

**FHB527 Escape and custody.** Redefines the law of custody as follows: a person shall be deemed to be lawfully in the custody of a law-enforcement officer if, when he receives an oral communication from the officer that he is under arrest, (i) the officer has the immediate ability to place the person under formal arrest, and (ii) a person of ordinary intelligence and understanding who received such communication would know that he is not free to leave. This change overrules the holding in *Cavell v. Commonwealth*, 28 VA. App. 484, 506 S. E. 2d 552 (1998).

*Patron - Devolites*

**FHB549 Death penalty; moratorium on executions.** Provides a two-year moratorium on executions of prisoners sentenced to death. All other matters of law relating to the death penalty, such as bringing and trying capital charges, sentencing proceedings, appeals and habeas review are not affected by the bill.

*Patron - Callahan*

**FHB594 Compensation of court-appointed counsel.** Requires the Supreme Court of Virginia to establish a schedule for all fees paid to court-appointed counsel that is equal to the national average paid to court-appointed counsel.

*Patron - Moran*

**FHB595 Unrestorable incompetent defendants.** Corrects an error in placement of the words "without prejudice" (modifying the term "dismissed") and creates the meaning originally intended by the statute.

*Patron - Albo*

**FHB767 Parole; community-based programs.** Requires the Department of Corrections to give nonviolent prisoners the opportunity to participate in residential community programs, work release, or community-based programs approved by the Secretary of Public Safety within six months of such prisoner's projected or mandatory release date.

*Patron - Watts*

**FHB768 Substance abuse screening for designated felony conviction.** Authorizes the court to suspend, with terms and conditions, including periodic drug abuse screening, the sentence imposed on a person convicted of a felony violation when the sentence would be three years or less under the sentencing guidelines. If any part of the sentence is suspended, the court shall require the defendant to enter a drug treatment program and to submit to periodic substance abuse screening, and to pay for all or part of the treatment program and screening, based upon his ability to pay. Provision is made for the defendant to serve the original sentence should he fail any term or condition of his suspension.

*Patron - Watts*

**FHB788 Deferred disposition; costs.** Requires the court to impose costs upon a defendant when the court defers further proceedings, does not enter a judgment of guilt and places the defendant on probation. This bill is a recommendation of the Committee on District Courts.

*Patron - Armstrong*

**FHB815 Ex parte motions in death penalty cases.** Provides that a defendant represented by appointed counsel shall be permitted to file an ex parte motion seeking appointment of one or more experts or funding for expert assistance.

*Patron - Almand*

**FHB959 Petition for writ of actual innocence based on previously unknown evidence of actual innocence.**

Allows a convicted and incarcerated individual to petition the Supreme Court for a writ of actual innocence based upon any new evidence, not just DNA.

*Patron - Almand*

**FHJ63 Bail bondsmen.** Requests the Department of Criminal Justice Services to study whether the responsibility for the certification and supervision of bail bondsmen should be shifted from the judicial branch to the executive branch of state government. This resolution is incorporated into HJR 201.

*Patron - Howell*

**FSB10 Death Penalty Opposition Registry.** Provides that a person may devise his entire estate to the Virginia Board of Corrections expressly for use by the Board to defray the cost of life imprisonment of persons convicted of capital murder and that if a person (i) so devises his entire estate, (ii) registers his opposition to the death penalty in a Death Penalty Opposition Registry and (iii) is the victim of capital murder, the person convicted of the capital murder shall not be eligible for execution.

*Patron - Barry*

**FSB90 Death penalty; moratorium on executions.** Provides that the State shall not conduct executions of prisoners sentenced to death. All other matters of law relating to the death penalty, such as bringing and trying capital charges, sentencing proceedings, appeals and habeas review are not affected by the bill.

*Patron - Marsh*

**FSB106 Public defender office; Montgomery County.** Adds Montgomery County to the list of localities that have public defender offices.

*Patron - Marye*

**FSB210 Criminal history records information incident to an emergency placement of a child.** Permits a child-protective services worker of a local department of social services or a law-enforcement officer to obtain a search of the central registry of child abuse and neglect and a criminal history records check of the Central Criminal Records Exchange incident to an emergency placement of a child in need of services when the worker or officer is considering placing the child with a responsible adult, other than the child's parent or legal guardian.

*Patron - Ticer*

**FSB227 Indictment.** Provides that a person arrested for a felony may be indicted prior to the preliminary hearing, in which case there is no preliminary hearing.

*Patron - Trumbo*

**FSB273 Criminal history records check.** Grants access to a dispatcher of a 911 emergency system for the purpose of determining and informing any first responders if any person who is the subject of a call has been convicted of a crime.

*Patron - Puckett*

**FSB434 Jury sentencing.** Provides that a Virginia Criminal Information Network (VCIN) report on the defendant's prior convictions is prima facie evidence of such convictions. The defendant has the right to challenge evidence of prior convictions prior to their admission. The bill also provides that if the convicting jury is not available at the time of sentencing a different jury shall be impaneled.

*Patron - Williams*

**FSB473 Criminal procedure; speedy trial.** Adds another exception to the requirement for a speedy trial by providing that the statutory time limit for trying the accused is tolled when the reason for delay is due to a witness being called to active military duty.

*Patron - Quayle*

## Carried Over

**CHB292 Authority to defer and dismiss.** Provides that before a judgment of guilt in a misdemeanor or felony prosecution, 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, provided that in any case involving (i) a felony or a misdemeanor in which the Commonwealth is represented and both the attorney for the Commonwealth and the defendant consent, (ii) any other misdemeanor, when the punishment does not include a mandatory, minimum term of incarceration, the defendant has no prior criminal record and the defendant consents or (iii) any traffic infraction and the defendant consents. 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*

**CHB365 Criminal procedure; offenses committed on boundary of localities.** Clarifies that a law-enforcement officer of either city has the authority to make an arrest when an offense is committed on the boundary of two cities.

*Patron - Cosgrove*

**CHB454 Orders for facial recognition technology.** Creates a procedure by which a locality or a law-enforcement agency shall apply for an order from a court prior to employing facial recognition technology. Facial recognition technology means any technology or software system that identifies humans by using a biometric system to identify and analyze a person's facial characteristics and is employed for the purpose of matching a facial image captured by cameras placed in any public place, other than in a state or local correctional facility, with an image stored in a database.

*Patron - Griffith*

**CHB957 Imposition of the death sentence upon mentally retarded defendants prohibited.** Prohibits the imposition of the death penalty upon a mentally retarded defendant. The bill makes it clear that the prohibition does not prevent a defendant from being charged with or tried for a capital offense, convicted of a Class 1 felony, nor does it prevent the court from sentencing the defendant to imprisonment for life pursuant to § 18.2-10.

*Patron - Almand*

**CHB1032 Criminal history record information.** Allows the Virginia Alcohol Safety Action Program (VASAP) to access the criminal history record of a person receiving services for a reckless driving conviction.

*Patron - Moran*

**CHB1068 Criminal history record information; youth mentoring programs.** Allows any mentoring program that matches volunteers with young people to receive the required criminal history records checks free of charge.

*Patron - Van Landingham*

**CHB1165 Criminal procedure; indictment.** Provides that a person arrested for a felony may be indicted prior to the preliminary hearing, in which case there is no preliminary hearing.

*Patron - McDonnell*

**CHB1347 Criminal procedure; magistrates.** Provides that upon request, magistrates shall provide information on the amount of a bond to the public.

*Patron - Christian*

**CSB89 Petition for writ of actual innocence based on previously unknown evidence of actual innocence.** Allows a convicted and incarcerated individual to petition the Supreme Court for a writ of actual innocence based upon any new evidence, not just DNA.

*Patron - Marsh*

**CSB155 Discharge and dismissal; larceny.** Adds larceny to the crimes where the court can place the defendant on probation, even though the facts justify a finding of guilt, and discharge the defendant and dismiss the proceedings against him if he fulfills the terms and conditions of his probation. Like the crimes currently listed in the section, larceny qualifies only if it is a misdemeanor and a crime against property.

*Patron - Norment*

**CSB318 VCIN and NCIC.** Provides an exception to the requirement that a felony warrant be entered into the Virginia Criminal Information Network (VCIN) and National Crime Information Center (NCIC) within 72 hours of receipt of the warrant. The 72-hour period can be extended for no more than 60 days if the chief judge of the circuit court determines that the public safety would be served by such a delay.

*Patron - Stolle*

**CSB532 Restitution.** Provides that the Supreme Court shall develop a central repository of information to record the amount of restitution ordered, the amount collected and the time frame for repayment, and shall provide technical assistance to localities regarding enforcing the collection of restitution.

*Patron - Howell*

**CSB636 Court-appointed counsel; compensation.** Allows the court to award compensation in excess of statutory limits when the court finds that the time and effort expended by counsel in a circuit court case justifies the award. In making its determination the court is to consider the nature of the charges, the duration of the litigation, the complexity of the legal issues involved and the total number of hours in and out of court.

*Patron - Stolle*

## Domestic Relations

### Passed

**PHB1034 Determination of child support.** Allows a reduction in gross income for half of the self-employment tax paid in determining child support obligations.

*Patron - Crittenden*

### Failed

**FHB296 Premarital counseling; affidavit.** Requires a couple to receive, prior to the marriage, a minimum of eight

hours of counseling concerning the nature and responsibilities of a marital relationship.

*Patron - McDonnell*

**FHB417 Child custody and visitation; factors for determining best interests of the child.** Adds several additional factors including consideration of (i) parental alienation syndrome (a disturbance in which a child is obsessed with deprecation and criticism of a parent and denigration that is unjustified or exaggerated); (ii) whether one parent has alienated the child's respect, confidence, affection and attachment for the other parent resulting in hostile or indifferent behavior; and (iii) any parenting action plan submitted by both or each parent that sets forth parental decision-making, parenting time, financial responsibilities, and residential arrangements for the child. The bill also requires the court, in its written order, to articulate the factors considered including an explanation of why frequent and continuing contact with both parents is not appropriate.

*Patron - Reese*

**FHB447 Child custody and visitation; relocation.** Provides that relocation that extends the distance between the parents to greater than 25 miles or outside the state, or that impedes or prevents the exercise of a court order for visitation constitutes a material change of circumstances sufficient to allow a court to change custody or visitation. The bill lists factors that the court must consider before permitting a change in the child's legal residence.

*Patron - Jones, J.C.*

**FHB458 Child custody and visitation; relocation.** Provides that relocation that extends the existing distance between the parents by more than 50 miles, or from inside to outside the state, or that impedes or prevents the exercise of a court order for visitation constitutes a material change of circumstances sufficient to allow a court to change custody or visitation. The bill lists factors that the court must consider before permitting a change in the child's legal residence.

*Patron - Griffith*

**FHB600 Encouragement or requirement to abort a fetus.** Provides that any provision in a surrogacy contract requiring or encouraging the surrogate to abort a fetus, under any circumstance, is void ab initio.

*Patron - Black*

**FHB831 Child custody and visitation.** Establishes a rebuttable presumption that both parents shall share equitably in child-rearing responsibilities. The bill also provides that time with the child may be supervised if a parent is found guilty of child abuse or neglect.

*Patron - Nixon*

**FHB998 Child support.** Authorizes the court to appoint counsel for the defendant against whom a warrant or summons has been issued in child support cases.

*Patron - McDonnell*

**FHB1132 Child custody and visitation; factors for determining best interests of the child.** Adds several additional factors including consideration of (i) parental alienation syndrome (a disturbance in which a child is obsessed with deprecation and criticism of a parent and denigration that is unjustified or exaggerated); (ii) whether one parent has alienated the child's respect, confidence, affection and attachment for the other parent resulting in hostile or indifferent behavior; and (iii) any parenting action plan submitted by both or each parent that sets forth parental decision-making, parenting time, financial responsibilities, and residential arrangements for the child.

The bill also requires the court, in its written order, to articulate the factors considered including an explanation of why frequent and continuing contact with both parents is not appropriate.

*Patron - Dillard*

**FHB1138 Child custody and visitation; relocation.** Provides that relocation that extends the distance between the parents to greater than 25 miles or outside the state, or that impedes or prevents the exercise of a court order for visitation constitutes a material change of circumstances sufficient to allow a court to change custody or visitation. The bill lists factors that the court must consider before permitting a change in the child's legal residence. This bill is incorporated into HB 458.

*Patron - Dillard*

**FHB1143 Child custody and visitation.** Amends the criminal penalty provision for violation of a court order respecting the custody or visitation of a child by providing that the sworn statement of any person, administered under oath, supported by a party's affidavit and verification of the court order, constitutes sufficient probable cause for the issuance of a warrant and by raising the penalties for violations. This bill is incorporated into HB 416.

*Patron - Dillard*

**FSB277 Child custody and visitation.** Establishes a rebuttable presumption that both parents shall share equitably in child-rearing responsibilities. The bill also provides that time with the child may be supervised if a parent is found guilty of child abuse or neglect.

*Patron - Marsh*

**FSB545 Testimony of teachers in custody or visitation cases.** Provides that prior to issuing a subpoena for a teacher to testify at a deposition regarding the custody or visitation of a child, the issuing party must contact the teacher to determine the teacher's schedule and unless otherwise ordered by the court, ensure that the testimony is scheduled at a time that does not conflict with the teacher's teaching schedule. If the issuing party fails to make such contact the subpoena may be quashed and attorney's fees may be awarded against the issuing party.

*Patron - Mims*

## Carried Over

**CHB610 Uniform Interstate Family Support Act (UIFSA).** Updates the Act, which Virginia adopted in 1994 to replace the Uniform Reciprocal Enforcement of Support Act. The amendments were proposed by the National Conference of Commissioners on Uniform State Laws (NCCUSL) at its 2001 annual meeting. The changes are mainly clarifying and updating UIFSA to reflect changes in federal law. The purpose of the act is to limit modification of child support orders to a single state to reduce the number of interstate jurisdictional disputes. Except in narrowly defined circumstances, the only state able to modify a support order is the one that continues to have exclusive jurisdiction over the matter. This bill expands the definition of state so other countries may have their orders enforced in the U.S. It also allows for an individual state to make an arrangement with a foreign country for reciprocal enforcement of child support. The bill includes procedures for voluntary acknowledgement of paternity.

*Patron - Bloxom*

**CHB626 No fault divorce.** Provides that the court shall not order attorney's fees in any "no-fault" divorce.

*Patron - O'Brien*

**CSB98 Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.** Furthers the "full faith and credit" provision of the federal Violence Against Women Act of 1994 regarding protection orders issued by states to ensure that full faith and credit is effectively given to protection orders. The Uniform Interstate Enforcement of Domestic Violence Protection Orders Act was adopted by the National Conference of Commissioners on Uniform State Laws (NCCUSL) in August 2000. The Act establishes a uniform system for the enforcement of domestic violence protection orders across state lines. The Act defines the meaning of full faith and credit as it relates to the interstate enforcement of domestic violence protection orders and establishes uniform procedures for interstate enforcement. Courts must enforce the terms of valid protection orders of other states as if they were entered by the enforcing state, until the order expires. All terms of the order are to be enforced, even if the order provides for relief that would be unavailable under the laws of the enforcing state. Terms that concern custody and visitation matters are enforceable if issued for protection purposes and if the order meets the jurisdictional requirements of the enforcing state. Terms of the order made with respect to support are enforceable under the Uniform Interstate Family Support Act. A law-enforcement officer, upon finding probable cause that a valid order has been violated, must enforce the order as if it were an order of the enforcing state. Law-enforcement officers, governmental agencies, attorneys for the Commonwealth, clerks of court, and other officials are protected from civil and criminal liability for enforcement of a protection order in good faith. So far the act has been adopted by California, Indiana, Montana and Texas. It has been introduced in seven other states, including West Virginia and the District of Columbia.

*Patron - Howell*

## Drainage, Soil Conservation, Sanitation and Public Facilities Districts

Passed

**PHB228 Sanitary districts.** Authorizes localities that have established sanitary districts to base their tax assessments within sanitary districts on fair market use rather than on a land use assessment, provided the property owner consents.

*Patron - Janis*

## Education

Passed

**PHB46 School crisis and emergency management plans.** Adds incidents involving acts of terrorism to those crises and events that must be addressed in the school crisis and emergency plan to be developed by each public school in the Commonwealth. Currently, the crises and events to be addressed include various natural disasters; medical emergencies; student or staff member deaths; explosions; bomb threats; gun, knife or other weapons threats; spills or exposures to haz-

ardous substances; the presence of unauthorized persons or trespassers; the loss, disappearance or kidnapping of a student; hostage situations; violence on school property or at school activities; and other incidents posing a serious threat of harm to students, personnel, or facilities. This bill is identical to SB 442.

*Patron - Hamilton*

**PHB90 Policies regarding medication recommendations by school personnel.** Requires the Board of Education to develop and implement policies prohibiting school personnel from recommending the use of psychotropic medications for any student. The policies will not prohibit school health staff from recommending that a student be evaluated by an appropriate medical practitioner, or prohibit school personnel from consulting with such practitioner, with the written consent of the student's parent. "Psychotropic medications" is defined as those medications the prescribed intention of which is to alter mental activity or state, including, but not limited to, antipsychotic, antidepressant, and anxiolytic medication and behavior-altering medication. Medications such as Ritalin (methylphenidate), Prozac (fluoxetine), and Paxil (paroxetine) would be included in this classification. HB 754 is incorporated into this bill.

*Patron - Welch*

**PHB108 Posting of certain statement.** Requires all school boards to post the statement "In God We Trust, the national motto, enacted by Congress in 1956," prominently and in a conspicuous place, in each of their schools for all students to read. "In God We Trust" is presently codified as the national motto of the United States pursuant to 36 U.S.C. § 186 (1999). This bill is identical to SB 608.

*Patron - Marshall, R.G.*

**PHB159 Standards of Learning; website for suggested improvements.** Directs the Department of Education to make available and maintain a website, either separately or through an existing website utilized by the Department, enabling public elementary, middle and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule, and related assessments required by the Standards of Quality.

*Patron - Lingamfelter*

**PHB177 The Miller School of Albemarle.** Increases the membership of the Board of Trustees of The Miller School from nine to 15 members. Five appointments each will be made by the Governor, the Judge of the Circuit Court of Albemarle County, and by the entire Board. The bill also deletes language restricting the Board's selection of banking institutions to those entities doing business in the Commonwealth.

*Patron - Abbitt*

**PHB295 Virginia Guaranteed Assistance Program.** Provides eligibility for the Virginia Guaranteed Assistance Program (VGAP) for children of active duty military personnel stationed outside Virginia (but claiming Virginia as their residence) by eliminating the requirement that these students graduate from a Virginia high school. The student must still have maintained the requisite grade point average and meet other VGAP requirements. VGAP awards are based on financial need and evidence of satisfactory academic progress. HB 475 is incorporated into this bill.

*Patron - McDonnell*

**PHB334 Joint schools.** Clarifies that school boards may operate comprehensive schools offering all-day academic programs and career and technical education as joint schools.

Regional career and technical education (CTE) centers are most often operated on half-day rotations, with students being transported to the career and technical school for their training while receiving academic programs in another school for the other portion of the day.

*Patron - Hamilton*

**PHB335 Advisory Council on Career and Technical Education.** Establishes the 17-member Advisory Council on Career and Technical Education in the legislative branch to recommend an integrated and coordinated multi-agency approach for the delivery of quality career and technical education programs and services in the public schools. The Council must facilitate the coordination of public school career and technical services with workforce training programs and efforts among agencies and institutions of the Commonwealth; receive information and advice from state agencies, authorities and other organizations addressing career and technical education and workforce development as necessary; recommend those policies, legislation, and funding that are needed to support career and technical education in the Commonwealth; promote public/private partnerships and collaboration for career and technical programs throughout the Commonwealth; and promote career and technical services for adults in need of such services. The Council must submit recommendations for career and technical education that shall include policies and goals for career and technical education services, identify career and technical education needs and gaps in services, and address identified needs for career and technical education programs annually to the Governor and the General Assembly.

*Patron - Hamilton*

**PHB357 School board policies; student surveys.** Requires local school boards to develop and implement policies to prohibit the administration of questionnaires or surveys to public school students during the regular school day or at school-sponsored events without written, informed parental consent for the student's participation in such questionnaire or survey when participation may subsequently result in the sale for commercial purposes of personal information regarding the individual student. This bill incorporates HB 397.

*Patron - Reese*

**PHB427 Assault exception for school personnel.** Expands the current teacher exception to the "simple assault" and "assault and battery" definitions to include a principal, assistant principal, guidance counselor or public school security officer.

*Patron - Black*

**PHB434 Employment of division superintendents.** Prohibits school boards from renegotiating a superintendent's contract during the period following the election or appointment of new members and ending on the date such new members are qualified and assume office. This bill is identical to SB 439.

*Patron - Janis*

**PHB435 Criminal records checks; private school employees.** Expands the list of crimes for which criminal records must be searched for persons seeking employment in a private school by referencing those crimes to any offense set forth in § 63.1-198.1 or § 63.1-248.7:2--barrier crimes for child welfare agencies, private child-placing agencies, and juvenile residential facilities.

*Patron - Janis*

**PHB493 Diploma requirements; verified units.** Directs the Board of Education to develop guidelines for local school boards to award verified units of credit for a standard

diploma for "transition" students: students entering the ninth grade in the 2000, 2001, and 2002 school years using criteria different from the current Standards of Accreditation diploma requirements. The guidelines address students in these classes who passed the relevant coursework and who meet such additional criteria as the Board shall establish for the award of such verified units, which may include, but shall not be limited to, performance on Standards of Learning assessments or other tests, including subsequent administrations of such assessments or tests; attendance and conduct requirements, and participation in remediation programs. The guidelines are applicable only to the award of the four student-selected verified units of credit required for a standard diploma pursuant to the Standards of Accreditation (SOA) (8 VAC 20-131-50 B). Students must still earn the two verified units of credit in English for a standard diploma as provided in the Standards of Accreditation. The guidelines issued by the Board shall not be subject to the Administrative Process Act (§ 2.2-4000 et seq.) and apply, retroactively and prospectively, to students entering the ninth grade for the first time in 2000, 2001, and 2002. Currently, the SOA do not specifically make the awarding of diplomas contingent upon the passage of SOL tests; however, beginning with the ninth grade class of 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). This bill is identical to SB 609 and incorporates HB 47.

*Patron - Reid*

**PHB498 School safety personnel.** Defines a school resource officer as a trained, certified law-enforcement officer hired by a local law-enforcement agency to provide law-enforcement and security services to Virginia public elementary and secondary schools and a school security officer as an individual who is employed by the local school board for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies, and detaining and apprehending students violating the law or school board policies on school property or at school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school. The measure also directs the Department of Criminal Justice Services, in consultation with the Department of Education and the Virginia State Crime Commission, to establish compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers; the training and certification will be administered by the Virginia Center for School Safety. School security officers are precluded from appointment as conservators of the peace and as special police officers. A second enactment clause provides that the training and employment standards will be applicable to persons employed as school security officers on and after September 15, 2003. This bill is identical to SB 295.

*Patron - Hamilton*

**PHB686 Driver education; organ and tissue donor awareness.** Adds organ and tissue donor awareness to the topics that must be included in instruction for driver education. Currently, the Board of Education's standardized program for driver education must include instruction regarding alcohol and drug abuse, aggressive driving, and motorcycle awareness.

The Department of Health is added to those entities cooperating in the development of the curriculum.

*Patron - Tata*

**PHB692 Reporting of certain acts to school authorities.** Adds theft or attempted theft of student prescription medications to those incidents required to be reported to school authorities, that, in turn, are to be reported to the division superintendent for annual reporting to the Department of Education. Principals are required to report the enumerated acts to law enforcement if constituting a criminal offense. Current law limits these various reporting requirements to actions involving weapons, violence, and conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity. This bill is a recommendation of the HJR 660 Joint Subcommittee to Investigate the Improper Prescription and Illegal Use and Diversion of Ritalin and OxyContin and to Study the Effects of Attention Deficit Disorder and Attention Deficit Hyperactivity Disorder on Student Performance.

*Patron - Tata*

**PHB695 School board receipt of payment by credit card.** Authorizes school boards to receive payment for services and goods by credit or debit cards. School boards accepting credit or debit card payments may, in addition to any penalties and interest, add to such payment a sum as a service charge for the acceptance of such method of payment. This bill is identical to SB 439.

*Patron - Tata*

**PHB696 Notification of reduction in force for teachers.** Directs all school boards, within two weeks of approval of the school budget by the local governing body, but no later than June 1, to notify 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 this measure effective upon passage and the measure expires on July 1, 2003. Current law authorizes the school boards of Arlington, Fairfax, Falls Church, and Prince William to provide this notification by May 15.

*Patron - Tata*

**PHB710 Western Virginia Public Education Consortium.** Adds the Counties of Bath, Henry and Patrick and the City of Martinsville to the Western Virginia Public Education Consortium and deletes the requirement that the Consortium's offices be housed at Radford University. This bill is identical to SB 559.

*Patron - Armstrong*

**PHB734 Charter schools.** Modifies the charter schools statutes by requiring the Board of Education to add the number of charters denied to its annual report to the Governor and the General Assembly and by clarifying that institutions of higher education may submit charter applications, and that the charter school and its governing body are entitled to immunity "to the same extent as a public school and its school board" and its employees and volunteers to such immunity "to the same extent as the employees and volunteers in a public school."

*Patron - Sears*

**PHB755 Satellite public education facilities.** Authorizes school boards to enter into agreements with private business and industry for the establishment, installation, renovation, remodeling, or construction of satellite classrooms for grades kindergarten through three on a site owned by the business or industry and leased to the school board at no cost. The local school board may adopt procedures for the enroll-

ment of children of employees of the private industry who reside outside the attendance zone for such classrooms. Such procedures shall be designed to ensure compliance with all federal and state laws and regulations and constitutional provisions prohibiting discrimination that are applicable to public schools and with any court-ordered desegregation plan in effect for the school division. Agreements for such satellite classrooms shall include, among other things, (i) a detailed description of the satellite site, the site development necessary for new construction, remodeling, or renovation for the accomplishment of the project, and any facility to be constructed; (ii) a plan for the reimbursement of the school division by the private industry or business upon premature termination of any such lease agreement; (iii) an enrollment plan, including grade levels to be served; and (iv) a description of any waivers to be requested from the Board of Education for the operation of such satellite classrooms. This bill also authorizes in the tax code the relevant local government, by ordinance, to provide an exemption, in whole or in part, from the licensure tax for private businesses and industries entering into these agreements.

*Patron - Amundson*

**PHB794 Textbook selection.** Directs the Board of Education, in approving basal textbooks for reading in kindergarten and first grade, to establish a minimum decodability standard based on words that students can correctly read by properly attaching speech sounds to each letter to formulate the word at seventy percent or above for such textbooks.

*Patron - Bolvin*

**PHB884 Standards of Quality; reporting.** Directs the Board of Education to include, in its annual fall report on public education needs and schools failing to meet the Standards of Quality (SOQ), a complete listing of the current SOQ, justification for each standard, how long each such standard has been in its current form, and whether the Board recommends any changes to the SOQ. This bill is identical to SB 350.

*Patron - Hamilton*

**PHB886 School crisis and emergency management plans.** Directs the Virginia Center for School Safety, the Coordinator of Emergency Management, and the Board of Education to include, within the model school crisis and emergency management plan for public schools, effective procedures and means by which parents can contact the relevant school or school division regarding the location and safety of their schoolchildren and by which school officials may contact parents, with parental approval, during a critical event or emergency. This bill is identical to SB 230.

*Patron - Hamilton*

**PHB966 Banking-at-School Partnership Program.** Authorizes local school boards to establish a Banking-at-School Partnership Program, consisting of school banks or school credit unions on the premises of public schools within the school division that have been developed and are operated jointly by a public school and a financial institution authorized to conduct business in the Commonwealth. The Program will be designed to provide a multidisciplinary method to reinforce, augment, and support the objectives of the relevant Standards of Learning and career and technical education competencies through practical experiences that (i) allow students to apply mathematical concepts, communication and computer technology skills, and knowledge of economic principles; (ii) allow students to develop proficiency in basic life skills pertaining to money management, personal finance, banking, commerce and trade, and investments; (iii) facilitate financial literacy and an understanding of the American economic system, Virginia's economy, the global economic system, and the effect of per-

sonal finance decisions on the national and state economic systems; and (iv) permit students to explore entrepreneurship and career options in banking and finance. The Program will be funded solely by gifts, grants, donations, in-kind services, and bequests received by a public school from its licensed partner financial institution. The Department of Education is to develop guidelines for these programs in consultation with the State Corporation Commission's Bureau of Financial Institutions, the Virginia Bankers Association, and the Virginia Credit Union League. Parental permission is required for student participation in these programs. Schools with high concentrations of at-risk and disadvantaged studented will be encouraged to participate in the Banking-at School Partnership Program. Enactment clauses provide that this act will not affect the continuation or operation of any existing school bank or school credit union established, prior to its effective date, by public schools and licensed financial institutions in the Commonwealth, and also sunset this act on July 1, 2006.

