal Justice Services.

Patron - Robinson

[P] SB960 Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion. Exempts purchases, exchanges, gifts and sales of the Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion from the requirements of the Virginia Public Procurement Act. The bill also provides that the Mansion Director and/or the Department of General Services assist the Council in keeping record of all such transactions. This bill is identical to HB 1930.

Patron - Potts

[P] SB1023 Virginia Information Providers Network Authority; powers and duties; financing and operations. Clarifies that state agencies and local governments, which already had statutory authority to contract with the Virginia Information Providers Network Authority (Authority) for use of the Authority's facilities and Authority's services, may pay for such use and services. Provides that the Authority may fix and collect fees for such use and services, and further clarifies that state funds may not be used for the Authority's purposes except as provided by the Code of Virginia. This bill is identical to HB 1926.

Patron - Newman

[P] SB1031 Virginia State Crime Commission. Provides that the Commission is a criminal justice agency.

Patron - Stolle

[P] SB1085 Joint Commission on Health Care. Extends the sunset provision for the Joint Commission on Health Care from July 1, 2002, to July 1, 2007.

Patron - Bolling

[P] SB1154 Community policing. Specifies activities that the Department and Board of Criminal Justice Services must undertake to promote community policing philosophy and practice throughout the Commonwealth.

Patron - Barry

[P] SB1162 Recycling Markets Development Council. Staggers the terms of the 15 appointed members of the Virginia Recycling Markets Development Council who will be appointed July 1, 2001. The bill also changes the standard for a quorum from 10 members of the Council to a majority of the appointed members of the Council.

Patron - Hanger

[P] SB1245 Department of Technology Planning; Virginia Geographic Information Network. Authorizes the Department of Technology Planning to establish a nonstock corporation as an instrumentality to assist the Department and its Geographic Information Network Division in the development and acquisition of geographic data and statewide base map data. The bill requires the Department to annually report to the Governor and General Assembly on the activities of the nonstock corporation.

Patron - Watkins

[P] SB1347 Department of Criminal Justice Service; private security services businesses; exceptions. Deletes the exception to the requirement for licensure or registration for persons engaged in the business of a consumer reporting agency as defined by the Federal Fair Credit Reporting Act. This bill is identical to HB 2696 (May).

Patron - Reynolds

[P] SB1365 Commissions; repeal of inactive groups. Abolishes the Virginia Military Advisory Council, the Virginia Council on Coordinating Prevention, the Commission on Early Childhood and Child Day Care Programs, the Virginia Chesapeake Bay Partnership Council, the Joint Commission on Workforce Development, and the Indoor Air Quality Task Force. These groups have been relatively inactive during recent years.

Patron - Trumbo

[P] SB1378 Advisory Council on the Future of Nursing in Virginia. Establishes a 24-member advisory council to meet quarterly and to assist the Secretaries of Education and Health and Human Resources in resolving the nursing

shortage; and to recommend resolutions for issues pertaining to nurse education, recruitment, and retention.

Patron - Ticer

[F] Failed

[F] HB582 Natural Gas and Electric Consumption

Tax. The bill makes two technical corrections regarding gas and electric utility consumption taxes.

Patron - Scott

[F] HB1846 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. Funding will come from a portion of the proceeds from the telecommunications relay service fund collected by the SCC. The bill contains a technical amendment.

Patron - Marshall

[F] HB1865 Virginia Workforce Council; member-

ship. Adds a representative of health care employers to the Virginia Workforce Council. This bill was incorporated into HB 2693.

Patron - McDonnell

[F] HB2234 Virginia Workforce Council; member-

ship. Adds a representative of health care employers to the Virginia Workforce Council. This bill has been incorporated into HB 2693.

Patron - Diamonstein

[F] HB2569 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 either 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 provides that no person shall be employed or act as a bail recovery agent in the Commonwealth without having first obtained a license from the Department on or before July 1, 2002.

Patron - Scott

[F] HB2680 Department of Criminal Justice Ser-

vices (DCJS); renewal of registration for certain private security personnel; criminal history searches. Requires, as a condition for the renewal of registration, each registered private investigator and personal protection specialist to submit to an additional criminal records search to determine if he has been convicted of a crime since his initial registration. The bill requires DCJS to deny the application for renewal where there has been such a conviction.

Patron - May

[F] HB2696 Department of Criminal Justice Ser-

vices (DCJS); private security businesses; exceptions from regulation. Clarifies the exemption from regulation for private investigators that are engaged exclusively in the business of obtaining and furnishing information regarding an individual's financial rating. This bill is identical to SB 1347.

Patron - May

[F] HB2808 Securitization of payments under the

Master Settlement Agreement. Requires the Governor to sell

50 percent of the revenues derived from the Master Settlement Agreement. Proceeds from the sale shall be deposited into the Tobacco Indemnification and Community Revitalization Endowment fund. The income of the Endowment and five percent of the corpus of the Endowment shall be paid annually to the Tobacco Indemnification and Community Revitalization Fund.

Patron - Bennett

[F] HB2813 Tobacco Indemnification and Commu-

nity Revitalization Commission; dispute resolution. Provides for the Tobacco Indemnification and Community Revitalization Commission to develop an administrative process for resolving errors or omissions regarding any payments made to tobacco farmers and disputes regarding such payments between quota holders, growers, and sharecroppers.

Patron - Tate

[F] HB2851 Securitization of payments under the

Master Settlement Agreement. Requires the Governor to sell 50 percent of the revenues derived from the Master Settlement Agreement. Proceeds from the sale shall be deposited into the Tobacco Indemnification and Community Revitalization Endowment fund. The income of the Endowment and five percent of the corpus of the Endowment shall be paid annually to the Tobacco Indemnification and Community Revitalization Fund.

Patron - Kilgore

[F] HB2872 Securitization of payments under the

Master Settlement Agreement. Authorizes the Governor to sell 50 percent of the revenues derived from the Master Settlement Agreement. Proceeds from the sale shall be deposited into the Tobacco Indemnification and Community Revitalization Endowment fund but shall be included in the general fund for car tax purposes. The income of the Endowment and up to five percent of the corpus of the Endowment shall be paid annually to the Tobacco Indemnification and Community Revitalization Fund.

Patron - Byron

[F] SB1018 Virginia Information Providers Net-

work Authority; powers and duties; financing and operations. Clarifies that state agencies and local governments, whom already had statutory authority to contract with the Virginia Information Providers Network Authority (Authority) for use of the Authority's facilities and Authority's services, may pay for such use and services. Provides that the Authority may fix and collect fees for such use and services, and further clarifies that state funds may not be used for the Authority's purposes except as provided by the Code of Virginia.

Patron - Newman

[F] SB1269 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

[F] SB1270 Preventing Crime in Minority Communities Initiative Program and Fund. Creates the Preventing Crime in Minority Communities Initiative Program and Fund, consisting of five projects located in urban minority communities with high crime rates and attendant social and economic problems, and a multi-disciplinary network of persons and organizations with expertise, experience, and interest in preventing and reducing crime in the minority community. The Board of Criminal Justice Services is required to develop the Program. An advisory board, whose members represent a broad spectrum of persons who must be appointed by and will serve at the pleasure of the Governor, is charged to assist the Department with the projects and advise the Board regarding crime prevention and reduction in minority communities. The Department of Criminal Justice Services must administer the Program and provide staff support for the advisory board. State-funded grants are to be awarded to eligible projects on a competitive basis through the issuance of a request for proposals. Such projects are required to engage in various activities and perform several tasks directed toward community involvement, consensus building, dispelling myths about minorities, and preventing and reducing crime in the minority community. Further, eligible projects must also promote the participation of minority persons in the community, and engage business and industry, minority community organizations and professional associations, the religious community, citizens, and local agencies in the community in fighting crime. This bill, substantially revised, was the recommendation of the Joint Subcommittee Studying the Status and Needs of African-American Males in Virginia in 1999.

Patron - Edwards

Conservation

[P] Passed

[P] HB1643 Care of Confederate Cemeteries and Graves. Adds the Floyd Webb Cemetery in Carroll County, which maintains 16 Confederate graves, to the list of those entities receiving funds from the Department of Historic Resources for the care of such graves.

Patron - Jackson

[P] HB1687 Virginia Conservation Land Foundation; expenditure of funds for natural area protection. Removes the requirement that a holder or public body must be in existence and operating in Virginia for more than five years in order to qualify for a matching grant for the protection of a natural area from the Virginia Land Conservation Fund. This bill is identical to SB 1012.

Patron - Diamonstein

[P] HB1873 Voluntary remediation of contaminated properties. Expands the voluntary remediation program for properties owned by local governments. The bill (i) eliminates the requirement that local governments pay registration fees when voluntarily remediating their properties, (ii) creates the Virginia Voluntary Remediation Fund, which would provide grants to local governments to help encourage remediation of contaminated properties, and (iii) provides that loans may be made to local governments from the Virginia Water Facilities Revolving Fund for the remediation of contaminated properties to reduce ground water contamination. The provisions of the

bill with respect to registration fees and the creation of the Voluntary Remediation Fund will not become effective unless funds are appropriated in the 2001, 2002, 2003 or 2004 budgets to carry out those provisions.

Patron - Deeds

[P] HB1875 Open burning. Allows prescribed burns throughout the day during the period February 15 through March 1 when such burns are conducted to (i) control exotic and invasive plants, (ii) establish and maintain wildlife habitat, or (iii) manage natural heritage resources. The current law limits open burning to between 4:00 p.m. and midnight from February 15 through April 30. However, in order to be exempted from the current law, the burn has to be conducted in accordance with a prescription or approved burning plan and managed by a certified burn manager.

Patron - Deeds

[P] HB2077 Soil and Water Conservation District boards; designation of chairman. Requires that directors of soil and water conservation districts designate a chairman from the elected members, or from the Virginia Soil and Water Conservation Board-appointed members, of the district board. Currently, there is no explicit requirement that the chairman be chosen from those district board members.

Patron - Plum

[P] HB2149 State parks. Authorizes the Department of Conservation and Recreation to assess a \$25 civil penalty to persons who (i) enter or attempt to enter a state park without paying the fees for use of the park's facilities or (ii) park in prohibited areas of the park. The money paid in civil penalties is to be deposited into the state park system's Conservation Resources Fund.

Patron - Dillard

[P] HB2165 Certain historic properties; notification prior to sale. Requires any charitable or civic organization or museum with tax exempt status under § 501 (c) (3) of the Internal Revenue Code that owns certain historic properties open to the public as historic attractions at least 100 days per year to notify in writing the chief administrative officer of the locality where the property is located, the Department of Historic Resources and the Office of Attorney General of its intent to sell or transfer ownership of the property. Such notification must be given at least 90 days prior to the public offering the property for sale or, if no public offering is made, prior to accepting a purchase offer for such property. The notification requirement is waived where (i) only a portion of the property is being sold or transferred and the portion not sold or transferred remains open to the public at least 100 days a year; (ii) the property is transferred to another owner with tax exempt status and the property remains open to the public at least 100 days a year; or (iii) an easement, right-of-way, or leasehold interest is being sold or transferred and the property remains open to the public at least 100 days a year. Failure to provide notice will not automatically invalidate the sale, but may subject the terms of the sale to special review by the Attorney General to ensure that there was no violation of any public law or charitable trust obligation by the transferring entity.

Patron - Van Landingham

[P] HB2177 Staunton Scenic River. Extends the segment of the Staunton River that has been designated a state scenic river from 10.8 miles to 40.5 miles.

Patron - Bennett

[P] HB2278 Care of Confederate Cemeteries and Graves. Replaces the Sons of Confederate Veterans, Oakwood Committee, with the Oakwood Confederate Cemetery Trust,

Inc., as the organization to receive funds from the Department of Historic Resources for the care of Oakwood Cemetery in the City of Richmond. The bill also specifies 2,294 as the number of Confederates located in the cemetery.

Patron - Barlow

[P] HB2302 Littering in state parks. Imposes a civil penalty of up to \$250 on any person who improperly disposes of litter in a Virginia state park. The proceeds collected from civil penalties will be deposited into the Conservation Resources Fund to help maintain the state parks.

Patron - Amundson

[P] HB2330 Enforcement in federal courts of matters within the jurisdiction of the State Air Pollution Control Board, the State Water Control Board, the Virginia Waste Management Board and the Department of Environmental Quality. Provides that in addition to the authority of the State Air Pollution Control Board, the State Water Control Board, the Virginia Waste Management Board and the Director to bring actions in the courts of the Commonwealth to enforce any law, regulation, case decision or condition of a permit or certification, the Attorney General is authorized on behalf of such Boards or the Director to seek to intervene pursuant to Rule 24 of the Federal Rules of Civil Procedure in any action pending in a federal court in order to resolve a dispute already being litigated in that court by the United States through the Environmental Protection Agency. This bill incorporates HB 2602 and is identical to SB 1297.

Patron - Albo

[P] HB2612 Care of Confederate Cemeteries and Graves. Changes the number of Confederate graves, monuments, and markers located in the Maplewood Cemetery in Gordonsville in Orange County from 60 to 696.

Patron - Broman

[P] HB2627 Board of Trustees of the Virginia Museum of Natural History. Provides that the unexpired term of any member of the Board of Trustees of the Virginia Museum of Natural History will lapse upon the failure of such member to attend four consecutive regular board meetings. The bill also directs the Board to hold one regular annual meeting at which it shall elect a chairman and vice-chairman from its membership and appoint an executive committee to transact business during recess of the Board. Finally, the bill provides for a quorum of a simple majority of the Board members then serving, and in absence of a quorum, allows those present to receive information, but take no action upon, items on a meeting agenda distributed in advance to the full membership. Under current law, there is no provision for a term lapse for a Board member's failure to attend regular meetings, a quorum is 13, whether or not all 25 Board members authorized are actually serving, and there are no provisions for selection of an executive committee.

Patron - Armstrong

[P] HB2667 Siting of landfills. Authorizes Mecklenburg County to construct a landfill closer to an existing water supply intake or reservoir than is currently allowed by law, if the Director of DEQ finds that the distance would not be detrimental to human health and the environment. The bill also provides that a new landfill in Mecklenburg County may be sited in a wetland. Currently, a landfill cannot be within five miles upgradient of any water supply intake or reservoir and cannot impact 1.25 acres or more of wetlands. This bill is identical to SB 1344.

Patron - Wright

[P] HB2835 Property conveyance. Authorizes the Department of Conservation and Recreation to accept approximately 41 acres in Charlotte County that consists of the Mulberry Hill residence and its outbuildings. The property would then become part of Staunton River State Park.

Patron - Bennett

[P] HB2858 Authorizing the Department of Conservation and Recreation to acquire and lease certain property. Authorizes the Department to acquire certain property in Chesterfield County and to lease said property to Chesterfield County for recreational purposes.

Patron - Nixon

[P] HJ572 Impact analysis forest resources. Urges the Secretaries of Commerce and Trade and Natural Resources to ensure that the plan containing an analysis of the impact that certain state agencies' regulations and projects have on the conversion of farm and forest lands be submitted annually to the General Assembly. The resolution also requests that the Secretaries and the Board of Forestry review those programs administered by state agencies that directly or indirectly affect the sustainability and health of the forest resources, and to recommend to the Governor and General Assembly any initiatives or actions that will enhance the health of the forest resources.

Patron - Deeds

[P] SB1003 Statewide recycling program. Requires the Department of Environmental Quality to establish a statewide program to manage used (i) motor oil, (ii) oil filters and (iii) antifreeze. The program's purpose is to encourage the environmentally sound management of these products. The Department also is to (a) maintain a list of sites that accept these used products from the public, (b) create and promote a website to provide consumers with information on collection sites, and (c) develop an outreach education program. The bill requires those who sell motor oil, oil filters and antifreeze at the retail level and who do not accept the return of used motor oil, oil filters or antifreeze to post a sign giving consumers information as to the locations where used motor oil, oil filters and antifreeze can be returned. Any retailer who fails to post such a sign shall be subjected to a fine of \$25. In addition, the bill requires the Division of Purchases and Supply to establish procurement preferences for products containing recycled oil or recycled antifreeze.

Patron - Ticer

[P] SB1012 Virginia Conservation Land Foundation; expenditure of funds for natural area protection. Removes the requirement that a holder or public body must be in existence and operating in Virginia for more than five years in order to qualify for a matching grant for the protection of a natural area from the Virginia Land Conservation Fund. This bill is identical to HB 1687.

Patron - Williams

[P] SB1090 Underground Utility Damage Prevention Special Fund. Authorizes revenues collected through enforcement of the Underground Utility Damage Prevention Act, to the extent they exceed the costs of administering the program, to be used for training and education programs and for programs providing incentives for excavators, operators, line locators, and other persons. Currently such excess funds must be spent on public awareness programs. The State Corporation Commission is charged with allocating the excess funds among such programs. This measure is a recommendation of the joint subcommittee studying the Underground Utility Damage Prevention Act.

Patron - Bolling

[P] SB1166 Definition of impounding structure. Expands the definition of an impounding structure under the Dam Safety Act. The bill also has a delayed effective date of July 1, 2002.

Patron - Hanger

[P] SB1247 Regulation of land-disturbing activity; submission and approval of control plan. Requires the person who will be in charge of and responsible for carrying out land-disturbing activities have a certificate of competence issued by the Board of Soil and Water Conservation. The identification of a certified individual is a prerequisite for the approval of an erosion and sediment control plan.

Patron - Watkins

[P] SB1251 Eligibility requirements for grants from the Virginia Water Quality Improvement Fund. Provides that the provisions establishing Water Quality Improvement Grants shall not be construed to prevent the award of a grant to a local government for point or nonpoint source pollution prevention, reduction and control programs or efforts undertaken on land owned by the Commonwealth and leased to the local government.

Patron - Reynolds

[P] SB1297 Enforcement in federal courts of matters within the jurisdiction of the State Air Pollution Control Board, the State Water Control Board, the Virginia Waste Management Board and the Department of Environmental Quality. Provides that in addition to the authority of the State Air Pollution Control Board, the State Water Control Board, the Virginia Waste Management Board and the Director to bring actions in the courts of the Commonwealth to enforce any law, regulation, case decision or condition of a permit or certification, the Attorney General is authorized on behalf of such Boards or the Director to seek to intervene pursuant to Rule 24 of the Federal Rules of Civil Procedure in any action pending in a federal court in order to resolve a dispute already being litigated in that court by the United States through the Environmental Protection Agency. This bill is identical to HB 2330.

Patron - Mims

[P] SB1344 Siting of landfills. Authorizes Mecklenburg County to construct a landfill closer to an existing water supply intake or reservoir than is currently allowed by law, if the Director of DEQ finds that the distance would not be detrimental to human health and the environment. The bill also provides that a new landfill in Mecklenburg County may be sited in a wetland. Currently, a landfill cannot be within five miles upgradient of any water supply intake or reservoir and cannot impact 1.25 acres or more of wetlands. This bill is identical to HB 2667.

Patron - Ruff

[P] SB1386 Air emissions banking program. Requires that the Air Pollution Control Board's banking and trading credits or allowances regulations applicable to the electric power industry foster competition in the industry, encourage construction of clean, new generating facilities, provide set-asides for new sources of emissions of five percent for the first five years and two percent per year thereafter, and provide an initial allocation period of five years.

Patron - Reynolds

[F] Failed

[F] HB1601 Special license plates; supporters of greenways and blueways. Authorizes the issuance of "re-

nue sharing" license plates to supporters of greenways and blueways. For each set of plates issued (after the first 1,000 sets) \$15 will go to the Department of Conservation and Recreation to acquire, construct, operate, and maintain greenways and similar pedestrian recreation and hiking trails throughout the Commonwealth. The bill also establishes the Department of Conservation and Recreation Greenways Fund comprised of the money generated from the sales of the special license plate. This bill has been incorporated into HB 1570.

Patron - Thomas

[F] HB2006 Chesapeake Bay Local Assistance Board; promulgation of regulations; periodic pump-out of on-site sewage treatment systems. Provides that regulations promulgated by the Chesapeake Bay Local Assistance Board, which establishes criteria for use by local governments, may require the periodic pump-out of on-site sewage treatment systems (septic tanks); however, the Board is also required to provide for an exemption for owners of septic tanks who submit to the appropriate local government official documentation from a qualified inspector that their septic tank is functioning properly. This bill is identical to SB 1011.

Patron - Rapp

[F] HB2341 Allocation of funds from the Virginia Land Conservation Fund. Provides that the Virginia Land Conservation Foundation may make direct (rather than matching) grants from the Virginia Land Conservation Fund to counties and municipalities. The bill eliminates the requirements that (i) a public body jointly hold an interest in land with a private holder where the holder acquires an interest in land as a result of a grant or transfer from the Foundation and (ii) a public body hold an open space easement whenever a private holder acquires a fee simple interest in land as a result of a grant or transfer from the Foundation. The bill also provides that 25 percent of the unrestricted funds in the Fund are to be distributed to the Open-Space Lands Preservation Trust Fund and that the remainder is to be distributed in a manner that the Board of Trustees of the Virginia Land Conservation Foundation deems most appropriate to bring about goals of the Fund.

Patron - Blevins

[F] HB2390 Commonwealth of Virginia Park and Recreational Bond Act of 2001. Authorizes the issuance of Commonwealth of Virginia Park and Recreational Facilities Bonds pursuant to Article X, Section 9 (b) of the Constitution of Virginia in an amount not exceeding \$164,329,000, subject to approval by a majority of the qualified voters of the Commonwealth voting thereon at the November 6, 2001, general election. The purpose of the bonds is to provide funds for (i) acquiring land and developing four state parks; (ii) acquiring land for natural area preservation; and (iii) construction of numerous specified projects at existing state parks. 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 - Dillard

[F] HB2451 State park fees discount. Establishes a state parks' Golden Passport Two card. This card entitles residents of Virginia who are over the age of 65, for an annual cost of \$10, to receive a 50 percent reduction in any fees charged for (i) entering into or parking within state parks, (ii) the use of park camping facilities, rental equipment, shelters and amphi-

theaters, or (ii) the purchase of park merchandise. The discount is not available for the rental of state park cabins.

Patron - Clement

[F] HB2461 Timber harvesting. Requires persons engaging in the commercial harvesting of timber to notify the State Forester at least three working days prior to commencement of the harvesting activity. Currently, such persons have to notify the State Forester prior to or not later than three working days after commencement of the commercial harvesting operation.

Patron - Grayson

[F] HB2535 Clinch River state scenic river. Designates an 18.5-mile segment of the Lower Clinch River as part of the State Scenic River System.

Patron - Phillips

[F] HB2602 Enforcement in federal courts of matters within the jurisdiction of the State Air Pollution Control Board, the State Water Control Board, the Virginia Waste Management Board and the Department of Environmental Quality. Authorizes the Attorney General to bring an action in the appropriate federal court in situations where the State Air Pollution Control Board, the State Water Control Board, the Virginia Waste Management Board and the Director of the Department of Environmental Quality are authorized to bring an action in the courts of the Commonwealth. This bill has been incorporated into HB 2330.

Patron - Nixon

[F] HB2611 Department of Forestry. Removes the Department of Forestry from under the supervision of the Secretary of Commerce and Trade to the Secretary of Natural Resources.

Patron - Abbitt

[F] HB2639 Water Quality Improvement Fund. Requires that a minimum of \$10,000,000 be allocated annually from the state general fund to the Water Quality Improvement Fund. Currently, the appropriation to the Fund is an amount equal to 10 percent of the annual general fund revenue collections that are in excess of the official estimates in the general appropriation act, plus 10 percent of any unreserved general fund balance at the end of each fiscal year whose reappropriation is not required in the appropriation act. The Comptroller is directed to deposit these funds into the Fund by October 1 of each year.

Patron - Moss

[F] HB2765 Solid waste recycling rate. Increases the recycling rate that local or regional solid waste planning units have to achieve by January 1, 2005, from the current rate of 25 percent to 40 percent.

Patron - Almand

[F] HB2772 Virginia Antiquities Act; appointment of State Archaeologist. Provides for the appointment of a state archaeologist to be appointed by the Director of the Department of Historic Resources. The bill specifies the duties of the state archaeologist.

Patron - Katzen

[F] HB2796 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 described in the bill. State agencies are required to submit environmental impact reports on major state projects to the Department of Environmental Quality (DEQ). DEQ has 60 days to review and provide an analysis of all reports and send the Governor a summary of their analysis. The analysis would include a finding on whether the major state project adequately protects the state's natural resources and its investment in them. The State Comptroller is not permitted to release funds for a major project unless he receives written approval from the Governor after he has reviewed DEQ's environment impact analysis of the project. The members of the Governor's cabinet are to meet at least quarterly to review each agency's programs, policies and major initiatives. The purpose of these meetings is to (i) identify conflicts with natural resource preservation efforts, (ii) evaluate the natural resources benefits and burdens of the various programs, policies and initiatives, (iii) identify planning, coordination and policies that preserve and protect the state's natural resources, and (iv) review the environmental impact reports. The Secretary of Natural Resources, who chairs the cabinet meetings, is required to prepare and publish an annual report that includes summaries of the meetings and any actions taken or conclusions reached concerning the environmental impact reports. Highway or road projects are exempted from the act.

Patron - Jones, J.C.

[F] SB821 Expansion of the jurisdiction of the Chesapeake Bay Preservation Act. Expands the coverage of the Chesapeake Bay Preservation Act from Tidewater Virginia to include all localities within the Chesapeake Bay watershed.

Patron - Williams

[F] SB1011 Chesapeake Bay Local Assistance Board; promulgation of regulations; periodic pump-out of on-site sewage treatment systems. Provides that regulations promulgated by the Chesapeake Bay Local Assistance Board, which establishes criteria for use by local governments, may require the periodic pump-out of on-site sewage treatment systems (septic tanks); however, the Board is also required to provide for an exemption for owners of septic tanks who submit to the appropriate local government official documentation from a qualified inspector that their septic tank is functioning properly. This bill is identical to HB 2006.

Patron - Williams

[F] SB1030 Major stationary air pollution sources. Provides that any stationary source or group of stationary sources within a one-mile radius of each other that (i) generate, transmit, or distribute electric services and (ii) emit or have the potential to emit 50 tons per year or more of nitrogen oxides shall be considered a "major stationary air pollution source" for the purposes of the Board's Prevention of Significant Deterioration (PSD) permit program and the Board's operating permit program established pursuant to the federal Clean Air Act. The bill also requires that applicants for a permit to modify or construct a major stationary source demonstrate that they have obtained nitrogen oxides emission reduction credits, allowances or offsets in a ratio of 1.2:1 from a source within the Commonwealth prior to the issuance of a permit.

Patron - Couric

[F] SB1063 Allocation of funds from the Virginia Land Conservation Fund. Provides that the Virginia Land Conservation Foundation may make direct (rather than matching) grants from the Virginia Land Conservation Fund to counties and municipalities. The bill eliminates the requirements that (i) a public body jointly hold an interest in land with a pri-

vate holder where the holder acquires an interest in land as a result of a grant or transfer from the Foundation and (ii) a public body hold an open space easement whenever a private holder acquires a fee simple interest in land as a result of a grant or transfer from the Foundation. The bill also provides that 25 percent of the unrestricted funds in the Fund are to be distributed to the Open-Space Lands Preservation Trust Fund and that the remainder is to be distributed in a manner that the Board of Trustees of the Virginia Land Conservation Foundation deems most appropriate to bring about goals of the Fund.

Patron - Quayle

[F] SB1196 Allocation of funds from the Virginia Land Conservation Fund. Provides that the Virginia Land Conservation Foundation may make direct (rather than matching) grants from the Virginia Land Conservation Fund to counties and municipalities. The bill eliminates the requirements that (i) a public body jointly hold an interest in land with a private holder where the holder acquires an interest in land as a result of a grant or transfer from the Foundation and (ii) a public body hold an open space easement whenever a private holder acquires a fee simple interest in land as a result of a grant or transfer from the Foundation. The bill also provides that 25 percent of the unrestricted funds in the Fund are to be distributed to the Open-Space Lands Preservation Trust Fund and that the remainder is to be distributed in a manner that the Board of Trustees of the Virginia Land Conservation Foundation deems most appropriate to bring about goals of the Fund.

Patron - Forbes

[F] SB1256 Civil penalties under the Chesapeake Bay Preservation Act; civil penalties. Provides that when a court finds that a person has violated a zoning, subdivision or other local ordinance related to Chesapeake Bay Preservation Areas or a final notice, order, regulation, variance or permit condition authorized under the ordinance, the order may include, in addition to civil penalties, (i) reasonable expenses incurred by the local government in investigating and preparing the case and (ii) reasonable attorney's fees. An order issued by a locality that a person has committed such a violation may also include the expenses incurred by the local government in investigating the violation and reasonable attorney's fees. These expenses and fees will not be ordered when the violator is the county, city or town itself or its agent.

Patron - Norment

[F] SB1335 Siting of landfills. Reduces the distance that a new landfill must be separated from an existing ground water public water supply intake from five miles to two miles.

Patron - Lucas

[F] SB1382 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

Contracts

[P] Passed

[P] HB1855 Virginia Public Procurement Act; certain purchases by school boards. Provides that purchases of a school board through its public school foundation are generally exempt from the requirements of the Virginia Public Procurement Act.

Patron - McQuigg

[P] HB1930 Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion. Exempts purchases, exchanges, gifts and sales of the Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion from the requirements of the Virginia Public Procurement Act. The bill also provides that the Mansion Director and/or the Department of General Services assist the Council in keeping record of all such transactions.

Patron - Drake

[P] HB1967 Energy and Operational Efficiency Performance-Based Contracting Act. Allows any public body to enter into energy performance-based contracts to significantly reduce energy and operating costs of a facility. The bill provides a contracting procedure to be followed by these entities in negotiating an energy performance-based contract and requires such contract to contain certain provisions.

Patron - Kilgore

[P] HB2020 Public Procurement Act; indemnification provisions. Provides that provisions in a contract between an architect or professional engineer and a public body relating to planning or design of a building or other construction project that purports to indemnify or hold the public body harmless against liability are void and unenforceable. The bill does not apply to such provisions in a contract that purports to indemnify or hold harmless the public body against liability for damage arising out of the negligent acts, errors or omissions, recklessness or intentionally wrongful conduct of the architect or professional engineer in performance of the contract.

Patron - May

[P] HB2050 Public Procurement Act; preference for certain Virginia products. Clarifies, in the case of tie bids, the preference for goods produced in Virginia or services and construction provided by Virginia persons. This bill incorporates HB 1936.

Patron - Albo

[P] HB2051 Public Procurement Act; actions on payment bonds. Provides that any waiver of the right to sue on the payment bond shall be void unless it is in writing, signed by the person whose right is waived, and executed after such person had performed labor or furnished material in accordance with the contract documents.

Patron - Albo

[P] HB2052 Public Procurement Act; damages for unreasonable delays. Provides that a public body denying a contractor's claim for costs or damages due to the alleged delay of the contractor in the performance of work under any public construction contract shall pay the contractor a percent-

age of all costs incurred by the contractor to investigate, analyze, negotiate, litigate and arbitrate the claim. The percentage paid by the public body shall be equal to the percentage of the contractor's total delay claim for which the public body's denial is determined through litigation of arbitration to have been made in bad faith.

Patron - Albo

[P] HB2054 Virginia Public Procurement Act; contractual disputes. Requires public bodies to include in all contracts or incorporate by reference procedures for consideration of contractual claims. The bill also provides that where a public body has established an administrative appeals procedure, that such procedure also be included in its contracts or incorporated by reference.

Patron - Albo

[P] HB2183 Virginia Public Procurement Act; procurement of professional services. Expands to all public bodies the authority to award term contracts for architectural and engineering services for multiple projects. The bill increases certain monetary limits for any locality having a population in excess of 80,000. This bill incorporates HB 2183.

Patron - Purkey

[P] SB810 Virginia Public Procurement Act; certain purchases by school boards. Provides that purchases of a school board through its public school foundation are generally exempt from the requirements of the Virginia Public Procurement Act. The current law is unclear as to whether these purchases are subject to the Virginia Public Procurement Act. This bill is identical to HB 1855.

Patron - Chichester

[P] SB1024 Virginia Public Procurement Act; procurement by reverse auctioning. Allows the purchase of goods and nonprofessional services by reverse auctioning. Reverse auctioning is defined as a procurement method wherein bidders are invited to bid on specified goods or non-professional services through real-time electronic bidding, with the award being made to the lowest responsive and responsible bidder. In addition, during the bidding process, bidders' prices are revealed and bidders shall have the opportunity to modify their bid prices for the duration of the time period established for bid opening. The bill contains a sunset provision of July 1, 2003.

Patron - Stosch

[P] SB1212 Procurement; faith-based organizations. Applies federal language regarding "charitable choice," enacted by Congress in the 1996 Personal Responsibility and Work Opportunity Reconciliation Act (welfare reform), to state procurement practices. The language would make faith-based organizations equal partners in opportunities to bid on and supply services and products to the state government without impairing their religious nature. Faith-based organizations would no longer have to separate their religious nature and symbols from their programs in order to provide services on state contract, but would have to be subject to the same audits as other vendors. Faith-based organizations would not be able to use the money for sectarian worship, instruction or proselytization, would not be able to discriminate against clients for their religious beliefs or refusal to participate in a religious activity, and would have to provide the client with a notice that, if they object to the religious nature of the program providing them services, they can be assigned to another provider.

Patron - Hanger

[F] Failed

[F] HB1832 Cooperative procurement. Provides that a cooperative agreement may be entered into either prior to initiation of the procurement process or following completion of the process and award of a contract and shall be approved by both public bodies or agencies and by the vendor.

Patron - Hargrove

[F] HB1931 Virginia Public Procurement Act; use of best value concepts. Prohibits public bodies from using best value to require contractors to pay wage rates established by the public body.

Patron - Cox

[F] HB1936 Virginia Public Procurement Act. Clarifies, in the case of tie bids, the preference for goods produced in Virginia or services or construction provided by Virginia persons. The bill was incorporated into HB 2050.

Patron - Armstrong

[F] HB2021 Virginia Public Procurement Act; procurement of professional services. Expands to all public bodies the authority to award term contracts for architectural and engineering services for multiple projects. This bill was incorporated into HB 2183.

Patron - May

[F] HB2053 Virginia Public Procurement Act; determination of nonresponsibility. Allows public bodies, following public opening and announcement of bids received on an Invitation to Bid, to determine whether the apparent low bidder is responsible without specific reference to the requirements set forth in the invitation.

Patron - Albo

[F] HB2746 Virginia Public Procurement Act; competitive procurement for maintenance. Requires competitive sealed bidding for any contract entered into by any public body on or after July 1, 2001, for the maintenance of any highway, bridge, tunnel, or overpass that was not originally constructed under a comprehensive agreement entered into pursuant to the Public Private Transportation Act of 1995. Maintenance is defined as ordinary maintenance and maintenance replacement.

Patron - Woodrum

[F] SB807 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.

[F] SB923 Contracts. Provides that a contract may become null and void if statutory requirements regarding writing, printing and size of type are not met.

Patron - Byrne

[F] SB961 Virginia Public Procurement Act; use of best value concepts. Prohibits public bodies from using best value to require contractors to pay wage rates established by the public body. The prohibition does not apply to contracts between the governing bodies of localities and municipal service providers.

Patron - Martin

[F] SB1176 Public Procurement Act; public construction contract provisions for damages for unreasonable delays. Deletes prohibition on contract provisions waiving or releasing the rights of a contractor to recover costs or damages to the extent that the delay is caused by act or omissions of a public body.

Patron - Ticer

Corporations

[P] Passed

[P] HB1791 Agricultural cooperative associations; forfeiture of equity. Authorizes the bylaws and member agreements of an agricultural cooperative association to provide that when an agricultural cooperative association holds any membership or patronage equity to the credit of a person who has not had a current address on file with the association for at least three years, then the bylaws or member agreements of the association may provide that such equity is forfeited to the association. The forfeiture will occur only following publication and an opportunity for the equity to be claimed by such person or his next of kin. If there is no such provision in the association's bylaws or member agreements, or if there is no publication, then the Uniform Disposition of Unclaimed Property Act shall apply to such equity. Any forfeiture completed by an association prior to July 1, 2001, will be effective if such transfer was in compliance with the by-laws or member agreements of the association in effect at the time of the transfer, without regard to the publication requirements set out in the bill, and such transfer will not be subject to the Uniform Disposition of Unclaimed Property Act. This bill is identical to SB 950.

Patron - Kilgore

[P] HB2035 Business entities; registered agent. Eliminates provisions that permit professional corporations, limited liability companies and registered limited liability partnerships registered with the Virginia State Bar to serve as registered agents for domestic and foreign stock and nonstock corporations, limited liability companies, limited partnerships, and registered limited liability partnerships. A domestic or foreign stock or nonstock corporation, limited liability company, or registered limited liability partnership authorized to transact business in the Commonwealth, may serve as registered agent. If such an entity is appointed as registered agent, it cannot be its own registered agent and shall designate one or more natural persons to receive any process, notice or demand. Identical to SB 1001.

Patron - Bloxom

[P] HB2158 Virginia Securities Act; Broker-dealers. Limits the exclusion for banks and certain trust subsidiaries from the definition of a broker-dealer. Banks and trust subsidiaries will not be considered broker-dealers as a result of engaging in certain activities specified in the Securities Exchange Act of 1934. Transactions by bank pursuant to an unsolicited offer or order to buy or sell securities are exempted from registration requirements, if they are not effected by an employee of the bank who is also an employee of a broker-dealer. The measure will become effective July 1, 2002.

Patron - Morgan

[P] HB2162 Corporations; domestication and conversion; fees. Adopts the Revised Model Business Corporations Act procedures for (i) domestication of foreign

corporations in Virginia and Virginia corporations in foreign jurisdictions and (ii) for converting domestic limited liability companies to domestic corporations and domestic corporations to domestic limited liability companies. A foreign corporation may domesticate in Virginia by complying with the laws in which the foreign corporation was incorporated and filing articles of domestication with the State Corporation Commission. A domestic corporation may domesticate in a foreign jurisdiction by having obtained board and shareholder approval of a plan of domestication and filing articles of domestication with the Commission. Domestic corporations may convert into domestic limited liability companies by obtaining board and shareholder approval of a plan of entity conversion and filing articles of entity conversion with the Commission. Domestic limited liability companies may convert into domestic corporations by obtaining member approval of a plan of entity conversion and filing articles of entity conversion with the Commission. The bill also sets forth the effects of domestication or conversion on the entity, including transfer of assets and liabilities from the converting entity to the surviving entity, continuation of legal proceedings by or against the entity, reclassification of shares and interests, and continuation of the entity without interruption since the date the original entity was organized. Fees for filing articles of domestication, entity conversion or incorporation surrender shall be the same as those for filing articles of incorporation or organization, except that the Commission may charge and collect fees for requested expedited handling of business entity filings, UCC filings, copies of records, requested expedited provision of services or issuance of certificates. The bill has an effective date of July 1, 2002.

Patron - Woodrum

[P] HB2235 Limited liability companies; membership and distributions. Permits formation of a limited liability company without any initial members and provides procedures and conditions for admission of members when a limited liability company has no members at the time it is formed. Restrictions on distributions by limited liability companies do not apply to payments for services or payments made in the ordinary course of business pursuant to bona fide employee compensation arrangements. The bill confirms entity status of limited liability companies notwithstanding status for income tax purposes.

Patron - Diamonstein

[P] SB950 Agricultural cooperative associations; forfeiture of equity. Authorizes the bylaws and member agreements of an agricultural cooperative association to provide that when an agricultural cooperative association holds any membership or patronage equity to the credit of a person who has not had a current address on file with the association for at least three years, then the bylaws or member agreements of the association may provide that such equity is forfeited to the association. The forfeiture will occur only following publication and an opportunity for the equity to be claimed by such person or his next of kin. If there is no such provision in the association's bylaws or member agreements, or if there is no publication, then the Uniform Disposition of Unclaimed Property Act shall apply to such equity. Any forfeiture completed by an association prior to July 1, 2001, will be effective if such transfer was in compliance with the bylaws or member agreements of the association in effect at the time of the transfer, without regard to the publication requirements set out in the bill, and such transfer will not be subject to the Uniform Disposition of Unclaimed Property Act. This bill is identical to HB 1791.

Patron - Colgan

[P] SB1001 Business entities; registered agent. Eliminates provisions that permit professional corporations, limited liability companies and registered limited liability partnerships registered with the Virginia State Bar to serve as registered agents for domestic and foreign stock and nonstock corporations, limited liability companies, limited partnerships, and registered limited liability partnerships. A domestic or foreign stock or nonstock corporation, limited liability company, or registered limited liability partnership authorized to transact business in the Commonwealth, may serve as registered agent. If such an entity is appointed as registered agent, it cannot be its own registered agent and shall designate one or more natural persons to receive any process, notice or demand. Identical to HB 2035.

Patron - Wampler

[F] Failed

[F] SB803 Corporations; water and sewer utilities. Provides that property owners' associations that are water and sewer utilities may maintain common areas, and this shall be deemed related or incidental to its stated business as a public service company. The bill also permits nonstock corporations to engage in the business of a water utility.

Patron - Reynolds

Counties, Cities and Towns

[P] Passed

[P] HB1554 Industrial development authorities. Provides that in Powhatan County the authority may be called an economic development authority.

Patron - Ware

[P] HB1583 Water and waste authority rates and charges. Deletes a reference to the jurisdiction of the State Corporation Commission (SCC) with regard to fees and charges of water and waste authorities. The SCC has no jurisdiction of such rates and charges.

Patron - Tate

[P] HB1602 Virginia Baseball Stadium Authority; entitlement to income and sales and use taxes. Extends the Authority's entitlement to certain income and sales and use taxes through January 1, 2005. The Authority would be entitled to income and sales and use tax revenues generated from (i) activities conducted on the premises or within a major league baseball stadium; and (ii) transactions made in connection with the development and construction of a major league baseball stadium. The entitlement is made conditional upon an appropriation directing these revenues to be paid over to the Authority. The entitlement to these revenues will expire on January 1, 2005, unless, before that time, the Authority executes a lease with a major league baseball team. Under current law, entitlement to such revenues would expire on January 1, 2002. The bill also contains a technical correction.

Patron - Callahan

[P] HB1634 Cutting of grass and weeds. Amends provisions that currently allow localities, after reasonable notice, to have grass, weeds or other foreign growth on vacant developed or undeveloped property cut by its agents or employees, with the cost and expenses thereof chargeable to

and paid by the owner of such property, to provide that the locality shall determine what constitutes "reasonable notice."

Patron - Woodrum

[P] HB1681 Virginia Regional Industrial Facilities Act. Adds the area within Planning District 19 to those areas that may utilize the Virginia Regional Industrial Facilities Act.

Patron - Ingram

[P] HB1718 Advertising requirements for plans, ordinances and enactment of levies and fees. Reduces the time period required between the second advertisement of plans or ordinances and the holding of a public hearing from six days to five days.

Patron - Ware

[P] HB1790 Industrial development authorities. Allows Scott County to rename its industrial development authority as the Economic Development Authority of Scott County.

Patron - Kilgore

[P] HB1802 Regional industrial facility authority board. Provides that if an authority has only two member localities, the governing body of each locality may appoint three members each to the board instead of two.

Patron - Tate

[P] HB1804 Appointment to local parks and recreation commissions. Allows a member of a local governing body to be appointed to a local parks and recreation commission.

Patron - Broman

[P] HB1805 Salaries and benefits of town council members and mayors. Provides that in addition to salary, each member of the council and the mayor of any town may be compensated with such benefits as are provided town employees by the towns. Counties and cities already have similar authority. This bill is identical to SB 956.

Patron - Broman

[P] HB1823 Tattooing and body piercing. Provides additional protections for the public health and safety vis-a-vis tattooing and body piercing. This bill revises the authority of local governments to regulate tattoo parlors and body-piercing salons by adding specification of procedures for enforcement of compliance with disease control and disclosure requirements and requiring those localities that choose to regulate tattoo parlors and body-piercing salons to authorize unannounced inspections by appropriate personnel. In addition, the current criminal prohibition against tattooing or body piercing of minors without consent is expanded to any client unless the person performing the tattooing or body piercing complies with the Centers for Disease Control and Prevention's guidelines for "Universal Blood and Body Fluid Precautions" and provides the client with the proper disclosure. Also, the definition of tattoo is expanded to include permanent make-up or permanent jewelry. The disclosure requirements are that: (i) tattooing and body piercing are invasive procedures in which the skin is penetrated by a foreign object; (ii) if proper sterilization and antiseptic procedures are not followed by tattoo artists and body piercers, there is a risk of transmission of bloodborne pathogens and other infections, including, but not limited to, human immunodeficiency viruses and hepatitis B or C viruses; (iii) tattooing and body piercing may cause allergic reactions in persons sensitive to dyes or metals used in ornamentation; and (iv) tattooing and body piercing may involve discomfort or pain for which appropriate anesthesia cannot be legally made available by the person performing the tattoo or body piercing

unless such person holds the appropriate license from a Virginia health regulatory board. This bill incorporates HB 2300.

Patron - Morgan

[P] HB1824 Screening of junkyards. Adds Caroline County and Fauquier County (described by population) to those localities with authority to require fencing or screening of automobile graveyards or junkyards regardless of when established.

Patron - Morgan

[P] HB1825 Condemnation by localities. Provides that a locality may condemn property outside of its boundaries only if expressly permitted by general law or special act. A locality may acquire property outside its boundaries through condemnation for purposes of establishing, maintaining or operating public utility facilities and mass transportation systems. This bill is a recommendation of the joint subcommittee studying eminent domain issues.

Patron - Morgan

[P] HB1944 Local grievance procedure. Provides that there is a rebuttable presumption that increasing the penalty that is the subject of the grievance at any level of the grievance shall be an act of retaliation.

Patron - Hull

[P] HB1978 Voluntary downzoning. Allow localities by ordinance to enter into a voluntary agreement with a landowner that would result in the downzoning of the landowner's undeveloped or underdeveloped property in exchange for a tax credit equal to the amount of excess real estate taxes that the landowner has paid due to the higher zoning classification. The locality may establish reasonable guidelines for determining the amount of excess real estate tax collected and the method and duration for applying the tax credit.

Patron - Orrock

[P] HB2094 Granting of franchises. Provides that prior to granting certain franchises, municipalities shall advertise the proposed ordinance two successive weeks, rather than four. Other amendments clarify the method for receiving bids for franchises.

Patron - Devolites

[P] HB2114 Fees and charges for sewer services. Provides that in Virginia Beach (described by population) delinquent water and sewer connection fees may be included with those unpaid fees and charges that shall constitute a lien against the subject property.

Patron - Suit

[P] HB2171 Fingerprinting of fire department applicants in Arlington County. Provides for fingerprinting of such applicants for the purpose of obtaining criminal history record information from the Central Criminal Records Exchange and the Federal Bureau of Investigation regarding the applicant.

Patron - Brink

[P] HB2176 Continuation of state aid to certain localities. Provides that 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 takes place after January 1, 1995.

Patron - Bennett

[P] HB2241 Appointment to regional industrial facilities authorities board. Provides that in any instance in

which the member localities are not equally contributing funding to the authority, and upon agreement by each member locality, the number of appointments to be made by each locality may be based upon the percentage of local funds contributed by each of the member localities. Otherwise, each member locality shall appoint two members to the board. This bill is identical to SB 894.

Patron - Day

[P] HB2312 Mandatory connection to water and sewage systems. Allows Goochland County to require connection to its water and sewage systems by owners of property that may be served by such systems if the property, at the time of installation of such system, does not have a then-existing, correctable or replaceable domestic supply of potable water and a system for the disposal of sewage adequate to prevent the contraction or spread of diseases. The provisions as they apply to Goochland County shall become effective on July 1, 2002. This bill is identical to SB 817.

Patron - Dickinson

[P] HB2358 Septic tank permits in certain counties. Allows Augusta County (described by population) to require any person desiring to install a septic tank to secure a permit to do so. The county may prescribe reasonable fees, not to exceed \$50, for the issuance of such permits.

Patron - Weatherholtz

[P] HB2360 Arts and cultural district. Allows the City of Harrisonburg and the City of Charlottesville, by ordinance, to establish within their boundaries an arts and cultural district for the purpose of increasing awareness and support for the arts and culture in the cities. Each City may provide incentives for the support and creation of arts and cultural venues in the district including certain tax incentives.

Patron - Weatherholtz

[P] HB2363 Liens for gas utilities charges. Allows the governing body of any locality with a municipally-owned gas utility to provide that charges imposed for gas service within or outside such locality shall be a lien on the real estate served by such gas utility. Where residential rental real estate is involved, no lien shall attach (i) unless the user of the gas utility services is also the owner of the real estate or (ii) unless the owner of the real estate negotiated or executed the agreement by which such gas utility services were provided to the property.

Patron - Jones, D.C.

[P] HB2433 Notification to localities of state construction. Amends current provisions that require state agencies to give notice to localities of construction projects by requiring such notice to be given earlier, during the planning phase of the project.

Patron - Van Yahres

[P] HB2442 Affordable housing. Grants Arlington County (described by form of government) greater flexibility in administration of its affordable dwelling program by placing the County's authority under the broader enabling provisions currently applying only to Fairfax County and Loudoun County. This bill is identical to SB 1228.

Patron - Almand

[P] HB2468 Industrial development authorities. Adds the City of Norfolk to those localities that may rename their industrial development authority as an economic development authority.

Patron - Williams

HB2476 Disclosure of proffered cash payments and expenditures. Requires localities to make annual disclosures of such payments and expenditures to the Commission on Local Government. The Commission shall compile the information and prepare a report to make available to the public and the chairmen of the Senate Local Government and House Counties, Cities and Towns Committees.

Patron - Hall

HB2496 Review of board of zoning appeals decisions. Clarifies that a petition to review the decision of a board of zoning appeals shall be filed with the clerk of the circuit court within 30 days after the final decision of the board.

Patron - Larrabee

HB2532 Public-private partnerships for provision of water and waste services. Provides that the power granted localities and water and waste authorities to enter into contracts with private entities includes the authority to enter into public-private partnerships for the establishment and operation of water and sewage systems.

Patron - Phillips

HB2564 Appointment to industrial development authorities. Allows the town council of the Town of Saint Paul to appoint 10, rather than seven, members to its industrial development authority.

Patron - Stump

HB2577 Expenses incurred in responding to DUI incident. Amends the section that currently allows localities to collect reasonable expenses from those causing certain DUI incidents by stating that in determining the "reasonable expense," a locality may bill a flat fee of \$100 or a minute-by-minute accounting of the actual costs incurred. Under current law the total amount may not exceed \$1,000 per incident.

Patron - McDonnell

HB2606 Northern Virginia Transportation Authority. Establishes the Northern Virginia Transportation Authority, consisting of the Counties of Arlington, Fairfax, Loudoun, and Prince William, and the Cities of Alexandria, Fairfax, Falls Church, Manassas and Manassas Park. The authority's responsibilities shall include long-range transportation planning for regional transportation projects in Northern Virginia. The authority may issue bonds as authorized by law. It is the intention of the General Assembly that the Northern Virginia Transportation Commission shall merge and be consolidated with the Authority no later than July 1, 2003.

Patron - McClure

HB2737 Fees for solid waste disposal. Allows Wise County (described by population) to require that landfill use fees be paid prior to issuance of certain land use permits and motor vehicle licenses.

Patron - Phillips

HB2758 Return of local surplus funds. Provides that Albemarle County (described by population) may by ordinance develop a method for returning surplus real property tax revenues to taxpayers who paid real property tax in any fiscal year in which such county reports a surplus.

Patron - Harris

HB2788 Appointment of standing grievance panel in certain counties. Provides that in any county with the county manager form of government (Henrico County), the final step of its grievance procedure shall provide for a hearing before an impartial panel consisting of one member appointed

by the grievant, one member appointed by the county manager or his designee, and a third member appointed in a manner determined by the board of supervisors.

Patron - Rhodes

HB2848 Shell building initiative. Expands the scope of the shell building initiative to include renovation of existing buildings and the use of shell buildings by technology-related businesses. This is an interim recommendation of the Rural Virginia Prosperity Commission.

Patron - Landes

HB2850 Annexation. Provides that the current moratorium on city-initiated annexations also applies to petitions to annex city-owned land that is located within a county.

Patron - Rapp

SB793 Virginia Baseball Stadium Authority; entitlement to income and sales and use taxes. Extends the Authority's entitlement to certain income and sales and use taxes through January 1, 2005. The Authority would be entitled to income and sales and use tax revenues generated from (i) activities conducted on the premises or within a major league baseball stadium; and (ii) transactions made in connection with the development and construction of a major league baseball stadium. The entitlement is made conditional upon an appropriation directing these revenues to be paid over to the Authority. The entitlement to these revenues will expire on January 1, 2005, unless, before that time, the Authority executes a lease with a major league baseball team. Under current law, entitlement to such revenues would expire on January 1, 2002. The bill also contains a technical correction.

Patron - Whipple

SB817 Mandatory connection to water and sewage systems. Allows Goochland County to require connection to its water and sewage systems by owners of property that may be served by such systems if the property, at the time of installation of such system, does not have a then-existing, correctable or replaceable domestic supply of potable water and a system for the disposal of sewage adequate to prevent the contraction or spread of diseases. The provisions as they apply to Goochland County shall become effective on July 1, 2002. This bill is identical to HB 2312.

Patron - Houck

SB874 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 and that require members of a property owners' association to pay an assessment for the maintenance of public facilities owned in fee by the public entity, including open space, parks, schools, and fire departments.

Patron - Watkins

SB876 Payment by subdivider of pro rata share of certain costs. Amends provisions that currently allow a locality to provide in its subdivision ordinance for payment by a subdivider or developer of land of the pro rata share of the cost of providing certain sewerage, water, and drainage facilities by providing that when a locality determines the proportionate share that shall be borne by each subdivider or developer within an area, such share shall be limited to the amount necessary to protect water quality based upon the pollutant loading caused by the subdivision or development.

Patron - Watkins

SB894 Appointment to regional industrial facilities authorities board. Provides that in any instance in which the member localities are not equally contributing funding to

the authority, and upon agreement by each member locality, the number of appointments to be made by each locality may be based upon the percentage of local funds contributed by each of the member localities. Otherwise, each member locality shall appoint two members to the board. This bill is identical to HB 2241.

Patron - Reynolds

[P] SB956 Salaries and benefits of town council members and mayors. Provides that in addition to salary, each member of the council and the mayor of any town may be compensated with such benefits as are provided town employees by the towns. Counties and cities already have similar authority. This bill is identical to HB 1805.

Patron - Couric

[P] SB957 Regional industrial facility authorities. Adds Planning District 10 to those planning districts in which localities are authorized to create regional industrial facility authorities. Planning District 10 is also added to existing provisions that allow creation of such an authority by two rather than three localities and that require that the authority board consist only of members of the local governing bodies.

Patron - Couric

[P] SB1062 Adoption of water supply emergency ordinances. Authorizes localities to adopt water supply emergency ordinances where a water supply emergency is reasonably likely to occur if water conservation measures are not taken. Currently, a locality may only adopt a water supply emergency ordinance if it finds that a water supply emergency exists.

Patron - Quayle

[P] SB1227 Fingerprinting of fire department applicants in Arlington County. Provides for fingerprinting of such applicants for the purpose of obtaining criminal history record information from the Central Criminal Records Exchange and the Federal Bureau of Investigation regarding the applicant.

Patron - Whipple

[P] SB1228 Affordable housing. Grants Arlington County (described by form of government) greater flexibility in administration of its affordable dwelling program by placing the County's authority under the broader enabling provisions currently applying only to Fairfax County and Loudoun County. This bill is identical to HB 2442.

Patron - Whipple

[F] Failed

[F] HB1630 Preservation of historical sites and architectural areas. States the policy and purpose for existing provisions that allow localities to adopt ordinances to protect historic landmarks and other areas. Adds architectural areas to those areas that may be included in such an ordinance and defines "architectural area" to include an area where the visual impact of buildings and development can be significant on the economic, cultural, or scenic attributes of the community. Localities that adopt an architectural area district are required to adopt standards to guide decision making within the district.

Patron - Callahan

[F] HB1662 Law enforcement crisis intervention for persons with mental illness. Permits a locality to establish, by ordinance, a Crisis Intervention Team program to assist law-enforcement officers and deputy sheriffs to respond to crisis situations involving persons with mental illness. The goals of a

Crisis Intervention Team are affording persons with mental illness a sense of dignity in crisis situations, reducing the likelihood of physical confrontations, decreasing arrests and use of force, identifying underserved persons with mental illness and linking them with appropriate care, providing support and assistance for mental health treatment professionals, decreasing use of temporary detention, increasing public recognition and appreciation, decreasing injuries of law-enforcement officers and deputy sheriffs during crisis events, reducing misdemeanor arrests of individuals with mental illness in crisis situations, and decreasing the need for mental health treatment in jail. The ordinance shall provide for a multidisciplinary training curriculum delivered by mental health providers, legal experts and mental health consumer groups to members of the Crisis Intervention Team. In addition, the ordinance shall provide for the development of a protocol whereby the Crisis Intervention Team shall refer persons with mental illness and their families whom they encounter in crisis situations to local community services boards or, when appropriate, take such persons with mental illness into emergency custody. The locality shall evaluate and report annually on the impact and effectiveness of the Crisis Intervention Team program to the Department of Criminal Justice Services (DCJS). DCJS may make available funds from the Community Policing Fund for the Crisis Intervention Team program.

Patron - Jones, J.C.

[F] HB1673 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. There is a delayed effective date of July 1, 2002.

Patron - Albo

[F] HB1736 Use of public funds to support private reinvestment in residential structures. Authorizes the City of Fairfax (described by population) to make appropriations of public funds, in conjunction with local private lending institutions, to assist residents to obtain loans for the improvement of residential structures located within the locality.

Patron - Rust

[F] HB1794 Local government taxing authority. Equalizes city and county taxing authority by granting counties the same authority available to cities and towns through the uniform charter powers.

Patron - Hull

[F] HB1829 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 improvements 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

[F] HB1834 Local budget reports. Allows localities to file their audited financial report to the Auditor of Public

Accounts rather than a detailed statement of revenues, expenditures and fund balances.

Patron - Howell

[F] HB1835 Inoperable motor vehicles. Allows certain localities to enforce violations of inoperable motor vehicle ordinances under its zoning ordinance as it would a zoning violation.

Patron - Howell

[F] HB1917 Loans for preservation historical property. Permits localities to make loans of money appropriated from public funds to owners of historically significant property for the purpose of preserving, rehabilitation or repairing such property.

Patron - Van Yahres

[F] HB1948 Clustering of dwellings. Requires localities to include in their subdivision and zoning ordinances provisions allowing the clustering of single-family detached dwellings on lots of lesser size so as to preserve open space. No ordinance shall require that a special use permit be obtained for such clustering.

Patron - Hull

[F] HB1969 Local control of firearms. Provides that a statute that does not refer to firearms, including rifles and shotguns, or ammunition shall not be construed to provide express authorization for localities to regulate firearms. From and after January 1, 1987, no locality shall adopt any ordinance, resolution, motion, administrative rule or regulation governing the purchase, possession, transfer, ownership, carrying or transporting of firearms, ammunition, or components or combination thereof other than those expressly authorized by statute.

Patron - McClure

[F] HB2026 Regulation of exterior illumination. Allows localities to provide for the regulation of exterior illumination levels of certain buildings and property. Exterior illumination shall be accomplished with standard engineering practices that will cause such illumination to be confined to the boundaries of the property. Any state project utilizing public funds shall use standard engineering practices that will cause such illumination to be confined to the boundaries of the property.

Patron - Bloxom

[F] HB2059 Rezoning property to previous zoning designation in certain counties. Allows Prince William County (described by form of government) to include in its zoning ordinance provisions that permit the County to grant any rezoning with a condition requiring that an approved site plan or final subdivision plan be obtained for the development within a specified period of not less than 10 years. If no such approval is obtained during the specified period, the County may rezone the property to its previous zoning designation.

Patron - McQuigg

[F] HB2116 Liability for failure to provide adequate security or crowd control. Adds the City of Virginia Beach (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. The maximum liability under this section is increased from \$1,000 to \$5,000.

Patron - Suit

[F] HB2186 Referendum requirement for bonds issued by industrial development authorities for construction of public facilities. Requires bonds issued by an industrial development authority for construction of public facilities to comply with the referendum requirements set out in the Constitution for counties.

Patron - Purkey

[F] HB2187 Authorizing local governing bodies to deliver required public notices electronically. Provides that if a local governing body maintains an official government Internet website, the local governing body shall post required public notices on the official website in addition to publishing in the local newspaper.

Patron - Purkey

[F] HB2229 Group self-insurance pools. Expands the definition of "political subdivision" for purposes of participating in local government group self-insurance pools to include certain tax-exempt organizations that provide transportation services.

Patron - Hall

[F] HB2282 Exceptions to subdivision ordinance. Clarifies that such exceptions may include provisions allowing, on land zoned for agricultural use, the division of a lot or parcel that contains an existing residential dwelling for the purpose of conveying such lot or parcel.

Patron - Barlow

[F] HB2300 Regulation of body-piercing salons and tattoo parlors. Permits any locality by ordinance to require that all body-piercing salons and tattoo parlors have appropriate medical personnel on premises at all times that such body-piercing and tattooing take place. Appropriate medical personnel may, at the discretion of the locality, include a practitioner of medicine or osteopathy, a licensed nurse practitioner, or a licensed physician assistant. This bill has been incorporated into HB 1823.

Patron - Amundson

[F] HB2314 Blighted structures in certain cities. Allows the owner of blighted property in the City of Richmond (described by population) to request that the court waive certain civil penalties if (i) the property is sold to a third party who remains responsible for all violations under Title 36, or (ii) the property is donated to a local housing organization.

Patron - Baskerville

[F] HB2335 Adequate public facilities. Allows high-growth localities to adopt reasonable provisions allowing the locality to determine whether public facilities are adequate to support the services that will be required by a proposed subdivision, site plan or rezoning. Approval of a proposed subdivision, site plan or rezoning may be made contingent upon a finding by the governing body of adequate public facilities. Such provisions shall include reasonable exceptions for small developments or other categories of development as deemed appropriate by the governing body. A proposed subdivision, site plan or rezoning shall be delayed for no more than five years under these provisions.

Patron - Blevins

HB2410 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 10 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

HB2436 Preservation of monuments and memorials. Provides that certain monuments or memorials that are erected on public property of the Commonwealth or any of its political subdivisions shall not be relocated, removed, disturbed or altered. No street, bridge, structure, park, preserve, reserve, or other public area of the Commonwealth or any of its political subdivisions dedicated in memory of or named for any historic figure or historic event may be renamed or rededicated. No person may prevent the public body from taking proper measures and exercising proper means for the protection, preservation, and care of these monuments, memorials, or nameplates. The bill further states that the provisions of the section may only be amended or repealed upon passage of an act that has received a two-thirds vote on the third reading of the bill in each branch of the General Assembly.

Patron - Katzen

HB2522 Stay of board of zoning appeals action. Provides that all actions of the board shall be stayed if there is a pending criminal proceeding on the same matter as is being appealed.

Patron - Reid

HB2539 Term limits for certain authorities in the City of Chesapeake. Provides for term limits of two consecutive terms for (i) directors of the Chesapeake Industrial Development Authority (amendments to § 15.2-4904), (ii) commissioners of the Chesapeake Redevelopment and Housing Authority (amendments to § 36-11), (iii) members of the Chesapeake Airport Authority (amendments in the second enactment clause); (iv) members of the Chesapeake Hospital Authority (amendments in the third enactment clause), and (v) members of the Board of Commissioners of the Chesapeake Port Authority (amendments in the fourth enactment clause). Currently, there are no term limits for the members and commissioners of these City of Chesapeake authorities.

Patron - Spruill

HB2697 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 public agency that has purchased land from private owners subsequently requests a 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

HB2702 Zoning amendments. Provides that no amendment to the zoning map shall be instituted without the written consent of the landowner whose property is the subject of such amendment.

Patron - Black

HB2716 Appointment of governing body members to certain offices. Provides that notwithstanding any contrary provision of law, general or special, no public service authority or certain other appointed bodies shall be comprised of a majority of elected officials as members, nor shall any locality be represented on such appointed body by more than one elected official. However, any elected official appointed to such body prior to July 1, 2001, shall be permitted to complete the term for which appointed.

Patron - Phillips

HB2730 Advisory referendum; King William reservoir. Provides for an advisory referendum in King and Queen County and King William County at the November 2001 election on the question of whether a proposed reservoir to supply water for Newport News and the Peninsula should be built in King William County.

Patron - Rapp

HB2779 Public notice and hearing for certain residential uses. Provides that any locality may by ordinance require that, prior to any use in an area zoned for single-family use that includes five or more persons unrelated by blood, marriage or adoption residing in a single-family dwelling, notice of such use be given to the locality and to the owners or occupants of adjacent property. The locality shall hold a public hearing within 30 days of receipt of the notice allowing persons affected to appear and present their views.

Patron - Cox

HB2834 Expiration of special exceptions. Allows any locality to impose restrictions providing that a special exception will automatically expire upon a change of ownership of the property, a change in possession, a change in the operation or management of a facility or upon the passage of a specific period of time. The current provisions allow the City of Norfolk (described by population) to impose such conditions on special exceptions related to ABC licenses.

Patron - Reid

HB2862 Establishment of living wage requirements. Provides that localities shall not establish living wage requirements except with express authority from the General Assembly.

Patron - O'Brien

HB2869 Urban county executive form of government; occupancy of certain dwellings. Allows the board to set occupancy limits for occupied dwellings on residential property.

Patron - Hull

SB920 Discontinuation of certain health benefits for deputy sheriffs. Provides that if a deputy sheriff is injured as a direct or proximate result of the performance of his duty, a locality shall not discontinue the health insurance benefits of such deputy sheriff, or restrict the sheriff's ability to provide

such benefits, so long as the deputy sheriff is rehabilitating from such injury and drawing workers' compensation benefits. Furthermore, a locality shall allow a deputy sheriff under such circumstances to apply accumulated sick or vacation time to the workers' compensation benefits so as to prevent a decrease in total pay.

Patron - Wampler

[F] SB925 Urban county executive form of government. Provides that those counties that have adopted the urban county executive form of government (Fairfax County) may adopt an ordinance that provides that the occupancy limitations of the maintenance provisions of the Uniform Statewide Building Code shall apply to dwelling units within the county, except that the ordinance may provide that certain habitable spaces shall not be occupied for sleeping purposes.

Patron - Byrne

[F] SB934 Urban county executive form of government; possession of weapons in county buildings. Allows Fairfax County (described by form of government) by ordinance to make it unlawful for any person to possess a dangerous weapon upon the property of publicly owned or publicly operated recreation or community center facilities and police stations. Such an ordinance shall provide reasonable exemptions for educational, instructional, theatrical and historic events. The ordinance shall not apply to law-enforcement officers, game and animal wardens, magistrates, court officers or judges, and any person who holds a valid concealed weapons permit. Notice of the ordinance shall be posted at each public entrance of such facilities. Violation of such an ordinance shall be punishable as a Class 1 misdemeanor.

Patron - Howell

[F] SB948 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

[F] SB959 Loans for preservation of historical property. Permits localities to make loans of money appropriated from public funds to owners of historically significant property for the purpose of preserving, rehabilitation or repairing such property.

Patron - Couric

[F] SB1061 Term limits for certain authorities in the City of Chesapeake. Provides for term limits of two consecutive terms for (i) directors of the Chesapeake Industrial Development Authority (amendments to § 15.2-4904), (ii) commissioners of the Chesapeake Redevelopment and Housing Authority (amendments to § 36-11), (iii) members of the Chesapeake Airport Authority (amendments in the second enactment clause); (iv) members of the Chesapeake Hospital Authority (amendments in the third enactment clause), and (v) members of the Board of Commissioners of the Chesapeake Port Authority (amendments in the fourth enactment clause). Currently, there are no term limits for the members and commissioners of these City of Chesapeake authorities.

Patron - Quayle

[F] SB1111 Road impact fees. Adds Mecklenburg County (described by population) to those localities with the authority to impose road impact fees against new development in order to generate revenue to fund or recover the costs of rea-

sonable road improvements necessitated by and attributable to the new development.

Patron - Ruff

[F] SB1147 Urban county executive form of government; discrimination based on sexual orientation. Allows Fairfax County (the only county with such form of government) by ordinance to prohibit discrimination in housing, real estate transactions, employment, public accommodations, credit and education on the basis of sexual orientation. Such authority currently exists with regard to race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status or disability.

Patron - Puller

[F] SB1151 Compensation Board. Requires the Compensation Board to include as expenses eligible for payment by the Commonwealth expenses of treasurers in taking the "Certified Governmental Treasurer" course and the expenses of deputy treasurers in taking the "Master Governmental Deputy Certification" course, both offered by the Welton Cooper Center for Public Service of the University of Virginia. Eligible expenses in taking these courses include, but are not limited to, tuition and reasonable costs for food, travel, and lodging.

Patron - Puckett

[F] SB1226 County manager plan; health insurance benefits for dependents. Allows Arlington County by ordinance to provide that under the County's self-funded health plan, coverage may be extended to one adult dependent, who may be an employee's spouse or other adult who meets criteria established by the County.

Patron - Whipple

[F] SB1300 Review of capital improvement program. Provides that a governing body may order a review of any proposed capital project contained in the capital improvements program and all expenses and cost estimates associated with the project. The review may include independent examinations of existing studies, reports and estimates, the authorization of additional studies or a request for additional proposals. The governing body may base any future appropriation for a proposed capital project upon the results of such review.

Patron - Newman

[F] SB1302 Creation of Special Fund for Capital Projects. Allows the governing body of any locality to create by ordinance a special nonreverting fund to be used solely for construction, additions, renovations, infrastructure, and site acquisition for public buildings and facilities. The fund may be used as a mechanism to link specific capital projects with specific sources of revenue. Prior to approving an appropriation from the fund for a proposed capital project, the governing body may order a review of the proposed capital project and all expenses and cost estimates associated with the project. The review may include independent examinations of existing studies, reports and estimates, the authorization of additional studies or a request for additional proposals. The governing body may base its appropriation for a proposed capital project upon the results of such review.

Patron - Newman

[F] SB1323 Planning and zoning. Allows localities to subject telecommunications towers on state land to local zoning and comprehensive plan requirements.

Patron - Hawkins

[F] SB1354 Budgets of school divisions. Allows a school division to include in its budget a reasonable reserve for

contingencies and capital improvements. The school division is required to obtain the consent of the local governing body prior to the expenditure of funds reserved for contingencies and capital improvements in the same manner as the expenditure of other funds.

Patron - Potts

[F] SB1355 Northern Virginia Transportation Authority. Establishes the Northern Virginia Transportation Authority to consolidate the roles of the Northern Virginia Transportation District Commission and other regional transportation entities. The Authority is given general responsibility for transportation projects, programs, and priorities for Northern Virginia, and is vested with the ability to issue bonds, subject to General Assembly approval.

Patron - Mims

[F] SB1381 Intent and purpose of zoning ordinances. Provides that the provisions of Title 15.2 related to planning and zoning are to be liberally construed. The bill clarifies that local governing bodies have the responsibility of weighing and balancing the purposes of zoning.

Patron - Mims

Courts Not of Record

[P] Passed

[P] HB1575 Loss of driving privileges for making a bomb threat. Provides that a juvenile who makes a bomb threat shall be additionally punished by depriving him of his privilege to drive for one year. This bill is identical to SB 789 (Houck).

Patron - Orrock

[P] HB1683 Number of district court judges. Creates one new judgeship each in the general district courts of the Sixth (Emporia, Hopewell, Prince George, Surry, Sussex, Greenville, Brunswick) and Seventeenth (Arlington, Falls Church) Judicial Districts, and in the juvenile and domestic relations district courts of the Eighth (Hampton) and Twelfth (Chesterfield, Colonial Heights) Judicial Districts. The requirement that the judges of the Fourteenth Judicial District (Henrico), Juvenile and Domestic Relations District Court assist the Twelfth Judicial District is removed. This bill is recommended by the Committee on District Courts.

Patron - Almand

[P] HB1753 Postdispositional detention. Amends legislation that will be effective July 1, 2002, to provide that if the period of postdispositional confinement is to exceed 30 days the juvenile must be committed to the Department of Juvenile Justice. The bill also adds a provision that a juvenile who has been committed to the Department of Juvenile Justice within the past 18 months is not eligible for postdispositional detention. This bill is a recommendation of the Commission on Youth, which reviewed the postdispositional legislation passed during the 2000 General Assembly Session.

Patron - McDonnell

[P] HB1889 Time for filing of certain reports. Provides that the chief judge of each juvenile and domestic relations district court may provide for an alternative means of copying and distributing CASA (Court Appointed Special Advocate) reports.

Patron - Watts

[P] HB2038 Authority to hire court services staff and directors. Clarifies the authority of the Director of the Department of Juvenile Justice to hire, transfer and terminate probation officers and supervisors as needed or demanded in state-operated court service units and clarifies the juvenile court's authority to appoint a court services unit director for each locally-operated court services unit. The bill does not become effective unless reenacted by the 2002 Session of the General Assembly.

Patron - Rust

[P] HB2066 District courts. Deletes specific leave provisions for district court personnel and provides that such policies will be fixed by the Committee on District Courts. This flexibility will make it easier for the district courts to follow the changes made in the leave system for executive branch personnel. There is a provision that salary classification schedules, vacation and sick leave policies shall be uniform throughout the Commonwealth. The bill, as introduced, was recommended by the Committee on District Courts.

Patron - Howell

[P] HB2271 Powers and duties of clerks of the general district court. Clarifies that no clerk or deputy clerk shall be civilly liable for providing information or assistance that is within the scope of his duties. This bill is identical to SB 1197 (Forbes).

Patron - Shuler

[P] HB2340 Virginia Juvenile Justice Information System. Updates and clarifies provisions relating to confidential juvenile justice information and the Department of Juvenile Justice. This bill is identical to SB 1195 (Forbes).

Patron - Blevins

[P] HB2641 Judicial Conference of Virginia for District Courts. Adds as active members to the Judicial Conference of Virginia for District Courts the president and secretary of the Virginia College of Criminal Defense Attorneys.

Patron - Albo

[P] HB2676 Emergency protective orders; Virginia criminal information network. Allows a court entering an emergency protective order to forward the information regarding the order to the Virginia criminal information network electronically where feasible and practical. This bill does not change the information that must be forwarded, but under current law the method of transferring the information is not specified.

Patron - Rhodes

[P] HB2795 Commitment of serious juvenile offenders. Allows the circuit court to qualify a transferred juvenile as a serious offender and commit him to the Department of Juvenile Justice regardless of whether he meets existing criteria regarding criminal background if, upon the court's review of the juvenile's entire criminal history, such qualification is otherwise justified.

Patron - McDonnell

[P] HB2841 Disclosure that a juvenile is a suspect in or has been arrested for certain crimes. Specifies that the chief of police or sheriff of a jurisdiction or his designee may disclose to a school principal that a juvenile is a suspect in or has been charged with (i) a violent juvenile felony; (ii) a crime involving arson or bombs; or (iii) a crime involving weapons.

Patron - Cox

[P] SB789 Loss of driving privileges for making a bomb threat. Provides that a juvenile who makes a bomb threat shall be additionally punished by depriving him of his privilege to drive for one year. This bill is identical to HB 1575 (Orrock).

Patron - Houck

[P] SB906 Civil procedure; maximum extension periods. Eliminates the 72- or 96-hour maximum extension periods in civil procedure relating to such things as involuntary detention and commitment to account for holiday weekend periods greater than 96 hours. The bill provides that when the maximum period in the civil procedure would expire on a Saturday, Sunday or legal holiday, the process continues until the next day that is not a Saturday, Sunday or legal holiday.

Patron - Mims

[P] SB1040 Pro tempore judges. Clarifies that the Governor's and circuit courts' powers of appointment of pro tempore judges exists only while the General Assembly is not in session. The language used in this bill is the same as used in the Constitution of Virginia.

Patron - Stolle

[P] SB1195 Virginia Juvenile Justice Information System. Updates and clarifies provisions relating to confidential juvenile justice information and the Department of Juvenile Justice. This bill is identical to HB 2340 (Blevins).

Patron - Forbes

[P] SB1197 Clerks and deputy clerks of general district courts. Allows clerks and deputy clerks of general district courts to perform notarial acts. This bill is identical to HB 2271 (Shuler).

Patron - Forbes

[P] SB1296 Duties of court services units and local departments of social services; parole supervision of juveniles; secure residential facilities; authority of the juvenile court over adults. Separates the responsibilities of the Department of Juvenile Justice (DJJ) and the Department of Social Services over parole (post-release) supervision of juveniles. DJJ, through court services units, will be responsible for juveniles committed to it. The bill also gives the court the authority to place a child, 14 or older, into a secure residential facility (detention) for up to 10 days for violation of probation. The bill clarifies that the juvenile court retains authority over an adult on probation or parole for violations committed as a juvenile.

Patron - Mims

[F] Failed

[F] HB1586 Subpoenas duces tecum. Allows attorneys to directly issue subpoenas duces tecum in general district court, instead of issuing the subpoenas through the clerk of the court. This section of the Code of Virginia was one of the Code sections included in Chapter 813 of the 2000 Acts of Assembly, which had a sunset clause. This bill has been incorporated into HB 2366.

Patron - Jones, J.C.

[F] HB1606 Violation of provisions of protective orders; penalty. Raises the penalty for violation of the provisions of a protective order from a Class 1 misdemeanor to a Class 6 felony and imposes a mandatory, minimum term of confinement of at least one year.

Patron - Weatherholtz

[F] HB1633 Emergency custody of certain abandoned children. Provides that if a parent voluntarily delivers physical custody of a child no older than 72 hours to a licensed hospital and does not express an intent to return for the child, the hospital shall take physical custody of the child, take any action necessary to protect the child's physical health and safety and immediately notify the local board of social services. The parents may remain anonymous and are presumed to have consented to termination of their parental rights. Hospital personnel who accept these children would be immune from civil and criminal liability. The Commonwealth shall reimburse the hospital for the hospital's actual expenses in accepting and caring for the child. The local board of social services shall assume the care, control and custody of the child immediately upon receipt of notice from the hospital and petition the court for a preliminary protective order for the child, hold a hearing the next business day and appoint a guardian ad litem. The bill provides an affirmative defense to prosecution for abuse and neglect for parents solely on the basis that they voluntarily abandoned their child. The bill requires the Board of Health to implement regulations requiring licensed hospitals to implement protocols for taking physical custody of abandoned children. The local department of social services shall contact local law enforcement to determine whether the abandoned child is a missing child and maintain records on the number of children who have been abandoned and forward the information to the Department of Social Services. The Department of Social Services shall file an annual report with the General Assembly on the statewide number of abandoned children. The Department of Social Services, in conjunction with the Department of Health, shall launch a media campaign to promote safe placement alternatives for newborn infants and publicize the emergency custody for certain abandoned children procedures. This bill is identical to HB 2154 and SB 785 and has been incorporated into HB 1891.

Patron - Moran

[F] HB1684 Small claims court. Creates an exception to the general provision that a defendant may not be represented by an attorney in small claims court by allowing an attorney to appear on behalf of a defendant on the first return date for the limited purpose of removing the case to general district court before the trial starts. This bill is a recommendation of the Committee on District Courts. This bill has been incorporated into HB 1849.

Patron - Almand

[F] HB1839 Exclusive original civil jurisdiction of general district courts. Raises from \$3,000 to \$6,000 the exclusive original civil jurisdictional amount of general district courts.

Patron - Howell

[F] HB1874 Authority to defer and dismiss. Provides that before a judgment of guilt in a criminal case or delinquency proceeding, a judge may defer further proceedings and impose probation and such terms and conditions upon the defendant 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

[F] HB1894 Clerks' offices; hours of operation. Requires the Supreme Court to establish by rule the hours of operation for the district and circuit court clerks' offices.

Patron - Griffith

[F] HB2133 Juvenile and Domestic Relations District Court. Creates a pilot project in Fairfax County to determine the efficacy of appeals from the juvenile and domestic district relations court to the Court of Appeals.

Patron - McClure

[F] HB2154 Emergency custody of certain abandoned children. Provides that if a parent voluntarily delivers physical custody of a child no older than 72 hours to a licensed hospital and does not express an intent to return for the child, the hospital shall take physical custody of the child, take any action necessary to protect the child's physical health and safety and immediately notify the local board of social services. The parents may remain anonymous and are presumed to have consented to termination of their parental rights. Hospital personnel who accept these children would be immune from civil and criminal liability. The Commonwealth shall reimburse the hospital for the hospital's actual expenses in accepting and caring for the child. The local board of social services shall assume the care, control and custody of the child immediately upon receipt of notice from the hospital and petition the court for a preliminary protective order for the child, hold a hearing the next business day and appoint a guardian ad litem. The bill provides an affirmative defense to prosecution for abuse and neglect for parents solely on the basis that they voluntarily abandoned their child. The bill requires the Board of Health to implement regulations requiring licensed hospitals to implement protocols for taking physical custody of abandoned children. The local department of social services shall contact local law enforcement to determine whether the abandoned child is a missing child and maintain records on the number of children who have been abandoned and forward the information to the Department of Social Services. The Department of Social Services shall file an annual report with the General Assembly on the statewide number of abandoned children. The Department of Social Services, in conjunction with the Department of Health, shall launch a media campaign to promote safe placement alternatives for newborn infants and publicize the emergency custody for certain abandoned children procedures. This bill is identical to HB 1633 and SB 785 and has been incorporated into HB 1891.

Patron - Rhodes

[F] HB2280 Commitment of juveniles to the Department of Juvenile Justice. Allows the commitment of a juvenile to the Department of Juvenile Justice if the juvenile has been expelled from a boot camp.

Patron - Barlow

[F] HB2328 Assault and battery against a family or household member; penalty. Provides that upon conviction for an assault and battery against a family or household member, where it is alleged that (i) such person has been previously convicted of assault and battery against a family member and (ii) within 72 hours of that person's release from incarceration serving a sentence for such conviction, commits another such violation, such person shall be guilty of a Class 6 felony. The bill also requires trial for violation of a family protective order or family assault and battery within 45 days where practical.

Patron - Baskerville

[F] HB2370 Removal of action involving more than \$3,000. Provides that if the plaintiff objects to the defendant's motion for removal of a case from district court to circuit court on the basis of jurisdictional amount, the district court may hear evidence to determine whether the defendant has a substantial defense to the action, exclusive of the sole issue of the amount or computation of damages. If the court finds that the defendant has no substantial defense, the removal application

shall be denied. Currently there is no provision for a hearing upon objection by the plaintiff.

Patron - Joannou

[F] HB2547 Support of committed juvenile by parents, etc. Requires parents or other persons legally obligated to care for and support a juvenile committed to the Department of Juvenile Justice as a delinquent or serious offender to pay a reasonable amount of support to cover the cost of support and treatment of the juvenile.

Patron - Katzen

[F] HB2597 Civil jurisdiction of general district courts. Raises the exclusive original jurisdiction in general district courts to \$6,000, exclusive of interest and any attorney's fees. The bill sets concurrent jurisdiction with the circuit courts when the amount of the claim exceeds \$6,000 but does not exceed \$15,000, exclusive of interest and such attorney's fees. Jurisdiction of claims when the amount exceeds \$15,000 is limited to the circuit courts. Current law sets exclusive original jurisdiction in general district courts to \$3,000.

Patron - Putney

[F] HB2653 Juvenile not guilty by reason of insanity. Recognizes the finding of "not guilty by reason of insanity" for a child charged with a delinquent act in juvenile court proceedings. The bill closely parallels the adult statute on not guilty by reason of insanity. If the court finds a child not guilty, 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 *Commonwealth v. Chapman*, 30 Va. App. 593, 601, 518 S.E.2d 847, 851 (1999) rev'd Virginia Supreme Court, November 3, 2000, Record No. 992706, where the Supreme Court held that the insanity defense is not available to juveniles absent specific statutory authority.

Patron - Darner

[F] HB2719 Compensation of appointed counsel for parents in abuse and neglect cases. Provides that when a juvenile and domestic relations district court appoints counsel to represent a parent, guardian or other adult in an abuse and neglect case, such counsel shall be compensated for his services at the same rate as the guardian ad litem.

Patron - McClure

[F] SB785 Emergency custody of certain abandoned children. Provides that if a parent voluntarily delivers physical custody of a child no older than 72 hours to a licensed hospital and does not express an intent to return for the child, the hospital shall take physical custody of the child, take any action necessary to protect the child's physical health and safety and immediately notify the local board of social services. The parents may remain anonymous and are presumed to have consented to termination of their parental rights. Hospital personnel who accept these children would be immune from civil and criminal liability. The Commonwealth shall reimburse the hospital for the hospital's actual expenses in accepting and caring for the child. The local board of social services shall assume the care, control and custody of the child immediately upon receipt of notice from the hospital and petition the court for a preliminary protective order for the child, hold a

hearing the next business day and appoint a guardian ad litem. The bill provides an affirmative defense to prosecution for abuse and neglect for parents solely on the basis that they voluntarily abandoned their child. The bill requires the Board of Health to implement regulations requiring licensed hospitals to implement protocols for taking physical custody of abandoned children. The local department of social services shall contact local law enforcement to determine whether the abandoned child is a missing child and maintain records on the number of children who have been abandoned and forward the information to the Department of Social Services. The Department of Social Services shall file an annual report with the General Assembly on the statewide number of abandoned children. The Department of Social Services, in conjunction with the Department of Health, shall launch a media campaign to promote safe placement alternatives for newborn infants and publicize the emergency custody for certain abandoned children procedures. This bill is identical to HB 1633 and HB 2154.

Patron - Byrne

[F] SB912 Study; Permanent foster care placement.

Directs the Department of Social Services to study permanent foster care placement options for children. The study shall include, but not be limited to, (i) an analysis of the process currently used in the Commonwealth to make permanent foster care placements, (ii) an evaluation of how many children in the Commonwealth will remain in the foster care system until they are emancipated as young adults, (iii) an evaluation of how many children in the Commonwealth who are placed in a permanent foster care placement in a traditional family setting end up returning to an institutional group residence because they cannot or will not thrive in the traditional family setting, (iv) an analysis of any federal legal impediment to a permanent foster care placement in an institutional residential setting and an analysis of whether a program funded solely by state funds could overcome any legal impediment, (v) recommendations for criteria to be used for a foster care program that would permit the courts to make a permanent foster care placement in an institutional group residence, and (vi) a determination of the changes required in existing state law and regulation to allow courts to make permanent foster care placements in institutional group residences. The Department must submit its findings and recommendations to the Governor and the General Assembly by October 15, 2001.

Patron - Potts

[F] SB1068 Boot camp; juveniles. Allows a juvenile court to commit to the Department of Juvenile Justice a juvenile who was expelled from a boot camp. Under current law when a juvenile is expelled from boot camp, the court can impose only those dispositions that could have been imposed at the time the juvenile was placed in boot camp. Also under current law there must be a certain combination of offenses in order to commit the juvenile to the Department of Juvenile Justice.

Patron - Quayle

[F] SB1136 Juvenile court; support appeals. Clarifies the bond requirements for appeal of an order establishing a support arrearage (arrearage bond) or suspending payment of support during pendency of an appeal (accrual bond), a conviction for failure to support (appearance or recognizance) and a finding of civil or criminal contempt involving a failure to support (appearance or recognizance). The bill treats an appearance bond as bail. Failure to post it does not keep the appeal from going forward, but the appellant may not be at liberty during the pendency of the appeal.

Patron - Marsh

[F] SB1288 Car theft; juveniles. Provides for a determinate mandatory commitment of no less than six months and no more than one year to the Department of Juvenile Justice for a juvenile's second or subsequent conviction of motor vehicle theft or unauthorized use within a three-year period.

Patron - Rerras

[F] SB1307 Exclusive civil original jurisdiction of general district courts. Raises the exclusive civil original jurisdiction in general district courts to \$6,000, exclusive of interest and any attorney's fees. Current law sets exclusive civil original jurisdiction in general district courts to \$3,000.

Patron - Newman

Courts of Record

[P] Passed

[P] HB1560 Closing of district courts. Provides that the chief judge of a district court may authorize the office of the clerk of the court to be closed on the basis of a possible threat to the health or safety of the general public or the clerk's staff.

Patron - Jones, J.C.

[P] HB1685 Senior justices and judges. Changes the word "secretary" to "support staff" to allow senior justices of the Supreme Court and senior judges of the Court of Appeals the flexibility to hire a law clerk rather than a secretary.

Patron - Howell

[P] HB1686 Court of Appeals. Eliminates statutory references to what expenses will be reimbursed for judges of the Court of Appeals and the staff positions to which the judges are entitled. The Code of Virginia currently specifies that each judge is entitled to one research assistant and the services of a secretary. The bill provides that each judge is entitled to the staff support authorized by the Appropriations Act.

Patron - Howell

[P] HB1759 Fees collected by circuit court clerks for deed recordation. Changes the fee collected by circuit court clerks from \$13 plus additional dollars dependent on page length to a flat fee of \$15 for 10 or fewer pages, \$30 for 11-30 pages, and \$50 for 31 or more pages.

Patron - Jones, J.C.

[P] HB1772 Remote access to nonconfidential circuit court records. Clarifies that those records held by a circuit court clerk include records stored in electronic format whether the storage media for such electronic records are on premises or elsewhere. The bill provides that remote access users are individuals who are not employees of the clerk's office.

Patron - Howell

[P] HB2043 Privacy of electronically filed court records. Requires the Supreme Court to promulgate rules to restrict remote electronic access to records in any cases filed electronically in the electronic filing pilot projects, to judges, court personnel, any persons assisting such persons in the administration of the electronic filing system, counsel of record, and parties appearing pro se. The bill expires on July 1, 2002.

Patron - Rust

[P] HB2199 Temporary recall of retired judges. Allows a judge to be recalled who retired under the Virginia Retirement System, instead of the Judicial Retirement System, after transferring from the judiciary to state service.

Patron - Almand

[P] HB2356 Modification of sentencing guidelines for methamphetamine. Requires the Virginia Criminal Sentencing Commission to develop discretionary felony sentencing guidelines for methamphetamine-related convictions and to assess the quantity of methamphetamine seized in such cases with regard to recently amended provisions of subsection H of § 18.2-248. The assessment must be completed by December 1, 2001. This bill is identical to SB 1178.

Patron - Weatherholtz

[P] HB2454 Payment of fees by credit card. Allows the circuit court clerk to accept credit cards for the payment of filing fees. Currently, the clerks only accept credit cards for fines and gun permits.

Patron - Phillips

[P] HB2487 Court of Appeals. Increases from two to three the number of judges on the Court of Appeals who must vote in favor of an en banc hearing when there is a dissent in the panel and the aggrieved party requests an en banc hearing. The bill also increases from two to three the number of other judges who must concur when any judge of a panel certifies that the panel decision is in conflict with a prior decision and should be heard en banc. This change recognizes the increase in the size of the Court of Appeals from 10 to 11 judges, a change made by the 2000 General Assembly. This bill is recommended by the Judicial Council.

Patron - Moran

[P] HB2749 Days of operation of clerks' offices. Expands the purposes for which the clerk, with the approval of the chief judge, may open the clerk's office on Saturdays to include recording instruments. Currently the court may be open on Saturday, solely for the purposes of (i) permitting examination and copying of court records and (ii) accepting applications for and granting licenses pursuant to applicable law. For all other purposes, including without limitation and the filing of actions at law and suits in equity and all pleadings, pleas and motions therein, the clerk's office shall be closed with the force and effect of a statutory closing as provided in § 1-13.3:1:1.

Patron - Deeds

[P] SB891 Circuit court clerks; powers, duties and fees. Makes technical corrections to various sections affecting circuit court clerks. Such corrections are not intended to create any substantive changes in policy and they are as follows: (1) With regard to records retention, the change clarifies that the clerk may destroy the originals of judgments once they are microfilmed or scanned in accordance with existing requirements; (2) a conflict regarding the fee payable for recording powers of attorney is eliminated; (3) an unintended conflict between the section relating to nonresident fiduciaries and a section relating to the qualification of a fiduciary without security is eliminated by clarifying that the clerk may waive the surety when he appoints; (4) the bill provides the protection from public inspection that is necessary for marriage licenses that have social security numbers as part of the record; (5) it makes clear that powers of attorney appointing agents for service of process on businesses trading under assumed names are to be filed in the deed books; (6) the bill makes clear that a copy of a will stored on microfilm or on an electronic medium can be certified as "a duly certified copy;" and (7) two outdated

provisions are repealed. The bill also requires that social security numbers not be used on applications for marriage licenses.

Patron - Trumbo

[F] Failed

[F] HB1566 Indexing by tax map reference number. Excepts certificates of satisfaction from those instruments that certain localities shall require to be indexed by tax map reference number or parcel identification number.

Patron - Griffith

[F] HB1744 Number of circuit court judges. Adds a seventh circuit court judge to the Twenty-third Judicial Circuit (Roanoke, Salem and Roanoke County).

Patron - Griffith

[F] HB1792 Chief Justice of the Supreme Court of Virginia; election by the General Assembly. Requires that the Chief Justice be elected for a term of six years by the majority vote of the House and Senate. Currently, the Chief Justice is the justice with the longest service on the Court and holds that office without the restriction of a term.

Patron - Kilgore

[F] HB1793 Fees collected by clerks of circuit courts. Allows the clerks for Fairfax and Wise Counties, described by population brackets, to accept personal checks, credit cards, debit cards and/or any other commercially acceptable method of payment and to collect a service charge sufficient to cover the costs of credit card merchant processing for the services. The provisions of the act expire on July 1, 2006.

Patron - Kilgore

[F] HB1954 Costs and fees in dismissed drug cases. Requires a defendant whose case is dismissed under the first (drug) offender statute to pay all costs and fees ordinarily associated with the case, as if convicted.

Patron - Cox

[F] HB2445 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

[F] HB2536 Electronic filing of documents. Requires circuit court clerks to establish a system for electronic filing of all land records. The clerks are required to use a system developed or authorized by the Supreme Court of Virginia. Such system shall be standardized throughout the Commonwealth.

Patron - Phillips

[F] HB2592 Assessment for courthouse construction, renovation or maintenance. Allows any county or city to increase such assessment from four to six dollars as part of the costs in (i) each civil action filed in the district or circuit courts located within its boundaries and (ii) each criminal or traffic case in its district or circuit court in which the defendant is charged with a violation of any statute or ordinance.

Patron - Christian

[F] HB2675 Mandatory release on parole. Requires the Virginia Parole Board to review the time served by every person incarcerated in the Department of Corrections for a felony offense committed prior to January 1, 1995, and calculate whether that person has served the maximum term of confinement plus 10 percent under the sentencing guidelines in effect on July 1, 2001. If so, the person must immediately be released on parole. If not, the date on which he must be released shall be calculated and recorded in the person's record and the person must be released on that date.

Patron - Rhodes

[F] HB2685 Sentencing guideline modifications. Provides that any modification to the discretionary sentencing guidelines proposed on December 1 by the Sentencing Commission shall, with the advice and consent of the General Assembly, become effective on the next following July 1. Currently, the Commission's modifications are automatic unless otherwise provided by law.

Patron - Joannou

[F] HB2731 Remote access to nonconfidential court records. Provides that remote access users are those individuals not employed by the clerk's office.

Patron - Hargrove

[F] HB2770 Offender risk assessment instrument. Prohibits the Virginia Criminal Sentencing Commission from using the factors of race, sex, age, previous employment history, education, marital status or previous mental health treatment in determining a discretionary sentencing range.

Patron - Darner

[F] SB805 Indexing by tax map reference number. Excepts certificates of satisfaction from those instruments that certain localities shall require to be indexed by tax map reference number or parcel identification number.

Patron - Reynolds

[F] SB860 Fees collected by the clerk for a felony reduced to a misdemeanor. Adds the misdemeanor drug sentencing fee of \$75 to the fixed fee for a felony reduced to a misdemeanor collected by the clerk of the court.

Patron - Norment

[F] SB919 Fees collected by clerks of circuit courts. Allows the clerks for Fairfax and Wise Counties, described by population brackets, to accept personal checks, credit cards, debit cards and/or any other commercially acceptable method of payment and to collect a service charge sufficient to cover the costs of credit card merchant processing for the services. The provisions of the act expire on July 1, 2006.

Patron - Wampler

[F] SB1114 Number of circuit court judges. Adds an additional circuit court judge to the 23rd Judicial Circuit (Roanoke, Salem, and Roanoke County).

Patron - Edwards

[F] SB1119 Mental health courts; pilot program. Directs the Office of the Executive Secretary of the Supreme Court to establish no less than two and no more than five mental health courts for nonviolent offenders with serious mental illnesses in Virginia by January 1, 2002.

Patron - Edwards

[F] SB1179 Court fees. Establishes fixed fees for proceedings for misdemeanors, traffic infractions and other violations in district and circuit court. The fixed fees aggregate the

most common costs to be collected by clerks of court, many of which are earmarked for distribution to specific funds. The fees are collected in the case of a conviction, certain deferred dispositions without a finding of guilt, or revocation of probation or a suspended sentence. The bill was recommended by the Committee on District Courts in order to more efficiently process cases, utilize automation and minimize inconvenience to the public.

Patron - Norment

Crimes and Offenses Generally

[P] Passed

[P] HB197 Oral or written threats to commit acts of violence on school property; penalty. Rewrites threats statute to provide that it is a Class 6 felony to knowingly communicate a written threat to kill or do bodily injury to a person regarding that person or a member of his family if the threat places the person in reasonable apprehension of death or bodily injury to himself or his family member. A written threat to kill or do bodily harm on school property or at a school event is a Class 6 felony regardless of whether the person who is the object of the threat actually receives the threat if it would place the person in reasonable apprehension of death or bodily harm. An oral threat to kill or do bodily injury on school property or at a school sponsored event is a Class 1 misdemeanor. This bill is identical to SB 847 (Couric).

Patron - Sherwood

[P] HB247 Discharge of firearms in schools. Provides that the hunting exemption and the exemption for a established shooting range do not apply to the willful discharge of a firearm upon the buildings and grounds of a school. The bill also provides that there is no established shooting range exemption for discharge of a firearm within 1,000 feet of the property line of a school.

Patron - Dillard

[P] 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, 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

[P] HB395 Concealed weapons permit. Clarifies that a court shall consult with either the 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

[P] HB924 Refusal of blood or breath test. Allows a conviction for unreasonable refusal to permit a blood or breath sample to be taken to be admissible in a DUI trial for the sole purpose of explaining the absence of a chemical test. The arresting officer and magistrate are required to inform the person arrested of the possibility that such a conviction could be admissible as evidence. Removes the provision that the trial

date for unreasonable refusal must be after the trial for driving under the influence.

Patron - Watts

HB1624 Weapons on school property. Prohibits all knives on school property or at a school-sponsored event except for pocket knives having a folding metal blade less than three inches long. This provision applies to all persons, not just students. Current exemptions for food preparation, school programs, etc., are retained.

Patron - Tata

HB1773 Medical malpractice. Revises the definition of "health care provider" to include directors, officers, employees and agents of persons or entities defined as health care providers acting within the scope of employment.

Patron - Howell

HB1833 Blood alcohol tests; restricted license. Provides that if a person arrested for DUI is unable to go before the magistrate due to the need for medical treatment, the arresting officer may certify the person's refusal to take a blood or breath test. The bill also provides that in lieu of securing a warrant, the arresting officer may issue a summons on the premises of the medical facility for refusal to submit to a test. The bill also compiles all options for restricted driver's licenses for various traffic and drug offenses into one section of the Code of Virginia. This bill incorporates HB 1850.

Patron - Howell

HB1837 Certain attempted sexual offenses. Repeals § 18.2-67.5, which criminalizes and penalizes several attempted sexual offenses. These attempted sexual offenses are already prosecuted under the general attempt statutes and the substantive sexual offense statutes. This bill does not make any substantive changes to the law. The bill is recommended by the Virginia Bar Association (VBA). After the 2000 Session of the General Assembly, the chairmen of the Courts of Justice Committee requested the VBA to study the repeal of this section, with the assistance of the Commonwealth's Attorneys Services Council and the Virginia College of Criminal Defense Attorneys.

Patron - Howell

HB1862 Suspension of school employees. Provides that school employees who are placed on probation as first offenders for drug offenses are not entitled to any escrowed salary or reinstatement. Under current law, a school employee may be suspended for good and just cause when the safety or welfare of the school division or students is threatened or when the school employee has been charged with the commission of a felony or specified misdemeanors, including drug offenses, or with an equivalent offense in another state. During suspension, the school employee's salary is placed in escrow. Upon a finding of not guilty or nolle prosequi, the employee is reinstated and these escrowed funds are returned to the employee; a finding of guilt results in the funds being returned to the school board. This measure addresses cases of probation for first offender status where there is technically no finding of guilt nor is there an acquittal. This bill is identical to SB 1032 (Stolle).

Patron - McDonnell

HB1868 Identification required for procurement of material harmful to minors. Provides that a civil penalty shall be imposed on any person who sells, rents or loans material that is harmful to minors to a person who appears to be under 18 years of age, without first requiring the production of a government-issued photo identification.

Patron - Purkey

HB1901 Charitable gaming; sale of pull tabs.

Allows persons employed by a qualified organization authorized to sell pull tabs or seal cards in accordance with charitable gaming laws to sell pull tabs or seal cards provided (a) such sales are conducted by no more than two on-duty employees, (b) such employees shall receive no compensation for or based on the sale of the pull tabs or seal cards, and (c) such sales are conducted in the private social quarters of the organization. Currently, only members of an organization may participate in the conduct of charitable gaming. The bill also contains a technical amendment by deleting an obsolete provision in the charitable gaming law.

Patron - Sherwood

HB2014 Testimony by child victims or witnesses. Expands the current law regarding testimony in cases involving child victims to include child witnesses. Under current law, when a criminal proceeding involves an offense against a child, the child or other child witnesses may testify using a two-way closed-circuit television. This bill would include murder of a person of any age when a child is a witness to the murder.

Patron - Watts

HB2112 Stalking; changes in proof and definitions; penalty. Changes the proof of knowledge of the defendant in a stalking case from actual knowledge to a standard requiring that the defendant know or reasonably should know that his stalking conduct places another person in reasonable fear of death, criminal sexual assault, or bodily injury.

Patron - Suit

HB2130 Concealed handgun permit application, reciprocity, definition of explosion; penalty. Defines concealed handgun permit application completion, redefines reciprocity requirements for recognition in Virginia of a permit issued by another state and redefines authority to ascertain another state's permit requirements for reciprocity. The bill also redefines explosion to include the requirement that combustible material causes the explosion.

Patron - McClure

HB2223 Agricultural or forestry product, facility or animal. Makes it a Class 1 misdemeanor or a Class 6 felony, depending on the value of the property, to maliciously damage or destroy any farm product that is grown for testing or research purposes in the context of product development in conjunction with a private research facility or a university or any federal, state or local government and provides that a court shall determine the market value when awarding restitution. This bill is identical to SB 1187 (Trumbo).

Patron - Deeds

HB2327 Possession or transportation of firearms or concealed weapons by convicted felons; penalties. Prohibits a convicted felon from possessing a stun weapon or taser except in his home. This bill is identical to SB 1306 (Newman).

Patron - Wright

HB2375 Charitable Gaming Commission; regulations. Extends the moratorium until July 1, 2002, for which the Commission shall not revoke, suspend or deny a permit to any organization because of its failure to meet required minimum payments to charity. The bill also requires the Commission to conduct a study of fair market rental values for bingo halls.

Patron - Joannou

[P] HB2478 Defeating drug and alcohol screening tests; penalty. Provides that it is unlawful for a person to transport or market human urine in the Commonwealth with the intent of using the urine to defeat a drug or alcohol screening test. The bill also punishes adulteration of urine with the intent to defraud a drug or alcohol screening test. The penalty is a Class 1 misdemeanor.

Patron - Hall

[P] HB2483 Bodily injuries caused by accused persons, prisoners, state juvenile probationers and state and local adult probationers or adult parolees. Provides that it is a Class 5 felony for an accused being investigated by, or a probationer or parolee under the supervision of, a probation or parole officer or a local pretrial services officer, to knowingly and willfully inflict bodily injury on such officer while he is in the performance of his duty and knowing the officer is engaged in the performance of his duty. Currently the law does not apply to an accused person as the perpetrator or to a local pretrial services officer as the victim. This bill is identical to SB 1181 (Colgan).

Patron - Moran

[P] HB2485 VASAP case managers' oath of office. Provides that every case manager, and any other employee who is designated by the director of any VASAP-certified local alcohol safety action program operated pursuant to this article to provide probation and related services, shall take an oath of office as prescribed in § 49-1 before entering the duties of his office. This bill is identical to SB 1128 (Marsh).

Patron - Moran

[P] HB2486 Reinstatement of driver's license suspended or revoked for a conviction of driving while intoxicated. Provides that a judge may waive the requirement that before restoring a driver's license to any person whose license to drive a motor vehicle has been suspended or revoked as a result of a conviction for driving while intoxicated he must successfully complete an alcohol safety action program. This bill is identical to SB 1127 (Marsh).

Patron - Moran

[P] HB2570 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. This bill is identical to SB 1211 (Forbes).

Patron - McDonnell

[P] HB2593 Use of a person's identity with the intent to coerce, intimidate, or harass; penalty. Provides that publishing a person's name or picture along with certain identifying information, with intent to coerce, intimidate, or harass, is a Class 1 misdemeanor. This bill is identical to SB 1246 and incorporates HB 2555.

Patron - Albo

[P] HB2623 Fingerprinting for concealed handgun license. Provides that for the purpose of applying for a concealed handgun permit, optically scanned fingerprints may be used instead of inked fingerprint cards and may be transmitted electronically by a locality to the State Police for the purpose of a criminal history records check. The bill also requires that all optically scanned fingerprints shall be destroyed upon completion of the criminal history records check.

Patron - Joannou

[P] HB2631 Carnal knowledge of certain persons. Provides that any employee of the Department of Juvenile Justice who carnally knows any detainee in a secure juvenile facility or detention home is guilty of a Class 6 felony.

Patron - O'Brien

[P] HB2673 DUI blood lab work. Ties fee for DUI blood lab work done by an independent lab for determination of blood alcohol content to the forensic laboratory's fee schedule and removes requirement that a second sample is only tested for drugs when the first sample (tested by the Commonwealth) shows the presence of drugs.

Patron - Albo

[P] HB2751 First offender; drugs. Limits the performance of substance abuse assessments to DMHMRAS. The bill also reduces amount of community service required from 100 hours to 24 hours if the offense is a misdemeanor.

Patron - Moran

[P] HB2824 Identity fraud; assistance of the Attorney General. Provides that the Attorney General may provide assistance, not to include legal representation, to a victim of identity fraud in obtaining information necessary to correct inaccuracies or errors in his identifying information. The bill clarifies that the restitution allowed under the current law may include the person's actual expenses associated with correcting errors in the victim's credit report or other identifying information.

Patron - Byron

[P] SB801 Adult abuse and neglect. Rewrites the criminal statute to clarify the penalties when a responsible person abuses or neglects an incapacitated adult.

Patron - Reynolds

[P] SB824 HIV testing of criminal defendants. Amends the existing provision that allows the court to order HIV testing of persons charged with certain crimes to establish a procedure for a defendant whose competence is at issue. Prior to ordering testing a hearing must be held to determine that there is probable cause that the individual committed the crime. The defendant's attorney or guardian ad litem may be present at the hearing instead of the defendant. The same procedures will apply to individuals who refuse to consent to the test. This bill is a recommendation of the Committee on District Courts.

Patron - Marsh

[P] SB847 Threats; penalty. Rewrites threats statute to provide that it is a Class 6 felony to knowingly communicate in

writing a threat to kill or do bodily injury which creates a reasonable apprehension of death or bodily injury. The bill also provides that any person who communicates a threat, in writing, including an electronically transmitted communication producing a visual or electronic message, to kill or do bodily harm, (i) on the grounds or premises of any elementary, middle or secondary school property, (ii) at a school-sponsored event or (iii) on a school bus to any person or persons, regardless of whether the person who is the object of the threat actually receives the threat, and the threat would place the person who is the object of the threat in reasonable apprehension of death or bodily harm, is guilty of a Class 6 felony. This bill is identical to HB 197 (Sherwood).

Patron - Couric

[P] SB862 Restricted driver's license. Expands the purposes for which a person may drive when issued a restricted driver's license to include medically necessary travel for an elderly parent with a serious medical problem and to make the purposes uniform among the various restricted license provisions. This bill incorporates SB 985 and SB 1126.

