

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

Patron - Newman

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

Patron - Rerras

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

Patron - Forbes

Criminal Procedure

[P] Passed

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

Patron - Marshall

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

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

Patron - Almand

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

Patron - Moran

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

Patron - Byron

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

Patron - Griffith

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

Patron - McDonnell

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

Patron - McDonnell

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

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

Patron - Griffith

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

Patron - Cox

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

Patron - Landes

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

Patron - Watts

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

Patron - Almand

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

Patron - Barlow

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

Patron - McEachin

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

Patron - Wardrup

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

Patron - McDonnell

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

Patron - McDonnell

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

Patron - McDonnell

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

Patron - Barlow

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

Patron - Armstrong

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

Patron - Armstrong

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

Patron - O'Bannon

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

Patron - Reynolds

SB694 Special grand juries. Authorizes an attorney for the Commonwealth to request a special grand jury to investigate criminal activity within his jurisdiction in much the same way as may currently be done with regard to criminal activity that crosses jurisdictional lines. The procedures would be similar to those applicable to the multi-jurisdictional grand juries. The special grand jury will have the power to investigate and to indict. This bill is identical to HB 2594 (Albo).

Patron - Stolle

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

Patron - Hanger

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

Patron - Couric

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

Patron - Watkins

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

Patron - Wampler

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

Patron - Rerras

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

Patron - Stolle

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

Patron - Stolle

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

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

Patron - Newman

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

Patron - Mims

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

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

Patron - Stolle

[F] Failed

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

Patron - Armstrong

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

Patron - Marshall

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

Patron - Hamilton

[F] HB1831 Writ of error. Provides that a writ of error lies for any county, city or town from the circuit court to the judgment of a district court declaring an ordinance unconstitutional or otherwise invalid and requires that the district court remit the case file to the circuit court. The bill also states that the county, city or town applying for a writ of error shall file a petition in the office of the clerk of the circuit court within 10 days after entry of the judgment of the district court and shall serve a copy of the petition upon the defendant. The defendant's response to the petition, if any, shall be filed within 14 days after such service.

Patron - Hargrove

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

Patron - Van Yahres

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

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

Patron - Broman

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

Patron - McClure

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

Patron - Jackson

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

Patron - Jackson

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

Patron - Bloxom

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

Patron - Armstrong

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

Patron - Watts

[F] HB2345 Capital case bill of review. Authorizes a prisoner under sentence of death or whose sentence of death has been commuted to life imprisonment by the Governor to present a capital case bill of review as a civil proceeding on no more than two occasions to the circuit court that entered the order fixing the prisoner's punishment at death, provided designated conditions are met. Service is to be upon the Attorney General and the attorney for the Commonwealth for the county or city in which the original case was tried. The attorney for the Commonwealth is to represent the Commonwealth in any resulting proceedings, but the Attorney General may assist with the consent of the attorney for the Commonwealth. The bill of review is to be dismissed if the court finds that the conditions stipulated have not been met or that the evidence claimed to be newly discovered does not establish a significant probability of actual innocence. If clear and convincing evidence of innocence is found, the court is to hear the newly discovered evidence and such evidence as the Commonwealth may present in rebuttal. If the court finds a significant probability of innocence, an order is to be issued granting the bill of review. Any decision by the circuit court may be appealed by the prisoner or by the Commonwealth by filing a petition for

appeal to the Supreme Court within 30 days of the circuit court's decision.

Patron - Almand

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

Patron - McEachin

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

Patron - Armstrong

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

Patron - Robinson

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

Patron - McDonnell

[F] HB2594 Special grand juries. Authorizes an attorney for the Commonwealth to request a special grand jury to investigate criminal activity within his jurisdiction in much the same way as may currently be done with regard to criminal activity that crosses jurisdictional lines. The procedures would be similar to those applicable to the multi-jurisdictional grand juries. The special grand jury will have the power to investigate and to indict. This bill is identical to SB 694 (Stolle).

Patron - Albo

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

Patron - Howell

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

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

Patron - Black

[F] HB2833 Authority to defer and dismiss. Provides that before a judgment of guilt in a misdemeanor or felony prosecution, other than a prosecution for a Class 1, 2 or 3 felony, a judge may defer further proceedings and impose probation upon such terms and conditions upon the defendant as the court deems proper in the case. The bill provides further that upon violation of a term or condition, the court may proceed with the case and that upon fulfillment of the terms and conditions, the court may discharge the person and dismiss the proceedings without an adjudication of guilt or impose a sentence in accordance with the law.

Patron - McDonnell

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

Patron - Reynolds

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

Patron - Norment

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

Patron - Stolle

[F] SB1134 Capital case bill of review. Authorizes a prisoner under sentence of death or whose sentence of death has been commuted to life imprisonment by the Governor to present a capital case bill of review no more than once to the circuit court that entered the order fixing the prisoner's punishment at death. The petition must contain certain allegations regarding newly discovered evidence. Service is to be upon the Attorney General and the attorney for the Commonwealth for the county or city in which the original case was tried. The attorney for the Commonwealth is to represent the Commonwealth in any resulting proceedings, but the Attorney General may assist with the consent of the attorney for the Commonwealth. The bill of review will be dismissed if the court finds that the conditions stipulated have not been met or that the evidence claimed to be newly discovered does not establish a significant likelihood of actual innocence. If the court finds a significant likelihood of innocence, the bill of review is to be granted. The decision of the circuit court to grant or deny the bill of review may be appealed by the prisoner or by the Commonwealth by filing a petition for appeal to the Supreme Court within 30 days of the circuit court's decision. If the granting of the bill of review is affirmed on appeal (or not appealed) the circuit court must proceed to order appropriate relief which may include vacating the conviction or ordering a new trial or sentencing proceeding.

Patron - Marsh

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

Patron - Marye

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

Patron - Forbes

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

Patron - Potts

[F] SB1263 Special grand juries. Authorizes an attorney for the Commonwealth to request a special grand jury to investigate criminal activity within his jurisdiction in much the same way as may currently be done with regard to criminal activity that crosses jurisdictional lines. The procedures would be similar to those applicable to the multi-jurisdictional grand juries. The special grand jury will have the power to investigate and to indict.

Patron - Stolle

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

Patron - Wagner

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

Patron - Wagner

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

Patron - Couric

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

Patron - Watkins

Domestic Relations

[P] Passed

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

Patron - Albo

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

Patron - Almand

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

Patron - Barlow

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

Patron - Joannou

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

Patron - Welch

[P] SB462 Uniform Child Custody Jurisdiction and Enforcement Act. Replaces the former UCCJA (1979) with an updated version addressing jurisdictional issues and expands the act to cover issues involving enforcement of custody and visitation orders issued out of state. Jurisdiction is authorized if there is a significant connection between the parties and the Commonwealth, there is no other state that fits the definition of the child's home state and the parties are all within the Commonwealth. Additionally, a court may exercise temporary emergency jurisdiction if there is a reasonable apprehension of abuse or mistreatment to the child, a sibling or a parent. Once a court exercises jurisdiction, that jurisdiction continues and is exclusive until all parties have left the state, and any orders issued may be modified only by the state having continuing, exclusive jurisdiction. The bill therefore eliminates the current problems created when competing orders are issued in more than one state. Orders issued in other states may be registered in the juvenile courts here and enforced as Virginia orders. This bill is recommended by the Virginia Commissioners to the National Conference of Commissioners on Uniform State Laws.

Patron - Mims

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

Patron - Williams

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

Patron - Forbes

[F] Failed

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

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

Patron - Devolites

[F] HB1674 Custody and visitation. Provides that a proposed or completed relocation of a child's principal residence constitutes a change in circumstances that may justify a change in custody. This bill incorporates HB 1973.

Patron - Albo

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

Patron - McClure

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

Patron - McClure

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

Patron - Bloxom

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

Patron - McClure

[F] HB2225 Orders of support. Provides that if the court to which an appeal of an order of support is taken determines that a reversible error was made by the court of original jurisdiction, the appellate court may then make retroactive modification from the date of the reversible error, to compensate the party prevailing on the appeal. Under current law, such modifications only apply from the date notice of the appeal was given to the respondent.

Patron - Almand

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

Patron - Kilgore

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

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

Patron - Blevins

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

Patron - Devolites

[F] HB2513 Custody and visitation. Substitutes the terms "shared parenting" and "sole parenting" for joint custody and sole custody and repeals the definition of joint custody. Custody and visitation are changed to "parenting arrangement." If there is clear and convincing evidence that the best interests of the child will be served, primary care and control of the child may be awarded to one person.

Patron - Reid

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

Patron - Katzen

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

Patron - McDonnell

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

Patron - Howell

Drainage, Soil Conservation, Sanitation and Public Facilities Districts

[P] Passed

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

Patron - Kilgore

Education

[P] Passed

[P] HB637 School board salaries. Provides that any elected school board may pay each of its members an annual salary that is consistent with the salary procedures and no more than the salary limits provided for local governments in Article 1.1 (§ 15.2-1414.1 et seq.) of Chapter 14 of Title 15.2 or as provided by charter. The specific salary limits that are currently provided for most school boards in Virginia are eliminated for elected school boards; however, for appointed school boards the specific salary limits are retained. Title 15.2 sets specific salary caps for city councils and boards of supervisors by population brackets; town councils may set their own salary levels. This bill also provides that the annual amount a school board, whether elected or appointed, may pay its chairman will be increased from \$1,100 to \$2,000 and retains the restriction that no school board can be awarded a salary increase, unless a specific salary increase is approved by affirmative vote of that school board. The salary of the Northumberland County School Board is addressed in the second enactment because a referendum for an elected school board was just approved by the voters in November 2000; however, no election has taken place. The Northumberland school board is required to adhere to its current cap of \$2,400 until such time as its members are elected and duly sworn into office as authorized by the referendum held in 2000.

Patron - Dillard

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

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

Patron - McEachin

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

Patron - Hamilton

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

Patron - Black

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

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

Patron - Amundson

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

Patron - Amundson

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

Patron - Black

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

Patron - Albo

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

Patron - Rhodes

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

Patron - Callahan

[P] HB1983 Notification of reduction in force for teachers. Directs the school boards of Arlington, Fairfax, and Falls Church (identified by form of government or by population) to notify by May 15 those teachers who may be subject to a reduction in force due to a decrease in the school board's budget as approved by the appropriating body. An emergency clause makes the bill effective upon passage. The act expires on July 1, 2003. Currently, the statute targets only the Prince

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

Patron - Watts

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

Patron - Parrish

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

Patron - Darner

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

Patron - Tata

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

Patron - Tata

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

Patron - Harris

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

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

Patron - Reid

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

Patron - Reid

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

Patron - Christian

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

Patron - Christian

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

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

Patron - Orrock

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

Patron - Dillard

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

Patron - Blevins

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

Patron - Houck

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

Patron - Couric

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

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

Patron - Houck

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

Patron - Chichester

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

Patron - Quayle

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

Patron - Quayle

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

Patron - Quayle

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

Patron - Lambert

[P] SB1163 Advisory Commission on the Virginia Schools for the Deaf and the Blind. Increases the membership of the Advisory Commission on the Virginia Schools for the Deaf and the Blind from 10 to 12 members by adding two additional citizen members to be appointed by the Speaker, thus bringing the Speaker's citizen appointments to three. Currently, the Commission has two citizens, both of whom are either former students of either of the schools or the parents of former or present students of either of the schools. This provision requires that one of the additional appointees be a parent of a sensory impaired multidisabled student who is currently attending or has attended the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton, and that the other new appointee be a current member of the Board of Education. The Senate Committee on Privileges and Elections will continue to appoint one citizen member who is either a former student of either of the schools or a parent of a current or former student of either of the schools.

Patron - Hanger

[P] SB1201 School; preschool physicals. Adds a physician assistant who is acting under the supervision of a licensed physician to the list of those practitioners who are qualified to perform a comprehensive physical exam of students prior to their entering kindergarten or elementary school.

Patron - Forbes

[P] SB1207 Access to high schools and high school students for military recruiters. Requires any school board that provides access to one or more of its high schools and contact with such high school's student body or other contact with its high school students during a school or school division-sponsored activity whether conducted on school board property or other property to persons or groups for occupational, professional or educational recruitment to provide equal access on the same basis to official recruiting representatives of the military forces of the Commonwealth and the United States. This bill notes that Standard 1 of the Standards of Quality requires all school boards to implement career education programs promoting knowledge of careers and various employment opportunities, including, but not limited to, military careers.

Patron - Forbes

[P] SB1210 The Virginia World War II Veterans Appreciation Week; certain honorary diplomas. Establishes the first full week in September, i.e., the week that was the first full official week of peace in 1945 (the war was officially over on September 2, 1945, upon the formal surrender of Japan aboard the United States battleship, Missouri) as the Virginia World War II Veterans Appreciation Week and provides for the application for and award of honorary state high school diplomas by the Board of Education if the veteran served in any branch of the United States Armed Forces during the years between 1939 and 1945; the veteran was drafted or did enlist while still enrolled as a secondary school student in any school in any state or territory of the United States or any school located on or associated with a United States military base or embassy; and the veteran was unable to resume his secondary education upon returning to civilian life.

Patron - Forbes

[P] SB1304 Teacher proficiency; continuing contract status. Provides that any teacher hired on or after July 1, 2001, will be required, as a condition of achieving continuing contract status, to have successfully completed training in instructional strategies and techniques for intervention for or remediation of students who fail or are at risk of failing the Standards of Learning assessments. Local school divisions will be required to provide the training at no cost to teachers employed in their division. In the event a local school division fails to offer the training in a timely manner, no teacher will be denied continuing contract status for failure to obtain such training. This bill is identical to HB 2514.

Patron - Newman

[P] SB1331 Pledge of Allegiance. Requires (i) all students to be required to learn the Pledge of Allegiance and to demonstrate such knowledge and (ii) each school board to require the daily recitation of the Pledge of Allegiance in each classroom of the school division and to ensure that an American flag is in place in each classroom. Each school board must determine the appropriate time during the school day for the recitation of the Pledge. During the Pledge of Allegiance, students must either stand and recite the Pledge while facing the flag with their right hands over their hearts or in an appropriate salute if in uniform; however, no student can be compelled to recite the Pledge if he, his parent or legal guardian objects on religious, philosophical, or other grounds. Students who are

thus exempt from reciting the Pledge must remain quietly standing or sitting at their desks while others recite the Pledge and must not make any display that disrupts or distracts others who are reciting the Pledge. School boards must provide appropriate accommodations for students who are unable to comply with these procedures due to disability. School board codes of conduct shall apply to disruptive behavior during the recitation of the Pledge in the same manner as provided for other circumstances of similar behavior. The Office of the Attorney General must intervene on behalf of local school boards and must provide legal defense of these provisions.

Patron - Barry

[P] SB1334 School safety audits. Requires schools to submit their respective school safety audits to the relevant school division superintendent. The division superintendent is to collate and submit these school safety audits to the Virginia Center for School Safety. The Center for School Safety is to join the Department of Education in providing technical assistance to school divisions in the development of school crisis and emergency management plans. Created within the Department of Criminal Justice Services pursuant to legislation passed by the 2000 Session of the General Assembly, the Virginia Center for School Safety is to provide training for Virginia public school personnel in school safety and the effective identification of students who may be at risk for violent behavior; serve as a resource and referral center providing information regarding current school safety concerns; and collect, analyze, and disseminate various Virginia school safety data, including school safety audit information, collected by the Department. This bill is identical to HB 1587.

Patron - Newman

[P] SB1340 Advisory Commission on the Virginia Schools for the Deaf and the Blind. Increases the membership of the Advisory Commission on the Virginia Schools for the Deaf and the Blind from 10 to 12 members by adding two additional citizen members to be appointed by the Speaker, thus bringing the Speaker's citizen appointments to three. Currently, the Commission has two citizens, both of whom are either former students of either of the schools or the parents of former or present students of either of the schools. This provision requires that one of the additional appointees be a parent of a sensory impaired multidisabled student who is currently attending or has attended the Virginia School for the Deaf, Blind and Multi-Disabled at Hampton, and that the other new appointee be a current member of the Board of Education. The Senate Committee on Privileges and Elections will continue to appoint one citizen member who is either a former student of either of the schools or a parent of a current or former student of either of the schools.

Patron - Maxwell

[P] SB1359 Student discipline. Reorganizes the student discipline statutes and moves some sections to other articles of Title 22.1. The measure makes the following substantive changes: (i) adds definitions for the various student disciplinary actions; (ii) requires division superintendents, in making recommendations for expulsion for violations other than those involving weapons or drugs, to consider various factors, such as the student's age, grade level, academic and attendance records, and disciplinary history, and the appropriateness and availability of an alternative education placement or program; (iii) requires subsequent confirmation or disapproval of a recommended student expulsion by the school board, or a committee thereof, regardless of whether the pupil exercised the right to a hearing; (iv) allows school boards to exclude from attendance students who have been suspended for more than 30 days or expelled by another school division or for whom private school admission has been withdrawn regardless

of the offense for which the disciplinary action was imposed, upon a finding that the student presents a danger to the other students or staff of the school division and upon compliance with a hearing process; (v) eliminates the one-year cap for the period of time a student who has been expelled or for whom admission has been withdrawn may be excluded from school attendance in another school division, and provides that the date upon which the student may re-petition for admission must be issued by the relevant school board, committee thereof, or superintendent or designee rendering the initial exclusion, and, upon denial of the petition, a date for subsequent petitions set by the school board; (vi) permits school divisions excluding students who have been expelled from another school division in the Commonwealth to accept or waive any or all of any conditions for admission that may have been imposed by the expelling school division; however, the excluding school division cannot impose additional conditions for admission; (vii) allows school boards to permit students who have been expelled, excluded, are subject to a long-term suspension; found to have committed a serious offense or repeated offenses in violation of school board policies; found guilty or not innocent of an offense related to weapons, alcohol or drugs, or a crime that could have resulted in injury to others; or for whom a court disposition is required to be reported, to attend an alternative education program provided by the school division; (viii) permits school boards to take action against students for failure to return school property, including seeking reimbursement from the student or the student's parent; and (ix) requires school boards to establish, by regulation, a schedule pursuant to which expelled students may apply and reapply for readmission to school. The schedule would be designed to ensure that the hearing and ruling on any initial petition for readmission, if granted, would enable the student to resume school attendance one calendar year from the date of the expulsion. This measure is a recommendation of the Commission on Youth. This measure is similar to HB 2512.

Patron - Rerras

[P] SB1391 Accreditation of schools. Amends the two versions of Standard 3 of the Standards of Quality to require the Board of Education to authorize, as an elective in grades nine through 12 with appropriate credits toward graduation, a comparative religion class that focuses on the basic tenets, history, and religious observances and rites of world religions.

Patron - Potts

[P] SB1393 Charter schools. Eliminates the now outdated requirement that a local school board must provide public notice by December 31, 2000, of its intent to accept or not to accept applications for public charter schools. The bill provides the school boards must, prior to receiving applications for any public charter school, provide public notice of its intent to accept or not to accept applications for public charter schools and may, upon providing such public notice, alter its decision to accept or not to accept such applications. This measure is identical to HB 2439.

Patron - Newman

[F] Failed

[F] HB1557 Daily observance of one minute of silence. Eliminates the reference to prayer within the current Code provision requiring the daily observation of a one-minute moment of silence in every classroom in the public schools in Virginia. During this period, students may, "in the exercise of his or her individual choice," meditate or engage in any other silent activity that does not interfere with, distract, or impede other pupils in the like exercise of individual choice. Legisla-

tion adopted by the 2000 Session of the General Assembly (SB 209) amended the statute to make such observance mandatory. The Office of the Attorney General is to intervene and provide legal counsel for defense of this provision.

Patron - Darner

[F] HB1564 School calendar. Makes local school boards responsible for setting the school calendar and determining the opening of the school year, and eliminates the post-Labor Day opening requirement and the "good cause" scenarios for which the Board of Education might grant waivers of this requirement. Amendments adopted in 1998 (SB 425) delineated the three "good cause" situations that may justify a waiver: the applicant school division must (i) have been closed an average of eight days per year during any five of the past 10 years because of severe weather conditions or certain other emergency situations; (ii) be providing an instructional program or programs in one or more of its elementary, middle or high schools, excluding the electronic classroom, which are dependent on and provided in one or more elementary, middle or high schools of another school division that qualifies for such waiver (waiver applicable only to the opening date for those schools where the dependent programs are provided); or (iii) be providing an experimental or innovative program approved by the Department of Education pursuant to the Standards of Accreditation (waiver only applicable to the opening date for schools where the experimental or innovative programs are offered generally to the student body).

Patron - Parrish

[F] HB1613 Posting of certain statement. Requires all school boards to post prominently in a conspicuous place in each of their schools for all students to read the phrase, "In God we trust," which is the national motto of the United States pursuant to 36 U.S.C. § 186 (1999).

Patron - Marshall

[F] HB1654 Temporarily employed teachers. Revises the definition of "temporarily employed teacher." This bill eliminates the requirement that those individuals hired to fill a teacher vacancy for a period of time serve no longer than 90 days. The bill authorizes school boards to determine the time period necessary to employ a teacher to fill a vacancy for the purpose of addressing a shortage of qualified teachers in a specific grade level or content area. The Board of Education's regulations must require that long-term substitutes hold a college degree or demonstrate equivalent work experience. Current law requires that temporarily employed teachers be at least eighteen years of age and hold a high school diploma or a general educational development (GED) certificate. The provision expires on July 1, 2004.

Patron - Hamilton

[F] HB1788 Notification of reduction in force for teachers. Directs the Falls Church school board (the school board of a city that is adjacent to, but not completely surrounded by, a county having the urban county executive form of government (Fairfax)) to notify by May 15 those teachers who may be subject to a reduction in force due to a decrease in the school board's budget as approved by the appropriating body. Currently, the statute targets only the Prince William school board. This measure was incorporated in HB 1983.

Patron - Hull

[F] HB1841 High school on the Internet. Requires the Board of Education, in consultation with the Secretary of Education, the Secretary of Technology, and Old Dominion University, to establish a comprehensive program of instruction in the Standards of Learning for English, History and Social Studies, Mathematics, and Science, which shall be

available to school-age students enrolled in public elementary and secondary schools, and to other students in the school divisions who are eligible to attend the public schools. Development of curricula for the content areas, teacher preparation in integrating technology in instruction, adequate program staffing, the development of procedures and criteria for determining student eligibility for the programs, and the identification of costs and infrastructure needs of the school divisions to support the programs and deliver instructional services are the responsibility of the Board of Education.

Patron - Marshall

[F] HB1977 Salaries of instructional personnel. Provides that, effective in the 2002-2004 biennium, in determining the statewide prevailing salary for instructional positions to be funded within the Standards of Quality, the Department of Education shall base such prevailing salaries on the actual salary paid to individual positions equivalent to positions required by the Standards of Quality and the actual number of such positions. For the purposes of these statewide prevailing salary calculations, "instructional positions" shall include those of elementary and secondary teachers, principals, assistant principals, instructional aides, counselors, and librarians.

Patron - McClure

[F] HB2041 Fees for licenses and certificates of proprietary schools. Authorizes the Board of Education to assess fees for new licenses and certificates and license and certificate renewal as follows: a fee not exceeding \$100 for any school whose student enrollment is 100 students or fewer, and a fee not exceeding \$500 for any school whose student enrollment is greater than 100 students.

Patron - Rust

[F] HB2084 Requirements for full funding of summer remedial programs. Requires the Board of Education to develop and implement a formula to provide funding for remedial summer school consistent with the method of funding basic instructional programs. The formula must include a mechanism to allow local school divisions to recover the costs of such programs and services provided to students attending these programs who are enrolled in the public schools of another school division. The Board must require compliance with its standards for full funding of remedial summer school, as provided in the Standards of Quality in subsection C of § 22.1-253.13:1. This bill is a recommendation of the Commission on Educational Accountability's Task Force on Remediation.

Patron - Van Yahres

[F] HB2085 Options to the employment of additional teachers. Allows school boards to use funds appropriated for the employment of additional classroom teachers to increase the compensation of licensed in-service teachers who agree to teach either (i) Standards of Learning courses, (ii) reading classes for students with poor reading skills and ability, (iii) remediation courses, (iv) extended hours to tutor at-risk students, or (v) in schools with low student performance on the Standards of Learning assessments, or in schools that have not attained full accreditation, pursuant to Board regulations governing the accreditation of public schools. This bill is a recommendation of the Commission on Educational Accountability's Task Force on Remediation.

Patron - Van Yahres

[F] HB2086 Remediation programs and services. Clarifies which students the division superintendent shall require to attend remedial summer school or another form of remediation, and which students he may require to attend these programs or special prevention and intervention programs.

This bill clarifies that transportation services are a part of the full costs of remediation programs and that transportation must be provided by local school divisions to any student required to attend remediation programs, whether such programs are offered in the summer, before and afterschool, or during the school day, if the program is outside the school that the student attends. Students required to attend remediation programs may not be charged for transportation services by the school division. The bill also requires school divisions to monitor the academic achievement of students required to attend remediation programs in accordance with the methodology that must be developed by the Board of Education to track the linear academic progress of such students. School divisions must also report the cost effectiveness of intradistrict and regional remediation programs. As a condition for full funding of summer remedial programs, Board of Education standards must require the provision of transportation services, the use of master teachers, the development of an educational plan specific to the instructional needs of the student, linear tracking of student achievement, and the use of one or more school reform models under the federal Comprehensive School Reform Demonstration Program, designed to raise student achievement, which have been approved by the Board of Education. This bill is a recommendation of the Commission on Educational Accountability's Task Force on Remediation.

Patron - Van Yahres

[F] HB2111 Early Intervention Reading Initiative Program and Fund. Creates the Early Intervention Reading Initiative Program and Fund to support grants to public schools to administer diagnostic testing, and instructional time to provide intervention or remediation to identified students in kindergarten through grade three, using pedagogical strategies supported by research. The intervention and remediation may include before- and after-school programs, Saturday school, or in-school tutoring sessions. Programs also may include contributions of services, resources, materials, volunteer manpower and funds from community organizations, faith-based organizations, businesses and local governments. The Department of Education is to provide school divisions with diagnostic tests to identify (i) the number of students requiring intervention and remediation services through the Program and (ii) effective reading intervention and remediation programs and strategies, as appropriate. Grant amounts shall be based on the percentage of students in each school division who are identified as requiring services as indicated by results of diagnostic pretests administered in the previous year. Local school divisions and eligible schools may supplement grants from the Fund with local funds and private contributions and gifts, but may not support existing programs with funds granted pursuant to the Program. Grants from the Fund shall be issued to schools upon approval by the Superintendent of Public Instruction of the school's plan, certified by the division superintendent and the school principal, for the use of the grant. The Department of Education may audit a school's program to ensure compliance with the school plan, Program requirements, and Board guidelines. This bill is identical to SB 1313.