*Patron - Jones, D.C.*

**PHB991 Annual organizational meetings of school boards.** Requires the school board serving a city or town constituting a school division to hold its annual organizational meeting in January or July, if its members are appointed or elected or any combination thereof. This bill is identical to SB 279.

*Patron - Hall*

**PHB1136 Standards of Quality; certain elementary school personnel.** 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 may employ one full-time reading specialist "at the discretion of the local school board."

*Patron - Dillard*

**PHB1141 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 Isle of Wight County School Board is addressed in the second enactment because, in November 2001, voters approved a referendum for an elected school board; however, no election will take place until 2003. The Isle of Wight school board is required to adhere to its current cap until such time as its members are elected and duly sworn into office.

*Patron - Dillard*

**PHB1206 Family life education; adoption.** Adds instruction in the benefits of adoption as a positive choice in the event of an unwanted pregnancy to the family life education curriculum guidelines. In addition, this bill states that the Board of Education, in establishing requirements for appropriate training for teachers of family life education, must include

training in instructional elements to support the various curriculum components.

*Patron - Reese*

**PHB1272 School board salaries.** Increases the maximum annual salary for school board members in the County of Appomattox, from \$3,000 to \$5,000; in the County of Fluvanna, from \$2,400 to \$3,400; in the County of York, from \$4,000 to \$6,000; and in the City of Newport News, from \$5,000 to \$12,000. Under current law, no school board can request the General Assembly to consider an increase in its annual salary limit unless the school board has taken an affirmative vote on the requested increase. Further, no school board whose membership is elected in whole or in part can be awarded a salary increase unless a specific salary increase is approved by affirmative vote by that school board. No salary increase may become effective during an incumbent member's term of office; however, this restriction will not apply if the school board members are elected or appointed for staggered terms. This bill is similar, but not identical, to SB 200.

*Patron - Abbitt*

**PHB1277 Standards of Quality; sequential electives.** Directs the Board of Education to provide that the requirements for the standard high school diploma must include at least two sequential electives chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses. Students may take such focused sequence of elective courses in consecutive years or any two years of high school. Such focused sequence of elective courses must provide a foundation for further education or training or preparation for employment and must be developed by the school division, consistent with Board of Education guidelines and as approved by the local school board.

*Patron - Orrock*

**PHB1338 School board composition.** Provides that when a county contains a town that is a separate school division, the county school board will have no member representing the town. Instead, the county school board will be comprised of one member elected or appointed from all of the election districts except those districts having more than five percent of town residents and an additional member elected or appointed at large from the entire county, excluding the town. This bill applies solely to Westmoreland County and the Town of Colonial Beach, and King William County and the Town of West Point. This bill is identical to SB 160.

*Patron - Pollard*

**PHB1346 Virginia Teaching Loan Scholarship Program.** Extends eligibility for the Virginia Teaching Loan Scholarships to persons identified by local school boards with a shortage of teachers in any discipline or at any grade level in which the local school board determines that a shortage of teachers exists. The bill clarifies that students enrolled in any area of an approved teacher education program who are seeking endorsements in elementary or middle school education and who meet the program's requirements are also eligible to receive such awards.

*Patron - Christian*

**PSB50 Lottery Proceeds Fund.** Establishes the Lottery Proceeds Fund that is authorized as of 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. The lottery revenues will be transferred to the Lottery Proceeds Fund in two parts, i.e., on or before June 30, the Comptroller will transfer the State Lottery

Fund balances for the fiscal year, based on an estimate determined by the State Lottery Department and no later than 10 days after receipt of the annual audit report on the lottery, the Comptroller will transfer the remaining audited balances of the State Lottery Fund for the fiscal year. If an annual audit discloses that the actual revenue is less than the estimate on which the June 30 transfer was based, the State Comptroller will transfer the difference between the actual revenue and the estimate from the Lottery Proceeds Fund to the State Lottery Fund. This bill is identical to HB 438 and incorporates SB 286.

*Patron - Edwards*

**PSB92 Teacher licensure.** Requires persons seeking initial licensure or license renewal as teachers on and after July 1, 2004, to complete study in child abuse recognition and intervention. Curriculum guidelines for this study are to be developed by the Board of Education, as relevant to specific teacher licensure routes, in consultation with the Department of Social Services.

*Patron - Howell*

**PSB160 Composition of certain county school boards.** Sets out the membership composition of a county school board in counties that contain a town that is a separate school division. The school board for such county, regardless of whether it is elected or appointed, will not include any member representing the town and will be comprised of one member elected or appointed from all of the election districts within the county, excluding the election district that has more than five percent of town residents, and an additional member elected or appointed at large from the entire county, excluding the town. This bill is identical to HB 1338.

*Patron - Chichester*

**PSB191 Staggered terms for elected school board members; Bath County.** Provides, subject to adoption of an authorizing local ordinance, that the elected school board in Bath County shall serve for staggered terms following the November 2003 election with three members elected for four-year terms and two members elected for two-year terms. Under general law, elected school board members must serve the same terms as the members of the local governing body, and the entire Bath County Board of Supervisors is elected every fourth year. Other local school boards exempted from the general law requirement and permitted to have staggered terms are Rockbridge County, pursuant to 1993 legislation, and Loudoun and Pulaski Counties pursuant to 1994 legislation.

*Patron - Deeds*

**PSB200 School board salaries.** Increases the salary limits of several school boards, as follows: the Chesapeake School Board from \$5,000 to \$10,000; the Fredericksburg School Board from \$3,600 to \$7,500; and the Newport News School Board from \$5,000 to \$12,000. City school boards are required to establish salary increases prior to December 31 in any year preceding an election or appointment of the members. This bill is similar to HB 1272.

*Patron - Houck*

**PSB201 Standards of Quality revisions.** Requires, to ensure the integrity of the Standards of Quality, the Board of Education to exercise its constitutional authority to determine and prescribe the standards, subject to revision only by the General Assembly, by (i) reviewing the standards and (ii) either proposing amendments to the standards or (iii) making a determination that no changes are necessary. In any odd-numbered year in which the Board proposes changes to the standards of quality, the budget estimates that are statutorily required to be reported pursuant to § 2.2-1504 must take into consideration the Board's proposed standards of quality. Prior

to 1984, the Board was required to revise the standards every two years in the odd-numbered year. With the codification of the standards in 1984, this requirement was removed.

*Patron - Houck*

**PSB230 School crisis and emergency management plans.** Directs the Virginia Center for School Safety, the Coordinator of Emergency Management, and the Board of Education to include, within the model school crisis and emergency management plan for public schools, effective procedures and means by which parents can contact the relevant school or school division regarding the location and safety of their schoolchildren and by which school officials may contact parents, with parental approval, during a critical event or emergency. This bill is identical to HB 886.

*Patron - Hanger*

**PSB236 Licensure of school personnel.** Defines the term "accredited institution" for the purposes of the law and the Board of Education's regulations on licensure of school personnel to mean an institution of higher education accredited by a national or regional accrediting agency recognized by the United States Department of Education, or by a state approval process. Presently, the Board's regulations are keyed to only regional accrediting agencies recognized by the United States Department of Education.

*Patron - Hanger*

**PSB279 Annual organizational meetings of school boards.** Requires the school board serving a city or town constituting a school division to hold its annual organizational meeting in January or July, if its members are appointed or elected or any combination thereof. This bill is identical to HB 991.

*Patron - Marsh*

**PSB295 School safety personnel.** Defines a school resource officer as a certified law-enforcement officer hired by a local law-enforcement agency to provide law enforcement and security services to Virginia public elementary and secondary schools and a school security officer as an individual who is employed by the local school board for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies, and detaining students violating the law or school board policies on school property or at school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school. The measure also directs the Department of Education and the Virginia State Crime Commission to establish compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers; the training and certification will be administered by the Virginia Center for School Safety. The training standards will include, but not be limited to, the role and responsibility of school security officers, relevant state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics. The Department of Education must establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of these standards and certification requirements. No person employed by a local school board as a school security officer will be eligible for appointment as a special police officer or conservator for purposes of maintaining safety in a public school. A second enactment clause provides that the training and employment standards will be applicable to persons employed as school



security officers on and after September 15, 2003. This bill is identical to HB 498.

*Patron - Norment*

**PSB334 Career and technical education; annual plans.** Modifies the existing requirement within the Standards of Quality for local school boards to develop plans for career and technical education to provide for the input of area business and industry representatives and local community colleges in the plan's development. In addition, the plan must be submitted to the Superintendent of Public Instruction and the Chancellor of the Virginia Community College System annually.

*Patron - Wagner*

**PSB350 Standards of Quality; reporting.** Directs the Board of Education to include, in its annual fall report on public education needs and schools failing to meet the Standards of Quality (SOQ), a complete listing of the current SOQ, justification for each standard, how long each such standard has been in its current form, and whether the Board recommends any changes to the SOQ. This bill is identical to HB 884.

*Patron - Howell*

**PSB365 Virginia Korean War Veterans Appreciation Week; certain honorary high school diplomas.** Establishes the first full week in November as the Virginia Korean War 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 1950 and 1953, the veteran was drafted or enlisted 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. Upon filing the required application, the Board of Education will award the veteran a Commonwealth of Virginia Korean War Veteran Honorary High School Diploma during the appreciation week.

*Patron - Blevins*

**PSB373 School board receipt of payment by credit card.** Authorizes school boards to receive payment for services and goods by credit or debit cards. School boards accepting credit or debit card payments may, in addition to any penalties and interest, add to such payment a sum as a service charge for the acceptance of such method of payment. This bill is identical to SB 695.

*Patron - Blevins*

**PSB439 Certain contractual matters regarding division superintendents.** Amends the law relating to appointments and terms of division superintendents to provide that no school board can renegotiate a superintendent's contract during the period following the election or appointment of new members and ending on the date such new members are qualified and assume office. This bill is identical to HB 434.

*Patron - Williams*

**PSB442 School crisis and emergency management plans.** Adds incidents involving acts of terrorism to the specific events that must be addressed in the school crisis and emergency management plans. These plans include the procedures, operations, and assignments to prevent, manage, and respond to any critical event or emergency. This bill is nearly identical to HB 46.

*Patron - Williams*

**PSB477 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 enhancing the quality of career and technical education and 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. A second enactment clause notes that this provision is not to be construed to restrict or change the authority and discretion of the Board for establishing school accreditation standards and the requirements for obtaining a diploma or to require the Board to authorize the award of verified units of credit for any specific industry certification or state licensure examination.

*Patron - Quayle*

**PSB559 Western Virginia Public Education Consortium.** Adds the Counties of Bath, Henry, and Patrick and the City of Martinsville to the Western Virginia Public Education Consortium and deletes the requirement that the Consortium's offices be housed at Radford University. This bill is identical to HB 710.

*Patron - Trumbo*

**PSB597 Driver Education.** Adds instruction concerning distracted driving to the requirements for driver education in the public schools and requires the Department of Motor Vehicles' driver improvement clinic programs to include instruction concerning alcohol and drug abuse, aggressive driving, distracted driving, and motorcycle awareness.

*Patron - Norment*

**PSB604 System of accounting in public schools.** Establishes contingency reserves as a major classification of school funds.

*Patron - Potts*

**PSB608 Posting of certain statement.** Requires all school boards to post the statement "In God We Trust, the national motto, enacted by Congress in 1956," prominently and in a conspicuous place, in each of their schools for all students to read. "In God We Trust" is presently codified as the national motto of the United States pursuant to 36 U.S.C. § 186 (1999). This bill is identical to HB 108.

*Patron - Rerras*

**PSB609 Diploma requirements; verified units.** Directs the Board of Education to develop guidelines for local school boards to award verified units of credit for a standard diploma for "transition" students: students entering the ninth grade in the 2000, 2001, and 2002 school years using criteria different from the current Standards of Accreditation diploma requirements. The guidelines address students in these classes

who passed the relevant coursework and who meet such additional criteria as the Board shall establish for the award of such verified units, which may include, but shall not be limited to, performance on Standards of Learning assessments or other tests, including subsequent administrations of such assessments or tests; attendance and conduct requirements, and participation in remediation programs. The guidelines are applicable only to the award of the four student-selected verified units of credit required for a standard diploma pursuant to the Standards of Accreditation (SOA) (8 VAC 20-131-50 B). Students must still earn the two verified units of credit in English for a standard diploma as provided in the Standards of Accreditation. The guidelines issued by the Board shall not be subject to the Administrative Process Act (§ 2.2-4000 et seq.) and apply, retroactively and prospectively, to students entering the ninth grade for the first time in 2000, 2001, and 2002. Currently, the SOA do not specifically make the awarding of diplomas contingent upon the passage of SOL tests; however, beginning with the ninth grade class of 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). This measure incorporates HB 47 and is identical to HB 493.

*Patron - Houck*

**PSB625 Charter schools.** Clarifies that institutions of higher education may submit applications to form charter schools, requires all school boards to accept and review public charter school applications, and requires the inclusion of the charter school students in fall membership for purposes of calculating the state and local shares for the Standards of Quality.

*Patron - Barry*

## Failed

**FHB47 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 2001-2002 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). This bill is incorporated in HB 493.

*Patron - Darner*

**FHB88 Crimes against nature; school board policies.** Provides that the family life education curriculum guidelines must prohibit presentations, classroom discussions, and

delivery of information regarding acts considered crimes against nature. School boards must develop policies prohibiting presentations, classroom discussions, school-sponsored assemblies and student meetings, and delivery of information or materials describing or depicting crimes against nature. The policies must provide guidelines for guidance counselors, school nurses, and instructional personnel for appropriate discussion of such acts when approached by a student seeking counseling or guidance as a potential victim of these acts, which include incest and sodomy.

*Patron - Welch*

**FHB135 Moment of silence.** Directs local school boards to develop policies to ensure that students are informed at least three times a year of the purpose of the observance of the daily minute of silence in public school classrooms. The policies are to provide guidance for school personnel in the development of any informational materials and appropriate methods of presenting such information.

*Patron - Black*

**FHB136 Display of United States flag.** Requires the display of the U.S. flag in each public school classroom. Local school board policies are to address the respectful display of the flag; classroom and assembly spaces in which the flag is to be displayed to facilitate instruction regarding the flag and the recitation of the Pledge of Allegiance; the identification of spaces, such as resource rooms and other areas, in which the flag need not be displayed; and other issues as may be deemed necessary and appropriate.

*Patron - Black*

**FHB158 Access to public school libraries by home-schooled students.** Requires school boards to adopt policies, consistent with their constitutional and statutory responsibilities for providing public education, to provide access to public school libraries for students residing in the school division who receive home instruction. The policies shall require that (i) daily access of a minimum of two consecutive hours during the regular school year be provided on a grade-appropriate basis; (ii) the home-school student reside in the attendance zone for the school whose library he desires to use; and (iii) that the parent of the home-school student submit evidence of residence and compliance with § 22.1-254.1. In addition, such policies shall establish procedures for compliance by such students with all relevant public school policies during library use and address the use of volunteers to help ensure the maintenance of order and effective library operations.

*Patron - Lingamfelter*

**FHB161 Posting of Ten Commandments in public schools.** Directs the Board of Education, in consultation with the Office of the Attorney General, to develop guidelines regarding the display of the Ten Commandments in the public schools, the first sentence of the second paragraph of the Declaration of Independence, the first two clauses of Article I, Section 16 of the Constitution of Virginia, and the First Amendment to the Constitution of the United States. This bill refers to these materials, collectively, as "transcendent values in historical texts." Local school boards may authorize the display of transcendent values in historical texts in a manner consistent with such guidelines. The Board's guidelines must include, but must not be limited to, provisions that address relevant state and federal constitutional concerns, such as freedom of religion and speech, separation of church and state, and federal and state judicial decisions addressing the permissible and appropriate display of transcendent values in historical texts. The guidelines are not subject to the requirements of the Administrative Process Act; however, this bill incorporates a notice and public hearing process for the development of the

guidelines. The Attorney General must provide legal defense of this law as well as any legal defense to the adopted guidelines and to any local school board that displays the documents pursuant to the guidelines.

*Patron - Lingamfelter*

**FHB170** **Preschool eye examinations.** Adds an eye examination conducted by an optometrist or ophthalmologist to the preschool health examination requirements for enrollment in kindergarten or elementary school. Similar to the current practice for the required physical examination, the eye examination must be offered by local health departments free of charge for medically indigent children. In addition, the current exemption on religious grounds applicable to the physical examination is extended to the eye examination. This bill is similar, but not identical, to HB 517.

*Patron - Hargrove*

**FHB189** **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*

**FHB231** **Opening of the school year.** Repeals the law requiring local school boards to set the school calendar so that the first day students are required to attend school is after Labor Day, thus reverting the discretion to establish the school calendar to local school boards.

*Patron - Ware*

**FHB307** **Qualifications of school bus drivers.** Directs school boards to require successful completion of the American National Red Cross first-aid course or its equivalent as a condition of employment as a school bus driver. Currently, school boards have discretion in adopting such a requirement.

*Patron - McDonnell*

**FHB336** **Eligibility for certain student participation in interscholastic activities.** Provides that no public high school student whose individualized education plan (IEP) provides for the completion of high school studies over a period exceeding eight semesters can be denied eligibility for participation in interscholastic activities on the basis of such extended attendance period; however, the student is not entitled to additional eligibility if he has participated in eight semesters of interscholastic activities or if he has reached age 19 on or before August 1 of the school year in which he wishes to compete.

*Patron - Hamilton*

**FHB358** **School board budgets.** Modifies the school board budget process to require the division superintendent to prepare and submit an estimate of the amount of money needed during the next fiscal year no later than 60 days before the proposed adoption date for the estimate. The Board of Education is to develop budget format guidelines that require school boards to include in the estimate not only the moneys needed by major classification, but also an identification of all programs in the school division, written goals and objectives for each program; written indices of success for each program; a program evaluation cycle and access to past program evaluations; the amount estimated for the current fiscal year and amounts actually spent in the past three fiscal years for each such program; and the number of employees, both full- and part-time, supporting each program.

*Patron - Reese*

**FHB397** **Release of certain student information.** Requires local school boards to (i) obtain written parental consent for the release of student directory information and (ii) develop and implement policies to prohibit the administration of questionnaires or surveys to public school students during the regular school day or at school-sponsored events without written, informed parental consent for the student's participation in such questionnaire or survey when participation may subsequently result in the sale of personal information regarding the individual student. The current provision (§ 22.1-288) authorizing the release of student names and addresses to a public or private school, college, or university, private business or professional school or college, or to recruiting representatives of the military forces of the Commonwealth and the United States remains unchanged. These entities are prohibited from using this data "for purposes not directly related to the academic or professional goals of the institution or the military force." This bill is incorporated into HB 357.

*Patron - Sears*

**FHB460** **Transportation of students.** Requires any local school division or other entity transporting public or private elementary or secondary school students to or from any public or private school, school-related activity, or child care facility to transport these students in a vehicle meeting federal school bus safety standards, as set forth in federal statute and regulations. School divisions and other entities may still use common carriers if the carrier is designed to transport at least 30 passengers. Codifying "Jacob's Law," enacted in South Carolina, the measure would, in effect, preclude the use of passenger vans and other vehicles for transporting public and private school pupils. The measure does not prohibit the transportation of children to or from child care in nonconforming vehicles by a Virginia human services provider, or by a public transportation authority if each child is accompanied by his parent, for whom such transportation is necessary for his work, education, or training. The measure provides for a transition period; any vehicle purchased by such school division or entity before July 1, 2002, may continue to be used until July 1, 2007. Vehicles purchased on and after July 1, 2002, must meet the federal "school bus" definition. School divisions and other entities may purchase conforming vehicles pursuant to state contracts for the purchase of such vehicles. Parents of students using public school bus transportation have the option of designating a child care center or other before- or after-school program as such students' origin or destination for such transportation. Under current law, pupil transportation is not a required service for public school. Board of Education regulations address vehicle size and other safety concerns. The regulations contemplate several types of school buses, with designated passenger capacity for each. The regulations state that "[a] standard or mini-size passenger van which has not

been reconstructed to meet Virginia state and federal school vehicle construction standards does not meet this definition." (8 VAC 20-70-10).

*Patron - Griffith*

**FHB461 Reading assessments.** Requires the Board of Education to select a nationally normed reading assessment for administration to first, second and third graders and directs each school division to administer the reading assessments according to a schedule established by the Board to ensure that such testing occurs during the last three months of the school year. The Board shall report the results of such tests to local school divisions and shall publish the results by school division in a manner that facilitates comparisons of performance by schools, school divisions, and school years.

*Patron - Reese*

**FHB512 Student discipline.** Amends student suspension and expulsion requirements by prohibiting the imposition of disciplinary actions against students, unless required to comply with federal Gun-Free Schools provisions, for (i) reasonable actions taken in good faith by a student in defense of himself or others; to prevent harm to property; or in response to provocation; (ii) possession of a bona fide eating or food service utensil, personal grooming device, or mechanical tool, unless such utensil, device, or tool is brandished or employed as a weapon or otherwise to effect or to threaten an act of violence against another or against property; and (iii) possession or use of nonprescription medication, regardless of whether school personnel have knowledge of such possession or use, if such nonprescription medication is held with the prior or subsequent approval of the pupil's parent. No student who has received notice of an intended suspension or expulsion who asserts these particular actions can be suspended or expelled until school administrators conduct a preliminary factual inquiry regarding the validity of such assertion. School boards shall adopt procedures consistent with due process requirements of this article for the conduct of such inquiry.

*Patron - Marrs*

**FHB754 Policies regarding medication recommendations by school personnel.** Requires local school boards to develop and implement policies prohibiting school personnel from recommending the use of psychotropic medications for any student. The policies will not prohibit school health staff from recommending that a student be evaluated by an appropriate medical practitioner, or prohibit school personnel from consulting with such practitioner, with the written consent of the student's parent. "Psychotropic medications" is defined as those medications the prescribed intention of which is to alter mental activity or state, including, but not limited to, antipsychotic, antidepressant, and anxiolytic medication and behavior-altering medication. Medications such as Ritalin (methylphenidate), Prozac (fluoxetine), and Paxil (paroxetine) would be included in this classification. In the summer of 2001, Connecticut enacted legislation directing local boards to adopt policies prohibiting school personnel from recommending the use of psychotropic drugs for a student. Similarly, Minnesota has recently adopted a statute prohibiting conditioning readmission to school following suspension or expulsion conditioned on use of these medications. The statute also provides that parental refusal to provide the child with "sympathomimetic medications does not constitute educational neglect." Related legislation has also been considered in Arizona, New Jersey, New York, and Oregon. This bill is incorporated into HB 90.

*Patron - Amundson*

**FHB792 Textbook selection.** Directs the Board of Education to develop lists of approved textbooks that correlate with the Standards of Learning and for which a correlation has

been established between the use of such textbooks and improved student academic achievement as measured by performance on national standardized tests. The Board is to make such lists available to local school boards for review and reference.

*Patron - Bolvin*

**FHB793 Instructional materials in phonics.** Directs local school boards to make available to all teachers employed in grades prekindergarten through three, special education, and in English as a second language, or as reading specialists, materials to assist in the provision of instruction in systematic and explicit phonics. The Standards of Learning for English require instruction in phonics at the second grade level (Standards of Learning, English, 2.7).

*Patron - Bolvin*

**FHB949 Joint schools.** Allows two or more school boards, with the consent of the State Board, to establish joint or regional high schools, including regional public charter schools, to offer, in addition to a comprehensive high school curriculum, specialized training to students desiring to pursue careers in law enforcement, firefighting, emergency and rescue services, and other occupations addressing public safety and welfare. These schools may be designed to incorporate the instructional services of retired or disabled emergency, fire, rescue, and law enforcement personnel and internships with local agencies and organizations providing such emergency, fire, rescue, and law enforcement services. This bill is identical to SB 494.

*Patron - Ware*

**FHB971 Zero tolerance policies in public schools.** Revises various student expulsion statutes to require school boards to promulgate guidelines for determining what constitutes special circumstances in expulsion cases involving weapons or drugs for expulsions issued for drug violations. The guidelines must include consideration of the (i) nature and seriousness of the violation; (ii) the degree of danger to the school community; (iii) student's disciplinary history, including the seriousness and number of previous infractions; (iv) appropriateness and availability of an alternative education placement or program; (v) student's age and grade level; (vi) results of any mental health, substance abuse, or special education assessments; (vii) student's attendance and academic records; and (viii) such other matters as are deemed appropriate. Currently, these factors are to be considered in expulsion cases other than those involving the "drug-free" and federal Gun-Free Schools provisions. The Gun-Free statutes, while "requiring" expulsion for the specified offenses, grant school administrators the discretion to determine that "special circumstances exist and [that] no disciplinary action or another disciplinary action or term of expulsion is appropriate." Similarly, the drug-free statute cites "special circumstances"; however, while it permits the recommendation of another disciplinary action, it does not include the "no disciplinary action" option.

*Patron - Jones, D.C.*

**FHB1011 Virginia Professional Standards Board for Education.** Eliminates the Advisory Board on Teacher Education and Licensure and establishes the 19-member Virginia Professional Standards Board for Education, responsible for the licensure of teachers and other professional staff, authority presently held by the Board of Education. The Board of Education would continue to license principals and supervisors and to determine eligibility for appointment as division superintendent. Comprised of teachers, administrators, representatives of higher education, business, and parents appointed by the Governor, the Board also includes as ex officio, nonvoting members the Superintendent of Public Instruction, the

Director of the State Council of Higher Education, and the Chancellor of the Virginia Community College System or their respective designees. The new Board cannot, as a condition of licensure, require any act or conduct that conflicts with statutes prohibiting collective bargaining and denial of work on the basis of union membership. Members of the Professional Standards Board are not compensated but shall be reimbursed for actual expenses. In addition to its licensure powers, the Board is authorized to promulgate regulations pursuant to the Administrative Process Act, adopt standards for teacher preparation programs, establish and collect licensure fees, employ an executive director, and appoint advisory committees. The Board's offices shall be located within the Department of Education.

*Patron - Van Yahres*

**FHB1110 Standards of Learning assessments.** Provides that the results of any Standards of Learning (SOL) assessments cannot be considered in the promotion or retention of students, the awarding of diplomas, or in the accreditation of schools until the validity, reliability, and fairness of such assessments have been certified to the Board of Education by an independent assessment expert following appropriate field testing. In no case can the SOL assessment results constitute the primary basis for student promotion or retention. The current Standards of Accreditation (SOA) provide that results of SOL assessments in grades K-8 are to be "part of a set of multiple criteria for determining the promotion or retention of students." The regulations are silent as to promotion/retention policies for grades 9-12, grades in which verified units of credit (earned by passing SOL assessments and successfully completing courses) are required for a diploma. The division superintendent must "certify to the Department of Education that the division's promotion/retention policy does not exclude students from membership in a grade or participation in a course in which SOL tests are to be administered" (8 VAC 20-131-30 A, B). The SOA do not specifically make the awarding of diplomas contingent upon the passage of SOL tests; however, the accumulation of a specific number of standard and verified units of credit, will be required for standard and modified diplomas, beginning with the ninth grade class of 2001 (graduating class of 2003). The standard unit of credit is based on the minimum 140 clock hours of instruction and "successful completion of the requirements of the course." The verified unit of credit is awarded upon passage of the relevant SOL test, or additional tests approved by the Board of Education, as well as the course (8 VAC 20-131-110 A, B). During a transition period, beginning with the ninth grade classes of 2001, 2002, and 2003 (graduating classes of 2004-2006), students must earn 22 standard units of credit in specified courses, and two verified units of credit in English and four verified units "of the student's own choosing" to obtain a Standard Diploma. For the ninth grade class of 2004 (graduating class of 2007), receipt of a Standard Diploma will be based on 22 standard units of credit in specific courses, and six verified units--two in English, one each in mathematics, science, history, and one in a course of the student's choosing (8 VAC 20-131-50 B). The SOA state that schools shall be accredited based primarily on student achievement, as evidenced by SOL test scores (8 VAC 20-131-280 C). More specifically, accreditation ratings are 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 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). Special purpose schools are to be evaluated "on standards appropriate to the programs offered in the school and approved by the Board..." (8 VAC 20-131-280 D). After a transition period ending in 2009, schools will ultimately be awarded one of four accreditation ratings: Fully Accredited, Conditionally Accredited, Accredited with Warning, and Accreditation

Denied (8 VAC 20-131-300 A). Provisional accreditation benchmarks establish passing rates for schools through 2003.