Patron - Norment

[P] SB904 Driving while intoxicated, review of DMV license suspension by Court. Reinstates language that affirms that the court trying a second-offense DUI shall order the surrender of the person's driver's license and shall notify such person that his license has been revoked for a period of three years. Current language is unclear as to whether the court has such authority. The bill also amends changes to DUI law made last year to clarify that second offense and third offense DUI must be alleged. Reinstates stricken language to clarify penalties. The bill also provides that any person aggrieved by any order or act of the Commissioner of the Department of Motor Vehicles requiring suspension or revocation of a license is entitled to judicial review and adds that the court may modify a suspension, issue a restricted license, or modify the order to correct a manifest injustice. The bill also provides that DMV will enforce requirements pertaining to ignition interlock systems if the court fails, without explanation for its reasoning, to require an offender to install an ignition interlock system as a second or subsequent offense under § 18.2-51.4 (maiming another while driving intoxicated), § 18.2-266 (driving while intoxicated) or a substantially similar ordinance of any county, city or town. This bill incorporates SB 1129.

Patron - Mims

[P] SB983 Commission on the Virginia Alcohol Safety Action Program (VASAP). Amends the Code of Virginia to clarify that Alcohol Safety Action Programs provide intervention, not treatment.

Patron - Rerras

[P] SB989 Indecent liberties with children; penalty. Rewrites the indecent liberties with children statute to clarify that, except for the portion on receiving remuneration for encouraging a child to perform in sexually explicit visual material, the child must be under 14 years of age for a crime to have occurred. The bill provides that a second or subsequent violation of the section prohibiting taking indecent liberties with a child by a person in custodial or supervisory relationship is a Class 5 felony. The bill also provides that a first offense under the taking indecent liberties with children sections is defined as a sexually violent offense; under current law the offense is not defined as such until the second offense. This means that a person would have to register with the Sexual Offender and Crimes Against Minors Registry after a first offense rather than a second offense and elevates the penalty for knowingly failing

to register or reregister or knowingly providing false information from a Class 1 misdemeanor to a Class 6 felony.

Patron - Stolle

[P] SB998 Assault and battery of a correctional officer. Clarifies that enhanced penalties for assault and battery against correctional officers applies to jail officers in regional jail facilities as well as officers in local facilities.

Patron - Ruff

[P] SB1032 Suspension of school employees. Provides that school employees who are placed on probation as first offenders for drug offenses are not entitled to any escrowed salary or reinstatement. Under current law, a school employee may be suspended for good and just cause when the safety or welfare of the school division or students is threatened or when the school employee has been charged with the commission of a felony or specified misdemeanors, including drug offenses, or with an equivalent offense in another state. During suspension, the school employee's salary is placed in escrow. Upon a finding of not guilty or nolle prosequi, the employee is reinstated and these escrowed funds are returned to the employee; a finding of guilt results in the funds being returned to the school board. This measure addresses cases of probation for first offender status where there is technically no finding of guilt nor is there an acquittal. This bill is identical to HB 1862 (McDonnell).

Patron - Stolle

[P] SB1039 Presentence reports in sex offense cases. Requires the preparation of presentence reports in the following cases: the person is charged and adjudged guilty of a felony violation of rape (§ 18.2-61), carnal knowledge (§§ 18.2-63, 18.2-64.1 and 18.2-64.2), forcible sodomy (§ 18.2-67.1), marital sexual assault (§ 18.2-67.2:1), object sexual penetration (§18.2-67.2), aggravated sexual battery (§ 18.2-67.3), infected sexual battery (§ 18.2-67.4:1), third misdemeanor sex offense (§ 18.2-67.5:1), crimes against nature (§ 18.2-361), bigamy (§ 18.2-362), adultery and fornication (§ 18.2-366), conspiracy to cause spouse to commit adultery (§ 18.2-367), prostitution offenses (§§ 18.2-355, 18.2-356, 18.2-357, 18.2-358, and 18.2-368), indecent liberties (§§ 18.2-370 and 18.2-370.1), or § 18.2-370.2, or any attempt to commit or conspiracy under general conspiracy (§§ 18.2-22 and 18.2-26), sexual offenses attempts (§ 18.2-67.5), subsequent felony sexual assault (§ 18.2-67.5:2) or subsequent violent felony sexual assault (§ 18.2-67.5:3). The bill also makes two technical amendments to remove § 18.2-57.1 (repealed), and to remove maiming (§ 18.2-51.4), which is covered under the general felony category for presentence reports.

Patron - Stolle

[P] SB1069 Gift certificates; larceny. Adds gift certificates to the statute making the obtaining of money or other property by false pretenses with the intent to defraud larceny and a Class 4 felony.

Patron - Quayle

[P] SB1127 Reinstatement of driver's license suspended or revoked for a conviction of driving while intoxicated. Provides that a judge may, for good cause shown, waive the requirement that before restoring a driver's license to any person whose license to drive a motor vehicle has been suspended or revoked as a result of a conviction for driving while intoxicated he must successfully complete an alcohol safety action program. This bill is identical to HB 2486 (Moran).

Patron - Marsh

[P] SB1128 VASAP case managers' oath of office. Provides that every case manager, and any other employee who

is designated by the director of any VASAP-certified local alcohol safety action program operated pursuant to this article to provide probation and related services, shall take an oath of office as prescribed in § 49-1, by a person authorized to administer oaths pursuant to § 49-3, before entering the duties of his office. This bill is identical to HB 2485 (Moran).

Patron - Marsh

[P] SB1177 Charitable Gaming Commission; determination of gross receipts. Provides that the proceeds from pull tabs or seal cards shall not be included in determining the gross receipts for a qualified organization provided the gaming (i) is limited exclusively to members of the organization and their guests, (ii) is not open to the general public, and (iii) there is no public solicitation or advertisement made regarding such gaming. The bill also provides that pull tabs or seal cards may be sold only upon the premises owned or exclusively leased by a qualified organization and at such times as such premises are open only to members of the organization and their guests.

Patron - Potts

[P] SB1178 Modification of sentencing guidelines for methamphetamine. Requires the Virginia Criminal Sentencing Commission to develop discretionary felony sentencing guidelines for methamphetamine-related convictions and to assess the quantity of methamphetamine seized in such cases with regard to recently amended provisions of subsection H of § 18.2-248. The assessment must be completed by December 1, 2001. This bill is identical to HB 2356 (Weatherholtz).

Patron - Potts

[P] SB1181 Bodily injuries caused by accused persons, prisoners, state juvenile probationers and state and local adult probationers or adult parolees. Provides that it is a Class 5 felony for a probationer or parolee under the supervision of a probation officer, any parole officer or a local pretrial services officer, to knowingly and willfully inflict bodily injury on such officer while he is in the performance of his duty. Currently the law does not apply to a local pretrial services officer or local probation officer. This bill is identical to HB 2483 (Moran).

Patron - Colgan

[P] SB1187 Agricultural or forestry product, facility or animal. Makes it a crime to maliciously damage or destroy any farm product that is grown or operated for testing or research purposes in the context of product development in conjunction with a private research facility or a university or any federal, state or local government and provides that a court shall determine the market value when awarding restitution. The crime is a Class 6 felony if the value of the product was \$200 or more and a Class 1 misdemeanor if the value was less than \$200. This bill is identical to HB 2223.

Patron - Trumbo

[P] SB1211 Abortion, informed written consent as a prerequisite; 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 rear-

ing; (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 that, 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. This bill is identical to HB 2570 (McDonnell).

Patron - Forbes

[P] SB1246 Use of a person's identity with the intent to coerce, intimidate, or harass; penalty. Provides that publishing a person's name or picture along with certain identifying information, with intent to coerce, intimidate, or harass, is a Class 1 misdemeanor. This bill is identical to House Bill 2593.

Patron - Watkins

[P] SB1259 Sex crimes. Increases penalties for certain sex crimes. The bill also delays the effective date of the provisions regarding civil commitment of sexually violent predators from July 1, 2001, to January 1, 2003.

Patron - Norment

[P] SB1306 Possession or transportation of stun weapons by convicted felons; penalties. Punishes the carrying of a stun weapon or taser by a convicted felon, except in such person's residence or the curtilage thereof, as a Class 1 misdemeanor. This bill is identical to HB 2327 (Wright).

Patron - Newman

[P] SB1353 Protective orders; firearms. Amends statute that disallows a person from purchasing or transporting a firearm if the person is subject to a protective order; to provide that protective orders issued by another state or by the United States are covered by the prohibition.

Patron - Howell

[P] SB1394 Computer invasion of privacy. Raises the penalty for committing the crime of computer invasion of privacy from a Class 3 misdemeanor to a Class 1 misdemeanor. Computer invasion of privacy is using a computer to intentionally examine without authority any employment, salary, credit or other financial or personal information relating to another person when the offender knows or should know that he is without authority to view the information displayed.

Patron - Hanger

[F] Failed

[F] HB1555 Possession or transportation of firearms or concealed weapons by convicted felons; penalties. Prohibits a convicted felon from carrying a stun weapon or taser. This bill has been incorporated into HB 2327.

Patron - Bryant

[F] HB1561 Obstruction of justice. Adds clerk and deputy clerk to the list of persons and officials with whom it is illegal to interfere, impede or intimidate.

Patron - Jones, J.C.

[F] HB1607 Possession of firearms while in possession of controlled substances; penalty. Clarifies that a viola-

tion of subsection A or B of § 18.2-308.4 is a separate and distinct felony.

Patron - Weatherholtz

[F] HB1608 Assault and Battery; penalty. Includes any attorney for the Commonwealth or assistant attorney for the Commonwealth within the definition of "law-enforcement officer" for the purposes of assault and battery.

Patron - Weatherholtz

[F] HB1609 Assault and battery against a family member; penalty. Requires that a third conviction of assault and battery against a family member include a mandatory, minimum term of confinement of at least one year, which shall not be suspended, in whole or in part.

Patron - Weatherholtz

[F] HB1655 Concealed handgun permits. Provides that a valid concealed handgun or concealed weapon permit or license issued by another state shall be valid in the Commonwealth if the permit holder or license holder is 21 years of age or older and that the permit holder or license holder shall have the same rights and be subject to the same restrictions as a person licensed to carry a concealed handgun by the Commonwealth of Virginia.

Patron - Abbitt

[F] HB1656 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

[F] HB1712 Possessing dangerous weapons in certain county-owned or operated facilities; penalty. Provides that the governing body of any county that has adopted the urban county executive form of government may, by ordinance, make it unlawful and punishable as a Class 1 misdemeanor for any person to possess a dangerous weapon while in any county-owned building. The bill also provides that any such ordinance shall include appropriate exceptions for educational, instructional, theatrical and historical events, and shall not apply to the following individuals: (i) any law-enforcement officer, as defined by § 9-169; (ii) any game warden, animal warden, or deputy animal warden; (iii) any special police officer; or (iv) any magistrate, court officer or judge. The bill requires that notice of the ordinance shall be posted at each public entrance of every county-owned building.

Patron - Scott

[F] HB1719 Drug-free day care zone. Prohibits sale, manufacture, etc. of illegal controlled substances upon the property of any licensed (i) child-caring institution, (ii) child day center, or (iii) family day home as defined in § 63.1-195 or upon public property or property open to public use within 1,000 feet of such an institution. An offense would be a felony punishable by one to five years imprisonment and a fine of no more than \$100,000.

Patron - Byron

[F] HB1827 Death penalty. Abolishes the death penalty for Class 1 felonies committed on or after July 1, 2001, and mandates the punishment upon conviction as life imprisonment without the possibility of parole. By virtue of the second enactment clause, the bill does not affect anyone who was convicted of or committed a Class 1 felony prior to the effective date of the bill. The bill leaves the majority of death penalty related statutes intact for the prosecution or appeal of a death sentence occurring prior to the change in the law.

Patron - Hargrove

[F] HB1850 Restricted license issuance following drug conviction. Adds two new options for a restricted license following a drug conviction which, if no restricted license were issued, would require forfeiture of one's driver's license for one year. The new options allow driving for the purpose of finding employment and in order to go to and from court-ordered community service. This provision also applies to a person who, though guilty, is not found guilty of a drug offense because of "first-offender" status. This bill has been incorporated into HB 1833.

Patron - McQuigg

[F] HB1867 Disposal of drug-related substances. Exempts triple beam scales from the requirement that all seized drugs and drug paraphernalia be destroyed. Such scales are forfeited to the Commonwealth. This bill has been incorporated into HB 2074.

Patron - Orrock

[F] HB1891 Affirmative defense to prosecution for abuse and neglect; Infant receiving facilities; emergency custody of abandoned children. Provides that when any person voluntarily delivers a child no older than 72 hours to an infant receiving facility, the person will have an affirmative defense to prosecution for abuse or neglect, if the abuse or neglect prosecution is based solely upon the delivery of the child to an infant receiving facility. Infant receiving facilities include hospitals and police departments. Other facilities may opt in by complying with standards set up by the Department of Health and the Department of Social Services. The person may remain anonymous. Personnel who accept these children would be immune from liability absent gross negligence or willful misconduct. The Department of Social Services, in conjunction with the Department of Health, shall launch a media campaign to promote safe placement alternatives for newborn infants and publicize the emergency custody for certain abandoned children procedures. This bill incorporates HB 1633, HB 2154, HB 2533, and HB2581.

Patron - Griffith

[F] HB1895 Stopping payment on checks; larceny; penalty. Provides that any person who, when making a payment for purchase of non-perishable goods with a check, draft or order, stops payment on the check, draft or order, with intent to defraud, before the seller is able to cash the instrument, shall be guilty of larceny. The bill also provides that intent to defraud is presumed unless, after notice from the seller that the check was returned, the purchaser either returns the goods or pays the seller the amount owed.

Patron - Griffith

[F] HB1997 Battery of a school employee. Provides that if any person commits a battery against another, knowing or having reason to know that such other person is full-time or part-time personnel who has direct contact with students in any public or private elementary or secondary school and is engaged in the performance of his duties as such, he shall be guilty of a Class 1 misdemeanor and the sentence of such person upon conviction shall include a mandatory, minimum sentence of 15 days in jail, two days of which shall not be suspended in whole or in part. However, if the offense is committed by use of a firearm or other weapon prohibited on school property pursuant to § 18.2-308.1, the person shall serve a mandatory, minimum sentence of confinement of six months, which shall not be suspended in whole or in part. Currently, the law only covers a teacher, principal, assistant principal, or guidance counselor.

Patron - Parrish

[F] HB2055 Unlawfully dealing with inflatable restraint systems. Makes unlawful and punishable as a Class 5 felony any reinstallation of a used motor vehicle air bag system, or installation of an air bag cover without an air bag in a motor vehicle, unless there is accompanying notice that there is no air bag installed.

Patron - Albo

[F] HB2102 Minimum mandatory punishment for battery, etc., that causes bodily injury. Provides that any violation of certain specified battery crimes that results in a bodily injury to another shall, in addition to the punishment set forth in the law for that act, be punishable by a minimum, mandatory period of confinement of 30 days that shall not be suspended in whole or in part.

Patron - Albo

[F] HB2107 Permitting or causing endangerment of a minor; penalty. Provides that any person who has custody of a minor and who causes or permits the life, health, safety or morals of such minor to be endangered, or causes or permits such minor to be tormented or cruelly treated, is guilty of a Class 6 felony or, in the discretion of the finder of fact, may be punished as an accessory before the fact.

Patron - Pollard

[F] HB2125 Partial birth abortion. Deletes the existing definition of a partial birth abortion and replaces it with the definition used by the American College of Obstetricians and Gynecologists (ACOG). The bill also provides that a physician is not guilty of a violation of the section if, prior to the procedure, two independent physicians certify that the partial birth abortion is necessary to save the life of the mother.

Patron - McClure

[F] HB2131 Application form and proof of residency for firearm purchase. Provides that any person purchasing a firearm from a dealer shall fill out a consent form for the acquisition of his criminal history record information, which does not require information equivalent to that required by the Bureau of Alcohol, Tobacco and Firearms (BATF). Currently, the BATF information is required. The bill also reduces the requirement for proof of Virginia residency to production of a government-issued photo-identification. The bill removes the requirement that the Department of Education, in conjunction with the Department of Game and Inland Fisheries, develop a standard informational form and posted notice to be furnished to each licensed firearms dealer in the Commonwealth to provide basic information of the laws governing the purchase, possession and use of firearms.

Patron - McClure

[F] HB2146 Child custody and visitation. Amends the criminal penalty provision for violation of a court order respecting the custody or visitation of a child by providing that the sworn statement of any person, administered under oath, supported by a party's affidavit and verification of the court order, constitutes sufficient probable cause for the issuance of a warrant. A provision is added to the determination of custody and visitation statute that the intentional withholding of visitation of a child from the other parent without just cause may constitute a material change of circumstances justifying a change of custody in the discretion of the court.

Patron - Dillard

[F] HB2147 Guns on school property. Prohibits firearms on the grounds of a public school unless unloaded, in a closed container and in a motor vehicle. The bill does not change the provisions regarding use of a weapon as part of the

school curriculum in private schools but would no longer allow such use in a public school.

Patron - Dillard

[F] HB2150 Violation of court order regarding custody and visitation; penalty. Clarifies that a complaint for a violation of a custody or visitation order shall be filed and tried in the venue where the alleged violation occurred. The bill also specifies that the juvenile and domestic relations district court and the circuit court shall have concurrent jurisdiction to prosecute misdemeanor offenses for such violations. The bill also 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. The bill also raises penalties for knowingly, wrongfully and intentionally engaging in conduct that constitutes a clear and significant violation of a court order respecting the custody or visitation of a child.

Patron - Dillard

[F] HB2203 Issuance of restricted licenses. Standardizes purposes for which a restricted license may be issued.

Patron - Almand

[F] HB2259 Threatening to discharge a firearm. Provides that any person who writes or composes and sends a message, whether signed or anonymous, that contains a threat to discharge a firearm to kill or injure another in the buildings or on the grounds of any public, private or parochial elementary, middle or secondary school, on any school bus, or at the location of any school-sponsored activity is guilty of a Class 1 misdemeanor.

Patron - Watts

[F] HB2279 Definition of assault and battery. Clarifies that for the purposes of a prosecution or civil action under any provision of the Code of Virginia, the term assault and battery includes simple assault, assault, battery, assault and battery. Current Code sections use any combination of these terms, which has caused confusion in various courts.

Patron - Barlow

[F] HB2308 Unsolicited faxes. Raises the amount recoverable in a civil action for unsolicited commercial faxes from \$200 to \$1,000.

Patron - Bolvin

[F] HB2309 Crimes against nature; penalty. Reduces the penalty for crimes against nature between consenting adults from a Class 6 felony to a Class 4 misdemeanor.

Patron - Brink

[F] HB2334 Assault and battery of a probation officer. Adds local probation officers and local pretrial services officers to the section on assault and battery of a probation officer.

Patron - Blevins

[F] HB2347 Ballistic fingerprinting of handguns; penalty. Requires that any manufacturer of firearms that ships or transports a handgun to be sold, rented, or transferred in the Commonwealth of Virginia shall include, in the box with the handgun in a separate sealed container, a shell casing of a projectile discharged from that handgun and any additional information that may be required by the Superintendent of State Police that identifies the type of handgun and shell. The bill also provides that upon receipt of a handgun from the manufac-

turer, the dealer shall confirm to the Department of State Police that the manufacturer complied with the provisions of subsection B and that upon the sale or transfer of the handgun, the dealer shall forward the shell casing in the sealed container to the Department of State Police and that upon receipt of the shell casing and any required additional information, the Department of State Police shall enter the information in all pertinent databases. Violation of the section would be a Class 1 misdemeanor.

Patron - McEachin

[F] HB2348 Child safety locks required for sale or transfer of firearms. Makes it unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun (i) to any person other than a licensed manufacturer, licensed importer, or licensed dealer, unless the transferee is provided with a locking device for that handgun, or (ii) to any person, unless the handgun is accompanied by a warning in conspicuous and legible type in capital letters printed on a label affixed to the gun and on a separate sheet of paper included within the packaging enclosing the handgun, warning that handguns should be locked and kept away from children and that there may be civil and criminal liability for failing to do so.

Patron - McEachin

[F] HB2369 Deadly physical force. Grants the occupant of a dwelling immunity from civil liability for any injury or death resulting from the occupant's use of force, including deadly physical force, against a person when the other person has unlawfully entered the dwelling, has committed an overt act toward the occupant or another person in the dwelling and the occupant believes he or another person in the dwelling is in imminent danger of bodily harm.

Patron - Joannou

[F] HB2403 Feticide. Provides that it is homicide if any person knowingly or recklessly causes the death of a fetus, at any stage of its development, by a physical injury to the mother that would be sufficient to convict such person of homicide if the mother had died, provided that (i) the act or acts resulting in the death of the fetus were not a lawful abortion or an abortion to which the pregnant woman consented, and (ii) the person who committed the act or acts resulting in the death of the fetus was not the pregnant woman whose fetus was killed.

Patron - Kilgore

[F] HB2435 Possession or transportation of firearms by felons. Clarifies that a felon can violate the possession or transportation statute, whether or not the firearm is operable.

Patron - Weatherholtz

[F] HB2441 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

[F] HB2450 Escape and custody. Redefines the law of custody as follows: A person shall be deemed to be lawfully in the custody of a law-enforcement officer if, when he receives an oral communication from the officer that he is under arrest, (i) the officer has the immediate ability to place the person under formal arrest, and (ii) a person of ordinary intelligence and understanding who received such communication would know that he is not free to leave. This change over-

rules the holding in *Cavell v. Commonwealth*, 28 VA. App. 484, 506 S. E. 2d 552 (1998)

Patron - Clement

[F] HB2458 Using prescriptions not as prescribed; penalty. Makes it unlawful for any person to introduce into the body a prescribed drug in a manner inconsistent with the prescribed use if the sole intent of the user is to become intoxicated. A violation would be a Class 1 misdemeanor.

Patron - Phillips

[F] HB2553 Emergency custody of certain abandoned children. Provides that if a parent voluntarily delivers physical custody of a child no older than 72 hours to a licensed hospital and does not express an intent to return for the child, the hospital shall take physical custody of the child, take any action necessary to protect the child's physical health and safety and immediately notify the local board of social services. The parents may remain anonymous and are presumed to have consented to termination of their parental rights. Hospital personnel who accept these children would be immune from civil and criminal liability. The Commonwealth shall reimburse the hospital for the hospital's actual expenses in accepting and caring for the child. The local board of social services shall assume the care, control and custody of the child immediately upon receipt of notice from the hospital and petition the court for a preliminary protective order for the child, hold a hearing the next business day and appoint a guardian ad litem. The bill provides an affirmative defense to prosecution for abuse and neglect for parents solely on the basis that they voluntarily abandoned their child. The bill requires the Board of Health to implement regulations requiring licensed hospitals to implement protocols for taking physical custody of abandoned children. The local department of social services shall contact local law-enforcement to determine whether the abandoned child is a missing child and maintain records on the number of children who have been abandoned and forward the information to the Department of Social Services. The Department of Social Services shall file an annual report with the General Assembly on the statewide number of abandoned children. The Department of Social Services, in conjunction with the Department of Health, shall launch a media campaign to promote safe placement alternatives for newborn infants and publicize the emergency custody for certain abandoned children procedures. This bill has been incorporated into HB 1891.

Patron - O'Brien

[F] HB2555 Facilitating, encouraging, or inviting crimes against person or property by computer; penalty. Provides that using a computer or computer network to communicate another person's contact information, including but not limited to identifying information, phone number, street address, and electronic mail address (i) to facilitate, encourage, or invite a third party to contact the other person to make any suggestion or proposal of an obscene nature or threaten any illegal or immoral act, or (ii) to facilitate, encourage, or invite a third party to cause harm to the other person's property or person, and the third party attempts to cause harm to the other person's property or person is a Class 1 misdemeanor. If the victim of such crime is a minor, and the person committing the crime knew or should have known that the victim was a minor, the person is guilty of a Class 6 felony. This bill has been incorporated into HB 2593.

Patron - O'Brien

[F] HB2579 Refusal of blood or breath test; DUI. Provides that if a person arrested for DUI is unable to go before the magistrate due to the need for medical treatment, the arresting officer may certify the person's refusal to take a blood or breath test. The bill also provides that in lieu of securing a war-

rant, the arresting officer may issue a summons on the premises of the medical facility for refusal to submit to a test.

Patron - McDonnell

[F] HB2581 Affirmative defense to prosecution for abuse and neglect; infant receiving facilities; emergency custody of abandoned children. Provides that when parent voluntarily delivers a child no older than 72 hours to an infant receiving facility, the parent will have an affirmative defense to prosecution for abuse or neglect, if the abuse or neglect prosecution is based solely upon the parent's delivery of the child to an infant receiving facility. Infant receiving facilities include hospitals, local departments of health, local departments of social services, or rescue squads or fire departments that include emergency medical technicians. The parents may remain anonymous. However, the parents will be given a personal identification number and a toll-free telephone number so that they may contact social services to provide information about the health or family history of the infant. The parents are presumed to have consented to termination of their parental rights if they do not contact the Department of Social Services within 30 days of delivering the child to the facility. Personnel who accept these children would be immune from liability absent gross negligence or willful misconduct. The Department of Social Services, in conjunction with the Department of Health, shall launch a media campaign to promote safe placement alternatives for newborn infants and publicize the emergency custody for certain abandoned children procedures. This bill has been incorporated into HB 1891.

Patron - McDonnell

[F] HB2586 Sexually explicit material involving children. Amends the definition of sexually explicit material to include material that appears to have as a subject a person under the age of 18 years, whether a real person or an apparently real person.

Patron - Devolites

[F] HB2632 Sex crimes. Provides that a first offense of engaging in or soliciting another to engage in sexual intercourse, masturbation, cunnilingus, fellatio, anallingus or anal intercourse in a public place is a Class 1 misdemeanor. A second or subsequent conviction is a Class 6 felony. The bill also amends the non-relative portion of the crimes against nature statute to make it applicable only to persons under 18. The bill also makes voluntary submission to carnal knowledge with certain relatives a Class 5 felony.

Patron - Moran

[F] HB2658 Elimination of restriction on handguns in restaurants that serve alcohol. Removes current prohibition on taking a concealed handgun into a restaurant that serves alcohol.

Patron - Ware

[F] HB2662 Concealed weapons. Allows a personal protection specialist, registered by the Department of Criminal Justice Services pursuant to § 9-183.1 et seq. and employed by a private security business licensed in the Commonwealth, to apply to the clerk of the circuit court of any county or city in Virginia for a permit to carry a concealed handgun. Currently, all persons shall apply to the clerk of the circuit court of county or city in which they reside.

Patron - McClure

[F] HB2666 Sending of obscene pornography to a minor by computer; penalty. Defines "obscene for minors" and sets forth proscribed behavior using a computer for trans-

mitting obscene pornography to a minor under the age of 17. The crime would be a Class 1 misdemeanor.

Patron - Marshall

[F] HB2677 Procedure for taking DUI blood samples. Removes very specific skin and tool cleansing techniques for removal of blood for a DUI blood sample and substitutes language requiring the use of recognized medical procedures.

Patron - Bennett

[F] HB2690 Crimes against public and private school employees. Provides that any person who commits battery against any resource officer or safety specialist of any public or private elementary or secondary school engaged in the performance of his duties shall be guilty of a Class 1 misdemeanor with a two-day mandatory minimum or a six-month mandatory minimum if a weapon is used. Expands the current teacher exception to what is an assault and battery to include any school employee.

Patron - Welch

[F] HB2732 Possession of firearms following the conviction of certain crimes. Prohibits persons convicted of stalking, sexual battery or assault and battery on a family member (which results in serious bodily injury) from possessing or transporting firearms for a period of five years following conviction. There is a provision to allow the person to petition the circuit court to reinstate the right to carry or transport firearms.

Patron - Scott

[F] HB2784 Virginia Charitable Gaming Commission. Abolishes the Virginia Charitable Gaming Commission and restores the administration and enforcement of charitable gaming laws to local governing bodies effective July 1, 2002. The bill contains several technical amendments.

Patron - Robinson

[F] HB2798 Aggravated malicious wounding of a pregnant woman; penalty. Specifies that a person convicted of aggravated malicious wounding of a pregnant woman shall be sentenced to imprisonment for life. Under current law, the person can be sentenced to a term of 20 years to life.

Patron - McEachin

[F] HB2807 Obscenity, pornography. Redefines "obscene," "child pornography" and "sexually explicit conduct" and raises the punishment for possession of child pornography to a Class 6 felony. The bill also defines "hard core pornography" and punishes the possession for distribution thereof as a Class 1 misdemeanor. Additionally, the bill raises the monetary penalties for subsequent offenses of possession, sale, etc., of obscene and pornographic materials.

Patron - Marshall

[F] 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

[F] SB830 Possession of open container of alcohol in motor vehicle; penalty. Provides that it is unlawful for any person, knowingly or intentionally to possess any alcoholic beverage in the passenger area of a motor vehicle while on a public highway, in other than the manufacturer's unopened, original container. If the seal on a container of an alcoholic beverage is broken or some of the contents have been removed,

the container is presumed to be open. The offense is punishable as a traffic infraction. This bill incorporates SB 982.

Patron - Norment

[F] SB880 Concealed weapons permit applications.

Provides that a county or city may enact an ordinance that requires any applicant for a concealed handgun permit to submit to fingerprinting for the purpose of obtaining the applicant's state or national criminal history record for the initial application only or for both the initial application and applications for reissuance. Currently it is unclear whether the ordinance may be written to apply to the initial application only or subsequent applications (for reissuance) as well.

Patron - Martin

[F] SB897 Companion animals. Provides that it is a Class 6 felony to kill a companion animal.

Patron - Reynolds

[F] SB933 Firearm locks required for sale or transfer of handguns; warning against accessibility to children; penalty. Makes it unlawful for any licensed manufacturer, licensed importer, or licensed dealer to sell, deliver, or transfer any handgun (i) to any person other than a licensed manufacturer, licensed importer, or licensed dealer, unless the transferee is provided with a locking device for that handgun, or (ii) to any person, unless the handgun is accompanied by a warning in conspicuous and legible type in capital letters printed on a label affixed to the gun and on a separate sheet of paper included within the packaging enclosing the handgun, warning that handguns should be locked and kept away from children and that there may be civil and criminal liability for failing to do so.

Patron - Howell

[F] SB982 Possession of open container of alcohol in motor vehicle; penalty. Provides that it is unlawful for any person, knowingly or intentionally to possess any alcoholic beverage in the passenger area of a motor vehicle while on a public highway, in other than the manufacturer's unopened, original container. If the seal on a container of an alcoholic beverage is broken or some of the contents have been removed, the container is presumed to be open. The offense is punishable as a traffic infraction. This bill has been incorporated into SB 830.

Patron - Rerras

[F] SB985 Issuance of restricted licenses. Standardizes purposes for which a restricted license may be issued. This bill has been incorporated into SB 862.

Patron - Rerras

[F] SB1005 Hate crimes; penalty. 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 sentence, 30 days of which are a mandatory, minimum term. The bill also expands the terroristic act reporting requirements of the State Police, and the availability of specific injunctive relief for acts motivated by hate.

Patron - Ticer

[F] SB1067 Assault and battery; family or household member. Clarifies that assault is included under this section, not just assault and battery.

Patron - Quayle

[F] SB1126 Restricted license on conviction of reckless driving. Provides that a court may, in its discretion and for good cause shown, provide that a person convicted of reckless

driving be issued a restricted permit to operate a motor vehicle for, among other things, travel to and from an alcohol safety action program. This bill has been incorporated into SB 862.

Patron - Marsh

[F] SB1129 Ignition interlock requirements. Provides that DMV will enforce requirements pertaining to ignition interlock systems if the court fails to require an offender to install an ignition interlock system as a condition of a restricted license or as condition of license restoration when the offender is convicted of a second or subsequent offense under §18.2-51.4 (maiming another while driving intoxicated), §18.2-266 (driving while intoxicated) or a substantially similar ordinance of any county, city or town. This bill has been incorporated into SB 904.

Patron - Marsh

[F] SB1156 Facilitating, encouraging, or inviting crimes against person or property by computer; penalty.

Provides that using a computer or computer network to communicate another person's contact information, including but not limited to identifying information, phone number, street address, and electronic mail address (i) to facilitate, encourage, or invite a third party to contact the other person to make any suggestion or proposal of an obscene nature or threaten any illegal or immoral act, or (ii) to facilitate, encourage, or invite a third party to cause harm to the other person's property or person, and the third party attempts to cause harm to the other person's property or person is a Class 1 misdemeanor. If the victim of such crime is a minor, and the person committing the crime knew or should have known that the victim was a minor, the person is guilty of a Class 6 felony.

Patron - Howell

[F] SB1202 Obstruction of justice. Provides that any person who obstructs a clerk or deputy clerk of any court in the performance or discharge of his duties or refuses to cease such obstruction when asked is guilty of a crime, the punishment for which is based on the nature of the obstruction.

Patron - Forbes

[F] SB1287 Sexually explicit material. Amends the definition of sexually explicit material to include material that appears to have as a subject a person under the age of 18 years.

Patron - Rerras

[F] SB1294 Computer trespass. Expands the definition of computer trespass to specifically include government computers. If the trespass involves a government computer and (i) is caused by such person's reckless disregard for the consequences of his act, the offense shall be punished as a Class 1 misdemeanor, or (ii) is caused by such person's malicious act, the offense shall be punished as a Class 6 felony.

Patron - Mims

[F] SB1298 Multiple felonious assaults; penalty. Creates a new punishment for conviction of multiple felonious assaults and felonious assaults combined with murders that are part of the same act or transaction. A violation of this section would be a separate and distinct offense and punishment may be imposed in addition to any punishment imposed for violation of the predicate offenses.

Patron - Mims

[F] SB1309 Acquiring a confidential record by impersonation; penalty. Provides that any person who impersonates another person, without the consent of that person, and acquires a confidential record containing personal information

held by the Secretary of Health and Human Resources or its various agencies, is guilty of a Class 1 misdemeanor.

Patron - Newman

[F] SB1400 Bawdy place. Adds a bawdy place to those premises deemed a common nuisance. A bawdy place is defined in § 18.2-347 as "any place within or without any building or structure which is used or is to be used for lewdness, assignation or prostitution." Any owner or lessor, etc. who permits or maintains a common nuisance is guilty of a Class 1 misdemeanor and for a second or subsequent offense a Class 6 felony.

Patron - Rerras

[F] SB1417 Testimony of teachers in custody or visitation hearings. Provides that in any case in which a teacher is subpoenaed to testify at a hearing or deposition regarding the custody or visitation of a child, the issuing party shall schedule the testimony for a time that does not conflict with the teacher's teaching schedule or be subject to attorneys' fees and the cost of hiring a substitute teacher.

Patron - Forbes

Criminal Procedure

[P] Passed

[P] HB13 Conservators of the peace. Adds special agents and law-enforcement officers of the Department of Defense to the list of those persons considered conservators of the peace while performing their duties. This bill is identical to HB 1632.

Patron - Marshall

[P] HB1311 Capital case bill of review. Establishes a procedure for the storage, preservation and retention of human biological evidence in felony cases. The bill also establishes a procedure for a convicted felon to petition the circuit court that entered the conviction to apply for a new scientific investigation of human biological evidence. The following elements must be met for the court to order the testing: (i) the evidence was not known or available at the time the conviction became final or not previously tested because the testing procedure was not available at the Division of Forensic Science at the time; (ii) the chain of custody establishes that the evidence has not been altered, tampered with, or substituted; (iii) the testing is materially relevant, noncumulative, and necessary and may prove the convicted person's actual innocence; (iv) the testing requested involves a scientific method employed by the Division of Forensic Science; and (v) the convicted person did not unreasonably delay the filing of the petition after the evidence or the test for the evidence became available. The petition must also state the reasons the evidence was not known or tested by the time the conviction became final and the reasons that the newly discovered or untested evidence may prove the actual innocence of the person convicted. A procedure for the issuance of a writ of actual innocence for persons convicted of a felony upon a plea of not guilty or for any person sentenced to death or convicted of a Class 1 or 2 felony or a felony for which the maximum penalty is life imprisonment is established. The petition is to be filed with the Supreme Court and must allege: (a) that the petitioner's conviction qualifies; (b) that the petitioner is actually innocent of the crime for which he was convicted; (c) an exact description of the human biological evidence and the scientific testing supporting the allegation of innocence; (d) that the evidence was not previously known or available to the petitioner or his trial attorney of record at the

time the conviction became final, or if known, was not subject to the scientific testing for the reasons set forth in the petition; (e) the date the test results under § 19.2-327.1 became known to the petitioner or any attorney of record; (f) that the petitioner or his attorney of record has filed the petition within 60 days of obtaining the test results under § 19.2-327.1; (g) that the petitioner is currently incarcerated; (h) the reasons the evidence will prove that no rational trier of fact could have found proof of guilt beyond a reasonable doubt; and (i) for any conviction which became final in the circuit court after June 30, 1996, that the evidence was not available for testing under § 9-196.11. If the Supreme Court determines that a resolution of the case requires further development of the facts, it may order the circuit court to conduct a hearing to certify findings of fact on certain issues. After considering the petition and the Commonwealth's response, the previous records of the case, the record of any hearing on newly tested evidence and any findings certified from the circuit court, the Supreme Court may dismiss the petition or vacate or modify the conviction. This bill is identical to SB 1366.

Patron - Almand

[P] HB1632 Conservators of the peace. Adds special agents and law-enforcement officers of the Department of Defense to the list of persons considered conservators of the peace while performing their duties. This bill is identical to HB 13.

Patron - Moran

[P] HB1720 Criminal history record information. Allows the chairmen of the Courts Committees to request VCIN criminal history record information on judicial candidates.

Patron - Byron

[P] HB1742 Expungement of police and court records. Replaces the Department of Criminal Justice Services with the Department of State Police as the agency that will receive from the clerk of court a copy of the court order that expunges police and court records of a person charged with a crime and who is acquitted, takes a nolle prosequi or is pardoned. This bill is identical to SB 879 (Watkins).

Patron - Griffith

[P] HB1754 Reports made to the National Crime Information Center (NCIC). Requires a law enforcement agency receiving a warrant or capias for the arrest of a person on a felony charge to enter the information into the National Crime Information Center (NCIC), maintained by the Federal Bureau of Investigation, within 72 hours of the receipt of the warrant or capias. Under current law, the 72 hour requirement only applies to entering information into the Virginia Criminal Information Network (VCIN). This bill is identical to SB 992 (Stolle).

Patron - McDonnell

[P] HB1756 Filing of claims. Allows the filing of claims by victims of crimes to be delayed by the Workers' Compensation Commission for good cause shown. Currently, such claims must generally be filed one year after the occurrence of the crime.

Patron - McDonnell

[P] HB1890 Preliminary protective orders in cases of family abuse and stalking. Provides that, upon motion of the respondent and for good cause shown, the court may continue the hearing for a determination on the issuance of a permanent protective order. Current law requires that the hearing

be held within 15 days of the issuance of the preliminary order and provides no opportunity for a continuance.

Patron - Griffith

[P] HB1953 Proof of the failure to comply with the duty register or reregister as a sexually violent offender. Requires the State Police to furnish an affidavit to the jurisdiction prosecuting a person for the failure to comply with the duty to register or reregister as a sexually violent offender. Such affidavit shall be admitted in court as proof of the failure to register, and will therefore alleviate the need for the custodian of the records at the State Police to travel to the various courts across the Commonwealth to testify as to the record. The affidavit must be provided to the registrant or his counsel seven days before a hearing.

Patron - Cox

[P] HB2074 Sale of forfeited property. Provides that a court may authorize the gift of scales to a person or entity when forfeited pursuant to a drug prosecution if the person or entity can show sufficient need and a publicly beneficial use for the property. This bill incorporates HB 1867.

Patron - Landes

[P] HB2101 Court costs and fines. Increases the number of days from 10 to 15 during which a person has to pay fines or costs or enter into an installment agreement before various consequences set in (collection activity, one-time account management fee, suspension of motor vehicle license). This bill is a recommendation of the Committee on District Courts.

Patron - Watts

[P] HB2204 Release on bond. Clarifies that the conditions of release in subsection A apply to misdemeanors as well as felonies. House Bill 1533 (2000) added the first two sentences of subsection A providing that certain persons arrested for a felony could be released only on secure bond. The felony language added in 2000 created confusion as to whether the conditions of release still applied to misdemeanors. This bill is a recommendation of the Committee on District Courts.

Patron - Almand

[P] HB2281 Registration required of persons convicted of certain offenses. Requires that the State Police forthwith post information on the Internet regarding a sexually violent offender.

Patron - Barlow

[P] HB2352 Victim participation in plea agreements. Provides that upon written request of the victim in a felony case, the attorney for the Commonwealth must inform the victim of the contents of a proposed plea agreement and obtain the victim's views concerning plea negotiations. 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. The bill also provides that the victim may request to be notified of any proceeding in which the plea agreement will be tendered to the court. There is a provision stating that the duty to consult the victim does not limit the ability of the attorney for the Commonwealth to exercise his discretion concerning the handling of any criminal charge. This bill is identical to SB 1356 (Mims).

Patron - McEachin

[P] HB2421 Issuance of Governor's warrant of arrest. Provides that any electronically transmitted Governor's warrant of arrest shall be treated as an original document if it precedes receipt of the original by no more than four days. This bill is identical to SB 1036 (Stolle).

Patron - Wardrup

[P] HB2575 Search warrants. Provides that a search warrant may be directed jointly to a local law-enforcement officer and an agent or special agent of the United States Naval Criminal Investigative Service. This bill is identical to SB 984 (Rerras).

Patron - McDonnell

[P] HB2578 When interest to be paid on award of restitution. Clarifies that if a court order for restitution requires interest but does not specify that the interest shall accrue from the date of the loss or damage, the interest shall automatically accrue from the date of the sentencing order.

Patron - McDonnell

[P] HB2580 Counsel in capital cases. Directs the Supreme Court of Virginia and the Public Defender Commission to develop standards and a list of capital qualified attorneys to represent both indigent and non-indigent defendants. Under current law, the Public Defender Commission develops the list and the standards, which only apply when a defendant is indigent. Additionally, the new qualifications are required to take into account current training in the analysis and introduction of forensic evidence, including deoxyribonucleic acid (DNA) testing and the evidence of a DNA profile comparison to prove or disprove the identity of any person.

Patron - McDonnell

[P] HB2683 Compensation of court-appointed counsel. Provides that when counsel is appointed to defend an indigent charged with a felony, such counsel shall receive compensation as provided for defending such a felony, regardless of whether the charge is reduced or amended to a misdemeanor or lesser felony prior to final disposition of the case. Currently, appointed counsel are paid based on the nature of the conviction at final disposition and the pay is based on severity of the crime.

Patron - Barlow

[P] HB2701 Authority for release of mental health information for concealed handgun permit. Revises state and federal code references and adjusts language to assure that the State Police have access to information on involuntary commitment for mental health treatment or restoration of capacity for those persons who wish to possess, purchase or transfer a firearm. This bill is identical to SB 1337 (Stolle).

Patron - Armstrong

[P] HB2802 Criminal procedure; retention of evidence. Requires that any human biological evidence used in a felony trial, wherein the defendant is convicted, testing (e.g., fingerprinting, chemical analysis, blood or DNA analysis) be retained for 15 years upon motion of the defendant. In the case of a person sentenced to death, such evidence shall be kept until the judgment is executed.

Patron - Armstrong

[P] HB2842 Transmittal of information to Virginia Criminal Information Network (VCIN). Allows the magistrate or court issuing a warrant or capias to transfer information on a warrant or capias electronically into VCIN and requires the destruction of the electronic record if the criminal process is ordered destroyed.

Patron - O'Bannon

[P] 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

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. This bill is identical to HB 2594 (Albo).

Patron - Stolle

SB828 Special conservators of the peace. Allows a single circuit court judge to appoint special conservators of the peace. The bill creates an exception to § 17.1-501, which provides that powers of appointment within a circuit must be exercised by a majority of the judges.

Patron - Hanger

SB850 Criminal procedure; compensation of forensic experts. Increases from \$400 to \$800 the maximum basic fee allowed for experts who perform forensic psychological services to courts. A second enacting clause provides that the increase is not effective unless the money is appropriated.

Patron - Couric

SB879 Expungement of police and court records. Requires the petitioner to obtain a copy of his fingerprints from a law-enforcement agency and to submit a copy of the petition for expungement to the law-enforcement agency. The fingerprints are to be submitted to the Central Criminal Records Exchange (CCRE), which will conduct a fingerprint-based search of the records and submit the petitioner's criminal history to the court. This bill is identical to HB 1742 (Griffith).

Patron - Watkins

SB918 Fees collected by clerks of circuit courts. Clarifies the circuit court clerks may accept credit cards to pay for filing fee and to collect a service charge sufficient to cover the costs of credit card merchant processing for the services.

Patron - Wampler

SB984 Search warrants. Provides that a search warrant may be directed jointly to a local law-enforcement officer and an agent or special agent of the United States Naval Criminal Investigative Service. This bill is identical to HB 2575 (McDonnell).

Patron - Rerras

SB992 National Crime Information Center. Provides that a warrant or capias that must be entered into the Virginia Criminal Information Network (VCIN) must also be entered into the National Crime Information Center (NCIC) maintained by the FBI. A law-enforcement agency receiving a felony warrant or capias or an extradition warrant must enter the person's name, date of birth, social security number and other known information required by the State Police within 72 hours of receiving the warrant. This bill is identical to HB 1754 (McDonnell).

Patron - Stolle

SB1036 Issuance of Governor's warrant of arrest. Provides that any electronically transmitted Governor's warrant of arrest shall be treated as an original document provided the original is received four days of the receipt of the facsimile. This bill is identical to HB 2421 (Wardrup).

Patron - Stolle

SB1308 Criminal Injuries Compensation Fund. Provides that a person who suffered sexual abuse as a minor has until 10 years after his 18th birthday to file a claim. The

bill also provides that any claim involving the sexual abuse of a minor that has been denied before July 1, 2001, because it was not timely filed may, upon application filed with the Compensation Fund, be reconsidered provided the application for reconsideration is filed within ten years after the minor's eighteenth birthday.

Patron - Newman

SB1356 Victim participation in plea agreements. Provides that upon written request of the victim in a felony case, the attorney for the Commonwealth must inform the victim of the contents of a proposed plea agreement and obtain the victim's views concerning plea negotiations. 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. The bill also provides that the victim may request to be notified of any proceeding in which the plea agreement will be tendered to the court. There is a provision stating that the duty to consult the victim does not limit the ability of the attorney for the Commonwealth to exercise his discretion concerning the handling of any criminal charge. This bill is identical to HB 2352 (McEachin).

Patron - Mims

SB1366 Storage and testing of certain evidence, writ of actual innocence. Establishes a procedure for the storage, preservation and retention of human biological evidence in felony cases. The bill also establishes a procedure for a convicted felon to petition the circuit court that entered the conviction to apply for a new scientific investigation of human biological evidence. The following elements must be met for the court to order the testing: (i) the evidence was not known or available at the time the conviction became final or not previously tested because the testing procedure was not available at the Division of Forensic Science at the time; (ii) the chain of custody establishes that the evidence has not been altered, tampered with, or substituted; (iii) the testing is materially relevant, noncumulative, and necessary and may prove the convicted person's actual innocence; (iv) the testing requested involves a scientific method employed by the Division of Forensic Science; and (v) the convicted person did not unreasonably delay the filing of the petition after the evidence or the test for the evidence became available. The petition must also state the reasons the evidence was not known or tested by the time the conviction became final and the reasons that the newly discovered or untested evidence may prove the actual innocence of the person convicted. A procedure for the issuance of a writ of actual innocence for persons convicted of a felony upon a plea of not guilty or for any person sentenced to death or convicted of (i) a Class 1 felony, (ii) a Class 2 felony or (iii) any felony for which the maximum penalty is imprisonment for life, is established. The petition is to be filed with the Supreme Court and must allege: (a) that the petitioner pleaded not guilty or that he is under a sentence of death or convicted of (i) a Class 1 felony, (ii) a Class 2 felony or (iii) any felony for which the maximum penalty is imprisonment for life; (b) that the petitioner is actually innocent of the crime for which he was convicted; (c) an exact description of the human biological evidence and the scientific testing supporting the allegation of innocence; (d) that the evidence was not previously known or available to the petitioner or his trial attorney of record at the time the conviction became final, or if known, was not subject to the scientific testing for the reasons set forth in the petition; (e) the date the test results under § 19.2-327.1 became known to the petitioner or any attorney of record; (f) that the petitioner or his attorney of record has filed the petition within 60 days of obtaining the test results under § 19.2-327.1; (g) that the petitioner is currently incarcerated; (h) the reasons the evidence will prove that no rational trier of fact could have found proof of guilt beyond a reasonable doubt; and (i) for any conviction

that became final in the circuit court after June 30, 1996, that the evidence was not available for testing under § 9-196.11. A petitioner filing a writ of actual innocence is entitled to court-appointed counsel in the same manner as an indigent defendant in a criminal case. If the Supreme Court determines that a resolution of the case requires further development of the facts, it may order the circuit court to conduct a hearing to certify findings of fact on certain issues. After considering the petition and the Commonwealth's response, the previous records of the case, the record of any hearing on newly tested evidence and any findings certified from the circuit court, the Supreme Court may dismiss the petition or vacate or modify the conviction. The provisions of the Act relating to the issuance of the writ of actual innocence become effective November 15, 2002. The rest of the Act becomes effective upon passage. This bill is identical to HB 1311 (Almand).

Patron - Stolle

Failed

HB1584 Interpreters for non-English-speaking defendants. Requires a defendant for whom an interpreter is appointed to pay, as a part of court costs, the fee for such interpreter if the defendant is found guilty. This bill incorporates HB 2605.

Patron - Armstrong

HB1590 Capital murder. Provides that a jury considering the death sentence may be instructed that there was an individual sentenced to death in the Commonwealth and twice scheduled to be executed who was later granted an absolute pardon for capital murder on the basis of DNA testing.

Patron - Marshall

HB1798 National criminal background checks; religious care providers. Adds programs of religious instruction or babysitting during worship to the list of qualified care providers who may request directly to the Department of State Police to conduct a national criminal background check on such persons who work or volunteer to provide care to children.

Patron - Hamilton

HB1831 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. The bill also states that the county, city or town applying for a writ of error shall file a petition in the office of the clerk of the circuit court within 10 days after entry of the judgment of the district court and shall serve a copy of the petition upon the defendant. The defendant's response to the petition, if any, shall be filed within 14 days after such service.

Patron - Hargrove

HB1918 Compensation of court appointed experts. Creates a schedule of fees for court-appointed psychological experts in criminal matters. Under current law the fees are determined by the court on a case-by-case basis.

Patron - Van Yahres

HB1952 Subpoena for the production of documentary evidence and of objects. Provides that an attorney for the Commonwealth may apply to a judge for a subpoena for the production of documentary evidence and of objects for identifiable records including, but not limited to, insurance records, telephone records, postal records, records from financial or credit institutions, and records kept in the normal course

of business by public agencies, when such records may reasonably be expected to provide evidence of the commission of a crime.

Patron - Broman

HB1970 Victim notification of sex offender registration. Requires the Department of State Police to notify the victims of an offender's address when the offender has registered or reregistered as a sexually violent predator if the victims have provided their names, current addresses and telephone numbers in writing.

Patron - McClure

HB2009 Eligibility for expungement of arrest record. Adds to those eligible for expungement of arrest records persons with no prior criminal record who were charged with a misdemeanor and fully complied with the terms of an agreement or deferral approved by the court.

Patron - Jackson

HB2011 Functions of a grand jury. Allows grand juries to investigate malfeasance either in the community or by a government agency or official.

Patron - Jackson

HB2027 Possession of firearm by felons; lawful hunting. Allows the court, in its discretion, to suspend the minimum, mandatory term of imprisonment where a felon possessed a firearm, but the person was engaging in lawful hunting and the firearm in his possession was a hunting gun. "Hunting gun" is defined to include only a shotgun or standard design hunting rifle, not a handgun or any assault-style weapon.

Patron - Bloxom

HB2136 Juror selection. Provides that defendants tried jointly, whether for a felony or misdemeanor, are entitled to one additional peremptory challenge to be exercised separately by each defendant.

Patron - Armstrong

HB2261 Victims and witnesses of crime. Expands the rights of victims and witnesses of crime to include the right to a review by the Department of Criminal Justice Services of their treatment by any agency required to render them assistance, and sets up the procedures for that process.

Patron - Watts

HB2345 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. Service is to be upon the Attorney General and the attorney for the Commonwealth for the county or city in which the original case was tried. The attorney for the Commonwealth is to represent the Commonwealth in any resulting proceedings, but the Attorney General may assist with the consent of the attorney for the Commonwealth. 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 significant 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

[F] HB2349 Virginia Innocence Protection Act of 2001 (post-conviction testing of biological material for DNA). Establishes procedure for application of convicted defendant to apply for post-conviction DNA testing for the purpose of establishing innocence (or verifying guilt); requiring the DNA to be preserved for such purposes subject to certain exceptions. Upon a favorable result the court may vacate and set aside the judgment; discharge the applicant if the applicant is in custody; resentence the applicant; or grant a new trial.

Patron - McEachin

[F] HB2425 Dissemination of criminal history record information. Provides access to criminal history record information to the library board of a county, city, or town for the purpose of screening individuals who are offered or accept employment.

Patron - Armstrong

[F] HB2505 Criminal history record information and conviction data. Eliminates exclusivity of Internet distribution of Sex Offender Registry information and substitutes all criminal records of all criminals except that information concerning the arrest of an individual may not be made public if an interval of one year or more has elapsed from the date of the arrest and no disposition of the charge has been recorded.

Patron - Robinson

[F] HB2574 Reimbursement for public defender fees. Provides that if a public defender is appointed or assigned to a case, the amount taxed against the defendant for legal representation shall be paid to the Commonwealth regardless of whether the defendant is charged and convicted with a violation of a state statute or a local ordinance. This will prevent the court from receiving a payment from the locality that it then pays back to the locality when payment is made by the defendant. If payment is received at a later date (perhaps through the Debt Collection Act), the money is sent to the convicting court and then reimbursed to the locality.

Patron - McDonnell

[F] HB2594 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. This bill is identical to SB 694 (Stolle).

Patron - Albo

[F] HB2605 Court-appointed interpreter fees. Provides that the compensation of an interpreter appointed by the court for a non-English-speaking criminal defendant shall be fixed by the court and may be assessed as part of the costs. Currently, it may not be assessed as a cost and is paid by the Commonwealth in every case. This bill has been incorporated into HB 1584.

Patron - Howell

[F] HB2642 Speedy trial. Provides that for the purposes of the speedy trial statute a trial commences at the time of arraignment. After the case of *Hutchins v. Commonwealth*, 30 Va. App. 574 (1999), rev'd, Supreme Court of Virginia, September 15, 2000, Record No. 992355, there has been some confusion and uncertainty as to when a trial is deemed to start.

The Crime Commission was directed to study the issue by letter study (see HJR 250, 2000) and has completed a report on the issue.

Patron - Black

[F] HB2833 Authority to defer and dismiss. Provides that before a judgment of guilt in a misdemeanor or felony prosecution, other than a prosecution for a Class 1, 2 or 3 felony, a judge may defer further proceedings and impose probation upon such terms and conditions upon the defendant 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 - McDonnell

[F] SB868 Family assault. Establishes a rebuttable presumption that persons charged with family assault using a firearm should not be admitted to bail.

Patron - Reynolds

[F] SB977 Authority to defer, discharge and dismiss. Provides that the court may place a defendant who has not been previously convicted of a felony or a Class 1 or 2 misdemeanor on probation and defer further proceeding without entering a judgment of guilt. The provision applies only if the instant offense does not require a mandatory period of incarceration. If the charge is a felony, the attorney for the Commonwealth must consent.

Patron - Norment

[F] SB993 Voluntary bone marrow donation by prisoners. Requires the Department of Corrections to take a second DNA sample for submission to the National Bone Marrow Registry if a prisoner volunteers for inclusion in such Registry.

Patron - Stolle

[F] SB1134 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 no more than once to the circuit court that entered the order fixing the prisoner's punishment at death. The petition must contain certain allegations regarding newly discovered evidence. Service is to be upon the Attorney General and the attorney for the Commonwealth for the county or city in which the original case was tried. The attorney for the Commonwealth is to represent the Commonwealth in any resulting proceedings, but the Attorney General may assist with the consent of the attorney for the Commonwealth. The bill of review will 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 significant likelihood of actual innocence. If the court finds a significant likelihood of innocence, the bill of review is to be granted. The decision of the circuit court to grant or deny the bill of review 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. If the granting of the bill of review is affirmed on appeal (or not appealed) the circuit court must proceed to order appropriate relief which may include vacating the conviction or ordering a new trial or sentencing proceeding.

Patron - Marsh

[F] SB1169 Public defender office; Montgomery County. Adds a public defender office to Montgomery County.

Patron - Marye

[F] SB1204 Affirmative defense to prosecution for abuse and neglect; infant receiving facilities; emergency custody of abandoned children. Provides that when parent voluntarily delivers a child no older than 72 hours to an infant receiving facility, the parent will have an affirmative defense to prosecution for abuse or neglect, if the abuse or neglect prosecution is based solely upon the parent's delivery of the child to an infant receiving facility. Infant receiving facilities include hospitals, local departments of health, local departments of social services, or rescue squads or fire departments that include emergency medical technicians. The parents may remain anonymous. However, the parents will be given a personal identification number and a toll-free telephone number so that they may contact social services to provide information about the health or family history of the infant. The parents are presumed to have consented to termination of their parental rights if they do not contact the Department of Social Services within 30 days of delivering the child to the facility. Personnel who accept these children would be immune from liability absent gross negligence or willful misconduct. The Department of Social Services, in conjunction with the Department of Health, shall launch a media campaign to promote safe placement alternatives for newborn infants and publicize the emergency custody for certain abandoned children procedures.

Patron - Forbes

[F] SB1235 Interception, disclosure, etc., of wire, electronic or oral communications unlawful; penalties; exceptions; penalty. Provides that it is a criminal offense for a person to intercept a wire, electronic or oral communication if any of the parties to the communication have not given prior consent to such interception. Currently, it is not a criminal offense for a party to the communication to intercept it. A violation is a Class 6 felony.

Patron - Potts

[F] SB1263 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

[F] SB1273 Motor vehicle code; arrest without a warrant. Provides that any law-enforcement officer who is in uniform or displays his badge or other sign of authority may arrest without a warrant the driver of a motor vehicle for a violation of any provision of Title 46.2 (§ 46.2-100 et seq.) if the officer observed the violation or received a radio message informing him of the violation from a law-enforcement officer who observed the violation. In the case of a person arrested on the basis of a radio message, the message must be sent immediately after the violation is observed and the observing officer must furnish the license number or other positive identification of the vehicle to the arresting officer.

Patron - Wagner

[F] SB1281 Victim notification of sex offender registration. Requires the Department of State Police to notify the victims of an offender's address when the offender has registered or reregistered as a sexually violent predator if the victims have provided their names, current addresses and telephone numbers in writing.

Patron - Wagner

[F] SB1319 Sentencing proceeding by the jury after conviction for a felony. Expressly requires that a jury unanimously agree on punishment for any charge for which it returned a verdict of guilty and that, if it cannot reach agreement, the court shall fix punishment. Currently, there is no express requirement of unanimous agreement by the jury, and the court may fix punishment only upon agreement of the parties and the court.

Patron - Couric

[F] SB1399 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. The bill also states that the county, city or town applying for a writ of error shall file a petition in the office of the clerk of the circuit court within 10 days after entry of the judgment of the district court and shall serve a copy of the petition upon the defendant. The defendant's response to the petition, if any, shall be filed within 14 days after such service.

Patron - Watkins

Domestic Relations

[P] Passed

[P] HB1880 Child support guideline. Specifies that the panel convened by The Secretary of Health and Human Resources to ensure that the child support guideline is reviewed by October 31, 2001, and every three years thereafter, includes a representative of a juvenile and domestic relations court and a circuit court, a representative of the executive branch, a member of the House of Delegates, and a member of the Senate to be appointed by the Chairmen of the House and Senate Committees for Courts of Justice, members of the bar, two custodial and two noncustodial parents and a child advocate.

Patron - Albo

[P] HB2215 Modification of spousal support awards. Seeks to modify the result of the August 2000 decision of the Court of Appeals in *Rubio v. Rubio* (33 Va. App. 74, 531 S.E.2d 612) by repealing the second enactment of Chapter 604 of the Acts of Assembly of 1998, as it relates to § 20-109, retroactively to July 1, 1998. That second enactment, intended to apply only to suits for modification of spousal support orders initially brought prior to July 1, 1998, for defined-duration alimony, was interpreted by the court so as to apply to petitions for any modification to spousal support. The bill also amends the Code of Virginia to specifically apply the change only to defined-duration alimony. This bill is identical to SB 1014 (Williams). This bill incorporates HB 2573.

Patron - Almand

[P] HB2290 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 of the current proceeding. Any adjustment to gross income under this subsection shall not create or reduce a support obligation to an amount that seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child.

Patron - Barlow

[P] HB2376 Relief from legal determination of paternity. Allows an individual to file a petition for relief from any legal determination of paternity. The court may set aside a determination of paternity if a scientifically reliable genetic test establishes the exclusion of the individual named as father in the legal determination. The court may order any appropriate relief, including setting aside (prospectively) an obligation to pay child support. Relief from paternity will not be granted if the individual named as father (i) acknowledged paternity knowing he was not the father, (ii) adopted the child or (iii) knew that the child was conceived through artificial insemination.

Patron - Joannou

[P] HB2691 Information required in income deduction order. Provides that the withholding fee cannot be applied to child support payments deducted from unemployment compensation. This is a technical amendment that brings Virginia in compliance with federal law.

Patron - Welch

[P] 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 and 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 reasonable apprehension of abuse or mistreatment 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 competing 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. This bill is recommended by the Virginia Commissioners to the National Conference of Commissioners on Uniform State Laws.

Patron - Mims

[P] SB1014 Modification of spousal support awards. Seeks to correct the unintended result of the August 2000 decision of the Court of Appeals in *Rubio v. Rubio* by repealing the second enactment of Chapter 604 of the Acts of Assembly of 1998 retroactively to July 1, 1998. That second enactment, intended to apply only to suits for modification of spousal support orders initially brought prior to July 1, 1998, for defined-duration alimony, was interpreted by the court so as to apply to petitions for any modification to spousal support. The bill also amends the Code of Virginia to specifically apply the change only to defined-duration alimony. This bill is identical to HB 2215 (Almand).

Patron - Williams

[P] SB1209 Child support enforcement. Provides that the Division of Child Support Enforcement must disclose information to law-enforcement agencies for enforcement purposes.

Patron - Forbes

[F] Failed

[F] HB1500 Custody of minor child. Provides that when a court awards sole custody, the judge shall communicate

to the parties the basis of the decision, either orally or in writing. This bill incorporates HB 2545.

Patron - Devolites

[F] HB1674 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. This bill incorporates HB 1973.

Patron - Albo

[F] HB1972 Pendente lite orders. Allows court to order that all marital property remains intact to the maximum extent feasible and states that neither party shall be given an advantage or placed at a disadvantage for parenting arrangements. The bill also provides that if requested by either party at a hearing, the court shall provide substantially equal access to the minor children to both parents unless the court finds that such a parenting arrangement would be detrimental to the children. The burden of proving detriment is on the party objecting the parenting arrangement.

Patron - McClure

[F] HB1973 Relocation of child's residence. Provides that relocation is a material change of circumstances justifying a change of custody in the discretion of the court. The bill establishes a rebuttable presumption that any move without the consent of all parties, which impedes or prevents the exercise of a prior court order for visitation, is contrary to the best interest of the child. Specifies that the court has authority to grant a temporary order restraining the relocation of the child or the return of the child if the relocation has already taken place. This bill has been incorporated into HB 1674.

Patron - McClure

[F] HB2034 Child and spousal support. Clarifies that both child and spousal support orders must contain the name, date of birth and social security number of the person responsible for support.

Patron - Bloxom

[F] HB2132 Grounds for divorce from bond of matrimony. Increases the time during which a husband and wife shall live separate and apart without any cohabitation and without interruption in order to file for a no-fault divorce. Currently, the time period is one year, and this bill changes that period to two years.

Patron - McClure

[F] HB2225 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 - Almand

[F] HB2262 Determining the best interests of a child. Requires a court to consider Parental Alienation Syndrome in determining the best interests of a child. Additionally, the bill requires the court to explain in writing or orally why frequent and continuing contact with both parents is not appropriate.

Patron - Kilgore

[F] HB2336 Divorce documents. Provides that upon request of a party, that party's address, telephone number and other identifying information shall not appear on any pleading,

order, decree or other document provided to the other party, so long as there are adequate provisions for service.

Patron - Blevins

[F] HB2475 Failure to comply with spousal or child support order. Removes the provisions that allow a court to commit someone convicted of failure to comply with an order or decree to a local correctional facility or a work release program. Instead, the bill allows the court to sentence the person to public service work. Additionally, the bill makes it more difficult for a court to convict a person of failing or refusing to comply with an order for spousal or child support because of added language requiring proof of knowingly, willfully or intentionally failing to comply with the order. Under the new language, the court can no longer commit the person to a local correctional facility or work release program when the person (i) fails or refuses to give court ordered recognizance in a domestic matter; (ii) is convicted of contempt for failing or refusing to pay support and maintenance for a spouse or for a child; (iii) is convicted of failing or refusing to comply with any court order relating to a divorce.

Patron - Devolites

[F] HB2513 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

[F] HB2545 Child custody and visitation. Establishes a rebuttable presumption for joint custody and that each parent should be responsible for providing no less than one-third of the care and control of the child. The bill also provides that a court may not order that a parent's time with a child be supervised unless there is clear and convincing evidence of child abuse and neglect. This bill has been incorporated into HB 1500.

Patron - Katzen

[F] HB2573 Modification of spousal support awards. Seeks to correct the unintended result of the August 2000 decision of the Court of Appeals in *Rubio v. Rubio* by repealing the second enactment of Chapter 604 of the Acts of Assembly of 1998 retroactively to July 1, 1998. That second enactment, intended to apply only to suits for modification of spousal support orders initially brought prior to July 1, 1998, for defined-duration alimony, was interpreted by the court so as to apply to petitions for any modification to spousal support. The bill also amends the Code of Virginia to specifically apply the change only to defined-duration alimony. This bill has been incorporated into HB 2215,

Patron - McDonnell

[F] SB935 Privileged mental health research data. Makes data collected and organized by mental health professionals privileged communications that shall not be disclosed or obtained by legal discovery proceedings and shall be inadmissible in adjudication for any purpose whatsoever. This section shall not alter the duty of confidentiality that a mental health professional has to a patient nor relieve a mental health professional of the duty to obtain a patient's consent to participate in mental health human research.

Patron - Howell

Drainage, Soil Conservation, Sanitation and Public Facilities Districts

[P] Passed

[P] HB2734 Abolishing the Moccasin Gap Sanitation Commission. Abolishes the Moccasin Gap Sanitation Commission, located in Scott County. Upon the effective date of this Act, all of the operations, responsibilities, obligations and assets of the Commission shall be assumed and transferred to the Scott County Public Service Authority. Prior to the transfer of operations, responsibilities, obligations and assets to the Authority, the Commission shall seek to preserve the assets of the Commission and shall not incur any expenses beyond those necessary to maintain its normal operations. All assets transferred from the Commission to the Authority shall be utilized by the Authority only within the Moccasin Gap Sanitation District as it existed immediately prior to the effective date of this Act.

Patron - Kilgore

Education

[P] Passed

[P] HB637 School board salaries. Provides that any elected school board may pay each of its members an annual salary that is consistent with the salary procedures and no more than the salary limits provided for local governments in Article 1.1 (§ 15.2-1414.1 et seq.) of Chapter 14 of Title 15.2 or as provided by charter. The specific salary limits that are currently provided for most school boards in Virginia are eliminated for elected school boards; however, for appointed school boards the specific salary limits are retained. 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 salary of the Northumberland County School Board is addressed in the second enactment because a referendum for an elected school board was just approved by the voters in November 2000; however, no election has taken place. The Northumberland school board is required to adhere to its current cap of \$2,400 until such time as its members are elected and duly sworn into office as authorized by the referendum held in 2000.

Patron - Dillard

[P] HB1226 Publication of procedure for changing special education placements. Directs the Board of Education to publicize and disseminate, to parents of students who are enrolled in special education programs or for whom a special education placement has been recommended, information regarding current federal law and regulation addressing procedures and rights related to the placement and withdrawal of children in special education. Pursuant to a second enactment, the Superintendent of Public Instruction must apprise local school boards of the provisions of this act by Superintendent's Administrative Memorandum no later than 30 days after its

enactment. This bill is a recommendation of the Joint Subcommittee Studying the Overrepresentation of African-American Students in Special Education Programs.

Patron - McEachin

[P] HB1587 School safety audits. Requires schools to submit their respective school safety audits to the relevant school division superintendent. The division superintendent is required to collate and submit these school safety audits to the Virginia Center for School Safety. The Virginia Center for School Safety will join the Department of Education in providing technical assistance to school divisions in the development of school crisis and emergency management plans. The Virginia Center for School Safety was created, within the Department of Criminal Justice Services pursuant to legislation passed by the 2000 Session of the General Assembly, to provide training for Virginia public school personnel in school safety and the effective identification of students who may be at risk for violent behavior; serve as a resource and referral center providing information regarding current school safety concerns; and collect, analyze, and disseminate various Virginia school safety data, including school safety audit information, collected by the Department. This bill is identical to SB 1334.

Patron - Hamilton

[P] HB1691 Internet access in public schools. Requires, as part of the acceptable Internet use policies that must be filed every two years for public school divisions by each division superintendent, a technology be selected for the division's computers having Internet access to filter or block Internet access through such computers to child pornography and obscenity as defined in Title 18.2. In addition, this bill requires the principal or other chief administrator of any private school that satisfies the compulsory school attendance law and accepts federal funds for Internet access (E-rate funds) to select a technology for its computers having Internet access to filter or block Internet access through such computers to child pornography and obscenity.

Patron - Black

[P] HB1706 Exclusion from public school attendance. Allows school boards to exclude from attendance students who have been suspended for more than 30 days or expelled by another school division or for whom private school admission has been withdrawn regardless of the offense for which the disciplinary action was imposed. To exclude a student, the school board must find that the student presents a danger to the other students or staff of the school division after providing notice to the student and his parents of the possibility of exclusion and after the superintendent reviews the case. Current law specifies that the offense warranting exclusion must be one involving a violation of school board policies related to destruction of school property or privately-owned property while located on school property, weapons, alcohol or drugs, or for the willful infliction of injury to another person. The present exclusion period for expulsion cannot be for longer than one year and for greater-than-30-day suspensions may not exceed the length of the suspension. This bill eliminates the one-year cap for the period of time a student who has been expelled or for whom admission has been withdrawn may be excluded from school attendance in another school division. A date upon which the student may petition for readmission must be issued by the relevant school board, committee thereof, or superintendent or designee rendering the initial exclusion, and, upon denial of the petition, a date for subsequent petitions set by the school board. This provision allows school divisions excluding students who have been expelled from another school division in the Commonwealth to accept or reject any or all of any conditions for readmission that may have been

imposed on the student by the expelling school division. The excluding school division cannot impose additional conditions for readmission. Current law permits local school boards to impose conditions for readmission to school on expelled students.

Patron - Amundson

[P] HB1707 School board action regarding school property. Authorizes school boards to take action against a student for actual breakage of or destruction of or failure to return school property that is caused or committed by a pupil in pursuit of his studies. Present law requires the pupil to reimburse the school board for property damage; in addition, current civil procedure statutes limit recovery from parents for willful or malicious destruction of or damage to property by minors to \$2,500.

Patron - Amundson

[P] HB1724 School bus driver qualifications. Provides that the character reference statement required of applicants for school bus driver positions may be signed by two reputable persons who may reside in the applicant's community or in the hiring school division. Current law limits these signatures to those of two reputable residents of the hiring school division.

Patron - Black

[P] HB1882 Instruction regarding alcohol abuse and drunk driving. Provides that instruction concerning the public safety hazards and dangers of alcohol abuse, underage drinking, and drunk driving must be provided in the public schools. The Department of Alcoholic Beverage Control must provide educational materials to the Department of Education. The Department of Education must review and distribute such materials as are approved to the public schools.

Patron - Albo

[P] HB1885 School board salaries. Increases the maximum annual salary for school board members in the following jurisdictions: Lancaster, from \$3,000 to \$6,000; Louisa, from \$3,600 to \$4,800; Russell, from \$1,800 to \$3,600; the City of Portsmouth, from \$2,700 to \$5,000; and the City of Salem, from \$1,700 to \$3,600.

Patron - Rhodes

[P] HB1908 Virginia Public School Authority; bonds and notes for grants. Authorizes the Virginia Public School Authority to pledge to certain bonds and notes issued for grants to local school boards any general funds appropriated for such purpose. The Governor's annual budget bill must contain a sum sufficient appropriation to cure any shortfall on any debt service payment date on the bonds or notes. This bill requires the VPSA to report to the Governor and the chairmen of the House Committees on Appropriations and Finance and the Senate Committee on Finance detailing the total amount of the VPSA's outstanding bonds and notes secured by such sum sufficient and describing any instances where such sum sufficient has been used.

Patron - Callahan

[P] HB1983 Notification of reduction in force for teachers. Directs the school boards of Arlington, Fairfax, and Falls Church (identified by form of government or by population) 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. An emergency clause makes the bill effective upon passage. The act expires on July 1, 2003. Currently, the statute targets only the Prince

William school board. This bill incorporates HB 1788 and HB 2172.

Patron - Watts

[P] HB1996 Criminal records checks for school board employees. Provides that the criminal records history obtained by school boards for applicants who are offered or who accept school board employment, whether on a temporary, permanent, or part- or full-time basis, address all felony and Class 1 misdemeanor convictions and equivalent offenses in other states. 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, reports of all arrests of school employees, not just the currently enumerated serious crimes, will now be reported to school boards; these employees must then submit to fingerprinting and a criminal history records check, also expanded in this measure to include all felony and misdemeanor convictions. The information obtained through the records check of current employees is used for dismissal and suspension purposes; however, the criminal convictions warranting these disciplinary actions remain limited to specified serious crimes. Pursuant to § 22.1-296.1, applicants for school employment must currently certify they have not been convicted of a felony, crime of moral turpitude, or other specific crimes involving the abuse of a child.

Patron - Parrish

[P] HB2123 Professional teacher's examination. Directs the Board of Education, in setting passing scores for the professional teacher's examination required for initial licensure, to establish an alternative for the Praxis I assessments. Currently, applicants for initial licensure must pass the Praxis I: Academic Skills Assessments, which includes mathematics, reading, and writing tests, each of which has a specified passing score. In addition, a passing score in a specialty area is also required for initial licensure; the Praxis II tests fulfill this latter requirement, which is necessary for endorsement in a teaching specialty. This bill incorporates HB 2558.

Patron - Darner

[P] HB2395 Commercial, promotional and corporate partnerships and sponsorships relating to public schools. Requires each school board to develop and implement and authorizes them to revise, from time to time, a policy relating to commercial, promotional, and corporate partnerships and sponsorships involving public schools in the division. It is noted in the preambles of this bill that commercial activities have increased significantly in schools during the past decade; that most school officials and parents agree that corporate and business involvement in education is desirable and that the contributions of business and industry have made many activities into reality that would not otherwise have been possible; that some ethical questions have, however, arisen concerning apparel companies and others and their influence on the lifestyles and choices of young people; that incidents in other states have made it clear that the time has come to clarify the rules on such activities; that the Commonwealth wishes to nurture and encourage its business and industry community to become involved in and to contribute to its public schools in appropriate and positive ways; and that, in order to protect the school divisions and students of Virginia from any unwanted influences and to avoid the difficulties that have occurred in other states while stimulating desirable business and industry involvement, Virginia school boards must develop policies on these issues designed to meet their local needs, circumstances, and standards. This bill is a recommendation of the Joint Subcommittee Studying Commercial Promotional Activities in High Schools pursuant to HJR 239 of 2000.

Patron - Tata

[P] HB2401 Standard 4 of the Standards of Quality; Literacy Passports, diplomas, and certificates; class rankings. Authorizes each local school board to devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged.

Patron - Tata

[P] HB2439 Charter schools. Clarifies that, prior to receiving applications for any public charter school, a local school board must provide public notice of its intent to accept or not to accept applications for public charter schools and may, upon providing such public notice, alter its decision to accept or not to accept such applications. The current and obsolete date of December 31, 2000, for local school boards to indicate their intent to accept or reject charter schools' applications is struck. This bill is identical to SB 1393.

Patron - Harris

[P] HB2512 Student discipline. Reorganizes the student discipline statutes and moves some sections to other articles of Title 22.1. The measure makes the following substantive changes: (i) adds definitions for the various student disciplinary actions; (ii) requires division superintendents, in making recommendations for expulsion for violations other than those involving weapons or drugs, to consider various factors, such as the student's age, grade level, academic and attendance records, and disciplinary history, and the appropriateness and availability of an alternative education placement or program; (iii) requires subsequent confirmation or disapproval of a recommended student expulsion by the school board, or a committee thereof, regardless of whether the pupil exercised the right to a hearing; (iv) allows school boards to exclude from attendance students who have been suspended for more than 30 days or expelled by another school division or for whom private school admission has been withdrawn regardless of the offense for which the disciplinary action was imposed, upon a finding that the student presents a danger to the other students or staff of the school division and upon compliance with a hearing process; (v) eliminates the one-year cap for the period of time a student who has been expelled or for whom admission has been withdrawn may be excluded from school attendance in another school division, and provides that the date upon which the student may re-petition for admission must be issued by the relevant school board, committee thereof, or superintendent or designee rendering the initial exclusion, and, upon denial of the petition, a date for subsequent petitions set by the school board; (vi) permits school divisions excluding students who have been expelled from another school division in the Commonwealth to accept or waive any or all of any conditions for admission that may have been imposed by the expelling school division; however, the excluding school division cannot impose additional conditions for admission; (vii) allows school boards to permit students who have been expelled, excluded, are subject to a long-term suspension, or have been found guilty or not innocent of a crime which could have resulted in injury to others or for whom a court disposition is required to be reported, to attend an alternative education program provided by the school division; (viii) permits school boards to take action against students for actual breakage or destruction of or failure to return school property; and (ix) requires school boards to establish, by regulation, a schedule pursuant to which expelled students may apply and reapply for readmission to school. The schedule would be designed to ensure that the hearing and ruling on any initial petition for readmission, if granted, would enable the

student to resume school attendance one calendar year from the date of the expulsion. This bill is similar to SB 1359.

Patron - Reid

[P] HB2514 Teacher proficiency; continuing contract status. Provides that any teacher hired on or after July 1, 2001, will be required, as a condition of achieving continuing contract status, to have successfully completed training in instructional strategies and techniques for intervention for or remediation of students who fail or are at risk of failing the Standards of Learning assessments. Local school divisions will be required to provide the training at no cost to teachers employed in their division. In the event a local school division fails to offer the training in a timely manner, no teacher will be denied continuing contract status for failure to obtain such training. This bill is identical to SB 1304.

Patron - Reid

[P] HB2588 Reciprocity for criminal history records check. Authorizes local school boards to exchange information obtained from a criminal history records check of an applicant conducted within the previous 90 days, if the applicant has requested and given permission in writing that another school board to which he has applied for employment may be informed of the results. Criminal history record information pertaining to an applicant may only be exchanged between school boards in the Commonwealth with current reciprocity agreements. The agreements must provide for the apportionment of the costs of fingerprinting and the criminal record check between the applicant and the school board, as currently provided by law; however, the applicant may not be charged by each school board for conducting the criminal history records check.

Patron - Christian

[P] HB2589 Virginia Teacher Scholarship Loan Program. Moves and amends the Virginia Teacher Scholarship Loan Program, § 22.1-212.2:1, to a more appropriate section in Title 22.1. The amendment to the provision requires the Board of Education and the State Council of Higher Education to make available to parents, students, teachers, guidance counselors, and academic advisors and financial aid administrators at institutions of higher education information concerning the Program, eligibility criteria for loans, and the terms and conditions under which loans are awarded in order that students seeking careers in the teaching profession may be informed of the availability of such financial aid. The amendment to the companion section in Title 23, pertaining to the State Council of Higher Education's role and responsibilities in the Program, is identical to the amendment to the provisions of the Program in Title 22.1. Further, moving the Program to another section in Title 22.1 places it in proximity to other sections to which it is related, provides the Program greater visibility and makes it easier to find in the Code of Virginia, and relieves the congestion around sections in Title 22.1 where it was originally assigned. Many of the extensive amendments to the statutory provisions and the appropriations act in 2000 were the recommendations of the Commission on Access and Diversity in Higher Education to address the supply and demand of classroom teachers in critical teacher shortage disciplines, the dearth of male and minority teachers, and the shortage of classroom teachers in certain rural and urban areas of the Commonwealth. This bill is also the recommendation of the Commission on Access and Diversity in Higher Education.

Patron - Christian

[P] HB2674 Standard diploma. Restores language in the Standards of Quality (SOQ) that was unintentionally deleted by the merging of legislation reorganizing Standard 3 in the 2000 Session. Standard 3, as with several of the SOQ

statutes, is set out twice in the Code of Virginia; this bill amends the version of Standard 3 that will become effective on July 1, 2003. The inserted language provides that, effective July 1, 2003, the requirements for a standard diploma must include at least two sequential electives.

Patron - Orrock

[P] HB2777 Standards of Learning resource guides. Directs, in order to provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education to solicit public comment prior to revising or adopting Standards of Learning resource guides. Thirty days prior to soliciting such public comment, the Board must publish notice of its intended action. Interested parties must be given reasonable opportunity to be heard and present information prior to final action of the Board. The Board must make such resource guides available for public inspection at least thirty days prior to final adoption or revision, as the case may be.

Patron - Dillard

[P] HB2786 School board; definition. Adjusts the definition of "school board" to note that such body "governs" a school division and revises the definition of "governing body" or "local governing body" in the education title to be like the definition in the local government title, i.e., "the board of supervisors of a county, council of a city, or council of a town, as the context may require."

Patron - Blevins

[P] SB814 School board salaries. Increases the maximum annual salary for the following school boards: Greene County from \$3,600 to \$5,800; Lancaster County from \$3,000 to \$6,000; Louisa County from \$3,600 to \$4,800; Russell County from \$1,800 to \$3,600; the City of Portsmouth from \$2,700 to \$5,000; and the City of Salem from \$1,700 to \$3,600. All boards receiving increases purported to have followed the statutory procedures required for increasing their salaries. This bill incorporates SB 1148 and SB 1364.

Patron - Houck

[P] SB954 Virginia Retirement System; retirees hired as teachers. Requires the Superintendent of Public Instruction to at least annually survey all local school divisions to identify critical shortages of teachers by geographic area, by school division, or by subject matter. The bill also provides that retired persons who are members of the Virginia Retirement System may be hired as teachers or administrative personnel without interrupting their retirement benefits under the following conditions: (i) the person's retirement allowance is based on his service as a licensed instructional or administrative employee; (ii) the person has been receiving such retirement allowance for a period of time consistent with federal tax laws, preceding his employment; (iii) the person had not retired pursuant to an early retirement incentive; and (iv) the person is to be employed to fill the critical shortage identified by the Superintendent of Public Instruction. The provisions of this act are effective from its passage but will expire on July 1, 2006. This bill incorporates SB 1248.

Patron - Couric

[P] SB1022 School and institutional crisis and emergency management plans. Requires public schools to institute tornado drills every school year to familiarize students with drill procedures to safeguard their health, safety, and welfare. The definition of "school crisis and emergency management plan" has been modified to include "tornados" among the natural disasters and severe weather conditions that must be considered. The Board of Education and the State Council of Higher Education must consult with the Virginia Center for

School Safety and the Coordinator of Emergency Management in the development and revision of their respective model crisis and emergency management plans for public schools and public and private two-year and four-year institutions of higher education. The duties of the Department of Emergency Management and of the Coordinator have been extended to provide consultation services to the Board of Education and the State Council of Higher Education in the development and revision of crisis and emergency management plans, which would include disaster and preparedness activities that should be followed in the event of a tornado.

Patron - Houck

[P] SB1033 Virginia Public School Authority; bonds and notes for grants. Authorizes the Virginia Public School Authority to pledge to certain bonds and notes issued for grants to local school boards any general funds appropriated for such purpose. The Governor's annual budget bill must contain a sum sufficient appropriation to cure any shortfall on any debt service payment date on the bonds or notes.

Patron - Chichester

[P] SB1055 Career and technical education. Changes the name of vocational technical education in the Code of Virginia to refer to "career and technical" education, in conformance with the currently accepted national view. The name, career and technical education reflect the increased status and complexity of vocational education programs; for example, complex diagnostic computers for auto mechanics and computer technician certification programs that qualify graduates for profitable careers. Enactment clauses clarify that no public school need change its name; however, regardless of the name, a vocational school must continue to comply with the relevant requirements in law and regulation. Further, no stationery, logo, pamphlets or other printed materials or websites must be redesigned and, where any name change is dictated in this bill, all materials with the current name may be used up before being redesigned or reprinted. No additional services are required in any state or local program by reason of this name change. References to vocational education will be synonymous with and subsumed by "career and technical" education. This bill is a recommendation of the Joint Subcommittee to Study Continuing and Vocational/Technical Education.

Patron - Quayle

[P] SB1056 Substitution of certain tests. Authorizes the Board of Education to substitute industry certification and state licensure examinations for Standards of Learning assessments for the purpose of awarding verified units of credit for career and technical education courses, where appropriate. This bill also amends Standard 3 of the Standards of Quality to allow the Board to provide, in the requirements for the verified units of credit stipulated for obtaining the standard or advanced studies diploma, that appropriate and relevant industry certification or state licensure examinations may be substituted for correlated Standards of Learning examinations and that students completing career and technical education programs that are designed to enable such students to pass such industry certification examinations or state licensure examinations may be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, appropriate verified units of credit for one or more career and technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated. Such industry certification and state licensure examinations may cover relevant standards of learning for various required classes and may, at the discretion of the Board, address various standards of learning for several required courses.

Patron - Quayle

[P] SB1057 Educational technology in career and technical education programs. Clarifies that funds provided for educational technology may be used for career and technical education, i.e., vocational programs as well as academic programs. This bill also clarifies that the Board of Education's six-year technology plan must integrate the Standards of Learning into career and technical education programs as well as academic programs, and that local school division technology plans must be designed to integrate educational technology into the career and technical education programs as well as the academic programs. A second enactment specifically notes that school boards may use any educational technology funds for career and technical education programs, including, but not limited to, funding allocated for professional development in educational technology. This provision is a recommendation of the Joint Subcommittee to Study Continuing and Vocational/Technical Education.

Patron - Quayle

[P] SB1144 Optional education programs for kindergarten through grade five. Authorizes local school boards to establish optional age-appropriate education programs for young students in grades kindergarten through five who require guidance, supervision, and discipline in a structured learning environment and who need to be re-directed toward appropriate classroom decorum and acceptable personal behavior. The programs must provide instructional and support services that will enable students to maintain academic achievement, attain basic skills and academic proficiencies, and otherwise benefit from a public education, during the time that they may be removed from the regular classroom. The programs shall also be designed to (i) accommodate students within the school building to which they have been assigned, (ii) facilitate the efficient transition of students between the optional education program and their regular classroom, (iii) provide for the continuity of instruction, a nurturing environment, necessary guidance and supervision, and the participation of the student's parents in correcting his behavior. Local school boards must ensure that the programs are adequately staffed by licensed teachers or other persons with demonstrated qualifications to instruct and manage students with a range of academic gifts and deficiencies, disciplinary problems, and the need to develop and use appropriate social skills. These programs may not be used as an appropriate alternative placement for students who have been removed from special education programs or classes for disciplinary purposes.

Patron - Lambert

[P] SB1163 Advisory Commission on the Virginia Schools for the Deaf and the Blind. Increases the membership of the Advisory Commission on the Virginia Schools for the Deaf and the Blind from 10 to 12 members by adding two additional citizen members to be appointed by the Speaker, thus bringing the Speaker's citizen appointments to three. Currently, the Commission has two citizens, both of whom are either former students of either of the schools or the parents of former or present students of either of the schools. This provision requires that one of the additional appointees be a parent of a sensory impaired multidisabled student who is currently attending or has attended the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton, and that the other new appointee be a current member of the Board of Education. The Senate Committee on Privileges and Elections will continue to appoint one citizen member who is either a former student of either of the schools or a parent of a current or former student of either of the schools.

Patron - Hanger

[P] SB1201 School; preschool physicals. Adds a physician assistant who is acting under the supervision of a licensed physician to the list of those practitioners who are qualified to perform a comprehensive physical exam of students prior to their entering kindergarten or elementary school.

Patron - Forbes

[P] SB1207 Access to high schools and high school students for military recruiters. Requires any school board that provides access to one or more of its high schools and contact with such high school's student body or other contact with its high school students during a school or school division-sponsored activity whether conducted on school board property or other property to persons or groups for occupational, professional or educational recruitment to provide equal access on the same basis to official recruiting representatives of the military forces of the Commonwealth and the United States. This bill notes that Standard 1 of the Standards of Quality requires all school boards to implement career education programs promoting knowledge of careers and various employment opportunities, including, but not limited to, military careers.

Patron - Forbes

[P] SB1210 The Virginia World War II Veterans Appreciation Week; certain honorary diplomas. Establishes the first full week in September, i.e., the week that was the first full official week of peace in 1945 (the war was officially over on September 2, 1945, upon the formal surrender of Japan aboard the United States battleship, Missouri) as the Virginia World War II Veterans Appreciation Week and provides for the application for and award of honorary state high school diplomas by the Board of Education if the veteran served in any branch of the United States Armed Forces during the years between 1939 and 1945; the veteran was drafted or did enlist while still enrolled as a secondary school student in any school in any state or territory of the United States or any school located on or associated with a United States military base or embassy; and the veteran was unable to resume his secondary education upon returning to civilian life.

Patron - Forbes

[P] SB1304 Teacher proficiency; continuing contract status. Provides that any teacher hired on or after July 1, 2001, will be required, as a condition of achieving continuing contract status, to have successfully completed training in instructional strategies and techniques for intervention for or remediation of students who fail or are at risk of failing the Standards of Learning assessments. Local school divisions will be required to provide the training at no cost to teachers employed in their division. In the event a local school division fails to offer the training in a timely manner, no teacher will be denied continuing contract status for failure to obtain such training. This bill is identical to HB 2514.

Patron - Newman

[P] SB1331 Pledge of Allegiance. Requires (i) all students to be required to learn the Pledge of Allegiance and to demonstrate such knowledge and (ii) each school board to require the daily recitation of the Pledge of Allegiance in each classroom of the school division and to ensure that an American flag is in place in each classroom. Each school board must determine the appropriate time during the school day for the recitation of the Pledge. During the Pledge of Allegiance, students must either stand and recite the Pledge while facing the flag with their right hands over their hearts or in an appropriate salute if in uniform; however, no student can be compelled to recite the Pledge if he, his parent or legal guardian objects on religious, philosophical, or other grounds. Students who are

thus exempt from reciting the Pledge must remain quietly standing or sitting at their desks while others recite the Pledge and must not make any display that disrupts or distracts others who are reciting the Pledge. School boards must provide appropriate accommodations for students who are unable to comply with these procedures due to disability. School board codes of conduct shall apply to disruptive behavior during the recitation of the Pledge in the same manner as provided for other circumstances of similar behavior. The Office of the Attorney General must intervene on behalf of local school boards and must provide legal defense of these provisions.

Patron - Barry

[P] SB1334 School safety audits. Requires schools to submit their respective school safety audits to the relevant school division superintendent. The division superintendent is to collate and submit these school safety audits to the Virginia Center for School Safety. The Center for School Safety is to join the Department of Education in providing technical assistance to school divisions in the development of school crisis and emergency management plans. Created within the Department of Criminal Justice Services pursuant to legislation passed by the 2000 Session of the General Assembly, the Virginia Center for School Safety is to provide training for Virginia public school personnel in school safety and the effective identification of students who may be at risk for violent behavior; serve as a resource and referral center providing information regarding current school safety concerns; and collect, analyze, and disseminate various Virginia school safety data, including school safety audit information, collected by the Department. This bill is identical to HB 1587.

Patron - Newman

[P] SB1340 Advisory Commission on the Virginia Schools for the Deaf and the Blind. Increases the membership of the Advisory Commission on the Virginia Schools for the Deaf and the Blind from 10 to 12 members by adding two additional citizen members to be appointed by the Speaker, thus bringing the Speaker's citizen appointments to three. Currently, the Commission has two citizens, both of whom are either former students of either of the schools or the parents of former or present students of either of the schools. This provision requires that one of the additional appointees be a parent of a sensory impaired multidisabled student who is currently attending or has attended the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton, and that the other new appointee be a current member of the Board of Education. The Senate Committee on Privileges and Elections will continue to appoint one citizen member who is either a former student of either of the schools or a parent of a current or former student of either of the schools.

Patron - Maxwell

[P] SB1359 Student discipline. Reorganizes the student discipline statutes and moves some sections to other articles of Title 22.1. The measure makes the following substantive changes: (i) adds definitions for the various student disciplinary actions; (ii) requires division superintendents, in making recommendations for expulsion for violations other than those involving weapons or drugs, to consider various factors, such as the student's age, grade level, academic and attendance records, and disciplinary history, and the appropriateness and availability of an alternative education placement or program; (iii) requires subsequent confirmation or disapproval of a recommended student expulsion by the school board, or a committee thereof, regardless of whether the pupil exercised the right to a hearing; (iv) allows school boards to exclude from attendance students who have been suspended for more than 30 days or expelled by another school division or for whom private school admission has been withdrawn regardless

of the offense for which the disciplinary action was imposed, upon a finding that the student presents a danger to the other students or staff of the school division and upon compliance with a hearing process; (v) eliminates the one-year cap for the period of time a student who has been expelled or for whom admission has been withdrawn may be excluded from school attendance in another school division, and provides that the date upon which the student may re-petition for admission must be issued by the relevant school board, committee thereof, or superintendent or designee rendering the initial exclusion, and, upon denial of the petition, a date for subsequent petitions set by the school board; (vi) permits school divisions excluding students who have been expelled from another school division in the Commonwealth to accept or waive any or all of any conditions for admission that may have been imposed by the expelling school division; however, the excluding school division cannot impose additional conditions for admission; (vii) allows school boards to permit students who have been expelled, excluded, are subject to a long-term suspension; found to have committed a serious offense or repeated offenses in violation of school board policies; found guilty or not innocent of an offense related to weapons, alcohol or drugs, or a crime that could have resulted in injury to others; or for whom a court disposition is required to be reported, to attend an alternative education program provided by the school division; (viii) permits school boards to take action against students for failure to return school property, including seeking reimbursement from the student or the student's parent; and (ix) requires school boards to establish, by regulation, a schedule pursuant to which expelled students may apply and reapply for readmission to school. The schedule would be designed to ensure that the hearing and ruling on any initial petition for readmission, if granted, would enable the student to resume school attendance one calendar year from the date of the expulsion. This measure is a recommendation of the Commission on Youth. This measure is similar to HB 2512.

Patron - Rerras

[P] SB1391 Accreditation of schools. Amends the two versions of Standard 3 of the Standards of Quality to require the Board of Education to authorize, as an elective in grades nine through 12 with appropriate credits toward graduation, a comparative religion class that focuses on the basic tenets, history, and religious observances and rites of world religions.

Patron - Potts

[P] SB1393 Charter schools. Eliminates the now outdated requirement that a local school board must provide public notice by December 31, 2000, of its intent to accept or not to accept applications for public charter schools. The bill provides the school boards must, prior to receiving applications for any public charter school, provide public notice of its intent to accept or not to accept applications for public charter schools and may, upon providing such public notice, alter its decision to accept or not to accept such applications. This measure is identical to HB 2439.

Patron - Newman

[F] Failed

[F] HB1557 Daily observance of one minute of silence. Eliminates the reference to prayer within the current Code provision requiring the daily observation of a one-minute moment of silence in every classroom in the public schools in Virginia. During this period, students may, "in the exercise of his or her individual choice," meditate or engage in any other silent activity that does not interfere with, distract, or impede other pupils in the like exercise of individual choice. Legisla-

tion adopted by the 2000 Session of the General Assembly (SB 209) amended the statute to make such observance mandatory. The Office of the Attorney General is to intervene and provide legal counsel for defense of this provision.

Patron - Darner

[F] HB1564 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 past 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

[F] HB1613 Posting of certain statement. Requires all school boards to post prominently in a conspicuous place in each of their schools for all students to read the phrase, "In God we trust," which is the national motto of the United States pursuant to 36 U.S.C. § 186 (1999).

Patron - Marshall

[F] HB1654 Temporarily employed teachers. Revises the definition of "temporarily employed teacher." This bill eliminates the requirement that those individuals hired to fill a teacher vacancy for a period of time serve no longer than 90 days. The bill authorizes school boards to determine the time period necessary to employ a teacher to fill a vacancy for the purpose of addressing a shortage of qualified teachers in a specific grade level or content area. The Board of Education's regulations must require that long-term substitutes hold a college degree or demonstrate equivalent work experience. Current law requires that temporarily employed teachers be at least eighteen years of age and hold a high school diploma or a general educational development (GED) certificate. The provision expires on July 1, 2004.

Patron - Hamilton

[F] HB1788 Notification of reduction in force for teachers. Directs the Falls Church school board (the school board of a city that is adjacent to, but not completely surrounded by, a county having the urban county executive form of government (Fairfax)) 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. Currently, the statute targets only the Prince William school board. This measure was incorporated in HB 1983.

Patron - Hull

[F] HB1841 High school on the Internet. Requires the Board of Education, in consultation with the Secretary of Education, the Secretary of Technology, and Old Dominion University, to establish a comprehensive program of instruction in the Standards of Learning for English, History and Social Studies, Mathematics, and Science, which shall be

available to school-age students enrolled in public elementary and secondary schools, and to other students in the school divisions who are eligible to attend the public schools. Development of curricula for the content areas, teacher preparation in integrating technology in instruction, adequate program staffing, the development of procedures and criteria for determining student eligibility for the programs, and the identification of costs and infrastructure needs of the school divisions to support the programs and deliver instructional services are the responsibility of the Board of Education.

Patron - Marshall

[F] HB1977 Salaries of instructional personnel. Provides that, effective in the 2002-2004 biennium, in determining the statewide prevailing salary for instructional positions to be funded within the Standards of Quality, the Department of Education shall base such prevailing salaries on the actual salary paid to individual positions equivalent to positions required by the Standards of Quality and the actual number of such positions. For the purposes of these statewide prevailing salary calculations, "instructional positions" shall include those of elementary and secondary teachers, principals, assistant principals, instructional aides, counselors, and librarians.

Patron - McClure

[F] HB2041 Fees for licenses and certificates of proprietary schools. Authorizes the Board of Education to assess fees for new licenses and certificates and license and certificate renewal as follows: a fee not exceeding \$100 for any school whose student enrollment is 100 students or fewer, and a fee not exceeding \$500 for any school whose student enrollment is greater than 100 students.

Patron - Rust

[F] HB2084 Requirements for full funding of summer remedial programs. Requires the Board of Education to develop and implement a formula to provide funding for remedial summer school consistent with the method of funding basic instructional programs. The formula must include a mechanism to allow local school divisions to recover the costs of such programs and services provided to students attending these programs who are enrolled in the public schools of another school division. The Board must require compliance with its standards for full funding of remedial summer school, as provided in the Standards of Quality in subsection C of § 22.1-253.13:1. This bill is a recommendation of the Commission on Educational Accountability's Task Force on Remediation.

Patron - Van Yahres

[F] HB2085 Options to the employment of additional teachers. Allows school boards to use funds appropriated for the employment of additional classroom teachers to increase the compensation of licensed in-service teachers who agree to teach either (i) Standards of Learning courses, (ii) reading classes for students with poor reading skills and ability, (iii) remediation courses, (iv) extended hours to tutor at-risk students, or (v) in schools with low student performance on the Standards of Learning assessments, or in schools that have not attained full accreditation, pursuant to Board regulations governing the accreditation of public schools. This bill is a recommendation of the Commission on Educational Accountability's Task Force on Remediation.

Patron - Van Yahres

[F] HB2086 Remediation programs and services. Clarifies which students the division superintendent shall require to attend remedial summer school or another form of remediation, and which students he may require to attend these programs or special prevention and intervention programs.

This bill clarifies that transportation services are a part of the full costs of remediation programs and that transportation must be provided by local school divisions to any student required to attend remediation programs, whether such programs are offered in the summer, before and afterschool, or during the school day, if the program is outside the school that the student attends. Students required to attend remediation programs may not be charged for transportation services by the school division. The bill also requires school divisions to monitor the academic achievement of students required to attend remediation programs in accordance with the methodology that must be developed by the Board of Education to track the linear academic progress of such students. School divisions must also report the cost effectiveness of intradistrict and regional remediation programs. As a condition for full funding of summer remedial programs, Board of Education standards must require the provision of transportation services, the use of master teachers, the development of an educational plan specific to the instructional needs of the student, linear tracking of student achievement, and the use of one or more school reform models under the federal Comprehensive School Reform Demonstration Program, designed to raise student achievement, which have been approved by the Board of Education. This bill is a recommendation of the Commission on Educational Accountability's Task Force on Remediation.

Patron - Van Yahres

[F] HB2111 Early Intervention Reading Initiative Program and Fund. Creates the Early Intervention Reading Initiative Program and Fund to support grants to public schools to administer diagnostic testing, and instructional time to provide intervention or remediation to identified students in kindergarten through grade three, using pedagogical strategies supported by research. The intervention and remediation may include before- and after-school programs, Saturday school, or in-school tutoring sessions. Programs also may include contributions of services, resources, materials, volunteer manpower and funds from community organizations, faith-based organizations, businesses and local governments. The Department of Education is to provide school divisions with diagnostic tests to identify (i) the number of students requiring intervention and remediation services through the Program and (ii) effective reading intervention and remediation programs and strategies, as appropriate. Grant amounts shall be based on the percentage of students in each school division who are identified as requiring services as indicated by results of diagnostic pretests administered in the previous year. Local school divisions and eligible schools may supplement grants from the Fund with local funds and private contributions and gifts, but may not support existing programs with funds granted pursuant to the Program. Grants from the Fund shall be issued to schools upon approval by the Superintendent of Public Instruction of the school's plan, certified by the division superintendent and the school principal, for the use of the grant. The Department of Education may audit a school's program to ensure compliance with the school plan, Program requirements, and Board guidelines. This bill is identical to SB 1313.

Patron - Suit

[F] HB2122 Graduation requirements. Directs the Board of Education, in establishing course and credit requirements for graduation, to establish guidelines for local school boards to provide for additional criteria to determine the award of a verified unit of credit to students in grades six through nine in the 2000-2001 school year who obtain a passing grade for a course but fail the relevant Standards of Learning assessment twice. Such guidelines shall be designed to ensure consistency and fairness in the selection and administration of any such additional criteria and are exempt from the Administrative Process Act. Currently, the Standards of Accreditation (SOA) do

not specifically make the awarding of diplomas contingent upon the passage of SOL tests; however, beginning with the ninth grade class of 2003-4, students must earn six verified units of credit from specific courses for a standard diploma. During a transition period for the ninth grade classes of 2000-01, 2001-02, and 2002-03, students must earn six verified units (two in English and four additional units). Beginning with the ninth grade class of 2000-01, students must earn nine verified credits in specific courses to earn an advanced studies diploma. (8 VAC 20-131-50 B, C). Verified units are earned upon passage of the course and the relevant SOL test. (8 VAC 20-131-110 B).

Patron - Darner

[F] HB2151 Salaries of instructional personnel. Provides that, in determining the average statewide salary for instructional positions to be funded within the Standards of Quality, the Department of Education is to base such averages on the actual salary paid to individual positions equivalent to positions required by the Standards of Quality and the actual number of such positions. For the purposes of these statewide average salary calculations, "instructional positions" shall include elementary and secondary teachers, principals, assistant principals, instructional aides, counselors, and librarians.

Patron - Dillard

[F] HB2163 Standards of Accreditation; multiple criteria. Directs the Board of Education, in establishing the Standards of Accreditation for elementary, middle, and high schools, to incorporate the use of multiple criteria in determining the accreditation status of schools. The criteria for the accreditation of all schools shall include results of the Standards of Learning (SOL) assessments, excluding the scores of students pursuing alternative education; improvement in SOL assessment scores; and student attendance rates. The criteria for accrediting all schools shall also provide for the awarding of additional credit to be counted toward attaining a particular accreditation status for (i) a disparity in the aggregated Standards of Learning assessment scores of majority and minority students of 10 points or fewer that results from increased assessment scores of all students and (ii) the percentage of teachers who are assigned to positions for which they have an endorsement. The Board shall assign a weight to each criterion to obtain a numerical rating for determining accreditation status; however, in no event shall the results of any SOL assessments account for more than three-quarters of a school's rating for accreditation purposes. In addition, the accreditation standards for high schools shall include, but not be limited to, school drop out rates, with data distinguishing verified transfers and students participating in a GED program and the percentage of students who do not receive a diploma but either (a) pass an examination in a career and technical education field that confers certification from a recognized industry, or trade or professional association, or (b) acquire a professional license in a career and technical education field from the Commonwealth of Virginia. Additional criteria for the accreditation of middle schools shall include, but not be limited to, school drop out rates, with data distinguishing verified transfers. Additional criteria for the accreditation of elementary schools shall include, but not be limited to, the number of students who have been retained for more than one year in grades two through five. The criteria for accrediting elementary schools shall also include, as an additional credit that might be counted toward attaining a particular accreditation status, the percentage of students achieving above the fiftieth percentile on the Stanford 9 assessment. At the request of the relevant school board, alternative education schools and full-day programs designed to increase educational opportunities for at-risk students shall be evaluated pursuant to standards appropriate to such school or program and approved by the Board of Education. Each

school's performance on the various criteria and any awards of additional credit shall be included in the School Performance Report Card required by the Standards of Accreditation.

Patron - Jackson

[F] HB2172 Notification of reduction in force for teachers. Directs any school board in a county having the county manager plan form of government (Arlington) 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. Currently, the statute targets only the Prince William County school board. This measure was incorporated in HB 1983.

Patron - Brink

[F] HB2353 Cultural diversity competency training of school personnel. Requires all persons subject to the Virginia Licensure Regulations for School Personnel to complete cultural diversity training as a condition of licensure and license renewal, effective July 1, 2003. Due to current and projected demographic changes in Virginia's population, which have resulted in greater racial, ethnic, cultural, and linguistic diversity among citizens and school-age children, school personnel require an understanding and appreciation of diverse cultures represented in the public schools. Currently, certain initiatives in progress or under consideration at the Department of Education reflect the necessity to provide cultural diversity competency training in professional staff development of school personnel, including proposed revisions to the licensure regulations. This bill is a recommendation of the Joint Subcommittee Studying the Overrepresentation of African-American Students in Special Education Programs.

Patron - McEachin

[F] HB2359 Fingerprinting of certain school board employees. Excludes applicants for adult education instructional positions in which there is no contact with minors, from the criminal records check and fingerprinting requirements now applicable to all applicants for school board employment, whether for full- or part-time, permanent or temporary positions. Reports of arrests of any school board employees, rather than applicants, regardless of position, however, would still be reported to division superintendents and fingerprinting of the employee then required.

Patron - Weatherholtz

[F] HB2365 Virginia Banking-at-School Demonstration Program. Creates the Virginia Banking-at-School Demonstration Program as a resource to provide learning opportunities and practical experiences that allow students to apply knowledge and skills, thus reinforcing conventional classroom efforts at attaining those objectives of the Standards of Learning for Mathematics, English, History and Social Studies, and Computer Technology. Only public schools are eligible to receive grants for demonstration projects that establish school banks operated, administered, and managed for students by students. The Board of Education must establish guidelines, in consultation with the State Corporation Commission's Bureau of Financial Institutions, the State Council of Higher Education, and the Virginia Bankers Association, for the governance of school banks and other components of the demonstration projects. Public schools desiring awards for demonstration projects must, among other things, establish partnerships with financial institutions and public or private institutions of higher education, and designate qualified school employees to supervise school banks and to work with participating students. Student participation in the school bank is voluntary; however, students must provide written permission from a parent to participate as a "student bank employee" or student customer. Public schools must also develop connec-

tions between the SOL objectives, the school bank, and class instruction and assignments to reinforce learning and the application of knowledge and skills. Parents of participating students are required to participate in and support the school bank. They must also agree to be responsible for helping students understand their responsibilities and obligations as "student bank employees" and student customers. Further, parents must agree to accept financial responsibility for any obligation incurred by the students while participating in the school bank. Partner institutions of higher education are required to provide both rigorous supplementary academic programs to identified "student bank employees" who have demonstrated the potential and interest in pursuing a career in business or finance and mentors for student customers. Such institutions must also provide related coursework to participating school and bank employees. The coursework for licensed school employees must qualify to be used toward credits required for license renewal. Partner financial institutions are required to establish school banks and to train "student bank employees" and participating school employees concerning the operation and administration of financial institutions, business and personnel management, entrepreneurship, simple and compound interest, investments, good work habits and other personal skills, oral and written communications, interest rate-setting, stocks, bonds, money markets, electronic transfers and online banking, the American and Virginia economic systems, global economics, and other matters pertaining to the world of business, economics, and finance. The provisions of the bill expire on July 1, 2005. This bill, substantially revised, was the recommendation of the Joint Subcommittee Studying the Status and Needs of African-American Males in Virginia in the 2000 Session.