Patron - Suit

[F] HB2122 Graduation requirements. Directs the Board of Education, in establishing course and credit requirements for graduation, to establish guidelines for local school boards to provide for additional criteria to determine the award of a verified unit of credit to students in grades six through nine in the 2000-2001 school year who obtain a passing grade for a course but fail the relevant Standards of Learning assessment twice. Such guidelines shall be designed to ensure consistency and fairness in the selection and administration of any such additional criteria and are exempt from the Administrative Process Act. Currently, the Standards of Accreditation (SOA) do

not specifically make the awarding of diplomas contingent upon the passage of SOL tests; however, beginning with the ninth grade class of 2003-4, students must earn six verified units of credit from specific courses for a standard diploma. During a transition period for the ninth grade classes of 2000-01, 2001-02, and 2002-03, students must earn six verified units (two in English and four additional units). Beginning with the ninth grade class of 2000-01, students must earn nine verified credits in specific courses to earn an advanced studies diploma. (8 VAC 20-131-50 B, C). Verified units are earned upon passage of the course and the relevant SOL test. (8 VAC 20-131-110 B).

Patron - Darner

[F] HB2151 Salaries of instructional personnel. Provides that, in determining the average statewide salary for instructional positions to be funded within the Standards of Quality, the Department of Education is to base such averages on the actual salary paid to individual positions equivalent to positions required by the Standards of Quality and the actual number of such positions. For the purposes of these statewide average salary calculations, "instructional positions" shall include elementary and secondary teachers, principals, assistant principals, instructional aides, counselors, and librarians.

Patron - Dillard

[F] HB2163 Standards of Accreditation; multiple criteria. Directs the Board of Education, in establishing the Standards of Accreditation for elementary, middle, and high schools, to incorporate the use of multiple criteria in determining the accreditation status of schools. The criteria for the accreditation of all schools shall include results of the Standards of Learning (SOL) assessments, excluding the scores of students pursuing alternative education; improvement in SOL assessment scores; and student attendance rates. The criteria for accrediting all schools shall also provide for the awarding of additional credit to be counted toward attaining a particular accreditation status for (i) a disparity in the aggregated Standards of Learning assessment scores of majority and minority students of 10 points or fewer that results from increased assessment scores of all students and (ii) the percentage of teachers who are assigned to positions for which they have an endorsement. The Board shall assign a weight to each criterion to obtain a numerical rating for determining accreditation status; however, in no event shall the results of any SOL assessments account for more than three-quarters of a school's rating for accreditation purposes. In addition, the accreditation standards for high schools shall include, but not be limited to, school drop out rates, with data distinguishing verified transfers and students participating in a GED program and the percentage of students who do not receive a diploma but either (a) pass an examination in a career and technical education field that confers certification from a recognized industry, or trade or professional association, or (b) acquire a professional license in a career and technical education field from the Commonwealth of Virginia. Additional criteria for the accreditation of middle schools shall include, but not be limited to, school drop out rates, with data distinguishing verified transfers. Additional criteria for the accreditation of elementary schools shall include, but not be limited to, the number of students who have been retained for more than one year in grades two through five. The criteria for accrediting elementary schools shall also include, as an additional credit that might be counted toward attaining a particular accreditation status, the percentage of students achieving above the fiftieth percentile on the Stanford 9 assessment. At the request of the relevant school board, alternative education schools and full-day programs designed to increase educational opportunities for at-risk students shall be evaluated pursuant to standards appropriate to such school or program and approved by the Board of Education. Each

school's performance on the various criteria and any awards of additional credit shall be included in the School Performance Report Card required by the Standards of Accreditation.

Patron - Jackson

[F] HB2172 Notification of reduction in force for teachers. Directs any school board in a county having the county manager plan form of government (Arlington) to notify by May 15 those teachers who may be subject to a reduction in force due to a decrease in the school board's budget as approved by the appropriating body. Currently, the statute targets only the Prince William County school board. This measure was incorporated in HB 1983.

Patron - Brink

[F] HB2353 Cultural diversity competency training of school personnel. Requires all persons subject to the Virginia Licensure Regulations for School Personnel to complete cultural diversity training as a condition of licensure and license renewal, effective July 1, 2003. Due to current and projected demographic changes in Virginia's population, which have resulted in greater racial, ethnic, cultural, and linguistic diversity among citizens and school-age children, school personnel require an understanding and appreciation of diverse cultures represented in the public schools. Currently, certain initiatives in progress or under consideration at the Department of Education reflect the necessity to provide cultural diversity competency training in professional staff development of school personnel, including proposed revisions to the licensure regulations. This bill is a recommendation of the Joint Subcommittee Studying the Overrepresentation of African-American Students in Special Education Programs.

Patron - McEachin

[F] HB2359 Fingerprinting of certain school board employees. Excludes applicants for adult education instructional positions in which there is no contact with minors, from the criminal records check and fingerprinting requirements now applicable to all applicants for school board employment, whether for full- or part-time, permanent or temporary positions. Reports of arrests of any school board employees, rather than applicants, regardless of position, however, would still be reported to division superintendents and fingerprinting of the employee then required.

Patron - Weatherholtz

[F] HB2365 Virginia Banking-at-School Demonstration Program. Creates the Virginia Banking-at-School Demonstration Program as a resource to provide learning opportunities and practical experiences that allow students to apply knowledge and skills, thus reinforcing conventional classroom efforts at attaining those objectives of the Standards of Learning for Mathematics, English, History and Social Studies, and Computer Technology. Only public schools are eligible to receive grants for demonstration projects that establish school banks operated, administered, and managed for students by students. The Board of Education must establish guidelines, in consultation with the State Corporation Commission's Bureau of Financial Institutions, the State Council of Higher Education, and the Virginia Bankers Association, for the governance of school banks and other components of the demonstration projects. Public schools desiring awards for demonstration projects must, among other things, establish partnerships with financial institutions and public or private institutions of higher education, and designate qualified school employees to supervise school banks and to work with participating students. Student participation in the school bank is voluntary; however, students must provide written permission from a parent to participate as a "student bank employee" or student customer. Public schools must also develop connec-

tions between the SOL objectives, the school bank, and class instruction and assignments to reinforce learning and the application of knowledge and skills. Parents of participating students are required to participate in and support the school bank. They must also agree to be responsible for helping students understand their responsibilities and obligations as "student bank employees" and student customers. Further, parents must agree to accept financial responsibility for any obligation incurred by the students while participating in the school bank. Partner institutions of higher education are required to provide both rigorous supplementary academic programs to identified "student bank employees" who have demonstrated the potential and interest in pursuing a career in business or finance and mentors for student customers. Such institutions must also provide related coursework to participating school and bank employees. The coursework for licensed school employees must qualify to be used toward credits required for license renewal. Partner financial institutions are required to establish school banks and to train "student bank employees" and participating school employees concerning the operation and administration of financial institutions, business and personnel management, entrepreneurship, simple and compound interest, investments, good work habits and other personal skills, oral and written communications, interest rate-setting, stocks, bonds, money markets, electronic transfers and online banking, the American and Virginia economic systems, global economics, and other matters pertaining to the world of business, economics, and finance. The provisions of the bill expire on July 1, 2005. This bill, substantially revised, was the recommendation of the Joint Subcommittee Studying the Status and Needs of African-American Males in Virginia in the 2000 Session.

Patron - Jones, D.C.

[F] HB2385 Volunteer Activities Coordinator Incentive Grants Program and Fund. Establishes the Volunteer Activities Coordinator Incentive Grants Program and Fund. Administered by the Board of Education, the Program will award grants on a competitive basis to public schools to support the employment of a volunteer activities coordinator and the training of volunteers to assist in the delivery of initiatives addressing early childhood and accelerated reading, remediation related to the Standards of Learning assessments, and other initiatives as may be identified by Board of Education guidelines. The Board is to establish criteria for making grants from the Fund and procedures for determining amounts for grants to eligible public schools. The Board may issue guidelines governing the Program as it deems necessary and appropriate.

Patron - Pollard

[F] HB2391 Use of Standards of Learning assessments for school accreditation. Directs the Board of Education, in establishing accreditation requirements for schools, to create a sliding scale for the inclusion and consideration of the results of Standards of Learning (SOL) assessments. The sliding scale must provide for the consideration of other indicators of school performance, and is to weight any such Standards of Learning assessment scores to benefit the particular school. Currently, the Standards of Accreditation (SOA) provide that "evaluation of the performance of schools shall take into consideration" the percentage of eligible students achieving a passing score on SOL assessments or other tests used to obtain verified units of credit; the percentage of students passing the literacy and numeracy tests required for the Modified Standard Diploma; the percentage of students whose Individualized Education Plans (IEP) specify participation in an alternate assessment who obtain a score of "proficient"; the school's attainment of certain provisional accreditation benchmarks; and the number of students who successfully complete a remediation recovery program and subsequently pass SOL tests in

English and/or mathematics during any scheduled administration by the end of the following school year (8VAC 20-131-280). More specifically, however, the SOA provide that accreditation ratings will be based on the percentage of students passing SOL tests or approved additional tests or on a trailing three-year average that includes the current year's scores and the scores from the two most recent years in each applicable academic area, or the current year's scores, whichever is higher (8 VAC-20-131-280 C 3). The SOA ultimately phase in four accreditation levels after the year 2009. These ratings are based solely on pass rates on the SOL assessments for the four core subject areas (8 VAC 20-131-300).

Patron - Dillard

[F] HB2392 School accreditation; SOL scores of certain students. Provides that scores on Standards of Learning (SOL) assessments of students who (i) have transferred into a school during the school year in which they are required to take the assessment; (ii) have been identified as having limited English proficiency (LEP); or (iii) have been identified as disabled and whose education is subject to an individualized education plan (IEP) may be considered in the determination of the relevant school's accreditation rating only if such inclusion benefits the school's rating. The Board of Education is to include in the Standards of Accreditation (SOA) the terms and conditions under which such scores of these students may be considered in determining the school's accreditation rating. The SOA now provide that the scores of LEP and transfer students will be used in the calculation of a school's accreditation rating if it will benefit the school and authorize the Board to alter the inclusions and exclusions from the accountability calculations by providing adequate notice to local school boards (8 VAC 20-131-280 E 8, 9). Students whose IEP provides for their participation in SOL testing are included among "eligible students" whose SOL scores are considered for school accreditation purposes. (8 VAC 20-131-280 C 4). These regulations, however, also provide that the scores of all students who transfer within a school division shall be counted in the calculation of the school's accountability (accreditation) rating (8VAC 20-131-280 E 5). The SOA delineate special consideration for the SOL test scores of other transfer students. The scores of those who (i) transfer into a Virginia school from another Virginia school division, another state, or another country, in grades kindergarten through eight after the 20th instructional day following the opening of school; (ii) transfer into a Virginia middle or high school from another state or country and enroll in a course for which there is an end-of-course SOL test after 20 instructional hours per course have elapsed following the opening of school or beginning of the semester; or (iii) enroll on the first day of school and subsequently transfer to a school outside of the division for a total amount of instructional time equal to or exceeding 50 percent of a current school year or semester, and return during the same school year may be used in calculating the school accreditation rating. The SOA also detail "tolerances" for LEP, special education, and transfer students in calculating passing rates on SOL assessments. Of these students, LEP students have a one-time exemption in each of the four core areas for SOL tests for grades K-8. The scores of LEP students enrolled in Virginia public schools fewer than 11 semesters may be removed from the calculation used for school accreditation.

Patron - Dillard

[F] HB2393 Standards of Quality; elementary school guidance counselors and reading specialists. Amends the Standards of Quality to require, within the Standards of Accreditation, guidance counselors in elementary schools at the following staffing levels: one hour per day per 100 students, one full time at 500 students, and one hour per day additional time per 100 students or major fraction thereof. In

addition, elementary schools must employ one full-time reading specialist; currently, these positions are filled "at the discretion of the local school board."

Patron - Dillard

[F] HB2394 Diploma requirements. Directs the Board of Education, in awarding verified credits for performance on Standards of Learning assessments, to establish a formula whereby a student may earn a verified credit based upon such test performance in combination with the student's end-of-course grade in instances in which a student has been allowed to retake a Standards of Learning assessment and has scored within the established margin of error for such assessment. Such formula shall be applicable to students enrolled in grades six through nine in 2000-2001.

Patron - Dillard

[F] HB2396 Algebra Readiness Initiative Program and Fund. Creates the Algebra Readiness Initiative Program and Fund to support grants to public schools to provide mathematics intervention or remediation to identified students in grades six through nine, using pedagogical strategies supported by research. The intervention and remediation may include before- and after-school programs, Saturday school, or in-school tutoring sessions, and will address one or more grade levels. Programs also may include contributions of services, resources, materials, volunteer manpower and funds from community members and organizations, faith-based organizations, businesses and local governments. Grant amounts shall be based on the number of seventh and eighth grade students multiplied by the percentage of students in grade eight who have failed the eighth grade Standards of Learning test the previous year. Local school divisions and eligible schools may supplement grants from the Fund with local funds and private contributions and gifts, but may not support existing programs with funds granted pursuant to the Program. Grants from the Fund shall be issued to schools upon approval by the Superintendent of Public Instruction of the school's plan, certified by the division superintendent and the school principal, for the use of the grant. The Department of Education may audit a school's program to ensure compliance with the school plan, Program requirements, and Board guidelines. This bill is identical to SB 981.

Patron - Tata

[F] HB2402 Standard 4 of the Standards of Quality; Literacy Passports, diplomas and certificates; high school transcripts. Requires the transcripts of each student awarded a diploma by a local school board to indicate, concisely and plainly, any instance in which the student has taken a required class and earned a grade in such class more than one time, regardless of the recorded grade on such class. No transcript will be required to indicate any grade other than the recorded grade. The indication of grade expungement may be accomplished by designation of a symbol or other notation.

Patron - Tata

[F] HB2465 Part-time admission and enrollment of nonpublic school students in Governor's Schools. Authorizes local school boards to develop policies, consistent with their constitutional and statutory responsibilities for providing public education, for the part-time admission and enrollment in Governor's Schools of students who are either enrolled in a nonpublic school or receiving home instruction. The policies must address attendance zones, evidence of residence, equitable student selection, and compliance by such students with all relevant public school policies during attendance time. In addition, the policies shall require that the parent apply for the desired class or classes to the division superintendent of the Governor's School to be attended, and shall require the parent

to obtain permission for such part-time enrollment from the chief administrator of the relevant nonpublic school in which the student is enrolled on a full-time basis. Approval for part-time admission and enrollment shall only be granted if the student meets admissions criteria and the school has space in the desired class or classes after accommodating the qualified pupils who are regularly enrolled in the school or in the participating school divisions. These students would be included in average daily membership in the relevant school division on a pro rata basis. The measure is not to be construed as requiring school divisions to establish or participate in the operation of a Governor's School. Under current law, nonpublic school students who are enrolled in public school on a less than full-time basis in any mathematics, science, English, history, social science, vocational education, fine arts, foreign language, health education, or physical education course are counted in the average daily membership in the relevant school division on a pro rata basis as provided in the appropriation act. No such student will be counted as more than one-half of a student. The 2000 Appropriation Act supports this requirement (Item 143 A 1 d).

Patron - O'Brien

[F] HB2498 Education Certificate Act. Establishes the Education Certificate Act to create a local option voucher system to provide choice in education for children in grades K-12 eligible for free or reduced lunch. The bill establishes certain parameters for the use of vouchers and places conditions on public and nonsectarian private schools that choose to participate. The measure provides that all public schools participate in the program; specific standards are set forth governing private school participation in the initiative. Participating schools must execute an agreement with the Board of Education guaranteeing that the participating school will provide a child who is accepted for enrollment, and who presents a certificate, a supplementary tuition payment in an amount sufficient to satisfy any remainder of the participating school's tuition and fees, and an education equivalent to that provided other children attending the school. All or part of the funds for such supplementary tuition payment may be secured from the individual student's personal education account established under the provisions of this article. Participating private schools must demonstrate that no funds generated through the acceptance of the certificates are used for classes in religious instruction, and in no case shall such funds constitute aid to any church, sect, or religious denomination, or aid in any way any sectarian institution for which the acceptance and use of public funds is prohibited. The value of a certificate for any student awarded a certificate to attend a participating school shall not be worth less than 80 percent of the basic aid appropriated for the support of public education in the school division. No certificate shall be redeemed for more than the amount of the tuition and fees regularly charged by the participating school for providing educational services. The measure also includes various provisions addressing a phase-in period for the initiative.

Patron - Robinson

[F] HB2540 Governor's Academic Challenge Program and Fund. Creates the Governor's Academic Challenge Program and Fund to support grants to public schools Accredited with Warning or Provisionally Accredited/Needs Improvement pursuant to the Standards of Accreditation (SOA) to provide intervention or remediation. The intervention and remediation may include before- and after-school programs, Saturday school, or tutoring sessions, and shall increase the student's net instructional time in school. Programs also may include contributions of services, resources, materials, volunteer manpower and funds from community members and organizations, faith-based organizations, businesses and local

governments. Grant amounts shall be based on the school's accreditation status for the year. Local school divisions and eligible schools may supplement grants from the Fund with local funds and private contributions and gifts, but may not support existing programs with funds granted pursuant to the Program. Grants from the Fund shall be issued to schools upon approval by the Superintendent of Public Instruction of the school's plan, certified by the division superintendent and the school principal, for the use of the grant. The Department of Education may audit a school's program to ensure compliance with the school plan, Program requirements, and Board guidelines. This bill is identical to SB 1138.

Patron - Spruill

[F] HB2541 Home instruction requirements. Provides that persons providing home instruction must have a high school diploma; currently, a baccalaureate degree is required. In addition, the bill provides that a licensed teacher engaged by a parent authorized to home school his child or children may determine that a program of study or curriculum meets the requirements established by the Commonwealth for home instruction. The bill also provides that in addition to the battery of achievement tests approved by the Board of Education for evaluating the home schooled student's academic progress, the parent may offer the results of a battery of achievement tests approved by the Superintendent of Public Instruction, or an evaluation which, in the opinion of a licensed teacher engaged by the parent, indicates an adequate level of educational growth. Currently, this latter evaluation option is limited to evaluations assessed by the division superintendent.

Patron - Katzen

[F] HB2558 Restricted license for teachers. Directs the Board of Education, within its teacher licensure regulations, to provide for the issuance of a restricted teaching license to an individual who (i) has not completed a teacher education program and (ii) holds a master's degree or its equivalent in the subject area in which he seeks licensure and endorsement. These individuals shall not be required to take professional teacher examinations in disciplines other than such the subject area of endorsement. The restricted license shall only be valid for instructional positions in the relevant area of endorsement. This measure was incorporated in HB 2123.

Patron - O'Brien

[F] HB2561 School calendar; year-round schedule. Exempts from the post-Labor Day opening requirement and waiver process those schools operating on a year-round calendar basis. The "year-round calendar" is defined to include those school-year calendars that provide for no less than 180 regular teaching days, at least 28 of which are scheduled to occur between June 15 and August 31. Such year-round schedules may incorporate intersession or enrichment courses but shall not include any regular or remedial summer school programs.

Patron - O'Brien

[F] HB2590 Financial assistance to certain students for Advanced Placement and International Baccalaureate examinations. Requires local school boards to provide financial assistance to students to cover the costs of Advanced Placement and International Baccalaureate examinations, if the students are enrolled full-time in the public schools, have been placed in or meet the qualifications for placement in Advanced Placement courses and the International Baccalaureate program, and are eligible for free or reduced lunch. Students who meet the aforementioned qualifications, but are ineligible to receive free or reduced lunch, are also eligible for such financial assistance, if they have been identified by a teacher, school principal, guidance counselor or other school personnel as

unable to afford the costs of Advanced Placement or International Baccalaureate examinations due to the unemployment of a parent, the serious or life-threatening illness of an immediate family member, the inability of a parent to afford the costs of such examinations for more than one eligible student, or other substantiated family financial exigency. This bill also establishes which students shall be eligible for the assistance; requires local school boards to establish policies to implement the law; sets out the procedure by which school boards will receive funding to assist needy students; and requires local school boards to report after the close of each school year the number of students served, those unable to be served due to lack of resources, the type of examination taken by and the score credited to the student, and the total costs of such examinations to the Department of Education. The Department of Education must use this information to establish a profile of students receiving financial assistance and baseline data to calculate and project the need for future state funds to support the program.

Patron - Christian

[F] HB2591 Termination of special education services. Clarifies that the right to special education services terminates for disabled students who graduate from high school with a regular diploma, as provided in federal regulations governing eligibility for special education services. However, because graduation is considered a change in placement under federal law, the parents of a disabled student must be notified in writing concerning the student's graduation before such transition commences. Reevaluation of the student is not required in this instance. This bill also provides that the General Education Diploma (GED) is deemed to be a regular diploma only, when awarded to a student who has been identified as disabled for educational purposes. The provisions of this bill do not affect the criteria for high school graduation and the awarding of diplomas in the Standards of Quality and the Standards of Accreditation.

Patron - Christian

[F] HB2644 Student conduct policies. Requires the Board of Education, in establishing guidelines for model student conduct policies, to include standards for school board policies regarding the appropriate manner of addressing teachers and administrators in the school setting. Local school boards are required to adopt student conduct policies consistent with Board guidelines, and may create policies that are more stringent than the guidelines. Currently, the Board's guidelines address, among other things, criteria for the removal of a student from a class; the use of suspension, expulsion, and exclusion as disciplinary measures; and standards for school board policies regarding alcohol and drugs, vandalism, trespassing, threats, search and seizure, disciplining of students with disabilities, and intentional injury of others.

Patron - Black

[F] HB2687 Suffolk school board salary increase. Authorizes the school board of the City of Suffolk to establish an increase in its member salaries effective in 2001 by providing a one-time exemption from the statutory requirement that a local school board representing a city or town may establish a salary increase prior to December 31 in any year preceding a year in which members are to be elected or appointed. Currently, such increase shall become effective on July 1 of the year in which the election or appointment occurs. Although the 2000 Session increased the maximum salary for Suffolk school board members, the school board will not have an election until 2002. Under current law, an increase could be established by December 31, 2001, but would not be effective until July of 2002.

Patron - Spruill

HB2715 Family Literacy Grants Program and Fund. Creates the Family Literacy Grants Program, to be administered by the Board of Education, to award grants on a competitive basis to school divisions to support programs designed to address one or more of the following objectives: to (i) increase the literacy skills and educational levels of parents through instruction in basic skills, high school credentialing programs, English as a second language, workplace training, and parenting; (ii) enhance parents' understanding of child development and the parent's role as first teacher; (iii) assist parents in gaining the motivation, skills, and knowledge necessary to improve employability or to pursue further education and training; and (iv) increase the developmental skills of pre-school children for preparation for academic and social success in school. Grants cannot support adult education initiatives already required by the Standards of Quality. The Board will establish procedures for determining grant amounts and is to issue guidelines governing the Program as it deems necessary and appropriate, including provisions addressing the coordination of any adult literacy and education efforts for which a grant is sought pursuant to this section with the biennial state plan for adult education and literacy developed by the Virginia Advisory Council for Adult Education and Literacy.

Patron - Plum

HB2727 Multiple measures of student achievement. Directs the Board of Education, within the Standards of Accreditation (SOA), to provide that the accreditation status of public schools shall be based on (i) multiple measures of student achievement, including (a) the results of locally developed classroom and other direct assessments of student work over time, such as projects, portfolios, and teacher-made tests designed to improve as well as measure student learning; (b) scores on Standards of Learning assessments and other standardized tests; and (c) external reviews of student work, as appropriate; (ii) availability to students of high quality curricula and instruction designed to meet diverse needs, abilities, and interests; (iii) access to up-to-date facilities, equipment, materials, and a safe and clean learning environment; (iv) attendance, retention, dropout, and graduation rates, including on-time graduation rates; (v) postsecondary education and employment rates and successes; (vi) teacher education and licensure and endorsement in subjects taught; (vii) opportunities for and participation in ongoing professional development in best instructional and assessment practices; (viii) available school and community resources, including per pupil expenditures; (ix) school demographic factors; (x) student mobility; (xi) opportunities for and level of parental involvement; and (xii) periodic self-evaluations and external reviews and evaluations by school quality review teams. The SOA shall also provide that student promotion and retention, course placement, and requirements for a high school diploma shall be based primarily on these multiple measures of student achievement.

Patron - Day

HB2741 Education; funding for the state Standards of Quality. Provides that notwithstanding any other provision of law, the Commonwealth shall fund at least 55 percent of the total actual costs of public education. The Standards of Quality and the formulas used by the Commonwealth to distribute funds to localities to meet the Standards of Quality shall be reviewed and revised biennially to meet such requirement. Beginning with the budget for fiscal year 2002, the Governor shall include in his budget recommendations adequate funds to meet the requirements of this bill. This is a recommendation of the Commission on the Condition and Future of Virginia's Cities.

Patron - Moss

HB2755 Driver education programs. Eliminates classroom and behind-the-wheel driver training for any student who is not enrolled full time in the public schools. This bill also provides that students who complete Board of Education approved correspondence courses for the classroom training component of driver education shall receive the behind-the-wheel driver training from a licensed, commercial, driver training school.

Patron - O'Brien

HB2793 Board of Education; membership. Requires the Governor to appoint one domiciliary resident of each of the eight regional superintendents' study areas and one member at large as the nine members of the Board of Education. As provided in the second enactment, this bill will not require new appointments prior to the expiration of any term of office for a member of the Board on and after January 1, 2002. Beginning with the 2002 appointments, the Governor must phase in the demographic distribution according to the eight regional superintendents' study areas in any manner he deems appropriate, including, but not limited to, reappointment of eligible individuals who represent one of the eight regions. However, with each expiration of term, beginning on January 1, 2002, the successive appointments must be made to represent a different region until each of the eight regions is so represented.

Patron - Bennett

HB2794 Independent review of Standards of Learning assessments. Directs the Board of Education to appoint an independent committee of testing experts to evaluate annually the application and uses of these assessments for student promotion, retention, remedial placement, and graduation requirements, as well as for school accreditation. This evaluation shall include a consequential validity analysis to assess the effects of the assessments and the technical characteristics of validity, reliability, and fairness of the uses of such assessment results. In conducting such consequential validity analysis, the committee shall consider the findings and recommendations of the Standards of Learning Test Technical Advisory Committee set forth in its Review of Selected Technical Characteristics of the Virginia Standards of Learning (SOL) Assessments. The committee shall also make recommendations regarding the need for any additional state or local assessment mechanisms designed to improve instruction and to assess knowledge and skills required by the Standards of Learning and not reflected in the Standards of Learning assessments. The committee shall report its findings and recommendations to the Board of Education, the House Committee on Education, and the Senate Committee on Education and Health by November 1 of each year. The first such report shall address the assessments administered in 1998, 1999, 2000, and 2001, and shall be delivered by November 1, 2001. This bill is identical to SB 1372.

