

VIRGINIA GENERAL ASSEMBLY



2002 SESSION SUMMARY

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Preface

This publication presents a summary of legislation considered by the Virginia General Assembly at the 2002 Session. Bill summaries are arranged by subject areas corresponding to the appropriate titles in the Code of Virginia. Noncodified bills of a substantive nature are also contained under their proper subject headings. Within each heading, the material is further separated into *Passed*, *Failed*, and *Carried Over* categories. (The General Assembly sometimes incorporates provisions from several bills in one substitute bill. Thus a bill may have failed, but all or some of its provisions have been "incorporated" in another bill. The summary for the bill will so note.) Bills affecting more than one title are printed under the dominant subject area of the legislation.

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

The major substantive provisions of each measure are summarized. The appropriate bill number and patron are also noted so that one can obtain further information, if needed. A researcher should refer to the enrolled bill, the appropriate chapter of the 2002 Acts of Assembly, or the Legislative Information System on the Internet (<http://leg1.state.va.us/lis.htm>) for detailed information on legislation.

These summaries reflect actions of the 2002 General Assembly through adjournment sine die on March 9, 2002. Many of the measures are subject to gubernatorial review and veto. Therefore, some measures may be amended and some may not become law.

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

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

2002 SESSION SUMMARY

	Introduced	Continued	Passed	Failed
House Bills	1373	361	569	443
House Joint Resolutions	513	26	409	78
House Resolutions	25	0	25	0
House Total	1911	387	1003	521
Senate Bills	693	110	330	253
Senate Joint Resolutions	279	19	231	29
Senate Resolutions	23	0	22	1
Senate Total	995	129	583	283
General Assembly Total	2906	516	1586	804

Contents

1	Administration of the Government Generally
12	Agriculture, Horticulture and Food
14	Alcoholic Beverage Control Act
16	Aviation
16	Banking and Finance
17	Civil Remedies and Procedure
20	Commercial Code / Secured Transactions; Sales of Accounts; Contract Rights and Chattel Paper
20	Commonwealth Public Safety
22	Conservation
26	Contracts
26	Corporations
27	Counties, Cities and Towns
35	Courts not of Record
39	Courts of Record
41	Crimes and Offenses Generally
49	Criminal Procedure
53	Domestic Relations
55	Drainage, Soil Conservation, Sanitation and Public Facilities Districts
55	Education
71	Educational Institutions
76	Elections
82	Eminent Domain
83	Fiduciaries Generally
83	Fire Protection
83	Fisheries and Habitat of the Tidal Waters
85	Game, Inland Fisheries and Boating
85	General Assembly
88	Health
97	Highways, Bridges and Ferries
101	Homestead and Other Exemptions

Contents

101	Housing
102	Institutions for the Mentally Ill; Mental Health Generally
104	Insurance
109	Labor and Employment
109	Libraries
110	Mechanics' and Certain Other Liens
110	Military and Emergency Laws
110	Mines and Mining
111	Motor Vehicles
125	Notaries and Out-of-State Commissioners
125	Oaths, Affirmations and Bonds
125	Partnerships
125	Pensions, Benefits and Retirement
128	Persons with Disabilities
129	Police, State
130	Prisons and Other Methods of Correction
131	Professions and Occupations
137	Property and Conveyances
139	Public Service Companies
143	Religious and Charitable Matters; Cemeteries
143	State Corporation Commission
143	Taxation
167	Trade and Commerce
170	Unemployment Compensation
170	Waters of the State, Ports and Harbors
172	Welfare (Social Services)
175	Wills and Decedents' Estates
176	Workers' Compensation
178	Constitutional Amendment Resolutions
179	Other Resolutions
183	Miscellaneous (Including Budget and Bonds)
184	Charters and Authorities
186	Study Resolutions

Administration of the Government Generally

Passed

HB173 Freedom of Information Advisory Council. Removes the sunset of July 1, 2002, thereby making the FOIA Council a permanent legislative agency. This bill is identical to SB 208.

Patron - Woodrum

HB235 Freedom of Information Act; reports of consultants. Provides for public access to nonexempt portions of reports of a consultant hired by or at the request of a local public body or the mayor, chief executive officer or administrative officer of the local public body where the contents have been distributed or disclosed to members or the public body has scheduled any action on a matter that is the subject to the report.

Patron - Gear

HB290 Secretary of Transportation. Creates the Intermodal Office within the Office of the Secretary of Transportation.

Patron - McDonnell

HB309 Private attorney retention sunshine act requiring open negotiation for employment of special counsel. Provides that no state agency or state agent shall enter into a contingency fee contract for legal services if fees and expenses are reasonably expected to exceed \$100,000 unless an open and competitive negotiation process has been previously undertaken in accordance with the Virginia Public Procurement Act.

Patron - Howell

HB322 Budget; long-term financial plan. Requires the Governor to submit by the first day of each General Assembly Session held in an even-numbered year a long-term financial plan providing a six-year financial outline consisting of (i) the Governor's biennial budget, (ii) estimates of anticipated general and nongeneral fund revenues for each major program for the next four years, and (iii) estimates of general and nongeneral fund appropriations required for each major program for the next four years.

Patron - Callahan

HB395 Freedom of Information Act; record exemption for zoning complaints. Adds an exemption from the mandatory release provisions of FOIA for the names, addresses and telephone numbers of complainants furnished in confidence with respect to an investigation of individual zoning enforcement complaint made to a local governing body.

Patron - Lingamfelter

HB450 Dispute resolution. Creates the Virginia Administrative Dispute Resolution Act, which authorizes public bodies to use dispute resolution proceedings. State agencies are required to adopt policies to address the use of dispute resolution proceedings within the agency and for the agency's programs and operations. Each state agency must designate a dispute resolution coordinator. The bill establishes the Interagency Dispute Resolution Advisory Council as an advisory council to the Secretary of Administration. Confidentiality provisions are established.

Patron - Dillard

HB507 Risk Management. Requires the Division of Risk Management to provide protection against claims made against chaplains rendering service to inmates or to juveniles in state adult correctional institutions or in juvenile facilities. The bill defines chaplain.

Patron - Drake

HB519 Department of Information Technology; procurement of information technology and telecommunications goods and services. Transfers the power to procure information technology goods and services of every kind from the Division of Purchases and Supply of the Department of General Services to the Department of Information Technology (DIT) and enables DIT to procure telecommunications goods and services of every kind (i) for its own benefit or on behalf of other state agencies and institutions or (ii) by such other agencies or institutions to the extent authorized by the Department of Information Technology. Procurements made in accordance with this provision must be made in accordance with the regulations specified in § 2.2-1111, unless DIT has adopted alternative regulations governing these procurements. By transferring the power to procure information technology goods and services, this bill moves the requirement that the procurement of computer equipment be based on performance-based specifications from § 2.2-1121 to a new § 2.2-1303.1. Provisions of the bill do not affect any authority delegated to state institutions of higher education in the 2002- 2004 appropriations act to purchase information technology facilities or services.

Patron - Devolites

HB528 Virginia Research and Technology Advisory Commission; membership. Increases the number of Commission members to 29 by adding the following ex officio members with voting power: The Vice Provosts of Research at the University of Virginia, Virginia Polytechnic Institute and State University, George Mason University, James Madison University, The College of William and Mary, Old Dominion University and Virginia Commonwealth University; The Director of Jefferson Laboratories, the Executive Director of the Naval Surface Warfare Center, Dahlgren Division, and the Director of the NASA Langley Research Center. The bill also reduces the number of Commission members appointed by the legislature and the Governor from 20 to 12.

Patron - Devolites

HB572 Virginia Information Providers Network Authority; executive director. Changes the term Network Manager to executive director. The Network Manager is employed by the private partner, Virginia Interactive; the executive director is the title of the person who directs the functions of the Authority.

Patron - May

HB587 Freedom of Information Act; posting of minutes by certain state public bodies. Requires all boards, commissions, councils, and other public bodies created in the executive branch of state government and subject to the provisions of the Freedom of Information Act to post minutes of their meetings on the Internet. Under the bill, draft minutes must be posted within 10 working days of each meeting and final minutes within three working days of final approval of the minutes. The bill is identical to SB 416.

Patron - Lingamfelter

HB592 Investment of Public Funds Act; corporate notes. Allows state agencies or institutions of the Commonwealth having an internal or external public funds manager with professional investment management capabilities to invest in corporate notes with a duration of more than five

years. The corporate notes are still required to have a rating of at least A by two rating agencies, one of which shall be either Moody's Investors Service, Inc., or Standard and Poors, Inc.

Patron - Reid

[P]HB593 Investment of Public Funds Act; contracts on debt obligation or investments. Permits the Commonwealth and all agencies, authorities, boards and institutions of the Commonwealth to enter into contracts in connection with debt obligations or investments.

Patron - Reid

[P]HB618 State-funded buildings and other structures; names. Provides that it is the policy of the Commonwealth that no state-funded institution, building, park, road, bridge or other structure shall be named after a sitting member of the General Assembly. Further, the bill adds a second enactment clause that exempts such structures that are named for members before July 1, 2002, whether or not construction has begun or has been completed.

Patron - Morgan

[P]HB621 Comprehensive Services for At-Risk Youth and Families. Requires the State Executive Council (SEC) to provide for public participation and comment in developing a dispute resolution procedure and to consult with local governments about state policies governing the use, distribution and monitoring of moneys in the state pool of funds and the state trust fund. The bill clarifies the SEC's role in establishing and overseeing the dispute resolution procedure and requires formal notice, which means the SEC must provide a letter of notification that communicates its formal finding, explains the effect of the finding, and describes the appeal process, to the chief administrative officer of the local government with a copy to the chair of the Community Policy and Management Team (CPMT). The dispute resolution procedure shall also include provisions for remediation by the CPMT, which shall include a submission by the CPMT of a plan of correction to the Council. The bill clarifies that at no time either prior to or during the course of the implementation of the plan of correction shall the SEC deny reimbursement for services rendered and that the denial of state funding shall only be for failure to provide services. Finally, the bill requires the director of the Office of Comprehensive Services for At-Risk Youth and Families to implement, in collaboration with participating state agencies, policies, guidelines and procedures adopted by the SEC and to consult regularly with local government representatives about implementation and operation of the Comprehensive Services Act.

Patron - Morgan

[P]HB670 Virginia War Memorial Foundation; membership. Allows members of the board of trustees of the Virginia War Memorial Foundation to serve three full terms. Current law allows members to serve two full terms.

Patron - Cox

[P]HB700 Freedom of Information; exemptions relating to terrorism. Provides a record exemption from the Freedom of Information Act for (i) plans to prevent or respond to terrorist activity, to the extent such records set forth specific tactics, or specific security or emergency procedures, the disclosure of which would jeopardize the safety of governmental personnel or the general public, or the security of any governmental facility, building, structure or information storage system; and (ii) engineering and architectural drawings, operational, procedural, tactical planning or training manuals, or staff meeting minutes or other records, the disclosure of which would reveal surveillance techniques, personnel deployments, alarm or security systems or technologies, or opera-

tional and transportation plans or protocols, to the extent such disclosure would jeopardize the security of any governmental facility, building or structure or the safety of persons using such facility, building or structure. The bill also expands the open meeting exemption to provide that a public body may convene a closed meeting for the discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members or legal counsel concerning actions taken to respond to such activity or a related threat to public safety. The bill also authorizes the custodian of public records to require a requester of records to provide his name and legal address. The bill contains a technical amendment. This bill is identical to SB 134.

Patron - Jones, S.C.

[P]HB725 Notice of intended regulatory action; public participation; publication by Registrar. Clarifies steps petitioner must take to perfect a petition for rulemaking and agency responsibilities and provides for publication in the Virginia Register of Regulations.

Patron - Howell

[P]HB726 Effective date of regulation; public participation. Clarifies agency obligations when a regulation being promulgated in accordance with the Administrative Process Act is withdrawn or suspended.

Patron - Howell

[P]HB729 Freedom of Information Act; definition of "public body"; application to constitutional officers. Provides that for the purposes of those provisions of FOIA applicable to access to public records, constitutional officers shall be considered public bodies and, except as otherwise expressly provided by law, shall have the same obligations to disclose public records as other custodians of public records. The bill also eliminates the term "public official" from FOIA. The bill also expand a current record exemption for criminal records to include case files or reports and witness statements. The bill contains technical amendments.

Patron - Woodrum

[P]HB731 Freedom of Information Act (FOIA); record exemption for certain e-mail addresses. Provides an exemption from the mandatory disclosure requirements of for personal information, including electronic mail addresses furnished to a public body for the purpose of receiving electronic mail from the public body, provided that the electronic mail recipient has requested that the public body not disclose such information. The bill provides that access shall not be denied to the person who is the subject of such record. This bill is identical to SB 308.

Patron - Woodrum

[P]HB823 Secretary of Technology; security audits; government databases. Requires the Secretary of Technology to develop policies, procedures and standards for conducting audits of government databases and data communications. The Secretary is also required to direct an appropriate entity to conduct periodic audits of all executive branch agencies and institutions of higher education regarding security procedures for protecting government databases and data communications. The designated entity may contract with a private firm or firms in completing this task. All government entities subject to such audits are to fully cooperate with the designated entity. This responsibility was originally given to the Governor; this bill repeals those sections and transfers the responsibility to the Secretary of Technology.

Patron - Nixon

HB824 Secretary of Technology; powers and duties. Includes enterprise-wide thinking in the duties of the Secretary. In addition to the one-million-dollar minimum on the technology projects that the Secretary must review periodically, this bill adds the requirement that those projects be either mission-critical or of statewide application. This bill also contains limited exemptions for research projects and research initiatives at the institutions of higher education. This bill is a recommendation of the Joint Commission on Technology and Science.

Patron - Nixon

HB825 Authority to accept payments by commercially acceptable means; service charge; bad check charge. Authorizes all public bodies to accept payments, except those assessed under § 19.2-353.3, by any commercially acceptable means and to levy a service charge in the amount of the lesser of the amount charged to the public body if it incurs a charge for accepting that method of payment or the amount negotiated and agreed to by contract. If a check or other method of payment is returned for insufficient funds, the bill authorizes public bodies to assess a service charge in the amount of the costs assessed to it or \$25, whichever is greater. The bill also provides that that state public bodies must waive additional charges, except for those associated with bounced checks, if the use of this means of payment reduces its processing costs and losses due to bad checks or other receivable costs by an amount equal to or greater than the additional charge.

Patron - Nixon

HB826 Lobbyist reports. Recognizes the provision in the Uniform Electronic Transactions Act (UETA) that prohibits a signature from being denied legal effect or enforceability solely because it is in electronic form. Present law requires original or electronic signatures by principals and lobbyists on the lobbyist annual disclosure statement. This amendment removes the words "or electronic" because UETA already treats electronic signatures as originals. The format must still be specified by the Secretary of the Commonwealth.

Patron - Nixon

HB827 Council on Technology Services; membership. Adds the Executive Director of the Virginia Information Providers Network Authority to the list of ex officio members of the Council on Technology Services.

Patron - Nixon

HB851 Virginia Public Procurement Act; performance and payment bonds. Requires performance or payment bonds on all contracts exceeding \$100,000 for construction projects on public property.

Patron - Albo

HB897 Virginia Public Building Authority; powers and duties. Adds as a purpose of the Virginia Public Building Authority the financing or refinancing of capital projects that benefit the Commonwealth and any of its agencies, authorities, boards, departments, instrumentalities, institutions, or regional or local authorities. The Authority is also authorized to finance or refinance (i) reimbursements to localities or entities of all or any portion of the Commonwealth's share of the costs for capital projects and (ii) obligations issued by other state and local authorities or political subdivisions where such obligations are secured by a lease or other payment agreement with the Commonwealth. The bill contains an emergency clause.

Patron - Callahan

HB906 Long-term care insurance; local employees. Directs the Department of Human Resource Management to develop a long-term care insurance program for local employees, local officers, and teachers.

Patron - Athey

HB910 Advanced Shipbuilding and Carrier Integration Center. Names the carrier integration center the Herbert H. Bateman Advanced Shipbuilding and Carrier Integration Center. The bill also changes the date by which an operations grant for the Center is to be awarded from no later than June 30, 2004, to no later than June 30, 2006. Current law provides that the grant shall be used to establish or operate activities of the Center.

Patron - Oder

HB912 Sale or lease of surplus property. Requires the Secretary of Natural Resources to issue a written opinion as to whether surplus property being sold is a significant part of the Commonwealth's natural or historic resources.

Patron - Cox

HB1065 Virginia Arts Foundation; powers. Authorizes the Virginia Arts Foundation to assist not-for-profit arts and cultural institutions and organizations within the Commonwealth in developing strategies for raising funds from non-governmental sources.

Patron - Van Landingham

HB1066 Property loaned to museums. Establishes a procedure for museums to acquire title to property loaned to the museum on and after July 1, 2002, if, unless otherwise provided by written agreement, more than five years have passed from the receipt by the museum of written communication concerning the loaned property and the lender has not displayed any interest in the property. Loaned property shall be deemed to have been donated to the museum if no action to recover the property is initiated within one year after the museum gave notice of termination of the loan of the property. Museums are required to inform lenders of this provision. Notice of termination of a loan of property may be given at any time if the property was loaned to the museum for an indefinite time. If the property was loaned to the museum for a specified term, the museum may give notice of termination of the loan at any time after the expiration of the specified term. The museum shall mail a notice to the lender at the most recent address. If no address is available, notice shall be published once a week for three weeks. After publishing the required notices, the museum may acquire clear and unrestricted legal title to undocumented property if the museum can verify through written records that it has held such property for five years or longer, during which period no valid claim to the property has been asserted and no person has contacted the museum regarding the property.

Patron - Van Landingham

HB1067 Conflict of Interests Act; General Assembly members. Provides that a General Assembly member, member-elect, or candidate will file a single statement of economic interests pursuant to the General Assembly Conflict of Interests Act. The Secretary of the Commonwealth may obtain a copy of the statement filed with the Clerk of the House of Delegates or Senate if a member is appointed to a position for which filing a statement is required under the State and Local Government Conflict of Interests Act.

Patron - Van Landingham

HB1203 Freedom of Information; meetings of board of visitors of the University of Virginia. Extends from July 1, 2002, to July 1, 2004, the authority of the board of visi-

tors of the University of Virginia to conduct meetings via audio/video communication when at least two-thirds of the membership is physically assembled at its regular meeting place and when the customary requirements of public notice, voting and recordation of the meetings are followed.

Patron - Parrish

HB1214 Centralized Employee Suggestion Award Program. Directs the Department of Human Resource Management to implement a centralized program of financial awards to state employees who propose procedures or ideas to reduce state expenditures or improve operations.

Patron - Louderback

HB1215 Virginia Public Procurement Act; performance and payment of bonds. Allows public bodies to determine the form and amount of performance bonds for transportation-related projects exceeding \$100,000.

Patron - Oder

HB1250 Freedom of Information Act; exemptions related to the Public-Private Transportation Act of 1995. Expands the existing records exemption for confidential proprietary records submitted in confidence to an affected local jurisdiction, as that term is defined in the Public-Private Transportation Act of 1995. Currently, this exemption applies only to records submitted to a responsible public entity under the Public-Private Transportation Act of 1995. The bill also provides a corollary exemption from the open meeting provisions for discussions relating to such confidential proprietary records by a responsible public entity or an affected local jurisdiction.

Patron - Watts

HB1264 Government generally; right to breast-feed. Guarantees a woman the right to breast-feed her child on any property owned, leased or controlled by the State. The bill also stipulates that childbirth and related medical conditions specified in the Virginia Human Rights Act include activities of lactation, including breast-feeding and expression of milk by a mother for her child.

Patron - Baskerville

HB1284 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

HB1285 Capital improvement plan and budget recommendations. Provides that a capital improvement plan and budget recommendations for capital projects shall be submitted to the General Assembly every two years, in the second fiscal year of each biennium. The capital improvement plan lists projects that the Governor recommends be undertaken in the succeeding six fiscal years. The plan is to be submitted no later than August 15. In each budget bill introduced in a regular session of the General Assembly held in an even-numbered year, the Governor shall provide a biennial appropriation for capital projects in an amount not less than two percent of the projected general fund revenues for the biennium. The source of funding for the proposed capital projects depends on the projected general fund revenue growth for each year of the biennium, and shall include funding from the general fund if a certain level of general fund revenue growth is projected.