Patron - Jones, D.C.

[F] HB2385 Volunteer Activities Coordinator Incentive Grants Program and Fund. Establishes the Volunteer Activities Coordinator Incentive Grants Program and Fund. Administered by the Board of Education, the Program will award grants on a competitive basis to public schools to support the employment of a volunteer activities coordinator and the training of volunteers to assist in the delivery of initiatives addressing early childhood and accelerated reading, remediation related to the Standards of Learning assessments, and other initiatives as may be identified by Board of Education guidelines. The Board is to establish criteria for making grants from the Fund and procedures for determining amounts for grants to eligible public schools. The Board may issue guidelines governing the Program as it deems necessary and appropriate.

Patron - Pollard

[F] HB2391 Use of Standards of Learning assessments for school accreditation. Directs the Board of Education, in establishing accreditation requirements for schools, to create a sliding scale for the inclusion and consideration of the results of Standards of Learning (SOL) assessments. The sliding scale must provide for the consideration of other indicators of school performance, and is to weight any such Standards of Learning assessment scores to benefit the particular school. Currently, the Standards of Accreditation (SOA) provide that "evaluation of the performance of schools shall take into consideration" the percentage of eligible students achieving a passing score on SOL assessments or other tests used to obtain verified units of credit; the percentage of students passing the literacy and numeracy tests required for the Modified Standard Diploma; the percentage of students whose Individualized Education Plans (IEP) specify participation in an alternate assessment who obtain a score of "proficient"; the school's attainment of certain provisional accreditation benchmarks; and the number of students who successfully complete a remediation recovery program and subsequently pass SOL tests in

English and/or mathematics during any scheduled administration by the end of the following school year (8VAC 20-131-280). More specifically, however, the SOA provide that accreditation ratings will be based on the percentage of students passing SOL tests or approved additional tests or on a trailing three-year average that includes the current year's scores and the scores from the two most recent years in each applicable academic area, or the current year's scores, whichever is higher (8 VAC-20-131-280 C 3). The SOA ultimately phase in four accreditation levels after the year 2009. These ratings are based solely on pass rates on the SOL assessments for the four core subject areas (8 VAC 20-131-300).

Patron - Dillard

[F] HB2392 School accreditation; SOL scores of certain students. Provides that scores on Standards of Learning (SOL) assessments of students who (i) have transferred into a school during the school year in which they are required to take the assessment; (ii) have been identified as having limited English proficiency (LEP); or (iii) have been identified as disabled and whose education is subject to an individualized education plan (IEP) may be considered in the determination of the relevant school's accreditation rating only if such inclusion benefits the school's rating. The Board of Education is to include in the Standards of Accreditation (SOA) the terms and conditions under which such scores of these students may be considered in determining the school's accreditation rating. The SOA now provide that the scores of LEP and transfer students will be used in the calculation of a school's accreditation rating if it will benefit the school and authorize the Board to alter the inclusions and exclusions from the accountability calculations by providing adequate notice to local school boards (8 VAC 20-131-280 E 8, 9). Students whose IEP provides for their participation in SOL testing are included among "eligible students" whose SOL scores are considered for school accreditation purposes. (8 VAC 20-131-280 C 4). These regulations, however, also provide that the scores of all students who transfer within a school division shall be counted in the calculation of the school's accountability (accreditation) rating (8VAC 20-131-280 E 5). The SOA delineate special consideration for the SOL test scores of other transfer students. The scores of those who (i) transfer into a Virginia school from another Virginia school division, another state, or another country, in grades kindergarten through eight after the 20th instructional day following the opening of school; (ii) transfer into a Virginia middle or high school from another state or country and enroll in a course for which there is an end-of-course SOL test after 20 instructional hours per course have elapsed following the opening of school or beginning of the semester; or (iii) enroll on the first day of school and subsequently transfer to a school outside of the division for a total amount of instructional time equal to or exceeding 50 percent of a current school year or semester, and return during the same school year may be used in calculating the school accreditation rating. The SOA also detail "tolerances" for LEP, special education, and transfer students in calculating passing rates on SOL assessments. Of these students, LEP students have a one-time exemption in each of the four core areas for SOL tests for grades K-8. The scores of LEP students enrolled in Virginia public schools fewer than 11 semesters may be removed from the calculation used for school accreditation.

Patron - Dillard

[F] HB2393 Standards of Quality; elementary school guidance counselors and reading specialists. 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, and one hour per day additional time per 100 students or major fraction thereof. In

addition, elementary schools must employ one full-time reading specialist; currently, these positions are filled "at the discretion of the local school board."

Patron - Dillard

[F] HB2394 Diploma requirements. Directs the Board of Education, in awarding verified credits for performance on Standards of Learning assessments, to establish a formula whereby a student may earn a verified credit based upon such test performance in combination with the student's end-of-course grade in instances in which a student has been allowed to retake a Standards of Learning assessment and has scored within the established margin of error for such assessment. Such formula shall be applicable to students enrolled in grades six through nine in 2000-2001.

Patron - Dillard

[F] HB2396 Algebra Readiness Initiative Program and Fund. Creates the Algebra Readiness Initiative Program and Fund to support grants to public schools to provide mathematics intervention or remediation to identified students in grades six through nine, using pedagogical strategies supported by research. The intervention and remediation may include before- and after-school programs, Saturday school, or in-school tutoring sessions, and will address one or more grade levels. Programs also may include contributions of services, resources, materials, volunteer manpower and funds from community members and organizations, faith-based organizations, businesses and local governments. Grant amounts shall be based on the number of seventh and eighth grade students multiplied by the percentage of students in grade eight who have failed the eighth grade Standards of Learning test the previous year. Local school divisions and eligible schools may supplement grants from the Fund with local funds and private contributions and gifts, but may not support existing programs with funds granted pursuant to the Program. Grants from the Fund shall be issued to schools upon approval by the Superintendent of Public Instruction of the school's plan, certified by the division superintendent and the school principal, for the use of the grant. The Department of Education may audit a school's program to ensure compliance with the school plan, Program requirements, and Board guidelines. This bill is identical to SB 981.

Patron - Tata

[F] HB2402 Standard 4 of the Standards of Quality; Literacy Passports, diplomas and certificates; high school transcripts. Requires the transcripts of each student awarded a diploma by a local school board to indicate, concisely and plainly, any instance in which the student has taken a required class and earned a grade in such class more than one time, regardless of the recorded grade on such class. No transcript will be required to indicate any grade other than the recorded grade. The indication of grade expungement may be accomplished by designation of a symbol or other notation.

Patron - Tata

[F] HB2465 Part-time admission and enrollment of nonpublic school students in Governor's Schools. Authorizes local school boards to develop policies, consistent with their constitutional and statutory responsibilities for providing public education, for the part-time admission and enrollment in Governor's Schools 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 of the Governor's 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 student meets admissions criteria and the school has space in the desired class or classes after accommodating the qualified pupils who are regularly enrolled in the school or in the participating school divisions. These students would be included in average daily membership in the relevant school division on a pro rata basis. The measure is not to be construed as requiring school divisions to establish or participate in the operation of a Governor's School. Under current law, nonpublic school students who are enrolled in 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 are 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 2000 Appropriation Act supports this requirement (Item 143 A 1 d).

Patron - O'Brien

[F] HB2498 Education Certificate Act. Establishes the Education Certificate Act to create a local option voucher system to provide choice in education for children in grades K-12 eligible for free or reduced lunch. The bill establishes certain parameters for the use of vouchers and places conditions on public and nonsectarian private schools that choose to participate. The measure provides that all public schools participate in the program; specific standards are set forth governing private school participation in the initiative. Participating schools must execute an agreement with the Board of Education guaranteeing that the participating school will provide a child who is accepted for enrollment, and who presents a certificate, a supplementary tuition payment in an amount sufficient to satisfy any remainder of the participating school's tuition and fees, and an education equivalent to that provided other children attending the school. All or part of the funds for such supplementary tuition payment may be secured from the individual student's personal education account established under the provisions of this article. Participating private schools must demonstrate that no funds generated through the acceptance of the certificates are used for classes in religious instruction, and in no case shall such funds constitute aid to any church, sect, or religious denomination, or aid in any way any sectarian institution for which the acceptance and use of public funds is prohibited. The value of a certificate for any student awarded a certificate to attend a participating school shall not be worth less than 80 percent of the basic aid appropriated for the support of public education in the school division. No certificate shall be redeemed for more than the amount of the tuition and fees regularly charged by the participating school for providing educational services. The measure also includes various provisions addressing a phase-in period for the initiative.

Patron - Robinson

[F] HB2540 Governor's Academic Challenge Program and Fund. Creates the Governor's Academic Challenge Program and Fund to support grants to public schools Accredited with Warning or Provisionally Accredited/Needs Improvement pursuant to the Standards of Accreditation (SOA) to provide intervention or remediation. The intervention and remediation may include before- and after-school programs, Saturday school, or tutoring sessions, and shall increase the student's net instructional time in school. Programs also may include contributions of services, resources, materials, volunteer manpower and funds from community members and organizations, faith-based organizations, businesses and local

governments. Grant amounts shall be based on the school's accreditation status for the year. Local school divisions and eligible schools may supplement grants from the Fund with local funds and private contributions and gifts, but may not support existing programs with funds granted pursuant to the Program. Grants from the Fund shall be issued to schools upon approval by the Superintendent of Public Instruction of the school's plan, certified by the division superintendent and the school principal, for the use of the grant. The Department of Education may audit a school's program to ensure compliance with the school plan, Program requirements, and Board guidelines. This bill is identical to SB 1138.

Patron - Spruill

[F] HB2541 Home instruction requirements. Provides that persons providing home instruction must have a high school diploma; currently, a baccalaureate degree is required. In addition, the bill 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 an evaluation which, in the opinion of a licensed teacher engaged by the parent, indicates an adequate level of educational growth. Currently, this latter evaluation option is limited to evaluations assessed by the division superintendent.

Patron - Katzen

[F] HB2558 Restricted license for teachers. Directs the Board of Education, within its teacher licensure regulations, to provide for the issuance of a restricted teaching license to an individual who (i) has not completed a teacher education program and (ii) holds a master's degree or its equivalent in the subject area in which he seeks licensure and endorsement. These individuals shall not be required to take professional teacher examinations in disciplines other than such the subject area of endorsement. The restricted license shall only be valid for instructional positions in the relevant area of endorsement. This measure was incorporated in HB 2123.

Patron - O'Brien

[F] HB2561 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

[F] HB2590 Financial assistance to certain students for Advanced Placement and International Baccalaureate examinations. Requires local school boards to provide financial assistance to students to cover the costs of Advanced Placement and International Baccalaureate examinations, if the students are enrolled full-time in the public schools, have been placed in or meet the qualifications for placement in Advanced Placement courses and the International Baccalaureate program, and are eligible for free or reduced lunch. Students who meet the aforementioned qualifications, but are ineligible to receive free or reduced lunch, are also eligible for such financial assistance, if they have been identified by a teacher, school principal, guidance counselor or other school personnel as

unable to afford the costs of Advanced Placement or International Baccalaureate examinations due to the unemployment of a parent, the serious or life-threatening illness of an immediate family member, the inability of a parent to afford the costs of such examinations for more than one eligible student, or other substantiated family financial exigency. This bill also establishes which students shall be eligible for the assistance; requires local school boards to establish policies to implement the law; sets out the procedure by which school boards will receive funding to assist needy students; and requires local school boards to report after the close of each school year the number of students served, those unable to be served due to lack of resources, the type of examination taken by and the score credited to the student, and the total costs of such examinations to the Department of Education. The Department of Education must use this information to establish a profile of students receiving financial assistance and baseline data to calculate and project the need for future state funds to support the program.

Patron - Christian

[F] HB2591 Termination of special education services. Clarifies that the right to special education services terminates for disabled students who graduate from high school with a regular diploma, as provided in federal regulations governing eligibility for special education services. However, because graduation is considered a change in placement under federal law, the parents of a disabled student must be notified in writing concerning the student's graduation before such transition commences. Reevaluation of the student is not required in this instance. This bill also provides that the General Education Diploma (GED) is deemed to be a regular diploma only, when awarded to a student who has been identified as disabled for educational purposes. The provisions of this bill do not affect the criteria for high school graduation and the awarding of diplomas in the Standards of Quality and the Standards of Accreditation.

Patron - Christian

[F] HB2644 Student conduct policies. Requires the Board of Education, in establishing guidelines for model student conduct policies, to include standards for school board policies regarding the appropriate manner of addressing teachers and administrators in the school setting. Local school boards are required to adopt student conduct policies consistent with Board guidelines, and may create policies that are more stringent than the guidelines. Currently, the Board's guidelines address, among other things, criteria for the removal of a student from a class; the use of suspension, expulsion, and exclusion as disciplinary measures; and standards for school board policies regarding alcohol and drugs, vandalism, trespassing, threats, search and seizure, disciplining of students with disabilities, and intentional injury of others.

Patron - Black

[F] HB2687 Suffolk school board salary increase. Authorizes the school board of the City of Suffolk to establish an increase in its member salaries effective in 2001 by providing a one-time exemption from the statutory requirement that a local school board representing a city or town may establish a salary increase prior to December 31 in any year preceding a year in which members are to be elected or appointed. Currently, such increase shall become effective on July 1 of the year in which the election or appointment occurs. Although the 2000 Session increased the maximum salary for Suffolk school board members, the school board will not have an election until 2002. Under current law, an increase could be established by December 31, 2001, but would not be effective until July of 2002.

Patron - Spruill

[F] HB2715 Family Literacy Grants Program and Fund. Creates the Family Literacy Grants Program, to be administered by the Board of Education, to award grants on a competitive basis to school divisions to support programs designed to address one or more of the following objectives: to (i) increase the literacy skills and educational levels of parents through instruction in basic skills, high school credentialing programs, English as a second language, workplace training, and parenting; (ii) enhance parents' understanding of child development and the parent's role as first teacher; (iii) assist parents in gaining the motivation, skills, and knowledge necessary to improve employability or to pursue further education and training; and (iv) increase the developmental skills of pre-school children for preparation for academic and social success in school. Grants cannot support adult education initiatives already required by the Standards of Quality. The Board will establish procedures for determining grant amounts and is to issue guidelines governing the Program as it deems necessary and appropriate, including provisions addressing the coordination of any adult literacy and education efforts for which a grant is sought pursuant to this section with the biennial state plan for adult education and literacy developed by the Virginia Advisory Council for Adult Education and Literacy.

Patron - Plum

[F] HB2727 Multiple measures of student achievement. Directs the Board of Education, within the Standards of Accreditation (SOA), to provide that the accreditation status of public schools shall be based on (i) multiple measures of student achievement, including (a) the results of locally developed classroom and other direct assessments of student work over time, such as projects, portfolios, and teacher-made tests designed to improve as well as measure student learning; (b) scores on Standards of Learning assessments and other standardized tests; and (c) external reviews of student work, as appropriate; (ii) availability to students of high quality curricula and instruction designed to meet diverse needs, abilities, and interests; (iii) access to up-to-date facilities, equipment, materials, and a safe and clean learning environment; (iv) attendance, retention, dropout, and graduation rates, including on-time graduation rates; (v) postsecondary education and employment rates and successes; (vi) teacher education and licensure and endorsement in subjects taught; (vii) opportunities for and participation in ongoing professional development in best instructional and assessment practices; (viii) available school and community resources, including per pupil expenditures; (ix) school demographic factors; (x) student mobility; (xi) opportunities for and level of parental involvement; and (xii) periodic self-evaluations and external reviews and evaluations by school quality review teams. The SOA shall also provide that student promotion and retention, course placement, and requirements for a high school diploma shall be based primarily on these multiple measures of student achievement.

Patron - Day

[F] HB2741 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

[F] HB2755 Driver education programs. Eliminates classroom and behind-the-wheel driver training for any student who is not enrolled full time in the public schools. This bill also provides that students who complete Board of Education approved correspondence courses for the classroom training component of driver education shall receive the behind-the-wheel driver training from a licensed, commercial, driver training school.

Patron - O'Brien

[F] HB2793 Board of Education; membership. Requires the Governor to appoint one domiciliary resident of each of the eight regional superintendents' study areas and one member at large as the nine members of the Board of Education. As provided in the second enactment, this bill will not require new appointments prior to the expiration of any term of office for a member of the Board on and after January 1, 2002. Beginning with the 2002 appointments, the Governor must phase in the demographic distribution according to the eight regional superintendents' study areas in any manner he deems appropriate, including, but not limited to, reappointment of eligible individuals who represent one of the eight regions. However, with each expiration of term, beginning on January 1, 2002, the successive appointments must be made to represent a different region until each of the eight regions is so represented.

Patron - Bennett

[F] HB2794 Independent review of Standards of Learning assessments. Directs the Board of Education to appoint an independent committee of testing experts to evaluate annually the application and uses of these assessments for student promotion, retention, remedial placement, and graduation requirements, as well as for school accreditation. This evaluation shall include a consequential validity analysis to assess the effects of the assessments and the technical characteristics of validity, reliability, and fairness of the uses of such assessment results. In conducting such consequential validity analysis, the committee shall consider the findings and recommendations of the Standards of Learning Test Technical Advisory Committee set forth in its Review of Selected Technical Characteristics of the Virginia Standards of Learning (SOL) Assessments. The committee shall also make recommendations regarding the need for any additional state or local assessment mechanisms designed to improve instruction and to assess knowledge and skills required by the Standards of Learning and not reflected in the Standards of Learning assessments. The committee shall report its findings and recommendations to the Board of Education, the House Committee on Education, and the Senate Committee on Education and Health by November 1 of each year. The first such report shall address the assessments administered in 1998, 1999, 2000, and 2001, and shall be delivered by November 1, 2001. This bill is identical to SB 1372.

Patron - Bennett

[F] HB2816 Multiple criteria for remediation of elementary and secondary school students. Requires the Board of Education to establish guidelines to assist local school boards in identifying students for remediation and special programs of prevention and intervention. The guidelines must include multiple criteria for determining whether such students will be required to attend remediation programs or special programs of prevention and intervention. The multiple criteria must include, but not be limited to, teacher observations and evaluations; class work and grades during the school year; scores on the Standards of Learning assessments and Virginia State Assessment Program Tests; the student's reading proficiency; the effects of social, economic, cultural, or familial

conditions on the student's learning; whether the student is working on grade level or has been retained in a grade due to poor academic achievement; whether the student has experienced disciplinary problems; whether the student has attended remediation or special programs of prevention and intervention; and whether the student's academic achievement can be improved with consistent tutoring, more time on tasks, or supervised assistance to complete class assignments. School divisions are prohibited from recommending or placing students in remediation programs and special programs of prevention and intervention solely on the basis of scores on the Standards of Learning assessments and Virginia State Assessment Program Tests.

Patron - Van Yahres

[F] HB2822 Transfer of funds to teacher tax-sheltered annuities. Directs the local treasurer or comparable officer to provide for the transfer of funds designated by licensed instructional and administrative employees for tax-sheltered annuities, including, but not limited to, any local deferred compensation plan, to occur within 24 hours of the established employee salary payment date.

Patron - Grayson

[F] HB2823 Educators' Higher Education Opportunity Program. Creates the Educators' Higher Education Opportunity Program, comprised of the voluntary contributions of educators employed on a full-time basis as licensed instructional or administrative personnel in good standing by a public school board in Virginia, to fund savings trust accounts pursuant to the Virginia College Savings Plan. The Board of Education must make an annual contribution to the Fund on behalf of eligible educators who have completed five years of full-time employment in a seven-year period. Savings trust account funds cannot be disbursed prior to an eligible educator or designee being admitted and enrolled at an eligible institution. The Board, in consultation with the Board of the Virginia College Savings Plan, shall establish regulations addressing (i) minimum amounts of educator contributions to the Fund; (ii) amounts of annual Board contributions to accounts in which the educator's interest has vested; (iii) changes in employing school boards; (iv) the voluntary participation of local school boards in making contributions to the Fund on behalf of employees; and (v) such other matters as it deems necessary for the implementation of the Program. The program expires on July 1, 2006.

Patron - Byron

[F] HB2831 Standards of Quality; diploma requirements. Directs the Board of Education, in establishing diploma requirements, to require multiple criteria through the accumulation of standard and verified units of credit. Standard units of credit shall be awarded upon (i) the successful completion of the 140-hour class and any projects, portfolios, writing assignments, demonstrations, homework, classroom tests, reports, and teacher evaluations as prescribed by the local school board or individual school; or (ii) without completing the 140-hour class, upon demonstration of mastery of the course content and objectives, as may be permitted by the division superintendent as currently provided in Standard 3. Verified units of credit shall be awarded upon earning the standard unit of credit and obtaining a passing score on the relevant Standards of Learning assessment or other objective measure of student achievement approved by the Board of Education for such purpose. For the purpose of meeting the combined credit requirements for a high school diploma, standard and verified units shall have the same numeric value. Standard units of credit shall comprise at least 70 percent of the combined required credits, and verified units shall comprise no more than 30 percent of such combined credits. No student shall be denied a diploma based solely on

the failure to achieve a passing score on the single administration of an assessment approved for the award of a verified unit of credit. The Board shall provide, by regulation, for multiple opportunities for students to retake such failed assessments and for alternative forms of assessment for those courses for which verified units of credits are required. In addition, a second enactment clause provides that, applicable only to students enrolled in grades six through nine in the 2000-2001 school year, the Board will establish guidelines for local school boards to provide for additional criteria to determine the award of a verified unit of credit. Such guidelines shall be designed to ensure consistency and fairness in the selection and administration of any such additional criteria. The issuance of such guidelines shall be exempt from the provisions of the Administrative Process Act, except that the Board shall provide for public review and comment. Currently, the Standards of Accreditation (SOA) require 22 standard units of credit, with six verified units of credit, for a Standard Diploma; 24 standard units of credit, with nine verified units of credit, for an Advanced Studies Diploma; and 20 standard units of credit for a Modified Standard Diploma (8 VAC 20-131-50).

Patron - Reid

[F] HB2847 Standards of Learning Assessment Advisory Commission. Creates the 14-member Standards of Learning Assessment Advisory Commission (the Commission) as a legislative agency of the Commonwealth. Comprised of one Senator, three Delegates, and 10 citizen members including educators and administrators, testing experts, and citizens at large, the Commission is to examine and make recommendations regarding any revisions to and ongoing implementation of the Standards of Accreditation for public schools, the Standards of Learning, the use and application of statewide and divisionwide student assessments, and other matters related to the delivery of quality education in the public schools of the Commonwealth. The Commission may establish advisory committees composed of persons with expertise in the matters under consideration by the Commission.

Patron - Landes

[F] HB2857 Virginia Teachers and School Administrators of Tomorrow Recruitment and Retention Program. Creates the Virginia Teachers and School Administrators of Tomorrow Recruitment and Retention Program for the purpose of addressing the problem of teacher and school administrator supply and demand in the public schools of the Commonwealth, and ensuring a diverse and well-qualified teaching and administrative force, consisting of licensed teachers and school administrators. The Program consists of the following components: (i) the Teacher Cadet Academy to provide internships for academically able students who possess the personal qualities and leadership skills for success in teaching, and who demonstrate an interest in children, to consider careers in teaching; (ii) incentives to attract new teachers and retain experienced teachers and school administrators, particularly in urban and rural school divisions experiencing difficulty in attracting and retaining teachers and administrators; (iii) a database containing the announcements of open positions for teachers and administrators throughout the Commonwealth; (iv) strategies to increase the supply of minority teachers and school administrators; (v) linkages between public schools, institutions of higher education, and business and industry to provide mentorships and business-school exchange programs; and (vi) the use of the statewide teacher and administrator survey data to identify critical administrator and teacher shortages, and the disciplines and geographical regions of the Commonwealth in which they occur so that recruitment efforts can be effectively targeted. This bill is a recommendation of the Commission on Access and Diversity in Higher Education.

Patron - Jones, J.C.

SB944 Standard 3, Accreditation, other standards and evaluation, of the Standards of Quality. Adds, on July 1, 2002, to the minimum staffing requirements required in the Board of Education's regulations on accrediting schools, a requirement for attendance officers and secretaries adequate to implement the compulsory school attendance law. The Board of Education is required to promulgate emergency regulations to implement this new requirement. The statute authorizing attendance officers is amended to require appointment of attendance officers and secretaries, in accordance with the Board of Education's ratio requirements as set forth in the regulations on accrediting schools. This new requirement will take effect on July 1, 2002.

Patron - Colgan

SB981 Algebra Readiness Initiative Program and Fund. Creates the Algebra Readiness Initiative Program and Fund to support grants to public schools to provide mathematics intervention or remediation to identified students in grades six through nine, using pedagogical strategies supported by research. The intervention and remediation may include before- and after-school programs, Saturday school, or in-school tutoring sessions, and will address one or more grade levels. Programs also may include contributions of services, resources, materials, volunteer manpower and funds from community members and organizations, faith-based organizations, businesses and local governments. Grant amounts shall be based on the number of seventh and eighth grade students multiplied by the percentage of students in grade eight who have failed the eighth grade Standards of Learning test the previous year. Local school divisions and eligible schools may supplement grants from the Fund with local funds and private contributions and gifts, but may not support existing programs with funds granted pursuant to the Program. Grants from the Fund shall be issued to schools upon approval by the Superintendent of Public Instruction of the school's plan, certified by the division superintendent and the school principal, for the use of the grant. The Department of Education may audit a school's program to ensure compliance with the school plan, Program requirements, and Board guidelines. This measure is identical to HB 2396.

Patron - Rerras

SB1105 Virginia Teaching Scholarship Loan Program; combination state and local awards. Adds a sixth component to the Virginia Teaching Scholarship Loan Program relating to combination state and local awards. The new set of awards is established to assist local school boards in resolving teacher shortages and will consist of one-third state funds, one-third local government funds, and one-third local private funds that have been specifically designated as accruing for a named local school division as funding for combination state and local awards. To the extent funds are adequate, the combination state and local awards will cover the costs of the student's tuition and fees for no more than four years at a Virginia institution of higher education that has an approved teacher education program in a discipline identified by the relevant local school board as a teacher shortage discipline in its schools. Local government and local private funds will be deposited into the Virginia Teaching Scholarship Loan Fund and earmarked for the relevant school division. All recipients of combination state and local awards for teaching scholarship loans will be subject to all requirements of law, including the contract provisions. However, upon graduation, the scholarship recipient must begin teaching in the public schools of the school division of the locality contributing the one-third local funds in the first full academic year after graduating from college and becoming eligible for a teaching license, and must thereafter teach continuously in such school division for at least a three-year period.

The three-year teaching commitment will be required regardless of the number of state and local combination awards received by the scholarship recipient. Further, upon failure to teach in the relevant school division for three years, the scholarship recipient must repay the total scholarship funds. Any repaid funds will be deposited into the Virginia Teaching Scholarship Loan Fund to be used for combination state and local awards. The new provision must not be construed to guarantee any initial or continuing scholarship award to any student or applicant or to ensure eligibility of any student for an award because there is a teacher shortage in the student's teacher education discipline. Further, awards will only be made to the extent funds are available and for students agreeing to teach in the designated local school division. Local school boards and local governing bodies will be responsible for soliciting and obtaining local private funds.

Patron - Colgan

SB1137 Employment, training, and certification of school safety and security specialists. Requires the Department of Criminal Justice Services to establish compulsory minimum, in-service, and advanced training standards for school safety and security specialists. This bill also defines school safety and security specialists as law-enforcement officers, and authorizes local school boards to establish a school safety and security department or office and to employ qualified persons as school safety and security specialists. School safety and security specialists must enforce the laws of the Commonwealth and local school board student conduct policies, provide security for school facilities and property, maintain order in school facilities and at school-sponsored activities, and prevent and detect crime in school facilities, on school property, and at school-sponsored activities. In addition, school boards may establish and seek approval of training programs for school safety and security specialists by the Department of Criminal Justice Services, as well as certification of such specialists who meet the Department's qualifications for law-enforcement officers.

Patron - Marsh

SB1138 Governor's Academic Challenge Program and Fund. Creates the Governor's Academic Challenge Program and Fund to support grants to public schools Accredited with Warning or Provisionally Accredited/Needs Improvement pursuant to the Standards of Accreditation (SOA) to provide intervention or remediation. The intervention and remediation may include before- and after-school programs, Saturday school, or tutoring sessions, and shall increase the student's net instructional time in school. Programs also may include contributions of services, resources, materials, volunteer manpower and funds from community members and organizations, faith-based organizations, businesses and local governments. Grant amounts shall be based on the school's accreditation status for the year. Local school divisions and eligible schools may supplement grants from the Fund with local funds and private contributions and gifts, but may not support existing programs with funds granted pursuant to the Program. Grants from the Fund shall be issued to schools upon approval by the Superintendent of Public Instruction of the school's plan, certified by the division superintendent and the school principal, for the use of the grant. The Department of Education may audit a school's program to ensure compliance with the school plan, Program requirements, and Board guidelines. This bill is identical to HB 2540.

Patron - Lambert

SB1148 School board salary; Russell County. Increases the maximum annual salary for school board mem-

bers in Russell County from \$1,800 to \$3,600. This bill has been incorporated into SB 814.

Patron - Puckett

[F] SB1239 Teacher licensure by reciprocity. Requires the Board of Education to issue a license by reciprocity to teachers holding licenses in other states and in good standing with the relevant regulatory body. Teachers who are duly licensed in another state or the District of Columbia and in good standing with the relevant out-of-state regulatory board must be deemed to be qualified to hold and must be issued a license by reciprocity by the Board of Education to teach in the relevant endorsement area in Virginia. The license by reciprocity must be issued regardless of conflicting provisions of the Licensure Regulations for School Personnel, any interstate agreements relating to acceptance of teaching endorsements from other states for licensure, and the statutory requirements for the professional examination and training. Upon the issuance of a license by reciprocity, such teachers cannot be required to comply with the statutory testing and training requirements or the Board's regulations relating to a minimum of two years of full-time experience in a public school or an accredited private school and the professional teacher's examinations, known as PRAXIS I and II.

Patron - Barry

[F] SB1240 Programs for limited English proficiency students. Prohibits school boards, when designing programs to promote the education of children with limited English proficiency and to enhance achievement through a proven instructional method, from operating bilingual programs or English as a Second Language courses that are content oriented and conducted in a language other than English. This bill requires the school boards to implement English-immersion programs exclusively. This provision must not, however, be construed to prohibit or restrict school boards in using bilingual teachers or other bilingual personnel and volunteers in communicating with limited English proficiency students and their families in their native or first language.

Patron - Barry

[F] SB1265 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.

Patron - Edwards

[F] SB1266 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, and one hour per day additional time per 100 students or major fraction thereof. Currently, the Standards of Accreditation (8 VAC 20-131-240 A 4) provide for guidance counselors

or reading specialists in elementary schools at one hour per day per 100 students, one full-time at 500, and one hour per day additional time per 100 or major fraction. However, the Standards of Quality are silent regarding guidance counselors in elementary schools.

Patron - Edwards

[F] SB1267 Lottery Proceeds Fund. Establishes the Lottery Proceeds Fund, as will be authorized on July 1, 2001, in Section 7-A of Article X of the Constitution of Virginia. The Fund will consist of the net revenues of any lottery conducted by the Commonwealth and will be appropriated to localities to use for public education purposes. This bill also establishes authorization for an escrow account for the moneys appropriated from the Fund to localities. Several relevant lottery statutes are amended to note the dedication of the proceeds to the Fund.

Patron - Edwards

[F] SB1303 Educational opportunity programs. Increases, in the statute regarding educational opportunity programs, the program for at-risk four-year-olds to cover 100 percent of the eligible children and to provide funding to those localities that have been delivering this program on at least a half-day basis prior to the enactment of this statute and the provision of funding in the appropriation act. Those localities that have previously implemented these programs through local and federal moneys and have not received any state grants for at-risk four-year-old programs would be eligible for funding in the 2001-2002 fiscal year. If the local funding in 2000-2001 was more than the required local match for state funds in the 2001-2002 fiscal year, reduction of the local funding would not be construed as supplanting of state funds.

Patron - Newman

[F] SB1313 Early Intervention Reading Initiative Program and Fund. Creates the Early Intervention Reading Initiative Program and Fund to support grants to public schools to administer diagnostic testing, and instructional time to provide intervention or remediation to identified students in kindergarten through grade three, using pedagogical strategies supported by research. The intervention and remediation may include before- and after-school programs, Saturday school, or in-school tutoring sessions. Programs also may include contributions of services, resources, materials, volunteer manpower and funds from community organizations, faith-based organizations, businesses and local governments. The Department of Education is to provide school divisions with diagnostic tests to identify (i) the number of students requiring intervention and remediation services through the Program and (ii) effective reading intervention and remediation programs and strategies, as appropriate. Grant amounts shall be based on the percentage of students in each school division who are identified as requiring services as indicated by results of diagnostic pretests administered in the previous year. Local school divisions and eligible schools may supplement grants from the Fund with local funds and private contributions and gifts, but may not support existing programs with funds granted pursuant to the Program. Grants from the Fund shall be issued to schools upon approval by the Superintendent of Public Instruction of the school's plan, certified by the division superintendent and the school principal, for the use of the grant. The Department of Education may audit a school's program to ensure compliance with the school plan, Program requirements, and Board guidelines. This bill is identical to HB 2111.

Patron - Newman

[F] SB1341 Local eligibility licenses for teachers. Provides that teacher candidates seeking a three-year local eligibility license must not have been employed as a teacher by a

Virginia local school board during the previous three years. This measure would address those teachers who have held a three-year provisional license issued by the Board of Education as well as those whose licenses have expired or have been revoked or suspended during the three-year period.

Patron - Potts

[F] SB1342 Home instruction. Permits a parent having an associate degree to provide home instruction. Currently, a parent must either (i) have a baccalaureate degree, (ii) be a teacher, (iii) enroll the child in an approved correspondence course, or (iv) provide a program of study meeting the Standards of Learning and provide evidence of his ability to provide an adequate education for the child. In addition, the bill adds to those tests providing evidence of a home-instructed child of performance in or about the fourth stanine those tests approved by the division superintendent. Currently, these tests are those approved by the Board of Education for use in the public schools.

Patron - Martin

[F] SB1369 School board salary; Greene County. Increases the maximum annual salary for school board members in Greene County from \$3,600 to \$5,800. This bill has been incorporated into SB 814.

Patron - Couric

[F] SB1372 Independent review of Standards of Learning assessments. Directs the Board of Education to appoint an independent committee of testing experts to evaluate annually the application and uses of these assessments for student promotion, retention, remedial placement, and graduation requirements, as well as for school accreditation. This evaluation shall include a consequential validity analysis to assess the effects of the assessments and the technical characteristics of validity, reliability, and fairness of the uses of such assessment results. In conducting such consequential validity analysis, the committee shall consider the findings and recommendations of the Standards of Learning Test Technical Advisory Committee set forth in its Review of Selected Technical Characteristics of the Virginia Standards of Learning (SOL) Assessments. The committee shall also make recommendations regarding the need for any additional state or local assessment mechanisms designed to improve instruction and to assess knowledge and skills required by the Standards of Learning and not reflected in the Standards of Learning assessments. The committee shall report its findings and recommendations to the Board of Education, the House Committee on Education, and the Senate Committee on Education and Health by November 1 of each year. The first such report shall address the assessments administered in 1998, 1999, 2000, and 2001, and shall be delivered by November 1, 2001. This bill is identical to HB 2794.

Patron - Reynolds

[F] SB1388 Part-time admission and enrollment of nonpublic school students in Governor's Schools. 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 in Governor's Schools of students who are enrolled in a nonpublic school. The policies shall provide that the nonpublic school students must be treated as any resident full-time public school student for the purpose of meeting any admissions criteria. The policies must also address 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 of the Governor's 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. These students would be included in average daily membership in the relevant school division on a pro rata basis. The measure is not to be construed as requiring school divisions to establish or participate in the operation of a Governor's School.

Patron - Rerras

[F] SB1395 Fingerprinting of certain school board employees. Excludes applicants for adult education instructional positions in which there is no contact with minors from the criminal records check and fingerprinting requirements now applicable to all applicants for school board employment, whether for full- or part-time, permanent or temporary positions. Reports of arrests of any school board employees, rather than applicants, regardless of position, however, would still be reported to division superintendents and fingerprinting of the employee then required.

Patron - Hanger

[F] SB1396 Teacher employment database. Requires the Department of Education to collect and maintain teacher employment data from the various school divisions. The Department shall maintain a database with division-specific data identifying, among other things, teacher employment levels; teacher endorsements and qualifications, including positions filled by temporary teachers, teachers assigned outside their endorsement areas, and individuals with provisional and local eligibility licenses; and specific hiring needs and employment opportunities in the Commonwealth's school divisions. In addition, the Department must coordinate with national and regional teacher employment databases; develop a uniform teacher employment reporting mechanism for school divisions; project the need for teachers in specific disciplines and geographic areas of the Commonwealth; identify and analyze effective teacher recruitment and retention strategies and disseminate among school divisions information regarding such strategies; and assist school divisions in analyzing particular employment needs.

Patron - Hanger

[F] SB1397 Teacher and other school personnel contracts and licensure. Strikes the provision authorizing revocation of teachers' licenses for breach of contract. Current law provides that, in the event that the board or the division superintendent declines to grant the teacher's request for release from the contract on the grounds of insufficient or unjustifiable cause, and the teacher breaches such contract, disciplinary action, which may include revocation of the teacher's license, may be taken pursuant to regulations prescribed by the Board of Education.

Patron - Hanger

[F] SB1424 Standards of Learning assessments. Provides that Standards of Learning assessments may not be administered for any subject area under review or revision by the Board of Education.

Patron - Lambert

Educational Institutions

[P] Passed

[P] HB2121 Higher Education academic programs. Provides that Tidewater Community College may offer, subject to the approval of the State Council of Higher Education, a three-year program of educational instruction in applied sci-

ences and coordinate such program with apprenticeship programs offered by Virginia's ship manufacturing and ship repair companies. Such apprenticeship programs shall be established for the purpose of enhancing the education and skills of Virginia's shipyard workers. The General Assembly may appropriate funds for the administration and implementation of such degree program and/or apprenticeship programs, including scholarships to shipyard workers enrolled in the degree program.

Patron - Wardrup

[P] HB2144 School accreditation and college admission. Provides that the boards of visitors or other governing body of Virginia's public institutions of higher education cannot consider the accreditation status of a Virginia public high school in making admissions determinations for students who have earned a diploma in accordance with the regulations of the Board of Education. This bill is identical to SB 1324.

Patron - Drake

[P] HB2495 Hampton Roads Museum Consortium. Creates the Hampton Roads Museum Consortium addressing accredited private museums in jurisdictions located within the boundaries of Planning District 23, including the Counties of Gloucester, Isle of Wight, James City, Southampton, and York; and the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg. The Consortium may consist of any or all accredited museums located within Hampton Roads that are not state agencies. Other museums and cultural facilities located in Hampton Roads may join the Consortium upon the approval of the governing board. The governing board of the Consortium is to consist of the chief executive officer of each of the member museums. The region's legislators may serve as nonvoting, advisory members. The Consortium is to serve the school divisions of Hampton Roads in providing training to the teachers, administrators and students in the various Standards of Learning for English, social studies and history, science, and mathematics. In addition, the Consortium is to (i) coordinate among its members and the school divisions of Hampton Roads the development of joint educational initiatives; (ii) establish and deliver, in conjunction with the school divisions of Hampton Roads, regional programs to address area education needs, particularly, to assist area schools in meeting the Board of Education's Regulations for Accrediting Public Schools in Virginia and to assist area students in achieving passing scores on the Standards of Learning assessments; and (iii) provide technical assistance to the school divisions of Hampton Roads in achieving full accreditation, including administrator, teacher, and student training.

Patron - Larrabee

[P] HB2565 The Advantage Virginia Incentive Program; qualified jobs; selection of beneficiaries. Revises the focus of the Advantage Virginia Incentive Program, i.e., a program focused on and designed to provide scholarships for job training. This bill changes "occupational areas where there is a high demand for workers" to "qualified jobs," which is defined as jobs that are in high demand in the Commonwealth and designated as such by the Virginia Workforce Council. The bill deletes the requirement that the qualified jobs must be located in high unemployment areas and replaces the requirement with a provision that students who attended high schools located in high unemployment areas will be given preferences in selecting beneficiaries for the Advantage Virginia Incentive Program.

Patron - Scott

[P] HB2762 Immunization of full-time four-year students enrolled in public institutions of higher education

against meningococcal disease. Requires all incoming full-time four-year students, prior to enrollment in public institutions of higher education, to be immunized against meningococcal disease. This bill provides for a waiver of this requirement if the institution of higher education provides the student or, if the student is a minor, the student's parent or other legal representative, detailed information on the risks associated with meningococcal disease and on the availability and effectiveness of any vaccine, and the student or, if the student is a minor, the student's parent or other legal representative signs a written waiver stating that he has received and reviewed the information on meningococcal disease and the availability and effectiveness of any vaccine and has chosen not to be or not to have the student vaccinated. In addition, the State Council of Higher Education must, in cooperation with the Board and Commissioner of Health, encourage private colleges and universities to develop a procedure for providing information about the risks associated with meningococcal disease and the availability and effectiveness of any vaccine against meningococcal disease. The existing religious exemption from other immunizations also applies to the meningococcal vaccine.

Patron - Bryant

[P] SB872 Gunston Hall; certain powers of board. Authorizes the Board of Regents of Gunston Hall to determine the significance or suitability of the furnishings, household items, and other objects acquired by or for Gunston Hall and to sell or exchange those items deemed of little or no significance or unsuitable, consistent with the terms of their acquisition. These furnishings and items and any net proceeds of their sale will comprise a discrete fund of Gunston Hall, restricted to future acquisitions of such period items as well as the conservation of all such holdings of Gunston Hall. The measure deems donations of any funds, securities, and any other property, real or personal as endowments or unrestricted gifts, within the meaning of § 23-9.2; therefore, these donations would not affect any state appropriations to Gunston Hall. Finally, the measure also allows the Board 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. This language mirrors those powers already granted to the Virginia Museum of Fine Arts in § 23-253.4 and the Jamestown-Yorktown Foundation in § 23-288.

Patron - Puller

[P] SB1120 Donations to the Roanoke Higher Education Authority. Permits any locality to make donations of property or money to the Authority.

Patron - Edwards

[P] SB1324 School accreditation and college admission. Provides that the boards of visitors or other governing body of Virginia's public institutions of higher education cannot consider the accreditation status of a Virginia public high school in making admissions determinations for students who have earned a diploma in accordance with the regulations of the Board of Education. This measure is identical to HB 2144.

Patron - Stolle

[P] SB1375 Roanoke Higher Education Authority and Center. Adds to the list of educational institutions declared to be public bodies and constituted as governmental instrumentalities for the dissemination of education the Roanoke Higher Education Authority and Center.

Patron - Edwards

[P] SB1408 State Council of Higher Education; appointment of members. Beginning January 1, 2002, provides for the Joint Rules Committee to appoint five of the 11 members of the State Council of Higher Education, and for the Governor to appoint six members. Initial appointments to be made by the Joint Rules Committee are as follows: two members shall be appointed in 2002, one member shall be appointed in 2003, and two members shall be appointed in 2004. Appointments made by the Joint Rules Committee shall be from a list(s) of persons recommended by the Senate Committees on Finance and Education and Health, and the House Committees on Appropriations and Education. Current law provides for the Governor to make all appointments to the State Council of Higher Education.

Patron - Chichester

[P] SB1419 Property transfer. Allows the College of William and Mary to transfer to the Virginia Department of Transportation sufficient real property to permit the reconstruction of the intersection of Virginia Route 615 (Ironbound Road) and Virginia Route 321 (Monticello Avenue).

Patron - Norment

[F] Failed

[F] HB1553 Commonwealth of Virginia Higher Education and Related Educational Facilities Bond Act of 2001. 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 \$670,400,000, subject to approval by a majority of the qualified voters of the Commonwealth voting thereon at the November 6, 2001, 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

[F] HB1604 Commonwealth of Virginia Higher Education and Related Educational Facilities Bond Act of 2001. 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 \$671,000,000, subject to approval by a majority of the qualified voters of the Commonwealth voting thereon at the November 6, 2001, 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. Incorporated into HB 1747 (Callahan).

Patron - Diamonstein

[F] HB1680 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, must provide for the cessation of classes and the closure of relevant institutions from midday Tuesday before Thanksgiving through and including the Monday following Thanksgiving each year.

Patron - Tate

[F] HB1747 Commonwealth of Virginia Higher Education and Related Educational Facilities Bond Act of 2001. 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 \$803,703,975, subject to approval by a majority of the qualified voters of the Commonwealth voting thereon at the November 6, 2001, 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. Incorporates HB 1604.

Patron - Callahan

[F] HB1915 University of Virginia board of visitors. Increases the membership of the University of Virginia board of visitors from 16 to 17 by adding a member who must be a resident of the local community. Because members are appointed for terms that expire on March 1, an emergency clause was included to make the measure effective upon its passage and to facilitate timely appointment.

Patron - Van Yahres

[F] HB2267 Selected Sciences Grants Program. Creates the Selected Sciences Grants Program, to be administered by the State Council of Higher Education, to provide tuition assistance in the form of grants and fellowships awarded to bona fide domiciliaries of Virginia who (i) attend public or private, accredited, nonprofit institutions of collegiate education outside the Commonwealth whose primary purpose is to provide collegiate, graduate, or professional education, and not to provide religious training or theological education; and (ii) are enrolled in programs leading to an undergraduate degree in meteorological sciences shall be eligible for grants pursuant to this chapter. Grant amounts cannot exceed the annual average appropriation per full-time equivalent student for the previous year from the general fund of the state treasury for operating costs at two- and four-year public institutions of collegiate education in Virginia and must be used only for payment of charges for tuition, fees, room, board, or other educational expenses. Grants are limited to four years of undergraduate study. State Council regulations will address the forfeiture and repayment of grants by recipients who fail to complete the degree program.

Patron - Griffith

HB2343 Higher education affordability; New Century Scholars Program. Establishes the Commonwealth's financial aid policy as being to meet at least 100 percent of the true financial need of domiciled Virginia residents attending Virginia's public colleges and universities as undergraduate students. This bill also establishes the New Century Scholars Program; a scholarship for students who are domiciled Virginians attending Virginia post-secondary or higher education institutions that have met one of two sets of criteria. The criteria are that (i) the student has a grade point average ranking him within the top 20 students in his high school graduating class at a high school in Virginia; has not been suspended or expelled from any public or private school; and has enrolled as a full-time student in an accredited, degree-granting public or private institution of higher education in Virginia or a career school, physically located in Virginia and accredited by an agency recognized by the United States Secretary of Education that is determined to be eligible to participate in the program by the Attorney General; or (ii) the student has scored at the advanced level on end-of-course Standards of Learning tests; has maintained at least a B average, i.e., 3.0 on a 4.0 scale, or its equivalent in high school; has not been suspended or expelled from any public or private school; and has enrolled as a full-time student in an accredited, degree-granting public or private institution of higher education in Virginia or a career school, physically located in Virginia and accredited by an agency recognized by the United States Secretary of Education that is determined to be eligible to participate in the program by the Attorney General. This bill is identical to SB 1234.

Patron - Harris

HB2377 Faculty representatives to the State Board for Community Colleges, local community college boards, and boards of visitors. Requires the State Board for Community Colleges, local community college boards, and the boards of visitors of any four-year state institution of higher education to appoint one or more nonvoting, advisory faculty representatives to their boards. In the case of the State Board for Community Colleges, the representatives must be appointed from among persons elected by the Chancellor's Faculty Advisory Committee. Faculty representatives to local community college boards and boards of visitors of public four-year institutions must be elected by the faculty, faculty senate, or other equivalent group of the institution. All representatives must serve terms of not less than one twelve-month period, which is coterminous with the institution's fiscal year, or for terms mutually agreed to by (i) the State Board for Community Colleges and the Chancellor's Faculty Advisory Committee, or (ii) the local community college board or the board of visitors, as the case may be, and the institution's faculty senate or other equivalent group. The State Board for Community Colleges, local community college boards, and boards of visitors may exclude such representatives from discussions of faculty grievances, faculty or staff disciplinary matters, or salaries.

Patron - Landes

HB2480 Prepaid college scholarships for children of VIEW participants. Establishes the Virginia Initiative for Employment not Welfare (VIEW) scholarship account program for qualified beneficiaries who are children of VIEW participants. Ownership of the scholarship shall be retained by the Department of Social Services until such time as the student and the student's family complete any activities or actions prescribed by the State Board of Social Services, in consultation with the Board of the Virginia College Savings Plan, as conditions for receipt of a VIEW scholarship account. Such accounts shall be an incentive for previously unemployed parents to gain long-term employment and to redirect their children's lives by

providing them with an opportunity for a college education. Neither the qualified beneficiary nor the family of such a qualified beneficiary may cancel a scholarship or receive any refund of the amount paid for a scholarship, in lieu of the use of the scholarship for the payment of a qualified beneficiary's tuition.

Patron - Moran

HB2506 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 2004, to maintain a ratio of the in-state and out-of-state student population in each incoming freshman class that is not less than 75 percent in-state students. Out-of-state students receiving full or partial athletic scholarships are not included in the calculation of out-of-state enrollments. The measure does not apply to Virginia Military Institute, Norfolk State University, and Virginia State University.

Patron - Reid

HB2707 Virginia College Building Authority; museums as educational institutions. Adds the Commonwealth's seven state agency museums--Chippokes Plantation Foundation, the Virginia Museum of Natural History, the Science Museum of Virginia, the Virginia Museum of Fine Arts, the Jamestown-Yorktown Foundation, the Board of Regents of Gunston Hall, and the Frontier Culture Museum--to the definition of "educational institutions" for purposes of eligibility for participation in funding from the Virginia College Building Authority. Projects eligible for funding include "any building, facility, addition, extension or improvement" for an educational institution, "including, without limitation, administration, teaching, lecture and exhibition halls, libraries, dormitories, student apartments, faculty dwellings, dining halls, cafeterias, snack bars, laundries, hospitals, laboratories, research centers, infirmaries, field houses, gymnasiums, auditoriums, student unions, recreation centers, stadiums, athletic facilities, garages, parking facilities, warehouses and storage buildings, book and student supplies centers and all buildings, lands and any other appurtenances, furnishings and equipment necessary or desirable in connection therewith or incidental thereto and ... personal property at the institutions."

Patron - Clement

HB2805 Virginia Hope Scholarship Program and Fund. Establishes the Virginia Hope Scholarship Program and Fund for the purpose of closing the academic achievement gap between minority and non-minority students, promoting academic achievement among high school students of underrepresented groups in higher education who desire to attend college, and to provide financial assistance to such students, low-income students, and first-generation college students to enable them to obtain an undergraduate or first graduate or professional degree. The Program shall consist of scholarships awarded on the basis of need annually to eligible students who are accepted for admission or enrolled in accredited public or private four-year institutions of higher education in the Commonwealth, and who are enrolled full time in a degree-granting program at a public or private four-year institution of higher education in Virginia, as an undergraduate, a graduate, or professional school student. The scholarship program will be phased in over a four-year period. The first awards must be made after July 1, 2001, with the amounts and maximum number of scholarships awarded in any year of its operation to be determined by the appropriations made available for this Program by the General Assembly. Recipients may use the scholarship for tuition, fees, room, board, books, or other educational expenses as approved by the State Council of Higher Education. A Fund has been established to receive any appropriations, gifts, donations, grants, bequests, and other funds that may be received on its behalf by the Council. The

Program will be administered by the State Council of Higher Education, which shall promulgate such regulations as may be necessary for the implementation of the Program. This bill is a recommendation of the Commission on Access and Diversity in Higher Education.

Patron - Jones, J.C.

[F] HB2817 Virginia Community College Tuition Incentive Program. Creates the Virginia Community College Tuition Incentive Program to award tuition grants to Virginia high school students who (i) are domiciled residents of Virginia as described by § 23-7.4; (ii) have maintained at least a 2.0 grade point average on a scale of 4.0, or its equivalent, after completing the twelfth grade and obtaining a high school diploma; and (iii) have been accepted for full-time enrollment at a comprehensive community college within the Virginia Community College System. The Program shall be administered by the State Council of Higher Education for Virginia (SCHEV), in consultation with the State Board for Community Colleges. SCHEV regulations shall address criteria for determining tuition grant amounts. The Council shall award tuition grants to all eligible students for no more than one academic year. The full amount of such grants shall be used for tuition, fees, or other educational expenditures approved by SCHEV.

Patron - Scott

[F] HB2870 University of Virginia Medical Center interest income. Requires the Comptroller to credit the account of the University of Virginia Medical Center each month with the imputed interest earned on the investment of moneys derived from nongeneral operating cash balances, including but not limited to, balances derived from patient care revenues. The University of Virginia Medical Center may use the imputed interest earned on the investment of moneys derived from nongeneral operating cash balances, including but not limited to, balances derived from patient care revenues, to match federal Medicaid payments for indigent or low-income patients.

Patron - Harris

[F] HJ639 Cultural diversity competency training. Requests the State Council of Higher Education to urge institutions of higher education to provide cultural diversity competency training in undergraduate and graduate degree programs for teachers, administrators, guidance counselors, school psychologists, and school social workers. Appropriate preparation and training of these professionals regarding the impact of culture, poverty, race, and language, etc. on the identification of minority students for special education would help to reduce the disproportionate representation of such students in these programs. This resolution is a recommendation of the Joint Subcommittee Studying the Overrepresentation of African-American Students in Special Education Programs.

Patron - McEachin

[F] SB866 In-state tuition for certain public school teachers and administrators. Authorizes governing bodies of institutions of higher education to grant in-state tuition to any teacher or administrator who has accepted employment on a full-time basis by a local school board in the Commonwealth and who has established a legal residence in Virginia but has not met the requirements for establishing domicile. This benefit is only available for the first year of such full-time employment, after which time the teacher or administrator must meet the standard in-state tuition requirements or other special requirements set to maintain such in-state tuition eligibility.

Patron - Byrne

[F] SB936 Senior Citizens Higher Education Act. Increases the income eligibility threshold from \$10,000 to

\$35,000, waives the application fee for admission, and prohibits the charging of any fee for the request for the benefits of the Senior Citizens Higher Education Act.

Patron - Howell

[F] SB1121 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, 2001, be reduced by 20 percent from the July 1, 2001, to June 30, 2002, school year.

Patron - Edwards

[F] SB1132 Diversity of employees of local school boards and institutions of higher education. Requires the Board of Education, local school boards, the State Council of Higher Education for Virginia, and the Board for Community Colleges to promote racial, ethnic, and cultural diversity among the employees of the local school divisions and the institutions of higher education. Each of these entities must establish guidelines for cultural diversity policies to (i) prepare students to live and participate effectively in a global community and an increasingly pluralistic society; (ii) facilitate racial harmony and tolerance; (iii) reduce barriers among individuals of different races and cultures through meaningful interaction; (iv) improve campus climate, student retention, and the academic performance of students; (v) contribute to the robust exchange of ideas; (vi) reinforce the principle of the worth and value of all human beings; and (vi) increase the representation of minority persons in positions in which they have been traditionally underrepresented. The Board of Education and the State Council of Higher Education are also required to identify best practices within and without Virginia. The State Council of Higher Education's authority to provide advisory services regarding specific matters to certain private, accredited and nonprofit institutions of higher education has been broadened to include advisory services concerning cultural diversity policies. This bill is a recommendation of the Commission on Access and Diversity in Higher Education.

Patron - Marsh

[F] SB1234 Higher education affordability; New Century Scholars Program. Establishes the Commonwealth's financial aid policy as being to meet at least 100 percent of the true financial need of domiciled Virginia residents attending Virginia's public colleges and universities as undergraduate students. This bill also establishes the New Century Scholars Program; a scholarship for students who are domiciled Virginians attending Virginia post-secondary or higher education institutions that have met one of two sets of criteria. The criteria are that (i) the student has a grade point average ranking him within the top 20 students in his high school graduating class at a high school in Virginia; has not been suspended or expelled from any public or private school; and has enrolled as a full-time student in an accredited, degree-granting public or private institution of higher education in Virginia or a career school, physically located in Virginia and accredited by an agency recognized by the United States Secretary of Education that is determined to be eligible to participate in the program by the Attorney General; or (ii) the student has scored at the advanced level on end-of-course Standards of Learning tests; has maintained at least a B average, i.e., 3.0 on a 4.0 scale, or its equivalent in high school; has not been suspended or expelled from any public or private school; and has enrolled as a full-time student in an accredited, degree-granting public or private institution of higher education in Virginia or a career school, physically located in Virginia and accredited by an agency recognized by the United States Secretary of Education that is

determined to be eligible to participate in the program by the Attorney General. This bill is identical to HB 2343.

Patron - Lambert

[F] SB1384 University of Virginia Medical Center interest income. Requires the Comptroller to credit the account of the University of Virginia Medical Center each month with the imputed interest earned on the investment of moneys derived from nongeneral operating cash balances, including but not limited to, balances derived from patient care revenues. To phase in the cost to the Commonwealth of crediting imputed interest earned on the investment of moneys derived from nongeneral operating cash balances and patient care revenues, the University of Virginia Medical Center is required to make the following deposits into the general fund from interest income earned on such nongeneral operating cash balances, as follows: \$4,400,000 on or before June 30, 2002; \$2,200,000 on or before June 30, 2003; and \$1,100,000 on or before June 30, 2004. In addition, minor technical revisions have been made to the statute in this bill to conform to current drafting styles.

Patron - Couric

Elections

[P] Passed

[P] HB656 Campaign Finance Disclosure Act; penalties. Provides for a civil penalty not to exceed \$500 for the failure to file a campaign report by the due date and provides for additional \$500 penalties for second and subsequent failures during one election cycle. 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. 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 and requiring the State Board to file notices of violations on the Internet.

Patron - Rhodes

[P] HB1579 Applications by ill or disabled voters for absentee ballots for multiple elections. Provides for the filing of one application by an ill or disabled voter for all elections in one calendar year. The general registrar will send such voters an application in advance of each calendar year. Present law requires a separate absentee ballot application to be filed for each election. This bill is the same as SB 1217.

Patron - Thomas

[P] HB1580 Absentee ballot applications and procedures. Eliminates the requirement for the signature of a witness on an application for an absentee ballot. If the applicant cannot sign the application, a person assisting the applicant must note that fact on the application and sign the application. The bill does not change the requirements that there must be a witness present at the time that the absentee voter marks and seals his absentee ballot and that the witness must sign the outside of the envelope containing the marked ballot.

Patron - Thomas

[P] HB1667 Absentee voting in certain business and medical emergency situations. Permits a person to apply for an absentee ballot and vote in person on the Monday before the

election if he learned after noon on the Saturday before the election that he must be absent from the county or city on election day because of his hospitalization or an immediate family member's hospitalization or death. The bill also permits an officer of election to vote on the Monday before the election if he is assigned after Saturday at noon to work in a precinct other than his voting precinct. Present law allows a late application and in-person absentee voting on the Monday before the election in cases of business emergencies requiring travel. The usual deadline for in-person absentee voting is three days before the election. This bill permits last-minute voting until 2:00 p.m., rather than noon, on Mondays. This bill incorporates HB 1878 and HB 2212.

Patron - Sherwood

[P] HB1677 Absentee ballot applications. Expands the period during which an absentee ballot application may be filed in advance of the election from 10 months to 12 months. The bill also modifies the requirement that the office of the general registrar must be open for absentee voting on the two Saturdays immediately before any general or primary election. The bill requires the office to be open for two Saturdays only before a general election other than a May general election in a town. It requires the office to be open the Saturday immediately before any primary, May general election in a town, or special election.

Patron - Sherwood

[P] HB1708 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

[P] HB1711 Officers of election; hours of service. Deletes the sunset clause that provided that this section would expire July 1, 2001. The section authorizes the assignment of officers of election to serve part of the election day except that the chief officer and assistant chief officer must be on duty at all times.

Patron - Scott

[P] HB1721 Elections; absentee voting procedures. Provides that facilities owned or leased by the state and housing both Department of Motor Vehicles facilities and a general registrar's office may be used as sites for in-person absentee voting. Present law allows in-person absentee voting only in public buildings owned or leased by the county, city, or town. This bill is the same as SB 1225.

Patron - Purkey

[P] HB1737 Registered voters; changes of address; inactive status on voter registration system. Provides that a voter will not be deemed to authorize a change of his address on the voter registration system solely because he gives a different address on a candidate or referendum petition. However, the voter may be shifted to inactive status on the system, as a result of providing a different address on the petition, subject to routine confirmation notice procedures.

Patron - Sherwood

[P] HB1738 Election law definitions. Amends the definition of "registered voter" to provide that the requirement to mail notices of election district, precinct, and polling place

changes will apply only to registered voters listed with "active" status on the Virginia voter registration system.

Patron - Sherwood

[P] HB1770 Voter registration applications and records. Permits certain law enforcement personnel and persons granted protective orders to provide a post office box address, either for his residence or another location in the Commonwealth. Present law requires a post office box address for the residence. The bill also excludes the residence address for these voters from the scope of the public inspection provisions on voter registration records. The definition of protective orders is revised to cover all authorized court protective orders. This bill incorporates HB 1928 and is the same as SB 1025.

Patron - Nixon

[P] HB1771 Appeals of denials of voter registration applications. Provides that the rules for closing registration records in advance of an election apply to any application sent in by a person following a denial of his original application.

Patron - Nixon

[P] HB1777 Temporary voter registration procedures for presidential elections. Repeals provisions enacted to allow absentee registration for presidential elections. Virginia now allows absentee or mailed voter registration applications, and this special registration process is no longer necessary to comply with federal law. In addition, other election law provisions meet the requirements of the federal Uniformed and Overseas Citizens Absentee Voting Act and cover all federal elections. This bill is the same as SB 1198.

Patron - Cox

[P] HB1797 Temporary registration for certain overseas voters. Revises the provisions that allow a registered voter who moves overseas to work and relinquishes his home in Virginia to continue to vote in state and local elections held where he had been registered and his home was located. The bill clarifies that the right to register under these provisions applies individually to the overseas employee and to the spouse or dependent of that employee who resides with the employee.

Patron - Sherwood

[P] HB1842 Absentee ballot applications. Adds a directive not to reject an application because of an error or omission that is not material in determining whether the applicant is qualified to vote absentee.

Patron - Marshall

[P] HB1843 Election recount procedures and ballots cast on electronic voting devices. Provides that, where voting systems that count ballots by means of insertion in electronic counting devices are used, recounts shall examine only those ballots on which voters have apparently voted for fewer than or more than the number of candidates for which they are legally entitled to vote. The State Board of Elections is to provide standards by September 1, 2001, applicable for all recounts, for determining whether a ballot has or has not been voted for a candidate and for promoting a timely and accurate resolution of recount questions. The current statutory provision that allows parties to a recount to examine all ballots and materials is modified and replaced by a more limited examination.

Patron - Marshall

[P] HB1853 Presidential electors; oaths, meetings, vacancies, and voting. Provides that presidential electors shall be "required" rather than "expected" to vote for the candidates of the political party or petitioners that selected the electors. The bill also requires electors to sign an oath to vote for the

candidates for President and Vice President of the party or petitioners that selected the elector.

Patron - McQuigg

[P] HB1856 Absentee voting privileges and applications. Revises the provision that allows persons to vote absentee if they work long shifts on election day whether or not they are absent from the county or city in which they vote. The amendments include commuting time along with work time so that a person who commutes and works 11 of the 13 hours that the polls are open will be entitled to vote absentee. The present provision covers work time only and allows a person to vote absentee if he works 11 of the 13 hours that the polls are open.

Patron - McQuigg

[P] HB1858 Duties of the electoral board, general registrar, and officers of election with respect to absentee voting and absentee voter applicant lists. Eliminates the requirement that the absentee voter applicant list be posted in the office of the general registrar and at the polling place; requires, instead, that the list be held by the general registrar in his office, and by the chief election officer at the polling place, as a public record available for inspection on request. The list carries the applicant's name and residence address.

Patron - McQuigg

[P] HB1886 Assistant voter registrars. Modifies the requirement that an assistant registrar must be a qualified voter of the locality in which he serves. The bill provides that an assistant registrar must be a qualified voter of the Commonwealth and that candidates who are residents of the locality may be given preference in hiring. The change will allow a general registrar to appoint assistants from other localities.

Patron - Rhodes

[P] HB1925 Elections; final day for voter registration. Eliminates the requirement that the voter registrar's office close by 5:00 p.m. on the final day for voter registration, the 29th day before a primary or general election. The office must be open at least eight hours on the final day, but will be able to stay open later than 5:00 p.m. and operate more than eight hours. Notice of the times for registration on the final day must be published under § 24.2-415. This bill is the same as SB 1026.

Patron - Rollison

[P] HB1927 Assistant voter registrars. Provides that any paid assistant registrar must be a qualified voter of the Commonwealth but is not required to be a qualified voter of the county or city in which he serves, and permits two or more localities to share the services of an assistant registrar. This bill is the same as SB 946 and SB 1027.

Patron - Putney

[P] HB1933 Campaign contributions and expenditures; petty cash funds. Requires that official campaign depository checks show the name of the candidate and campaign committee.

Patron - Nixon

[P] HB2076 Election of directors of soil and water conservation district directors. Transfers certain responsibilities from the Department of Conservation and Recreation to the State Board of Elections regarding elections and candidates for directors of soil and water conservation districts.

Patron - Plum

[P] HB2211 Voter registration; cancellation of registration. Permits the cancellation of a voter's registration by the general registrar after receipt by the Department of Motor

Vehicles of notice from another jurisdiction pursuant to the Driver License Compact that the voter has moved from the Commonwealth. The bill requires DMV to forward pertinent information to the general registrar and the mailing of a cancellation notice by the general registrar.

Patron - Van Landingham

[P] HB2233 Undervoted and overvoted ballots. Requires that electronic counting devices report, if possible, the number of ballots on which voters apparently voted for fewer candidates than allowed and the number on which voters voted for more candidates than authorized.

Patron - Van Landingham

[P] HB2323 Violations of the reporting requirements of the Campaign Finance Disclosure Act and penalties. Revises the provisions on reporting violations of the Act in accordance with recommendations of the joint subcommittee studying campaign finance reform pursuant to HJR 213 and SJR 80 (2000). The bill (i) authorizes the State Board and the appropriate local election official to review disclosure reports for completeness and request additional information; (ii) provides for the jurisdiction of the appropriate attorney for the Commonwealth for statewide and other campaigns; (iii) authorizes the State Board or appropriate local election official to assess and collect the civil penalty for violations of the reporting requirements before referring the violation to the attorney for the Commonwealth; (iv) provides for payment of civil penalties collected at the local level to the locality; and (v) provides for public notice on the Internet of violations by candidates for statewide office or the General Assembly involving the failure to file a required report by the required deadline. The bill takes effect July 1, 2002.

Patron - Jones, S.C.

[P] HB2325 Campaign Finance Disclosure Act; reports of contributions and expenditures. Incorporates recommendations by the joint subcommittee studying campaign finance reform pursuant to HJR 213 and SJR 80 (2000). The changes include: (i) clarifying the information required on occupation and place of business for individual and other contributors; (ii) requiring specific information on expenditures made by credit card payments; and (iii) requiring reports for statewide and General Assembly candidates to be received by the State Board by the filing deadline either by mail or by fax with an original copy mailed and postmarked by the filing deadline. The bill is effective July 1, 2002.

Patron - Jones, S.C.

[P] HB2646 Illegal voting and registrations. Provides that any person who votes more than once, or induces another to vote more than once, in the same election is guilty of a Class 6 felony; and that any person who intentionally registers more than once, or induces another to register more than once, at multiple addresses is guilty of a Class 6 felony.

Patron - Purkey

[P] HB2849 Recount procedures. Provides that the State Board of Elections shall promulgate standards by September 1, 2001, to be followed in the handling and counting of ballots for election recounts. The bill also provides for State Board recommendations by December 1, 2001, for permanent standards that may be enacted into law.

Patron - Rapp

[P] SB946 Assistant voter registrars. Provides that any paid assistant registrar must be a qualified voter of the Commonwealth but is not required to be a qualified voter of the county or city in which he serves, and permits two or more

localities to share the services of an assistant registrar. This bill is the same as SB 1027 and HB 1927.

Patron - Colgan

[P] SB964 Combined precinct registered voter list and pollbook. Extends from July 1, 2001, to July 1, 2002, the time for the State Board of Elections to conduct pilot programs to test the use of one list that combines the functions of the registered voter list and pollbook. The bill also provides for the Board to report its evaluation of the pilot programs to any study committee established by the General Assembly to study this issue and to the General Assembly prior to the 2002 Regular Session.

Patron - Miller, K.G.

[P] SB986 Recounts involving punch card voting devices. Provides that the machine count will be the official count and sets out standards to review punch card ballots not accepted by the counting machine. The bill provides that a vote should be counted if two or more corners of the chad are broken or separated from the card. Separation of only one corner of a chad would not be deemed a vote, nor would any depression, dimple, or other mark.

Patron - Rerras

[P] SB1025 Voter registration applications and records. Permits certain law enforcement personnel and persons granted protective orders to provide a post office box address, either for his residence or another location in the Commonwealth. Present law requires a post office box address for the residence. The bill also excludes the residence address for these voters from the scope of the public inspection provisions on voter registration records. The definition of protective orders is revised to cover all authorized court protective orders. This bill is the same as HB 1770.

Patron - Ruff

[P] SB1026 Elections; final day for voter registration. Eliminates the requirement that the voter registrar's office close by 5:00 p.m. on the final day for voter registration, the 29th day before a primary or general election. The office must be open at least eight hours on the final day, but will be able to stay open later than 5:00 p.m. and operate more than eight hours. Notice of the times for registration on the final day must be published under § 24.2-415. This bill is the same as HB 1925.

Patron - Ruff

[P] SB1027 Assistant voter registrars. Provides that any paid assistant registrar must be a qualified voter of the Commonwealth but is not required to be a qualified voter of the county or city in which he serves, and permits two or more localities to share the services of an assistant registrar. This bill is the same as SB 946 and HB 1927.

Patron - Ruff

[P] SB1107 Election districts and voting precincts. Preserves the present law requirement that election districts and voting precincts follow "clearly observable boundaries" but eliminates an obsolete provision referring to block boundaries shown on the 1990 United States Census maps. The bill also repeals the law that freezes precinct lines from September 1, 1998, to May 15, 2001. That precinct freeze was enacted to enable the Commonwealth to participate in the Census Bureau program to provide 2000 population census data by precinct. Emergency in part.

Patron - Miller, K.G.

[P] SB1142 Elections; change of registered voter's address. Allows registered voters within the Commonwealth

to notify their general registrars of address changes by mail or fax.

Patron - Lambert

[P] SB1198 Temporary voter registration procedures for presidential elections. Repeals provisions enacted to allow absentee registration for presidential elections. Virginia now allows absentee or mailed voter registration applications, and this special registration process is no longer necessary to comply with federal law. In addition, other election law provisions meet the requirements of the federal Uniformed and Overseas Citizens Absentee Voting Act and cover all federal elections. This bill is the same as HB 1777.

Patron - Forbes

[P] SB1217 Applications by ill or disabled voters for absentee ballots for multiple elections. Provides for the filing of one application by an ill or disabled voter for all elections in one calendar year. The general registrar will send such voters an application in advance of each calendar year. Present law requires a separate absentee ballot application to be filed for each election. This bill is the same as HB 1579.

Patron - Whipple

[P] SB1225 Elections; absentee voting procedures. Provides that facilities owned or leased by the state and housing both Department of Motor Vehicles facilities and a general registrar's office may be used as sites for in-person absentee voting. Present law allows in-person absentee voting only in public buildings owned or leased by the county, city, or town. This bill is the same as HB 1721.

Patron - Whipple

[P] SB1244 Paid political advertisements. Requires the newspaper, magazine, periodical, or radio or television station that accepts an advertisement advocating the election or defeat of any candidate to obtain proof of identity or a telephone number for the person submitting the advertisement when the authorization statement for the advertisement states that an individual is responsible for the advertisement. The proof of identity requirement does not apply if the advertisement carries an authorization statement showing that the candidate, a candidate campaign committee, a political party committee, or a political committee registered with the State Board of Elections has authorized the advertisement. This bill incorporates SB 1168.

Patron - Watkins

[P] SB1275 Violations of the reporting requirements of the Campaign Finance Disclosure Act and penalties. Revises the provisions on reporting violations of the Act in accordance with recommendations of the joint subcommittee studying campaign finance reform pursuant to HJR 213 and SJR 80 (2000). The bill (i) authorizes the State Board and the appropriate local election official to review disclosure reports for completeness and request additional information; (ii) provides for the jurisdiction of the appropriate attorney for the Commonwealth for statewide and other campaigns; (iii) authorizes the State Board or appropriate local election official to assess and collect the civil penalty for violations of the reporting requirements before referring the violation to the attorney for the Commonwealth; (iv) provides for payment of civil penalties collected at the local level to the locality; and (v) provides for increased penalties and public notice on the Internet of violations by candidates for statewide office or the General Assembly involving the failure to file a required report by the required deadline.

Patron - Wagner

[P] SB1277 Campaign Finance Disclosure Act; reports of contributions and expenditures. Incorporates recommendations by the joint subcommittee studying campaign finance reform pursuant to HJR 213 and SJR 80 (2000). The changes include: (i) clarifying the information required on occupation and place of business for individual and other contributors; (ii) requiring specific information on expenditures made by credit card payments; and (iii) requiring reports for state-wide and General Assembly candidates to be received by the State Board by the filing deadline either by mail or by fax with an original copy mailed and postmarked by the filing deadline. This bill is effective in due course.

Patron - Wagner

[F] Failed

[F] HB1690 Elections; form of ballots; identifying words on ballots. Provides for identification of a candidate, other than a political party candidate, by the use of the term "Independent" or an alternative designation provided by the candidate on his candidate petition. If a non-party candidate does not provide for a designation, the space for the political party name or designation will be left blank. The 2000 General Assembly provided for identification of candidates on the ballot by the name of the political party that nominated the candidate or by the term "Independent" effective January 1, 2001.

Patron - Marshall

[F] HB1705 Recounts involving punch card voting devices. Provides that the machine count will be the official count and sets out standards to review punch card ballots not accepted by the counting machine. The bill provides that a vote should be counted if two or more corners of the chad are broken or separated from the card. Separation of only one corner of a chad would not be deemed a vote, nor would any depression, dimple, or other mark.

Patron - Drake

[F] HB1723 Polling places and times. Permits electoral boards to provide that a United States flag will be on display in every polling place while the polls are open for voting.

Patron - Black

[F] HB1763 Prohibited campaign contributions; government contractors. Prohibits government contractors at the state level from contributing to candidates for Governor, Lieutenant Governor, Attorney General, and the General Assembly from the time negotiations begin through the later of (i) completion of performance or (ii) termination of negotiations. The bill includes a parallel prohibition on local government contractors. Candidates are prohibited from knowingly soliciting the prohibited contributions. A knowing and willful violation constitutes a Class 1 misdemeanor with a fine not to exceed the greater of \$2,500 or 300 percent of the illegal contribution.

Patron - Purkey

[F] HB1764 Campaign Finance Reform Act. Imposes limits on contributions to candidates for Governor, Lieutenant Governor, Attorney General and the General Assembly by corporations, labor organizations, and political committees (PACs). The limit on contributions to a statewide office candidate is \$10,000 per election cycle. The limit on contributions to a General Assembly candidate is \$5,000 per election cycle. There are no limits on contributions by individuals or 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. The bill is effective January 1, 2002.

Patron - Purkey

[F] HB1784 General Assembly Campaign Finance Reform Act. Imposes limits on contributions to candidates for the General Assembly made on and after January 1, 2002. 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 by the contributor and the recipient may equal twice the amount of the excess contribution.

Patron - Deeds

[F] HB1789 Hours that polls are open for voting. Adds one hour to the time that the polls are open for voting by moving the closing time from 7:00 to 8:00 p.m. The bill also makes conforming changes to the absentee voting law.

Patron - Hull

[F] HB1828 Conditional ballots; voters whose names are not on the precinct registered voter list. Provides that a person whose name is not on the precinct registered voter list may be given a conditional ballot if the general registrar is not available or cannot verify that the person either is or is not a qualified voter. Present law does not explicitly cover the situation when the general registrar's records show that the person is not a qualified voter, and the bill provides that a conditional ballot need not be given to a person if the general registrar can state that he is not a qualified voter.

Patron - Hargrove

[F] HB1878 Absentee voting by certain officers of election. Permits an officer of election to apply for an absentee ballot and vote in person on the Monday before the election if he learned after noon on the Saturday before the election that he has been assigned to work in a precinct other than the precinct where he votes. The usual deadline for in-person absentee voting is three days before the election. This bill has been incorporated into HB 1667.

Patron - Devolites

[F] HB1906 Statewide mailing of voter registration cards. Requires the State Board of Elections to provide for a mailing of cards to all voters on the voter registration system in advance of the November 2001 general election. The costs of the mailing are to be paid by the Commonwealth as provided in the appropriation act.

Patron - Callahan

[F] HB1928 Lists of registered voters and persons voting; voter registration applications. Expands the list of protective orders that qualify a voter to provide a post office box address to be used in lieu of his street address on the lists sold by the State Board. The bill also gives the State Board discretion to furnish the post office box address, in lieu of the street address, on other lists and reports to protect the street address information for persons with protective orders and for certain law-enforcement officials. This bill has been incorporated into HB 1770.

Patron - Sherwood

[F] HB1929 Combined precinct registered voter list and pollbook. Extends from July 1, 2001, to July 1, 2002, the time for the State Board of Elections to conduct pilot programs to test the use of one list that combines the functions of the registered voter list and pollbook. The bill also provides for the

Board to report its evaluation of the pilot programs to any study committee established by the General Assembly to study this issue and to the General Assembly prior to the 2002 Regular Session.

Patron - Putney

[F] HB2115 Audits of campaigns for local governing bodies. Requires the campaign committee of a candidate for the local governing body of any county or city, or town with a population of 25,000 or more, to obtain an audit of the campaign records of the committee and forward the audit to the State Board of Elections within 90 days of the election. The requirement applies only to campaign committees expending more than \$10,000 in the course of the campaign. The State Board will define the scope of the audit and take action to have irregularities corrected, or applicable penalties imposed, by the appropriate local electoral board or attorney for the Commonwealth.

Patron - Suit

[F] HB2193 Elections; DMV voter registration. Requires the Department of Motor Vehicles to forward any partially completed voter registration application of any person 17 years of age or older as directed by the State Board of Elections not later than five business days after the date of receipt.

Patron - Crittenden

[F] HB2194 Elections; Department of Motor Vehicles voter registration form. Requires DMV to revise its voter registration form to place the signature line at the end of the form and include a statement in capital bold-faced letters reminding the registrant to sign and date the voter registration portion of the form.

Patron - Crittenden

[F] HB2207 Elections; determination and announcement of vote on voting equipment. Requires that, after the officers of election announce the results shown on voting equipment to persons lawfully present at the polls, the officers shall report the results to the electoral board or general registrar before reporting the results to any other person.

Patron - Van Landingham

[F] HB2212 Absentee voting; business emergencies. Extends the time for voting absentee in person on the Monday before an election at the general registrar's office in cases of business emergencies. Present law provides for voting before noon. The bill allows voting at any time before 2:00 p.m. This bill has been incorporated into HB 1667.

Patron - Van Landingham

[F] HB2317 Campaign Finance Disclosure Act; penalties. Provides for a civil penalty of \$500 for the failure to file a campaign report by the appropriate deadline. 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 penalties now applicable to timely but incomplete filings. 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 - Jones, S.C.

[F] HB2324 Campaign Finance Disclosure Act, record retention requirements and reviews of campaign finance disclosure reports. Incorporates recommendations by the joint subcommittee studying campaign finance reform pursuant to HJR 213 and SJR 80 (2000). The changes include: (i)

the requirement that the State Board of Elections review the campaign finance reports of candidates for Governor, Lieutenant Governor, Attorney General and 10 percent of the candidates for the General Assembly selected at random; (ii) provision that the review shall be for the purposes of (a) reconciling the balance in the campaign depository with the amounts reported in the candidate's reports of receipts and expenditures and (b) reviewing the reports for mathematical accuracy and facial completeness including the reporting of specific information required by law; (iii) the requirement that the Board meet publicly to select on a random basis by a drawing the General Assembly candidate campaigns to review; (iv) provision to exempt any campaign committee from review if it has received less than \$25,000 in contributions; and (v) the requirement that the campaign treasurer retain, and provide on request by the Board, the bank statements and copies of checks issued on campaign depositories and receipts for campaign fund expenditures greater than \$500. The bill takes effect January 1, 2002.

Patron - Jones, S.C.

[F] HB2331 Virginia Election Equipment Grants Program and Fund. Establishes the Program and Fund to assist counties and cities to purchase election equipment and improve existing equipment for the purpose of assuring the integrity and accuracy of elections.

Patron - Tate

[F] HB2552 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, 2002. The applicant may indicate that he is an independent. Voters registered prior to January 1, 2002, 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 - Katzen

[F] HB2566 Electoral college. Provides that the Commonwealth's votes in the electoral college shall be allocated by the popular vote statewide and in each congressional district. The candidates for President and Vice President who win the popular statewide vote will receive the votes of the two statewide electors and the candidates who win the popular vote in each congressional district will receive the vote of that district's elector. Maine and Nebraska allocate electoral college votes in this manner. This bill is identical to SB 1219.

Patron - Scott

[F] HB2568 Political advertisements; disclosure requirements. Requires that print, television, and radio advertisements supporting or opposing the nomination or election of clearly identified candidates contain specific information regarding the sponsor of the advertisement. This bill is patterned after the North Carolina "Stand By Your Ad Act."

Patron - Scott

[F] HB2618 Elections; final day to register to vote before election. Provides for keeping the registration records open and allowing persons to register up through the 15th, rather than 29th, day before the election. This bill is identical to SB 1333.

Patron - Van Landingham

[F] HB2621 Campaign Finance Disclosure Act; large expenditures; record retention requirements. Requires the treasurer of the campaign committee for a candidate for Governor, Lieutenant Governor, Attorney General, or the General Assembly to retain detailed and specific records, receipts, and invoices for large expenditures (\$25,000 for a statewide campaign and \$10,000 for a General Assembly campaign) paid to one recipient during a campaign. The bill requires the treasurer to make copies of the records, receipts, and invoices available within five working days of a written request for the information.

Patron - Pollard

[F] HB2645 Party designations on the ballot. Extends to local elections, other than school board elections, the identification of candidates by party name on the ballot. An exception is made for any city or town whose charter prohibits party names on the ballot. Under legislation enacted by the 2000 General Assembly and effective January 1, 2001, federal, statewide, and General Assembly candidates already are to be identified by party. The bill explicitly provides that an endorsement by a political party of a candidate who qualifies for the ballot through the petition process is not grounds for identifying that candidate by the party's name.

Patron - Black

[F] HB2665 Officers of election. Prohibits the appointment of any person to serve as an officer who is the spouse, parent, grandparent, sibling, child, or grandchild of a member of the electoral board or of the general registrar or a paid assistant or deputy registrar.

Patron - Melvin

[F] HB2681 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

[F] HB2686 Voter registration services at Department of Motor Vehicle facilities. Provides that the state will pay the costs of furnishing voter registration services at Department of Motor Vehicles facilities through appropriations to the Department of Motor Vehicles or the State Board of Elections, or both, or reimbursements to the localities for costs associated with furnishing such services. This bill is identical to SB 951.

Patron - Spruill

[F] HB2781 Elections; "no excuse" absentee voting. Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters are consolidated in one new provision. This bill is identical to SB 1373.

Patron - Baskerville

[F] HB2792 Absentee voting procedures; in-person absentee voting. Provides for "no excuse" in-person absentee

voting during the period from the 25th day before a general election through the third day before the election. The bill requires the general registrar's office to be open for in-person absentee voting at least 20 hours during non-business hours in the 25 days before the election.

Patron - Day

[F] HB2863 Campaign fundraising during legislative sessions. Amends the current law to prohibit fundraising during the session by members of the Governor's cabinet and employees of the offices of the Governor, Lieutenant Governor and Attorney General. Also, clarifies current law regarding fundraising during the session for political committees by General Assembly members and statewide officials. This bill is identical to SB 1383.

Patron - Pollard

[F] SB893 Absentee voting procedures; in-person absentee voting. Provides for "no excuse" in-person absentee voting during the period from the 25th day before the November election through the third day before the election.

Patron - Reynolds

[F] SB929 Counting and recounting ballots by hand. Requires that the State Board of Elections prescribe and publish standards by September 1, 2001, to be used in hand counting or recounting paper ballots and ballots designed for electronic counting devices, for determining the intent of the voter to vote for a candidate. The bill also provides for State Board recommendations by December 1, 2001, for permanent standards to be enacted into law.

Patron - Byrne

[F] SB951 Voter registration services at Department of Motor Vehicle facilities. Provides that the Commonwealth will pay the costs of furnishing voter registration services at Department of Motor Vehicles facilities through appropriations to the Department of Motor Vehicles or the State Board of Elections, or both, or reimbursements to the localities for costs associated with furnishing such services. This bill is identical to HB 2686.

Patron - Colgan

[F] SB952 General Assembly Campaign Finance Reform Act. Imposes limits on contributions to candidates for the General Assembly made on and after January 1, 2002. 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, \$5,000; and on contributions by 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 by the contributor and the recipient may equal twice the amount of the excess contribution.

Patron - Colgan

[F] SB975 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 no more than four percent of the candidate campaign committees, selected randomly, for the General Assembly. The State Board is authorized to compel production of bank statements for the campaign depository and of receipts and records for campaign expenditures of more than \$100 as part of its audit authority. No audit shall be conducted for committees expending less than \$25,000. The State Board is required to report its audit findings to the Governor and Gen-

eral Assembly during the February following the election year for the office.

Patron - Rerras

[F] SB1168 Paid political advertisements. Requires the newspaper, magazine, periodical, or radio or television station that accepts an advertisement advocating the election or defeat of any candidate to obtain proof of identity or the telephone number for the person submitting the advertisement when the authorization statement on the advertisement states that an individual is responsible for the advertisement. The proof of identity requirement does not apply if the advertisement carries an authorization statement showing that the candidate, a candidate campaign committee, a political party committee, or a political committee registered with the State Board of Elections has authorized the advertisement. This bill has been incorporated into SB 1244.

Patron - Marye

[F] SB1216 Absentee voting privileges and applications. Provides that a voter may vote absentee, although not absent from his county or city, if circumstances associated with his work or business prevent him from voting in person. The bill replaces a more limited provision that entitles a voter to vote absentee if he will be at his place of work 11 or more of the 13 hours that the polls are open.

Patron - Whipple

[F] SB1219 Electoral college. Provides that the Commonwealth's votes in the electoral college shall be allocated by the popular vote statewide and in each congressional district. The candidates for President and Vice President who win the popular statewide vote will receive the votes of the two statewide electors and the candidates who win the popular vote in each congressional district will receive the vote of that district's elector. Maine and Nebraska allocate electoral college votes in this manner. This bill is identical to HB 2566.

Patron - Whipple

[F] SB1223 Voting materials; language alternatives. Provides that the State Board of Elections will prescribe voting materials in a language other than English if the Commonwealth or a locality is required to provide such materials pursuant to the bilingual election requirements of federal law (42 U.S.C. §1973aa-1a). The federal law becomes applicable after the Director of the Census determines that more than five percent of the voting age citizens of a state or locality are members of a single language minority and are limited-English proficient, or more than 10,000 voting age citizens of a locality are members of a single language minority and are limited-English proficient, and that the illiteracy rate of the citizens of the language minority as a group is higher than the national illiteracy rate. The bill anticipates the possibility that the Director may determine, following the 2000 Census, that one or more Virginia localities have become subject to the federal bilingual voting materials requirements. The Director's determination is based on information from the long-form census questionnaire and will be published in the Federal Registrar. His determinations following the 1990 Census were published September 18, 1992.

Patron - Whipple

[F] SB1276 Campaign Finance Disclosure Act, record retention requirements and reviews of campaign finance disclosure reports. Incorporates recommendations by the joint subcommittee studying campaign finance reform pursuant to HJR 213 and SJR 80 (2000). The changes include: (i) the requirement that the State Board of Elections review the campaign finance reports of candidates for Governor, Lieutenant Governor, Attorney General and 10 percent of the candi-

dates for the General Assembly selected at random; (ii) provision that the review shall be for the purposes of (a) reconciling the balance in the campaign depository with the amounts reported in the candidate's reports of receipts and expenditures and (b) reviewing the reports for mathematical accuracy and facial completeness including the reporting of specific information required by law; (iii) the requirement that the Board meet publicly to select on a random basis by a drawing the General Assembly candidate campaigns to review; (iv) provision to exempt any campaign committee from review if it has received less than \$25,000 in contributions; and (v) the requirement that the campaign treasurer retain, and provide on request by the Board, the bank statements and copies of checks issued on campaign depositories and receipts for campaign fund expenditures greater than \$500.

Patron - Wagner

[F] SB1333 Elections; final day to register to vote before election. Provides for keeping the registration records open and allowing persons to register up through the 15th, rather than 29th, day before the election. This bill is identical to HB 2618.

Patron - Whipple

[F] SB1373 Elections; "no excuse" absentee voting. Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters are consolidated in one new provision. This bill is identical to HB 2781.

Patron - Puller

[F] SB1380 Election laws offenses relating to registration and absentee voting procedures; penalties. Provides that it is a Class 4 felony (two to 10 years imprisonment; fine up to \$100,000) for any person (i) to induce or assist two or more persons to register to vote knowing that they are not qualified to register by reason of a felony conviction or (ii) to knowingly violate the absentee voting laws with respect to applications for ballots or the voting of absentee ballots by two or more persons residing in one state or local correctional facility as defined in § 53.1-1, facility, hospital, or private institution as defined in § 37.1-1, or medical care facility as defined in § 32.1-102.1.

Patron - Martin

[F] SB1383 Campaign fundraising during legislative session. Amends the current law to prohibit fundraising during the session by members of the Governor's cabinet and employees of the offices of the Governor, Lieutenant Governor and Attorney General. Also, clarifies current law regarding fundraising during the session for political committees by General Assembly members and statewide officials. This bill is identical to HB 2863.

Patron - Byrne

Eminent Domain

[P] Passed

[P] SB1172 Eminent domain; appraisals. Adds state agencies (as defined in § 25-238) to the list of condemning authorities not required to conduct an appraisal of property to be condemned if the value of such property is less than \$10,000, based on objective evidence. This bill is a recommen-

dation of the Joint Subcommittee Studying Eminent Domain Issues.

Patron - Marye

[F] Failed

[F] HB2826 Condemnation of wetlands. Prohibits state government from compensating for the loss of wetlands by acquiring by condemnation wetlands that are located outside the U.S.G.S. hydrologic unit in which the wetlands loss occurs.

Patron - Pollard

[F] SB1123 Eminent domain; litigation expenses. Entitles a condemnee to payment of reasonable fees for attorneys, appraisers, and other experts incurred in condemnation litigation if the amount of compensation awarded exceeds the condemnor's highest written offer. The amount of the litigation expenses to be awarded is up to one-third of the amount by which the compensation awarded exceeds the condemnor's highest written offer.

Patron - Edwards

[F] SB1171 Eminent domain; litigation expenses. Authorizes a court, in its discretion, to award reasonable fees 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 deems 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 that 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. This bill was recommended by the Joint Subcommittee Studying Eminent Domain Issues.

Patron - Marye

[F] SB1173 Eminent Domain. Requires condemnors to pay for the reasonable cost of a licensed appraisal conducted for the condemnee in all takings, regardless of whether the condemnation results in litigation. This bill was recommended by the Joint Subcommittee Studying Eminent Domain Issues.

Patron - Marye

[F] SB1175 Mandatory mediation in eminent domain proceedings. Provides that in an eminent domain proceeding, if any party requests mediation, the petitioner and the parties shall be referred by the court to a dispute resolution evaluation session prior to the trial to determine just compensation. This bill refers the parties to the dispute resolution system already contained in the civil procedure section of the Code of Virginia (§ 8.01-576.4 et seq.). The Joint Subcommittee Studying Eminent Domain Issues recommended this bill.

Patron - Marye

Fiduciaries Generally

P Passed

P HB1734 Who to execute the trust until new trustee appointed. Corrects grammatical errors left in this section after the section was amended in 1998.

Patron - Howell

P HB2068 Statement in lieu. Revises provisions that allow personal representatives to file a statement in lieu of settlement of accounts in certain circumstances. The bill adds a requirement that six months must have elapsed since the personal representatives qualified. If the statement in lieu is not filed within the prescribed time the written notice must explain why the statement cannot presently be filed. If the commissioner of accounts determines that the reasons for not filing are not sufficient, the commissioner may require an interim account to be filed. This bill is a recommendation of the Judicial Council, acting on the recommendation of its Standing Committee on Commissioners of Accounts.

Patron - Howell

P HB2069 Commissioners of accounts. Provides that assistant commissioners of accounts who qualify after June 30, 2001, act only in such cases as the commissioner of accounts delegates. This bill is a recommendation of the Judicial Council acting on the recommendation of the Standing Committee on Commissioners of Accounts.

Patron - Howell

P HB2070 Bond of fiduciaries. Provides that when new or additional bond is ordered the fiduciary's execution can be made by the fiduciary's agent under a power of attorney. This bill is a recommendation of the Judicial Council, acting on the recommendation of its Standing Committee on Commissioners of Accounts.

Patron - Howell

P HB2613 Waiver of inventory and settlement for certain estates. Provides that when (i) a personal estate under the supervision and control of the personal representative or curator does not exceed \$10,000 in value, (ii) the personal representative or curator does not have the power of sale over real estate, and (iii) an heir, beneficiary or creditor whose claim exceeds the value of the estate seeks qualification, the clerk shall waive inventory and settlement.

Patron - Watts

Fire Protection

P Passed

P HB1807 Fire protection and emergency medical services. Adds emergency medical services to existing provisions relating to fire departments and fire companies. The bill also defines emergency medical services personnel and emergency medical services vehicle.

Patron - Broman

P HB2087 Fire and rescue zones. Provides that any property located in any county with a population between 54,600 and 55,600 (Augusta County) that has qualified for an agricultural or forestal use-value assessment shall not be

included within a fire and rescue zone and shall not be subject to a tax assessed in such a zone.

Patron - Landes

P SB1029 Fire Prevention Code; enforcement by locality. Provides that if a local governing body elects to enforce only those provisions of the Fire Prevention Code relating to open burning, it may do so in all or in any designated geographic areas of its jurisdiction.

Patron - Couric

F Failed

F HB2598 Fire emergencies. Provides that the property owner or occupant shall not be denied access to his property during an emergency incident if the access does not interfere with the duties of the fire department.

Patron - Putney

Fisheries and Habitat of the Tidal Waters

P Passed

P HB1572 Recreational eel pot license. Authorizes the Virginia Marine Resources Commission to establish a license for individuals who want to catch eels for noncommercial purposes. The license would allow a person to obtain a recreational gear license to use no more than two eel pots at a fee of not more than \$10.

Patron - Pollard

P HB1699 Permits for piers on oyster and clam grounds; time limit for action. Requires the Virginia Marine Resources Commission to grant or deny permits for piers 100 feet or longer on oyster and clam grounds within 90 days of receipt of a complete application, unless information or circumstances materially alter the conditions under which the permit would be issued. If the Commission fails to act within such time, the application is deemed approved. Under current law, there is no time limit for action by the Commission.

Patron - Pollard

P HB1877 Erosion control devices within the Baylor survey. Provides that the Virginia Marine Resources Commission may allow construction of erosion control devices in the Baylor survey where it finds, along with other prescribed criteria, the proposed project to be technically and environmentally acceptable. However, if such Baylor ground is commercially productive as defined in the Code of Virginia, the environmentally preferred erosion control must be utilized. Under current law, such projects must be technically and environmentally preferable, whether or not the Baylor ground is productive.

Patron - Devolites

P HB2032 Exemptions from fishing licensing requirements. Provides that the exemption for the taking of as much as one bushel of hard crabs and two dozen peeler crabs in any one day for personal use may be modified by regulation by the Virginia Marine Resources Commission.

Patron - Bloxom

P HB2033 Relaying seed-stock shellfish. Requires the Virginia Marine Resources Commission to promulgate reg-

ulations for the harvesting, transporting, handling and transplanting of wild and cultured seed oysters and clams from condemned planting areas to healthy waters.

Patron - Bloxom

P HB2294 Term of fishing licenses. Provides that upon implementation of automated point of sale licensing systems, recreational fishing licenses issued by the Virginia Marine Resources Commission and hunting and trapping licenses and permits and fishing licenses issued by the Department of Game and Inland Fisheries shall be valid for one year from their date of purchase. Under current law, such licenses and permits are valid from January 1, or their later date of purchase, and expire December 31 of the same year.

Patron - Blevins

P HB2417 Hydraulic dredges. Prohibits a person from (i) harvesting clams through the use of a hydraulic dredge or (ii) have on board his boat a hydraulic dredge designed for harvesting seafood unless the person has obtained a permit from the Marine Resources Commission. A person is exempted from the prohibitions if he is traveling to or from docks for maintenance or repair of his boat or equipment or when off-loading catches made in federal waters. The penalty for possessing this type of equipment without a permit is a Class 1 misdemeanor.

Patron - Morgan

P HB2705 Marine Resources Commission; publication of proposed regulations. Allows the publication of proposed agency regulations that have only local application in either daily or weekly papers whichever have greater circulation in the locality in which the regulation applies.

Patron - Morgan

P SB784 Virginia Marine Patrol officers; powers. Clarifies that Virginia Marine Patrol officers have the same powers as sheriffs and other law-enforcement officers to enforce the criminal laws of the Commonwealth.

Patron - Stolle

P SB820 Potomac River Compact; storage, possession and marketing of lawfully harvested finfish and shellfish. Allows finfish and shellfish lawfully caught in the waters within the jurisdiction of the Potomac River Fisheries Commission to be possessed, stored, marketed and otherwise disposed of elsewhere in the Commonwealth of Virginia. The language in the bill is almost identical to language in the Maryland statutes and was requested on behalf of the Potomac River Fisheries Commission.

Patron - Chichester

P SB837 Subaqueous permit exemption. Exempts landowners who withdraw water for agricultural, silvicultural, or horticultural irrigation on riparian lands, or the watering of animals on such lands, from having to obtain a permit from the Virginia Marine Resources Commission, so long as (i) they do not place a permanent structure on the stream or river bed, (ii) they comply with any requirements administered by the Department of Environmental Quality under Title 62.1, and (iii) the activity does not have adverse impacts to instream beneficial users.

Patron - Watkins

F Failed

F HB2703 Saltwater recreational fishing license. Removes the seaside exemption from the requirement to have a saltwater fishing license when fishing in tidal waters. The bill

exempts a person fishing from property he owns or rents, or his nonpaying guest or immediate family, from having to obtain a saltwater recreational fishing license. Currently, the exemption is limited to the person who owns property or his nonpaying guest or immediate family member. Persons fishing from a federal park or reserve located on the Eastern shore would also be exempted from having to obtain a license.

Patron - Bloxom

Game, Inland Fisheries and Boating

P Passed

P HB580 Sale of wildlife parts. Allows a Native American who provides proof that he is an enrolled member of a tribe recognized by Virginia, another state, or the federal government to possess, sell, or purchase from another Native American, animal parts such as antlers, hooves, feathers, claws and bones; however, the possession, sale or purchase from another Native American of bear parts is prohibited.

Patron - Davis

P HB1897 Exemption from license requirements for landowner's parents. Adds parents of a landowner to the list of those who can hunt, trap, and fish within the boundaries of the landowner's property or fish upon any private permanent extension from such property.

Patron - Johnson

P HB2096 License to hunt bear. Authorizes the Board of Game and Inland Fisheries to establish a separate license to hunt bears. If established, the cost of such a license will be \$25 for residents and \$150 for nonresidents. The holder of such a license will also have to purchase the state's basic hunting license. Currently, there is a big game license that allows the license holder to hunt bear, deer and turkey.

Patron - Abbitt

P HB2098 Hunting with certain sight devices. Prohibits the use of a firearm equipped with a sighting device other than iron or open sights between one hour after sunset and one hour before sunrise. Any person who violates this provision (i) is guilty of a Class 2 misdemeanor, (ii) will lose his hunting privileges for the next license year, and (iii) will have to forfeit his firearm. In addition, if the person is found hunting during the prohibited period, he is subject to a separate penalty of a Class 2 misdemeanor.

Patron - Abbitt

P HB2304 Assisting other hunters. Extends to all hunters who have reached their daily bag or seasonal limit the privilege of assisting others who are hunting. Currently, such assistance may be provided only by those hunters who have reached their limit while hunting turkeys, ducks, geese or swans, and restricts their assistance to calling turkeys, ducks, geese and swans.

Patron - Cox

P HB2546 Exemptions from licenses to hunt, trap, or fish; members of the recognized tribes in the Commonwealth. Provides that licenses to hunt, trap, or fish are not required of Indians who (i) habitually reside on an Indian reservation, or (ii) are members of Virginia recognized tribes residing in the Commonwealth. However, such persons are required to have in their possession an identification card or paper

signed by the chief of their tribe, a valid tribal identification card, written confirmation through a central tribal registry, or certification from a tribal office. Such cards, papers, confirmations, or certifications must set forth that the person named is an actual reservation resident or member of the Virginia recognized tribes and create a presumption of residence, which may be rebutted. Under current law, the exemption applies only to those Indians residing on a reservation, provided that they have in their possession an identification card signed by the chief of their reservation.

Patron - Katzen

[P] HB2607 No-discharge zone. Requires game wardens from the Department of Game and Inland Fisheries to enforce the State Water Control Board's regulations designating Smith Mountain Lake as a no-discharge zone for boat sewage. This bill is identical to SB 1301.

Patron - Putney

[P] HB2615 Trapping license for disabled persons. Establishes a lifetime trapping license for veterans who have a service-connected disability and persons who are permanently disabled. The fee for such a license would be five dollars.

Patron - Nixon

[P] HB2637 Complimentary hunting and fishing licenses. Authorizes the Director of the Department of Game and Inland Fisheries to issue complimentary hunting and fishing licenses to official representatives of out-of-state, nationally recognized, nongovernmental organizations engaged in wildlife conservation.

Patron - Thomas

[P] SB1301 No-discharge zone. Requires game wardens from the Department of Game and Inland Fisheries to enforce the State Water Control Board's regulations designating Smith Mountain Lake as a no-discharge zone for boat sewage. This bill is identical to HB 2607.

Patron - Newman

[P] SB1315 "No wake" buoys. Limits the conditions under which "no wake" buoys or other markers that have been placed prior to July 1, 2001, can be removed. Such buoys or markers can only be removed if they no longer are providing for the safe and efficient operations of vessels. The bill also provides that "no wake" ordinances can be enacted for Smith Mountain Lake in order to protect public safety or prevent erosion. Currently, if such an ordinance is adopted it must both protect public safety and prevent damage from erosion.

Patron - Reynolds

[P] SB1339 Deer fences. Prohibits a landowner from erecting a fence that prevents or impedes deer from leaving the enclosed area. The bill also makes it unlawful to hunt deer in such enclosed areas. The provisions of the bill do not apply to persons hunting in an enclosure that has been constructed prior to July 1, 2001, has been registered with the Department of Game and Inland Fisheries, and has been modified in a manner approved by the Department. The penalty for violating either of these provisions is a Class 1 misdemeanor and the court may (i) suspend the violator's hunting privileges for a period of three to five years, (ii) order the owner of the property to compensate the Department of Game and Inland Fisheries for the replacement costs of the killed deer, and (iii) order the owner to modify the fence in a way that will allow the deer to leave the enclosed area.

Patron - Hawkins

[F] Failed

[F] HB1573 Prohibited ammunition. Prohibits the use of nonexpanding types of projectiles or bullets when hunting wild birds or wild animals. A violation of this provision is a Class 3 misdemeanor.

Patron - Pollard

[F] HB2237 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 - Hargrove

[F] HB2246 Hunting of does. Authorizes localities to add one day to the season for hunting does. The bill also requires the locality to notify the Department of Game and Inland Fisheries if it has adopted an ordinance allowing an additional day of hunting does.

Patron - Day

[F] HB2460 Sunday hunting. Allows a person to hunt on Sunday between 1:00 p.m. and sunset.

Patron - Phillips

[F] SB1185 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 where 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 to the adjacent landowner's property. The landowner damaged by the beaver activity would be entitled to reasonable attorney's fees.

Patron - Trumbo

General Assembly

[P] Passed

[P] HB1755 Executive, judicial and independent agencies' bill drafting deadline. Changes the deadline for all legislative drafting requests from the Governor, a Governor's Secretary, the Lieutenant Governor, the Attorney General, or the head of any judicial, legislative, or independent agency to the Division of Legislative Services from January 1 to the same deadline applicable to members of the General Assembly for submitting legislative drafting requests for legislation to be prefiled to the Division. This deadline is established by the General Assembly or by the Joint Rules Committee if the General Assembly has not acted. Requests from the Governor may still be submitted in accordance with the procedures established by the Rules Committees of the House of Delegates and the Senate for the conduct of business during a legislative session. This bill is identical to Senate Bill 809.

Patron - McDonnell

[P] HB2865 Annual report on state spending. Directs the Joint Legislative Audit and Review Commission to provide a report on state spending no later than November 15 of each year to the Governor and General Assembly. The Com-

mission's report shall identify spending functions and programs that could be consolidated with other programs, no longer have a distinct and discernible mission, or are not performing their missions efficiently. The Commission shall identify which state programs have had the largest impact on the growth of state spending and determine whether such growth in spending appears rationally related to the rates of increase in inflation, tax relief measures, mandated expenditures, populations served or other related matters.

Patron - Rust

[P] 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 a requirement for prompt preparation of the explanation.

Patron - Whipple

[P] SB809 Executive, judicial and independent agencies' bill drafting deadline. Changes the deadline for submitting all bill drafting requests to the Division of Legislative Services by the Governor, the Lieutenant Governor, Attorney General, Governor's Secretaries, and judicial, legislative, and independent branch agencies. The new request deadline coincides with the deadline for members of the General Assembly to submit legislative drafting requests to be prefiled to the Division, as established by the procedural resolution adopted by the General Assembly, or in default thereof, as adopted by the Joint Rules Committee. This bill is identical to HB 1755.

Patron - Norment

[P] SB844 VRS; introduction of VRS bills. Clarifies that any bill affecting any retirement system established in Title 51.1 must be introduced on the first day of the session. The voting requirements for consent to introduce such legislation after the first day are no longer set out in the statute. Such requirements may be established in the rules of the General Assembly.

Patron - Trumbo

[P] SB1415 Office expenses of members of the General Assembly. Restates existing law that office expense payments are allowances that require no vouchers for payments. The bill introduces the term "accountable plan," which some members of the General Assembly have elected to establish with the Internal Revenue Service.

Patron - Stosch

[P] SR22 Senate; introductions by incapacitated members. Allows the Clerk of the Senate to sign bills and resolutions for introduction upon authorization of a member who has become incapacitated.

Patron - Trumbo

[P] SR23 Senate; co-patrons. Amends the Senate Rules to extend the time to add or remove co-patrons to the time when the first vote is taken on the passage of the bill or agreement to the resolution. This change conforms the Senate Rules to the new co-patron provision in the 2001 procedural resolution (HJR 507).

Patron - Trumbo

[F] Failed

[F] HB1631 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 January 8, which coincides with 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

[F] HB1700 General Assembly; legislative review of regulatory implementation. Requires each standing committee of each house of the General Assembly to meet at the commencement of every regular session in an odd-numbered year to review implementation by state agencies of regulations with subject matter most properly referable to such standing committee.