Patron - Bennett

HB2816 Multiple criteria for remediation of elementary and secondary school students. Requires the Board of Education to establish guidelines to assist local school boards in identifying students for remediation and special programs of prevention and intervention. The guidelines must include multiple criteria for determining whether such students will be required to attend remediation programs or special programs of prevention and intervention. The multiple criteria must include, but not be limited to, teacher observations and evaluations; class work and grades during the school year; scores on the Standards of Learning assessments and Virginia State Assessment Program Tests; the student's reading proficiency; the effects of social, economic, cultural, or familial

conditions on the student's learning; whether the student is working on grade level or has been retained in a grade due to poor academic achievement; whether the student has experienced disciplinary problems; whether the student has attended remediation or special programs of prevention and intervention; and whether the student's academic achievement can be improved with consistent tutoring, more time on tasks, or supervised assistance to complete class assignments. School divisions are prohibited from recommending or placing students in remediation programs and special programs of prevention and intervention solely on the basis of scores on the Standards of Learning assessments and Virginia State Assessment Program Tests.

Patron - Van Yahres

[F] HB2822 Transfer of funds to teacher tax-sheltered annuities. Directs the local treasurer or comparable officer to provide for the transfer of funds designated by licensed instructional and administrative employees for tax-sheltered annuities, including, but not limited to, any local deferred compensation plan, to occur within 24 hours of the established employee salary payment date.

Patron - Grayson

[F] HB2823 Educators' Higher Education Opportunity Program. Creates the Educators' Higher Education Opportunity Program, comprised of the voluntary contributions of educators employed on a full-time basis as licensed instructional or administrative personnel in good standing by a public school board in Virginia, to fund savings trust accounts pursuant to the Virginia College Savings Plan. The Board of Education must make an annual contribution to the Fund on behalf of eligible educators who have completed five years of full-time employment in a seven-year period. Savings trust account funds cannot be disbursed prior to an eligible educator or designee being admitted and enrolled at an eligible institution. The Board, in consultation with the Board of the Virginia College Savings Plan, shall establish regulations addressing (i) minimum amounts of educator contributions to the Fund; (ii) amounts of annual Board contributions to accounts in which the educator's interest has vested; (iii) changes in employing school boards; (iv) the voluntary participation of local school boards in making contributions to the Fund on behalf of employees; and (v) such other matters as it deems necessary for the implementation of the Program. The program expires on July 1, 2006.

Patron - Byron

[F] HB2831 Standards of Quality; diploma requirements. Directs the Board of Education, in establishing diploma requirements, to require multiple criteria through the accumulation of standard and verified units of credit. Standard units of credit shall be awarded upon (i) the successful completion of the 140-hour class and any projects, portfolios, writing assignments, demonstrations, homework, classroom tests, reports, and teacher evaluations as prescribed by the local school board or individual school; or (ii) without completing the 140-hour class, upon demonstration of mastery of the course content and objectives, as may be permitted by the division superintendent as currently provided in Standard 3. Verified units of credit shall be awarded upon earning the standard unit of credit and obtaining a passing score on the relevant Standards of Learning assessment or other objective measure of student achievement approved by the Board of Education for such purpose. For the purpose of meeting the combined credit requirements for a high school diploma, standard and verified units shall have the same numeric value. Standard units of credit shall comprise at least 70 percent of the combined required credits, and verified units shall comprise no more than 30 percent of such combined credits. No student shall be denied a diploma based solely on

the failure to achieve a passing score on the single administration of an assessment approved for the award of a verified unit of credit. The Board shall provide, by regulation, for multiple opportunities for students to retake such failed assessments and for alternative forms of assessment for those courses for which verified units of credits are required. In addition, a second enactment clause provides that, applicable only to students enrolled in grades six through nine in the 2000-2001 school year, the Board will establish guidelines for local school boards to provide for additional criteria to determine the award of a verified unit of credit. Such guidelines shall be designed to ensure consistency and fairness in the selection and administration of any such additional criteria. The issuance of such guidelines shall be exempt from the provisions of the Administrative Process Act, except that the Board shall provide for public review and comment. Currently, the Standards of Accreditation (SOA) require 22 standard units of credit, with six verified units of credit, for a Standard Diploma; 24 standard units of credit, with nine verified units of credit, for an Advanced Studies Diploma; and 20 standard units of credit for a Modified Standard Diploma (8 VAC 20-131-50).

Patron - Reid

[F] HB2847 Standards of Learning Assessment Advisory Commission. Creates the 14-member Standards of Learning Assessment Advisory Commission (the Commission) as a legislative agency of the Commonwealth. Comprised of one Senator, three Delegates, and 10 citizen members including educators and administrators, testing experts, and citizens at large, the Commission is to examine and make recommendations regarding any revisions to and ongoing implementation of the Standards of Accreditation for public schools, the Standards of Learning, the use and application of statewide and divisionwide student assessments, and other matters related to the delivery of quality education in the public schools of the Commonwealth. The Commission may establish advisory committees composed of persons with expertise in the matters under consideration by the Commission.

Patron - Landes

[F] HB2857 Virginia Teachers and School Administrators of Tomorrow Recruitment and Retention Program. Creates the Virginia Teachers and School Administrators of Tomorrow Recruitment and Retention Program for the purpose of addressing the problem of teacher and school administrator supply and demand in the public schools of the Commonwealth, and ensuring a diverse and well-qualified teaching and administrative force, consisting of licensed teachers and school administrators. The Program consists of the following components: (i) the Teacher Cadet Academy to provide internships for academically able students who possess the personal qualities and leadership skills for success in teaching, and who demonstrate an interest in children, to consider careers in teaching; (ii) incentives to attract new teachers and retain experienced teachers and school administrators, particularly in urban and rural school divisions experiencing difficulty in attracting and retaining teachers and administrators; (iii) a database containing the announcements of open positions for teachers and administrators throughout the Commonwealth; (iv) strategies to increase the supply of minority teachers and school administrators; (v) linkages between public schools, institutions of higher education, and business and industry to provide mentorships and business-school exchange programs; and (vi) the use of the statewide teacher and administrator survey data to identify critical administrator and teacher shortages, and the disciplines and geographical regions of the Commonwealth in which they occur so that recruitment efforts can be effectively targeted. This bill is a recommendation of the Commission on Access and Diversity in Higher Education.

Patron - Jones, J.C.

[F] SB944 Standard 3, Accreditation, other standards and evaluation, of the Standards of Quality. Adds, on July 1, 2002, to the minimum staffing requirements required in the Board of Education's regulations on accrediting schools, a requirement for attendance officers and secretaries adequate to implement the compulsory school attendance law. The Board of Education is required to promulgate emergency regulations to implement this new requirement. The statute authorizing attendance officers is amended to require appointment of attendance officers and secretaries, in accordance with the Board of Education's ratio requirements as set forth in the regulations on accrediting schools. This new requirement will take effect on July 1, 2002.

Patron - Colgan

[F] SB981 Algebra Readiness Initiative Program and Fund. Creates the Algebra Readiness Initiative Program and Fund to support grants to public schools to provide mathematics intervention or remediation to identified students in grades six through nine, using pedagogical strategies supported by research. The intervention and remediation may include before- and after-school programs, Saturday school, or in-school tutoring sessions, and will address one or more grade levels. Programs also may include contributions of services, resources, materials, volunteer manpower and funds from community members and organizations, faith-based organizations, businesses and local governments. Grant amounts shall be based on the number of seventh and eighth grade students multiplied by the percentage of students in grade eight who have failed the eighth grade Standards of Learning test the previous year. Local school divisions and eligible schools may supplement grants from the Fund with local funds and private contributions and gifts, but may not support existing programs with funds granted pursuant to the Program. Grants from the Fund shall be issued to schools upon approval by the Superintendent of Public Instruction of the school's plan, certified by the division superintendent and the school principal, for the use of the grant. The Department of Education may audit a school's program to ensure compliance with the school plan, Program requirements, and Board guidelines. This measure is identical to HB 2396.

Patron - Rerras

[F] SB1105 Virginia Teaching Scholarship Loan Program; combination state and local awards. Adds a sixth component to the Virginia Teaching Scholarship Loan Program relating to combination state and local awards. The new set of awards is established to assist local school boards in resolving teacher shortages and will consist of one-third state funds, one-third local government funds, and one-third local private funds that have been specifically designated as accruing for a named local school division as funding for combination state and local awards. To the extent funds are adequate, the combination state and local awards will cover the costs of the student's tuition and fees for no more than four years at a Virginia institution of higher education that has an approved teacher education program in a discipline identified by the relevant local school board as a teacher shortage discipline in its schools. Local government and local private funds will be deposited into the Virginia Teaching Scholarship Loan Fund and earmarked for the relevant school division. All recipients of combination state and local awards for teaching scholarship loans will be subject to all requirements of law, including the contract provisions. However, upon graduation, the scholarship recipient must begin teaching in the public schools of the school division of the locality contributing the one-third local funds in the first full academic year after graduating from college and becoming eligible for a teaching license, and must thereafter teach continuously in such school division for at least a three-year period.

The three-year teaching commitment will be required regardless of the number of state and local combination awards received by the scholarship recipient. Further, upon failure to teach in the relevant school division for three years, the scholarship recipient must repay the total scholarship funds. Any repaid funds will be deposited into the Virginia Teaching Scholarship Loan Fund to be used for combination state and local awards. The new provision must not be construed to guarantee any initial or continuing scholarship award to any student or applicant or to ensure eligibility of any student for an award because there is a teacher shortage in the student's teacher education discipline. Further, awards will only be made to the extent funds are available and for students agreeing to teach in the designated local school division. Local school boards and local governing bodies will be responsible for soliciting and obtaining local private funds.

Patron - Colgan

[F] SB1137 Employment, training, and certification of school safety and security specialists. Requires the Department of Criminal Justice Services to establish compulsory minimum, in-service, and advanced training standards for school safety and security specialists. This bill also defines school safety and security specialists as law-enforcement officers, and authorizes local school boards to establish a school safety and security department or office and to employ qualified persons as school safety and security specialists. School safety and security specialists must enforce the laws of the Commonwealth and local school board student conduct policies, provide security for school facilities and property, maintain order in school facilities and at school-sponsored activities, and prevent and detect crime in school facilities, on school property, and at school-sponsored activities. In addition, school boards may establish and seek approval of training programs for school safety and security specialists by the Department of Criminal Justice Services, as well as certification of such specialists who meet the Department's qualifications for law-enforcement officers.

Patron - Marsh

[F] SB1138 Governor's Academic Challenge Program and Fund. Creates the Governor's Academic Challenge Program and Fund to support grants to public schools Accredited with Warning or Provisionally Accredited/Needs Improvement pursuant to the Standards of Accreditation (SOA) to provide intervention or remediation. The intervention and remediation may include before- and after-school programs, Saturday school, or tutoring sessions, and shall increase the student's net instructional time in school. Programs also may include contributions of services, resources, materials, volunteer manpower and funds from community members and organizations, faith-based organizations, businesses and local governments. Grant amounts shall be based on the school's accreditation status for the year. Local school divisions and eligible schools may supplement grants from the Fund with local funds and private contributions and gifts, but may not support existing programs with funds granted pursuant to the Program. Grants from the Fund shall be issued to schools upon approval by the Superintendent of Public Instruction of the school's plan, certified by the division superintendent and the school principal, for the use of the grant. The Department of Education may audit a school's program to ensure compliance with the school plan, Program requirements, and Board guidelines. This bill is identical to HB 2540.

Patron - Lambert

[F] SB1148 School board salary; Russell County. Increases the maximum annual salary for school board mem-

bers in Russell County from \$1,800 to \$3,600. This bill has been incorporated into SB 814.

Patron - Puckett

[F] SB1239 Teacher licensure by reciprocity. Requires the Board of Education to issue a license by reciprocity to teachers holding licenses in other states and in good standing with the relevant regulatory body. Teachers who are duly licensed in another state or the District of Columbia and in good standing with the relevant out-of-state regulatory board must be deemed to be qualified to hold and must be issued a license by reciprocity by the Board of Education to teach in the relevant endorsement area in Virginia. The license by reciprocity must be issued regardless of conflicting provisions of the Licensure Regulations for School Personnel, any interstate agreements relating to acceptance of teaching endorsements from other states for licensure, and the statutory requirements for the professional examination and training. Upon the issuance of a license by reciprocity, such teachers cannot be required to comply with the statutory testing and training requirements or the Board's regulations relating to a minimum of two years of full-time experience in a public school or an accredited private school and the professional teacher's examinations, known as PRAXIS I and II.

Patron - Barry

[F] SB1240 Programs for limited English proficiency students. Prohibits school boards, when designing programs to promote the education of children with limited English proficiency and to enhance achievement through a proven instructional method, from operating bilingual programs or English as a Second Language courses that are content oriented and conducted in a language other than English. This bill requires the school boards to implement English-immersion programs exclusively. This provision must not, however, be construed to prohibit or restrict school boards in using bilingual teachers or other bilingual personnel and volunteers in communicating with limited English proficiency students and their families in their native or first language.

Patron - Barry

[F] SB1265 School accreditation and pupil performance; multiple criteria. Provides that the results of any Standards of Learning (SOL) assessments cannot be the sole or primary basis for the promotion or retention of students or for the awarding of diplomas. In addition, the Board of Education is to provide, in the Standards of Accreditation (SOA), for the use of multiple criteria in determining school accreditation status. Included among these criteria for school accreditation are consideration of access to high quality curricula and instruction designed to meet diverse needs, abilities, and interests; attendance, dropout, and graduation rates; student reading levels; school safety audits; postsecondary education and employment rates; school and divisionwide demographic factors; school and community resources; and parental involvement levels. In establishing accreditation standards and determining requirements for graduation and student achievement, the Board shall seek the assistance and input of teacher education faculty at the Commonwealth's public institutions of higher education, professional educators, parents, and community members.

Patron - Edwards

[F] SB1266 Standards of Quality; elementary school guidance counselors. Amends the Standards of Quality to require, within the Standards of Accreditation, guidance counselors in elementary schools at the following staffing levels: one hour per day per 100 students, one full-time at 500 students, and one hour per day additional time per 100 students or major fraction thereof. Currently, the Standards of Accreditation (8 VAC 20-131-240 A 4) provide for guidance counselors

or reading specialists in elementary schools at one hour per day per 100 students, one full-time at 500, and one hour per day additional time per 100 or major fraction. However, the Standards of Quality are silent regarding guidance counselors in elementary schools.

Patron - Edwards

[F] SB1267 Lottery Proceeds Fund. Establishes the Lottery Proceeds Fund, as will be authorized on July 1, 2001, in Section 7-A of Article X of the Constitution of Virginia. The Fund will consist of the net revenues of any lottery conducted by the Commonwealth and will be appropriated to localities to use for public education purposes. This bill also establishes authorization for an escrow account for the moneys appropriated from the Fund to localities. Several relevant lottery statutes are amended to note the dedication of the proceeds to the Fund.

Patron - Edwards

[F] SB1303 Educational opportunity programs. Increases, in the statute regarding educational opportunity programs, the program for at-risk four-year-olds to cover 100 percent of the eligible children and to provide funding to those localities that have been delivering this program on at least a half-day basis prior to the enactment of this statute and the provision of funding in the appropriation act. Those localities that have previously implemented these programs through local and federal moneys and have not received any state grants for at-risk four-year-old programs would be eligible for funding in the 2001-2002 fiscal year. If the local funding in 2000-2001 was more than the required local match for state funds in the 2001-2002 fiscal year, reduction of the local funding would not be construed as supplanting of state funds.

Patron - Newman

[F] SB1313 Early Intervention Reading Initiative Program and Fund. Creates the Early Intervention Reading Initiative Program and Fund to support grants to public schools to administer diagnostic testing, and instructional time to provide intervention or remediation to identified students in kindergarten through grade three, using pedagogical strategies supported by research. The intervention and remediation may include before- and after-school programs, Saturday school, or in-school tutoring sessions. Programs also may include contributions of services, resources, materials, volunteer manpower and funds from community organizations, faith-based organizations, businesses and local governments. The Department of Education is to provide school divisions with diagnostic tests to identify (i) the number of students requiring intervention and remediation services through the Program and (ii) effective reading intervention and remediation programs and strategies, as appropriate. Grant amounts shall be based on the percentage of students in each school division who are identified as requiring services as indicated by results of diagnostic pretests administered in the previous year. Local school divisions and eligible schools may supplement grants from the Fund with local funds and private contributions and gifts, but may not support existing programs with funds granted pursuant to the Program. Grants from the Fund shall be issued to schools upon approval by the Superintendent of Public Instruction of the school's plan, certified by the division superintendent and the school principal, for the use of the grant. The Department of Education may audit a school's program to ensure compliance with the school plan, Program requirements, and Board guidelines. This bill is identical to HB 2111.

Patron - Newman

[F] SB1341 Local eligibility licenses for teachers. Provides that teacher candidates seeking a three-year local eligibility license must not have been employed as a teacher by a

Virginia local school board during the previous three years. This measure would address those teachers who have held a three-year provisional license issued by the Board of Education as well as those whose licenses have expired or have been revoked or suspended during the three-year period.

Patron - Potts

[F] SB1342 Home instruction. Permits a parent having an associate degree to provide home instruction. Currently, a parent must either (i) have a baccalaureate degree, (ii) be a teacher, (iii) enroll the child in an approved correspondence course, or (iv) provide a program of study meeting the Standards of Learning and provide evidence of his ability to provide an adequate education for the child. In addition, the bill adds to those tests providing evidence of a home-instructed child of performance in or about the fourth stanine those tests approved by the division superintendent. Currently, these tests are those approved by the Board of Education for use in the public schools.

Patron - Martin

[F] SB1369 School board salary; Greene County. Increases the maximum annual salary for school board members in Greene County from \$3,600 to \$5,800. This bill has been incorporated into SB 814.

Patron - Couric

[F] SB1372 Independent review of Standards of Learning assessments. Directs the Board of Education to appoint an independent committee of testing experts to evaluate annually the application and uses of these assessments for student promotion, retention, remedial placement, and graduation requirements, as well as for school accreditation. This evaluation shall include a consequential validity analysis to assess the effects of the assessments and the technical characteristics of validity, reliability, and fairness of the uses of such assessment results. In conducting such consequential validity analysis, the committee shall consider the findings and recommendations of the Standards of Learning Test Technical Advisory Committee set forth in its Review of Selected Technical Characteristics of the Virginia Standards of Learning (SOL) Assessments. The committee shall also make recommendations regarding the need for any additional state or local assessment mechanisms designed to improve instruction and to assess knowledge and skills required by the Standards of Learning and not reflected in the Standards of Learning assessments. The committee shall report its findings and recommendations to the Board of Education, the House Committee on Education, and the Senate Committee on Education and Health by November 1 of each year. The first such report shall address the assessments administered in 1998, 1999, 2000, and 2001, and shall be delivered by November 1, 2001. This bill is identical to HB 2794.

Patron - Reynolds

[F] SB1388 Part-time admission and enrollment of nonpublic school students in Governor's Schools. Directs local school boards to develop policies, consistent with their constitutional and statutory responsibilities for providing public education, for the part-time admission and enrollment in Governor's Schools of students who are enrolled in a nonpublic school. The policies shall provide that the nonpublic school students must be treated as any resident full-time public school student for the purpose of meeting any admissions criteria. The policies must also address compliance by such students with all relevant public school policies during attendance time. In addition, the policies shall require that the parent apply for the desired class or classes to the division superintendent of the Governor's School to be attended, and shall require the parent to obtain permission for such part-time enrollment from the

chief administrator of the relevant nonpublic school in which the student is enrolled on a full-time basis. These students would be included in average daily membership in the relevant school division on a pro rata basis. The measure is not to be construed as requiring school divisions to establish or participate in the operation of a Governor's School.

Patron - Rerras

[F] SB1395 Fingerprinting of certain school board employees. Excludes applicants for adult education instructional positions in which there is no contact with minors from the criminal records check and fingerprinting requirements now applicable to all applicants for school board employment, whether for full- or part-time, permanent or temporary positions. Reports of arrests of any school board employees, rather than applicants, regardless of position, however, would still be reported to division superintendents and fingerprinting of the employee then required.

Patron - Hanger

[F] SB1396 Teacher employment database. Requires the Department of Education to collect and maintain teacher employment data from the various school divisions. The Department shall maintain a database with division-specific data identifying, among other things, teacher employment levels; teacher endorsements and qualifications, including positions filled by temporary teachers, teachers assigned outside their endorsement areas, and individuals with provisional and local eligibility licenses; and specific hiring needs and employment opportunities in the Commonwealth's school divisions. In addition, the Department must coordinate with national and regional teacher employment databases; develop a uniform teacher employment reporting mechanism for school divisions; project the need for teachers in specific disciplines and geographic areas of the Commonwealth; identify and analyze effective teacher recruitment and retention strategies and disseminate among school divisions information regarding such strategies; and assist school divisions in analyzing particular employment needs.

Patron - Hanger

[F] SB1397 Teacher and other school personnel contracts and licensure. Strikes the provision authorizing revocation of teachers' licenses for breach of contract. Current law provides that, in the event that the board or the division superintendent declines to grant the teacher's request for release from the contract on the grounds of insufficient or unjustifiable cause, and the teacher breaches such contract, disciplinary action, which may include revocation of the teacher's license, may be taken pursuant to regulations prescribed by the Board of Education.

Patron - Hanger

[F] SB1424 Standards of Learning assessments. Provides that Standards of Learning assessments may not be administered for any subject area under review or revision by the Board of Education.

Patron - Lambert

Educational Institutions

[P] Passed

[P] HB2121 Higher Education academic programs. Provides that Tidewater Community College may offer, subject to the approval of the State Council of Higher Education, a three-year program of educational instruction in applied sci-

ences and coordinate such program with apprenticeship programs offered by Virginia's ship manufacturing and ship repair companies. Such apprenticeship programs shall be established for the purpose of enhancing the education and skills of Virginia's shipyard workers. The General Assembly may appropriate funds for the administration and implementation of such degree program and/or apprenticeship programs, including scholarships to shipyard workers enrolled in the degree program.

Patron - Wardrup

[P] HB2144 School accreditation and college admission. Provides that the boards of visitors or other governing body of Virginia's public institutions of higher education cannot consider the accreditation status of a Virginia public high school in making admissions determinations for students who have earned a diploma in accordance with the regulations of the Board of Education. This bill is identical to SB 1324.

Patron - Drake

[P] HB2495 Hampton Roads Museum Consortium. Creates the Hampton Roads Museum Consortium addressing accredited private museums in jurisdictions located within the boundaries of Planning District 23, including the Counties of Gloucester, Isle of Wight, James City, Southampton, and York; and the Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg. The Consortium may consist of any or all accredited museums located within Hampton Roads that are not state agencies. Other museums and cultural facilities located in Hampton Roads may join the Consortium upon the approval of the governing board. The governing board of the Consortium is to consist of the chief executive officer of each of the member museums. The region's legislators may serve as nonvoting, advisory members. The Consortium is to serve the school divisions of Hampton Roads in providing training to the teachers, administrators and students in the various Standards of Learning for English, social studies and history, science, and mathematics. In addition, the Consortium is to (i) coordinate among its members and the school divisions of Hampton Roads the development of joint educational initiatives; (ii) establish and deliver, in conjunction with the school divisions of Hampton Roads, regional programs to address area education needs, particularly, to assist area schools in meeting the Board of Education's Regulations for Accrediting Public Schools in Virginia and to assist area students in achieving passing scores on the Standards of Learning assessments; and (iii) provide technical assistance to the school divisions of Hampton Roads in achieving full accreditation, including administrator, teacher, and student training.

Patron - Larrabee

[P] HB2565 The Advantage Virginia Incentive Program; qualified jobs; selection of beneficiaries. Revises the focus of the Advantage Virginia Incentive Program, i.e., a program focused on and designed to provide scholarships for job training. This bill changes "occupational areas where there is a high demand for workers" to "qualified jobs," which is defined as jobs that are in high demand in the Commonwealth and designated as such by the Virginia Workforce Council. The bill deletes the requirement that the qualified jobs must be located in high unemployment areas and replaces the requirement with a provision that students who attended high schools located in high unemployment areas will be given preferences in selecting beneficiaries for the Advantage Virginia Incentive Program.

Patron - Scott

[P] HB2762 Immunization of full-time four-year students enrolled in public institutions of higher education

against meningococcal disease. Requires all incoming full-time four-year students, prior to enrollment in public institutions of higher education, to be immunized against meningococcal disease. This bill provides for a waiver of this requirement if the institution of higher education provides the student or, if the student is a minor, the student's parent or other legal representative, detailed information on the risks associated with meningococcal disease and on the availability and effectiveness of any vaccine, and the student or, if the student is a minor, the student's parent or other legal representative signs a written waiver stating that he has received and reviewed the information on meningococcal disease and the availability and effectiveness of any vaccine and has chosen not to be or not to have the student vaccinated. In addition, the State Council of Higher Education must, in cooperation with the Board and Commissioner of Health, encourage private colleges and universities to develop a procedure for providing information about the risks associated with meningococcal disease and the availability and effectiveness of any vaccine against meningococcal disease. The existing religious exemption from other immunizations also applies to the meningococcal vaccine.

Patron - Bryant

[P] SB872 Gunston Hall; certain powers of board. Authorizes the Board of Regents of Gunston Hall to determine the significance or suitability of the furnishings, household items, and other objects acquired by or for Gunston Hall and to sell or exchange those items deemed of little or no significance or unsuitable, consistent with the terms of their acquisition. These furnishings and items and any net proceeds of their sale will comprise a discrete fund of Gunston Hall, restricted to future acquisitions of such period items as well as the conservation of all such holdings of Gunston Hall. The measure deems donations of any funds, securities, and any other property, real or personal as endowments or unrestricted gifts, within the meaning of § 23-9.2; therefore, these donations would not affect any state appropriations to Gunston Hall. Finally, the measure also allows the Board to change the form of investment of any funds, securities, or other property, real or personal, consistent with the terms of the instrument under which the property was acquired, and to sell or convey any such property, except that any transfers of real property must be made with the consent of the Governor. This language mirrors those powers already granted to the Virginia Museum of Fine Arts in § 23-253.4 and the Jamestown-Yorktown Foundation in § 23-288.

Patron - Puller

[P] SB1120 Donations to the Roanoke Higher Education Authority. Permits any locality to make donations of property or money to the Authority.

Patron - Edwards

[P] SB1324 School accreditation and college admission. Provides that the boards of visitors or other governing body of Virginia's public institutions of higher education cannot consider the accreditation status of a Virginia public high school in making admissions determinations for students who have earned a diploma in accordance with the regulations of the Board of Education. This measure is identical to HB 2144.

Patron - Stolle

[P] SB1375 Roanoke Higher Education Authority and Center. Adds to the list of educational institutions declared to be public bodies and constituted as governmental instrumentalities for the dissemination of education the Roanoke Higher Education Authority and Center.