*Patron - Christian*

**FHB1135 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 2001-2002.

*Patron - Dillard*

**FHB1162 Remediation; textbooks and curriculum.** Requires the Board of Education to approve and make available textbooks and curriculum models for remediation programs for schools accredited with a warning. Local school boards must provide training in the implementation of such textbooks and curriculum for teachers providing remediation instruction.

*Patron - Reese*

**FHB1200 School board policies; equal access.** Prohibits local school boards providing access and opportunity to use school facilities or to distribute literature from denying equal access or fair opportunity to use such school facilities or to distribute literature, or from otherwise discriminating against the Boy Scouts of America, the Girl Scouts of the USA, or any youth group listed in Title 36 of the U.S. Code as a patriotic or national organization that desires to conduct a meeting or distribute literature, on the basis of membership or leadership criteria or oath of allegiance to God and country. Nothing in the measure is to be construed to require any school or school division to sponsor the Boy Scouts of America, the Girl Scouts of the USA, or other such youth group or to exempt any such group from school board policies governing access to and use of school facilities and distribution of literature. The measure tracks language considered by Congress in a variety of bills.

*Patron - Black*

**FHB1217 Estimate of public education funds.** Directs the Superintendent of Public Instruction, in preparing and submitting estimates for budgetary purposes relative to the Basic School Aid Formula to each school division and to the local governing body of each county, city and town that operates a separate school division, to enumerate all state funding to be received by the school division, whether from basic aid or other state programs, and include a per pupil amount based on the projected average daily membership for the relevant school division for the coming fiscal year. Within 10 days of providing such estimate, the Superintendent is to publish, for three consecutive days in a newspaper of general circulation within each such school division, a complete listing of such estimates for all school divisions and must provide the list to each school division.

*Patron - Petersen*

**FHB1314 School board salaries.** Increases the maximum annual salary for school board members in the City of Newport News from \$5,000 to \$12,000. Under current law, no school board can request the General Assembly to consider an increase in its annual salary limit unless the school board has taken an affirmative vote on the requested increase. Further, no school board whose membership is elected in whole or in part can be awarded a salary increase unless a specific salary increase is approved by affirmative vote by that school board.

No salary increase may become effective during an incumbent member's term of office; however, this restriction will not apply if the school board members are elected or appointed for staggered terms. This bill is incorporated into HB 1272.

*Patron - Crittenden*

**FHB1321 Charter schools; judicial review.** Authorizes judicial review of school board decisions to accept or not to accept charter school applications and grants, denials, revocations, and failures to renew charter school applications. This bill is incorporated into HB 734.

*Patron - Christian*

**FHB1333 Public education appropriations; teacher salaries.** Provides that any increase in state funding for public education shall include an appropriation to support increases in teacher salaries and that the appropriate proportionate percentage of such increased funding to be directed for such salary increase shall be stipulated in the appropriations act.

*Patron - Ware*

**FHB1345 Fingerprinting and criminal records checks.** Excludes from the crimes included in the criminal records check for private school employees any first offense drug possession or distribution convictions occurring five years or more before the date of the report of the Central Criminal Records Exchange.

*Patron - Hall*

**FHB1371 Instruction in certain historic and patriotic freedoms, music, and observances.** Requires, in a manner consistent with the Constitutions and laws of Virginia and the United States, that local school divisions ensure that students receive age-appropriate instruction in the recognition of the texts and music to traditional American patriotic songs, including the national anthem and other songs and the historical significance of patriotic holidays, including Veterans' Day, Memorial Day, Columbus Day, Independence Day, Martin Luther King's birthday, and Presidents' Day. Local school boards must develop and implement policies addressing the respectful display of the flag; classroom and assembly spaces in which the flag is to be displayed to facilitate instruction regarding the flag and the recitation of the Pledge of Allegiance; the identification of spaces, such as resource rooms and other areas, in which the flag need not be displayed; and such other issues as may be deemed necessary and appropriate. In addition, character education programs must include appreciation for the unique nature of the American culture's valuing of and belief in freedom and respect for individual rights and liberties, including political, economic, and religious freedom, and freedom of speech, as contrasted with other societies' and cultures' lack of such freedoms. Such citizenship concepts must be incorporated in appropriate portions of the K-12 curriculum, including the Standards of Learning.

*Patron - O'Brien*

**FSB51 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 Stan-

dards of Quality are silent regarding guidance counselors in elementary schools.

*Patron - Edwards*

**FSB52 Planning time for elementary school teachers.** Requires school boards to ensure that all elementary school teachers have a period of unencumbered planning time during each regular student school day. Currently, school boards are to "seek to ensure" that elementary school teachers have three hours of planning time each week. Pursuant to the Standards of Accreditation (SOA), middle school teachers with more than 25 class periods per week must have "one period per day unencumbered of any teaching or supervisory duties," and all full-time secondary school classroom teachers receive "one class period each day, unencumbered by supervisory or teaching duties... for instructional planning time." The SOA are silent as to planning time for elementary school teachers; however, schools are to report "the extent to which an unencumbered lunch is provided for all classroom teachers" (8 VAC 20-131-240 D, E, G).

*Patron - Edwards*

**FSB55 After-School/Out-of-School Incentive Grants Program.** Establishes the After-School/Out-of-School Incentive Grants Program to provide grants on a competitive basis to public school divisions for the provision of after-school and out-of-school programs designed to promote positive developmental outcomes for public school students. The Board of Education is to establish guidelines and procedures for making grants from the Fund, including program content and eligibility criteria; the contracting for such after- and out-of-school programs with private organizations; the assessment of any charges for attendance in such after- and out-of-school programs; procedures for determining amounts for grants to eligible public school divisions; and such other guidelines as it deems necessary and appropriate. This act will not become effective unless an appropriation effectuating its purposes is included in the 2002 Appropriation Act passed during the 2002 Session of the General Assembly and signed into law by the Governor. This bill is identical to HB 949.

*Patron - Edwards*

**FSB172 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. 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 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. Although other scholarship loan recipients are chosen by the institution of higher education in which they are enrolled, the relevant local governments of the jurisdictions providing the one-third local government funding will nominate the recipients for the combination state and local awards designated as accruing for named local school divisions. All recipients of combination state and local awards for teaching scholarship loans will be subject to all other requirements of law, including the contract provisions. The provisions of this act will not become effective unless an appropriation effectuating its purposes is included in the 2002 Appropriation Act passed during the 2002 Session of the General Assembly and signed into law by the Governor.

*Patron - Colgan*

### **FSB217 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 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 programs for at-risk four-year-olds would be eligible for funding in the 2002-2003 fiscal year. If the local funding in 2001-2002 was more than the required local match for state funds in the 2002-2003 fiscal year, reduction of the local funding would not be construed as supplanting of state funds.

*Patron - Ticer*

### **FSB281 Cultural diversity policies for 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 and the knowledge and appreciation of other cultures in the public schools and institutions of higher education. The Board of Education and the State Council for Higher Education must establish guidelines for cultural diversity policies to assist local school boards and institutions of higher education in implementing such policies. In view of the growing number of immigrants in Virginia and the country, and given the current national security crisis concerning terrorism, cultural diversity policies instituted by local school boards and colleges and universities should be designed 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 (vii) 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, that effectively promote cultural diversity and the knowledge and appreciation of other cultures. 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*

### **FSB364 Salary for Chesapeake School Board.**

Increases the maximum annual salary that members of the Chesapeake School Board may receive from \$5,000 to \$10,000. This bill is incorporated into SB 200.

*Patron - Blevins*

### **FSB366 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 - Blevins*

### **FSB409 Standards of Quality revisions.**

Requires the Board of Education to propose revisions to the Standards of Quality in the odd-numbered years that reflect the prevailing practices of the Commonwealth's school divisions. The annual report on public education must contain the revised standards of quality prescribed by the Board for the school divisions of the Commonwealth. In addition, the budget estimates reported pursuant to § 2.2-1504 must take into consideration the Board's revised standards of quality. This bill is incorporated into SB 201.

*Patron - Rerras*

### **FSB448 Salary for Newport News School Board.**

Increases the maximum annual salary that members of the Newport News School Board may receive from \$5,000 to \$12,000. This bill is incorporated into SB 200.

*Patron - Williams*

### **FSB494 Joint schools.**

Allows two or more school boards, with the consent of the State Board, to establish joint or regional high schools, including regional public charter schools, to offer, in addition to a comprehensive high school curriculum, specialized training to students desiring to pursue careers in law enforcement, firefighting, emergency and rescue services, and other occupations addressing public safety and welfare. These schools may be designed to incorporate the instructional services of retired or disabled emergency, fire, rescue, and law enforcement personnel and internships with local agencies and organizations providing such emergency, fire, rescue, and law enforcement services. This bill is identical to HB 949.

*Patron - Edwards*

### **FSB509 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 2002-2003 fiscal year. If the local funding in 2001-2002



was more than the required local match for state funds in the 2002-2003 fiscal year, reduction of the local funding would not be construed as supplanting of state funds.

*Patron - Newman*

**FSB570 Character education; participation in community service.** Provides that character education programs in the public schools may include opportunities for voluntary participation in community service activities, pursuant to guidelines developed by the Board of Education.

*Patron - Edwards*

**FSB624 Educational opportunities; reading improvement.** Adds to the programs that are currently provided under the rubric of educational opportunities a pilot project to increase literacy, ensure that all students can read, and encourage academic achievement among at-risk schools. The Board of Education will select three school divisions, each having at least two elementary schools, at least one middle school, and at least one high school, that are "Accredited with Warning" and will offer, with such funds as may be available for such purpose, the three selected school divisions the opportunity to participate in a two-year pilot public/private partnership project as part of each school's required three-year School Improvement Plan. Each participating school division must contract with private sector reading specialists to offer reading instruction to underachieving students who are reading below grade level, as defined in the Board's regulations. To improve the reading levels of the underachieving students and to implement an innovative approach to student achievement in schools "Accredited with Warning," each participating school division must designate two elementary schools, one middle school, and at least one high school having such accreditation rating to receive the contracted reading instruction and require such schools to provide parents of underachieving students, as defined in the Board's regulations, with the names of reading specialists in the private sector. The Department of Education must evaluate each pilot project by comparing the baseline reading scores of the participating students at the beginning of the project to the reading scores of the participating students at the conclusion of the project.

*Patron - Barry*

**FSB644 Actions for school bus liability.** Provides that claims naming the school board alone or jointly with the driver for actions involving school bus liability may be filed only in the locality or localities, as the case may be, comprising the school division that the school board governs or in which the accident prompting the claim occurred.

*Patron - Watkins*

## Carried Over

**CHB7 Independent analysis of school performance.** Directs the Board of Education, to supplement and enhance the accreditation process, to contract with a person, organization, or corporation with expertise in school evaluation for the purpose of conducting an annual independent analysis and evaluation of school performance for each public school division in the Commonwealth. The contract for services shall provide for, among other things, (i) the use of performance variables that shall include various academic, financial, and demographic indicators; (ii) comparative benchmarks among school divisions; (iii) annual reporting to each school division of its performance and areas requiring improvement; (iv) identification of performance trends over time and best practices; and (v) recommendations for technical assistance, remediation, intervention, and other measures to improve school performance.

*Patron - Purkey*

**CHB45 Temporarily employed teachers.** Revises the definition of "temporarily employed teacher" and eliminates the 90-day limitation on the period of time that those individuals hired as long-term substitutes to fill a teacher vacancy may serve. 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 baccalaureate degree or demonstrate relevant work experience. Current law requires that all temporarily employed teachers (regardless of time served) be at least eighteen years of age and hold a high school diploma or a general educational development (GED) certificate. The bill expires on July 1, 2005.

*Patron - Hamilton*

**CHB48 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 - Darner*

**CHB250 School calendar; closure on election days.** Requires school boards to set the school calendar to ensure that public schools used as precincts for national, state, and local election purposes will not be open for regular student atten-



dance on such election days. The calendar may provide, however, that such schools be open for teacher working days and other school purposes.

*Patron - Sears*

**CHB330 Administration of assessments for certain nonpublic school students.** Requires students enrolled in any nonpublic school in the Commonwealth receiving state funds or in which any students receive state funds for education, other than any state funds that may be associated with students who are enrolled as part of an individualized education plan (IEP) or who participate in federal free and reduced meal programs, to participate in the Standards of Learning assessments prescribed by § 22.1-253.13:1. The Board of Education shall develop any additional procedures that may be required to facilitate the administration of such assessments.

*Patron - Darner*

**CHB333 Standards of Quality; early intervention reading programs.** Requires local school boards, within the Standards of Quality, to provide early reading intervention services to students in kindergarten through the third grade who demonstrate deficiencies reflected in each student's performance on a diagnostic screening tool approved by the Department of Education or the state-provided diagnostic screening instrument, PALS (Phonological Awareness Literacy Screening) administered in the fall to all students in kindergarten through third grade and in the spring to students who received intervention services. Such services shall consist of at least two and one-half hours of additional instruction each week for an estimated number of students in each school division at a student-to-teacher ratio of five-to-one. The estimated number of students in each school division shall be based on the actual percentage of students who are determined to need services based on the results of diagnostic pretests administered in the fall of the preceding year. The measure codifies the Early Intervention Reading Initiative currently set forth in the Appropriations Act as an incentive grants program.

*Patron - Hamilton*

**CHB443 Standard 3 of the Standards of Quality.** Requires the Board of Education to include requirements for each school, in its regulation relating to the School Performance Report Card, to report, in addition to the Standards of Learning assessment scores and averages, each year's required test results, including the National Assessment of Education Progress state-by-state assessment, where applicable, and nationally normed student test score averages on Virginia State Assessment Program tests, which may include the Stanford 9 test, analyzed by quartile data and pass rates, when available. Such reports must be made available to the public within three months of the receipt of the scores and shall be reported to the public for each school in the aggregate and broken down for each school division by gender, and by race or ethnic group. These reports must also be posted separately from the Standards of Learning assessment data in a standard, downloadable, importable spreadsheet format and in a manner that allows year-to-year comparisons on that portion of the Department of Education's website relating to the School Performance Report Card and must include, but need not be limited to, the results from Virginia State Assessment Program tests, which may include the Stanford 9 and the National Assessment of Education Progress state-by-state assessment.

*Patron - Hull*

**CHB517 Preschool eye examinations.** Adds a comprehensive eye examination conducted by an optometrist or ophthalmologist to the preschool health examination requirements for first-time enrollment in kindergarten or elementary school. Referrals for these examinations must include names of

optometrists and ophthalmologists participating in FAMIS or Medicaid. Forms for reporting comprehensive eye examinations, to be developed by the Departments of Education and Health, shall include a statement that such examination may be provided by a qualified optometrist or ophthalmologist licensed by the Commonwealth of the parent's choosing. Such forms shall be available to the public through electronic mail or websites maintained by the Departments of Education and Health and shall be used by the examining optometrist or ophthalmologist to report the results of the comprehensive eye examination. The Department of Medical Assistance Services, within both the Medicaid program and FAMIS Plan, shall continue to provide coverage for comprehensive eye examinations, including, but not limited to, children of kindergarten age. The Department of Medical Assistance Services shall revise its regulations to offset any proportional increase in costs resulting from any increased utilization of covered vision care services by amending the period of time and frequency for which comprehensive eye examinations are available as a covered service for children of preschool age. The Departments of Education and Health shall seek advice from the Virginia Optometric Association and the Virginia Society of Ophthalmology in the development of the form for reporting of a comprehensive eye examination. Similar to the current practice for the required physical examination, the eye examination must be offered by local health departments free of charge for medically indigent children. In addition, the current exemption on religious grounds applicable to the physical examination is extended to the eye examination. This bill is similar, but not identical, to HB 170.

*Patron - Devolites*

**CHB642 School board policies; solicitation of funds.** Requires local school boards to develop and implement, no later than January 1, 2003, policies to prohibit school personnel from soliciting funds from public school students and their parents to support instructional programs and services required by statute or Board of Education regulations. Such policies may, however, permit the solicitation of private or corporate donations in support of such required instructional programs and services.

*Patron - O'Brien*

**CHB756 Remediation for certain students.** Requires school boards to provide programs of prevention, intervention, and remediation for students failing an end-of-course test required for the award of a verified unit of credit needed by the student for graduation and requires these students to participate in such prevention, intervention, and remediation. School divisions are to add these students to their existing remediation report requirements. Corresponding amendments address the authority of superintendents to enforce compulsory attendance requirements for these students. Currently, required remediation targets students who are "educationally at risk including, but not limited to, those whose scores are in the bottom national quartile on Virginia State Assessment Program Tests and those who fail to achieve a passing score on any Standards of Learning assessment in grades three, five, and eight."

*Patron - Amundson*

**CHB758 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 2003, the Governor

shall include in his budget recommendations adequate funds to meet the requirements of this bill.

*Patron - Amundson*

**CHB795 Instructional materials in phonics.** Directs local school boards to make available to all teachers employed in grades prekindergarten through two, special education, and in English as a second language, or as, or as reading specialists, materials to assist in the provision of instruction in systematic and explicit phonics. The Standards of Learning for English require instruction in phonics at the second grade level (Standards of Learning, English, 2.7).

*Patron - Bolvin*

**CHB1024 Commencement of school day in certain school divisions.** Directs the school board of any county having the urban county executive form of government (Fairfax) to set the school day schedule to ensure that the commencement of the regular school day for students at all grade levels begins no earlier than 7:30 a.m.

*Patron - Scott*

**CHB1038 Elementary school instruction.** Codifies the regulatory requirement in the Standards of Accreditation that each elementary school provide instruction in art, music, and physical education and health (8 VAC 20-131-80) and provides that funding for elementary school resource teacher positions for art, physical education and health, and music shall be provided from basic school aid on the basis of prevailing statewide costs.

*Patron - Crittenden*

**CHB1047 Funding for elementary and secondary educational programs.** Modifies the Standards of Quality to (i) require the assignment of instructional personnel in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of twenty-one to one in middle schools and high schools and to (ii) codify the regulatory requirement in the Standards of Accreditation that each elementary school provide instruction in art, music, and physical education and health (8 VAC 20-131-80) and provides that funding for elementary school resource teacher positions for art, physical education and health, and music shall be provided from basic school aid on the basis of prevailing statewide costs. In addition, the bill 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 2003, the Governor shall include in his budget recommendations adequate funds to meet the requirements of this bill. Finally, the measure 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 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 programs for at-risk four-year olds would be eligible for funding in the 2002-2003 fiscal year. If the local funding in 2001-2002 was more than the required local match for state funds in the 2002-2003 fiscal year, reduction of the local funding would not be construed as supplanting of state funds. These amendments reflect several of the recommendations offered by the Joint Legislative Audit and Review

Commission study of elementary and secondary school funding, released in fall 2001.

*Patron - Darner*

**CHB1049 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 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 programs for at-risk four-year-olds would be eligible for funding in the 2002-2003 fiscal year. If the local funding in 2001-2002 was more than the required local match for state funds in the 2002-2003 fiscal year, reduction of the local funding would not be construed as supplanting of state funds.

*Patron - Darner*

**CHB1070 Equal Education Opportunity Plan.** Requires the Secretary of Education to develop and implement a statewide plan to provide for equal education opportunity in Virginia for all students in pre-kindergarten through grade twelve, undergraduate and graduate degree programs, and professional and post-doctorate degree programs. Among other things, the Plan must provide (i) strategies to assist local school boards and public two-year and four-year institutions of higher education in diversifying their personnel, (ii) strategies to increase college admissions, retention, and graduation rates of minority students at the undergraduate and graduate degree levels, particularly in disciplines in which they are under-represented, (iii) the effect of the escalating costs of college on the enrollment of minority students, (iv) an analysis of the preparation of minority students for college-level work, (v) an evaluation of the impact of financial assistance, institutional admissions and retention policies, and public policies as inducements and obstacles to college education, (vi) a 10-year projection of minority enrollment and graduation rates at public institutions of higher education, and (vii) an evaluation of the effectiveness of the Plan. The Plan, including recommendations to address issues and modifications of strategies, must be reported by the Secretary, biennially, to the Governor and the General Assembly, beginning December 1, 2002. The Equal Education Opportunity Plan, although never implemented, was required initially as a result of *Adams v. Richardson*, 480 F.2d 1159 (DC Cir. 1973) and *Adams v. Califano*, 430 F. Supp. 118 (DC 1977), concerning the desegregation of Virginia colleges and universities, and has been incorporated in the Virginia Plan for Equal Opportunity in State-Supported Institutions of Higher Education since 1973, Item 131.10 of the 2001 Budget communicated by the Governor. The Plan provides evidence of Virginia's good faith effort to comply with the new agreement entered into by the Commonwealth with the U. S. Department of Education Office for Civil Rights on November 7, 2001, to work toward resolution of the five-year federal compliance review precipitated by the U. S. Supreme Court's decision in *Ayers v. Fordice*, (505 US 717, 112 S.Ct. 2727, 1992). This bill is a recommendation of the Commission on Access and Diversity in Higher Education.

*Patron - Jones, J.C.*

**CHB1171 Standards of Quality; funding.** Modifies the Standards of Quality to provide that state funding shall support a total of six full-time equivalent elementary school resource teacher positions for art, physical education and health, and music per 1,000 students in average daily membership in the elementary grades, and to provide, within the minimum staffing requirements set forth in the Standards of Accreditation, (i) one full-time principal in each elementary

school; and (ii) assistant principals in elementary schools, one half-time per 550 students, and one full-time at 800 students, and, for assistant principals in middle schools and high schools, one full-time at 400 students. These amendments reflect several of the recommendations offered by the Joint Legislative Audit and Review Commission study of elementary and secondary school funding, released in fall 2001. The principal and assistant principal staffing requirements are drawn to address current practices throughout school divisions.

*Patron - Dillard*

**CHB1262 Standards of Learning assessments.** Directs local school divisions to include in reports of student scores on the Standards of Learning (SOL) assessments provided to parents the established margins of error for such assessments, score ranges, and explanations of such data.

*Patron - Petersen*

**CHB1352 Teacher licensure by reciprocity.** Directs the Board of Education to waive the requirement for passage of a professional teacher's assessment for such individuals holding a valid out-of-state teaching license and national certification if the individual has completed at least one year of successful, full-time experience as a teacher in an accredited public or nonpublic school outside the Commonwealth and subsequently completes one year of full-time teaching in an accredited public or nonpublic school in the Commonwealth, at the end of which the individual shall be subject to review by the employing local school board, which may then recommend to the Board of Education the waiver of the professional teacher's assessment requirement and the award of a license by reciprocity. Currently, the Board's Professional Teacher's Assessment Requirement (October 10, 2001) provides that persons who "have completed a minimum of two years of full-time successful teaching experience in an accredited public or nonpublic school (kindergarten through grade 12) in a state other than Virginia are exempted from the assessment requirement. Experience as a substitute teacher or as a teacher's aide is not acceptable experience to meet this exemption.

*Patron - Saxman*

**CSB216 Funding for elementary and secondary educational programs.** Modifies the Standards of Quality to (i) require the assignment of instructional personnel in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of twenty-one to one in middle schools and high schools and to (ii) codify the regulatory requirement in the Standards of Accreditation that each elementary school provide instruction in art, music, and physical education and health (8 VAC 20-131-80) and provides that funding for elementary school resource teacher positions for art, physical education and health, and music shall be provided from basic school aid on the basis of prevailing statewide costs. In addition, the bill 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 2003, the Governor shall include in his budget recommendations adequate funds to meet the requirements of this bill. Finally, the measure 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 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 programs for at-risk four-year olds would be eligible for funding in the 2002-2003 fiscal year. If the local funding in 2001-2002 was more than the required local match for state funds in the 2002-2003 fiscal year, reduction of the local funding would not be construed as supplanting of state funds. These amendments reflect several of the recommendations offered by the Joint Legislative Audit and Review Commission study of elementary and secondary school funding, released in fall 2001.

*Patron - Ticer*

**CSB408 Compulsory school attendance.** Incorporates, into the provisions concerning truancy and compulsory school attendance, habitual and without justification partial day absences by (i) adding this concept to the criteria for determining the student is "a child in need supervision"; (ii) requiring notification of such partial-day absence if there is no indication that the student's parent is aware of such absence; (iii) triggering an effort to make direct contact if the efforts to notify the parent have failed and such absences have occurred in five scheduled school days; (iv) scheduling a conference with the parent if an additional partial day absence occurs after this contact or attempt to contact; (v) maintaining a record of partial day absences; (vi) defining "truant" to include students who are habitually and without justification absent from school for an entire day or any part thereof; (vii) explicitly authorizing law enforcement or attendance officers to pick such students up and deliver them to the appropriate site; (viii) requiring school boards to include in the material distributed to parents at the opening of school information on the requirements of the compulsory school attendance law; and (ix) including school attendance in the penalty provisions of the parental responsibility and involvement law.

*Patron - Rerras*

**CSB585 Data-based management system required in school divisions.** Requires the Board of Education, in conjunction with the Department of Information Technology, to select and require each school division to utilize an existing data-based management system that provides accurate accounting of subclassifications of expenditures of school funds for any expenditure categories identified by the Board as appropriate for activity-based budgeting analyses. The Board is already required to establish a modern system of accounting and to designate classifications of expenditures for budgeting. For the purposes of this provision, the Board's subclassifications may include, but need not be limited to, special education, English for speakers of other languages (ESOL), food services, maintenance, and transportation. The data-based management system must be utilized statewide in order to (i) ensure accountability for school funds, (ii) provide the General Assembly and the taxpayers with accurate comparisons of how state funds are being used in the Commonwealth's school divisions, and (iii) allow evaluation of cost effective mechanisms for containing such expenditures.

*Patron - Barry*

**CSB606 Health of public school students.** Prohibits public schools, public school divisions or school boards from contracting for, allowing or continuing the use of vending machines in elementary schools dispensing soft drinks having empty calories and high sodium and caffeine content or solid foods that are not recommended for a nutritional diet for children. The Board of Education must enforce this provision and will withhold funds as may be allocated to any school division until the vending machines are removed from the noncompliant elementary schools.

*Patron - Marye*

**CSB631 The Standards of Quality and staffing ratios for attendance officers and secretaries.** Adds, on July 1, 2003, 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, 2003.

*Patron - Colgan*

## Educational Institutions

### Passed

**PHB11 Tuition and fees charged in-state undergraduate students.** Repeals identical, obsolete Code sections that directed the governing body of each institution 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 for the year beginning July 1, 1999, and ending June 30, 2000. Following such reduction, the Governor was to include, in each budget submitted to the General Assembly, sufficient funds to reimburse each public institution of higher education for the reduced tuition and mandatory fees. This bill is a recommendation of the Virginia Code Commission.

*Patron - Landes*

**PHB19 Eastern Virginia Medical School; emergency.** Revises the legal name of the Medical College of Hampton Roads to be consistent with its commonly accepted popular name, i.e., "Eastern Virginia Medical School" and strengthens and modernizes the school's authorities and status. This bill clarifies that (i) the board of visitors take office on July 1 of the appointment year; (ii) the rector or any three members may call special meetings of the board and the board may appoint an executive committee of at least three members to transact business in the recess of the board; (iii) the school may operate and own medical and health care, education, research and associated programs and establish satellite offices and facilities for such programs within or without the Commonwealth or the United States; (iv) the board of visitors has authority to contract with domestic and foreign entities for its activities; and (v) the board of visitors has authority to obtain patents, copyrights, and trademarks for intellectual properties and to administer, manage, market, transfer, and convey any interest in such intellectual properties. The bill also provides exceptions, parallel to those exceptions provided for publicly supported institutions of higher education or the publicly supported medical schools, from the prohibited contracts provisions of the conflicts of interest law, and the records disclosure and closed meeting provisions of the Freedom of Information Act. The bill reinforces the fact that the Administrative Process Act and the Public Procurement Act do not apply to Eastern Virginia Medical School, which, although established in law, is not a state-owned institution of higher education. This bill also includes numerous technical amendments to change the institution's legal name in the enabling chapter and the Code and to update the language of the enabling chapter. This bill is identical to SB 35.

*Patron - Tata*

**PHB79 Duties of the State Council of Higher Education.** Requires the State Council of Higher Education (SCHEV) to prepare and submit its plans and recommendations for implementing a "coordinating system" of higher education to the Governor and the General Assembly at least once every four years; current law requires the submission of these plans biennially in each odd-numbered year, consistent with the timetable governing the submission of state agency budget estimates. SCHEV would still be required to submit the biennial budget estimate pursuant to § 2.2-1504.