Patron - Purkey

[F] HB1946 State and Local Fiscal Needs and Resources Commission. Creates the Fiscal Needs and Resources Commission as a legislative agency to continue the work of the Commission on Virginia's State and Local Tax Structure for the 21st Century. The commission would have 15 members with eight legislators, five nonlegislative citizens and the Secretary of Finance and the Tax Commissioner. The commission will examine on an ongoing basis state and local fiscal needs and resources issues.

Patron - Hull

[F] HB2298 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. The bill also provides a separate office equipment expense allowance not to exceed \$5,000 during a four-year period. Members are required to submit a voucher and accompanying receipts prior to receiving payment for equipment expenses.

Patron - Brink

[F] HB2321 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.

[F] HB2415 Legislative consideration of use of photo-monitoring system to enforce traffic light signals. Provides that prior to considering any legislation authorizing an authority to use a photo-monitoring system to enforce traffic light signals, also known as "photo-red," the locality must adopt a resolution requesting the General Assembly for such authority and explaining the need for using photo-red. Such resolution must be submitted to the committee of the General Assembly considering such legislation. The bill further provides that the localities that were authorized to use photo-red

prior to July 1, 2001, and have in fact been using photo-red may continue to do so until July 1, 2005. After July 1, 2005, such localities must also be granted authority to use photo-red by legislation enacted pursuant to the requirements of this bill.

Patron - May

[F] HJ654 Session policies for the awarding of overtime pay and compensatory leave to legislative branch employees. Revises the Joint Rules Committee Resolution regarding overtime compensation for professional and supervisory personnel during session. Under the current Resolution, professional and supervisory staff members are not compensated for those hours worked between 40 and 55 in the same calendar week. Nonprofessional and non-supervisory personnel are compensated for every hour greater than 40 with time-and-a-half in either leave or pay. This amendment provides for hour-for-hour compensation for those hours between 40 and 55. Such staff members will be entitled to leave only for those hours and not compensation in the form of pay. No other provisions of the Resolution are amended.

Patron - Joannou

[F] HJ735 Joint Rule of the General Assembly; term of service as chairman of a standing committee. Provides that no member of the General Assembly shall serve as the chairman of a standing committee of the House of Delegates or Senate for more than eight consecutive years.

Patron - Purkey

[F] SB1364 Conflicts of Interest; legislative officers and employees. Designates the office of the Clerk of the Senate and the office of the Clerk of the House of Delegates as depositories for disclosure statements of personal interests required to be filed by certain legislative officers and employees. Officers and employees of the Senate designated by the Joint Rules Committee are required to file their statements with the Clerk of the Senate. All other legislative officers and employees designated by the Joint Rules Committee must file their statements with the Clerk of the House of Delegates. The statements are maintained as public records for five years in the clerks' offices.

Patron - Trumbo

General Provisions of Virginia Code

[P] Passed

[P] HB1861 General provisions; statutory construction of "reenacted." Construes the term "reenacted" as used in a title and enactment clause to mean that the changes made by the bill to an act or Code section are in addition to the existing substantive provisions of that act or section, and are effective prospectively unless the bill expressly provides that such changes are effective retroactively on a specified date. Also, this rule of construction is declared to be existing public policy and law. Finally, the legislation states that it is intended to reverse the ruling in *Rubio v. Rubio*, 33 Va. App. 74, 531 S.E. 2d 612 (2000).

Patron - McDonnell

[P] SB914 Incorporation of regulations and amendments by local ordinances. Provides that when localities are empowered to incorporate by reference state regulations into a local ordinance, any ordinance incorporating by reference state regulations may include future amendments to the state regula-

tions provided such intent is specifically stated in such ordinance. The same authority already exists with regard to state statutes.

Patron - Wampler

[F] Failed

[F] HB2733 Statutory construction; use of population brackets. Restates the provisions of the Constitution of Virginia relative to the definition of a "general law." Also, provides for a conclusive presumption that the use of county, city or town population brackets for the application of certain statutes and acts of Assembly shall, after July 1, 2001, be construed for purposes of statutory construction and procedural requirements as special laws within the context of Item 5, § 1, Article VII of the Constitution of Virginia, if such bracket or language is applicable to only one political unit. A savings clause is provided to grandfather existing statutes as they may apply to certain counties, cities or towns.

Patron - Griffith

Health

[P] Passed

[P] HB1592 Medical assistance services; custom ocular prostheses. Requires the state plan for medical assistance services to include a provision for payment of medical assistance services for custom ocular prostheses.

Patron - Callahan

[P] HB1852 Certified nursing facility education initiative. Makes a technical amendment to the certified nursing facility education initiative passed by the 2000 General Assembly. The bill places a sunset of July 1, 2003, on the initiative, which was clearly the intention of last year's legislation, House Bill 714 (2000).

Patron - McQuigg

[P] HB1876 Family Access to Medical Insurance Security Plan (FAMIS). Provides an exemption for the Family Access to Medical Insurance Security Plan (FAMIS), upon approval by the federal Health Care Financing Administration, from any provision set forth in Title 38.2 that excludes, exempts or does not apply to the Virginia plan for medical assistance services established pursuant to Title XIX of the Social Security Act, 42 U. S. C. § 1396 et seq. (Medicaid).

Patron - Devolites

[P] HB1899 Health; sale of bedding. Provides an exemption from the requirements for sanitizing articles of bedding or upholstered furniture for self-storage facilities when the bedding or upholstered furniture pieces are sold pursuant to statute as a result of the owner of the contents stored in such self-storage facility being in default in the payment of rent.

Patron - Williams

[P] HB1903 Health; radon proficiency listings. Authorizes the Board of Health to make available to the public a list of persons who have been listed as proficient to offer screening, testing or mitigation for radon by the United States Environmental Protection Agency, the National Radon Measurement Proficiency Program of the National Environmental Health Association or the National Radon Safety Board Certified Radon Professional Program or any other proficiency program acceptable to the Board. This bill revises and updates

acceptable radon proficiency credentials. Current law only provides for proficiency listing by the Environmental Protection Agency (EPA). The EPA has, however, discontinued the National Radon Proficiency Program and has not designated a successor program.

Patron - Plum

[P] HB1982 Children's health insurance. Requires the Children's Medical Security Insurance Program and the Family Access to Medical Insurance Security Plan to include a provision for the request for the cooperation of the custodial parent with the state in securing child support payments. However, the granting of such cooperation shall not be a condition of eligibility. The bill has an expiration date of July 1, 2003.

Patron - Watts

[P] HB2015 Youth suicide prevention. Requires, with such funds as may be appropriated for this purpose, the Department of Health to assume lead responsibility in the Commonwealth for coordinating activities concerning youth suicide prevention. This responsibility includes coordination of the activities of the agencies of the Commonwealth pertaining to youth suicide prevention in order to develop a comprehensive youth suicide prevention plan addressing the promotion of health development, early identification, crisis intervention, and support to survivors. The bill requires the Department of Health to report annually to the Governor and General Assembly on the status of youth suicide prevention. The powers and duties of other state agencies vis-a-vis prevention of youth suicide are specifically noted not to be limited. This bill is a recommendation of the Commission on Youth and is identical to SB 1190.

Patron - Hamilton

[P] HB2060 Health; local health partnership authorities. Creates the authority for single or multi-jurisdictional health care partnership authorities where government and private entities may join forces to address the health care needs of the area and assist in providing such services in a coordinated manner so as to eliminate duplication and inefficiency. The bill provides the basic outline for a local authority with provisions for membership, a board of directors, meeting and voting requirements and an outline of powers and duties. The authority would have to be approved by each participating locality by ordinance, resolution or agreement only after a public hearing has been held. The bill also has provisions that (i) allow for the disclosure of medical records to the authority to allow for health care services to be provided, and (ii) protect volunteers from civil liability for acts or omissions when providing noninvasive and minimally invasive procedures limited to finger sticks and injections performed as part of health care services unless the acts or omissions were the result of gross negligence or willful misconduct. The State Department of Health must choose the multi-jurisdictional effort that has been operating a community health program under a grant from the Robert Wood Johnson and Kellogg Foundations in Planning District 8 to act as a pilot for this concept. The Joint Commission on Health Care is required to monitor and provide technical advice to the pilot project and to evaluate the program by November 15, 2002. This provision sunsets on July 1, 2003.

Patron - McQuigg

[P] HB2090 Health; tuberculosis control. Expands the current provisions for the control of tuberculosis to require each physician or person in charge of a medical facility or correctional facility to report active cases of tuberculosis to the local director of health and develop a plan of treatment. Currently, tuberculosis is designated as a reportable disease by the Board of Health and is reported to the Department of Health. The plan of treatment may be requested by the local health

director and will be subject to the approval of the local health director. The Commissioner of Health is authorized to settle disagreements on the plan of treatment according to statewide standards. All persons in charge of an inpatient facility or a correctional institution or jail will be required to submit the treatment plan to the local health director and to encourage the patient to comply with the treatment plan. If the person does not comply, the person in charge of the facility or correctional institution or jail, may request additional actions of the Commissioner of Health under existing law, including isolation. Laboratories doing testing on samples must also report positive cases of active tuberculosis to the state.

Patron - Devolites

[P] HB2272 Health; verbal orders in hospitals. Requires the regulations of the Board of Health for the licensure of hospitals to allow those hospital employees, designated in the medical staff bylaws or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians and other persons lawfully authorized by state law to give patient orders. The verbal orders would have to be signed within a reasonable time, not to exceed 72 hours, by the person giving the order, or, if that person is not available within the 72-hour period, by another physician or person authorized to give orders.

Patron - Shuler

[P] HB2346 Health; emergency medical services. Requires the regulations of the Board of Health to include requirements such as appropriate training and education qualifications to allow emergency medical services personnel to carry and administer epinephrine or a medically accepted equivalent. Epinephrine is used as emergency treatment for individuals experiencing anaphylactic shock, for example, severe allergic reactions resulting from bee stings.

Patron - Almand

[P] HB2388 Nursing homes; barrier crimes. Expands the list of crimes that bar a person from employment in a licensed nursing home by adding such crimes as malicious wounding by mob, car jacking, extortion by threat, felony stalking, drive by shooting, use of a machine gun in a crime of violence, aggressive use of a machine gun, use of a sawed-off shotgun in a crime of violence, electronic facilitation of pornography, delivery of drugs to prisoners, escape from jail, felonies by prisoners and the equivalent offenses in another state. The expanded list is similar to the barrier crimes provided in present law for child-care facilities and mental health facilities.

Patron - Clement

[P] HB2463 Human cloning. Prohibits the cloning of humans, i.e., the creation of or attempt to create a human being by transferring the nucleus from a human cell from whatever source into an oocyte from which the nucleus has been removed. Cloning of animals is accomplished by withdrawing or otherwise rendering inert the chromosomes (the linear threads containing the genes) from a somatic cell (a mature, diploid cell having a complete set of chromosomes) and inserting the genetic material of the individual to be reproduced into an oocyte (an ovum or egg). The altered cell is then implanted into a uterus. This bill defines several scientific terms, e.g., cloning, human cloning, nucleus, oocyte, somatic cell, and somatic cell nuclear transfer. The following acts are prohibited: the performance of human cloning; the implantation or attempted implantation of the product of somatic cell nuclear transfer into an uterine environment so as to initiate a pregnancy; the possession of the product of human cloning; and the shipping or receiving of the product of a somatic cell nuclear transfer in commerce for the purpose of implantation of such

product into an uterine environment so as to initiate a pregnancy. In addition to any other applicable penalty, any person violating this law will be liable for a civil penalty not to exceed \$50,000 per incident. The use of somatic cell nuclear transfer or other cloning technologies for biomedical and agricultural research, of gene therapy, and of somatic cell nuclear transfer techniques to create animals other than humans are not restricted. This bill is identical to SB 1305.

Patron - McDonnell

[P] HB2694 Resource code and referral information on pharmaceutical companies' free drug programs. Directs the Health Commissioner to establish, maintain and publicize a toll-free number to provide resource and referral information on pharmaceutical companies' free drug programs for persons who demonstrate financial hardship; in other words, the pharmaceutical companies' compassionate programs will be publicized. Such information must include, but not be limited to, available drugs, participating pharmaceutical companies, application procedures for each of the pharmaceutical companies and dispensing methods. The Commissioner may contract with one or more public or private organizations to administer this resource and referral program. A second enactment provides that this act will not become effective unless an appropriation effectuating the purposes of the act is included in the 2001 appropriation act, passed during the 2001 Session of the General Assembly, and signed into law by the Governor.

Patron - Welch

[P] HB2726 Health; on-site sewage evaluations. Requires, notwithstanding any other provision of law or the provisions of any local ordinance, that counties, cities and towns, in the administration of their own ordinances, must comply with the time limits that currently apply in state law to the Department of Health in performing a field check of private evaluations and designs for single lots or for subdivision, residential development. The Department of Health is required to evaluate and approve or deny a request for an on-site sewage permit for a single lot construction permit within 15 days of the request and to evaluate and approve or deny a request for multiple lot certification letters or subdivision review within 60 days of the request.

Patron - Black

[P] HB2763 Health; outpatient data collection. Requires health care providers, including hospitals, ambulatory surgery centers, and physicians, to report data on outpatient surgery procedures to the Virginia Patient Level Data System. No fees will be charged by the nonprofit organization for the submission of outpatient data for the first twelve months of data submission; however, after twelve months, the nonprofit organization may charge a fee of up to one dollar for those records its determines are not processed, verifiable data. The confidentiality of inpatient level data continues to be protected and may be publicly released only when the information released is designed to prevent persons from being able to gain access to combinations of patient characteristic data elements that reasonably could be expected to reveal the identity of any patient; outpatient surgical charge data will only be made publicly available pursuant to a review by the Joint Commission on Health Care. The nonprofit health data organization must conduct a pilot study to assess the impact of requiring the submission of outpatient surgical data, including the logistics and costs as well as the potential value of the submission of such information.

Patron - Brink

[P] SB724 Virginia Children's Medical Security Insurance Plan; Family Access to Medical Insurance Security (FAMIS) Plan. Requires the recently approved FAMIS

program to include a provision to request the custodial parent's cooperation with the Commonwealth in securing medical and child support payments; this cooperation must not be a condition of the child's eligibility for FAMIS. A second enactment sunsets this provision on July 1, 2003.

Patron - Lambert

[P] SB838 Health; radon proficiency listings. Authorizes the Board of Health to list and accept as proficient, to offer screening, testing or mitigation for radon, persons acceptable to the United States Environmental Protection Agency, the National Radon Measurement Proficiency Program of the National Environmental Health Association or the National Radon Safety Board Certified Radon Professional Program or any other proficiency program acceptable to the Board. This bill revises and updates acceptable radon proficiency credentials. Current law only provides for proficiency listing by the Environmental Protection Agency. The EPA has, however, discontinued the National Radon Proficiency Program and has not designated a successor program.

Patron - Watkins

[P] SB955 Health insurance; adverse decisions. Requires utilization review entities rendering adverse decisions to provide the treating physician with the name, address, and telephone number of the person responsible for making such adverse decision. Currently, entities are only required to provide a contact name, address, and telephone number.

Patron - Couric

[P] SB967 Licensure of home health organizations; exemptions. Provides an exemption from licensure as a home health organization for a natural person, who provides services to a patient on an individual basis if such person is (i) acting alone under a medical plan of care and is licensed to provide such services pursuant to Title 54.1 or (ii) retained by the individual or by another individual acting on the individual's behalf.

Patron - Potts

[P] SB1007 Health; newborn testing. Adds testing for congenital adrenal hyperplasia to the tests required to be performed on every newborn in the Commonwealth to prevent mental retardation, permanent disability or death. Those infants whose parents or guardians object to the testing[RS1] because of religious practices or tenets continue to be exempt. The bill has a delayed effective date of January 1, 2002.

Patron - Ticer

[P] SB1139 Health; scholarships and loans for health professionals. Provides that physician, nurse, physician assistant, and nurse practitioner scholarship and loan repayment amounts that are awarded and eventually forfeited by recipients remain in the respective scholarship or loan repayment fund rather than reverting to the general fund. The bill also adds a loan repayment feature under the registered and licensed practical nurse scholarship programs. The bill also has technical amendments.

Patron - Lambert

[P] SB1190 Youth suicide prevention. Requires, with such funds as may be appropriated for this purpose, the Department of Health to assume lead responsibility in the Commonwealth for coordinating activities concerning youth suicide prevention. This responsibility includes coordination of the activities of the agencies of the Commonwealth pertaining to youth suicide prevention in order to develop a comprehensive youth suicide prevention plan addressing the promotion of health development, early identification, crisis intervention, and support to survivors. The bill requires the Department of

Health to report annually to the Governor and General Assembly on the status of youth suicide prevention. The powers and duties of other state agencies vis-a-vis prevention of youth suicide are specifically noted not to be limited. This bill is a recommendation of the Commission on Youth and is identical to HB 2015.

Patron - Houck

[P] SB1250 Pilot project for computerization of local septic system data. Requires the Commissioner of Health, as part of the development of a statewide database module with local compatibility, to implement a pilot project for the Counties of Bedford, Franklin, and Pittsylvania to computerize the data on septic systems with the goal of producing data capable of being merged with real estate records, particularly for the areas surrounding Smith Mountain Lake. The pilot project must establish a database for the storage and retrieval of information on local septic systems based on installation permits. Information resulting from septic tank pumpouts and other maintenance must also be included in this database. All the information in the database must be capable of being merged with the local real estate records. The Commissioner is required to implement the pilot project solely with state funds and must exempt the relevant counties from the cost-sharing requirements of the state/local cooperative budget formula. A second enactment provides that this act will not become effective unless an appropriation effectuating the purposes of the act is included in the 2001 Appropriations Act, passed during the 2001 Session of the General Assembly, and signed into law by the Governor.

Patron - Reynolds

[P] SB1305 Human cloning. Prohibits the cloning of humans, i.e., the creation of or attempt to create a human being by transferring the nucleus from a human cell from whatever source into an oocyte from which the nucleus has been removed. Cloning of animals is accomplished by withdrawing or otherwise rendering inert the chromosomes (the linear threads containing the genes) from a somatic cell (a mature, diploid cell having a complete set of chromosomes) and inserting the genetic material of the individual to be reproduced into an oocyte (an ovum or egg). The altered cell is then implanted into a uterus. This bill defines several scientific terms, e.g., cloning, human cloning, nucleus, oocyte, somatic cell, and somatic cell nuclear transfer. The following acts are prohibited: the performance of human cloning; the implantation or attempted implantation of the product of somatic cell nuclear transfer into an uterine environment so as to initiate a pregnancy; the possession of the product of human cloning; and the shipping or receiving of the product of a somatic cell nuclear transfer in commerce for the purpose of implantation of such product into an uterine environment so as to initiate a pregnancy. In addition to any other applicable penalty, any person violating this law will be liable for a civil penalty not to exceed \$50,000 per incident. The use of somatic cell nuclear transfer or other cloning technologies for biomedical and agricultural research, of gene therapy, and of somatic cell nuclear transfer techniques to create animals other than humans are not restricted. This bill is identical to HB 2463.

Patron - Newman

[P] SB1377 Medical assistance services; breast or cervical cancer treatment for certain women. Requires the Board of Medical Assistance Services to include in the state plan for medical assistance a provision for payment of medical assistance, pursuant to the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (P.L. 106-354), for certain women with breast or cervical cancer when such women (i) have been screened for breast or cervical cancer under the Centers for Disease Control and Prevention (CDC) Breast and Cer-

vical Cancer Early Detection Program established under Title XV of the Public Health Service Act; (ii) need treatment for breast or cervical cancer, including treatment for a precancerous condition of the breast or cervix; (iii) are not otherwise covered under creditable coverage, as defined in § 2701 (c) of the Public Health Service Act; (iv) are not otherwise eligible for medical assistance services under any mandatory categorically needy eligibility group; and (v) have not attained age 65. This provision must include an expedited eligibility determination for such women. This bill includes a second enactment stating that the act will not become effective unless an appropriation effectuating the purposes of the act is included in the 2001 Appropriation Act, passed during the 2001 Session of the General Assembly, and signed into law by the Governor.

Patron - Ticer

[P] SB1385 Bed capacity and licensure in hospitals designated as critical access hospitals. Provides that any licensed hospital that (i) has been certified as a critical access hospital, and (ii) has been required to reduce its licensed bed capacity as a result of the critical access certification, will, upon termination of its critical access hospital certification, be licensed to operate at the licensed bed capacity in existence prior to the critical access hospital certification without being required to apply for and obtain a certificate of public need.

Patron - Reynolds

[F] Failed

[F] HB1582 Health; licensure of midwives. Requires persons practicing midwifery for compensation, which is the assessment and care of a pregnant woman and her newborn during pregnancy, labor, birth, and the postpartum period, to be licensed. Applicants must meet specialized training and competency standards set by the Board of Health, with advice from the Advisory Council on Midwifery established in this bill, and must have a written protocol for medical emergencies. 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, shall include information about the midwife's training, a written protocol for medical emergencies, a description for the midwifery model of care, a disclosure concerning the licensed midwife's malpractice or liability insurance coverage, and a description of the right to file a complaint with the Board of Health and the procedures for doing so. The Board of Health shall promulgate regulations which, when implemented, will supersede current provisions in the Code for midwives.

Patron - Hamilton

[F] HB1664 Medicaid; intestinal transplants. Adds intestinal transplants, when all criteria are met, to Medicaid-approved procedures for recipients over 21 years of age.

Patron - Hamilton

[F] HB1665 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 Department of Medical Assistance Services may contract with third-party administrators to provide administrative services that include enrollment, outreach, eligibility determination, data collection, premium payment and collection, financial oversight and reporting. The benefit is limited to prescription drugs manufactured by pharmaceutical companies that agree to provide manufacturer rebates. Eligible persons must have incomes at or below 150 percent of the federal poverty level or have prescription drug

expenses that exceed 40 percent of his or her annual income, as set forth in the appropriations act. They must also be age 65 or older or eligible for federal Old Age, Survivors and Disability Insurance Benefits, not be receiving a prescription drug benefit through a Medicare supplemental policy or other third-party payor prescription benefit as of July 1, 2001, and be ineligible for Medicaid prescription benefits; however, nothing shall prohibit the enrollment of a person in the Program during the period in which their Medicaid eligibility is determined. 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 the Department of Medical Assistance Services. 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 10 percent of the proceeds received by the Commonwealth under the Master Tobacco Settlement Agreement and any federal funds available for this purpose. Administrative costs are to be paid from the pharmaceutical manufacturer rebates to the extent available and the \$20 dollar annual enrollment fees. The Board shall develop a comprehensive statewide community-based outreach plan to enroll eligible persons and the Department of Medical Assistance Services shall report annually on the program's implementation. No entitlement to prescription drug coverage on the part of any eligible person or any right or entitlement to participation is created and such coverage shall only be available to the extent that funds are appropriated therefor. This bill incorporates HB 1803, HB 2179, and HB 2633.

Patron - Deeds

[F] HB1682 Testing of certain well water. Authorizes the County of Warren to establish, by ordinance, standards for private wells and reasonable testing requirements for private ground water wells to determine compliance with various federal or state drinking water quality standards to be performed prior to the issuance of a building permit.

Patron - Louderback

[F] HB1783 Health insurance for teachers. Requires local school boards to provide teachers the opportunity to participate in the local choice health insurance programs administered through the Department of Human Resources Management. The local choice health insurance program currently offers prescription drug coverage for retirees.

Patron - Deeds

[F] HB1785 Virginia Prescription Drug Payment Assistance Pilot Program. Requires the Department of Medical Assistance Services to establish a two-year pilot program, the Virginia Prescription Drug Payment Assistance Pilot Program, by January 1, 2002, to assist a predetermined number of eligible elderly and disabled Virginians in paying for prescription drugs on a first-come, first-served basis. Eligibility criteria shall require that a person have (i) an income below 200 percent of the federal poverty level or (ii) prescription drug expenses that exceed forty percent of his annual income. Also, participants must be 65 or older or eligible for federal Old Age Survivors and Disability Insurance Benefits, and be ineligible for Medicaid prescription benefits and not be receiving a prescription drug benefit through a Medicare supplemental policy or any other third party payor prescription benefit. The annual benefit per eligible person shall be up to \$2,500. The Department shall establish claims procedures and co-payment amounts, not to exceed 25 percent of the cost but not less than five dollars.

Patron - Deeds

[F] HB1803 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. This bill has been incorporated into HB 1665.

Patron - Tate

[F] HB1819 Medical assistance services; personal care allowance. Requires the state plan for medical assistance services to include a provision for a monthly personal care allowance of \$50 for persons receiving medical assistance and residing in nursing homes.

Patron - Armstrong

[F] HB1822 Hospice facilities. Provides that hospice programs may be licensed to provide services in a patient's home, a licensed hospital or nursing home, a licensed assisted living facility or a licensed hospice facility. A hospice facility is a specialized facility that is operated by a licensed hospice program solely for the care of hospice patients in an inpatient or a group residential setting. The bill requires the Health Commissioner to license hospice facilities and requires the Board of Health to adopt regulations governing hospice facilities. The regulations shall include requirements for adequate and sufficient staff to provide services to attain and maintain care to meet (i) the plan of care for each patient as established by the hospice program and (ii) the physical safety of the residents. The regulations shall also include staff qualifications and training; facility design, functional design and equipment; and services to be provided to residents, in addition to the services defined in the hospice program plan of care.

Patron - Morgan

[F] HB1864 Health; scholarships and loans for health professionals. Provides that physician, nurse, physician assistant, and nurse practitioner scholarship and loan repayment amounts that are awarded and eventually forfeited by recipients remain in the respective scholarship or loan repayment fund rather than reverting to the general fund. The bill also adds a loan repayment feature under the registered and licensed practical nurse scholarship programs. The bill also has technical amendments.

Patron - McDonnell

[F] HB1920 Long-term care facilities; voluntary closure or nonrenewal of license or provider agreement and

receivership. Provides procedures and consumer protections in the event a long-term care facility chooses voluntarily to close or not to renew its license or provider agreement. All licensed nursing homes, certified nursing homes and assisted living facilities shall notify in writing the appropriate state licensing agency, residents and their authorized representatives and physicians of its intent to close no less than 120 days in advance of its intended closure in order to provide residents the time needed to search for and select a new long-term care facility. The long-term care facility must submit a resident relocation plan to the appropriate state licensing agency for its approval within seven days of the written notification of intent to close or not renew its license or provider agreement. A copy of the relocation plan shall be provided to the Office of the State Long-Term Care Ombudsman. A relocation team will be formed, within seven days of the written notification, comprised of representatives from the state licensing agency, the Department of Medical Assistance Services, the local long-term care ombudsman, the local department of social services, and, when appropriate, the local community services board. The costs of the relocation team shall be absorbed by the agencies as part of their normal duties and responsibilities. The state licensing agency shall not provide written approval of the relocation plan until it has input from the relocation team and the Office of the State Long-Term Care Ombudsman. Department review and approval of the relocation plan shall occur within seven calendar days of receipt of the Office of the State Long-Term Care Ombudsman and local relocation team's recommendations. Failure by the long-term care facility to comply with these provisions shall result in the state licensing agency petitioning the circuit court in the jurisdiction in which the long-term care facility is located for the appointment of a receiver. Finally, the bill provides a process for receivership for noncompliant assisted living facilities commensurate with that of nursing homes and certified nursing facilities. This bill is identical to SB 845.

Patron - Van Yahres

[F] HB1979 Medicaid eligibility; uncompensated transfers of property. Provides that for purposes of satisfying requirements related to the fair market value of real property when determining Medicaid eligibility, the assessed value of property that has been under land use assessment for at least 10 years prior to a conveyance, and, pursuant to restrictions placed upon the deed, remains under land use assessment for at least five years after such conveyance, shall be deemed to be the fair market value. If a person seeking Medicaid maintains long-term care insurance with a minimum of at least three years coverage after the conveyance of the property, the bill allows a five-year restriction to satisfy the requirement.

Patron - Orrock

[F] HB2016 Health; scholarships and loans for health professionals. Provides that physician, nurse, physician assistant, and nurse practitioner scholarship and loan repayment amounts that are awarded and eventually forfeited by recipients remain in the respective scholarship or loan repayment fund rather than reverting to the general fund. The bill also adds a loan repayment feature under the registered and licensed practical nurse scholarship programs. The bill also has technical amendments.

Patron - Hamilton

[F] HB2083 Regulation of certain health care facilities. Requires all facilities licensed by the Board of Health which, in the course of providing treatment, stock blood for transfusions to request an Establishment Variance from the federal Food and Drug Administration (FDA) to accept blood drawn from therapeutic donors who have been diagnosed as having the genetic disorder known as hemochromatosis. The

facilities must also agree to accept such blood and to certify to the FDA that no charge will be made for the therapeutic phlebotomies. The relevant facilities must also maintain records identifying blood donated by hemochromatosis donors, the unique numbers of units of such blood, the patient receiving any unit of such blood, and the nature and severity of any adverse reaction to such blood. The relevant facilities must report any adverse reactions to the blood service from which the specific unit or units of blood causing the adverse reactions were received, including the unique number of the unit or units and the nature and severity of the adverse reaction. "Hemochromatosis" is an inherited condition of iron metabolism in which the body absorbs too much iron from food and iron accumulates in body tissues, thereby damaging or destroying, over time, major organs, such as the liver. The treatment for hemochromatosis is therapeutic phlebotomy, i.e., drawing blood from the patient and thereby removing red blood cells and excess iron. The blood from such patients is normal; the patient's condition is a metabolic disease. However, at this time, despite the crisis in blood supply, this blood is discarded.

Patron - Van Yahres

[F] HB2155 Regulation of health care facilities. Establishes a three-phase plan for deregulation of certain medical care facilities' certificate of public need (COPN) services as required by § 32.1-102.13. This bill sets out the Joint Commission on Health Care's COPN deregulation plan in numerous enactments. The first enactment sets forth the goals and an outline of the Plan and will be effective in due course. Each of the three-deregulation phases are set out in separate, designated enactments and will only become effective upon the appropriation of certain funds built into the various phases, e.g., for indigent care and Medicaid expansions. The goals of the plan are to (i) offer more choices to patients while simultaneously providing consumers with better information about the value of services in all settings; (ii) ensure that access to essential health care services for all Virginians, particularly the indigent and the uninsured, is preserved and improved, in so far as possible; (iii) provide strong quality protections that correspond to service intensity and/or patient risk and apply similarly across all health care settings; (iv) support indigent care and medical education costs at the academic health centers; and ensure that the Commonwealth's health care financing programs reimburse at a level that covers the allowable costs of care and that the Commonwealth meets its obligations as a responsible business partner. Phase I proposes to deregulate equipment purchases and introduction of new services for computed tomographic (CT) scanning, lithotripsy, magnetic resonance imaging (MRI), magnetic source imaging (MSI), positron emission tomographic (PET) scanning, and all nuclear medicine imaging. Phase II proposes to deregulate equipment purchases and the introduction of new services for cardiac catheterization, gamma knife surgery, and radiation therapy. Phase III proposes to deregulate ambulatory surgery centers, neonatal special care, obstetric services, open-heart surgery, and organ transplantation services. Simultaneously with the elimination of the COPN requirements, the providers of the COPN-deregulated services will be required to comply with licensure requirements promulgated and administered by the Board of Health, consistent with appropriate existing, nationally recognized accreditation standards. The various COPN-deregulated providers will also be required to report claims data, certain quality outcome information for selected high risk procedures, where applicable, and annual financial information on indigent care. Studies of the effects of the deregulation and various related health care issues, e.g., the funding of medical education at the undergraduate and graduate levels, various Medicaid eligibility issues, and contributions to indigent care by the COPN-deregulated providers, will be required at each phase of the deregulation. Much of the substance of the Plan is

set out in the various enactment clauses, i.e., the appropriation conditions, the establishment of a task force to assist the Board of Health, requirements for emergency regulations at appropriate intervals, etc. Although the various provisions of this bill are contingent upon appropriation of funds, the authority to determine the amount and sufficiency of the funding is left to the relevant appropriation act.

Patron - Morgan

[F] HB2179 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 Department of Medical Assistance Services may contract with third-party administrators to provide administrative services that include enrollment, outreach, eligibility determination, data collection, premium payment and collection, financial oversight and reporting. The benefit is limited to prescription drugs manufactured by pharmaceutical companies that agree to provide manufacturer rebates. Eligible persons must have incomes at or below 150 percent of the federal poverty level or have prescription drug expenses that exceed 40 percent of his or her annual income, as set forth in the appropriations act. They must also be age 65 or older or eligible for federal Old Age, Survivors and Disability Insurance Benefits, not be receiving a prescription drug benefit through a Medicare supplemental policy or other third-party payor prescription benefit as of July 1, 2001, and be ineligible for Medicaid prescription benefits; however, nothing shall prohibit the enrollment of a person in the Program during the period in which their Medicaid eligibility is determined. 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. The card shall conform to administrative standards developed and published by the National Council for Prescription Drug Programs. Benefits will be paid to pharmacies under a point-of-service claims procedure to be established by the Department of Medical Assistance Services. 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. All licensed pharmacists shall be allowed to participate in the program so long as the provider is willing to abide by the terms and conditions the Board establishes to participate. Money to pay the claims will come from the newly established Prescription Assistance Fund, which is to be financed by 10 percent of the proceeds received by the Commonwealth under the Master Tobacco Settlement Agreement and any federal funds available for this purpose. Administrative costs are to be paid from the pharmaceutical manufacturer rebates to the extent available and the \$20 annual enrollment fees. The Board shall develop a comprehensive statewide community-based outreach plan to enroll eligible persons and the Department of Medical Assistance Services shall report annually on the program's implementation. No entitlement to prescription drug coverage on the part of any eligible person or any right or entitlement to participation is created and such coverage shall only be available to the extent that funds are appropriated therefor. This bill has been incorporated into HB 1665.

Patron - Morgan

[F] HB2208 Medical assistance services; applications for children. Permits a child's application for medical assistance services to be filed by a parent, legal guardian, or any other adult caretaker who is familiar with the child's circumstances.

Patron - Van Landingham

[F] HB2209 Children's health insurance; application. Permits a child's application for Family Access to Medical Insurance Security Plan or Virginia Children's Medical Security Insurance Plan to be filed by a parent, legal guardian, or any other adult caretaker who is familiar with the child's circumstances.

Patron - Van Landingham

[F] HB2210 Children's health insurance; waiting period exception. Eliminates the waiting period for previously insured children for coverage under the Children Medical Security Insurance Plan and the Family Access to Medical Insurance Security Plan where the applicant can document that the cost of previous health insurance has exceeded 10 percent of the family's countable monthly income for a period of three consecutive months.

Patron - Van Landingham

[F] HB2226 Virginia Tobacco Settlement Fund; tobacco compliance checks. Ensures that the Department of Alcoholic Beverage Control will receive money from the Virginia Tobacco Settlement Fund to conduct tobacco compliance checks.

Patron - Almand

[F] HB2227 Health; vital statistics. Clarifies that persons who may request and receive official copies of death certificates are persons with a direct and tangible interest, including surviving relatives and their legal representatives, and legal beneficiaries.

Patron - Almand

[F] HB2257 Health; nursing home standards. Requires the Board of Health to establish staffing standards for nursing homes that will provide an average of five hours of direct care services per resident per 24-hour period to be reported quarterly.

Patron - Watts

[F] HB2264 Reporting, compilation, and analysis of data on abortion procedure complications. Mandates that the Board of Health require reporting of and will compile and analyze data on complications resulting from any abortion procedure. Any physician, regardless of whether he performed the abortion, who treats a patient experiencing complications from an abortion procedure that occur within 60 days of the performance of the procedure must report to the Board on such complications in accordance with the Board's regulations. The Board's regulations will address, among other complications, any infections, perforations, long-term reproductive dysfunction, and psychological problems that may have resulted from abortions.

Patron - Marshall

[F] HB2265 Definition of hospital; abortion clinics. Defines the term "hospital" to include any clinic performing 25 or more abortions per year. Any such clinic will be subject 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 not, however, be subject to the requirements of the certificate of public need law unless desiring to become licensed as ambulatory surgery centers.

Patron - Marshall

[F] HB2276 Medical assistance services. Requires the Board of Medical Assistance Services to amend the state plan for medical assistance services to include a provision to

revise the payment methodology for nursing facility reimbursement that addresses the nursing personnel shortages in rural nursing facilities. This bill requires an exception for rural nursing facilities to the uniform expense classification requirement that allowable expenses for operating costs not exceed the limits or ceilings or both established in the payment system when the allowable expenses for operating expenses have exceeded the limits or ceilings or both because, in order to maintain regular nursing staff levels for direct patient care during a nursing shortage, a rural nursing facility has had to hire contract nurses at higher salary rates than the rates used in the facility's gross salary calculations in its previous annual cost report. These extraordinary expenses must be defined as significant operational changes that can be demonstrated to have a major impact on the fiscal stability of the rural nursing facility. The rural nursing facility will have the right to submit amendments to its previous annual cost report immediately upon incurring these expenses, receive an adjustment of its prospectively determined operating cost rate or ceiling regardless of its peer group, and obtain a recalculation of its reimbursement rate based on the adjustment within 30 days of submission of the amended cost report. Reimbursement of the rural nursing facility on the basis of the newly recalculated reimbursement rate must be initiated within 30 days of the recalculation of the reimbursement rate.

Patron - Day

[F] HB2296 Children's health insurance. Requires the enrollment of children in the Virginia Children's Medical Security Insurance Plan or the Family Access to Medical Insurance Security Plan during the period in which their Medicaid eligibility is determined.

Patron - Brink

[F] HB2297 Children's health insurance; single application. Requires a single application to be used to determine eligibility for the Family Access to Medical Insurance Security Plan and Medicaid.

Patron - Brink

[F] HB2319 Health; pharmacy scholarships and loans. Establishes a scholarship and loan repayment program for qualified pharmacy students or graduates of an accredited pharmacy school in the Commonwealth. This is similar in nature to current programs for nurses, physicians, physician assistants and dentists. Any funds remaining in each of the scholarship or loan repayment funds shall not revert to the general fund but shall remain in that program for its purposes.

Patron - Jones, S.C.

[F] HB2409 Funding of local health departments. Requires, notwithstanding any other provision of law or regulation to the contrary, the Board of Health to include, in any agreement with any county or city for the operation of its health department or any funding allocation for any independent local health department, a stipulation for the Commonwealth to assume, on a phased-in basis, the full costs of such services and operations of the various local health departments as are required by state law. The Board's funding allocations must provide for such yearly incremental increases to reach 100 percent state funding of all required local health department services and operations over a five-year period, beginning on July 1, 2002, and ending on June 30, 2006.

Patron - Bryant

[F] HB2432 Virginia Tobacco Settlement Fund. Clarifies that the sole purpose for which the moneys in the Virginia Tobacco Settlement Fund may be awarded is for financing efforts to restrict minors' tobacco use.

Patron - O'Bannon

[F] HB2633 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 Department of Medical Assistance Services may contract with third-party administrators to provide administrative services that include enrollment, outreach, eligibility determination, data collection, premium payment and collection, financial oversight and reporting. The benefit is limited to prescription drugs manufactured by pharmaceutical companies that agree to provide manufacturer rebates. Eligible persons must have incomes at or below 150 percent of the federal poverty level or have prescription drug expenses that exceed 40 percent of their annual income, as set forth in the appropriations act. They must also be age 65 or older or eligible for federal Old Age, Survivors and Disability Insurance Benefits, not be receiving a prescription drug benefit through a Medicare supplemental policy or other third-party payor prescription benefit as of July 1, 2001, and be ineligible for Medicaid prescription benefits; however, nothing shall prohibit the enrollment of a person in the Program during the period in which their Medicaid eligibility is determined. 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 the Department of Medical Assistance Services. 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 10 percent of the proceeds received by the Commonwealth under the Master Tobacco Settlement Agreement and any federal funds available for this purpose. Administrative costs are to be paid from the pharmaceutical manufacturer rebates to the extent available and the \$20 annual enrollment fees. The Board shall develop a comprehensive statewide community-based outreach plan to enroll eligible persons and the Department of Medical Assistance Services shall report annually on the program's implementation. No entitlement to prescription drug coverage on the part of any eligible person or any right or entitlement to participation is created and such coverage shall only be available to the extent that funds are appropriated therefor. This bill has been incorporated into HB 1665.

Patron - Christian

[F] HB2661 Pilot project for computerization of local septic system data. Requires the Commissioner of Health, as part of the development of a statewide database module with local compatibility, to implement a pilot project for the Counties of Bedford, Franklin, and Pittsylvania to computerize the data on septic systems with the goal of producing data capable of being merged with real estate records, particularly for the areas surrounding Smith Mountain Lake. The pilot project must establish a database for the storage and retrieval of information on local septic systems based on installation permits. Information resulting from septic tank pumpouts and other maintenance must also be included in this database. All the information in the database must be capable of being merged with the local real estate records. The Commissioner is required to implement the pilot project solely with state funds and must exempt the relevant counties from the cost-sharing requirements of the state/local cooperative budget formula.

Patron - Putney

[F] HB2748 Criminal records checks for nursing home employees. Requires the Department of Health to screen

prospective applicants to assess whether such persons have been successfully rehabilitated and are not a risk to residents of the nursing home based on their criminal history backgrounds. The Department may contract for such screening services. To be eligible for such screening, the applicant must have completed all prison or jail terms; not be under probation or parole supervision, or any suspended sentence; have no pending charges in any locality, have paid all fines, restitution, and court costs for any prior convictions; and have been free of any suspended sentence, parole or probation for at least seven years for drug convictions and five years for all other convictions. In addition to any such additional information as the Department may require or the prospective applicant wishes to present, the prospective applicant must provide to the state screening contractor a statement from his most recent probation or parole officer, if any, outlining his period of supervision, together with a copy of any pre-sentencing or post-sentencing report in connection with each felony conviction. The prospective applicant must pay the cost of such screening, unless the licensed nursing home decides, at its option to pay such cost.

Patron - Barlow

[F] HB2780 Health; infection reporting. Requires every hospital licensed by the Board of Health to report to the Board all infections contracted by patients while in the hospital. The Board shall compile and analyze this data for use in health facility regulation and protection of consumer health. The Board shall also share this information, in such a way as to protect the anonymity of the patients, with the Division of Consumer Counsel in the Office of the Attorney General and with the Administrator of Consumer Affairs in the Department of Agriculture and Consumer Services.

Patron - Purkey

[F] HB2800 Regulation of health care facilities. Establishes a three-phase plan for deregulation of certain medical care facilities' certificate of public need (COPN) services as required by § 32.1-102.13. This bill sets out substantially the components of the Joint Commission on Health Care's COPN deregulation plan in numerous enactments. The first enactment sets forth goals and an outline for the deregulation and will be effective in due course. Each of the three-deregulation phases are set out in separate, designated enactments. The goals of the deregulation are to (i) offer more choices to patients while simultaneously providing consumers with better information about the value of services in all settings; (ii) ensure that access to essential health care services for all Virginians, particularly the indigent and the uninsured, is preserved and improved, in so far as possible; (iii) provide strong quality protections that correspond to service intensity and/or patient risk and apply similarly across all health care settings; and (iv) support indigent care and medical education costs at the academic health centers. Phase I proposes to deregulate equipment purchases and introduction of new services for computed tomographic (CT) scanning, lithotripsy, magnetic resonance imaging (MRI), magnetic source imaging (MSI), positron emission tomographic (PET) scanning, and all nuclear medicine imaging. Phase II proposes to deregulate equipment purchases and the introduction of new services for cardiac catheterization, gamma knife surgery, and radiation therapy. Phase III proposes to deregulate ambulatory surgery centers, neonatal special care, obstetric services, open-heart surgery, and organ transplantation services. Simultaneously with the elimination of the COPN requirements, the providers of the COPN-deregulated services will be required to comply with licensure requirements promulgated and administered by the Board of Health, consistent with appropriate existing, nationally recognized accreditation standards. The various COPN-deregulated providers will also be required to report claims data, certain quality outcome information for selected high risk procedures,

where applicable, and annual financial information on indigent care. Studies of the effects of the deregulation and various related health care issues will be required at each phase of the deregulation.

Patron - Rust

[F] HB2828 Medical assistance services; breast or cervical cancer treatment for certain women. Requires the Board of Medical Assistance Services to include in the state plan for medical assistance a provision for payment of medical assistance, pursuant to the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (P.L. 106-354), for certain women with breast or cervical cancer when such women (i) have been screened for breast or cervical cancer under the Centers for Disease Control and Prevention (CDC) Breast and Cervical Cancer Early Detection Program established under Title XV of the Public Health Service Act; (ii) need treatment for breast or cervical cancer, including treatment for a precancerous condition of the breast or cervix; (iii) are not otherwise covered under creditable coverage, as defined in § 2701 (c) of the Public Health Service Act; (iv) are not otherwise eligible for medical assistance services under any mandatory categorically needy eligibility group; and (v) have not attained age 65. Presumptive eligibility for payment of medical assistance for treatment of breast or cervical cancer treatment on behalf of such women is required as authorized in federal law. A woman will be deemed to have been screened under the Centers for Disease Control and Prevention Breast and Cervical Cancer Early Detection Program if all or part of the costs of her screening services have been paid for with CDC Title XV funds or, although her screening services were not paid for by CDC Title XV funds, she has received her screening from a provider or entity that is at least partially funded by CDC Title XV funds or her screening was performed by any provider or entity deemed by the Virginia CDC Title XV grantee as a partner in the state's CDC Title XV activities.

Patron - Amundson

[F] HB2829 Virginia Health Care Trust Fund. Establishes the Virginia Health Care Trust Fund into which 10 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 - Brink

[F] SB804 Medical assistance services. Requires the state plan for medical assistance services to include a provision for payment of medical assistance services for aged and disabled individuals with incomes up to 100 percent of the federal poverty line.

Patron - Reynolds

[F] SB845 Long-term care facilities; voluntary closure or nonrenewal of license or provider agreement and receivership. Provides procedures and consumer protections in the event a long-term care facility chooses voluntarily to close or not to renew its license or provider agreement. All licensed nursing homes, certified nursing homes and assisted living facilities shall notify in writing the appropriate state licensing agency, residents and their authorized representatives and physicians of its intent to close no less than 120 days in advance of its intended closure in order to provide residents the time needed to search for and select a new long-term care facility. The long-term care facility must submit a resident relocation plan to the appropriate state licensing agency for its approval within seven days of the written notification of intent to close or not renew its license or provider agreement. A copy of the relocation plan shall be provided to the Office of the State Long-Term Care Ombudsman. A relocation team will be

formed, within seven days of the written notification, comprised of representatives from the state licensing agency, the Department of Medical Assistance Services, the local long-term care ombudsman, the local department of social services, and, when appropriate, the local community services board. The costs of the relocation team shall be absorbed by the agencies as part of their normal duties and responsibilities. The state licensing agency shall not provide written approval of the relocation plan until it has input from the relocation team and the Office of the State Long-Term Care Ombudsman. Department review and approval of the relocation plan shall occur within seven calendar days of receipt of the Office of the State Long-Term Care Ombudsman and local relocation team's recommendations. Failure by the long-term care facility to comply with these provisions shall result in the state licensing agency petitioning the circuit court in the jurisdiction in which the long-term care facility is located for the appointment of a receiver. Finally, the bill provides a process for receivership for noncompliant assisted living facilities commensurate with that of nursing homes and certified nursing facilities. This bill is identical to HB 1920.

Patron - Couric

[F] SB1076 Duties and responsibilities of local health departments in emergencies. Requires the Secretary of Health and Human Resources, in consultation with the Department of Emergency Management, to study the duties and responsibilities of local health departments to assist special populations during emergencies and disasters. In conducting the study, the Secretary must, among other things, (i) assess the adequacy of state and local emergency management plans and preparedness to manage special populations during emergency situations and disasters; (ii) determine the availability of caregivers, shelters, facilities, and resources required to serve elderly or disabled citizens who are not mobile or who depend on life support systems; and (iii) suggest ways to correct any identified deficiencies.

Patron - Maxwell

[F] SB1081 Comprehensive Services Act for At-Risk Youth and Families. Provides that local governing bodies cannot be required to provide any local match share of Medicaid provider payments, when collected by the Office of Comprehensive Services on behalf of the Department of Medical Assistance Services to be paid into the "Comprehensive Services Act Local Match Fund" pursuant to the budget or other state law, for Medicaid-eligible children or youth who are placed in residential treatment or care or therapeutic foster care. Local governments are still required to provide their share of special education and foster care costs.

Patron - Maxwell

[F] SB1084 Regulation of health care facilities. Establishes a three-phase plan for deregulation of certain medical care facilities' certificate of public need (COPN) services as required by § 32.1-102.13. This bill sets out the Joint Commission on Health Care's COPN deregulation plan in numerous enactments. The first enactment sets forth the goals and an outline of the Plan and will be effective in due course. Each of the three deregulation phases are set out in separate, designated enactments and will only become effective upon the appropriation of certain funds built into the various phases, e.g., for indigent care and Medicaid expansions. The goals of the plan are to (i) offer more choices to patients while simultaneously providing consumers with better information about the value of services in all settings; (ii) ensure that access to essential health care services for all Virginians, particularly the indigent and the uninsured, is preserved and improved, in so far as possible; (iii) provide strong quality protections that correspond to service intensity and/or patient risk and apply similarly across all

health care settings; (iv) support indigent care and medical education costs at the academic health centers; and ensure that the Commonwealth's health care financing programs reimburse at a level that covers the allowable costs of care and that the Commonwealth meets its obligations as a responsible business partner. Phase I proposes to deregulate equipment purchases and introduction of new services for computed tomographic (CT) scanning, lithotripsy, magnetic resonance imaging (MRI), magnetic source imaging (MSI), positron emission tomographic (PET) scanning, and all nuclear medicine imaging. Phase II proposes to deregulate equipment purchases and the introduction of new services for cardiac catheterization, gamma knife surgery, and radiation therapy. Phase III proposes to deregulate ambulatory surgery centers, neonatal special care, obstetric services, open-heart surgery, and organ transplantation services. Simultaneously with the elimination of the COPN requirements, the providers of the COPN-deregulated services will be required to comply with licensure requirements promulgated and administered by the Board of Health, consistent with appropriate existing, nationally recognized accreditation standards. The various COPN-deregulated providers will also be required to report claims data, certain quality outcome information for selected high risk procedures, where applicable, and annual financial information on indigent care. Studies of the effects of the deregulation and various related health care issues, e.g., the funding of medical education at the undergraduate and graduate levels, various Medicaid eligibility issues, and contributions to indigent care by the COPN-deregulated providers, will be required at each phase of the deregulation. Much of the substance of the Plan is set out in the various enactment clauses, i.e., the appropriation conditions, the establishment of a task force to assist the Board of Health, requirements for emergency regulations at appropriate intervals, etc. Although the various provisions of this bill are contingent upon appropriation of funds, the authority to determine the amount and sufficiency of the funding is left to the relevant appropriation act.

Patron - Bolling

[F] SB1125 Requirements for nursing home licensure. Establishes, as a condition of licensure, staffing standards for all nursing homes as follows: (i) each nursing home must have a full-time director of nursing who must be a professional registered nurse; (ii) each nursing home must have designated nursing supervisors on duty at all times who must be professional registered nurses; (iii) each nursing home with 100 beds or more must employ a full-time assistant director of nursing who must be a professional registered nurse; (iv) each nursing home with fewer than 100 beds must employ a part-time professional registered nurse as assistant director of nursing; (v) each nursing home with 100 beds or more must employ a full-time director of in-service education; and (vi) each nursing home with fewer than 100 beds must employ a part-time director of in-service education. In addition, each nursing home must maintain a minimum staffing ratio of registered nurses or licensed practical nurses to residents of at least one to 15 during the day shift, at least one to 20 during the evening shift, and at least one to 30 during the night shift. A nursing home must maintain a minimum staffing ratio of certified nurse aides to residents of at least one to five during the day shift, at least one to five during the evening shift, and at least one to 10 during the night shift. Further, in order to meet the individual needs of residents with extensive nursing care requirements or higher acuity levels, each nursing home must decrease the established caregiver to resident ratios. On a form provided by the Board, each nursing home must post, in a manner easily visible and readily accessible to residents, families, caregivers, and others on each wing and floor of its facility, the actual staffing ratios, according to the most recently completed cost reporting period, grouped by categories of employees and shifts and a list, in at

least 48-point type, of the names of the nursing staff on duty at the beginning of each shift on each such wing or floor. This information must be expressed in actual numbers and as staffing ratios, and must include the actual numbers of additional staff employed to meet the additional needs of residents with extensive nursing care requirements or higher acuity levels. The Commissioner of Health is required to ensure that the nursing home staffing requirements are enforced and, in the case of any violations, the Commissioner may evoke various penalties and remedies.

Patron - Byrne

[F] SB1180 Virginia Tobacco Settlement Fund. Revises the purposes for which the moneys in the Virginia Tobacco Settlement Fund may be awarded to include health care purposes generally as well as specific efforts to restrict minors' tobacco use. All recipients of moneys from the Fund are required to establish and maintain policies that restrict the use of tobacco products by minors.

Patron - Hanger

[F] SB1249 Medical assistance services. Requires the Board of Medical Assistance Services to amend the state plan for medical assistance services to include (i) a provision allowing the Director to make exceptions to the payment system for nursing facility reimbursement to allow an increase in the direct patient care payment rate for a nursing facility based upon extraordinary circumstances and a provision allowing a nursing facility that expands its bed capacity by 60 beds to have the option of retaining its prospective rate or being treated as a new nursing facility without having to comply with the occupancy requirements. The Director will be authorized to make an exception to the payment methodology to allow the reimbursement of allowable direct patient care operating costs in excess of direct patient care operating cost limits and or ceilings or both established under the payment system when a nursing facility incurs such costs due to extraordinary circumstances beyond the control of the administrator or owner of the nursing facility. The nursing facility must demonstrate that the extraordinary costs were caused by factors beyond its control, that these costs have a major negative effect on its fiscal stability, and that the costs are necessary in order to assure compliance with licensure and certification requirements. The nursing facility will have the right to file a cost report addendum and supporting documents to justify an increase in its direct patient care payment rate. The Director is required to act on the request within 30 days and any authorized increase in the direct payment rate will be retroactive to the date of the filing of the request for the increase. The increased payment will be subject to time limits, periodic reporting, and retroactive audit.

Patron - Reynolds

[F] SB1327 Health; pharmacy scholarships and loans. Establishes a scholarship and loan repayment program for qualified pharmacy students or graduates of an accredited pharmacy school in the Commonwealth. This is similar in nature to current programs for nurses, physicians, physician assistants and dentists. Any funds remaining in each of the scholarship or loan repayment funds shall not revert to the general fund but shall remain in that program for its purposes. A second enactment provides that the provisions of this act will not become effective unless an appropriation effectuating the purposes of this act is included in the 2001 Appropriations Act, passed during the 2001 Session of the General Assembly and signed into law by the Governor.

Patron - Martin

[F] SB1390 Regulation of health care facilities. Establishes a three-phase plan for deregulation of certain medical care facilities' certificate of public need (COPN) services

as required by § 32.1-102.13. This bill sets out substantially the components of the Joint Commission on Health Care's COPN deregulation plan in numerous enactments. The first enactment sets forth goals and an outline for the deregulation and will be effective in due course. Each of the three-deregulation phases are set out in separate, designated enactments. The goals of the deregulation are to (i) offer more choices to patients while simultaneously providing consumers with better information about the value of services in all settings; (ii) ensure that access to essential health care services for all Virginians, particularly the indigent and the uninsured, is preserved and improved, in so far as possible; (iii) provide strong quality protections that correspond to service intensity and/or patient risk and apply similarly across all health care settings; and (iv) support indigent care and medical education costs at the academic health centers. Phase I proposes to deregulate equipment purchases and introduction of new services for computed tomographic (CT) scanning, lithotripsy, magnetic resonance imaging (MRI), magnetic source imaging (MSI), positron emission tomographic (PET) scanning, and all nuclear medicine imaging. Phase II proposes to deregulate equipment purchases and the introduction of new services for cardiac catheterization, gamma knife surgery, and radiation therapy. Phase III proposes to deregulate ambulatory surgery centers, neonatal special care, obstetric services, open-heart surgery, and organ transplantation services. Simultaneously with the elimination of the COPN requirements, the providers of the COPN-deregulated services will be required to comply with licensure requirements promulgated and administered by the Board of Health, consistent with appropriate existing, nationally recognized accreditation standards. The various COPN-deregulated providers will also be required to report claims data, certain quality outcome information for selected high risk procedures, where applicable, and annual financial information on indigent care. Studies of the effects of the deregulation and various related health care issues will be required at each phase of the deregulation.

Patron - Williams

Highways, Bridges and Ferries

[P] Passed

[P] HB1645 Subdivision streets. Changes from July 1, 1988, to July 1, 1990, the date by which subdivision streets had to be open to the public in order to be eligible to be taken into the state secondary system. This bill incorporates HB 1676 and HB 1695.

Patron - Jackson

[P] HB1703 Virginia Alternative Fuels Revolving Fund. Corrects an erroneous reference in § 33.1-223.9 from "this chapter" to "this article." This is a technical amendment only.

Patron - Howell

[P] HB1743 Terry L. Griffith Memorial Highway. Designates the U. S. 460 bypass in Christiansburg the "Terry L. Griffith Memorial Highway."

Patron - Griffith

[P] HB1923 Everett H. Hogge Memorial Highway. Names Harpersville Road in Newport News, between US Route 60 and US Route 17, the "Everett H. Hogge Memorial Highway."

Patron - Hamilton

[P] HB1949 Secondary highways; resumption of responsibilities by counties. Provides a mechanism by which counties may resume responsibility for some or all of state secondary highways within their boundaries. This bill is the same as HB 2049 (Rollison) and SB 1045 (Williams).

Patron - Hull

[P] HB1966 Urban system highway funds. Authorizes cities and towns to use up to one-third of their allocation of urban system highway funds for debt service on bonds or costs to be incurred on approved urban projects. Under current law, one-third of the urban system highway funds allocated to a city or town may be used to reimburse the city or town for debt service and costs already paid.

Patron - Wardrup

[P] HB2018 "Pave-in-Place" program. Repeals the July 1, 2001, "sunset" on VDOT's "Pave-in-Place" program. This bill is the same as SB 1299 (Mims).

Patron - May

[P] HB2044 Value engineering. Increases from \$2 million to \$5 million the minimum cost of highway projects in connection with which value engineering must be used by the Department of Transportation. This bill is the same as SB 1050 (Williams).

Patron - Rollison

[P] HB2045 Highway projects cancelled by counties. Requires counties that cancel secondary system highway construction or improvement projects included in their six-year plans to reimburse the Commonwealth Transportation Board (CTB) for funds expended for planning, engineering, right-of-way acquisition, demolition, relocation, and construction. The bill also allows the CTB to waive the reimbursement. This bill is the same as SB 1051 (Williams).

Patron - Rollison

[P] HB2049 Secondary highways; resumption of responsibilities by counties. Provides a mechanism by which counties may resume responsibility for some or all of state secondary highways within their boundaries. This bill is the same as HB 1949 (Hull) and SB 1045 (Williams).

Patron - Rollison

[P] HB2082 Tree-trimming policies of Commonwealth Transportation Board. Requires the Commonwealth Transportation Board to adopt policies governing the trimming of roadside trees that do not adversely affect highway operations, maintenance, or safety. These policies would apply to pruning and trimming trees by the employees and agents of and contractors with the Virginia Department of Transportation. These policies must be consistent with generally accepted standards.

Patron - Van Yahres

[P] HB2159 Beryl R. Newman Memorial Highway. Designates Virginia Route 227 between the Town of Urbanna and Cooks Corner in Middlesex County the "Beryl R. Newman Memorial Highway."

Patron - Morgan

[P] HB2160 Beryl R. Newman Memorial Bridge. Designates the Virginia Route 227 bridge over Urbanna Creek in Middlesex County the "Beryl R. Newman Memorial Bridge."

Patron - Morgan

[P] HB2303 VDOT contracts. Mandates that Virginia Department of Transportation contracts require that contractors comply with all requirements, conditions, and terms of such contracts, including environmental permits that are part of the contracts. If a contractor violates a contract provision that results in environmental damage or violates environmental laws or environmental permits, the Department may suspend the contractor from future bidding or initiate debarment. In such cases, the Department may recover either (i) the loss or damage that the Department suffers as a result of such violation or (ii) any liquidated damages established in such contract plus (iii) reasonable attorney's fees and expert witness fees. This bill is the same as SB 1052 (Williams).

Patron - Wardrup

[P] HB2406 John Lewis/Andrew Lewis Memorial Highway. Designates portions of I-81 the "John Lewis Memorial Highway" and the "Andrew Lewis Memorial Highway."

Patron - Griffith

[P] HB2418 Submission of claims to the Department of Transportation and Commonwealth Transportation Board. Provides for reconsideration of contractor claims against VDOT when claims are denied because of administrative oversight.

Patron - Rollison

[P] HB2419 Management of the Commonwealth's central vehicle fleet. Transfers from the Commonwealth Transportation Commissioner to the Director of the Department of General Services the responsibility for managing the Commonwealth's central vehicle fleet. This bill is the same as SB 1048 (Williams).

Patron - Wardrup

[P] HB2420 Statewide Transportation Plan. Requires the Secretary of Transportation to develop a statewide transportation plan with a 20-year horizon and update that plan at least every five years. This plan supersedes the quinquennial assessment of highway needs by the Virginia Department of Transportation. This bill is the same as SB 1047 (Williams).

Patron - Wardrup

[P] HB2422 Assistant commissioner for the environment, transportation planning, and regulatory affairs. Requires the Commonwealth Transportation Commissioner to employ an assistant commissioner for the environment, transportation planning, and regulatory affairs. This bill is the same as SB 1046 (Williams).

Patron - Wardrup

[P] HB2524 Dr. Ralph Stanley Highway. Designates Va. Rte. 652 between Toms Creek and Nora the "Dr. Ralph Stanley Highway."

Patron - Phillips

[P] HB2559 Henderson Road. Designates Henderson Road in Fairfax County a Virginia byway.

Patron - O'Brien

[P] HB2563 Woodrow Wilson Memorial Bridge. Prohibits use of Virginia revenues for repairs to or replacement of the Woodrow Wilson Memorial Bridge if the repair or replacement project is subject to a project labor agreement.

Patron - O'Brien

HB2599 **Senator M. M. Long Highway.** Designates US 58A between Hansonville and Norton the "Senator M. M. Long Highway."

Patron - Phillips

HB2656 **Gordon C. Willis, Sr., Smart Highway.** Designates the so-called "Smart Road," constructed by VDOT and VPISU, the "Gordon C. Willis, Sr., Smart Road."

Patron - Cranwell

HB2670 **Outdoor advertising.** Allows variable message signs if their messages do not change more than once every four seconds.

Patron - Wardrup

HB2671 **Special transportation/taxing district.** Creates a special transportation/taxing district, modeled on the existing Route 28 District, to provide a means of financing an extension of commuter rail service from the East Falls Church Metro Station to the vicinity of Dulles Airport. Applicability of the bill is limited to Fairfax County.

Patron - Callahan

HB2688 **Hampton Veterans' Highway.** Designates the entire length of Hampton Roads Center Parkway in the City of Hampton, including any future extensions, the "Hampton Veterans' Highway."

Patron - Christian

HJ576 **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 continue the work begun under SJR 193 and HJR 166 of the 2000 Session to ensure that a coordinated transportation plan is implemented for the Reston community. This resolution is identical to SJR 341 (Howell).

Patron - Plum

HJ603 **Chesapeake Bay Bridge Tunnel.** Expresses the sense of the General Assembly that any change in the toll for the Chesapeake Bay Bridge Tunnel be delayed until completion of the bi-county impact study initiated by Northampton and Accomack Counties to assess the potential impact of a commuter toll discount on the region, provided that study has been completed by October 1, 2001.

Patron - Bloxom

HJ624 **VDOT's Intelligent Transportation System.** Encouraging the Virginia Department of Transportation to continue implementing its Intelligent Transportation System, known as Smart Travel, and to draft guidelines for that implementation in consultation with localities.

Patron - Plum

HJ689 **Coalfields Expressway.** Requests the Virginia Department of Transportation and the Commonwealth Transportation Board to make a decision on the Brown and Root proposal to build the Coalfields expressway as soon as possible following the issuance of the Record of Decision by the Federal Highway Administration.

Patron - Phillips

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

SB822 **No-truck route; US 17.** Prohibits operation of tractor truck/semitrailer combinations on US 17 in Fauquier County between US 50 and Interstate 66, except for deliveries, pickups, or transactions within 25 miles. This act expires on June 30, 2002.

Patron - Potts

SB861 **Policy of the Commonwealth; use of highways by motorcycles.** Prohibits closure by political subdivisions of the Commonwealth of any highway to motorcycles if public funds were used in the highway's construction. This bill is a duplicate of HB 2217 (Stump).

Patron - Houck

SB1045 **Secondary highways; resumption of responsibilities by counties.** Provides a mechanism by which counties may resume responsibility for some or all of state secondary highways within their boundaries. This bill is the same as HB 1949 (Hull) and HB 2049 (Rollison).

Patron - Williams

SB1046 **Assistant commissioner for the environment, transportation planning, and regulatory affairs.** Requires the Commonwealth Transportation Commissioner to employ an assistant commissioner for the environment, transportation planning, and regulatory affairs. This bill is the same as HB 2422 (Wardrup).

Patron - Williams

SB1047 **Statewide Transportation Plan.** Requires the Secretary of Transportation to develop a statewide transportation plan with a 20-year horizon and update that plan at least every five years. This plan supersedes the quinquennial assessment of highway needs by the Virginia Department of Transportation. This bill is the same as HB 2420 (Wardrup). This bill incorporates SB 1213.

Patron - Williams

SB1048 **Management of the Commonwealth's central vehicle fleet.** Transfers from the Commonwealth Transportation Commissioner to the Director of the Department of General Services the responsibility for managing the Commonwealth's central vehicle fleet. This transfer, however, is inapplicable to the Virginia Department of Transportation (VDOT); VDOT will continue to control its own vehicle fleet.

Patron - Williams

SB1049 **Powers and duties of Commonwealth Transportation Board (CTB).** Allows the Commonwealth Transportation Board to award contracts for the construction of transportation projects on a design-build basis. The Board may annually award five design-build contracts valued at no more than \$20 million. The Board may also award design-build contracts valued at more than \$20 million, provided that no more than five of these latter contracts are in force at the same time. The bill also requires the CTB to recommend to the General Assembly objective criteria to be used by the CTB in selecting those transportation projects to be advanced from the feasibility to the construction stage. These criteria must include requirements for prequalification of contractors and competitive bidding processes. The contracts have to be of such size and scope as to encourage competition. If such criteria are enacted into law, the criteria will apply to the interstate, primary, and urban systems of highways.

Patron - Williams

P SB1050 Value engineering. Increases from \$2 million to \$5 million the minimum cost of highway projects in connection with which value engineering must be used by the Department of Transportation. This bill is the same as HB 2044 (Rollison).

Patron - Williams

P SB1051 Highway projects cancelled by counties. Requires counties that cancel secondary system highway construction or improvement projects included in their six-year plans to reimburse the Commonwealth Transportation Board (CTB) for funds expended for planning, engineering, right-of-way acquisition, demolition, relocation, and construction. The bill also allows the CTB to waive the reimbursement. This bill is the same as HB 2045 (Rollison).

Patron - Williams

P SB1052 VDOT contracts. Mandates that Virginia Department of Transportation contracts require that contractors comply with all requirements, conditions, and terms of such contracts, including environmental permits that are part of the contracts. If a contractor violates a contract provision that results in environmental damage or violates environmental laws or environmental permits, the Department may suspend the contractor from future bidding or initiate debarment. In such cases, the Department may recover either (i) the loss or damage that the Department suffers as a result of such violation or (ii) any liquidated damages established in such contract plus (iii) reasonable attorney's fees and expert witness fees. This bill is the same as HB 2303 (Wardrup).

Patron - Williams

P SJ341 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 continue the work begun under SJR 193 and HJR 166 of the 2000 Session to ensure that a coordinated transportation plan is implemented for the Reston community.

Patron - Howell

F Failed

F HB1593 Mount Pleasant National Scenic Area. Requires VDOT to install and maintain signs along primary and interstate highways in its vicinity to provide motorists with directions to the Mount Pleasant National Scenic Area.

Patron - Bryant

F HB1650 Drainage easements. Requires the Virginia Department of Transportation to maintain highway drainage easements, both on and off highway right-of-way.

Patron - Armstrong

F HB1670 Distribution of funds in highway condemnation cases. Changes the timetable for distribution of funds in highway condemnation cases to require use of facsimile and overnight delivery services to ensure timely delivery of court orders and transfer of funds. The bill also establishes a 25 percent penalty imposed upon any payment made pursuant to this section if the payment is not timely made.

Patron - Cranwell

F HB1676 Subdivision streets. Changes from July 1, 1988, to July 1, 1991, the date by which subdivision streets must have been open to the public in order to be brought up to

standards for being taken into the state secondary system. This bill has been incorporated into HB 1645.

Patron - Dudley

F HB1695 Subdivision streets. Changes from July 1, 1988, to July 1, 1991, the date by which subdivision streets must have been open to the public in order to be brought up to standards for being taken into the state secondary system. This bill has been incorporated into HB 1645.

Patron - Cranwell

F HB1965 Allocation of urban highway system construction funds. Provides that, if requested by a resolution adopted by the local governing body, urban highway system construction allocations will be paid directly to the locality in the form of quarterly block grants. The locality would then be responsible for construction of projects funded with the grants, subject to such accounting procedures and standards as may be prescribed by the Commonwealth Transportation Commissioner. This process would be terminated if requested by another resolution of the local governing body.

Patron - Wardrup

F HB1990 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 - Black

F HB2031 Chesapeake Bay Bridge Tunnel Commission; membership. Provides that appointments and reappointments of individual members of the Chesapeake Bay Bridge Tunnel Commission shall be made by the Governor from a list of at least three individuals provided by the local governing body for which the appointment or reappointment is being made. The bill also provides that elected officials of the Commonwealth or any political subdivision shall not be eligible for appointment to the Commission. The bill does not affect current members of the Commission whose terms have not expired as of July 1, 2001.

Patron - Bloxom

F HB2047 Asset management by the Virginia Department of Transportation (VDOT). Provides a definition of "asset management" and requires VDOT to implement outcome-based asset management practices in operating, maintaining, and upgrading state highways.

Patron - Rollison

F HB2048 Powers and duties of Commonwealth Transportation Board. Allows the Commonwealth Transportation Board to award contracts for the construction of transportation projects on a design-build basis. The Board may annually award five design-build contracts valued at no more than \$20 million. The Board may also award design-build contracts valued at more than \$20 million, provided that no more than five of these latter contracts are in force at the same time.

Patron - Rollison

F HB2089 Hunter Mill Road. Designates Hunter Mill Road in Fairfax County a scenic highway and Virginia byway.

Patron - Devolites

[F] HB2240 Drainage easements. Requires the Virginia Department of Transportation to maintain highway drainage easements, both on and off highway right-of-way.

Patron - Day

[F] HB2291 Subdivision streets. Decreases from one-half to one-quarter the county share of the costs associated with bringing subdivision streets up to standards for inclusion in the state secondary highway system.

Patron - Tate

[F] HB2361 Richmond Metropolitan Authority; maintenance of facilities; application of net savings to debt service and reduction. Requires the Commonwealth Transportation Board to use state highway maintenance funds for maintenance of highway facilities controlled by the Richmond Metropolitan Authority. The bill also requires the Richmond Metropolitan Authority to apply the net savings achieved as the result of this bill toward service and reduction of its outstanding debt.

Patron - Ware

[F] HB2368 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

[F] HB2437 HOV lanes. Provides a mechanism by which vehicles used by professional firefighters, professional emergency medical technicians, volunteer rescue squad members and volunteer firefighters can be exempted from vehicle occupancy requirements on HOV lanes when traveling to or from a duty shift or responding to an emergency call.

Patron - Drake

[F] HB2520 VDOT; procurement of professional services. Authorizes VDOT, when procuring professional services for projects contained in the Virginia Transportation Development Plan, to negotiate with all offerors deemed qualified and experienced to arrive at a fair and reasonable price for the contract. The bill requires VDOT to comply with federal law and regulations governing transportation procurement activities. Currently, under the Virginia Public Procurement Act, a public body may only negotiate with one offeror at a time and if no contract can be reached, the public body must terminate negotiations with that offeror and begin negotiations with the next offeror. This bill would carve out an exception to this type of procurement for VDOT.

Patron - Reid

[F] HB2544 HOV lanes. Directs the Commonwealth Transportation Commissioner to implement a pilot project to allow volunteer firefighters and members of volunteer rescue squads to use HOV lanes, regardless of the number of occupants in their vehicles.

Patron - Katzen

[F] HB2587 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 - Scott

[F] HB2725 Sales and use tax; additional tax in Eighth Planning District to fund transportation projects.

Increases the state sales and use tax by one-half percent in all cities and counties within the Eighth Planning District. The revenues from such increase shall be deposited into the Northern Virginia Transportation Fund to fund transportation projects in the Eighth Planning District. The bill also increases the maximum principal amount of transportation revenue bonds that may be issued for the Northern Virginia Transportation District Program from \$471.2 million to \$2.65 billion, specifies additional transportation projects to be funded by such bonds, and authorizes the Commonwealth Transportation Board to designate additional transportation projects to be paid for from the Northern Virginia Transportation Fund under certain conditions. The bill has a delayed effective date of January 1, 2002, and is contingent upon approval by a majority of persons voting in a joint referendum of all the cities and counties in the Eighth Planning District on November 6, 2001.

Patron - Rollison

[F] HB2736 Virginia Department of Transportation (VDOT); reimbursement for certain lost revenues. Requires VDOT to reimburse utilities for customer revenue losses experienced because of relocation of the utility's lines required by or carried out in connection with a VDOT project.

Patron - Kilgore

[F] HB2740 Department of Transportation review of transportation needs. Requires the Department to report to the General Assembly and local officials those current transportation needs that are unmet under existing plans. The Department, working in cooperation with the Secretary of Transportation, shall further recommend a plan to help alleviate the unmet transportation needs. The recommendation shall include a means by which regions of the Commonwealth may be afforded greater flexibility to address such unmet needs, with appropriate state oversight, including the ability to establish regional transportation entities having broader authority with respect to planning, prioritizing, funding, and implementing transportation solutions for the region.

Patron - Moss

[F] HB2745 Minors of school age and driver's licenses. Authorizes any school board supervising a school in which an unmarried or unemancipated minor is enrolled to file a written request with the Department of Motor Vehicles to cancel a learner's permit or license of the minor because of failure to comply with the Compulsory School Attendance Law or because the minor has received a long-term suspension or expulsion from regular school attendance. A minor enrolled in an alternative education program or having a job may file a written request to retain driving privileges for the purpose of transportation to and from the alternative education program or the job.

Patron - Keister

[F] HB2846 Transportation projects; Harrisonburg - southeast corridor improvements. Changes the name of one of the transportation projects designated in last year's Acts of Assembly from "Harrisonburg - Southeast Bypass" to "Harrisonburg - Southeast Corridor Improvements."

Patron - Landes

[F] HJ797 Interstate Route 64. Memorializes VDOT, in widening I-64 in the vicinity of Williamsburg, to retain the highway's grassy median.

Patron - Grayson

[F] SB978 Chesapeake Bay Bridge and Tunnel Commission. Prohibits appointment or reappointment of local elected officials and members of the General Assembly to the

Chesapeake Bay Bridge and Tunnel Commission, effective July 1, 2001.

Patron - Norment

[F] SB1053 Asset management by the Virginia Department of Transportation (VDOT). Provides a definition of "asset management" and requires VDOT to implement outcome-based asset management practices in operating, maintaining, and upgrading state highways.

Patron - Williams

[F] SB1149 Subdivision streets. Decreases from one-half to one-quarter the county share of the costs associated with bringing subdivision streets up to standards for inclusion in the state secondary highway system.

Patron - Puckett

[F] SB1155 Hunter Mill Road. Designates Hunter Mill Road in Fairfax County a scenic highway and Virginia byway.

Patron - Howell

[F] SB1230 VDOT; procurement of professional services. Authorizes VDOT, when procuring professional services for projects contained in the Virginia Transportation Development Plan, to negotiate with all offerors deemed qualified and experienced to arrive at a fair and reasonable price for the contract. The bill requires VDOT to comply with federal law and regulations governing transportation procurement activities. Currently, under the Virginia Public Procurement Act, a public body may only negotiate with one offeror at a time and if no contract can be reached, the public body must terminate negotiations with that offeror and begin negotiations with the next offeror. This bill would carve out an exception to this type of procurement for VDOT.

Patron - Trumbo

[F] SB1278 HOV lanes. Eliminates the one-year limit on the pilot project, authorized by the 2000 Session, for HOV facilities in the Hampton Roads Planning District, providing for temporary lifting HOV restrictions when one or more lanes of the same highway carrying traffic in the same direction are blocked for a period of time. The bill also shortens this period from 10 minutes to five minutes.

Patron - Wagner

[F] SB1326 Evaluation of highway construction impacts. Requires the Department of Transportation to evaluate the effectiveness and impact of all proposed new highways, new lanes added to existing highways, and new interchanges, wherever such proposed projects are estimated to cost \$20 million or more.

Patron - Houck

[F] SB1345 Drainage easements. Requires the Virginia Department of Transportation to maintain highway drainage easements, both on and off highway right-of-way.

Patron - Reynolds

[F] SB1362 Directional signs for Natural Tunnel State Park. Requires the Virginia Department of Transportation to install and maintain prominent signs providing motorists directions to Natural Tunnel State Park on (i) U.S. Route 23 in the vicinity of Moccasin Gap and (ii) U.S. Route 58 in the vicinity of Pound Gap.

Patron - Wampler

[F] SB1389 Highway maintenance payments to cities and towns. Provides for use of a depreciation factor in calculating highway maintenance payments to cities and towns.

Patron - Williams

[F] SB1401 HOV lanes. Provides a mechanism by which vehicles used by professional firefighters, professional emergency medical technicians, volunteer rescue squad members and volunteer firefighters can be exempted from vehicle occupancy requirements on HOV lanes when traveling to or from a duty shift or responding to an emergency call.

Patron - Wagner

[F] SJ392 Study; Highway safety in Loudoun County. Requests a special panel comprised of affected state and local governmental agencies and concerned elected officials and citizens to work together to improve traffic safety at the most dangerous intersections in Loudoun County.

Patron - Mims

Hotels, Restaurants, Summer Camps and Campgrounds

[F] Failed

[F] HB1854 Health; restaurant rating. Provides for the development of a system of grading for restaurant health inspections, which grade shall be posted in a conspicuous place within each restaurant. Regulations shall provide for license revocation for establishments that receive a rating considered not acceptable.

Patron - McQuigg

Housing

[P] Passed

[P] HB2344 Uniform Statewide Building Code; inspection warrants. Establishes the authority for the issuance of inspection warrants for the enforcement of the Virginia Uniform Statewide Building Code under certain circumstances.

Patron - Almand

[P] HB2438 Housing; powers of redevelopment and housing authorities; eminent domain and redevelopment plans. Provides that a redevelopment and housing authority, when identifying real property to be acquired for redevelopment, must also identify anticipated funding sources that may be sufficient to acquire the property. The bill also provides that (i) any real property that has not been acquired or for which condemnation proceedings have not been instituted within five years from the redevelopment plan approval date are no longer eligible to be so acquired unless the parties agree to the acquisition; (ii) localities must reaffirm a redevelopment plan within three years of their approval of the plan; (iii) localities are not precluded from adopting a new redevelopment plan that includes real property previously included within a redevelopment area under a previously adopted redevelopment plan; and (iv) upon written request of a property owner, a redevelopment and housing authority that decides against acquiring previously identified property shall reimburse the property owner for reasonable expenses he incurred in connection with the proposed acquisition. The bill also provides for alternative dispute reso-

lution in cases where eminent domain is used to acquire real property under an approved redevelopment plan. The bill is a recommendation of the Housing Study Commission.

Patron - Drake

[P] HB2735 Eligibility for Industrial Site Development Program. Requires the Department of Housing and Community Development, in determining eligibility for the Industrial Site Development Program, to allow exceptions to the Department's minimum requirement of 200 net developable acres because of geographic, topographic or land availability limitations.

Patron - Kilgore

[P] SB1006 Spot blight abatement. Allows the use of the spot blight abatement procedures anywhere in a locality, whether inside or outside of a conservation or redevelopment area.

Patron - Ticer

[P] SB1233 Uniform Statewide Building Code; effect on local ordinances. Restricts localities from incorporating certain building design requirements in their local zoning ordinances by providing that the USBC supercedes such ordinances. The bill also specifies that the USBC does not supercede (i) proffered conditions accepted as a part of a rezoning application, conditions imposed upon the grant of special exceptions, special or conditional use permits or variances; (ii) land use requirements in airport or highway overlay districts, or historic districts; or (iii) local flood plain regulations adopted as a condition of participation in the National Flood Insurance Program. This bill is a recommendation of the Housing Study Commission.

Patron - Williams

[P] SB1325 Low-income housing tax credit. Expands the state taxes against which the low-income housing tax credit may be taken to include estate and trust taxes, and bank franchise taxes, for taxable years beginning on or after January 1, 2001. The bill also provides for a five year carry-over period of any tax credit that may not be used in a taxable year. The bill reduces the total maximum amount of low-income housing credits which may be approved by the Board of Housing and Community Development in any calendar year from \$3.5 million to \$500,000.

Patron - Stosch

[P] SB1416 Grant to localities; harvesting and collection of rainwater. Provides, subject to appropriation, grants to local governments from the Alternate Water Supply Assistance Fund to be used by such localities for entering into agreements with businesses and individuals to harvest and collect rainwater for such uses as determined necessary by the locality. The Department of Housing and Community Development shall administer the fund and shall develop a process for determining what areas and localities shall qualify for the grants.

Patron - Marye

[F] Failed

[F] HB1697 Department of Housing and Community Development; low interest loans for teachers. Requires the Director of the Department of Housing and Community Development to develop and administer, with such funds as may be made available or may be used for such purposes, a mortgage loan program for teachers under contract with a Virginia school board that shall provide for interest rates below the prevailing rate of interest in Virginia for similar programs and be conditioned on the agreement by such teachers to teach

in Virginia for a minimum of three years. The program may provide for penalties for breaching the agreement to teach in Virginia for a minimum of three years that may include, but need not be limited to, increases in interest rates. The Board will advise the Department and the Director in the development of this teacher loan program.

Patron - Baskerville

[F] HB2188 Housing; heating supply for rental premises. Requires the owner or operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either express or implied, to furnish heat to the occupants, to supply sufficient heat during the period from October 15 to April 1 to maintain room temperature of 65 degrees Fahrenheit during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60 degrees Fahrenheit during other hours.

Patron - Watts

[F] HB2364 Uniform Statewide Building Code; definition of "owner." Adds to the definition of "owner" any person, agent, operator, firm or corporation having control of a building or structure. This expanded definition of "owner" makes this definition under the USBC consistent with that term as defined in the BOCA National Property Maintenance Code, thereby making such persons having property maintenance responsibility liable for violations of the USBC.

Patron - Jones, D.C.

[F] HB2760 Uniform Statewide Building Code; application of rehabilitation code to commercial properties. Requires the Board of Housing and Community Development to make amendments to the building code to allow for the application of rehabilitation standards to commercial properties as a way to revitalize urban areas. The bill also requires the Board to adequately train building officials and Code enforcement personnel and design professionals throughout the Commonwealth on these new building code provisions and report to the 2003 Session of the General Assembly on its progress to comply with the requirements of this new law.

Patron - McEachin

[F] SB1002 Housing Development Authority; regulations. Requires the Housing Development Authority to develop regulations providing that single-family mortgage loans may be made to more than one person if the persons to whom the loan is to be made are living together in the dwelling as a single, nonprofit housekeeping unit.

Patron - Ticer

[F] SB1411 Virginia Resources Authority. Authorizes 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, provided 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.

Patron - Wampler

[F] SB1414 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 memoran-

dum of agreement is approved by the Environmental Protection Agency.

Patron - Wampler

Institutions for the Mentally Ill; Mental Health Generally

P Passed

P HB1578 Service upon guardian ad litem in guardianship cases. Provides that a respondent in a guardianship proceeding may be served by the guardian ad litem, as well as by ordinary personal service, with the notice, a copy of the petition and a copy of the order appointing a guardian ad litem and that such service constitutes valid personal service.

Patron - Howell

P HB1898 Persons with mental illness, mental retardation or substance abuse problems; state and local human rights committees. Clarifies that the two consumers that must serve on state or local human rights committees may be individuals who are receiving (as in current law) or individuals who have received, within five years of their initial appointment, public or private mental health, mental retardation, or substance abuse treatment or habilitation services.

Patron - Johnson

P HB1904 Mental health; Alzheimer's Commission. Changes the duties of the Alzheimer's Disease and Related Disorders Commission to better reflect its advisory capacity to the Secretary of Health and Human Resources. This bill authorizes the Commission to recommend funding initiatives, statutory and regulatory changes, and such other issues that the Commission feels would assist people with Alzheimer's disease and related disorders and their caregivers. Currently, the Commission is charged with developing a plan for funding local initiatives. An annual report is still required by September 1 of each year. This bill is identical to SB 1332.

Patron - Plum

P HB1981 Guardians and conservators. Requires the Executive Secretary of the Supreme Court to provide instructions regarding the duties, powers and liabilities of guardians and conservators to each clerk of court; the clerk must then provide such information to each guardian and conservator upon notice of appointment.

Patron - Orrock

P HB2491 Involuntary commitment hearing. Eliminates the 72- or 96-hour maximum extension periods for a commitment hearing to conform to the duration of a temporary detention order, which was changed in 1998. The bill provides that when the maximum 48-hour period of temporary detention would expire on a Saturday, Sunday or legal holiday, the person may be detained until the next day that is not a Saturday, Sunday or legal holiday.

Patron - Brink

P HB2595 Department of Mental Health, Mental Retardation and Substance Abuse Services; licensing. Clarifies and updates the statutory provisions for licensing operations of the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS). The bill defines providers that are licensed and the services that they provide. The Commissioner of DMHMRSAS is granted access at all reasonable times to all services and records, including

medical records. Records that are confidential under federal or state law shall be maintained as confidential by the Department; however, there shall be no right of access to peer review communications that are privileged. The bill clarifies inspections shall be focused on preventing specific risks to consumers, including an evaluation of the physical facilities in which the services are provided. Further, the bill states the Commissioner shall promptly investigate all complaints. The bill clarifies the maximum term of provisional and conditional licenses shall be six months. Such licenses may be renewed for a total period of provisional or conditional licensing of 12 successive months. Finally, the bill provides that the State Mental Health, Mental Retardation and Substance Abuse Services Board may promulgate regulations specifying the maximum number of residents to be served by any intermediate care facility for the mentally retarded. This bill is identical to SB 1159.

Patron - McDonnell

P HB2610 Authority for release of mental health information for concealed handgun permit. Assures that the State Police and issuing localities have access to mental health information on those seeking a concealed handgun permit. This bill is identical to SB 1337.

Patron - Abbitt

P HB2836 Criminal background checks; adult substance abuse treatment programs. Permits community services boards, behavioral health authorities, and agencies licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services to hire for adult substance abuse treatment programs persons who were convicted of a felony for distribution of drugs or burglary where the building was not occupied at the time of the incident resulting in the conviction upon a determination, by the hiring agency, based upon a screening assessment, that such criminal behavior was substantially related to the applicant's use of substances, and that the person has been successfully rehabilitated and is not a risk to consumers based on his criminal history background and substance use, abuse or addiction histories. The Department of Mental Health, Mental Retardation and Substance Abuse Services will designate the screening contractor. To be eligible for such screening, the applicant must have completed all prison or jail terms; not be under probation or parole supervision, or any suspended sentence; have no pending charges in any locality; have paid all fines, restitution, and court costs for any prior convictions; and have been free of any suspended sentence, parole or probation for at least seven years for drug convictions and five years for all other convictions. In addition to any such additional information as the hiring agency or the screening contractor may require or the prospective applicant wishes to present, the prospective applicant must provide to the state screening contractor a statement from his most recent probation or parole officer, if any, outlining his period of supervision, together with a copy of any pre-sentencing or post-sentencing report in connection with each felony conviction. The prospective applicant must pay the cost of such screening, unless the board, authority, local department or licensed agency decides, at its option, to pay such cost.

P SB1159 Department of Mental Health, Mental Retardation and Substance Abuse Services; licensing. Clarifies and updates the statutory provisions for licensing operations of the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS). The bill defines providers that are licensed and the services that they provide. The Commissioner of DMHMRSAS is granted access at all reasonable times to all services and records, including medical records. Records that are confidential under federal or state law shall be maintained as confidential by the Department; however, there shall be no right of access to peer review

communications that are privileged. The bill clarifies inspections shall be focused on preventing specific risks to consumers, including an evaluation of the physical facilities in which the services are provided. Further, the bill states the Commissioner shall promptly investigate all complaints. The bill clarifies the maximum term of provisional and conditional licenses shall be six months. Such licenses may be renewed for a total period of provisional or conditional licensing of 12 successive months. Finally, the bill provides that the State Mental Health, Mental Retardation and Substance Abuse Services Board may promulgate regulations specifying the maximum number of residents to be served by any intermediate care facility for the mentally retarded. This bill is identical to HB 2595.

Patron - Hanger

[P] SB1332 Mental health; Alzheimer's Commission. Changes the duties of the Alzheimer's Disease and Related Disorders Commission to better reflect its advisory capacity to the Secretary of Health and Human Resources. This bill authorizes the Commission to recommend funding initiatives, statutory and regulatory changes, and such other issues that the Commission feels would assist people with Alzheimer's disease and related disorders and their caregivers. Currently, the Commission is charged with developing a plan for funding local initiatives. An annual report is still required by September 1 of each year. This bill is identical to HB 1904.

Patron - Barry

[P] SB1337 Mental health; possession of firearms. Expands the requirement that the clerk of the appropriate court send a record of adjudication of incapacity, commitment or order of restoration of capacity to the Central Criminal Records Exchange for the purpose determining a person's eligibility to possess, purchase or transfer a firearm. This bill is identical to HB 2701 (Armstrong).

Patron - Stolle

[F] Failed

[F] HB1626 Mental health, mental retardation and substance abuse services. Requires community services boards (CSBs) and behavioral health authorities (BHAs) to submit to their local governing bodies performance contracts for mental health, mental retardation and substance abuse services in accordance with the schedule determined by the governing body or at least 15 days before the meeting at which the governing body is scheduled to consider approval of that contract. The bill clarifies that the submission of the performance contract to the Department of Mental Health, Mental Retardation and Substance Abuse Services shall include the approval by formal vote of operating or administrative policy CSBs and BHAs.

Patron - Tate

[F] HB1702 Appointment of a guardian ad litem for an incapacitated person. Provides that on the filing of every petition for guardianship or conservatorship, the court may appoint a guardian ad litem to represent the interests of the respondent and, if the value of the respondent's estate is more than \$5,000, shall appoint a guardian ad litem. Currently, a guardian ad litem must be appointed in every case, regardless of the value of the estate.

Patron - Howell

[F] HB1779 Mental health; licensure. Expands the definition of "facility" or "institution" to include organizations, agencies, or programs that provide treatment or care for men-

tally ill, mentally retarded, or substance addicted or abusing persons. Also defines the term "care" or "treatment."

Patron - Hamilton

[F] HB1919 Names of mental health facilities. Updates the authority of the Board of Mental Health, Mental Retardation and Substance Abuse Services to change the names of mental health facilities operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services. Notwithstanding the Board's discretion to change the names of such facilities, the second enactment clause requires the Board to change the name of the DeJarnette Center to the Carrie Buck Center, effective on July 1, 2001.

Patron - Van Yahres

[F] HB2192 DMHMRSAS; caregiver training. Requires the Department of Mental Health, Mental Retardation and Substance Abuse Services to develop a voluntary training program for unlicensed caregivers of persons with mental illness or mental retardation who have been discharged from a publicly funded mental health or mental retardation institutional placement. The program, which shall be administered through the local community services boards and behavioral health authorities, is to include training, supervision, assistance and other services to assist the caregiver and the individual in dealing with the challenges of living in the community and to ensure that the individual is receiving adequate and responsible care. DMHMRSAS will be responsible for funding this program, participation in which is voluntary for unlicensed caregivers.

Patron - Crittenden

[F] HB2258 Involuntary temporary detention. Requires that each petition for involuntary temporary detention be accompanied by a clinical certificate executed by an independent psychiatrist or physician who personally examined within the previous 72 hours the person who is the subject of such petition, in addition to the current statutory requirement of a prescreening report recommending involuntary detention prepared by an employee or designee of a local community services board who performed an in-person evaluation of the person within the previous 72 hours. A clinical certificate shall be signed by the examining psychiatrist or physician, shall be dated the day of the personal examination, shall contain the results of the medical examination including any significant or life-threatening medical conditions that require immediate treatment, and shall contain the facts and circumstances upon which the psychiatrist or physician bases his judgment that the person examined is mentally ill and in need of involuntary detention. An employee or designee of the local community services board shall determine the facility of temporary detention for all individuals detained in accordance with the admission criteria of that facility or obtain the oral or written approval by the director of the facility prior to designating such facility on the prescreening report. Each community services board shall provide to each general district court and magistrate's office within its jurisdiction a list of psychiatrists or physicians available on a 24-hour basis in state hospitals or private hospital emergency facilities who are available to perform the requisite evaluations.

Patron - Watts

[F] HB2596 Restructuring of mental health care system. Provides for targeted facility restructuring of the mental health care system, giving the Commissioner the authority to close Southern Virginia Mental Health Institute by July 1, 2002, Piedmont Geriatric Hospital by July 1, 2006, Catawba Hospital by July 1, 2006, and the inpatient geriatric services at Eastern State Hospital by July 1, 2004. The Commissioner is authorized to relocate rehabilitation services from Eastern

State Hospital to a site more central to the current geographical regions served by the hospital, provided that there is not a reduction in the services for extended rehabilitation to consumers. The Commissioner is also authorized to operate DeJarnette Center as a public facility for youth requiring services under the Comprehensive Services Act (CSA). The bill gives the Commissioner the authority, with the approval of the Governor and Secretary of Health and Human Resources, to make any necessary decisions and enter into any necessary contracts and other agreements relative to mental health care system restructuring and state mental health facility closures that may have the effect of closing state facilities or programs or beds within state facilities; converting the use of facilities; changing the nature of the services currently provided in state mental health facilities; selling state facility land and buildings; or otherwise providing for the maximum protection, safety and appropriate care and treatment of consumers and the well-being of state facility employees. The Commissioner shall authorize the delivery of acute care inpatient psychiatric services in local community hospitals and provide for the transfer of consumers from geriatric inpatient mental health services in state mental health facilities to community gero-psychiatric residential placements under certain conditions. The bill calls for an amendment to the State Medical Assistance Plan for community gero-psychiatric residential services. The bill also calls for the Commissioner to create a Gero-Psychiatric Behavioral Health Institute. Finally, the Commissioner shall develop an operational model, in collaboration with representatives of the CSA program, local governments and other key stakeholders, to convert DeJarnette Center to a CSA residential facility and shall report the results to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on or before September 30, 2001. This bill is identical to HB 1158.

Patron - McDonnell

[F] SB1158 Restructuring of mental health care system. Provides for targeted facility restructuring of the mental health care system, giving the Commissioner the authority to close Southern Virginia Mental Health Institute by July 1, 2002, Piedmont Geriatric Hospital by July 1, 2006, Catawba Hospital by July 1, 2006, and the inpatient geriatric services at Eastern State Hospital by July 1, 2004. The Commissioner is authorized to relocate rehabilitation services from Eastern State Hospital to a site more central to the current geographical regions served by the hospital, provided that there is not a reduction in the services for extended rehabilitation to consumers. The Commissioner is also authorized to operate DeJarnette Center as a public facility for youth requiring services under the Comprehensive Services Act (CSA). The bill gives the Commissioner the authority, with the approval of the Governor and Secretary of Health and Human Resources, to make any necessary decisions and enter into any necessary contracts and other agreements relative to mental health care system restructuring and state mental health facility closures that may have the effect of closing state facilities or programs or beds within state facilities; converting the use of facilities; changing the nature of the services currently provided in state mental health facilities; selling state facility land and buildings; or otherwise providing for the maximum protection, safety and appropriate care and treatment of consumers and the well-being of state facility employees. The Commissioner shall authorize the delivery of acute care inpatient psychiatric services in local community hospitals and provide for the transfer of consumers from geriatric inpatient mental health services in state mental health facilities to community gero-psychiatric residential placements under certain conditions. The bill calls for an amendment to the State Medical Assistance Plan for community gero-psychiatric residential services. The bill also calls for the Commissioner to create a Gero-Psychiatric Behavioral Health Institute. Finally, the Commissioner shall develop an

operational model, in collaboration with representatives of the CSA program, local governments and other key stakeholders, to convert DeJarnette Center to a CSA residential facility and shall report the results to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on or before September 30, 2001. This bill is identical to HB 2596.

Patron - Hanger

[F] SB1311 Community services boards and behavioral health authorities. Provides that a consumer's refusal of case management services shall not affect his receipt of other services.

Patron - Newman

Insurance

[P] Passed

[P] HB1648 Insurance agents; continuing education requirements. Authorizes the Insurance Continuing Education Board to exempt from continuing education requirements a resident agent who is over age 65 and has held a Virginia resident license continuously and without interruption for at least the four years immediately preceding, and has held equivalent license authority for at least 20 of the preceding 30 years and any unlabeled period was not the result of a license revocation or termination.

Patron - Armstrong

[P] HB1661 Insurance; discrimination against victims of domestic violence. Prohibits life and health insurers from discriminating against victims of domestic violence, which is defined as the occurrence of specified acts by a current or former family member, household member, person against whom the victim obtained a protective order or caretaker. The provision does not prohibit an insurer or insurance professional from asking about a medical condition even if the medical information is related to a medical condition that such person knows resulted from domestic violence to the extent otherwise permitted.

Patron - Watts

[P] HB1800 Health insurance; additional care by obstetrician-gynecologists. Eliminates a health insurer's authority to require that a patient have an office visit to the primary care physician before the patient may be referred to a specialist by her obstetrician-gynecologist. Prior consultation and authorization by the primary care physician may still be required, and the bill provides that such consultation may be made electronically.

Patron - Hamilton

[P] HB1892 Health care provider panels. Requires provider panel contracts to permit providers to refuse participation in the panel of an unaffiliated carrier if the unaffiliated carrier may impose participation terms that differ materially in reimbursement rates or managed care procedures, such as conducting economic profiling or requiring primary care physician referral to a specialist, from those of the original contract. This measure applies only to provider panels utilized by health maintenance organizations and preferred provider organizations.

Patron - Griffith

[P] HB1922 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. This mandate was recommended by the Special Advisory Commission on Mandated Benefits.

Patron - Shuler

[P] HB1939 Uninsured motorist insurance coverage; subrogation claims. Provides that no action, verdict or release arising out of a suit brought by an insurer subrogated to the insured against an uninsured motorist shall give rise to any defenses in any other action brought in the subrogated party's name, including res judicata and collateral estoppel.

Patron - Kilgore

[P] HB2042 Health insurance; assessment for utilization review. Clarifies that only companies subject to the statutory external appeal program for adverse health decisions are subject to an assessment to fund appeals.

Patron - Rust

[P] HB2063 Health insurance; breast cancer as a preexisting condition. Prohibits (i) insurers proposing to issue group accident and sickness insurance policies or individual health insurance coverage providing hospital, medical and surgical, major medical or cancer-only coverage on an expense-incurred basis, and Medicare or similar plans; (ii) corporations providing individual or group accident and sickness subscription contracts; and (iii) health maintenance organizations providing a health care plan for health care services from denying the issuance or renewal of, or cancelling, a policy, contract or plan, or including an exception or exclusion of benefits, for persons who have a high risk of breast cancer or who have had breast cancer but have been free of the disease for at least five years. Benefits shall be provided with durational limits, deductibles, coinsurance factors, and copayments that are no less favorable than for physical illness generally. Such carriers shall not consider routine follow-up care after a person has been determined cancer-free for purposes of determining a preexisting condition unless laboratory evidence of breast cancer is found during or as a result of the follow-up care.

Patron - McQuigg

[P] HB2075 Fire Programs Fund. Allows localities to use funds from the Fire Programs Fund for purchasing emergency medical care and equipment for fire personnel and for payment of personnel costs related to fire and medical training for fire personnel.

Patron - Landes

[P] HB2078 Managed care health insurance plans; external appeals fee. Authorizes the State Corporation Commission's Bureau of Insurance to refund the \$50 filing fee paid by covered persons or health care providers who have appealed a managed care health insurance plan's final adverse decision, if the appeal is not accepted for review.

Patron - Melvin

[P] HB2157 Insurance transactions; privacy; consumer protection. Establishes standards for consumer privacy protection that states are allowed to implement under the federal Gramm-Leach-Bliley Act relating to sales of insurance by depository institutions. These provisions are made applicable to any person who lends money or extends credit and who solicits insurance in connection with the transaction. The measure also amends existing privacy protection provisions to provide consumers with additional notices required by the Act. Insurers or agents are required to give a financial information practices notice not less than once in any consecutive 12-month period, which notice will explain the individual's right

to "opt out" of having his financial information disclosed to a nonaffiliated third party. The notice also describes the types of financial information that may be disclosed to affiliates and nonaffiliated third parties and the categories of persons to whom financial information may be disclosed. Medical record information and privileged claim information may not be disclosed to affiliates or nonaffiliated third parties unless prior written authorization is obtained. An information practices notice that describes the types of personal information (including medical record information) that may be collected and disclosed will still have to be given every two years as required under current law.

Patron - Morgan

[P] HB2228 Long-term care insurance; rating practices disclosure. Requires the State Corporation Commission's standards for provisions of long-term care insurance policies to address the disclosure of rating practices to consumers. The Joint Commission on Health Care and the Bureau of Insurance are required to (i) monitor the implementation of the revisions to the NAIC's Long-Term Care Insurance Model Regulation dealing with Initial Filing Requirements and Premium Rate Schedule Increases, (ii) document the experience of other states that have implemented the revised regulation, and (iii) recommend whether Virginia should adopt the revised regulation.

Patron - Hall

[P] HB2255 Mutual insurers; formation of mutual holding companies. Establishes a procedure for the formation of mutual insurance holding companies. The measure also provides for the conversion of mutual insurance holding companies to stock holding companies. Plans must be approved by the State Corporation Commission and receive the approval of two-thirds of the votes cast by eligible members at a meeting in person or by proxy.

Patron - Woodrum

[P] HB2654 Health insurance; prescription benefit cards. Requires each health insurer, corporation providing individual or group accident and sickness subscription contracts, and health maintenance organization that provides coverage for prescription drugs on an outpatient basis to issue a prescription benefit card, health insurance benefit card, or other technology that complies with standards set forth in the National Council for Prescription Drug Programs Pharmacy ID Card Implementation Guide. Alternatively, such card or other technology shall include specific data elements. The same requirement is imposed under the state employee's health insurance plan and the Virginia Medicaid program. The measure applies to contracts, policies or plans delivered, issued for delivery or renewed on and after July 1, 2002.

Patron - Reid

[P] HB2657 Insurance; unfair claim settlement practices in appraisals. Provides that it is an unfair claim settlement practice for a repair facility to engage in a general business practice of paying kickbacks, rebates, commissions or other consideration to an insurer in connection with appraisal services. The bill also provides that it is an unfair claim settlement practice to make appraisals of the cost of repairing an automobile that has been damaged as a result of a collision, unless the appraisal is based upon a personal inspection by a representative of the repair facility or insurer.

Patron - Cranwell

[P] HB2678 Uniform referral form. Repeals the requirement that the State Corporation Commission adopt a uniform referral form for managed care health insurance plans.

Patron - Rust

P HB2704 Insurance payments for services by pharmacists. Prohibits health insurers and health service plan providers, whose policies or contracts cover services that may be legally performed by licensed pharmacists, from denying reimbursement because the service is rendered by the licensed pharmacist if the service is performed under the terms of a collaborative agreement between a pharmacist and physician or the service is for a vaccination.

Patron - Watts

P HB2720 Annuities. Amends the definition of what constitutes an annuity. Rather than applying only to agreements to make periodic payments in fixed dollar amounts, the term "annuities" includes agreements to make payments in specified or calculable sums.

Patron - Bryant

P HB2721 Insurance; hedging transactions. Authorizes domestic insurers to effect bona fide hedging transactions pertaining to certain foreign securities. Currently, hedging transactions may pertain to other categories of domestic and Canadian obligations. The measure also expands the definition of a bona fide hedging transaction to include the purchase or sale of a contract, warrant, option, call, put or right that seeks to (i) minimize foreign currency risks or (ii) offset currency risks and other items that qualify for hedge accounting.

Patron - Bryant

P HB2801 Insurance; optional uninsured motorist coverage. Permits insurers to require that a policyholder's request to reduce uninsured and underinsured motorist insurance coverage be in writing.

Patron - Ware

P SB913 Insurance agents; licensing. Incorporates the reciprocal agent licensing provisions of the NAIC Producer Licensing Model legislation that are necessary to comply with the Gramm-Leach-Bliley Act (GLBA). The measure also updates current laws, makes them more consistent with the laws of other states, and clarifies internal inconsistencies. Specific changes include (i) consolidating six current restricted licenses into one limited life and health license; (ii) consolidating five current restricted licenses into one limited property and casualty license; (iii) consolidating five types of credit insurance licenses into one new license; (iv) creating new specific nonresident license types to allow for full reciprocal licensing with other states; (v) creating a new "personal lines" license aimed primarily at those entering the insurance business and customer service representatives at insurance companies and insurance agencies who, while involved in sales, deal only with personal lines; (vi) creating a new "life and annuities" license and a new "health" license; (vii) liberalizing reciprocity for licensing nonresident agents based upon their qualifications in their home state; (viii) making the grounds upon which a license may be denied, suspended or revoked more consistent with the grounds utilized in other states; and (ix) making continuing education requirements fully reciprocal for agents and consultants who provide satisfactory certification that they have satisfied the level of continuing education required in their home state. Among other changes not mandated by GLBA, the measure repeals the 45-hour prelicensing study course requirement and changes the current appointment fee to an appointment processing fee applicable to each transaction, regardless of whether the appointment is successfully processed. The statutory maximum for the appointment fee is raised from \$15 to \$25. While most of the measure will become effective on September 1, 2002, some continuing education provisions will become effective January 1, 2003, and

others will be effective July 1, 2001. This bill incorporates SB 1035.

Patron - Wampler

P SB987 Insurance. Defines insurance, for purposes of Title 38.2, as the business of transferring risk by contract wherein a person, for a consideration, undertakes to indemnify another person, to pay or provide a specified or ascertainable amount of money, or to provide a benefit or service upon the occurrence of a determinable risk contingency. Insurance specifically includes the issuance of group and individual contracts, certificates, or evidences of coverage by health services plans, health maintenance organizations, legal services organizations or legal services plans, and dental or optometric services plans.

Patron - Miller, Y.B.

P SB1088 Insurance agents; continuing education. Directs the continuing education board for insurance agents to approve instruction programs that include technical courses or agency management and operations courses.

Patron - Bolling

P SB1102 Insurance; confidentiality of information. Conforms provisions regarding the confidential treatment of information regarding insurance companies held by the State Corporation Commission. The circumstances when such information may be disclosed by the Commission are standardized. Disclosures may generally be made to (i) a regulatory official of any state or country; (ii) the National Association of Insurance Commissioners, its affiliate, or its subsidiary; or (iii) a law enforcement authority of any state or country. Disclosures by the Commission shall not constitute a waiver of confidentiality of information. The measure also provides that information denominated in writing as confidential by a federal regulator and received by the Commission pursuant to the Gramm-Leach-Bliley Act shall be excluded from subpoena or public inspection. The Commission may provide a federal regulator with information with respect to any insurance business that is an affiliate or agent of a depository institution or financial holding company if the federal regulator agrees in writing to maintain such information in confidence and to take all reasonable steps to oppose any effort to secure its disclosure.

Patron - Colgan

P SB1200 Health care coverage; infant hearing screenings. Requires health insurers, health maintenance organizations, and corporations providing subscription contracts for health care coverage to provide coverage for infant hearing screenings and certain other audiological examinations. These requirements are also made applicable to the state's health care coverage plan for state employees, and to the state plan for medical assistance (Medicaid).