Patron - Edwards

[P] SB1408 State Council of Higher Education; appointment of members. Beginning January 1, 2002, provides for the Joint Rules Committee to appoint five of the 11 members of the State Council of Higher Education, and for the Governor to appoint six members. Initial appointments to be made by the Joint Rules Committee are as follows: two members shall be appointed in 2002, one member shall be appointed in 2003, and two members shall be appointed in 2004. Appointments made by the Joint Rules Committee shall be from a list(s) of persons recommended by the Senate Committees on Finance and Education and Health, and the House Committees on Appropriations and Education. Current law provides for the Governor to make all appointments to the State Council of Higher Education.

Patron - Chichester

[P] SB1419 Property transfer. Allows the College of William and Mary to transfer to the Virginia Department of Transportation sufficient real property to permit the reconstruction of the intersection of Virginia Route 615 (Ironbound Road) and Virginia Route 321 (Monticello Avenue).

Patron - Norment

[F] Failed

[F] HB1553 Commonwealth of Virginia Higher Education and Related Educational Facilities Bond Act of 2001. Authorizes the issuance of Commonwealth of Virginia Higher Education and Related Educational Facilities Bonds pursuant to Article X, Section 9 (b) of the Virginia Constitution in an amount not exceeding \$670,400,000, subject to approval by a majority of the qualified voters of the Commonwealth voting thereon at the November 6, 2001, general election. The purpose of the bonds is to provide funds for paying, together with any other available funds, the cost of acquiring, constructing, restoring, repairing, improving, renovating and refurbishing the physical plants, including incidental equipment, of higher education and related educational facilities. The full faith and credit of the Commonwealth is pledged for the payment of the principal of and interest on the bonds and any bond anticipation notes or refunding bonds. The bill authorizes the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds, to borrow money in anticipation of the issuance of the bonds, and to issue refunding bonds. The bill shall not become effective, and no bonds shall be issued, unless and until voter approval is obtained.

Patron - Diamonstein

[F] HB1604 Commonwealth of Virginia Higher Education and Related Educational Facilities Bond Act of 2001. Authorizes the issuance of Commonwealth of Virginia Higher Education and Related Educational Facilities Bonds pursuant to Article X, Section 9 (b) of the Virginia Constitution in an amount not exceeding \$671,000,000, subject to approval by a majority of the qualified voters of the Commonwealth voting thereon at the November 6, 2001, general election. The purpose of the bonds is to provide funds for paying, together with any other available funds, the cost of acquiring, constructing, restoring, repairing, improving, renovating and refurbishing the physical plants, including incidental equipment, of higher education and related educational facilities. The full faith and credit of the Commonwealth is pledged for the payment of the principal of and interest on the bonds and any bond anticipation notes or refunding bonds. The bill authorizes the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds, to borrow money in anticipation of the issuance of the bonds, and to issue refunding bonds. The bill shall not become effective, and no bonds shall be issued,

unless and until voter approval is obtained. Incorporated into HB 1747 (Callahan).

Patron - Diamonstein

[F] HB1680 School calendar for higher education. Clarifies the authority of the boards of visitors of institutions of higher education to set the calendar for the academic year, which, in the case of four-year institutions, must provide for the cessation of classes and the closure of relevant institutions from midday Tuesday before Thanksgiving through and including the Monday following Thanksgiving each year.

Patron - Tate

[F] HB1747 Commonwealth of Virginia Higher Education and Related Educational Facilities Bond Act of 2001. Authorizes the issuance of Commonwealth of Virginia Higher Education and Related Educational Facilities Bonds pursuant to Article X, Section 9 (b) of the Virginia Constitution in an amount not exceeding \$803,703,975, subject to approval by a majority of the qualified voters of the Commonwealth voting thereon at the November 6, 2001, general election. The purpose of the bonds is to provide funds for paying, together with any other available funds, the cost of acquiring, constructing, restoring, repairing, improving, renovating and refurbishing the physical plants, including incidental equipment, of higher education and related educational facilities. The full faith and credit of the Commonwealth is pledged for the payment of the principal of and interest on the bonds and any bond anticipation notes or refunding bonds. The bill authorizes the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds, to borrow money in anticipation of the issuance of the bonds, and to issue refunding bonds. The bill shall not become effective, and no bonds shall be issued, unless and until voter approval is obtained. Incorporates HB 1604.

Patron - Callahan

[F] HB1915 University of Virginia board of visitors. Increases the membership of the University of Virginia board of visitors from 16 to 17 by adding a member who must be a resident of the local community. Because members are appointed for terms that expire on March 1, an emergency clause was included to make the measure effective upon its passage and to facilitate timely appointment.

Patron - Van Yahres

[F] HB2267 Selected Sciences Grants Program. Creates the Selected Sciences Grants Program, to be administered by the State Council of Higher Education, to provide tuition assistance in the form of grants and fellowships awarded to bona fide domiciliaries of Virginia who (i) attend public or private, accredited, nonprofit institutions of collegiate education outside the Commonwealth whose primary purpose is to provide collegiate, graduate, or professional education, and not to provide religious training or theological education; and (ii) are enrolled in programs leading to an undergraduate degree in meteorological sciences shall be eligible for grants pursuant to this chapter. Grant amounts cannot exceed the annual average appropriation per full-time equivalent student for the previous year from the general fund of the state treasury for operating costs at two- and four-year public institutions of collegiate education in Virginia and must be used only for payment of charges for tuition, fees, room, board, or other educational expenses. Grants are limited to four years of undergraduate study. State Council regulations will address the forfeiture and repayment of grants by recipients who fail to complete the degree program.

Patron - Griffith

HB2343 Higher education affordability; New Century Scholars Program. Establishes the Commonwealth's financial aid policy as being to meet at least 100 percent of the true financial need of domiciled Virginia residents attending Virginia's public colleges and universities as undergraduate students. This bill also establishes the New Century Scholars Program; a scholarship for students who are domiciled Virginians attending Virginia post-secondary or higher education institutions that have met one of two sets of criteria. The criteria are that (i) the student has a grade point average ranking him within the top 20 students in his high school graduating class at a high school in Virginia; has not been suspended or expelled from any public or private school; and has enrolled as a full-time student in an accredited, degree-granting public or private institution of higher education in Virginia or a career school, physically located in Virginia and accredited by an agency recognized by the United States Secretary of Education that is determined to be eligible to participate in the program by the Attorney General; or (ii) the student has scored at the advanced level on end-of-course Standards of Learning tests; has maintained at least a B average, i.e., 3.0 on a 4.0 scale, or its equivalent in high school; has not been suspended or expelled from any public or private school; and has enrolled as a full-time student in an accredited, degree-granting public or private institution of higher education in Virginia or a career school, physically located in Virginia and accredited by an agency recognized by the United States Secretary of Education that is determined to be eligible to participate in the program by the Attorney General. This bill is identical to SB 1234.

Patron - Harris

HB2377 Faculty representatives to the State Board for Community Colleges, local community college boards, and boards of visitors. Requires the State Board for Community Colleges, local community college boards, and the boards of visitors of any four-year state institution of higher education to appoint one or more nonvoting, advisory faculty representatives to their boards. In the case of the State Board for Community Colleges, the representatives must be appointed from among persons elected by the Chancellor's Faculty Advisory Committee. Faculty representatives to local community college boards and boards of visitors of public four-year institutions must be elected by the faculty, faculty senate, or other equivalent group of the institution. All representatives must serve terms of not less than one twelve-month period, which is coterminous with the institution's fiscal year, or for terms mutually agreed to by (i) the State Board for Community Colleges and the Chancellor's Faculty Advisory Committee, or (ii) the local community college board or the board of visitors, as the case may be, and the institution's faculty senate or other equivalent group. The State Board for Community Colleges, local community college boards, and boards of visitors may exclude such representatives from discussions of faculty grievances, faculty or staff disciplinary matters, or salaries.

Patron - Landes

HB2480 Prepaid college scholarships for children of VIEW participants. Establishes the Virginia Initiative for Employment not Welfare (VIEW) scholarship account program for qualified beneficiaries who are children of VIEW participants. Ownership of the scholarship shall be retained by the Department of Social Services until such time as the student and the student's family complete any activities or actions prescribed by the State Board of Social Services, in consultation with the Board of the Virginia College Savings Plan, as conditions for receipt of a VIEW scholarship account. Such accounts shall be an incentive for previously unemployed parents to gain long-term employment and to redirect their children's lives by

providing them with an opportunity for a college education. Neither the qualified beneficiary nor the family of such a qualified beneficiary may cancel a scholarship or receive any refund of the amount paid for a scholarship, in lieu of the use of the scholarship for the payment of a qualified beneficiary's tuition.

Patron - Moran

HB2506 Ratio of in-state and out-of-state students. Requires the governing bodies of public four-year institutions of higher education, beginning with the incoming freshman class of fall 2004, to maintain a ratio of the in-state and out-of-state student population in each incoming freshman class that is not less than 75 percent in-state students. Out-of-state students receiving full or partial athletic scholarships are not included in the calculation of out-of-state enrollments. The measure does not apply to Virginia Military Institute, Norfolk State University, and Virginia State University.

Patron - Reid

HB2707 Virginia College Building Authority; museums as educational institutions. Adds the Commonwealth's seven state agency museums--Chippokes Plantation Foundation, the Virginia Museum of Natural History, the Science Museum of Virginia, the Virginia Museum of Fine Arts, the Jamestown-Yorktown Foundation, the Board of Regents of Gunston Hall, and the Frontier Culture Museum--to the definition of "educational institutions" for purposes of eligibility for participation in funding from the Virginia College Building Authority. Projects eligible for funding include "any building, facility, addition, extension or improvement" for an educational institution, "including, without limitation, administration, teaching, lecture and exhibition halls, libraries, dormitories, student apartments, faculty dwellings, dining halls, cafeterias, snack bars, laundries, hospitals, laboratories, research centers, infirmaries, field houses, gymnasiums, auditoriums, student unions, recreation centers, stadiums, athletic facilities, garages, parking facilities, warehouses and storage buildings, book and student supplies centers and all buildings, lands and any other appurtenances, furnishings and equipment necessary or desirable in connection therewith or incidental thereto and ... personal property at the institutions."

Patron - Clement

HB2805 Virginia Hope Scholarship Program and Fund. Establishes the Virginia Hope Scholarship Program and Fund for the purpose of closing the academic achievement gap between minority and non-minority students, promoting academic achievement among high school students of underrepresented groups in higher education who desire to attend college, and to provide financial assistance to such students, low-income students, and first-generation college students to enable them to obtain an undergraduate or first graduate or professional degree. The Program shall consist of scholarships awarded on the basis of need annually to eligible students who are accepted for admission or enrolled in accredited public or private four-year institutions of higher education in the Commonwealth, and who are enrolled full time in a degree-granting program at a public or private four-year institution of higher education in Virginia, as an undergraduate, a graduate, or professional school student. The scholarship program will be phased in over a four-year period. The first awards must be made after July 1, 2001, with the amounts and maximum number of scholarships awarded in any year of its operation to be determined by the appropriations made available for this Program by the General Assembly. Recipients may use the scholarship for tuition, fees, room, board, books, or other educational expenses as approved by the State Council of Higher Education. A Fund has been established to receive any appropriations, gifts, donations, grants, bequests, and other funds that may be received on its behalf by the Council. The

Program will be administered by the State Council of Higher Education, which shall promulgate such regulations as may be necessary for the implementation of the Program. This bill is a recommendation of the Commission on Access and Diversity in Higher Education.

Patron - Jones, J.C.

[F] HB2817 Virginia Community College Tuition Incentive Program. Creates the Virginia Community College Tuition Incentive Program to award tuition grants to Virginia high school students who (i) are domiciled residents of Virginia as described by § 23-7.4; (ii) have maintained at least a 2.0 grade point average on a scale of 4.0, or its equivalent, after completing the twelfth grade and obtaining a high school diploma; and (iii) have been accepted for full-time enrollment at a comprehensive community college within the Virginia Community College System. The Program shall be administered by the State Council of Higher Education for Virginia (SCHEV), in consultation with the State Board for Community Colleges. SCHEV regulations shall address criteria for determining tuition grant amounts. The Council shall award tuition grants to all eligible students for no more than one academic year. The full amount of such grants shall be used for tuition, fees, or other educational expenditures approved by SCHEV.

Patron - Scott

[F] HB2870 University of Virginia Medical Center interest income. Requires the Comptroller to credit the account of the University of Virginia Medical Center each month with the imputed interest earned on the investment of moneys derived from nongeneral operating cash balances, including but not limited to, balances derived from patient care revenues. The University of Virginia Medical Center may use the imputed interest earned on the investment of moneys derived from nongeneral operating cash balances, including but not limited to, balances derived from patient care revenues, to match federal Medicaid payments for indigent or low-income patients.

Patron - Harris

[F] HJ639 Cultural diversity competency training. Requests the State Council of Higher Education to urge institutions of higher education to provide cultural diversity competency training in undergraduate and graduate degree programs for teachers, administrators, guidance counselors, school psychologists, and school social workers. Appropriate preparation and training of these professionals regarding the impact of culture, poverty, race, and language, etc. on the identification of minority students for special education would help to reduce the disproportionate representation of such students in these programs. This resolution is a recommendation of the Joint Subcommittee Studying the Overrepresentation of African-American Students in Special Education Programs.

Patron - McEachin

[F] SB866 In-state tuition for certain public school teachers and administrators. Authorizes governing bodies of institutions of higher education to grant in-state tuition to any teacher or administrator who has accepted employment on a full-time basis by a local school board in the Commonwealth and who has established a legal residence in Virginia but has not met the requirements for establishing domicile. This benefit is only available for the first year of such full-time employment, after which time the teacher or administrator must meet the standard in-state tuition requirements or other special requirements set to maintain such in-state tuition eligibility.

Patron - Byrne

[F] SB936 Senior Citizens Higher Education Act. Increases the income eligibility threshold from \$10,000 to

\$35,000, waives the application fee for admission, and prohibits the charging of any fee for the request for the benefits of the Senior Citizens Higher Education Act.

Patron - Howell

[F] SB1121 Tuition and fees for in-state students. Amends the statute requiring all public institutions of higher education to reduce the tuition and mandatory educational and general fees in effect on June 30, 1999, for in-state undergraduate students by 20 percent to require that the tuition and fees for graduate students in effect on June 30, 2001, be reduced by 20 percent from the July 1, 2001, to June 30, 2002, school year.

Patron - Edwards

[F] SB1132 Diversity of employees of local school boards and institutions of higher education. Requires the Board of Education, local school boards, the State Council of Higher Education for Virginia, and the Board for Community Colleges to promote racial, ethnic, and cultural diversity among the employees of the local school divisions and the institutions of higher education. Each of these entities must establish guidelines for cultural diversity policies to (i) prepare students to live and participate effectively in a global community and an increasingly pluralistic society; (ii) facilitate racial harmony and tolerance; (iii) reduce barriers among individuals of different races and cultures through meaningful interaction; (iv) improve campus climate, student retention, and the academic performance of students; (v) contribute to the robust exchange of ideas; (vi) reinforce the principle of the worth and value of all human beings; and (vi) increase the representation of minority persons in positions in which they have been traditionally underrepresented. The Board of Education and the State Council of Higher Education are also required to identify best practices within and without Virginia. The State Council of Higher Education's authority to provide advisory services regarding specific matters to certain private, accredited and nonprofit institutions of higher education has been broadened to include advisory services concerning cultural diversity policies. This bill is a recommendation of the Commission on Access and Diversity in Higher Education.

Patron - Marsh

[F] SB1234 Higher education affordability; New Century Scholars Program. Establishes the Commonwealth's financial aid policy as being to meet at least 100 percent of the true financial need of domiciled Virginia residents attending Virginia's public colleges and universities as undergraduate students. This bill also establishes the New Century Scholars Program; a scholarship for students who are domiciled Virginians attending Virginia post-secondary or higher education institutions that have met one of two sets of criteria. The criteria are that (i) the student has a grade point average ranking him within the top 20 students in his high school graduating class at a high school in Virginia; has not been suspended or expelled from any public or private school; and has enrolled as a full-time student in an accredited, degree-granting public or private institution of higher education in Virginia or a career school, physically located in Virginia and accredited by an agency recognized by the United States Secretary of Education that is determined to be eligible to participate in the program by the Attorney General; or (ii) the student has scored at the advanced level on end-of-course Standards of Learning tests; has maintained at least a B average, i.e., 3.0 on a 4.0 scale, or its equivalent in high school; has not been suspended or expelled from any public or private school; and has enrolled as a full-time student in an accredited, degree-granting public or private institution of higher education in Virginia or a career school, physically located in Virginia and accredited by an agency recognized by the United States Secretary of Education that is

determined to be eligible to participate in the program by the Attorney General. This bill is identical to HB 2343.

Patron - Lambert

[F] SB1384 University of Virginia Medical Center interest income. Requires the Comptroller to credit the account of the University of Virginia Medical Center each month with the imputed interest earned on the investment of moneys derived from nongeneral operating cash balances, including but not limited to, balances derived from patient care revenues. To phase in the cost to the Commonwealth of crediting imputed interest earned on the investment of moneys derived from nongeneral operating cash balances and patient care revenues, the University of Virginia Medical Center is required to make the following deposits into the general fund from interest income earned on such nongeneral operating cash balances, as follows: \$4,400,000 on or before June 30, 2002; \$2,200,000 on or before June 30, 2003; and \$1,100,000 on or before June 30, 2004. In addition, minor technical revisions have been made to the statute in this bill to conform to current drafting styles.

Patron - Couric

Elections

[P] Passed

[P] HB656 Campaign Finance Disclosure Act; penalties. Provides for a civil penalty not to exceed \$500 for the failure to file a campaign report by the due date and provides for additional \$500 penalties for second and subsequent failures during one election cycle. Present law imposes a penalty of up to \$300 for either late or incomplete filings. The bill requires the Secretary of the State Board of Elections to assess the penalty for missing the filing deadline and to give public notice on the Internet of the penalty and violator. The bill does not change the \$300 fine now applicable to timely but incomplete filings before and after the November election. The bill also amends the special provision that imposes a penalty for each day that a statewide office campaign is in violation, increasing the daily fine from \$100 to \$300 and requiring the State Board to file notices of violations on the Internet.

Patron - Rhodes

[P] HB1579 Applications by ill or disabled voters for absentee ballots for multiple elections. Provides for the filing of one application by an ill or disabled voter for all elections in one calendar year. The general registrar will send such voters an application in advance of each calendar year. Present law requires a separate absentee ballot application to be filed for each election. This bill is the same as SB 1217.

Patron - Thomas

[P] HB1580 Absentee ballot applications and procedures. Eliminates the requirement for the signature of a witness on an application for an absentee ballot. If the applicant cannot sign the application, a person assisting the applicant must note that fact on the application and sign the application. The bill does not change the requirements that there must be a witness present at the time that the absentee voter marks and seals his absentee ballot and that the witness must sign the outside of the envelope containing the marked ballot.

Patron - Thomas

[P] HB1667 Absentee voting in certain business and medical emergency situations. Permits a person to apply for an absentee ballot and vote in person on the Monday before the

election if he learned after noon on the Saturday before the election that he must be absent from the county or city on election day because of his hospitalization or an immediate family member's hospitalization or death. The bill also permits an officer of election to vote on the Monday before the election if he is assigned after Saturday at noon to work in a precinct other than his voting precinct. Present law allows a late application and in-person absentee voting on the Monday before the election in cases of business emergencies requiring travel. The usual deadline for in-person absentee voting is three days before the election. This bill permits last-minute voting until 2:00 p.m., rather than noon, on Mondays. This bill incorporates HB 1878 and HB 2212.

Patron - Sherwood

[P] HB1677 Absentee ballot applications. Expands the period during which an absentee ballot application may be filed in advance of the election from 10 months to 12 months. The bill also modifies the requirement that the office of the general registrar must be open for absentee voting on the two Saturdays immediately before any general or primary election. The bill requires the office to be open for two Saturdays only before a general election other than a May general election in a town. It requires the office to be open the Saturday immediately before any primary, May general election in a town, or special election.

Patron - Sherwood

[P] HB1708 Campaign Finance Disclosure Act; exemption from reporting requirements for certain local office candidates. Provides that a candidate for local office may seek an exemption from the requirements to file periodic reports of contributions and expenditures. To qualify for the exemption, the local candidate must certify that he will not solicit or accept campaign contributions, that he will not contribute personally more than, or expend more than, \$1,000 in his campaign, and that he will keep appropriate records for his campaign.

Patron - Deeds

[P] HB1711 Officers of election; hours of service. Deletes the sunset clause that provided that this section would expire July 1, 2001. The section authorizes the assignment of officers of election to serve part of the election day except that the chief officer and assistant chief officer must be on duty at all times.

Patron - Scott

[P] HB1721 Elections; absentee voting procedures. Provides that facilities owned or leased by the state and housing both Department of Motor Vehicles facilities and a general registrar's office may be used as sites for in-person absentee voting. Present law allows in-person absentee voting only in public buildings owned or leased by the county, city, or town. This bill is the same as SB 1225.

Patron - Purkey

[P] HB1737 Registered voters; changes of address; inactive status on voter registration system. Provides that a voter will not be deemed to authorize a change of his address on the voter registration system solely because he gives a different address on a candidate or referendum petition. However, the voter may be shifted to inactive status on the system, as a result of providing a different address on the petition, subject to routine confirmation notice procedures.

Patron - Sherwood

[P] HB1738 Election law definitions. Amends the definition of "registered voter" to provide that the requirement to mail notices of election district, precinct, and polling place

changes will apply only to registered voters listed with "active" status on the Virginia voter registration system.

Patron - Sherwood

[P] HB1770 Voter registration applications and records. Permits certain law enforcement personnel and persons granted protective orders to provide a post office box address, either for his residence or another location in the Commonwealth. Present law requires a post office box address for the residence. The bill also excludes the residence address for these voters from the scope of the public inspection provisions on voter registration records. The definition of protective orders is revised to cover all authorized court protective orders. This bill incorporates HB 1928 and is the same as SB 1025.

Patron - Nixon

[P] HB1771 Appeals of denials of voter registration applications. Provides that the rules for closing registration records in advance of an election apply to any application sent in by a person following a denial of his original application.

Patron - Nixon

[P] HB1777 Temporary voter registration procedures for presidential elections. Repeals provisions enacted to allow absentee registration for presidential elections. Virginia now allows absentee or mailed voter registration applications, and this special registration process is no longer necessary to comply with federal law. In addition, other election law provisions meet the requirements of the federal Uniformed and Overseas Citizens Absentee Voting Act and cover all federal elections. This bill is the same as SB 1198.

Patron - Cox

[P] HB1797 Temporary registration for certain overseas voters. Revises the provisions that allow a registered voter who moves overseas to work and relinquishes his home in Virginia to continue to vote in state and local elections held where he had been registered and his home was located. The bill clarifies that the right to register under these provisions applies individually to the overseas employee and to the spouse or dependent of that employee who resides with the employee.

Patron - Sherwood

[P] HB1842 Absentee ballot applications. Adds a directive not to reject an application because of an error or omission that is not material in determining whether the applicant is qualified to vote absentee.

Patron - Marshall

[P] HB1843 Election recount procedures and ballots cast on electronic voting devices. Provides that, where voting systems that count ballots by means of insertion in electronic counting devices are used, recounts shall examine only those ballots on which voters have apparently voted for fewer than or more than the number of candidates for which they are legally entitled to vote. The State Board of Elections is to provide standards by September 1, 2001, applicable for all recounts, for determining whether a ballot has or has not been voted for a candidate and for promoting a timely and accurate resolution of recount questions. The current statutory provision that allows parties to a recount to examine all ballots and materials is modified and replaced by a more limited examination.

Patron - Marshall

[P] HB1853 Presidential electors; oaths, meetings, vacancies, and voting. Provides that presidential electors shall be "required" rather than "expected" to vote for the candidates of the political party or petitioners that selected the electors. The bill also requires electors to sign an oath to vote for the

candidates for President and Vice President of the party or petitioners that selected the elector.

Patron - McQuigg

[P] HB1856 Absentee voting privileges and applications. Revises the provision that allows persons to vote absentee if they work long shifts on election day whether or not they are absent from the county or city in which they vote. The amendments include commuting time along with work time so that a person who commutes and works 11 of the 13 hours that the polls are open will be entitled to vote absentee. The present provision covers work time only and allows a person to vote absentee if he works 11 of the 13 hours that the polls are open.

Patron - McQuigg

[P] HB1858 Duties of the electoral board, general registrar, and officers of election with respect to absentee voting and absentee voter applicant lists. Eliminates the requirement that the absentee voter applicant list be posted in the office of the general registrar and at the polling place; requires, instead, that the list be held by the general registrar in his office, and by the chief election officer at the polling place, as a public record available for inspection on request. The list carries the applicant's name and residence address.

Patron - McQuigg

[P] HB1886 Assistant voter registrars. Modifies the requirement that an assistant registrar must be a qualified voter of the locality in which he serves. The bill provides that an assistant registrar must be a qualified voter of the Commonwealth and that candidates who are residents of the locality may be given preference in hiring. The change will allow a general registrar to appoint assistants from other localities.

Patron - Rhodes

[P] HB1925 Elections; final day for voter registration. Eliminates the requirement that the voter registrar's office close by 5:00 p.m. on the final day for voter registration, the 29th day before a primary or general election. The office must be open at least eight hours on the final day, but will be able to stay open later than 5:00 p.m. and operate more than eight hours. Notice of the times for registration on the final day must be published under § 24.2-415. This bill is the same as SB 1026.

Patron - Rollison

[P] HB1927 Assistant voter registrars. Provides that any paid assistant registrar must be a qualified voter of the Commonwealth but is not required to be a qualified voter of the county or city in which he serves, and permits two or more localities to share the services of an assistant registrar. This bill is the same as SB 946 and SB 1027.

Patron - Putney

[P] HB1933 Campaign contributions and expenditures; petty cash funds. Requires that official campaign depository checks show the name of the candidate and campaign committee.

Patron - Nixon

[P] HB2076 Election of directors of soil and water conservation district directors. Transfers certain responsibilities from the Department of Conservation and Recreation to the State Board of Elections regarding elections and candidates for directors of soil and water conservation districts.

Patron - Plum

[P] HB2211 Voter registration; cancellation of registration. Permits the cancellation of a voter's registration by the general registrar after receipt by the Department of Motor

Vehicles of notice from another jurisdiction pursuant to the Driver License Compact that the voter has moved from the Commonwealth. The bill requires DMV to forward pertinent information to the general registrar and the mailing of a cancellation notice by the general registrar.

Patron - Van Landingham

[P] HB2233 Undervoted and overvoted ballots. Requires that electronic counting devices report, if possible, the number of ballots on which voters apparently voted for fewer candidates than allowed and the number on which voters voted for more candidates than authorized.

Patron - Van Landingham

[P] HB2323 Violations of the reporting requirements of the Campaign Finance Disclosure Act and penalties. Revises the provisions on reporting violations of the Act in accordance with recommendations of the joint subcommittee studying campaign finance reform pursuant to HJR 213 and SJR 80 (2000). The bill (i) authorizes the State Board and the appropriate local election official to review disclosure reports for completeness and request additional information; (ii) provides for the jurisdiction of the appropriate attorney for the Commonwealth for statewide and other campaigns; (iii) authorizes the State Board or appropriate local election official to assess and collect the civil penalty for violations of the reporting requirements before referring the violation to the attorney for the Commonwealth; (iv) provides for payment of civil penalties collected at the local level to the locality; and (v) provides for public notice on the Internet of violations by candidates for statewide office or the General Assembly involving the failure to file a required report by the required deadline. The bill takes effect July 1, 2002.