The budget bill shall contain appropriations for capital projects that are consistent with those capital projects included in the capital improvement plan for the corresponding fiscal year.

The bill also creates a special fund to be used exclusively to pay for or finance nonrecurring expenses. The fund shall consist of (i) the amount of unobligated and undesignated general fund revenue collections for each fiscal year that are in excess of the projected general fund revenues for such year, and (ii) an amount equal to the projected abnormal growth in the nonwithholding portion of individual income taxes.

The bill also expresses the intent of the General Assembly that certain parks, educational institutions, Virginia College Building Authority and Virginia Public Building Authority capital projects shall be funded with general funds, to the extent practicable. In addition, the bill provides that the Commonwealth may not issue more than \$250 million in annual debt to fund such projects.

Patron - Callahan

HB1291 Council on Indians. Provides that the Council shall establish criteria for tribal recognition and shall recommend to the General Assembly those tribes that should be recognized by the Commonwealth.

Patron - Morgan

SB12 Recodification of Titles 2.1 and 9; corrections bill. Makes housekeeping amendments to several sections that were recodified in former Titles 2.1 and 9. These housekeeping amendments correct scrivener and computer errors discovered after passage of the recodification bill in 2001. The bill is a recommendation of the Virginia Code Commission.

Patron - Mims

SB21 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 Procurement Act. This bill is identical to HB 688.

Patron - Stosch

SB38 Virginia Freedom of Information Act (FOIA); electronic communication meetings. Extends the exemption of certain public bodies from the FOIA's electronic communication meeting restrictions from July 1, 2002, to July 1, 2004. The exempted entities are (i) any public body (a) in the legislative branch of state government or (b) responsible to or under the supervision, direction, or control of the Secretary of Commerce and Trade or the Secretary of Technology or (ii) the State Board for Community Colleges. The bill also extends from April 15, 2001, to April 15, 2003, the filing date for submitting a report detailing their experience with meetings held under this pilot program.

Patron - Newman

SB134 Freedom of Information; exemptions relating to terrorism. Provides a record exemption from the Freedom of Information Act for (i) plans to prevent or respond to terrorist activity, to the extent such records set forth specific tactics, or specific security or emergency procedures, the disclosure of which would jeopardize the safety of governmental personnel or the general public, or the security of any governmental facility, building, structure, or information storage systems; and (ii) engineering and architectural drawings, operational, procedural, tactical planning or training manuals, or staff meeting minutes or other records, the disclosure of which would reveal surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational and transportation plans or protocols, to the extent such disclosure would jeopardize the security of any governmental

facility, building or structure or the safety of persons using such facility, building, structure, or information storage systems. The bill also expands the open meeting exemption to provide that a public body may convene a closed meeting for the discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members or legal counsel concerning actions taken to respond to such activity or a related threat to public safety. The bill also authorizes the custodian of public records to require a requester of records for his name and legal address. The bill contains a technical amendment. This bill is identical to HB 700.

Patron - Stolle

[P]SB186 Investment of Public Funds Act; corporate notes. Allows state agencies or institutions of the Commonwealth having an internal or external public funds manager with professional investment management capabilities to invest in corporate notes with a duration of more than five years. The corporate notes are still required to have a rating of at least A by two rating agencies, one of which shall be either Moody's Investors Service, Inc., or Standard and Poors, Inc.

Patron - Stosch

[P]SB206 Virginia Freedom of Information Act. Amends provisions relating to the exemption of records and discussions of the Virginia Retirement System (VRS) and local government investment transactions from disclosure under the Freedom of Information Act (FOIA) and adds records and discussion of the Rector and Visitors of the University of Virginia when managing endowment funds of the University. Under the bill, the record and open meeting exemptions may operate when there are confidential analyses prepared by the VRS, local retirement system, or the UVA Rector and Visitors or provided to those entities under a promise of confidentiality and the disclosure of such analyses would have an adverse effect on the value of the investment.

Patron - Houck

[P]SB208 Freedom of Information Advisory Council. Removes the sunset of July 1, 2002, thereby making the FOIA Council a permanent legislative agency. This bill is identical to HB 173.

Patron - Houck

[P]SB247 Cooperative Marketing Fund. Provides for the eligibility of proposals for matching funds if the proposals benefit locations or destinations within the territorial limits of the Commonwealth or in both the Commonwealth and an adjoining state. The bill also provides that funds made available shall be administered by the Virginia Tourism Authority. Currently such funds must be administered by such Authority in accordance with a formula in the appropriations act.

Patron - Puckett

[P]SB250 Virginia Public Building Authority; powers and duties. Adds as a purpose of the Virginia Public Building Authority the financing or refinancing of grants by the Commonwealth or the undertaking of capital projects that benefit the Commonwealth. The Authority is also authorized to finance or refinance (i) reimbursements to localities or entities of all or any portion of the Commonwealth's share of the costs for capital projects and (ii) obligations issued by other state and local authorities or political subdivisions where such obligations are secured by a lease or other payment agreement with the Commonwealth. In addition, the bill empowers the Authority to lease property to entities providing a governmental service or benefit to the Commonwealth and enter into contractual agreements with localities and regional jail authorities under-

taking capital projects that benefit the Commonwealth. The bill contains an emergency clause.

Patron - Chichester

[P]SB308 Freedom of Information Act (FOIA); record exemption for certain e-mail addresses. Provides an exemption from the mandatory disclosure requirements of FOIA for personal information, including electronic mail addresses furnished to a public body for the purpose of receiving electronic mail from the public body, provided that the electronic mail recipient has requested that the public body not disclose such information. The bill provides that access shall not be denied to the person who is the subject of such record. This bill is identical to HB 731.

Patron - Edwards

[P]SB310 Hearing officers. Clarifies that the Executive Secretary of the Supreme Court is authorized to limit, reduce or increase the number of individuals on the list of hearing officers approved to preside over administrative hearings.

Patron - Edwards

[P]SB322 Virginia Military Advisory Council. Reestablishes the Virginia Military Advisory Council to maintain a cooperative and constructive relationship between the Commonwealth and Armed Forces of the United States and the military commanders stationed in Virginia, and to encourage regular communication on continued military facility viability, the exploration of privatization opportunities and issues affecting preparedness, public safety and security. The original Council statutes were repealed in 2001.

Patron - Stolle

[P]SB337 Joint Commission on Administrative Rules. Establishes the Joint Commission on Administrative Rules to review existing agency rules or regulations and agency rules or regulations during the promulgation or final adoption process. The Commission shall consist of five members of the Senate and seven members of the House of Delegates and has the power and duty to (i) review proposed rules and regulations of any agency during the promulgation or final adoption process and determine whether or not the rule or regulation is authorized by statute and complies with legislative intent; (ii) review the impact of the rule or regulation on the economy, protection of the Commonwealth's natural resources pursuant to Article XI, Section 1 of the Constitution of Virginia, government operations of the State and localities, and affected persons; (iii) file with the Registrar and the agency promulgating the regulation an objection to a proposed or final adopted regulation; (iv) suspend the effective date of any portion or all of a final regulation with the concurrence of the Governor until the end of the next legislative session; (v) make recommendations to the Governor and General Assembly for action based on its review of any proposed rule or regulation; and (vi) review any existing agency rule, regulation, practice or the failure of an agency to adopt a rule and recommend to the Governor and the General Assembly that a rule be modified, repealed or adopted.

Patron - Wagner

[P]SB344 Budget; long-term financial plan. Requires the Governor to submit in each even-numbered year a long-term financial plan providing a financial outline consisting of (i) the Governor's biennial budget, (ii) anticipated general fund revenue, and (iii) anticipated revenues for each of the major nongeneral funds.

Patron - Chichester

[P]SB362 Virginia War Memorial Foundation; possession of certain military medals. Authorizes the Virginia

War Memorial Foundation to take possession of any military medals, ribbons or certificates authorized to be worn by the United States Department of Defense that come into the possession of the Commonwealth and for which the ownership is unknown until such time as the true owner is able to take possession. The Foundation is directed to take reasonable efforts based on available resources to determine the true owner and return the medal, ribbon or certificate to that owner.

Patron - Blevins

[P]SB379 Department of General Services; purchase of light fixtures. Requires the Division of Purchases and Supply within the Department of General Services to adopt regulations (i) requiring state public bodies to procure only shielded outdoor light fixtures, and (ii) providing for the Division to grant waivers from the requirement when a bona fide operational temporary, safety or specific aesthetic need is indicated or that such fixtures are not cost effective over the life cycle of the fixture. The requirements do not apply to the procurement of outdoor light fixtures by the Department of Transportation until July 1, 2004. The bill defines shielded outdoor light fixture.

Patron - Whipple

[P]SB402 Capital improvement plan and budget recommendations. Provides that a capital improvement plan and budget recommendations for capital projects shall be submitted to the General Assembly every two years, in the second fiscal year of each biennium. The capital improvement plan lists projects that the Governor recommends be undertaken in the succeeding six fiscal years. The plan is to be submitted no later than August 15. In each budget bill introduced in a regular session of the General Assembly held in an even-numbered year, the Governor shall provide a biennial appropriation for capital projects in an amount not less than two percent of the projected general fund revenues for the biennium. The source of funding for the proposed capital projects depends on the projected general fund revenue growth for each year of the biennium, and shall include funding from the general fund if a certain level of general fund revenue growth is projected.

The budget bill shall contain appropriations for capital projects that are consistent with those capital projects included in the capital improvement plan for the corresponding fiscal year.

The bill also creates a special fund to be used exclusively to pay for or finance nonrecurring expenses. The fund shall consist of (i) the amount of unobligated and undesignated general fund revenue collections for each fiscal year that are in excess of the projected general fund revenues for such year, and (ii) an amount equal to the projected abnormal growth in the nonwithholding portion of individual income taxes.

The bill also expresses the intent of the General Assembly that certain parks, educational institutions, Virginia College Building Authority and Virginia Public Building Authority capital projects shall be funded with general funds, to the extent practicable. In addition, the bill provides that the Commonwealth may not issue more than \$250 million in annual debt to fund such projects.

Patron - Chichester

[P]SB416 Freedom of Information Act; posting of minutes by certain state public bodies. Requires all boards, commissions, councils, and other public bodies created in the executive branch of state government and subject to the provisions of the Freedom of Information Act to post minutes of their meetings on the Internet. Under the bill, draft minutes must be posted within 10 working days of each meeting and final minutes within three working days of final approval of the minutes. This bill is identical to HB 587.

Patron - Rerras

[P]SB450 Virginia Public Procurement Act; performance and payment of bonds. Allows public bodies to determine the form and amount of performance bonds for transportation-related projects exceeding \$100,000.

Patron - Williams

[P]SB610 Geographic Information System; Department of Technology Planning; Planning District Commissions; Department of Health; pilot project with the Centers for Disease Control and Prevention created. Creates a pilot project under the Department of Technology Planning, Virginia Geographic Information Network division (VGIN division) to develop a standardized Geographic Information System (GIS) model for the purposes of sharing data relevant to analysis and warning of the spread of airborne toxins and pathogens. This pilot project shall involve the Northern Virginia Planning District Commission (NVPDC), Richmond Regional Planning District Commission (RRPDC), Hampton Roads Planning District Commission (HRPDC), and the Department of Health. The planning district commissions, as appropriate, shall provide staff support and all agencies of the Commonwealth shall provide assistance to VGIN, as requested. The bill requires VGIN to submit an annual report to the Governor and the General Assembly on the progress of this pilot project. The bill expires on July 1, 2005.

Patron - Mims

[P]SB673 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

[P]SB691 Department of State Police; sale or lease of communication towers. Provides for the Department of State Police to receive in-kind goods and services from the lease or conveyance of any interest in communication towers or sites operated by the Department, which must be used to operate, acquire, construct, maintain, repair or replace communications towers, sites and systems of the Department.

Patron - Trumbo

[P]SJ52 Comprehensive Services Act Fee Directory. Requests the State Executive Council of the Virginia Comprehensive Services Act for At-Risk Youth and Families to review information available in the Comprehensive Services Act Fee Directory and provide the public with information about the directory, including the procedures by which information is updated and verified, by July 1, 2002.

Patron - Miller, Y.B.

[P]SJ102 Funding for non-mandated children under the Comprehensive Services Act. Requests the Secretary of Health and Human Resources to identify viable incentives to encourage localities to enhance or maintain levels of funding for children who are non-mandated under the Comprehensive Services Act. The Secretary of Health and Human Resources shall submit a list of the identified incentives to the General Assembly through the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions, and to the Division of Legislative Services, no later than November 30, 2002.

Patron - Houck

Failed

HB155 Personnel administration; state employees ordered active military service. Requires the Commonwealth to supplement the military pay of any state employee ordered to active duty in the (i) armed forces of the United States, or (ii) in the organized reserve forces of any of the armed services of the United States or of the Virginia National Guard. The bill requires such supplement to be an amount equal to the difference between his military pay, including any allowances and the amount such individual would have earned as a state employee during such period of military service.

Patron - Van Yahres

HB190 Use of federal funds. Provides that it shall be the policy of the Commonwealth that any moneys received by the Commonwealth from federal funding be used for the stated purpose of the grant. State agencies and institutions are required to take appropriate actions to ensure that all federal funding received is in fact used for the stated purpose of the funding. The bill includes an emergency provision.

Patron - Parrish

HB288 Capital improvement plan and budget recommendations. Provides that a capital improvement plan and budget recommendations for capital projects shall be submitted to the General Assembly every two years, in the second fiscal year of each biennium. The capital improvement plan lists projects that the Governor recommends be undertaken in the succeeding six fiscal years. The plan is to be submitted no later than August 15. For each fiscal year of the six-year plan, funding from the general fund for capital improvements and projects must equal at least two percent of the anticipated general fund revenues for the fiscal year. In the event that general fund revenue growth is projected to be less than five percent, the Governor shall propose alternative financing mechanisms for funding capital projects.

The budget bill shall contain appropriations for capital projects that are consistent with those capital projects included in the capital improvement plan for the corresponding fiscal year. In addition, the funding sources for capital improvements and projects recommended in the budget bill shall be a portion of general fund revenues based on certain criteria. This bill is incorporated into HB 1285.

Patron - McDonnell

HB331 Secretary of the Commonwealth; appointments. Requires the Secretary of the Commonwealth to provide, upon the request of any member of the General Assembly, the number of persons appointed to any state board, commission, agency or authority, categorized by race, gender and national origin. Under current law, the Secretary is required to report such information to the General Assembly by December 1 of each year.

Patron - Darner

HB340 Personnel administration; state employees ordered active military service. Requires the Commonwealth to supplement the military pay of any state employee ordered to active duty in the (i) armed forces of the United States, or (ii) in the organized reserve forces of any of the armed services of the United States or of the Virginia National Guard. The bill requires such supplement to be an amount equal to the difference between his military pay, including any allowances and the amount such individual would have earned as a state employee during such period of military service.

Patron - Albo

HB529 Freedom of Information Act; record exemptions. Adds a records exemption for those portions of records containing identifying information of a personal, medical or financial nature provided to a public body where the release of such information would jeopardize the safety of any person. This exemption is similar to the exemption currently available to law-enforcement agencies.

Patron - Devolites

HB535 Southern Growth Policies Agreement. Provides for Virginia's withdrawal from the Agreement and repeals the Code provisions setting out the Agreement.

Patron - Devolites

HB550 Virginia Public Building Authority; bonds. Authorizes the Virginia Public Building Authority to undertake numerous public capital projects throughout the Commonwealth in a principal amount not to exceed \$210,496,996, and to issue bonds to finance the cost thereof.

Patron - Callahan

HB615 Attorney General. Requires the office of the Attorney General to render in all civil matters all legal service to every chaplain rendering service to inmates or to juveniles in state adult correctional institutions or in juvenile facilities. This bill is incorporated into HB 507.

Patron - Bloxom

HB628 Public Procurement Act; definition of "responsible bidder" or "offeror." Sets out the criteria for the determination of "responsible." This criterion is based on the federal acquisition regulations found at 48 CFR § 9.104-1.

Patron - O'Brien

HB649 Tobacco Settlement Financing Corporation Act. Creates the Tobacco Settlement Financing Corporation for the purpose of purchasing the available portion of the state's tobacco settlement payments under the Master Settlement Agreement. This bill is incorporated into HB 698.

Patron - Dudley

HB650 Education and Economic Development Trust Fund. Establishes the Education and Economic Development Trust Fund to support interest rate subsidy loans through the Department of Education, and to fund or assist in funding capital costs for certain projects of educational institutions and other economic development projects. The Trust Fund would be funded by 40 percent of the state's allocation under the Master Settlement Agreement.

Patron - Dudley

HB728 Freedom of Information; exemptions relating to terrorism. Provides a record exemption from the Freedom of Information Act for (i) plans to prevent or respond to terrorist activity, to the extent such records set forth specific tactics, or specific security or emergency procedures, the disclosure of which would jeopardize the safety of governmental personnel or the general public, or the security of any governmental facility, building, structure or information storage system; and (ii) engineering and architectural drawings, operational, procedural, tactical planning or training manuals, or staff meeting minutes or other records, the disclosure of which would reveal surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational and transportation plans or protocols, to the extent such disclosure would jeopardize the security of any governmental facility, building or structure or the safety of persons using such facility, building or structure. The bill also expands the open meeting exemption to provide that a public body may

convene a closed meeting for the discussion of plans to protect public safety as it relates to terrorist activity and briefings by staff members or legal counsel concerning actions taken to respond to such activity or a related threat to public safety. The bill also authorizes the custodian of public records to ask a requester of records for his name and legal address. The bill contains a technical amendment. The bill is a recommendation of the Freedom of Information Advisory Council. This bill is incorporated into HB 700.

Patron - Woodrum

[F]HB730 Freedom of Information Act; definition of "public body." Provides that for the purposes of those provisions of FOIA applicable to access to public records, constitutional officers shall be considered public bodies and, except as otherwise expressly provided by law, shall have the same obligations to disclose public records in their custody as other custodians of public records. The bill also eliminates the term "public official" from FOIA. The bill contains a technical amendment.

Patron - Woodrum

[F]HB858 State and local government employees; leave for service on public boards. Requires that employees of state and local governments be allowed up to 10 days of paid leave in any calendar year, in addition to other paid leave, to attend the meetings of any public board, commission or other public entity to which the employee has been elected to serve.

Patron - Phillips

[F]HB914 Freedom of Information; record exemption for the Tobacco Settlement Foundation. Provides an exemption from the mandatory disclosure requirements of the Freedom of Information Act for data, records or information of a proprietary nature produced or collected by or for the Tobacco Settlement Foundation as part of study or research of marketing or operational strategies to restrict the use of tobacco products by minors, when such data, records or information have not been publicly released, published, copyrighted or patented.

Patron - O'Bannon

[F]HB1015 Prohibited discrimination; state and local employees. Prohibits discrimination in state employment on the basis of race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, disability or sexual orientation. The bill also allows any locality to enact an ordinance prohibiting discrimination in employment on the basis of sexual orientation, provided that the scope of the protections are not inconsistent with nor more stringent than those provided by state laws prohibiting discrimination on the basis of race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, or disability.

Patron - Scott

[F]HB1020 Establishment of a Secretary of Agriculture. Establishes the position of Secretary of Agriculture. The Secretary shall be responsible to the Governor for the following agencies: Department of Forestry, Department of Mines, Minerals and Energy, Milk Commission, Department of Agriculture and Consumer Services, Tobacco Indemnification and Community Revitalization Commission, Virginia Agricultural Council, and Virginia Marine Products Board. This bill is incorporated into HB 737.

Patron - Bell

[F]HB1069 Development of an urban policy for the Commonwealth. Requires the Governor to create a cabinet-level committee to develop a written comprehensive state

urban policy for the Commonwealth. The urban policy should clearly articulate how the Commonwealth will take into account the effect that its policies, programs and incentives will have on the Commonwealth's urban areas. This is a recommendation of the Commission on the Condition and Future of Virginia's Cities.