Patron - Forbes

P SB1224 Fire Programs Fund. Provides that any funds remaining at the end of an annual reporting period due to a receiving locality's failure to submit required documentation be allocated to localities for the improvement of fire services. Currently, such funds must be retained until the documents are submitted by the receiving locality.

Patron - Whipple

F Failed

F HB1637 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 or attention deficit-hyperactivity disorder. The bill's provisions are applicable to policies and plans issued on and after July 1, 2001.

Patron - Diamonstein

[F] HB1671 Discriminatory insurance contracting; private cause of action. Authorizes a person aggrieved by unfair discrimination between individuals of the same class and equal life expectation, or of essentially the same hazard, in rates charged, benefits payable, or other terms and conditions of any life insurance or annuity contract or contract or policy of accident or health insurance to bring an action to recover actual damages, costs and attorneys' fees against the person committing or permitting the unfair discrimination. Such discrimination is currently a prohibited insurance practice.

Patron - Jones, J.C.

[F] HB1938 Motor vehicle insurance; proof of insurance. Requires insurance companies issuing liability policies to provide insureds with proof of liability insurance and requires operators of vehicles registered as insured vehicles to carry proof of insurance when driving on the public highways. Failure, refusal, or inability to produce such proof of insurance when requested by a law-enforcement officer constitutes a traffic infraction (fine up to \$200). The bill also makes it a class 6 felony to alter or falsify such proof of insurance, or to carry such proof knowing the applicable insurance policy to be expired or cancelled.

Patron - Armstrong

[F] HB2266 Insurance unfair trade practices; illegal rebates. Creates a new category of practices considered illegal rebates. The bill prohibits the giving or offering to give, as an inducement to purchase or renew insurance, any special favor related to the line of credit or loan portfolio of an applicant for insurance or an insured policyholder. This bill is identical to HB 2434.

Patron - Ware

[F] HB2434 Insurance unfair trade practices; illegal rebates. Creates a new category of practices considered illegal rebates. The bill prohibits the giving or offering to give, as an inducement to purchase or renew insurance, any special favor related to the line of credit or loan portfolio of an applicant for insurance or an insured policyholder. This bill is identical to HB 2266.

Patron - Bolvin

[F] HB2604 Insurance agents; continuing education. Eliminates the limitation that no more than 75 percent of an agent's required continuing education credit hours be from courses provided by insurance companies or agencies and allows excess credit hours to be carried forward to the next two biennia. Currently, excess credit hours may be carried forward only to the next biennium.

Patron - Cranwell

[F] HB2625 Insurance policies; creditors claims. Exempts the cash surrender or loan value of any life insurance policy from the claims of creditors without regard to whether the owner of the policy has the right to change the beneficiary. It repeals an existing provision that protects the cash surrender or loan value of a policy from creditors' claims only if the insured cannot change the beneficiary.

Patron - Bryant

[F] HB2768 Managed care health insurance plans; freedom of choice. Requires any operator of a managed care health insurance plan (MCHIP), whether a carrier offering preferred provider contracts, a corporation offering subscription contracts, or a health maintenance organization, 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

[F] SB816 Health insurance; nonparticipating ancillary services providers. Prohibits an accident and sickness insurer, health maintenance organization, or health services plan from denying coverage or refusing to pay in full for an ancillary service provided by a nonparticipating provider, unless the health care plan obtains from the covered person a written acknowledgement that (i) services by a nonparticipating ancillary service provider may not be fully covered and (ii) the covered person is responsible for the difference between the amount that is billed and the amount that the insurer or plan pays or reimburses for the service. This measure applies where an insurer or plan has pre-approved a medical service provided at a participating hospital or outpatient treatment facility, but an ancillary service is provided by a nonparticipating provider.

Patron - Byrne

[F] SB938 Insurance; licensing of public adjusters. Provides for State Corporation Commission licensing of public adjusters. "Public adjusting" means investigating, negotiating or providing advice to an insured in relation to first-party claims arising under insurance contracts that insure the real or personal property of an insured. No person shall act as a public adjuster without first obtaining a license from the Commission. Conditions for licensing include paying an annual fee, passing a prelicensing examination, having at least two years' experience adjusting claims of the type for which a license is applied for, and posting a \$10,000 bond. Adjusters for, or agents or employees of, insurers who adjust losses or damages under policies issued by the insurer, independent contractors of insurers, and licensed attorneys are exempt from the licensing requirements. The Commission may suspend or revoke licenses under certain conditions. The measure will become effective September 1, 2002.

Patron - Byrne

[F] SB1035 Insurance; types of agent licenses. Requires the licenses of all individuals and business entities who on July 1, 2001, hold certain limited licenses to write insurance to be converted to the nearest equivalent license type

currently issued in the Commonwealth, and subjects those converted licenses to all of the preclicensing and continuing education requirements of the converted license type. This bill has been incorporated into SB 913.

Patron - Norment

[F] SB1191 Health care coverage; hearing aids. Requires health insurers, health maintenance organizations and corporations providing health care coverage subscription contracts to provide coverage for hearing aids and related services. Such coverage shall include one hearing aid per hearing-impaired ear, up to a cost of \$1,200, every 48 months. The insured may choose a higher priced hearing aid and pay the difference in cost above \$1,200, with no penalty to the insured or the hearing aid provider.

Patron - Houck

Labor and Employment

[P] Passed

[P] HB2481 Labor and employment; remedies for discrimination. Extends the statute of limitations for filing a claim for discrimination based on reporting an employer's safety or health violations from 30 days to 60 days.

Patron - Moran

[P] SB1044 Industrial Hygiene and Safety Profession Title Protection Act. Prohibits a person from representing to the public that he is a Certified Industrial Hygienist, Certified Associate Industrial Hygienist, Industrial Hygienist in Training, Certified Safety Professional, Certified Associate Safety Professional, Construction Health and Safety Technologist, or Occupational Health and Safety Technologist unless the proper certification has been obtained. The bill further provides for injunctive relief to restrain a person from representing himself as possessing one of the titles without having first obtained the required certification. The bill exempts employees of the Virginia Department of Labor and Industry while they are engaged in the business of the Commonwealth. The measure does not bar an otherwise-qualified expert witness from testifying in court proceedings.

Patron - Williams

[F] Failed

[F] HB2723 Hobby and model boilers; inspection and testing. Permits a hobby or model boiler inspected and certified in the Commonwealth between 1995 and 2000 at a maximum allowable working pressure between 100 and 150 pounds per square inch to continue to be operated at its previously certified pressure until a reduction in pressure is required by the inspector. This bill contains an emergency clause.

Patron - Armstrong

[F] SB1317 Employee-employer cooperation act. 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 - Byrne

Libraries

[F] Failed

[F] HB2316 State Library Board; powers and duties. Requires the State Library Board to develop standards for granting waivers from the specifications for plats and maps submitted for recordation in the circuit courts of the Commonwealth as required by the Board's regulations.

Patron - Jones, S.C.

Mechanics' and Certain Other Liens

[P] Passed

[P] SB1406 Mechanics' lien agent; building permits. Adds a provision requiring a successor agent to be named upon the death, resignation or incapacity of the originally named mechanics' lien agent.

Patron - Barry

Military and Emergency Laws

[P] Passed

[P] HB1993 Officers of the Virginia militia. Allows the officers of the Virginia Women's Institute for Leadership at Mary Baldwin College to be commissioned officers of the Virginia militia. In addition, the bill allows the Governor the authority to commission professors at the Virginia Women's Institute for Leadership at Mary Baldwin College, and for those persons so commissioned to hold such commissions for as long as they are officers.

Patron - Landes

[F] Failed

[F] HJ756 Service of the Virginia National Guard. Urges the Congress and President of the United States to examine the present commitment of the United States military and enact and pursue policies that will reduce the demand for federal service by members of the Virginia National Guard.

Patron - McClure

Mines and Mining

[F] Failed

[F] HB1941 The Virginia Gas and Oil Act; distance limitations and permit applications; coalbed methane gas wells. Removes coalbed methane gas wells from the requirement that for approval of a permit or drilling unit, well operators and coal owners must agree upon a drilling unit or location for a new well within 2,500 linear feet of the location of an existing well, or a well for which a permit application is on file. The bill also deletes the requirement that coalbed methane gas

well operators include in their permit applications a signed consent from the coal operator of each coal seam located within certain distances of a proposed well location, or coal bearing stratum, that the applicant proposes to stimulate.

Patron - Kilgore

[F] HB2529 Mining activity; surface effects of underground coal mining operation. Provides that the Director shall suspend ongoing underground coal mining under an impoundment of water used for public water supply purposes if he finds imminent danger to the public water supply.

Patron - Phillips

[F] HB2854 Virginia Gas and Oil Act; coalbed methane gas wells. Provides that a coal owner who objects to the location of a coalbed methane gas well may designate an alternate location for the well within the same drilling unit or leasehold interest of a coalbed methane gas well operator. The Virginia Gas and Oil Board shall determine the reasonableness of any objections to the alternate location raised by other affected coal owners. The bill also provides that a coal owner and a coalbed methane gas well operator may agree on the posting of a bond before the well is operated for any damage caused by the stimulation of a coal seam. If the coal owner and the well operator have a dispute regarding the stimulation of a coal seam, the dispute shall be referred to an arbitration panel consisting of a representative appointed by the coal owner, a representative of the well operator, and an arbitrator appointed by the Department of Mines, Minerals and Energy. The decision of the arbitration panel shall be issued within 60 days of the submission of the dispute to arbitration and the decision shall be binding on the parties. The bill contains a sunset date of July 1, 2003, and a requirement that the Department evaluate the success of the provisions of this act and report its findings to the chairmen of House Committee on Mining and Mineral Resources and the Senate Committee on Agriculture, Conservation and Natural Resources by December 1, 2002.

Patron - Stump

[F] HB2868 Virginia Gas and Oil Act; permit applications. Provides that a coal operator may require that the location of a proposed coalbed methane gas well be moved to an alternate location not greater than 800 feet from the proposed location on the same lease and within the same drilling unit. Once an alternate location has been designated by the coal owner, the coalbed methane gas well operator shall not be required to again move the well location until after a hearing has been held before the Department of Mines, Minerals and Energy. The bill also provides that the location of a proposed well location or drilling unit within 2,500 feet of an existing well shall be refused unless consent is obtained from affected coal owners or the Department finds that the proposed location or unit will not unreasonably interfere with the safe recovery of coal, oil, gas, or coalbed methane gas. In an application for a permit to drill a coalbed methane gas well, the coal owner's consent to stimulate shall be deemed to be granted if the applicant has obtained the consent from any coal owner or coal owners holding at least 50 percent interest in the acreage for which consent is required. The bill also clarifies that an applicant may appeal a decision made by the Director of the Department of Mines, Minerals and Energy to the Virginia Gas and Oil Board.

Patron - Bryant

[F] SB1153 Mining activity; surface effects of underground coal mining operation. Provides that the Director shall suspend ongoing underground coal mining under an impoundment of water used for public water supply purposes if he finds imminent danger to the public water supply.

Patron - Puckett

Motor Vehicles

[P] Passed

[P] HB1556 Disabled parking placards. Requires that only original applications (and not renewal applications) for permanent disabled parking placards need be accompanied by a physician's certification of the applicant's disability.

Patron - Byron

[P] HB1568 Motorcycle rider safety training courses and training centers. Provides that motorcycle rider safety training courses must be approved by the Department of Motor Vehicles (DMV), rather than meet the requirements of DMV regulations. The bill also requires DMV approval of facilities and equipment of regional motorcycle rider safety training centers and requires that the curriculum, accreditation, and geographic areas served by these centers must be approved by DMV, rather than meet the requirements of DMV regulations. Training centers additionally must maintain such records and provide such reports as DMV determines. This bill is a duplicate of SB 835 (Watkins).

Patron - Wardrup

[P] HB1585 No proof of financial responsibility for first offender license reinstatement. Provides that any juvenile found guilty and any adult whose proceedings have been deferred under the first (drug) offender statute and whose driver's license, registration card, and license plates are thus revoked shall no longer be required to show proof of financial responsibility prior to reinstatement of his driver's license, etc. Any such person shall still be required to pay a reinstatement fee in order to have his driver's license restored. The bill provides that any person who previously filed a certificate of insurance for an offense prior to the effective date of the act does not have to file further certificates.

Patron - Armstrong

[P] HB1617 Appeals from order suspending or revoking license or registration. Provides that in the case of manifest injustice a person aggrieved by an order or act of the Commissioner of the Department of Motor Vehicles requiring suspension or revocation of a license is entitled to judicial review and adds that the court may order that the Commissioner modify a suspension or issue a restricted license. Manifest injustice is defined as those instances where the Commissioner's order was the result of an error, was issued without authority or jurisdiction or conflicts with a final court order. There is no appeal from the circuit court's determination. HB 1812 was incorporated into this bill.

Patron - Griffith

[P] HB1627 Vehicle safety inspections; fees. Increases maximum fees chargeable for inspection of (i) tractor trucks, (ii) trucks that have gross vehicle weight ratings of 26,000 pounds or more, and (iii) buses that seat more than sixteen passengers, including the driver. The new maximum fee will be \$30 for inspections performed prior to July 1, 2002, and \$50 for inspections performed on or after July 1, 2002. Inspection fees for other vehicles are not changed.

Patron - Black

[P] HB1638 Trip permits issued by Department of Motor Vehicles (DMV). Eliminates the requirement that vehicles operated under trip permits issued by DMV be operated only "... between the beginning and destination points." The bill also changes the term "one-trip permits" to "trip permits"

and allows issuance of these permits on the same basis, regardless of whether the trip is from an origin outside Virginia to a destination inside Virginia or wholly within Virginia.

Patron - Suit

[P] HB1679 Motor vehicles; license fees. Permits localities to charge an additional license fee of no more than one dollar per motor vehicle, trailer, and semi-trailer. The funds from such fees must be paid into the Volunteer Firefighters' and Rescue Squad Workers' Pension Fund ("Fund") for the benefit of volunteer firefighters and members of rescue squads.

Patron - Tate

[P] HB1806 Parking. Adds Greene County to the list of counties that may regulate parking, stopping, and standing of vehicles within its boundaries. This bill is the same as SB 958 (Couric).

Patron - Broman

[P] HB1817 Parking; local vehicle licenses. Adds Scott County to the list of counties authorized to regulate parking within their boundaries.

Patron - Kilgore

[P] HB1857 Parking in certain counties. Allows Prince William County the same powers as Fairfax County to regulate or prohibit parking of watercraft, boat trailers, motor homes, and camping trailers on any public highway in the county.

Patron - McQuigg

[P] HB1872 Vehicle speed and stopping distance tables. Revises the table of vehicle speeds and stopping distances contained in the Code of Virginia, according to recommendations of the Virginia Transportation Research Council.

Patron - Deeds

[P] HB1881 Driver's licenses; licensees less than 18 years old. Provides that it is the date of the violation, not the date of the conviction, that will subject a driver who is less than 18 years old to requirements and restrictions not applicable to drivers who are 18 years old or older.

Patron - Albo

[P] HB1956 All-terrain vehicles. Allows over-the-road operation of all-terrain vehicles by law-enforcement officers, firefighters, and rescue squad personnel responding to emergencies.

Patron - Louderback

[P] HB1958 Uncollectable electronic payments to Department of Motor Vehicles (DMV). Treats uncollectable electronic payments to DMV the same way as uncollectable checks.

Patron - Rollison

[P] HB1959 Driver's licenses; organ donors. Eliminates the requirement that persons who want to rescind their willingness to be organ donors appear in person at a Department of Motor Vehicles office to make the change on their driver's licenses.

Patron - Rollison

[P] HB1962 Motor vehicle dealers; coercion by manufacturers and distributors. Prohibits certain coercive practices by motor vehicle manufacturers and distributors in connection with vehicle financing and leasing by motor vehicle dealers.

Patron - Wardrup

[P] HB1963 Motor Vehicle Transaction Recovery Fund. Provides that where dealer's surety is liable for claims against a dealer, the surety remains liable for the first \$25,000, but the Motor Vehicle Transaction Recovery Fund will be liable for the next \$75,000 (instead of \$50,000). In claims against the Fund involving a single transaction, the maximum claim is increased from \$15,000 to \$20,000 and for multiple transactions from \$75,000 to \$100,000. The minimum amount at which claims become prorated is increased from \$50,000 to \$75,000.

Patron - Wardrup

[P] HB2019 "Photo-toll" toll payment photo-monitoring program. Allows operators of toll facilities to send vehicle owners bills or invoices prior to pursuing other remedies provided for collecting unpaid tolls. This bill is a duplicate of SB 1291 (Mims).

Patron - May

[P] HB2040 Motor vehicle dealers. Prohibits motor vehicle manufacturers, factory branches, distributors, distributor branches, or subsidiaries from requiring any motor vehicle dealer to waive any substantive or procedural rights afforded him by Virginia law. The bill's provision, however, does not apply to good faith settlement of disputes. This bill is the same as SB 1413 (Wampler).

Patron - Rust

[P] HB2046 Vehicle weight limits; liquidated damages, procedures for weighing vehicles. Increases amounts of liquidated damages imposed for overweight violations. The bill also authorizes, with the exception of certain vehicles' operation on non-interstate highways, assessment of liquidated damages based on pre-shifting axle weights when shifting of a vehicle's cargo brings it into compliance with axle weight limits. This bill is the same as SB 1097 (Mims).

Patron - Rollison

[P] HB2056 Speed limits. Authorizes 65-mile-per-hour speed limits, subject to traffic engineering studies, on HOV lanes that are physically separated from normal travel lanes and on highways constructed under the Public-Private Transportation Act of 1995.

Patron - Albo

[P] HB2065 Clerks of court; notice of driver's license suspension for nonpayment of fines. Changes the provision that says the clerk of court must "send" notice to say that the clerk of court must "cause to be sent" notice. This change will allow the court system to have notices prepared and delivered from a central office should technology develop so that that process would be more efficient. This bill is a recommendation of the Committee on District Courts.

Patron - Howell

[P] HB2088 Vehicle lengths and widths. Permits, under certain circumstances, over-the-road operation of travel trailers and motor homes that exceed the length and/or width limits generally applicable to vehicles on the public highways.

Patron - Plum

[P] HB2097 Motor vehicle warranty obligations. Provides that motor vehicle dealers shall not be charged back or otherwise liable for sales incentives or charges related to motor vehicles sold by them to purchasers other than licensed, franchised motor vehicle dealers and subsequently exported or resold, provided that such dealers can demonstrate that they exercised due diligence and that the sales were made in good

faith and without knowledge of any intention to export or resell the motor vehicle. This bill is the same as SB 1013 (Williams).

Patron - Abbott

[P] HB2103 School crossing guards. Allows uniformed school crossing guards to control traffic at all marked school crossings, whether at intersections or elsewhere. This bill is a duplicate of SB 1222 (Whipple).

Patron - Darner

[P] HB2140 Motor carrier service centers. Makes the Department of Motor Vehicles responsible for operation of permanent and mobile motor carrier service centers (weigh stations). This bill is the same as SB 1092 (Mims).

Patron - Drake

[P] HB2173 Use of devices on wheels or runners on certain highways. Authorizes Arlington County by ordinance to permit use of "devices on wheels or runners" (rollerskates, sleds, scooters, skateboards, etc.) on highways under the county's control.

Patron - Brink

[P] HB2198 Warning devices on certain vehicles. Requires self-propelled vehicles used to sell ice cream, snacks, and similar products in residential neighborhoods to be equipped with warning devices that give audible and light signals whenever the vehicle is operated in reverse gear.

Patron - Crittenden

[P] HB2217 Policy of the Commonwealth; use of highways by motorcycles. Prohibits closure by political subdivisions of the Commonwealth of any highway to motorcycles if public funds were used in the highway's construction. This bill is the same as SB 861 (Houck).

Patron - Stump

[P] HB2219 Trucks hauling gravel, sand, or crushed stone. Extends from July 1, 2001, to July 2, 2002, the "sunset" on legislation that temporarily applied coal truck weight limits to trucks hauling gravel, sand, or crushed stone in counties authorized to impose a coal severance tax.

Patron - Stump

[P] HB2239 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

[P] HB2307 Motor vehicle dealers; use of surveys, etc., by manufacturers to evaluate dealership performance. Requires that any performance standard or program that is used by a manufacturer or distributor for measuring dealership performance and may have a material effect on a dealer, and the application of any such standards or program by a manufacturer or distributor, be fair, reasonable, and equitable and, if based upon a survey, be based upon a statistically valid sample. Upon the request of any dealer, a manufacturer or distributor shall disclose in writing to the dealer a description of how a performance standard or program is designed and all relevant information used in the application of the performance standard or program to that dealer. This bill is the same as SB 1133 (Marsh).

Patron - Bolvin

[P] HB2322 Farm-use vehicles. Allows unregistered farm-use vehicles to be operated up to 30 miles along the public highways to obtain agricultural or horticultural supplies.

Patron - Jones, S.C.

[P] HB2332 Motor vehicle dealers; damages caused by statutory violations. Adds a new section that allows a motor vehicle dealer to recover actual damages, court costs and attorney's fees for a statutory violation resulting in injury to its business or property. This bill is the same as SB 1095 (Mims).

Patron - Howell

[P] HB2379 Dissemination of criminal history record information. Authorizes dissemination of criminal history record information to DMV for the purpose of evaluating applicants for a motor carrier certificate or license.

Patron - Landes

[P] HB2380 Motor carriers. Revises Virginia statutes dealing with property and passenger carriers operating for-hire on an intrastate basis. The bill is based on recommendations of the Motor Carrier Reform Task Force of the Department of Motor Vehicles.

Patron - Landes

[P] HB2444 Parking fines; personal property taxes on vehicles. Allows local governing bodies to enter into regional compacts for the inter-jurisdictional enforcement of local parking and vehicular personal property tax ordinances.

Patron - Almand

[P] HB2482 Motor vehicle dealers. Prohibits manufacturers and distributors to discriminate in favor of or against particular dealers who sell the same line-make. This bill is identical to SB 1182 (Norment).

Patron - Moran

[P] HB2554 Operation of motor vehicles by person less than 20 years old. Requires that driver training programs include a minimum number of miles to be driven during the behind-the-wheel portion of the training; this number will be determined by the State Board of Education. The bill further provides that, to be eligible to receive a driver's license, an applicant less than 18 years old must present a certification, signed by a parent or guardian or adult spouse, that he has driven at least 40 hours (10 of them after dark) while he held a learner's permit. In addition, the bill prohibits operation of a motor vehicle between midnight and 4:00 a.m. under a learner's permit. Also, the minimum age for obtaining a learner's permit is increased from 15 years to 15 years and six months; the minimum "hold period" for a learner's permit is increased from 6 months to 9 months. As to driver's licenses, to receive a driver's license, an applicant must be at least 16 years and three months old (instead of 16 years old). Drivers less than 17 years old cannot transport more than one passenger who is less than 18 years old; drivers who are at least 17 but less than 18 years old cannot transport more than three passengers who are less than 18 years old. These limitations do not apply to members of the driver's family or household. Drivers less than 18 years old cannot drive between midnight and 4:00 a.m., except for going to or from businesses where they are employed, going to or from a school-sponsored activity, when accompanied by adult parents, guardians, or spouses, or in emergencies. Violations of the passenger restrictions and hours-of-operation restrictions are secondary offenses. Drivers who are at least 18 but less than 20 must attend driver improvement clinics if they are convicted of a moving violation, a safety belt violation, or a child restraint violation. The increase in the minimum age for issuance of a driver's licenses does not apply to persons who received learner's permits prior to July 1, 2001. This bill is identical to SB 1329 (Mims) and incorporates HB 475, HB 2283, HB 2819, and HB 2843.

Patron - O'Brien

[P] HB2649 Overweight permits; trucks hauling concrete. Allows weight limit extensions for trucks that haul concrete to apply to interstate highways as well as other highways, but only if the extensions are not inconsistent with federal law and will not jeopardize, bar, or reduce federal transportation funding otherwise available to the Commonwealth or any of its political subdivisions. This bill is the same as SB 1343 (Williams).

Patron - Robinson

[P] HB2706 Truck covers. Requires that covers used to prevent the escape of material from commercial vehicles used to transport solid waste be of such design, installation, and construction to contain all of the vehicle's cargo within the vehicle, regardless of the vehicle's speed or weather conditions.

Patron - Morgan

[P] HB2754 School buses; speed limits. Allows school buses to go up to 65 mph on interstate highways where the speed limit is 65 mph.

Patron - Jackson

[P] SB798 License plates. Prohibits covering any portion of a vehicular license plate that indicates where the vehicle is registered and when its registration expires.

Patron - Reynolds

[P] SB823 License plates; reserved numbers and letters. Repeals authority for use of up to eight alpha-numeric characters on reserved-number license plates.

Patron - Potts

[P] SB835 Motorcycle rider safety training courses and training centers. Provides that motorcycle rider safety training courses must be approved by the Department of Motor Vehicles (DMV), rather than meet the requirements of DMV regulations. The bill also requires DMV approval of facilities and equipment of regional motorcycle rider safety training centers and requires that the curriculum, accreditation, and geographic areas served by these centers must be approved by DMV, rather than meet the requirements of DMV regulations. Training centers additionally must maintain such records and provide such reports as DMV determines. This bill is a duplicate of HB 1568 (Wardrup) and incorporates SB 787 and SB 788.

Patron - Watkins

[P] SB836 Electric power-assisted bicycles. Defines "electric power-assisted bicycle" and provides, generally, for its treatment as an ordinary bicycle, except that it is explicitly limited to speeds of no more than 25 miles per hour and is limited to unsupervised operation by persons at least 14 years old (with an allowance of operation by younger persons under the supervision of persons at least 18 years old). Batteries for electric power-assisted bicycles must be spill-proof, sealed, or gel batteries.

Patron - Watkins

[P] SB905 Passing a stopped school bus. Provides that for the purposes of being convicted of reckless driving or having a civil penalty imposed, the testimony of the school bus driver, the supervisor of school buses or a law-enforcement officer that the vehicle was yellow, conspicuously marked as a school bus, and equipped with warning devices as prescribed in § 46.2-1090 is prima facie evidence that the vehicle is a school bus.

Patron - Mims

[P] SB958 Parking. Adds Greene County to the list of counties that may regulate parking, stopping, and standing of vehicles within its boundaries. This bill is a duplicate of HB 1806 (Broman).

Patron - Couric

[P] SB979 Motor vehicle dealers. Allows the Motor Vehicle Dealer Board to provide discounts and other incentives to encourage its licensees to conduct their business with the Board by means of electronic technologies and for multi-year periods.

Patron - Rerras

[P] SB1013 Motor vehicle warranty obligations. Provides that motor vehicle dealers shall not be charged back or otherwise liable for sales incentives or charges related to motor vehicles sold by them to purchasers other than licensed, franchised motor vehicle dealers and subsequently exported or resold, provided that such dealers can demonstrate that they exercised due diligence and that the sales were made in good faith and without knowledge of any intention to export or resell the motor vehicle. This bill is the same as HB 2097 (Abbitt).

Patron - Williams

[P] SB1092 Motor carrier service centers. Makes the Department of Motor Vehicles responsible for operation of permanent and mobile motor carrier service centers (weigh stations). This bill is the same as HB 2140 (Drake).

Patron - Mims

[P] SB1095 Motor vehicle dealers; damages caused by statutory violations. Adds a new section that allows a motor vehicle dealer to recover actual damages, court costs and attorney's fees for a statutory violation resulting in injury to its business or property. This bill is the same as HB 2332 (Howell).

Patron - Mims

[P] SB1097 Vehicle weight limits; liquidated damages, procedures for weighing vehicles. Increases amounts of liquidated damages imposed for overweight violations. The bill also authorizes, with the exception of certain vehicles' operation on non-interstate highways, assessment of liquidated damages based on pre-shifting axle weights when shifting of a vehicle's cargo brings it into compliance with axle weight limits. This bill is the same as HB 2046 (Rollison).

Patron - Mims

[P] SB1133 Motor vehicle dealers; use of surveys, etc, by manufacturers to evaluate dealership performance. Requires that any performance standard or program that is used by a manufacturer or distributor for measuring dealership performance and may have a material effect on a dealer, and the application of any such standards or program by a manufacturer or distributor, be fair, reasonable, and equitable and, if based upon a survey, be based upon a statistically valid sample. Upon the request of any dealer, a manufacturer or distributor shall disclose in writing to the dealer a description of how a performance standard or program is designed and all relevant information used in the application of the performance standard or program to that dealer. This bill is the same as HB 2307 (Bolvin).

Patron - Marsh

[P] SB1150 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. This bill is the same as HB 1679 (Tate).

Patron - Puckett

[P] SB1182 Motor vehicle dealers. Prohibits manufacturers and distributors to discriminate in favor of or against particular dealers who sell the same line-make. This bill is the same as HB 2482 (Moran).

Patron - Norment

[P] SB1222 School crossing guards. Allows uniformed school crossing guards to control traffic at all marked school crossings, whether at intersections or elsewhere. This bill is the same as HB 2103 (Darner).

Patron - Whipple

[P] SB1236 Driver's licenses of minors. Provides that, where a minor's legal custodians have been awarded joint custody, both must sign a request before the Department of Motor Vehicles will cancel the minor's driver's license. If they cannot agree, one custodian may petition a Juvenile and Domestic Relations Court for a determination.

Patron - Barry

[P] SB1291 "Photo-toll" toll payment photo-monitoring program. Allows operators of toll facilities to send vehicle owners bills or invoices prior to pursuing other remedies provided for collecting unpaid tolls. This bill is the same as HB 2019 (May).

Patron - Mims

[P] SB1312 Overhead highway obstructions. Requires installation of warning signs in advance of overhead highway structures that are 14 feet tall or less instead of 13 feet, 6 inches or less.

Patron - Newman

[P] SB1318 Commercial Motor Vehicles used to transport municipal solid waste. Allows local governing bodies to adopt ordinances to regulate commercial motor vehicles used to transport municipal solid waste by prohibiting their being parked at locations other than those specified in their ordinances and requiring leak-proof construction of their cargo compartments. The term "municipal solid waste" would have the meaning provided by regulation by the Virginia Waste Management Board. Penalties could be no more stringent than those allowed for traffic infractions (fine up to \$200).

Patron - Byrne

[P] SB1329 Operation of motor vehicles by person less than 20 years old. Requires that driver training programs include a minimum number of miles to be driven during the behind-the-wheel portion of the training; this number will be determined by the state Board of Education. The bill further provides that, to be eligible to receive a driver's licenses, an applicant less than 18 years old must present a certification, signed by a parent or guardian or adult spouse, that he has driven at least 40 hours (10 of them after dark) while he held a learner's permit. In addition, the bill prohibits operation of a motor vehicle between midnight and 4:00 a.m. under a learner's permit. Also, the minimum age for obtaining a learner's permit is increased from 15 years to 15 years and six months; the minimum "hold period" for a learner's permit is increased from 6 months to 9 months. As to driver's licenses, to receive a driver's license, an applicant must be at least 16 years and three months old (instead of 16 years old). Drivers less than 17 years old cannot transport more than one passenger who is less than 18 years old; drivers who are at least 17

but less than 18 years old cannot transport more than three passengers who are less than 18 years old. These limitations do not apply to members of the driver's family or household. Drivers less than 18 years old cannot drive between midnight and 4:00 a.m., except for going to or from businesses where they are employed, going to or from a school-sponsored activity, when accompanied by adult parents, guardians, or spouses, or in emergencies. Violations of the passenger restrictions and hours of operation restrictions are secondary offenses. Drivers who are at least 18 but less than 20 must attend driver improvement clinics if they are convicted of a moving violation, a safety belt violation, or a child restraint violation. The increase in the minimum age for issuance of a driver's licenses does not apply to persons who received learner's permits prior to July 1, 2001. This bill is identical to HB 2554 (O'Brien) and incorporates SB 937, SB 1066, SB 1330, and SB 1357.

Patron - Mims

[P] SB1343 Overweight permits; trucks hauling concrete. Allows weight limit extensions for trucks that haul concrete to apply to interstate highways as well as other highways, but only if the extensions are not inconsistent with federal law and will not jeopardize, bar, or reduce federal transportation funding otherwise available to the Commonwealth or any of its political subdivisions. This bill is the same as HB 2649 (Robinson).

Patron - Williams

[P] SB1398 Funeral processions; hazard lights. Allows vehicles participating in a funeral procession to use their hazard lights (four-way flashers) to identify themselves as such.

Patron - Watkins

[P] SB1413 Motor vehicle dealers. Prohibits motor vehicle manufacturers, factory branches, distributors, distributor branches, or subsidiaries from requiring any motor vehicle dealer to waive any substantive or procedural rights afforded him by Virginia law. The bill's provision, however, does not apply to good faith settlement of disputes. This bill is the same as HB 2040 (Rust).

Patron - Wampler

[F] Failed

[F] 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. This bill conflicts with HB 2554 (O'Brien), SB 1329 (Mims), and HB 1618 (Jones, J.C.). This bill has been incorporated into SB 1329 (Mims).

Patron - Parrish

[F] HB1562 Mopeds. Replaces authority of localities by ordinance to require wearing of helmets, etc., by moped operators and passengers with a statute, effective statewide, to that effect. Violations are not to constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a moped or motor vehicle. The provisions of this bill are not to be construed to change any existing law, rule, or procedure pertaining to any such civil action. Violations are traffic infractions punishable by fines of not more than \$50.

Patron - Parrish

[F] HB1570 Special license plates; members of the Izaak Walton League. Authorizes the issuance of special license plates to members of the Izaak Walton League. This bill incorporates HB 1570, HB 1601, HB 1614, HB 1620, HB 1622, HB 1641, HB 1651, HB 1780, HB 1787, HB 1795, HB 1844, HB 1974, HB 1986, HB 2164, HB 2191, HB 2263, HB 2263, HB 2284, HB 2556, HB 2557, HB 2560, HB 2608, HB 2609, HB 2622, HB 2648, HB 2652, and HB 2773.

Patron - Black

[F] HB1571 Special license plates; members of the 1600 Communications Association. Authorizes the issuance of special license plates to members of the 1600 Communications Association. This bill has been incorporated into HB 1570.

Patron - Callahan

[F] HB1574 Special license plates; supporters of the Lynchburg Center for Independent Living. Authorizes the issuance of "revenue sharing" license plates to supporters of the Lynchburg Center for Independent Living. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Lynchburg Center for Independent Living to be used to cover the costs of its programs and operations. See HB 1641.

Patron - Bryant

[F] HB1598 Special license plates. Repeals authorization for issuance of special license plates as to which insufficient applications have been received within the time (three years; see subdivision 1. of subsection B of § 46.2-725) provided by law. The affected plates are those for participants in Operation Desert Shield/Desert Storm; those for Virginia Scuba divers and law-enforcement officers; those bearing the legends: GLOUCESTER COUNTY and HISTORIC YORK-TOWN; those for members of the Disabled American Veterans organization, the Gold Wing Road Riders Association, the Old Dominion Boat Club, the State Fire Chiefs Association of Virginia, and the Virginia State Firefighters Association; and those for supporters of D.A.R.E., Inc., parental involvement in local public school programs, Operation Smile, the Virginia Education Foundation, the Virginia's Western Highlands Travel Council, and the Washington D.C. United Soccer team.

Patron - Landes

[F] HB1614 Special license plates; persons awarded the Combat Infantryman Badge. Authorizes the issuance of special license plates to persons awarded the Combat Infantryman Badge. This bill has been incorporated into HB 1570.

Patron - Louderback

[F] HB1615 Overweight vehicles. Provides for civil penalties for repeat violations of vehicle weight limits: \$1,000 for a second offense within a 12-month period, \$5,000 for a third offense within a 12-month period, and \$10,000 for a fourth or subsequent offense within a 12-month period. These penalties are in addition to all other penalties and fees imposed or assessed for such violations, and may be assessed by the court against the operator of the vehicle, the owner or lessee of the vehicle, or the owner or consignor of the good being shipped, as the interests of justice may appear. The bill also provides for transmission to the Department of Motor Vehicles of records or abstracts of convictions for overweight violations so as to create a record of convictions that courts can use in assessing the additional penalties for repeat violations.

Patron - Robinson

[F] HB1618 Drivers under 18. Prohibits operation of motor vehicles by persons under 18 (i) between midnight and 5 a. m. or (ii) with more than three other persons under 18 in the

vehicle, unless they are members of the driver's family or household. This bill conflicts with both HB 2554 (O'Brien), SB 1329 (Mims), and HB 475 (Parrish).

Patron - Jones, J.C.

[F] HB1619 Vehicles owned by local governments. Allows government-owned vehicles used exclusively by chief administrative officers of local governments, at their request, to display license plates other than "local government use" license plates.

Patron - Sherwood

[F] HB1620 Special license plates; Virginia Breast Cancer Foundation supporters. Provides for special license plates whose design is a combination of the Virginia Breast Cancer Foundation supporter special license plate design and the House of Delegates or Senate special license plate design. This bill has been incorporated into HB 1570.

Patron - Amundson

[F] HB1621 Special license plates: supporters of the positions of the "Million Mom March." Authorizes the issuance of special license plates for supporters of the positions of the Mother's Day, 2000, "Million Mom March" for sensible gun laws and safe children.

Patron - Darner

[F] HB1622 Special license plates; supporters of Virginia zoos. Authorizes the issuance of "revenue sharing" license plates to supporters of Virginia zoos. For each set of plates issued (after the first 1,000 sets) \$15 will go, in equal shares, to the Blue Ridge Zoological Society and the Virginia Zoological Society to be spent at their discretion to support their programs and activities. This bill has been incorporated into HB 1570.

Patron - Woodrum

[F] HB1629 Use of wireless communications devices while driving. Prohibits use of hand-held wireless communications devices while turning on to or off of highways, from one highway to another, or entering or leaving controlled access highways.

Patron - Darner

[F] HB1641 Special license plates; supporters of the Virginia Association of Centers for Independent Living. Authorizes the issuance of "revenue sharing" license plates to supporters of the Virginia Association of Centers for Independent Living. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Virginia Association of Centers for Independent Living to be used to cover the costs of its programs and operations. This bill has been incorporated into HB 1570.

Patron - Bryant

[F] HB1646 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

[F] HB1651 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. This bill has been incorporated into HB 1570.

Patron - Ware

[F] HB1672 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 safety belt violation alone.

Patron - Jones, J.C.

[F] HB1698 Disabled parking placards. Prohibits charging of fees for issuance of disabled parking placards.

Patron - Pollard

[F] HB1714 Special license plates; prisoner of war medal. Authorizes the issuance of special license plates to persons awarded the prisoner of war medal. These license plates would be issued free of charge and would not be subject to the standard requirement for presentation of at least 350 prepaid applications prior to production and issuance.

Patron - Abbitt

[F] HB1725 Motorcycle rider safety training courses and training centers. Provides that motorcycle rider safety training courses must be approved by the Department of Motor Vehicles (DMV), rather than meet the requirements of DMV regulations. The bill also requires DMV approval of facilities and equipment of regional motorcycle rider safety training centers and requires that the curriculum, accreditation, and geographic areas served by these centers must be approved by DMV, rather than meet the requirements of DMV regulations. Training centers additionally must maintain such records and provides such reports as DMV determines.

Patron - Black

[F] HB1780 Special license plates; supporters of professional motor sports. Authorizes the issuance of special license plates to supporters of professional motor sports. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other non-revenue-sharing special license plates. This bill has been incorporated into HB 1570.

Patron - Dudley

[F] HB1787 Special license plates; Soldier's Medal, Airman's Medal, and Navy/Marine Corps Medal. Authorizes issuance of special license plate to persons awarded either the Soldier's Medal, Airman's Medal, or Navy/Marine Corps Medal. All such license plates would be of a single design, would be exempt from the minimum order requirements (contained in § 46.2-725), and could be issued to unremarried surviving spouses of recipients of these medals. This bill has been incorporated into HB 1570.

Patron - Hull

[F] HB1795 Special license plates; soccer enthusiasts. Authorizes issuance of special license plates for soccer enthusiasts. Standard requirements as to fees and minimum number of applications required, contained in § 46.2-725, apply to license plates authorized by this bill. This bill has been incorporated into HB 1570.

Patron - Jones, J.C.

[F] HB1812 Judicial approval for DMV revocation or suspension. This bill was incorporated in HB 1617.

Patron - Cranwell

[F] HB1844 Special license plates; education begins at home. Authorizes the issuance of special license plates bearing the legend: EDUCATION BEGINS AT HOME. This bill has been incorporated into HB 1570.

Patron - Marshall

[F] HB1860 "Photo-red" traffic light signal enforcement programs. Authorizes implementation of "photo-red" traffic light signal enforcement programs in Manassas, Manassas Park, and Prince William County. The bill also requires that certificates of inspection of images produced by "photo-red" monitoring systems be sworn to by law-enforcement officers, rather than by technicians or other local government employees.

Patron - McQuigg

[F] HB1884 Use of certain communication devices by motor vehicle drivers. Prohibits driver use of hand-held communication devices while the vehicle is in motion.

Patron - Rhodes

[F] HB1911 Department of Motor Vehicles (DMV) Records. Allows release of certain DMV records for vehicle recall, statistical, and vehicle history preparation purposes.

Patron - Rollison

[F] HB1912 License plates; vehicles owned by the Commonwealth. Provides that vehicles owned by the Commonwealth and used by the Department of Game and Inland Fisheries will have license plates that incorporate the design of "Wildlife Conservationist" license plates, but still have a legend indicating that the vehicles are for official state use only.

Patron - Rollison

[F] HB1913 Special license plates; clean special fuel vehicles. Allows issuance of "clean special fuel vehicle" special license plates for use on hybrid gasoline/electric-powered motor vehicles.

Patron - Rollison

[F] HB1916 "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 - Van Yahres

[F] HB1937 Drivers less than 18 years old. Prohibits any driver under 18 from operating a motor vehicle between midnight and 5:00 a.m. or with more than two passengers under 18 who are not members of his family or household, unless he is traveling to or from school or work.

Patron - Armstrong

[F] HB1950 Potomac Region Transportation Development Authority. Creates the Potomac Region Transportation Development Authority, representing the Counties of Arlington, Fairfax, Loudoun, and Prince William, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park. The Authority is empowered to issue bonds with applicable law, including the issuance of bonds and other evidences of debt, in order to finance or assist in the financing of transportation projects undertaken pursuant to the Public-Private Transportation Act of 1995 (§ 56-556 et seq.) within one or more of the Northern Virginia localities represented in the Authority.

Patron - Hull

[F] HB1964 Special license plates; generally. Revises the general "ground rules" under which most special license plates are issued to provide that 500 (instead of the current 350) prepaid applications would have to be received by the DMV Commissioner within two years (instead of the current three years) of authorization by the General Assembly in order for the plates to be issued. The bill also provides for payment of an administrative fee to the Commissioner by the person,

organization, or group seeking the issuance of the license plates, prior to the issuance of the plates, in an amount determined by the Commissioner, not to exceed \$10,000.

Patron - Wardrup

[F] HB1974 Special license plates; National Law-Enforcement Officers Memorial. Authorizes issuance of special license plates for supporters of the National Law-Enforcement Officers Memorial. Standard requirements as to fees and minimum number of applications required, contained in § 46.2-725, apply to license plates authorized by this bill. This bill has been incorporated into HB 1570.

Patron - McClure

[F] HB1986 Special license plates; unlocking autism. Authorizes the issuance of special license plates bearing the legend: UNLOCKING AUTISM. This bill has been incorporated into HB 1570.

Patron - Black

[F] HB1991 Recordation of security instrument upon transfer of vehicle title. Provides that when a motor vehicle dealer places, or is required to place, a statement of a security interest on a certificate of title to a motor vehicle, trailer or semitrailer that has been transferred or assigned to a purchaser, the dealer may submit the properly transferred or assigned title directly to the Department of Motor Vehicles on behalf of the purchaser or transferee.

Patron - Black

[F] HB2058 Requirements for the use of photo-monitoring system to enforce traffic light signals. Provides that prior to considering any ordinance authorizing an authority to use a photo-monitoring system to enforce traffic light signals, also known as "photo-red," the locality must first hold a public hearing and adopt a resolution explaining that certain requirements have been met for each intersection under consideration. The bill further provides that the localities that were already authorized to use photo-red until July 1, 2005, may continue to do so until July 1, 2005. After July 1, 2005, such localities must also adopt an ordinance authorizing the use of photo-red pursuant to the requirements of this bill.

Patron - McQuigg

[F] HB2143 Intermodal chassis. Provides procedures for ensuring safety of intermodal chassis and containers pulled by truckers.

Patron - Drake

[F] HB2164 Special license plates; Virginia scuba divers. Reauthorizes issuance of special license plates. This bill has been incorporated into HB 1570.

Patron - Van Landingham

[F] HB2191 Special license plates; Fork Union Military Academy. Authorizes issuance of special license plates for supporters of the Fork Union Military Academy. Standard requirements as to fees and minimum number of applications required, contained in § 46.2-725, apply to license plates authorized by this bill. This bill has been incorporated into HB 1570.

Patron - Bloxom

[F] HB2197 "Photo-red" traffic light signal enforcement programs. Adds Newport News to the list of localities authorized to establish "photo-red" traffic light signal enforcement programs. The bill also repeals the July 1, 2005, sunset on these demonstration programs.

Patron - Crittenden

[F] HB2214 Local vehicle licenses. Allows localities to issue local vehicle licenses free of charge for vehicles owned by active duty military personnel.

Patron - Barlow

[F] HB2218 Overweight permits; vehicles hauling Virginia-grown farm or forest products. Allows vehicles used to haul Virginia-grown farm or forest products from the place where they are first produced, cut, harvested, or felled to the location where they are first processed to exceed 80,000 pounds if their owners purchase weight for the vehicles.

Patron - Stump

[F] HB2232 Motorcycle rider safety training courses and training centers. Provides that motorcycle rider safety training courses must be approved by the Department of Motor Vehicles (DMV), rather than meet the requirements of DMV regulations. The bill also requires DMV approval of facilities and equipment of regional motorcycle rider safety training centers and requires that the curriculum, accreditation, and geographic areas served by these centers must be approved by DMV, rather than meet the requirements of DMV regulations. Training centers additionally must maintain such records and provides such reports as DMV determines. See HB 1568.

Patron - Stump

[F] HB2263 Special license plates; Parrothead Club. Authorizes issuance of special license plates for members and supporters of the Parrothead Club. Standard requirements as to fees and minimum number of applications required, contained in § 46.2-725, apply to license plates authorized by this bill. This bill has been incorporated into HB 1570.

Patron - Marshall

[F] HB2270 "Photo-red" traffic light signal photo-enforcement programs. Adds Blacksburg to the list of localities authorized to use a "photo-red" traffic light signal photo-enforcement program. The bill also requires installation of signs on primary and interstate highways, at or near the boundaries of localities with "photo-red" programs, indicating that compliance with traffic light signals in the locality may be monitored by photo-monitoring systems, and provides for a prima facie presumption that required signs were in place at the time of any alleged traffic light signal violations observed by the photo-monitoring system.

Patron - Shuler

[F] HB2275 Business, Professional and Occupational Licensing Tax (BPOL); license fees, rates and requirements. Requires localities that impose the BPOL tax to (i) eliminate license fees by January 1, 2004, (ii) exempt the first \$100,000 of gross receipts from taxation by January 1, 2004, and (iii) reduce the several different rates currently in the Code to a flat rate of 20 cents per \$100 of gross receipts for license years beginning on and after January 1, 2004.

Patron - Shuler

[F] HB2283 Learner's permits. Requires licensed drivers accompanying persons driving under learner's permits to be "alert and able to assist the driver." This bill has been incorporated into HB 2554.

Patron - Barlow

[F] HB2284 Special license plates; Soldier's Medal recipients. Authorizes issuance of special license plates to recipients of the Soldier's Medal and their unmarried surviv-

ing spouses. See HB 1787. This bill has been incorporated into HB 1570.

Patron - Barlow

[F] HB2295 Commercial driver training schools. Requires the Department of Motor Vehicles to provide for toll-free access to its Customer Contact Center to receive complaints against commercial driver training schools and instructors. The bill also requires that commercial driver training schools conspicuously post signs indicating the telephone number of the Customer Contract Center, and include this information in their contracts and enrollment forms as well. The DMV Commissioner is authorized to provide for details of these signs, contracts, and enrollment forms by regulation.

Patron - Brink

[F] HB2381 Drivers less than 18 years old. Prohibits any driver under 18 who is driving under a learner's permit or has held his driver's license for less than 12 months from operating a motor vehicle between sunset and sunrise or using a hand-held wireless communication device while his vehicle is in motion.

Patron - Rhodes

[F] HB2398 Accident reports. Increases the minimal damage for reportability of motor vehicle accidents from the present \$1,000 threshold to \$2,500.

Patron - Tata

[F] HB2400 Motor vehicles; failure to stop upon signal by police officer. Provides for the mandatory suspension of a person's driver's license for failing to stop, driving in willful disregard, or escaping or eluding a police officer after the officer has given a visible or audible signal.

Patron - Tata

[F] HB2413 Possession of open container of alcohol in a motor vehicle; penalty. Provides that it is unlawful for any person, knowingly or intentionally, to possess any alcoholic beverage in the passenger area of a motor vehicle upon a public highway or the right-of-way thereof in other than the manufacturer's unopened, original container. If the seal on a container of an alcoholic beverage is broken or some of the contents have been removed, the container is presumed to be open. The penalty for a violation is a \$25 civil penalty.

Patron - May

[F] HB2507 Failure to wear seat belt partial bar to recovery of damages. Provides that failure to wear a seat belt while in a moving motor vehicle is negligence. The bill also provides that the fact that a person in a motor vehicle involved in an accident failed to wear a seat belt shall not bar recovery for an injury to or death of such person, nor for an injury to or the destruction of property in his charge, but the failure of the person to wear a seat belt may be considered in mitigation of damages.

Patron - Reid

[F] HB2508 Motorcycles; helmets. Limits the application of the "motorcycle helmet law" to operators and passengers less than 18 years old.

Patron - Reid

[F] HB2518 Vision examinations for issuance or renewal of driver's licenses. Repeals authority of the DMV Commissioner to waive vision tests for applicants for driver's license renewals.

Patron - Reid

[F] HB2556 Special license plates; supporters of the Virginia War Memorial Foundation, etc. Authorizes issuance of special license plates (i) for members of Rotary International, supporters of the Virginia War Memorial Foundation and (ii) bearing the legend "Home of the Internet." The bill also re-authorizes "Historic Yorktown" special license plates. This bill has been incorporated into HB 1570.

Patron - O'Brien

[F] HB2557 Special license plates; Rotary International. Authorizes issuance of special license plates for members of Rotary International. Standard requirements as to fees and minimum number of applications required, contained in § 46.2-725, apply to license plates authorized by this bill. See HB 2556. This bill has been incorporated into HB 1570.

Patron - O'Brien

[F] HB2560 Special license plates; Home of the Internet. Authorizes the issuance of special license plates bearing the legend: HOME OF THE INTERNET. See HB 2556. This bill has been incorporated into HB 1570.

Patron - O'Brien

[F] HB2562 Driver improvement clinics. Prohibits persons who are directed to driver improvement clinics by a court or by the DMV Commissioner to attend more than one such clinic via the Internet.

Patron - O'Brien

[F] HB2584 Special license plates; I SUPPORT EDUCATION. Authorizes the issuance of "revenue sharing" license plates bearing the legend: I SUPPORT EDUCATION. For each set of plates issued (after the first 1,000 sets), \$15 will go to the local school division of the locality in which the vehicle is registered to be spent as the division's School Board determines.

Patron - Byron

[F] HB2600 Fog lights. Allows use of fog lights only at times when the law requires use of headlights.

Patron - Phillips

[F] HB2608 Special license plates; clergy. Authorizes issuance of special license plates bearing the legend: CLERGY. This bill has been incorporated into HB 1570.

Patron - Putney

[F] HB2609 Special license plates; Rotary International. Authorizes issuance of special license plates for members of Rotary International. The bill also re-authorizes "Historic Yorktown" license plates. Standard requirements as to fees and minimum number of applications required, contained in § 46.2-725, apply to license plates authorized by this bill. This bill has been incorporated into HB 1570.

Patron - Devolites

[F] HB2622 Special license plates; Holstein dairy cow. Authorizes issuance of special license plates depicting a Holstein dairy cow. Standard requirements as to fees and minimum number of applications required, contained in § 46.2-725, apply to license plates authorized by this bill. This bill has been incorporated into HB 1570.

Patron - Weatherholtz

[F] HB2648 Special license plates; supporters of Deep Creek High School. Authorizes the issuance of "revenue sharing" license plates to supporters of Deep Creek High School. For each set of plates issued (after the first 1,000 sets), \$15 will go to Deep Creek High School to be used to support

its operation, programs, and activities. This bill has been incorporated into HB 1570.

Patron - Jones, S.C.

[F] HB2652 Special license plates; clergy. Authorizes issuance of special license plates bearing the legend: CLERGY. See HB 2608. This bill has been incorporated into HB 1570.

Patron - Spruill

[F] HB2689 Safety belts in school buses. Requires school buses purchased by, or for use by, any school or school division on or after January 1, 2003, 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 or harnesses or both whenever the bus is in motion.

Patron - Spruill

[F] HB2713 Stop signs; yield right-of-way signs; traffic light signals. Makes failure to obey stop signs, yield right-of-way signs, or traffic light signals a Class 3 misdemeanor (fine up to \$500) instead of a traffic infraction (fine up to \$200).

Patron - Orrock

[F] HB2724 Special license plate; Virginia Wildlife Federation. Reauthorizes issuance of special license plate bearing the legend: VIRGINIA WILDLIFE FEDERATION.

Patron - Rollison

[F] HB2773 Special license plates; Air Medal recipients. Authorizes issuance of special license plates to recipients of the Air Medal. Standard provisions as to minimum orders, etc., would apply to these plates. This bill has been incorporated into HB 1570.

Patron - Katzen

[F] HB2809 Drivers under 18 years old. Prohibits use of wireless communications devices by drivers under 18 years old while their vehicles are in motion.

Patron - Bolvin

[F] HB2810 Drivers under 18 years old. Provides additional penalties for motor vehicle "moving violations" committed by drivers less than 18 years old: for a first offense, 30-day suspension of driving privilege; for a second offense, 90-day suspension; for a third or subsequent offense, six-month suspension. In addition, these drivers would also be prohibited from driving between midnight and 5 a.m. until they turn 18. However, if the offense is reckless driving or driving while intoxicated, the suspension will last until the person turns 18. All suspensions are to run consecutively to any suspension imposed by a court for the offense itself.

Patron - Bolvin

[F] HB2811 Learner's permits. Increases the minimum age for learner's permits from 15 years to 15 years, six months. The bill also requires that applicants for driver's licenses who are under 18 years old must have certification from a parent or guardian that they have had at least 25 hours of driving experience, at least five of which were at night.

Patron - Bolvin

[F] HB2819 Learner's permits. Increases the minimum age for obtaining a learner's permit from 15 years to 15 years, six months. This bill has been incorporated into HB 2554 (O'Brien).

Patron - Scott

[F] HB2843 Driving age; limitations on drivers under 18. Increases from 15 to 15 and one-half the minimum age for issuance of learner's permits; increases from 16 to 16 and one-half the minimum age for issuance of driver's license; increases from 16 to 16 and one-half the minimum age for limited over-the-road operation of golf carts. The bill also prohibits persons under 18 from driving between midnight and 5:00 a.m. except to and from his place of employment or during the course of his employment, or transporting more than three other persons under 18 (unless they are members of his family or household). Persons under 18 who are married or otherwise emancipated would not be subject to this latter restriction. This bill has been incorporated into HB 2554 (O'Brien).

Patron - O'Bannon

[F] HB2866 Special license plates. Repealing section providing for special license plates for members of the Sons of Confederate Veterans.

Patron - McEachin

[F] SB786 Special license plates; supporters of the Girl Scouts of America. Authorizes the issuance of special license plates for supporters of the Girl Scouts of America. This bill has been incorporated into SB 1010.

Patron - Puckett

[F] SB787 Motorcycle rider safety training courses and training centers. Provides that motorcycle rider safety training courses must be approved by the Department of Motor Vehicles (DMV), rather than meet the requirements of DMV regulations. The bill also requires DMV approval of facilities and equipment of regional motorcycle rider safety training centers and requires that the curriculum, accreditation, and geographic areas served by these centers must be approved by DMV, rather than meet the requirements of DMV regulations. Training centers additionally must maintain such records and provides such reports as DMV determines. This bill has been incorporated into SB 835.

Patron - Puckett

[F] SB788 Motorcycle rider safety training courses and training centers. Provides that motorcycle rider safety training courses must be approved by the Department of Motor Vehicles (DMV), rather than meet the requirements of DMV regulations. The bill also requires DMV approval of facilities and equipment of regional motorcycle rider safety training centers and requires that the curriculum, accreditation, and geographic areas served by these centers must be approved by DMV, rather than meet the requirements of DMV regulations. Training centers additionally must maintain such records and provides such reports as DMV determines. This bill has been incorporated into SB 835.

Patron - Houck

[F] SB811 Special license plates; Supporters of the Shenandoah National Park Association. Authorizes issuance of special license plates for supporters of the Shenandoah National Park Association. Standard requirements as to fees and minimum number of applications required, contained in § 46.2-725, apply to license plates authorized by this bill. This bill has been incorporated into SB 1010.

Patron - Potts

[F] SB819 Special license plates; Distributive Education Clubs of America (DECA). Authorizes issuance of special license plates for supporters of the Distributive Education Clubs of America (DECA). Standard requirements as to fees and minimum number of applications required, contained in §

46.2-725, apply to license plates authorized by this bill. This bill has been incorporated into SB 1010.

Patron - Whipple

[F] SB846 "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 - Couric

[F] SB910 Motor vehicle dealers; coercion by manufacturers and distributors. Prohibits certain coercive practices by motor vehicle manufacturers and distributors in connection with vehicle financing and leasing by motor vehicle dealers. See HB 1962.

Patron - Norment

[F] SB937 Drivers less than eighteen years old. Prohibits any driver under 18 from operating a motor vehicle between midnight and 5:00 a.m. or with more than two passengers under 18 who are not members of his family or household, unless he is traveling to or from school or work. This bill has been incorporated into SB 1329 (Mims).

Patron - Howell

[F] SB947 "Photo-red" traffic light signal enforcement programs. 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. The bill also requires that certificates of inspection of images produced by "photo-red" monitoring systems be sworn to by law-enforcement officers, rather than by technicians or other local government employees.

Patron - Colgan

[F] SB991 Special license plates; soccer enthusiasts. Authorizes issuance of special license plates for soccer enthusiasts. Standard requirements as to fees and minimum number of applications required, contained in § 46.2-725, apply to license plates authorized by this bill. This bill has been incorporated into SB 1010.

Patron - Stolle

[F] SB1010 Special license plates; recipients of the Air Medal or Air Medal with "V" for valor. Authorizes the issuance of special license plates for recipients of the Air Medal or Air Medal with "V" for valor. Standard requirements as to fees and minimum number of applications required, contained in § 46.2-725, apply to license plates authorized by this bill. This bill incorporates SB 786, SB 811, SB 819, SB 991, SB 1054, SB 1316, SB 1338, and SB 1379.

Patron - Williams

[F] SB1041 Safety lap belts and shoulder harnesses. Amends the law to allow a law-enforcement officer to stop a vehicle for failure of the driver or passengers to wear a seat-belt. However, the officer is not allowed to search or inspect a vehicle, its contents, the driver or a passenger because of a violation of this section alone.

Patron - Stolle

[F] SB1054 Special license plates; supporters of the Monitor-Merrimac Memorial Foundation; supporters of The Mariners' Museum. Changes references to "supporters of the Monitor-Merrimac Memorial Foundation" to "supporters of The Mariners' Museum." A portion of the revenues derived from these plates (once a minimum of 1,000 sets have been sold) would still be used exclusively to further the devel-

opment and operation of the USS Monitor Center at The Mariners' Museum. This bill has been incorporated into SB 1010.

Patron - Williams

[F] SB1066 Learner's permits. Requires licensed drivers accompanying persons driving under learner's permits to be "alert and able to assist the driver." This bill has been incorporated into SB 1329 (Mims).

Patron - Quayle

[F] SB1108 Requirements for the use of photo-monitoring system to enforce traffic light signals. Provides that prior to considering any ordinance authorizing an authority to use a photo-monitoring system to enforce traffic light signals, also known as "photo-red," the locality must first hold a public hearing and adopt a resolution explaining that certain requirements have been met for each intersection under consideration. The bill further provides that the localities that were already authorized to use photo-red until July 1, 2005, may continue to do so until July 1, 2005. After July 1, 2005, such localities must also adopt an ordinance authorizing the use of photo-red pursuant to the requirements of this bill.

Patron - Couric

[F] SB1113 Motor vehicle dealers. Prohibits motor vehicle manufacturers, factory branches, distributors, distributor branches, or subsidiaries from requiring any motor vehicle dealer to waive any substantive or procedural rights afforded him by Virginia law. The bill's provision, however, does not apply to good faith settlement of disputes. See SB 1413.

Patron - Wampler

[F] SB1131 Driving age. Increase from 15 to 16 the minimum age for issuance of learner's permits; increases from 16 to 17 the minimum age for issuance of driver's license; increases from 16 to 17 the minimum age for limited over-the-road operation of golf carts.

Patron - Marsh

[F] SB1194 Intermodal chassis. Provides procedures for ensuring safety of intermodal chassis and containers pulled by truckers.

Patron - Forbes

[F] SB1220 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

[F] SB1238 Driver's licenses; licensure of persons 70 years old or older. Provides that the vision examination cannot be waived for persons who are 70 years old or older. The bill also replaces the term "visual examination" with "vision examination."

Patron - Barry

[F] SB1274 Over-dimensional loads. Grants vehicles hauling over-dimensional loads and travelling under police or sheriff's escort the right-of-way and prohibits interference with them by other vehicles or their operators. The bill also requires

use of flashing high-intensity amber warning lights on over-dimensional vehicles of loads traveling under excessive size permits.

Patron - Wagner

[F] SB1279 Vehicle license plates. Provides for only one license plate on registered vehicles.

Patron - Wagner

[F] SB1314 Vehicle safety inspections; fees. Allows safety inspection stations to set their own fees for inspections, provided the fees are fair and reasonable, based on the service provided, and do not exceed \$20 for inspection of a passenger car or \$50 for inspection of a truck or passenger bus (\$30 until July 1, 2002).

Patron - Barry

[F] SB1316 Special license plates; historic covered bridges. Authorizes issuance of special license plates bearing the legend: HISTORIC COVERED BRIDGES. Standard requirements as to fees and minimum number of applications required, contained in § 46.2-725, apply to license plates authorized by this bill. This bill has been incorporated into SB 1010.

Patron - Quayle

[F] SB1330 Driving age. Increases from 15 to 15 and one-half the minimum age for issuance of learner's permits; increases from 16 to 16 and one-half the minimum age for issuance of driver's license. This bill has been incorporated into SB 1329 (Mims).

Patron - Mims

[F] SB1338 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. This bill has been incorporated into SB 1010.

Patron - Martin

[F] SB1357 Restricted driver's licenses for person who are 18 or 19 years old. Requires persons who are 18 or 19 to attend driver improvement clinics if they have been convicted of a motor vehicle offense for which demerit points are assessable, a safety belt offense, or a child restraint offense. This bill has been incorporated into SB 1329 (Mims).

Patron - Mims

[F] SB1376 Official bus and trolley museum of the Commonwealth. Designates the Commonwealth Coach and Trolley Museum, Inc., located in the City of Roanoke, the official bus and trolley museum of the Commonwealth.

Patron - Edwards

[F] SB1379 Special license plates; notaries public. Authorizes the issuance of special license plates for notaries public. This bill has been incorporated into SB 1010.

Patron - Maxwell

Pensions, Benefits and Retirement

[P] Passed

[P] HB252 Virginia Retirement System; retirees hired as teachers and administrative personnel. Provides that retired members of the Virginia Retirement System may be hired as teachers and administrative personnel without interrupting their retirement benefits. Such members must be retired for a certain period of time before they can return to work as teachers and administrative personnel without their retirement benefits being interrupted.

Patron - Dillard

[P] HB1589 Virginia Retirement System; retirees hired as teachers and administrative personnel. Provides that retired members of the Virginia Retirement System may be hired as teachers and administrative personnel without interrupting their retirement benefits. Such members must be retired for a certain period of time before they can return to work as teachers and administrative personnel without their retirement benefits being interrupted. Incorporates HB 2510.

Patron - Hamilton

[P] HB1739 Virginia Retirement System; additional accidental death and dismemberment benefits. Requires the Board of Trustees of VRS to purchase three additional accidental death benefits for employees participating in the Virginia Retirement System, the State Police Officers' Retirement System, the Judicial Retirement System, or the Virginia Law Officers' Retirement System. If, as a result of an accident, an insured employee dies at least 75 miles from his principal residence, an additional benefit up to \$5,000 shall be paid for the transportation of the deceased to a mortuary. An additional benefit up to \$50,000 shall be paid if an insured employee dies or suffers a dismemberment while driving or riding in a private passenger vehicle, provided that the insured employee was wearing a seatbelt and the driver of the vehicle held a current license and was not intoxicated, impaired, or under the influence of alcohol or drugs at the time of the accident. An additional benefit up to \$50,000 shall be paid if an insured employee dies or suffers a dismemberment as a result of a felonious assault committed by someone other than an immediate family member. In addition, if the insured employee dies as a result of the felonious assault and is survived by dependent children, the Virginia Retirement System shall open a savings trust account for each dependent child under the Virginia College Savings Plan. VRS shall contribute into the savings trust account of each dependent child an amount approximately equal to the current cost of purchasing in full a prepaid tuition contract for tuition at a four-year public institution of higher education in the Commonwealth. A qualifying child may use funds in the savings trust account for tuition, room, and board, and other expenses at institutions of higher education. This bill is identical to SB 1071.

Patron - Tata

[P] HB1740 Creation of medical boards for the Virginia Retirement System. Provides that the Board of Trustees of the Virginia Retirement System (Board) may create one or more medical boards composed of physicians or other health care professionals. The Code of Virginia currently provides that the Board may employ one medical board composed of four physicians.

Patron - Bryant

[P] HB1741 Optional retirement plans. Eliminates the right of state employees participating in the defined contribution plan to transfer back to the retirement system after 10 years, and clarifies that the election to be covered by the retirement system provided in the defined contribution plan for local school superintendents is available only for new school superintendents (i.e. current superintendents already were provided irrevocable election). The bill also makes technical changes to the optional retirement plans for certain employees of institutions of higher education; for certain employees of public school divisions; and for certain appointees of the Governor, the Attorney General, and the Lieutenant Governor to make them more consistent in administration. Because the modification to the defined contribution plan for certain state employees eliminates the right for them to transfer to the retirement system after 10 years, the bill has a second enactment clause that gives such employees 90 days from the bill's effective date to transfer to the retirement system.

Patron - Moss

[P] HB1748 Virginia Retirement System; benefit restoration plans. Requires the Board of Directors of VRS to establish and administer a benefit restoration plan for VRS members, including members of local governments that participate in VRS. The plan will provide pension benefits to members whose annual benefits would otherwise be limited by § 415 (b) of the Internal Revenue Code. Benefit restoration plans are to be funded from the pension contributions that are required under current law. The bill also allows local governments not participating in VRS to establish benefit restoration plans. This bill is identical to SB 856.

Patron - May

[P] HB1776 Virginia Retirement System. Permits VRS to transfer member contributions paid by employers on or after July 1, 1980, to individual member accounts, provided that such contributions have been previously deposited in the employer's account. This bill is identical to SB 840.

Patron - Ingram

[P] HB1909 Virginia Sickness and Disability Program. Make several technical corrections to the Virginia Sickness and Disability Program, including eliminating provisions requiring the termination of disability benefits if an employee's wages and salary from employment exceed 85 percent of his predisability earnings.

Patron - Callahan

[P] HB1924 Virginia Retirement System; coordination of benefits. Provides for the Board of Trustees of the Virginia Retirement System to jointly develop guidelines and procedures with the Department of Human Resource Management for coordinating benefits of the Virginia Sickness and Disability Program administered by the Virginia Retirement System and the Workers' Compensation Program administered by the Department of Human Resource Management. Current law requires the Board to coordinate benefits with the Division of Risk Management of the Department of Treasury. Under legislation passed in the 2000 Session of the General Assembly, however, the administration of the Worker's Compensation Program was transferred from the Division of Risk Management to the Department of Human Resource Management. This bill is identical to SB 963.

Patron - Ingram

[P] HB1960 Virginia Retirement System; group life, accidental death, and dismemberment insurance. Modifies the group life, accidental death, and dismemberment insurance program to (i) permit employees to purchase the additional,

optional coverage (up to \$500,000) regardless of salary and (ii) permit employees who retire to continue optional life insurance coverage on themselves and on spouses and minor dependents provided that the employee was continuously insured for such coverage for at least 60 continuous months prior to retirement. Such optional life insurance on the employee that is continued by a retiring employee (a) shall not exceed \$200,000; (b) shall reduce annually by incremental amounts beginning at age 65;; and (c) shall cease when the retiree attains age 80, fails to pay the required premium, or returns to a covered position. Optional life insurance on a spouse or minor dependent that is continued by a retiree shall cease upon (1) the retiree attaining age 80, (2) the death of the retiree, (3) divorce (for spousal coverage), or (4) the minor dependent attaining a certain age under certain conditions, or marrying.

Patron - Kilgore

[P] HB2079 Virginia Firefighters' and Rescue Squad Workers' Service Award Fund. Revises the Virginia Firefighters' and Rescue Squad Workers' Pension Fund so that it may receive favorable tax treatment, to provide adequate death benefits, and to permit a member to name his own beneficiary. The bill also requires that additional contributions to the Fund (besides contributions from the General Fund) shall benefit all members of the Fund. This bill repeals a contingency so that the bill will become effective on July 1, 2001.

Patron - Putney

[P] HB2081 Law Officers' Retirement System. Modifies the retirement allowance paid under the Virginia Law Officers' Retirement System (VaLORS) by increasing from 1.7 percent to 2.0 percent the percentage of average final compensation multiplied by the years of creditable service in a VaLORS-covered or similar position, and by deleting the supplemental allowance currently paid to members upon retirement until age 65 (currently \$9,264 annually). This provision applies to employees who become members of VaLORS on or after July 1, 2001, and to current employees who elect to accept the modifications by October 31, 2001. The bill also amends the State Police Officers' Retirement System (SPORS) to provide that the annual allowance is paid from the date of his retirement until his Social Security retirement age, rather than until age 65.

Patron - Putney

[P] HB2170 Parking regulation. Provides that violators of Chesterfield County parking ordinances shall be subject to a civil penalty not to exceed \$75, the proceeds from which shall be paid into the locality's general fund.

Patron - Nixon

[P] HB2293 Virginia Retirement System; purchase of prior service credit. Makes several changes to the current law concerning the purchase of prior service credit including technical amendments. The purchase of retirement credit for prior military service is permitted even when the prior military service is creditable to another retirement system, if such is required by federal statutes governing military retirement. The bill also provides that if a person becomes a member of the retirement system on or after July 1, 2001, and elects to purchase prior service within three years from his first date of hire, he must pay an amount equal to five percent of his present annual compensation or five percent of his average annual compensation during his 36 highest consecutive months of creditable service, whichever is greater. At any other time, such member must pay an amount equal to actuarial equivalent cost. Members in service immediately before July 1, 2001, have three years from the date they first became eligible to purchase the prior service (generally their date of hire) or until July 1, 2004, (whichever is later) to purchase such service at the

reduced rate. If the member does not purchase the prior service within this time period, the cost to the member to purchase the service shall be the actuarial cost. The bill also provides for the purchase of prior service by member for periods of employment in an hourly wage position with the Commonwealth. In general, only four years of prior service credit may be purchased for each eligible category of prior service. Current law provides that any years of eligible prior service, beyond four years, may be purchased at a cost of 15 percent of a member's present annual compensation. This bill is identical to SB 1077.

Patron - Cox

[P] HB2603 Virginia Outdoors Foundation; retirement plan. Permits the Virginia Outdoors Foundation ("Foundation") to develop its own retirement plan for some or all of its employees. Any such current employee who is a member of the Virginia Retirement System may elect to maintain his membership in the Virginia Retirement System. All persons who become employees of the Foundation on and after July 1, 2001, shall participate in the Foundation's retirement plan.

Patron - Bloxom

[P] HB2629 Virginia Retirement System; partial lump-sum payment option. Establishes lump-sum payment options for the payment of retirement allowances to eligible retiring members. A member who has satisfied the requirements for normal retirement or who has remained in service for at least three years after the date he was first eligible for an unreduced service retirement allowance may elect to receive a lump-sum distribution up to 36 times the monthly amount of his service retirement allowance. A member who has remained in service for at least two years after the date he was first eligible for an unreduced service retirement allowance may elect to receive a lump-sum distribution up to 24 times the monthly amount of his service retirement allowance. A member who has remained in service for at least one year after the date he was first eligible for an unreduced service retirement allowance may elect to receive a lump-sum distribution equal to 12 times the monthly amount of his service retirement allowance. If an eligible retiring member elects to receive a lump-sum distribution, his retirement allowance shall be reduced on an actuarially equivalent basis. This bill is identical to SB 843.

Patron - Tata

[P] HB2750 Freedom of Information; closed meetings; scholastic records. Provides that the discussion or consideration of any matter that would involve the disclosure of information contained in a scholastic record would be a proper purpose for which a public body may convene in a closed meeting. Currently, this exception is limited to the discussion or consideration of admission or disciplinary matter concerning a student.

Patron - Blevins

[P] SB840 Virginia Retirement System. Permits VRS to transfer member contributions paid by employers on or after July 1, 1980, to individual member accounts, provided that such contributions have been previously deposited in the employer's account. This bill is identical to HB 1776.

Patron - Lambert

[P] SB843 Virginia Retirement System; partial lump-sum payment option. Establishes lump-sum payment options for the payment of retirement allowances to eligible retiring members. A member who has satisfied the requirements for normal retirement or who has remained in service for at least three years after the date he was first eligible for an unreduced service retirement allowance may elect to receive a lump-sum distribution up to 36 times the monthly amount of his service retirement allowance. A member who has remained

in service for at least two years after the date he was first eligible for an unreduced service retirement allowance may elect to receive a lump-sum distribution up to 24 times the monthly amount of his service retirement allowance. A member who has remained in service for at least one year after the date he was first eligible for an unreduced service retirement allowance may elect to receive a lump-sum distribution equal to 12 times the monthly amount of his service retirement allowance. If an eligible retiring member elects to receive a lump-sum distribution, his retirement allowance shall be reduced on an actuarially equivalent basis. This bill is identical to HB 2629.

Patron - Stolle

[P] SB856 Virginia Retirement System; benefit restoration plans. Requires the Board of Directors of VRS to establish and administer a benefit restoration plan for VRS members, including members of local governments that participate in VRS. The plan will provide pension benefits to members whose annual benefits would otherwise be limited by § 415 (b) of the Internal Revenue Code. Benefit restoration plans are to be funded from the pension contributions that are required under current law. The bill also allows local governments not participating in VRS to establish benefit restoration plans. This bill is identical to HB 1748.

Patron - Stosch

[P] SB945 Virginia Retirement System benefits. Provides for an increase, beginning July 1, 2001, of the monthly retirement allowance payable to any person retired under the Virginia Retirement System or the State Police Officers' Retirement System (or their predecessor systems) before January 1, 1980, who has at least 15 years of creditable service. The monthly allowance will be increased by adding to the amount of monthly allowance the person would have received as of June 30, 2001, (i) four dollars multiplied by the member's number of years of creditable service plus (ii) four dollars multiplied by the number of years between such member's retirement date and December 31, 1979.

Patron - Colgan

[P] SB949 Virginia Retirement System; surviving spouses remarrying. Provides that certain retirement allowances to surviving spouses continue even when the surviving spouse remarries. Under current law, the surviving spouse of a deceased member of VRS will receive a retirement allowance if the member died in service from a cause that is compensable under the Virginia Workers' Compensation Act. However, the retirement allowance payment is discontinued if the surviving spouse remarries. This bill would continue retirement allowances to these surviving spouses who remarry. Surviving spouses of VRS members who have remarried before the effective date of the bill are also covered under the bill's provisions.

Patron - Colgan

[P] SB963 Virginia Retirement System; coordination of benefits. Provides for the Board of Trustees of the Virginia Retirement System to jointly develop guidelines and procedures with the Department of Human Resource Management to coordinate benefits the Virginia Sickness and Disability Program administered by the Virginia Retirement System and the Workers' Compensation Program administered by the Department of Human Resource Management. Current law requires the Board to coordinate benefits with the Division of Risk Management of the Department of Treasury. Under legislation passed in the 2000 Session of the General Assembly, however, the administration of the Worker's Compensation Program was transferred from the Division of Risk Management to the Department. This bill is identical to HB 1924.

Patron - Trumbo

[P] SB1071 Virginia Retirement System; additional accidental death and dismemberment benefits. Requires the Board of Trustees of VRS to purchase three additional accidental death benefits for employees participating in the Virginia Retirement System, the State Police Officers' Retirement System, the Judicial Retirement System, or the Virginia Law Officers' Retirement System. If, as a result of an accident, an insured employee dies at least 75 miles from his principle residence, an additional benefit up to \$5,000 shall be paid for the transportation of the deceased to a mortuary. An additional benefit up to \$50,000 shall be paid if an insured employee dies or suffers a dismemberment while driving or riding in a private passenger vehicle, provided that the insured employee was wearing a seatbelt and the driver of the vehicle held a current license and was not intoxicated, impaired, or under the influence of alcohol or drugs at the time of the accident. An additional benefit up to \$50,000 shall be paid if an insured employee dies or suffers a dismemberment as a result of a felonious assault committed by someone other than an immediate family member. In addition, if the insured employee dies as a result of the felonious assault and is survived by dependent children, the Virginia Retirement System shall open a savings trust account for each dependent child under the Virginia College Savings Plan. VRS shall contribute into the savings trust account of each dependent child an amount approximately equal to the current cost of purchasing in full a prepaid tuition contract for tuition at a four-year public institution of higher education in the Commonwealth. A qualifying child may use funds in the savings trust account for tuition, room, and board, and other expenses at institutions of higher education. This bill is identical to HB 1739.

Patron - Trumbo

[P] SB1077 Virginia Retirement System; purchase of prior service credit. Makes several changes to the current law concerning the purchase of prior service credit including technical amendments. The purchase of retirement credit for prior military service is permitted even when the prior military service is creditable to another retirement system, if such is required by federal statutes governing military retirement. The bill also provides that if a person becomes a member of the retirement system on or after July 1, 2001, and elects to purchase prior service within three years from his first date of hire, he must pay an amount equal to five percent of his present annual compensation or five percent of his average annual compensation during his 36 highest consecutive months of creditable service, whichever is greater. At any other time, such member must pay an amount equal to actuarial equivalent cost. Members in service immediately before July 1, 2001, have three years from the date they first became eligible to purchase the prior service (generally their date of hire) or until July 1, 2004, (whichever is later) to purchase such service at the reduced rate. If the member does not purchase the prior service within this time period, the cost to the member to purchase the service shall be the actuarial cost. The bill also provides for the purchase of prior service by a member for periods of employment in an hourly wage position with the Commonwealth. In general, only four years of prior service credit may be purchased for each eligible category of prior service. Current law provides that any years of eligible prior service, beyond four years, may be purchased at a cost of 15 percent of a member's present annual compensation. This bill is identical to HB 2293 and incorporates SB 818 and SB 854.

Patron - Miller, K.G.

[F] Failed

[F] 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

[F] HB1644 Virginia Retirement System; purchase of prior military service credit. Permits certain employees to purchase all periods of prior active military service at the rate of five percent for each year to be credited for retirement purposes, provided that any portion of a period of prior service lasted at least 180 consecutive days. Under current law, only those periods of prior military service lasting at least 180 consecutive days may be purchased at that rate.

Patron - Jackson

[F] HB1647 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 - Dudley

[F] HB1659 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 - Parrish

[F] HB1663 Virginia Retirement System; credit for service. Provides service credit to any member in service who (i) is credited with five or more years of membership service, and (ii) is an employee of a juvenile and domestic relations court in a judicial district that includes at least one county with a population between 45,800 and 45,900, for service rendered after January 1, 1984, and prior to January 1, 1995, as a permanent part-time employee and as an employee paid on an hourly basis.

Patron - Johnson

[F] HB1666 Deferred compensation plan for government employees. Provides that the Commonwealth shall transfer funds to teachers' deferred compensation accounts in any amounts that may be appropriated for such purposes from time to time and directs the Virginia Retirement System to work with local school superintendents to develop appropriate procedures.

Patron - Callahan

[F] HB1668 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

[F] HB1669 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 has reached the age of 50 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

in counties having the county manager plan of government, except Arlington County.

Patron - Callahan

[F] HB1688 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 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, 2002.

Patron - Hamilton

[F] HB1751 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

[F] HB1811 Virginia Law Officers' Retirement System; membership. Adds to the membership of the Virginia Law Officers' Retirement System (i) any sworn member of the enforcement division of the Department of Motor Vehicles and (ii) any driver's license examiner for the Department of Motor Vehicles who previously had sworn police power in the same or similar position with DMV or a predecessor agency of DMV and has continued in such position, without break in service, from that time to, at least, July 1, 2001.

Patron - Cranwell

[F] HB1816 Retirement; creditable compensation for teachers. Provides that creditable compensation for teachers may include remuneration for extra duties and remuneration for teaching on a contractual basis during the summer or after normal daytime school hours.

Patron - Kilgore

[F] HB1818 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

[F] HB1820 Virginia Retirement System; prior service credit. Permits any member in service to receive service credit for prior service rendered in a permanent part-time position.

Patron - Armstrong

[F] HB1821 Virginia Retirement System; school instructional and administrative personnel. Provides that certain retired school teachers and administrative employees may return to teach without interrupting their retirement benefits.

Patron - Armstrong

[F] HB1896 Virginia Retirement System; purchase of prior service credit. Permits any member in service who has at least 25 years of creditable service to purchase up to one year of prior service credit for service while training in any of the reserve components of the armed forces of the United States or of the National Guard at the rate of five percent of salary.

Patron - Griffith

[F] HB2005 Virginia Retirement System; purchase of prior service credit for military service. Lowers from 25 years to 20 years the minimum length of time a member must be covered by the Virginia Retirement System before being eligible to purchase up to four years of prior service credit for active duty military service at the rate of five percent of salary for each year to be credited.

Patron - Johnson

[F] HB2024 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

[F] HB2195 Judicial retirement. Allows members of the Judicial Retirement System to retire at age 55 with a minimum of 25 years of actual unweighted service in the judiciary without taking the deduction required under current law.

Patron - Crittenden

[F] HB2277 Virginia Retirement System; purchase of prior service credit. Permits any member in service to purchase service credit for prior service performed pursuant to the Comprehensive Employment and Training Act under former 29 USC § 801 et seq. for an employer participating in the Virginia Retirement System at the rate of five percent of salary for each year purchased.

Patron - Johnson

[F] HB2510 Retirement; continuation of benefits to retired teachers hired during teacher shortage. Permits retired teachers to return to teach without interrupting their retirement benefits under certain conditions, including that the position is among those designated by the Superintendent of Public Instruction as suffering from a teacher shortage geographically or by subject matter. The bill also requires the Superintendent of Public Instruction to report annually on such teacher shortages. This bill has been incorporated into HB 1589.

Patron - Reid

[F] HB2550 Virginia Retirement System; purchase of service credit for military service. Permits any vested member in service to purchase service credits for all prior military service at the rate of five percent of salary for each year of service purchased. Under current law, only members in service with 25 or more years of creditable service may purchase prior military service at the five-percent rate, and only up to four years of such prior service. Current law permits the purchase of such service in excess of four years at the rate of 15 percent of salary for each year to be credited.

Patron - Katzen

[F] HB2620 Virginia Law Officers' Retirement System. Adds special game wardens appointed prior to January 1,

1995, to membership in the Virginia Law Officers' Retirement System.

Patron - Kilgore

[F] HB2630 Virginia Retirement System; purchase of prior service credit. Permits any member in service to purchase service credit for prior service performed pursuant to the Job Training Partnership Act under 29 USC § 1501 et seq. for an employer participating in the Virginia Retirement System, at the rate of five percent of salary for each year purchased.

Patron - Clement

[F] HB2638 Retirement; benefits for certain local employees. Adds emergency medical technicians to the group of local employees eligible, at local option, to receive retirement benefits equivalent to the retirement benefits provided to retired state police officers. The bill also mandates that fire fighters and emergency medical technicians be permitted to retire regardless of age after 25 years of service, without any actuarial reduction in the amount of the retirement allowance.

Patron - Callahan

[F] HB2775 Virginia Retirement System; purchase of credit for prior military service. Reduces from 180 consecutive days to 120 consecutive days the minimum length of prior military service required to qualify for prior military service that may be purchased as service credit by any vested member in the Virginia Retirement System with at least 25 years of service at the rate of five percent of salary for each year purchased, up to a maximum of four years.

Patron - Ingram

[F] HB2783 Deferred compensation plan; local school board employees. Requires that the Commonwealth's contribution to state employees' deferred compensation accounts also be made for the benefit of local school board employees.

Patron - Diamonstein

[F] SB818 Virginia Retirement System; prior service credit. Permits state employees, for retirement benefit purposes, to purchase up to two 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 purchase 12 months of service is five percent of his present annual compensation or five percent of the average of his highest three years of compensation, whichever is greater. This bill has been incorporated into SB 1077.

Patron - Edwards

[F] SB854 Virginia Retirement System; prior service credit. Permits state employees, for retirement benefit purposes, to purchase up to one year of prior service credit for service in a full-time hourly wage position with the Commonwealth prior to July 1, 1988. The cost to purchase 12 months of service is five percent of his present annual compensation or five percent of the average of his highest three years of compensation, whichever is greater. This bill has been incorporated into SB 1077.

Patron - Reynolds

[F] SB870 Virginia Retirement System and State Police Officers' Retirement System. Increases the monthly retirement allowance of persons who retired from the Virginia Retirement System and the State Police Officers' Retirement System prior to 1980. The retirement allowance received by such persons for the month of June 2001 will be increased by 10 percent in the month beginning July 2001. All post-retire-

ment supplements will be based on the increased monthly retirement allowance amount.

Patron - Puller

[F] SB895 Retirement allowances under the Virginia Retirement System, State Police Officers' Retirement System, and Virginia Law Officers' Retirement System. Increases the retirement allowances paid under the Virginia Retirement System, State Police Officers' Retirement System, and Virginia Law Officers' Retirement System by increasing from 1.7 percent to 2.0 percent the percentage of average final compensation multiplied by the years of creditable service for purposes of computing a member's retirement allowance.

Patron - Reynolds

[F] SB942 Virginia Retirement System; purchase of prior service credit. Creates an additional purchase of prior service option for teachers who are spouses of military persons. Teachers with at least 15 years of creditable service as a licensed teacher in the Commonwealth who are married for 20 years or more to a person on active duty military service, for 20 years or more, may purchase up to 15 years of prior service at a cost of five percent of their present annual compensation for each year to be credited or five percent of their average annual creditable compensation during their 36 highest consecutive months of creditable service, whichever is greater.

Patron - Colgan

[F] SB969 Virginia Law Officers' Retirement System; membership. Includes in the membership of the Virginia Law Officers' Retirement System any employee of the Department of Corrections whose normal duties require him regularly to be in the presence of inmate populations.

Patron - Lucas

[F] SB994 Virginia Law Officers' Retirement System. Modifies the retirement allowance paid under the Virginia Law Officers' Retirement System ("VaLORS") by increasing from 1.7 percent to 2.5 percent the percentage of average final compensation multiplied by the years of creditable service in a VaLORS-covered or similar position, and by deleting the supplemental allowance currently paid to members upon retirement until age 65 (currently \$9,264 annually). The bill applies to employees who become members of VaLORS on or after July 1, 2001, and to current employees who elect to accept the modifications by October 31, 2001.

Patron - Stolle

[F] SB995 Virginia Law Officers' Retirement System. Modifies the retirement allowance paid under the Virginia Law Officers' Retirement System ("VaLORS") by increasing from 1.7 percent to 2.5 percent the percentage of average final compensation multiplied by the years of creditable service in a VaLORS-covered or similar position, and by deleting the supplemental allowance currently paid to members upon retirement until age 65 (currently \$9,264 annually). The bill applies to employees who become members of VaLORS on or after July 1, 2001, and to current employees who elect to accept the modifications by October 31, 2001.

Patron - Stolle

[F] SB996 State Police Officers' Retirement System. Changes the period in which the \$9,264 annual supplement is paid from up until age 65 to the member's full retirement age under the Social Security Act.

Patron - Stolle

[F] SB1000 Virginia Sickness and Disability Program. Enrolls certain state employees into the Virginia Sickness and Disability Program (VSDP) unless such employees

opt not to be enrolled. Members of the Virginia Retirement System, the State Police Officers' Retirement System, the Virginia Law Officers' Retirement System, certain part-time employees of the Commonwealth, and employees of higher education participating in the Retirement System, who are not already participating in the program, will be automatically enrolled into the VSDP unless such persons provide written notice to VRS of their decision not to participate. In general, the opt-out period will run from October 1, 2001, through December 31, 2001, and VSDP coverage will be effective January 10, 2002. Employees of higher education commencing employment on or after October 1, 2001, who are employed in a faculty position performing teaching, research or administrative duties, have 30 days to opt out of the VSDP beginning with their first date of employment. Any person enrolled into the VSDP will have their sick leave balances converted to disability credits at the rate of one hour of disability credit for each hour of sick leave. The bill only applies to employees who currently are not participating in the VSDP; the bill does not affect employees who previously elected to enroll in the VSDP or who were enrolled by effect of law. The bill also authorizes VRS to provide a long-term care insurance program for members of the VSDP. The bill also authorizes VRS to manage long-term care insurance programs that are currently managed by the Department of Human Resource Management. VRS may purchase group insurance policies to provide long-term care benefits or may self-insure long-term care benefits. State agencies are required to fund the costs of long-term care insurance from such funds as are appropriated to such agencies by the General Assembly.

Patron - Trumbo

[F] SB1015 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, 2002.

Patron - Williams

[F] SB1020 Virginia Law Officers' Retirement System; membership. Adds as members in VaLORS probation officers of the Department of Juvenile Justice and security or investigative officers of the State Lottery Department.

Patron - Newman

[F] SB1093 Virginia Retirement System; purchase of service credit. Allows a member to purchase up to one year of retirement service credit for any unpaid leave of absence due to a serious illness or disability of the member's spouse, mother, father, son, daughter, brother, sister, aunt, uncle or cousin by blood, marriage or adoption. The Retirement System may request a medical certification confirming the illness or disability as a condition of the member purchasing service credit under this option.

Patron - Mims

[F] SB1248 Virginia Retirement System; retirees hired as teachers and administrative personnel of local school boards. Provides that certain persons who have retired under the Virginia Retirement System may be hired by local school boards as teachers and administrative personnel with no

interruption in their retirement benefits. This bill applies to licensed instructional and administrative personnel who (i) have been retired for at least one year from employment with a Virginia local school board before returning as full-time licensed instructional or administrative personnel; (ii) are licensed by the Board of Education to work in such position as they are hired into; and (iii) are hired on an annual contract basis and ineligible for continuing contract status. This bill has been incorporated into SB 954.

Patron - Reynolds

[F] SB1231 State Police Officers' Retirement System. Modifies the retirement allowance paid under the State Police Officers' Retirement System ("SPORS") by increasing from 1.7 percent to 2.5 percent the percentage of average final compensation multiplied by the years of creditable service in a SPORS-covered or similar position, and by deleting the supplemental allowance currently paid to members upon retirement until age 65 (currently \$9,264 annually). The bill applies to employees who become members of SPORS on or after July 1, 2001, and to current employees who elect to accept the modifications by October 31, 2001.

Patron - Stolle

[F] SB1253 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 shall be at least \$800.

Patron - Reynolds

[F] SB1282 Retirement; health insurance credits. Increases the monthly health insurance credits provided to retired local social service employees from one and one-half dollars for each year of creditable service to two and one-half dollars, which is the same amount paid to teachers.

Patron - Ruff

[F] SB1283 Virginia Law Officers' Retirement System; membership. Includes in the membership of the Virginia Law Officers' Retirement System any employee of the Department of Corrections whose normal duties require him regularly to be in the presence of inmate populations.

Patron - Ruff

[F] SB1284 Virginia Law Officers' Retirement System; additional retirement allowance. Provides that the additional retirement allowance payable until the age of 65 to a retiree under the Virginia Law Officers' Retirement System ("VaLORS"), be paid pro rata according to the member's years of service in a hazardous duty position. Eligibility begins when a member has served at least five years in such a position. Under current law, such benefit is not paid on a pro rata basis and eligibility requires a minimum of 20 years of service.

Patron - Ruff

[F] SB1360 Police Retirement System; Fairfax County. Provides that any county ordinances amending the police retirement system of the county shall be limited to changing the benefits conferred on or contributions relating to members of the retirement system. Upon request of the retirement board for the police retirement system, the county shall amend the police retirement plan to comply with federal or state law. The bill also provides that the retirement board shall consist of seven members: the Director of Finance of Fairfax County, two members who are sworn officers of the county police department, one member who is a retired sworn officer of the county police department, and three members appointed

by the governing body of Fairfax County. All other members shall serve terms of four years.

Patron - Saslaw

[F] SB1361 Virginia Law Officers' Retirement System; membership. Includes in the membership of the Virginia Law Officers' Retirement System any person who served as a parole officer with the Commonwealth prior to October 1, 1999, and any employee of the Department of Corrections whose normal duties require him regularly to be in the presence of parolees.

Patron - Reynolds

Persons with Disabilities

[P] Passed

[P] HB1625 Persons with disabilities; guide, hearing and service dogs in training. Authorizes persons who are experienced as guide, hearing or service dog trainers and represent an organization that trains and certifies such dogs to be accompanied by dogs on all common carriers and public conveyances or modes of transportation, and in restaurants, hotels, lodging places, places of accommodation, amusement or resort, or other places to which the general public is invited. The dogs must be at least six months of age and must be either in harness, on a blaze orange leash, in a harness or backpack or wearing a jacket identifying the recognized guide, hearing or service dog organization.

Patron - Tata

[P] HB2190 People with disabilities. Changes the designation of some entities that are represented on the Virginia Board for People with Disabilities. The bill deletes designations of representatives of a higher education training facility, a real estate interest, and two at-large members. This bill adds representatives of a high-technology interest, a banking executive, and four persons with developmental disabilities or parents or guardians of such persons. The bill also contains technical amendments.

Patron - Bloxom

[P] SB1286 People with disabilities. Changes the designation of some entities that shall be represented on the Virginia Board for People with Disabilities. The bill deletes a designation of a representative of a higher education training facility, a real estate interest, and two at-large members. Added are representatives of a high-technology interest, a banking executive, and four persons with developmental disabilities or parents or guardians of such persons. The bill also contains technical amendments.

Patron - Rerras

Police, State

[F] Failed

[F] HB1605 Powers and duties of a drug law enforcement and investigation division. Clarifies that, in addition to any other powers and duties that may be provided by statute or otherwise, it is the duty of a State Police division for drug law enforcement and investigation to enforce the laws of the Commonwealth and conduct investigations related to certain violations of Title 18.2 involving controlled substances

when requested by the Attorney General, any sheriff, chief of police, attorney for the Commonwealth or grand jury.

Patron - Weatherholtz

[F] HB1814 Appointment of senior and master state troopers. Provides that, regardless of the current number or percentage of senior or master troopers, (i) a trooper who otherwise meets the requirements of the career progression program and has at least 11 years of satisfactory service shall be promoted to senior trooper, and (ii) a trooper who otherwise meets the requirements of the career progression program and has at least 21 years of satisfactory service shall be promoted to master trooper.

Patron - Pollard

[F] HB2503 Virginia Racial Profiling and Traffic Statistics Reporting Act. Requires the Superintendent of State Police to require each local and state police officer, during the course of his official duties, to collect certain information pertaining to traffic stops, including the age, race, color, ethnicity, and gender of persons who allegedly have committed traffic violations, and to record the specific reason for the stop, whether the person was interrogated, charged or arrested, and whether a warning or written citation was issued. Police officers must also indicate the specific traffic violation committed. Police officers participating in the collection of such traffic data and information have been granted civil immunity for acts and omissions resulting from the performance of their official duties, absent gross negligence or willful misconduct. The bill also requires the development of a uniform statewide system and database collecting, correlating, analyzing, interpreting, and reporting data and information generated through such traffic stop reports, to determine whether a disproportionate number of minority persons are subjected to racial profiling and pretextual traffic stops. 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 establishing the uniform statewide system and database. The Superintendent must notify the attorney for the Commonwealth of a locality, if he determines that the local police force has not or refuses to comply with the reporting requirements and the maintenance of certain traffic records, and seek compliance with the law. The Superintendent must report the findings and recommendations from the data analysis annually to the Attorney General of Virginia, the Governor, and the General Assembly, beginning on July 1, 2002. A copy of the report also must be provided to each attorney for the Commonwealth. The provisions of the bill expire on July 1, 2005. This bill is a recommendation of the House Committee on Transportation's Special Subcommittee on Racial Profiling and Pretextual Traffic Stops. This bill has been incorporated into HB 2672.

Patron - Robinson

[F] HB2504 Virginia Racial Profiling and Report Statistics Act. Requires the Superintendent of State Police to require each local and state police officer, during the course of his official duties, to collect certain information pertaining to traffic stops, including the age, race, ethnicity, and gender of the alleged traffic offender, and to record the specific reason for the stop, whether the person was interrogated, charged or arrested, and whether a citation or warning was issued. Police officers must also indicate the specific traffic violation committed. Police officers participating in the collection and correlation of such traffic data and information have been granted civil immunity for acts and omissions during the performance of his official duties, absent gross negligence or willful misconduct. The bill also requires the development of a mechanism for collecting, correlating, analyzing, interpreting, and

reporting data and information 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 2002 Session of the General Assembly. The provisions of the bill expire on July 1, 2005. This bill is a recommendation of the House Committee on Transportation's Special Subcommittee on Racial Profiling and Pretextual Traffic Stops.

Patron - Robinson

[F] HB2672 Department of State Police; racial profiling. Requires the Department of State Police to prepare a report to the General Assembly regarding racial profiling. This bill has been incorporated into HB 2503.

Patron - McClure

[F] SB1075 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. The provisions of the bill expire on July 1, 2003. This bill is a recommendation of the Joint Subcommittee Studying the Status and Needs of African-American Males in Virginia.

Patron - Maxwell

[F] SB1241 Virginia Racial Profiling and Report Statistics Act. Requires the Superintendent of State Police to require each local and state police officer, during the course of his official duties, to collect certain information pertaining to traffic stops, including the age, race, ethnicity, and gender of the alleged traffic offender, and to record the specific reason for the stop, whether the person was interrogated, charged or arrested, and whether a citation or warning was issued. Police officers must also indicate the specific traffic violation committed. Police officers participating in the collection and correlation of such traffic data and information have been granted civil immunity for acts and omissions during the performance of their official duties, absent gross negligence or willful misconduct. The bill also requires the development of a mechanism for collecting, correlating, analyzing, interpreting, and reporting data and information 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 2002 Session of the General Assembly. This bill is a recommendation of the House Committee on Transportation's Special Subcommittee on Racial Profiling and Pretextual Traffic Stops.

Patron - Marsh

Prisons and Other Methods of Correction

[P] Passed

[P] HB1762 Conditional release of geriatric prisoners. Applies geriatric release provision to persons serving felony sentences for crimes committed before January 1, 1995. Currently it only applies to those committed on or after that date. This bill is identical to SB 1167 (Hanger).

Patron - Cranwell

[P] HB2106 Prisoners permitted to work on certain property. Permits the circuit court or the district court, by order, to allow persons confined in jail to work on private property that has structures that are found to be public nuisances provided the court has reviewed and approved the project and allows the prisoners to work on such project. Such persons would receive credit on their sentences for work done. Currently, the courts have the authority to allow such persons to work on property owned by the state, county, city, town or certain nonprofit organizations. This bill is identical to SB 1034.

Patron - Pollard

[P] HB2178 Community criminal justice boards. Eliminates the need for one member of each governing body of each participating locality to serve on the board, and allows each governing body to appoint a representative.

Patron - Morgan

[P] HB2274 Voluntary bone marrow donation by prisoners. Requires the Department of Motor Vehicles to include information concerning the National Bone Marrow Registry in organ donor information accompanying driver's license applications.

Patron - Shuler

[P] SB1034 Prisoners permitted to work on certain property. Permits the circuit court or the district court, by order, to allow persons confined in jail to work on private property that has structures that are found to be public nuisances provided the court has reviewed and approved the project and allows the prisoners to work on such project. Such persons would receive credit on their sentences for work done. Currently, the courts have the authority to allow such persons to work on property owned by the state, county, city, town or certain nonprofit organizations. This bill is identical to HB 2106.

Patron - Chichester

[P] SB1167 Conditional release of geriatric prisoners. Applies geriatric release provision to persons serving felony sentences for crimes committed before January 1, 1995. Currently it only applies to those committed on or after that date. This bill is identical to HB 1762 (Cranwell).

Patron - Hanger

[F] Failed

[F] HB2196 Department of Corrections; inmate collect call system. Provides that any commission or rebate received or realized by the Department of Corrections, or any state, local, or regional correctional facility from a contractor providing inmate telephone services shall be used to reduce the surcharge or rates paid for inmate calls under any inmate collect call system.

Patron - Crittenden

[F] HB2213 Department of Corrections; inmate collect call system. Provides that any commission or rebate received or realized by the Department of Corrections, or any state, local, or regional correctional facility from a contractor providing inmate telephone services shall be used to reduce the surcharge or rates paid for inmate calls under any inmate collect call system.

Patron - Almand

[F] HB2389 Payment for services to prisoners. Allows any sheriff or superintendent to require reimbursement of expenses for services provided to a prisoner beyond the usual prisoner's keep and medical treatment costs, including transportation expenses for the funeral of a family member, medical and other necessary appointments, and court appearances when the court facility is not adjacent to the local correctional facility.

Patron - Clement

[F] HB2423 Transfer of state-responsible offenders to state facilities. Requires that beginning January 1, 2002, every state-responsible offender be transferred to the custody of the Department within 60 days of the date of the final order of sentencing; and, beginning January 1, 2003, every state-responsible offender be transferred to the custody of the Department within 30 days of the date of the final order of sentencing.

Patron - Armstrong

[F] HB2530 Restoration of civil rights to certain former felons. Modifies the provisions for petitioning the circuit court as part of the process for restoration of civil rights and the right to register to vote. The bill allows a person who was convicted of a violation of § 24.2-1016, relating to false statements on election law documents, to be heard by a circuit court on a petition for restoration of the right to vote. The present law requirements that a petitioner have completed his sentence, performed community service, and been free from any conviction for at least five years will apply to the petitioner who has been convicted of a violation of § 24.2-1016.

Patron - Phillips

[F] HB2664 Executions of prisoners; moratorium. Provides that the Commonwealth shall not conduct any executions of prisoners sentenced to death until the July 1 following the JLARC study on the death penalty. The bill is a suspension of executions only. All other matters of law related to the death penalty, including the bringing and trying of capital charges, sentencing proceedings, imposing the death sentence, appeals, and habeas review are not affected. This bill has been incorporated into HB 2764.

Patron - Morgan

[F] HB2764 Executions of prisoners; moratorium. Provides that the Commonwealth shall not conduct any executions of prisoners sentenced to death until the July 1 following the JLARC study on the death penalty. The bill is a suspension of executions only. All other matters of law related to the death penalty, including the bringing and trying of capital charges, sentencing proceedings, imposing the death sentence, appeals, and habeas review are not affected. This bill incorporates HB 2664 and HB 2799.

Patron - Almand

[F] HB2799 Executions of prisoners; moratorium. Provides that the Commonwealth shall not conduct any executions of prisoners sentenced to death until the July 1 following the JLARC study on the death penalty. The bill is a suspension of executions only. All other matters of law related to the death

penalty, including the bringing and trying of capital charges, sentencing proceedings, imposing the death sentence, appeals, and habeas review are not affected. This bill has been incorporated into HB 2764.

Patron - Devolites

[F] HJ582 Restoration of civil rights. Requests the Governor and the Secretary of the Commonwealth to review procedures for the restoration of civil rights to former felons and establish a committee to assist in streamlining and bringing continuity to the restoration process.

Patron - Van Yahres

[F] SB270 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.

[F] SB799 State reimbursement for jail construction. Requires the state to reimburse Martinsville (and any other county or city fitting the criteria under the bill) 40 percent of the capital costs of a jail construction project.

Patron - Reynolds

[F] SB873 Restoration of civil rights to certain former felons. Modifies the provisions for petitioning the circuit court as part of the process for restoration of civil rights and the right to register to vote. The bill allows a person who was convicted of a drug law violation and was not sentenced to imprisonment to be heard by a circuit court on a petition for restoration of the right to vote. The petitioner will be required to have completed his sentence and been free from any conviction for at least 10 years.

Patron - Puller

[F] SB889 Interstate Compact for the Supervision of Adult Offenders. This bill establishes a new interstate compact to replace the existing compact. The compact takes effect on the later of July 1, 2001, or the date that 35 states adopt the compact. Under the new compact, an interstate commission is created. The commission's duties include establishing uniform procedures to manage the movement of adult offenders under community supervision between participating states; ensuring the opportunity for input and providing a timely notice to victims and jurisdictions where offenders are authorized to travel or relocate across state lines; establishing a uniform data collection system; monitoring compliance of interstate movement of offenders and initiating interventions to address noncompliance; and coordinating training programs regarding interstate movement for officials involved in such activities. Each compacting state is responsible for supervision of adult offenders in its communities who are authorized by the compact to travel across state lines. Such responsibilities include tracking the location of offenders, transferring supervision, and returning offenders to originating jurisdictions. The bill also creates a council to oversee the operations of the compact within Virginia.

Patron - Miller, Y.B.


[F] SB1135 Executions of prisoners; moratorium. Provides that the Commonwealth shall not conduct any executions of prisoners sentenced to death until the July 1 following the JLARC study on the death penalty. The bill is a suspension of executions only. All other matters of law related to the death penalty, including the bringing and trying of capital charges,

sentencing proceedings, imposing the death sentence, appeals, and habeas review are not affected.


Patron - Marsh

Professions and Occupations


Passed

 **HB1588 Medicine and healing arts; auricular acupuncture.** Clarifies that acupuncture detoxification specialists who are certified by the National Acupuncture Detoxification Association or an equivalent certifying body, and who are currently exempt from licensure when they are supervised by a National Acupuncture Detoxification Association certified licensed physician acupuncturist or licensed acupuncturist, may perform auricular acupuncture in the context of a chemical dependency treatment program for patients eligible for federal, state or local public funds.


Patron - Van Yahres

 **HB1591 Professions and occupations; pawnbrokers.** Authorizes pawnbrokers to maintain required records electronically. Upon request by a law-enforcement official, pawnbrokers are required to make such electronic records available. The bill also allows a pawnbroker to charge a service fee for making daily electronic reports to law-enforcement officials and further provides that the fee shall not exceed five percent of the amount loaned or three dollars, whichever is less. Under the bill, violation of the service fee provisions shall constitute a Class 4 misdemeanor. The Department of State Police is directed to regulations for the uniform reporting of required information.


Patron - Callahan

 **HB1689 Health Professions; unprofessional conduct.** Removes from the Board of Medicine the vestiges of control of unprofessional conduct of physical therapists and physical therapy assistants. When the Board of Physical Therapy was constituted in the 2000 Session, this language was transferred to the new Board but inadvertently left in the provisions of the Board of Medicine.

Patron - Hamilton


 **HB1694 Health professions; medical assistants.** Revises the authority of licensed or certified practitioners of the healing arts to delegate to supervised employees those non-discretionary activities and functions that do not require the exercise of professional judgment for their performance and are usually or customarily delegated to other persons by practitioners of the healing arts, if the relevant practitioner of the healing arts is authorized to perform the delegated duties and assumes responsibility for such activities or functions. This bill removes the requirement that the unregulated person be employed by a professional licensed or certified by the Board of Medicine; the requirement that the unregulated person be supervised by the responsible licensed or certified professional remains. This bill is identical to SB 849.

Patron - Abbitt


 **HB1696 Attorney's lien for fees.** Provides that any person having or claiming a cause of action for annulment or divorce may contract with any attorney for legal services and that the attorney shall have a lien upon the cause of action as security for his fees for any services rendered in relation to the cause of action. The attorney's claim may not be exercised

until the divorce judgment is final and the court may exclude spousal and child support from the lien.