*Patron - Bryant*

**PHB95 Powers and duties; jurisdiction of campus police.** Requires, for campus police to exercise jurisdiction in a concurrent area of a county, city or town, that the local governing body petition the circuit court pursuant to the request of the relevant local law enforcement agency.

*Patron - Dudley*

**PHB99 Commonwealth of Virginia Educational Facilities Bond Act of 2002.** Authorizes the issuance of Commonwealth of Virginia General Obligation Bonds pursuant to Article X, Section 9 (b) of the Virginia Constitution in an amount not exceeding \$900,488,645 subject to approval by a majority of the qualified voters of the Commonwealth voting thereon at the November 5, 2002, general election. The purpose of the bonds is to provide funds for financing the costs of capital projects for the Commonwealth's institutions of higher education. The full faith and credit of the Commonwealth is pledged for the payment of the principal and interest on the bonds and any bond anticipation notes or refunding bonds. The bill shall not become effective, and no bonds shall be issued, unless and until voter approval is obtained. This bill is identical to SB 31.

*Patron - Callahan*

**PHB100 Commonwealth of Virginia Higher Educational Institutions Bond Act of 2002.** Authorizes the issuance of Commonwealth of Virginia Higher Educational Institutions Bonds pursuant to Article X, Section 9 (c) of the Virginia Constitution in a principal amount not to exceed \$149,505,400 for paying costs of acquiring, constructing, and equipping revenue-producing capital projects at institutions of higher learning of the Commonwealth. The bill declares that an emergency exists and that it is in force upon passage. This bill is identical to SB 32.

*Patron - Callahan*

**PHB102 Virginia Commonwealth University School of Medicine.** Authorizes the board of visitors of Virginia Commonwealth University to establish the Virginia Commonwealth University School of Medicine - Northern Virginia Division.

*Patron - Callahan*

**PHB200 University of Virginia Medical Center; credit for imputed interest.** Allows the University of Virginia Medical Center to retain the imputed interest earned by the investment of its nongeneral fund operating cash balances, subject to conditions in the Budget Bill. This bill is identical to SB 124.

*Patron - Callahan*

**PHB218 Senior Citizens Higher Education Act.** Increases the income threshold for eligible senior citizens to enroll tuition free in classes conducted in state institutions of higher education. This bill increases the income threshold from \$10,000 to \$15,000.

*Patron - O'Bannon*

**PHB364 Reporting of certain students issued student visas.** Requires each public and private two- and four-year institution of higher education in the Commonwealth and the governing board, president, or director of any correspondence school, postsecondary school, or proprietary career school, or flight school in the Commonwealth to inform the Attorney General whenever a student who has been accepted for admission to such an educational institution pursuant to a student visa fails to enroll or who has been attending such an educational institution pursuant to a student visa and withdraws at such institution or violates the terms of his visa. The notification will contain all available information from the U.S. Immigration and Naturalization Service form I-20 and will be submitted not later than 30 days after the discovery of the reportable event. The Attorney General must notify the U.S. Immigration and Naturalization Service and other appropriate national, state, and local agencies of any such failure to enroll, withdrawal, or student visa violations. This bill will be effective until superseded by federal action and incorporates HB 384 and HB 632.

*Patron - Cosgrove*

**PHB386 Old Dominion University; board of visitors.** Provides that a majority of voting members will constitute a quorum for the board of visitors of Old Dominion University. Old Dominion University has a seventeen-member board; however, presently, the law only requires five members for a quorum.

*Patron - Wardrup*

**PHB530 Virginia Research and Technology Advisory Commission; policies and standards for the commercialization of intellectual property from research universities.** Directs the Virginia Research and Technology Advisory Commission (VRTAC), in conjunction with the Center for Innovative Technology (CIT), the Office of the Attorney General and the research universities of the Commonwealth, to develop a statewide policy and uniform standard for the commercialization of intellectual property developed through university research. The Commission is required to provide such policy and standards to the Governor and the General Assembly and recommend any changes to the Code of Virginia by December 1, 2002.

*Patron - Devolites*

**PHB605 Institute for Advanced Learning and Research.** Creates the Institute for Advanced Learning and Research in Southside Virginia to be founded by Averett University, Danville Community College, and Virginia Polytechnic Institute and State University. The Institute will seek to diversify the Dan River region's economy by acting as a catalyst for economic and community transformation, providing a site for the development of technology and a trained workforce, and expanding access to higher education in Southside Virginia. The Institute will promote network-related educational initiatives and generally seek to stimulate the economic viability of the region through education. A nine-member board of trustees, consisting of institutional and citizen members, will govern the Institute that will have corporate powers and be authorized to enter into and administer agreements with institutions of higher education to deliver traditional and electronic education. The board may appoint an executive director, may seek additional staff support from its founding institutions, and may apply for, accept, and expend gifts, grants or donations from public or private sources. This bill is identical to SB 459.

*Patron - Marshall, D.W.*

**PHB688 Investment of endowment funds; University of Virginia.** Adds endowment income and gifts to those funds that may be invested by the University of Virginia (UVA) Board of Visitors and exempts investment and management of all these funds by the UVA Board of Visitors from the Virginia Public Procurement Act. This bill is identical to SB 21.

*Patron - Tata*

**PHB691 Virginia Commonwealth University; branch campus in Qatar.** Authorizes the board of visitors of Virginia Commonwealth University (VCU) to establish, operate, and govern a VCU branch campus in the State of Qatar. The board is to provide appropriate professional opportunities for Virginia-based faculty to teach or conduct research on the Qatar campus and educational opportunities for Virginia-based students to study or conduct research on the Qatar campus. The measure is similar to legislation adopted in 1999, authorizing the University of Virginia to operate a branch campus in Qatar (§ 23-91.23:1; SB 1338/HB 2765).

*Patron - Tata*

**PHB938 Longwood College.** Changes the classification of Longwood College to Longwood University. The State Council of Higher Education for Virginia (SCHEV) is not charged with responsibility for review and approval of a name change for a public institution of higher education; however, SCHEV is required, pursuant to § 23-9.6:1, to "study any proposed escalation of any public institution to a degree-granting level higher than that level to which it is presently restricted" and to review and approve any proposed modifications in institutional missions. Longwood's board of visitors unanimously approved changing the institutional status to "university" at its December 1, 2001, meeting. This bill is identical to SB 342.

*Patron - Morgan*

**PHB1022 Responsibilities of Virginia Community College System.** Requires community colleges to (i) offer non-credit courses at a time and place that meet the needs of employers and (ii) deal directly with employers in designing and offering courses to meet real, current and projected workforce training needs. The community colleges must report annually to the General Assembly on actions taken to meet these requirements. This bill is a recommendation of the Rural Virginia Prosperity Commission and is identical to SB 572.

*Patron - Hurt*

**PHB1079 Health; nursing scholarships.** Allows part-time nursing students to be eligible for scholarship and loan repayment programs. This is a recommendation of the Joint Commission on Health Care.

*Patron - Brink*

**PHB1114 Southwest Virginia Higher Education Center.** Adds the president or his designee of Virginia Inter-mont College to the governing board of the Southwest Virginia Higher Education Center.

*Patron - Johnson*

**PHB1284 Capital projects; Virginia Public Building Authority and Virginia College Building Authority.** Authorizes the Virginia Public Building Authority and the Virginia College Building Authority to undertake numerous public capital projects throughout the Commonwealth for a principal amount not to exceed \$166,374,000 and \$164,946,996, respectively, and to issue bonds to finance the cost thereof. This bill is identical to SB 673.

*Patron - Callahan*

**PHB1286 Commonwealth Health Research Board; powers of the Board.** Provides that no more than six percent of the moving average of the market value of the Commonwealth Health Research Fund calculated over the previous five years, on a one-year delayed basis, net of any administrative fee assessed by the Board of the Virginia Retirement System, may be expended in a calendar year. Current law provides that the annual income of the Fund, excluding gains on the sale of investments, may be expended annually. The bill also authorizes the Board to hire such staff as is necessary and to fix the salaries and compensation of such staff, which shall be paid from the Commonwealth Health Research Fund. The executive secretary to the Board is no longer required to be the Director of the State Council of Higher Education for Virginia.

*Patron - Callahan*

**PHB1370 Authority to transfer certain property of the University of Virginia's College at Wise.** Grants the Rector and the Board of Visitors of the University of Virginia the authority to transfer to the University of Virginia Real Estate Foundation no more than 20 acres of property located in the Town of Wise that have been previously given to the University of Virginia's College at Wise. Such property transfer will (i) only be used for residential or commercial development focused primarily on student- and College-centered endeavors, and (ii) be subject to and conditioned upon the approval of a rezoning application by the Town of Wise that is suitable for the proposed development. This bill is identical to SB 270.

*Patron - Kilgore*

**PSB31 Commonwealth of Virginia Educational Facilities Bond Act of 2002.** Authorizes the issuance of Commonwealth of Virginia General Obligation Bonds pursuant to Article X, Section 9 (b) of the Virginia Constitution in an amount not exceeding \$900,488,645 subject to approval by a majority of the qualified voters of the Commonwealth voting thereon at the November 5, 2002, general election. The purpose of the bonds is to provide funds for financing the costs of capital projects for the Commonwealth's institutions of higher education. 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 shall not become effective, and no bonds shall be issued, unless and until voter approval is obtained.

*Patron - Chichester*

**PSB32 Commonwealth of Virginia Higher Educational Institutions Bond Act of 2002.** Authorizes the issuance of Commonwealth of Virginia Higher Educational Institutions Bonds pursuant to Article X, Section 9 (c) of the Virginia Constitution in a principal amount not to exceed \$149,505,400 for paying costs of acquiring, constructing, and equipping revenue-producing capital projects at institutions of higher learning of the Commonwealth. The bill declares that an emergency exists and that it is in force upon passage. This bill is identical to HB 100.

*Patron - Chichester*

**PSB35 Eastern Virginia Medical School; emergency.** Revises the legal name of the Medical College of Hampton Roads to be consistent with its commonly accepted popular name, i.e., "Eastern Virginia Medical School" and strengthens and modernizes the school's authorities and status. This bill clarifies that (i) the board of visitors take office on July 1 of the appointment year; (ii) the rector or any three members may call special meetings of the board and the board may appoint an executive committee of at least three members to transact business in the recess of the board; (iii) the school may operate and own medical and health care, education,

research and associated programs and establish satellite offices and facilities for such programs within or without the Commonwealth or the United States; (iv) the board of visitors has authority to contract with domestic and foreign entities for its activities; and (v) the board of visitors has authority to obtain patents, copyrights, and trademarks for intellectual properties and to administer, manage, market, transfer, and convey any interest in such intellectual properties. The bill also provides exceptions, parallel to those exceptions provided for publicly supported institutions of higher education or the publicly supported medical schools, from the prohibited contracts provisions of the conflicts of interest law, and the records disclosure and closed meeting provisions of the Freedom of Information Act. The bill reinforces the fact that the Administrative Process Act and the Public Procurement Act do not apply to Eastern Virginia Medical School, which, although established in law, is not a state-owned institution of higher education. This bill also includes numerous technical amendments to change the institution's legal name in the enabling chapter and the Code and to update the language of the enabling chapter. This bill is identical to HB 19.

*Patron - Stolle*

**PSB124 University of Virginia Medical Center; credit for imputed interest.** Authorizes the State Comptroller, subject to conditions in the Budget Bill, to credit on a monthly basis, to the nongeneral fund operating cash balances of the University of Virginia Medical Center, the imputed interest earned by the investment of such nongeneral fund operating cash balances, including, but not limited to, those balances derived from patient care revenues on deposit with the State Treasurer. This bill is identical to HB 200.

*Patron - Wampler*

**PSB237 Frontier Culture Museum of Virginia; powers of the Board.** Authorizes the Board of the Frontier Culture Museum of Virginia to evaluate the significance or suitability of the furnishings, household items, and other objects acquired by purchase, gift or donations for the purpose of accurately presenting the tastes and lifestyles of the people living during the era the Museum depicts and within the limitations of the furnishings, household items, and other objects that would have been available to and within the means of such persons. The Board may dispose of property determined to be of little or no significance or suitability to its purpose or mission, so long as the disposition of the property is not inconsistent with the terms of the acquisition of the relevant property. The proceeds from such sales will be used solely for acquiring period furnishings, household goods, and other objects consistent with the purpose and mission of the Museum. In addition, the Board may exercise flexibility in investing its funds or revising its investments. However, the sale of real property will require the consent of the Governor.

*Patron - Hanger*

**PSB270 Authority to transfer certain property of the University of Virginia's College at Wise.** Grants the Rector and the Board of Visitors of the University of Virginia the authority to transfer to the University of Virginia Real Estate Foundation no more than 20 acres of property located in the Town of Wise that have been previously given to the University of Virginia's College at Wise. Such property transfer will (i) only be used for residential or commercial development focused primarily on student- and College-centered endeavors, and (ii) be subject to and conditioned upon the approval of a rezoning application by the Town of Wise that is suitable for the proposed development. This bill is identical to HB 1370.

*Patron - Puckett*

**PSB296 Commonwealth Health Research Board; powers of the Board.** Provides that no more than six percent of the moving average of the market value of the Fund calculated over the previous five years, on a one-year delayed basis, net of any administrative fee assessed by the Board of the Virginia Retirement System, may be expended in a calendar year. Current law provides that the annual income of the Fund, excluding gains on the sale of investments, may be expended annually. The bill also authorizes the Board to hire such staff as is necessary and to fix the salaries and compensation of such staff, which shall be paid from the Commonwealth Health Research Fund. The executive secretary to the Board is no longer required to be the Director of the State Council of Higher Education for Virginia.

*Patron - Chichester*

**PSB342 Longwood College.** Changes the classification of Longwood College to Longwood University. The State Council of Higher Education for Virginia (SCHEV) is not charged with responsibility for review and approval of a name change for a public institution of higher education; however, SCHEV is required, pursuant to § 23-9.6:1, to "study any proposed escalation of any public institution to a degree-granting level higher than that level to which it is presently restricted" and to review and approve any proposed modifications in institutional missions. Longwood's board of visitors unanimously approved changing the institutional status to "university" at its December 1, 2001, meeting. This bill is identical to HB 938.

*Patron - Ruff*

**PSB459 Institute for Advanced Learning and Research.** Creates the Institute for Advanced Learning and Research in Southside Virginia to be founded by Averett University, Danville Community College, and Virginia Polytechnic Institute and State University. The Institute will seek to diversify the Dan River region's economy by acting as a catalyst for economic and community transformation, providing a site for the development of technology and a trained workforce, and expansion of access to higher education in Southside Virginia. The Institute will promote network-related educational initiatives and generally seek to stimulate the economic viability of the region through education. A nine-member board of trustees, consisting of institutional and citizen members, will govern the Institute that will have corporate powers and be authorized to enter into and administer agreements with institutions of higher education to deliver traditional and electronic education. The board may appoint an executive director, may seek additional staff support from its founding institutions, and may apply for, accept, and expend gifts, grants or donations from public or private sources. This bill is identical to HB 605.

*Patron - Hawkins*

**PSB572 Responsibilities of Virginia Community College System.** Requires community colleges to (i) offer non-credit courses at a time and place that meet the needs of employers and (ii) deal directly with employers in designing and offering courses to meet real, current and projected workforce training needs. The community colleges shall report annually to the General Assembly on actions taken to meet these requirements. This is a recommendation of the Rural Virginia Prosperity Commission and is identical to HB 1022.

*Patron - Ruff*

**PSB594 Property conveyance.** Authorizes the Department of Mental Health, Mental Retardation and Substance Abuse Services to transfer to the Frontier Culture

Museum of Virginia approximately 61 acres in Augusta County.

*Patron - Hanger*

**PSB627 Regulation of certain private and out-of-state institutions of higher education.** Clarifies and strengthens the present regulatory scheme for approval of private and out-of-state institutions to operate and grant degrees in Virginia. This bill (i) defines key terms relating to this approval process; (ii) sets out exemptions for such activities as granting honorary degrees and certain professional training programs that are subject to regulatory boards, schools that are regulated by the Department of Education that offer nondegree programs, other noncredit programs, contract programs, etc.; (iii) establishes the State Council of Higher Education for Virginia's authority to adopt regulations for procedures, minimal academic standards, protections for students, and information to assist third parties who rely on postsecondary credentials; (iv) mandates that approval be obtained from the Council prior to using the term "college" or "university," enrolling students, offering degrees, etc.; (v) grandfathers certain institutions that were in existence prior to July 1, 1980; (vi) clarifies the division of authority between the State Council and the Department of Education, i.e., that any institution that is approved to grant degrees does not offer nondegree credit programs but does offer certificate and diploma programs will only be subject to the authority of the Council; and (vii) clearly notes the Council's authority to grant provisional approval or to modify a previous approval, to refuse, revoke or suspend its approval under certain circumstances, and to issue emergency actions. Student records are protected through requirements for maintenance and orderly transfer in the event of a closure. Violations of these provisions will be punishable as a Class 1 misdemeanor. Further, the Council may institute a proceeding in equity to enjoin any violation of a provision and will be entitled to reasonable attorney's fees and costs upon substantially prevailing on the merits unless special circumstances would render such an award unjust. The old chapter governing private and out-of-state institutions is repealed; the Council's present regulations are continued until new regulations are in place, and the Council is required to promulgate emergency regulations.

*Patron - Houck*

**PSB673 Capital projects; Virginia Public Building Authority and Virginia College Building Authority.** Authorizes the Virginia Public Building Authority and the Virginia College Building Authority to undertake numerous public capital projects throughout the Commonwealth for a principal amount not to exceed \$166,374,000 and \$164,946,996, respectively, and to issue bonds to finance the cost thereof.

*Patron - Chichester*

## Failed

**FHB384 Reporting of extended absences of students attending public institutions of higher education pursuant to student visas.** Directs the governing board of each public two- and four-year institution of higher education in Virginia, pursuant to guidelines to be developed by the State Council of Higher Education, to develop and implement a procedure for reporting extended absences of students attending the relevant institution pursuant to a student visa granted by the Immigration and Naturalization Service. The State Council is to develop the guidelines in consultation with the Office of the Attorney General to ensure the observance of any relevant individual civil and privacy rights. The guidelines must address, among other things, the timely reporting of absences by governing boards to the State Council, criteria for defining



extended absences, and recommended mechanisms for recording such absences. The State Council must regularly report such recorded absences to the Immigration and Naturalization Service and relevant local law-enforcement authorities. This bill and HB 632 are incorporated into HB 364.

*Patron - Wardrup*

**FHB475 Virginia Guaranteed Assistance Program.** Provides eligibility for the Virginia Guaranteed Assistance Program (VGAP) for children of active duty military personnel stationed outside Virginia (but claiming Virginia as their residence) by eliminating the requirement that these students graduate from a Virginia high school. The student must still have maintained the requisite grade point average and meet other VGAP requirements. VGAP awards are based on financial need and evidence of satisfactory academic progress. This bill is incorporated into HB 295.

*Patron - Suit*

**FHB538 Faculty representatives to boards of visitors, the State Board for Community Colleges, and local community college boards.** Requires the boards of visitors of four-year public institutions of higher education, State Board for Community Colleges, and local community college boards 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 boards of visitors and local community college boards must be appointed from, in the board's discretion, either those individuals elected by the faculty senate or other equivalent group of the institution or from a slate of no more than three faculty submitted by the faculty, faculty senate, or other equivalent group. All representatives must serve terms of not less than one 12 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, salaries, or other matters, in the discretion of the relevant board.

*Patron - Landes*

**FHB632 Reporting of extended absences of students attending public institutions of higher education pursuant to student visas.** Directs the governing board of each public two- and four-year institution of higher education in Virginia, pursuant to guidelines to be developed by the State Council of Higher Education, to develop and implement a procedure for reporting extended absences of students attending the relevant institution pursuant to a student visa granted by the Immigration and Naturalization Service. The State Council is to develop the guidelines in consultation with the Office of the Attorney General to ensure the observance of any relevant individual civil and privacy rights. The guidelines must address, among other things, the timely reporting of absences by governing boards to the State Council, criteria for defining extended absences, and recommended mechanisms for recording such absences. The State Council must regularly report such recorded absences to the Immigration and Naturalization Service and relevant local law-enforcement authorities. This bill and HB 384 are incorporated into HB 364.

*Patron - O'Brien*

**FHB648 Colleges and universities; renovations and improvements.** Creates the Higher Education Renovation

Trust Fund to fund capital renovation projects at colleges and universities upon the approval of the Secretary of Education and the Secretary of Finance and modifies the conditions under which the Virginia College Building Authority (VCBA) may undertake projects. The bill (i) permits the VCBA to undertake a project at an institution of higher education if the General Assembly has allocated funds to the institution for renovation or improvement projects and the project to be undertaken is within the limits and conditions of such allocation and (ii) requires the prior approval of the institution's board of visitors before the project may be undertaken by the VCBA, only if bonds issued by the VCBA to finance the project are secured by a note or other obligation of the institution. Under current law, the VCBA (a) may undertake a project only when specifically authorized by the General Assembly to do so, and (b) must receive the approval of the institution's board of visitors prior to undertaking any project.

*Patron - Dudley*

**FHB663 Standards of Learning test requirements for certain undergraduate students.** Mandates, on and after July 1, 2005, the State Council of Higher Education to implement, in cooperation with the State Board of Education, a systemwide program to require that, prior to being awarded a degree from any of the Commonwealth's public institutions of higher education, all undergraduate students, whether classified as in-state or out-of-state students, who do not hold diplomas from Virginia public high schools must take and obtain satisfactory scores on such Standards of Learning (SOL) tests, as may be required by Board of Education regulations, for obtaining a standard or advanced program high school diploma from Virginia's public high schools. Prior to the implementation of this testing requirement, the State Council of Higher Education for Virginia and the Board of Education must notify the affected students and will develop and distribute to all such freshman undergraduate students Standards of Learning study guides designed to facilitate the study of the relevant curricula. The board of visitors or other governing body of every educational institution must establish rules and regulations for the awarding of degrees, including the mandatory SOL testing requirements to be implemented by the State Council of Higher Education.

*Patron - Keister*

**FSB49 Tuition and fees charged in-state undergraduate students.** Repeals a duplicative section in the Code of Virginia and amends the other section to provide for a continuation of the 20 percent reduction instituted for fiscal year 1999-2000 for tuition and mandatory educational and general fees for in-state undergraduates.

*Patron - Edwards*

**FSB165 In-state tuition eligibility for certain public school personnel.** Authorizes Virginia public institutions of higher education to charge in-state tuition for the first year of full-time employment to any teacher or administrator who has accepted full-time employment by a local school board in the Commonwealth and has established legal residence in Virginia but has not yet met the requirements for establishing domicile in Virginia. After the first year of full-time service, the out-of-state teacher or administrator must meet the legal requirements for domicile or the parameters of another exception to these requirements.

*Patron - Byrne*

## Carried Over

**CHB28 Department of Human Resource Management; public institutions of higher education; State Council**



**of Higher Education; expectation of privacy in communications.** Prohibits the Department of Human Resource Management from enforcing any policy that has the effect of denying an expectation of privacy in electronic communications to students, faculty and professional staff of those public institutions of higher education in the Commonwealth that have previously adopted acceptable use of computing policies approved by the State Council of Higher Education of Virginia (SCHEV). SCHEV has the duty, responsibility and authority to review these acceptable use of computing policies submitted to it pursuant to this act and notify the institution whether such policy is approved.

*Patron - Callahan*

**CHB43 In-state tuition for spouses and dependents of military personnel.** Eliminates various residency, income tax, and employment requirements governing eligibility for in-state tuition for spouses and dependents of military personnel residing in Virginia pursuant to military orders and claiming residency in another state. If the nonresident student is the child of an active member of the armed forces, the nonmilitary parent must be a registered voter in Virginia, and the child must have been claimed as a dependent by the member of the armed forces for income tax purposes. If the student is the spouse of an active member of the armed forces, then the student must be a registered Virginia voter. The period of eligibility for in-state tuition shall not exceed the period of residency required by military orders. These students would be counted as in-state students for admissions, enrollment, and tuition and fee revenue policy purposes. Under current law, spouses and dependents of military personnel must meet various residency, income tax, and employment requirements to be eligible for in-state tuition; military personnel are not currently granted in-state tuition.

*Patron - Hamilton*

**CHB152 Defaults on certain educational loans; occupational license suspension.** Authorizes an obligee to petition for the suspension of any state-issued authority to engage in a business, trade, or occupation when an obligor is delinquent or in default in the payment of a federal or state guaranteed educational loan or work-conditional scholarship. Thirty days' notice must be given prior to filing the petition. The circuit court in the jurisdiction in which the obligor resides may order reinstatement of the license upon compliance with payment terms by the obligor. Similar to the current statutes governing suspension for delinquency in child support payments, this measure addresses the licenses and certificates of insurance agents and brokers, commercial drivers, teachers, attorneys, accountants, architects, barbers, geologists, real estate appraisers, opticians, doctors, nurses, dentists, pharmacists, social workers, veterinarians, and certain other occupations.

*Patron - Van Yahres*

**CHB247 Reduced tuition and fees for certain students.** Requires the governing board of any public institution of higher education or the governing board of the Virginia Community College System to reduce tuition and required fees by 15 percent for any Virginia resident dependent child who is accepted for full-time enrollment for undergraduate study at such two- or four-year public institution and whose parent has completed 15 years of full-time employment as a teacher or administrator in the Virginia public school system. The institution must determine the eligibility of the applicant for this reduction pursuant to guidelines to be developed by the State Council, in consultation with the Board of Education. These guidelines shall address, among other things, the identification of eligible students, determinations of the required full-time employment as a public school teacher or administrator, and

such other procedures as may be necessary for the implementation of these tuition and fee reductions. User fees, such as room and board charges, are not included in this tuition and fee reduction; however, all required fees, educational and auxiliary, shall be reduced along with tuition.

*Patron - Sears*

**CHB1229 Waivers of tuition and fees for certain students.** Expands the existing waiver of tuition and fees for surviving children and spouses of law-enforcement, firefighter, and other emergency personnel killed in the line of duty to include children and spouses of such persons "totally and permanently disabled" due to such service.

*Patron - Keister*

## Elections

### Passed

**PHB66 Replacement absentee ballots for certain disabled or ill voters.** Provides that a voter who has applied for an absentee ballot because of physical disability or illness, and who has been mailed an absentee ballot, but has not received or has lost the ballot, may obtain a replacement ballot by designating a representative to pick up and return the ballot for him and by completing required forms to obtain the replacement. The representative must be 18 or older and cannot be an elected official, candidate, or close affiliate of an official or candidate. Section 24.2-708 now allows voters who can appear in person to obtain and vote using a replacement absentee ballot. This bill is identical to SB 94.

*Patron - Sherwood*

**PHB101 Elections; conditional votes.** Clarifies statutory language relating to conditional votes and specifies that a conditional vote will be counted only if the voter submitting it is a qualified voter of the precinct in which he submitted the conditional vote.

*Patron - Callahan*

**PHB163 Delayed local elections following redistricting.** Delays elections for the governing body and school board if the decennial redistricting plan for the locality has not been precleared by the Department of Justice under § 5 of the Voting Rights Act at least 30 days before the general election and provides for the rescheduling of the election. This bill contains an emergency clause.

*Patron - Wright*

**PHB169 Election materials; security and retention requirements.** Reduces from five years to two years the period following an election that the general registrar must retain the pollbooks for the election.

*Patron - Petersen*

**PHB378 Municipal elections; option for November council elections.** Provides that cities and towns may shift to November elections held in either odd-numbered or even-numbered years.

*Patron - Van Yahres*

**PHB554 Campaign Finance Disclosure Act; depositories and checks; reimbursements of expenses.** Permits the reimbursement, by a check drawn on the campaign depository, of expenses paid by the candidate, treasurer, or other authorized member of the campaign staff. The expenses being reimbursed must be fully documented in compliance with the

reporting requirements of the Campaign Finance Disclosure Act. This proposal modifies a recommendation of the Joint Subcommittee Studying Campaign Finance Reform pursuant to SJR 393 (2001). This bill incorporates HB 1083 and is identical to SB 328.

*Patron - Jones, S.C.*

**PHB556 Campaign Finance Disclosure Act; schedule for political committee disclosure reports.** Sets out a single annual schedule for filing reports by PACs and political committees of six reports a year. Present law requires committees to comply with different candidate filing schedules for elections depending on whether the committee is involved in a May or November election, or possibly both. This proposal is a recommendation of the Joint Subcommittee Studying Campaign Finance Reform pursuant to SJR 393 (2001). This bill is identical to SB 330.