Patron - Bland

[F]HB1152 Terrorist Attack Victim Relief Fund. Establishes the Terrorist Attack Victim Relief Fund (the Fund) to assist the victims of the terrorist attacks that occurred on September 11, 2001. The Fund consists of (i) any monies received from the sale of specialty license plates issued by the Department of Motor Vehicles whose design incorporates the flag of the United States of America, (ii) any other monies appropriated to the Fund in the general appropriation act, and (iii) revenue from any other source. The bill provides for the Governor to develop eligibility guidelines for the use of the Fund. The guidelines shall include provisions to ensure the greatest number of victims obtain assistance and a cap on the amount of money available for eligible recipients.

Patron - Marshall, R.G.

[F]HB1226 Office of Broadband Deployment created; duties. Creates the Office of the Broadband Deployment with responsibilities to coordinate all public and quasi-public efforts to deploy broadband telecommunications throughout the Commonwealth and to seek public, quasi-public and private funding to carry out its mission. The Office will be required to report to the Governor, General Assembly and Joint Commission on Technology and Science annually. The Secretary of Technology will be responsible for this Office.

Patron - Scott

[F]HB1269 Service by members of General Assembly on authorities. Prohibits service by members of the General Assembly on authorities within the executive branch of state government that are responsible for administering programs established by the General Assembly. The current law applies to service on boards, commissions, and councils.

Patron - Bloxom

[F]HB1313 Commission on Immigration. Creates the Virginia Commission on Immigration in the executive branch to analyze the current impact of immigration on the Commonwealth and make recommendations on related policies.

Patron - Marshall, R.G.

[F]HB1359 State and local employees; certain payroll deductions prohibited. Prohibits the payment of membership dues through payroll deduction for any association of state or local government employees, including retired state or local government employees, organized to represent the collective interests of such individuals in matters relating to their benefits and rights.

Patron - Dudley

[F]SB8 Public Procurement Act; payment clauses. Authorizes, in any contract awarded by any state agency or any agency of local government, a payment clause that requires the contractor to pay his employees a living wage. For the purposes of this bill, "living wage" is defined as a wage equal to (i) 125 percent of the federal poverty level or (ii) 100 percent of the federal poverty level if fully paid, comprehensive family medical coverage is provided to the employee.

Patron - Miller, Y.B.

[F]SB360 Deputy Secretary for State Marketing Strategies. Creates a new position under the Secretary of Commerce and Trade to work with localities that have experi-

enced an employment base loss of at least 20 percent to promote the creation of new jobs within those communities.

Patron - Reynolds

[F]SB383 Prohibited discrimination; state and local employees. Prohibits discrimination in state employment on the basis of race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, disability or sexual orientation. The bill also allows any locality to enact an ordinance prohibiting discrimination in employment on the basis of sexual orientation, provided that the scope of the protections are not inconsistent with nor more stringent than those provided by state laws prohibiting discrimination on the basis of race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, age, marital status, or disability.

Patron - Whipple

[F]SB429 State employees' health plan; coverage for hearing aids. Requires the state employee health care plan to provide coverage for hearing aids and related services. Such coverage shall include one hearing aid per hearing-impaired ear, up to a cost of \$1,200, every 48 months. The covered person may choose a higher priced hearing aid and pay the difference in cost above \$1,200, with no penalty to the covered person or the hearing aid provider. Hearing aids will not be covered for impaired ears that do not indicate a hearing loss of 30 dB or greater for at least one frequency between 500 Hz and 4,000 Hz. The plan shall not impose a copayment or fee in excess of \$100 per hearing aid.

Patron - Houck

[F]SB543 Virginia Freedom of Information Act (FOIA); electronic communication meetings. Extends the exemption of certain public bodies from the FOIA's electronic communication meeting restrictions from July 1, 2002, to July 1, 2004. The exempted entities are (i) any public body (a) in the legislative branch of state government or (b) responsible to or under the supervision, direction, or control of the Secretary of Commerce and Trade or the Secretary of Technology or (ii) the State Board for Community Colleges. The bill also extends from April 15, 2001, to April 15, 2003, the filing date for submitting a report detailing their experience with meetings held under this pilot program. This bill is incorporated into SB 38.

Patron - Mims

[F]SB584 Virginia Investment Act of 2002. Limits the rate of growth of state expenditures to the total of annual percentage changes in population and cost of living, but in no event greater than the three-year average percentage change in per capita personal income. Revenues in excess of the capped expenditure amount shall be deposited into the Virginia Investment Account and shall not be withdrawn from the Account until at least July 1 of the subsequent biennium except to defray the cost of an emergency. Money in the Account shall be appropriated only for (i) new transportation infrastructure construction, (ii) matching grants to localities for grades K through 12 public school construction and renovation projects, and (iii) nonrecurring research and development grants relating to economic development activities, which may be conducted at public institutions of higher education. Matching grants to localities for grades K through 12 public school construction and renovation projects shall be based on the Commonwealth paying no more than one dollar for every three dollars generated by the locality. The amount of annual deposits to the Account is capped at five percent of the excess of revenues over expenditures, including deposits to the Revenue Stabilization Fund and Water Quality Improvement Fund, in a fiscal year. The excess revenue over the amount required to be deposited in the Account is to be refunded pro rata on annual

income tax returns. The limit on the rate of general fund growth may be exceeded if the Governor declares an emergency.

Patron - Barry

[F]SB614 Comprehensive Services Act; funding. Removes requirement for local funding to provide services under the Comprehensive Services Act.

Patron - Reynolds

[F]SB648 Business Advisory Commission on Quality Child Care Financing. Creates the Business Advisory Commission on Quality Child Care Financing. The purpose of the Commission is to advise the Governor on strategies to secure adequate financing of child-care facilities and services in order to promote economic growth and the general welfare of the people of the Commonwealth. The Commission shall have 17 members as follows: two members of the House Committee on Health, Welfare and Institutions; two members of the Senate Committee on Rehabilitation and Social Services; the Secretaries of Commerce and Trade and Health and Human Resources; the Executive Director of the Virginia Economic Development Partnership; the Commissioner of the Department of Taxation or his designee; eight citizen members representing business, education and child care interests; and the director of the licensing division of the Department of Social Services.

Patron - Miller, Y.B.

Carried Over

[C]HB77 Virginia Health Care Trust Fund. Establishes the Virginia Health Care Trust Fund to be used for health care purposes.

Patron - Hamilton

[C]HB103 Funding of state agencies and certain academic medical centers. Establishes the policy of the Commonwealth in regard to funding of indigent health care services provided by Virginia's three academic medical centers. This bill declares such policy to be to appropriate 100 percent of the costs of the indigent health care services provided by or through the Virginia Commonwealth University Health System Authority and the University of Virginia Medical Center and to provide at least 50 percent to meet the costs of indigent health care services provided by or through the Eastern Virginia Medical School (established as an authority in the Acts of Assembly of 1964). The two public academic medical centers are required to submit estimates of the amounts needed for this purpose and the Eastern Virginia Medical School is required to submit such data and estimates as may be required.

Patron - Morgan

[C]HB112 State and Local Government Conflict of Interests Act; disclosure of personal interests. Provides that when disclosure accompanies disqualification, the disclosure must be provided with specificity. The bill also (i) adds options to own interests that otherwise would constitute a "personal interest" to the definition of "personal interest" under the Act and (ii) adds members of entities created to advise on land use issues to those required to make public disclosure upon the taking of such office if the local governing body so provides.

Patron - Marshall, R.G.

[C]HB252 Government Performance and Results Act. Requires each state agency to develop a strategic plan and specifies what should be included in such plan. The bill also provides for each agency to submit its strategic plan to the Joint Rules Committee on a schedule developed by the Committee and the Governor. After review, the Committee may

submit comment to the Governor on issues of concern relative to the strategic plan including recommendations for improving the plan. The bill also provides for (i) the Governor to submit with the Budget Bill strategic plan information and performance measurement results for each agency, (ii) the Appropriations Committee of the House of Delegates and the Finance Committee of the Senate to include agency-strategic plan information and performance measurement results when considering the budget. The bill further deletes the requirement for the Department of Planning and Budget to submit an annual report to the Appropriations Committee of the House of Delegates and the Finance Committee of the Senate setting forth strategic plan information and performance measurement results for each state agency.

Patron - McQuigg

[C]HB287 Excess funds in the Revenue Stabilization Fund. Establishes a mechanism to provide tax relief to Virginia taxpayers when the Auditor of Public Accounts determines the Revenue Stabilization Fund has reached its maximum size as provided in the Constitution of Virginia. The excess funds will be deposited in a special nonreverting fund titled the "Virginia Taxpayer Surplus Relief Fund" and must be used by the next session of the General Assembly to provide tax relief to Virginia taxpayers.

Patron - O'Bannon

[C]HB338 Virginia Health Care Trust Fund. Establishes the Virginia Health Care Trust Fund into which 20 percent of the amount received by the Commonwealth pursuant to the Master Tobacco Settlement Agreement shall be deposited annually. The Fund shall be used for health care purposes as specified in the general appropriations act.

Patron - Hamilton

[C]HB353 Automatic reduction in general fund appropriations by Governor. Whenever general fund revenue collections for a period of six months or more show that year-to-date revenue growth is in excess of one percent below the official estimate upon which the appropriations act is based for such fiscal year, the Governor shall institute an across-the-board percentage reduction in general fund appropriations to all executive branch agencies, which shall equal at least one-half of the revenue shortfall. Such action shall be communicated to the chairmen of the money committees within five days of the adoption.

Patron - Purkey

[C]HB388 Economic development; Virginia Maritime Investment Act. Establishes a grant program to be paid, subject to appropriation, from the Virginia Maritime Investment Partnership Grant Fund. The program provides grants to eligible ship repair companies making a capital investment of at least \$50,000. Eligible ship repair companies are companies that have continuously been repairing ships in Virginia for at least five years. The capital investment must increase the productivity of the ship repair company or result in the utilization of a more advanced technology by such company, or both. The Secretary of Commerce and Trade shall determine whether or not a grant is to be awarded to eligible ship repair companies based on guidelines establishing criteria for the awarding of a grant and based on recommendations of the Virginia Economic Development Partnership. In cases where a grant is awarded, the grant shall equal 10 percent of the cost of the capital investment, subject to limitations on the amount of grants that may be paid. The guidelines for the awarding of a grant shall be reviewed by the chairmen of the House Appropriations and Senate Finance Committees before the Secretary of Commerce and Trade may award any grant. These guidelines must take into account the number of new jobs created, wages, the

amount of the investment, the net present value of paid benefits to Virginia, and other factors. The amount of a grant any eligible ship repair company is eligible for shall not exceed \$25 million in aggregate. The Secretary of Commerce and Trade can approve up to \$20 million in grants in any one fiscal year. The aggregate amount of grants outstanding at any one time, however, may not exceed \$80 million. The Commonwealth's annual obligation for grants to an individual ship repair company shall not exceed \$750,000. The grants will be payable in five equal installments beginning in the second year after the capital investment is completed and verified as such by the Virginia Economic Development Partnership.

Patron - Wardrup

[C]HB398 Financial and management audit of all state agencies. Directs the Governor to require a financial and management audit of all state agencies, independent agencies, and all instrumentalities except localities, by private auditing firms, to improve governmental efficiency. The audit shall be completed and reviewed by a joint subcommittee of the House Appropriations and Senate Finance Committees. The joint subcommittee shall make recommendations to improve the efficiency of each agency by December 31, 2003.

Patron - Lingamfelter

[C]HB505 Suspension without pay. Provides that in no case shall a suspension without pay of a law-enforcement officer, firefighter or emergency medical technician continue for more than 90 days pending completion of the hearing process.

Patron - Drake

[C]HB713 Governor's Development Opportunity Fund; economically stressed communities. Provides that no matching funds shall be required by the Governor as a condition of receiving a grant or loan from the Fund for economically stressed communities. For the purposes of this bill, "economically stressed communities" is defined as any locality that has had a net loss of 10 percent of its jobs in the past five years or has an unemployment rate of more than nine percent over a period of six months. The bill provides that this provision shall expire on July 1, 2005.

Patron - Armstrong

[C]HB737 Secretary of Agriculture and Forestry. Creates the Secretariat of Agriculture and Forestry. The new secretariat will have the following responsibilities: (i) coordinate the work of state agencies to facilitate the growth and viability of the agriculture and forestry industries, (ii) ensure that these industries contribute to the revitalization of Virginia's rural economies, (iii) enhance the opportunities for global promotion of agriculture and forestry products, (iv) participate in federal and state programs that benefit the Commonwealth's agriculture and forestry industries, and (v) promote the development and marketing of agriculture and forestry specialty products.

Patron - Putney

[C]HB760 Agency heads and Secretaries; confirmation process. Requires the Governor to provide the General Assembly with certain information regarding the background and qualifications of agency head and Secretary appointees. The Governor must submit to the General Assembly for its confirmation hearings corroborative evidence of the appointee's stated qualifications and the results of a national criminal record check.

Patron - Rapp

[C]HB776 Appointments; agency heads. Transfers to the Boards of Education, Professional and Occupational Regu-

lation, and Health Professions the power to appoint the agency head of their respective departments. Currently, the Governor, subject to confirmation of the General Assembly, appoints these positions. These boards are unique in their function because they regulate the licensure of professionals.

Patron - Morgan

☐HB822 Income tax; refund of surplus revenues. Requires the refund of surplus revenues when they exceed the amount required to be deposited in the Revenue Stabilization Fund by at least \$50 million. The Department of Taxation shall make refunds based on each taxpayer's pro rata share of excess revenues collected in the calendar year in which the fiscal year surplus is determined. The taxpayer must have filed an income tax return for such calendar year.

Patron - Nixon

☐HB899 Virginia Public Procurement Act; procurement of professional services. Allows state and local entities to negotiate and award multi-phase professional services contracts for construction or infrastructure projects. Under current law this authority is limited to the Department of Transportation for certain professional services related to highways and bridges.

Patron - Purkey

☐HB900 Freedom of Information Act (FOIA); remedy for requests intended to harass. Authorizes any public body subject to the provisions of FOIA to petition the circuit court in the city or county in which the public body is located for a protective order relieving the public body in whole or in part from its obligation to produce or provide access to public records sought by a particular requester. The court shall grant the petition and enter such an order if the court finds that the request for access to public records is unreasonable, not made in good faith, or motivated primarily by an intent to abuse, harass, or intimidate the public body. In entering the order, the court may require the requester to pay the reasonable attorney's fees incurred by the public body in obtaining the order.

Patron - Purkey

☐HB937 Workforce Transition Act; eligibility for transitional severance benefit. Extends the eligibility for transitional severance benefits provided under the Workforce Transition Act to agency heads and employees serving in the capacity of chief deputy or confidential assistant for policy or administration.

Patron - Morgan

☐HB969 Virginia Public Procurement Act; contracts with faith-based organizations. Requires faith-based organizations contracting with public bodies to have been granted tax-exempt status under § 501 (c) (3) of the Internal Revenue Code.

Patron - Jones, D.C.

☐HB1004 Virginia Liaison Office. Provides for the director of the Virginia Liaison Office to have on staff an individual responsible for administering and monitoring all federal legislation, funding and regulatory issues pertaining to transportation, and advocating the Commonwealth's transportation interests before appropriate bodies and agencies.

Patron - McDonnell

☐HB1077 Virginia Health Care Trust Fund. Establishes the Virginia Health Care Trust Fund into which 10 percent of the amount received by the Commonwealth pursuant to the Master Tobacco Settlement Agreement shall be deposited

annually. The fund shall be used for health care purposes as specified in the general appropriations act.

Patron - Brink

☐HB1270 Exemptions from the Virginia Personnel Act. Deletes the exemption for no more than two employees of each executive branch agency who serve as the chief deputy, or equivalent, and confidential assistant for policy or administration. Current law provides that these two positions are "at-will" positions. The deletion of this exemption makes these positions subject to the Personnel Act and to the state grievance procedure. The bill also deletes references to this exemption in provisions relating to transitional severance benefits, early retirement options, and appointments by the Director of the Department of Game and Inland Fisheries and the Superintendent of the Department of State Police.

Patron - Bloxom

☐HB1308 Department of Planning and Budget; funding for nonstate agencies. Provides new procedures for filing and receiving state funding for arts, humanities, and cultural institutions. The bill defines "arts, humanities, and cultural institutions," "direct appropriations for state aid," and "general operations."

Patron - Bryant

☐HB1316 Virginia Economic Development Partnership. Requires the Partnership to create a special marketing division, which shall have an office located in the City of Norton, and shall prepare a specific plan annually to serve as the basis for marketing high unemployment areas of Virginia and for providing incentives for development in such areas.

Patron - Phillips

☐HB1335 Virginia Economic Development Partnership; Founders of America Communities Program. Requires the Virginia Tourism Corporation to develop and administer a marketing program titled "Founder of America Communities Program" (the "Program") to coincide with the celebration of the 400th anniversary of the founding of Jamestown in 1607. The Program shall be designed to promote the sites and localities in the Commonwealth that have colonial or revolutionary historical significance, and any fairs and festivals created to honor Virginia's founding generation, and to honor those leaders from Virginia's colonial and early history who were essential in the founding of America.

Patron - Orrock

☐HB1364 Local and State Emergency Incident Relief Fund. Establishes a Fund to be used to meet the costs of responding to an emergency incident within the Commonwealth.

Patron - Nutter

☐SB5 Department of Business Assistance; Workforce Retraining Program and Fund. Provides for the Department of Business Assistance to develop a Workforce Retraining Program to provide consulting services and funding to companies and businesses to assist in retraining their existing workforces. To be eligible for funding under the program, a company must demonstrate that it is undergoing (i) integration of new technology into its production process, (ii) a change of product line in keeping with marketplace demands, or (iii) substantial change to its service delivery process, which would require assimilation of new skills and technological capabilities by the firm's existing labor force. The bill also creates the Workforce Retraining Fund.

Patron - Miller; Y.B.

CSB13 Economic development; Virginia Maritime Investment Act. Establishes a grant program to be paid, subject to appropriation, from the Virginia Maritime Investment Partnership Grant Fund. The program provides grants to eligible ship repair companies making a capital investment of at least \$50 million. Eligible ship repair companies are companies that have continuously been repairing ships in Virginia for at least five years. The capital investment must increase the productivity of the ship repair company or result in the utilization of a more advanced technology by such company, or both. The Secretary of Commerce and Trade shall determine whether or not a grant is to be awarded to eligible ship repair companies based on guidelines establishing criteria for the awarding of a grant and based on recommendations of the Virginia Economic Development Partnership. In cases where a grant is awarded, the grant shall equal 10 percent of the cost of the capital investment, subject to limitations on the amount of grants that may be paid. The guidelines for the awarding of a grant shall be reviewed by the chairmen of the House Appropriations and Senate Finance Committees before the Secretary of Commerce and Trade may award any grant. These guidelines must take into account the number of new jobs created, wages, the amount of the investment, the net present value of paid benefits to Virginia, and other factors. The amount of a grant any eligible ship repair company is eligible for shall not exceed \$50 million in aggregate. The Secretary of Commerce and Trade can approve up to \$20 million in grants in any one fiscal year. The aggregate amount of grants outstanding at any one time, however, may not exceed \$80 million. The Commonwealth's annual obligation for grants to an individual ship repair company shall not exceed \$750,000. The grants will be payable in five equal installments beginning in the second year after the capital investment is completed and verified as such by the Virginia Economic Development Partnership.

Patron - Norment

CSB198 Health insurance for teachers. Requires local school boards to provide teachers the opportunity to participate in the local choice health insurance programs administered through the Department of Human Resources Management. The local choice health insurance program currently offers prescription drug coverage for retirees.

Patron - Deeds

CSB372 Personnel administration; preference for veterans for employment with the Commonwealth. Provides any veteran who applies for employment with the Commonwealth a preference during the selection process, if the veteran received an honorable discharge and more than 180 consecutive days of full-time active duty in the armed forces of the United States or reserve components thereof, including the National Guard, or has a service-connected disability rating.

Patron - Blevins

CSB536 Administrative Process Act; fast-track rulemaking process. Establishes an exemption from the Administrative Process Act for agency regulations deemed by the Governor to be noncontroversial.