Patron - Jones, S.C.

[P] HB2325 Campaign Finance Disclosure Act; reports of contributions and expenditures. Incorporates recommendations by the joint subcommittee studying campaign finance reform pursuant to HJR 213 and SJR 80 (2000). The changes include: (i) clarifying the information required on occupation and place of business for individual and other contributors; (ii) requiring specific information on expenditures made by credit card payments; and (iii) requiring reports for statewide and General Assembly candidates to be received by the State Board by the filing deadline either by mail or by fax with an original copy mailed and postmarked by the filing deadline. The bill is effective July 1, 2002.

Patron - Jones, S.C.

[P] HB2646 Illegal voting and registrations. Provides that any person who votes more than once, or induces another to vote more than once, in the same election is guilty of a Class 6 felony; and that any person who intentionally registers more than once, or induces another to register more than once, at multiple addresses is guilty of a Class 6 felony.

Patron - Purkey

[P] HB2849 Recount procedures. Provides that the State Board of Elections shall promulgate standards by September 1, 2001, to be followed in the handling and counting of ballots for election recounts. The bill also provides for State Board recommendations by December 1, 2001, for permanent standards that may be enacted into law.

Patron - Rapp

[P] SB946 Assistant voter registrars. Provides that any paid assistant registrar must be a qualified voter of the Commonwealth but is not required to be a qualified voter of the county or city in which he serves, and permits two or more

localities to share the services of an assistant registrar. This bill is the same as SB 1027 and HB 1927.

Patron - Colgan

[P] SB964 Combined precinct registered voter list and pollbook. Extends from July 1, 2001, to July 1, 2002, the time for the State Board of Elections to conduct pilot programs to test the use of one list that combines the functions of the registered voter list and pollbook. The bill also provides for the Board to report its evaluation of the pilot programs to any study committee established by the General Assembly to study this issue and to the General Assembly prior to the 2002 Regular Session.

Patron - Miller, K.G.

[P] SB986 Recounts involving punch card voting devices. Provides that the machine count will be the official count and sets out standards to review punch card ballots not accepted by the counting machine. The bill provides that a vote should be counted if two or more corners of the chad are broken or separated from the card. Separation of only one corner of a chad would not be deemed a vote, nor would any depression, dimple, or other mark.

Patron - Rerras

[P] SB1025 Voter registration applications and records. Permits certain law enforcement personnel and persons granted protective orders to provide a post office box address, either for his residence or another location in the Commonwealth. Present law requires a post office box address for the residence. The bill also excludes the residence address for these voters from the scope of the public inspection provisions on voter registration records. The definition of protective orders is revised to cover all authorized court protective orders. This bill is the same as HB 1770.

Patron - Ruff

[P] SB1026 Elections; final day for voter registration. Eliminates the requirement that the voter registrar's office close by 5:00 p.m. on the final day for voter registration, the 29th day before a primary or general election. The office must be open at least eight hours on the final day, but will be able to stay open later than 5:00 p.m. and operate more than eight hours. Notice of the times for registration on the final day must be published under § 24.2-415. This bill is the same as HB 1925.

Patron - Ruff

[P] SB1027 Assistant voter registrars. Provides that any paid assistant registrar must be a qualified voter of the Commonwealth but is not required to be a qualified voter of the county or city in which he serves, and permits two or more localities to share the services of an assistant registrar. This bill is the same as SB 946 and HB 1927.

Patron - Ruff

[P] SB1107 Election districts and voting precincts. Preserves the present law requirement that election districts and voting precincts follow "clearly observable boundaries" but eliminates an obsolete provision referring to block boundaries shown on the 1990 United States Census maps. The bill also repeals the law that freezes precinct lines from September 1, 1998, to May 15, 2001. That precinct freeze was enacted to enable the Commonwealth to participate in the Census Bureau program to provide 2000 population census data by precinct. Emergency in part.

Patron - Miller, K.G.

[P] SB1142 Elections; change of registered voter's address. Allows registered voters within the Commonwealth

to notify their general registrars of address changes by mail or fax.

Patron - Lambert

[P] SB1198 Temporary voter registration procedures for presidential elections. Repeals provisions enacted to allow absentee registration for presidential elections. Virginia now allows absentee or mailed voter registration applications, and this special registration process is no longer necessary to comply with federal law. In addition, other election law provisions meet the requirements of the federal Uniformed and Overseas Citizens Absentee Voting Act and cover all federal elections. This bill is the same as HB 1777.

Patron - Forbes

[P] SB1217 Applications by ill or disabled voters for absentee ballots for multiple elections. Provides for the filing of one application by an ill or disabled voter for all elections in one calendar year. The general registrar will send such voters an application in advance of each calendar year. Present law requires a separate absentee ballot application to be filed for each election. This bill is the same as HB 1579.

Patron - Whipple

[P] SB1225 Elections; absentee voting procedures. Provides that facilities owned or leased by the state and housing both Department of Motor Vehicles facilities and a general registrar's office may be used as sites for in-person absentee voting. Present law allows in-person absentee voting only in public buildings owned or leased by the county, city, or town. This bill is the same as HB 1721.

Patron - Whipple

[P] SB1244 Paid political advertisements. Requires the newspaper, magazine, periodical, or radio or television station that accepts an advertisement advocating the election or defeat of any candidate to obtain proof of identity or a telephone number for the person submitting the advertisement when the authorization statement for the advertisement states that an individual is responsible for the advertisement. The proof of identity requirement does not apply if the advertisement carries an authorization statement showing that the candidate, a candidate campaign committee, a political party committee, or a political committee registered with the State Board of Elections has authorized the advertisement. This bill incorporates SB 1168.

Patron - Watkins

[P] SB1275 Violations of the reporting requirements of the Campaign Finance Disclosure Act and penalties. Revises the provisions on reporting violations of the Act in accordance with recommendations of the joint subcommittee studying campaign finance reform pursuant to HJR 213 and SJR 80 (2000). The bill (i) authorizes the State Board and the appropriate local election official to review disclosure reports for completeness and request additional information; (ii) provides for the jurisdiction of the appropriate attorney for the Commonwealth for statewide and other campaigns; (iii) authorizes the State Board or appropriate local election official to assess and collect the civil penalty for violations of the reporting requirements before referring the violation to the attorney for the Commonwealth; (iv) provides for payment of civil penalties collected at the local level to the locality; and (v) provides for increased penalties and public notice on the Internet of violations by candidates for statewide office or the General Assembly involving the failure to file a required report by the required deadline.

Patron - Wagner

[P] SB1277 Campaign Finance Disclosure Act; reports of contributions and expenditures. Incorporates recommendations by the joint subcommittee studying campaign finance reform pursuant to HJR 213 and SJR 80 (2000). The changes include: (i) clarifying the information required on occupation and place of business for individual and other contributors; (ii) requiring specific information on expenditures made by credit card payments; and (iii) requiring reports for state-wide and General Assembly candidates to be received by the State Board by the filing deadline either by mail or by fax with an original copy mailed and postmarked by the filing deadline. This bill is effective in due course.

Patron - Wagner

[F] Failed

[F] HB1690 Elections; form of ballots; identifying words on ballots. Provides for identification of a candidate, other than a political party candidate, by the use of the term "Independent" or an alternative designation provided by the candidate on his candidate petition. If a non-party candidate does not provide for a designation, the space for the political party name or designation will be left blank. The 2000 General Assembly provided for identification of candidates on the ballot by the name of the political party that nominated the candidate or by the term "Independent" effective January 1, 2001.

Patron - Marshall

[F] HB1705 Recounts involving punch card voting devices. Provides that the machine count will be the official count and sets out standards to review punch card ballots not accepted by the counting machine. The bill provides that a vote should be counted if two or more corners of the chad are broken or separated from the card. Separation of only one corner of a chad would not be deemed a vote, nor would any depression, dimple, or other mark.

Patron - Drake

[F] HB1723 Polling places and times. Permits electoral boards to provide that a United States flag will be on display in every polling place while the polls are open for voting.

Patron - Black

[F] HB1763 Prohibited campaign contributions; government contractors. Prohibits government contractors at the state level from contributing to candidates for Governor, Lieutenant Governor, Attorney General, and the General Assembly from the time negotiations begin through the later of (i) completion of performance or (ii) termination of negotiations. The bill includes a parallel prohibition on local government contractors. Candidates are prohibited from knowingly soliciting the prohibited contributions. A knowing and willful violation constitutes a Class 1 misdemeanor with a fine not to exceed the greater of \$2,500 or 300 percent of the illegal contribution.

Patron - Purkey

[F] HB1764 Campaign Finance Reform Act. Imposes limits on contributions to candidates for Governor, Lieutenant Governor, Attorney General and the General Assembly by corporations, labor organizations, and political committees (PACs). The limit on contributions to a statewide office candidate is \$10,000 per election cycle. The limit on contributions to a General Assembly candidate is \$5,000 per election cycle. There are no limits on contributions by individuals or political party committees or by a candidate to his own campaign. Civil penalties for violations of the limits may equal

up to two times the excess contribution amounts. The bill is effective January 1, 2002.

Patron - Purkey

[F] HB1784 General Assembly Campaign Finance Reform Act. Imposes limits on contributions to candidates for the General Assembly made on and after January 1, 2002. The limit on contributions by individuals and other persons to a General Assembly candidate is \$2,000 per election cycle; on contributions by political action committees, \$10,000; and on contributions by political party committees, \$20,000. There are no limits on contributions by a candidate to his own campaign. Civil penalties for violations of the limits by the contributor and the recipient may equal twice the amount of the excess contribution.

Patron - Deeds

[F] HB1789 Hours that polls are open for voting. Adds one hour to the time that the polls are open for voting by moving the closing time from 7:00 to 8:00 p.m. The bill also makes conforming changes to the absentee voting law.

Patron - Hull

[F] HB1828 Conditional ballots; voters whose names are not on the precinct registered voter list. Provides that a person whose name is not on the precinct registered voter list may be given a conditional ballot if the general registrar is not available or cannot verify that the person either is or is not a qualified voter. Present law does not explicitly cover the situation when the general registrar's records show that the person is not a qualified voter, and the bill provides that a conditional ballot need not be given to a person if the general registrar can state that he is not a qualified voter.

Patron - Hargrove

[F] HB1878 Absentee voting by certain officers of election. Permits an officer of election to apply for an absentee ballot and vote in person on the Monday before the election if he learned after noon on the Saturday before the election that he has been assigned to work in a precinct other than the precinct where he votes. The usual deadline for in-person absentee voting is three days before the election. This bill has been incorporated into HB 1667.

Patron - Devolites

[F] HB1906 Statewide mailing of voter registration cards. Requires the State Board of Elections to provide for a mailing of cards to all voters on the voter registration system in advance of the November 2001 general election. The costs of the mailing are to be paid by the Commonwealth as provided in the appropriation act.

Patron - Callahan

[F] HB1928 Lists of registered voters and persons voting; voter registration applications. Expands the list of protective orders that qualify a voter to provide a post office box address to be used in lieu of his street address on the lists sold by the State Board. The bill also gives the State Board discretion to furnish the post office box address, in lieu of the street address, on other lists and reports to protect the street address information for persons with protective orders and for certain law-enforcement officials. This bill has been incorporated into HB 1770.

Patron - Sherwood

[F] HB1929 Combined precinct registered voter list and pollbook. Extends from July 1, 2001, to July 1, 2002, the time for the State Board of Elections to conduct pilot programs to test the use of one list that combines the functions of the registered voter list and pollbook. The bill also provides for the

Board to report its evaluation of the pilot programs to any study committee established by the General Assembly to study this issue and to the General Assembly prior to the 2002 Regular Session.

Patron - Putney

[F] HB2115 Audits of campaigns for local governing bodies. Requires the campaign committee of a candidate for the local governing body of any county or city, or town with a population of 25,000 or more, to obtain an audit of the campaign records of the committee and forward the audit to the State Board of Elections within 90 days of the election. The requirement applies only to campaign committees expending more than \$10,000 in the course of the campaign. The State Board will define the scope of the audit and take action to have irregularities corrected, or applicable penalties imposed, by the appropriate local electoral board or attorney for the Commonwealth.

Patron - Suit

[F] HB2193 Elections; DMV voter registration. Requires the Department of Motor Vehicles to forward any partially completed voter registration application of any person 17 years of age or older as directed by the State Board of Elections not later than five business days after the date of receipt.

Patron - Crittenden

[F] HB2194 Elections; Department of Motor Vehicles voter registration form. Requires DMV to revise its voter registration form to place the signature line at the end of the form and include a statement in capital bold-faced letters reminding the registrant to sign and date the voter registration portion of the form.

Patron - Crittenden

[F] HB2207 Elections; determination and announcement of vote on voting equipment. Requires that, after the officers of election announce the results shown on voting equipment to persons lawfully present at the polls, the officers shall report the results to the electoral board or general registrar before reporting the results to any other person.

Patron - Van Landingham

[F] HB2212 Absentee voting; business emergencies. Extends the time for voting absentee in person on the Monday before an election at the general registrar's office in cases of business emergencies. Present law provides for voting before noon. The bill allows voting at any time before 2:00 p.m. This bill has been incorporated into HB 1667.

Patron - Van Landingham

[F] HB2317 Campaign Finance Disclosure Act; penalties. Provides for a civil penalty of \$500 for the failure to file a campaign report by the appropriate deadline. Present law imposes a penalty of up to \$300 for either late or incomplete filings. The bill requires the Secretary of the State Board of Elections to assess the penalty for missing the filing deadline and to give public notice on the Internet of the penalty and violator within five days of the missed deadline. The bill does not change the penalties now applicable to timely but incomplete filings. The bill also amends the special provision that imposes a penalty for each day that a statewide office campaign is in violation, increasing the daily fine from \$100 to \$300.

Patron - Jones, S.C.

[F] HB2324 Campaign Finance Disclosure Act, record retention requirements and reviews of campaign finance disclosure reports. Incorporates recommendations by the joint subcommittee studying campaign finance reform pursuant to HJR 213 and SJR 80 (2000). The changes include: (i)

the requirement that the State Board of Elections review the campaign finance reports of candidates for Governor, Lieutenant Governor, Attorney General and 10 percent of the candidates for the General Assembly selected at random; (ii) provision that the review shall be for the purposes of (a) reconciling the balance in the campaign depository with the amounts reported in the candidate's reports of receipts and expenditures and (b) reviewing the reports for mathematical accuracy and facial completeness including the reporting of specific information required by law; (iii) the requirement that the Board meet publicly to select on a random basis by a drawing the General Assembly candidate campaigns to review; (iv) provision to exempt any campaign committee from review if it has received less than \$25,000 in contributions; and (v) the requirement that the campaign treasurer retain, and provide on request by the Board, the bank statements and copies of checks issued on campaign depositories and receipts for campaign fund expenditures greater than \$500. The bill takes effect January 1, 2002.

Patron - Jones, S.C.

[F] HB2331 Virginia Election Equipment Grants Program and Fund. Establishes the Program and Fund to assist counties and cities to purchase election equipment and improve existing equipment for the purpose of assuring the integrity and accuracy of elections.

Patron - Tate

[F] HB2552 Primary elections; voter registration by political party. Adds party affiliation to the information that an applicant is asked to provide when registering to vote beginning January 1, 2002. The applicant may indicate that he is an independent. Voters registered prior to January 1, 2002, will be designated as independent unless they provide a political party designation to the general registrar. Voters may change their party affiliation or independent status by written notice at any time except the 28 days before an election when the registration records are closed. The state party chairman must notify the State Board by January 31 of each year whether the party will close its primaries and permit only registered party members to participate or whether it will open its primaries to party members and independent voters.

Patron - Katzen

[F] HB2566 Electoral college. Provides that the Commonwealth's votes in the electoral college shall be allocated by the popular vote statewide and in each congressional district. The candidates for President and Vice President who win the popular statewide vote will receive the votes of the two statewide electors and the candidates who win the popular vote in each congressional district will receive the vote of that district's elector. Maine and Nebraska allocate electoral college votes in this manner. This bill is identical to SB 1219.

Patron - Scott

[F] HB2568 Political advertisements; disclosure requirements. Requires that print, television, and radio advertisements supporting or opposing the nomination or election of clearly identified candidates contain specific information regarding the sponsor of the advertisement. This bill is patterned after the North Carolina "Stand By Your Ad Act."

Patron - Scott

[F] HB2618 Elections; final day to register to vote before election. Provides for keeping the registration records open and allowing persons to register up through the 15th, rather than 29th, day before the election. This bill is identical to SB 1333.

Patron - Van Landingham

[F] HB2621 Campaign Finance Disclosure Act; large expenditures; record retention requirements. Requires the treasurer of the campaign committee for a candidate for Governor, Lieutenant Governor, Attorney General, or the General Assembly to retain detailed and specific records, receipts, and invoices for large expenditures (\$25,000 for a statewide campaign and \$10,000 for a General Assembly campaign) paid to one recipient during a campaign. The bill requires the treasurer to make copies of the records, receipts, and invoices available within five working days of a written request for the information.

Patron - Pollard

[F] HB2645 Party designations on the ballot. Extends to local elections, other than school board elections, the identification of candidates by party name on the ballot. An exception is made for any city or town whose charter prohibits party names on the ballot. Under legislation enacted by the 2000 General Assembly and effective January 1, 2001, federal, statewide, and General Assembly candidates already are to be identified by party. The bill explicitly provides that an endorsement by a political party of a candidate who qualifies for the ballot through the petition process is not grounds for identifying that candidate by the party's name.

Patron - Black

[F] HB2665 Officers of election. Prohibits the appointment of any person to serve as an officer who is the spouse, parent, grandparent, sibling, child, or grandchild of a member of the electoral board or of the general registrar or a paid assistant or deputy registrar.

Patron - Melvin

[F] HB2681 Campaign Finance Reform Act. Imposes limits on contributions to candidates for Governor, Lieutenant Governor, Attorney General and the General Assembly. The limit on contributions by individuals and other persons to a statewide office candidate is \$10,000 per election cycle and, on contributions by political action committees (PACs), \$20,000. The limit on contributions by individuals and other persons to a General Assembly candidate is \$2,000 per election cycle and, on contributions by PACs, \$4,000. There are no limits on contributions by political party committees or by a candidate to his own campaign. Civil penalties for violations of the limits may equal up to two times the excess contribution amounts.

Patron - Melvin

[F] HB2686 Voter registration services at Department of Motor Vehicle facilities. Provides that the state will pay the costs of furnishing voter registration services at Department of Motor Vehicles facilities through appropriations to the Department of Motor Vehicles or the State Board of Elections, or both, or reimbursements to the localities for costs associated with furnishing such services. This bill is identical to SB 951.

Patron - Spruill

[F] HB2781 Elections; "no excuse" absentee voting. Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters are consolidated in one new provision. This bill is identical to SB 1373.

Patron - Baskerville

[F] HB2792 Absentee voting procedures; in-person absentee voting. Provides for "no excuse" in-person absentee

voting during the period from the 25th day before a general election through the third day before the election. The bill requires the general registrar's office to be open for in-person absentee voting at least 20 hours during non-business hours in the 25 days before the election.

Patron - Day

[F] HB2863 Campaign fundraising during legislative sessions. Amends the current law to prohibit fundraising during the session by members of the Governor's cabinet and employees of the offices of the Governor, Lieutenant Governor and Attorney General. Also, clarifies current law regarding fundraising during the session for political committees by General Assembly members and statewide officials. This bill is identical to SB 1383.

Patron - Pollard

[F] SB893 Absentee voting procedures; in-person absentee voting. Provides for "no excuse" in-person absentee voting during the period from the 25th day before the November election through the third day before the election.

Patron - Reynolds

[F] SB929 Counting and recounting ballots by hand. Requires that the State Board of Elections prescribe and publish standards by September 1, 2001, to be used in hand counting or recounting paper ballots and ballots designed for electronic counting devices, for determining the intent of the voter to vote for a candidate. The bill also provides for State Board recommendations by December 1, 2001, for permanent standards to be enacted into law.

Patron - Byrne

[F] SB951 Voter registration services at Department of Motor Vehicle facilities. Provides that the Commonwealth will pay the costs of furnishing voter registration services at Department of Motor Vehicles facilities through appropriations to the Department of Motor Vehicles or the State Board of Elections, or both, or reimbursements to the localities for costs associated with furnishing such services. This bill is identical to HB 2686.

Patron - Colgan

[F] SB952 General Assembly Campaign Finance Reform Act. Imposes limits on contributions to candidates for the General Assembly made on and after January 1, 2002. The limit on contributions by individuals and other persons to a General Assembly candidate is \$2,000 per election cycle; on contributions by political action committees, \$5,000; and on contributions by political party committees, \$10,000. There are no limits on contributions by a candidate to his own campaign. Civil penalties for violations of the limits by the contributor and the recipient may equal twice the amount of the excess contribution.

Patron - Colgan

[F] SB975 Campaign Finance Disclosure Act; audits of certain campaign committees. Requires the State Board of Elections to have an audit conducted of each candidate campaign committee for the offices of Governor, Lieutenant Governor, and Attorney General and of no more than four percent of the candidate campaign committees, selected randomly, for the General Assembly. The State Board is authorized to compel production of bank statements for the campaign depository and of receipts and records for campaign expenditures of more than \$100 as part of its audit authority. No audit shall be conducted for committees expending less than \$25,000. The State Board is required to report its audit findings to the Governor and Gen-

eral Assembly during the February following the election year for the office.

Patron - Rerras

[F] SB1168 Paid political advertisements. Requires the newspaper, magazine, periodical, or radio or television station that accepts an advertisement advocating the election or defeat of any candidate to obtain proof of identity or the telephone number for the person submitting the advertisement when the authorization statement on the advertisement states that an individual is responsible for the advertisement. The proof of identity requirement does not apply if the advertisement carries an authorization statement showing that the candidate, a candidate campaign committee, a political party committee, or a political committee registered with the State Board of Elections has authorized the advertisement. This bill has been incorporated into SB 1244.

Patron - Marye

[F] SB1216 Absentee voting privileges and applications. Provides that a voter may vote absentee, although not absent from his county or city, if circumstances associated with his work or business prevent him from voting in person. The bill replaces a more limited provision that entitles a voter to vote absentee if he will be at his place of work 11 or more of the 13 hours that the polls are open.

Patron - Whipple

[F] SB1219 Electoral college. Provides that the Commonwealth's votes in the electoral college shall be allocated by the popular vote statewide and in each congressional district. The candidates for President and Vice President who win the popular statewide vote will receive the votes of the two statewide electors and the candidates who win the popular vote in each congressional district will receive the vote of that district's elector. Maine and Nebraska allocate electoral college votes in this manner. This bill is identical to HB 2566.

Patron - Whipple

[F] SB1223 Voting materials; language alternatives. Provides that the State Board of Elections will prescribe voting materials in a language other than English if the Commonwealth or a locality is required to provide such materials pursuant to the bilingual election requirements of federal law (42 U.S.C. §1973aa-1a). The federal law becomes applicable after the Director of the Census determines that more than five percent of the voting age citizens of a state or locality are members of a single language minority and are limited-English proficient, or more than 10,000 voting age citizens of a locality are members of a single language minority and are limited-English proficient, and that the illiteracy rate of the citizens of the language minority as a group is higher than the national illiteracy rate. The bill anticipates the possibility that the Director may determine, following the 2000 Census, that one or more Virginia localities have become subject to the federal bilingual voting materials requirements. The Director's determination is based on information from the long-form census questionnaire and will be published in the Federal Registrar. His determinations following the 1990 Census were published September 18, 1992.

Patron - Whipple

[F] SB1276 Campaign Finance Disclosure Act, record retention requirements and reviews of campaign finance disclosure reports. Incorporates recommendations by the joint subcommittee studying campaign finance reform pursuant to HJR 213 and SJR 80 (2000). The changes include: (i) the requirement that the State Board of Elections review the campaign finance reports of candidates for Governor, Lieutenant Governor, Attorney General and 10 percent of the candi-

dates for the General Assembly selected at random; (ii) provision that the review shall be for the purposes of (a) reconciling the balance in the campaign depository with the amounts reported in the candidate's reports of receipts and expenditures and (b) reviewing the reports for mathematical accuracy and facial completeness including the reporting of specific information required by law; (iii) the requirement that the Board meet publicly to select on a random basis by a drawing the General Assembly candidate campaigns to review; (iv) provision to exempt any campaign committee from review if it has received less than \$25,000 in contributions; and (v) the requirement that the campaign treasurer retain, and provide on request by the Board, the bank statements and copies of checks issued on campaign depositories and receipts for campaign fund expenditures greater than \$500.

Patron - Wagner

[F] SB1333 Elections; final day to register to vote before election. Provides for keeping the registration records open and allowing persons to register up through the 15th, rather than 29th, day before the election. This bill is identical to HB 2618.

Patron - Whipple

[F] SB1373 Elections; "no excuse" absentee voting. Provides that qualified voters may vote absentee for any reason. The bill eliminates the present statutory list of specific reasons entitling a voter to cast an absentee ballot. Several special provisions concerning military and overseas absentee voters are consolidated in one new provision. This bill is identical to HB 2781.

Patron - Puller

[F] SB1380 Election laws offenses relating to registration and absentee voting procedures; penalties. Provides that it is a Class 4 felony (two to 10 years imprisonment; fine up to \$100,000) for any person (i) to induce or assist two or more persons to register to vote knowing that they are not qualified to register by reason of a felony conviction or (ii) to knowingly violate the absentee voting laws with respect to applications for ballots or the voting of absentee ballots by two or more persons residing in one state or local correctional facility as defined in § 53.1-1, facility, hospital, or private institution as defined in § 37.1-1, or medical care facility as defined in § 32.1-102.1.

Patron - Martin

[F] SB1383 Campaign fundraising during legislative session. Amends the current law to prohibit fundraising during the session by members of the Governor's cabinet and employees of the offices of the Governor, Lieutenant Governor and Attorney General. Also, clarifies current law regarding fundraising during the session for political committees by General Assembly members and statewide officials. This bill is identical to HB 2863.

Patron - Byrne

Eminent Domain

[P] Passed

[P] SB1172 Eminent domain; appraisals. Adds state agencies (as defined in § 25-238) to the list of condemning authorities not required to conduct an appraisal of property to be condemned if the value of such property is less than \$10,000, based on objective evidence. This bill is a recommen-

dation of the Joint Subcommittee Studying Eminent Domain Issues.

Patron - Marye

[F] Failed

[F] HB2826 Condemnation of wetlands. Prohibits state government from compensating for the loss of wetlands by acquiring by condemnation wetlands that are located outside the U.S.G.S. hydrologic unit in which the wetlands loss occurs.