*Patron - Jones, S.C.*

**PHB558 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." This bill incorporates HB 1041.

*Patron - Jones, S.C.*

**PHB640 Revisions in the election and voter registration laws.** Modifies and clarifies various provisions relating to investigations of election law violations, officers of election and pollbooks, postponements of elections in emergencies, and voter registration and absentee voting procedures. This bill incorporates a number of recommendations of the Joint Subcommittee Studying Virginia's Election Process and Voting Technologies (HJR 681/SJR 363 -- 2001). This bill incorporates HBs 1036, 1039, and 1040 is identical to SB 113.

*Patron - O'Brien*

**PHB641 Elections; officers of election; use of pollbooks and precinct registered voter lists.** Provides that the electoral board may set the time or times for annual training of officers of election and deletes the provision specifying that training take place within the three to 30 days before each November general election. The bill also provides for state-wide implementation, for elections conducted after July 1, 2003, of a program to use a single list at precincts on election day that will show both the registered voters and persons voting. The State Board of Elections has been conducting pilot programs testing the use of a combined list. This bill incorporates recommendations of the Joint Subcommittee Studying Virginia's Election Process and Voting Technologies (HJR 681/SJR 363 -- 2001). This bill is identical to SB 19.

*Patron - O'Brien*

**PHB878 Rejected absentee ballots.** Requires local electoral boards to send a written explanation of the reason for rejection of an absentee ballot to the voter within 90 days of the date of rejection.

*Patron - Phillips*

**PHB901 Registered voters; change of address.** Provides that voters who move within the Commonwealth may notify the general registrar of their change of address by a form provided by the State Board of Elections and by an electronic process. The State Board is authorized to conduct a pilot program for an electronic notice process.

*Patron - Purkey*

**PHB985 Recount proceedings.** Provides that issues of voter eligibility will not be considered in a recount and that rejected conditional and absentee ballots will not be reexamined. The bill provides for a single recount or redetermination of the vote in a recount proceeding and spells out recount steps related to differing types of ballots and voting devices. In the case of optical scan and punchcard tabulators, the printed return sheets shall be accepted unless they are not clear or the court orders a further count. If a further count is ordered, the tabulator shall be programmed to set aside write-in votes, overvotes, and undervotes. The ballots thus set aside and other ballots rejected by the tabulator (e.g. damaged ballots) will be counted by hand. This bill incorporates recommendations of the Joint Subcommittee Studying Virginia's Election Process and Voting Technologies (HJR 681/SJR 363 -- 2001). This bill is identical to HB 1035 and SB 112.

*Patron - O'Brien*

**PHB1082 Campaign Finance Disclosure Act; failures to file and late filings of reports; certain extensions.** Authorizes the State Board of Elections to extend the filing deadline for campaign reports in emergency situations. The emergency must be declared by the Governor or the President. A similar emergency power is given to the State Board with respect to deadlines for voting absentee.

*Patron - Brink*

**PHB1256 Form of ballots; party designations on the ballot.** Provides for the identification by party on the ballot of candidates nominated by "recognized political parties" as well as by the major political parties. The bill incorporates the 2001 court order of the United States District Court for the Eastern District of Virginia in *Libertarian Party of Virginia v. Quinn* relating to party identification on the ballot. That order provides that a recognized political party includes any organization that, for at least six months prior to the filing deadline for candidates, has had a state central committee composed of registered voters residing in each congressional district, a party plan and bylaws, and a duly elected chairman and secretary. The definition is similar to the definition used currently to allow minor party names on presidential election ballots. There is no requirement to have received a certain percentage of the vote in prior elections.

*Patron - Sherwood*

**PHJ95 Voting Rights Act.** Requests the Attorney General to collect and disseminate certain information pertaining to the bailout of Virginia localities from requirements of Section 5 of the Voting Rights Act. Specifically, the Attorney General is requested to (i) collect information, including historical data on preclearance submissions, that would be needed to obtain a bailout, (ii) notify localities on what assistance the Attorney General can provide to them in petitioning the court, (iii) advise localities on what corrective actions and improvements are needed to promote electoral integrity to qualify for bailout, and (iv) develop a model strategy for localities to utilize in applying for bailout status.

*Patron - Black*

**PSB19 Elections; officers of election; use of pollbooks and precinct registered voter lists.** Provides that the electoral board may set the time or times for annual training of officers of election and deletes the provision specifying that training take place within the three to 30 days before each November general election. The bill also provides for state-wide implementation, for elections conducted after July 1, 2003, of a program to use a single list at precincts on election day that will show both the registered voters and persons voting. The State Board of Elections has been conducting pilot

programs testing the use of a combined list. This bill incorporates recommendations of the Joint Subcommittee Studying Virginia's Election Process and Voting Technologies (HJR 681/SJR 363 -- 2001). This bill is identical to HB 641.

*Patron - Miller, K.G.*

**PSB94 Replacement absentee ballots for certain disabled or ill voters.** Provides that a voter who has applied for an absentee ballot because of physical disability or illness, and who has been mailed an absentee ballot, but has not received or has lost the ballot, may obtain a replacement ballot by designating a representative to pick up and return the ballot for him and by completing required forms to obtain the replacement. The representative must be 18 or older and cannot be an elected official, candidate or close affiliate of an official or candidate. Section 24.2-708 now allows voters who can appear in person to obtain and vote using a replacement absentee ballot. This bill is identical to HB 66.

*Patron - Howell*

**PSB112 Recount proceedings.** Provides that issues of voter eligibility will not be considered in a recount and that rejected conditional and absentee ballots will not be reexamined. The bill provides for a single recount or redetermination of the vote in a recount proceeding and spells out recount steps related to differing types of ballots and voting devices. In the case of optical scan and punchcard tabulators, the printed return sheets shall be accepted unless they are not clear or the court orders a further count. If a further count is ordered, the tabulator shall be programmed to set aside write-in votes, overvotes, and undervotes. The ballots thus set aside and other ballots rejected by the tabulator (e.g. damaged ballots) will be counted by hand. This bill incorporates recommendations of the Joint Subcommittee Studying Virginia's Election Process and Voting Technologies (HJR 681/SJR 363 -- 2001). This bill is identical to HB 985 and HB 1035.

*Patron - Bolling*

**PSB113 Revisions in the election and voter registration laws.** Modifies and clarifies various provisions relating to investigations of election law violations, officers of election and pollbooks, postponements of elections in emergencies, and voter registration and absentee voting procedures. This bill incorporates a number of recommendations of the Joint Subcommittee Studying Virginia's Election Process and Voting Technologies (HJR 681/SJR 363 -- 2001). This bill is identical to HB 640.

*Patron - Bolling*

**PSB177 Local reapportionment; prison population.** Expands coverage of the law to allow localities with a prison population exceeding 12 percent of their total population to exclude such prison population from the population base used for local decennial reapportionment. The present law, which becomes effective on May 1, 2002, allows any locality with a prison population that exceeds 18 percent of its total population to exclude its prison population. Under the 2000 census, Greenville and Sussex counties fell within this category. Localities with a population exceeding 12 percent of their total population include the additional localities of Brunswick, Buckingham, and Richmond counties.

*Patron - Miller, K.G.*

**PSB328 Campaign Finance Disclosure Act; depositories and checks; reimbursements of expenses.** Permits the reimbursement, by a check drawn on the campaign depository, of expenses paid by the candidate, treasurer, or other authorized member of the campaign staff. The expenses being reimbursed must be fully documented in compliance with the reporting requirements of the Campaign Finance Disclosure

Act. This proposal modifies a recommendation of the Joint Subcommittee Studying Campaign Finance Reform pursuant to SJR 393 (2001). This bill is identical to HB 554.

*Patron - Wagner*

**PSB330 Campaign Finance Disclosure Act; schedule for political committee disclosure reports.** Sets out a single annual schedule for filing reports by PACs and political committees of six reports a year. Present law requires committees to comply with different candidate filing schedules for elections depending on whether the committee is involved in a May or November election, or possibly both. This proposal is a recommendation of the Joint Subcommittee Studying Campaign Finance Reform pursuant to SJR 393 (2001). This bill is identical to HB 556.

*Patron - Wagner*

**PSB586 Campaign Finance Disclosure Act; filing requirements and deadlines; waiver of penalties in certain cases.** Provides that political committee reports filed with the State Board will be deemed to be timely filed if mailed and postmarked by the filing deadline. Under recent revisions in the law, all reports filed with the State Board must be received by the Board by the applicable deadline either by mail or by fax. The substitute also enables the State Board or local board or general registrar to waive, for good cause, a penalty that has been assessed.

*Patron - Norment*

## Failed

**FHB92 Electronic filing of campaign finance disclosure reports.** Requires, rather than permits, candidates for the General Assembly to file the reports required by the Campaign Finance Disclosure Act by computer or electronic means in accordance with the standards approved by the State Board of Elections. Currently, candidates for Governor, Lieutenant Governor, and Attorney General are required to file electronically, and candidates for the General Assembly have the option to file paper reports.

*Patron - Welch*

**FHB125 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*

**FHB164 City of Colonial Heights; Advisory referendum.** Provides authority for an advisory referendum in the City of Colonial Heights on the question of whether the City shall establish a recreation center. This bill is identical to SB 403.

*Patron - Cox*

**FHB339 Elections; activities at polling places.** Authorizes the electoral board and the person in charge of the facility where a polling place is located to approve a sale of refreshments by a non-profit, non-partisan group within the 40-foot prohibited area at the polling place.

*Patron - Albo*

**FHB555 Campaign Finance Disclosure Act; mandatory electronic filing of reports.** Requires General Assembly candidates, who receive more than \$10,000 in contributions, to file campaign finance reports electronically in accordance with State Board of Elections standards; and requires political committees (including PACs and political party committees subject to the Act's reporting requirements)

that receive more than \$25,000 in contributions to file campaign finance reports electronically in accordance with State Board of Elections standards. This proposal incorporates recommendations of the Joint Subcommittee Studying Campaign Finance Reform pursuant to SJR 393 (2001).

*Patron - Jones, S.C.*

**FHB599 Party designations on the ballot.** Extends to local elections, other than school board and soil and water conservation district elections, the identification of candidates by party name on the ballot. 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*

**FHB635 Primary elections; voter registration by political party.** Adds party affiliation to the information that an applicant is asked to provide when registering to vote. The applicant may indicate that he is an independent. Voters registered prior to July 1, 2002, will be designated as independent unless they provide a political party designation in writing 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 of each political party 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 - O'Brien*

**FHB752 Elections; activities at polling places.** Authorizes the electoral board and the person in charge of the facility where a polling place is located to approve a sale of refreshments by a non-profit group within the 40-foot prohibited area at the polling place.

*Patron - Amundson*

**FHB797 Elections; activities at polling places.** Authorizes the principal of a school that serves as a polling place to approve a sale of refreshments by a non-profit group affiliated with the school within the school and the 40-foot prohibited area at the polling place. Persons conducting the sale are subject to prohibitions against campaigning or hindering voters.

*Patron - Bolvin*

**FHB974 General Assembly Campaign Finance Reform Act.** Imposes limits on contributions to candidates for the General Assembly made on and after January 1, 2003. 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 - Pollard*

**FHB1035 Recount proceedings.** Provides that issues of voter eligibility will not be considered in a recount and that rejected conditional and absentee ballots will not be reexamined. The bill provides for a single recount or redetermination of the vote in a recount proceeding and spells out recount steps related to differing types of ballots and voting devices. In the case of optical scan and punchcard tabulators, the printed return sheets shall be accepted unless they are not clear or the court orders a further count. If a further count is ordered, the

tabulator shall be programmed to set aside write-in votes, overvotes, and undervotes. The ballots thus set aside and other ballots rejected by the tabulator (e.g. damaged ballots) will be counted by hand. This bill incorporates recommendations of the Joint Subcommittee Studying Virginia's Election Process and Voting Technologies (HJR 681/SJR 363 -- 2001). This bill is identical to HB 985 and SB 112.

*Patron - Crittenden*

**FHB1036 Absentee voting; obsolete provisions.** Removes obsolete, conflicting and confusing provisions that were needed to distinguish between overseas voters registering in absentia and other voters prior to the advent of mail registration. Currently, any Virginia resident who is overseas can register by mail. Other cleanup revisions include (i) extending the voter identification requirement to voters who vote absentee in person, (ii) requiring overseas applicants to provide information on the date of last residence in Virginia, (iii) extending to all members of the electoral board the authority currently held by the secretary of the board to receive absentee ballots, and (iv) allowing the pre-election day notation of absentee voters on the voter registration list for verification by the officers of election. This bill is incorporated into HB 640.

*Patron - Crittenden*

**FHB1039 Pollbooks; duties of electoral board members.** Provides that each member of the electoral board, rather than only the secretary of the electoral board, shall be authorized to administer the oath to officers of election on election day. This bill is incorporated into HB 640.

*Patron - Crittenden*

**FHB1040 Assistance in the prosecution of election law offenses.** Provides that when a request is made by a unanimous vote of the State Board of Elections for assistance in prosecuting elections law violations, the Attorney General shall conduct an investigation and report his findings to the State Board. Present law authorizes the Attorney General to respond to such a request from the State Board. This bill is incorporated into HB 640.

*Patron - Crittenden*

**FHB1041 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." This bill is incorporated into HB 558.

*Patron - Scott*

**FHB1083 Campaign Finance Disclosure Act; depositories and checks; reimbursements of expenses.** Permits the reimbursement, by a check drawn on the campaign depository, of expenses paid by the candidate, treasurer, or other authorized member of the campaign staff when the amount of the reimbursement does not exceed \$1,000 and the expenses being reimbursed are fully documented in compliance with the reporting requirements of the Campaign Finance Disclosure Act. This bill is incorporated into HB 554.

*Patron - Brink*

**FHB1091 Replacement absentee ballots for certain disabled or ill voters.** Provides that a voter who has applied for an absentee ballot because of physical disability or illness, and who has been mailed an absentee ballot, but has not received or has lost the ballot, may obtain a replacement ballot by designating a representative to pick up and return the ballot for him and by completing required forms to obtain the replacement. The representative must be 18 or older and cannot

be an elected official, candidate or close affiliate of an official or candidate. Section 24.2-708 now allows voters who can appear in person to obtain and vote using a replacement absentee ballot.

*Patron - Brink*

**FHB1092 Voting materials; language alternatives.** Provides that the State Board of Elections may prescribe voting materials in a language other than English if the Commonwealth or a locality is required to provide such materials pursuant to bilingual election requirements of federal law (42 U.S.C. § 1973aa-1a and 42 USC § 1973b(f)(4)). The federal law may become 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 Register. His determinations following the 1990 Census were published September 18, 1992. This bill is identical to SB 214.

*Patron - Brink*

**FHB1093 Conditional votes and envelopes.** Provides that a photocopy shall be taken of the envelope in which a rejected conditional vote is sealed and that the copy may serve as a registration application. Conditional votes occur when a voter is not listed on the registered voter list at the precinct. The voter completes an envelope at the polls with the information required to register to vote and seals his conditional paper ballot in the envelope. The electoral board meets the next day to determine whether the conditional votes should be counted. The conditional vote envelopes are then sealed and stored with other election materials.

*Patron - Brink*

**FHB1097 Voting leave for state and local government employees.** Authorizes state and local government agencies to grant an employee leave to arrive late to work, or leave early, when the polls will not be open at least three hours before or three hours after the employee's regular work hours. The voting leave will not count against the employee's annual leave.

*Patron - Brink*

**FHB1323 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.

*Patron - Amundson*

**FSB27 Primaries for statewide offices.** Requires political party candidates for the offices of Governor, Lieutenant Governor, and Attorney General to be nominated by a statewide primary.

*Patron - Potts*

**FSB91 Voting leave for state and local government employees.** Authorizes state government agencies and political

subdivisions to grant an employee, who is a registered voter, leave to arrive late to work, or leave early, when the polls will not be open at least three hours before or three hours after the employee's regular work hours. The voting leave will not count against the employee's annual leave.

*Patron - Howell*

**FSB144 Campaign Finance Disclosure Act; mandatory electronic filing of reports; political committees; television advertisements.** Requires political committees (including PACs and political party committees subject to the Act's reporting requirements) that expend \$50,000 or more on televised political advertisements in any 12-month period to file campaign finance reports electronically in accordance with State Board of Elections standards. The bill also requires such committees to file reports on additional expenditures for television advertisements within 24 hours of the airing of the advertisement.

*Patron - Ticer*

**FSB214 Voting materials; language alternatives.** Provides that the State Board of Elections may prescribe voting materials in a language other than English if the Commonwealth or a locality is required to provide such materials pursuant to bilingual election requirements of federal law (42 U.S.C. § 1973aa-1a and 42 USC § 1973b(f)(4)). The federal law may become 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 Register. His determinations following the 1990 Census were published September 18, 1992. This bill is identical to HB 1092.

*Patron - Ticer*

**FSB329 Campaign Finance Disclosure Act; elections to which the Act applies.** Expands coverage of the Act to town elections in towns of 10,000 or more population. The present law applies only to towns of 25,000 or more population. Under the 2000 census, Blacksburg and Leesburg have populations of 25,000 or more. Towns of 10,000 or more include the towns of Herndon, Christiansburg, Vienna, and Front Royal. This proposal is a recommendation of the Joint Subcommittee Studying Campaign Finance Reform pursuant to SJR 393 (2001).

*Patron - Wagner*

**FSB391 Voter registration applications; conditional votes and envelopes.** Permits transmittal of a copy of a voter's original registration application by computer, electronic means or fax from one general registrar to another. The bill also provides that a photocopy shall be taken of the envelope in which a rejected conditional vote is sealed and that the copy may serve as a registration application. Conditional votes occur when a voter is not listed on the registered voter list at the precinct. The voter completes an envelope at the polls with the information required to register to vote and seals his conditional paper ballot in the envelope. The electoral board meets the next day to determine whether the conditional votes should be counted. The conditional vote envelopes are then sealed and stored with other election materials.

*Patron - Whipple*

**FSB403 City of Colonial Heights; Advisory referendum.** Provides authority for an advisory referendum in the City of Colonial Heights on the question of whether the city shall establish a recreation center. This bill is identical to HB 164.

*Patron - Martin*

## Carried Over

**CHB33 Residence addresses for purposes of voter registration and Department of Motor Vehicles applications and records.** Requires individuals to provide the same residence address for purposes of voter registration and for obtaining licenses, permits, and identity cards from the Department. Directs the State Board of Elections and Department to implement procedures to verify the same residence address is shown on the voter registration system and Department records.

*Patron - Purkey*

**CHB263 Campaign Finance Disclosure Act; mandatory electronic filing of reports; political committees.** Requires political committees (including PACs and political party committees subject to the Act's reporting requirements) to file campaign finance reports electronically in accordance with State Board of Elections standards. An exception is made for county or city political party committees that file reports locally.

*Patron - McQuigg*

**CHB328 Elections; filling of vacancies in constitutional offices.** Provides that the chairmen of the House of Delegates and Senate Committees for Courts of Justice, rather than the circuit court, shall make an appointment to fill temporarily a vacancy in the office of attorney for the Commonwealth, pending the holding of a special election to fill the vacancy, when there is no deputy or full-time assistant attorney for the Commonwealth available to fill the vacancy before the election.

*Patron - Griffith*

**CHB381 House of Delegates districts.** Makes technical adjustments in the House of Delegates lines dividing Albemarle County among the Twenty-fifth, Fifty-seventh, Fifty-eighth, and Fifty-ninth Districts in order to have the House lines coincide with the County's new magisterial district and precinct lines. The split precincts named in the bill are 2000 census precincts that technically must be split in order to pick up the new precinct lines. The respective district population deviations remain within the plus or minus two percent population deviation used in the 2001 redistricting.

*Patron - Van Yahres*

**CHB459 Local electoral boards; appointments.** Provides that the county or city political party committees of the two major political parties, rather than the circuit court judges, will appoint the members of the local electoral board and fill vacancies on the board.

*Patron - Griffith*

**CHB515 House of Delegates districts.** Makes a technical adjustment in the House of Delegates line dividing Hanover County between the Fifty-fifth and Ninety-seventh Districts in order to have the House line coincide with the County's true precinct lines and eliminate a split precinct. The split precinct named in the bill is a 2000 census "pseudo" or adjusted precinct that technically must be split in order to pick up the true precinct line. The adjustment shifts 195 total population from the Fifty-fifth District to the Ninety-seventh Dis-

trict; both districts remain within the plus or minus two percent population deviation used in the 2001 redistricting.

*Patron - Hargrove*

**CHB557 Campaign Finance Disclosure Act, record retention requirements and reviews of campaign finance disclosure reports.** Provides that (i) the State Board of Elections shall 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) 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 Board shall meet publicly to select on a random basis by a drawing the General Assembly candidate campaigns to review; (iv) a campaign committee shall be exempt from review if it has received less than \$25,000 in contributions; and (v) the campaign treasurer shall 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 will take effect January 1, 2004. This proposal is a recommendation of the Joint Subcommittee Studying Campaign Finance Reform pursuant to SJR 393 (2001).

*Patron - Jones, S.C.*

**CHB631 Elections; void ballots.** Provides that no ballot will be considered void because it contains a write-in vote for a candidate whose name is printed on the ballot for the office whether the ballot is voted once or twice for the same candidate for the office.

*Patron - O'Brien*

**CHB753 Campaign Finance Disclosure Act; electronic filings; database.** Requires the State Board to make information from campaign finance disclosure reports filed by candidates for the General Assembly, Governor, Lieutenant Governor, and Attorney General available on the Internet within 24 hours of receipt of the reports by the State Board.

*Patron - Amundson*

**CHB972 Virginia voter registration system; duties of the State Board of Elections.** Provides that the Secretary of the Board will determine the material used and the form of the voter registration cards so that they will be of sufficient quality and durability to be retained permanently.

*Patron - Jones, D.C.*

**CHB1099 Announcement of results in Presidential elections.** Prohibits election officials and persons present in the polling place to observe the ascertainment of the results from making any public announcement of precinct results in a Presidential election until the polls are closed in the 48 contiguous states and the District of Columbia. A violation of the prohibition is a Class 3 misdemeanor. The bill's provisions will expire July 1, 2004, unless two-thirds of the states east of the Mississippi River have passed a like prohibition.

*Patron - Scott*

**CHB1158 House of Delegates districts.** Makes a technical adjustment in the House of Delegates line dividing Prince William County between the Thirteenth and Thirty-first Districts in order to have the House line coincide with the County's true precinct lines and eliminate a split precinct. The split Park Precinct named in the bill is a 2000 census "pseudo" or adjusted precinct that technically must be split in order to pick up the true precinct line. However, the County's precinct line does not follow a census block boundary. The County esti-

mates that 260 population would shift from the Thirty-first to the Thirteenth District; the exact number cannot be determined because of the split census block. If the County's estimate is correct, both districts would remain within the plus or minus two percent population deviation used in the 2001 redistricting. This would be the only instance in which the state legislative district lines split a census block rather than follow block boundaries.

*Patron - Marshall, R.G.*

**CHB1317 House of Delegates districts.** Changes a segment of the boundary between the Second and Third Districts in Russell County to conform the House line to new County precinct lines. Because the precinct line does not follow physical features, the exact population impact of the change cannot be determined. The Second District at a minimum would be at (-)2.4 percent deviation, and could be as much as 3.3 percent below ideal. The population deviation range for the 2001 redistricting was plus or minus 2.0 percent, and no blocks were split in drawing districts.

*Patron - Stump*

**CHB1327 Virginia Clean Election Act and Fund.** Establishes an alternative, publicly financed, campaign financing option for candidates for Governor, Lieutenant Governor, and Attorney General. A candidate may volunteer to participate and be certified for public funds after a qualifying process. A participating candidate may not accept or spend private contributions and must abide by the campaign contribution and spending restrictions set out in the Act. The bill establishes the Virginia Clean Election Commission to administer the Act and Fund. The bill sets a contribution limitation of \$500 for elections for Governor, Lieutenant Governor and Attorney General. The bill is based on the Maine Clean Election Act.

*Patron - Scott*

**CHB1337 House of Delegates districts.** Makes technical adjustments in the House of Delegates lines dividing Caroline County among the Fifty-fourth, Ninety-seventh, and Ninety-ninth Districts in order to have the House lines coincide with the County's new magisterial district and precinct lines. The split precincts named in the bill are 2000 census precincts that technically must be split in order to pick up the new precinct lines. The adjustments shift 271 total population from the Fifty-fourth to the Ninety-seventh, 87 total population from the Fifty-fourth to the Ninety-ninth, and 44 total population from the Ninety-seventh to the Ninety-ninth. The respective district population deviations remain within the plus or minus two percent population deviation used in the 2001 redistricting.

*Patron - Pollard*

**CSB6 Effective date of decennial redistricting measures; elections following decennial redistricting.** Provides (i) that decennial redistricting measures for congressional, General Assembly, and local districts take effect for the first general election for the office following enactment of the redistricting measure; (ii) that members in office when the redistricting measure is enacted continue in office, complete their terms of office, and continue to represent the district from which they were elected; and (iii) that a vacancy in the office will be filled from the district as it existed when the member whose vacancy is being filled was last elected to office. This bill is identical to SB 48.

*Patron - Marye*

**CSB48 Effective date of decennial redistricting measures; elections following decennial redistricting.** Provides (i) that decennial redistricting measures for congressional, General Assembly, and local districts take effect for the first general election for the office following enactment of the redistricting measure; (ii) that members in office when the redistricting measure is enacted continue in office, complete their terms of office, and continue to represent the district from which they were elected; and (iii) that a vacancy in the office will be filled from the district as it existed when the member whose vacancy is being filled was last elected to office. This bill is identical to SB 6.

*Patron - Edwards*

**CSB58 Senatorial districts.** Makes a technical adjustment in the senatorial line dividing Cumberland County between the Tenth and Fifteenth Districts to eliminate a split caused in the new Cumberland County supervisor districts and precincts by the Senate line. The adjustment shifts 329 total population from the Tenth District to the Fifteenth District and gives the Tenth District a population deviation of minus 2.1 percent, slightly outside the plus or minus 2.0 percent deviation allowed in the 2001 redistricting.

*Patron - Watkins*

**CSB175 Senatorial districts.** Makes adjustments in certain senatorial district boundaries in order to conform the Senate lines to new local election precinct and district lines and avoid splitting the new local precincts between senatorial districts. The bill continues to name 2000 census precincts in order to be consistent with the district descriptions for all other districts as found in § 24.2-304.01. Boundary line adjustments are made within Goochland County. No population is affected by the adjustment.

*Patron - Miller, K.G.*

**CSB560 Run-off primaries.** Authorizes a run-off primary if the candidate winning the first primary has not received at least 40 percent of the vote cast for the office. The candidate receiving the next highest number of votes may call for a second primary to be held on the fourth Tuesday following the first primary. Only the candidates receiving the highest and next highest number of votes in the first primary will have their names printed on the ballot for the run-off primary.

*Patron - Saslaw*

**CSB615 Congressional districts.** Makes technical adjustments in congressional district boundary lines. The bill affects lines in Brunswick, Hampton, Henry, Norfolk, and Spotsylvania and the First, Second, Third, Fourth, Fifth, Seventh, and Ninth districts to conform the congressional lines to new precinct boundaries. The population deviation for the affected districts is 0.1 percent (absolute deviation of - 441 to + 675), above the 0.0 percent deviation (absolute deviation of - 25 to + 13) in the 2001 redistricting plan.

*Patron - Reynolds*

**CSB664 Senatorial districts.** Makes technical adjustments in the boundary between the Nineteenth and Twenty-third Districts in Campbell County in order to conform to the County's new election district and precinct lines. The adjustment places the Nineteenth District at 2.4 percent population deviation, greater than the two percent deviation used in the 2001 redistricting.

*Patron - Hawkins*

## Eminent Domain

Passed

**PHB843 Eminent domain; condemnation generally; pretrial settlement conferences.** Requires pretrial, non-

binding mediation before a neutral third party when requested by either a condemning authority or a property owner whose property is being acquired by such authority. This is a recommendation of the Virginia Housing Study Commission.