Patron - Cranwell

 **HB1722 Health professions; continuing education for physical therapists.** Requires, as a prerequisite to license renewal or reinstatement, that all licensed physical therapists complete biennial continuing education courses as approved by the Board. The Board must prescribe criteria for approving the courses and credit hour requirements. The Board is authorized to approve alternative courses upon timely application of any licensee. These education requirements must be certified to the Board and must be submitted by each physical therapist at the time he applies for renewal or reinstatement of the license.


Patron - Purkey

 **HB1778 Health professions; certified nurse aides.** Requires the Board of Nursing to develop and promulgate regulations to establish a career advancement certification for certified nurse aides that will indicate enhanced competence in patient care tasks and enable certified nurse aides to expand the scope of the responsibilities and duties delegated to them. Upon successful completion of required educational and training standards, an advanced certificate will be awarded. The programs will have to be approved by the Board. An advanced certificate must be renewed biennially upon payment of the specified fee and submission of proof of compliance with the Board's requirements.


Patron - Hamilton

 **HB1826 Pharmacy.** Sets forth the definitions, restrictions, and requirements for registration of pharmacy technicians. This bill distinguishes between pharmacy interns and pharmacy technicians and clarifies the duties that may be performed only by a pharmacist or a pharmacy intern while engaged in obtaining the practical experience required for licensure as a pharmacist. "Supervision" is defined as the direction and control by a pharmacist who is physically present in the pharmacy or in the facility in which the pharmacy is located and available for immediate oral communication regarding the activities of a pharmacy intern or a pharmacy technician. Pharmacists are authorized to determine the maximum number of pharmacy technicians to supervise; however, no pharmacist can supervise more than four pharmacy technicians at one time. A second enactment provides a modified grandfather clause by not requiring registration of pharmacy technicians until six months after the effective date of the Board of Pharmacy's final regulations. The Board must adopt final regulations for the registration of pharmacy technicians by July 1, 2003.

Patron - Morgan

 **HB2093 Drug Control Act; registration certificates.** Adds optometrists and nurses to the list of practitioners who may have prescriptive authority and, thus, are not required to obtain a controlled substances registration certificate for the manufacture, distribution or dispensing of drugs. Persons such as medical researchers who may use controlled substances in their work and are not otherwise authorized to prescribe, manufacture, distribute or dispense must still obtain controlled substances registration certificates.

Patron - Devolites

 **HB2095 Health professions; substance abuse counseling assistants.** Provides for an additional category of certification for substance abuse counseling assistants and delineates the difference in the scope of duties between a substance abuse counselor and a substance abuse counseling assistant. The bill also recognizes the name change of one of the

nationally recognized associations from the National Association of Alcoholism and Drug Abuse Counselors to NAADAC: the Association for Addiction Professionals. The bill adds "certified substance abuse counseling assistant" to the list of individuals who may render services and receive reimbursement from insurance. The bill also provides for the continued certification of those persons who were certified prior to July 1, 2001, or who had registered their supervisory contracts or filed applications for certification with the Board prior to that date. Also, the bill provides that any application for certification filed after July 1, 2001, but before the effective date of the new regulations, for a person who meets the requirements in effect prior to July 1, 2001, shall be operative until the new regulations are in effect, when such person shall be deemed certified at the appropriate level under the new regulations. Additionally, this bill directs the Board to approve as a supervisor for individuals seeking certification as a counselor or assistant any person who has been approved prior to July 1, 2001.

Patron - Devolites

[P] HB2139 Health professions; regulation of clinical psychologists. Clarifies that the Board of Psychology has the power to set licensure standards for clinical psychologists and removes the clinical psychologist from the Board of Medicine. Formerly, clinical psychologists were regulated by the Board of Medicine. The physician members of the Board of Medicine are appointed from each congressional district; the Board also includes one osteopathic physician, one podiatrist, one chiropractor, and two citizen members. This bill also increases the Board's membership by two citizen members and notes that no two citizen members can reside in the same congressional district.

Patron - Broman

[P] HB2142 Department of Professional and Occupational Regulation and the Department of Health Professions; authority to recover civil penalties for certain violations. Authorizes the Departments of Professional and Occupational Regulation (DPOR) and the Department of Health Professions (DHP) to enforce the licensure and regulatory provisions of Title 54.1 through instituting proceeds in general district courts or circuit courts to recover civil penalties. The bill provides that the civil penalty must be at least \$200 but no more than \$1,000 per violation, with each unlawful act constituting a separate violation; but in no event can the civil penalties against any one person, partnership, corporation or other entity exceed \$10,000 per year.

Patron - Drake

[P] HB2153 Health professions; data required. Requires physicians of medicine or osteopathy and all podiatrists to report any convictions for felonies to the Board of Medicine for inclusion in the health care data available to consumers upon request. The data required currently includes any disciplinary action by the Board against the practitioner as well as any paid claims or settlements. All practitioners of medicine, osteopathy and all podiatrists are required to report.

Patron - Rhodes

[P] HB2174 Department of Professional and Occupational Regulation; residential home inspectors. Provides for the voluntary certification of residential home inspectors by the Department of Professional and Occupational Regulation through the Board for Asbestos, Lead and Home Inspectors. Under the bill, no person may provide a certified home inspection or hold himself out as a, or use the title of, "certified home inspector" unless certified by the Board.

Patron - McClure

[P] HB2245 Practice of nursing. Exempts, for no more than 90 days from the date of approval of an application submitted to the Board, any nurse who is a graduate of a foreign nursing school and has met the credential, language, and academic testing requirements of the Commission on Graduates of Foreign Nursing Schools when such nurse is working as a nonsupervisory staff nurse in a licensed nursing home or certified nursing facility. During such ninety-day period, such nurse must take and pass the licensing examination to remain eligible to practice nursing in Virginia; no exemption granted under this subdivision can be extended. A second enactment requires the Board of Nursing to promulgate emergency regulations. This bill is identical to SB 892.

Patron - Day

[P] HB2318 Prescriptive authority of physician assistants. Expands the prescriptive authority of physician assistants, as follows: Schedules V and VI controlled substances on and after July 1, 2001; and Schedules IV through VI on and after January 1, 2003. Currently, physician assistants' prescriptive authority is limited to Schedule VI drugs. The bill also removes the Board of Medicine's responsibility for developing a formulary for the specific drugs that physician assistants are allowed to prescribe and requires the supervising physician or podiatrist to develop a written agreement with each physician assistant under his supervision listing the controlled substances the physician assistant is or is not authorized to prescribe. In addition to the requirement for periodic site visits by physicians or podiatrists who supervise physician assistants that is currently in the law, the regulations of the Board of Medicine will include requirements for continued physician assistant competency, e.g., continuing education, testing, and 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 Pharmacy, and physician assistant associations, to study physician assistant prescriptive authority as provided in this act to determine the impact of the authority to prescribe Schedules IV through VI controlled substances and devices on patient care, provider relationships, third-party reimbursement, physician practices, and patient satisfaction with physician assistant treatment. A preliminary report will be submitted to the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by July 1, 2004, and a final report will be provided to the Governor and the 2005 General Assembly.

Patron - Jones, S.C.

[P] HB2397 Enforcement, etc., of costs imposed by the Virginia State Bar Disciplinary Board. Allows orders of the Board regarding unpaid costs to be recorded, enforced, and satisfied as judgments.

Patron - Tata

[P] HB2430 Board of Nursing Home Administrators. Revises the membership of the seven-member Board of Nursing Home Administrators by increasing the number of nursing home administrators from three to four, reducing the number of members who are from professions and institutions concerned with the care and treatment of chronically ill and elderly patients from four to two, and adding one member who is a resident of a nursing home or a family member of a resident of a nursing home. Appointments to the Board are made by the Governor for four-year terms.

Patron - Orrock

P HB2516 Department of Health Professions; athletic trainers. Clarifies the qualifications for membership on the Advisory Board on Athletic Training and the exceptions from certification as an athletic trainer.

Patron - Reid

P HB2718 Virginia State Bar; eligibility to sit for bar examination. Provides that an applicant who has successfully completed all requirements for a degree from the Potomac School of Law in the District of Columbia, was enrolled and attended classes at the Potomac School of Law during or prior to the 1977 fall term, was a resident of Virginia at the time of application for admission to the Potomac School of Law, has passed the bar examination in another state or territory of the United States or the District of Columbia, which examination included the national multi-state examination, and has been admitted to practice before the court of last resort in any other state or territory of the United States or the District of Columbia is eligible to sit for the Virginia bar examination.

Patron - McClure

P HB2757 Board for Accountancy; educational requirements for CPA certificate. Corrects the name of the National Business College of Virginia to the National College of Business and Technology.

Patron - Thomas

P SB806 Practice of dentistry. Defines "dentistry," according to current ADA definitions, as the evaluation, diagnosis, prevention, and treatment, through surgical, nonsurgical, or related procedures, of diseases, disorders, and conditions of the oral cavity and the maxillofacial, adjacent and associated structures, and their impact on the human body. The Board of Dentistry, with the assistance and advice of an advisory committee comprised of three members selected by the Medical Society of Virginia and three members selected by the Virginia Society of Oral and Maxillofacial Surgeons, is directed to promulgate regulations establishing criteria for certification of oral and maxillofacial surgeons to perform certain procedures within the definition of dentistry that are not for the prevention and treatment of disorders, diseases, lesions and malpositions of the human teeth, alveolar process, maxilla, mandible, or adjacent tissues, or any necessary related procedures or are not provided incident to a head or facial trauma sustained by the patient. The Board's regulations must address patient safety; identification and categorization of approved procedures; and application process for certification to perform such procedures; and the minimum education, training, and experience for such certification. The Board is directed to take due consideration of the education, training, and experience requirements adopted by the American Dental Association Council on Dental Education or the Commission on Dental Accreditation and to require review of all complaints arising out of performance of the defined procedures jointly by a physician and an oral and maxillofacial surgeon. Receipt of reports of complaints by the Board of Dentistry against oral and maxillofacial surgeons shall be shared with the Board of Medicine which shall maintain the confidentiality of such complaint. The bill also adds to the criteria for disciplinary actions, practicing outside the scope of the dentist's or dental hygienist's education, training and experience and the performance of a procedure that is subject to certification without such certification. Oral and maxillofacial surgeons must also register annually with the Board of Dentistry and submit certain information, similar to that required of physicians, that is subject to consumer review. Enactment clauses delay the effective date of the certification until 60 days after the effective date of the board's regulations

to implement these requirements and such regulations will become effective within 280 days of enactment.

Patron - Barry

P SB849 Health professions; medical assistants. Revises the authority of licensed or certified practitioners of the healing arts to delegate to supervised employees those non-discretionary activities and functions that do not require the exercise of professional judgment for their performance and are usually or customarily delegated to other persons by practitioners of the healing arts, if the relevant practitioner of the healing arts is authorized to perform the delegated duties and assumes responsibility for such activities or functions. This bill removes the requirement that the unregulated person be employed by a professional licensed or certified by the Board of Medicine; the requirement that the unregulated person be supervised by the responsible licensed or certified professional remains. This bill identical to HB 1694.

Patron - Couric

P SB892 Practice of nursing. Exempts, for no more than 90 days from the date of approval of an application submitted to the Board, any nurse who is a graduate of a foreign nursing school and has met the credential, language, and academic testing requirements of the Commission on Graduates of Foreign Nursing Schools when such nurse is working as a non-supervisory staff nurse in a licensed nursing home or certified nursing facility. During such 90 period, such nurse must take and pass the licensing examination to remain eligible to practice nursing in Virginia; no exemption granted under this subdivision can be extended. A second enactment requires the Board of Nursing to promulgate emergency regulations. This bill is identical to HB 2245.

Patron - Reynolds

P SB1059 Health professions; regulation of clinical psychologists. Clarifies that the Board of Psychology has the power to set licensure standards for clinical psychologists and removes the clinical psychologist from the Board of Medicine. Formerly, clinical psychologists were regulated by the Board of Medicine after being licensed by the Board of Psychology. The physician members of the Board of Medicine are appointed from each congressional district; the Board also includes one osteopathic physician, one podiatrist, one chiropractor, and two citizen members. This bill also increases the Board's membership by two citizen members and notes that no two citizen members can reside in the same congressional district.

Patron - Quayle

P SB1290 Board of Nursing Home Administrators. Revises the membership of the Board to include one resident of a nursing home or a family member of a resident of a nursing home by reducing the number of members who are from professions and institutions concerned with the care and treatment of chronically ill and elderly patients from four to two and also increasing to four those members who are licensed nursing home administrators. Appointments to the Board are made by the Governor for four-year terms.

Patron - Mims

P SB1367 Physical therapy. Provides limited direct access to physical therapy. This bill authorizes physical therapists who have actively practiced upon the referral and direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry or dental surgery for three years, to treat a patient for 14 days without referral if the patient has previously been referred for physical therapy within two years, the physical therapy is being provided for the same injury, disease or condition as indicated in the referral, and the physical therapist noti-

fies the practitioner identified by the patient no later than three days after treatment begins. Treatment for more than 14 days will require a referral. Other limited exceptions are provided for a one-time evaluation of a patient who has not been referred, services provided to student athletes during a game or other athletic activity, employees for evaluation and consultation related to workplace ergonomics, special education students whose individualized education plans indicate a need for physical therapy, the public for wellness, fitness, and health screenings, the public for the purpose of health promotion and education, and the public for the purpose of prevention of impairments, functional limitations, and disabilities. This bill also clarifies the definition of "practice of physical therapy" and notes that this practice does not include medical diagnosis of disease or injury or use of invasive procedures. The physical therapist is also required to immediately refer any patient whose medical condition is determined to be beyond the physical therapist's scope of practice. Technical amendments are made to the Board of Medicine's and the Board of Physical Therapy's statutes to correct some inadvertent errors made when the Board of Physical Therapy was established last year. In addition, the Board is required to establish requirements to ensure continuing competency and to promulgate, pursuant to a second enactment clause, emergency regulations.

Patron - Saslaw

[F] Failed

[F] HB1565 Cemetery Board; preneed trust deposits. Requires 90 percent of the receipts from the sale of property or services purchased under a preneed burial contract to be placed in a preneed trust account. Current law requires 40 percent of such proceeds to be placed in a preneed trust account.

Patron - Hamilton

[F] HB1709 Department of Professions and Occupations; Board for Foresters. Creates the Board for Foresters in the Department of Professional and Occupational Regulation. The nine-member Board shall consist of seven foresters and two citizens. Under the bill, individuals are required to be licensed by the Board to practice forestry or forest management. Forestry is defined as a profession embracing the science, art and practice of creating, managing, using and conserving forests and associated resources for human benefit and in a sustainable manner to meet desired goals, needs, and values. Forest management is defined as the practical application of biological, physical, quantitative, managerial, economic, social, and policy principles to the regeneration, management, utilization and conservation of forests to meet specified goals and objectives while maintaining the productivity of the forest. Forest management includes management for aesthetics, fish, recreation, urban values, water, wilderness, wildlife, wood products and other forest resource values.

Patron - Deeds

[F] HB1813 Attorneys; lien for fee. Gives an attorney-at-law a lien for his fee in an annulment or divorce case.

Patron - Cranwell

[F] HB2099 Department of Health Professions; Board of Funeral Directors and Embalmers; licensure of funeral establishments. Increases from 86 to 140 the number of funerals per year for which the Board may grant a hardship waiver from the requirement for a full-time manager licensed for the practice of funeral service or licensed as a funeral director, allowing the operation of two funeral establishments having in charge one full-time person licensed for the practice of

funeral service or one licensed funeral director who divides his time between the two funeral establishments.

Patron - Abbitt

[F] HB2100 Department of Professional and Occupational Regulation; Board for Contractors; licensure of arborist. Requires the licensure of arborists by the Board for Contractors as of July 1, 2002. Arborist is defined as an individual who engages in, or offers to engage in, work for the general public for compensation in work involving the application of arboricultural sciences to the care of trees including the removal of a tree or a portion of a tree, taking measures to prolong the life of a tree, and taking measures to enhance the aesthetic value of a tree. The bill has a delayed effective date of July 1, 2002.

Patron - Hull

[F] HB2118 Health professions; what constitutes practice. Requires board certification or completion of fellowship training in order for a practitioner to hold himself out as specializing in an area of practice.

Patron - DeBoer

[F] HB2238 Health professions; temporary licenses for nurses. Authorizes the Board of Nursing to issue a one-time, six-month temporary license to an applicant who has graduated from a nursing education program in a foreign country and who has met the credential, language, and testing requirements of the Commission on Graduates of Foreign Nursing Schools Qualifying Examination and who is awaiting the completion and final passage of the state licensing exam. The temporary licensee would be limited to work as a staff nurse in a nonsupervisory position in a long-term health care facility.

Patron - Day

[F] HB2320 Health professions; surgical assistants. Defines a "certified surgical assistant" and "intraoperative surgical care" and requires the Board of Medicine to establish a procedure for the certification of such individuals who meet the requirements established by the Board. Surgical assistants are certified individuals who provide such services, under the direction of a physician or registered nurse, as positioning and draping the patient, observing the operative site, assisting in incision closing or wound dressing, and any other task that may be delegated by the licensee that is within the scope of practice of a certified surgical assistant.

Patron - Jones, S.C.

[F] HB2399 Prescriptions. Clarifies that electronically transmitted prescriptions will be valid original prescriptions and deemed to be signed by the prescriber and to be written prescriptions when in compliance with the Board of Pharmacy's regulations. Oral prescriptions can be transmitted to the pharmacy by electronic means. The Board is required to promulgate regulations for electronically transmitted prescriptions, e.g., by fax or e-mail. Faxed or e-mailed prescriptions are already specifically authorized and used for certain types of practitioners, such as home-infusion pharmacies and long-term care pharmacies.

Patron - Tata

[F] HB2431 Proof of education required of bar examination applicants. Allows an applicant for the bar examination to take the examination if he graduated from a non-accredited law school that has since become accredited if he has been a practicing attorney in another jurisdiction for at least five years.

Patron - Howell

[F] HB2782 Health professions; dispensing of emergency contraceptives. Establishes procedures by which prescribers, in accordance with a protocol developed by the Board of Medicine, may authorize licensed pharmacists to dispense emergency contraceptives to women, including women who are not the prescriber's patients, when a practitioner with prescriptive authority is not physically present. Pharmacists may dispense such emergency contraception according to regulations adopted by the Board of Pharmacy. This provision is similar to current law that allows a practitioner to permit pharmacies to dispense immunizations even to persons who are not patients of the physician who initiates the authorization. The bill also provides that nurse practitioners, physician assistants, and physicians may dispense emergency contraceptives at any time according to procedures developed by the Board of Medicine. The bill also contains technical amendments.

Patron - Baskerville

[F] HB2785 Health professions; citizen board members. Expands the definition of "citizen member" of regulatory boards to specify that retired professionals may serve on boards in the citizen slot. Current law confines citizen members to those who (i) are not by training or practice a practitioner of the profession, (ii) have no immediate familial relationship with a practitioner, and (iii) have no direct or indirect financial interest in the practice of such profession, except as consumers.

Patron - Katzen

[F] HB2804 Department of Professional and Occupational Regulation; regulation of athlete agents; penalty. Provides for the licensure athlete agents by the Department of Professional and Occupational Regulation and provides for penalties for violation.

Patron - Jones, J.C.

[F] HB2825 Board for Contractors; necessity for licensure for electrical tradesman. Exempts an individual certified by the Board of Coal Mining Examiners as electrical maintenance repairman, electrical repairman or chief electrician from the examination requirement for a tradesman license.

Patron - Stump

[F] SB1208 Department of Health Professions; unlawful practice of physical therapy or physical therapist assistance. Authorizes a licensed physician assistant acting under the supervision of a licensed physician to make a physical therapy referral.

Patron - Forbes

[F] SB1237 Real Estate Board; certain referral fees prohibits. Provides that certain unearned referral fees shall not be solicited or requested of any real estate licensee and gives such licensee a cause of action to recover \$500 in damages for violation.

Patron - Barry

[F] SB1371 Typed, preprinted, and electronically printed prescriptions. Requires the Board of Pharmacy to promulgate regulations requiring practicing prescribers who are authorized to prescribe controlled substances to issue written prescriptions that have been typed, preprinted, or electronically printed, and signed by the prescriber to ensure accuracy in compounding, processing, dispensing, or the disposal of drugs and devices. The written prescriptions must comply with the provisions of subsection A of § 32.1-87 and subsection B of §54.1-3408.01, which establish a prescription blank format accommodating the Virginia Voluntary Formulary. The provisions of this bill do not affect the exception for dispensing a

controlled substance pursuant to out-of-state prescriptions, or the issuance of oral prescriptions and standing protocols, or the transmission of written prescriptions by electronic communications, as provided by law.

Patron - Reynolds

Property and Conveyances

[P] Passed

[P] HB1716 Condominium and Property Owners' Association Act; meetings. Requires the executive organ of a condominium unit owners' association or the board of directors of a property owners' association to publish notice of its meetings where it is reasonably calculated to be available to a majority of unit or lot owners. The bill also defines meeting. In addition, the bill (i) prohibits the executive organ or board of directors from using work sessions or other informal gatherings to circumvent meeting notice and executive session requirements and (ii) requires the executive organ or board of directors to establish a reasonable, effective and free method for owners to communicate among themselves and with the executive organ or board regarding any matter concerning the association, appropriate to the size and nature of the condominium or development.

Patron - Callahan

[P] HB1731 Presumption of convenience abolished. This bill removes the presumption that property held jointly is held as such for the convenience of the primary owner. It clarifies that when any person causes any real or personal property to be titled or otherwise shown in the name of two or more persons "jointly," as "joint tenants," in a "joint tenancy," or other similar language, such persons shall own the property in a joint tenancy without survivorship but if the expression "with survivorship" or any equivalent language is employed in such titling or showing, it shall be presumed that such persons are intended to own the property as joint tenants with the right of survivorship as at common law.

Patron - Howell

[P] HB1732 Appointment of administrator of an intestate estate. Clarifies the rules and order for appointment of an administrator of an intestate estate. Existing law does not establish any priority in qualification beyond the priority of the surviving spouse. This bill would eliminate the "race to the courthouse" where the first distributee to appear is able to qualify, no matter what his interest is in the estate.

Patron - Howell

[P] HB1733 Filing accountings and inventories of testamentary trusts. Provides that a trustee of a testamentary trust does not have to file an inventory if he obtains the written consent of all adult beneficiaries after providing them with certain information and files the consents with the Commissioner of Accounts before the date the inventory would otherwise be due. Additionally, the bill specifies that for those trusts where no accounting is required, no inventory is required.

Patron - Howell

[P] HB1836 Property Owners' Association Act; validity of declaration. Makes a technical correction by changing the term "condominium instrument" to "declaration." Condominium instrument is a term of art in the Condominium Act and not applicable to the Property Owners' Association Act.

Patron - Howell

[P] HB1848 Manufactured Home Lot Rental Act; landlord obligations. Requires a landlord to give written notice to tenants no less than 48 hours prior to the planned disruption by the landlord in electric, water or sewage disposal services.

Patron - McQuigg

[P] HB1883 Termination of tenancy under the Virginia Residential Landlord and Tenant Act and the Manufactured Home Lot Rental Act. Provides that where a landlord and seller of a manufactured home have in common (i) one or more owners, (ii) immediate family members, or (iii) officers or directors, the rental agreement shall be renewed except for reasons that would justify a termination of the rental agreement or eviction by the landlord under the Manufactured Home Lot Rental Act. Additionally, a landlord who accepts rent with reservation of rights must give notice to the tenant of the reservation within five days of receipt of the rent. Under current law, the landlord must give notice of the reservation to the tenant, but there is no provision for when such reservation must be given.

Patron - Howell

[P] HB2120 Real Estate Time-Share Act. Clarifies the definitions of "exchange program" and "incidental benefit." The bill also expands the definition of "time-share estate occupancy expenses" to include (i) expenses for the formation, organization, operation and administration, including capital contributions thereto, of the association and both its board of directors and its members and (ii) filing fees and annual registration charges of the State Corporation Commission and the Real Estate Board, counsel fees and accountant charges, and reserves for any of the foregoing, which must be paid by the time-share owners. The bill authorizes the association to file a lien for unpaid and past due maintenance fees and for any other charges owing occasioned by the failure of the owner to pay the assessments or maintenance fees, including late charges, interest, postage and handling, attorneys' fees, recording costs and release fees in addition to the currently authorized lien for unpaid assessments. The bill changes the filing deadline of one year to four years from when the assessment became due for an association to perfect a lien. The bill provides that the cost of recording the memorandum of lien shall be taxed against the owner of the time-share on which the lien is placed versus current law that provides that such cost is taxed against the person found liable.

Patron - Wardrup

[P] HB2126 Estates in trust. Removes the million dollar cap on trusts that are not subject to the debts of beneficiaries and provides that as to any claim for child support, no such condition (of the trust) shall operate to the prejudice of a judgment against a beneficiary for the support of the beneficiary's child.

Patron - McClure

[P] HB2216 Virginia Residential Landlord Tenant Act. Clarifies that the Virginia Residential Landlord Tenant Act applies to all jurisdictions in the Commonwealth and may not be waived or otherwise modified, in whole or in part, by the governing body of any locality, its boards and commissions or other instrumentalities, or by the courts of the Commonwealth.

Patron - Almand

[P] HB2428 Condominium and Property Owners' Association Acts; charges for copying association records. Clarifies that the charges for copying association records,

which an association may impose, are the reasonable costs, not to exceed the actual costs, for labor and materials.

Patron - Suit

[P] HB2429 Common Interest Community Management Information Fund; powers of the Real Estate Board. Provides for the appointment of a community association liaison who shall administer the requirements of the Common Interest Community Management Information Fund and serve as an information resource on issues relating to the governance, administration and operation of common interest communities, including the laws and regulations relating thereto. Such information may include non-binding interpretations of laws or regulations governing common interest communities and referrals to public and private agencies offering alternative dispute resolution services, with a goal of reducing and resolving conflicts among associations and their members. The compensation for the community association liaison shall be paid from the Fund; provided that no more than 60 percent of the moneys collected annually in the Fund shall be used for such purpose. This bill is a recommendation of the Housing Study Commission.

Patron - Suit

[P] HB2515 Property Owners' Association Act; association disclosure packets. Gives a purchaser of a condominium unit or lot in a property owners' association the right, as stated in the purchase contract, to request an update of the resale certificate. The bill also sets the fees that may be charged for providing an update resale certificate. The bill also requires disclosure of the copy of the notice given to a unit or lot owner by the association of any current or pending role or architectural violations. This bill incorporates HB 2567.

Patron - Reid

[P] SB972 Landlord and tenant; access to television facilities. Postpones the effective date of provisions allowing compensation to a landlord for use of his property by cable, satellite, and other television facilities from July 1, 2001, to July 1, 2003.

Patron - Wampler

[P] SB1229 Landlord and tenant. Extends from 30 to 45 the number of days a landlord has to notify a tenant of any deduction in the tenant's security deposit; provides that if a landlord willfully fails to comply with the provisions relating to security deposits, the court shall order return of the deposit and any accrued interest to the tenant, together with reasonable attorney's fees; clarifies the notice to be given by the landlord for the entry into a tenant's unit for routine maintenance; provides that the tenant, upon termination of occupancy, is responsible for payment to the landlord for the reasonable costs incurred in removing burglary prevention and fire detection devices installed by the tenant and for any repairs for damage to the unit because of the removal of the devices; allows a tenant to use the rent escrow provisions of the Virginia Residential Landlord Tenant Act regardless of the number of notices to pay or quit he has received from the landlord; and limits the amount of post-possession damages a landlord can recover under a rental agreement. The bill also incorporates into other Virginia law governing landlord and tenant issues provisions of the VRLTA relating to the maintenance of residential rental units and imposes obligations on both the landlord and tenant to maintain the dwelling unit. This bill is a recommendation of the Housing Study Commission.

Patron - Whipple

[P] SB1358 Release of deed of trust. Clarifies that lenders must forward releases of deeds of trust to the obligor or the obligor's designee within the designated time frame. The

bill also clarifies that, if the creditor undertakes to record the document, the document must actually be recorded or sent by certified mail rather than just be sent by ordinary mail to the clerk's office.

Patron - Mims

F Failed

F HB1971 Virginia Residential Landlord and Tenant Act (VRLTA); access of tenants to cable, satellite and other television facilities. Repeals the section of the VRLTA dealing with access of tenants to cable, satellite and other television facilities. As a result of the bill, there will be no limitation on landlords from receiving compensation from cable and other like companies for providing access to the landlord's property.

Patron - McClure

F HB2057 Release of deed of trust or other lien. Creates an optional method for a settlement agent in a real estate transaction to release a deed of trust or other lien.

Patron - Albo

F HB2129 Joint ownership in real and personal property. Specifies that any personal or real property of a husband and wife that is held by them as tenants by the entireties and conveyed to their joint revocable or irrevocable trust, or in equal shares to their separate revocable or irrevocable trusts, shall have the same immunity from the claims of their separate creditors as it would if it had remained a tenancy by the entirety, so long as (i) they remain husband and wife, and (ii) it continues to be held in the trust or trusts. Under the existing law, this language only applies to the principal family residence, so long as all of the above conditions are satisfied and so long as the property continues to be their principal family residence.

Patron - McClure

F HB2206 Landlord and tenant law; rent escrow by tenants. Allows tenants not covered by the Virginia Residential Landlord and Tenant Act access to rent escrow provisions for alleged conditions that constitute a material noncompliance by the landlord with the rental agreement or other provisions of law, or that constitute a serious threat to the life, health or safety of the tenants.

Patron - Almand

F HB2311 Property Owners Association Act; capital improvement fee. Authorizes the board of directors of an association to impose a capital improvement fee on lots that are resold or transferred if the board determines the imposition of the fee is in the best interest of the association and the proceeds are used exclusively for new capital improvements or replacement of existing common elements. Under the bill, the association membership may, at a meeting held within 60 days of the notice of the imposition of the fee, vote to rescind or reduce the fee. The total amount of the capital improvement fee shall not exceed the annual assessment charged to the lot during the most recently completed fiscal year of the association or \$1,000, whichever is higher. The bill requires that capital improvement fees collected by the association be maintained in a separate capital improvement account and prohibits a capital improvement fee from being imposed on certain gratuitous transfers between family members and where the owner of the lot transfers the lot to a trust entity.

Patron - Dickinson

F HB2567 Property Owners' Association Act; contract disclosures. Requires a person selling a lot in a prop-

erty owners' association to disclose in the contract whether there exist any violations of the declaration or rules and regulations adopted pursuant thereto for which the purchaser is or may be liable. This contract disclosure is in addition to other contract disclosures currently required under the Property Owners' Association Act. The bill provides that its provision shall not apply to any contract entered into before July 1, 2001. Incorporated into HB 2515.

Patron - Scott

F HB2668 Notice of trustee's sale. Provides that all required notices to lienholders, a property owners' association, a proprietary lessees' association and their assigns, or a condominium unit owners' association may be given by facsimile transmission or e-mail, but that when notice is given by either of these methods the trustee must file with the Commissioner of Accounts confirmation of receipt by any of the parties to whom such notice was given.

Patron - Moss

F SB1157 Disposition of assets of nonprofit health care entities. Establishes (i) the items that must be included in the notice to the Attorney General by a nonprofit health care entity contemplating a disposition of assets, (ii) a requirement for at least one public hearing in the primary service area of the relevant nonprofit entity, and (iii) a determination by the Attorney General whether a disposition of assets requires a review. The bill also provides the Attorney General with subpoena power, establishes the elements of the agreement that must be found before the Attorney General can approve such agreements, and sets out the elements of the proposed agreement that must result in disapproval. The parties have a right to appeal a denial to the Supreme Court.

Patron - Hanger

F SB1423 Property Owners' Association Act; transfer of declarant control; disclosure packet. Limits the period of developer control of a property owner's association to the point at which three-fourths of the lots, as designated in the plan for development filed with the locality, have been conveyed as improved lots to owners in the association. In addition, the bill also requires (i) the developer, upon transfer of control to the association, to provide the association with a copy of the latest approved plans showing the portion of the development that are lots and common area, (ii) the association to maintain a map of the development showing the portions of the development that are lots and portions that are common area, and (iii) the disclosure statement to include either a statement or a clear reference to provisions in the declaration setting forth certain information regarding the transfer plan. The bill further clarifies that a current lot owner shall be entitled to assert as an affirmative defense that the required disclosure of any limitations pertaining to the display of flags or any flagpole or similar structure necessary to display such flags was not contained in the disclosure packet to the such current lot owner.

Patron - Lambert

F SB1425 Landlord and tenant; access to cable, satellite and other television facilities. Allows landlords to be compensated by cable television service providers for access to and for the use and occupancy of the landlord's property. In addition, the bill also provides that any cable television service access agreement between a landlord and a cable television service provider entered into on or after July 1, 2001, that incorporates a life-of-franchise provision providing for perpetual access to a landlord's property shall provide for reasonable compensation to the landlord for such access to and for such

use and occupancy of the landlord's property or shall be null and void.

Patron - Colgan

Public Service Companies

P Passed

P HB1611 Local emergency telecommunications requirements. Exempts from the duty of all localities to have specific wireline and wireless 911 and E-911 service available by certain dates, any locality in which (i) 50 percent or more of the geographic area is unable to receive wireless telecommunications service; (ii) no taxes are imposed for E-911 services; and (iii) the Wireless E-911 Services Board has designated a specific public safety answering point or the Virginia State Police to answer wireless 911 or wireless E-911 calls originating in the locality.

Patron - Deeds

P HB1766 Public service corporation easements. Requires any instrument conveying an easement of right-of-way in land to a public service corporation to include a notice stating that the grantee may have the right to obtain some or all of the rights being conveyed through exercise of eminent domain, and that the owner has the right to choose not to convey rights that are not subject to eminent domain.

Patron - Woodrum

P HB1767 Location of utility easements. Authorizes the governing body of each locality in which a gas pipeline or electrical transmission line would be located to ask the State Corporation Commission to consider directing the joint use of right-of-way, in any case involving an application for a certificate of convenience and necessity for new facilities. This bill is identical to SB 1124.

Patron - Woodrum

P HB1902 Local telephone companies. Eliminates the requirement that the State Corporation Commission conduct a hearing on every application for a certificate to furnish local exchange telephone service. Applicants will have an opportunity for a hearing. Obsolete language is deleted.

Patron - Plum

P HB1914 Pole attachments. Requires both public utilities and cable television systems or telecommunications service providers to negotiate in good faith to arrive at mutually agreeable contracts for attachments to the public utility's poles. After entering into a contract, the public utility shall permit, upon reasonable terms and conditions and payment of reasonable charges and costs, the attachments or placements, provided they do not interfere, obstruct or delay the service and operation of the public utility or create a safety hazard. Access may be denied if the attachment interferes, obstructs or delays the service and operation of the public utility or creates a safety hazard, or if the public utility provides electric service and the denial is made on a nondiscriminatory basis on grounds of insufficient capacity or reasons of safety, reliability, or generally applicable engineering principles. This measure will not apply to pole attachments regulated under federal law.

Patron - Rollison

P HB1935 Municipal electric utilities; restructuring. Clarifies that a municipal electric utility will not lose its exclusive territorial rights or exemption from the provisions of the Electric Utility Restructuring Act by selling or offering to

sell electric energy to retail customers outside the area that it served on July 1, 1999, if the municipal utility's expansion of service into new areas is made pursuant to a franchise agreement between the municipality utility and the incumbent public utility that previously served the new areas. This bill is identical to SB 896.

Patron - Armstrong

P HB2268 Notice of proposed location of utility lines. Requires that owners of property within the route of a proposed gas pipeline or electrical transmission line of 150 kV or more be sent a notice of the proposed construction by first class mail. The notice requirements for a public utility proposing to build a gas pipeline are conformed in several respects to those for the proposed construction of electric transmission lines. These include (i) requiring that notices include a written description of the proposed route the line is to follow and a map or sketch of the route; (ii) requiring the notice to include the deadline for an interested party to request a hearing from the State Corporation Commission; and (iii) requiring the Commission to hold at least one hearing in the area that would be affected by construction of the pipeline if requested in writing by 20 or more interested parties. This bill is a recommendation of the joint subcommittee studying eminent domain issues.

Patron - Shuler

P HB2472 Electric utility restructuring; renewable energy. Defines renewable energy as energy derived from sunlight, wind, falling water, sustainable biomass, energy from waste, wave motion, tides, and geothermal power, and excludes energy derived from coal, oil, natural gas or nuclear power.

Patron - Plum

P HB2640 Telephone cooperatives. Exempts telephone cooperatives from filing local service tariffs with the State Corporation Commission; eliminates the requirement that quorums consist of at least five percent of the all cooperative members; and authorizes cooperatives to use funds derived from rates and charges for telephone service to acquire, own and dispose of interests in other communications businesses. The measure also eliminates a requirement that acquisitions of ownership interests in other communications entities be approved by cooperative members at a special or general meeting.

Patron - Kilgore

P HB2717 Public-Private Transportation Act of 1995; definitions. Repeals the prohibition on considering "rail mass transit facilities owned by an interstate compact agency" to be transportation facilities for purposes of the Act.

Patron - Callahan

P SB896 Municipal electric utilities; restructuring. Clarifies that a municipal electric utility will not lose its exclusive territorial rights or exemption from the provisions of the Electric Utility Restructuring Act by selling or offering to sell electric energy to retail customers outside the area that it served on July 1, 1999, if the municipal utility's expansion of service into new areas is made pursuant to a franchise agreement between the municipality utility and the incumbent public utility that previously served the new areas. This bill is identical to HB 1935.

Patron - Reynolds

P SB899 Public service companies; issuance of securities. Exempts telephone companies that are subject to an alternative form of regulation from laws that provide for State Corporation Commission approval of the issuance of securities and other obligations by public service companies. In lieu of

the existing requirements, exempt companies shall give the SCC 90 days' notice of the issuance of certain obligations. The SCC may rescind the exemption for a company if it finds that the exemption is not in the public interest.

Patron - Stosch

[P] SB1124 Location of utility easements. Authorizes the governing body of each locality in which a gas pipeline or electrical transmission line would be located to ask the State Corporation Commission to consider directing the joint use of right-of-way, in any case involving an application for a certificate of convenience and necessity for new facilities. This bill is identical to HB 1767.

Patron - Edwards

[P] SB1257 Electric utility restructuring; eminent domain. Clarifies that on and after January 1, 2002, a petition may not be filed to exercise the right of eminent domain in conjunction with construction or enlargement of a facility for the generation of electric energy.

Patron - Norment

[P] SB1328 Underground Utility Damage Prevention Act. Prohibits the State Corporation Commission from promulgating regulations under the Underground Utility Damage Prevention Act that require mandatory reporting, other than by jurisdictional natural gas or hazardous liquid operators, of probable violations of the Act or incidents involving damage, dislocation or disturbance of a utility line. The bill also clarifies the standards to be applied by the SCC in actions involving the certification of notification centers established under the "Miss Utility" program. Commission actions shall be made in furtherance of the purpose of preventing or mitigating loss of, or damage to, life, health, property or essential public services resulting from damage to underground utility lines. Decisions to approve or revoke notification center certifications shall ensure protection for the public from the hazards that this chapter is intended to prevent or mitigate; ensure that persons receive an acceptable level of performance; and require the notification center and its agents to demonstrate financial responsibility, which may be by obtaining liability insurance.

Patron - Mims

[P] SB1349 Wireless Enhanced Public Safety Telephone Service Act; E-911 surcharge; local tax for E-911 service. Exempts consumers of commercial mobile radio service (CMRS) from the special tax of up to three dollars that localities with enhanced 911 service are authorized to assess on consumers of telephone service. Customers of CMRS providers and CMRS resellers must pay a monthly wireless E-911 surcharge of 75 cents. Localities may recover their public safety answering point costs from the proceeds of the wireless E-911 surcharge.

Patron - Barry

[P] SB1420 Virginia Electric Utility Restructuring Act. Establishes a mechanism for establishing the rates for default service after the capped rate period. The State Corporation Commission shall attempt to identify default service providers through competitive bidding. If that process does not produce willing and suitable providers, it may require a distributor to provide default service. The SCC is prohibited from regulating, on a cost plus or other basis, the price at which generation assets or their equivalent are made available for default service; however, a distributor may bid to provide default service on such basis. A distributor's default service plan must provide that the procurement of generation capacity and energy will be based on the prices in competitive regional electricity markets. If a plan is not approved, the SCC will establish rates

for default services based on prices in competitive regional electricity markets. A "competitive regional electricity market" is a market where competition, not statutory or regulatory price constraints, effectively regulates the price of electricity. In determining whether a market is competitive and the prices for default services, the SCC will consider its liquidity and price transparency, whether competition is an effective regulator of prices in such market, the wholesale or retail nature of such markets, the reasonable accessibility of such markets to the distributor's regional transmission entity, and such other factors it finds relevant. The SCC shall also consider default service customers' need for rate stability and protection from unreasonable rate fluctuations. If the SCC cannot identify competitive regional electricity markets, it shall set rates that would approximate rates likely to be produced in such a market. A cooperative's default service rates in its service territory after the capped rates period will be based on its prudently incurred cost. An incumbent utility's decision to make the equivalent of its generation assets available for default service shall be subject to approval based on adequately meeting the public interest. In considering functional separation plans, the SCC shall consider the potential effects of transfers of generation assets on rates and reliability of capped rate service and default service and the development of a competitive market for retail generation services in Virginia. The measure restricts the ability of an incumbent utility to make further transfers of generation assets without SCC approval. The measure also provides for competitive retail billing and metering. Distributors will be allowed to recover costs directly associated with the implementation of billing or metering competition through a tariff for all licensed suppliers, in a manner approved by the SCC. The rates for any non-competitive services provided by a distributor will be adjusted to ensure that they do not reflect costs properly allocable to competitive metering or billing service. Municipal electric utilities and electric cooperatives are exempt from the competitive metering and billing requirements unless they offer competitive electric energy supply to retail customers in the service territory of an incumbent electric utility. Other changes (i) require the SCC to establish minimum periods, if any, that customers must receive service from their incumbent electric utilities or from default service providers after having obtained service from other suppliers; (ii) amend tax provisions to the address that billing services may be provided by competitive providers other than the person delivering electricity to consumers; (iii) authorize the SCC to establish competition phase-in plans on a utility-by-utility basis; (iv) establish that the provisions of the Act will be applied to any municipal electric utility that is made subject to the Act to the same extent that such provisions apply to incumbent utilities; (v) provide that rates for new services applied for after January 1, 2001, will be treated as capped rates; (vi) clarify that default service is to be made available after consumer choice is available to all customers in Virginia; (vii) require the SCC to consider the goals of advancement of competition and economic development in all relevant proceedings; and (viii) require the SCC to report annually on the status of competition in the Commonwealth, the status of the development of regional competitive markets, and its recommendations to facilitate effective competition in the Commonwealth as soon as practical. This bill incorporates SB 1258.

Patron - Norment

[F] Failed

[F] HB1940 Utility Consumer Services Cooperatives; self-regulation. Authorizes Virginia's consumer-owned, not-for-profit electric distribution cooperatives to elect self-regulation with respect to various aspects of financing transactions, terms and conditions, service and rates relating to the

provision of electric service. Currently, the State Corporation Commission regulates these activities. Such self-regulation may occur only following notice to the members and a subsequent affirmative vote of a supermajority of the members. Any cooperative whose members affirmatively choose to self-regulate may revert back to Commission regulation through a similar referendum process. Any cooperative whose membership chooses to impose self-regulation will still have an obligation to serve the public within its certificated service territory. Additionally, the capped rates for electric service and the default service provisions of the Virginia Electric Utility Restructuring Act will continue to apply to all electric cooperatives regardless of self-regulation status.

Patron - Kilgore

[F] HB2470 Electric utility restructuring; green power. Directs the State Corporation Commission to establish guidelines for competitive service providers of electricity that desire to market their energy in Virginia as "Green Power." In defining what constitutes Green Power, the Commission shall consider the information on fuel mixes of electricity generators that the Commission is required to collect pursuant to the Electric Utility Restructuring Act. The designation of certain electricity as Green Power shall provide consumers thereof with assurance that the Commission has confirmed that the provider's marketing information has been substantiated as valid. Non-qualifying electricity providers will be barred from using the "Green Power" label. This is a recommendation of the Consumer Advisory Board established pursuant to the Restructuring Act.

Patron - Plum

[F] HB2660 Underground Utility Damage Prevention Act; exemption. Exempts excavations performed in installing signage upon property from the Underground Utility Damage Prevention Act, if the excavations are not more than 12 inches deep. This measure is a recommendation of the joint subcommittee studying the Underground Utility Damage Prevention Act.

Patron - Ingram

[F] HB2744 Electric utilities; restructuring schedule. Postpones the scheduled period for introducing competition for electric generation services from 2002-2004 to 2003-2005. Other deadlines for actions required to effectuate the restructuring of electric utilities are delayed by one year, except the date by which incumbent utilities are required to submit functional separation plans is pushed back from January 1, 2001, to July 1, 2002, in order to allow such plans to reflect actions that may be taken by the 2002 Session of the General Assembly.

Patron - Woodrum

[F] HB2759 Environmental impact analysis for electric utility facilities. Requires the State Corporation Commission to consider the impact of nitrogen oxide emissions, if any, from any proposed electric facility when approving construction of electric facilities. The Commission shall also evaluate the cumulative impact of nitrogen oxide emissions of the proposed facility and existing facilities in the geographic area of the proposed facility. Any report of the environmental impact of the proposed facility shall be available to the public prior to any public hearing held in the approval process, and the Commission shall not approve the construction of any facility where emissions from the operation of such facility result in a violation of national ambient air quality standards.

Patron - Harris

[F] HB2853 Electric utility restructuring; rate caps and wires charges for municipalities. Provides that rates for

municipalities and other governmental customers purchasing bundled electric transmission, distribution and generation services for governmental uses from an incumbent utility shall be the rates in effect for each incumbent utility as of January 1, 2001, and shall continue through the capped rate period applicable to all other types of customers. Methods used to calculate wires charges and the market price of generation for municipal customers shall be consistent with the methodologies approved by the State Corporation Commission.

Patron - Griffith

[F] SB1089 Underground Utility Damage Prevention Act. Prohibits the State Corporation Commission from promulgating regulations under the Underground Utility Damage Prevention Act that require any person to report any probable violation of the Act or any incident involving damage, dislocation, or disturbance of any utility line.

Patron - Bolling

[F] SB1174 Eminent domain; construction of electrical transmission lines. Requires public service constructing a 765-kV overhead electric line to offer to purchase any dwelling house that resides within 200 feet of the right-of-way for such 765-kV line.

Patron - Marye

[F] SB1258 Electric restructuring; capped rates; change in supplier. Requires that any customer who has received electric energy from a supplier other than its incumbent electric utility, and then asks to return to incumbent electric utility, shall be subject to a 12-month customer retention period. During the retention period, the customer shall receive electric service from the incumbent electric utility at the capped rates. This bill has been incorporated into SB 1420.

Patron - Norment

[F] SB1405 Underground Utility Damage Prevention Act; measure of damages. Eliminates a provision providing that the amount an operator may recover for damage to underground facilities is the cost to repair the facilities as that cost is normally computed by the operator. In its place, an operator whose facilities are damaged as a proximate result of a person's failure to comply with the act will be the actual costs incurred in repairing the damaged facilities. The measure of damages that an excavator may recover from an operator who fails to comply with the Act will be the actual cost incurred in repairing any damage to the excavator's equipment or facilities.

Patron - Forbes

Religious and Charitable Matters; Cemeteries

[P] Passed

[P] HB1998 Religious and charitable matters; limitation on real property trustees may hold. Allows trustees of a church diocese, religious congregation, or church or religious society that have been authorized by a city or town council to hold more than 15 acres of land in the locality to use the property for a school building and grounds.

Patron - Parrish

[P] SB943 Religious and charitable matters; quantity of real property trustees may hold. Removes restrictions on certain uses of land held by trustees of a church diocese,

religious congregation, or church or religious society that have been authorized by a city or town council to hold more than 15 acres of land in the locality. Under current law, city or town councils may authorize such trustees to hold more than 15 acres of land if it is to be devoted to a church building, chapel, cemetery, offices exclusively used for administrative purposes of the church, a Sunday-school building and playground, or parking lots.

Patron - Colgan

[F] Failed

[F] HB1692 Religious and charitable matters; affirmation of religious freedom. Prohibits government entities from burdening the free exercise of religion. The bill defines "government entity" as any branch, department, agency or instrumentality of state government, or any political subdivision of the Commonwealth.

Patron - Black

[F] HB2386 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 attorneys' fees.

Patron - McClure

Taxation

[P] Passed

[P] HB1596 Individual income tax; voluntary contribution to 4-H Educational Centers. Allows individuals, on and after January 1, 2002, but before January 1, 2007, who are entitled to a refund to designate part or all of the refund to be used by 4-H Educational Centers throughout the Commonwealth.

Patron - Grayson

[P] HB1603 Local admissions tax. Extends the sunset date for enacting local admissions taxes on events held at major league baseball stadiums from January 1, 2002, to January 1, 2005. While counties currently have the authority to levy local admissions taxes on events held at major league baseball stadiums, such taxes cannot be imposed as there are no major league baseball stadiums in Virginia. The authority to levy these local taxes will expire on January 1, 2005, unless, before that time, the Virginia Baseball Stadium Authority has executed a lease with a major league baseball team.

Patron - Callahan

[P] HB1657 Fuels tax; corrections to "tax at the rack." Corrects the Virginia Motor Fuels Act, which was enacted during the 2000 General Assembly Session, as follows: (i) requires shipping documents issued by terminal operators to be machine-printed and those issued by operators of a bulk plant to be printed on a form; (ii) deletes language that would have allowed DMV to inspect books and records that

are not maintained on the business' premises at any hour, provided one of the person's places of business is open at the time of inspection; and (iii) clarifies when and how refunds of motor fuels tax are granted for recreational watercraft.

Patron - Parrish

[P] HB1715 Delinquent real estate taxes; distribution of surplus after sale of real estate. Provides that any unclaimed surplus from the proceeds of the sale of real estate for delinquent real property taxes shall be paid to the county, city, or town that received proceeds for delinquent taxes from such sale. Under current law, towns are not eligible to receive such surplus.

Patron - Callahan

[P] HB1746 Registration of dealers for collection of the retail sales and use tax. Removes the signature requirement under the application for a dealer's certificate of registration for collection of the retail sales and use tax. This bill is identical to SB 857.

Patron - Drake

[P] HB1752 Personal property tax; classification for auxiliary deputy sheriffs. Adds motor vehicles owned or leased by auxiliary, reserve or special deputy sheriffs to the list of tangible personal property tax classifications that localities may tax at a different rate.

Patron - Parrish

[P] HB1761 Transient occupancy tax; Bedford County. Authorizes Bedford County to impose an additional three percent transient occupancy tax with the revenues to be used solely for tourism purposes.

Patron - Cranwell

[P] HB1774 Filing the annual return with employee withholding tax statements by electronic means. Provides that an employer who furnishes 250 or more withholding tax statements to employees must file the annual withholding report using an electronic medium. An employer who furnishes less than 250 statements may file the annual report using an electronic medium. This requirement is effective for annual reports filed on and after January 1, 2002, and the Tax Commissioner may waive the requirement if it creates an unreasonable burden on the employer. The Tax Commissioner is to adopt guidelines providing standards for filing the annual report on an electronic medium. This bill is identical to SB 852.

Patron - Howell

[P] HB1775 Personal property tax; separate classification for forest harvesting equipment. Adds forest harvesting and silvicultural activity equipment as another class of personal property for taxation purposes.

Patron - Putney

[P] HB1830 Taxation; reassessments of real estate. Extends the time in which general reassessment of real estate in Hanover County must occur from December 31 of the year of the reassessment, to three months after December 31 in such year.

Patron - Hargrove

[P] HB1869 Recordation taxes; tax on recordation of leases of billboards. Limits the tax to \$25 on recordation of leases of outdoor advertising signs for which permit fees are paid to VDOT.

Patron - Cranwell

HB1987 Real property tax; exemption or deferral of taxes on property for certain elderly and handicapped; income limits. Raises the income limit from \$52,000 to \$62,000 and the financial worth amount from \$195,000 to \$240,000 for purposes of the exemption or deferral of taxes on real property located in the Eighth planning district. The statewide income limit is raised from \$30,000 to \$50,000. Localities are authorized to exempt or defer the real estate taxes of the elderly under such applicable limits. This bill is identical to SB 939.

Patron - Black

HB1999 Local tax administration; warrants, tax bills and security interests. Provides that (i) treasurers may deduct other charges in addition to taxes due from a party in whose favor a warrant is drawn, (ii) treasurers may transmit any local tax bill by means of facsimile transmission or e-mail, and (iii) taxes specifically assessed against goods and chattels distrained constitute a lien against the property so assessed. Incorporates HB 2124.

Patron - Parrish

HB2000 Motor fuels tax; definitions. Clarifies the definition of diesel fuel by adding the term "undyed" to the terms "#1 fuel oil" and "#2 fuel oil" and removing the term "kerosene." The bill also clarifies the definition of heating oil by adding the term "dyed" to the terms "#1 fuel oil" and "#2 fuel oil." The changes are effective January 1, 2001.

Patron - Parrish

HB2022 Land use assessment; extension of deadline. Authorizes localities to provide further extension for filing land use assessments. Currently, localities are allowed to provide a 60-day extension upon payment of a late filing fee. The bill would allow such localities to provide an additional 30-day extension upon payment of an extension fee. The extension fee may not exceed the amount of such late filing fee.

Patron - May

HB2145 Low-income housing tax credit. Adds provisions to the low-income housing tax credit that allow (i) taxpayers to carry over any unused credit for 5 taxable years or until the full credit is used, whichever occurs first; (ii) taxpayers to take the credit against additional taxes (i.e. trust, estates, bank franchise, insurance premiums); and (iii) partners and S-corporation shareholders to allocate the credits either in proportion to their ownership interests or in accordance with a signed written agreement. The bill also reduces the amount of low-income housing tax credits that may be approved in a calendar year from \$3.5 million to \$500,000.

Patron - Drake

HB2182 Property tax exemptions. Grants a property tax exemption to the following organizations: The Fraternal Order of Eagles, Fredericksburg Aerie 4123; New River Community Action, Inc.; Friendship Industries, Inc.; National Sporting Library, Inc.; Audubon Naturalist Society of the Central Atlantic States, Inc.; King's Grant Community League, Inc.; Halifax Educational Foundation, Inc.; International Society of Air Safety Investigators; O.A.R. of Fairfax County, Inc.; Mantua Hills Swimming Association, Inc.; The Memorial Foundation of the Germanna Colonies in Virginia, Inc.; Walden Glen Swim and Racquet Club, Inc.; Lions Mobile Sight and Hearing Unit of District 24-D, Inc.; Chesapeake Soccer Foundation; The Salem Woods Civic Association, Inc.; Kiwanis Club of Chester, Inc. Foundation; Montgomery County Christmas Store; Virginia Quilt Museum; The Laurel Shelter, Inc.; Tidewater Soaring Foundation; Hands Across

Mathews of Mathews, Virginia; Mathews County Land Conservancy; TWBTS, Inc.; Delta Community Service Foundation; Coastal Conservation Association; Community Alternatives Management Group, Inc.; Greater Orange Community Development Corporation; CAMG - A, Inc.; CAMG - B, Inc.; CAMG - C, Inc.; CAMG - D, Inc.; CAMG - E, Inc.; CAMG - F, Inc.; CAMG - G, Inc.; and CAMG - H, Inc.; Bedford Breakfast Lions Club; Psychiatric Rehabilitation Services, Inc.; Eastern Shore of Virginia Barrier Islands, Inc.; Mary Immaculate Nursing Center, Inc.; Shining Light Masonic Lodge 272 and Order of Eastern Star Chapter 182; Groome Road Home, Inc.; Holmes Run Acres Recreation Association, Inc.; Sleepy Hollow Bath and Racquet Club, Inc.; Carolanne Farm Swim Club, Inc.; Hopewell Optimist Club; Ocean View Democratic and Social Club, Inc.; Charles H. Taylor Arts Center Foundation, Inc.; and National Wildlife Federation. The bill incorporates HB's 72, 1576, 1599, 1623, 1636, 1947, 2624, 2626, 2628 and 2636.

Patron - Howell

HB2220 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 and 58.1-3713 on real and personal property owned by persons engaging in the business of severing coal 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.

Patron - Stump

HB2224 Commonwealth Mass Transit Funds. Requires the allocations from the Commonwealth Mass Transit Fund be used to support 80 percent (rather than a maximum of 95 percent) of the costs borne by the localities for the purchase of fuels, lubricants, tires and maintenance parts and supplies for public transportation in 2002, and 95 percent in 2003 and succeeding years.

Patron - Almand

HB2287 Consumer utility taxes; exemption for nonprofit organizations. Allows localities' governing bodies to exempt utilities consumed on property designated or classified as exempt pursuant to Article X, Section 6 (a)(6) of the Virginia Constitution from payment of any or all of the consumer utility taxes.

Patron - Barlow

HB2342 Exchange of tax information. Authorizes the Commissioner of the Department of Motor Vehicles to exchange tax information with other states and countries that are members of the International Fuel Tax Agreement in order to facilitate the collection of taxes under the Agreement. Any person receiving such tax information is subject to the same prohibitions and penalties applicable to tax officials and revenue officers when exchanging confidential taxpayer information.

Patron - Blevins

HB2414 Sales and use tax; commercial and industrial exemptions. Extends the sunset to July 1, 2005, from the sales and use tax exemption for activities and items associated with space facilities, satellites, and vehicles.

Patron - May

HB2443 Local taxes; deduction of taxes from warrants by treasurer; compact among localities. Allows two or more localities to enter into compacts by which the treasurer paying warrants may first deduct taxes and other charges owed to any participating locality that are due from the party in

whose favor the warrant is drawn, following notice and a hearing. The compacts must conform substantially to the requirements of the Setoff Debt Collection Act (§ 58.1-520 et seq.).

Patron - Almand

P HB2493 Grant program for growing oysters. Creates a grant program for individuals who grow oysters pursuant to a valid Virginia Marine Resources Commission General Permit for Noncommercial Riparian Shellfish Growing Activities, who also obtains a receipt pursuant to § 28.2-201.1 according to procedures established by the Virginia Marine Resources Commission evidencing the transfer of at least 500 oysters. The grant paid in a calendar year is to be an amount equal to the lesser of \$300 or the actual amount spent by the individual on growing oysters during the applicable calendar year. The bill also creates the Oyster Growing Activities Fund from which the grants will be made. The Virginia Marine Resources Commission is to administer the Fund and the grant program.

Patron - Larrabee

P HB2528 Coal & gas severance tax and coal and gas road improvement tax; ratification of certain ordinances. Provides that ordinances adopted pursuant to §§ 58.1-3712, 58.1-3713 and 58.1-3713.4, prior to January 1, 2001, shall be presumed valid and inclusive of all the provisions of such sections provided such ordinances were in substantial compliance with §§ 58.1-3712, 58.1-3713 and 58.1-3713.4 at the time of their adoption. This bill is identical to SB 1410.

Patron - Phillips

P HB2583 Taxation; contribution of refunds by check-off. Permits individuals to designate that a specified amount of their income tax refunds, or additional amounts, be contributed to local school improvement projects. The refund check-off sunsets January 1, 2007.

Patron - Byron

P HB2651 Income tax; checkoff for contributions to promote organ and tissue donations. Allows individuals entitled to an income tax refund to designate such refund or part of it to be given to the Virginia Transplant Council for the promotion and coordination of educational and informational activities related to the organ, tissue, and eye donation process in the Commonwealth, for taxable years beginning on and after January 1, 2002. This check-off sunsets January 1, 2007.

Patron - Amundson

P HB2663 Classification of real property; land and improvements. Permits the City of Fairfax to tax improvements to real property at a lower tax rate than that imposed on the land on which the improvements are located by creating a separate classification for taxation purposes. Incorporates HB 2037.

Patron - Diamonstein

P HB2814 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 actual value of the property.

Patron - Tate

P HB2820 Individual Income Tax. Repeals series of obsolete language regarding the age subtraction program that provides a \$12,000 subtraction for all taxpayers 65 years or older and \$6,000 for taxpayers aged 62 through 64.

Patron - Grayson

P HB2830 Sales and use tax; commercial and industrial exemptions; sunset extension. Extends the sunset

date from 2001 to 2006 for (i) certified pollution control equipment and facilities, and (ii) materials and equipment used in natural gas and oil production.

Patron - Parrish

P SB791 Property tax exemption; Fraternal Order of Eagles, Fredericksburg Aerie 4123. Grants a property tax exemption to the Fraternal Order of Eagles, Fredericksburg Aerie 4123, a charitable nonprofit organization, for real and personal property owned by the organization and located in the County of Stafford. The bill also grants property tax exemptions to: Friendship Industries, Inc.; Downtown Greens, Inc.; Train Station Foundation; National Sporting Library, Inc.; Homestretch, Inc.; Kernstown Battlefield Association, Inc.; Mary Immaculate Nursing Center, Inc.; The Friends School; M. E. Cox Center for Elder Day Care, Inc.; Bedford Breakfast Lions Club; The Closet of the Greater Herndon Area, Inc.; and DePaul Family Services, Inc. This bill incorporates SB 795, SB 826, SB 886, SB 909, SB 940, SB 968, SB 1009, SB 1037, SB 1070, SB 1094, and SB 1118.

Patron - Chichester

P SB794 Local admissions tax. Extends the sunset date for enacting local admissions taxes on events held at major league baseball stadiums from January 1, 2002, to January 1, 2005. While counties currently have the authority to levy local admissions taxes on events held at major league baseball stadiums, such taxes cannot be imposed as there are no major league baseball stadiums in Virginia. The authority to levy these local taxes will expire on January 1, 2005, unless, before that time, the Virginia Baseball Stadium Authority has executed a lease with a major league baseball team.

Patron - Whipple

P SB834 Natural gas consumption tax. Provides that if a locality's license fee rate is set at a lower rate than the local consumption tax rate component of the natural gas consumption tax, the excess funds collected by the State Corporation Commission shall constitute additional state consumption tax revenue. The bill also allows localities to impose the local consumption tax at the time that natural gas service is made available in such localities.

Patron - Watkins

P SB852 Filing the annual return with employee withholding tax statements by electronic means. Provides that an employer who furnishes 250 or more withholding tax statements to employees must file the annual withholding report using an electronic medium. An employer who furnishes less than 250 statements may file the annual report using an electronic medium. This requirement is effective for annual reports filed on and after January 1, 2002, and the Tax Commissioner may waive the requirement if it creates an unreasonable burden on the employer. The Tax Commissioner is to adopt guidelines providing standards for filing the annual report on an electronic medium. This bill is identical to HB 1774.

Patron - Miller, K.G.

P SB857 Registration of dealers for collection of the retail sales and use tax. Removes the signature requirement under the application for a dealer's certificate of registration for collection of the retail sales and use tax. This bill is identical to HB 1746.

Patron - Stosch

P SB901 Real property tax; multi-year agricultural and horticultural crops. Authorizes localities to waive any minimum prior use requirements for multi-year agricultural and horticultural crops that otherwise qualify as real

estate devoted to agricultural or horticultural uses for real property tax purposes pursuant to regulations of the Commissioner of Agriculture and Consumer Services.

Patron - Mims

[P] SB939 Local real estate taxes. Raises the income limit from \$30,000 to \$50,000 for the majority of localities. It further authorizes certain Northern Virginia local governing bodies, by ordinance, to raise the income and financial worth limitations for any exemption or deferral program, thereby allowing more persons to qualify for such program. The income limitation may be raised to a maximum of the greater of \$62,000 or the income limits based upon family size for the respective metropolitan statistical area, annually published by the U.S. Department of Housing and Urban Development. The financial worth amount may be raised to \$240,000, from which the value of the dwelling and the land, not to exceed one acre, upon which the dwelling is situated shall be excluded. This bill is identical to HB 1987.

Patron - Byrne

[P] SB976 Sales and use tax exemption for spaceport activities. Extends the sunset date of the sales and use tax exemption for personal property involved in spaceport activities from July 1, 2001 to July 1, 2011.

Patron - Norment

[P] SB1086 Admissions tax; New Kent County. Adds New Kent County (using population description) to the list of counties that may levy a tax on admissions charged for attendance at any event.

Patron - Bolling

[P] SB1110 Transient occupancy tax; Mecklenburg County. Permits any county with a population no less than 29,100 and no greater than 29,300 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.

Patron - Ruff

[P] SB1112 Income tax credit for purchase of machinery and equipment for processing recyclable materials. Extends the sunset date of tax credits allowed for the purchase of machinery and equipment for processing recyclable materials from January 1, 2001, to January 1, 2004, for both individual and corporate income tax credits.

Patron - Ruff

[P] SB1161 Entitlement to certain sales tax revenues. Entitles the City of Staunton (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 - Hanger

[P] SB1242 Real property partial exemptions and tax credits; fees for processing. Authorizes localities to charge fees that do not exceed \$125 for residential properties, or \$250 for commercial, industrial, and apartment properties of six units or more for processing applications for certain partial exemptions and tax credits on real property taxes for certain rehabilitated, renovated, or replacement residential and commercial structures.

Patron - Marsh

[P] SB1320 Local meals tax. Provides that in those counties where a referendum is required to impose the local

meals tax, the question on the ballot for the referendum shall include language stating for what projects and/or purposes the revenues collected from the tax are to be used, if the resolution of the board of supervisors or the petition initiating such referendum states for what projects and/or purposes the revenues collected from the tax are to be used.

Patron - Hawkins

[P] SB1387 Local severance taxes. Authorizes counties and cities to impose an additional local severance tax on persons 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 one percent of the gross receipts from the sale of gases severed within the county or city. The revenues from this increase shall be used for constructing new and improved water systems and lines in areas with natural water supplies that are insufficient in quality or quantity. The bill also provides that the fair market value of gases sold outside the county or city shall be measured at the time such gases are severed from the earth at a wellhead. This bill would increase the license tax rate that counties and cities may currently levy on businesses severing gases from three percent to four percent.

Patron - Wampler

[P] SB1409 Sales and use tax. Provides for several new sales and use tax exemptions and extends the sunset dates for exemptions set to expire June 30, 2001. This bill incorporates SB 965, SB 966, SB 1143, and SB 1183.

Patron - Miller, K.G.

[P] SB1410 Coal and gas severance tax and coal and gas road improvement tax; ratification of certain ordinances. Provides that ordinances adopted pursuant to §§ 58.1-3712, 58.1-3713 and 58.1-3713.4, prior to January 1, 2001, shall be presumed valid and inclusive of all the provisions of such sections provided such ordinances were in substantial compliance with §§ 58.1-3712, 58.1-3713 and 58.1-3713.4 at the time of their adoption. This bill is identical to HB 2528.

Patron - Wampler

[P] SB1421 Electricity and gas companies local license tax. Clarifies that the local license tax shall not be imposed after December 31, 2000, on pipeline distribution companies, gas suppliers, gas utilities or electric suppliers, except upon gross receipts for calendar year 2000. The bill also has one technical correction.

Patron - Watkins

[F] Failed

[F] 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. This bill has been incorporated into HB 2182.

Patron - Callahan

[F] 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 years beginning on January 1, 2002 through December 31, 2005.

Patron - Almand

[F] HB1559 Lottery Board; powers. Requires the Lottery Board through regulation to express the prize amounts for winning tickets or share in all advertisements of the lottery

as the estimated present value of such winnings if the prize is not payable in one single payment. The bill also repeals an obsolete provision of the lottery law.

Patron - Pollard

[F] HB1563 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

[F] HB1576 Property tax exemption; Community Alternatives Management Group, Inc. Grants a real property tax exemption to Community Alternatives Management Group, Inc., a charitable and benevolent nonprofit corporation, for real property located in the City of Newport News. Incorporated into HB 2182.

Patron - Hamilton

[F] HB1599 Property tax exemption; Shining Light Masonic Lodge 272 and Order of Eastern Star Chapter 182. Grants a property tax exemption to the Shining Light Masonic Lodge 272 and Order of Eastern Star Chapter 182, both benevolent organizations, for real property they jointly own in Powhatan County. Incorporated into HB 2182.

Patron - Ware

[F] HB1623 Property tax exemption; New River Community Action, Inc. Grants a property tax exemption to New River Community Action, Inc., a charitable and benevolent organization, for real property it owns at 110 Roanoke Street, Christiansburg, in Montgomery County. Incorporated into HB 2182.

Patron - Shuler

[F] HB1628 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, 2002. The legislation will be delayed if any of the events that would delay the car tax relief occurs in calendar year 2001. 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

[F] HB1636 Property tax exemption; Groome Road Home, Inc. Grants a property tax exemption for real property owned by Groome Road Home, Inc. located in the City of Newport News. Incorporated into HB 2182.

Patron - Diamonstein

[F] HB1640 Motor vehicle sales and use tax. Reduces the sales and use tax from three percent to one and one-half percent on motor vehicles running on clean special fuels or propelled primarily by electric charge.

Patron - Deeds

[F] HB1675 Watercraft sales and use tax exemption; commercial watermen. Exempts from the watercraft sales and use tax any watercraft purchased by a commercial waterman for his own use. Current law exempts watercraft constructed by a commercial waterman for his own use.

Patron - Pollard

[F] HB1749 Income tax; residents' taxable income; charitable contributions deduction. Provides a deduction to taxpayers calculating their Virginia taxable income for their charitable contributions for which a deduction is not allowed for federal income tax purposes, for taxable years beginning on and after January 1, 2002, if such deduction is not allowed because it exceeds 50 percent of the taxpayer's federal adjusted gross income.

Patron - Purkey

[F] HB1750 Sales tax on food; definition of food. Adds sandwiches, salad bar items sold from a salad bar, pre-packaged single-serving salads consisting primarily of an assortment of vegetables, nonfactory sealed beverages, packaged ice cream and frozen yogurt, packaged pies, and packaged bakery items to the other items that are not considered "food purchased for human consumption" for purposes of the sales tax on food.

Patron - Parrish

[F] HB1796 Sales and use tax exemption; hospices. Provides a sales and use tax exemption for all federally tax-exempt nonprofit organizations, from July 1, 2001, through June 30, 2005, which are organized for the purpose of caring for the needs of terminally ill patients. This bill has been incorporated into HB 2004.

Patron - Sherwood

[F] HB1815 Sales and use tax exemption; Family Focus of Richmond County, Inc. Provides a sales and use tax exemption for a federally tax-exempt nonprofit organization, from July 1, 2001, through June 30, 2005, which is organized to fund, administer, and provide services and programs to disadvantaged citizens of Richmond County, Virginia, or citizens otherwise in need of social services, including jointly administered programs with other communities. This bill has been incorporated into HB 2004.

Patron - Pollard

[F] HB1879 Virginia Land Conservation Foundation; dedication of recordation taxes. Dedicates to the Virginia Land Conservation Foundation, on a phased-in schedule, the amount by which annual state recordation taxes exceed \$91.4 million. In 2001, 25 percent of such funds are so dedicated; in 2002, 50 percent of such funds are so dedicated; in 2003, 75 percent of such funds are so dedicated; and in 2004 and thereafter, 100 percent of such funds are so dedicated.

Patron - Albo

[F] HB1921 Sales and use tax exemption; Planned Parenthood of Metropolitan Washington, Inc. Provides a sales and use tax exemption for a federally tax-exempt nonprofit organization, from July 1, 2001, through June 30, 2005, which is organized to protect and advance reproductive rights and to assure access to family planning services to all who want them.

Patron - Van Yahres

[F] HB1934 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 - Nixon

HB1945 Sales and use tax exemption; Navy League of the United States and Congressional Schools of Virginia. Grants a sales and use tax exemption to (i) a nonprofit organization that is organized to be educational and motivational by acquiring and spreading before the citizens of the United States information on the condition of the naval and maritime forces and equipment of the United States, and to awaken interest and cooperation in all matters tending to aid, improve, and develop their efficiency; and (ii) a nonprofit organization that is organized to provide a stable educational system beginning in infancy and continuing through the eighth grade emphasizing traditional values and traditional education. This bill has been incorporated into HB 2004.

Patron - Hull

HB1947 Property tax exemption; Holmes Run Acres Recreation Association, Inc. and Sleepy Hollow Bath and Racquet Club, Inc. Grants property tax exemptions to Holmes Run Acres Recreation Association, Inc., and Sleepy Hollow Bath and Racquet Club, Inc., both nonprofit corporations, for property they own in Fairfax County. Incorporated into HB 2182.

Patron - Hull

HB1957 Sales and use tax exemption; Association of Schools of Public Health, Inc. Provides a sales and use tax exemption for a federally tax-exempt nonprofit corporation, from July 1, 2001, through June 30, 2002, which is organized for the purpose of representing the accredited graduate schools of public health in the United States and Puerto Rico and member programs in academic public health to serve their collective needs as they pursue research, professional service, and the education and training of professional service, and the education and training of professional public health personnel.

Patron - Van Landingham

HB1961 Income tax credits for educational expenses and contributions; the Virginia Children's Educational Opportunity Act 2001. 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 2002. In subsequent years, the amount increases by \$500 per year until taxable year 2006, 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 2002, and increases in \$100 annual increments thereafter until reaching \$500 in 2005. 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, 2002. 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

HB1975 Income tax; Virginia taxable income of residents; personal exemptions. Gradually increases the personal exemption from \$800 to \$1,500 by taxable year 2005. In 2006, the \$1,500 deduction amount shall be indexed annually according to the Consumer Price Index. Some obsolete language is also deleted.

Patron - McClure

HB1984 Motor fuel tax; rate increase. Increases the tax rate on motor fuel used in highway vehicles by 10 cents per gallon. The tax increase was calculated to reflect both the reduction in average miles per gallon of passenger cars and the increase in the cost of road construction since 1986.

Patron - Watts

HB1988 Income tax; taxable income of residents; deduction for common interest community assessment. Provides a deduction to individuals when calculating their Virginia taxable income for that portion of the regular annual assessment attributable to the equivalent of municipal services paid to a common interest community.

Patron - Black

HB1989 Corporate income tax; tax benefit certificate program. Creates a process that allows technology and biotechnology companies that are unable to use their income tax credits to their benefit to sell the credits to other corporate taxpayers who can use the credits to reduce their tax liability. An amount equal to at least 75 percent of the value of the surrendered tax benefit is to be paid by the corporation taxpayer that is the recipient of the corporation tax benefit certificate to the technology and biotechnology company surrendering the benefit. The Innovative Technology Authority will establish the program and will approve, with the Department of Taxation's assistance, applications from companies who want to participate.

Patron - Black

HB1994 Imposition and administration of income and property taxes. Increases the individual income tax rate by one percent at each level (from two percent to three percent, three percent to four percent, five percent to six percent, and 5 3/4 percent to 6 3/4 percent) and the corporate income tax rate from six percent to seven percent, effective January 1, 2002. The bill also limits the rate localities may levy for the personal property tax to \$0.01 per \$100 of assessed value for tax years beginning on and after January 1, 2002. The Tax Commissioner will administer the additional income tax revenues and distribute them to the localities based on the residence of each individual taxpayer and each locality's share of total full-time employees.

Patron - Parrish

HB1995 Sales and use tax; salary limits for certain organization's employees. Provides, for taxable years beginning on and after July 1, 2001, that no nonprofit organization shall be exempt from sales and use tax if any one of its employees is paid more than \$100,000 in annual salary and benefits.

Patron - Parrish

[F] HB2001 Sales and use tax; use of property by service providers. States that a service provider is the user and consumer of all tangible personal property purchased for use in providing services, except for certain property for resale, or for incorporation into property sold, to the United States pursuant to a contract that (i) expressly references the provisions of the Walsh-Healey Public Contracts Act, 41 U.S.C. § 35 et seq., and (ii) is governed by the provisions of such Act. This bill has been incorporated into HB 2064.

Patron - Parrish

[F] HB2003 Sales and use tax exemptions; omnibus bill for new exemptions. Grants sales and use tax exemptions for the following organizations and others that are similarly situated: Blue Ridge Hospice, Inc., Brain Injury Association of Virginia, Inc., Bristol Ballet Company, Center for Christian Study, Center for Multicultural Human Services, The Children's Center, Council for National Policy, C.P.C. of Roanoke Valley, Eastern Shore of Virginia Resource Conservation and Development Council, Inc., Eastern Virginia Chapter of the Organization of Chinese-Americans, Inc., Emmaus Ministries, Inc., Fairfax Partnership for Youth, Inc., Fairfax Symphony Orchestra, Friends Association for Children, Gallastar Equine Center, Inc., George Washington's Birthplace National Memorial Association, Germanna Community College Educational Foundation, Inc., Grenadians United in Virginia, Inc., The Guild for Washington Concert Opera, Inc., Hanover Tavern Foundation, Haven of Northern Virginia, The Highland Center, Hospice of the Piedmont, Inc., Legal Information Network for Cancer, Menchville House Ministries, Inc., Norfolk Marine Institute, Inc., Northern Virginia NTRAK, Inc., NTRAK Modular Railroad Society, Inc., PetFix Coalition, Planned Parenthood of the Blue Ridge, Planned Parenthood of Southeastern Virginia, The Saltville Foundation, Shen-Paco Industries, Inc., Taylor's Valley Community Club, Virginia Baptist Hones Foundation, Inc., Virginia Council of EAA Chapters, Inc., The VA League for Planned Parenthood, The Voting Integrity Project, Inc., Williamsburg Choral Guild, Winchester-Frederick County Conservation Club, Inc., The Children's Advocacy Center of Bristol/Washington Company, Va., Inc., Culpeper Memorial Hospital Support Services, Fine Arts Center for the New River Valley, Inc., Gateway Streetscape Foundation, Inc., Glenvar Youth Boosters, The John Randolph Foundation, Inc., The Seniors Coalition, Women in the Giving Spirit, Crisis Pregnancy Center of Tidewater, Inc. This bill incorporates HB 2659 and has been incorporated into HB 2004.

Patron - Parrish

[F] HB2004 Sales and use tax exemptions. Extends the sunset date for sales and use tax exemptions benefiting many organizations. This bill incorporates HB 1796, HB 1815, HB 1945, HB 2003, HB 2509, and HB 2742.

Patron - Parrish

[F] HB2017 Individual income tax; distribution of a portion of individual income tax revenues to localities; Localities' Share of Individual Income Tax Revenue Fund. Establishes the Localities' Share of Individual Income Tax Revenue Fund into which two percent of individual income tax revenues shall be deposited in 2003 for distribution to localities. The percentage increases two percent each year until it reaches a maximum of 10 percent in 2007. The amount in the fund is to be distributed annually to counties and cities as follows: (i) 50 percent distributed based on the relative share of the total state income tax paid by taxpayers filing returns in each locality; (ii) 40 percent distributed based on where wages are earned; and (iii) 10 percent divided equally among all 135 counties and cities. The amount distributed to counties is then

to be shared with towns located within the counties based on the towns' relative share of total population within the county. Fifty percent of the amount distributed to any county with towns would be divided among the county and its towns based on population. If a county has no towns within its boundaries, the county keeps the entire distribution of individual income tax revenue. Distributions are to be made by the State Treasurer to localities no later than September 1, with the first one beginning in 2003. Any corrections in the amount of distributions will be made in the fiscal year immediately following the year in which the incorrect distribution was made.

Patron - May

[F] HB2036 State and local income tax. (i) Reduces the individual state income tax rates by approximately 13.75 percent; (ii) authorizes localities to impose a local income tax at rates equivalent to the reduction in the state income tax; (iii) exempts from taxation motor vehicles used for nonbusiness purposes; and (iv) repeals the Personal Property ("car tax") Relief Act of 1998. The bill is effective: (i) January 1, 2003, and (ii) only if a Constitutional amendment is ratified by the voters exempting motor vehicles used for nonbusiness purposes from taxation.

Patron - Rust

[F] HB2037 Classification of real property; City of Fairfax. Permits the City of Fairfax to tax improvements to real property at a lower tax rate than that imposed on the land on which the improvements are located by creating a separate classification for taxation purposes. This bill has been incorporated into HB 2663.

Patron - Rust

[F] HB2064 Sales and use tax; use of property by service providers. States that a service provider is the user and consumer of all tangible personal property purchased for use in providing exempt services, but not of certain property for resale, or for incorporation into property sold, to the United States pursuant to (i) a contract that expressly references and is governed by the provisions of the Walsh-Healey Public Contracts Act, 41 U.S.C. § 35 et seq. or (ii) a task order or purchase order for the purchase of tangible personal property. This bill is not effective unless reenacted by the 2002 General Assembly. The bill incorporates HB 2001.

Patron - Parrish

[F] HB2119 Enterprise zones; real property investment tax credit increase. Increases the cumulative real estate investment tax credit for a small qualified zone resident from \$125,000 to \$250,000 when the investment occurs in an enterprise zone in a locality that ranks among the top 25 percent of the Commonwealth's localities in terms of fiscal stress.

Patron - DeBoer

[F] HB2135 Sales and use tax exemption; The Association for Biodiversity Information. Provides a sales and use tax exemption for a federally tax-exempt nonprofit organization, beginning July 1, 2001, and ending July 1, 2005, organized to further (i) informed decision-making in matters of biodiversity protection, and (ii) development of an integrated, biodiversity database that aggregates network data on rare, threatened, and declining species and natural communities, their conservation status, and their landscape settings.

Patron - Albo

[F] HB2184 Virginia Technology and Biotechnology Research and Development Act created. Creates the Virginia Technology and Biotechnology Research and Development Act. This bill creates a tax credit for qualified research expenses, which is defined by § 41 of the Internal Revenue

Code as in-house expenses or contract research expenses, paid by a technology or biotechnology company. This credit is for an amount equal to 50 percent of the qualified research expenses paid in excess of the base amount, calculated in accordance with § 41 of the Internal Revenue Code. Also created is a credit for basic research payments, which, in accordance with § 41 of the Internal Revenue Code and modified to benefit the Commonwealth, means payments made to companies and nonprofit research institution and organizations located in the Commonwealth for research in technology and biotechnology. Neither credit is to exceed 50 percent of the tax liability due nor exceed \$500,000. Any unusable tax credit may be carried over for 10 succeeding taxable years. Each tax credit is capped at \$5 million per taxable year; however, if the cap is not reached in a given taxable year, any amount left over shall be utilized in the succeeding taxable year, in addition to that year's caps of \$5 million. The bill also creates the "Corporation Tax Benefit Certificate Program" to be administered by the Department of Taxation in cooperation with the Innovative Technology Authority. Under the program, technology or biotechnology companies may transfer their unused but otherwise allowable qualified research expenses tax credits 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. These tax credits and the Corporation Tax Benefit Certificate Program are for taxable years beginning on or after January 1, 2002.

Patron - Purkey

[F] HB2221 License taxes; additional two percent tax on gross receipts of businesses severing gases. Allows localities to impose 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

[F] HB2242 Sales and use tax on food purchased for human consumption. Effective July 1, 2001, 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

[F] HB2244 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 taxable years beginning on and after January 1, 2002. The credit is one dollar per hour, not to exceed \$100 each tax year.

Patron - Day

[F] HB2247 Limit on state debt. Prohibits the issuance of any additional state debt in any fiscal year when the Commonwealth of Virginia makes payments to political subdivisions under the Personal Property Tax Relief Act of 1998.

Patron - Day

[F] HB2248 Local sales and use tax. Authorizes any locality to levy an additional local sales and use tax at the rate of one percent. The revenue generated by the additional tax shall be used solely to build and maintain roads within the locality or within the locality's planning district.

Patron - Day

[F] HB2249 Individual income tax; distributions to localities. Provides for the distribution to localities of one percent of the revenues collected annually from the individual income tax based on each taxpayer's residence, beginning January 1, 2002. It also establishes a nonreverting fund into which the revenues are to be deposited before being distributed to localities.

Patron - Day

[F] HB2251 Sales and use tax; temporary exemption. Provides an exemption from the state sales and use tax for tangible personal property items purchased for the period August 29 through September 7 each year.

Patron - Day

[F] HB2252 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, 2001, 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, 2001. This bill has been incorporated into HB 2511.

Patron - Day

[F] HB2286 Local cigarette tax; Isle of Wight County. Adds Isle of Wight County to the list of counties that may levy a local cigarette tax of up to five cents per pack.

Patron - Barlow

[F] HB2288 Individual income tax; Virginia taxable income; military retirement income subtraction. Allows a subtraction in the amount of two percent multiplied by the number of years of active duty in the armed forces with the product multiplied by the first \$30,000 of military retirement income when calculating Virginia taxable income for taxable years beginning on and after January 1, 2002.

Patron - Barlow

[F] HB2301 Major business facility job tax credit. Reduces the threshold amount of qualified full-time jobs under § 58.1-439. To qualify for the major business facility job tax credit under § 58.1-439, the newly established or expanding company generally must create at least 100 new full-time jobs. For taxable years beginning on and after January 1, 2001, the bill would reduce this threshold amount to 50; if the company is located in an economically distressed area or in an enterprise zone, the bill would further reduce the threshold amount to 25; and if the company is engaged in providing information technology services, the bill would reduce the threshold amount to 20.

Patron - Amundson

[F] HB2326 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 2002.

Patron - May

[F] HB2333 Sales and use tax exemption; Air Force Retired Officers Community - Washington, D.C., Inc. Provides a sales and use tax exemption for a federally tax-exempt nonprofit organization, from July 1, 2001, through June 30, 2005, which is organized to develop, own, and operate a continuing care retirement community to be known as Falcons Landing for elderly persons, in particular, retired, commissioned officers of the United States Air Forces and their spouses.

Patron - Black

[F] HB2338 Sales and use tax exemption; commercial and industrial exemptions. Provides a sales and use tax exemption for personal property purchased by a contractor and used solely in any construction project for a local school division.

Patron - Blevins

[F] HB2354 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, 2002. Eligible commuting expenses are those costs that cover travel between an employee's residence and place of employment by means of multiple-occupancy 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. Unused credits are not refundable, and they cannot be carried over or back to a different taxable year. An employer 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 - McEachin

[F] HB2408 Sales and use tax exemption; Association of Christian Schools International. Provides a sales and use tax exemption for a federally tax-exempt nonprofit organization, beginning July 1, 2001, and ending July 1, 2002, which is organized for the purpose of enabling Christian educators and schools worldwide to effectively prepare students for life.

Patron - Griffith

[F] HB2416 Income tax; credits for solar energy. Provides an individual and corporate income tax credit equal to 35 percent of the costs of solar energy equipment placed in service for business purposes during the taxable year, up to \$250,000 a year per taxpayer for taxable years beginning on and after January 1, 2002. The total amount of such credits for all taxpayers shall not exceed \$10 million for any fiscal year. This bill has been incorporated into HB 2474.

Patron - Morgan

[F] HB2440 Sales and use tax; commercial and industrial exemptions. Exempts from sales and use tax the purchase of machinery, equipment and energy used directly to produce computer software for resale or licensing. Currently, such machinery, equipment, and energy are exempt only when used in the manufacture of tangible personal property for resale.

Patron - Harris

[F] HB2446 Individual income tax; distribution of a portion of individual income tax revenues to localities; Localities' Share of Individual Income Tax Revenue Fund. Establishes the Localities' Share of Individual Income Tax Revenue Fund into which two percent of individual income tax revenues shall be deposited in 2003 for distribution to localities. The percentage increases two percent each year until it reaches a maximum of 10 percent in 2007. The amount in the fund is to be distributed annually to counties and cities as follows: (i) 50 percent distributed based on the relative share of the total state income tax paid by taxpayers filing returns in each locality; (ii) 40 percent distributed based on where wages are earned; and (iii) 10 percent divided equally among all 135 counties and cities. The amount distributed to counties is then to be shared with towns located within the counties based on the towns' relative share of total population within the county. Fifty percent of the amount distributed to any county with towns would be divided among the county and its towns based on population. If a county has no towns within its boundaries, the county keeps the entire distribution of individual income tax revenue. Distributions are to be made by the State Treasurer to localities no later than September 1, with the first one beginning in 2003. Any corrections in the amount of distributions will be made in the fiscal year immediately following the year in which the incorrect distribution was made.

Patron - Clement

[F] HB2447 Administration of taxes; reciprocal agreement with the State of North Carolina. Instructs the Governor to make every effort to enter into a reciprocal agreement for the collection of taxes on behalf of the Commonwealth with the appropriate authorities from the State of North Carolina, no later than January 1, 2004. The Governor will report on his progress to the chairmen of the House and Senate Committees on Finance by the first day of the 2002 and 2003 Sessions.

Patron - Clement

[F] HB2452 Sale price of motor vehicles subject to the motor vehicle sales and use tax. Reduces the taxable price of a motor vehicle for purposes of determining motor vehicle sales and use tax liability by the value of any motor vehicle taken in trade. The amount of credit for a vehicle taken in trade is the lesser of the allowance given by the seller or the wholesale value of the vehicle as specified in a recognized pricing guide.

Patron - Clement

[F] HB2459 Fuels tax refunds for rural mail carriers. Allows a refund for fuel used in privately-owned vehicles driven by rural mail carriers when delivering U.S. mail.

Patron - Phillips

[F] HB2466 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 an 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. Therefore, the amount required to claim the maximum amount of credit is raised from \$100,000 per taxpayer to \$8 million, and the amount of the total potential investments under the credit is raised from \$10

million to \$80 million. These changes are to be made for taxable years beginning on or after January 1, 2002.

Patron - Bennett

[F] HB2467 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 for taxable years beginning on and after January 1, 2002. A small technology business is defined as a private business that (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.

Patron - Bennett

[F] HB2469 Income tax deduction; energy program contributions. Creates a Virginia personal income tax exemption for contributions to a utility company emergency energy program if the utility company is an agent for a charitable organization that assists individuals with emergency energy needs and contributions to such charitable organization can be identified as a "charitable contribution" under § 170(c) of the Internal Revenue Code. The deduction may be taken only by taxpayers who do not take a deduction for the contribution on their federal income tax returns. The deduction applies to taxable years beginning on and after January 1, 2002. This is a recommendation of the Consumer Advisory Board established under the Electric Utility Restructuring Act.

Patron - Plum

[F] HB2474 Income tax credit; solar energy equipment. Provides a personal and corporate income tax credit for the purchase and installation of equipment that (i) generates electricity from solar energy or (ii) uses solar energy to heat or cool a structure or provide hot water. The amount of the credit shall be 15 percent of the cost of purchasing and installing eligible equipment, capped at \$1,000 per year. The credit is non-refundable, and any unused tax credit may be carried over for five years until all the tax credit is taken. The equipment must provide a minimum of 10 percent of the building's energy needs, and must be approved by the Department of Mines, Minerals, and Energy. This is a recommendation of the Consumer Advisory Board established under the Electric Utility Restructuring Act. The credit sunsets January 1, 2006. This bill incorporates HB 2416.

Patron - Plum

[F] HB2484 Marine Patrols Fund and Marine Habitat and Waterways Improvement Fund; portion of sales and use tax revenues. Provides for an amount generated by a two percent sales and use tax and collected from the sale of fishing and auxiliary fishing equipment purchased for salt water use to be deposited into the Marine Patrols Fund and the Marine Habitat and Waterways Improvement Fund. The amount to be deposited is determined by multiplying a ratio, the numerator of which is the number of salt water fishing days for the immediately preceding year and the denominator of which is the number of salt water and fresh water fishing days for the same year, by the total amount of the two percent sales and use tax collected in the state on all fishing and auxiliary fishing equipment for that year. The remaining amount is deposited into the Game Protection Fund. Currently, all of such revenues are deposited into the Game Protection Fund.

Patron - Bloxom

[F] HB2489 Taxation; local recordation tax rates. Increases the maximum local recordation tax rate from one-third of the state recordation tax rate to two-thirds of the state recordation tax rate. Any increased revenues resulting from such increase in the maximum tax rate shall be used exclusively for acquiring and preserving open-spaces.

Patron - Moran

[F] HB2494 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, 2002, thereby eliminating any "marriage penalty." The standard deduction for single taxpayers is \$3,000.

Patron - Larrabee

[F] HB2501 Income tax; taxable income of residents; age deduction. Requires the \$12,000 and \$6,000 age deduction amounts to be indexed annually by an amount equivalent to the most recent percentage increase in the social security wage base, effective for taxable years beginning on or after January 1, 2001.

Patron - Robinson

[F] HB2509 Educational sales and use tax exemption; Parent Teacher Association. Extends the sales and use tax exemption for Parent Teacher Associations and similarly situated organizations until July 1, 2002. This bill has been incorporated into HB 2004.

Patron - Reid

[F] HB2511 Sales and use tax exemption; school-related items. Beginning in 2002, provides a sales and use tax exemption for certain school-related items purchased during a specific one-week period during the end of August each year. The exempt items are: (i) school supplies, footwear, and clothing where the selling price of each item is \$100 or less; (ii) computer systems where the selling price for each system is \$1,500 or less; and (iii) computers, computer hardware, computer software, and portable calculators where the selling price for each item is \$500 or less. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchaser of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner. This bill incorporates HB 2252.

Patron - Reid

[F] HB2526 Local severance taxes. Authorizes counties and cities to impose an additional local severance tax on persons 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 one percent of the gross receipts from the sale of gases severed within the county or city. The effective date of the bill is July 1, 2001, and the increase is applicable for license years beginning on or after January 1, 2001. By statute, in calendar year 2001 most taxpayers will be required to pay their local Business, Professional and Occupational Licensing and severance taxes on March 1. At least one-half of the revenues from this increase shall be used for constructing new and improved water systems and lines in areas with natural water supplies that are insufficient in quality or quantity. The bill also provides that the fair market value of gases sold outside the county or city shall be measured at the time such gases are severed from the earth at a wellhead. This bill would increase the license tax rate that counties and cities may currently levy on businesses severing gases from three percent to four percent.

Patron - Phillips

HB2542 Corporate income tax; tax benefit certificate program. Creates a process that allows technology and biotechnology companies that are unable to use their income tax credits to their benefit to sell the credits to other corporate taxpayers who can use the credits to reduce their tax liability. An amount equal to at least 75 percent of the value of the surrendered tax benefit is to be paid by the corporation taxpayer that is the recipient of the corporation tax benefit certificate to the technology and biotechnology company surrendering the benefit. The Innovative Technology Authority will establish the program and will approve, with the Department of Taxation's assistance, applications from companies who want to participate.

Patron - Katzen

HB2548 Sales and use tax; for profit college exemption. Broadens the current exemption to include school textbooks sold for use by students attending for-profit colleges or institutions of learning. The current exemption is for non-profit colleges or institutions of learning.

Patron - Katzen

HB2551 Sales and use tax; nonprofit schools. Broadens the current exemption to include school textbooks sold for use by students attending nonprofit schools. The current exemption is for nonprofit colleges or institutions of learning.

Patron - Katzen

HB2582 Property tax exemption; farm equipment. Exempts from property tax all farm machinery and equipment owned by a farmer and used in farming.

Patron - Phillips

HB2617 Sales and use tax; governmental and commodities exemption for appliances. Beginning July 1, 2002, grants a sales and use tax exemption for certain energy efficient appliances. It also requires the Tax Department to develop, with the assistance of industry and public interest representatives, information programs and materials regarding the exemption.

Patron - Cranwell

HB2624 Property tax exemption; Carolanne Farm Swim Club, Inc. Grants a property tax exemption to Carolanne Farm Swim Club, Inc., for real property it owns in the City of Virginia Beach. Incorporated into HB 2182.

Patron - Tata

HB2626 Property tax exemption; Hopewell Optimist Club. Grants a property tax exemption to the Hopewell Optimist Club for property it owns in the City of Hopewell. Incorporated into HB 2182.

Patron - Ingram

HB2628 Property tax exemption; Ocean View Democratic and Social Club, Inc. Grants a personal property tax exemption to Ocean View Democratic and Social Club, Inc., a charitable corporation, for property it owns in the City of Norfolk. Incorporated into HB 2182.

Patron - Drake

HB2636 Property tax exemption; Charles H. Taylor Arts Center Foundation, Inc. Grants a real property tax exemption to the Charles H. Taylor Arts Center Foundation, Inc., a cultural nonprofit corporation, for real property owned by the organization located in the City of Hampton. Incorporated into HB 2182.

Patron - Christian

HB2659 Sales and use tax exemption; John Randolph Foundation. Provides a sales and use tax exemption for a federally tax-exempt nonprofit organization, beginning July 1, 2001, but before July 1, 2005, that is organized to identify and support innovative and creative health and quality of life improvements for the common good of communities in the central Virginia area. This bill has been incorporated into HB 2003.

Patron - Ingram

HB2682 Severance tax; sand, marl, and gravel. Authorizes any county or city to impose a license tax on persons engaged in the business of severing sand, marl, or gravel from the earth at a rate not to exceed one percent of the gross receipts from the sale of sand, marl, or gravel severed within such county or city.

Patron - Barlow

HB2684 Income tax; earned income tax credit. Creates a refundable state earned income tax credit for individuals qualifying for the federal earned income tax credit and filing a joint return in an amount equal to 10 percent of the federal earned income tax credit, for taxable years beginning on or after January 1, 2002.

Patron - Moran

HB2742 Sales and use tax exemption; Old Dominion University Research Foundation. Provides a sales and use tax exemption for a federally tax-exempt nonprofit organization, beginning July 1, 2001, and ending July 1, 2002, which is organized for the purpose of serving as the administrative, financial, and fiscal agent for an institution of higher education in the Commonwealth of Virginia in research and sponsored program administration. This bill has been incorporated into HB 2004.

Patron - Moss

HB2747 Neighborhood Assistance Act; allocation of tax credits. Sets aside \$1 million of the \$8 million in tax credits for businesses that donate to the Virginia Second Harvest Food Banks.

Patron - Dickinson

HB2752 Income tax; deduction for property taxes paid by full-time volunteer firemen and rescue squad members. Provides a deduction in calculating Virginia taxable income equal to the amount of real property taxes paid annually by any full-time volunteer fireman or rescue squad member for his primary residence and the land on which it is located, up to one acre.

Patron - Deeds

HB2753 Sales and use tax; food for human consumption. Exempts food for human consumption from the state sales and use tax.

Patron - Deeds

HB2756 Tangible Personal Property Tax Relief Act of 1998. Deleted obsolete language that was effective for 1998 only.

Patron - Parrish

HB2767 Statewide referendum on continuation of state lottery. Provides for a statewide referendum at the November 6, 2001, election on the question "Shall Virginia continue the State Lottery? The bill provides for the repeal of the State Lottery Law, effective January 1, 2002, only if a majority of the voters vote "No" on such question.

Patron - Cranwell

HB2776 Sales and use tax; additional tax in Eighth Planning District to fund transportation projects. Increases the state sales and use tax by one-half percent in all cities and counties within the Eighth Planning District. The revenues from such increase shall be deposited into the Northern Virginia Transportation Fund to fund transportation projects in the Eighth Planning District. The bill also increases the maximum principal amount of transportation revenue bonds that may be issued for the Northern Virginia Transportation District Program from \$471.2 million to \$2,771,200,000, specifies additional transportation projects to be funded by such bonds, and authorizes the Commonwealth Transportation Board to designate additional transportation projects to be paid for from the Northern Virginia Transportation Fund under certain conditions. The bill has a delayed effective date of January 1, 2002, and is contingent upon approval by a majority of persons voting in a joint referendum on November 6, 2001, of all the cities and counties in the Eighth Planning District whose governing bodies choose to put the referendum question on the ballot.

Patron - Dillard

HB2806 Income tax; Broadband Internet Access Tax Credit. Provides an individual and corporate income tax credit to taxpayers in order to accelerate deployment of (i) current generation broadband access to the Internet for users located in certain low-income and rural areas and (ii) next generation broadband access for all users. The tax credit for any taxable year equals the sum of (a) the current generation broadband credit, plus (b) the next generation broadband credit. The current generation broadband credit for any taxable year equals 10 percent of the qualified expenditures incurred with respect to qualified equipment offering current generation broadband services to rural subscribers or underserved subscribers. The next generation broadband credit for any taxable year shall equal 20 percent of the qualified expenditures incurred with respect to qualified equipment offering next generation broadband services to all rural subscribers, all underserved subscribers, or any other residential subscribers. The credit in the aggregate for any taxable year will not exceed \$750,000. If the amount of credits applied for exceed that limit, the Tax Department will allocate the credits on a pro rata basis. The credit applies to taxable years beginning on or after January 1, 2002, but before January 1, 2005.

Patron - Hull

HB2815 Penalty for failure to file certain tax returns. Imposes a maximum penalty for failure to file tax returns with the Department of Taxation and the Virginia Employment Commission of two times the amount of tax due.

Patron - Tate

HB2832 Individual income tax; refunds. Provides that the Commonwealth shall pay interest and penalty on individual income tax refunds if such refunds are not issued (i) by June 1 or 60 days from the date of filing of the individual income tax return, whichever is earlier, for returns filed before May 1, and (ii) within 30 days for individual income tax returns filed on or after May 1. The penalty shall equal six percent for each month that interest accrues. Interest shall also be assessed on the amount of the penalty.

Patron - Woodrum

HB2845 Income tax credit, individuals and corporations. Provides an individual and corporate income tax credit for the costs of rainwater harvesting systems placed in service during the taxable year. The credit is up to \$50,000 for each rainwater harvesting system placed in service during the taxable year by a corporation and up to \$2,000 for each rainwa-

ter harvesting system placed in service during the taxable year by an individual. The credit is non-refundable and may be carried forward for five taxable years. The Board of Health must approve the use of the rainwater harvesting system before any credit is granted.

Patron - Day

HB2852 Income tax credit for tolls. Allows an individual income tax credit for amounts paid for the use of any highway in the Commonwealth. The credit applies only to tokens and electronic toll collection payments, as evidenced by receipts.

Patron - Ware

HB2856 Individual income tax; deductions, exemptions, rates and credits. Incorporates changes to the individual income tax proposed by the Commission on Virginia's State and Local Tax Structure for the 21st Century. The proposed changes include (i) two levels of income tax rates (instead of four) of five percent (which increases to six percent on January 1, 2003) on the first \$50,000 of taxable income and 5.75 percent (which increases to 6.75 percent on January 1, 2003) on taxable income greater than \$50,000; (ii) standard deductions of \$7,000 for married taxpayers and \$3,500 for single and married-filing-separately taxpayers; (iii) replacement of personal exemptions on the state income tax return with a \$125 credit for each personal exemption the taxpayer is allowed on his federal income tax return; and (iv) a state earned income tax refundable credit equal to 20 percent of the federal EITC. The bill also increases the corporate income tax from six to seven percent and limits the rate localities may levy for the personal property tax to one cent per \$100 of assessed value for tax years beginning on and after January 1, 2002. The Tax Commissioner will administer the additional income tax revenues and distribute them to the localities based on the residence of each individual taxpayer and each locality's share of total full-time employees.

Patron - Hull

HB2867 State and local income taxes. Reduces the individual state income tax rates by approximately 13.75 percent; authorizes localities to impose a local income tax at rates equivalent to the reduction in the state income tax; exempts from taxation motor vehicles used for nonbusiness purposes; and repeals the Personal Property ("car tax") Relief Act of 1998. The bill is effective: (i) January 1, 2003, and (ii) only if a Constitutional amendment is ratified by the voters exempting motor vehicles used for nonbusiness purposes from taxation.

Patron - Day

SB782 Sales and use tax exemptions. Extends the sunset date for an exemption from sales and use tax on personal property purchased for use or consumption by the following nonprofit organizations: American Heart Association, Inc., The Boxwood Garden Club, Inc., Henrico County Court Appointed Special Advocates, Inc., Masonic Home of Virginia, Maymont Foundation, National Kidney Foundation, the Richmond Strikers, Virginia Blood Services, and Virginia United Methodist Home.

Patron - Stosch

SB783 Sales and use tax; food purchased for human consumption. Eliminates the requirement that actual general fund revenues exceed the official general fund revenue estimates by at least one percent, which currently is a condition for reaching the next level of tax relief on food purchased for human consumption. For the period April 1, 2001, through March 31, 2002, the bill provides for a two and one-half per-

cent state sales tax on food purchased for human consumption. The bill contains an emergency clause.

Patron - Marye

[F] SB790 Individual income taxes; credit for taxes paid to another state on lottery winnings. Provides an individual income tax credit for taxes paid to another state on lottery winnings. Virginia residents are subject to Virginia income tax on winnings from another state's lottery. In some cases, these persons are also subject to income tax in such other state on the same lottery winnings.

Patron - Puller

[F] SB792 Income and sales and use taxes; income tax credits and sales and use tax exemptions and reductions for producing and using clean and efficient energy. Provides several tax incentives for using clean and efficient energy including (i) a corporate income tax credit in an amount equal to 0.85 cents for each kilowatt of electricity produced from certain renewable energy resources; (ii) an individual and corporate income tax credit for the costs of photovoltaic and solar water heating property placed in service during the taxable year; (iii) exemptions from the sales and use tax for certain appliances meeting energy star efficiency requirements developed by the federal government and for heat pumps, air conditioners, and natural gas water heaters meeting specified performance measures; and (iv) a 50 percent reduction in the motor vehicle sales and use tax for purchasing or retrofitting motor vehicles that run on clean special fuels.

Patron - Whipple

[F] SB795 Property tax exemption; Friendship Industries, Inc. Grants a property tax exemption to Friendship Industries, Inc., a charitable nonprofit organization, for property owned by the organization and located at 801 Friendship Drive in Rockingham County. Incorporated in SB 791.

Patron - Miller; K.G.

[F] SB797 State taxes; accrual and payment of interest on refunds. Requires that interest on refunds of state taxes accrues 21 days after payment of the tax. Current law provides that interest accrues 60 days after payment of the tax or 60 days after the last day prescribed by law for such payment, whichever is later.

Patron - Mims

[F] SB825 Property tax exemption; Bryant Foundation. Grants a property tax exemption to The Bryant Foundation, a charitable nonprofit organization, for real and personal property owned by the organization and located in the Town of Orange.

Patron - Houck

[F] SB826 Property tax exemption; Downtown Greens, Inc. Grants a property tax exemption to Downtown Greens, Inc., a charitable nonprofit organization, for real and personal property owned by the organization and located in the City of Fredericksburg. Incorporated in SB 791.

Patron - Houck

[F] SB832 Telephone and enhanced 911 service taxes; exemptions. Provides that no locality may impose telephone service tax and enhanced 911 service tax on volunteer rescue squads and volunteer fire departments.

Patron - Hawkins

[F] SB851 Marine Patrols Fund; portion of sales and use tax revenues. Provides for an amount generated by a two percent sales and use tax and collected from the sale of fishing and auxiliary fishing equipment purchased for salt water use to

be deposited into the Marine Patrols Fund. The amount to be deposited is determined by multiplying a ratio, the numerator of which is the number of salt water fishing days for the immediately preceding year and the denominator of which is the number of salt water and fresh water fishing days for the same year, by the total amount of the two percent sales and use tax collected in the state on all fishing and auxiliary fishing equipment for that year. The remaining amount is deposited into the Game Protection Fund. Currently, all of such revenues are deposited into the Game Protection Fund.

Patron - Wagner

[F] SB855 Local real estate taxes. Provides that real estate that is otherwise exempt from local taxes shall be subject to such taxes only if such real estate is a source of substantial net income. Net income is determined using generally accepted accounting principles, including the cost of depreciation and other expenses relating to the operation and maintenance of such real estate.

Patron - Stosch

[F] SB867 Individual income tax; credit for tuition at institutions of higher education. Provides a credit against individual income taxes for tuition-related expenses at institutions of higher education beginning January 1, 2001. For any taxable year beginning before January 1, 2003, the credit amount is equal to 20 percent of the first \$5,000 of tuition-related expenses. For any taxable year beginning on or after January 1, 2003, the credit amount is equal to 20 percent of the first \$10,000 of tuition-related tuition expenses. Only those taxpayers with a total combined federal adjusted gross income of \$40,000 or less may claim the credit. No credit may be taken for tuition paid (i) under a prepaid tuition contract; (ii) by means of scholarships that are excluded from federal adjusted gross income; or (iii) certain payments made on behalf of the individual that are excluded from federal adjusted gross income. Any unused credit may be carried forward for five taxable years.

Patron - Miller; Y.B.

[F] SB869 Sales and use tax exemption; Manterfly Youth Development, Incorporated. Provides a sales and use tax exemption beginning July 1, 2001, and ending July 1, 2005, to a 501 (c) (3) corporation organized to ensure that young people will be given the opportunity to reach their full potentials and become productive members of society by, including but not limited to, providing counseling and related services.

Patron - Puller

[F] SB871 Sales and use tax exemption; The Mid-Atlantic Regional Archives Conference (MARAC). Provides a sales and use tax exemption beginning July 1, 2001, and ending July 1, 2006, to a 501 (c) (3) organization organized to promote the preservation and use of archival and historical research materials and the professional education of its members through, including but not limited to, holding conferences and workshops and publishing newsletters and other written materials.

