

# 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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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*

**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.*

**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.*

**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*

**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*

**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*

**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*

**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*

**[F] 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*

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

*Patron - Baskerville*

**[F] 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*

**[F] 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*

**[F] 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*

**[F] 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*

**[F] 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*

**[F] 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*

**[F] 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*

**[F] 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*

**[F] 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*

**[F] 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*

**[P] 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*

**[P] 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*

**[P] 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*

**[P] 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*

**[P] 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*

**[P] 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*

**[P] 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*

**[P] 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*

**[P] 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*

**[P] 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*

**[P] 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, anallungus 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