*Patron - Drake*

**PHB844 Eminent domain.** Repeals the July 1, 2002, sunset for certain provisions regarding eminent domain procedures that were enacted in the 2000 Session. The procedures that were scheduled to expire on July 1, 2002: (i) give property owners the option of having compensation awards determined by a jury; (ii) require a condemnor to provide a copy of its appraisal of the property with its offer to purchase the condemnee's property; (iii) increase the maximum compensation for a survey conducted by the condemnee from \$100 to \$1,000; (iv) require condemnors to conduct a title search of the property before making an offer to purchase or filing a certificate of take, in order to avoid delays in payments to condemnees; (v) require VDOT to use licensed real estate appraisers in conducting its valuations for property acquisitions; and (vi) allow tenants with a lease of 12 months or longer to intervene in eminent domain proceedings involving their leased property. This bill is identical to SB 107.

*Patron - Drake*

**PHB918 Owners of fee interest, buildings and improvements.** Adds the definition of "owner" to several Code sections that deal with eminent domain.

*Patron - Griffith*

**PSB107 Eminent domain.** Repeals the July 1, 2002, sunset for certain provisions regarding eminent domain procedures that were enacted in the 2000 Session. The procedures that were scheduled to expire on July 1, 2002: (i) give property owners the option of having compensation awards determined by a jury; (ii) require a condemnor to provide a copy of its appraisal of the property with its offer to purchase the condemnee's property; (iii) increase the maximum compensation for a survey conducted by the condemnee from \$100 to \$1,000; (iv) require condemnors to conduct a title search of the property before making an offer to purchase or filing a certificate of take, in order to avoid delays in payments to condemnees; (v) require VDOT to use licensed real estate appraisers in conducting its valuations for property acquisitions; and (vi) allow tenants with a lease of 12 months or longer to intervene in eminent domain proceedings involving their leased property. This bill is identical to HB 844.

*Patron - Marye*

## Failed

**FHB982 Condemnation of wetlands.** Requires the Commonwealth to exhaust all reasonable mitigation options within the same cataloging unit, as defined by the U.S.G.S. Hydrologic Unit Map of the United States, in which the wetlands loss occurs, or if those efforts prove ineffectual, then within the immediately adjacent cataloging unit or units located in the same river watershed as the impacted wetlands before it can acquire compensatory wetlands by condemnation.

*Patron - Pollard*

## Carried Over

**CHB291 Eminent domain; compensation for loss of goodwill and lost profits.** Entitles the owner of business property that is taken by eminent domain to be compensated for goodwill and for lost profits. Goodwill consists of the benefits that accrue to a business as a result of its location, reputation for dependability, skill, or quality, and any other circumstances

resulting in probable retention of old or acquisition of new patronage. To be compensable, the lost profits must be from an established business with a proven earning capacity, and the owner must produce sufficient evidence to permit the trier of fact to estimate the lost profits with reasonable certainty.

*Patron - McDonnell*

## Fiduciaries Generally

### Passed

**PHB720 Wills, trusts and estates; small estates.** Redefines small estates as those less than \$15,000. Currently, a small estate is one that is less than \$10,000. This bill is identical to SB152.

*Patron - Howell*

### Carried Over

**CHB723 Wills, trusts and estates; waiver of surety of nonresident fiduciaries.** Allows only the court to waive surety on the bond of a nonresident fiduciary. Currently, the clerk may also waive surety in these cases.

*Patron - Howell*

## Fire Protection

### Passed

**PSB683 Statewide Fire Prevention Code; fireworks.** Provides for the Board of Housing and Community Development to establish statewide optional standards for the use and sale of fireworks in the Commonwealth. The standards will be included in the Statewide Fire Prevention Code. Under current law, the sale of fireworks is prohibited except in certain limited circumstances when localities are authorized to issue permits. The bill continues to authorize localities to issue permits for the display of fireworks by fair associations, amusement parks or other groups under the minimum terms set forth in the Code and other terms that may be prescribed by that locality. The bill defines "fireworks" as any firecracker, torpedo, skyrocket, or other substance or objects, of whatever form or construction, that contains any explosive or inflammable compound or substance, and is intended or commonly known as fireworks, and which explodes, rises into the air or travels laterally, or fires projectiles into the air.

*Patron - Martin*

## Fisheries and Habitat of the Tidal Waters

### Passed

**PHB613 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*

**PHB646 Standards for use of coastal primary sand dunes; exemption.** Exempts the Sandbridge Beach Subdivision from existing requirements relating to construction on coastal primary sand dunes. The bill provides that property owners with structures or property in clear and imminent danger from erosion and storm drainage shall be allowed to erect protective bulkheads or other equivalent structural improvements as approved by the Virginia Beach Wetlands Board. The bill also requires that the applicant consent in writing to the future construction of bulkheads tying into the applicant's bulkhead from adjacent properties. These provisions shall expire on January 1, 2006.

*Patron - Suit*

**PHB921 Oyster grounds.** Removes Public Ground Number 8, located in the Elizabeth River, from the Baylor Survey public oyster grounds and allows the bottomland to be used for private purposes. This bill is identical to SB 468.

*Patron - Joannou*

**PHB978 Fishing Class II Guide License.** Creates a fishing Class II guide license for owners of recreational headboats or charterboats, and includes fees and other requirements for obtaining such a license. An applicant for a Class II guide license must complete an apprenticeship program under a captain holding a Virginia guide license. This bill will not become effective unless it is reenacted by the 2003 Session of the General Assembly.

*Patron - Pollard*

**PHB1293 Oyster grounds.** Removes 0.39 acres of Public Ground Number 6 and 0.40 acres of Public Ground Number 7, located in the Lafayette River, from the Baylor Survey public oyster grounds and allows the bottomland to be used for private purposes.

*Patron - Drake*

**PHJ164 Commercial oyster production.** Proclaims support for the revitalization of the Virginia oyster industry and the continuation of efforts to establish commercial production of genetically sterile *Crassostrea ariakensis* within guidelines and parameters established by the Virginia Institute of Marine Sciences and the Virginia Marine Resources Commission. The resolution also supports any ongoing research necessary to assess the ecological risks of introducing the *Crassostrea ariakensis* into the Commonwealth's public waters. However, if such research fails to prove within three years, that the *Crassostrea ariakensis* will be harmful to the public waters of the Commonwealth or the Chesapeake Bay ecosystem, then the General Assembly suggests the introduction of the reproductive disease-resistant *Crassostrea ariakensis* into the public waters of the Commonwealth pursuant to guidelines and parameters established by the Virginia Institute of Marine Sciences and the Virginia Marine Resources Commission. Finally, the resolution renews the Commonwealth's commitment to increase the native oyster by ten-fold by 2010 as outlined in the Chesapeake 2000 Agreement and encourages the continued and expanded federal-state cooperative efforts and the efforts of private organizations in this endeavor.

*Patron - Pollard*

**PSB115 Ballast water reporting system.** Designates the Hampton Roads Maritime Association as the Virginia Marine Resources' agent for collecting the Ballast Water Control Report forms filled out by ship operators. The bill also

exempts an operator or a ship agent of an operator from having to file a report if the vessel's previous port of call is within the United States Exclusive Economic Zone and a report had been previously filed when the vessel entered its first U.S. port of call. The Virginia Marine Resources Commission will submit copies of the operators' reports to the national clearinghouse on a quarterly basis with the Hampton Roads Maritime Association submitting the reports to the Commission monthly for quarterly federal filing.

*Patron - Bolling*

**PSB326 Virginia Marine Police; enforcement of federal safety zones and restricted areas.** Changes the name of Virginia Marine Patrol to Virginia Marine Police. Adds protecting federal and state water-related installations from terrorist attack to Virginia Marine Police powers and duties. Provides the Virginia Marine Police with authority to patrol and enforce all federal safety zones and restricted areas located within the tidal waters of the Commonwealth.

*Patron - Wagner*

## Failed

**FHB363 Wetlands mitigation banking.** Considers portions of U.S.G.S. cataloging units 02080108, 02080208, and 03010205 that are south of the James River to lie within the same river watershed for wetlands mitigation banking purposes.

*Patron - Cosgrove*

**FSB319 Standards for use of coastal primary sand dunes; exemption.** Exempts the Sandbridge Beach Subdivision from existing requirements relating to construction on primary sand dunes. The bill also provides that property owners with structures or property in clear and imminent danger from erosion and storm drainage shall be allowed to erect protective bulkheads or other equivalent structural improvements as approved by the Virginia Beach Wetlands Board, and requires that the applicant consent in writing to the future construction of bulkheads tying into the applicant's bulkhead from adjacent properties. These provisions shall expire on January 1, 2006.

*Patron - Stolle*

**FSB468 Oyster grounds.** Removes Public Ground Number 8, located in the Elizabeth River, from the Baylor Survey public oyster grounds and allows the bottomland to be used for private purposes. This bill is identical to HB 921.

*Patron - Quayle*

## Carried Over

**CHB975 Crab pot tagging program.** Requires the Virginia Marine Resources Commission to implement by regulation a crab pot tagging program to facilitate the enforcement and identification of crab pot licenses. Such regulations shall require that all crab pots be marked with an individual identification number and with other information as required by regulation. The provisions of this act will become effective on April 1, 2003, only if (i) reenacted by the 2003 Session of the General Assembly, and passed into law, and (ii) adequate funds have been appropriated.

*Patron - Pollard*

**CSB297 Protection of certain female crabs; penalty.** Makes it unlawful to catch, hold, possess, offer for sale, or sell an egg-bearing female crab or a female crab from which the egg pouch, sponge, or bunion has been removed. Any violation of this section is a Class 2 misdemeanor.

*Patron - Chichester*

## Game, Inland Fisheries and Boating

### Passed

**PSB60 Blaze orange hat.** Allows hunters to wear blaze orange hats that have a brim or bill that is not solid blaze orange in color or design. Currently, during any firearm deer season, except the muzzleloading rifle season, every hunter or a person accompanying a hunter is required to (i) wear a solid blaze orange hat, (ii) wear blaze orange upper body clothing that is visible from 360 degrees, or (iii) display at least 100 square inches of solid blaze orange material at shoulder level within body reach visible from 360 degrees.

*Patron - Watkins*

**PSB74 Special lifetime trout fishing license.** Provides for special lifetime trout fishing licenses applicable to specially stocked trout waters as designated by the Board of Game and Inland Fisheries. Such licenses are in lieu of any other annual trout license fees, but are in addition to the requirements for a standard seasonal or special lifetime fishing license, and any daily use fees for specially stocked trout waters as provided for in the Code.

*Patron - Colgan*

**PSB341 Definitions of types of hunting weapons.** Defines the various types of weapons used in hunting, including muzzleloading rifle and pistol, pistol, rifle, shotgun and firearm. Most of the definitions are taken from Bureau of Alcohol, Tobacco, and Firearms federal regulations.

*Patron - Ruff*

**PSB577 Deer kill permits.** Allows the Director of the Department of Game and Inland Fisheries to limit or prohibit the use of a deer kill permit between 11:00 p.m. and one-half hour before sunrise when the shooting of deer or bear would be in proximity to residential areas or under other circumstances.

*Patron - Marye*

**PSB581 Automated point-of-sale licensing.** Provides that when the Department of Game and Inland Fisheries' automated point-of-sale system for selling hunting licenses is implemented, the big game license will be valid from July 1 of each year or the later date of purchase to June 30 of the following year. Other hunting and trapping licenses and permits will be valid for one year from their date of purchase.

*Patron - Blevins*

### Failed

**FHB138 Firearms in turkey season.** Prohibits the use of firearms other than sidelock muzzle-loading rifles with iron or open sites or shotguns during spring turkey season.

*Patron - Abbitt*

**FHB850 Hunting of elk.** Authorizes a county or city to prohibit the hunting of elk within its boundaries. If such a prohibition is enacted through an ordinance the locality is required to notify the Director of the Department of Game and Inland Fisheries that such an ordinance has been adopted. The locality may impose a penalty of a Class 1 misdemeanor for a violation of the ordinance.

*Patron - Stump*

**FHB1241 Sunday hunting.** Limits the Sunday hunting prohibition to areas east of the Blue Ridge Mountains.  
*Patron - Phillips*

### Carried Over

**CHB201 Waterfowl sanctuaries and blinds.** Repeals a number of local Acts of Assembly that provide for the establishment of waterfowl sanctuaries in various localities. Several of the local acts are duplicative of what appears in current state statutes. Among the provisions repealed by this bill are the prohibition on hunting from floating blinds in the Counties of Caroline, King George, Essex, Westmoreland and Richmond, and in several segments of the Rappahannock and Potomac Rivers. The bill also repeals a local Act of Assembly that establishes wildlife sanctuaries in areas of what is now Virginia Beach. This local act is no longer needed because Virginia Beach has adopted an ordinance that prevents hunting in these areas.

*Patron - Cox*

**CHB202 Hunting of waterfowl from duck blinds.** Clarifies the definitions of stationary and floating blinds and the procedures for their placement of blinds. The bill eliminates the practice of setting up "dummy blinds" in order to reserve certain locations from use by other waterfowl hunters. The fee for a floating blind is reduced from \$35 to \$17.50, resulting in the same license fee being charged whether a person hunts from a stationary or floating blind. The bill also requires licensing agents to record the location of the blind site on a map and make such a record available to the public. Finally, the bill clarifies that a stationary blind has to be fully constructed by November 1.

*Patron - Cox*

**CSB47 Personal flotation devices; children 12 and under.** Makes it unlawful for a person operating a motorboat, other than a vessel required to have a certificate of inspection issued by the United States Coast Guard (U.S.C.G.), to permit a person 12 years of age or younger to be in the motorboat while it is underway if such minor is not wearing a personal flotation device approved by the U.S.C.G. and such minor is not below deck or not in an enclosed cabin.

*Patron - Lucas*

**CSB488 Killing of bears in barns or stables.** Allows for a property owner to kill or attempt to kill a bear found in a barn, stable or other building owned by him and housing livestock if upon encountering the bear (i) according to the best knowledge and belief of the property owner, the bear has entered the premises under its own power, without being transported, lured, drugged or coerced in any way, and (ii) the risk of serious injury or death to any livestock or persons can reasonably be perceived as highly likely or imminent.

*Patron - Newman*

## General Assembly

### Passed

**PHB13 Publication of Virginia State Bar advisory opinions.** Adds the opinions of the State Bar's standing committee on Lawyer Advertising and Solicitation to the list of advisory opinions to be published with the Code of Virginia. This bill is a recommendation of the Virginia Code Commission.

*Patron - Howell*

**PHB329 General Assembly; House Interstate Cooperation Commission.** Establishes the Commission on Interstate Cooperation in the House of Delegates to replace the House Standing Committee on Interstate Cooperation whose membership represents the House of Delegates on the Virginia Commission on Intergovernmental Cooperation. The House of Delegates eliminated the standing committee as part of its legislative reform to consolidate and reduce the number of standing committees.

*Patron - Griffith*

**PHB733 Legislative continuance.** Places limitations on the right granted to attorney members, officers, and employees of the General Assembly to claim a continuance in court proceedings. The bill provides that the court need not grant a continuance during the period beginning one day before and after the meeting date of any reconvened or veto session, or of any commission, council, committee, or subcommittee that the officer, member, or employee is scheduled to attend, unless the request is in writing and filed with the court at least three days ahead. The party requesting the continuance must strive, when practicable, to notify all other parties to the proceeding of the request. This bill is identical to SB 415.

*Patron - Sears*

**PHB1003 General Assembly; Auditor of Public Accounts.** Requires the Auditor of Public Accounts to (i) review certain policy, planning, and fiscal information required of state agencies and to determine whether the agencies are providing and reporting appropriate financial and performance measures; (ii) determine the accuracy of the management system used by the agency to generate the information and its report; and (iii) report the results of the audits of state agencies annually to the General Assembly, and recommend whether new or revised accountability and performance measures are indicated.

*Patron - McDonnell*

**PHB1245 Coal and Energy Commission; nuclear energy.** Directs the Coal and Energy Commission to investigate and make recommendations regarding issues relating to nuclear power.

*Patron - Purkey*

**PSB28 Division of Legislative Services and Legislative Automated Systems; access to information.** Provides that the Clerks of the House of Delegates and Senate will have access to floor substitutes, conference committee reports and substitute bills accompanying a conference committee report as soon as the bills and reports are drafted; however, neither shall access the electronic file containing such documents until the legislation is offered for introduction in either house. This bill also makes certain housekeeping changes in the Code section to conform to current practice.

*Patron - Trumbo*

**PSB252 Sentencing Commission; terms.** Establishes a uniform time for terms to expire at the end of the calendar year. Under current law, many of the terms expire at different times in October and November. The bill also staggers the terms of gubernatorial appointees beginning January 1, 2004. The terms of other appointees were staggered in accordance with the directives of Chapter 226 of the 1998 Acts of Assembly.

*Patron - Trumbo*

**PSB415 Legislative continuance.** Places limitations on the right granted to attorney members, officers, and employees of the General Assembly to claim a continuance in court

proceedings. The bill provides that the court need not grant a continuance during the period beginning one day before and after the meeting date of any reconvened or veto session, or of any commission, council, committee, or subcommittee that the officer, member, or employee is scheduled to attend, unless the request is in writing and filed with the court at least three days ahead. The party requesting the continuance must strive, when practicable, to notify all other parties to the proceeding of the request. This bill is identical to HB 733.

*Patron - Rerras*

**PSB431 Dr. Martin Luther King, Jr. Memorial Commission.** Amends § 30-192, which establishes the Dr. Martin Luther King, Jr. Memorial Commission, to remove old language pertaining to the tenure of members, increase the total number of members on the Commission, broaden the representation of citizen members, clarify the compensation of Commission members, and make minor modifications and technical changes to provide clarity regarding the duties of the Commission. This bill is a recommendation of the Dr. Martin Luther King, Jr. Memorial Commission.

*Patron - Marsh*

**PSR13 Senate; coverage of Senate sessions.** Expresses the sense of the Senate that coverage of the sessions of the Senate should be made available for transmission to the citizens of the Commonwealth. The Senate Rules Committee shall promulgate rules regarding access to and use of such transmissions.

*Patron - Trumbo*

## Failed

**FHB111 Bills referring to localities; use of names.** Prohibits consideration of any bill that refers to one or more, but less than all localities for the purpose of raising or imposing taxes, or providing for a voter referendum for such, by means other than by their names. The bill permits cross-references to names of localities listed in another statute and the classification of localities by any means that bears a reasonable relation to the purpose of the bill when listing the names would be unduly burdensome or impracticable.

*Patron - Marshall, R.G.*

**FHB143 General Assembly; introduction limits.** Prohibits a member of the General Assembly from introducing more than a combined total of 12 bills and resolutions during any regular session of the General Assembly. Exceptions to this limitation include legislation that (i) commends, congratulates or memorializes and is not referred to a standing committee under the rules of the respective house; (ii) relates to the administration of government and is introduced at the request of the Governor; or (iii) affects the procedures or schedule of the General Assembly.

*Patron - Purkey*

**FHB144 General Assembly; legislative review of regulatory authority and activity.** Requires each standing committee of each house of the General Assembly to meet biennially to discuss the legislative intent of the General Assembly regarding the agency's regulatory authority and the regulatory activity of the agency during the preceding biennium.

*Patron - Purkey*

**FHB392 General Assembly; representation before state agencies.** Prohibits members of the General Assembly from representing clients before state agencies.

*Patron - Wardrup*

**FHB559 General Assembly; office allowance.** Changes the nonvouchered office allowance arrangement to an accountable plan within the meaning of the Internal Revenue Code regulations. 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.*

**FHB579 General Assembly; introduction limits.** Prohibits delegates from introducing more than a combined total of 15 bills and joint resolutions and senators from introducing more than a combined total of 38 bills and joint resolutions during any regular session of the General Assembly. Exceptions to this limitation include any legislation that (i) commends, congratulates, or memorializes and is not referred to a standing committee under the rules of the respective house or (ii) is related to the administration of government and introduced at the request of the Governor.

*Patron - Welch*

**FHB973 House of Delegates; office allowance and FOIA.** Subjects any record pertaining to the use of funds from the office allowance provided to members of the House of Delegates to public inspection and copying under the Freedom of Information Act (FOIA). Currently, these private records are not covered by FOIA because they are records not held by a public body.

*Patron - Pollard*

**FHB1096 General Assembly; office allowances.** Changes the nonvouchered office allowance arrangement to an accountable plan within the meaning of the Internal Revenue Code regulations. Members are required to substantiate their business expenditures on a quarterly basis and return any amount in excess of the substantiated expenses. The bill also provides a separate office equipment allowance not to exceed \$2,500 during a two-year period. Members are required to submit a voucher and accompanying receipts prior to receiving payment for equipment expenses. The Clerk of the House of Delegates and the Clerk of the Senate, under the direction of their respective Rules Committee, are required to establish a policy in their house regarding the transfer of office equipment purchased with the allowance to the Commonwealth when the equipment falls into disuse or the member leaves office.

*Patron - Brink*

**FHB1331 General Assembly; increases in compensation and allowances.** Requires the approval of a majority of voters voting in a referendum before any salary, compensation or office allowance of members of the General Assembly may be increased.

*Patron - Bolvin*

**FHB1349 Armenian Advisory Commission.** Creates the Armenian Advisory Commission within the legislative branch of government. The Commission will be composed of 17 members as follows: six members of the House of Delegates; four members of the Senate; and five citizens at-large to be appointed by the Speaker of the House and the Senate Committee on Privileges and Elections. The Secretary of Commerce and Trade and the Secretary of Education or their designees will serve ex officio without voting privileges. The Commission is directed to (i) advise the General Assembly concerning the establishment of educational, cultural, governmental, and economic and trade relationships between the Commonwealth and Armenia that facilitate economic development and trade missions, accommodate professional study and cultural exchange, promote humanitarianism and goodwill, and encourage the exploration of other initiatives and endeavors

that may be mutually beneficial; (ii) conduct and promote educational and cultural programs that further the understanding and appreciation of the Armenian culture; (iii) ascertain data and information that will assist the General Assembly in developing public policy and educational, cultural, governmental, and economic and trade relationships with Armenia; and (iv) perform such other functions and activities as the General Assembly may require. The Commission must elect a chairman and vice-chairman from among its legislative members. This bill also provides for the organization of the Commission, including appointments, filling of vacancies, meetings, quorum, compensation, staffing, and reporting requirements.

*Patron - Reid*

**FSB103 Members of the General Assembly; office and supply expenses.** Provides that General Assembly office and supply expenses shall be paid from the member's salary as set forth in the general appropriations act. Currently, an allowance is provided for such expenses. A portion of such salary shall be deemed creditable compensation and salary for purposes of computing a member's retirement allowance, life insurance benefit, and accidental death and dismemberment benefit. Such portion shall also be set forth in the general appropriations act. The bill also provides that the member's salary for the fiscal year beginning July 1, 2003, shall be \$1,000 less than the sum of the applicable salary and allowance for General Assembly office and supply expenses authorized for the member for the fiscal year beginning July 1, 2002. The bill is effective for general appropriations acts, or amendments thereto, passed by the General Assembly on or after January 1, 2003.

*Patron - Marye*

**FSB132 Virginia Capitol Police.** Extends the boundaries and authority of the Virginia Capitol Police in protecting and investigating crimes against state property, elected officials, members of the Virginia Supreme Court, and members of the Governor's family. The jurisdiction of the Virginia Capitol Police has been extended from 300 feet to 500 feet beyond the boundary of any state property, including any property leased by the Commonwealth. Additionally, the Virginia Capitol Police are vested with full law-enforcement powers to protect and investigate crimes committed against elected statewide officials, General Assembly members, members of the Virginia Supreme Court, and members of the Governor's family. Under current law, this authority is limited to when a Capitol Police officer is assigned to accompany such an official or a member of the Governor's family.

*Patron - Stolle*

**FSB500 Joint Commission on Special License Plates.** Creates a Joint Commission on Special License Plates to review and make recommendations concerning legislative proposals for authorizing the issuance of special license plates. No legislation authorizing the issuance of any special license plate could be offered in the General Assembly unless approved by the Commission. The Commission is required to hold at least one meeting during every odd-numbered year, beginning in 2003 and coordinate the introduction of an omnibus bill containing approved proposals to the General Assembly in every even-numbered year, beginning in 2004.

*Patron - Watkins*

**FSJ73 General Assembly; television coverage of legislative sessions.** Expresses the sense of the General Assembly that television coverage of the sessions of the Senate and the House of Delegates should be provided to public and private broadcasting interests for transmission to the citizens of the Commonwealth. This resolution is identical to HJR 128.

*Patron - Trumbo*

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## Carried Over

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**CHB1113 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 would examine on an ongoing basis state and local fiscal needs and resources issues. This bill is continued to the 2003 Session in the House Committee on Rules.

*Patron - Hull*

**CHB1222 Information to be published on certain statewide referenda and bond proposals.** Sets out a requirement to prepare and publish a special explanation of any bond proposal being submitted to the voters for approval in a statewide referendum. The bill calls for a neutral explanation of the bond proposal including information on the projects being financed, the costs of the bonds, and the costs of funding the projects through current revenues.

*Patron - Darner*

**CHB1260 Virginia Security Commission.** Creates a Security Commission to study, report and make recommendations regarding the prevention of terrorist threats and organized criminal activity in the Commonwealth. This bill was continued to the 2003 Session of the General Assembly in the House Committee on Rules.

*Patron - Marshall, R.G.*

**CHJ128 General Assembly; television coverage of legislative sessions.** Expresses the sense of the General Assembly that television coverage of the sessions of the House of Delegates and the Senate should be provided to public and private broadcasting interests for transmission to the citizens of the Commonwealth.

*Patron - Petersen*

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## Health

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## Passed

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**PHB10 Virginia Health Planning Board.** Repeals the Virginia Health Planning Board, which has not been operating for many years, and authorizes the Board of Health to perform health planning functions. This bill is a recommendation of the Virginia Code Commission in furtherance of the objective to identify obsolete provisions of law pursuant to § 30-151.

*Patron - Landes*

**PHB146 Reporting dangerous microbes and pathogens.** Requires laboratories in the Commonwealth to report their inventories and changes of inventories of dangerous microbes and pathogens to the State Department of Health. The laboratories must also immediately report inventory that cannot be accounted for within 24 hours. The Board of Health is to determine the list of dangerous microbes and pathogens to be reported and the manner of such reporting.

*Patron - Purkey*

**PHB153 Health; Hemophilia Advisory Board.** Changes the composition of the Governor's Hemophilia Advi-

sory Board to allow a representative of blood banks or licensed pharmacists.

*Patron - Van Yahres*

**PHB396 Health; investigation of deaths.** Adds patients or residents of state mental health or mental retardation facilities who have died to the list of those deaths that must be reported to the medical examiner of the locality in which the facility is located. A copy of the autopsy report must be provided to the Commissioner of and Inspector General for Mental Health, Mental Retardation and Substance Abuse Services. The Department will pay the fee for such services.

*Patron - Broman*

**PHB471 Regional health planning boards.** Sets forth the terms and term limits for regional health planning boards and requires reporting and recording of their memberships. This bill also requires the Board of Health to designate the regional health planning agencies. No member will be appointed for more than two consecutive terms of four years each or, when appointed to fill an unexpired term of less than four years, for three consecutive terms consisting of one term of less than four years and two terms of four years. The Board of Health will require each regional health planning board to report and maintain a record of its membership, including, but not limited to, the names, addresses, dates of appointment, years served, number of consecutive and nonconsecutive terms, and the group represented by each member. The membership reports and records will be public information and must be published as a public record in accordance with the regulations of the Board.

*Patron - Suit*

**PHB560 Health; pharmaceutical assistance.** Expands the toll-free resource and referral program relating to pharmaceutical companies' free drug programs for indigents (so-called compassionate programs) to include information on pharmaceutical discount card programs and locations of Pharmacy Connect programs in the state.

*Patron - Jones, S.C.*

**PHB664 Bioterrorism.** Requires the Board of Health to mandate reporting of diseases by physicians and laboratory directors that may be caused by exposure to an agent or substance that has the potential for use as a weapon and that the reports will be given directly to Commissioner or his designee using an emergency response system maintained by the Department of Health and operated 24 hours a day. This bill also modifies the present immunity from liability provision relating to required reports or disclosures of disease to provide that physicians and laboratory directors will be held to a reasonable professional standard for recognizing agents or suspecting the presence of any conditions and will be immune from liability when making reports in good faith without gross negligence and within the usual scope of his practice. The Board of Health's responsibility to conduct disease surveillance and investigation (such as contact tracing) is modified to require the Commissioner or his designee to immediately report any outbreak or occurrence of a disease identified as being caused by exposure to an agent or substance that has the potential for use as a weapon to the Department of State Police for investigation. The State Police will report these incidents to the local police chief or sheriff (with law-enforcement authority) or both in the jurisdiction in which the patient resides and where he received treatment. The State Police may also transmit the report to federal and military law-enforcement authorities. The State Police and local law-enforcement will immediately determine and implement the appropriate law-enforcement responses to the reports, according to their jurisdiction. These reports will be held confidential and not subject

to the Freedom of Information Act; however, the reports will be maintained in the central repository already established by the Department of State Police. Further, the Department of State Police, and any local law enforcement official, may release all or part of any report made or other information obtained pursuant to this section (i) where the release of such report or information may assist in the prevention of imminent harm to public health or safety, or (ii) where the release of such report or information, with patient identifying information removed, may be useful for education of the public on health, safety or homeland defense issues. The Board of Health is also specifically authorized to develop procedures to respond to any bioterrorism.