Patron - Pollard

[F] SB1123 Eminent domain; litigation expenses. Entitles a condemnee to payment of reasonable fees for attorneys, appraisers, and other experts incurred in condemnation litigation if the amount of compensation awarded exceeds the condemnor's highest written offer. The amount of the litigation expenses to be awarded is up to one-third of the amount by which the compensation awarded exceeds the condemnor's highest written offer.

Patron - Edwards

[F] SB1171 Eminent domain; litigation expenses. Authorizes a court, in its discretion, to award reasonable fees for attorneys, appraisers, and other experts incurred in condemnation litigation if the amount of compensation awarded exceeds the condemnor's highest written offer by 15 percent or more. In determining the amount of such fees to be awarded, the court is to consider, among such other factors as it deems relevant, the benefit provided to the condemnee by any of the professional or expert witnesses for whom the litigation expenses were incurred. In determining whether to make an award, the court may consider (i) the extent that the condemnee engaged in conduct that unduly and unreasonably protracted the final resolution of the action; (ii) whether the position of the condemnor was substantially justified; and (iii) whether special circumstances make the award of litigation expenses unjust. This bill was recommended by the Joint Subcommittee Studying Eminent Domain Issues.

Patron - Marye

[F] SB1173 Eminent Domain. Requires condemnors to pay for the reasonable cost of a licensed appraisal conducted for the condemnee in all takings, regardless of whether the condemnation results in litigation. This bill was recommended by the Joint Subcommittee Studying Eminent Domain Issues.

Patron - Marye

[F] SB1175 Mandatory mediation in eminent domain proceedings. Provides that in an eminent domain proceeding, if any party requests mediation, the petitioner and the parties shall be referred by the court to a dispute resolution evaluation session prior to the trial to determine just compensation. This bill refers the parties to the dispute resolution system already contained in the civil procedure section of the Code of Virginia (§ 8.01-576.4 et seq.). The Joint Subcommittee Studying Eminent Domain Issues recommended this bill.

Patron - Marye

Fiduciaries Generally

P Passed

P HB1734 Who to execute the trust until new trustee appointed. Corrects grammatical errors left in this section after the section was amended in 1998.

Patron - Howell

P HB2068 Statement in lieu. Revises provisions that allow personal representatives to file a statement in lieu of settlement of accounts in certain circumstances. The bill adds a requirement that six months must have elapsed since the personal representatives qualified. If the statement in lieu is not filed within the prescribed time the written notice must explain why the statement cannot presently be filed. If the commissioner of accounts determines that the reasons for not filing are not sufficient, the commissioner may require an interim account to be filed. This bill is a recommendation of the Judicial Council, acting on the recommendation of its Standing Committee on Commissioners of Accounts.

Patron - Howell

P HB2069 Commissioners of accounts. Provides that assistant commissioners of accounts who qualify after June 30, 2001, act only in such cases as the commissioner of accounts delegates. This bill is a recommendation of the Judicial Council acting on the recommendation of the Standing Committee on Commissioners of Accounts.

Patron - Howell

P HB2070 Bond of fiduciaries. Provides that when new or additional bond is ordered the fiduciary's execution can be made by the fiduciary's agent under a power of attorney. This bill is a recommendation of the Judicial Council, acting on the recommendation of its Standing Committee on Commissioners of Accounts.

Patron - Howell

P HB2613 Waiver of inventory and settlement for certain estates. Provides that when (i) a personal estate under the supervision and control of the personal representative or curator does not exceed \$10,000 in value, (ii) the personal representative or curator does not have the power of sale over real estate, and (iii) an heir, beneficiary or creditor whose claim exceeds the value of the estate seeks qualification, the clerk shall waive inventory and settlement.

Patron - Watts

Fire Protection

P Passed

P HB1807 Fire protection and emergency medical services. Adds emergency medical services to existing provisions relating to fire departments and fire companies. The bill also defines emergency medical services personnel and emergency medical services vehicle.

Patron - Broman

P HB2087 Fire and rescue zones. Provides that any property located in any county with a population between 54,600 and 55,600 (Augusta County) that has qualified for an agricultural or forestal use-value assessment shall not be

included within a fire and rescue zone and shall not be subject to a tax assessed in such a zone.

Patron - Landes

P SB1029 Fire Prevention Code; enforcement by locality. Provides that if a local governing body elects to enforce only those provisions of the Fire Prevention Code relating to open burning, it may do so in all or in any designated geographic areas of its jurisdiction.

Patron - Couric

F Failed

F HB2598 Fire emergencies. Provides that the property owner or occupant shall not be denied access to his property during an emergency incident if the access does not interfere with the duties of the fire department.

Patron - Putney

Fisheries and Habitat of the Tidal Waters

P Passed

P HB1572 Recreational eel pot license. Authorizes the Virginia Marine Resources Commission to establish a license for individuals who want to catch eels for noncommercial purposes. The license would allow a person to obtain a recreational gear license to use no more than two eel pots at a fee of not more than \$10.

Patron - Pollard

P HB1699 Permits for piers on oyster and clam grounds; time limit for action. Requires the Virginia Marine Resources Commission to grant or deny permits for piers 100 feet or longer on oyster and clam grounds within 90 days of receipt of a complete application, unless information or circumstances materially alter the conditions under which the permit would be issued. If the Commission fails to act within such time, the application is deemed approved. Under current law, there is no time limit for action by the Commission.

Patron - Pollard

P HB1877 Erosion control devices within the Baylor survey. Provides that the Virginia Marine Resources Commission may allow construction of erosion control devices in the Baylor survey where it finds, along with other prescribed criteria, the proposed project to be technically and environmentally acceptable. However, if such Baylor ground is commercially productive as defined in the Code of Virginia, the environmentally preferred erosion control must be utilized. Under current law, such projects must be technically and environmentally preferable, whether or not the Baylor ground is productive.

Patron - Devolites

P HB2032 Exemptions from fishing licensing requirements. Provides that the exemption for the taking of as much as one bushel of hard crabs and two dozen peeler crabs in any one day for personal use may be modified by regulation by the Virginia Marine Resources Commission.

Patron - Bloxom

P HB2033 Relaying seed-stock shellfish. Requires the Virginia Marine Resources Commission to promulgate reg-

ulations for the harvesting, transporting, handling and transplanting of wild and cultured seed oysters and clams from condemned planting areas to healthy waters.

Patron - Bloxom

P HB2294 Term of fishing licenses. Provides that upon implementation of automated point of sale licensing systems, recreational fishing licenses issued by the Virginia Marine Resources Commission and hunting and trapping licenses and permits and fishing licenses issued by the Department of Game and Inland Fisheries shall be valid for one year from their date of purchase. Under current law, such licenses and permits are valid from January 1, or their later date of purchase, and expire December 31 of the same year.

Patron - Blevins

P HB2417 Hydraulic dredges. Prohibits a person from (i) harvesting clams through the use of a hydraulic dredge or (ii) have on board his boat a hydraulic dredge designed for harvesting seafood unless the person has obtained a permit from the Marine Resources Commission. A person is exempted from the prohibitions if he is traveling to or from docks for maintenance or repair of his boat or equipment or when off-loading catches made in federal waters. The penalty for possessing this type of equipment without a permit is a Class 1 misdemeanor.

Patron - Morgan

P HB2705 Marine Resources Commission; publication of proposed regulations. Allows the publication of proposed agency regulations that have only local application in either daily or weekly papers whichever have greater circulation in the locality in which the regulation applies.

Patron - Morgan

P SB784 Virginia Marine Patrol officers; powers. Clarifies that Virginia Marine Patrol officers have the same powers as sheriffs and other law-enforcement officers to enforce the criminal laws of the Commonwealth.

Patron - Stolle

P SB820 Potomac River Compact; storage, possession and marketing of lawfully harvested finfish and shellfish. Allows finfish and shellfish lawfully caught in the waters within the jurisdiction of the Potomac River Fisheries Commission to be possessed, stored, marketed and otherwise disposed of elsewhere in the Commonwealth of Virginia. The language in the bill is almost identical to language in the Maryland statutes and was requested on behalf of the Potomac River Fisheries Commission.

Patron - Chichester

P SB837 Subaqueous permit exemption. Exempts landowners who withdraw water for agricultural, silvicultural, or horticultural irrigation on riparian lands, or the watering of animals on such lands, from having to obtain a permit from the Virginia Marine Resources Commission, so long as (i) they do not place a permanent structure on the stream or river bed, (ii) they comply with any requirements administered by the Department of Environmental Quality under Title 62.1, and (iii) the activity does not have adverse impacts to instream beneficial users.

Patron - Watkins

F Failed

F HB2703 Saltwater recreational fishing license. Removes the seaside exemption from the requirement to have a saltwater fishing license when fishing in tidal waters. The bill

exempts a person fishing from property he owns or rents, or his nonpaying guest or immediate family, from having to obtain a saltwater recreational fishing license. Currently, the exemption is limited to the person who owns property or his nonpaying guest or immediate family member. Persons fishing from a federal park or reserve located on the Eastern shore would also be exempted from having to obtain a license.

Patron - Bloxom

Game, Inland Fisheries and Boating

P Passed

P HB580 Sale of wildlife parts. Allows a Native American who provides proof that he is an enrolled member of a tribe recognized by Virginia, another state, or the federal government to possess, sell, or purchase from another Native American, animal parts such as antlers, hooves, feathers, claws and bones; however, the possession, sale or purchase from another Native American of bear parts is prohibited.

Patron - Davis

P HB1897 Exemption from license requirements for landowner's parents. Adds parents of a landowner to the list of those who can hunt, trap, and fish within the boundaries of the landowner's property or fish upon any private permanent extension from such property.

Patron - Johnson

P HB2096 License to hunt bear. Authorizes the Board of Game and Inland Fisheries to establish a separate license to hunt bears. If established, the cost of such a license will be \$25 for residents and \$150 for nonresidents. The holder of such a license will also have to purchase the state's basic hunting license. Currently, there is a big game license that allows the license holder to hunt bear, deer and turkey.

Patron - Abbitt

P HB2098 Hunting with certain sight devices. Prohibits the use of a firearm equipped with a sighting device other than iron or open sights between one hour after sunset and one hour before sunrise. Any person who violates this provision (i) is guilty of a Class 2 misdemeanor, (ii) will lose his hunting privileges for the next license year, and (iii) will have to forfeit his firearm. In addition, if the person is found hunting during the prohibited period, he is subject to a separate penalty of a Class 2 misdemeanor.

Patron - Abbitt

P HB2304 Assisting other hunters. Extends to all hunters who have reached their daily bag or seasonal limit the privilege of assisting others who are hunting. Currently, such assistance may be provided only by those hunters who have reached their limit while hunting turkeys, ducks, geese or swans, and restricts their assistance to calling turkeys, ducks, geese and swans.

Patron - Cox

P HB2546 Exemptions from licenses to hunt, trap, or fish; members of the recognized tribes in the Commonwealth. Provides that licenses to hunt, trap, or fish are not required of Indians who (i) habitually reside on an Indian reservation, or (ii) are members of Virginia recognized tribes residing in the Commonwealth. However, such persons are required to have in their possession an identification card or paper

signed by the chief of their tribe, a valid tribal identification card, written confirmation through a central tribal registry, or certification from a tribal office. Such cards, papers, confirmations, or certifications must set forth that the person named is an actual reservation resident or member of the Virginia recognized tribes and create a presumption of residence, which may be rebutted. Under current law, the exemption applies only to those Indians residing on a reservation, provided that they have in their possession an identification card signed by the chief of their reservation.

Patron - Katzen

[P] HB2607 No-discharge zone. Requires game wardens from the Department of Game and Inland Fisheries to enforce the State Water Control Board's regulations designating Smith Mountain Lake as a no-discharge zone for boat sewage. This bill is identical to SB 1301.

Patron - Putney

[P] HB2615 Trapping license for disabled persons. Establishes a lifetime trapping license for veterans who have a service-connected disability and persons who are permanently disabled. The fee for such a license would be five dollars.

Patron - Nixon

[P] HB2637 Complimentary hunting and fishing licenses. Authorizes the Director of the Department of Game and Inland Fisheries to issue complimentary hunting and fishing licenses to official representatives of out-of-state, nationally recognized, nongovernmental organizations engaged in wildlife conservation.

Patron - Thomas

[P] SB1301 No-discharge zone. Requires game wardens from the Department of Game and Inland Fisheries to enforce the State Water Control Board's regulations designating Smith Mountain Lake as a no-discharge zone for boat sewage. This bill is identical to HB 2607.

Patron - Newman

[P] SB1315 "No wake" buoys. Limits the conditions under which "no wake" buoys or other markers that have been placed prior to July 1, 2001, can be removed. Such buoys or markers can only be removed if they no longer are providing for the safe and efficient operations of vessels. The bill also provides that "no wake" ordinances can be enacted for Smith Mountain Lake in order to protect public safety or prevent erosion. Currently, if such an ordinance is adopted it must both protect public safety and prevent damage from erosion.

Patron - Reynolds

[P] SB1339 Deer fences. Prohibits a landowner from erecting a fence that prevents or impedes deer from leaving the enclosed area. The bill also makes it unlawful to hunt deer in such enclosed areas. The provisions of the bill do not apply to persons hunting in an enclosure that has been constructed prior to July 1, 2001, has been registered with the Department of Game and Inland Fisheries, and has been modified in a manner approved by the Department. The penalty for violating either of these provisions is a Class 1 misdemeanor and the court may (i) suspend the violator's hunting privileges for a period of three to five years, (ii) order the owner of the property to compensate the Department of Game and Inland Fisheries for the replacement costs of the killed deer, and (iii) order the owner to modify the fence in a way that will allow the deer to leave the enclosed area.

Patron - Hawkins

[F] Failed

[F] HB1573 Prohibited ammunition. Prohibits the use of nonexpanding types of projectiles or bullets when hunting wild birds or wild animals. A violation of this provision is a Class 3 misdemeanor.

Patron - Pollard

[F] HB2237 Spotlighting of deer. Clarifies that any person who intentionally uses a light that is attached to a vehicle in a manner that is not necessary for the normal operation of the vehicle in order to avoid obstacles or negotiate curves in the roadway would be guilty of spotlighting deer, if light is cast beyond the roadway upon a place used by deer.

Patron - Hargrove

[F] HB2246 Hunting of does. Authorizes localities to add one day to the season for hunting does. The bill also requires the locality to notify the Department of Game and Inland Fisheries if it has adopted an ordinance allowing an additional day of hunting does.

Patron - Day

[F] HB2460 Sunday hunting. Allows a person to hunt on Sunday between 1:00 p.m. and sunset.

Patron - Phillips

[F] SB1185 Beaver damage. Allows landowners, whose property has been damaged due to the damming of a water body by beaver activity, to seek injunctive relief against the landowner upon whose property the beaver are located. The injunctive relief may require the owner of the property where the beaver are located to remove beaver dams that are diverting water from or impounding water on an adjacent landowner's property and may require that the offending landowner provide such other relief as is necessary to prevent further damage to the adjacent landowner's property. The landowner damaged by the beaver activity would be entitled to reasonable attorney's fees.

Patron - Trumbo

General Assembly

[P] Passed

[P] HB1755 Executive, judicial and independent agencies' bill drafting deadline. Changes the deadline for all legislative drafting requests from the Governor, a Governor's Secretary, the Lieutenant Governor, the Attorney General, or the head of any judicial, legislative, or independent agency to the Division of Legislative Services from January 1 to the same deadline applicable to members of the General Assembly for submitting legislative drafting requests for legislation to be prefiled to the Division. This deadline is established by the General Assembly or by the Joint Rules Committee if the General Assembly has not acted. Requests from the Governor may still be submitted in accordance with the procedures established by the Rules Committees of the House of Delegates and the Senate for the conduct of business during a legislative session. This bill is identical to Senate Bill 809.

Patron - McDonnell

[P] HB2865 Annual report on state spending. Directs the Joint Legislative Audit and Review Commission to provide a report on state spending no later than November 15 of each year to the Governor and General Assembly. The Com-

mission's report shall identify spending functions and programs that could be consolidated with other programs, no longer have a distinct and discernible mission, or are not performing their missions efficiently. The Commission shall identify which state programs have had the largest impact on the growth of state spending and determine whether such growth in spending appears rationally related to the rates of increase in inflation, tax relief measures, mandated expenditures, populations served or other related matters.

Patron - Rust

[P] SB646 Information on proposed constitutional amendments. Modifies the present law requirement for the preparation and distribution of a brief, neutral explanation of each proposed constitutional amendment approved by the General Assembly and submitted to the voters for approval or rejection. The changes include a requirement to post the explanation on the State Board of Elections website on the Internet, authorization for a brief statement on the effect of a "yes" or "no" vote, and a requirement for prompt preparation of the explanation.

Patron - Whipple

[P] SB809 Executive, judicial and independent agencies' bill drafting deadline. Changes the deadline for submitting all bill drafting requests to the Division of Legislative Services by the Governor, the Lieutenant Governor, Attorney General, Governor's Secretaries, and judicial, legislative, and independent branch agencies. The new request deadline coincides with the deadline for members of the General Assembly to submit legislative drafting requests to be prefiled to the Division, as established by the procedural resolution adopted by the General Assembly, or in default thereof, as adopted by the Joint Rules Committee. This bill is identical to HB 1755.

Patron - Norment

[P] SB844 VRS; introduction of VRS bills. Clarifies that any bill affecting any retirement system established in Title 51.1 must be introduced on the first day of the session. The voting requirements for consent to introduce such legislation after the first day are no longer set out in the statute. Such requirements may be established in the rules of the General Assembly.

Patron - Trumbo

[P] SB1415 Office expenses of members of the General Assembly. Restates existing law that office expense payments are allowances that require no vouchers for payments. The bill introduces the term "accountable plan," which some members of the General Assembly have elected to establish with the Internal Revenue Service.

Patron - Stosch

[P] SR22 Senate; introductions by incapacitated members. Allows the Clerk of the Senate to sign bills and resolutions for introduction upon authorization of a member who has become incapacitated.

Patron - Trumbo

[P] SR23 Senate; co-patrons. Amends the Senate Rules to extend the time to add or remove co-patrons to the time when the first vote is taken on the passage of the bill or agreement to the resolution. This change conforms the Senate Rules to the new co-patron provision in the 2001 procedural resolution (HJR 507).

Patron - Trumbo

[F] Failed

[F] HB1631 General Assembly; disclosure of office allowances. Requires members of the General Assembly who receive an allowance for unvouchered office expenses and supplies provided by the general appropriation act to keep a detailed and separate account of these funds and to file an annual disclosure statement. The disclosure statement must be filed with the State Board of Elections no later than January 8, which coincides with the date members must file their statements of economic interests with the Clerks of the House and Senate. The statement must include an account of all receipts and expenditures recorded during the preceding calendar year. Unexpended balances must be carried forward and accounted for in the next reporting period. The bill prohibits legislators from making expenditures from these funds to family members.

Patron - Purkey

[F] HB1700 General Assembly; legislative review of regulatory implementation. Requires each standing committee of each house of the General Assembly to meet at the commencement of every regular session in an odd-numbered year to review implementation by state agencies of regulations with subject matter most properly referable to such standing committee.

Patron - Purkey

[F] HB1946 State and Local Fiscal Needs and Resources Commission. Creates the Fiscal Needs and Resources Commission as a legislative agency to continue the work of the Commission on Virginia's State and Local Tax Structure for the 21st Century. The commission would have 15 members with eight legislators, five nonlegislative citizens and the Secretary of Finance and the Tax Commissioner. The commission will examine on an ongoing basis state and local fiscal needs and resources issues.

Patron - Hull

[F] HB2298 General Assembly; office expenses. Changes the office expense reimbursement arrangement to an accountable plan within the meaning of the Internal Revenue Code and the regulations thereunder. Members will be required to substantiate their business expenses on a quarterly basis and return any amount in excess of the substantiated expenses. The bill also provides a separate office equipment expense allowance not to exceed \$5,000 during a four-year period. Members are required to submit a voucher and accompanying receipts prior to receiving payment for equipment expenses.

Patron - Brink

[F] HB2321 General Assembly; office expenses. Changes the office expense reimbursement arrangement to an accountable plan within the meaning of the Internal Revenue Code and the regulations thereunder. Members will be required to substantiate their business expenses on a quarterly basis and return any amount in excess of the substantiated expenses.

Patron - Jones, S.C.

[F] HB2415 Legislative consideration of use of photo-monitoring system to enforce traffic light signals. Provides that prior to considering any legislation authorizing an authority to use a photo-monitoring system to enforce traffic light signals, also known as "photo-red," the locality must adopt a resolution requesting the General Assembly for such authority and explaining the need for using photo-red. Such resolution must be submitted to the committee of the General Assembly considering such legislation. The bill further provides that the localities that were authorized to use photo-red

prior to July 1, 2001, and have in fact been using photo-red may continue to do so until July 1, 2005. After July 1, 2005, such localities must also be granted authority to use photo-red by legislation enacted pursuant to the requirements of this bill.

Patron - May

[F] HJ654 Session policies for the awarding of overtime pay and compensatory leave to legislative branch employees. Revises the Joint Rules Committee Resolution regarding overtime compensation for professional and supervisory personnel during session. Under the current Resolution, professional and supervisory staff members are not compensated for those hours worked between 40 and 55 in the same calendar week. Nonprofessional and non-supervisory personnel are compensated for every hour greater than 40 with time-and-a-half in either leave or pay. This amendment provides for hour-for-hour compensation for those hours between 40 and 55. Such staff members will be entitled to leave only for those hours and not compensation in the form of pay. No other provisions of the Resolution are amended.

Patron - Joannou

[F] HJ735 Joint Rule of the General Assembly; term of service as chairman of a standing committee. Provides that no member of the General Assembly shall serve as the chairman of a standing committee of the House of Delegates or Senate for more than eight consecutive years.

Patron - Purkey

[F] SB1364 Conflicts of Interest; legislative officers and employees. Designates the office of the Clerk of the Senate and the office of the Clerk of the House of Delegates as depositories for disclosure statements of personal interests required to be filed by certain legislative officers and employees. Officers and employees of the Senate designated by the Joint Rules Committee are required to file their statements with the Clerk of the Senate. All other legislative officers and employees designated by the Joint Rules Committee must file their statements with the Clerk of the House of Delegates. The statements are maintained as public records for five years in the clerks' offices.

Patron - Trumbo

General Provisions of Virginia Code

[P] Passed

[P] HB1861 General provisions; statutory construction of "reenacted." Construes the term "reenacted" as used in a title and enactment clause to mean that the changes made by the bill to an act or Code section are in addition to the existing substantive provisions of that act or section, and are effective prospectively unless the bill expressly provides that such changes are effective retroactively on a specified date. Also, this rule of construction is declared to be existing public policy and law. Finally, the legislation states that it is intended to reverse the ruling in *Rubio v. Rubio*, 33 Va. App. 74, 531 S.E. 2d 612 (2000).

Patron - McDonnell

[P] SB914 Incorporation of regulations and amendments by local ordinances. Provides that when localities are empowered to incorporate by reference state regulations into a local ordinance, any ordinance incorporating by reference state regulations may include future amendments to the state regula-

tions provided such intent is specifically stated in such ordinance. The same authority already exists with regard to state statutes.

Patron - Wampler

[F] Failed

[F] HB2733 Statutory construction; use of population brackets. Restates the provisions of the Constitution of Virginia relative to the definition of a "general law." Also, provides for a conclusive presumption that the use of county, city or town population brackets for the application of certain statutes and acts of Assembly shall, after July 1, 2001, be construed for purposes of statutory construction and procedural requirements as special laws within the context of Item 5, § 1, Article VII of the Constitution of Virginia, if such bracket or language is applicable to only one political unit. A savings clause is provided to grandfather existing statutes as they may apply to certain counties, cities or towns.

Patron - Griffith

Health

[P] Passed

[P] HB1592 Medical assistance services; custom ocular prostheses. Requires the state plan for medical assistance services to include a provision for payment of medical assistance services for custom ocular prostheses.

Patron - Callahan

[P] HB1852 Certified nursing facility education initiative. Makes a technical amendment to the certified nursing facility education initiative passed by the 2000 General Assembly. The bill places a sunset of July 1, 2003, on the initiative, which was clearly the intention of last year's legislation, House Bill 714 (2000).

Patron - McQuigg

[P] HB1876 Family Access to Medical Insurance Security Plan (FAMIS). Provides an exemption for the Family Access to Medical Insurance Security Plan (FAMIS), upon approval by the federal Health Care Financing Administration, from any provision set forth in Title 38.2 that excludes, exempts or does not apply to the Virginia plan for medical assistance services established pursuant to Title XIX of the Social Security Act, 42 U. S. C. § 1396 et seq. (Medicaid).

Patron - Devolites

[P] HB1899 Health; sale of bedding. Provides an exemption from the requirements for sanitizing articles of bedding or upholstered furniture for self-storage facilities when the bedding or upholstered furniture pieces are sold pursuant to statute as a result of the owner of the contents stored in such self-storage facility being in default in the payment of rent.

Patron - Williams

[P] HB1903 Health; radon proficiency listings. Authorizes the Board of Health to make available to the public a list of persons who have been listed as proficient to offer screening, testing or mitigation for radon by the United States Environmental Protection Agency, the National Radon Measurement Proficiency Program of the National Environmental Health Association or the National Radon Safety Board Certified Radon Professional Program or any other proficiency program acceptable to the Board. This bill revises and updates

acceptable radon proficiency credentials. Current law only provides for proficiency listing by the Environmental Protection Agency (EPA). The EPA has, however, discontinued the National Radon Proficiency Program and has not designated a successor program.

Patron - Plum

[P] HB1982 Children's health insurance. Requires the Children's Medical Security Insurance Program and the Family Access to Medical Insurance Security Plan to include a provision for the request for the cooperation of the custodial parent with the state in securing child support payments. However, the granting of such cooperation shall not be a condition of eligibility. The bill has an expiration date of July 1, 2003.

Patron - Watts

[P] HB2015 Youth suicide prevention. Requires, with such funds as may be appropriated for this purpose, the Department of Health to assume lead responsibility in the Commonwealth for coordinating activities concerning youth suicide prevention. This responsibility includes coordination of the activities of the agencies of the Commonwealth pertaining to youth suicide prevention in order to develop a comprehensive youth suicide prevention plan addressing the promotion of health development, early identification, crisis intervention, and support to survivors. The bill requires the Department of Health to report annually to the Governor and General Assembly on the status of youth suicide prevention. The powers and duties of other state agencies vis-a-vis prevention of youth suicide are specifically noted not to be limited. This bill is a recommendation of the Commission on Youth and is identical to SB 1190.