Patron - Mims

CSB551 Conflicts of Interest Act; Lobbyist disclosure forms. Requires the Secretary of the Commonwealth, the Clerk of the House of Delegates, and the Clerk of the Senate of Virginia jointly to develop a uniform conflicts of interest form for filings required by Chapter 31 (§ 2.2-3100 et seq.) of Title 2.2 and Chapter 13 (§ 30-100 et seq.) of Title 30, and lobbyist disclosure reports required by § 2.2-426. The bill also requires the Secretary of the Commonwealth, the Clerk of the House of Delegates, and the Clerk of the Senate of Virginia jointly to

make such filings available on the Internet. The bill also contains technical amendments and has a delayed effective date of January 1, 2003.

Patron - Stolle

CSB568 Establishment of a Secretary of Agriculture. Establishes the position of Secretary of Agriculture. The Secretary shall be responsible to the Governor for the following agencies: Department of Forestry, Department of Mines, Minerals and Energy, Milk Commission, Department of Agriculture and Consumer Services, Tobacco Indemnification and Community Revitalization Commission, Virginia Agricultural Council, and Virginia Marine Products Board.

Patron - Puckett

CSB599 Secretary of Agriculture and Forestry. Creates the Secretariat of Agriculture and Forestry. The new secretariat will have the following responsibilities: (i) coordinate the work of state agencies to facilitate the growth and viability of the agriculture and forestry industries, (ii) ensure that these industries contribute to the revitalization of Virginia's rural economies, (iii) enhance the opportunities for global promotion of agriculture and forestry products, (iv) participate in federal and state programs that benefit the Commonwealth's agriculture and forestry industries, and (v) promote the development and marketing of agriculture and forestry specialty products.

Patron - Hawkins

Agriculture, Horticulture and Food

Passed

P HB53 Deletion of obsolete cross-references. Strikes references to repealed Code provisions dealing with miscellaneous food products and the reporting of the number of livestock. 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

P HB501 Animal pounds and shelters. Expands the power to enforce laws relating to animal pounds and shelters by authorizing the Commissioner of the Department of Agriculture and Consumer Services to bring an action to enjoin violations of the Animal Control Law or the regulations pursuant thereto. The Commissioner may request the Attorney General to bring such an action. Currently, the Commissioner may request only an action for civil penalties for violations. This bill is identical to SB 417.

Patron - Albo

P HB653 Food Labeling. Exempts not-for-profit organizations from labeling requirements for one-day food sales. This bill also grants the Commissioner of Agriculture and Consumer Services the authority to require the Department of Agriculture and Consumer Services to distribute educational materials related to the safe preparation of food to not-for-profit organizations.

Patron - Dudley

P HB698 Securitization of payments under the Tobacco Master Settlement Agreement. Authorizes the Governor to sell any or all of 50 percent of the revenues derived from the Tobacco Master Settlement Agreement. Proceeds

from the sale shall be deposited into the Tobacco Indemnification and Community Revitalization Endowment Fund. The income of the Endowment and up to 10 percent (up to 15 percent upon two-thirds vote of the Tobacco Indemnification and Community Revitalization Commission) of the corpus of the Endowment shall be paid annually to the Tobacco Indemnification and Community Revitalization Fund. This bill incorporates HB 649.

Patron - Byron

[P]HB707 Animal cruelty. Provides that it is a Class 6 felony to cause the death of a dog or cat by torturing or willfully inflicting inhumane injury or pain or cruelly beating, maiming or mutilating such animal regardless of whether the animal belongs to the person or another. This bill is substantially similar to SB 306.

Patron - Armstrong

[P]HB773 Animal control officers; training on child abuse and neglect. Requires animal control officers to receive training in the recognition of child abuse and neglect and information on how complaints may be filed.

Patron - Watts

[P]HB941 Confinement and disposition of animals by animal pounds and shelters; penalties. Delays the effective date of the penalty provisions for animal pounds and shelters that are violating regulations adopted by the Board of Agriculture and Consumer Services from January 1, 2002, to January 1, 2003. This bill contains a retroactive clause and an emergency provision, and is identical to SB 133.

Patron - Morgan

[P]HB1357 Animal abandonment or dumping; penalties. Adds definition of animal "dumping" to animal welfare laws. To "dump" means to knowingly desert, forsake or absolutely give up any dog, cat or other companion animal in any public place including the right-of-way of any public highway, road or street or on the property of another.

Patron - O'Bannon

[P]HJ373 Appointments; Tobacco Indemnification and Community Revitalization Commission. Confirms appointments to the Commission by the Speaker of the House: Delegate Clarke N. Hogan to succeed William W. Bennett, Jr. and Delegate Thomas C. Wright, Jr. to succeed Whittington W. Clement, both for unexpired terms ending June 30, 2003.

Patron - Ingram

[P]SB133 Animal shelters; penalties. Delays the effective date of the penalty provisions for animal pounds and shelters that are violating regulations adopted by the Board of Agriculture and Consumer Services from January 1, 2002, to January 1, 2003. This bill contains a retroactive clause and an emergency provision and is identical to HB 941.

Patron - Stolle

[P]SB235 Seizure and impoundment of animals, cruelty to animals, and soring of horses; penalty. Adds the federal definition of soring of horses, expands the authority to seize and impound animals for failure to provide "adequate care" to horses by deleting the "companion animal" qualification, and includes the soring of horses as cruelty to animals. Currently, the penalty for soring of horses is a Class 3 misdemeanor. This bill increases the penalty for soring of horses to a Class 1 misdemeanor, and if a second conviction occurs within five years resulting in the death of the animal, the penalty is increased to a Class 6 felony.

Patron - Hanger

[P]SB260 Animal shelters. Adds definitions of "companion animal rescue agency" and "foster home," and establishes requirements for operating companion animal rescue agencies and foster homes. The bill also sets out separate registration requirements for companion animal rescue agencies and animal pounds and shelters that use foster homes. Companion animal rescue agencies are not inspected by the State Veterinarian prior to accepting animals and are not required to meet shelter regulations set forth by the Department of Agriculture and Consumer Services. Instead, a companion animal rescue agency must self-certify and inspect any foster homes used prior to placing an animal to determine if the home meets the basic owner standards of care as set out in § 3.1-796.68 plus additional requirements. The self-certification and inspection reports are to be filed with the State Veterinarian. Companion animal rescue agencies must register with the Department annually and foster homes must self-certify twice a year that they are continuing to meet the basic owner standards of care with the companion animal rescue agency. Pounds and animal shelters that use foster homes to keep animals accepted by the pound or shelter must inspect those foster homes prior to placing an animal. The foster homes must self-certify twice a year that they continue to meet the basic owner standards of care. The bill also prohibits any person who has ever been convicted of animal cruelty, neglect, or abandonment from adopting an animal from, or working for or operating, any humane society, animal shelter, companion animal rescue agency or foster home. Also, this bill prohibits any person who has ever been convicted of animal cruelty, neglect, or abandonment from being on the board of directors of a pound or animal shelter. This bill also changes the authority for assessing penalties for violations relating to animal shelters from the Board of Agriculture and Consumer Services to the Department of Agriculture and Consumer Services. The requirement for animal shelters to send pictures of animals to pounds is removed.

Patron - Watkins

[P]SB306 Animal cruelty. Provides that it is a Class 6 felony to cause the death of a dog or cat that is a companion animal by torturing willfully, or inflicting inhumane injury or pain or cruelly beating, maiming or mutilating such animal. This bill is substantially similar to HB 707.

Patron - Edwards

[P]SB417 Animal pounds and shelters. Expands the power to enforce laws relating to animal pounds and shelters by authorizing the Commissioner of the Department of Agriculture and Consumer Services to bring an action to enjoin violations of the Animal Control Law or the regulations pursuant thereto. The Commissioner may request the Attorney General to bring such an action. Currently, the Commissioner may request only an action for civil penalties for violations. This bill is identical to HB 501.

Patron - Rerras

[P]SB457 Securitization of payments under the Master Settlement Agreement. Authorizes the Governor to sell 50 percent of the annual amount received by the Commonwealth from the Master Settlement Agreement. Proceeds from the sale shall be deposited into the Tobacco Indemnification and Community Revitalization Endowment Fund. The income of the Endowment and up to 15 percent of the corpus of the Endowment shall be paid annually to the Tobacco Indemnification and Community Revitalization Fund. The bill also creates the Tobacco Settlement Financing Corporation that is authorized to purchase tobacco assets and receive the portion of the Commission Allocation sold to the Corporation by the Governor.

Patron - Hawkins

[P]SB552 **Collection of bright flue-cured tobacco excise tax.** Adds definition of "handler" and designates handlers as agents of the Virginia Bright Flue-Cured Tobacco Board for the purpose of collecting excise taxes on bright flue-cured tobacco. Currently, the excise tax can only be collected by the warehouse where the tobacco is first sold.

Patron - Hawkins

[P]SB677 **Fertilizer and lime contractors; permit fees.** Revises definitions of fertilizer contractor-applicator and lime contractor and makes changes in the permitting language in order to clarify that only one valid permit holder per business entity is required. The bill attempts to resolve any ambiguity or conflict from within the Department of Agriculture and Consumer Services, the regulatory agency overseeing such permits, where the law has recently been interpreted to require every individual applying fertilizer or lime to pay the \$50 permit fee.

Patron - Watkins

Failed

[F]HB473 **Animal shelters.** Deletes the provision prohibiting certain animal shelters from being operated from a residential dwelling; however, such shelters will still be required to comply with local zoning ordinances.

Patron - Suit

[F]HB907 **Tobacco product manufacturers.** Provides for the Attorney General to recover costs, expenses and attorney's fees associated with filing suit against a tobacco product manufacturer for failing to follow the escrow requirements under the master settlement plan. This bill is identical to SB 374.

Patron - Dudley

[F]HB1012 **Animal cruelty.** Provides that it is a Class 6 felony to cause the death of a companion animal by willfully and maliciously torturing or inflicting inhumane injury or pain or cruelly beating, maiming or mutilating such animal. Companion animal is defined in § 3.1-796.66. This bill is incorporated into HB 707.

Patron - Scott

[F]SB374 **Tobacco product manufacturers.** Provides for the Attorney General to recover costs, expenses and attorney's fees associated with filing suit against a tobacco product manufacturer for failing to follow the escrow requirements under the master settlement plan. This bill is identical to HB 907.

Patron - Ruff

Carried Over

[C]HB1305 **Labeling of produce, seafood, peanuts, bee pollen and honey; penalty.** Requires that produce, seafood, peanuts, bee pollen and honey produced in any country other than the United States be labeled to indicate to the ultimate purchaser the country of origin. Retail vendors who remove such markings are subject to a \$500 civil penalty.

Patron - Orrock

Alcoholic Beverage Control Act

Passed

[P]HB248 **ABC; special events.** Makes it a Class 3 misdemeanor to knowingly make false statements to secure a banquet or special events wine and beer or a mixed beverage special events license or to alter, change, borrow, or lend or attempt to use, borrow or lend such a license.

Patron - Sears

[P]HB249 **ABC; prohibited acts.** Prohibits the consumption of alcoholic beverages by employees or agents of a wine or beer licensee while on duty and in a position that is involved in the selling or serving of alcoholic beverages to customers. The bill provides certain exceptions to this rule.

Patron - Sears

[P]HB437 **Alcoholic beverage control; stadium licenses.** Allows for the sale of wine and beer during any event, or immediately subsequent thereto, held at such facilities. Currently, stadium licensees are permitted to sell wine and beer during the performance of any professional sporting exhibition, event or performance, or immediately subsequent thereto.

Patron - Woodrum

[P]HB786 **Alcoholic beverage control; refusal to grant license.** Expands the types of information that the Board must consider in deciding whether to issue an ABC license to include objections filed by local residents.

Patron - Jones, D.C.

[P]HB1193 **Underage purchasing or possessing alcoholic beverages; fake identification; penalty.** Provides that when any person who has not previously been convicted of underage possession of alcoholic beverages in Virginia or any other state is so convicted, the court may, if the facts found by the court would justify a finding of guilt of underage possession of alcohol, without entering a judgment of guilt and with the consent of the accused, defer further proceedings and place him on probation subject to appropriate conditions that may include the imposition of driver's license suspension and restricted license. The bill provides further that in all such cases, the court shall require the accused to enter a treatment or education program or both, if available, that in the opinion of the court best suits the needs of the accused. Upon violation of a condition, the court may enter an adjudication of guilt and proceed as otherwise provided.

Patron - Almand

[P]HB1365 **Alcoholic beverage control; grounds for suspension or revocation of licenses.** Allows the ABC Board to suspend or revoke a license where it has reason to believe that a licensee, his employees, or any entertainer performing on the licensed premises has been convicted of a violation of a local public nudity ordinance for conduct occurring on the licensed premises and the licensee allowed such conduct to occur.

Patron - Jones, D.C.

Failed

[F]HB783 **ABC; ownership change.** Requires a licensee, when the majority of the corporate stock of a retail licensee is sold to a new entity or there is a change of business at the premises of the licensee, to comply with all of the posting,

public comment and other provisions for an application for licensure.

Patron - Jones, D.C.

[F]HB784 ABC; refusal to grant license. Requires the Board of Alcoholic Beverage Control to establish limits on the number and type of licensed establishments that may be located in a given area.

Patron - Jones, D.C.

[F]HB785 ABC; sale of singles. Allows localities by ordinance to regulate the sale of single units of alcoholic beverages purchased for consumption off-premises.

Patron - Jones, D.C.

[F]HB799 Alcoholic Beverage Control Board; regulations. Provides that no regulation of the ABC Board shall limit the number of times in a calendar year that a club licensee rents or donates its licensed premises to nonmembers who would otherwise qualify for a banquet or banquet special events license to use the club premises where the privileges of the club license are exercised.

Patron - Bolvin

[F]HB1074 ABC Board; hearings. Provides that the ABC Board may select, as it deems necessary, hearing officers from the list maintained by the Executive Secretary of the Supreme Court to expedite its workload.

Patron - Jones, J.C.

[F]HB1076 Alcoholic beverage control; summary suspension of licenses. Authorizes the ABC Board to summarily suspend any license other than a brewery license, in which case the Board may impose penalties as provided in § 4.1-227 without a hearing simultaneously with the institution of proceedings for a hearing if it finds that there is a substantial danger to the public health or safety that warrants this action. Institution of proceedings for a hearing shall be provided simultaneously with the summary suspension. The hearing shall be scheduled within a reasonable time of the date of the summary suspension, not to exceed 96 hours. This power is similar to that enjoyed by regulatory boards at the Department of Health Professions.

Patron - Jones, J.C.

[F]HB1145 Alcoholic beverage control; limitation on certain retail licensees. Provides that any person holding a retail license to operate a food concession at outdoor facilities, stadia, or other like facilities whose licensed premises are located in any county with a population between 210,000 and 216,000 (Prince William) who negligently or recklessly serves alcoholic beverages to a minor or an intoxicated individual shall be liable for damages proximately caused by that minor's or intoxicated individual's consumption of the alcoholic beverages.

Patron - Marshall, R.G.

[F]HB1146 Alcoholic beverage control; limitation on certain retail licensees. Provides that no alcoholic beverages may continue to be sold or served by any person holding a retail license to operate a food concession at outdoor facilities, stadia, or other like facilities whose licensed premises are located in any county with a population between 210,000 and 216,000 (Prince William) when, at any one event conducted at the licensed premises, attendance exceeds 10,000 persons or when persons arrested exceeds 500.

Patron - Marshall, R.G.

[F]HB1147 Alcoholic beverage control; limitation on certain retail licensees. Provides that any person holding a

retail license to operate a food concession at outdoor facilities, stadia, or other like facilities whose licensed premises are located in any county with a population between 210,000 and 216,000 (Prince William) shall contribute annually to the special fund created pursuant to § 33.1-75.1 in an amount as determined by the district administrator for the Virginia Department of Transportation Northern Virginia Highway Construction District to compensate the Commonwealth for highway improvements, including grade separations, additional, turning or storage lanes, and traffic signals, undertaken by or through the Virginia Department of Transportation necessitated by damage to the roads serving such facility in the operation of the licensed premises. The bill provides that failure by the licensee to make the required contribution shall constitute grounds for which the Board may suspend or revoke his license.

Patron - Marshall, R.G.

[F]HB1148 Alcoholic beverage control; limitation on certain retail licensees. Provides that any person holding a retail license to operate a food concession at outdoor facilities, stadia, or other like facilities whose licensed premises are located in any county with a population between 210,000 and 216,000 (Prince William) shall file annually with the Board a report listing the number and types of arrests, injuries or deaths occurring at the licensed premises on a per event basis. Failure to file the report required by this bill shall constitute grounds for which the Board may suspend or revoke such license.

Patron - Marshall, R.G.

[F]HB1149 Alcoholic beverage control; limitation on certain retail licensees. Provides that upon receiving an application for the renewal of a license granted to any person holding a retail license to operate a food concession at outdoor facilities, stadia, or other like facility located in any county with a population between 210,000 and 216,000 (Prince William), the ABC Board shall require that such applicant comply with posting and publication requirements for an ABC license. The bill provides that the ABC Board shall require a public hearing to be conducted in the county where the licensed premises are located and that no license renewal shall be granted until these requirements are met.

Patron - Marshall, R.G.

[F]HB1155 Alcoholic beverage control; limitation on certain retail licensees. Provides that the ABC Board shall suspend the license of any person holding a retail license to operate a food concession at outdoor facilities, stadia, or other like facilities whose licensed premises are located in any county with a population between 210,000 and 216,000 (Prince William) when, during the immediately preceding licensing year, more than 500 arrests have been made at the licensed premises or on property adjacent thereto. Such suspension shall be effective for one calendar year from the date of the suspension. The bill provides that after the period of the suspension has ended, the licensee may apply to the Board for renewal of such license. Upon receiving an application for the renewal of the license, the Board shall require that the applicant comply with the provisions relating to issuance of an initial license and shall require a public hearing to be conducted in the county where the licensed premises are located. No license renewal shall be granted until the provisions of this subsection have been met.

Patron - Marshall, R.G.

[F]HB1156 Alcoholic Beverage Control Board; investigation of nuisances. Requires the ABC Board to investigate all complaints of alleged violations of any nuisance law or ordinance reported to the Board.

Patron - Marshall, R.G.

[F]HB1216 Alcoholic beverage control; powers of ABC Board. Authorizes the ABC Board to buy and sell tobacco products and to lease any portion of a building to a tobacco company to facilitate sales of tobacco products.

Patron - Albo

[F]SB671 ABC; tied house. Provides an exception to the tied house law to permit a concert amphitheater to receive corporate sponsorship from breweries, wineries, and distillers for concert and concert seasons as long as the sponsoring brewery, winery or distiller does not require that the products of competing breweries, wineries, or distilleries be excluded from being sold at the concert amphitheater. Current law already allows exceptions to be made by statute or Board regulation.

Patron - Wagner

Carried Over

[C]HB57 Possession of open container of alcohol in a motor vehicle; penalty. Provides that no person shall possess an alcoholic beverage in the passenger area of a motor vehicle upon a public highway of the Commonwealth in other than the manufacturer's unopened, original container. The bill punishes violation with a civil penalty of \$25.

Patron - Purkey

[C]HB1267 Alcoholic beverage control; privatization of ABC stores. Provides for the issuance of a "package store" license to authorize the retail sale of alcoholic beverages for off-premises consumption. The bill also requires ABC stores to sell at auction all real estate used as ABC stores, and to terminate such leases. The bill has a delayed effective date of January 1, 2004.

Patron - Louderback

Aviation

Passed

[P]HB54 Deletion of obsolete Code references. Strikes cross-references to repealed Code provisions. 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

Banking and Finance

Passed

[P]HB72 Limited access to safe-deposit box. Allows access to a safe-deposit box for the purpose of looking for a will or power of attorney by interested persons when the lessee of the safe-deposit box has become incapacitated. Under current law, access is limited to persons having an interest in locating a will of a decedent.

Patron - Howell

[P]HB97 Limitations on obligations of borrowers. Increases the maximum amount of obligations that a borrower may owe to a state bank to 15 percent of the sum of the bank's capital, surplus, and loan loss reserves. Currently, a bank's loan loss reserves are not included in calculating the bank's loans-

to-one-borrower limit. The bill also permits the State Corporation Commission to authorize state banks to make loans to one borrower in amounts authorized under laws applicable to national banks.