*Patron - Cox*

**PHB790 Children's health insurance programs.** Permits a parent, legal guardian, authorized representative or any other adult caretaker with whom the child lives to file an application for a child with the Family Access to Medical Insurance Security Plan (FAMIS).

*Patron - Miles*

**PHB887 Acute care psychiatric and residential beds; children and adolescents; data collection and reporting.** Requires the community policy and management teams, i.e., groups within the structure of the Comprehensive Services Act, to submit to the Department of Mental Health, Mental Retardation and Substance Abuse Services information on children under the age of 14 and adolescents between the ages of 14 and 17 for whom an admission to an acute care psychiatric or residential treatment facility (but not a group home) was sought but was not obtained. This information will be gathered from the family assessment and planning team or participating community agencies. The information to be submitted will include the child's date of birth, date of attempted admission, and the reason the admission could not be obtained. Further, identical information on failure to obtain admissions of children must be reported by the local mental health agencies to the Department. The Department of Mental Health, Mental Retardation and Substance Abuse Services will also collect and compile data to ascertain (i) the total number of inpatient acute care psychiatric beds for children under the age of 14 and between the ages of 14 and 17, and (ii) the total number of residential treatment beds for children under the age of 14 and between the ages of 14 and 17, exclusive of group homes. The Department will report this data on a quarterly basis to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and the Virginia Commission on Youth. This bill is identical to SB 426.

*Patron - Hamilton*

**PHB1062 Children's health insurance programs.** Requires the Department of Medical Assistance Services to establish agreements with the Departments of Education and Health to identify children eligible for free or reduced-price school lunch or services through the Women, Infants, and Children program (WIC) so that their eligibility for Family Access to Medical Insurance Security Plan (FAMIS) may be determined expeditiously.

*Patron - Bland*

**PHB1080 Health; patient data reporting.** Extends the sunset provision for health care data reporting from July 1, 2003, to July 1, 2008.

*Patron - Brink*

**PHB1161 Mosquito control districts and commissions; emergency.** Authorizes cities having more than one mosquito control district within their boundaries to consolidate such districts and commissions and organize the functions of

the resulting consolidated commission under an appropriate city department or other agency. The consolidated city mosquito control commission may consist of no more than 15 commissioners, one of whom shall be the Commissioner or his designee who will chair the consolidated commission. Pursuant to the second enactment clause, this bill will be effective upon passage. Senate Bill 371 also includes these provisions.

*Patron - Cosgrove*

**PHB1283 Certain disclosure of prehospital patient care reports.** Authorizes each licensed emergency medical services agency to disclose the prehospital patient care report to law-enforcement officials when the patient is the victim of a crime, upon a determination that such disclosure is not in violation of the federal Department of Health and Human Services regulations relating to the electronic transmission of data and patient privacy promulgated as required by the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. § 1320d et seq.). The Patient Health Records Privacy law is also amended to add this disclosure to the list of permissible releases of patient records. The new federal regulations, which become effective in April of this year but will not be enforced until April of next year, narrowly restrict the release of patient records in many situations. This bill is identical to SB 601.

*Patron - Ingram*

**PHB1369 Divorce; vital records.** Provides that the report required to be filed by the clerk of court with the State Registrar regarding a final decree of divorce or annulment not contain any statement indicating racial designation.

*Patron - Van Landingham*

**PSB218 Newborn testing.** Adds to the list of inherited disorders for which newborn testing is required by the Commonwealth, a fatty acid oxidation disorder known as MCAD or MCADH, i.e., medium-chain acyl-CoA dehydrogenase, which inhibits the proper metabolism of stored fat. Individuals with MCAD, if left untreated, have episodes of hypoglycemia and Reye's syndrome, which may result in fever, vomiting, coma, disorientation, and fatty infiltration of the liver. Implementation of this test will require the purchase of tandem mass spectrometers, which are technologically advanced analytic instruments that can be used to test newborns for more than 20 treatable metabolic disorders by sorting molecules in blood samples according to weight in a similar fashion to machines that sort coins. This provision will only become effective one year after the date that sufficient funds are appropriated or otherwise secured to (i) support the Virginia Department of Health's costs for start-up professional and family education and (ii) the purchase of the necessary equipment for implementation of the testing program in the Division of Consolidated Laboratories.

*Patron - Ticer*

**PSB264 Sharing of protected health information between state agencies.** Declares the coordination of prevention and control of disease, injury, or disability and the delivery of health care benefits to be (i) necessary public health activities; (ii) necessary health oversight activities for the integrity of the health care system; and (iii) necessary to prevent serious harm and serious threats to the health and safety of individuals and the public. The Departments of Health, Medical Assistance Services, Mental Health, Mental Retardation and Substance Abuse Services, and Social Services must establish a secure system for sharing protected health information that may be necessary for the coordination of prevention and control of disease, injury, or disability and the delivery of health care benefits when such protected information concerns individuals who (a) have contracted a reportable disease, including exposure to a toxic substance, as required by the Board of Health pursuant

to § 32.1-35 or other disease or disability required to be reported by law; (b) are the subjects of public health surveillance, public health investigations, or public health interventions or are applicants for or recipients of medical assistance services; (c) have been or are the victims of child abuse or neglect or domestic violence; or (d) may present a serious threat to the health or safety of a person or the public or may be subject to a serious threat to their health or safety. Pursuant to the regulations concerning patient privacy promulgated by the federal Department of Health and Human Services, covered entities may disclose protected health information to the secure system without obtaining consent or authorization for such disclosure. Such protected health information will be used exclusively for the purposes established in this section. The Office of the Attorney General will advise the Departments of Health, Mental Health, Mental Retardation and Substance Abuse Services, Social Services, and Medical Assistance Services in the implementation of this section. This provision also amends the patient health records privacy statute to note that providers may make subsequent disclosures of patient records as permitted under the federal Department of Health and Human Services regulations relating to the electronic transmission of data and patient privacy promulgated as required by the Health Insurance Portability and Accountability Act of 1996. In addition, providers may disclose the records of a patient as authorized by law relating to public health activities, health oversight activities, serious threats to health or safety or abuse, neglect or domestic violence or as necessary to the coordination of prevention and control of disease, injury, or disability and delivery of health care benefits pursuant to the secure system for sharing protected health information.

*Patron - Lambert*

**PSB371 Mosquito control districts and commissions; emergency.** Authorizes cities having more than one mosquito control district within their boundaries to consolidate such districts and commissions and organize the functions of the resulting consolidated commission under an appropriate city department. The consolidated city mosquito control commission may consist of no more than 15 commissioners, one of whom shall be the Commissioner or his designee who will chair the consolidated commission. Pursuant to the second enactment clause, this bill will be effective upon passage. HB 1161 is identical to this bill.

*Patron - Blevins*

**PSB414 Health; dental scholarships.** Adds requirement that recipients of conditional grants and loans from the Dentist Loan Repayment Program agree to participate in Medicaid and the Family Access to Medical Insurance Security Plan (FAMIS) and that they not restrict the numbers of such clients admitted to their dental practice. These agreements are time-limited according to conditions of the contract and may be repaid in lieu of service. This is a recommendation of the Joint Commission on Health Care.

*Patron - Rerras*

**PSB426 Acute care psychiatric and residential beds; children and adolescents; data collection and reporting.** Requires the community policy and management teams, i.e., groups within the structure of the Comprehensive Services Act, to submit to the Department of Mental Health, Mental Retardation and Substance Abuse Services information on children under the age of 14 and adolescents age 14 through 17 for whom an admission to an acute care psychiatric or residential treatment facility (but not a group home) was sought but was not obtained. This information will be gathered from the family assessment and planning team or participating community agencies. The information to be submitted will include the child's date of birth, date of attempted admission, and the rea-

son the admission could not be obtained. Further, identical information on failure to obtain admissions of children must be reported by the local mental health agencies to the Department. The Department of Mental Health, Mental Retardation and Substance Abuse Services will also collect and compile data to ascertain (i) the total number of inpatient acute care psychiatric beds for children under the age of 14 and adolescents age 14 through 17, and (ii) the total number of residential treatment beds for children under the age of 14 and adolescents age 14 through 17, exclusive of group homes. The Department will report this data on a quarterly basis to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and the Virginia Commission on Youth. This bill is identical to HB 887.

*Patron - Houck*

**PSB465 Special education health services and reimbursement by the Department of Medical Assistance Services.** Requires the Department of Medical Assistance Services to reimburse school divisions providing health-related services to special education students as participating providers in the Virginia Medicaid program for transportation services between the student's home, the school or other sites where health-related services are to be provided on those days when the special education student is scheduled to receive health-related services at the school or such other site. School divisions providing health-related services to special education students are reimbursed only the federal share. No state money is appropriated for this program.

*Patron - Puller*

**PSB490 Medical care facilities; certificate of public need.** Requires, notwithstanding the requirements of the Requests For Applications (RFAs) statute or the provisions of any current RFA, the Commissioner of Health to reissue two Requests For Applications. First, the Commissioner is directed to reissue a RFA for sixty new nursing home or nursing facility beds in Planning District 11 when (i) pursuant to the 1997 determination of a 240-nursing home bed need in Planning District 11 and the issuance by the Commissioner of Health of the formal legal notice of Request For Certificate of Public Need Applications, a certificate of public need for sixty new nursing home or nursing facility beds was issued to an existing nursing home in Planning District 11 and (ii) this sixty-nursing home bed certificate of need has been formally surrendered by the company owning such nursing home because of lack of the requisite financing. The Commissioner must authorize and accept applications for these sixty nursing home or nursing facility beds and may issue one or more certificates of public need for an increase of such sixty new beds in which nursing facility or extended care services are to be provided to existing facilities within Planning District 11. The Commissioner must also give preference in reissuing any certificate of public need for these sixty beds to facilities located in a rapid-growth area of Planning District 11. In addition, the Commissioner is directed to reissue a RFA for 120 new nursing home or nursing facility beds in Planning District 13 when (a) pursuant to the 1997 determination of a 240-nursing home bed need in Planning District 13 and the issuance by the Commissioner of Health of the formal legal notice of Request For Certificate of Public Need Applications, a certificate of public need for 120 new nursing home or nursing facility beds was issued to a for-profit nursing home operating company incorporated in January 1973, and (b) the 120-bed certificate of public need issued in 1997 for Planning District 13 to such nursing home corporation has expired without any construction being started because of lack of the requisite financing. The Commissioner may issue one or more certificates for the 120 new beds in Planning District 13.

*Patron - Newman*

**PSB542 Human research.** Revises the definition of human research. The bill adds agents appointed under advanced directives, legal guardians, spouses, adult children, and adult siblings to the list of people authorized to give consent to human research under the definition of "legally authorized representative." The bill provides that if two or more legally authorized representatives having the same priority disagree on participation in human research, the subject will not participate. The bill also changes competent and not-competent to capable or incapable of making an informed decision. Human research review committees are given the additional responsibility of determining whether the risks to the subjects are minimized by using sound research designs and whether additional safeguards are included when the subjects are a vulnerable population.

*Patron - Mims*

**PSB573 Virginia Transplant Council.** Revises the membership and charge of the Virginia Transplant Council. This bill adds to the membership of the Council one representative of donor families and one representative of transplant recipients. The Council is required to elect these representatives for terms established in its bylaws. In addition, the Council is required to include in its associate, nonvoting membership at least one representative of the faith community and one representative of local public schools. This bill also requires the Council to provide a forum for discussion among its members of any issues of which it may be apprised that could impact the effectiveness of its activities and the relationship between the public and its members.

*Patron - Martin*

**PSB601 Certain disclosure of prehospital patient care reports.** Authorizes each licensed emergency medical services agency to disclose the prehospital patient care report to law-enforcement officials when the patient is the victim of a crime upon a determination that such disclosure is not in violation of the federal Department of Health and Human Services regulations relating to the electronic transmission of data and patient privacy promulgated as required by the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. § 1320d et seq.). The Patient Health Records Privacy law is also amended to add this disclosure to the list of permissible releases of patient records. The new federal regulations, which become effective in April of this year, but will not be enforced until April of next year, will narrowly restrict the release of patient records in many situations. This bill is identical to HB 1283.

*Patron - Quayle*

**PSB629 Disputed periodic nursing facility surveys.** Requires, unless expressly prohibited by federal statute or regulation, that the findings of the Commissioner of Health, with respect to periodic surveys of nursing facilities conducted pursuant to the Survey, Certification, and Enforcement Procedures set forth in 42 C.F.R. Part 488, will be considered case decisions pursuant to the Administrative Process Act and will be subject to the Department of Health's informal dispute resolution procedures, or at the option of the department or the nursing facility, the formal fact-finding procedures under § 2.2-4020. The Commonwealth will be deemed the proponent for purposes of the formal hearing procedures.

*Patron - Saslaw*

**PSB643 Certificate of Public Need.** Authorizes the application for and the issuance of a certificate of public need for the conversion of 16 assisted living beds to nursing facility or extended care services beds in an existing facility when (i) such application is filed by an existing 224-bed nursing home

facility located in Chesterfield County within Planning District 15; (ii) the 16 assisted living beds in the existing facility were built to nursing home standards; (iii) the existing facility is operated by a health center commission; (iv) the existing facility has a 95 to 96 percent occupancy rate; and (v) the converted nursing facility beds are to be dedicated to the provision of care for private pay and Medicare patients.

*Patron - Watkins*

## Failed

**FHB191 Commissioner of Health's immunity.** Prohibits any action from being taken against the Commissioner of Health or his designee for trespass, if he is carrying out his responsibilities under the onsite sewage disposal laws.

*Patron - Parrish*

**FHB332 Family Access to Medical Insurance Security Plan (FAMIS).** Requires the Department of Medical Assistance Services to incorporate into the FAMIS Plan certain mental health services covered by Medicaid, in the same manner and with the same coverage and limitations, as follows: intensive in-home services for children including crisis treatment; individual family counseling; life, parenting, and communication skills; case management activities and coordination with other required services; and 24-hour emergency response.

*Patron - Darner*

**FHB639 Human embryonic stem cell research.** Places, within the purview of the Virginia human research law, the regulation of human embryonic stem cell research involving the harvesting of human embryonic stem cells from human embryos or pre-embryos that were created for the purpose of conducting research. This bill defines a human embryonic stem cell as an early cell of the blastocyst proper that has the potential to differentiate into various specialized human cell types. No human research review committee may approve any project involving the harvesting of human embryonic stem cells from human embryos or pre-embryos that were created for purpose of conducting research, regardless of the funding or purpose of the project; however, federally approved human embryonic stem cell research and adult human stem cell research may be approved. Further, the sale or purchase of ova or sperm or the reimbursement for the removal and preservation of ova for the purpose of creating human embryos or pre-embryos for scientific research is prohibited and made subject to conviction as a Class 6 felony.

*Patron - O'Brien*

**FHB883 Medical care facilities certificate of public need.** Removes "cancer care centers" from the requirement to obtain a certificate prior to construction of the facility, purchase of major medical equipment, or introduction of new covered services. "Cancer care center" is defined as any specialized center or clinic or portion of a physician's office developed for the provision of outpatient chemotherapy, radiation, and diagnostic radiology services that does not administer general anesthesia in connection with such services. This exemption is conditioned on the provision of care to patients regardless of ability to pay and on reporting on indigent care to the Department of Medical Assistance Services.

*Patron - Hamilton*

**FHB890 Health; midwives.** Allows direct entry midwives to practice in the Commonwealth pursuant to regulations adopted by the Board of Health. Generally removes the "grandfather" clause on direct entry midwives that was adopted in 1977. The bill does not affect the practice of certified nurse



midwives currently regulated jointly by the Boards of Medicine and Nursing.

*Patron - Hamilton*

**FHB891 Health; practice of midwifery.** Exempts from licensure those persons who have obtained a Certified Professional Midwife credential from the North American Registry of Midwives.

*Patron - Hamilton*

**FHB1090 Children's health insurance; waiting period exception.** Eliminates the waiting period for previously insured children for coverage under the Family Access to Medical Insurance Security Plan where the applicant can document that the cost of previous health insurance exceeded 10 percent of the family's countable monthly income.

*Patron - Brink*

**FHB1153 Licensure and regulation of certain facilities.** Requires the Board and Department of Health to license as abortion clinics any facility, other than a hospital as defined in the law, in which any second trimester or five or more first trimester abortions per month are performed. Each facility so licensed will be required to comply with requirements relating to facility safety and patient protection, including cleanliness, sterilization, fire protection, evacuation, staff credentials, equipment, maintenance of facilities and equipment, allowable procedures, and facility procedures and policies.

*Patron - Marshall, R.G.*

**FHB1204 Drainfield guidelines.** Requires the Board of Health to issue standards in determining equivalency of drainfield sizes for types of onsite septic systems.

*Patron - Parrish*

**FHB1273 School board employees; consent to testing for blood-borne pathogens.** Adds school board employees who are exposed to persons in a manner that may transmit HIV or hepatitis B or C to those individuals deemed to have consented to testing for infection with HIV or hepatitis B or C viruses and the release of test results to the exposed person. In addition, persons, including students, directly exposed to the body fluids of a school board employee are also deemed to have consented to testing for infection with these viruses and the release of the test results to the exposed school board employee. Procedures for teacher exposure to student body fluids are set forth in § 22.1-271.3, which directs school boards to ensure that school personnel having contact with students receive training in the prevention and effects of blood-borne pathogens. This measure mirrors current requirements for health care providers and law-enforcement personnel.

*Patron - Abbitt*

**FHB1312 Physicians performing abortions.** Requires, prior to performing any abortion in the Commonwealth, any physician to have practice privileges in a hospital or valid, unexpired or uncanceled malpractice liability insurance for at least \$2 million. The Board of Medicine is required to monitor and verify these requirements and the physician will be required to report any lawsuit filed against him regardless of the outcome of the action.

*Patron - Marshall, R.G.*

**FHB1325 Medical Assistance Services.** Requires the Department of Medical Assistance Services (i) to submit an application for a waiver to include in the state plan for medical assistance services for Virginia a provision to enable persons receiving Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) whose incomes are at or

below 80 percent of federal poverty levels and, who are, therefore, eligible as aged and disabled recipients to continue to be eligible for medical assistance services if their incomes exceed 80 percent of the federal poverty levels through a Medicaid Buy-In program whereby such persons may pay a premium based on such income for such health benefits and (ii) to amend the personal care services waiver and any other relevant waiver in regard to the services provided by personal care services aides and personal attendants to eligible individuals in their homes to authorize the delivery of such services by aides or attendants, as appropriate under the plan of care, to eligible persons while at their place of work.

*Patron - Scott*

**FHB1354 Medical assistance services and the Virginia Family Access to Medical Insurance Security Plan (FAMIS).** Implements certain recommendations included in the December 2001 report of the Joint Legislative Audit and Review Commission on the Department of Medical Assistance Services as follows: (i) a requirement for tracking of the children enrolled in Medicaid as a result of the FAMIS outreach efforts; (ii) a requirement for an analysis of the reasons children dropped from the FAMIS program based on a survey of the families that dropped out; (iii) a requirement for the Department of Medical Assistance Services to update its projections of uninsured children in Virginia, children potentially eligible for Medicaid but not enrolled, and children potentially eligible for FAMIS but not enrolled; (iv) a requirement for the Department to amend the state plan for medical assistance services to provide eligibility to all children up to 19 years old whose family incomes are at or below 133 percent of the federal poverty level and to amend the FAMIS plan to provide for eligibility for children whose family incomes are above 133 percent of the federal poverty level but no more than 200 percent of federal poverty level (this provision requires the leveraging of the enhanced federal match); and (v) expansion of the quarterly reports and the Director's annual report. Enactment clauses require emergency regulations to implement this provision, require the Secretary of Health and Human Resources to develop a coordination plan to improve communication and coordination between Medicaid and FAMIS and to provide for a formal referral and tracking process between the programs and designation of specific roles and responsibilities for staff; and require the analysis of the reasons for children being dropped from FAMIS to be based on a survey concerning certain specific questions on relocation, costs, and services.

*Patron - Brink*

**FSB192 Health; Virginia Prescription Drug Payment Assistance Plan.** Establishes a program to be administered by the Department of Medical Assistance Services (DMAS), modeled on Delaware's Prescription Drug Payment Assistance Program, to assist eligible elderly and disabled Virginians in paying for prescription drugs. DMAS may contract with third-party administrators to provide administrative services that include enrollment, outreach, eligibility determination, data 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, 2002, and be ineligible for Medicaid prescription benefits; however, nothing shall prohibit the enrollment of a person in the program during the period in which his 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 DMAS. Participants are required to make a co-payment for each prescription, which in general will not exceed 25 percent of the cost, but not less than five dollars. Money to pay the claims will come from the newly established Prescription Assistance Fund, which is to be financed by 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 DMAS 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.

*Patron - Deeds*

**FSB239 Health; critical care reimbursement.** Provides, with funds appropriated for such purpose, that the Board of Medical Assistance Services develop a program for the reimbursement of Medicaid-allowable costs incurred by critical access hospitals as defined by the Code of Virginia. This is a recommendation of the Joint Commission on Health Care.

*Patron - Wampler*

**FSB392 Sale of mercury fever thermometers prohibited.** Requires a ban on the sale of liquid mercury fever thermometers in Virginia. This bill states that the General Assembly finds that (i) mercury has been identified as a potent neurotoxin, the exposure to which can cause irreversible brain damage to developing children, significant harm to pregnant women and their fetuses, and has caused reproductive and behavioral deficits in animals; (ii) a primary source of mercury in the environment has been shown to be the inappropriate disposal of broken liquid mercury fever thermometers; and (iii) through the use of digital fever thermometers, mercury exposure can be avoided. Further, broken liquid mercury fever thermometers can pose great hazards to children and pregnant women when mercury vapor is inhaled as a result of inadvertently breaking fever thermometers in the home. Any person violating the prohibition against the sale of liquid mercury fever thermometers will be subject to the general penalties for violations of Title 32.1 statutes and Board of Health regulations, for example, Class 1 misdemeanor and fines of up to \$10,000 per violation. A second enactment clause requires the Department of Health, in cooperation with the Department of Environmental Quality, to provide information on the proper disposal of liquid mercury fever thermometers to local governments and other landfill operators for the purpose of informing the public about the proper disposal of liquid mercury fever thermometers.

*Patron - Whipple*

**FSB449 Medical care facilities certificate of public need.** Removes "cancer care centers" from the requirement to obtain a certificate prior to construction of the facility, purchase of major medical equipment, or introduction of new covered services. "Cancer care center" is defined as any specialized center or clinic or portion of a physician's office developed for the provision of outpatient chemotherapy, radiation, and diagnostic radiology services that does not administer general anesthesia in connection with such services. This exemption is conditioned on the provision of care to patients

regardless of ability to pay and on reporting on indigent care to the Department of Medical Assistance Services.

*Patron - Williams*

**FSB505 Regulation of cancer care centers.** Removes "cancer care centers" from the certificate of public need requirements so long as such facilities participate in Virginia Medicaid and do not consider the ability to pay of their patients when providing treatment for cancer. The Board of Health must license cancer care centers; however, deemed status will be accorded for facilities accredited by the American College of Radiology or the American College of Radiation Oncology or another accrediting agency approved by the Board. In addition, cancer care centers will be required to contribute and be eligible to receive payments from the Indigent Health Care Trust Fund in the same manner as hospitals. The Board and Director of Medical Assistance Services (the administrators of the Trust Fund) will be required to report by December 1, 2003, on the results of this new requirement. Enactment clauses allow cancer care centers to make capital investments and other expenditures in order to plan the implementation of a facility upon enactment of this provision; however, no cancer care center can initiate operation without licensure. The Boards of Health and Medical Assistance Services must promulgate emergency regulations.

*Patron - Quayle*

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## Carried Over

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**CHB104 Health; Virginia Prescription Drug Payment Assistance Plan.** Establishes a program to be administered by the Department of Medical Assistance Services (DMAS), modeled on Delaware's Prescription Drug Payment Assistance Program, to assist eligible elderly and disabled Virginians in paying for prescription drugs. DMAS may contract with third-party administrators to provide administrative services that include enrollment, outreach, eligibility determination, data 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, 2002, and be ineligible for Medicaid prescription benefits; however, nothing shall prohibit the enrollment of a person in the program during the period in which his 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 DMAS. Participants are required to make a co-payment for each prescription, which in general will not exceed 25 percent of the cost, but not less than five dollars. Money to pay the claims will come from the newly established Prescription Assistance Fund, which is to be financed by 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 DMAS 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.

*Patron - Morgan*

### **CHB180 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, 2003, and ending on June 30, 2007.

*Patron - Bryant*

**CHB226 Construction permits; local option.** Allows localities to establish reasonable testing requirements to determine compliance with existing federal or state drinking water quality standards and require that such testing be done prior to the issuance of building permits.

*Patron - Janis*

**CHB270 Health; staffing standards in operating rooms.** Requires the Board of Health to adopt regulations that establish staffing standards in surgical units of hospitals whenever surgical procedures are performed that will provide a nurse-to-patient ratio of one licensed perioperative registered nurse to one surgical patient per operating room during such patient's surgical procedure.

*Patron - Landes*

**CHB293 Health planning.** Eliminates the regional health planning agencies and the State Health Planning Board and authorizes the Board of Health to conduct health planning activities and requires the Department of Health to assume the regional responsibilities regarding medical care facilities certificate of public need. The Board will promulgate regulations to determine if a public hearing is needed at the local level. The Department of Health will be responsible for collecting data and conducting a public hearing, if required by the Board's regulations, at the local level during the initial 60 day period of the certificate of public need application process. The Board must promulgate emergency regulations to implement this provision.

*Patron - McDonnell*

**CHB425 Health; restaurant public disclosure system.** Provides that the provisions of the Administrative Process Act do not apply to the adoption of the FDA Food Code by the Department of Agriculture and Consumer Services and the Department of Health. The bill does require the Departments of Agriculture and Consumer Services and Health to publish an opportunity for public comment prior to adopting these regulations.

*Patron - McQuigg*

**CHB620 Health; critical care reimbursement.** Provides, with funds appropriated for such purpose, that the Board of Medical Assistance Services develop a program for the reimbursement of Medicaid- allowable costs incurred by critical access hospitals as defined by the Code of Virginia. This is a recommendation of the Joint Commission on Health Care.

*Patron - Morgan*

**CHB677 Health; nursing home standards.** Requires the Board of Health to establish staffing standards for nursing homes that will provide an average of three and one-half hours of direct care services per resident per 24-hour period to be reported quarterly.

*Patron - Watts*

**CHB875 Health; medical assistance.** Raises the income eligibility standards for Medicaid for aged and disabled individuals from 80 percent to 90 percent of the federal poverty level as allowed by federal law.

*Patron - Phillips*

### **CHB882 Department of Health; bioterrorism unit.**

Requires the Board of Health to reorganize or create a structure within the present organization of the Department of Health to prevent, manage, and respond to any critical event or emergency resulting from bioterrorism. The Department's bioterrorism units must monitor the disease-reporting requirements of the Board; advise the Board on any known emerging risks from pathogens or toxins; cooperate and coordinate the response to any epidemic of disease caused by or appearing to be caused by bioterrorism with state and local law enforcement and emergency management officials; conduct contact tracing and surveillance of disease incidence; develop a mechanism for immediately advising the Governor of any sudden unexpected incident of a disease that has been believed to be under control or eliminated; and implement a health plan for emergency response to unexpected health hazards that designates the role of the Commonwealth's hospitals, nursing homes, emergency medical services, and health care practitioners.