Patron - Hamilton

[P] HB2060 Health; local health partnership authorities. Creates the authority for single or multi-jurisdictional health care partnership authorities where government and private entities may join forces to address the health care needs of the area and assist in providing such services in a coordinated manner so as to eliminate duplication and inefficiency. The bill provides the basic outline for a local authority with provisions for membership, a board of directors, meeting and voting requirements and an outline of powers and duties. The authority would have to be approved by each participating locality by ordinance, resolution or agreement only after a public hearing has been held. The bill also has provisions that (i) allow for the disclosure of medical records to the authority to allow for health care services to be provided, and (ii) protect volunteers from civil liability for acts or omissions when providing noninvasive and minimally invasive procedures limited to finger sticks and injections performed as part of health care services unless the acts or omissions were the result of gross negligence or willful misconduct. The State Department of Health must choose the multi-jurisdictional effort that has been operating a community health program under a grant from the Robert Wood Johnson and Kellogg Foundations in Planning District 8 to act as a pilot for this concept. The Joint Commission on Health Care is required to monitor and provide technical advice to the pilot project and to evaluate the program by November 15, 2002. This provision sunsets on July 1, 2003.

Patron - McQuigg

[P] HB2090 Health; tuberculosis control. Expands the current provisions for the control of tuberculosis to require each physician or person in charge of a medical facility or correctional facility to report active cases of tuberculosis to the local director of health and develop a plan of treatment. Currently, tuberculosis is designated as a reportable disease by the Board of Health and is reported to the Department of Health. The plan of treatment may be requested by the local health

director and will be subject to the approval of the local health director. The Commissioner of Health is authorized to settle disagreements on the plan of treatment according to statewide standards. All persons in charge of an inpatient facility or a correctional institution or jail will be required to submit the treatment plan to the local health director and to encourage the patient to comply with the treatment plan. If the person does not comply, the person in charge of the facility or correctional institution or jail, may request additional actions of the Commissioner of Health under existing law, including isolation. Laboratories doing testing on samples must also report positive cases of active tuberculosis to the state.

Patron - Devolites

[P] HB2272 Health; verbal orders in hospitals. Requires the regulations of the Board of Health for the licensure of hospitals to allow those hospital employees, designated in the medical staff bylaws or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians and other persons lawfully authorized by state law to give patient orders. The verbal orders would have to be signed within a reasonable time, not to exceed 72 hours, by the person giving the order, or, if that person is not available within the 72-hour period, by another physician or person authorized to give orders.

Patron - Shuler

[P] HB2346 Health; emergency medical services. Requires the regulations of the Board of Health to include requirements such as appropriate training and education qualifications to allow emergency medical services personnel to carry and administer epinephrine or a medically accepted equivalent. Epinephrine is used as emergency treatment for individuals experiencing anaphylactic shock, for example, severe allergic reactions resulting from bee stings.

Patron - Almand

[P] HB2388 Nursing homes; barrier crimes. Expands the list of crimes that bar a person from employment in a licensed nursing home by adding such crimes as malicious wounding by mob, car jacking, extortion by threat, felony stalking, drive by shooting, use of a machine gun in a crime of violence, aggressive use of a machine gun, use of a sawed-off shotgun in a crime of violence, electronic facilitation of pornography, delivery of drugs to prisoners, escape from jail, felonies by prisoners and the equivalent offenses in another state. The expanded list is similar to the barrier crimes provided in present law for child-care facilities and mental health facilities.

Patron - Clement

[P] HB2463 Human cloning. Prohibits the cloning of humans, i.e., the creation of or attempt to create a human being by transferring the nucleus from a human cell from whatever source into an oocyte from which the nucleus has been removed. Cloning of animals is accomplished by withdrawing or otherwise rendering inert the chromosomes (the linear threads containing the genes) from a somatic cell (a mature, diploid cell having a complete set of chromosomes) and inserting the genetic material of the individual to be reproduced into an oocyte (an ovum or egg). The altered cell is then implanted into a uterus. This bill defines several scientific terms, e.g., cloning, human cloning, nucleus, oocyte, somatic cell, and somatic cell nuclear transfer. The following acts are prohibited: the performance of human cloning; the implantation or attempted implantation of the product of somatic cell nuclear transfer into an uterine environment so as to initiate a pregnancy; the possession of the product of human cloning; and the shipping or receiving of the product of a somatic cell nuclear transfer in commerce for the purpose of implantation of such

product into an uterine environment so as to initiate a pregnancy. In addition to any other applicable penalty, any person violating this law will be liable for a civil penalty not to exceed \$50,000 per incident. The use of somatic cell nuclear transfer or other cloning technologies for biomedical and agricultural research, of gene therapy, and of somatic cell nuclear transfer techniques to create animals other than humans are not restricted. This bill is identical to SB 1305.

Patron - McDonnell

[P] HB2694 Resource code and referral information on pharmaceutical companies' free drug programs. Directs the Health Commissioner to establish, maintain and publicize a toll-free number to provide resource and referral information on pharmaceutical companies' free drug programs for persons who demonstrate financial hardship; in other words, the pharmaceutical companies' compassionate programs will be publicized. Such information must include, but not be limited to, available drugs, participating pharmaceutical companies, application procedures for each of the pharmaceutical companies and dispensing methods. The Commissioner may contract with one or more public or private organizations to administer this resource and referral program. A second enactment provides that this act will not become effective unless an appropriation effectuating the purposes of the act is included in the 2001 appropriation act, passed during the 2001 Session of the General Assembly, and signed into law by the Governor.

Patron - Welch

[P] HB2726 Health; on-site sewage evaluations. Requires, notwithstanding any other provision of law or the provisions of any local ordinance, that counties, cities and towns, in the administration of their own ordinances, must comply with the time limits that currently apply in state law to the Department of Health in performing a field check of private evaluations and designs for single lots or for subdivision, residential development. The Department of Health is required to evaluate and approve or deny a request for an on-site sewage permit for a single lot construction permit within 15 days of the request and to evaluate and approve or deny a request for multiple lot certification letters or subdivision review within 60 days of the request.

Patron - Black

[P] HB2763 Health; outpatient data collection. Requires health care providers, including hospitals, ambulatory surgery centers, and physicians, to report data on outpatient surgery procedures to the Virginia Patient Level Data System. No fees will be charged by the nonprofit organization for the submission of outpatient data for the first twelve months of data submission; however, after twelve months, the nonprofit organization may charge a fee of up to one dollar for those records its determines are not processed, verifiable data. The confidentiality of inpatient level data continues to be protected and may be publicly released only when the information released is designed to prevent persons from being able to gain access to combinations of patient characteristic data elements that reasonably could be expected to reveal the identity of any patient; outpatient surgical charge data will only be made publicly available pursuant to a review by the Joint Commission on Health Care. The nonprofit health data organization must conduct a pilot study to assess the impact of requiring the submission of outpatient surgical data, including the logistics and costs as well as the potential value of the submission of such information.

Patron - Brink

[P] SB724 Virginia Children's Medical Security Insurance Plan; Family Access to Medical Insurance Security (FAMIS) Plan. Requires the recently approved FAMIS

program to include a provision to request the custodial parent's cooperation with the Commonwealth in securing medical and child support payments; this cooperation must not be a condition of the child's eligibility for FAMIS. A second enactment sunsets this provision on July 1, 2003.

Patron - Lambert

[P] SB838 Health; radon proficiency listings. Authorizes the Board of Health to list and accept as proficient, to offer screening, testing or mitigation for radon, persons acceptable to the United States Environmental Protection Agency, the National Radon Measurement Proficiency Program of the National Environmental Health Association or the National Radon Safety Board Certified Radon Professional Program or any other proficiency program acceptable to the Board. This bill revises and updates acceptable radon proficiency credentials. Current law only provides for proficiency listing by the Environmental Protection Agency. The EPA has, however, discontinued the National Radon Proficiency Program and has not designated a successor program.

Patron - Watkins

[P] SB955 Health insurance; adverse decisions. Requires utilization review entities rendering adverse decisions to provide the treating physician with the name, address, and telephone number of the person responsible for making such adverse decision. Currently, entities are only required to provide a contact name, address, and telephone number.

Patron - Couric

[P] SB967 Licensure of home health organizations; exemptions. Provides an exemption from licensure as a home health organization for a natural person, who provides services to a patient on an individual basis if such person is (i) acting alone under a medical plan of care and is licensed to provide such services pursuant to Title 54.1 or (ii) retained by the individual or by another individual acting on the individual's behalf.

Patron - Potts

[P] SB1007 Health; newborn testing. Adds testing for congenital adrenal hyperplasia to the tests required to be performed on every newborn in the Commonwealth to prevent mental retardation, permanent disability or death. Those infants whose parents or guardians object to the testing[RS1] because of religious practices or tenets continue to be exempt. The bill has a delayed effective date of January 1, 2002.

Patron - Ticer

[P] SB1139 Health; scholarships and loans for health professionals. Provides that physician, nurse, physician assistant, and nurse practitioner scholarship and loan repayment amounts that are awarded and eventually forfeited by recipients remain in the respective scholarship or loan repayment fund rather than reverting to the general fund. The bill also adds a loan repayment feature under the registered and licensed practical nurse scholarship programs. The bill also has technical amendments.

Patron - Lambert

[P] SB1190 Youth suicide prevention. Requires, with such funds as may be appropriated for this purpose, the Department of Health to assume lead responsibility in the Commonwealth for coordinating activities concerning youth suicide prevention. This responsibility includes coordination of the activities of the agencies of the Commonwealth pertaining to youth suicide prevention in order to develop a comprehensive youth suicide prevention plan addressing the promotion of health development, early identification, crisis intervention, and support to survivors. The bill requires the Department of

Health to report annually to the Governor and General Assembly on the status of youth suicide prevention. The powers and duties of other state agencies vis-a-vis prevention of youth suicide are specifically noted not to be limited. This bill is a recommendation of the Commission on Youth and is identical to HB 2015.

Patron - Houck

[P] SB1250 Pilot project for computerization of local septic system data. Requires the Commissioner of Health, as part of the development of a statewide database module with local compatibility, to implement a pilot project for the Counties of Bedford, Franklin, and Pittsylvania to computerize the data on septic systems with the goal of producing data capable of being merged with real estate records, particularly for the areas surrounding Smith Mountain Lake. The pilot project must establish a database for the storage and retrieval of information on local septic systems based on installation permits. Information resulting from septic tank pumpouts and other maintenance must also be included in this database. All the information in the database must be capable of being merged with the local real estate records. The Commissioner is required to implement the pilot project solely with state funds and must exempt the relevant counties from the cost-sharing requirements of the state/local cooperative budget formula. A second enactment provides that this act will not become effective unless an appropriation effectuating the purposes of the act is included in the 2001 Appropriations Act, passed during the 2001 Session of the General Assembly, and signed into law by the Governor.

Patron - Reynolds

[P] SB1305 Human cloning. Prohibits the cloning of humans, i.e., the creation of or attempt to create a human being by transferring the nucleus from a human cell from whatever source into an oocyte from which the nucleus has been removed. Cloning of animals is accomplished by withdrawing or otherwise rendering inert the chromosomes (the linear threads containing the genes) from a somatic cell (a mature, diploid cell having a complete set of chromosomes) and inserting the genetic material of the individual to be reproduced into an oocyte (an ovum or egg). The altered cell is then implanted into a uterus. This bill defines several scientific terms, e.g., cloning, human cloning, nucleus, oocyte, somatic cell, and somatic cell nuclear transfer. The following acts are prohibited: the performance of human cloning; the implantation or attempted implantation of the product of somatic cell nuclear transfer into an uterine environment so as to initiate a pregnancy; the possession of the product of human cloning; and the shipping or receiving of the product of a somatic cell nuclear transfer in commerce for the purpose of implantation of such product into an uterine environment so as to initiate a pregnancy. In addition to any other applicable penalty, any person violating this law will be liable for a civil penalty not to exceed \$50,000 per incident. The use of somatic cell nuclear transfer or other cloning technologies for biomedical and agricultural research, of gene therapy, and of somatic cell nuclear transfer techniques to create animals other than humans are not restricted. This bill is identical to HB 2463.

Patron - Newman

[P] SB1377 Medical assistance services; breast or cervical cancer treatment for certain women. Requires the Board of Medical Assistance Services to include in the state plan for medical assistance a provision for payment of medical assistance, pursuant to the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (P.L. 106-354), for certain women with breast or cervical cancer when such women (i) have been screened for breast or cervical cancer under the Centers for Disease Control and Prevention (CDC) Breast and Cer-

vical Cancer Early Detection Program established under Title XV of the Public Health Service Act; (ii) need treatment for breast or cervical cancer, including treatment for a precancerous condition of the breast or cervix; (iii) are not otherwise covered under creditable coverage, as defined in § 2701 (c) of the Public Health Service Act; (iv) are not otherwise eligible for medical assistance services under any mandatory categorically needy eligibility group; and (v) have not attained age 65. This provision must include an expedited eligibility determination for such women. This bill includes a second enactment stating that the act will not become effective unless an appropriation effectuating the purposes of the act is included in the 2001 Appropriation Act, passed during the 2001 Session of the General Assembly, and signed into law by the Governor.

Patron - Ticer

[P] SB1385 Bed capacity and licensure in hospitals designated as critical access hospitals. Provides that any licensed hospital that (i) has been certified as a critical access hospital, and (ii) has been required to reduce its licensed bed capacity as a result of the critical access certification, will, upon termination of its critical access hospital certification, be licensed to operate at the licensed bed capacity in existence prior to the critical access hospital certification without being required to apply for and obtain a certificate of public need.

Patron - Reynolds

[F] Failed

[F] HB1582 Health; licensure of midwives. Requires persons practicing midwifery for compensation, which is the assessment and care of a pregnant woman and her newborn during pregnancy, labor, birth, and the postpartum period, to be licensed. Applicants must meet specialized training and competency standards set by the Board of Health, with advice from the Advisory Council on Midwifery established in this bill, and must have a written protocol for medical emergencies. In addition, midwives must obtain the informed, written consent of any pregnant woman seeking midwife care. The consent form, which must be approved by the Board of Health, shall include information about the midwife's training, a written protocol for medical emergencies, a description for the midwifery model of care, a disclosure concerning the licensed midwife's malpractice or liability insurance coverage, and a description of the right to file a complaint with the Board of Health and the procedures for doing so. The Board of Health shall promulgate regulations which, when implemented, will supersede current provisions in the Code for midwives.

Patron - Hamilton

[F] HB1664 Medicaid; intestinal transplants. Adds intestinal transplants, when all criteria are met, to Medicaid-approved procedures for recipients over 21 years of age.

Patron - Hamilton

[F] HB1665 Virginia Prescription Drug Payment Assistance Program. Establishes a program to be administered by the Department of Medical Assistance Services, modeled on Delaware's Prescription Drug Payment Assistance Program, to assist eligible elderly and disabled Virginians in paying for prescription drugs. The Department of Medical Assistance Services may contract with third-party administrators to provide administrative services that include enrollment, outreach, eligibility determination, data collection, premium payment and collection, financial oversight and reporting. The benefit is limited to prescription drugs manufactured by pharmaceutical companies that agree to provide manufacturer rebates. Eligible persons must have incomes at or below 150 percent of the federal poverty level or have prescription drug

expenses that exceed 40 percent of his or her annual income, as set forth in the appropriations act. They must also be age 65 or older or eligible for federal Old Age, Survivors and Disability Insurance Benefits, not be receiving a prescription drug benefit through a Medicare supplemental policy or other third-party payor prescription benefit as of July 1, 2001, and be ineligible for Medicaid prescription benefits; however, nothing shall prohibit the enrollment of a person in the Program during the period in which their Medicaid eligibility is determined. Eligible enrollees will receive an identification card to be presented to pharmacists and will start receiving the benefit the month after their eligibility is determined. Benefits will be paid to pharmacies under a point-of-service claims procedure to be established by the Department of Medical Assistance Services. Participants are required to make a co-payment for each prescription, which in general will not exceed 25 percent of the cost, but not less than five dollars. Money to pay the claims will come from the newly established Prescription Assistance Fund, which is to be financed by 10 percent of the proceeds received by the Commonwealth under the Master Tobacco Settlement Agreement and any federal funds available for this purpose. Administrative costs are to be paid from the pharmaceutical manufacturer rebates to the extent available and the \$20 dollar annual enrollment fees. The Board shall develop a comprehensive statewide community-based outreach plan to enroll eligible persons and the Department of Medical Assistance Services shall report annually on the program's implementation. No entitlement to prescription drug coverage on the part of any eligible person or any right or entitlement to participation is created and such coverage shall only be available to the extent that funds are appropriated therefor. This bill incorporates HB 1803, HB 2179, and HB 2633.

Patron - Deeds

[F] HB1682 Testing of certain well water. Authorizes the County of Warren to establish, by ordinance, standards for private wells and reasonable testing requirements for private ground water wells to determine compliance with various federal or state drinking water quality standards to be performed prior to the issuance of a building permit.

Patron - Louderback

[F] HB1783 Health insurance for teachers. Requires local school boards to provide teachers the opportunity to participate in the local choice health insurance programs administered through the Department of Human Resources Management. The local choice health insurance program currently offers prescription drug coverage for retirees.

Patron - Deeds

[F] HB1785 Virginia Prescription Drug Payment Assistance Pilot Program. Requires the Department of Medical Assistance Services to establish a two-year pilot program, the Virginia Prescription Drug Payment Assistance Pilot Program, by January 1, 2002, to assist a predetermined number of eligible elderly and disabled Virginians in paying for prescription drugs on a first-come, first-served basis. Eligibility criteria shall require that a person have (i) an income below 200 percent of the federal poverty level or (ii) prescription drug expenses that exceed forty percent of his annual income. Also, participants must be 65 or older or eligible for federal Old Age Survivors and Disability Insurance Benefits, and be ineligible for Medicaid prescription benefits and not be receiving a prescription drug benefit through a Medicare supplemental policy or any other third party payor prescription benefit. The annual benefit per eligible person shall be up to \$2,500. The Department shall establish claims procedures and co-payment amounts, not to exceed 25 percent of the cost but not less than five dollars.

Patron - Deeds

[F] HB1803 Virginia Pharmaceutical Assistance Program. Establishes, within the Department of Health, the Virginia Pharmaceutical Assistance Program for the purpose of assuring that individuals who are 65 years old or older and whose incomes do not exceed 200 percent of the federal poverty level have access to medically necessary prescription drugs. The Board of Health is required to (i) use the Medicaid methodology for calculating income eligibility; (ii) establish a methodology for allowing participation of individuals who are eligible and whose prescription drug costs are covered, in part, by a health benefits plan or health insurance; (iii) give priority to individuals who do not have prescription drug coverage from any health benefits plan or health insurance; (iv) establish a formulary of covered drugs; and (v) appoint an advisory committee of no more than 20 citizens with expertise in prescription drug formularies or experience with the issues related to prescription drug coverage and senior citizens. The Board's regulations will also include a sliding fee scale of copayments, establish supply limits, and establish criteria for contracting for the procurement of drugs. This program will not be an entitlement and would only be available to the extent that funds are appropriated. The Board of Health is provided an exception from the procurement act for this program. Emergency regulations are required in a second enactment clause, and a third enactment clause authorizes the Board of Health to implement the program as a pilot to serve a predetermined number of clients on a first-come, first-served basis in the 2000-2002 biennium. This bill has been incorporated into HB 1665.

Patron - Tate

[F] HB1819 Medical assistance services; personal care allowance. Requires the state plan for medical assistance services to include a provision for a monthly personal care allowance of \$50 for persons receiving medical assistance and residing in nursing homes.

Patron - Armstrong

[F] HB1822 Hospice facilities. Provides that hospice programs may be licensed to provide services in a patient's home, a licensed hospital or nursing home, a licensed assisted living facility or a licensed hospice facility. A hospice facility is a specialized facility that is operated by a licensed hospice program solely for the care of hospice patients in an inpatient or a group residential setting. The bill requires the Health Commissioner to license hospice facilities and requires the Board of Health to adopt regulations governing hospice facilities. The regulations shall include requirements for adequate and sufficient staff to provide services to attain and maintain care to meet (i) the plan of care for each patient as established by the hospice program and (ii) the physical safety of the residents. The regulations shall also include staff qualifications and training; facility design, functional design and equipment; and services to be provided to residents, in addition to the services defined in the hospice program plan of care.

Patron - Morgan

[F] HB1864 Health; scholarships and loans for health professionals. Provides that physician, nurse, physician assistant, and nurse practitioner scholarship and loan repayment amounts that are awarded and eventually forfeited by recipients remain in the respective scholarship or loan repayment fund rather than reverting to the general fund. The bill also adds a loan repayment feature under the registered and licensed practical nurse scholarship programs. The bill also has technical amendments.

Patron - McDonnell

[F] HB1920 Long-term care facilities; voluntary closure or nonrenewal of license or provider agreement and

receivership. Provides procedures and consumer protections in the event a long-term care facility chooses voluntarily to close or not to renew its license or provider agreement. All licensed nursing homes, certified nursing homes and assisted living facilities shall notify in writing the appropriate state licensing agency, residents and their authorized representatives and physicians of its intent to close no less than 120 days in advance of its intended closure in order to provide residents the time needed to search for and select a new long-term care facility. The long-term care facility must submit a resident relocation plan to the appropriate state licensing agency for its approval within seven days of the written notification of intent to close or not renew its license or provider agreement. A copy of the relocation plan shall be provided to the Office of the State Long-Term Care Ombudsman. A relocation team will be formed, within seven days of the written notification, comprised of representatives from the state licensing agency, the Department of Medical Assistance Services, the local long-term care ombudsman, the local department of social services, and, when appropriate, the local community services board. The costs of the relocation team shall be absorbed by the agencies as part of their normal duties and responsibilities. The state licensing agency shall not provide written approval of the relocation plan until it has input from the relocation team and the Office of the State Long-Term Care Ombudsman. Department review and approval of the relocation plan shall occur within seven calendar days of receipt of the Office of the State Long-Term Care Ombudsman and local relocation team's recommendations. Failure by the long-term care facility to comply with these provisions shall result in the state licensing agency petitioning the circuit court in the jurisdiction in which the long-term care facility is located for the appointment of a receiver. Finally, the bill provides a process for receivership for noncompliant assisted living facilities commensurate with that of nursing homes and certified nursing facilities. This bill is identical to SB 845.

Patron - Van Yahres

[F] HB1979 Medicaid eligibility; uncompensated transfers of property. Provides that for purposes of satisfying requirements related to the fair market value of real property when determining Medicaid eligibility, the assessed value of property that has been under land use assessment for at least 10 years prior to a conveyance, and, pursuant to restrictions placed upon the deed, remains under land use assessment for at least five years after such conveyance, shall be deemed to be the fair market value. If a person seeking Medicaid maintains long-term care insurance with a minimum of at least three years coverage after the conveyance of the property, the bill allows a five-year restriction to satisfy the requirement.

Patron - Orrock

[F] HB2016 Health; scholarships and loans for health professionals. Provides that physician, nurse, physician assistant, and nurse practitioner scholarship and loan repayment amounts that are awarded and eventually forfeited by recipients remain in the respective scholarship or loan repayment fund rather than reverting to the general fund. The bill also adds a loan repayment feature under the registered and licensed practical nurse scholarship programs. The bill also has technical amendments.

Patron - Hamilton

[F] HB2083 Regulation of certain health care facilities. Requires all facilities licensed by the Board of Health which, in the course of providing treatment, stock blood for transfusions to request an Establishment Variance from the federal Food and Drug Administration (FDA) to accept blood drawn from therapeutic donors who have been diagnosed as having the genetic disorder known as hemochromatosis. The

facilities must also agree to accept such blood and to certify to the FDA that no charge will be made for the therapeutic phlebotomies. The relevant facilities must also maintain records identifying blood donated by hemochromatosis donors, the unique numbers of units of such blood, the patient receiving any unit of such blood, and the nature and severity of any adverse reaction to such blood. The relevant facilities must report any adverse reactions to the blood service from which the specific unit or units of blood causing the adverse reactions were received, including the unique number of the unit or units and the nature and severity of the adverse reaction. "Hemochromatosis" is an inherited condition of iron metabolism in which the body absorbs too much iron from food and iron accumulates in body tissues, thereby damaging or destroying, over time, major organs, such as the liver. The treatment for hemochromatosis is therapeutic phlebotomy, i.e., drawing blood from the patient and thereby removing red blood cells and excess iron. The blood from such patients is normal; the patient's condition is a metabolic disease. However, at this time, despite the crisis in blood supply, this blood is discarded.

Patron - Van Yahres

[F] HB2155 Regulation of health care facilities. Establishes a three-phase plan for deregulation of certain medical care facilities' certificate of public need (COPN) services as required by § 32.1-102.13. This bill sets out the Joint Commission on Health Care's COPN deregulation plan in numerous enactments. The first enactment sets forth the goals and an outline of the Plan and will be effective in due course. Each of the three-deregulation phases are set out in separate, designated enactments and will only become effective upon the appropriation of certain funds built into the various phases, e.g., for indigent care and Medicaid expansions. The goals of the plan are to (i) offer more choices to patients while simultaneously providing consumers with better information about the value of services in all settings; (ii) ensure that access to essential health care services for all Virginians, particularly the indigent and the uninsured, is preserved and improved, in so far as possible; (iii) provide strong quality protections that correspond to service intensity and/or patient risk and apply similarly across all health care settings; (iv) support indigent care and medical education costs at the academic health centers; and ensure that the Commonwealth's health care financing programs reimburse at a level that covers the allowable costs of care and that the Commonwealth meets its obligations as a responsible business partner. Phase I proposes to deregulate equipment purchases and introduction of new services for computed tomographic (CT) scanning, lithotripsy, magnetic resonance imaging (MRI), magnetic source imaging (MSI), positron emission tomographic (PET) scanning, and all nuclear medicine imaging. Phase II proposes to deregulate equipment purchases and the introduction of new services for cardiac catheterization, gamma knife surgery, and radiation therapy. Phase III proposes to deregulate ambulatory surgery centers, neonatal special care, obstetric services, open-heart surgery, and organ transplantation services. Simultaneously with the elimination of the COPN requirements, the providers of the COPN-deregulated services will be required to comply with licensure requirements promulgated and administered by the Board of Health, consistent with appropriate existing, nationally recognized accreditation standards. The various COPN-deregulated providers will also be required to report claims data, certain quality outcome information for selected high risk procedures, where applicable, and annual financial information on indigent care. Studies of the effects of the deregulation and various related health care issues, e.g., the funding of medical education at the undergraduate and graduate levels, various Medicaid eligibility issues, and contributions to indigent care by the COPN-deregulated providers, will be required at each phase of the deregulation. Much of the substance of the Plan is

set out in the various enactment clauses, i.e., the appropriation conditions, the establishment of a task force to assist the Board of Health, requirements for emergency regulations at appropriate intervals, etc. Although the various provisions of this bill are contingent upon appropriation of funds, the authority to determine the amount and sufficiency of the funding is left to the relevant appropriation act.