Patron - Dudley

[P]HB98 Payment of small account balances. Increases from \$10,000 to \$15,000 the maximum account balance of a decedent that a bank, savings institution or credit union may pay to the surviving spouse or distributees.

Patron - Dudley

[P]HB440 Consumer Real Estate Settlement Protection Act (CRESPA); definition of "settlement agent." Amends the definition of "settlement agent" to include any person who conducts the settlement conference or handles funds in the transaction.

Patron - Woodrum

[P]HB940 Payday lending; usury; penalties. Establishes requirements for the conduct of payday lending. A "payday loan" is a transaction where the lender (i) accepts a check or similar instrument from the borrower; (ii) agrees to hold the check for a period of time prior to negotiation or presentment; and (iii) gives the borrower the amount of the check less the permitted interest charge. If the borrower does not pay the loan by the due date, the lender may obtain repayment by cashing the borrower's check. The measure caps the fee that a payday lender may charge at \$15 per \$100 advanced to the borrower. The minimum term is seven days. Lenders are prohibited from renewing or "rolling over" such loans. Payday lenders are required to be licensed with the State Corporation Commission. A violation of the measure is a prohibited practice under the Consumer Protection Act. Violators are subject to civil and criminal penalties. Making unlicensed loans, or arranging or brokering payday loans, is punishable as a Class 6 felony.

Patron - Morgan

[P]HB1121 Credit unions; reserves and risk assets. Replaces the current statutory reserve requirements applicable to credit unions with the reserve requirements established by federal National Credit Union Administration regulation. The bill also repeals the statutory definition of risk assets.

Patron - Bryant

[P]SB81 Payments to employees for referrals of settlement service and related businesses. Provides that an employer may compensate its own bona fide employees for referrals of insurance business. Payments to employees for referrals of insurance business are subject to the conditions that apply generally to exceptions from insurance licensing requirements.

Patron - Wampler

[P]SB556 Consumer Real Estate Settlement Protection Act; licensing of settlement agents. Exempts title insurance companies that have their financial statements audited annually by an independent certified public accountant from the requirement that settlement agents have their escrow accounts audited annually by an independent certified public accountant.

Patron - Stosch

Failed

[F]HB174 Money transmission services. Exempts money transmitters from the requirement that they post a

surety bond if they perform only money transmission services that are originated by business entities.

Patron - Woodrum

[F]HB372 Real estate settlements; duties of lender. Requires a mortgage lender to provide all loan documents to the settlement agent at least 72 hours prior to closing.

Patron - Athey

[F]HB1197 Prohibited lending practices. Prohibits any person from engaging in the business of making, arranging or brokering short-term cash advances pursuant to agreements under which consumer checks, share drafts or authorizations to debit accounts of consumers are used as security for such advances, and the payment is deferred until a future designated date.

Patron - Dudley

[F]SB67 Settlement Agent Lien Release Act. Authorizes a settlement agent who has paid the obligation secured by a mortgage or deed of trust to release the lien by executing and filing a certificate of satisfaction. This procedure is available only if the settlement agent has delivered a notice of intent to release the mortgage and a copy of the payoff letter to the lien creditor and the lien creditor does not within 90 days notify the settlement agent that (i) another release has been recorded, (ii) the obligation secured by the mortgage has not been paid, or (iii) the lien creditor otherwise objects to the release of the mortgage. This optional procedure applies only to transactions involving not more than four residential dwelling units.

Patron - Watkins

Civil Remedies and Procedure

Passed

[P]HB37 Communications between physicians and patients. Provides that a diagnosis or treatment plan of the practitioner, as documented in the patient's medical record, during the time of the practitioner's treatment, may be disclosed in discovery or in testimony. Only diagnosis offered to a reasonable degree of medical probability will be admissible at trial.

Patron - Howell

[P]HB81 Remedy for arbitrary refusal of motor vehicle insurance claim. Increases the amount of claims for which the claimant can obtain a judgment for double damages if the insurer arbitrarily refuses the claim to \$3,500. Currently only claims of less than \$2,500 are eligible for double damages if arbitrarily refused.

Patron - Kilgore

[P]HB257 Appeal of interlocutory orders and decrees by permission. Provides that a party in a civil action may petition for an interlocutory appeal when, prior to the commencement of trial, a circuit court has entered in any pending civil action an order or decree that is not otherwise appealable. The appealing party must file with the circuit court a statement of the reasons why an immediate interlocutory appeal should be permitted on the basis that the order or decree involves a question of law as to which (i) there is substantial ground for difference of opinion, (ii) there is no clear, controlling precedent on point in the decisions of the appellate courts of Virginia, (iii) determination of the issue will be dispositive of a material aspect of the proceeding, and (iv) the court and the parties agree it is in the parties' best interest to seek an

interlocutory appeal. Upon certification by the circuit court, a petition for appeal is filed with the appellate court that would have jurisdiction in an appeal from a final judgment.

Patron - McQuigg

[P]HB324 Civil liability for drug dealers. Creates a cause of action by which a drug dealer may be sued in tort by the parent or legal guardian of a child who used illegal drugs while under age 18. Recoverable damages include physical and emotional pain and suffering, and treatment, rehabilitation and medical expenses proximately caused by the unlawful use of a controlled substance.

Patron - Griffith

[P]HB326 Service of certain process on foreign or domestic corporations. Repeals § 8.01-302 of the Code so that general, rather than specific, rules regarding service on corporations are the only ones in effect. Section 8.01-302 provides that for service of process on corporations, process in attachment or garnishment proceedings, and notice by a creditor of judgment obtained and execution thereon may be served on an agent of a foreign or domestic corporation wherever the agent is found in the Commonwealth.

Patron - Griffith

[P]HB457 Compliance with criminal subpoena. Provides that when a criminal subpoena has been served on a person who is not a party to the action requiring the production of information that is stored in an electronic format, the person shall produce a tangible copy of the information. If a tangible copy cannot be produced, the person shall permit the parties to review the information on a computer or by electronic means during normal business hours, provided that the information can be accessed and isolated. If a tangible copy cannot reasonably be produced and the information is commingled with information other than that requested in the subpoena and cannot reasonably be isolated, the person may file a motion for a protective order or motion to quash.

Patron - Griffith

[P]HB500 Tort Claims Act; notice. Provides that notice of claim shall be deemed timely filed if it is sent by certified mail, return receipt requested, to one of the appropriate parties and the official receipt for the notice shows the mailing was within the prescribed time limits.

Patron - Albo

[P]HB547 Virginia Prisoner Litigation Reform Act. Creates a statutory scheme that prisoners must follow in order to file pro se civil actions for money damages or for injunctive, declaratory or mandamus relief. In order to proceed with a suit the prisoner must pay full filing fees and costs unless granted in forma pauperis status; grant of in forma pauperis status would permit payment of filing fees and costs in installments as directed the court. If the prisoner has had no deposits in his inmate trust account for the six months preceding the filing of the action, prepayment of fees and costs are waived but will be taxed at the end of the case. In forma pauperis status must be denied if the prisoner has had three or more cases or appeals dismissed for being frivolous, malicious, or for failure to state a claim, unless the prisoner shows that he is in imminent danger of serious physical injury at the time of filing suit or it would be manifest injustice to deny such status. The prisoner's failure to state his claims in a written motion for judgment plainly stating facts sufficient to support his cause of action, accompanied by all necessary supporting documentation is grounds for dismissal. The court must rule on initial dispositive motions on the record whenever possible rather than holding a hearing. The prisoner may not seek discovery until initial dispositive motions are ruled upon, and then only when he can

demonstrate to the court that his requests are relevant and material to the issues in the case.

Patron - Kilgore

HB738 Limitations on enforcement of judgments in general district court. Makes it abundantly clear that the enforcement of judgments entered in the general district courts shall be 10 years, unless an abstract of such judgment is docketed in the judgment book of a circuit court. Upon the docketing of such judgment, the limitation for the enforcement of a district court judgment is the same as for a judgment of the circuit court, which is 20 years.

Patron - Barlow

HB818 Alternative dispute resolution. Amends the general and court-referred mediation statutes to expand provisions regarding confidentiality and liability. The bill also redesignates the existing evaluation session as an orientation session and clarifies and provides detail to existing provisions. The bill also provides that a certified mediator shall be immune from civil liability while engaged in mediation unless the mediator acts in bad faith, with malicious intent or exhibits willful, wanton disregard for the rights of another.

Patron - Almand

HB819 Identity of persons communicating anonymously over the Internet. Provides a procedure governing certain subpoenas in civil proceedings where it is alleged that an anonymous individual has engaged in tortious Internet communications. This bill is a recommendation of the Study on the Discovery of Electronic Data and has been endorsed by the Judicial Council.

Patron - Almand

HB922 Exemplary damages for persons injured by intoxicated drivers. Provides that, for the purposes of finding a person liable for punitive damages in a civil lawsuit for injuries caused in an accident involving an intoxicated driver, it must be proven at the time the defendant began drinking alcohol or during the time he was drinking alcohol or when he was operating a motor vehicle he knew or should have known that his ability to operate a motor vehicle, engine or train would be impaired. The current requirement is that at the time the defendant was drinking he knew that he would be operating a motor vehicle.

Patron - Joannou

HB923 Discovery of medical evidence at trial. Modifies current law provision that when the physical or mental condition of the patient is at issue in a civil action, facts communicated to, or otherwise learned by, such practitioner in connection with such attendance, examination or treatment shall be disclosed by a method other than discovery pursuant to the Rules of Court to provide that no order shall be entered compelling a party to sign a release for medical records from a health care provider unless the health care provider is located outside the Commonwealth or is a federal facility.

Patron - Joannou

HB924 Exclusive original jurisdictional of general district courts. Raises the original jurisdictional amount of cases in the general district court from \$3,000 to \$4,500.

Patron - Joannou

HB948 Immunity for volunteer fire and emergency medical services personnel. Adds a definition of "providing fire-fighting or emergency medical services."

Patron - Landes

HB954 Inmates as witnesses. Allows the court to give the clerk or a deputy clerk of the circuit court the authority to issue transportation orders for inmates to appear in civil and criminal cases. This bill is identical to SB 650.

Patron - Barlow

HB1001 Custody and visitation. Provides that in any case in which custody or visitation of a minor child is at issue, any information obtained during therapy and the records kept by any licensed mental health care provider concerning a parent shall be privileged and confidential. Additionally, a mental health care provider may not be required to testify on behalf of or against a parent or adult relative of the parent. The bill does not apply when an independent mental health evaluation is conducted pursuant to a court order.

Patron - McDonnell

HB1185 Health care provider's records. Provides authorized insurers access to copies of a health care provider's records for a reasonable charge.

Patron - Kilgore

HB1287 High constable. Provides that a high constable may execute a writ of possession for real and personal property and serve a capias or criminal show cause order.

Patron - Purkey

SB17 Remedies; service of process. Provides that failure to make return of service of process within the required timeframe of 72 hours does not invalidate any service of process or any judgment based thereon. The bill also provides that in the event a late return prejudices a party or interferes with the court's administration of a case, the court may, in its discretion, continue the case, require additional or substitute service of process, or take such other action or enter such order as the court deems appropriate under the circumstances.

Patron - Colgan

SB316 Civil law; immunity. Provides civil immunity for committee or board members, or consultants thereto, for functions related to patient safety, including entering into contracts with patient safety organizations. The bill also provides that reports or patient safety data in possession of a patient safety organization is confidential and that an employer may not retaliate against employees who make good faith reports to such organizations. As introduced, the bill was a recommendation of the Joint Commission on Health Care.

Patron - Stolle

SB445 Virginia Fraud Against Taxpayers Act; civil penalty. Establishes a cause of action for false claims for payments or reimbursements against the Commonwealth. The remedy includes a civil penalty of between \$5,000 and \$10,000 plus three times the amount of damages sustained by the Commonwealth. The Attorney General or a private citizen has standing to prosecute the case in the name of the Commonwealth.

Patron - Williams

SB520 Workers' compensation; third party claims. Provides that when an employer has a subrogation interest in an employee's workers' compensation claim against a third party and the employer fails to consent to a settlement offer acceptable to the employee, the employee may petition the court (stating the compromise) where the action is pending for approval of the settlement. If no action is pending or the action is pending outside the Commonwealth, the petition may be filed in any circuit court in which venue lies as to the employee. The court may approve the settlement and after all

appeals are exhausted and because the employer's subrogation interest has not been compromised, such approval is deemed consent to the settlement by the employer.

Patron - Mims

[P]SB541 Attorney-issued subpoenas. Authorizes attorneys to issue subpoenas for medical malpractice review panels and claims before the Workers' Compensation Commission cases. The bill also provides that the transmittal sheet is part of the pleadings. There are existing sanctions for improper pleadings, so the sentence requiring that the transmittal sheet be signed under penalty of perjury is removed. The bill deletes the requirement for payment of a five dollar clerk's fee for a subpoena duces tecum for medical records because the attorney is issuing the subpoena instead of the clerk. This bill is a recommendation of the Boyd-Graves Conference.

Patron - Mims

[P]SB546 Garnishment. Provides that a garnishee has no liability to the judgment creditor for failing to deliver the judgment debtor's property, other than earnings, if the summons does not contain sufficient or accurate information to enable the garnishee to reasonably identify the judgement debtor. If the summons contains either the social security number or taxpayer identification number or the name and address of the judgment debtor as they appear in the records of the garnishee, the summons is deemed to contain information sufficient to reasonably identify the property, and the garnishee shall answer the summoning court and send the judgment debtor a copy of its answer to the court.

Patron - Mims

[P]SB555 Business damages. Provides that damages for lost profit of a new or unestablished business may be recoverable even though no history of profits can be established.

Patron - Stosch

[P]SB650 Inmates as witnesses. Allows the court to give the clerk or a deputy clerk of the circuit court the authority to issue transportation orders for inmates to appear in civil and criminal cases.

Patron - Rerras

Failed

[F]HB120 Category A venue; action against a school board. Provides that in an action involving a vehicle owned or operated by a school board, venue lies in either the jurisdiction in which the school board is located or where the accident occurred.

Patron - Janis

[F]HB537 Remedies; legal notice. Requires that in order for a legal notice published in a newspaper to meet the statutory standard, it must be published in the Commonwealth of Virginia. A newspaper shall be deemed published in the Commonwealth if it maintains its principal office in the Commonwealth for the purposes of gathering news, soliciting advertisements and determining the newspaper's form and content, and if it is printed in the Commonwealth.

Patron - Devolites

[F]HB583 Limited liability of railroad corporations. Provides that in any suit for personal injuries, a railroad corporation is not liable for damages to a third party if it is determined that a defendant, other than the railroad corporation, failed to stop at a railroad crossing.

Patron - Ingram

[F]HB636 Respondeat superior. Provides that in any civil suit for damages in which an employer is alleged liable for the acts of his employee, the employer is liable for the tortious act of his employee if the employee was performing his employer's business and acting within the scope of his employment.

Patron - O'Brien

[F]HB673 Remedies; service of process. Eliminates the distinction between personal service and substitute service, and includes new forms of process that are to be recognized as valid services of process.

Patron - Watts

[F]HB703 Communications between physicians and patients. Provides that when the physical or mental condition of the patient is at issue in a civil action, a treating physician may testify to any conclusions he may have that are based upon his training, education, experience and observation of the patient's condition. Under current law, a physician may only testify regarding facts, which has created some confusion in the various courts of the Commonwealth. This bill allows the physician to state his conclusions without testifying to pure opinions. This bill is incorporated into HB 37.

Patron - Armstrong

[F]HB777 Domestic case guardian ad litem. Provides that if a guardian ad litem is appointed to represent the interests of a child or children in divorce/custody cases originating in the circuit court, the guardian's expenses and fees shall be paid by the Commonwealth.

Patron - Albo

[F]HB852 Vacating an award under Uniform Arbitration Act. Allows a court to award reasonable attorney's fees in an application to vacate or confirm an arbitration award.

Patron - Albo

[F]HB1207 Appeal bonds. Provides that no appeal bond is necessary upon appeal for a finding of civil contempt in the juvenile and domestic relations district court.

Patron - Melvin

[F]SB292 Limitation of civil lawsuits by prisoners. Creates a statutory scheme that prisoners must follow in order to file any suit related to their confinement. The bill substantially limits prisoners' ability to maintain civil lawsuits by prescribing venue, prescreening by the court, prepayment of all costs and fees, limiting discovery, imposing sanctions and specific conditions pursuant to which suit may be filed.

Patron - Norment

[F]SB662 Exemptions from jury service upon request. Adds certified nurse aides, licensed practical nurses and registered nurses to the persons exempt from jury service upon request.

Patron - Hawkins

Carried Over

[C]HB400 Civil immunity for certain boards. Adds hospitals to the list of those immune from civil liability while in the performance of duties, including the reliance upon recommendations of hospital committees. Additionally, the bill adds the proceedings, minutes, records and reports of hospital risk managers to the list of privileged communications.

Patron - Weatherholtz

[C]SB84 Civil immunity. Provides civil immunity for public officials who participate in a program where persons on probation are ordered as a condition of probation to pick up litter along a section of public roadway or waterway, unless there is willful misconduct. The bill also provides that it shall not be interpreted to grant any immunity to a motorist who, by his negligence, may injure such probationer.

Patron - Wampler

[C]SB307 Uniform Arbitration Act. Revises the original Act, which was promulgated by the National Conference of Commissioners on Uniform State Laws in 1955 and adopted in Virginia in 1986. The Act expressly provides that it is a default act. Most of its provisions may be varied or waived by contract. Provisions that may not be waived or varied include the basic rule that an agreement to submit a dispute to arbitration is valid; the rules that govern disclosure of facts by a neutral arbitrator; the rules guaranteeing enforcement or appeal of the Act, an arbitration agreement or an arbitration decision in a court; or the standards for vacating an award. The Act specifically allows a court to order provisional remedies during the course of an arbitration before an arbitrator is selected. An arbitrator also has an express power to order provisional remedies. The Act allows consolidation of separate arbitration proceedings. The Act specifically addresses disclosure of known facts that give rise to questions of neutrality. The Act provides arbitrators with immunity from civil liability. An arbitrator has the express power to make summary dispositions of claims or issues under appropriate procedures, to hold pre-arbitration proceeding meetings or to use any other discovery process (any process that adduces relevant evidence for the proceeding) applicable to resolution of the dispute. These provisions put arbitrators on the same level as judges in a judicial proceeding with respect to discovery of evidence. The Act expressly permits an arbitrator to give punitive damages or other exemplary relief, "if such an award is authorized by law in a civil action involving the same claim." Attorney's fees may be awarded under the same standard.

Patron - Edwards

[C]SB540 Anonymous plaintiff. Provides that any party can move for an order concerning the propriety of anonymous participation in a proceeding and lists the factors that the court is to consider in determining whether anonymity can be maintained. The issue may be raised at any stage of the litigation when circumstances warrant a reconsideration of the issue. If the court orders identification, the pleadings and dockets will be amended to reflect the true name back to date of filing. This bill is a recommendation of the Boyd-Graves Conference.

Patron - Mims

[C]SB558 Dismissal of action by nonsuit. Allows the court to assess jury costs to the nonsuiting party when notice of the nonsuit is exercised at trial or within 24 hours prior to the beginning of trial.

Patron - Stosch

[C]SB654 Subpoena duces tecum; financial institutions and credit card companies. Provides for a subpoena duces tecum to obtain customer records from financial institutions and credit card issuers for a legitimate law-enforcement reason.

Patron - Mims

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

Passed

[P]HB781 Uniform Commercial Code-secured transactions; communication of information. Authorizes any financing statement filing office to comply with its duty to communicate information regarding financing statement filings by providing the requestor with a list of persons who provide private record research services.

Patron - Reese

[P]HB880 Uniform Commercial Code-secured transactions. Requires an amendment or correction to a financing statement filed in a circuit court clerk's office to include the name and mailing address of the debtor.

Patron - Phillips

[P]SB184 Uniform Commercial Code-secured transactions. Eliminates references to specific fees for filing financing statements relating to public financing and manufactured housing transactions. The revised UCC Article 9 as adopted in Virginia does not provide separate fees for these types of transactions.