Patron - Puller

[F] SB882 Individual income taxes; personal exemption and standard deduction amounts. For taxable year 2001, 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 2001, 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 2002 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

[F] SB886 Property tax exemption; Train Station Foundation. Grants a property tax exemption to the Train Station Foundation, a historical nonprofit organization, for real and personal property owned by the organization and located in the City of Bristol. The exemption is effective January 1, 2000. Incorporated in SB 791.

Patron - Wampler

[F] SB890 Sales and use tax exemption; International Christian Centers for the Deaf, Inc. Provides a sales and use tax exemption beginning July 1, 2001, and ending July 1, 2005, to a 501 (c) (3) corporation organized to promote and provide for the religious education of the deaf persons through, including but not limited to, teaching sign language to deaf children and hearing persons.

Patron - Trumbo

[F] SB903 Sales and use tax exemption; Parents and Researchers Interested in Smith-Magenis Syndrome (PRISMS), Inc. Provides a sales and use tax exemption beginning July 1, 2001, and ending July 1, 2005, to 501 (c) (3) corporation organized (i) to educate its members, medical professionals, and the general public about Smith-Magenis Syndrome (SMS); (ii) to encourage, support and fund SMS related research; (iii) to support individuals and families affected by SMS and related disorders; and (iv) to promote other activities related to SMS.

Patron - Mims

[F] SB909 Property tax exemption; National Sporting Library, Inc. Grants a property tax exemption to the National Sporting Library, Incorporated, a benevolent and cultural nonprofit organization, for real property owned by the organization and located in Loudoun County and the Town of Middleburg. Exemption is effective January 1, 2001. Incorporated in SB 791.

Patron - Mims

[F] SB916 Sales and use tax exemption; Children's Advocacy Center of Bristol/Washington County, Virginia, Inc. Provides a sales and use tax exemption, from July 1, 2001, through July 1, 2005, to a 501 (c) (3) corporation organized to combat child abuse by coordinating and providing crisis intervention and counseling services to children and their families through a neutral, child-focused facility.

Patron - Wampler

[F] SB917 Sales and use tax exemption; The Bristol Concert Ballet Company. Provides a sales and use tax exemption beginning July 1, 2001, and ending July 1, 2006, to a 501 (c) (3) corporation that promotes, encourages, and sustains community interest and education in ballet by, including but not limited to, providing performing experience for advanced ballet students.

Patron - Wampler

[F] SB921 Sales and use taxes; medical-related exemption. Extends the sales and use tax exemption for tangible personal property for use or consumption by a nonprofit hospital or a nonprofit licensed nursing home to a nonprofit hospice. Extends the sunset date of said sales and use tax exemption from June 30, 2001, to June 30, 2003.

Patron - Houck

[F] SB922 Sales and use tax exemption; Friends of the Rappahannock. Provides a sales and use tax exemption beginning July 1, 2001, and ending July 1, 2006, to a nonprofit river conservation organization that is exempt from taxation pursuant to § 501 (c) (3) of the Internal Revenue Code and organized to protect the natural, scenic, recreational, and historical values of the Rappahannock River and its tributaries.

Patron - Houck

[F] SB924 Sales and use tax exemption; Boat People S.O.S., Inc. Provides a sales and use tax exemption beginning July 1, 2001, and ending July 1, 2005, to a 501 (c) (3) corporation organized to assist local Vietnamese communities by providing but not limited to naturalization, immigration status adjustment, family reunification, translation, consumer rights protection, community education on health including mental health, training for caseworkers and service providers, English education, computer education, and other specialized human services.

Patron - Byrne

[F] SB930 Sales and use tax exemption; Virginia Academy of Science. Provides a sales and use tax exemption beginning July 1, 2001, and ending July 1, 2006, to a 501 (c) (3) organization that is organized (i) to establish and maintain an association of persons and organizations interested in science and scientific research; (ii) to cooperate with educational institutions, industries, and state agencies in fostering an interest in scientific matters, in promoting scientific investigations and in spreading knowledge of the sciences; and (iii) to provide a forum for the presentation and discussion of papers on scientific subjects and facilities for their publication.

Patron - Houck

[F] SB931 Sales and use tax exemption; KidsPeace National Centers for Kids in Crisis of North America, Inc. Provides a sales and use tax exemption beginning July 1, 2001, and ending July 1, 2005, to a 501 (c) (3) corporation providing services, including but not limited to, (i) providing care to destitute, delinquent, abandoned, neglected, dependent or emotionally disturbed children; and (ii) establishing, operating, and maintaining an independent community-based treatment program for emotionally disturbed children, adolescents, and their families. This bill has been incorporated into SB 966.

Patron - Martin

[F] SB932 Sales and use tax exemption; Robert and Dee Leggett Foundation. Provides a sales and use tax exemption beginning July 1, 2001, and ending July 1, 2005, to a private 501 (c) (3) foundation organized to receive and hold funds or property to make contributions to educational, environmental artistic, historical, scientific, health, community or religious organizations with the goal of improving knowledge, services or practices in these fields. This bill has been incorporated into SB966.

Patron - Howell

[F] SB940 Property tax exemption; Homestretch, Inc. Grants a property tax exemption to the Homestretch, Inc., a charitable and benevolent nonprofit organization, for real and personal property owned by the organization located at 2838 Annandale Road, No. 335; 8001 Chanute Place, No. 13; and 2904 Kings Chapel Road, No. 10 in Fairfax County. Incorporated in SB 791.

Patron - Byrne

[F] SB941 Sales and use tax; use of property by service providers. States that a service provider is the user and consumer of all tangible personal property purchased for use in

providing services, except for certain property for resale, or for incorporation into property sold, to the United States pursuant to a contract that (i) expressly references the provisions of the Walsh-Healey Public Contracts Act, 41 U.S.C. § 35 et seq., and (ii) is governed by the provisions of such Act.

Patron - Colgan

[F] SB953 Sales and use tax exemption; Madison Emergency Services Association (MESA), Inc. Provides a sales and use tax exemption beginning July 1, 2001, and ending July 1, 2005, to a 501 (c) (3) corporation organized to provide temporary emergency relief to Madison County families who are experiencing crises by, including but not limited to, providing services to the homeless or those persons about to become homeless and to those persons who are victims of physical and/or mental abuse. This bill has been incorporated into SB 966.

Patron - Couric

[F] SB965 Sales and use tax exemption; cultural. Provides a sales and use tax exemption beginning July 1, 2001, and ending July 1, 2006, to the following 501 (c) (3) organizations: The Mid-Atlantic Regional Archives Conference (MARAC); The Bristol Concert Ballet Company; Friends of the Rappahannock; Virginia Academy of Science; Glass-Glen Burnie Museum, Inc.; MacCallum More Museum and Gardens; The Corporation for Jefferson's Poplar Forest; The Confederate Memorial Literary Society (The Museum and White House of the Confederacy). This bill incorporates SB 871, SB 917, SB 922, SB 930, SB 997, SB 1021, and SB 1141 and has been incorporated into SB 1409.

Patron - Potts

[F] SB966 Sales and use tax exemption; nonprofit civic and community service. Provides a sales and use tax exemption beginning July 1, 2001, and ending July 1, 2005, to the following 501 (c) (3) organizations: Manterfly Youth Development, Inc.; International Christian Centers for the Deaf, Inc.; Parents and Researchers Interested in Smith-Magenis Syndrome (PRISMS), Inc.; Children's Advocacy Center of Bristol/Washington County, Virginia, Inc.; Boat People S.O.S., Inc.; KidsPeace National Centers for Kids in Crisis of North America, Inc.; Robert and Dee Leggett Foundation; Madison Emergency Services Association (MESA), Inc.; AIDS Response Effort, Inc.; Housing Partnerships, Inc.; HomeBase of the Virginia Peninsula, Inc.; Richmond Metro Workcamp, Inc.; and The United Civic League of Cavalier Manor. This bill incorporates SB 869, SB 890, SB 903, SB 916, SB 924, SB 931, SB 932, SB 953, SB 973, SB 1074, SB 1082, and SB 1101 and has been incorporated into SB 1409.

Patron - Potts

[F] SB968 Property tax exemption; Kernstown Battlefield Association, Inc. Grants a property tax exemption to the Kernstown Battlefield Association, Inc., a historical nonprofit organization, for real and personal property owned by the organization and located in Frederick County and the City of Winchester. This bill has been incorporated into SB 791.

Patron - Potts

[F] SB973 Sales and use tax exemption; Housing Partnerships, Inc. Provides a sales and use tax exemption beginning July 1, 2001, and ending July 1, 2005, to a 501 (c) (3) corporation organized for the purpose of providing services to economically or socially disadvantaged persons by, including but not limited to, repairing or replacing substandard housing located within the boundaries of Twenty-third Planning District established pursuant to § 15.2-4203. This bill has been incorporated into SB 966.

Patron - Norment

[F] SB980 Income tax; personal exemption amount. Increases the personal exemption from \$800 to \$1,200 for the taxable year January 1, 2001, through December 31, 2001. For taxable years beginning on and after January 1, 2002, the personal exemption amount is equal to the personal exemption amount of the preceding taxable year adjusted by the percentage increase in the Consumer Price Index. The personal exemption amount can never be less than such amount for the preceding taxable year.

Patron - Rerras

[F] SB988 Sales and use taxes; medical-related exemption. Extends the sales and use tax exemption for tangible personal property for use or consumption by a nonprofit hospital or a nonprofit licensed nursing home to a nonprofit hospice. Extends the sunset date of said sales and use tax exemption from June 30, 2001, to June 30, 2003.

Patron - Trumbo

[F] SB997 Sales and use tax exemption; MacCallum More Museum and Gardens. Provides a sales and use tax exemption beginning July 1, 2001, and ending July 1, 2006, to a 501 (c) (3) corporation operating as a museum and gardens (i) to promote the appreciation of the fine arts; (ii) to establish, own, maintain, and operate an arts center to conform to standard museum practices; (iii) to display, sell, purchase and own articles of art; (iv) to support the arts in the local school system; and (v) to encourage local artists participation in its programs. This bill has been incorporated into SB 965.

Patron - Ruff

[F] SB1004 Employees with disabilities tax credit; training of persons with disabilities tax credit. Extends the employees with disabilities tax credit to taxable year 2005, and creates a tax credit, also to expire in taxable year 2005, for employers who educate or train disabled employees to fill a high technology field job, such as biotechnology, bioinformatics, computer programming, engineering, and electronics. The Secretary of Technology must certify that the worker training program qualifies as worker training in a high technology field. The amount of the credit is in the actual amount an employer spent on such worker training program in that taxable year.

Patron - Ticer

[F] SB1009 Property tax exemption; Mary Immaculate Nursing Center, Inc. Grants a property tax exemption to the Mary Immaculate Nursing Center, Inc., a charitable and benevolent nonprofit organization, for real and personal property owned by the organization and located in the City of Newport News. This bill has been incorporated into SB 791.

Patron - Williams

[F] SB1021 Sales and use tax exemption; The Corporation for Jefferson's Poplar Forest. Provides a sales and use tax exemption beginning July 1, 2001, and ending July 1, 2006, to a 501 (c) (3) corporation organized to support education about Poplar Forest through, including but not limited to, guided tours of the property, field schools in architectural restoration and archaeology, other educational and public programs, and maintaining a library open to students, researchers, and the public. This bill has been incorporated into SB 965.

Patron - Newman

[F] SB1037 Property tax exemption; The Friends School; Things Unlimited. Grants a property tax exemption to The Friends School, a benevolent nonprofit organization, for real and personal property owned by the organization for its Things Unlimited thrift store that is located in the City of Vir-

ginia Beach. The exemption is effective July 1, 2000. Incorporated in SB 791.

Patron - Stolle

[F] SB1038 Collection of local taxes. Permits treasurers or other local officers performing the duties of a treasurer to place padlocks on the doors of a business if the business is (i) more than 120 days delinquent in the payment of any tax on tangible personal property, merchants' capital tax, or any business license tax or fee or (ii) more than 60 days delinquent in the reporting or remittance of any local excise tax collected by the business from another party and held in trust for the locality. Padlocks may also be placed on the doors of a business if a summons or warrant has been issued for the business' failure to (a) obtain a license to engage in its business, employment or profession or (b) report or remit any local excise tax. The treasurer must provide at least seven days' notice before padlocking any business. In lieu of paying the delinquent tax liability and avoiding padlocking, an enterprise may post bond in an amount equaling the amount of the delinquent tax liability. However, no bond is required if an appeal is properly filed under Subdivision A. 5. of § 58.1-3703.1 or § 58.1-3983.1. If a business posts such bond, padlocks may not be placed on the doors of such business during the pendency of any appeal of the delinquent tax liability.

Patron - Stolle

[F] SB1058 Individual income taxes. Excludes military retirement income from Virginia individual income taxes in an amount equal to two percent multiplied by the taxpayer's number of years of active duty in the armed forces of the United States with the product thereof multiplied by the \$30,000 of military retirement income. The bill is effective for taxable years beginning on or after January 1, 2001.

Patron - Quayle

[F] SB1064 Local property taxes; motor homes. Caps the tangible personal property tax rate on motor homes at the rate of tax and rate of assessment applicable to real estate in the county, city, or town.

Patron - Quayle

[F] SB1065 Appeal of local real estate tax assessments. Clarifies that taxpayers aggrieved by real estate assessments in cities with a population of more than 175,000 may appeal the assessment to the appropriate circuit court (i) within three years from the last day of the tax year for which any such assessment is made, (ii) within one year from the date of the assessment, or (iii) within one year from the date of a final determination made pursuant to § 58.1-3981, whichever is later.

Patron - Quayle

[F] SB1070 Property tax exemption; Bedford Breakfast Lions Club. Grants a property tax exemption to the Bedford Breakfast Lions Club, a benevolent nonprofit organization, for real and personal property owned by the organization and located in the County of Bedford. This bill has been incorporated into SB 791.

Patron - Newman

[F] SB1073 Enterprise Zone Act; creation of zones and real property investment tax credit limit. Requires the designation of any new enterprise zones on or after July 1, 2001, other than certain areas that are to be designated based on unemployment, to be in urban areas with revitalization needs. The bill also increases the cap on the real property investment tax credit from \$125,000 to \$250,000.

Patron - Maxwell

[F] SB1074 Sales and use tax exemption; Home-Base of the Virginia Peninsula, Inc. Provides a sales and use tax exemption beginning July 1, 2001, and ending July 1, 2005, to a 501 (c) (3) corporation organized for the purposes of preventing homelessness and offering long-term intervention into homelessness problems by, including but not limited to, developing new resources to prevent homelessness, providing a central information base for coordinating services and resources designed to aid the homeless, and making charitable donations to other nonprofit organizations with similar purposes. This bill has been incorporated into SB 966.

Patron - Maxwell

[F] SB1078 Sales and use tax exemptions. Extends the sunset date for sales and use tax exemptions benefiting many organizations.

Patron - Miller, K.G.

[F] SB1082 Sales and use tax exemption for Richmond Metro Workcamp, Inc. Provides a sales and use tax exemption beginning July 1, 2001, and ending July 1, 2005, to a 501 (c) (3) organization organized for the purpose of teaching and fostering the growth of religious beliefs through the organization and creation of interdenominational summer youth mission projects that provide services to economically or socially disadvantaged persons including but not limited to repairing homes of elderly or disabled persons who own their homes but do not have the resources to make repairs. This bill has been incorporated into SB 966.

Patron - Bolling

[F] SB1083 Sales and use tax increase; exemption of certain motor vehicles and boats from tangible personal property taxation. Provides for a one and one-half percent increase in the retail sales and use tax and exempts certain motor vehicles and boats from local tangible personal property taxation, provided that a constitutional amendment exempting such motor vehicles and boats is ratified by a majority of voters voting on such measure in November 2002. The tax exemptions and the additional one and one-half percent sales and use tax are effective January 1, 2003. The revenue from the increase in the sales and use tax shall be used to make payments to localities in lieu of the current funding processes in place to reimburse localities under the Personal Property Tax Relief Act of 1998. The new funding mechanism will begin in calendar year 2003. In general, the amount funded to (i) a county shall be the amount funded to the county in the preceding calendar year plus 15 percent of any increase in the state sales and use tax revenue over the preceding fiscal year; (ii) a city shall be the amount funded to the city in the preceding calendar year plus 11 percent of any increase in the state sales and use tax revenue over the preceding fiscal year; and (iii) a town shall be the amount funded to the town in the preceding calendar year plus five percent of any increase in the state sales and use tax revenue over the preceding fiscal year. Each locality will have a base year funding amount. The base year funding amount shall equal (i) for a county, 15 percent of its total local tax revenues collected in fiscal year 1997; (ii) for a city, 11 percent of its total local tax revenues collected in fiscal year 1997; and (iii) for a town, five percent of its total local tax revenues collected in fiscal year 1997. The base year amount is used for purposes of determining initial funding amounts to counties, cities, and towns in calendar year 2003.

Patron - Colgan

[F] SB1094 Property tax exemption; The Closet of the Greater Herndon Area, Inc. Grants a property tax exemption to The Closet of the Greater Herndon Area, Inc., a charitable and benevolent nonprofit organization, for real and

tangible properties owned by the organization and located at 841-843-845 Station Street in the Town of Herndon and Fairfax County. This bill has been incorporated into SB 791.

Patron - Mims

[F] SB1099 Insurance premiums tax; payments by localities. Prohibits insurance carriers that provide insurance as defined in §§ 38.2-102 through 38.2-134 to local governments from collecting the insurance premiums tax from the local governments.

Patron - Lambert

[F] SB1101 Sales and use tax exemption; The United Civic League of Cavalier Manor. Provides a sales and use tax exemption, beginning July 1, 2001, and ending July 1, 2005, to a 501 (c) (3) corporation organized to, including but not limited to, (i) promote voter registration and voter participation in the political process; (ii) ensure adequate police protection; (iii) encourage equal employment opportunities; (iv) ensure that buildings, land improvements and maintenance are provided by the local government bodies; (v) ensure equal educational opportunities; (vi) ensure equal representation in the local governing boards; (vii) ensure that the communities have adequate recreational and leisure facilities; and (viii) monitor local government expenditures to ensure their appropriateness and fairness. This bill has been incorporated into SB 966.

Patron - Lucas

[F] SB1106 Sales and use tax; use of property by service providers. States that a service provider is the user and consumer of all tangible personal property purchased for use in providing exempt services, but not of certain property for resale, or for incorporation into property sold, to the United States pursuant to (i) a contract that expressly references and is governed by the provisions of the Walsh-Healey Public Contracts Act, 41 U.S.C. § 35 et seq. or (ii) a task order or purchase order for the purchase of tangible personal property.

Patron - Colgan

[F] SB1118 Property tax exemption; DePaul Family Services, Inc. Grants a real property tax exemption to DePaul Family Services, Inc., a nonprofit corporation, for real property it owns in Roanoke County and uses for charitable, educational and benevolent purposes. This bill has been incorporated into SB 791.

Patron - Edwards

[F] SB1141 Sales and use tax exemption; The Confederate Memorial Literary Society (The Museum and White House of the Confederacy). Provides a sales and use tax exemption beginning July 1, 2001, and ending July 1, 2006, to a 501 (c) (3) corporation organized to preserve the White House of the Confederacy and other historical objects by, including but not limited to, restoring and maintaining the White House of the Confederacy, collecting and restoring historical objects, and sharing them with the citizens through exhibitions, publications, educational programs, and other events. This bill has been incorporated into SB 965.

Patron - Lambert

[F] SB1143 Sales and use tax exemption; Virginia Primary Care Association, Inc. Provides a sales and use tax exemption beginning July 1, 2001, and ending July 1, 2002, to a 501 (c) (3) corporation organized to improve access to primary health care for all Virginians by, including but not limited to, providing technical assistance to communities in developing not-for-profit primary care medical practices. This bill has been incorporated into SB 1409.

Patron - Lambert

[F] SB1146 Sales and use tax exemption; The American Society of Military Comptrollers. Provides a sales and use tax exemption beginning July 1, 2001, and ending in July 1, 2006, to a 501 (c) (3) organization that promotes military comptrollership by, including but not limited to, promoting the education and training of military comptrollership, sponsoring research in military comptrollership and publishing the results of such research.

Patron - Puller

[F] SB1165 Individual income tax; distribution of a portion of individual income tax revenues to localities; Localities' Share of Individual Income Tax Revenue Fund. Establishes the Localities' Share of Individual Income Tax Revenue Fund into which two percent of individual income tax revenues shall be deposited in 2003 for distribution to localities. The percentage increases two percent each year until it reaches a maximum of 10 percent in 2007. The amount in the fund is to be distributed annually to counties and cities as follows: (i) 50 percent distributed based on the relative share of the total state income tax paid by taxpayers filing returns in each locality; (ii) 40 percent distributed based on where wages are earned; and (iii) 10 percent divided equally among all 135 counties and cities. The amount distributed to counties is then to be shared with towns located within the counties based on the towns' relative share of total population within the county. Fifty percent of the amount distributed to any county with towns would be divided among the county and its towns based on population. If a county has no towns within its boundaries, the county keeps the entire distribution of individual income tax revenue. Distributions are to be made by the State Treasurer to localities no later than September 1, with the first one beginning in 2003. Any corrections in the amount of distributions will be made in the fiscal year immediately following the year in which the incorrect distribution was made.

Patron - Hanger

[F] SB1183 Sales and use tax exemption; Goodwin House Foundation. Provides a sales and use tax exemption beginning July 1, 2001, and ending July 1, 2006, to 501 (c) (3) foundation organized to receive and administer gifts, grants, contributions, and donations for the benefit of, for performing the functions of, and for carrying out the purposes of continuing care retirement communities, including but not limited to, providing financial assistance to the elderly who reside in or intend to reside in such continuing care retirement communities. This bill has been incorporated into SB 1409.

Patron - Ticer

[F] SB1184 Sales and use tax exemption; The National Mentoring Partnership. Provides a sales and use tax exemption beginning July 1, 2001, and ending July 1, 2005, to a 501 (c) (3) corporation organized to be a resource for mentors and mentoring initiatives nationwide, with particular attention to at-risk youth, by, including but not limited to, receiving, administering, and expending funds for such purposes.

Patron - Ticer

[F] SB1186 Property tax exemption; International Christian Centers for the Deaf, Inc. Grants a property tax exemption to the International Christian Centers for the Deaf, Inc., a religious and charitable nonprofit organization, for real and personal property owned by the organization and located in the County of Botetourt.

Patron - Trumbo

[F] SB1205 Appeal of local real estate tax assessments. Clarifies that taxpayers aggrieved by real estate assessments in cities with a population of more than 175,000 may

appeal the assessment to the appropriate circuit court (i) within three years from the last day of the tax year for which any such assessment is made, (ii) within one year from the date of the assessment, or (iii) within one year from the date of a final determination made pursuant to § 58.1-3981, whichever is later.

Patron - Forbes

[F] SB1215 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, 2002. Eligible commuting expenses are those costs that cover travel between an employee's residence and place of employment by means of multiple-occupancy 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. Unused credits are not refundable, and they cannot be carried over or back to a different taxable year. An employer 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

[F] SB1218 Individual income tax; distribution of a portion of individual income tax revenues to localities; Localities' Share of Individual Income Tax Revenue Fund. Establishes the Localities' Share of Individual Income Tax Revenue Fund into which two percent of individual income tax revenues shall be deposited in 2003 for distribution to localities. The percentage increases two percent each year until it reaches a maximum of 10 percent in 2007. The amount in the fund is to be distributed annually to counties and cities as follows: (i) 50 percent distributed based on the relative share of the total state income tax paid by taxpayers filing returns in each locality; (ii) 40 percent distributed based on where wages are earned; and (iii) 10 percent divided equally among all 135 counties and cities. The amount distributed to counties is then to be shared with towns located within the counties based on the towns' relative share of total population within the county. Fifty percent of the amount distributed to any county with towns would be divided among the county and its towns based on population. If a county has no towns within its boundaries, the county keeps the entire distribution of individual income tax revenue. Distributions are to be made by the State Treasurer to localities no later than September 1, with the first one beginning in 2003. Any corrections in the amount of distributions will be made in the fiscal year immediately following the year in which the incorrect distribution was made.

Patron - Whipple

[F] SB1255 Sales and use tax exemption; school-related items. Provides a sales and use tax exemption for certain school-related items purchased during a specific one-week period during the end of August each year. The exempt items are (i) school supplies, footwear, and clothing where the selling price of each item is \$100 or less; (ii) computer systems where the selling price for each system is \$1,500 or less; and (iii) computers, computer hardware, computer software, and portable calculators where the selling price for each item is \$500 or less. The bill also authorizes dealers to absorb the sales and use tax on all other items sold during the same time period and thereby relieve the purchaser of the obligation to pay such tax. Dealers who absorb such taxes are liable for payment of the same to the Tax Commissioner.

Patron - Norment

[F] SB1260 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, for taxable years beginning on and after January 1, 2001. 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 15 percent of the qualified investment and not to exceed \$500,000, can be claimed for each of the five tax years beginning on and after January 1, 2001. In no event will more than \$5 million in either of the credits be allowed annually. 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.

Patron - Quayle

[F] SB1261 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 2002.

Patron - Quayle

[F] SB1264 Sales and use tax on food purchased for human consumption. Effective July 1, 2001, 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 state sales and use tax distributed to localities by school population.

Patron - Edwards

[F] SB1271 Property tax exemption; UJFT Community Campus, L.L.C. Grants a property tax exemption to UJFT Community Campus, L.L.C., a religious organization, for real and personal property owned by the organization located in the City of Virginia Beach.

Patron - Wagner

[F] SB1289 Sales and use tax exemption; Mekor Chayim-Source of Life. Provides a sales and use tax exemption beginning July 1, 2001, and ending July 1, 2005, to a 501 (c) (3) organization organized for the purpose of fostering the understanding of and sharing knowledge with all religions and religious groups, which is accomplished through building alliances with organizations that have a similar mission, forging relationships with individuals who wish to share the Jewish heritage, and building associations with other organizations

such as area synagogues, churches, ministries, religious and nonprofit organizations.

Patron - Saslaw

[F] SB1292 Sales tax exemption; Internet service providers. Provides a sales and use tax exemption for the purchase and use of certain audiovisual works by an Internet service business and for equipment used in the production, storage, hosting, processing and distribution of audiovisual works by an Internet service business.

Patron - Mims

[F] SB1310 Sales and use tax; limited exemption for certain clothing and footwear. Exempts clothing and footwear from the state sales and use tax for a nine-day period each August, provided the article costs \$100 or less. The sales tax holiday will begin in calendar year 2002. Sales of clothing and footwear at theme parks shall not be exempt. The Department of Taxation shall develop guidelines describing the clothing and footwear that qualify and make such list available electronically and in hard copy.

Patron - Newman

[F] SB1346 Income tax; earned income tax credit. Creates a refundable state earned income tax credit for individuals qualifying for the federal earned income tax credit and filing a joint return in an amount equal to 10 percent of the federal earned income tax credit, for taxable years beginning on or after January 1, 2002.

Patron - Puller

[F] SB1368 Sales and use tax; additional tax in Eighth Planning District to fund transportation projects. Increases the state sales and use tax by one percent in all cities and counties within the Eighth Planning District. One-half of the revenues from such increase shall be distributed to a regional transportation authority created to address and act upon the transportation needs of such counties and cities. The remainder of the revenues shall be distributed to such counties and cities based on point-of-sale and may only be used for education-related purposes. The additional sales and use tax would be effective January 1, 2003, but is contingent upon (i) approval of the additional tax by a majority of persons voting in a joint referendum of all the cities and counties in the Eighth Planning District on November 6, 2002, and (ii) the passage of legislation by General Assembly creating a regional transportation authority for Northern Virginia.

Patron - Saslaw

[F] SB1374 Personal Property Tax Relief Act of 1998. Repeals the Personal Property Tax Relief Act of 1998, Chapter 35.1 (§ 58.1-3523 et seq.) of Title 58.1, and other provisions of the Code of Virginia related to the Personal Property Tax Relief Act of 1998 effective January 1, 2002.

Patron - Marye

[F] SB1392 Individual income tax; personal exemption. Increases the personal deduction for Virginia individual income tax from \$800 to \$1,600 for taxable years beginning on or after January 1, 2002.

Patron - Newman

[F] SB1403 Local consumer utility tax. Authorizes a county to impose a tax on the consumption of water, heat, light, and power by the residents of a town within such county in accordance with an ordinance adopted by the governing body of the county. Current law prohibits a county consumer utility tax upon town residents if the town provides police or fire protection, and water or sewer services, or if the town constitutes a special school district and is operated as a special school dis-

trict. This bill would permit a county consumer utility tax on town residents in all cases, as long as an enabling ordinance is adopted by the county's board of supervisors.

Patron - Ruff

[F] SB1407 Administration of taxes; reciprocal agreement with the State of Maryland. Instructs the Governor to make every effort to enter into a reciprocal agreement for the collection of taxes on behalf of the Commonwealth with the appropriate authorities from the State of Maryland, no later than July 1, 2003. The Governor will report on his progress to the chairmen of the House and Senate Committees on Finance by the first day of the 2002 and 2003 Sessions.

Patron - Chichester

[F] SB1412 Coal and gas severance tax and coal and gas road improvement tax; ratification of certain ordinances. Provides that ordinances adopted pursuant to §§ 58.1-3712, 58.1-3713 and 58.1-3713.4, prior to January 1, 2001, shall be presumed valid and inclusive of all the provisions of such sections provided such ordinances were in substantial compliance with §§ 58.1-3712, 58.1-3713 and 58.1-3713.4 at the time of their adoption.

Patron - Wampler

[F] SB1422 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, 2002, thereby eliminating any "marriage penalty." The standard deduction for single taxpayers is \$3,000.

Patron - Martin

Trade and Commerce

[P] Passed

[P] HB1616 Home solicitation contracts. Makes grammatical corrections to the section.

Patron - Howell

[P] HB1845 Racing Commission; satellite facilities; local referendum. Restates the referendum questions that may appear on a local referendum. 1. Shall pari-mutuel wagering be permitted at a licensed racetrack in ... (name of county or city) on live horseracing at, and on simulcast horse racing transmitted from another jurisdiction to, the licensed racetrack on such days as may be approved by the Virginia Racing Commission 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?

Patron - Marshall

[P] HB2061 Trade and commerce; septic system inspectors; penalty. Sets minimum requirements for a person to use the title "accredited septic system inspector." The bill limits its application to septic systems involving onsite, residential disposal of sewage when sewers or sewerage facilities are not available and includes septic tanks, septic tank lines and drainage fields or other onsite, residential sewage systems. The bill provides that a violation of this law shall constitute a Class 3 misdemeanor. The bill has a delayed effective date of July 1, 2002.

Patron - McQuigg

HB2387 Uniform Computer Information Transactions Act; consumer protection. Makes several amendments to the Uniform Computer Information Transactions Act (UCITA) (§ 59.1-501.1 et seq.) and the Virginia Consumer Protection Act (VCPA) (§ 59.1-196 et seq.). The bill changes UCITA's references to other laws or rules to other statutes, administrative rules, regulations or procedures where applicable. The bill also changes references to the VCPA to other consumer protection statutes, administrative rules or regulations including, but not limited to, the VCPA. The bill provides that a mass-market license may be transferred if such transfer involves making a gift or donation of a computer along with mass-market software to a public school, a public library, a charity or a consumer. The bill amends the definition of "goods" as used in the VCPA to include "computer information" and "informational rights" as defined in UCITA.

Patron - Clement

HB2411 Uniform Electronic Transactions Act; technical amendments. Makes two technical amendments to the Uniform Electronic Transactions Act (UETA) (§ 59.1-479 et seq.). The predecessor electronic signatures and records law, Chapter 39 (§ 59.1-467 et seq.) of Title 59.1, repealed in 2000, had excluded electronic filing with the courts from its scope to protect the autonomy and integrity of the courts. Instead, Article 4 (§ 17.1-255 et seq.) of Chapter 2 of Title 17.1 had provided that the courts were to follow the rules adopted by the Supreme Court of Virginia regarding electronic filing. When the 2000 General Assembly adopted UETA, the General Assembly retained the exclusion for the courts. However, the 2000 General Assembly also enacted legislation that modified Article 4 of Chapter 2 of Title 17.1 to provide that electronic filing with the courts must meet the requirements set out under UETA. Thus a conflict was created in that one section of the Code of Virginia excludes the court filings from UETA and another section of the Code of Virginia requires electronic filings with the courts to be in accordance with UETA. The bill remedies this conflict by deleting the court filing exclusion from UETA. In addition, several provisions of UETA refer to Title 8.9 of the Code of Virginia. The 2000 General Assembly enacted legislation that would repeal Title 8.9 and replace it with new Title 8.9A effective July 1, 2001. The bill amends the cross-references from Title 8.9 to Title 8.9A.

Patron - May

HB2412 Uniform Computer Information Transactions Act. Amends several provisions of the Uniform Computer Information Transactions Act (UCITA) to clarify the definitions of "electronic agent" and "mass-market transaction"; modify UCITA's scope over motion pictures and online service providers; clarify the applicability of other statutes, rules and regulations; provide that a contract term that specifies a judicial forum must be expressly stated, and in a mass-market transaction, such contract term must be expressly and conspicuously stated; modify the terms of mass-market licenses; create a special rule for using standard form licenses with nonprofit libraries, archives, and educational institutions; modify the terms governing transferability; clarifies the definition of automatic restraint; and modify the restrictions on use of electronic self-help.

Patron - May

HB2427 Virginia Telephone Privacy Protection Act. Creates the Telephone Privacy Protection Act, which (i) prohibits telephone solicitation calls to residences at any time other than between 8:00 a.m. and 9:00 p.m.; (ii) requires telephone solicitors to identify themselves; (iii) prohibits telephone solicitors from intentionally blocking caller identification services; (iv) prohibits telephone solicitors from

calling a telephone number when a person at such telephone number has stated that he does not wish to receive solicitation calls by or on behalf of the entity for whom the call is being made; (v) authorizes the Commissioner of the Department of Agriculture and Consumer Services to inquire into possible violations and authorizes the Attorney General to issue civil investigative demands; (vi) permits individuals to sue to enjoin violations, recover damages in the amount of \$500 per violation, or up to \$1,500 for willful violations, and recover attorneys' fees and court costs; and (vii) permits the Attorney General, attorney for the Commonwealth, and attorneys for any municipality to sue to enjoin violations, recover damages for aggrieved persons in the amount of \$500 per violation, recover a civil penalty of up to \$1,000 for each willful violation, and recover attorneys' fees and expenses. This bill is identical to SB 1295 and incorporates HB 2812.

Patron - Suit

SB1017 Virginia Consumer Protection Act; computer information. The bill amends the definition of (i) "consumer transaction" to include license, (ii) "goods" to include computer information and informational rights, (iii) "services" to include electronic access to information system, and (iv) "supplier" to include licensors of computer information.

Patron - Newman

SB1109 Semiconductor Manufacturing Performance Grant Programs. Creates additional grant programs for manufacturers of semiconductor memory or logic wafers. One program provides grants to semiconductor manufacturers for capital investments and job creation within the City of Manassas. The grant amounts are (i) up to \$25 million, if \$700 million in new capital investments results in the creation of 600 new full-time jobs by January 1, 2003, and (ii) up to an additional \$45 million, if an additional \$2 billion in new capital investments results in the creation of an additional 1,350 new full-time jobs by January 1, 2007. A second program provides grants to semiconductor manufacturers for capital investments and job creation within the County of Henrico. The grant amounts are (i) up to \$15 million, if \$1.1 billion in new capital investments results in the creation of a new manufacturing module for the production of a semi-conductor related product and (ii) up to an additional \$40 million if 1,400 new full-time jobs are created by January 1, 2005. The capital investments and job creation provided in the bill may not be used to claim any other grants payable to semiconductor manufacturers. The terms for the payment of grants under both programs are to be included in a memorandum of agreement between the Commonwealth and the semi-conductor manufacturer. The Senate Committee on Finance and the House Committees on Appropriations and Finance may review the unsigned memorandum of agreement before any grants are paid.

Patron - Stosch

SB1295 Virginia Telephone Privacy Protection Act. Creates the Telephone Privacy Protection Act, which (i) prohibits telephone solicitation calls to residences at any time other than between 8:00 a.m. and 9:00 p.m.; (ii) requires telephone solicitors to identify themselves; (iii) prohibits telephone solicitors from intentionally blocking caller identification services; (iv) prohibits telephone solicitors from calling a telephone number when a person at such telephone number has stated that he does not wish to receive solicitation calls by or on behalf of the entity for whom the call is being made; (v) authorizes the Commissioner of the Department of Agriculture and Consumer Services to inquire into possible violations and authorizes the Attorney General to issue civil investigative demands; (vi) permits individuals to sue to enjoin violations, recover damages in the amount of \$500 per viola-

tion, or up to \$1,500 for willful violations, and recover attorneys' fees and court costs; and (vii) permits the Attorney General, attorney for the Commonwealth, and attorney for any municipality to sue to enjoin violations, recover damages for aggrieved persons in the amount of \$500 per violation, recover a civil penalty of up to \$1,000 for each willful violation, and recover attorney's fees and expenses. This bill is identical to HB 2427.

Patron - Mims

Failed

HB1801 Enterprise Zone Act; creation of zones and real property investment tax credit limit. Increases the number of enterprise zones that may be designated from 60 to 70 and provides that any zones designated after July 1, 2001, shall be in localities that do not have an enterprise zone. This bill is identical to HB 2007.

Patron - Diamonstein

HB2007 Enterprise zones. Increases the number of enterprise zones that may be designated from 60 to 70 and provides that any zones designated after July 1, 2001, shall be in localities that do not have an enterprise zone. This bill is identical to HB 1801.

Patron - Rapp

HB2156 Telephone solicitation practices. Prohibits a telephone solicitor doing business in Virginia from blocking or otherwise preventing its telephone number and the state from which a telephone solicitation is being placed from being read by a residential subscriber's telephone caller identification device.

Patron - Morgan

HB2362 Telemarketing; blocking caller ID prohibited. Prohibits sellers from blocking caller ID when engaging in home solicitations by telephone. A violation of this prohibition is a violation of the Virginia Consumer Protection Act.

Patron - Jones, D.C.

HB2462 Virginia Telephone Solicitation Act. Prohibits telephone solicitors from making telephone solicitations to persons who register with the Office of Consumer Affairs in 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 five-dollar 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 database and their rights under this Act.

Patron - Grayson

HB2635 Enterprise zones. Designates any town with a population not exceeding 3,500 that is located in a county where an enterprise zone has been designated as a portion of the area of the existing enterprise zone.

Patron - Wright

HB2643 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 \$15 fee for a two-year registration. Telephone solicitors may

obtain a copy of the list at no charge. Violations are subject to the enforcement provisions of the Virginia Consumer Protection Act. Telephone companies are to notify customers about the database and their rights under this Act.

Patron - Black

HB2692 Virginia Prescription Drug Access Act. Establishes a program to reduce retail prescription drug prices by utilizing manufacturer rebates and pharmacy discounts. Drug manufacturers and labelers that sell prescription drugs through any benefit program receiving state funds are required to enter into rebate agreements with the Department of Human Resource Management. The amount of the rebates to be paid by manufacturers and labelers will be negotiated by the Department, and paid into a special fund. The Department is required to use best efforts to obtain an initial rebate amount equal to or greater than any rebate calculated under the state Medicaid program, and by October 2002 to obtain a rebate not less than the amount of any discount or other price reduction provided to the federal government. Participating retail pharmacies that sell prescription drugs covered by a rebate agreement are required to sell drugs at discounted prices determined by the Department based on the rebate agreements, with initial discounted prices taking effect January 1, 2002, and secondary discounted prices by October 1, 2002. The Department will reimburse participating retail pharmacies for discounted prices and professional fees, which start at three dollars per prescription, from the rebate moneys paid and other appropriated sums in the special fund. The Department may contract with third parties to administer components of the Program. The Department is required to establish procedures for the adoption and periodic review of maximum retail prices, and by January 1, 2004, the Department shall determine whether the cost of prescription drugs under the Program is reasonably comparable to the lowest cost paid for the same drugs delivered or dispensed in the Commonwealth. If the average cost for prescription drugs under the Program is not reasonably comparable to the average lowest cost for the same drugs, the Department shall establish maximum retail prices for any or all prescription drugs sold in Virginia, to take effect July 1, 2004. Selling a prescription drug for more than the maximum retail price will be a violation of the Virginia Consumer Protection Act. The bill also prohibits manufacturers, distributors and labelers from profiteering in prescription drugs. Profiteering includes (i) exacting or demanding an unconscionable price; (ii) exacting or demanding prices or terms that lead to any unjust or unreasonable profit; (iii) discriminating unreasonably against any person in the sale or distribution of prescription drugs; or (iv) intentionally preventing, limiting, lessening or restricting the sale or distribution of prescription drugs in retaliation for this law. Violators are subject to a fine of up to \$100,000 and litigation costs. Private causes of action are also allowed, and injured persons may recover treble damages for willful violations. Profiteering will also be a prohibited practice under the Consumer Protection Act.

Patron - Welch

HB2803 Personal Information Privacy Act. Prohibits suppliers from soliciting or obtaining the personal information of any individual without first notifying the individual of the supplier's privacy policy. Such privacy policy shall include the specific purposes for which the supplier may use any personal information, and whether the personal information is sold or disclosed to any third party, or combined with the personal information of any other individuals and sold or disclosed to any third party. Suppliers are required to provide written notice to individuals of any change in the supplier's privacy policy, and are prohibited from using the personal information of any individual who had provided personal information under a former privacy policy for any purpose not

contained in such former policy, but included in a subsequent privacy policy, without the written consent of such individual.

Patron - Jones, J.C.

[F] HB2812 Virginia Telemarketing Privacy Act. Prohibits telephone solicitors from making telephone solicitations to persons who register with the Office of Consumer Affairs in 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, and prohibits persons from marketing or selling lists of residential telephone subscribers who have registered on such list. Listing on the registry requires a five-dollar registration fee and may be renewed annually. Telephone solicitors may obtain a copy of the numbers on the list for a \$100 annual fee. Telephone solicitors must identify themselves and on whose behalf they are calling, are prohibited from preventing their number and state from being read by a caller ID device, and are prohibited from making telephone solicitations before 8:00 a.m. and after 9:00 p.m. Violations are subject to the enforcement provisions of the Virginia Consumer Protection Act. Telephone companies are to notify customers about the database and their rights under this Act on each customer's bill or monthly statement. This bill has been incorporated into HB 2427.

Patron - Bolvin

[F] SB926 Virginia Telephone Solicitation Act. Prohibits telephone solicitors from making telephone solicitations to persons who register with the Office of Consumer Affairs in 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 five-dollar 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 database and their rights under this Act.

Patron - Byrne

[F] SB971 Consumer credit reporting. Requires consumer reporting agencies to disclose to consumers, upon request, information in the consumers files, the sources of the information, and related data. Consumer reporting agencies shall disclose the information to consumers without charge once in a twelve-month period.

Patron - Couric

[F] SB999 Enterprise zones. Designates any town with a population not exceeding 3,500 that is located in a county where an enterprise zone has been designated as a portion of the area of the existing enterprise zone.

Patron - Ruff

[F] SB1130 Enterprise zone real property investment tax credit. Increases the amount of the refundable tax credit to small qualified zone residents in any five-year period from \$125,000 to \$250,000, provided that at least one-half of the cost of eligible real property improvements made during the five-year period were made in localities that ranked among the top 25 percent of all localities in the Commonwealth in terms of fiscal stress as measured by the rankings of the Commission on Local Government. The bill does not change the maximum amount of tax credits currently made available under the Enterprise Zone Act.

Patron - Marsh

[F] SB1418 Enterprise zones. Provides that the Governor may approve the designation of one area that does not meet the usual economic criteria within each county and city as

an enterprise zone. The Governor is currently limited to 60 such designations and all zones must meet certain economic criteria.

Patron - Norment

Unemployment Compensation

[P] Passed

[P] HB1955 Unemployment compensation; work-release programs; benefit charges. Provides that unemployment benefit charges associated with an individual performing services in a Diversion Center Incarceration Program, state or local work-release program, community residential program or similar work-release program shall not be deemed the responsibility of the employer.

Patron - Louderback

[F] Failed

[F] HB1610 Unemployment compensation; constitutional officers of cities that become towns. Includes constitutional officers unemployed due to a city reverting to town status in the definition of "employment" for purposes of unemployment compensation eligibility.

Patron - Deeds

[F] HB1968 Unemployment benefits. Increases the amount of wages that an individual may earn from a part-time job, without having his weekly unemployment benefit reduced, from \$25 to one-half of his weekly benefit amount. If an individual earns more than such amount, his weekly benefit amount is reduced by the amount his wages exceed one-half of his weekly benefit amount. The bill also provides that an individual will be deemed unemployed if he earns wages from a part-time job that are less than one and one-half times his weekly benefit amount. Currently, he is deemed not to be unemployed if his part-time wages exceed his weekly benefit amount.

Patron - Keister

[F] HB2456 Unemployment compensation; pension offset. Excludes pension benefits paid under the Social Security Act from the current requirement that unemployment compensation benefits be reduced by the amount received from any governmental or other pension, retirement or retired pay, annuity, or other periodic payment under a plan maintained or contributed to by an employer based on the recipient's prior work.

Patron - Phillips

[F] HB2679 Unemployment compensation; fund balance factor. Changes the formula for determining the "adequate fund balance" of the unemployment trust fund to consider benefits paid during the three highest of the past 25 years. The current formula considers benefits paid during the past 20 years.

Patron - Rust

[F] SB833 Unemployment compensation; fund balance factor. Changes the formula for determining the "adequate fund balance" of the unemployment trust fund to consider benefits paid during the three highest of the past 25 years. The current formula considers benefits paid during the past 20 years.

Patron - Watkins

[F] SB1152 Unemployment compensation; pension offset. Excludes pension benefits paid under the Social Security Act from the current requirement that unemployment compensation benefits be reduced by the amount received from any governmental or other pension, retirement or retired pay, annuity, or other periodic payment under a plan maintained or contributed to by an employer based on the recipient's prior work.
Patron - Puckett

Waters of the State, Ports and Harbors

[P] Passed

[P] HB1758 Waste discharge regulations. Requires that the State Water Control Board's regulations to control the discharge of sewage and other wastes from boats into Virginia waterways become effective by July 1, 2002.
Patron - Dudley

[P] HB2073 General permits for combined animal feeding operations; certification of notice. Provides that the requirement that owners of combined animal feeding operations certify on their permit registration statement that notice has been given to owners or residents of adjoining property shall be waived whenever such registration is to renew coverage under a permit where no expansion is proposed and the Department of Environmental Quality has not issued any special or consent orders for violations under the existing permit.
Patron - Landes

[P] HB2292 Nontidal wetlands; effective date. Advances the date on which the comprehensive nontidal wetlands regulatory program becomes effective for linear transportation projects of the Virginia Department of Transportation from October 1, 2001, to August 1, 2001. This bill is identical to SB 1243.
Patron - Cox

[P] HB2310 Lake level contingency plans. Requires that, as part of a Virginia Pollutant Discharge Elimination Permit System (VPDES) permit, a lake level contingency plan take into account and minimize any adverse effects on beneficial uses (protection of fish and wildlife habitat, recreation, navigation, and cultural and aesthetic values) of any release reduction requirements. Such plans are required for surface water impoundments whose primary purpose is to provide cooling water to power generators. Currently, the plan only has to take into account and minimize the impact of release reductions on downstream users. However, the reduction in the release amounts required by the plan would not be implemented if it adversely affects (i) the ability to meet water quality standards, (ii) the ability to provide adequate water supplies needed for consumptive uses (drinking water or fire protection), and (iii) fish and wildlife. If the adverse affect is imminent, Virginia Power is authorized to release increased amounts of water for up to 48 hours or until such time as DEQ determines the increased release is necessary. This bill incorporates HB 2714.
Patron - Dickinson

[P] HB2601 Discharges to state waters; notification required. Requires any person in violation of the provisions of subsection A of § 62.1-44.5 who discharges or causes or allows i) a discharge of sewage, industrial waste, other wastes, or any noxious or deleterious substance, into state waters, or ii) a dis-

charge that may reasonably be expected to enter state waters, to promptly, or not later than 24 hours after learning of the discharge, notify the State Water Control Board, the Director of the Department of Environmental Quality, or the coordinator of emergency services for the locality expected to be affected by the discharge. Violators of the notice requirement will be subject to the penalty provisions of the State Water Control Law. Under current law the notification requirement applies only to those persons required to obtain a discharge permit from the State Water Control Board. This bill is identical to SB 1285.
Patron - Nixon

[P] HB2774 Virginia Resources Authority; public safety facilities. Adds public safety facilities, including law-enforcement training facilities and emergency response, fire, rescue and police stations, and the remediation of brownfields and contaminated properties to the projects that may be funded through the Virginia Resources Authority. This bill is identical to SB 1402.
Patron - Ingram

[P] HB2827 Sewage sludge. Allows localities to adopt ordinances that provide for the monitoring of the land application of sewage sludge. The Board of Health is to adopt regulations, by July 1, 2002, requiring persons who land apply sludge to pay a fee. The fee cannot exceed the direct costs to localities of testing and monitoring the application of sewage sludge. The Board of Health's regulations are to include procedures for the (i) collection of the fees by the Department of Health, (ii) retention of the fees in a special nonreverting fund, and (iii) disbursements from the fund to localities for monitoring the sewage sludge.
Patron - Pollard

[P] HJ627 Lynnhaven River watershed. Requests the Department of Conservation and Recreation and the Chesapeake Bay Local Assistance Department to work with the U.S. Army Corps of Engineers, the City of Virginia Beach, other appropriate federal, regional, and state agencies, citizen and civic groups, the development and environmental communities, and watermen and the fisheries industry on preparation of a request for approval of a Lynnhaven River watershed study, to coordinate all state agencies with respect to that effort, and to begin work on the study immediately following the effective date of the resolution.
Patron - Purkey

[P] SB1072 Reporting of ballast water discharge; penalty. Requires that operators of certain commercial vessels file a Ballast Water Control Report form with the Virginia Marine Resources Commission. The reporting requirements shall not apply to any vessel of the United States Department of Defense, the United States Coast Guard, or the Armed Forces. The reporting requirement may be satisfied for those vessels whose first port of call in United States waters is in Virginia by the filing of a copy of the form submitted to the National Ballast Water Information Clearinghouse. Any operator who knowingly fails to file a report form in a timely manner or knowingly makes a false statement on the report form shall be guilty of a Class 1 misdemeanor.
Patron - Bolling

[P] SB1232 Virginia Resources Authority; power to borrow money and issue bonds and credit enhancements; limitation. Requires that the aggregate outstanding principal amount of bonds issued by the Virginia Resources Authority (VRA) and local obligations guaranteed pursuant to credit enhancements by the VRA, which are secured by a capital reserve fund, not exceed \$900 million without prior approval

by the General Assembly. The current cap on such bonds and obligations is \$550 million.

Patron - Stolle

[P] SB1243 Nontidal wetlands; effective date. Advances the date on which the comprehensive nontidal wetlands regulations for linear transportation projects of the Virginia Department of Transportation become effective from October 1, 2001, to August 1, 2001. This bill is identical to HB 2292.

Patron - Miller, K.G.

[P] SB1285 Discharges to state waters; notification required. Requires any person in violation of the provisions of subsection A of § 62.1-44.5 who discharges or causes or allows i) a discharge of sewage, industrial waste, other wastes, or any noxious or deleterious substance, into state waters, or ii) a discharge that may reasonably be expected to enter state waters, to promptly, or not later than 24 hours after learning of the discharge, notify the State Water Control Board, the Director of the Department of Environmental Quality, or the coordinator of emergency services for the locality expected to be affected by such discharge. Violators of the notice requirement will be subject to the penalty provisions of the State Water Control Law. Under current law the notification requirement applies only to those persons required to obtain a discharge permit from the State Water Control Board. This bill is identical to HB 2601.

Patron - Rerras

[P] SB1348 New individual Virginia Pollutant Discharge Elimination permit; when application considered complete. Requires applicants for new individual Virginia Pollutant Discharge Elimination permits authorizing new discharges of sewage, industrial wastes, or other wastes into state waters to provide certification from the local county, city or town that the proposed facility would be consistent with local zoning requirements. The local county, city or town must notify the applicant and the State Water Control Board of the facility's compliance or noncompliance within 30 days or the certification requirement is waived. Under current law, local approval is required for discharges of sewage to surface impoundments and the local governing body must provide certification within 45 days or the requirement is waived.

Patron - Hanger

[P] SB1402 Virginia Resources Authority; public safety facilities. Adds public safety facilities, including law-enforcement training facilities and emergency response, fire, rescue and police stations, and the remediation of brownfields and contaminated properties to the projects that may be funded through the Virginia Resources Authority. This bill is identical to HB 2774.

Patron - Ruff

[P] SB1404 Permits for private sewerage facilities; waiver of filing requirement. Provides that the State Water Control Board may grant to an operator of a private sewerage facility that was permitted prior to January 1, 2001, and discharges less than 5,000 gallons of effluent per day, a waiver of the requirement to file a plan to control, prevent, or contain a threat to public health or the environment from the closure of such facility. The waiver may be issued upon a finding by the Board that, for at least five years, such person has not violated any regulation or order of the Board, any condition of a permit to operate such facility, or any other provision of the State Water Control Law. However, such waiver may not be issued until the governing body of the locality in which the facility is located approves the waiver after holding a public hearing and the Board may revoke the waiver for good cause. Any operator who receives a waiver and later ceases operation would, if such

cessation results in significant harm, or an imminent and substantial risk of significant harm to human health and the environment, be guilty of a Class 4 felony and liable to the Commonwealth and any applicable political subdivision.

Patron - Mims

[F] Failed

[F] HB1907 Potomac River Riparian Rights and Permitting Act; permits for water withdrawals; construction of improvements appurtenant to the Virginia shore. Authorizes the State Water Control Board to establish requirements for the withdrawal of water from the Potomac River and to issue Potomac River Water Appropriation Permits (water appropriation permits) for such withdrawals. Such permits will be valid for 10 years and may be renewed for additional terms upon written application. Any person withdrawing water from the Potomac River is required to obtain the permit and any such permit issued for withdrawal of water from the portion of the Potomac River subject to the Potomac River Low Flow Agreement of 1978 must contain provisions subjecting the permittee to the low flow allocation formula established by that agreement. The bill also provides that no Virginia user of the Potomac River will be required to obtain a water appropriation permit from the State of Maryland in order to withdraw water from the river. The Board shall issue a permit to any Virginia user holding a permit from the State of Maryland for withdrawal of the same quantity of water. The bill provides that any person constructing a wharf, water intake, or other structure or improvement appurtenant to his property on the Virginia shore of the river below the low water mark be allowed to do so after obtaining the permits required by the U.S. Army Corps of Engineers and any permits required under state law. The authority of the State of Maryland to impose permitting requirements for construction activity beyond those required by federal law is not recognized by the Commonwealth.

Patron - Callahan

[F] HB2384 Wetlands mitigation. Prohibits the Commonwealth from mitigating the loss of natural wetlands by creating or restoring wetlands in areas outside the hydrologic unit in which those natural wetlands are located.

Patron - Pollard

[F] HB2572 Nontidal wetland program. Eliminates any duplication of state and federal permitting requirements for those activities covered by a federal nationwide or regional permit. Once the State Programmatic General Permit is approved by the U.S. Army Corps of Engineers, only a state permit will be required for activities in nontidal wetlands.

Patron - McDonnell

[F] HB2714 Lake level contingency plans. Provides that lake level contingency plans required in connection with the issuance of a Virginia Pollution Discharge Elimination System permit shall not be designed or implemented so as to conflict with an existing order issued by the State Corporation Commission establishing a minimum release rate for an impoundment structure. This bill has been incorporated into HB 2310.

Patron - Hargrove

[F] SB1272 Nontidal wetlands. Delays the date on which the more comprehensive nontidal regulatory program becomes effective from October 1, 2001, to October 1, 2002. The bill also requires that the regulations for this nontidal wetlands program be no more stringent than federal requirements.

Patron - Wagner

Welfare (Social Services)

P Passed

P HB1581 Adult protective services; reports of exploitation by financial institution employees. Permits employees of banks, savings institutions, securities firms, insurance companies, and credit unions to report the suspected exploitation of incapacitated persons. Exploitation is defined as the illegal use of an incapacitated adult or his resources for another's profit or advantage. The reports may be filed with the local department of social services for the city or county where the adult resides or the exploitation is believed to have occurred.

Patron - Hamilton

P HB1595 Child welfare agencies; criminal background checks. Provides that a child-placing agency may approve as an adoptive parent an applicant convicted of not more than one misdemeanor simple assault conviction provided 10 years have elapsed following the conviction.

Patron - Black

P HB1639 Residential facilities for juveniles. Adds the Virginia Department of Military Affairs to the list of residential facilities for juveniles that require a criminal background check as a condition of employment, volunteering or providing services to juveniles.

Patron - Suit

P HB1660 Adult adoption. Reduces the five-year Commonwealth residency requirement in the adult adoption process to two years.

Patron - Parrish

P HB1717 Adult protective services; training. Requires the Department of Social Services to establish, and the State Board to approve by September 15, 2001, minimum standards for training for all adult protective services workers. The uniform training programs shall require all adult protective services workers to complete such training within one year from the date of implementation of the training program or within the first year of their employment. This bill is identical to SB 1199 and SB 827.

Patron - Hamilton

P HB1866 Child protective services; corporal punishment by school personnel. Clarifies within the child abuse and neglect statute that teachers, principals or other persons employed by a school board or employed in a school operated by the Commonwealth are prohibited from subjecting a student to corporal punishment. The bill distinguishes that the definitions of "corporal punishment" or "abused or neglected child" shall not include physical pain, injury or discomfort caused by the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control or the use of reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance that threatens physical injury to persons or damage to property, to prevent a student from inflicting physical harm on himself, for self-defense or the defense of others, or to obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia that are upon the person of the student or within his control, or by participation in practice or competition in an interscholastic sport, or participation in physical education or an extracurricular activity. In determining whether a person was acting within these exceptions, the

local department of social services shall examine whether the person's actions at the time of the event were reasonable.

Patron - Orrock

P HB2013 Child protective services. Requires the Department of Social Services to respond to requests for a search of the central registry of founded complaints of child abuse and neglect made by local departments of social services within 10 business days of receipt of such requests in cases where there is no match within the central registry and within 30 business days if there is a match. The bill contains technical amendments.

Patron - Jackson

P HB2202 Neighborhood assistance programs; tax credits. Extends the sunset provision from 2002 to 2004. The bill also makes tax credits for donations by individuals pursuant to the Neighborhood Assistance Program subject to a cap of \$1 million per fiscal year beginning with the 2001-2002 fiscal year. Beginning January 1, 2002, donations by individuals under the Neighborhood Assistance Program shall be eligible for a tax credit in an amount equal to 45 percent of such monetary donation. A minimum monetary donation of \$900 is required for eligibility for a tax credit beginning January 1, 2002, and the maximum tax credit that may be issued in a taxable year is capped at \$750. Under current law, there is no fiscal year cap for tax credits and the tax credit issued is an amount equal to 100 percent of the monetary donation with \$50 required as a minimum donation and \$100 allowed as a maximum donation.

Patron - Almand

P HB2378 Child welfare agencies; criminal record waiver. Permits the Commissioner of the Department of Social Services to grant a waiver to an applicant for licensure or registration of a family day home if any other adult living in the home of the applicant has been convicted of misdemeanor simple or domestic assault, provided five years have elapsed following the conviction and the Department of Social Services has conducted a home study. The waiver shall not be granted if the adult living in the home is an assistant or substitute provider.

Patron - Landes

P HB2473 Home Energy Assistance Program. Establishes the Home Energy Assistance Program in the Department of Social Services, which is designated as the state agency responsible for coordinating state efforts in furtherance of the policy to support the work of public agencies, private utility service providers, and charitable and community groups seeking to assist low-income Virginians in meeting their seasonal residential energy needs. The Department is charged with (i) administering distributions from the Home Energy Assistance Fund created by this measure; and (ii) reporting on the effectiveness of low-income energy assistance programs in meeting the needs of low-income Virginians. The Department is authorized to assume responsibility for administering all or any portion of any private, voluntary low-energy fuel assistance program, if requested by the administrator of such program. The Home Energy Assistance Fund will be used to supplement the federal Low Income Home Energy Assistance Program Block Grant and to assist the Commonwealth in maximizing the amount of federal funds available under the Low Income Home Energy Assistance Program and the Weatherization Assistance Program by providing funds to comply with fund matching requirements. The Fund shall consist of moneys appropriated by the General Assembly, donations, and contributions. The bill requires the State Board of Social Services to promulgate regulations to implement provisions of the bill

within 280 days of its enactment, and the bill will become effective from its passage.

Patron - Plum

[P] HB2490 Assisted living facilities. Clarifies that assisted living facilities shall provide safe, secure environments for residents with serious cognitive impairments only if they have a primary psychiatric diagnosis of dementia.

Patron - Brink

[P] HB2533 Social services; adult protective services. Requires directors of local departments of social services to refer cases of alleged adult abuse, neglect and exploitation to the appropriate regulatory authority or agency for administrative or criminal investigation if the case involves a regulated facility and the person alleged to be in need of services leaves the facility or his safety is otherwise assured. The director, not later than 45 days after referral, shall follow-up with the investigating agency.

Patron - Phillips

[P] SB827 Adult protective services; training. Requires the Department of Social Services to establish, and the State Board to approve by September 15, 2001, minimum standards for training for all adult protective services workers. The uniform training programs shall require all adult protective services workers to complete such training within one year from the date of implementation of the training program or within the first year of their employment. This bill is identical to HB 1717 and SB 1199.

Patron - Houck

[P] SB1008 Child day care funding for low-income families. Requires the Department to identify strategies for Virginia to obtain the maximum amount of federal funds available for child day care services for TANF recipients and families whose incomes are at or below 185 percent of the federal poverty level. The Department shall provide an annual report to the chairmen of the House Committees on Appropriations and Health, Welfare and Institutions and Senate Committees on Finance and Rehabilitation and Social Services by December 15.

Patron - Ticer

[P] SB1096 Confidentiality of public assistance and social services records and information. Clarifies the confidentiality provisions for records and information concerning public assistance and social services to and on behalf of individuals. The bill creates separate sections for the confidentiality of public assistance and social services programs administered by the Department of Social Services and local departments of social services. Except as provided by state and federal law and regulation, no records, information or statistical registries concerning applicants for and recipients of public assistance shall be made available except for purposes directly connected with the administration of the public assistance program. Such purposes include establishing eligibility, determining the amount of assistance, and providing social services for applicants and recipients. Social services records, information and statistical registries shall be confidential provided that they are accessible to persons having a legitimate interest in accordance with state and federal law and regulation. The bill requires the State Board of Social Services to adopt emergency regulations to implement these provisions. This bill is a recommendation of the Code Commission.

Patron - Mims

[P] SB1199 Adult protective services; training. Requires the Department of Social Services to establish, and the State Board to approve by September 15, 2001, minimum

standards for training for all adult protective services workers. The uniform training programs shall require all adult protective services workers to complete such training within one year from the date of implementation of the training program or within the first year of their employment. This bill is identical to HB 1717 and SB 827.

Patron - Forbes

[P] SB1214 Neighborhood assistance programs; tax credits. Beginning January 1, 2002, donations by individuals under the Neighborhood Assistance Program shall be eligible for a tax credit in an amount equal to 45 percent of such monetary donation. A minimum monetary donation of \$900 is required for eligibility for a tax credit beginning January 1, 2002, and the maximum tax credit that may be issued in a taxable year is capped at \$750. Under current law, the tax credit issued is an amount equal to 100 percent of the monetary donation with \$50 required as a minimum donation and \$100 allowed as a maximum donation.

Patron - Whipple

[F] Failed

[F] HB1567 Public assistance benefits; standards of assistance. Requires the Boards of Medical Assistance Services and Social Services to promulgate emergency regulations taking into account the 2000 United States Census data to amend the standards of assistance to be used to determine Medicaid eligibility and Temporary Assistance to Needy Families payment amounts.

Patron - Landes

[F] HB1799 Social services; auxiliary grants. Makes the auxiliary grants program completely state-funded by eliminating the local share of the program.

Patron - Hamilton

[F] HB1871 Comprehensive services act; payment by responsible persons. Clarifies parents or guardians shall pay child support for children in noncustodial placements for Comprehensive Services Act (CSA) services. The bill requires the Division of Child Support Enforcement, at the request of the local board of social services or public agency designated by a community policy management team, to petition the juvenile court to recoup payment from responsible persons for all noncustodial placements for CSA services.

Patron - Cranwell

[F] HB1985 Social services; foster care. Provides that the marital status of prospective foster parents cannot be the sole criterion for the denial of a foster care placement.

Patron - Watts

[F] HB2062 Welfare and social services; department of social services enforcement of orders from other states. Provides that in enforcing any order of child support from another state, the statute of limitations for collecting such support of the applicant state shall apply; and, if the noncustodial parent against whom the support is sought presents himself to the agency or court in the applicant state, the Department shall remand the case to the applicant state for adjudication prior to enforcement.

Patron - McQuigg

[F] HB2092 Subsidized guardianship of children living with relative caregivers. Directs the Department of Social Services to establish a subsidized guardianship program for the benefit of children in the custody of a local board of social services or other child welfare agency who are living

with relative caregivers and who have been in foster care or living with relatives other than natural parents for not less than 18 months. A relative caregiver means a person who is caring for a child related to such person for whom the option of reunification has been eliminated and termination of parental rights is not appropriate. The subsidized guardianship program shall include a special-need subsidy, which shall be a one-time lump sum payment for expenses resulting from the assumption of care of the child, a medical subsidy, and a monthly subsidy on behalf of the child payable to the relative caregiver that shall be equal to the prevailing foster care rate. The Department may establish an asset test for eligibility under the program. The relative caregiver receiving a guardianship subsidy shall submit annually to the Department a sworn statement that the child is still living with and receiving support from the guardian.

Patron - Devolites

[F] HB2166 Child protective services differential response system. Prohibits local departments who are responding to a report or complaint of child abuse or neglect by conducting a family assessment from petitioning the court for services deemed necessary, including, but not limited to, removal of the child or his siblings from their home.

Patron - Nixon

[F] HB2167 Child protective services differential response system. Requires an oral explanation of the family assessment procedure used by child protective services workers. The bill clarifies that reports handled by a family assessment shall not be entered into the central registry and families can decline services offered as a result of a family assessment. Finally, the bill requires the Department of Social Services to report on the turnover rate of child protective services workers and the effectiveness of the initial assessment in determining the appropriate level of intervention.

Patron - Nixon

[F] HB2256 Child abuse and neglect; animal control officers, et al., to report suspected child abuse. Requires animal control officers to receive, every three years, training in the recognition and reporting of suspected child abuse and neglect. The Department of Social Services will approve the content of such training.

Patron - Watts

[F] HB2260 Temporary Assistance to Needy Families (TANF) child support supplement. Returns to recipients of TANF cash assistance TANF child support supplements from child support payments collected on their behalf. The TANF child support supplement shall be in an amount equal to the current state share of child support collected by the Division of Child Support Enforcement, less any disregard passed through to such child pursuant to any other provision of law. The TANF child support supplement shall be paid to the recipient the month after child support is collected by the Division of Child Support Enforcement on his behalf. For purposes of determining eligibility for medical assistance services, the TANF child support supplement shall be disregarded. This bill incorporates HB 2571.

Patron - Watts

[F] HB2367 Kinship care. Defines the practice of kinship care as the full-time care, nurturing, and protection of children by relatives, members of their tribes or clans, godparents, stepparents, or any adult who has a kinship bond with a child. This bill is a recommendation of the Youth Commission.

Patron - Darner

[F] HB2492 Child protective services. Establishes a regional child-protective services unit within each regional

office of the Department of Social Services for the investigation of complaints and reports involving out-of-family investigations. This bill is a recommendation of the Out-of-Family Investigation Advisory Committee established pursuant to § 63.1-248.7:1, which was directed to review the process for investigating allegations of abuse and neglect of children in out-of-family situations in SB 259 (2000).

Patron - Brink

[F] HB2523 Lists of group homes and residential facilities. Requires the Departments of Mental Health, Mental Retardation and Substance Abuse Services, Social Services and Juvenile Justice to keep records of group homes and residential facilities for persons with mental illness, mental retardation and substance addiction and abuse, persons who are aged, infirm or disabled or juveniles; these records shall be arranged according to the counties and cities of the Commonwealth in which the group homes or residential facilities are located. The Departments shall provide for the publication and distribution of the lists or parts thereof to anyone who requests a copy. The list shall state the name and business address of each group home or residential facility on the list and may include other information determined appropriate by the Department.

Patron - Reid

[F] HB2571 Temporary Assistance to Needy Families (TANF) child support supplement. Returns to recipients of TANF cash assistance TANF child support supplements from child support payments collected on their behalf. The TANF child support supplement shall be in an amount equal to the current state share of child support collected by the Division of Child Support Enforcement, less any disregard passed through to such child pursuant to any other provision of law. The TANF child support supplement shall be paid to the recipient the month after child support is collected by the Division of Child Support Enforcement on his behalf. For purposes of determining eligibility for medical assistance services, the TANF child support supplement shall be disregarded. This bill has been incorporated into HB 2260.

Patron - McDonnell

[F] HB2669 Income tax; Neighborhood Assistance Act tax credit. Increases from 45 percent to 50 percent the percentage of the value of the money, property, professional services, and contracting services donated by a business firm for neighborhood programs approved under the Neighborhood Assistance Act that the business firm may take as a tax credit.

Patron - Diamonstein

[F] HB2698 Family and Children's Trust Fund. Removes the Commissioner of the Department of Social Services as a member of the Board of Trustees of the Family and Children's Trust Fund. The bill states that the Board shall report to the Governor or his designee and the Secretary of Health and Human Resources or his designee. The bill grants the Board authority to (i) maintain a checking account, (ii) employ qualified staff, and (iii) prepare and submit an annual budget to the Governor.

Patron - Callahan

[F] HB2771 Child protective services. Provides that the standard of proof for a local department of social services to use in determining whether a reported case of child abuse or neglect is founded or unfounded is by clear and convincing evidence. Currently, the standard of proof is preponderance of the evidence and is set by State Board of Social Services' regulation. The bill requires that any determination that a complaint or report is founded shall be based primarily on first source evidence; in no instance shall a determination that a complaint

or report is founded be based solely on indirect evidence or an anonymous complaint.

Patron - Katzen

[F] HB2839 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

[F] SB829 Kinship care. Defines the practice of kinship care as the full-time care, nurturing, and protection of children by relatives, members of their tribes or clans, godparents, stepparents, or any adult who has a kinship bond with a child. This bill is a recommendation of the Youth Commission.

Patron - Miller, Y.B.

[F] SB864 Temporary Assistance to Needy Families (TANF); day care. Requires the Department of Social Services to provide child day care services for (i) the children of TANF recipients engaged in employment or education, (ii) participants in the Virginia Initiative for Employment Not Welfare (VIEW), and (iii) former VIEW participants for 12 months after termination of TANF financial assistance if such services are needed to (a) fulfill a VIEW requirement, (b) enable the individual to seek or retain employment, or (c) 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 child day care services for those individuals who are eligible pursuant to State Board of Social Services regulations. Such services shall only be for TANF recipients, VIEW participants and former VIEW participants who are unable to obtain suitable child day care at no cost.

Patron - Miller, Y.B.

[F] SB865 Foster care; corporal punishment. Requires all public and private child-placing agencies to have a written agreement with any foster home, child-caring institution, residential facility or group home that shall include an agreement not to use corporal punishment or give others permission to do so. Corporal punishment is defined as the infliction of, or causing the infliction of, pain or discomfort. Prohibited actions include, but are not limited to, hitting with any part of the body or with an implement, pinching, pulling, shaking, binding a child, forcing a child to assume an uncomfortable position, or locking a child in a room or closet. This prohibition on corporal punishment shall exist whether punishment is spontaneous or a deliberate technique for effecting behavioral change or part of a behavior management program.

Patron - Miller, Y.B.

[F] SB888 Grant program for kinship care services. Provides up to \$100,000 in matching funds to organizations for the development or expansion of kinship care services. Kinship care is defined as the full-time care, nurturing, and protection of children by relatives, members of their tribes or clans, godparents, stepparents, or any adults who have kinship bonds with the children. The bill sets out the process for applying for grants, and authorizes the Department of Social Services to examine the books and records of the community kinship care organization to verify that it has satisfied the grant requirements. The bill establishes the Interagency Advisory Committee on Kinship Care composed of the Directors or Commissioners of the Department for the Aging, Department

of Health, Department of Juvenile Justice, and Department of Social Services, and a representative of the Office of the Executive Secretary of the Supreme Court. The Committee shall provide oversight of the Virginia Kinship Care Grant Program and promote interagency leadership for comprehensive planning and coordinated implementation of proposals to provide support to kinship caregivers and technical assistance to localities. The Committee shall report on the status and effectiveness of the Virginia Kinship Care Grant Program by November 1 of each year.

Patron - Miller, Y.B.

[F] SB900 Social Services; Caregiver Grant Fund. Clarifies that the failure to file a complete application, including supporting documentation, would disqualify the applicant for grant care that year. The bill also deletes the provision that created a priority system whereby applicants who were not allocated the full grant to which they were entitled in a given year would be given first priority for allocations in the next year.

Patron - Stosch

[F] SB1145 Adoption registry. Establishes within the State Department of Social Services a voluntary adoption registry to facilitate voluntary contact between mutually consenting adopted adults and their adult birth relatives. An adult adoptee or an adult birth relative of an adoptee who requests disclosure of identifying information concerning the other would receive this information if the other has filed a form consenting to his disclosure. An authorization for disclosure may be revoked at any time. The bill further provides that the act shall not become effective unless an appropriation effectuating its purposes is included in the 2001 Appropriations Act.

Patron - Puller

[F] SB1352 Child abuse and neglect training for mandated reporters. Requires mandated reporters to complete two hours of training regarding the identification and reporting of child abuse and neglect within one year of the establishment of the training program by the Department or within six months after other persons become mandated reporters. Training shall be obtained from an agency, institution or other public or private organization approved by the Department of Social Services to provide such training. The training shall include information regarding the physical and behavioral indicators of child abuse and neglect and the mandatory reporting requirements, including, but not limited to, when and how a report shall be made, what other actions the person is mandated or authorized to take, the legal protections afforded such persons and the consequences for failing to report. Mandated reporters shall provide the body authorized to license, register, accredit, hire, appoint or designate them with documentation verifying the completion of the required child abuse identification and reporting training program. The cost of obtaining the training shall be borne by the mandated reporter, unless the body authorized to license, register, accredit, hire, appoint or designate them, at its option, decides to pay such cost.

Patron - Howell

Wills and Decedents' Estates

[P] Passed

[P] HB1195 Probate of estates. Requires that the notice of probate include a notice that the recipient is entitled to have the personal representative supply him with copies of inventories, accounts and reports if the person makes a written

request. If the person makes a written request the commissioner of accounts must send him a copy of the commissioner's report and a statement that the report will stand unless contested by a certain date. The bill applies to deaths occurring on or after July 1, 2002.

Patron - Diamonstein

[P] HB1729 Nonprobate transfers on death. Specifies that a provision for a nonprobate transfer on death in an insurance policy, contract of employment, bond, mortgage, promissory note, certificated or uncertificated security, account agreement, custodial agreement, deposit agreement, compensation plan, pension plan, individual retirement plan, employee benefit plan, trust, conveyance, deed of gift, marital property agreement, or other written instrument of a similar nature is nontestamentary. The bill clarifies recent court decisions on the subject. The bill is a modified version of Section 6-101 of the Uniform Probate Code.

Patron - Howell

[P] HB2067 Notice of probate. Provides that if no notice is required to be given, the personal representative must file with the clerk of court an affidavit stating this fact. This requirement is an addition to the requirement under current law that an affidavit with the names and addresses of the persons to whom notice was given be filed. This bill is a recommendation of the Judicial Council of Virginia, acting on the recommendation of its Standing Committee on Commissioners of Account.

Patron - Howell

[P] HB2127 Payments to estates; beneficiaries. Raises from \$10,000 to \$15,000 the threshold amount in the following statutes: payment of certain small sums due persons upon whose estates there has been no qualification, payment where decedent owned securities issued by corporation, payment of small sums due trust or estate beneficiaries where no qualification on estate, payment to consort or court of small sum of deceased inmate of state mental institution, payment of small sum due deceased patient of municipally operated health care facility, money and personal property belonging to nonresident decedents, collection of personal property by affidavit. The threshold amount for exempt property and the homestead allowance is raised from \$10,000 to \$15,000. The family allowance is raised from \$12,000 to \$18,000.

Patron - McClure

[P] HB2128 Incorporation by reference; letter of instruction or memorandum into a will, power of attorney or trust instrument. Allows the following to be incorporated by reference: (i) a letter or memorandum to the fiduciary or agent as to the interpretation of discretionary powers of distribution to beneficiaries where the will, power of attorney or trust instrument provides the fiduciary or agent the power to make distributions in the discretion of the fiduciary or agent; and (ii) a letter or memorandum stating the views or directions of the maker of the will, power of attorney or trust instrument as to the exercise of discretion by the fiduciary or agent in making health care decisions for the maker.

Patron - McClure

[P] HB2200 Suits upon judgment and contracts of decedent. Clarifies that a personal representative may sue or be sued upon any judgment for or against or any contract of or with his decedent, including, but not limited to, suits for personal injury or wrongful death.

Patron - Almand

[P] HB2373 Secretary of the Commonwealth. Changes a reference in the Code of Virginia from "Secretary of

State" to "Secretary of the Commonwealth" inasmuch as Virginia has no Secretary of State.

Patron - Joannou

[P] HB2374 Lawsuits against deceased defendants. Provides that in an action for personal injury or death by wrongful act arising within the Commonwealth against the estate of any person who has died and for whose estate an executor has not been appointed, an administrator of such person may be appointed by the clerk of the court solely for the purpose of prosecution of the suit. This procedure is currently available only in the case of the estate of a defendant who was a nonresident of the Commonwealth.

Patron - Joannou

Workers' Compensation

[P] Passed

[P] 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

[P] HB2306 Workers' compensation; drug-free workplace programs. Removes the four-year limit on the duration of the insurance premium discount that workers' compensation insurers provide to employers instituting and maintaining drug-free workplace programs. Currently, insurers are required to provide employers who institute such programs that satisfy the insurer's criteria with premium discounts of up to five percent for a total of no more than four years.

Patron - Bolvin

[P] HB2405 Certain benefits for special forest wardens. Includes special forest wardens within the definition of "firefighter" for purposes of workers' compensation for off-duty incidents, and for presumptions of death or disability due to respiratory disease, hypertension, heart disease, or certain cancers. In addition, the children and spouses of these wardens who have been killed in the line of duty are entitled to a waiver of tuition and fees at Virginia institutions of higher education. The definition of "firefighter" for purposes of the Workers' Compensation Act presumptions is amended to exclude persons who are employed by private employers primarily to perform firefighting services.

Patron - Kilgore

[F] Failed

[F] HB1594 Workers' compensation; chiropractic care. Requires an employer to list one chiropractor on the panel of physicians from which an employee chooses a physician when the employee's injury is to the back, neck or spine.

Patron - Black

[F] HB1658 Presumption as to death or disability from hypertension or heart disease; Department of Motor Vehicles enforcement division members. Extends the presumption for work-related death or disability from hypertension or heart disease under workers' compensation to include

full-time sworn members of the enforcement division of the Department of Motor Vehicles.

Patron - Parrish

[F] HB1693 Workers' compensation; occupational disease presumption; police officers of Metropolitan Washington Airports Authority. Establishes a presumption that hypertension or heart disease causing the death or disability of an officer of the police department established and maintained by the Metropolitan Washington Airports Authority is an occupational disease compensable under the Workers' Compensation Act. Currently, such presumption exists for members of the State Police Officers' Retirement System, members of county, city or town police departments, sheriffs and deputy sheriffs, city sergeants or deputy city sergeants of the City of Richmond, Virginia Marine Patrol officers, certain game wardens, and Capitol Police officers.

Patron - Black

[F] HB2039 Workers' compensation; payment of medical expenses after award. Requires the Workers' Compensation Commission, if it finds that the employer or insurer unreasonably delayed or denied payment of the employee's medical expenses, to award interest on the amount paid for such medical attention, to the employee, or health care provider if the health care provider has not been paid, at the judgment rate of nine percent from the date of the bill until the date paid. The bill will sunset on July 1, 2003.

Patron - Rust

[F] HB2113 Workers' compensation; cost of living supplements. Requires the Workers' Compensation Commission to develop procedures to ensure that cost of living supplementary payments are provided to eligible claimants upon the effective date of increases in the Average Consumer Price Index for all items adjusted annually.

Patron - Suit

[F] HB2525 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 board-certified or board-eligible pulmonologists. Members of the panel are currently required to be approved B-readers.

Patron - Phillips

[F] HB2647 Workers' compensation; presumption of dependency. Removes the requirement that a spouse, child or parent be "wholly" dependent upon a deceased employee in order to be eligible for certain benefits upon the death of an employee from an accident. The measure also substitutes the term "spouse" for the terms "husband" and "wife" in the provision that establishes the presumption that dependents are dependent for support upon a deceased employee. A spouse of a deceased employee will be presumed to be dependent for support upon the deceased employee whom the spouse had not voluntarily deserted or abandoned at the time of the accident or with whom the spouse lived at the time of the accident, if the spouse is then actually dependent upon the deceased employee.

Patron - Moran

[F] HB2710 Workers' compensation; attorney fees. Prohibits the Workers' Compensation Commission from awarding an injured employee's attorneys' fees and costs incurred in successfully contesting a claim for medical, surgical and hospital services from the sum that benefits a health care provider.

Patron - Broman

[F] SB898 Workers' compensation; whole body accident coverage. Provides financial compensation to injured employees who sustain a permanent partial loss of use of the body as a whole. This measure applies to permanent losses for which the number of weeks of compensation is not currently specified. The employee shall be paid compensation for the proportionate loss of use of the body as a whole resulting from the injury, based on a total value of 500 weeks for the body as a whole.

Patron - Reynolds

[F] SB1189 Workers' compensation; suspension of awards. Prohibits the Workers' Compensation Commission from suspending benefits previously awarded to an employee prior to conducting an evidentiary hearing when an employer seeks the termination or suspension of such benefits on grounds of (i) unjustified refusal to accept medical service or vocational rehabilitation services, (ii) refusal of selective employment within the employee's physical capacity, or (iii) a change in the employee's condition. If the employer's application complies with applicable law and its supporting documentation supports a finding of probable cause to believe the employer's grounds are meritorious, the Commission shall schedule an evidentiary hearing on the employer's application, provided that the employee requests the hearing within 15 days. If the employee does not timely request such a hearing, the Commission may suspend the employee's benefits. If the employee requests a hearing, the compensation previously awarded to the employee shall not be suspended unless and until the Commission enters an order, at or following the evidentiary hearing, that ends or diminishes the award.

Patron - Marye

Constitutional Amendment Resolutions

[P] Passed

[P] HJ503 Constitutional amendment (first resolution); property tax exemptions. Allows local governing bodies to grant tax exemptions for property used for charitable and certain other purposes by local ordinance subject to restrictions and conditions as provided by general law enacted by the General Assembly. The present Constitution allows the General Assembly to exempt such property by classification or by designation by a three-fourths vote in each house.

Patron - Howell

[P] SJ419 Constitution amendment (first resolution); claims of actual innocence. Provides that the Supreme Court may hear, as part of its original jurisdiction, claims of actual innocence presented by convicted felons in the cases and manner provided by the General Assembly.

Patron - Stolle

[F] Failed

[F] HJ190 Constitutional amendment (first resolution); Transportation Trust Fund. Prohibits "raiding" of the Transportation Trust Fund by the General Assembly for non-transportation purposes.

Patron - Marshall

[F] HJ216 Constitutional amendment (first resolution); Governor's time to act on bills. Moves the reconvened

session to the eighth Wednesday following adjournment 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

[F] HJ490 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

[F] HJ547 Constitutional amendment (first resolution); surplus revenues; refunds to taxpayers. Provides for a refund to taxpayers of all surplus revenues remaining at the end of each biennium, as long as such surplus exceeds \$50 million. The surplus will be refunded to income taxpayers based on the taxpayer's share of the total income tax revenues in the year of the surplus.

Patron - Purkey

[F] HJ583 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 to persons convicted of nonviolent felonies who have completed service of sentence, probation, and parole and met such other conditions or limitations as may be prescribed by law.

Patron - Van Yahres

[F] HJ609 Constitutional amendment (first resolution); taxation; exemptions. Exempts from taxation motor vehicles used for nonbusiness purposes as provided by general law. This resolution incorporates the provisions of HJR 811.

Patron - Rust

[F] HJ632 Constitutional amendment (first resolution); election of Justices of Supreme Court and judges of the other courts of record. Provides for the popular statewide election of the Justices and for the popular election of judges of other courts of record either statewide or by district as provided by law. Vacancies are to be filled as provided by law. The first election is scheduled for November 2003.

Patron - Stump

[F] HJ736 Constitutional amendment (first resolution); legislative sessions. Provides that regular annual sessions will begin on the fourth rather than the second Wednesday in January.

Patron - Joannou

[F] HJ796 Constitutional amendment (first resolution); appropriations to religious or charitable bodies. Permits the General Assembly to appropriate funds to religious or charitable bodies to minister to or reform criminals.

Patron - Grayson

[F] HJ799 Constitutional amendment (first resolution); voting methods. Provides that the right to vote is a fundamental right and requires that the General Assembly shall provide for uniformity, accuracy, and reliability as nearly as is practicable in the voting equipment used throughout the Commonwealth and for appropriations by the state to pay for the costs of such voting equipment.

Patron - Brink

[F] HJ811 Constitutional amendment (first resolution); taxation; exemptions. Exempts from taxation motor vehicles used for nonbusiness purposes. This resolution has been incorporated into HJR 609.

Patron - Day

[F] 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

[F] 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

[F] SJ305 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 - Byrne

[F] SJ307 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 - Miller, Y.B.

[F] SJ366 Constitutional amendment (first resolution); county borrowing authority. Amends § 10 of Article VII of the Virginia Constitution to grant counties the same borrowing authority as cities and towns. The primary changes are to (i) apply a ceiling of 10 percent of assessed real estate valuation to county borrowing and (ii) eliminate the requirement for approval by a voter referendum that currently applies to county bond issues.

Patron - Miller, K.G.

[F] SJ398 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. Local sources of revenue include, but are not limited to, monthly payments from the Commonwealth to local governments under the Personal Property Tax Relief Act of 1998.

Patron - Whipple

[F] SJ418 Constitutional amendment (first resolution); taxation; exemptions. Exempts from taxation motor vehicles and boats, as provided by general law.

Patron - Colgan

[F] SJ420 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 a 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] SJ447 Constitutional amendment (first resolution); voting methods. Provides that the right to vote is a fundamental right and requires that the General Assembly shall provide for uniformity, accuracy, and reliability as nearly as is practicable in the voting equipment used throughout the Commonwealth and for appropriations by the state to pay for the costs of such voting equipment.

Patron - Whipple

Other Resolutions

[P] Passed

[P] HJ493 National motto. Supports the public display of the national motto, "In God We Trust," in public buildings and public schools in Virginia.

Patron - Black

[P] HJ494 Portrait of Governor Gilmore. Authorizes the painting of a portrait of Governor James S. Gilmore III to be hung in the Capitol.

Patron - Griffith

[P] HJ524 Lymphedema D-Day. Designates March 6th, in 2001 and in each succeeding year, as Lymphedema D-Day in Virginia in honor of the many Virginians who suffer from lymphedema.

Patron - Wardrup

[P] HJ548 Education program on hearing loss prevention. Requests the Commissioner of Health and the Director of the Department of the Deaf and Hard of Hearing to develop a plan for implementing an education program on prevention of hearing loss, in conjunction with the duties relating to testing of hearing of students in the public schools, and providing "technical assistance and training within the Commonwealth to support efforts to initiate or improve programs and services for the hearing impaired," as required by law. This resolution notes the injurious effects of loud noises and sustained loud noise. The Department of Health has examined strategies to prevent hearing loss from loud noises, known as Noise-Induced Hearing Loss (NIHL). An education program for elementary school children was identified as an appropriate response to this issue. The Commissioner and the Director are directed to work with the Superintendent of Public Instruction in developing a plan to implement any such hearing loss prevention education program.

Patron - Morgan

[P] HJ564 Prostate Cancer Awareness Month. Designates September, in 2001 and in each succeeding year, as Prostate Cancer Awareness Month in Virginia.

Patron - McQuigg

[P] HJ571 Veterans' History Week. Designates the second week of November as Veterans' History Week in Virginia.

Patron - Albo

[P] HJ577 2012 Olympic Games. Expresses the General Assembly's support for the bid of the Washington-Baltimore 2012 Coalition for the 2012 Olympic Summer Games. This resolution incorporates HJR 647 (Almand) and HJR 774 (Plum).

Patron - Callahan

[P] HJ581 Asthma assessment tools. Encourages the Departments of Health and Education to develop a plan, in consultation with Virginia Asthma Coalition and other stakeholders, that will increase the use of asthma assessment tools.

Patron - Baskerville

[P] HJ607 Eugenics. Expresses the General Assembly's profound regret over the Commonwealth's involvement in the discredited eugenics movement from 1924 until 1979.

Patron - Van Yahres

[P] HJ608 Remediation of students. Requests the Board of Education to consider the findings and recommendations of the Commission on Education Accountability's Task Force on Remediation and provide leadership to ensure that the interests and needs of students required to attend remediation programs or special prevention and intervention programs, and other at-risk students, are advanced. The four-year study of the Joint Subcommittee on Remediation was continued under the auspices of the Commission on Educational Accountability, pursuant to House Joint Resolution 302 (2000). The Commission appointed a task force to assume and continue the joint subcommittee's work. The task force considered the findings and recommendations of the joint subcommittee to date, and determined that certain aspects of the joint subcommittee's study needed completion, which the task force accomplished. The work of the task force confirms the findings and recommendations of the joint subcommittee, which are transmitted via this resolution to the Board of Education for consideration and action. This resolution is a recommendation of the Commission on Educational Accountability's Task Force on Remediation.

Patron - Van Yahres

[P] HJ651 Electoral College. Affirms Virginia's commitment to the principles of government embodied in the federal structure of government and reflected in the design of the Electoral College.

Patron - Ware

[P] HJ661 Commercial, promotional, and corporate partnerships and sponsorships in schools. Requests the Virginia School Boards Association and the Virginia High School League to cooperate in addressing issues relating to commercial, promotional, and corporate partnerships and sponsorships with schools. This resolution notes that commercial activities are not new to public schools, that commercial involvement in public education has increased significantly during the past decade; that most school officials, parents, and policy makers agree that corporate and business involvement in education has been positive; that although business and industry collaboration with schools should be encouraged and fostered, the school boards of Virginia must not lose sight of their primary purpose, i.e., to protect the best interest of schools and students. The VSBA and the VHSL are required to publicize the issues relating to commercial, promotional, and corporate partnerships and sponsorships; to provide the school boards with factual information on these issues and the problems that have occurred in other jurisdictions, including the concerns about inappropriate advertising and products, and the activities across the nation and in Virginia concerning amateur athletics; to provide information on the various kinds of commercial,

promotional, and corporate partnerships and sponsorships being implemented; and to recommend the appropriate components of school board policies on these matters.

Patron - Tata

[P] HJ662 National Collegiate Athletic Association's pending amateurism deregulation proposals. Expresses the strong opposition of the General Assembly to the NCAA's proposals to allow student athletes to receive pay for participation in sports while in high school and yet retain eligibility for college athletics by abstaining from such activities upon entering higher education. This resolution notes that the NCAA's official policy is still that there is "a clear line of demarcation between college athletics and professional sports," that the lure of big money and benefits has moved basketball toward professionalism at all levels, that a number of embarrassing and costly incidents have occurred relating to college teams and players who have engaged in prohibited activities during high school; that these incidents have lead to discussion at the organizational level and resulted in the NCAA amateurism deregulation proposals, and that deregulation could result in increased drop-out rates and the demise of high school athletic programs.

Patron - Tata

[P] HJ673 Constitutional rights and responsibilities. Requests the Office of the Attorney General, in cooperation with certain bar associations and civic organizations, to collaborate and cooperate to use existing state, local, and community mechanisms and resources to disseminate information and educate the citizens of the Commonwealth concerning their rights, privileges, and responsibilities under the United States Constitution and the laws and Constitution of Virginia. The Office of Attorney General and participating bar associations and civic organizations are requested to particular attention to explaining the First, Second, Fourth, and Fourteenth Amendments in a manner that can be easily understood by citizens of all generations and from diverse backgrounds.

Patron - Robinson

[P] HJ761 Virginia School Counseling Week. Designates the week of February 5-9, 2001, as Virginia School Counseling Week.

Patron - Dillard

[P] HJ765 Shallow waters of the Chesapeake Bay. Requests that the Virginia Institute of Marine Science, in consultation with appropriate state and federal agencies, local governments, and interested stakeholders, prepare a management plan for shallow water areas in the Chesapeake Bay and the tidal portion of its tributaries.

Patron - Drake

[P] HJ790 Virginia FFA Day. Proclaims February 22, 2001, as Virginia FFA Day, in honor of the many contributions of the Future Farmers of America to the Commonwealth.

Patron - Orrock

[P] HJ800 Equal pay for equal work. Recognizes the significance of Equal Pay Day to demonstrate the disparity between wages paid to men and women and supports efforts to eliminate wage discrimination.

Patron - Baskerville

[P] HJ802 A balanced curriculum for all students. Requests the Board of Education to encourage a balanced curriculum for all students. This resolution notes the present sustained period of prosperity, the current shortage of skilled workers, the increasing complexity of manufacturing and information technology and other matters indicating that many students may need opportunities to learn life skills in high

school. The Board is beseeched to provide opportunities in all of Virginia's secondary schools for students to pursue the academic, career and technical skills that will enable the students to reach their desired goals in life and to become productive contributors to our state and national economy.

Patron - Bloxom

[P] HJ805 Virginia Biotechnology Month. Designates October, in 2001 and in each succeeding year, as Virginia Biotechnology Month.

Patron - O'Bannon

[P] HJ808 Recognizing the role of America's military. Recognizes the role of America's military and veterans in defending freedom during the Cold War and urges the Board of Education to ensure that Virginia's schoolchildren learn about that role.

Patron - Cox

[P] HJ826 Surry County. Recognizes Surry County's significance in Virginia's history upon its 350th anniversary celebration. This resolution is identical to SJR 448 (Quayle)

Patron - Barlow

[P] HJ831 Forgotten Airmen Day. Designates February 2 as Forgotten Airmen Day in Bedford County in honor of the crew of the B-25 that crashed in the county on February 2, 1943.

Patron - Putney

[P] HJ844 Gulf War Veterans Week. Designates the week of February 26, 2001, as Gulf War Veterans Appreciation and Remembrance Week in Virginia, to acknowledge their sacrifices, demonstrate the esteem in which they are held, and express gratitude for their service to the country.

Patron - Moran

[P] HR39 Memorializing resolution; Railroad Retirement and Survivors Improvement Act. Memorializes Congress to support the Railroad Retirement and Survivors Improvement Act.

Patron - Diamonstein

[P] SJ377 African-American Scientist and Inventor Day. Designates February 25 each year as "African-American Scientist and Inventor Day" to acknowledge and recognize the significant achievements and contributions of African-American scientists, mathematicians, and inventors, many of whom were native sons and daughters of Virginia, with a special day on which these great minds may be honored and esteemed.

Patron - Lambert

[P] SJ379 Blood-lead testing or low-risk determinations for Virginia's children. Requests the Boards of Health and Medicine to cooperate in publicizing the statutory requirements for blood-lead testing or low-risk determinations for Virginia's children. This resolution notes that lead is a poison to which children are particularly susceptible and the effects of lead poisoning are not reversible and may include reduced intelligence and neurological deficits such as loss of hearing and the sense of balance/coordination. The resolution also states that the law to require the blood-lead testing or low-risk determinations for children was an initiative of the Joint Subcommittee to Study Lead Poisoning Prevention. To implement this provision, the Board of Health is requested to submit an article concerning the dangers of lead poisoning to children, the CDC's goal of eliminating childhood lead poisoning by 2010, the origin of the protocol statute, the requirements of the protocol law, the development of the protocol, and the contents of the protocol to the Board of Medicine; the Board of Medi-

cine is requested to include the Board of Health's article and protocol regulations in one of its issues of "Board Briefs" or any other regularly published Board of Medicine document. The two boards are further requested to initiate other reasonable efforts within the scope of their present duties and activities to publicize the new lead-testing requirements to practitioners who treat pediatric patients. This resolution is a recommendation of the Joint Subcommittee to Study Lead Poisoning Prevention.

Patron - Lambert

[P] SJ380 Cooperation in preventing childhood lead poisoning. Encourages the Departments of Health and Medical Assistance Services to continue to cooperate in preventing childhood lead poisoning. The Departments are requested to address issues relating to (i) the identification of Medicaid-enrolled children who are at risk for lead poisoning; (ii) the monitoring of children tested for elevated blood lead levels and those children testing positive for elevated blood lead levels; (iii) notification of providers regarding specific children to be tested or managed; (iv) the education and training of providers concerning lead poisoning and the lead testing and management protocols; and (v) working to improve their data systems and enhancing effective data sharing. The Departments are exhorted to improve their collaborative relationship for the benefit of the Commonwealth's children and are requested to keep the Joint Subcommittee Studying Lead Poisoning Prevention informed of their activities and progress in the coming year.

Patron - Lambert

[P] SJ401 Resolution; James River Reserve Fleet. Memorializes the U.S. Coast Guard to provide funding from the Oil Spill Liability Trust Fund to remove the oil contained in the 27 vessels in the Reserve Fleet of the Maritime Administration (MARAD) listed as in dire need of scrapping, and urges Congress to provide funding sufficient to allow MARAD to complete the scrapping of their reserve vessels in a timely and responsible manner.

Patron - Forbes

[P] SJ409 Read Aloud to a Child Week. Designates the fourth week in October of each year as "Read Aloud to a Child Week" in Virginia to motivate all children to develop a passion for reading, a love for books, and an appreciation for lifelong learning. Parents, teachers, child caregivers, health care professionals, the religious community, civic and professional organizations, and all literate persons throughout the Commonwealth are encouraged to participate in activities that promote reading aloud to children. The Governor is requested also to call upon the citizens of the Commonwealth to celebrate the week by reading aloud to a child.

Patron - Lambert

[P] SJ423 Rail infrastructure in the I-81 corridor. Memorializes Congress to appropriate funds needed for improving the rail infrastructure in the Interstate Route 81 corridor to ensure that the railroad that parallels Interstate Route 81 in Virginia provides a viable alternative to the use of the Interstate for the movement of interstate freight traffic.

Patron - Edwards

[P] SJ428 Journey Through Hallowed Ground. Recognizes the importance to Virginia of the Journey Through Hallowed Ground project, which follows the Route 15 corridor and was created through a partnership among the National Park Service's National Register of Historic Places, Scenic America, the Virginia Department of Historic Resources, the Con-

servation Fund, the Piedmont Environmental Council, and the National Trust for Historic Preservation.

Patron - Ticer

[F] Failed

[F] HJ544 Memorializing Congress to increase federal funding for special education programs and services. Requests Congress to increase federal funding for the Individuals with Disabilities Education Act, P. L. 105-17 as amended, and to defer implementation of unfunded special education requirements. Currently, the level of federal funding to Virginia for special education programs is approximately 12 percent of the actual costs. Special education programs and services are very expensive, and federal funding has been consistently insufficient to allow states and localities to implement the law fully without sacrificing other vital human services and bearing great fiscal burdens.

Patron - Diamonstein

[F] HJ562 Resolution; bust of Sam Houston. Requests the Governor to direct that a bust of Sam Houston be made and displayed in the Capitol Rotunda.

Patron - Marshall

[F] HJ618 Resolution; state navigator. Requests the Governor to create the position of "State Navigator."

Patron - Pollard

[F] HJ637 Requesting certain state and local agencies of the Commonwealth to inform parents and the public of certain preventable health and social conditions to avoid the need for costly special education programs and services for children. Requests certain state agencies to work collaboratively and cooperatively and with their local counterparts to inform students, parents, educators, constituents of the respective agencies, and the public regarding preventable health and social factors that converge to influence the identification, referral, and placement of African-American and other minority children in special education programs. State and local agencies are requested to use existing mechanisms and resources to disseminate such information. This resolution is a recommendation of the Joint Subcommittee Studying the Overrepresentation of African-American Students in Special Education Programs.

Patron - McEachin

[F] HJ647 2012 Olympic Games. Expresses the General Assembly's support for the bid of the Washington-Baltimore 2012 Coalition for the 2012 Olympic Summer Games. Incorporated into HJR 577.

Patron - Almand

[F] HJ656 International Criminal Court. Memorializes the President and the U.S. Senate to oppose the ratification of any treaty that seeks to establish an International Criminal Court that has jurisdiction over U.S. citizens.

Patron - Joannou

[F] HJ657 Japanese War Crimes. Urges Congress to process the claims of the 300 living American prisoner-of-war survivors believed to have been held at Mukden, Manchuria, during World War II, many of whom claim to suffer from physical ailments resulting from their subjection to the Japanese military, chemical, and biological experiments. The Congress is urged to provide necessary medical care to these survivors whether or not the Japanese government releases the records of these American prisoners-of-war.

Patron - Landes

[F] HJ658 Clean Air Act. Urges Congress to support legislation that helps improve Virginia's air quality and specifically that of the Shenandoah National Park by providing funding for clean coal technology and research and tax credits for retrofitting the older, exempt coal-fired power plants equipped with new emissions cleanup technologies.

Patron - Landes

[F] HJ679 Constitution on the one-dollar bill. Urges Congress in support of the Liberty Dollar Bill Act, which redesigns the one-dollar bill to include a summary of the United States Constitution on its reverse side.

Patron - Katzen

[F] HJ750 Special education funding and mandates. Memorializes Congress to fully fund the federal share of local school divisions' special education costs and to refrain from imposing additional mandates under the Individuals with Disabilities in Education Act until such full funding is accomplished.

Patron - Diamonstein

[F] HJ763 Medical benefits for retired veterans. Memorializes Congress to reinstate full medical benefits for veterans aged 65 and older.

Patron - Harris

[F] HJ766 Railroad Retirement and Survivors Improvement Act. Urges Congress to support the Railroad Retirement and Survivors' Improvement Act in the 107th Congress.

Patron - Diamonstein

[F] HJ774 2012 Olympic Games. Expresses the General Assembly's support for the bid of the Washington-Baltimore 2012 Coalition for the 2012 Olympic Summer Games. Incorporated into HJR 577.

Patron - Plum

[F] HJ785 Flag desecration. Urges the Congress of the United States to propose an amendment to the Constitution of the United States authorizing Congress and the states to prohibit the physical desecration of the American flag.

Patron - Hargrove

[F] HJ792 Emergency contraception over-the-counter. Commends the American Medical Association for recommending over-the-counter status for emergency contraception and urges the Food and Drug Administration to approve a manufacturer's filing for over-the-counter status for emergency contraception.

Patron - Baskerville

[F] HJ793 Governor; busts of Pocahontas and Ballard T. Edwards. Requests the Governor to direct that busts of Pocahontas and Ballard T. Edwards be made and displayed in the Old House Chamber in the State Capitol building.

Patron - Marshall

[F] HJ856 "New Bretton Woods." Calls for a "New Bretton Woods" conference for international monetary system stability and development of the real economy.

Patron - Robinson

[F] SJ325 Resolution; importation of municipal solid waste. Memorializes Congress to enact legislation providing for a reasonable limitation on the amount of municipal solid waste that a state must accept from another state.

Patron - Martin

[F] SJ343 Global Sullivan Principles. Expresses the General Assembly's endorsement of the Global Sullivan Principles of corporate citizenship. The principles ask companies to support universal human rights, promote equal opportunity, respect employee freedom of association, provide a safe and healthy workplace, promote fair competition, and improve the quality of life in their communities.

Patron - Miller, Y.B.

[F] SJ353 Memorializing Congress to increase federal funding for special education programs and services. Requests Congress to increase federal funding for the Individuals with Disabilities Education Act, P. L. 105-17 as amended, and to defer implementation of unfunded special education requirements. Currently, the level of federal funding to Virginia for special education programs is approximately 12 percent of the actual costs. Special education programs and services are very expensive, and federal funding has been consistently insufficient to allow states and localities to implement the law fully without sacrificing other vital human services and bearing great fiscal burdens.

Patron - Williams

[F] SJ358 Child day care services. Requests the State Board of Social Services to publish its evaluation of current child day care market rates.

Patron - Ticer

[F] SJ368 Memorializing Congress to increase federal funding for special education programs and services. Requests Congress to increase federal funding for the Individuals with Disabilities Education Act, P. L. 105-17 as amended, and to defer implementation of unfunded special education requirements. Currently, the level of federal funding to Virginia for special education programs is approximately 12 percent of the actual costs. Special education programs and services are very expensive, and federal funding has been consistently insufficient to allow states and localities to implement the law fully without sacrificing other vital human services and bearing great fiscal burdens.

Patron - Maxwell

[F] SJ386 Streamlined Sales Tax Project. Encourages the Governor to provide for the executive branch to participate in the Streamlined Sales Tax Project. In addition, the resolution provides that the General Assembly will participate in the project.

Patron - Hanger

[F] SJ388 Resolution; elimination of the estate tax. Memorializes Congress to enact legislation repealing the federal estate tax. This is a recommendation of the farmland protection task force created by SJR 134 (2000).

Patron - Hanger

Miscellaneous (Including Budget and Bonds)

[P] Passed

[P] HB2029 Claims; Frederick Decker, et al. Provides relief to 67 residents of Accomack County and 28 residents of Northampton County who purchased manufactured homes from businesses operated by a manufactured home dealer who failed to remit monies collected from the residents for the purpose of paying the motor vehicle sales and use tax.

The dealer's failure to pay the sales and use taxes at the time of the purchases resulted in none of the residents being issued a certificate of title for their homes and prevented Accomack and Northampton Counties from receiving the proceeds from the taxes. The bill authorizes the Commissioner of the Department of Motor Vehicles to issue a certificate of title to those purchasers who have not previously received reimbursement from either the Manufactured Home Recovery Fund or payment made by Joyce Regina Hart under a restitution requirement established by the Circuit Court of Accomack County. In addition, the bill provides that any additional recoveries through restitution, following payment of court costs, or from other source be directed to the Counties of Accomack and Northampton in proportion to the amount of the motor vehicle sales and use tax to which they were entitled as a result of the sale of the referenced manufactured housing units.

Patron - Bloxom

[P] HB2289 Claims; Taylor, Harold C. Provides \$25,000 in relief to Harold C. Taylor, a retired sheriff. Mr. Taylor was severely injured in 1963 while attempting to apprehend an escaped parolee. The relief is to be provided in five annual installments of \$5,000 payable on the first day of July in the years of 2001 through 2005. In addition, any unpaid amount shall revert to the general fund if Mr. Taylor dies before receiving the full amount.

Patron - Barlow

[P] HB2337 Claims; McCambridge, John. Provides \$1,074.26 in relief to John McCambridge to reimburse legal fees paid by Mr. McCambridge to hire his own attorney to represent him during an investigation of the Environmental Protection Agency of the East/West Highway construction project in the Tidewater area. Mr. McCambridge was required to hire an attorney because legal counsel hired by the Virginia Department of Transportation could not provide him with representation because there was no provision in the Code of Virginia that would allow for the Department to provide legal representation to Mr. McCambridge.

Patron - Blevins

[P] HB2728 Claims; Richard S. Copeland. Directs the Virginia Retirement System (VRS) to include Richard S. Copeland, who retired under regular service retirement on August 1, 1999, in the state's health insurance pool as an "involuntarily separated" individual under the provisions of § 2.1-20.1:6. Mr. Copeland initially retired from state employment under disability service retirement on July 1, 1986. His status was reviewed by the VRS two years later and as a result Mr. Copeland was denied the disability service retirement in August 1988. Despite losing the disability service retirement status, due to an administrative error, Mr. Copeland was allowed to continue receiving health insurance benefits until September 1, 1997. When Mr. Copeland retired under regular service retirement he was not allowed to re-enter the state health insurance pool.

Patron - Jones, S.C.