Patron - Morgan

[F] HB2179 Virginia Prescription Drug Payment Assistance Program. Establishes a program to be administered by the Department of Medical Assistance Services, modeled on Delaware's Prescription Drug Payment Assistance Program, to assist eligible elderly and disabled Virginians in paying for prescription drugs. The Department of Medical Assistance Services may contract with third-party administrators to provide administrative services that include enrollment, outreach, eligibility determination, data collection, premium payment and collection, financial oversight and reporting. The benefit is limited to prescription drugs manufactured by pharmaceutical companies that agree to provide manufacturer rebates. Eligible persons must have incomes at or below 150 percent of the federal poverty level or have prescription drug expenses that exceed 40 percent of his or her annual income, as set forth in the appropriations act. They must also be age 65 or older or eligible for federal Old Age, Survivors and Disability Insurance Benefits, not be receiving a prescription drug benefit through a Medicare supplemental policy or other third-party payor prescription benefit as of July 1, 2001, and be ineligible for Medicaid prescription benefits; however, nothing shall prohibit the enrollment of a person in the Program during the period in which their Medicaid eligibility is determined. Eligible enrollees will receive an identification card to be presented to pharmacists and will start receiving the benefit the month after their eligibility is determined. The card shall conform to administrative standards developed and published by the National Council for Prescription Drug Programs. Benefits will be paid to pharmacies under a point-of-service claims procedure to be established by the Department of Medical Assistance Services. Participants are required to make a co-payment for each prescription, which in general will not exceed 25 percent of the cost, but not less than five dollars. All licensed pharmacists shall be allowed to participate in the program so long as the provider is willing to abide by the terms and conditions the Board establishes to participate. Money to pay the claims will come from the newly established Prescription Assistance Fund, which is to be financed by 10 percent of the proceeds received by the Commonwealth under the Master Tobacco Settlement Agreement and any federal funds available for this purpose. Administrative costs are to be paid from the pharmaceutical manufacturer rebates to the extent available and the \$20 annual enrollment fees. The Board shall develop a comprehensive statewide community-based outreach plan to enroll eligible persons and the Department of Medical Assistance Services shall report annually on the program's implementation. No entitlement to prescription drug coverage on the part of any eligible person or any right or entitlement to participation is created and such coverage shall only be available to the extent that funds are appropriated therefor. This bill has been incorporated into HB 1665.

Patron - Morgan

[F] HB2208 Medical assistance services; applications for children. Permits a child's application for medical assistance services to be filed by a parent, legal guardian, or any other adult caretaker who is familiar with the child's circumstances.

Patron - Van Landingham

[F] HB2209 Children's health insurance; application. Permits a child's application for Family Access to Medical Insurance Security Plan or Virginia Children's Medical Security Insurance Plan to be filed by a parent, legal guardian, or any other adult caretaker who is familiar with the child's circumstances.

Patron - Van Landingham

[F] HB2210 Children's health insurance; waiting period exception. Eliminates the waiting period for previously insured children for coverage under the Children Medical Security Insurance Plan and the Family Access to Medical Insurance Security Plan where the applicant can document that the cost of previous health insurance has exceeded 10 percent of the family's countable monthly income for a period of three consecutive months.

Patron - Van Landingham

[F] HB2226 Virginia Tobacco Settlement Fund; tobacco compliance checks. Ensures that the Department of Alcoholic Beverage Control will receive money from the Virginia Tobacco Settlement Fund to conduct tobacco compliance checks.

Patron - Almand

[F] HB2227 Health; vital statistics. Clarifies that persons who may request and receive official copies of death certificates are persons with a direct and tangible interest, including surviving relatives and their legal representatives, and legal beneficiaries.

Patron - Almand

[F] HB2257 Health; nursing home standards. Requires the Board of Health to establish staffing standards for nursing homes that will provide an average of five hours of direct care services per resident per 24-hour period to be reported quarterly.

Patron - Watts

[F] HB2264 Reporting, compilation, and analysis of data on abortion procedure complications. Mandates that the Board of Health require reporting of and will compile and analyze data on complications resulting from any abortion procedure. Any physician, regardless of whether he performed the abortion, who treats a patient experiencing complications from an abortion procedure that occur within 60 days of the performance of the procedure must report to the Board on such complications in accordance with the Board's regulations. The Board's regulations will address, among other complications, any infections, perforations, long-term reproductive dysfunction, and psychological problems that may have resulted from abortions.

Patron - Marshall

[F] HB2265 Definition of hospital; abortion clinics. Defines the term "hospital" to include any clinic performing 25 or more abortions per year. Any such clinic will be subject to all of the requirements for outpatient surgical hospitals and the regulations of the Board in the same manner as any other hospital, including any standards, inspections, staffing and laboratory requirements, equipment mandates, or other criteria. Such facilities will not, however, be subject to the requirements of the certificate of public need law unless desiring to become licensed as ambulatory surgery centers.

Patron - Marshall

[F] HB2276 Medical assistance services. Requires the Board of Medical Assistance Services to amend the state plan for medical assistance services to include a provision to

revise the payment methodology for nursing facility reimbursement that addresses the nursing personnel shortages in rural nursing facilities. This bill requires an exception for rural nursing facilities to the uniform expense classification requirement that allowable expenses for operating costs not exceed the limits or ceilings or both established in the payment system when the allowable expenses for operating expenses have exceeded the limits or ceilings or both because, in order to maintain regular nursing staff levels for direct patient care during a nursing shortage, a rural nursing facility has had to hire contract nurses at higher salary rates than the rates used in the facility's gross salary calculations in its previous annual cost report. These extraordinary expenses must be defined as significant operational changes that can be demonstrated to have a major impact on the fiscal stability of the rural nursing facility. The rural nursing facility will have the right to submit amendments to its previous annual cost report immediately upon incurring these expenses, receive an adjustment of its prospectively determined operating cost rate or ceiling regardless of its peer group, and obtain a recalculation of its reimbursement rate based on the adjustment within 30 days of submission of the amended cost report. Reimbursement of the rural nursing facility on the basis of the newly recalculated reimbursement rate must be initiated within 30 days of the recalculation of the reimbursement rate.

Patron - Day

[F] HB2296 Children's health insurance. Requires the enrollment of children in the Virginia Children's Medical Security Insurance Plan or the Family Access to Medical Insurance Security Plan during the period in which their Medicaid eligibility is determined.

Patron - Brink

[F] HB2297 Children's health insurance; single application. Requires a single application to be used to determine eligibility for the Family Access to Medical Insurance Security Plan and Medicaid.

Patron - Brink

[F] HB2319 Health; pharmacy scholarships and loans. Establishes a scholarship and loan repayment program for qualified pharmacy students or graduates of an accredited pharmacy school in the Commonwealth. This is similar in nature to current programs for nurses, physicians, physician assistants and dentists. Any funds remaining in each of the scholarship or loan repayment funds shall not revert to the general fund but shall remain in that program for its purposes.

Patron - Jones, S.C.

[F] HB2409 Funding of local health departments. Requires, notwithstanding any other provision of law or regulation to the contrary, the Board of Health to include, in any agreement with any county or city for the operation of its health department or any funding allocation for any independent local health department, a stipulation for the Commonwealth to assume, on a phased-in basis, the full costs of such services and operations of the various local health departments as are required by state law. The Board's funding allocations must provide for such yearly incremental increases to reach 100 percent state funding of all required local health department services and operations over a five-year period, beginning on July 1, 2002, and ending on June 30, 2006.

Patron - Bryant

[F] HB2432 Virginia Tobacco Settlement Fund. Clarifies that the sole purpose for which the moneys in the Virginia Tobacco Settlement Fund may be awarded is for financing efforts to restrict minors' tobacco use.

Patron - O'Bannon

[F] HB2633 Virginia Prescription Drug Payment Assistance Program. Establishes a program to be administered by the Department of Medical Assistance Services, modeled on Delaware's Prescription Drug Payment Assistance Program, to assist eligible elderly and disabled Virginians in paying for prescription drugs. The Department of Medical Assistance Services may contract with third-party administrators to provide administrative services that include enrollment, outreach, eligibility determination, data collection, premium payment and collection, financial oversight and reporting. The benefit is limited to prescription drugs manufactured by pharmaceutical companies that agree to provide manufacturer rebates. Eligible persons must have incomes at or below 150 percent of the federal poverty level or have prescription drug expenses that exceed 40 percent of their annual income, as set forth in the appropriations act. They must also be age 65 or older or eligible for federal Old Age, Survivors and Disability Insurance Benefits, not be receiving a prescription drug benefit through a Medicare supplemental policy or other third-party payor prescription benefit as of July 1, 2001, and be ineligible for Medicaid prescription benefits; however, nothing shall prohibit the enrollment of a person in the Program during the period in which their Medicaid eligibility is determined. Eligible enrollees will receive an identification card to be presented to pharmacists and will start receiving the benefit the month after their eligibility is determined. Benefits will be paid to pharmacies under a point-of-service claims procedure to be established by the Department of Medical Assistance Services. Participants are required to make a co-payment for each prescription, which in general will not exceed 25 percent of the cost, but not less than five dollars. Money to pay the claims will come from the newly established Prescription Assistance Fund, which is to be financed by 10 percent of the proceeds received by the Commonwealth under the Master Tobacco Settlement Agreement and any federal funds available for this purpose. Administrative costs are to be paid from the pharmaceutical manufacturer rebates to the extent available and the \$20 annual enrollment fees. The Board shall develop a comprehensive statewide community-based outreach plan to enroll eligible persons and the Department of Medical Assistance Services shall report annually on the program's implementation. No entitlement to prescription drug coverage on the part of any eligible person or any right or entitlement to participation is created and such coverage shall only be available to the extent that funds are appropriated therefor. This bill has been incorporated into HB 1665.

Patron - Christian

[F] HB2661 Pilot project for computerization of local septic system data. Requires the Commissioner of Health, as part of the development of a statewide database module with local compatibility, to implement a pilot project for the Counties of Bedford, Franklin, and Pittsylvania to computerize the data on septic systems with the goal of producing data capable of being merged with real estate records, particularly for the areas surrounding Smith Mountain Lake. The pilot project must establish a database for the storage and retrieval of information on local septic systems based on installation permits. Information resulting from septic tank pumpouts and other maintenance must also be included in this database. All the information in the database must be capable of being merged with the local real estate records. The Commissioner is required to implement the pilot project solely with state funds and must exempt the relevant counties from the cost-sharing requirements of the state/local cooperative budget formula.

Patron - Putney

[F] HB2748 Criminal records checks for nursing home employees. Requires the Department of Health to screen

prospective applicants to assess whether such persons have been successfully rehabilitated and are not a risk to residents of the nursing home based on their criminal history backgrounds. The Department may contract for such screening services. To be eligible for such screening, the applicant must have completed all prison or jail terms; not be under probation or parole supervision, or any suspended sentence; have no pending charges in any locality, have paid all fines, restitution, and court costs for any prior convictions; and have been free of any suspended sentence, parole or probation for at least seven years for drug convictions and five years for all other convictions. In addition to any such additional information as the Department may require or the prospective applicant wishes to present, the prospective applicant must provide to the state screening contractor a statement from his most recent probation or parole officer, if any, outlining his period of supervision, together with a copy of any pre-sentencing or post-sentencing report in connection with each felony conviction. The prospective applicant must pay the cost of such screening, unless the licensed nursing home decides, at its option to pay such cost.

Patron - Barlow

[F] HB2780 Health; infection reporting. Requires every hospital licensed by the Board of Health to report to the Board all infections contracted by patients while in the hospital. The Board shall compile and analyze this data for use in health facility regulation and protection of consumer health. The Board shall also share this information, in such a way as to protect the anonymity of the patients, with the Division of Consumer Counsel in the Office of the Attorney General and with the Administrator of Consumer Affairs in the Department of Agriculture and Consumer Services.

Patron - Purkey

[F] HB2800 Regulation of health care facilities. Establishes a three-phase plan for deregulation of certain medical care facilities' certificate of public need (COPN) services as required by § 32.1-102.13. This bill sets out substantially the components of the Joint Commission on Health Care's COPN deregulation plan in numerous enactments. The first enactment sets forth goals and an outline for the deregulation and will be effective in due course. Each of the three-deregulation phases are set out in separate, designated enactments. The goals of the deregulation are to (i) offer more choices to patients while simultaneously providing consumers with better information about the value of services in all settings; (ii) ensure that access to essential health care services for all Virginians, particularly the indigent and the uninsured, is preserved and improved, in so far as possible; (iii) provide strong quality protections that correspond to service intensity and/or patient risk and apply similarly across all health care settings; and (iv) support indigent care and medical education costs at the academic health centers. Phase I proposes to deregulate equipment purchases and introduction of new services for computed tomographic (CT) scanning, lithotripsy, magnetic resonance imaging (MRI), magnetic source imaging (MSI), positron emission tomographic (PET) scanning, and all nuclear medicine imaging. Phase II proposes to deregulate equipment purchases and the introduction of new services for cardiac catheterization, gamma knife surgery, and radiation therapy. Phase III proposes to deregulate ambulatory surgery centers, neonatal special care, obstetric services, open-heart surgery, and organ transplantation services. Simultaneously with the elimination of the COPN requirements, the providers of the COPN-deregulated services will be required to comply with licensure requirements promulgated and administered by the Board of Health, consistent with appropriate existing, nationally recognized accreditation standards. The various COPN-deregulated providers will also be required to report claims data, certain quality outcome information for selected high risk procedures,

where applicable, and annual financial information on indigent care. Studies of the effects of the deregulation and various related health care issues will be required at each phase of the deregulation.

Patron - Rust

[F] HB2828 Medical assistance services; breast or cervical cancer treatment for certain women. Requires the Board of Medical Assistance Services to include in the state plan for medical assistance a provision for payment of medical assistance, pursuant to the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (P.L. 106-354), for certain women with breast or cervical cancer when such women (i) have been screened for breast or cervical cancer under the Centers for Disease Control and Prevention (CDC) Breast and Cervical Cancer Early Detection Program established under Title XV of the Public Health Service Act; (ii) need treatment for breast or cervical cancer, including treatment for a precancerous condition of the breast or cervix; (iii) are not otherwise covered under creditable coverage, as defined in § 2701 (c) of the Public Health Service Act; (iv) are not otherwise eligible for medical assistance services under any mandatory categorically needy eligibility group; and (v) have not attained age 65. Presumptive eligibility for payment of medical assistance for treatment of breast or cervical cancer treatment on behalf of such women is required as authorized in federal law. A woman will be deemed to have been screened under the Centers for Disease Control and Prevention Breast and Cervical Cancer Early Detection Program if all or part of the costs of her screening services have been paid for with CDC Title XV funds or, although her screening services were not paid for by CDC Title XV funds, she has received her screening from a provider or entity that is at least partially funded by CDC Title XV funds or her screening was performed by any provider or entity deemed by the Virginia CDC Title XV grantee as a partner in the state's CDC Title XV activities.

Patron - Amundson

[F] HB2829 Virginia Health Care Trust Fund. Establishes the Virginia Health Care Trust Fund into which 10 percent of the amount received by the Commonwealth pursuant to the Master Tobacco Settlement Agreement shall be deposited annually. The fund shall be used for health care purposes as specified in the general appropriations act.

Patron - Brink

[F] SB804 Medical assistance services. Requires the state plan for medical assistance services to include a provision for payment of medical assistance services for aged and disabled individuals with incomes up to 100 percent of the federal poverty line.

Patron - Reynolds

[F] SB845 Long-term care facilities; voluntary closure or nonrenewal of license or provider agreement and receivership. Provides procedures and consumer protections in the event a long-term care facility chooses voluntarily to close or not to renew its license or provider agreement. All licensed nursing homes, certified nursing homes and assisted living facilities shall notify in writing the appropriate state licensing agency, residents and their authorized representatives and physicians of its intent to close no less than 120 days in advance of its intended closure in order to provide residents the time needed to search for and select a new long-term care facility. The long-term care facility must submit a resident relocation plan to the appropriate state licensing agency for its approval within seven days of the written notification of intent to close or not renew its license or provider agreement. A copy of the relocation plan shall be provided to the Office of the State Long-Term Care Ombudsman. A relocation team will be

formed, within seven days of the written notification, comprised of representatives from the state licensing agency, the Department of Medical Assistance Services, the local long-term care ombudsman, the local department of social services, and, when appropriate, the local community services board. The costs of the relocation team shall be absorbed by the agencies as part of their normal duties and responsibilities. The state licensing agency shall not provide written approval of the relocation plan until it has input from the relocation team and the Office of the State Long-Term Care Ombudsman. Department review and approval of the relocation plan shall occur within seven calendar days of receipt of the Office of the State Long-Term Care Ombudsman and local relocation team's recommendations. Failure by the long-term care facility to comply with these provisions shall result in the state licensing agency petitioning the circuit court in the jurisdiction in which the long-term care facility is located for the appointment of a receiver. Finally, the bill provides a process for receivership for noncompliant assisted living facilities commensurate with that of nursing homes and certified nursing facilities. This bill is identical to HB 1920.

Patron - Couric

[F] SB1076 Duties and responsibilities of local health departments in emergencies. Requires the Secretary of Health and Human Resources, in consultation with the Department of Emergency Management, to study the duties and responsibilities of local health departments to assist special populations during emergencies and disasters. In conducting the study, the Secretary must, among other things, (i) assess the adequacy of state and local emergency management plans and preparedness to manage special populations during emergency situations and disasters; (ii) determine the availability of caregivers, shelters, facilities, and resources required to serve elderly or disabled citizens who are not mobile or who depend on life support systems; and (iii) suggest ways to correct any identified deficiencies.

Patron - Maxwell

[F] SB1081 Comprehensive Services Act for At-Risk Youth and Families. Provides that local governing bodies cannot be required to provide any local match share of Medicaid provider payments, when collected by the Office of Comprehensive Services on behalf of the Department of Medical Assistance Services to be paid into the "Comprehensive Services Act Local Match Fund" pursuant to the budget or other state law, for Medicaid-eligible children or youth who are placed in residential treatment or care or therapeutic foster care. Local governments are still required to provide their share of special education and foster care costs.

Patron - Maxwell

[F] SB1084 Regulation of health care facilities. Establishes a three-phase plan for deregulation of certain medical care facilities' certificate of public need (COPN) services as required by § 32.1-102.13. This bill sets out the Joint Commission on Health Care's COPN deregulation plan in numerous enactments. The first enactment sets forth the goals and an outline of the Plan and will be effective in due course. Each of the three deregulation phases are set out in separate, designated enactments and will only become effective upon the appropriation of certain funds built into the various phases, e.g., for indigent care and Medicaid expansions. The goals of the plan are to (i) offer more choices to patients while simultaneously providing consumers with better information about the value of services in all settings; (ii) ensure that access to essential health care services for all Virginians, particularly the indigent and the uninsured, is preserved and improved, in so far as possible; (iii) provide strong quality protections that correspond to service intensity and/or patient risk and apply similarly across all

health care settings; (iv) support indigent care and medical education costs at the academic health centers; and ensure that the Commonwealth's health care financing programs reimburse at a level that covers the allowable costs of care and that the Commonwealth meets its obligations as a responsible business partner. Phase I proposes to deregulate equipment purchases and introduction of new services for computed tomographic (CT) scanning, lithotripsy, magnetic resonance imaging (MRI), magnetic source imaging (MSI), positron emission tomographic (PET) scanning, and all nuclear medicine imaging. Phase II proposes to deregulate equipment purchases and the introduction of new services for cardiac catheterization, gamma knife surgery, and radiation therapy. Phase III proposes to deregulate ambulatory surgery centers, neonatal special care, obstetric services, open-heart surgery, and organ transplantation services. Simultaneously with the elimination of the COPN requirements, the providers of the COPN-deregulated services will be required to comply with licensure requirements promulgated and administered by the Board of Health, consistent with appropriate existing, nationally recognized accreditation standards. The various COPN-deregulated providers will also be required to report claims data, certain quality outcome information for selected high risk procedures, where applicable, and annual financial information on indigent care. Studies of the effects of the deregulation and various related health care issues, e.g., the funding of medical education at the undergraduate and graduate levels, various Medicaid eligibility issues, and contributions to indigent care by the COPN-deregulated providers, will be required at each phase of the deregulation. Much of the substance of the Plan is set out in the various enactment clauses, i.e., the appropriation conditions, the establishment of a task force to assist the Board of Health, requirements for emergency regulations at appropriate intervals, etc. Although the various provisions of this bill are contingent upon appropriation of funds, the authority to determine the amount and sufficiency of the funding is left to the relevant appropriation act.

Patron - Bolling

[F] SB1125 Requirements for nursing home licensure. Establishes, as a condition of licensure, staffing standards for all nursing homes as follows: (i) each nursing home must have a full-time director of nursing who must be a professional registered nurse; (ii) each nursing home must have designated nursing supervisors on duty at all times who must be professional registered nurses; (iii) each nursing home with 100 beds or more must employ a full-time assistant director of nursing who must be a professional registered nurse; (iv) each nursing home with fewer than 100 beds must employ a part-time professional registered nurse as assistant director of nursing; (v) each nursing home with 100 beds or more must employ a full-time director of in-service education; and (vi) each nursing home with fewer than 100 beds must employ a part-time director of in-service education. In addition, each nursing home must maintain a minimum staffing ratio of registered nurses or licensed practical nurses to residents of at least one to 15 during the day shift, at least one to 20 during the evening shift, and at least one to 30 during the night shift. A nursing home must maintain a minimum staffing ratio of certified nurse aides to residents of at least one to five during the day shift, at least one to five during the evening shift, and at least one to 10 during the night shift. Further, in order to meet the individual needs of residents with extensive nursing care requirements or higher acuity levels, each nursing home must decrease the established caregiver to resident ratios. On a form provided by the Board, each nursing home must post, in a manner easily visible and readily accessible to residents, families, caregivers, and others on each wing and floor of its facility, the actual staffing ratios, according to the most recently completed cost reporting period, grouped by categories of employees and shifts and a list, in at

least 48-point type, of the names of the nursing staff on duty at the beginning of each shift on each such wing or floor. This information must be expressed in actual numbers and as staffing ratios, and must include the actual numbers of additional staff employed to meet the additional needs of residents with extensive nursing care requirements or higher acuity levels. The Commissioner of Health is required to ensure that the nursing home staffing requirements are enforced and, in the case of any violations, the Commissioner may evoke various penalties and remedies.

Patron - Byrne

[F] SB1180 Virginia Tobacco Settlement Fund. Revises the purposes for which the moneys in the Virginia Tobacco Settlement Fund may be awarded to include health care purposes generally as well as specific efforts to restrict minors' tobacco use. All recipients of moneys from the Fund are required to establish and maintain policies that restrict the use of tobacco products by minors.

Patron - Hanger

[F] SB1249 Medical assistance services. Requires the Board of Medical Assistance Services to amend the state plan for medical assistance services to include (i) a provision allowing the Director to make exceptions to the payment system for nursing facility reimbursement to allow an increase in the direct patient care payment rate for a nursing facility based upon extraordinary circumstances and a provision allowing a nursing facility that expands its bed capacity by 60 beds to have the option of retaining its prospective rate or being treated as a new nursing facility without having to comply with the occupancy requirements. The Director will be authorized to make an exception to the payment methodology to allow the reimbursement of allowable direct patient care operating costs in excess of direct patient care operating cost limits and or ceilings or both established under the payment system when a nursing facility incurs such costs due to extraordinary circumstances beyond the control of the administrator or owner of the nursing facility. The nursing facility must demonstrate that the extraordinary costs were caused by factors beyond its control, that these costs have a major negative effect on its fiscal stability, and that the costs are necessary in order to assure compliance with licensure and certification requirements. The nursing facility will have the right to file a cost report addendum and supporting documents to justify an increase in its direct patient care payment rate. The Director is required to act on the request within 30 days and any authorized increase in the direct payment rate will be retroactive to the date of the filing of the request for the increase. The increased payment will be subject to time limits, periodic reporting, and retroactive audit.

Patron - Reynolds

[F] SB1327 Health; pharmacy scholarships and loans. Establishes a scholarship and loan repayment program for qualified pharmacy students or graduates of an accredited pharmacy school in the Commonwealth. This is similar in nature to current programs for nurses, physicians, physician assistants and dentists. Any funds remaining in each of the scholarship or loan repayment funds shall not revert to the general fund but shall remain in that program for its purposes. A second enactment provides that the provisions of this act will not become effective unless an appropriation effectuating the purposes of this act is included in the 2001 Appropriations Act, passed during the 2001 Session of the General Assembly and signed into law by the Governor.

Patron - Martin

[F] SB1390 Regulation of health care facilities. Establishes a three-phase plan for deregulation of certain medical care facilities' certificate of public need (COPN) services

as required by § 32.1-102.13. This bill sets out substantially the components of the Joint Commission on Health Care's COPN deregulation plan in numerous enactments. The first enactment sets forth goals and an outline for the deregulation and will be effective in due course. Each of the three-deregulation phases are set out in separate, designated enactments. The goals of the deregulation are to (i) offer more choices to patients while simultaneously providing consumers with better information about the value of services in all settings; (ii) ensure that access to essential health care services for all Virginians, particularly the indigent and the uninsured, is preserved and improved, in so far as possible; (iii) provide strong quality protections that correspond to service intensity and/or patient risk and apply similarly across all health care settings; and (iv) support indigent care and medical education costs at the academic health centers. Phase I proposes to deregulate equipment purchases and introduction of new services for computed tomographic (CT) scanning, lithotripsy, magnetic resonance imaging (MRI), magnetic source imaging (MSI), positron emission tomographic (PET) scanning, and all nuclear medicine imaging. Phase II proposes to deregulate equipment purchases and the introduction of new services for cardiac catheterization, gamma knife surgery, and radiation therapy. Phase III proposes to deregulate ambulatory surgery centers, neonatal special care, obstetric services, open-heart surgery, and organ transplantation services. Simultaneously with the elimination of the COPN requirements, the providers of the COPN-deregulated services will be required to comply with licensure requirements promulgated and administered by the Board of Health, consistent with appropriate existing, nationally recognized accreditation standards. The various COPN-deregulated providers will also be required to report claims data, certain quality outcome information for selected high risk procedures, where applicable, and annual financial information on indigent care. Studies of the effects of the deregulation and various related health care issues will be required at each phase of the deregulation.

Patron - Williams

Highways, Bridges and Ferries

[P] Passed

[P] HB1645 Subdivision streets. Changes from July 1, 1988, to July 1, 1990, the date by which subdivision streets had to be open to the public in order to be eligible to be taken into the state secondary system. This bill incorporates HB 1676 and HB 1695.

Patron - Jackson

[P] HB1703 Virginia Alternative Fuels Revolving Fund. Corrects an erroneous reference in § 33.1-223.9 from "this chapter" to "this article." This is a technical amendment only.

Patron - Howell

[P] HB1743 Terry L. Griffith Memorial Highway. Designates the U. S. 460 bypass in Christiansburg the "Terry L. Griffith Memorial Highway."

Patron - Griffith

[P] HB1923 Everett H. Hogge Memorial Highway. Names Harpersville Road in Newport News, between US Route 60 and US Route 17, the "Everett H. Hogge Memorial Highway."

Patron - Hamilton