Patron - Colgan

[P]SB271 Uniform Commercial Code-secured transactions. Requires an amendment or correction to a financing statement filed in a circuit court clerk's office to include the name and mailing address of the debtor.

Patron - Puckett

Failed

[F]SB611 Uniform Commercial Code-secured transactions. Requires (i) original financing statements to include the debtor's mailing address and (ii) amendments and corrections to financing statements to include the name and mailing address of the debtor.

Patron - Mims

Commonwealth Public Safety

Passed

[P]HB508 Eligibility for crime prevention specialists. Expands the list of those eligible for training as crime prevention specialists.

Patron - Drake

[P]HB511 Department of Criminal Justice Services; private security; penalty. Requires each applicant for initial registration, licensure or certification as a compliance agent, private security services training school or instructor or unarmed security officer to submit their fingerprints for the conduct of a criminal records check. The bill also requires an unarmed security officer applying for renewal between January 1, 2003 and December 31, 2004 to submit his fingerprints for

the purpose of a criminal background check. The bill also authorizes the Department to suspend a registration, license or certification based on the conviction of certain misdemeanors or any felony and provides that making a false statement on the fingerprint card shall be a Class 5 felony. In addition, the bill establishes compulsory minimum standards for armored car personnel and exempts from the requirement for licensure, registration or certification persons engaged in the business of a consumer reporting agency as defined by the Federal Fair Credit Reporting Act. This bill is identical to SB 71.

Patron - Drake

[P]HB520 Virginia Fire Services Board; membership. Provides that the members of the Fire Services Board representing the State Fire Chiefs Association of Virginia, the Virginia Firemen's Association, the Virginia Association of Professional Firefighters, the Virginia Fire Service Council, the Virginia Fire Prevention Association, and the State Chapter of the International Association of Arson Investigators be members of the organizations that they are representing.

Patron - Devolites

[P]HB839 Thermal Imaging Camera Advisory Board and Fund. Establishes the Thermal Imaging Camera Fund administered by the Department of Fire Programs to assist local fire departments, other fire services organizations and local governments to purchase thermal imaging cameras.

Patron - Thomas

[P]HB1053 Powers and duties of the Department of Criminal Justice Services. Expands the compulsory training standards for basic training and recertification of law-enforcement officers and the statewide guidelines for policing programs to include sensitivity to cultural diversity and the potential for biased policing. The bill authorizes the Department to publish and disseminate a model policy or guideline that may be used by state and local agencies to ensure that law-enforcement personnel are sensitive to and aware of cultural diversity and the potential for biased policing.

Patron - Melvin

[P]SB71 Private security services. Requires each applicant for initial registration, licensure or certification as a compliance agent, private security services training school or instructor or unarmed security officer to submit his fingerprints for the conduct of a criminal records check. The bill also requires an unarmed security officer applying for renewal between January 1, 2003 and December 31, 2004 to submit his fingerprints for the purpose of a criminal records check. The bill also authorizes the Department to suspend a registration, license or certification based on the conviction of certain misdemeanors or any felony and provides that making a false statement on the fingerprint card shall be a Class 5 felony. In addition, the bill establishes compulsory minimum standards for armored car personnel and exempts from the requirement for licensure, registration or certification persons engaged in the business of a consumer reporting agency as defined by the Federal Fair Credit Reporting Act. This bill is identical to HB 511.

Patron - Reynolds

[P]SB222 Commonwealth Medal of Valor. Establishes the Commonwealth Public Safety Medal of Valor Board to recommend to the Governor any public safety officers to receive the Commonwealth Public Safety Medal of Valor as the highest award for valor by a public safety officer conferred by the Commonwealth.

Patron - Stolle

Failed

[F]HB222 Sheriffs; grievances. Includes deputy sheriffs under the Law-enforcement Officers Procedural Guarantee Act.

Patron - Carrico

[F]HB962 Appropriations for law enforcement expenditures of local governments. Provides that any increase or decrease in HB 599 funding for law-enforcement expenditures of local governments shall equal the anticipated increase or decrease in total general fund revenue collections for the relevant fiscal year as provided in the general appropriations act for the biennium. Any changes in anticipated total general fund revenue collections as provided through amendments to the biennial budget in an odd year or as provided in the caboose bill shall have no effect on the percentage change in HB 599 funding. The percentage increase or decrease in HB 599 funding shall be determined solely from the general appropriations act that is passed prior to the beginning of the biennium. The bill also requires that HB 599 funding in the Governor's budget bill shall increase or decrease in the relevant fiscal year by the percentage change in anticipated total general fund revenue collections for such fiscal year as forecasted in the Governor's budget bill.

Patron - Almand

[F]HB1275 Department of Criminal Justice Services; certain information to be held confidential. Provides that neither the Department nor its employees shall release personal information, as defined in § 2.2-3801, submitted to the Department by private security services business regulants for the purpose of obtaining or renewing a license, certification or registration. The bill provides that nothing shall be construed to prohibit the release or publication of aggregate statistical information in a form that does not reveal the identity of such persons, except that access shall not be denied to the person who is the subject thereof. The bill also cross references this exemption from mandatory disclosure in the Freedom of Information Act.

Patron - Rust

[F]SB304 Crime Prevention in Minority Communities Program and Fund. Creates the Crime Prevention in Minority Communities Program and Fund, consisting of five urban inner-city minority communities with high crime rates and attendant social and economic problems. The Board of Criminal Justice Services is required to develop the Program and the Department of Criminal Justice Services must administer the Program and Fund. An advisory committee, whose members must represent a multi-disciplinary network of persons and organizations with expertise, experience, and interest in preventing and reducing crime in the minority community, is charged to assist the Department with the Program. State-funded grants are to be awarded to eligible communities on a competitive basis through the issuance of a request for proposals. Such communities are required to engage in various activities and perform several tasks directed toward community involvement, consensus building, dispelling myths about minorities, and preventing and reducing crime in the minority community. Further, eligible communities must also encourage the cooperation and participation of residents in the Program, and engage business and industry, minority community organizations and professional associations, the religious community, citizens, and local agencies in the community in fighting crime. This bill, substantially revised, was the recommendation of the Joint Subcommittee Studying the Status and Needs of African-American Males in Virginia in 1999.

Patron - Edwards

Carried Over

[C]HB399 Creating the Law Enforcement Electronic Command and Control Improvement Program; communication system improvement grant. Creates the Law Enforcement Electronic Command and Control Improvement Program and Fund to be administered by the Department of Criminal Justice Services. Under the bill, eligible police departments would receive matching grant funds up to \$10,000 based on funds expended in the previous fiscal year to improve and modernize their communications system.

Patron - Lingamfelter

[C]HB403 Department of Criminal Justice Services; exemption from registration. Eliminates the exemption from registration as a private security service business any natural person otherwise required to be registered pursuant to § 9.1-139 who is employed by a business that is not a private security services business for the performance of his duties for his employer.

Patron - Weatherholtz

[C]HB506 Right to counsel during investigations of law-enforcement officers and firefighters. Provides that during investigation or interrogation, law-enforcement officers, firefighters and emergency medical technicians shall have the right to be represented by counsel at all stages of the proceedings.

Patron - Drake

[C]HB1225 Regulation of bail recovery agents aka bounty hunters. Defines a "bail recovery agent," also called a "bounty hunter," as any person employed for the purpose of apprehending either the principal on a bail bond or any fugitive from justice who has been released on bail. The bill also sets forth the requirements, set by the Department of Criminal Justice Services, for licensure (including mandatory training and insurance or bond) of such agents and limits on their activities. Currently, bail recovery agents are unregulated. The bill provides that no person shall be employed or act as a bail recovery agent in the Commonwealth without having first obtained a license from the Department on or before July 1, 2003.

Patron - Scott

[C]SB394 Appropriations for law enforcement expenditures of local governments. Provides that any increase or decrease in HB 599 funding for law-enforcement expenditures of local governments shall equal the anticipated increase or decrease in total general fund revenue collections for the relevant fiscal year as provided in the general appropriations act for the biennium. Any changes in anticipated total general fund revenue collections as provided through amendments to the biennial budget in an odd year or as provided in the caboose bill shall have no effect on the percentage change in HB 599 funding. The percentage increase or decrease in HB 599 funding shall be determined solely from the general appropriations act that is passed prior to the beginning of the biennium. The bill also requires that HB 599 funding in the Governor's budget bill shall increase or decrease in the relevant fiscal year by the percentage change in anticipated total general fund revenue collections for such fiscal year as forecasted in the Governor's budget bill.

Patron - Whipple

[C]SB516 Line of Duty Act; definition of disabled employee. Amends the definition of "disabled employee" to include any person who has become mentally or physically

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

Patron - Norment

Conservation

Passed

[P]HB2 Tennessee-Virginia Bi-State Thermal Authority. Repeals the Authority because it has not been activated. This bill is a recommendation of the Virginia Code Commission.

Patron - Landes

[P]HB49 Soil and water conservation districts; district boards of directors and terms of office. Provides for four-year, rather than three-year, terms of office for elected and appointed directors. Elections will be held in November 2003 and each fourth year thereafter. The bill provides for the transition to the new schedule, the extension of certain terms of office, appointments to fill vacancies, and specific terms for directors appointed by the Virginia Soil and Water Conservation Board. This bill is identical to SB 114.

Patron - Sherwood

[P]HB137 Confederate Cemeteries; Ettrick Cemetery. Adds the Ettrick Cemetery in Chesterfield County, which maintains 47 Confederate graves, to the list of those entities receiving funds from the Department of Historic Resources for the care of such graves. This bill is identical to SB 69.

Patron - Cox

[P]HB147 Wilderness Road State Park. Authorizes the Department of Conservation and Recreation to build and enter into contracts to build an interpretive 1775 fort utilizing the construction techniques of the period, and exempts such construction from state and local building codes. The bill also authorizes the Department to enter into a lease agreement for the construction and operation of the facility.

Patron - Kilgore

[P]HB148 Landfill closures. Allows municipal solid waste landfills utilizing double synthetic liner systems that had been permitted between December 21, 1988, and October 9, 1993, by the Department of Environmental Quality, to continue to accept solid waste after 2020. Currently, no municipal solid waste landfills can continue to accept waste after 2020 that have not been equipped with the new liner system approved in the permits issued after October 9, 1993. The bill would allow the Wise County landfill to accept waste after 2020. This bill is identical to SB 82.

Patron - Kilgore

[P]HB178 Flood assistance fund. Expands the uses of the Flood Prevention and Protection Assistance Fund to include the awarding of grants or loans to public bodies owning dams and the awarding of loans to private dam owners to assist in paying the costs of modifications in the dam's design, or repairs to or maintenance of the dam. Currently, the fund distributes grants and loans to local public bodies for the development and implementation of flood prevention or protection projects or studies as part of a required federal match.

Patron - Sherwood

[P]HB211 Boundaries of soil and water conservation districts. Requires the Virginia Soil and Water Conservation

Board to consider funding as one of the factors in establishing boundaries of a new soil and water conservation district.

Patron - O'Bannon

[P]HB448 Notice of timber harvesting; penalty. Requires the commercial timber-harvesting operator to notify the State Forester prior to completion but not later than three working days after commencement of a harvesting operation. If he fails to provide the notice, the State Forester is authorized to assess a civil penalty of \$250 for the initial violation and up to \$1,000 for any subsequent offense occurring within a 24-month period. Currently an owner or operator is required to give notice prior to or not later than three working days after the commencement of the operation; however, there is no penalty for not providing such notification.

Patron - Dillard

[P]HB463 Brownfield Restoration and Land Renewal Act. Consolidates and reorganizes existing provisions related to brownfields restoration in order to simplify public access to this information and facilitate its use. The Act contains specific liability protections for bona fide prospective purchasers, innocent landowners and adjacent landowners. These provisions track those provided in the federal act. The bill also creates the Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund to be administered by the Virginia Resources Authority. The Fund will consist of moneys appropriated to it by the General Assembly and such other sums as may be made available to it from any other sources. Local governments, all eligible to receive grants and loans from the fund, and businesses may receive loans for the purposes of promoting the restoration and redevelopment of brownfield sites and to address environmental problems or obstacles to reuse so that these sites can be effectively marketed to new economic development prospects.

Patron - Suit

[P]HB870 Clinch-Guest Scenic River. Extends the scenic river designation to approximately 9.2 miles of the Clinch River. The change in the name of the designated river from the Guest to the Clinch-Guest Scenic River reflects the inclusion of a segment of the Clinch River in the scenic designation. The bill also adds at least one riparian landowner on the Clinch River to the advisory committee.

Patron - Phillips

[P]HB919 Department of Historic Resources; maintenance of Revolutionary War graves. Establishes a program to assist in the maintenance of Revolutionary War graves that is similar to the program for Confederate graves.

Patron - Griffith

[P]HB1144 Commonwealth of Virginia Park and Recreational Bond Act of 2002. Authorizes the issuance of Commonwealth of Virginia Park and Recreational Facilities Bonds pursuant to Article X, Section 9 (b) of the Constitution of Virginia in an amount not exceeding \$119,040,000, 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 numerous capital projects at state parks. The full faith and credit of the Commonwealth is pledged for the payment of the principal of and interest on the bonds and any bond anticipation notes or refunding bonds. The bill authorizes the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds, to borrow money in anticipation of the issuance of the bonds, and to issue refunding bonds. The bill shall not become effective, and no bonds shall be issued, unless

and until voter approval is obtained. This bill is identical to SB 672.

Patron - Dillard

[P]HB1168 Silvicultural activities; issuance of special orders. Allows special orders to be issued after the owner or operator has been given the opportunity for a hearing. Currently, a special order can only be issued after a hearing.

Patron - Hogan

[P]HB1257 Waste and water permit fees. Directs the Virginia Waste Management Board to develop new permit fee schedules sufficient to cover no more than 20 percent of the direct costs of the hazardous and solid waste programs, using as the base the amounts allocated to these programs in the 2002 Appropriation Act; however, no individual permit fee can increase more than 300 percent. The bill also triples the statutory caps on water permit fees. There is a July 1, 2004, sunset on the new fee structure. This bill is identical to SB 592.

Patron - Dillard

[P]HB1258 State Forester notification. Authorizes the State Forester to recommend corrective measures and a time period for an owner or operator of a forestry operation to implement the measures in order to prevent, mitigate or eliminate an action causing or likely to cause pollution. If the owner or operator fails to take action, the State Forester is required to issue a special order.

Patron - Dillard

[P]HJ181 Solid Waste Interstate Transportation Act of 2001. Urges Congress to enact the Solid Waste Interstate Transportation Act of 2001 (HR 1213), incorporating amendments proposed by the Congresswoman representing Virginia's First Congressional District, that gives local and state governments the additional specific authority to regulate the importation of solid waste in their jurisdictions.

Patron - Pollard

[P]SB69 Department of Historic Resources; care of Confederate cemeteries and graves. Adds the Ettrick Cemetery in Chesterfield County, which maintains 47 Confederate graves, to the list of those entities receiving funds from the Department of Historic Resources for the care of such graves. This bill is identical to HB 137.

Patron - Watkins

[P]SB82 Landfill closures. Allows municipal solid waste landfills utilizing double synthetic liner systems that had been permitted between December 21, 1988, and October 9, 1993, by the Department of Environmental Quality to continue to accept solid waste after 2020. Currently, no municipal solid waste landfills can continue to accept waste after 2020 that have not been equipped with the new liner system approved in the permits issued after October 9, 1993. This bill would allow the Wise County landfill to accept waste after 2020. This bill is identical to HB 148.

Patron - Wampler

[P]SB114 Soil and water conservation districts; district boards of directors and terms of office. Provides for four-year, rather than three-year, terms of office for elected and appointed directors. Elections will be held in November 2003 and each fourth year thereafter. The bill provides for the transition to the new schedule, the extension of certain terms of office, appointments to fill vacancies, and specific terms for directors appointed by the Virginia Soil and Water Conservation Board. This bill is identical to HB 49.

Patron - Bolling

SB146 Property conveyance. Authorizes the Department of Conservation and Recreation to accept from The Trust for Public Land approximately 45 acres in James City County. This property will be included as property within York River State Park. The bill includes an emergency provision.

Patron - Norment

SB249 Oconeechee State Park. Authorizes the Department of Conservation and Recreation to amend a lease with the Secretary of the Army for the purpose of providing additional recreational facilities, not to be operated by the Department, at Oconeechee State Park in Mecklenburg County. The amendment is subject to the Administrative Process Act and must be included in the park's master plan. The bill limits any further sublease of the property to public entities, subject to the approval of the Department, Governor and Attorney General. The authority granted in this bill will expire on July 1, 2004, unless the amendment has been adopted by that time.

Patron - Ruff

SB301 Foresters; title protection. Prohibits any person from using the title "forester" unless he possesses a degree from a college or university in a curriculum accredited by the Society of American Foresters. The bill also defines "forestry" as the science, art and practice of creating, managing, using and conserving forests and associated resources for human benefit and in a sustainable manner to meet desired goals, needs, and values. The bill provides injunctive relief to restrain the invalid use of the title of "forester." The bill does not prohibit (i) any person from performing forestry functions if the person does not represent himself to the public as being a forester, or (ii) an employee of a forester from performing forestry services, (iii) the practice of any profession that is regulated by a state board. The bill "grandfathers" those persons who supply the Department of Forestry documentation showing they have engaged in forestry practices for at least 10 years.

Patron - Deeds

SB592 Waste and water permit fees. Directs the Virginia Waste Management Board to develop new permit fee schedules sufficient to cover no more than 20 percent of the direct costs of the hazardous and solid waste programs, using as the base the amounts allocated to these programs in the 2002 Appropriation Act; however, no individual permit fee can increase more than 300 percent. The bill also triples the statutory caps on water permit fees. There is a July 1, 2004, sunset on the new fee structure. This bill is identical to HB 1257.

Patron - Hanger

SB672 Commonwealth of Virginia Park and Recreational Bond Act of 2002. Authorizes the issuance of Commonwealth of Virginia Park and Recreational Facilities Bonds pursuant to Article X, Section 9 (b) of the Constitution of Virginia in an amount not exceeding \$119,040,000, 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 numerous capital projects at state parks. The full faith and credit of the Commonwealth is pledged for the payment of the principal of and interest on the bonds and any bond anticipation notes or refunding bonds. The bill authorizes the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds, to borrow money in anticipation of the issuance of the bonds, and to issue refunding bonds. The bill

shall not become effective, and no bonds shall be issued, unless and until voter approval is obtained.

Patron - Chichester

SB675 Department of Historic Resources; disbursements for Confederate cemeteries and graves. Adds the New Monmouth Presbyterian Church and the New Providence Presbyterian Church in the County of Rockbridge, which maintain 80 and 98 Confederate graves, respectively, to the list of those entities receiving funds from the Department of Historic Resources for the care of such graves.

Patron - Deeds

SJ159 Conservation of open space. Requests the Secretary of Natural Resources to examine options for providing a stable source of funding for conservation of open space. Such examination shall include an evaluation of options for additional grant support and public-private partnerships, and other issues as the Secretary may deem appropriate. This resolution is identical to HJR 255.

Patron - Deeds

Failed

HB176 Virginia Outdoors Foundation membership. Increases the number of Virginia Outdoors Foundation trustees from seven to 11 and staggers the terms of the new members appointed in 2002. The bill changes the appointing authority by reducing the Gubernatorial appointments from seven to six members and has the Speaker appoint three members and the Senate Committee on Privileges and Elections appoint two members.

Patron - Albo

HB387 Air, water and solid waste standards. Requires the environmental policy boards, the Air Pollution Control Board, the State Water Control Board, and the Solid Waste Management Board, to find that there is scientific and technological evidence indicating that any proposed regulation establishing standards for air emissions, water quality and solid waste can be met by a permit holder. Such regulations shall not be adopted unless such a finding is made by the appropriate board. The finding shall be in the form of a written certification by the appropriate board and shall be published by the Registrar of Regulations at the time that the proposed regulation is also published. In addition, the environmental policy boards, the Air Pollution Control Board, the State Water Control Board, and the Solid Waste Management Board, in adopting standards, are required to give due consideration to economic impact analyses prepared for such proposed standards by the Virginia Department of Planning and Budget.