*Patron - Phillips*

**CHB885 Regulation of specialty services.** Removes specialty services from the certificate of public need requirements so long as such facilities participate in Virginia Medicaid and do not consider the ability of their patients to pay when providing treatment. Specialty services are defined as any specialized center or clinic or that portion of a physician's office developed for the provision of computed tomographic (CT) scanning, lithotripsy, magnetic resonance imaging (MRI), positron emission tomographic (PET) scanning, radiation therapy, or nuclear medicine imaging. The Board of Health must license specialty services; however, deemed status will be accorded for facilities accredited by the American College of Radiology or the American College of Radiation Oncology or another accrediting agency approved by the Board. In addition, specialty services will be required to contribute and be eligible to receive payments from the Indigent Health Care Trust Fund in the same manner as hospitals. The Board and Director of Medical Assistance Services (the administrators of the Trust Fund) will be required to report by December 1, 2003, on the results of this new requirement. Enactment clauses allow specialty services to make capital investments and other expenditures in order to plan the implementation of a facility upon enactment of this provision; however, no specialty service can initiate operation without licensure. The Boards of Health and Medical Assistance Services must promulgate emergency regulations.

*Patron - Hamilton*

**CHB904 DMAS; Virginia Insurance Plan for Seniors (VIPS).** Establishes the Virginia Insurance Plan for Seniors (VIPS) to provide assistance in the purchase of prescription drugs for those persons who are dually eligible for Medicaid and Medicare but who do not qualify for prescription assistance. Payment assistance is limited to \$80 per month per eligible person, but unused amounts may be rolled over and credited to that person for future use; however, no direct cash

payment will be made to any eligible person. Participants must pay a \$10 co-payment for each prescription. They are also required to use generic drugs unless they are willing to pay the difference between the generic and name-brand drug. Approved drugs in the plan are those manufactured by pharmaceutical companies that agree to provide manufacturer rebates equal to the rebate required by the Medicaid program and to make the drug product available to the plan for the best price that the manufacturer makes the drug available in the Medicaid program. Any licensed pharmacist may participate according to the rules adopted for the program and shall be paid a reasonable reimbursement to cover the cost of the drug and costs for dispensing; payments to pharmacists shall not vary based on the size of the entity dispensing the prescription. Beneficiary cost-sharing amounts shall not vary based on the source of dispensing or method of distribution of the prescription.

*Patron - Purkey*

**CHB913 Health; medical assistance.** Raises the income eligibility standards for Medicaid for aged and disabled individuals from 80 percent to 100 percent of the federal poverty level as allowed by federal law.

*Patron - O'Bannon*

**CHB1086 Children's health insurance; simplification of application process.** Requires the Department of Medical Assistance Services to simplify the Medicaid application process and verification requirements so that they are consistent with the procedures used by the Family Access to Medical Insurance Security Plan (FAMIS). The Department must also develop and implement procedures for the automatic filing of an application for FAMIS for children who have been denied or terminated from Medicaid.

*Patron - Brink*

**CHB1087 Family Access to Medical Insurance Security Plan (FAMIS).** Requires the Department of Medical Assistance Services to incorporate into the FAMIS Plan, in the same manner and with the same coverage and limitations, certain services provided to covered persons with mental retardation or related conditions under the State Plan for Medical Assistance Services and set forth in the Board's regulations as follows: day health and rehabilitation services providing individualized activities, supports, training, supervision, and transportation based on a written plan of care for two or more hours per day scheduled multiple times per week.

*Patron - Brink*

**CHB1088 Children's health insurance annual enrollment fee.** Requires participants in the Family Access to Medical Insurance Security Plan whose incomes are above 150 percent of the federal poverty level to pay an annual enrollment fee of no more than \$100 per family and nominal copayments.

*Patron - Brink*

**CHB1089 Children's health insurance eligibility and enrollment period.** Provides coverage under the Family Access to Medical Insurance Security Plan (FAMIS) for persons who were enrolled for 12 consecutive months in the Children's Medical Security Insurance Plan (CMSIP) or Medicaid on the date that Virginia received federal approval of FAMIS. The bill also requires the Department of Medical Assistance Services to establish a procedure for timely redetermination of eligibility for FAMIS to avoid a lapse in coverage of children when converting from CMSIP or Medicaid to FAMIS.

*Patron - Brink*

**CHB1105 Medical assistance coverage for certain preventive and rehabilitative services.** Provides Medicaid coverage on behalf of physically disabled persons, who are

Medicaid eligible, for membership in wellness clubs prescribed by a licensed physician as a part of the treatment plan to assist the person in maintaining mobility and health.

*Patron - Christian*

**CHB1181 Medical Assistance Services.** Provides an exception to the Medicaid prospective payment system for rural nursing facilities experiencing increased direct care costs because of staffing shortages. This bill allows a mid-cost report period increase in the direct care component of the rural nursing facility's prospective payment rate that may exceed the reimbursement limits or ceilings or both for the nursing facility under the prospective payment system. The mid-cost report period increase will be triggered by costs resulting from local staffing shortages, i.e., contract direct care staff have been hired at higher salary rates than regularly employed staff. The rural nursing facility will have the right to submit adjustments to its previous cost report immediately upon incurring these additional staffing costs and the adjusted prospective payment rate will begin on the date of submission of the adjusted cost report.

*Patron - Keister*

**CHB1201 Health; Virginia Prescription Drug Payment Assistance Plan.** Establishes a program to be administered by the Department of Medical Assistance Services (DMAS), modeled on Delaware's Prescription Drug Payment Assistance Program, to assist eligible elderly and disabled Virginians in paying for prescription drugs. DMAS may contract with third-party administrators to provide administrative services that include enrollment, outreach, eligibility determination, data 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, 2002, and be ineligible for Medicaid prescription benefits; however, nothing shall prohibit the enrollment of a person in the program during the period in which his 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 DMAS. Participants are required to make a co-payment for each prescription, which in general will not exceed 25 percent of the cost, but not less than five dollars. Money to pay the claims will come from the newly established Prescription Assistance Fund, which is to be financed by 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 DMAS 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.

*Patron - Hull*

**CHB1297 Health; birth certificates.** Provides that the State Registrar shall issue a Virginia certificate of foreign

birth for an adopted foreign-born child without stating such certificate is not evidence of U.S. citizenship if the State Registrar receives a notarized Certificate of Citizenship from the Immigration and Naturalization Service. The Child Citizenship Act, which became effective on February 27, 2001, amends the Immigration and Naturalization Act to facilitate U.S. citizenship to certain foreign-born children, including adopted children of U.S. citizens.

*Patron - Van Yahres*

**CHB1319 Health; Virginia Prescription Drug Payment Assistance Plan.** Establishes a program to be administered by the Department of Medical Assistance Services (DMAS), modeled on Delaware's Prescription Drug Payment Assistance Program, to assist eligible elderly and disabled Virginians in paying for prescription drugs. DMAS may contract with third-party administrators to provide administrative services that include enrollment, outreach, eligibility determination, data 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, 2002, and be ineligible for Medicaid prescription benefits; however, nothing shall prohibit the enrollment of a person in the program during the period in which his 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 DMAS. Participants are required to make a co-payment for each prescription, which in general will not exceed 25 percent of the cost, but not less than five dollars. Money to pay the claims will come from the newly established Prescription Assistance Fund, which is to be financed by 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 DMAS 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.

*Patron - Christian*

**CSB73 Medical Assistance Services.** Provides an exception to the Medicaid prospective payment system for rural nursing facilities experiencing increased direct care costs because of staffing shortages. This bill allows a mid-cost report period increase in the direct care component of the rural nursing facility's prospective payment rate that may exceed the reimbursement limits or ceilings or both for the nursing facility under the prospective payment system. The mid-cost report period increase will be triggered by costs resulting from local staffing shortages, i.e., contract direct care staff have been hired at higher salary rates than regularly employed staff. The rural nursing facility will have the right to submit adjustments to its previous cost report immediately upon incurring these additional staffing costs and the adjusted prospective payment

rate will begin on the date of submission of the adjusted cost report.

*Patron - Reynolds*

**CSB161 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*

**CSB428 Family Access to Medical Insurance Security Plan (FAMIS).** Requires the Department of Medical Assistance Services to incorporate into the FAMIS Plan certain mental health services covered by Medicaid, in the same manner and with the same coverage and limitations, certain services provided to covered persons with mental retardation or related conditions under the State Plan for Medical Assistance Services and set forth in the Board's regulations as follows: day health and rehabilitation services providing individualized activities, supports, training, supervision, and transportation based on a written plan of care for two or more hours per day scheduled multiple times per week.

*Patron - Ticer*

**CSB478 Regulation of specialty services.** Removes specialty services from the certificate of public need requirements so long as such facilities participate in Virginia Medicaid and do not consider the ability of their patients to pay when providing treatment. Specialty services are defined as any specialized center or clinic or that portion of a physician's office developed for the provision of computed tomographic (CT) scanning, lithotripsy, magnetic resonance imaging (MRI), positron emission tomographic (PET) scanning, radiation ther-

apy, or nuclear medicine imaging. The Board of Health must license specialty services; however, deemed status will be accorded for facilities accredited by the American College of Radiology or the American College of Radiation Oncology or another accrediting agency approved by the Board. In addition, specialty services will be required to contribute and be eligible to receive payments from the Indigent Health Care Trust Fund in the same manner as hospitals. The Board and Director of Medical Assistance Services (the administrators of the Trust Fund) will be required to report by December 1, 2003, on the results of this new requirement. Enactment clauses allow specialty services to make capital investments and other expenditures in order to plan the implementation of a facility upon enactment of this provision; however, no specialty service can initiate operation without licensure. The Boards of Health and Medical Assistance Services must promulgate emergency regulations.

*Patron - Quayle*

**CSB658 Medicaid; prior authorization of drugs.** Requires the Board of Medical Assistance Services to include in the State Plan for Medical Assistance Services a provision relating to the Medicaid Prior Authorization Advisory Committee. This provision will require, upon implementation of the Medicaid Prior Authorization Advisory Committee or other prior drug authorization mechanism, that (i) if a drug is safe and effective for a medical condition and has been covered by the Department of Medical Assistance Services for an individual's medical condition, coverage under the state plan for such drug will not be limited or excluded when prescribed for the covered medical condition of a recipient; (ii) any formulary adopted by the Board must include each therapeutic class in which there are two or more FDA-approved controlled substances and, for each therapeutic class in which there are two or more FDA-approved pharmaceutical or biological agents, must provide coverage of a least two such pharmaceutical or biological agents without an administrative preference for one over the other; (iii) no prior authorization of new medicines that have been approved by the federal Food and Drug Administration for indications will be required until the Department of Medical Assistance Services has compiled at least six months of drug utilization review experience with Medicaid recipients being treated with the new drug for an authorized indication; and (iv) failure to provide coverage of drugs in every therapeutic class constitutes denial of medically necessary patient care.

*Patron - Ruff*

**CSB659 School board employees; consent to testing for blood-borne pathogens.** Adds school board employees who are exposed to persons in a manner that may transmit HIV or hepatitis B or C to those individuals deemed to have consented to testing for infection with HIV or hepatitis B or C viruses and the release of test results to the exposed person. In addition, persons, including students, directly exposed to the body fluids of a school board employee are also deemed to have consented to testing for infection with these viruses and the release of the test results to the exposed school board employee. Procedures for teacher exposure to student body fluids are set forth in § 22.1-271.3, which directs school boards to ensure that school personnel having contact with students receive training in the prevention and effects of blood-borne pathogens. This measure mirrors current requirements for health care providers and law-enforcement personnel.

*Patron - Ruff*

## Highways, Bridges and Ferries

### Passed

**PHB22 HOV lanes; taxicabs.** Allows taxicabs to use HOV lanes if they have two or more occupants, including the driver.

*Patron - Rollison*

**PHB297 Urban system construction allocations.** Allows any city or town, with the consent of the Commonwealth Transportation Board, to use its urban construction allocations for resurfacing, restoration, rehabilitation, reconstruction, and improvement of streets for which it receives maintenance payments under § 33.1-41.1. This bill is identical to SB 77.

*Patron - McDonnell*

**PHB426 Transportation revenue bonds; Northern Virginia Transportation District Program.** Increases the maximum principal amount of transportation revenue bonds that may be issued for the Northern Virginia Transportation District Program by \$29 million, from \$471.2 million to \$500.2 million, and designates the projects for the increased funding.

*Patron - Black*

**PHB518 Hunter Mill Road.** Designates the entire length of Hunter Mill Road in Fairfax County a Virginia byway.

*Patron - Devolites*

**PHB614 James Vincent Morgan Bridges.** Designates the twin bridges on U.S. Route 17 over Dragon Run at the Gloucester/Middlesex County boundary the "James Vincent Morgan Bridges."

*Patron - Bloxom*

**PHB667 Purple Heart Trail.** Adds I-64 between I-95 and the Virginia/West Virginia boundary to the network of highways designated the Purple Heart Trail.

*Patron - Cox*

**PHB1006 Waiver of certain statutory mandates and regulations by Governor.** Allows the Governor, whenever necessary to avert or respond to a natural disaster or an act of terrorism, or contribute to military operations during a time of war or state of emergency, to the maximum extent not inconsistent with federal law, to waive state statutory mandates and regulations to expedite the construction, reconstruction, alteration, or relocation of highways, bridges, tunnels, and associated facilities or structures.

*Patron - McDonnell*

**PHB1196 Interstate Route 73.** Provides for the early acquisition by VDOT from willing sellers of rights-of-way required for construction of Interstate 73 in Virginia using funds to be obtained by VDOT from the federal government.

*Patron - Dudley*

**PHB1244 Truck weights; overweight permits; road tax; penalties.** Provides for an increase of the maximum weight of vehicles operating under "bought tolerances" from 80,000 pounds to 84,000 pounds. The bill also allows the DMV Commissioner to authorize agencies other than DMV to issue overweight permits for trucks, provides for overweight permits for trucks used to haul "excavated material," and

replaces the present 19.5 cents-per-gallon road use tax with a flat fee of \$100 per qualified vehicle. There are also editorial changes.

*Patron - Stump*

**PHB1247 Asset management.** Provides a definition of "asset management" applicable to Title 33.1 (Highways, Bridges, and Ferries) of the Code. Asset management is defined as a systematic process of operating the state systems of highways by combining engineering practices and analysis with sound business practices and economic theory to achieve cost-effective outcomes. The bill also includes target dates for the Commissioner to advise the Board of performance targets and outcomes that will be met.

*Patron - Rust*

**PHB1248 VDOT contractors.** Clarifies provisions of the Code enacted in 2001 relating to actions of VDOT contractors that cause environmental damage or violate environmental laws or permits.

*Patron - Rust*

**PHB1326 Underground Utility Damage Prevention Act.** Authorizes the State Corporation Commission to impose civil penalties against persons who violate the provisions of the Underground Utility Damage Prevention Act that require operators to join notification centers. The bill contains an emergency clause.

*Patron - Scott*

**PSB4 No-truck route; U.S. 17.** Repeals the June 30, 2002, "sunset" on the prohibition of operation of tractor truck/semitrailer combinations on U.S. 17 in Fauquier County between U.S. 50 and Interstate 66, except for deliveries, pickups, or transactions within 25 miles.

*Patron - Potts*

**PSB77 Urban system construction allocations.** Allows any city or town, with the consent of the Commonwealth Transportation Board, to use its urban construction allocations for resurfacing, restoration, rehabilitation, reconstruction, and improvement of streets for which it receives maintenance payments under § 33.1-41.1. This bill is identical to HB 297.

*Patron - Colgan*

**PSB226 Regulation of outdoor advertising in sight of public highways; definitions.** Defines the term "lawfully erected," for the purposes of Article 1 of Chapter 7 of Title 33.1 of the Code of Virginia to mean any sign that was erected pursuant to a permit from the Commonwealth Transportation Commissioner unless the local governing body has evidence of noncompliance with ordinances in effect at the time the sign was erected.

*Patron - Trumbo*

**PSB251 Allocation of urban system highway construction funds, maintenance payments, and local matching requirements applicable to certain towns.** Revises three Code sections to bring greater stability and uniformity to the way construction funds and maintenance funds are distributed to and matching requirements are applied to towns with relatively small populations. The bill also retroactively confirms actions already taken that may not necessarily have been in strict conformity with statute because of the ambiguity or inconsistency of some statutory provisions.

*Patron - Hawkins*

**PSB262 Obsolete highways.** Allows the Commonwealth Transportation Board to convey to local governing bodies portions of state highways that are no longer necessary.

*Patron - Lambert*

**PSB382 VDOT pedestrian and bicycle projects.** Allows VDOT to fund and undertake pedestrian and bicycle projects apart from highway projects.

*Patron - Whipple*

**PSB569 Department of Rail and Public Transportation.** Updates four Code sections to eliminate minor discrepancies, obsolete language, and other inaccuracies relating generally to the powers and responsibilities of the Department of Rail and Public Transportation and its Director. This is largely a housekeeping bill.

*Patron - Whipple*

**PSB674 Definitions of "asset management," "competitive sealed bidding," and "construction"; procurement of contracts by Virginia Department of Transportation (VDOT).** Defines "asset management," "competitive sealed bidding," and "construction" and provides limitations on how certain VDOT maintenance contracts are to be procured.

*Patron - Wampler*

## Failed

**FHB184 Urban system construction allocations.** Allows the City of Manassas Park, with the consent of the Commonwealth Transportation Board, to use its urban construction allocations for reconstruction, maintenance, and improvement of streets for which it receives maintenance payments under § 33.1-41.1.

*Patron - Parrish*

**FHB404 Street maintenance payments to cities and some towns.** Adds the Town of Broadway to the list of towns (Wise, Lebanon, and Blackstone) that receive street maintenance payments from the Commonwealth Transportation Commissioner, subject to the approval of the Commonwealth Transportation Board.

*Patron - Weatherholtz*

**FHB433 Economic incentive grants by Commonwealth Transportation Board to counties, cities, towns, and certain airports.** Provides for use by the Commonwealth Transportation Board (CTB) of a portion of the industrial/airport access road fund to support economic incentive programs by counties, cities, towns, and licensed public-use airports by providing a means to fund access roads to publicly owned industrial parks and licensed public-use airports. In cases where the Board has recaptured funds from counties, cities, and towns between July 1, 1994, and June 30, 2002, the Board is required to return to those localities the amounts recaptured. Where a county, city, town, or licensed public-use airport has an active outstanding grant under the industrial access road bonded program, such grants will be reissued under the terms of the economic incentive grant program established in the bill.

*Patron - Hurt*

**FHB569 Secondary system highways; use by persons expelled or suspended from school.** Provides that whenever any person is suspended or expelled from any public school, the chief administrative officer of that school may prohibit the use of any secondary system highway used primarily to provide access to that school by any person so suspended or expelled for the term of such period of suspension or expulsion.



sion. Persons violating any such prohibition would be guilty of trespassing.

*Patron - Byron*

**FHB715 Economic incentive grants by Commonwealth Transportation Board to counties, cities, towns, and certain airports.** Provides for use by the Commonwealth Transportation Board (CTB) of a portion of the industrial/airport access road fund to support economic incentive programs by counties, cities, towns, and licensed public-use airports by providing a means to fund access roads to publicly owned industrial parks and licensed public-use airports. In cases where the Board has recaptured funds from counties, cities, and towns between July 1, 1994, and June 30, 2002, the Board is required to return to those localities the amounts recaptured. Where a county, city, town, or licensed public-use airport has an active outstanding grant under the industrial access road bonded program, such grants will be reissued under the terms of the economic incentive grant program established in the bill.

*Patron - Armstrong*

**FHB759 Drainage easements.** Requires the Virginia Department of Transportation to maintain highway drainage easements, both on and off highway right-of-way.

*Patron - Rapp*

**FHB764 Outdoor advertising; campaign signs.** Allows any locality that has entered into an agreement with VDOT regarding sign enforcement in VDOT rights-of-way, by ordinance to also prohibit the erection of campaign signs more than 45 days before an election and restrict or prohibit erection of signs larger than six square feet.

*Patron - Watts*

**FHB933 Chesapeake Bay Bridge and Tunnel Commission; bonds.** Prohibits the Commission from issuing bonds to pay the cost of improvements that would substantially expand the capacity to accommodate larger flows of traffic, unless specific approval is first obtained from the General Assembly. The bill also includes technical amendments to conform with subsequent and controlling statutory provisions.

*Patron - Wardrup*

**FHB947 Transportation projects; Harrisonburg-Southeast Bypass.** Defines the transportation projects that shall be funded under the Harrisonburg-Southeast Bypass project included in Chapters 1019 and 1044 of the Acts of Assembly of 2000.

*Patron - Weatherholtz*

**FHB1184 Transfer of property from Virginia Department of Transportation to Department of Conservation and Recreation.** Authorizes the Department of Transportation to transfer to the Department of Conservation and Recreation the ownership of the triangular parcel of land within or abutting the U.S. 23 right-of-way at the point where Virginia Route 871 crosses a park boundary.

*Patron - Kilgore*

**FHB1289 Transportation projects; Harrisonburg-Southeast Corridor Improvements.** Defines the transportation projects that shall be funded under the Harrisonburg-Southeast Corridor Improvements project included in Chapters 1019 and 1044 of the Acts of Assembly of 2000.

*Patron - Landes*

**FHB1295 Sales and use tax; additional tax in Northern Virginia and Hampton Roads regions to fund transportation projects.** Increases the state sales and use tax by one percent in all cities and counties within the Northern

Virginia Transportation District and the Hampton Roads Transportation District. The revenues from such increase shall be used to fund transportation projects in such regions. The bill repeals the right of certain localities to impose a local income tax. The bill has a delayed effective date of July 1, 2003, and those portions of the bill related to Northern Virginia are contingent upon approval by a majority of persons of all the cities and counties in the Northern Virginia Transportation District voting in a joint referendum on November 5, 2002; and those portions of the bill related to Hampton Roads are contingent upon approval by a majority of persons voting in such a referendum in the Hampton Roads Transportation District.

*Patron - Rollison*

**FHB1340 Virginia Federal Highway Reimbursement Anticipation Notes.** Amends the Virginia Federal Highway Reimbursement Anticipation Notes Act of 2000 by making all projects that are ready to be advertised for construction, and that are listed in the Capital Improvement Program of the Virginia Transportation Development Plan as adopted and as may be amended from time to time by the Commonwealth Transportation Board, eligible for funding from the proceeds from such Notes.

*Patron - Suit*

**FHB1353 Definitions of "asset management," "competitive sealed bidding," and "construction"; procurement of contracts by Virginia Department of Transportation (VDOT).** Defines "asset management," "competitive sealed bidding," and "construction" and provides limitations on how certain VDOT maintenance contracts are to be procured. This bill is incorporated into HB 1373.

*Patron - Saxman*

**FHB1366 Richmond Metropolitan Authority.** Transfers control of the Richmond Metropolitan Authority's toll roads to the Commonwealth upon the redemption and retirement of all the Authority's outstanding bonded indebtedness.

*Patron - Ware*

**FHJ132 Coalfields Expressway.** Requests the Virginia Department of Transportation and the Commonwealth Transportation Board to approve the Brown and Root proposal to build the Coalfields Expressway as soon as possible following the issuance of the Record of Decision by the Federal Highway Administration.

*Patron - Phillips*

**FHJ160 Reauthorization of the federal surface transportation program.** Urges Congress to reauthorize the federal surface transportation program to (i) provide fair and equitable distribution of highway funds to states, (ii) ensure that firewalls between the Transportation Trust Fund and other federal spending be maintained, (iii) continue Revenue Aligned Budget Authority, and (iv) meaningfully streamline federal environmental and other regulations to expedite project review and highway construction. This resolution is identical to HR 21.

*Patron - McDonnell*

**FSB26 Economic incentive grants by Commonwealth Transportation Board to counties, cities, town, and certain airports.** Provides for use by the Commonwealth Transportation Board (CTB) of a portion of the industrial/airport access road fund to support economic incentive programs by counties, cities, towns, and licensed public-use airports by providing a means to fund access roads to publicly owned industrial parks and licensed public-use airports. In cases where the Board has recaptured funds from counties, cities, and

towns between July 1, 1994, and June 30, 2002, the Board is required to return to those localities the amounts recaptured. Where a county, city, town, or licensed public-use airport has an active outstanding grant under the industrial access road bonded program, such grants will be reissued under the terms of the economic incentive grant program established in the bill.

*Patron - Reynolds*

**FSB33 Commonwealth of Virginia Transportation Appropriation Bonds Act of 2002.** Authorizes the Commonwealth Transportation Board to issue Commonwealth of Virginia Transportation Appropriation Bonds pursuant to Article X, Section 9 (d) of the Virginia Constitution in an amount not to exceed \$317,000,000 in fiscal year 2003 and \$335,600,000 in fiscal year 2004 for a total of \$652,600,000. The purpose of the bonds is to provide funds, together with any other available funds, for paying the costs of projects authorized in the Virginia Transportation Development Plan as needed to meet construction cash-flow needs.

*Patron - Chichester*

**FSB34 Commonwealth Transportation Board; bonds.** Adds to the general statutory powers of the Commonwealth Transportation Board the authority to issue Commonwealth of Virginia Transportation Appropriation Bonds.

*Patron - Chichester*

**FSB43 Economic incentive grants by Commonwealth Transportation Board to counties, cities, towns, and certain airports.** Provides for use by the Commonwealth Transportation Board (CTB) of a portion of the industrial/airport access road fund to support economic incentive programs by counties, cities, towns, and licensed public-use airports by providing a means to fund access roads to publicly owned industrial parks and licensed public-use airports. In cases where the Board has recaptured funds from counties, cities, and towns between July 1, 1994, and June 30, 2002, the Board is required to return to those localities the amounts recaptured. Where a county, city, town, or licensed public-use airport has an active outstanding grant under the industrial access road bonded program, such grants will be reissued under the terms of the economic incentive grant program established in the bill.

*Patron - Reynolds*

**FSB166 Advertising within highway rights-of-way.** Provides that persons who illegally place advertising within highway rights-of-way in Planning District No. 8 shall be assessed civil penalties of \$1,000 for each offense. The penalty for doing so elsewhere is unchanged (civil penalty of \$100).

*Patron - Byrne*

**FSB397 Allocation of federal highway safety funds.** Requires that prior to being allocated for any other purpose, 25 percent of all federal surface transportation program safety funds must be allocated statewide to fund pedestrian safety improvements, including but not limited to the Safe Routes to School Program.

*Patron - Whipple*

**FSB501 Transportation projects; Harrisonburg-Southeast Bypass.** Defines the transportation projects that shall be funded under the Harrisonburg-Southeast Bypass project included in Chapters 1019 and 1044 of the Acts of Assembly of 2000. This bill conflicts with HB 1289.

*Patron - Miller, K.G.*

**FSB582 Chesapeake Bay Bridge and Tunnel Commission.** Reduces the Commission from 11 to nine members

by providing single appointments from Portsmouth or Chesapeake and Hampton or Newport News.

*Patron - Rerras*

## Carried Over

**CHB109 Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes Act of 2002.** Authorizes the Commonwealth Transportation Board to issue Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes in the principal amount not to exceed \$750,000,000 to help fund and accelerate transportation projects already specified pursuant to the Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes Act of 2000.

*Patron - Marshall, R.G.*

**CHB110 Commonwealth of Virginia Transportation Revenue Bond Act of 2002.** Authorizes the Commonwealth Transportation Board to issue revenue bonds in the principal amount not to exceed \$1 billion with the proceeds to be used for an electronic communication infrastructure project to aid telecommuting and ease traffic congestion and other specified transportation projects. The bill funds the bonds by dedicating one-third of the annual revenues from the insurance license tax.

*Patron - Marshall, R.G.*

**CHB130 Urban highway construction allocations.** Allows any city or town to use up to six percent of its urban system construction allocation in any year for traffic calming projects or devices.

*Patron - Darner*

**CHB264 Outdoor advertising; temporary directional signs.** Provides that localities that have entered into agreements with VDOT regarding sign enforcement in VDOT rights-of-way may by such agreement regulate the placement of temporary directional signs through the use of permits.

*Patron - McQuigg*

**CHB382 Logo sign program.** Provides that businesses cannot be "bumped" from VDOT logo sign program because of relocation or reconstruction of highway interchanges.

*Patron - Wardrup*

**CHB510 Urban street maintenance payments.** Adds two additional sorts of nonstandard streets to the list of those that will be eligible for maintenance payments from VDOT.

*Patron - Drake*

**CHB772 Primary highway system; allocation of construction funds.** Provides that 25 percent of primary system construction funds are to be apportioned among the nine construction districts on the basis of the ratio of vehicle-miles traveled on primary highways divided by the number of lane miles of primary highways in each construction district, with the remaining 75 percent distributed under the existing formula.

*Patron - Watts*

**CHB895 I-64 weighing station in Henrico County.** Repeals the 1999 Acts of Assembly that required the relocation of the VDOT weighing station on I-64 in Henrico County (Bottoms Bridge scales) and provides, instead, for improvements to the existing facility.

*Patron - McDougale*