[F] Failed

[F] HB1569 Claims; Steve Lawton. 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

[F] HB1678 Claims; Katherine Miller Taylor. 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

[F] HB1905 Claims; Ferguson, Lavonia. Provides \$1,884.15 in relief to Lavonia Ferguson. Ms. Ferguson was injured in a fall in the Roanoke office of the Virginia Employment Commission. The amount of the relief is to pay expenses Ms. Ferguson incurred for medical treatment of her injuries.

Patron - Thomas

[F] HB2457 Claims; Porter, Billy R. Provides relief to Billy R. Porter in the amount of a lump sum of \$64,978.00 payable on July 1, 2001, and monthly payments of \$597.12 beginning on August 1, 2001. Mr. Porter mistakenly submitted an application for regular service retirement rather than disability service retirement and began receiving regular retirement benefits. He realized the mistake in 1996 but his request for disability retirement has not been allowed because the Virginia Retirement Service did not receive it within 90 days of his initial retirement. The lump sum represents the amount of underpayment due to Mr. Porter based on an initial disability retirement date of January 1, 1992 and the monthly payments are the difference between the monthly regular retirement benefits currently received by Mr. Porter and the monthly disability retirement benefit.

Patron - Phillips

[F] HB2534 Claims; Street, Garland Jay. Provides \$4,850 in relief to Garland Jay Street. A State Police helicopter flying over Mr. Street's property startled a horse that he owned, causing it to run into a barbed wire fence and resulting in the loss of a colt that the horse was carrying.

Patron - Phillips

[F] HB2614 Secretary of Health and Human Resources. Requires the Secretary to provide certain corrected workers' wage or payment information to the Internal Revenue Service and the Social Security Administration.

Patron - Johnson

[F] HB2616 Claims; Gunther H. Degan. Provides \$41,000 in relief to Gunther H. Degan. Mr. Degan overpaid Virginia income tax on foreign-sourced royalties from 1990 through 1997. He discovered the overpayment error in 1998 and subsequently filed amended returns for tax years 1994 through 1997 that were accepted by the Virginia Department of Taxation. Mr. Degan was unable to file amended returns for tax years 1990 through 1993 because the statute of limitations for filing amended returns for these years had run.

Patron - Purkey

[F] HB2634 Claims; Mary E. Ferguson. Provides relief to Mary E. Ferguson in the amount of a lump sum equal to the full disability retirement benefit she would have received between July 26, 1994, and July 1, 2001, and to the full amount of the monthly disability benefit after July 1, 2001. Ms. Ferguson's initial application for disability retirement was denied by the Virginia Retirement System, which took the position that Ms. Ferguson had been on leave without pay for a period exceeding 24 months. A hearing officer concluded that Ms. Ferguson was entitled to file for disability but the VRS rejected the finding. Ms. Ferguson decided to appeal the decision pursuant to the Administrative Process Act. She believed that the attorney who represented her at the hearing would handle the appeal. The attorney did not handle the appeal, which was

never perfected, resulting in Ms. Ferguson being unable to contest the decision of the VRS to deny the application.

Patron - Christian

[F] SB1016 Claims; Floyd and Karen Hall. 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. 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

[F] SB1091 Claims; Taylor, Harold C. Provides \$25,000 in relief to Harold C. Taylor, a retired sheriff. Mr. Taylor was severely injured in 1963 while attempting to apprehend an escaped parolee.

Patron - Ruff

[F] SB1104 Claims; Ashton, Walla & Associates, P.C. Provides \$20,000 in relief to Ashton, Walla & Associates, P.C. ("Ashton & Walla"). Courts of Stafford County appointed Ashton & Walla as a guardian ad litem of four abused children from 1993 to 1999. The case involved termination of parental rights and custody dispute over the children. In 1997 and again in 1999, Ashton & Walla applied for payment of cost and fees totaling \$26,262.74. Of this amount, the court only paid \$5,000 and denied the balance. Ashton & Walla did not prevail in litigation against the Commonwealth to collect the balance, and their subsequent appeal to the Supreme Court of Virginia was denied. Section 8.01-9 provides that a guardian ad litem shall not be liable for cost, but may be allowed reasonable compensation and actual costs to be paid by the parents; however, where the parents are unable to pay, § 8.01-9 provides that the Commonwealth shall pay the guardian ad litem. In addition, § 16.1-267 provides limitation on payment of guardians ad litem in certain cases; however, several opinions of the Attorney General of Virginia provide that such limitations do not apply when the case involved custody dispute. In addition, the 1994 General Assembly had requested the Judicial Council of Virginia to adopt, and the Judicial Council of Virginia so adopted, guidelines that would pay the guardians ad litem at a rate of \$60 per hour for in-court time and \$40 per hour for out-of-court time without a ceiling.

Patron - Colgan

[F] SB1426 Appropriation of public revenue. Appropriation of the public revenue for the two years ending respectively, on the 30th day of June, 2001, and the 30th day of June, 2002.

Patron - Chichester

Charters and Authorities

[P] Passed

[P] HB1786 Charter; City of Falls Church. Repeals several provisions related to the duties of the City's planning commission, thereby making the commission's duties more consistent with general law.

Patron - Hull

[P] HB1951 Charter; Town of Kenbridge. Eliminates the possibility that the council may have to hold its organizational meeting on a Saturday.

Patron - Wright

[P] HB2030 Charter; Town of Parksley. Changes the title of the town sergeant to the chief of police.

Patron - Bloxom

[P] HB2273 Virginia Tech/Montgomery Regional Airport Authority. Establishes the Virginia Tech/Montgomery Regional Airport Authority and provides for the powers of the Authority and the responsibilities of the participating members of the Authority. This bill is identical to SB 1170.

Patron - Shuler

[P] HB2453 Charter; Town of Wise. Provides a new charter for the town of Wise, in Wise County. The new charter contains provisions typically found in town charters and does not grant unusual powers. This bill is identical to SB 885.

Patron - Phillips

[P] HB2479 Capital Region Airport Commission. Provides that the Commission will appoint an airport administrator to be its "president and chief executive officer." The bill also allows the Commission greater flexibility in issuing bonds. This bill is identical to SB 877.

Patron - Hall

[P] HB2531 Charter; City of Norton. Allows the City, after complying with the provisions of general law, to move its elections to November. This bill is identical to SB 915.

Patron - Phillips

[P] HB2543 Charter; Town of Front Royal. Grants the Town authority to sell items that promote the Town at its official visitors' center.

Patron - Katzen

[P] SB877 Capital Region Airport Commission. Provides that the Commission will appoint an airport administrator to be its "president and chief executive officer." The bill also allows the Commission greater flexibility in issuing bonds. This bill is identical to HB 2479.

Patron - Watkins

[P] SB881 Charter; Chesterfield County. Updates old references to Title 15.1 with current Title 15.2 references.

Patron - Martin

[P] SB885 Charter; Town of Wise. Provides a new charter for the town of Wise, in Wise County. The new charter contains provisions typically found in town charters and does not grant unusual powers. This bill is identical to HB 2453.

Patron - Wampler

[P] SB915 Charter; City of Norton. Allows the City, after complying with the provisions of general law, to move its elections to November. This bill is identical to HB 2531.

Patron - Wampler

[P] SB1170 Virginia Tech/Montgomery Regional Airport Authority. Establishes the Virginia Tech/Montgomery Regional Airport Authority and provides for the powers of the Authority and the responsibilities of the participating members of the Authority. This bill is identical to HB 2273.

Patron - Marye

[P] SB1221 Charter; City of Falls Church. Repeals several provisions related to the duties of the City's planning commission, thereby making the commission's duties more consistent with general law. This bill is identical to HB 1786.
Patron - Whipple

[F] Failed

[F] HB1900 Charter; City of Norfolk. Makes officers above the rank of captain in the division of police and above the rank of battalion chief in the division of fire members of the unclassified service. Such officers may opt to remain members of the classified service so long as they remain within the position that they held as of July 1, 2001. Other amendments remove the prohibition on paying an acting chief of police additional compensation and provide that the division of police shall have at least two senior officers above the rank of captain who have at least two years of service with the Norfolk division of police, and the division of fire shall have at least two senior officers above the rank of battalion chief who have at least two years of service with the Norfolk division of fire.

Patron - Williams

[F] HB2110 Chesterfield County Toll Road Authority. Repeals Chapter 619 of the 1980 Acts of Assembly. This act authorized the creation of the Chesterfield County Toll Road Authority, but the Authority has never gone into operation.

Patron - Landes

[F] HB2138 Charter; Town of Culpeper. Allows the Town to have an advisory referendum on the question of whether the Town should sell, rent, or lease all or any portion of its public utilities that are owned by the Town.

Patron - Broman

[F] HB2254 Charter; City of Roanoke. Updates and reorganizes the City's charter.

Patron - Woodrum

[F] HB2477 Capital Region Airport Commission. Provides that the Commission will appoint an airport administrator to be its "president and chief executive officer." The bill also allows the Commission greater flexibility in issuing bonds.

Patron - Hall

[F] SB875 Capital Region Airport Commission. Renames the position of airport administrator and clarifies the administrator's duties. Provisions related to the issuance of bonds are amended to give the authority greater flexibility as to the pricing of bonds.

Patron - Watkins

[F] SB1115 Charter; City of Roanoke. Updates and reorganizes the City's charter.

Patron - Edwards

[F] SB1203 Charter; City of Chesapeake. Permits a council member whose office is to become vacant to participate in the selection of an interim successor, except in cases where the office becomes vacant as a result of the member's physical or mental incapacity or removal for cause of the member by judicial order.

Patron - Forbes

Study Resolutions

[P] Passed

[P] HJ523 Autism. Continues the study by the Departments of Education, Health, and Mental Health, Mental Retardation and Substance Abuse Services concerning autism and pervasive developmental disorders, and incorporates HJR 795 (Katzen) which broadens the study to address these problems as they pertain to children and adults. This bill incorporates HJ 795.

Patron - Thomas

[P] HJ526 Virginia-Maryland-District of Columbia Joint Legislative Commission on Interstate Transportation. Continues the Virginia-Maryland-District of Columbia Joint Legislative Commission on Interstate Transportation. The resolution provides for appointments from the Commonwealth, the State of Maryland, and the District of Columbia to serve on the Commission. To maintain parity with the State of Maryland, the Speaker of the House and the Senate Committee on Privileges and Elections of the Commonwealth of Virginia are authorized to appoint additional members of the General Assembly to the Virginia delegation to the joint legislative commission to equal the total number of members of the Maryland delegation whenever such delegation may be increased. Such additional appointments to the Virginia delegation shall be made in a manner mutually agreed to by the Speaker of the House and the Senate Committee on Privileges and Elections.

Patron - Callahan

[P] HJ527 Interstate Route 73. Continues the Interstate Route 73 Communications Committee, established in 1998 and continued in 1999 for two years, to provide an institutional and organizational link between the citizens and businesses of south-central Virginia, their legislative representatives in the General Assembly, and the Virginia Department of Transportation to receive and disseminate communication between the Department and those most directly affected and greatly concerned with the speedy completion and success of the Interstate Route 73.

Patron - Armstrong

[P] HJ542 School security officers and school safety specialists. Directs the Virginia State Crime Commission to examine (i) the role, responsibilities, training, and authority of school security officers and school safety specialists; (ii) the coordination of school security officers and school safety specialists with school resource officers; (iii) current school security officer and school safety specialist employment levels within the Commonwealth's school divisions; (iv) data regarding incidences of school crime and violence in Virginia public schools; and (v) such other issues as it deems appropriate.

Patron - Hamilton

[P] HJ604 Regulation and response of Fire/EMS departments. Establishes a joint subcommittee to study the feasibility and appropriateness of streamlining the various regulations governing volunteer fire departments and EMS services and the capability of these units to respond to traffic crashes on major highways in sparsely populated areas. This resolution incorporates SJR 444 (Marye).

Patron - Landes

[P] HJ605 Cultivating industrial hemp. Requests the Commission on Rural Prosperity to consider the growth and production of industrial hemp in Virginia as a means to pro-

mote rural prosperity. In its deliberations, the Commission shall confer with the Department of Agriculture and Consumer Services, the Virginia Economic Development Partnership, the Department of Environmental Quality, and the Virginia State Police regarding the appropriateness and efficacy of development guidelines for cultivating industrial hemp.

Patron - Orrock

[P] HJ610 Northern Virginia Regional Transportation Authority. Continues the Northern Virginia Regional Transportation Authority in order that it may complete its objectives pursuant to Senate Joint Resolution 121 (2000), and incorporates HJR 644 (Bolvin) to require that the Authority also consider in its deliberations an examination of the desirability and feasibility of implementing the Northern Virginia Transportation Compact. The joint subcommittee is requested to recommend such administrative and legislative actions as it may deem necessary to satisfy its charge. This resolution is identical to SJR 397 (Barry).

Patron - Rust

[P] HJ611 Study; Unemployment compensation funding requirements. Continues the Joint Subcommittee Studying the Funding Requirements of the Virginia Unemployment Trust Fund. The study is expanded to address, but shall not be limited to, (i) the current formula for determining solvency of the Unemployment Trust Fund, (ii) employee benefit eligibility criteria, (iii) the rationale for benefit levels, (iv) the propriety of regional or extended benefit features, (v) the appropriateness and sufficiency of pool charges, (vi) the propriety of diversion of revenue to job training or economic development programs, and (vii) the current tax schedules for employers. This resolution incorporates HJR 784 (Hull), which requires the joint subcommittee to also study the means of calculating the weekly amount of unemployment compensation benefits for displaced employees, and examine the methods used by other states to determine an employee's weekly benefit amount, including the indexing of unemployment benefits and the minimum and maximum benefit amounts provided by those states. This resolution incorporates HJR 784 and SJR 395 (Watkins).

Patron - Rust

[P] HJ614 Substitute consent for people with mental disabilities. Establishes a select committee to study the state-wide system of providing substitute consent for people with mental disabilities. In conducting the study, the select committee shall examine guardianship and identify solutions regarding the best means for providing substitute consent that will allow people with mental disabilities the most access to care, services, and personal autonomy.

Patron - DeBoer

[P] HJ622 Chesapeake Bay Preservation Act. Requests the Joint Legislative Audit and Review Commission to report on the implementation of the Chesapeake Bay Preservation Act. The Commission's study shall include (i) an examination of the methodologies and the practices used by the Board in assessing local compliance and in exercising its enforcement authority; (ii) a performance audit of local implementation and local enforcement of ordinances and practices adopted to comply with the Act, including a review and evaluation of information submitted by the Department as well as information obtained directly from localities; (iii) a review of the frequency, consistency, and rationales for local exceptions, variances, or similar decisions; and (iv) an assessment of the current resources, both personnel and financial, necessary for state and local implementation and enforcement of the Act, its regulations, and its local programs. The Chesapeake Bay Local Assistance Department is also requested to submit to the Com-

mission the Department's assessment of the benefits to the environment, along with the costs and effects to state and local governments, of extending the Act to include localities outside "Tidewater Virginia" that are within the Chesapeake Bay watershed.

Patron - Dillard

[P] HJ625 Competitive procurements via electronic means and electronic sealed bids. Requests the Departments of General Services, Transportation, and Technology Planning, in consultation with the Joint Commission on Technology and Science, to study the methods and technologies needed to implement competitive procurement via electronic means, including electronic sealed bidding. In conducting this study, the Departments of General Services, Transportation, and Technology Planning are also requested to determine and recommend any changes to the applicable provisions of the Code of Virginia necessary to accommodate competitive procurement via electronic means.

Patron - Nixon

[P] HJ640 Board of Education review, consideration, and address of certain recommendations of the Joint Subcommittee Studying the Overrepresentation of African-American Students in Special Education Programs. Transmits certain findings and recommendations of the two-year study of the Joint Subcommittee Studying the Overrepresentation of African-American Students in Special Education Programs to the Board of Education, and requests the Board to review, consider, and address recommendations pertaining to professional staff development; technical assistance to school divisions identified as having a disproportionate representation of African-American and other minority students in special education programs; the need for and funding of Parent Resource Centers; the dissemination of relevant information to parents, teachers, and other school personnel, and the community; the process of referring, identifying, and assessing students for special education; the use of appropriate assessments and proper test interpretation; the need for cultural diversity competency training; certain reports to the Governor and 2002 General Assembly; and compliance with certain federal special education requirements. This resolution is a recommendation of the Joint Subcommittee Studying the Overrepresentation of African-American Students in Special Education Programs.

Patron - McEachin

[P] HJ655 Domestic relations division. Continues the Joint Subcommittee Studying the Establishment of a Domestic Relations Division in the judicial circuits of the Commonwealth.

Patron - Joannou

[P] HJ660 ADD/ADHD, Ritalin and OxyContin. Establishes a joint subcommittee to study the effects of attention deficit disorder and attention deficit hyperactivity disorder on student performance and to investigate the improper prescription and illegal use and diversion of Ritalin and OxyContin. In conducting the study, the joint subcommittee shall (i) determine the number of students diagnosed as having ADD/ADHD in Virginia's public schools, and whether such children receive treatment; (ii) ascertain whether such students also have dual exceptionalities or chronic and acute health problems, and the demand created by these conditions for certain school services; (iii) determine the academic performance levels of such children; (iv) identify other educational, social, and health factors that may compromise their academic performance and educational outcomes; (v) identify school practices to manage, the methods used to treat, and the medications prescribed for and dispensed to ADD/ADHD students in the school setting for their disorder; (vi) evaluate the special edu-

cation programs and related services provided or which may be provided to meet the needs of such students; (vii) assess the demand for and effectiveness of existing education programs and related services, including school health services, by ADD/ADHD students; (viii) evaluate the effect of ADD/ADHD on grade retention, absenteeism, school suspension and expulsion, and disciplinary action taken by public schools; (ix) and make appropriate recommendations that address identified problems and allow public schools to serve such children efficiently and effectively; (x) determine the health conditions for which Ritalin and OxyContin are lawfully prescribed in Virginia; (xi) ascertain the number of such prescriptions for the last five years to determine the rate of increase or decrease, and the cause of any increase in the number of such prescriptions; (xii) determine if Ritalin and OxyContin have been diverted to the street drug trade, and if so, assess the demand for Ritalin and OxyContin as street drugs in Virginia; (xiii) establish whether the use of Ritalin or OxyContin for non-medical purposes is a problem among school-aged children and college students in the Commonwealth; (xiv) consider and explore such other issues as the joint subcommittee may determine pertinent; and (xv) recommend ways to correct problems associated with the over-prescription and the illegal use, possession, and distribution of Ritalin and OxyContin, as appropriate. This resolution incorporates SJR 327 (Miller, Y.B.)

Patron - Tata

[P] HJ664 Nursing programs. Requests the Virginia Partnership for Nursing, in cooperation with various state agencies and other nursing and health care organizations, to conduct a study of the availability and adequacy of education programs for registered nurses and licensed practical nurses in Virginia, assess the need for increased nursing services by the population, and project the shortfall in the number of nurses needed.

Patron - Bryant

[P] HJ671 Growth and economic development. Creates a commission to study issues surrounding growth and economic development. The commission shall examine (i) the adequacy of current revenue resources to meet existing and future infrastructure needs; (ii) consider the recommendations of the Commission on Virginia's State and Local Tax Structure for the 21st Century; (iii) consider the revitalization needs of inner-city areas and older suburbs to facilitate more efficient use of the existing infrastructure and improve the quality of life for many Virginians; (iv) review the development of abandoned or unused sites (brownfields) to enhance the economic vitality of communities in which they are located; and (v) determine appropriate means by which open space and individual property rights may be preserved, as well as broad-based funding mechanisms for accomplishing preservation goals.

Patron - Hall

[P] HJ675 Out-of-state enrollments. Directs the Joint Subcommittee on Higher Education Funding Policies continued by Item 1E6 of the 2000-2002 Appropriation Act to examine in-state and out-of-state student enrollment practices in Virginia's public institutions of higher education. In conducting the study, the joint subcommittee shall consider, among other things, (i) current enrollment practices and tuition rates at the various public institutions in Virginia; (ii) revenue sources supporting enrollments at such institutions; (iii) the estimated fiscal impact of an articulated cap on out-of-state enrollments, and potential revenue sources to support any shortfalls; (iv) enrollment and tuition policies in other states; and (v) such other issues as it deems appropriate.

Patron - Reid

[P] HJ681 Election process. Establishes a joint subcommittee to study the election process. In conducting the study, the joint subcommittee shall (i) examine the reliability and performance of the various types of voting systems in use throughout Virginia and in other states; (ii) examine the feasibility, advisability and costs of standardizing voting systems throughout the Commonwealth; (iii) consider ways to encourage localities to purchase or phase-in upgraded voting systems, including match grant programs; (iv) examine new and developing technologies that might advance the goals of better determining vote eligibility, ensuring voter privacy, enhancing the ability of voters to cast accurate and legal ballots and reducing the potential for election officials and individual interests to seek to interpret the intent of voters from ballots cast; (v) establish the extent to which, and the circumstances under which, spoiled ballots are cast or rescinded in elections; (vi) collect information regarding possible or actual voter misunderstanding of the ballot in elections throughout the Commonwealth; (vii) solicit the advice and experience of local electoral boards in ascertaining, establishing, and certifying the results of elections for accuracy and fairness; (viii) investigate the extent of and legality of vote-swapping strategies; (ix) examine local electoral board membership and qualification; (x) consider procedures for voter-friendly registration; (xi) examine standard procedures for assisting voters at the polls; (xii) ascertain the training needs of election officials and monitor the study by the State Board of Elections and the Weldon Cooper Center for Public Service on establishing a career development program for voter registrars; (xiii) consider procedures for standardizing absentee voting; (xiv) examine legal, technological, logistical and other related issues, including privacy involved in the handling and security of a merged pollbook; (xv) investigate the experience of, and monitor current actions in, other states; and (xvi) make any other recommendations for changes that may be desirable to advance the certainty of, and fairness in establishing, the outcome of elections in the Commonwealth. The aforementioned objectives represent the incorporation of HJR 529 (Marshall), HJR 575 (Williams), HJR 606 (Putney), HJR 621 (Drake), HJR 659 (Landes), HJR 798 (Crittenden), SJR 352 (Rerras) and SJR 376 (Lambert). This resolution is identical to SJR 363 (Miller, K.G.).

Patron - O'Brien

[P] HJ683 Charitable Choice. Continues the Special Task Force Studying Ways Faith-Based Community Service Groups May Provide Assistance to Meet Social Needs. The Special Task Force shall complete its objectives pursuant to House Joint Resolution 764 (1999) and House Joint Resolution 291 (2000). The Special Task Force shall also incorporate the objectives of HJR 682 (McDonnell) to request the Secretary of Health and Human Resources to study the role in which charitable, private, faith-based, and other organizations and programs may provide services to ex-offenders to reduce recidivism, including the possible expansion of Operation Turnaround and the development of other similar programs that utilize the efforts and contributions of charitable, private, faith-based and other organizations and programs to rehabilitate ex-offenders, and report his findings and recommendations to the Special Task Force for its consideration on a date as may be determined by the Task Force. This resolution incorporates HJR 682.

Patron - McDonnell

[P] HJ684 U.S. Route 460 upgrade. Establishes the U.S. Route 460 Communications Committee to (i) act as an institutional and organizational link between the citizens and businesses of the Richmond-Petersburg metropolitan area, the Port of Hampton Roads, the legislative representatives of such regions in the General Assembly, and the Department of Trans-

portation; and (ii) receive and disseminate communications between the Department and persons and entities directly affected by the prompt completion and success of all phases and aspects of the planning, designing, constructing, and financing of the U. S. Route 460 Improvement Projects.

Patron - McDonnell

[P] HJ685 Revision of state tax code. Establishes a joint subcommittee to study the complete revision of the state tax code. The joint subcommittee shall perform the following: (i) examine the report and recommendations of the Commission on Virginia's State and Local Tax Structure for the 21st Century; (ii) seek broad input from all levels of government, the private sector, and citizens concerning the sufficiency of the Commonwealth's current tax system; (iii) consider the necessity and sufficiency of current taxes, fees, deductions and credits as well as the rates of taxation; (iv) consider current revenue capacity of localities and the sufficiency of their revenue tools; (v) clarify the definition of manufacturer for purposes of the business, professional, and occupational license tax; (vi) examine the number and costs of tax credits and deductions authorized each year; (vii) determine the loss in sales tax due to electronic commerce; (viii) evaluate the real estate assessment appeals process, the need for any changes to the process, and the effect that such changes would have on taxpayers and local governments; (ix) consider the long-term effect on the Commonwealth's revenues of the phase-out of personal property tax; (x) evaluate the appropriateness of the merchants capital tax and the business, professional and occupational license tax; (xi) consider a plan to more equitably address exemptions, deductions, and rates for personal and business income taxes; and (xii) determine the equitable division of support to be assumed by the state and localities for education and mandated services in light of the reforms recommended by the Commission. The aforementioned objectives represent the incorporation of HJR 626 (Nixon), HJR 782 (Reid) and SJR 443 (Colgan). This resolution is identical to SJR 387 (Hanger).

Patron - McDonnell

[P] HJ687 Title 18.2 reorganization. Directs the Virginia State Crime Commission to study the organization of and inconsistencies in Title 18.2 of the Code of Virginia, including the level and extent of and the rationale for the penalties set forth therein. In conducting the study, the Commission shall (i) review the proportionality of the criminal penalties throughout the Code of Virginia; (ii) make recommendations for necessary amendments; and (iii) recommend whether or not Title 18.2 should also be revised at this time.

Patron - McDonnell

[P] HJ688 Board of Education and the State Council of Higher Education implementation of the provisions of subsection F of § 22.1-212.2:1 of the Code of Virginia. Requests the Board of Education and the State Council of Higher Education to implement the provisions of subsection F of § 22.1-212.2:1 of the Code of Virginia, which requires the establishment of five pilot projects, geographically distributed across the Commonwealth, to recruit elementary and secondary school students, particularly students of diverse backgrounds, for the teaching profession to address the shortage of classroom teachers. The resolution notes that the requirement to recruit students for the teaching profession was first required in 1997, pursuant to Chapter 899 of the 1997 Acts of Assembly; again in 1999, pursuant to Chapter 753 of the 1999 Acts of Assembly; and was clarified and reenacted pursuant to Chapters 570, 597, 623, 645, and 719 of the 2000 Acts of Assembly, which rewrote the current law. Also, the resolution indicates that funding has been requested to support the implementation and administration of the pilot projects. This resolution is a

recommendation of the Commission on Access and Diversity in Higher Education.

Patron - Christian

[P] HJ771 Wastewater management. Establishes a joint subcommittee to study the organization, structure, regulations, and policies of the Department of Health and the Department of Environmental Quality relating to the management and treatment of wastewater. The study shall examine (i) the policies and procedures of the Departments of Health and Environmental Quality relating to the management and treatment of wastewater, particularly in relation to permitting and regulating various treatment, disposal and reuse technologies; (ii) the overlap in various sets of regulations of the Departments; (iii) the length of time taken in promulgating regulations; (iv) the need for wastewater treatment expertise at senior levels of management and on the Board of Health and the State Water Control Board; (v) the best way to streamline the regulations and permitting process, including the consolidation of responsibilities into one agency; and (vi) such other issues as deemed necessary.

Patron - Parrish

[P] HJ772 Temporary Assistance to Needy Families (TANF) locality grouping. Requests the Department of Social Services, with assistance from the Department of Planning and Budget, to review the groupings of local social services agencies used in determining TANF payment amounts in Virginia. The Department's report shall include (i) the most appropriate basis for classifying local agencies into groups for purposes of the TANF programs, (ii) whether any changes to current classifications would be advisable, and (iii) the fiscal impact, if any, of such changes on state and local governments and TANF recipients. Implementation of this resolution may be redirected by the Joint Rules Committee to another state entity or legislative committee if the Committee determines that the costs of the study to be conducted by the Department of Social Services are prohibitive.

Patron - Landes

[P] HJ773 Growth in spending by the Commonwealth since Fiscal Year 1981. Directs the Joint Legislative Audit and Review Commission to analyze the growth in spending by the Commonwealth since Fiscal Year 1981. In conducting the study, the Commission shall consider, among other things, (i) an identification and analysis of spending functions and programs that could be consolidated with other programs without diminishing the quality of the services provided to the citizens of the Commonwealth; (ii) an identification and analysis of those spending functions or programs that no longer have a distinct and discernible mission or are not performing their missions efficiently; (iii) an identification and analysis of the state programs that have had the largest impact on the growth of state spending over the prior 10 biennia, in dollar terms; (iv) an identification and analysis of the programs growing the fastest in percentage terms; (v) for the programs identified as the largest and fastest-growing, comparisons of the growth in spending on those programs to the rate of increase in inflation and the growth in populations served by those programs over a comparable time period; (vi) an analysis of the causes for the growth in spending on the largest and fastest-growing programs, and whether the growth in spending appears rationally related to the rates of increase in inflation and populations served; (vii) an analysis of the use of performance budgeting, performance measurement, and program evaluation information in the legislative budgeting process and how the information may be more systematically used for program improvement and budget decision-making by legislators; (viii) a detailed analysis of the operations and expenditures of state funds by private organizations and groups, for the purpose of

demanding a full, complete and accurate accounting of those funds, as well as demonstrable evidence that the public policy goals have been accomplished by their expenditure; (ix) policies and strategies that can be instituted or restructured to more efficiently and effectively spend such funds; (x) the cancellation of programs that fail to meet the stated purpose of their funding, or fail to provide a satisfactory accounting of their expenditures; and (xi) such other related issues as it deems appropriate. The aforementioned objectives represent the incorporation of HJR 563 (McQuigg) and HJR 806 (Ware).

Patron - Callahan

[P] HJ783 Veterans' mobile medical unit. Requests the Department of Veterans' Affairs to examine the use of mobile medical units for the provision of services to military retirees and medical beneficiaries who are unable to travel to a VA medical center.

Patron - Cox

[P] HJ789 Remote electronic access to court cases. Establishes a joint subcommittee to study the protection of information contained in the records, documents and cases filed in the courts of the Commonwealth.

Patron - Rust

[P] HJ794 Phonics instruction. Requests the Department of Education, in cooperation with the State Council of Higher Education for Virginia, to study the proficiency of Virginia teachers in teaching systematic explicit phonics and the availability in local school divisions of decodable textbooks and other suitable materials for systematic phonics instructions. In conducting the study, the Department shall examine, among other things, the (i) extent to which teacher preparation programs in Virginia's schools of education provide instruction to aspiring teachers in the use of systematic explicit phonics, and (ii) usefulness of requiring that all persons seeking initial licensure or licensure renewal as K-3 teachers, K-6 reading specialists, special education teachers or English as a Second Language teachers demonstrate proficiency in the teaching of systematic explicit phonics. In addition, the Department shall develop recommendations for (a) establishing statewide standards of decodability for the textbooks used in Virginia's schools for phonics-based instruction, (b) creating a state professional development program to assess the skills of those teachers required to demonstrate phonics proficiency for licensure, and (c) the provision by the Department of additional training in systematic explicit phonics to those who do not demonstrate such proficiency. Finally, the study shall include recommendations regarding any supplemental state textbook funding necessary to enable local school divisions to add decodable textbooks and instructional materials for systematic phonics instruction to their reading programs.

Patron - Bolvin

[P] HJ801 Capital access. Establishes a joint subcommittee to study capital access and business financing for small and minority-owned businesses. The study shall include an examination of the following: (i) various new initiatives and existing state and federal programs that increase the accessibility of private financing for business development and attract investment and working capital, including seed, operating, and expansion capital, to the Commonwealth in order to support economic development efforts; (ii) programs pursued in other states targeted at increasing the availability of private capital; and (iii) the appropriate role of the state in facilitating business financing.

Patron - Jones, J.C.

[P] HJ810 Prescription Drug Assistance. Establishes the Joint Commission on Prescription Drug Assistance to

develop ways and means to provide prescription drug assistance to needy senior citizens and to coordinate state and federal programs providing such assistance. The Commission shall examine (i) the best ways to provide prescription drug assistance to those elderly Virginians who cannot afford to purchase such assistance on their own; (ii) the current scope of coverage, or lack thereof, in major programs including Medicare and Medicaid; (iii) proposed federal legislation and the most efficient manner in which the Commonwealth may coordinate its programs with future federal programs to provide prescription drug assistance; and (iv) such other matters as are relevant to the Commission's objectives. House Joint Resolution 810, was interpreted to be written broad enough to incorporate the substance of HJR 666 (Jones, J. C.), HJR 760 (Welch), HJR 762 (Morgan), and HJR 786 (Larrabee).

Patron - Jones, S.C.

[P] HJ834 Normal Pressure Hydrocephalus. Continues the epidemiological survey of the elderly population in Virginia's long-term care facilities, by the Division of Neurological Surgery at the Medical College of Virginia of Virginia Commonwealth University, to identify the number of patients with suspected Normal Pressure Hydrocephalus who could benefit from medical therapy.

Patron - Hargrove

[P] SJ334 Discovery of electronic data. Requests the Office of the Executive Secretary of the Virginia Supreme Court, with assistance from the Joint Commission on Technology and Science, to study and develop a procedural scheme, by statute or by rules of evidence, for discovery of electronic data in civil cases. The Executive Secretary must report his findings and recommendations to the Governor and 2002 Session of the General Assembly.

Patron - Mims

[P] SJ336 Distracted drivers. Requests the Department of Motor Vehicles to study the dangers imposed by distracted drivers and to specifically examine the use of telecommunications devices by motor vehicle operators. In conducting the study, the Department shall consider all types of distractions affecting drivers, including, but not limited to, telecommunication devices used by motorists, and assess the dangers posed to highway safety by distractions. The Department shall conduct this study in consultation with representatives of state and local law enforcement, the telecommunications industry, the insurance industry, and any other appropriate highway safety organizations. The Department must submit its findings and recommendations to the Governor and the 2002 Session of the General Assembly.

Patron - Norment

[P] SJ351 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) the establishment of a state commission to promote and provide marketing assistance to the industry, (iii) the Commonwealth's tax structure and its impact on the shipyard industry, and (iv) incentive grants for capital investments by shipyards. The joint subcommittee must submit its report to the Governor and the 2002 Session of the General Assembly.

Patron - Norment

[P] SJ361 Transaction fees for using credit cards or other electronic methods payment. Requests the Secretary of Finance to study the assessment of additional transaction fees charged when citizens pay Commonwealth penalties, taxes, license fees and other fees with credit cards or other electronic

methods of payment. The Secretary shall determine whether using credit cards or other electronic methods of payment to pay these charges reduces processing costs, losses due to bad checks and other receivable related costs enough so that the Commonwealth should waive the additional transaction fees associated with their use. The Secretary must report his findings and recommendations to the Governor and the 2002 General Assembly.

Patron - Newman

[P] SJ363 Election process and voting technologies.

Establishes a joint subcommittee to study Virginia's election process and voting technologies. In conducting the study, the joint subcommittee shall (i) examine the reliability and performance of the various types of voting systems in use throughout Virginia and in other states; (ii) examine the feasibility, advisability and costs of standardizing voting systems throughout the Commonwealth; (iii) consider ways to encourage localities to purchase or phase-in upgraded voting systems, including match grant programs; (iv) examine new and developing technologies that might advance the goals of better determining vote eligibility, ensuring voter privacy, enhancing the ability of voters to cast accurate and legal ballots and reducing the potential for election officials and individual interests to seek to interpret the intent of voters from ballots cast; (v) establish the extent to which, and the circumstances under which, spoiled ballots are cast or rescinded in elections; (vi) collect information regarding possible or actual voter misunderstanding of the ballot in elections throughout the Commonwealth; (vii) solicit the advice and experience of local electoral boards in ascertaining, establishing, and certifying the results of elections for accuracy and fairness; (viii) investigate the extent of and legality of vote-swapping strategies; (ix) examine local electoral board membership and qualification; (x) consider procedures for voter-friendly registration; (xi) examine standard procedures for assisting voters at the polls; (xii) ascertain the training needs of election officials and monitor the study by the State Board of Elections and the Weldon Cooper Center for Public Service on establishing a career development program for voter registrars; (xiii) consider procedures for standardizing absentee voting; (xiv) examine legal, technological, logistical and other related issues, including privacy involved in the handling and security of a merged pollbook; (xv) investigate the experience of, and monitor current actions in, other states; and (xvi) make any other recommendations for changes that may be desirable to advance the certainty of, and fairness in establishing, the outcome of elections in the Commonwealth. The study shall include, but not be limited to, the development of secure systems to facilitate voting and other procedures involved in the voter registration and voting process and shall examine new advances such as biometrics, passcodes, and other appropriate devices. The joint subcommittee must submit its findings and recommendations to the Governor and the 2002 Session of the General Assembly. This resolution is identical to HJR 681 (O'Brien), and incorporates Senators Lambert [SJR 376] and Rerras [SJR 352] and Delegates Crittenden [HJR 798], Drake [HJR 621], Landes [HJR 659], Marshall [HJR 529], O'Brien [HJR 681], Putney [HJR 606], and Williams [HJR 575].

Patron - Miller, K.G.

[P] SJ371 Funding of transportation projects for Hampton Roads. Establishes a joint subcommittee to study funding of unfunded transportation projects in Hampton Roads. The joint subcommittee shall determine the most desirable and feasible means of making funds available to meet those needs. The joint subcommittee must submit its findings and recommendations to the Governor and the 2002 Session of the General Assembly.

Patron - Williams

[P] SJ373 Future of Virginia's Environment. Continues the Commission Studying the Future of Virginia's Environment. In conducting its study, the Commission shall 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. The Commission must submit its findings and recommendations to the Governor and the 2002 Session of the General Assembly.

Patron - Bolling

[P] SJ378 Lead poisoning prevention. Continues the Joint Subcommittee Studying Lead Poisoning Prevention. In conducting its study, the joint subcommittee shall assemble experts and citizens to assist in the development of a blueprint for consumers, home owners, real estate professionals, and medical professionals. The blueprint shall include the various federal requirements for disclosure, the state licensure requirements, and medical reporting and testing requirements, as well as provisions to educate the parents of children residing in houses having lead risks, and shall integrate statutory and regulatory law and medically accepted prevention techniques and testing protocols. The blueprint shall provide a logical sequence of steps to be taken to prevent lead poisoning and lead risk liability. The joint subcommittee must submit its findings and recommendations to the Governor and the 2002 Session of the General Assembly.

Patron - Lambert

[P] SJ382 Database of nonprofit and not-for-profit entities. Requests the Commonwealth Competition Council, in cooperation with certain agencies and organizations, to prepare a plan for the development of a system and review process to implement and maintain a statewide database of nonprofit and not-for-profit entities that could be accessed by all Virginians via the Internet.

Patron - Hanger

[P] SJ385 Commission on Educational Accountability. Continues the Commission on Educational Accountability (SJR 498,1999) for one additional year. Assisted by three task forces, the Commission was to examine a variety of issues, including the Standards of Accreditation; the implementation of the Standards of Learning and revised assessments; ways increase the capacity of schools, teachers, and students to meet increasingly rigorous academic standards; the instructional needs of students and teachers in the public schools of the Commonwealth; the efficacy and appropriateness of the Commonwealth's system of funding the Standards of Quality for public schools; and the demand for and supply of classroom teachers. The following task forces of the Commission are also continued: Special Task Force Studying the Educational Needs of the 21st Century; the Special Task Force on Educational Accountability to Examine the Impact of the Standards of Accreditation on Local School Division Budgets; and Special Task Force 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. The Commission must report its findings and recommendations to the Governor and the 2002 Session of the General Assembly.

Patron - Hanger

[P] SJ387 Revision of the state tax code. Establishes a joint subcommittee to study the complete revision of the state tax code. The joint subcommittee shall ensure that Virginia's tax code is fair, uniform, understandable, and contemporary. The joint subcommittee shall perform the following: (i) examine the report and recommendations of the Commission on Vir-

ginia's State and Local Tax Structure for the 21st Century; (ii) seek broad input from all levels of government, the private sector, and citizens concerning the sufficiency of the Commonwealth's current tax system; (iii) consider the necessity and sufficiency of current taxes, fees, deductions and credits as well as the rates of taxation; (iv) consider current revenue capacity of localities and the sufficiency of their revenue tools; (v) clarify the definition of manufacturer for purposes of the business, professional, and occupational license tax; (vi) examine other states with similar business license taxes and determine how manufacturers are defined and treated; (vii) confer with the commissioners of the revenue and manufacturers throughout the Commonwealth concerning issues pertaining to business, professional, and occupational license tax; (viii) examine the number of tax credits authorized each year; (ix) determine the loss in sales tax due to Internet purchases; (x) examine the extent to which the tax appeal process is unfair or is perceived reasonably to be unfair; (xi) evaluate the potential financial effect upon localities and the burdens upon assessors of changes to the tax appeal system; and (xii) identify the benefits of changing the tax appeal system, and recommend any changes to the tax appeal system, including standards and burdens of proof, that will result in a more fair and balanced tax assessment system, including recommendations for minimizing any adverse financial effect upon localities. The aforementioned objectives represent the incorporation of HJR 782 (Reid) and certain requests of the House Rules Committee. The joint subcommittee must report its findings and recommendations by November 30, 2002 to the Virginia Code Commission, and to the Governor and the 2003 Session of the General Assembly. This resolution is identical to HJR 685 (McDonnell) and incorporates SJR 443.

Patron - Hanger

[P] SJ393 Campaign finance reform. Continues the joint subcommittee studying campaign finance reform issues. In its continuing examination of Virginia's campaign finance laws, the joint subcommittee shall hold public hearings across the state to solicit comments on ways to control the spiraling cost of campaigns and promote public confidence in Virginia's campaign financing, including campaign contribution and voluntary spending limits. The joint subcommittee must submit its findings and recommendations to the Governor and the 2002 Session of the General Assembly.

Patron - Wagner

[P] SJ396 High-speed passenger rail service between Virginia and North Carolina. Establishes the Virginia-North Carolina Interstate High-Speed Rail Commission to study the desirability and feasibility of establishing high-speed passenger rail service between Virginia and North Carolina. Virginia-North Carolina. The Virginia component of the Commission shall consist of six legislative members. In conducting the study, the Commission shall conduct such meetings, tours of inspection, and public hearings as appropriate to determine the desirability and feasibility of establishing high-speed passenger rail service between Virginia and North Carolina, including connecting rail lines in Hampton Roads. If the Commission determines that such rail service is desirable and feasible, it shall consider and recommend legislative action necessary to facilitate the establishment of high-speed passenger rail service and connecting rail lines in Virginia; determine necessary levels of funding; and identify the sources of such funds. The Commission must submit its findings and recommendations to the Governor and the 2003 Session of the General Assembly.

Patron - Watkins

[P] SJ397 Creation of a Northern Virginia Regional Transportation Authority. Continues the Joint Subcommittee Studying the Creation of a Northern Virginia Regional Trans-

portation Authority in order that it may complete its objectives pursuant to Senate Joint Resolution 121 (2000). The Authority shall consider in its deliberations an examination of the desirability and feasibility of implementing the Northern Virginia Transportation Compact. The joint subcommittee shall recommend such administrative and legislative action as it may deem necessary to satisfy its charge. The joint subcommittee must report its findings and recommendations to the Governor and the 2002 Session of the General Assembly. This resolution is identical to HJR 610 (Rust), into which HJR 644 (Bolvin) has been incorporated.

Patron - Barry

[P] SJ400 Model school design plans. Requests the Department of Education to study the feasibility of providing model school design plans for elementary, middle, and high schools. In the conduct of this study, the Department must (i) examine the issues relating to school design by seeking input from the school divisions of the Commonwealth and other experts and interested parties; (ii) assess various school designs that have been submitted to the Superintendent of Public Instruction in the last several years for the construction of elementary, middle, and high schools to determine if there are common features in such designs; (iii) evaluate the costs of construction associated with various school designs for elementary, middle, and high schools; (iv) analyze the legal issues relating to procurement of a set of model plans for each of the three levels of public education, i.e., elementary, middle, and high school; and (v) seek input from architects, engineers, The Consulting Engineering Council of Virginia, The Virginia Society of the American Institute of Architects, The Virginia Society of Professional Engineers, school administrators, and other stakeholders concerning the feasibility of providing the Commonwealth's school division with model school design plans for elementary, middle, and high schools. The Department must report its findings and recommendations to the Governor and the 2002 General Assembly.

Patron - Newman

[P] SJ403 Public procurement of information technology services. Requests the Departments of General Services, Transportation, and Technology Planning, in consultation with the Joint Commission on Technology and Science, be requested to study the methods and technologies needed to implement competitive procurement via electronic means, including electronic sealed bidding. In conducting this study, each Department shall also determine and recommend any changes to the provisions of the Code of Virginia that are specific to that Department and are necessary to accommodate that Department's electronic competitive procurement, in light of the provisions of the Uniform Electronic Transactions Act under § 59.1-486 of the Code of Virginia. The Departments are requested to submit their findings and recommendations to the Governor and the 2002 Session of the General Assembly.

Patron - Ticer

[P] SJ411 I-66 widening. Requests the Virginia Department of Transportation to study the proposed widening of Interstate Route 66 in Arlington and Fairfax Counties. Specifically, the Department shall seek an amendment to the Transportation Improvement Program for the Washington Metropolitan Region to include funding provided in the Transportation Development Plan for the study of widening Interstate Route 66 and include the project in the Constrained Long Range Plan for the National Capital Region to allow, upon approval of the amendment, for the conduct of a study of the proposed widening of Interstate Route 66 within Arlington and Fairfax Counties between the Theodore Roosevelt Bridge and Interstate Route 495. The study shall include the origins and destinations of people currently using Interstate Route 66, travel

demand forecasts, and all options for meeting this demand. In conducting the study, the Department shall consider, but not necessarily confine its investigations to, (i) a no-build option, in which no changes are made to the current design of the highway; (ii) a Transportation Systems Management approach, in which minor changes are made to entrance and exit ramps to improve transit service or travel flow, rather than major expansion or reconfiguration of the roadway itself; (iii) the implementation of high-occupancy vehicle lanes in both directions on Interstate Route 66 within the Capital Beltway during peak travel hours; and (iv) the conduct of all analyses required for the appropriate environmental documentation, including an analysis of the social and economic impacts of the proposed project on adjoining communities, an environmental analysis of air and noise impacts, and an analysis of the fiscal impact of the proposed project on local governments. The Department shall conduct its study in a manner that ensures the involvement of local governments and the general public. The study shall take into consideration the independent and on-going studies conducted on the extension of Metrorail service and the establishment of a bus rapid transit alternative in the Dulles corridor. The Department shall submit an interim status report by October 20, 2002, to the Governor and the 2003 Session of the General Assembly, and it shall complete its work in a time-frame as needed for preparation of thorough documentation, and submit its final findings and recommendations to the Governor and the General Assembly.

Patron - Whipple

[P] SJ438 Implementation of local erosion and sediment control programs and local stormwater management programs. Directs the Commission Studying the Future of Virginia's Environment to study the implementation of local erosion and sediment control programs and local stormwater management programs. In conducting the study, the Commission shall examine (i) the consistency of local erosion and sediment control ordinances with the Erosion and Sediment Control Law; (ii) the adequacy of local stormwater management programs and the consistency of such programs with the Stormwater Management Act; and (iii) the implementation of erosion and sediment control programs and stormwater management programs by local governments, including a review of local program administration, plan review, inspection and enforcement. The Commission shall also make recommendations as to ways to ensure that local erosion and sediment control programs and local stormwater management programs are consistent across jurisdictional lines and ways to improve existing erosion and sediment control programs and stormwater management programs. The Commission must report its findings and recommendations to the Governor and the 2002 Session of the General Assembly.

Patron - Ruff

[P] SJ440 Treatment options for offenders with mental illness or substance abuse disorders. Directs the Joint Commission on Behavioral Health Care, in conjunction with the Virginia State Crime Commission and the Virginia Commission on Youth, to study treatment options for offenders who have mental illness or substance abuse disorders. In conducting the study, the Commission shall examine, (i) the incidence of mental illness and substance abuse among offenders; (ii) the current system for delivering mental health and substance abuse services, including assessment, treatment, post-release, and follow-up; (iii) model treatment programs for offenders; (iv) the costs and benefits of private versus public treatment services; (v) the need for specialized training of local law enforcement and court personnel to identify and handle offenders with mental illness and substance abuse disorders; and (vi) the level of funding, sources of funding, and legislation required to ensure adequate assessment and treatment services.

The Joint Commission on Behavioral Health Care shall request the participation of state and local agencies and organizations who represent or whose responsibilities involve services to offenders with mental illness and substance abuse disorders, as it may deem necessary. The Commission must report its findings and recommendations to the Governor and the 2002 Session of the General Assembly.

Patron - Houck

[P] SJ441 Department of Medical Assistance Services. Directs the Joint Legislative Audit and Review Commission to conduct an evaluation of the development, management, utilization, and funding of health and mental health services provided through the Department of Medical Assistance Services. The Commission shall examine, among other things, (i) the appropriate role and mission of the Department of Medical Assistance Services relative to indigent health care policy for the Commonwealth; (ii) how the leadership and decision-making processes and internal and external communications impact the development, management, and utilization of health and mental health services; (iii) the adequacy of current resources (staff and technology) to develop and manage health and mental health services; and (iv) the adequacy and appropriate use of federal and state funds for services. The Commission shall also compare Virginia's provision of Medicaid-funded health and mental health services, such as child health, long-term care services and waivers, and mental health services, with other states.

Patron - Saslaw

[P] SJ446 Housing issues. Directs the Virginia Housing Study Commission, with the assistance of the Virginia Housing Development Authority and the Virginia Department of Housing and Community Development, to study certain housing issues. Virginia Housing Study Commission, with the assistance of the Virginia Housing Development Authority and the Virginia Department of Housing and Community Development, be directed to study certain housing issues. The Virginia Housing Study Commission shall conduct the following: (i) the continuing study of strategies for increasing home ownership opportunities in the Commonwealth among minorities and new immigrants, as provided in Senate Joint Resolution 446 (2001) as introduced and with the assistance from the Virginia Housing Development Authority and the Virginia Department of Housing and Community Development; (ii) the study of current practices of certain housing authorities in designating an area as a redevelopment area but not concluding the project in a timely manner, as provided in the Amendment in the Nature of a Substitute for House Joint Resolution 619 (Drake) adopted by the House Rules Committee; (iii) the study of the feasibility and appropriateness of requiring warranties or some form of insurance on new building products introduced into the housing construction market, as provided in the Amendment in the Nature of a Substitute for House Resolution 620 (Drake) adopted by the House Rules Committee and with the assistance from the Department of Housing and Community Development; (iv) the study of whether real estate licensees should be entitled to receive compensation under Virginia law for actual services performed in accordance with the Real Estate Settlement Procedures Act; (v) the study of whether the period of developer control of a property owners' association should be limited to the point at which three-fourths of the lots, as designated in the plan for development filed with the locality, have been conveyed as improved lots to owners in the association; (vi) a study of certain other issues relating to property owners' associations as noted in Senate Bill 1423 (Lambert); and (vii) the impact of new home building technologies and current building code inspection systems on the availability of affordable housing, pursuant to Senate Joint Resolution 437 (Watkins) as amended by the Senate Committee on Rules and

passed by the Senate of Virginia. This resolution incorporates SJR 437 (Watkins), SB 1423 (Lambert), and the aforementioned study resolutions.

Patron - Whipple

[P] SJ467 Electricity generation facilities. Directs the Legislative Transition Task Force established under the Virginia Electric Utility Restructuring Act to study procedures applicable to the construction of new electricity generation facilities in the Commonwealth. The Legislative Transition Task Force shall recommend amendments to the Commonwealth's administrative and regulatory procedures as may be appropriate to facilitate the approval of construction of sufficient electricity generation capacity to provide a competitive market for electricity in the Commonwealth as soon as practical, without lessening necessary environmental considerations including siting and air quality impacts. The Task Force must report its findings and recommendations to the Governor and the 2002 Session of the General Assembly.

Patron - Norment

[P] SJ481 Natural gas prices. Directs the Coal and Energy Commission, in consultation with the State Corporation Commission, to study the reasons for the recent increase in the price of natural gas. The study shall also include recommended actions at the national and state levels that will increase available natural gas supplies, thereby promoting the affordability of natural gas as an efficient domestic energy source. The Commission shall submit its findings and recommendations to the Governor and the 2002 Session of the General Assembly.

Patron - Newman

[F] Failed

[F] HJ259 Training and retaining child care workers. Directs the Commission on Early Childhood and Day Care Programs to study the training and retention of child care workers. In conducting its study, the Commission shall examine ways to improve the education, training, financial rewards, and job stability of child care professionals to enhance the quality of child day care programs in the Commonwealth. The Commission shall also review and consider the ways in which other states educate, train, reward, and retain qualified child care professionals. This resolution has been incorporated into HJR 681.

Patron - Scott

[F] HJ508 Death penalty. Establishes a joint subcommittee to study the need for a moratorium on death sentence executions in the Commonwealth. In conducting the study, the joint subcommittee shall (i) determine whether there should be a moratorium on the implementation of the death penalty in Virginia; (ii) ascertain the circumstances under which any innocent Virginia defendants have been sentenced to death; (iii) determine the procedures that should be established regarding post-conviction access to forensic evidence, including DNA testing when such testing could result in new evidence of innocence; (iv) examine whether there is any racial, economic, class or other disparity in charging, prosecuting and imposing the death sentence; (v) determine the extent and cause of any disproportionalities found in charging, prosecuting and imposing the death sentence; (vi) consider the circumstances regarding the sentencing to life imprisonment versus the death sentence for those convicted of murder; (vii) evaluate the adequacy of capital representation and any criteria for the qualification of counsel, particularly counsel appointed for low-income defendants; (viii) determine the incidences of escape from Virginia's death row and whether other persons,

including civilians, guards or inmates, were harmed during the duration of such escapes; (ix) evaluate the behavior of inmates sentenced to life imprisonment for murder; and (x) consider any other issues relating to the fair and impartial administration of the death penalty.

Patron - Marshall

[F] HJ522 Mental health courts. Directs the Joint Commission on Behavioral Health Care to study the desirability and feasibility of mental health courts for nonviolent offenders with serious mental illnesses in Virginia. The study shall make recommendations that link the criminal justice system and the mental health and substance abuse treatment system to respond to the full-range of needs of individuals with serious mental illness who are charged with misdemeanor or nonviolent felonies in an integrated and cost-effective manner. Such recommendations shall address, but not be limited to, (i) specialized training of law-enforcement and judicial personnel to identify and address the treatment and support needs of people with serious mental illness, (ii) increased linkages between the criminal justice and mental health treatment systems to assure that nonviolent offenders with serious mental illnesses receive needed treatment services, (iii) the implementation of a program to encourage and assist in the establishment of one or more mental health courts on a pilot basis, and (iv) statutory changes needed to effect the Commission's recommendations.

Patron - Jones, J.C.

[F] HJ528 Protection and advocacy for individuals with disabilities. Directs the Joint Legislative Audit and Review Commission to study the effectiveness, independence and accountability of the Department for Rights of Virginians with Disabilities (DRVD) in carrying out its protection and advocacy functions and statutory duties. The study shall include, but not be limited to, an assessment of how DRVD meets its statutory mandate to protect and advocate for the rights of people with disabilities and a review of the structures of protection and advocacy systems in other states.

Patron - Hamilton

[F] HJ529 Procedures for ascertaining results of elections. Establishes a joint subcommittee to examine procedures for casting votes and ascertaining the results of elections in the Commonwealth, including recounting of the vote in elections in which the outcome is in doubt or dispute. This resolution has been incorporated into HJR 681 (O'Brien).

Patron - Marshall

[F] HJ536 Nursing homes. Requesting the Department of Health to study the overall health and viability of Virginia's nursing homes.

Patron - Purkey

[F] HJ543 Legislative Support Commission. Directs the Legislative Support Commission and other members from certain standing committees of the General Assembly to examine the educational activities, including Capitol tours, that take place in and around the Capitol for school groups, individual students, seniors, and other visitors.

Patron - Hamilton

[F] HJ546 State zoning enabling laws. Directs the Joint Legislative Audit and Review Commission, with the cooperation and assistance of the Commission on Local Government and localities of the Commonwealth, to study whether the zoning enabling laws of the Commonwealth provide adequate zoning powers to address local economic development, growth, infrastructure, and quality of life issues.

Patron - Purkey

[F] HJ561 School Vouchers and Tuition Tax Credits and Deductions. Establishes a joint subcommittee to study the efficacy and appropriateness of school vouchers and tuition tax credits and deductions. In conducting its study, the joint subcommittee shall (i) consider the issues associated with school vouchers and tuition tax credits and deductions, including the advantages and disadvantages of each option, their legal sufficiency, and the fiscal impact; (ii) review the configuration of these options in other states; (iii) include in its deliberations a review of federal initiatives and an interpretation of each relevant court decision around the country relating to these options; (iv) monitor relevant cases progressing through Virginia's, other states, and federal court systems; (v) conduct and review a comprehensive literature search on each option, giving particular attention to recent reports that assess the effectiveness of these school choice options on student performance, and the academic disadvantages of each option; (vi) identify the concerns and perspectives of the African-American community and other minority persons, supporting and opposed to, school vouchers and tuition tax credits and deductions; (vii) analyze the public policy implications, based on the literature search, of these options for African-American and other minority persons; (viii) estimate the number of public school students whose parents would opt to use school vouchers and tuition tax credits and deductions; (ix) determine the maximum limit at which school vouchers and tuition tax credits and deductions should be set and estimate the costs to the Commonwealth; and (x) consider such other related issues as the joint subcommittee deems appropriate and submit its findings and recommendations. The joint subcommittee shall provide appropriate opportunities for public participation in the study to the extent practicable, taking care to ensure the broadest participation possible. The joint subcommittee must report to the Governor and the 2003 Session of the General Assembly.

Patron - Marshall

[F] HJ563 Performance budgeting program. Establishing a joint subcommittee to study the state's implementation of the performance-based budgeting process. In conducting the study, the joint subcommittee shall review (i) the state's efforts to fully implement the performance-based budgeting program, (ii) ways to maximize the legislature's utilization of information developed through the performance-based budgeting process, (iii) current efforts and experiences of the federal government and other states in implementing reform efforts based on performance-based budgeting and other program performance information, and (iv) compare information drawn from these efforts and experiences to recommend actions Virginia may take to increase the effectiveness of its implementation of performance-based budgeting. This resolution has been incorporated into HJR 773 (Callahan).

Patron - McQuigg

[F] HJ565 Noncompetition contracts. Establishes a joint subcommittee to study the need for codifying law governing covenants not to compete. The study shall include examination of (i) appropriate time limits; (ii) the propriety of geographic restrictions on competition; (iii) the particular needs of the technology industry relating to these contracts; (iv) the needs of working Virginians to earn a livelihood without unfair or burdensome restrictions on employment; and (v) any other matter that the joint subcommittee deems appropriate to the study of noncompetition contracts.

Patron - McQuigg

[F] HJ566 Department of Health; tattooist and body piercing technicians. Requests the Department of Health to

study the need for the appropriate level of regulation for tattooist and body piercing technicians.

Patron - Orrock

[F] HJ570 Standards of Learning assessments. Requests the Joint Legislative Audit and Review Commission (JLARC) to examine the administration and application of the Standards of Learning assessments in Virginia's public schools. In conducting its study, JLARC is to consider, among other things, (i) the legal sufficiency of the SOL assessment testing process; (ii) the effect of SOL testing on classroom instruction; (iii) the viability of computer testing; (iv) SOL test security, validity, and reliability; (v) early access to test results to facilitate summer remediation efforts; (vi) turnaround time for test results; (vii) the use of these tests among special student populations, such as English as a second language (ESL) and transfer students; (viii) the work and recommendations of the various SOL assessment advisory groups assisting the Board of Education; (ix) local school division access to SOL testing data and technical assistance; and (x) such other issues as it deems appropriate. The Commission shall complete its work in time to submit its findings and recommendations to the Governor and the 2002 Session of the General Assembly.

Patron - Cranwell

[F] HJ575 Virginia election procedures and process. Establishes the Virginia Elections Review Commission to study Virginia's election systems and technology and the process for ascertaining the complete and accurate election result. This resolution has been incorporated into HJR 681 (O'Brien).

Patron - Williams

[F] HJ584 Emergency management services. Directs the Virginia Department of Emergency Management to conduct a study on the readiness of state and local emergency plans to deal with the elderly and disabled who are not mobile or who depend on life support systems.

Patron - Hamilton

[F] HJ587 MAPS. Establishes a joint subcommittee to study the feasibility and appropriateness of the various mechanisms used to fund regional economic projects, commonly referred to as the Metropolitan Area Projects Strategies (MAPS).

Patron - Hull

[F] HJ600 Inmate phone system. Requests the Department of Corrections and the Department of Information Technology to study the feasibility and cost of implementing a debit inmate telephone system in state facilities.

Patron - Almand

[F] HJ601 Triennial census of school-age population. Requests the Board of Education to examine the availability and efficacy of alternative sources and procedures for obtaining a triennial census of the school age population. In conducting its study, the Board shall review, among other things, (i) school census processes in other states; (ii) costs incurred by Virginia's local school boards in conducting the triennial census; (iii) the accuracy and timeliness of any existing alternative sources of such census data; and (iv) existing resources and entities that might be tapped to conduct this census in the Commonwealth. The Board is to submit its findings to the Governor and the 2002 Session of the General Assembly.

Patron - Parrish

[F] HJ602 School board fiscal authority. Requests the Joint Legislative Audit and Review Commission (JLARC) to examine the impact of granting fiscal autonomy to local school boards in the Commonwealth. In conducting its study, JLARC

is to consider, among other things, current state constitutional and statutory provisions governing school board fiscal authority and school funding; school board fiscal authority models in other states; the use and proportions of various revenue sources for public education costs in Virginia; potential mechanisms addressing a potential grant of such fiscal authority, including local referenda, voter approval for increases, and the appropriate apportionment of taxing power for school boards of cities and counties; and such other issues as it deems appropriate. JLARC is to submit its findings and recommendations to the Governor and the 2002 Session of the General Assembly.

Patron - Parrish

[F] HJ606 Pollbooks. Creates a joint subcommittee to study the use of a combined precinct registered voter list and pollbook. The study shall include an examination of legal, technological, logistical, and other related issues, including the need for privacy relative to the handling and security of a merged pollbook. This resolution has been incorporated into HJR 681 (OBrien).

Patron - Putney

[F] HJ612 Arborists. Requests the Board for Professional and Occupational Regulation to evaluate the need for and recommend the degree of regulation, if any, applied to arboricultural practices in the Commonwealth.

Patron - Hull

[F] HJ613 Transportation authority for Planning District VIII. Creates a 10-member joint subcommittee to study the creation of a transportation authority for Planning District VIII.

Patron - Marshall

[F] HJ615 Membership of Indian tribes. Establishes a joint subcommittee to study the seating of representatives of Virginia's eight officially recognized Indian tribes as nonvoting members of the General Assembly.

Patron - Darner

[F] HJ616 Metropolitan Washington Airport Authority (MWAA) police. Establishes a 10-member joint subcommittee to study whether control of the MWAA police force should be transferred from MWAA's chief executive to the Superintendent of State Police.

Patron - Marshall

[F] HJ617 Metropolitan Washington Airport Authority (MWAA) police. Requests the Superintendent of State Police to study whether control of the MWAA police force should be transferred from MWAA's chief executive to the Superintendent of State Police.

Patron - Marshall

[F] HJ619 Redevelopment areas. Directs the Virginia Housing Study Commission to study the current practices of certain housing authorities in designating an area as a redevelopment area but not concluding the project in a timely manner. In conducting the study, the Commission shall focus on approved redevelopment plans that were adopted prior to July 1, 2001, and consider (i) the impact of any delay in completing such redevelopment plans on effected property owners, (ii) the underlying reasons for the delays in concluding an approved redevelopment plan, (iii) the availability and sources of sufficient funding to complete such projects, and (iv) how to balance the rights of property owners and the community's need to reduce blight through the redevelopment and revitalization of neighborhoods. It should be noted that this summary also represents the amendment in the nature of a substitute for HJR 619 that was adopted by the House Committee on Rules, prior

to the tabling of the measure. This resolution has been incorporated into SJR 446 (Whipple).

Patron - Drake

[F] HJ620 Warranties and insurance on new building products. Directs the Virginia Housing Study Commission to study the feasibility and appropriateness of requiring warranties or other forms of insurance on new building products introduced into the housing construction market. In conducting the study, the Commission shall identify and examine ways to save Virginia citizens from incurring the full costs of defective building products, including home warranty insurance plans, bonding by the manufacturer in the event of product failure, recovery of funds, and other means of providing financial protection for consumers. It should be noted that this summary also represents the amendment in the nature of a substitute for HJR 620 that was adopted by the House Committee on Rules, prior to the tabling of the measure. This resolution has been incorporated into SJR 446 (Whipple).

Patron - Drake

[F] HJ621 Application of current and developing technologies to voting procedures. Establishes a joint subcommittee to evaluate the current voting systems and technologies being used in the Commonwealth and recommend how new and emerging technologies might be applied to improve the process. The joint subcommittee is specifically requested to include an examination of Internet voting and of identification and security measures such as biometrics and passcodes in its study. This resolution has been incorporated into HJR 681 (O'Brien).

Patron - Drake

[F] HJ623 Deputy circuit court clerks. Directs the Joint Legislative Audit and Review Commission to study staffing levels of the circuit courts and salary levels of deputy circuit court clerks.

Patron - Jackson

[F] HJ626 Definition of manufacturers for BPOL tax purposes. Requests the Department of Taxation to conduct a study to clarify the definition of manufacturer for purposes of the business, professional, and occupational license tax. The Department is directed to report its findings to the Governor and the 2002 Session of the General Assembly. This resolution has been incorporated into HJR 685 (McDonnell).

Patron - Nixon

[F] HJ628 Litter control along state and local highways. Creates a seven-member joint subcommittee to study the problem of litter, trash, and graffiti along state and local highways.

Patron - Crittenden

[F] HJ629 Early childhood educational and developmental initiatives. Directs the Commission on Early Childhood and Child Day Care Programs to study early childhood educational and developmental initiatives. The study shall include (i) an examination of current successful child development programs in the Commonwealth and other states, (ii) recommendations for the development of statewide programs to reach at-risk youth to provide them with a good start in life, (iii) strategies for financing quality child care including business involvement through public-private partnerships, and (iv) such other issues as the Commission deems appropriate.

Patron - Van Landingham

[F] HJ630 Compensation for wrongly convicted. Directs the Virginia State Crime Commission to study the feasibility of creating a system by which innocent people con-

victed of crimes and incarcerated may recover damages. It was agreed that the Virginia State Crime Commission would be requested to consider conducting the study, under their statutory authority to initiate studies without legislative action.

Patron - Almand

[F] HJ631 Community mediation. Requests the Virginia Association for Community Conflict Resolution to study the desirability and feasibility of establishing community mediation centers in the Commonwealth. This resolution has been incorporated into HJR 669 (Hall).

Patron - Hall

[F] HJ633 Damage done by deer. Requests the Virginia Department of Game and Inland Fisheries to study the total impact of damage done by deer in the Commonwealth, including, but not limited to, damage to crops, private property, automobiles, and aircraft operations, and incidents that result in personal injury.

Patron - Day

[F] HJ634 Virginia Lottery Department. Directs the Virginia Lottery Department to study the effects on Virginia's lottery sales and profits if North Carolina were to implement a state-operated lottery.

Patron - Day

[F] HJ635 Hardwood reforestation program. Requests the Department of Forestry to study the feasibility of establishing and implementing a hardwood reforestation program. The study would examine (i) how such a program should be structured, (ii) what incentives should be provided to landowners, (iii) the impact such a program might have on the hardwood resource, and (iv) the costs of implementing the program and how it should be financed.

Patron - Day

[F] HJ636 Extension of passenger rail service from Manassas to Haymarket. Requests the Virginia Department of Rail and Public Transportation to study the desirability and feasibility of extending Virginia Railway Express service from Manassas via Gainesville to Haymarket, including the construction of appropriate stations at Gainesville and Haymarket.

Patron - Marshall

[F] HJ638 Requesting the Department of Education and the Department of Mental Health, Mental Retardation and Substance Abuse Services to study the educational placement of children eligible for early intervention programs and services, pursuant to Part C of the Individuals with Disabilities Education Act, P. L. 101-17, as amended. Requests the Departments of Education and of Mental Health, Mental Retardation and Substance Abuse Services to inventory localities and school divisions to ascertain information that can be used to (i) identify the disabilities that qualify infants and toddlers and other eligible children for Part C services; (ii) aid the Departments in determining the number of such children being served in Virginia and how; (iii) assist the Departments in developing a demographic profile of such children, and in determining whether the students are enrolled in regular or special education programs, whether they are achieving and thriving, and whether they receive related and support services; (iv) help the Departments assess the costs of providing special education and related and support services for such children, and program effectiveness; (v) ascertain that the process and procedures for transitioning such school-age children from the early intervention programs are followed; and (vi) evaluate the need to establish a reporting system to capture and track the transition and progress of these children from early intervention to the public schools. The Departments must apprise the House

Committee on Education and the Senate Committee on Education and Health regularly concerning the status and findings of their study, and shall complete their work in time to submit their written findings and recommendations to the Governor and the 2002 Session of the General Assembly. This resolution is a recommendation of the Joint Subcommittee Studying the Overrepresentation of African-American Students in Special Education Programs.

Patron - McEachin

[F] HJ641 Directing the House Committee on Appropriations and the Senate Committee on Finance to study, jointly, the need to increase fiscal support for anti-poverty programs and services, substance abuse prevention and treatment services, and health care coverage for poor children. Directs the House Committee on Appropriations and the Senate Committee on Finance to study, jointly, the need to increase fiscal support for anti-poverty programs and services, substance abuse prevention and treatment services, and health care coverage for poor children. The Committees shall (i) identify state-funded anti-poverty programs, including program objectives and effectiveness, a description and the number of persons served, and the level of state funding, and federal and private funding, if any; (ii) develop a demographic profile of persons served by state-funded substance abuse prevention and treatment programs, including the number of persons served, the type of program, source and level of funding, and evaluate program effectiveness; (iii) evaluate the outreach efforts to enroll eligible poor children in the State's Family Access to Medical Insurance Security Plan (FAMIS); (iv) propose alternatives to enhance such existing services, and estimate the costs of expanding these programs to serve more citizens; and (v) consider such other related matters as the Committees may determine necessary in the furtherance of their work. The staffs of the House Committee on Appropriations and the Senate Committee on Finance shall provide staff support for the study. The House Committee on Appropriations and the Senate Committee on Finance shall apprise regularly the House Committees on Education and on Health, Welfare and Institutions, and the Senate Committees on Education and Health and on Rehabilitation and Social Services concerning the status and findings of their study, and report their written findings and recommendations to the Governor and the 2002 Session of the General Assembly. This resolution is a recommendation of the Joint Subcommittee Studying the Overrepresentation of African-American Students in Special Education Programs.

Patron - McEachin

[F] HJ642 Teacher retention initiatives. Creates an eight-member joint subcommittee to study teacher retention initiatives. In conducting its study, the joint subcommittee is to consider, among other things, (i) effective teacher retention initiatives in other states; (ii) ways in which conditions of employment in Virginia public schools might be enhanced to promote teacher retention; (iii) the work and recommendations of recent legislative and executive branch studies addressing teacher employment issues; and (iv) such other issues as it deems appropriate and is to submit its written findings and recommendations to the Governor and the 2002 Session of the General Assembly.

Patron - Amundson

[F] HJ643 Notice of student adjudications. Requests the Commission on Youth to study the transfer of information regarding certain adjudications of students to and among public schools. In conducting its study, the Commission shall consider, among other things, relevant federal and state law and regulations governing student records; documented instances of failure to comply with dissemination and privacy requirements; and such other issues as it deems appropriate. The

Commission shall submit its findings and recommendations to the Governor and the 2002 Session of the General Assembly.

Patron - Amundson

[F] HJ644 Northern Virginia Transportation Compact. Requests the Virginia Department of Transportation to study the Northern Virginia Transportation Compact developed by the Northern Virginia business community in an effort to address the region's transportation needs and report to the Governor on the desirability and feasibility of implementing the Compact's recommendations. This resolution has been incorporated into HJR 610 (Rust).

Patron - Bolvin

[F] HJ645 Education; teacher proficiency and suitable materials relating to systematic phonics instruction. Requests the Department of Education to study, in cooperation with the State Council of Higher Education for Virginia, the proficiency of Virginia teachers in teaching systematic explicit phonics and the availability in local school divisions of decodable textbooks and other suitable materials for systematic phonics instruction. This study will cover the extent to which teacher preparation programs in Virginia's schools of education provide instruction to aspiring teachers in the use of systematic explicit phonics and the usefulness of requiring that all persons seeking initial licensure or licensure renewal as K-3 teachers, K-6 reading specialists, special education teachers or English as a second language teachers demonstrate proficiency in the teaching of systematic explicit phonics. In the event a requirement for training in systematic explicit phonics as a condition of licensure is considered appropriate, the agencies will also study the concept of a professional development program to assess the skills of relevant teachers in phonics instruction and to provide additional training to individuals not demonstrating proficiency. Recommendations for supplemental state textbook funding for decodable textbooks and appropriate instructional materials are also required. The agencies are required to report to the Governor and the 2002 Session of the General Assembly.

Patron - Bolvin

[F] HJ646 Bail bondsmen. Requests the Department of Criminal Justice Services to study whether the responsibility for the certification and supervision of bail bondsmen should be shifted from the judicial branch to the executive branch of state government. This resolution is a recommendation of the Judicial Council.

Patron - Jones, J.C.

[F] HJ648 Child day care services. Requires the Secretaries of Health and Human Resources, Education, and Commerce and Trade to study ways to assist employers in providing child day care services. The study shall include (i) recommendations for enhancing the role of Virginia employers in establishing and operating child day care centers; (ii) recommendations for funding child day care services, including tax credits and public-private partnerships; (iii) an evaluation of the availability of quality child day care services that promote school readiness available to employers throughout the Commonwealth; and (iv) an implementation plan to achieve statewide child day care services that ensure school readiness in order to upgrade the quality of life for Virginia's families.

Patron - McEachin

[F] HJ649 Campaign finance. Continues the joint subcommittee studying campaign finance reform issues. During its second year, the subcommittee intends to examine reforms, including contribution and voluntary spending limits, to con-

trol the spiraling cost of campaigns and promote public confidence in the campaign finance system.

Patron - Jones, S.C.

[F] HJ650 Purchase of prior service retirement credit. Establishes a joint subcommittee to study the feasibility of permitting any state employee to purchase up to three years of prior service credit in the Virginia Retirement System for services rendered for two or more consecutive years as an hourly employee or under the federal Comprehensive Employment and Training Act for any employer covered under the Virginia Retirement System, at the rate of 15 percent of salary for each year purchased.

Patron - Tate

[F] HJ652 Senior care. Requests a joint subcommittee to study ways to increase the availability of skilled care for seniors, especially in an in-home setting.

Patron - Blevins

[F] HJ653 ABC. Requests the Department of Alcoholic Beverage Control to study the feasibility of closing government stores on the state holiday designated for Martin Luther King, Jr.

Patron - Joannou

[F] HJ659 Career development program for voter registrars. Requests the State Board of Elections in conjunction with the Weldon Cooper Center for Public Service to study a career development program for general, assistant, and deputy voter registrars. This resolution has been incorporated into HJR 681 (O'Brien).

Patron - Landes

[F] HJ663 Guidance Counselors knowledge and understanding of career and technical education. Requests the Board of Education to examine the requirements for licensure of secondary school guidance counselors in relationship to knowledge and understanding of career and technical education. In conducting this study the Board must assess: (i) the level of knowledge and understanding of career and technical education among currently employed guidance counselors in Virginia's public secondary schools; (ii) the efficacy of providing students who experience difficulty in satisfying the requirements for a standard diploma with information relating the career and technical educational programs available in the relevant school division and the related employment/career opportunities within the relevant community; and (iii) the efficacy of providing students who are college-bound with information on the career and technical courses available in the relevant school division, particularly those courses that could provide the skills for the employment needed to support these students as they pursue post-secondary education and those courses that could provide such students with vocations or hobbies that could enhance the quality of their adult lives.

Patron - Orrock

[F] HJ665 Department of Professional and Occupational Regulation. Establishes a joint subcommittee to study the process for developing and implementing new regulations for professions and occupations regulated by the Department of Professional and Occupational Regulation (DPOR). The joint subcommittee is directed to examine the process used by DPOR and to determine how the process may be made faster.

Patron - Armstrong

[F] HJ666 Establishing a joint subcommittee to study ways of reducing prescription drug costs to elderly citizens. Establishes a joint subcommittee to study ways of reducing prescription drug costs to elderly citizens. In conduct-

ing the study, the joint subcommittee shall determine the causes of impaired access to prescription drugs by the elderly; identify and review the issues related to the rising costs of prescription drugs; ascertain the extent of the problem among the elderly, particularly among disabled senior citizens in Virginia; consider all proposals and options that have been advanced to date, and the approach that has been taken by other states to address this problem; obtain and analyze proposed federal legislation to manage the problem, and such policies under consideration by relevant federal agencies; solicit the perspectives of senior citizens and the health care and pharmaceutical industries in the Commonwealth; determine the legal sufficiency and fiscal implications of each option and proposal that has been offered nationally and statewide; and recommend appropriate strategies to reduce the costs of prescription drugs for the elderly in Virginia. The joint subcommittee must submit its report to the Governor and 2002 General Assembly. This resolution has been incorporated into HJR 810 (Jones, S. C.).

Patron - Jones, J.C.

[F] HJ667 Undergrounding of utility lines. Directs the Joint Legislative Audit and Review Commission to study undergrounding of overhead utility facilities as an economic development measure.

Patron - Almand

[F] HJ668 Streamlined Sales Tax Project. Provides that the General Assembly will participate in the Streamlined Sales Tax Project and that the Senate Committee on Finance and the House Committee on Finance shall report to the General Assembly on the feasibility of the Commonwealth adopting the model legislation of the Streamlined Sales Tax Project. This report shall be made to the Governor and the 2002 Session of the General Assembly.

Patron - Hull

[F] HJ669 Community mediation. Requests the Virginia Association for Community Conflict Resolution to study the desirability and feasibility of establishing community mediation centers in the Commonwealth. This resolution incorporates HJ 626.

Patron - Hall

[F] HJ670 Standing Joint Subcommittee on School Dropout Prevention. Continues the Standing Joint Subcommittee on School Dropout Prevention until 2005 to monitor Virginia's dropout rate, and review and address issues attendant to the problem of school dropout, including, but not limited to, adult illiteracy; the effect of family violence, dysfunction, and economic exigency on school attendance and school completion rates; the impact of the Standards of Learning on dropout rates; the impact of school drop out on economic development, Virginia's economy, social and correctional services, and the maintenance of a competent and skilled workforce; the impact on college admissions; the evaluation of dropout prevention programs' effectiveness and their compliance with relevant state and federal laws and regulations; the identification of dropout prevention program needs and funding; the impact of Zero Tolerance laws, suspensions and expulsions, and other disciplinary actions on school dropout rates; and the need for improvements in teacher education to instruct at-risk students more effectively. The standing joint subcommittee shall also develop a continuum of alternative education programs and options for non-disruptive and non-disabled students in the regular educational program, consider such other issues and concerns that it deems necessary to conduct its work, and recommend strategies and changes in state laws that may reduce the number of students who leave school before graduation. The joint subcommittee must complete its work by December 20, 2006, and submit its written findings

and recommendations to the Governor and the 2007 Session of the General Assembly.

Patron - Hall

[F] HJ672 Protective orders. Directs the Virginia State Crime Commission to study procedures involving protective orders.

Patron - Moran

[F] HJ676 Feasibility of statewide database of stolen property. Directs the Crime Commission to study the feasibility of establishing a statewide database of stolen property and a statewide program for reimbursement of pawnbrokers for their losses incurred by accepting stolen goods.

Patron - Reid

[F] HJ677 Education and training programs for licensed funeral directors and embalmers. Requests the State Board for Community Colleges and the Board of Funeral Directors and Embalmers to study the appropriateness of using technology and the Internet to provide education and training for the funeral service and embalming profession, and to determine the need for and availability of such training programs in the Commonwealth. In conducting the study, the State Board for Community Colleges and the Board of Funeral Directors and Embalmers shall consider (i) ways in which technology and the Internet may be used to effectively expand and provide required education and training programs for the licensing of funeral directors and embalmers; (ii) the efficacy of using practicing Virginia licensed funeral directors as adjunct faculty or in other capacities with the community colleges to supervise the practical experience required in the education program for funeral directors; (iii) determine the supply and demand of licensed funeral directors and embalmers in Virginia, providing such information by geographical regions of the Commonwealth; (iv) evaluate the need for educational and supervised resident training programs in mortuary science and funeral service, including the demand for such programs in Virginia; and (v) make such recommendations as the Boards deem necessary. The State Board for Community Colleges and the Board of Funeral Directors and Embalmers shall consult with representatives of the Association of Independent Funeral Homes of Virginia, the Virginia Funeral Directors Association, and the Virginia Board of Funeral Directors and Embalmers throughout the course of the study, and provide ample opportunity for their full participation. The State Board for Community Colleges and the Board of Funeral Directors and Embalmers must complete their work by November 1, 2001, to report to the Governor and 2002 Session of the General Assembly.

Patron - Reid

[F] HJ680 Responsibility for secondary highways and mass transit in Northern Virginia. Requests the Secretary of Transportation to study the desirability and feasibility of transferring responsibilities for secondary highways in Northern Virginia from the Virginia Department of Transportation to the region's counties and vesting in the Virginia Department of Rail and Public Transportation exclusive responsibility for the region's mass transit programs and facilities.

Patron - O'Brien

[F] HJ682 Public safety. Requests the Secretary of Public Safety to study expanding the use of private, charitable, faith-based, and other organizations and groups to provide services to ex-offenders to reduce recidivism rates. This resolution has been incorporated into HJR 683 (McDonnell).

Patron - McDonnell

[F] HJ686 Collateral source rule. Requests the Virginia State Bar to study write-offs and third party reimbursement under the collateral source rule.

Patron - McDonnell

[F] HJ690 Water quality. Requests the Secretary of Natural Resources to study and conduct an inventory of Virginia's water quality programs.

Patron - Katzen

[F] HJ691 Graduated driver's licenses. Establishes a 10-member joint subcommittee to study the desirability and feasibility of providing for a scheme of graduated, provisional, or junior driver's licenses for persons under 18.

Patron - O'Brien

[F] HJ692 Digital court reporters. Directs the Joint Legislative Audit and Review Commission to study cost savings resulting from the use of digital court reporters in criminal cases.

Patron - Phillips

[F] HJ760 Prescription Drug Advisory Commission. Establishes a 19-member commission to study access to and the pricing of prescription drugs in the Commonwealth. The Commission shall recommend (i) maximum retail prices for prescription medications to be sold in the Commonwealth, which prices shall be commensurate with the prices thereof in Canada and Mexico and shall not place an undue burden on the citizens of Virginia, (ii) procedures for setting maximum retail prices of prescription drugs sold in the Commonwealth, (iii) a process to monitor retail prices of prescription drugs sold in the Commonwealth, and (iv) guidelines to bring any person who sells prescription drugs for more than their maximum retail prices into compliance. This resolution has been incorporated into HJR 810 (Jones, S. C.).

Patron - Welch

[F] HJ762 Drug therapy management. Requests the Joint Commission on Health Care to evaluate government-funded pharmaceutical expenditures to consider the appropriate utilization of prescription drugs in state funded programs and the cost savings that could be gained by providing drug therapy management. This resolution has been incorporated into HJR 810 (Jones, S. C.).

Patron - Morgan

[F] HJ764 Technology training and technology leadership of principals. Requests the Department of Education, in cooperation with the State Council of Higher Education for Virginia, to conduct a study of the technology training and technology leadership of principals. Noting the necessity for technology knowledge and skills in today's workplace and that leadership in technology is required in the educational setting to develop this knowledge and these skills, this resolution lays out components of this study. In this study, the Department of Education and the State Council must examine (i) the technological capabilities of principals; (ii) identify those traits that define an outstanding principal vis-a-vis technology; (iii) identify the skills and deficiencies of Virginia's school principals in the use and application of technology in education; (iv) define the necessary skills and knowledge to provide educational technology leadership in the Commonwealth; and (v) report on the number of principals receiving technology training, the current effectiveness of such training in promoting educational technology leadership, and recommend ways to enhance the effectiveness of and attendance at such training.

Patron - Scott

[F] HJ779 Foresters. Requests the Board for Professional and Occupational Regulation to evaluate the need for and recommend the degree of regulation, if any, applied to the practices of forestry in the Commonwealth.

Patron - Deeds

[F] HJ780 Implications of granting fiscal autonomy to elected school boards. Directs the Joint Legislative Audit and Review Commission to study, as a component of its examination of elementary and secondary education funding, the implications of granting fiscal autonomy to elected school boards in the Commonwealth. This resolution provides some of the background concerning elected school boards in Virginia, e.g., local referenda on direct citizen election of school boards were just authorized in 1992 and approximately two-thirds of the Commonwealth's school boards are elected at this time. Because Virginia's constitution vests supervision of schools in school boards and fiscal responsibility in local governing bodies, differences between school boards and local governing bodies often relate to funding. The resolution requires the Joint Legislative Audit and Review Commission to examine school board fiscal autonomy issues in its current study of education funding and requires the Commission to look at these issues vis-a-vis the funding implications for the Commonwealth and its local governments, equity in educational funding, the composite index, budgets, local tax bases, tax rates, the collection of taxes, and debt for school construction.

Patron - Tata

[F] HJ781 Virginia Gas and Oil Act. Directs the Coal and Energy Commission to study and make recommendations upon a number of issues that have arisen under Virginia's Gas and Oil Act relating to coalbed methane gas ownership, gas well spacing requirements, fracing, and coal owner consent.

Patron - O'Brien

[F] HJ782 Fairness of property tax appeals. Establishes a joint subcommittee to study the fairness of property tax appeals in the Commonwealth. Membership shall consist of five delegates and three senators with direct costs not exceeding \$6,000. This resolution has been incorporated into HJR 685.

Patron - Reid

[F] HJ784 Unemployment compensation benefits. Establishing a select subcommittee to study the means of calculating the weekly amount of unemployment compensation benefits for displaced employees. The select subcommittee is directed to examine the methods used by other states to determine an employee's weekly benefit amount, including the indexing of unemployment benefits and the minimum and maximum benefit amounts provided by those states. This resolution has been incorporated into HJR 611 (Rust).

Patron - Hull

[F] HJ786 Prescription drug costs. Directs the Joint Legislative Audit and Review Commission to study the Commonwealth's prescription drug programs to identify mechanisms for controlling the rising costs of prescription drugs. This resolution notes that, in response to rapid increases in pharmaceutical costs incurred in government-funded pharmacy expenditures, the 2000 General Assembly mandated the Secretary of Finance, in cooperation with the Secretaries of Administration and Health and Human Resources, to conduct a study that examined the trends in Virginia's pharmaceutical expenditures. The report in response to this directive, titled *Pharmaceutical Expenditures in the Commonwealth of Virginia*, states that "Virginia's expenditures on pharmaceuticals have

expanded rapidly over the past several years and can be expected to continue to increase in the foreseeable future." The report concludes that this trend will have a significant effect on the quality of health care provided to the citizens of the Commonwealth and will impact the budgets of government-funded health care programs. The report also notes that a number of innovative approaches for reducing and containing pharmaceutical costs have been utilized and proposed in other states that should be considered for adoption in the Commonwealth. The Commission is directed to examine the prescription drug programs sponsored by the Department of Human Resource Management, Department of Medical Assistance Services, Department of Health, Department of Mental Health, Mental Retardation and Substance Abuse Services, and Department Corrections to ensure, among other things deemed appropriate, that the most effective means of controlling rising prescription drug costs are being employed by the Commonwealth and its contractors. This resolution has been incorporated into HJR 810 (Jones, S. C.).

Patron - Larrabee

[F] HJ787 Volunteer Firefighters' and Rescue Squad Workers' Pension Fund Board. Requests the Volunteer Firefighters' and Rescue Squad Workers' Pension Fund Board, with the assistance of the Board of Trustees of the Virginia Retirement System, to study the feasibility of various vesting options for volunteer firefighters and rescue squad workers under the Virginia Volunteer Firefighters' and Rescue Squad Workers' Pension Fund.

Patron - Katzen

[F] HJ788 Natural gas prices. Requests the State Corporation Commission to study the rise in the price of natural gas. The study shall also include recommendations for maintaining the affordability of natural gas as an energy source.

Patron - Joannou

[F] HJ791 Passing a stopped school bus. Requests the Departments of Education and State Police to recommend ways to better enforce the prohibition against passing a stopped school bus.

Patron - McDonnell

[F] HJ795 Autism. Requests the Joint Legislative and Audit Review Commission to conduct a study to assess the needs and requirements of individuals with developmental disabilities, particularly autism, for whom services are not provided or mandated through state agencies. This resolution has been incorporated into HJR 523 (Thomas).

Patron - Katzen

[F] HJ798 Election policies and procedures. Requests the State Board of Elections to review election policies and procedures. In conducting the study, the Board shall examine (i) the administration of election laws; (ii) interpretations of the laws; (iii) standard procedures for absentee voting; (iv) the designation and finance of a statewide system of technology; (v) provisions for voter-friendly registration; (vi) standard procedures for assisting voters at the polls; (vii) training of election officials; and (viii) any other recommendations for changes that may be desirable to advance the clarity and standardization of policies and procedures and the certainty of, and fairness in establishing, the outcome of elections in the Commonwealth. This resolution has been incorporated into HJR 681 (O'Brien).

Patron - Crittenden

[F] HJ803 Living wage for state employees. Creates a joint subcommittee to study the social, economic, and policy

considerations regarding the establishment of a living wage for employees of the Commonwealth.

Patron - Grayson

[F] HJ804 Incidence of racial profiling and pretextual traffic stops in the Commonwealth. Establishes a joint subcommittee to study the incidence of racial profiling and pretextual traffic stops in Virginia. The joint subcommittee shall, among other things, (i) review the principles of the Fourth and Fourteenth Amendments, the Supreme Court decisions in *Whren v. United States*, 116 S. Ct. 1769 (1996), *United States v. Armstrong*, 116 S. Ct. 1480 (1996), *City of Indianapolis v. Edmond*, 121 S. Ct. 447 (2000) and other relevant case law; (ii) develop a profile of motorists commonly identified for traffic stops in Virginia; (iii) determine whether racial profiling or other non-criminal characteristics are used by law-enforcement officers in the Commonwealth to identify motorists for traffic stops; (iv) ascertain data regarding police traffic stops in the Commonwealth, particularly along I-95, which shall include, but not be limited to, the extent to which African-American and other minority motorists are stopped, searched, detained, arrested, or have property seized in comparison to white motorists; the reasons given by police for such stops and whether a warning or written citation was given; (v) evaluate the benefit of pretextual traffic stops on drug interdiction; (vi) review the findings and recommendations of previous legislative subcommittee pertaining to this problem; and (vii) consider such other related matters and recommend such action as the joint subcommittee may deem appropriate. Due to the complexity and sensitivity of this issue and the interest among citizens, the joint subcommittee must provide appropriate opportunities for public comment and broad citizen participation, to the extent practicable, in order that the perspectives of the people may be considered. The joint subcommittee must submit its written findings and recommendations to the Governor and the 2002 Session of the General Assembly.

Patron - Wright

[F] HJ806 Joint Fiscal Accountability Commission. Establishes a Joint Fiscal Accountability Commission to examine the expenditure of state funds by private organizations and groups and report to the 2002 Session. This resolution has been incorporated into HJR 773.

Patron - Ware

[F] HJ807 Small assisted living facilities. Directs the Joint Commission on Health Care to study the effect of recent changes in law and regulation on small assisted living facilities. The study shall include, but not be limited to, the impact of recent changes in law and regulation on small assisted living facilities, an analysis of the availability and affordability of liability insurance for assisted living facilities, an evaluation of whether smaller assisted living facilities should be regulated separately, and a recommendation on whether the Department of Social Services is the appropriate licensing authority for small assisted living facilities.

Patron - Nixon

[F] HJ809 Children's health, welfare, and safety. To review all applicable federal and private efforts to protect children's health, safety, and welfare and to identify the areas where public and private efforts in Virginia could result in the greatest improvements to children's health, safety, and welfare.

Patron - Griffith

[F] HJ812 Establishing a Virginia Community College System Joint Study Commission. Establishes the Virginia Community College System Joint Study Commission to reexamine the mission of the Virginia Community College System and the funding scheme used to implement the Virginia

Community College System's mission. The Commission shall examine the appropriateness of the Virginia Community College System's existing mission and funding scheme and recommend relevant changes in law and policy which will make each community college better equipped to respond to the credit and non-credit needs of its constituency

Patron - Byron

[F] SJ306 Legislative internship program. Establishes a select committee to study the feasibility of the establishment of the Virginia Legislative Internship Program.

Patron - Miller, Y.B.

[F] SJ322 Van Dorn Street corridor. Requests the Virginia Department of Transportation to study the Van Dorn Street corridor in Fairfax County and the City of Alexandria.

Patron - Puller

[F] SJ324 Voluntary, universal preschool programs. Creates a legislative study committee to examine the feasibility and appropriateness of providing universal, voluntary education for four-year-olds in the public schools. The joint subcommittee shall consider, among other things, (i) the work and recommendations of the Commission on Early Childhood and Child Day Care Programs; (ii) the administration, implementation, and funding of the current program for at-risk four-year-olds; (iii) current participation levels by local school divisions; (iv) relevant federal laws and regulations relating to preschool education and development; and (v) other issues as it deems appropriate. The joint subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 2002 Session of the General Assembly.

Patron - Puller

[F] SJ327 Attention deficit disorder and attention deficit hyperactivity disorder. Establishing a joint subcommittee to study the effects of attention deficit disorder and attention deficit hyperactivity disorder on student academic performance and on public education programs and services. The joint subcommittee shall (i) determine the number of students diagnosed as having ADD/ADHD in Virginia's public schools, and whether such children receive treatment; (ii) ascertain whether such students also have dual exceptionalities or chronic and acute health problems, and the demand created by these conditions for certain school services; (iii) determine the academic performance levels of such children; (iv) identify other educational, social, and health factors that may compromise their academic performance and educational outcomes; (v) identify school practices to manage, the methods used to treat, and the medications prescribed for and dispensed to ADD/ADHD students in the school setting for their disorder; (vi) evaluate the special education programs and related services provided such students; (vii) assess the demand for special education programs and related services, including school health services, by ADD/ADHD students; (viii) evaluate the effect of ADD/ADHD on grade retention, absenteeism, school suspension and expulsion, and other disciplinary action taken by public schools; (ix) consider such other related matters; (x) and make appropriate recommendations that address identified problems and allow public schools to serve such children efficiently and effectively. The joint subcommittee must submit its report to the 2002 Session of the General Assembly. This resolution was incorporated into HJR 660 (2001).

Patron - Miller, Y.B.

[F] SJ328 Kinship care. Continues the study of the Virginia Commission on Youth concerning kinship care. In conducting the study, the Commission shall review other state programs that provide financial and support services for kinship care including, but not limited to, subsidized guardian-

ship, and identify additional financial and legal strategies for supporting kinship caregivers in Virginia.

Patron - Miller, Y.B.

[F] SJ329 Virginians with disabilities. Requests the Departments of Social Services, Rehabilitative Services, and Medical Assistance Services to study the feasibility of developing a data collection system for Virginia-specific information about persons with disabilities looking toward the possible implementation of the federal "Ticket to Work and Work Incentives Improvement Act of 1999."

Patron - Miller, Y.B.

[F] SJ330 Emergency medical services. Requests the Virginia EMS for Children Program of the Virginia Commonwealth University to determine the degree to which children are receiving specialized emergency services from trained personnel and to assess the minimum need for emergency equipment and supplies designed especially for children.

Patron - Miller, Y.B.

[F] SJ331 Graduated licenses for youthful drivers and effectiveness of commercial driver training schools. Establishes a 10-member joint subcommittee to study the desirability and feasibility of provided for graduated or provisional licenses for youthful drivers in Virginia. The study would also look into whether the current curriculum of and practical behind-the-wheel training (particularly training in nighttime driving) provided by commercial driver training schools need to be revised.

Patron - Puller

[F] SJ339 Progressive assisted treatment law for severely mentally ill. Establishes an 18-member joint subcommittee to examine the issues relating to Virginia's current inpatient and outpatient involuntary treatment law and the feasibility of enacting a progressive assisted treatment law. The resolution directs the joint subcommittee to evaluate (i) Virginia's inpatient and outpatient involuntary commitment law, its standards, due process protections, and operation in comparison to other states' laws and the model law for assisted treatment developed by the Treatment Advocacy Center; (ii) the costs of Virginia's present involuntary commitment procedure and treatment as compared to other states' systems, particularly those states using assisted treatment programs or some elements of such programs; (iii) the effectiveness of Virginia's inpatient and outpatient involuntary treatment in stabilizing the health of the mentally ill; and (iv) homelessness, incarceration, recidivism, and access to treatment among severely mentally ill persons in Virginia.

Patron - Howell

[F] SJ340 Hepatitis reporting. Requests the Department of Health to study the costs and benefits of requiring reporting of chronic Hepatitis and of using the AIDS Drug Assistance Program for treatment of Hepatitis C as an opportunistic infection.

Patron - Howell

[F] SJ352 Modernizing voter equipment and election procedures. Establishes a joint subcommittee to study modernizing voter equipment and election procedures. The subcommittee shall (i) evaluate the various voting systems and other technologies now used across the Commonwealth; (ii) establish the extent to which, and the circumstances under which, spoiled ballots are cast or rescinded in elections; (iii) collect information regarding possible or actual voter misunderstanding of the ballot in elections throughout the Commonwealth; (iv) solicit the advice and experience of local election registrars in ascertaining, establishing, and certifying the

results of elections for accuracy and fairness; (v) examine new and developing technologies that might advance the goals of better determining voter eligibility, ensuring voter privacy, enhancing the ability of voters to cast accurate and legal ballots, and promoting the accuracy of ballot counting; (vi) investigate the experience of, and monitor current actions in, other states; and (vii) consider and make any other recommendations for changes that may be desirable to advance the certainty of, and fairness in establishing, the outcome of elections in the Commonwealth. This resolution has been incorporated into SJR 363 (Miller, K. G.).

Patron - Rerras

[F] SJ354 Commercial driver training schools.

Establishes a 10-member joint subcommittee to study the effectiveness of state regulation of commercial driver training schools.

Patron - Ticer

[F] SJ355 Incentives to promote employment opportunities for workers with disabilities.

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 persons with disabilities (those persons with 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.

Patron - Ticer

[F] SJ356 Virginia Housing Study Commission.

Requests the Housing Study Commission to study ways to assist teachers to purchase homes in the communities in which they teach.

Patron - Ticer

[F] SJ357 Teacher education programs.

Requests the Joint Task Force on the K-12 Teaching Profession in Virginia established by the State Council of Higher Education for Virginia and the Board of Education to examine the staffing levels in the teacher education programs in the colleges and universities. The resolution notes the changes in demographics of the teaching profession in recent years, the projections of teacher shortages in the near future, the already experienced teacher shortages in Virginia, and the setting of goals to increase the number of teachers, both at the national and state level. In this study, the task force must consider accreditation requirements, funding limitations, institutional policies for salary and space allocation, the current study/faculty ratios, any increases or decreases in enrollment in such programs, and any other issues deemed appropriate.

Patron - Ticer

[F] SJ360 Advertising on government websites.

Requesting the Secretary of Technology, in consultation with the Joint Commission on Technology and Science, to study and develop guidelines for advertising on government websites and report findings and recommendations to the Governor and the 2002 General Assembly.

Patron - Newman

[F] SJ362 Aftercare Pharmacy. Requests the Joint Commission on Behavioral Health Care and the Department of Mental Health, Mental Retardation and Substance Abuse Services to study the funding and operations of the Department's Aftercare Pharmacy.

Patron - Martin

[F] SJ370 Crime prevention and early intervention programs. Directs the Virginia State Crime Commission to

continue its study of crime prevention and early intervention programs in Virginia.

Patron - Stolle

[F] SJ372 Metropolitan Hampton Roads Regional Urban Services Study Commission. Establishes a commission to study the feasibility of establishing a regional administrative agency to provide urban services in the Hampton Roads region.

Patron - Quayle

[F] SJ374 Financing courthouse facilities. Directs the Division of Legislative Services to identify the laws and determine the practices in other states for financing courthouse and court-related facilities, including the construction, renovation, and maintenance of such facilities.

Patron - Edwards

[F] SJ375 Department of Health; tattooist and body piercing technicians. Requests the Department of Health to study the need for the appropriate level of regulation for tattooist and body piercing technicians.

Patron - Edwards

[F] SJ376 Voting systems. Establishes a joint subcommittee to study the Commonwealth's voting systems. The subcommittee shall examine (i) voting systems used in other states; (ii) technological advances in voting systems, including technology used to cast and count votes; (iii) the feasibility and advisability of standardizing voting systems throughout the Commonwealth; (iv) ways to encourage localities to purchase or phase in upgraded voting systems, including matching grant programs; and (v) costs associated with standardizing or updating voting systems. This resolution has been incorporated into SJR 363 (Miller, K.).

Patron - Lambert

[F] SJ381 Insanity plea. Directs the Virginia State Crime Commission to study the issues and processes involved with the plea of not guilty by reason of insanity by a person charged with a misdemeanor.

Patron - Howell

[F] SJ384 Senior care. Directs the Joint Commission on Health Care to study ways to increase the availability of skilled care for seniors, especially in an in-home setting. In conducting the study, the Commission shall examine ways to increase the availability of skilled care for seniors, especially in an in-home setting. The Commission shall also examine, among other things, the feasibility and advisability of tax deductions for adult day care similar to the current child care deduction, the expansion of respite care programs, and home care of elderly parents as dependents, with either a higher cap or no cap on such parent's income.

Patron - Hanger

[F] SJ395 Unemployment compensation funding requirements. Continues the Joint Subcommittee Studying the Funding Requirements of the Virginia Unemployment Trust Fund. The scope of the study shall be expanded to address, but shall not be limited to, (i) the current formula for determining solvency of the Unemployment Trust Fund, (ii) employee benefit eligibility criteria, (iii) the rationale for benefit levels, (iv) the propriety of regional or extended benefit features, (v) the appropriateness and sufficiency of pool charges, (vi) the propriety of diversion of revenue to job training or economic development programs, and (vii) the current tax schedules for employers. The joint subcommittee shall also study the means of calculating the weekly amount of unemployment compensation benefits for displaced employees, and the methods used by

other states to determine an employee's weekly benefit amount, including the indexing of unemployment benefits and the minimum and maximum benefit amounts provided by those states. This resolution was incorporated into HJR 611 (Rust).

Patron - Watkins

[F] SJ399 Restitution. Directs the Virginia State Crime Commission to study restitution.

Patron - Stolle

[F] SJ404 Electronic procurement process. Requests the Department of General Services, in consultation with the Joint Commission on Technology and Science, to study the effects of electronic procurement on small businesses and businesses owned by women and minorities. The Department shall report its findings and recommendations to the Governor and the 2003 General Assembly.

Patron - Ticer

[F] SJ410 Public Procurement Act. Requests the Virginia Bar Association to study the proposed amendment of § 11-70, which would allow contractors to submit claims on behalf of subcontractors and suppliers to public owners. The Association will examine the policies and procedures applicable to this issue from the perspective of both public owners and public works contractors. To assist in carrying out the objectives of the study, the Association is required to establish an advisory task force to consist of at least one representative of each of the following organizations: the Virginia Bar Association, the Department of General Services, the Department of Transportation, the Office of the Attorney General, and the Local Government Attorneys of Virginia, Inc.

Patron - Martin

[F] SJ426 Foster parent representatives. Requests the Office of Comprehensive Services for At-Risk Youth and Families to conduct a survey to determine which localities include a foster parent representative on local family assessment and planning teams. The survey shall solicit comments to determine the factors involved in the decision to include foster parent family representatives on local family assessment and planning teams.

Patron - Ticer

[F] SJ427 Emancipation of foster care children. Requests the Department of Social Services to develop and design a plan for the study of the emancipation of foster care children. The plan shall (i) identify the problems and issues faced by emancipated foster adolescents that need to be addressed, (ii) examine and evaluate methodologies for collecting pre- and post-emancipation experiences, (iii) propose a work plan and timeframe for the completion of the study, (iv) identify staffing and technical assistance requirements, (v) provide an estimate of the costs and identify potential funding sources, and (vi) address any other relevant consideration in conducting the study.

Patron - Ticer

[F] SJ434 Chesapeake Bay Preservation Act. Requests the Chesapeake Bay Local Assistance Board to report on the implementation of the Chesapeake Bay Preservation Act. The Board's report shall include (i) localities' compliance with the regulations and the Board's decisions and determinations on compliance, (ii) zoning ordinances and practices enacted or implemented in response to the regulations, (iii) the effectiveness of the Board and the Chesapeake Bay Local Assistance Department in carrying out their responsibilities under the Act, (iv) compliance and enforcement of the Act within "Tidewater Virginia," (v) current resources, both per-

sonnel and financial, necessary for state and local enforcement of the Act, its regulations, and its local programs, (vi) the benefits to the environment, along with the costs and effects to state and local governments of extending the Act to include localities outside "Tidewater Virginia" that are within the Chesapeake Bay watershed, (vii) the potential need for changes to existing regulations to reflect differences in topography and geology, (viii) the financial resources needed in the form of state implementation grants to local governments, and (ix) the relationship of other non-agricultural nonpoint water quality protection programs to the Act and the Department.

Patron - Whipple

[F] SJ435 Temporary Assistance to Needy Families (TANF) and Medicaid locality grouping. Requests the Department of Social Services, with assistance from the Department of Planning and Budget, to review the current locality groupings that are used to determine TANF payment amounts and Medicaid eligibility. The Department shall report their preliminary findings by October 1, 2001, to the Chairmen of the House Health, Welfare and Institutions Committee and the Senate Rehabilitation and Social Services Committee, and make final recommendations to the 2002 General Assembly.

Patron - Hanger

[F] SJ436 Interstate Route 81 reconstruction and widening. Establishes an 18-member advisory task force 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 2002 Session of the General Assembly.

Patron - Hanger

[F] SJ437 Virginia Housing Study Commission. Directs the Virginia Housing Study Commission to study the impact of new home building technologies and current building code inspection systems on the availability of affordable housing. This resolution has been incorporated into SJR 446 (Whipple).

Patron - Watkins

[F] SJ439 Virginia Gas and Oil Act. Requests the Coal and Energy Commission to study and develop recommendations on certain issues arising under the Virginia Gas and Oil Act. The study shall include examination of: (i) when and in what cases the coal or gas owner should be considered to be the owner of coalbed methane gas; (ii) the extent to which the Act's coal owner consent provisions, with regards to well spacing and framing, are necessary to protect the safety of miners and the economic interests of the coal owner; (iii) how best to maximize both industries' recovery of resources; and (iv) whether Virginia should enact a strict liability provision in order to fully protect the interests of the coal owner from potential damage by gas operations.

Patron - Wampler

[F] SJ442 Establishing a National Veterans Visitor Center. Requests the Department of Conservation and Recreation to study the feasibility of establishing a National Veterans Visitor Center. In conducting the study, the Department shall examine the costs of establishing a National Veterans Visitors Center and locations that will attract a sufficient number of visitors to defray operational costs. In addition, the Department is required to seek the assistance of the City of Manassas, Prince William County and the Freedom Museum in conducting the study.

Patron - Colgan

[F] SJ443 Fiscal impact of the Personal Property Tax Relief Act of 1998. Establishes a select committee to study the fiscal impact of the Personal Property Tax Relief Act of 1998 and its long-range effect on state General Fund. The select committee is to report its findings and recommendations to the Governor and the General Assembly by December 15, 2001. This resolution has been incorporated into SJR 387 (Hanger).

Patron - Colgan

[F] SJ444 Volunteer rescue squads and volunteer fire departments. Requests the Department of Fire Programs, with assistance from the Office of Emergency Medical Services, the Superintendent of State Police, and the Commissioner of the Virginia Department of Transportation, to study the capability of volunteer rescue squads and volunteer fire departments to respond to traffic crashes on major highways in sparsely populated areas. This resolution has been incorporated into HJR 604 (Landes).

Patron - Marye

[F] SJ445 Certification of organically produced foods. Requests that the Department of Agriculture and Consumer Services study the feasibility and appropriateness of becoming a certifying agent under the Federal Organic Foods Production Act of 1990 for organically produced foods.

Patron - Marye

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