Patron - Wardrup

HB389 Tributyltin; State Water Control Board to establish schedules for compliance with numerical effluent limitations for tributyltin included in permits issued by the Board. Provides that the State Water Control Board shall establish schedules requiring compliance on and after January 1, 2008, with numerical effluent limitations for tributyltin (TBT) included in any Virginia Pollution Discharge Elimination System Permit issued by the Board. The Board shall not assess any penalty, prior to January 1, 2008, relating to numerical effluent limitations for TBT, but any person or entity holding a permit with numerical effluent limitations for TBT shall comply with all other permit conditions and applicable regulatory requirements. The bill also provides that beginning January 1, 2008, the Department of Environmental Quality shall assess all penalties and pursue all remedies available under law

upon any person in violation of a numerical effluent limitation for TBT included in a permit issued to him.

Patron - Wardrup

[F]HB391 Tree conservation ordinance; designated species. Grants localities the authority to adopt ordinances regulating the preservation and removal of "designated species." "Designated species" means any species of tree that has been designated by the local governing body to have notable historic, cultural or ecological value to a specific area.

Patron - Wardrup

[F]HB791 Silvicultural practices; authority of local government. Grants local governments the authority to require a permit or impose a fee for certain silvicultural activities that are (i) conducted in accordance with the silvicultural best management practices developed and enforced by the State Forester, and (ii) located on a property defined as real estate devoted to forest use or in an agricultural and forestal district. Such silvicultural activities include, but are not limited to, the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation.

Patron - Bolvin

[F]HB820 Air Quality Monitoring Station. Requires the Virginia Air Pollution Control Board to establish an air quality monitoring station in New River Valley, to be located within either Montgomery County or the City of Radford.

Patron - Nutter

[F]HB856 Landfill closure requirements; exception. Creates exception from landfill closure requirements for municipal solid waste landfills utilizing double synthetic liner systems pursuant to permits issued between December 21, 1988, and October 9, 1993. Currently, no municipal solid waste landfill can continue to accept waste after 2020 unless equipped with the new liner system pursuant to a permit issued by the Department of Environmental Quality after October 9, 1993. The bill would allow the Wise County landfill to accept waste after 2020.

Patron - Phillips

[F]HB1220 Commonwealth of Virginia Environmental Stewardship Bond Act of 2002. Authorizes the issuance of Commonwealth of Virginia Environmental Stewardship Bonds pursuant to Article X, Section 9 (b) of the Constitution of Virginia in an amount not exceeding \$488,495,075, 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 capital projects for (i) biological nutrient removal at sewage treatment facilities, (ii) rehabilitation to dams owned by soil and water conservation districts, (iii) combined sewer overflow projects, (iv) renovation of state parks and acquisition of real estate for parks, and (iv) acquisition of permanent interests in real estate for conservation purposes. The full faith and credit of the Commonwealth is pledged for the payment of the principal of and interest on the bonds and any bond anticipation notes or refunding bonds. The bill authorizes the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds, to borrow money in anticipation of the issuance of the bonds, and to issue refunding bonds. The bill shall not become effective, and no bonds shall be issued, unless and until voter approval is obtained.

Patron - Albo

[F]HJ260 Occoquan Watershed. Commends the Fairfax County Board of Supervisors for creating the Occoquan Watershed and expresses the General Assembly's support for

those who work to keep the watershed pristine and its opposition to attempts to permit or require paved trails in the watershed.

Patron - O'Brien

[F]SB147 Tributyltin; State Water Control Board to establish schedules for compliance with numerical effluent limitations for tributyltin included in permits issued by the Board. Provides that the State Water Control Board shall establish schedules requiring compliance on and after January 1, 2008, with numerical effluent limitations for tributyltin (TBT) included in any Virginia Pollution Discharge Elimination System Permit issued by the Board. The Board shall not assess any penalty, prior to January 1, 2008, relating to numerical effluent limitations for TBT, but any person or entity holding a permit with numerical effluent limitations for TBT shall comply with all other permit conditions and applicable regulatory requirements. The bill also provides that beginning January 1, 2008, the Department of Environmental Quality shall assess all penalties and pursue all remedies available under law upon any person in violation of a numerical effluent limitation for TBT included in a permit issued to him.

Patron - Norment

[F]SB563 Commonwealth of Virginia Environmental Stewardship Bond Act of 2002. Authorizes the issuance of Commonwealth of Virginia Environmental Stewardship Bonds pursuant to Article X, Section 9 (b) of the Constitution of Virginia in an amount not exceeding \$488,495,075, 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 capital projects for (i) biological nutrient removal at sewage treatment facilities, (ii) rehabilitation to dams owned by soil and water conservation districts, (iii) combined sewer overflow projects, (iv) renovation of state parks and acquisition of real estate for parks, and (iv) acquisition of permanent interests in real estate for conservation purposes. The full faith and credit of the Commonwealth is pledged for the payment of the principal of and interest on the bonds and any bond anticipation notes or refunding bonds. The bill authorizes the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds, to borrow money in anticipation of the issuance of the bonds, and to issue refunding bonds. The bill shall not become effective, and no bonds shall be issued, unless and until voter approval is obtained.

Patron - Bolling

[F]SB621 Waste and water permit fees. Directs the Virginia Waste Management Board and the State Water Control Board to develop new permit fee schedules that reflect that portion of the agency's cost of implementing its waste management and water permit programs that are not covered by general fund appropriations and federal grants. Currently, the permit fees are based on costs of processing the permit application. The bill also removes the statutory caps on the various water permits and leaves it to the State Water Control Board to set the fee based on program implementation costs. This bill is incorporated into SB 592.

Patron - Ticer

Carried Over

[C]HB87 Land-disturbing activities. Limits to Chesterfield County provisions passed in 2001 that require the person who will be in charge of and responsible for carrying out land-disturbing activities to have a certificate of competence issued by the Board of Soil and Water Conservation.

Patron - Orrock

[C]HB234 Establishing the Public Beach Maintenance and Development Fund. Expands the purposes of a current fund that awards matching grants to local governments to pay the costs of erosion abatement measures. The newly established Public Beach Maintenance and Development Fund will also provide grants for the construction or maintenance of public beach-related support structures or facilities and the creation or restoration of beach landscapes. Up to \$200,000 per year of the money in the Fund could be used to pay the costs of administering the program. Currently, no grant can exceed 30 percent of the money appropriated to the fund for the biennium. This bill would allow up to 60 percent of the money in the fund in any fiscal year to be awarded to a locality. The Fund would be, in part, capitalized by the dedication of \$5 million from the portion of the recordation tax collections that exceed \$94.1 million.

Patron - Gear

[C]HB935 Regulation of land-disturbing activity; submission and approval of control plan. Requires those who engage in land-disturbing activities requiring an approved erosion and sediment control plan to have an individual holding a certificate of competence issued by the Virginia Soil and Water Conservation Board on-site during the land-disturbing activity, and incorporates "conducting land-disturbing activities" as a specified subject area of certificates of competence.

Patron - Morgan

[C]HB1134 State Archaeologist. Establishes the position of State Archaeologist. This person would assist the Director of Historic Resources by coordinating and overseeing those activities necessary to carry out the Virginia Antiquities Act.

Patron - Dillard

[C]HB1339 Land conveyance. Authorizes the Virginia Department of Conservation and Recreation to accept, on behalf of the Commonwealth, a conveyance from The Conservation Fund of 16 miles of an abandoned railroad right-of-way in King George County. This property will be developed as a rails-to-trail project and will be managed by the Department of Conservation and Recreation.

Patron - Pollard

[C]SB389 Air quality monitoring and reporting. Increases air quality monitoring to obtain base-line data in current attainment areas so if new industry is proposed, the impacts can be estimated. This bill requires the Department of Environmental Quality (DEQ) to develop a plan to (i) study the cumulative environmental impacts of proposed electrical generating facilities; (ii) fund such a study through the use of federal, state, or private monies; and (iii) collect data for such a study by increasing the number of ozone monitoring stations. To the extent funding is available for such a study, this bill directs DEQ to place ozone monitoring stations in the regions of greatest permitting activity, gather appropriate data, conduct the study, and report the results to the Chairmen of the Senate Agriculture, Conservation and Natural Resources Committee and the House Agriculture, Chesapeake and Natural Resources Committee annually.

Patron - Whipple

[C]SB489 Senior citizen entry fees to state parks. Establishes a lifetime admission permit to state parks for any persons 62 years of age or older who apply and pay a one-time charge of \$10.

Patron - Newman

[C]SB515 Landfill closure requirements; exemption. Exempts any municipal solid waste landfill having a year 2000

average daily volume of less than 25 tons per day from the priority closure schedule developed by the Department of Environmental Quality pursuant to the Virginia Landfill Clean-up and Closure Fund, unless such a landfill poses a substantial present or potential hazard to human health or the environment as determined by the Virginia Waste Management Board.

Patron - Ruff

[C]SB617 Erosion and sediment control law; certificate of competence. Grants plan-approving authorities the option to waive the certificate of competence requirement for land-disturbing activity for agreements in lieu of a plan. Currently, all plan-approving authorities must require that the name of an individual, who holds a certificate of competence and who will be in charge of and responsible for carrying out the land-disturbing activity, be provided for both erosion and sediment control plans and agreements in lieu of a plan. An agreement in lieu of a plan is a contract between the plan-approving authority and the landowner used for ensuring proper implementation of conservation measures during construction of a single-family residence.

Patron - Deeds

Contracts

Passed

[P]SB140 Credit card, debit card and other payment device numbers; receipts. Prohibits certain persons from printing certain numbers or the expiration date of a credit card, debit card or other payment devices on receipts. This bill applies to all new electronic devices in service by July 1, 2003. For all other devices in service prior to July 1, 2003, the provisions apply on July 1, 2005. Violators of this section shall be liable for damages caused to the cardholder or other payment device holder due to the use of the card or other payment device with the cardholder's or other payment device holder's permission.

Patron - Ticer

Failed

[F]HB1361 Contract for extraction of stem cells. Provides that all contracts or any provision within a contract promising payment for the extraction of embryonic stem cells shall be against the public policy of the Commonwealth and shall be void and unenforceable. The bill defines stem cell.

Patron - Nutter

Corporations

Passed

[P]HB942 Notice and voting by electronic transmission. Allows meeting notices for stock and nonstock corporations to be given by electronic transmission. Votes of shareholders or members, as appropriate, may be submitted by electronic transmission if authorized by the corporation's board.

Patron - Morgan

[P]HB997 Limited liability companies. Provides for the electronic transmission of consents and proxies by mem-

bers and managers of limited liability companies (LLCs). Other amendments to the Virginia Limited Liability Company Act (i) provide for member agreements regarding access to an LLC's records; (ii) enable courts to appoint liquidating trustees for LLCs that are judicially dissolved; (iii) exclude distributions made to managers and members from calculations of cash compensation made in connection with limits on liability; and (iv) clarify that a member's ability to dissociate from an LLC by submitting a resignation notice is available only if resignation of a member is provided for in the articles of organization or an operating agreement.

Patron - McDonnell

[P]HB1315 Professional license taxation; professional corporations and professional limited liability companies. Repeals provisions governing the determination of the revenue tax liability of shareholders in a professional corporation and members of a professional limited liability company.

Patron - Crittenden

[P]SB185 Virginia Stock Corporation Act. Requires articles of amendment to state, when applicable, the reason shareholder approval of the amendment was not required. Articles of restatement that are approved without shareholder approval are required to state whether the restatement includes an amendment to the corporation's articles. Foreign corporations are required to state their real names on the application for a certificate of authority, and if such a corporation is required to use a designated name in lieu of its real name, it must state its proposed designated name. The measure also corrects an incorrect citation.

Patron - Colgan

[P]SB241 Professional corporations. Allows professional corporations to include in their name the designations "PC," "professional corporation" or "a professional corporation." Currently, they may only use the initials "P.C." The measure also clarifies that the professional corporation designation shall not be considered in determining name availability. Other changes correct Code references and update terminology.

Patron - Wampler

[P]SB242 Virginia Nonstock Corporation Act. Authorizes incorporators to amend the articles of incorporation of a nonstock corporation if it has no members or directors. Other changes to the Nonstock Corporation Act (i) require articles of amendment to include a statement setting forth the reason member or director approval was not required and that any other required approval was obtained; (ii) require articles of restatement to state whether the restatement includes an amendment when approved by the directors without member action; and (iii) correct erroneous Code citations.

Patron - Wampler

[P]SB243 Limited liability companies; professional limited liability companies. Clarifies who must authenticate the records of a foreign limited liability company and that a foreign limited liability company's designated name must be stated on an application for registration. The payment of outstanding penalties is made a prerequisite to the filing of limited liability company documents. A partnership or limited partnership that is converting to a limited liability company is required to include in its articles of organization the date and place of its original filing. The measure also allows a professional limited liability company to use the phrase "professional limited company" or "professional limited liability company" in its name while clarifying that such phrases are disregarded when determining name availability.

Patron - Wampler

[P]SB254 Corporations; domestication and conversion; fees. Changes from July 1, 2002, to February 1, 2002, the effective date of legislation enacted in 2001 that adopted certain Revised Model Business Corporations Act procedures. However, only domestic corporations that were incorporated before July 1, 1970, and that are authorized to issue 5,000 or more shares may convert to limited liability company status prior to July 1, 2002. This bill has an emergency clause.

Patron - Wampler

[P]SB512 Virginia Business Trust Act. Authorizes the formation of business trusts in the Commonwealth, and repeals existing provisions regarding real estate investment trusts. Business trusts are unincorporated, perpetual, limited liability legal entities that may be formed to conduct any lawful business.

Patron - Stosch

Counties, Cities and Towns

Passed

[P]HB61 Courthouses; construction and repair. Requires a panel to determine that a danger to health, welfare, and safety of court employees or the public exists before a judge can issue an order requiring a county or city to construct a new courthouse or to repair or secure an existing courthouse.

Patron - Morgan

[P]HB106 Posting of certain statement. Authorizes boards of supervisors and city or town councils to post prominently in a conspicuous place in their primary local government administrative building for all citizens to read the phrase "In God We Trust," which is the national motto of the United States pursuant to 36 U.S.C. § 186 (1999). In addition, the Office of the Attorney General is required to intervene on behalf of local governments and to provide legal defense of this provision. An enactment clause authorizes local governments to accept contributions in cash or in-kind from any person (defined to include individuals, companies, organizations, and other legal entities) to defray the costs of implementing this provision.

Patron - Marshall, R.G.

[P]HB124 Mandatory provisions of subdivision ordinances. Clarifies that "such facilities" refers to facilities specifically mentioned in the statute.

Patron - Hull

[P]HB182 Local advisory boards; compensation. Raises the amount that localities can compensate members of advisory boards from \$50 to \$75 for regular meetings, not to exceed one meeting per month. Also, localities may provide compensation for training.

Patron - Parrish

[P]HB185 Tree canopy bank. Provides that certain localities may by ordinance provide for an off-site tree canopy bank to meet a portion of a development's tree canopy requirements in instances where its local ordinance allows for reasonable exceptions to or deviations from standard tree canopy requirements during the development process. This bill is identical to SB 76.

Patron - Parrish

HB225 Liens for local water and sewer charges; Goochland County. Allows Goochland County to provide that charges for water or sewers or use thereof shall be a lien on the real estate served by such waterline or sewer. Where residential rental real estate is involved, no lien shall attach (i) unless the user of the water or sewer services is also the owner of the real estate or (ii) unless the owner of the real estate negotiated or executed the agreement by which such water or sewer services were provided to the property.

Patron - Janis

HB227 Service districts; property assessment. Provides that any locality imposing a tax pursuant to service district authority may base the tax on the full assessed value of the taxable property within the service district, notwithstanding any special use value assessment of property within the service district for land preservation, provided the owner of such property has given written consent. This bill is identical to SB 275.

Patron - Janis

HB344 Open-space special districts. Allows local governments to create, by ordinance, a service district with the authority to acquire interests in real property in order to preserve open-space land. Currently, such service districts are limited to purchasing development rights that are to be dedicated as easements for conservation and open-space purposes.

Patron - Albo

HB346 Clustering of single-family dwellings so as to preserve open space. Provides that a locality may provide in its zoning or subdivision ordinance standards, conditions and criteria for clustering of single-family dwellings and the preservation of open space developments. In establishing such standards, conditions and criteria, the governing body may include any provisions it determines appropriate to ensure quality development, preservation of open space and compliance with its comprehensive plan and land use ordinances. If proposals for clustering of single-family dwellings and the preservation of open space developments comply with the locality's adopted standards, conditions and criteria, the development and open space preservation shall be permitted by right under the local subdivision ordinance. The implementation and approval of the cluster development and open space preservation shall be done administratively by the locality's staff and without a public hearing. No local ordinance shall require that a special exception, special use, or conditional use permit be obtained for such developments. However, any such ordinance may exempt developments of two acres or less. In any instance where the proposed density is greater than the density permitted in the applicable land use ordinance, the locality may continue to require approval of a special exception, special use permit, conditional use permit or rezoning. Localities that currently provide for clustering of single-family dwellings upon approval of a special exception shall have until July 1, 2004, to comply with the provisions of this bill.

Patron - Albo

HB349 Immunity from annexation. Prohibits cities from commencing an annexation under provisions allowing property owner-initiated annexations. Such actions are currently prohibited by the annexation moratorium imposed under § 15.2-3201.

Patron - Rapp

HB377 Service districts; nuisance animals. Allows the Town of Front Royal, through its service district, to construct, maintain and operate facilities, equipment and programs as may be necessary or desirable to control, eradicate and pre-

vent the infestation of rats and removal of skunks and the conditions that harbor them.

Patron - Athey

HB474 Volunteer inspectors in certain cities. Allows the City of Chesapeake to utilize supervised trained and qualified volunteers to issue notices of noncompliance for certain types of property maintenance and zoning violations. Currently, only the City of Virginia Beach has such authority.

Patron - Suit

HB477 Advertisement of zoning amendments. Amends the existing advertisement requirements for certain zoning amendments to include changes to the applicable zoning ordinance text regulations affecting use or development density.

Patron - Suit

HB479 Boards of zoning appeals. Allows an alternate member of the board to be appointed for votes in which a regular member will have to abstain.

Patron - Suit

HB495 Preliminary subdivision plat approval. Provides that once a preliminary subdivision plat is approved, it shall be valid for a period of five years, provided the subdivider (i) submits a final subdivision plot for all or a portion of the property within one year of such approval and (ii) thereafter diligently pursues approval of the final subdivision plot.

Patron - Orrock

HB566 Mutual aid agreements for law enforcement. Allows localities and other law-enforcement entities in noncontiguous localities, excluding agencies of state-supported institutions of higher learning, to enter into mutual aid agreements. The current law requires entities to have contiguous boundaries. This bill is identical to SB 493 and HB 894.

Patron - Byron

HB588 Transportation district commissions. Provides that the bonds of such commissions shall be filed with the Department of the Treasury's Division of Risk Management rather than the Comptroller.

Patron - Reid

HB619 Middle Peninsula Chesapeake Bay Public Access Authority Act. Allows the Counties of Essex, Gloucester, King William, King and Queen, Mathews, Middlesex, and the Towns of West Point, Tappahannock and Urbanna by resolution to declare that there is a need for a public access authority to be created. If an operating agreement is developed for the purpose of establishing or operating a public access authority for any such localities, these localities may form the Middle Peninsula Chesapeake Bay Public Access Authority (Authority). The Authority's duties shall include: 1. Identifying land, either owned by the Commonwealth or private holdings that can be secured for use by the general public as a public access site; 2. Researching and determining ownership of all identified sites; 3. Determining appropriate public use levels of identified access sites; 4. Developing appropriate mechanism for transferring title of Commonwealth or private holdings to the Authority; 5. Developing appropriate acquisition and site management plans for public access usage; 6. Determining what holdings should be sold to advance the mission of the Authority; and 7. Performing other duties required to fulfill the mission of the Authority. The Authority shall be governed by a board of directors with authority to (i) acquire, establish, construct, enlarge, improve, maintain, equip, operate and regulate any public access site within the territorial limits of the participating political subdivisions; (ii) construct, install, maintain,

and operate facilities for managing access sites; (iii) determine fees, rates, and charges for the use of its facilities; (iv) apply for and accept gifts or other financial assistance; (v) appoint, employ or engage such officers and employees as may be necessary or appropriate, and to fix their duties and compensation; (vi) contract with any participating political subdivision for such subdivision to provide legal services, engineering services, depository and investment services; and (vii) borrow money and incur debt. Whenever it shall appear to the Authority that the need for the Authority no longer exists, the Authority, or in the proper case, any such subdivision, may petition the circuit court of a participating political subdivision for the dissolution of the Authority.

Patron - Morgan

HB735 Route 28 transportation improvement districts. Allows property to be included in multiple districts, authorizes the Commonwealth Transportation Board to receive and disburse funds from transportation improvement districts under agreements entered into pursuant to the Public Private Transportation Act of 1995, and eliminates the procedure for abolishing districts through petition by owners of land within the districts.

Patron - Black

HB847 Local government attorney. Allows such attorneys to be paid at an hourly rate and recover reasonable expenses.

Patron - Stump

HB868 Solid waste disposal fees; discounts for seniors and disabled. Provides authority for Wise County (described by population) to discount solid waste fees for persons aged 60 years or older and disabled persons based on ability to pay.

Patron - Phillips

HB894 Mutual Aid Agreements for Law Enforcement. Allows localities and other law-enforcement entities in non-contiguous localities, excluding agencies of state-supported institutions of higher learning, to enter into mutual aid agreements. The current law requires entities to have contiguous boundaries. This bill is identical to SB 493 and HB 566.

Patron - McDougle

HB939 Virginia Indoor Clean Air Act. Prohibits smoking in any part of the interior of any public elementary, intermediate, and secondary school. Present law allows smoking in certain designated areas after student activities have been concluded.

Patron - Morgan

HB977 Appointment of boards of zoning appeals. Adds localities in the fifteenth circuit to those where the board of zoning appeals may be appointed by the chief judge of the circuit court rather than by the circuit court generally.

Patron - Pollard

HB990 Industrial development authorities. Clarifies that whenever an IDA is given authority to finance through bonds, it may also refinance such bonds. Also, the City of Richmond is given authority to call its IDA an economic development authority. This bill is identical to SB 432.

Patron - Hall

HB993 Revocation of special exceptions. Clarifies that a board of zoning appeals may only revoke a special exception that has been granted by the board of zoning appeals, and that a governing body that issues special exceptions may

revoke such special exceptions in the same manner as the board of zoning appeals.

Patron - Council

HB994 Land use applications; delinquent taxes. Includes building permits and erosion and sediment control permits as types of permits that localities may issue subject to payment of delinquent real estate taxes.

Patron - Council

HB1031 Designation of police to enforce trespass violations. Grants lessees, custodians, and persons lawfully in charge of real property authority to designate the local law-enforcement agency as a "person lawfully in charge of the property" for the purpose of forbidding another to go or remain upon the property. Current law only gives this authority to owners of real property.

Patron - Moran

HB1072 Hampton Roads Sports Facility Authority. Continues numerous provisions within the act creating the Authority by changing the sunset date from January 1, 2002, to January 1, 2005, but that bonds shall be issued only upon approval by the National Hockey League or National Basketball Association of a team to be located in the City of Norfolk. The purpose of the Authority is to facilitate the attraction and operation of a National Basketball Association or National Hockey League franchise. Additional changes clarify that a temporary facility may be treated the same as the permanent facility for the purposes of certain tax benefits. This bill is identical to SB 580.

Patron - Jones, J.C.

HB1078 County manager plan; employee benefits. Allows any county with the county manager plan of government (currently, only Arlington County), to provide for the use of funds, other than state funds, to provide grants for county and school board employees to purchase or rent residences, for use as the employee's principal residence, within the county.

Patron - Brink

HB1094 County manager plan; applicant preemployment information. Allows Arlington County to require applicants for county employment to submit to fingerprinting and a criminal records check.

Patron - Brink

HB1174 Dual office holding by local officers. Allows dual office holding by a part-time assistant attorney for the Commonwealth with the consent of the respective attorneys for the Commonwealth and the Compensation Board.

Patron - Hogan

HB1178 Notice of zoning amendments. Provides that if the provisions of a recorded plat or final site plan, which was specifically determined by the governing body, and not its designee, to be in accordance with the zoning conditions previously approved, conflict with any underlying zoning conditions of such rezoning approval, the provisions of the recorded plat or final site plan shall control, and the zoning amendment notice requirements of § 15.2-2204 shall be deemed to have been satisfied.

Patron - Hull

HB1180 Residency requirements. Extends a sunset clause from July 1, 2002, to July 1, 2004, thereby allowing the Cities of Hopewell and Petersburg to continue using resi-

gency as a basis for participation in local police or fire cadet programs or local homesteading programs.

Patron - Ingram

[P]HB1189 Mandatory connection to water and sewage systems. Adds Buckingham County, Halifax County, and Nelson County to those counties with authority to require connection to their water and sewage systems by owners of property that may be served by such systems.

Patron - Abbitt

[P]HB1190 Release of performance guarantees. Requires that should a governing body, an administrative agency, the Virginia Department of Transportation, or other political subdivision choose to inspect any proposed public facility constructed by a subdivider or developer that is the subject of any performance guarantee required by the governing body or the Virginia Department of Transportation, the inspection shall be based solely upon conformance with the terms and conditions of the performance agreement.

Patron - Hull

[P]HB1282 Deputies, appointees and employees of constitutional officers; political activities. Provides that no locality shall prohibit deputies, appointees and employees of county and city treasurers, sheriffs, attorneys for the Commonwealth, clerks of circuit courts and commissioners of revenue from participating in political activities while off duty, out of uniform and not on the premises of their employment with the locality. Existing law extends this provision to firefighters, emergency medical technicians and law-enforcement officers.

Patron - Ingram

[P]HB1299 Nonconforming use; manufactured housing. Provides that the nonconforming use statute shall not be construed to prevent removal of a valid nonconforming manufactured housing unit from property and replacement of that unit with another comparable manufactured housing unit that meets current HUD standards. Such replacement unit shall retain the valid nonconforming status of the prior unit.

Patron - Jones, J.C.

[P]HB1301 Certification of law-enforcement officers. Extends from July 1, 2001, to July 1, 2003, the date by which all entry level law-enforcement officers, in order to obtain certification, shall successfully complete statewide certification examinations developed and administered by the Department of Criminal Justice Services.

Patron - Griffith

[P]HB1343 Regional criminal justice training academies. Authorizes the Division of Capitol Police to become a party to an agreement creating an academy or to join an existing academy.

Patron - Sherwood

[P]SB76 Tree canopy bank. Provides that any locality with a population density of at least 75 persons per square mile may by ordinance provide for an off-site tree canopy bank to meet a portion of a development's tree canopy requirements in instances where its local ordinance allows for reasonable exceptions to or deviations from standard tree canopy requirements during the development process. This bill is identical to HB 185.

Patron - Colgan

[P]SB181 Moratorium on city annexation and county immunity notices and proceedings. Provides that, beginning July 1, 2004, cities may undertake annexation proceedings and counties may request immunity from annexation

when actual appropriations to local governments for law-enforcement expenditures are less than the amount statutorily required.

Patron - Trumbo

[P]SB215 County manager plan; applicant preemployment information. Requires applicants for employment with Arlington County to submit to fingerprinting and a criminal records check. The bill also requires the county to notify the applicant if information obtained from the Central Criminal Records Exchange contributes to denial of the applicant.

Patron - Ticer

[P]SB234 Affordable housing. Grants Albemarle County greater flexibility in administration of its affordable dwelling program by placing the County's authority under the broader enabling provisions currently applying only to Fairfax County, Loudoun County and Arlington County. The bill also eliminates the population bracket reference to Loudoun County and inserts a reference by county name.

Patron - Hanger

[P]SB248 Municipal deed restriction on certain property in Virginia Beach. Clarifies that "municipal recreational purposes" include entering into a public-private partnership for improvements to any golf course located on tracts that were conveyed to the City by the Commonwealth.

Patron - Stolle

[P]SB269 Contracting for provision of water and waste services. Provides that localities and water and waste authorities may contract for, and contract to provide, meter reading, billing and collections, leak detection, meter replacement and any related customer service functions.

Patron - Puckett

[P]SB275 Service districts; property assessment. Provides that any locality imposing a tax pursuant to service district authority may base the tax on the full assessed value of the taxable property within the service district, notwithstanding any special use value assessment of property within the service district for land preservation, provided the owner of such property has given written consent. This bill is identical to HB 227.

Patron - Stosch

[P]SB276 Localities incurring obligations for school improvement; tenants in common with school boards. Makes the local governing body of a locality a tenant in common with the local school board in instances where the locality has incurred a multi-year financial obligation to fund the acquisition, construction or improvement of public school property. Created by operation of law, such tenancy in common arises when the local governing body incurs the financial obligation, and terminates upon the payment of the obligation in full. No recordation of any deed of conveyance is required by this bill. These provisions shall not confer to the local governing body any additional powers over school board decisions relative to school board property. The bill further allows the local governing body to elect, by resolution, not to acquire tenancy in common to some or all public school property in the locality. The bill provides for an emergency enactment.

Patron - Stosch

[P]SB300 Granting franchises for operation of vehicular ferry transportation systems. Provides that the authority of localities for the granting of franchises shall include the authority to grant an exclusive franchise for the operation of a vehicular ferry transportation system in Northumberland

County. The locality may regulate such systems, including the establishment of fees and rates.

Patron - Chichester

SB359 Solid waste depositories; localities' authority; penalties. Grants all localities the authority to limit the use of waste depositories or receptacles, owned or maintained by the locality, to the disposal of garbage and other solid waste originating from within the boundaries of such locality. Any locality adopting such an ordinance may provide penalties for its violation.

Patron - Reynolds

SB363 Volunteer inspectors in certain cities. Allows the Cities of Chesapeake and Richmond to utilize supervised trained and qualified volunteers to issue notices of noncompliance for certain types of property maintenance and zoning violations. Currently, only the City of Virginia Beach has such authority.

Patron - Blevins

SB369 Competitive purchasing; schools. Requires the governing body of a county to obtain the approval of the school board before including the school board in the county's centralized competitive purchasing of supplies.

Patron - Blevins

SB406 Sheriffs' processing fee. Provides that any county or city may by ordinance authorize a sheriff to impose a processing fee not to exceed \$25 on any individual admitted to the county or city jail following conviction. The fee shall be ordered as a part of court costs collected by the clerk and shall be used by the local sheriff's office to defray the costs of processing arrested persons into local jails.

Patron - Rerras

SB432 Industrial development authorities. Clarifies that whenever an IDA is given authority to finance through bonds, it may also refinance such bonds. Also, the City of Richmond is given authority to call its IDA an economic development authority. This bill is identical to HB 990.

Patron - Marsh

SB492 Economic development authorities. Adds Bedford County to those localities that may choose to refer to their industrial development authority as an economic development authority.

Patron - Newman

SB493 Mutual aid agreements for law enforcement. Allows localities, and other law-enforcement entities in non-contiguous localities, excluding agencies of state-supported institutions of higher learning, to enter into mutual aid agreements for the use of law-enforcement forces. The current law requires entities to have contiguous boundaries. This bill is identical to HB 566 and HB 894.

Patron - Newman

SB510 Police retirement system; Fairfax County. Increases from five to seven the number of members on the policemen's pension and retirement board for any county having the executive form of government and modifies the required make-up of such board. The bill also contains some technical amendments.

Patron - Saslaw

SB576 Northern Virginia Transportation Authority. Revises statutory provisions dealing with the Northern Virginia Transportation Authority by substituting provisions recommended by the Joint Subcommittee Studying Creation of

a Northern Virginia Regional Transportation Authority (the "Barry Commission") for 2001 legislation that created the Authority.

Patron - Barry

SB580 Hampton Roads Sports Facility Authority. Continues numerous provisions within the act creating the Authority by changing the sunset date from January 1, 2002, to January 1, 2005, but that bonds shall be issued only upon approval by the National Hockey League or National Basketball Association of a team to be located in the City of Norfolk. The purpose of the Authority is to facilitate the attraction and operation of a National Basketball Association or National Hockey League franchise. Additional changes clarify that a temporary facility may be treated the same as the permanent facility for the purposes of certain tax benefits. This bill is identical to HB 1072.

Patron - Rerras

SB589 Local recycling and waste disposal; civil penalties. Authorizes localities to provide civil penalties for the unauthorized use of or failure to use solid waste management facilities and appurtenances for the collection, management, recycling and disposal of solid waste, recyclable materials, and other refuse. Current law states only that localities may provide "penalties" for such unauthorized or failed usage. The bill also precludes localities from bringing both criminal and civil charges against an individual for the same offense.

Patron - Wagner

SB593 Local control of firearms. Provides that a statute that does not refer to firearms or ammunition shall not be construed to provide express authorization for localities to regulate firearms. From and after January 1, 1987, no locality shall adopt any ordinance, resolution, or motion, nor take any administrative action governing the purchase, possession, transfer, ownership, carrying or transporting of firearms, ammunition, or components or combination thereof other than those expressly authorized by statute. The bill provides a locality is not prohibited from adopting workplace rules relating to "terms and conditions of employment."

Patron - Hanger

SB652 Noise attenuation standards. Provides that in addition to subdivision plans, all recorded surveys and final site plans must include a statement giving notice that the property either partially or wholly lies within an airport noise overlay zone. The bill also contains a technical amendment

Patron - Blevins

SB660 Southside Virginia Tourism Development Authority. Establishes a tourism development authority for the West Piedmont and the Southside Planning District Commissions. The Authority shall inventory attractions and events and market, promote, expand and develop the tourism industries of these tobacco-producing localities as a whole. The Authority shall have the power to (i) borrow money and to accept contributions, grants and other financial assistance from the United States of America and agencies or instrumentalities thereof, the Commonwealth, or any political subdivision, agency, or public instrumentality of the Commonwealth; (ii) formulate a tourism development and marketing agenda for each locality in the West Piedmont and Southside Planning District Commissions; (iii) receive and expend moneys on behalf of tourism marketing and development; and (iv) coordinate the individual tourism efforts of the localities who choose to be members of the Authority.

Patron - Hawkins

[P]SB679 Virginia Regional Industrial Facilities Act. Amends the Act by making a number of technical changes and clarifications to provisions related to board vacancies, alternate board members, board meetings, loans, and the issuance and validity of bonds.

Patron - Trumbo

Failed

[F]HB93 Commission on Local Government; regulations for disclosure of highway improvement costs. Requires the Commission to promulgate regulations that require each locality to disclose to each commercial building permit applicant that the applicant may be responsible for certain highway improvement costs. The Commission shall develop a disclosure form that shall be signed by every commercial building permit applicant.

Patron - Dudley

[F]HB121 Clustering of dwellings. Requires localities to include in their subdivision and zoning ordinances provisions allowing the clustering of single-family detached dwellings on lots of lesser size so as to preserve open space. No ordinance shall require that a special use permit be obtained for such clustering. This bill is incorporated into HB 346.

Patron - Hull

[F]HB166 Civil penalties for zoning violations. Raises the civil penalty for subsequent zoning violations from \$150 to \$250. Also, specified violations arising from the same operative set of facts may be charged once every five days rather than 10 days, and the maximum civil penalty of \$3,000 is changed to \$5,000.

Patron - Petersen

[F]HB204 Impact fees for residential development. Provides that certain high-growth localities may adopt an ordinance providing for payment of impact fees for residential development. The impact fee shall be in an amount representing the proportional total or partial cost of capital improvements reasonably related to the transportation, education, and public safety needs for public facilities generated by the additional residential development. No impact fee shall be assessed unless the capital improvements related to the additional development have been included in the locality's capital improvement program. All impact fees collected shall be used by the locality for the purpose of completing capital improvements specified in the ordinance.

Patron - Cole

[F]HB205 Partial release of certain performance bonds by localities. Provides that when localities make partial releases of performance bonds, such partial releases shall not exceed fifty percent of the original amount until sufficient public uses are established for acceptance, unless a maintenance agreement and indemnifying bond have been posted in accordance with subdivision 5 of § 15.2-2241.

Patron - Cole

[F]HB206 Adequate public facilities. Provides that in any high-growth locality, a zoning ordinance may include reasonable provisions allowing the locality to determine whether public facilities are adequate to support the services that will be required under the new zoning classification. Approval of a proposed rezoning may be made contingent upon a finding by the governing body of adequate public facilities. However, such locality's comprehensive plan shall clearly identify public

facility needs in a given area prior to disapproval of such zoning request.

Patron - Cole

[F]HB207 Adequate public facilities. Provides that in any high-growth locality, a subdivision ordinance may include reasonable provisions allowing the locality to determine whether public facilities are adequate to support the services that will be required by a new subdivision. Approval of a proposed subdivision may be made contingent upon a finding by the governing body of adequate public facilities. However, such locality's comprehensive plan shall clearly identify public facility needs in a given area prior to disapproval of such subdivision request.

Patron - Cole

[F]HB262 Licensing of all-terrain vehicles. Allows localities to license all-terrain vehicles, prescribe a licensing fee, and dispose of such vehicles that remain unclaimed after 30 days.

Patron - McQuigg

[F]HB376 Service districts; eradication of nuisance animals. Allows service districts to control and eradicate rats, skunks and other nuisance animals, and the conditions that harbor them.

Patron - Athey

[F]HB481 Nonconforming uses. Reduces from two years to six months the period of time that the use of a nonconforming sign may be discontinued before losing its valid nonconforming use status.

Patron - Suit

[F]HB483 Public comment at meetings of governing bodies and school boards. Requires governing bodies and school boards to provide a reasonable opportunity for members of the public to comment on matters of concern prior to taking official action.

Patron - Suit

[F]HB496 Downzoning of property under use value assessment. Provides that when the owner of property requests and is granted a downzoning of property that, at the time of the downzoning, was subject to a special use value assessment pursuant to Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1, the assessing locality shall, for a period of 10 years, for purposes of valuation, assessment and taxation continue to treat such property as if no change in use has occurred.

Patron - Orrock

[F]HB603 Notice of rezoning. Requires all rezoning notices to be sent by registered or certified mail at least 21 days, rather than five days, prior to the public hearing. Currently, if a proposed zoning amendment involves more than 25 parcels of land, the notice may be sent by first-class mail. This bill is incorporated into HB 477.

Patron - Black

[F]HB750 Urban county executive form of government; commission on human rights. Adds "sexual orientation" as prohibited discrimination with regard to actions and investigations by a human rights commission in a county that has adopted the urban county executive form of government. Currently, only Fairfax County has adopted such form of government.

Patron - Plum

[F]HB976 Granting franchises for operation of a vehicular ferry transportation systems. Provides that the

authority of localities for the granting of franchises shall include the authority to grant an exclusive franchise for the operation of a vehicular ferry transportation system in Northumberland County. The locality may regulate such systems, including the establishment of fees and rates.

Patron - Pollard

HB980 Bounties for coyotes and groundhogs. Allows for localities to pay bounties, out of any available funds, for the killing of groundhogs. Current law only provides for bounties for killing coyotes.

Patron - Pollard

HB981 Revocation of special exceptions. Clarifies that a governing body that issues special exceptions may revoke such special exceptions in the same manner as the board of zoning appeals. This bill is incorporated into HB 993.

Patron - Pollard

HB1063 Capital Region Airport Commission. Adds one member from Petersburg and one member from Dinwiddie County to the Commission.

Patron - Bland

HB1130 Mandatory connection to water and sewage systems. Allows an owner of undeveloped land located in a county with the authority to require connection to the county's water system to elect to use a well for providing a supply of water so long as such well meets applicable health requirements and county ordinances. Such an owner choosing to use a well shall not be required to pay a connection fee, a frontage fee, or a monthly nonuser service charge. In addition, owners of a non-potable water source located in a locality with mandatory water connection requirements may use such water source for irrigation purposes. The bill also states that its provisions shall not affect the rights and powers of Water and Waste Authorities.

Patron - Bryant

HB1351 Preservation of monuments and memorials. Provides that certain monuments or memorials that are erected on public property of the Commonwealth or any of its political subdivisions shall not be relocated, removed, disturbed or altered. However, the Commonwealth and its political subdivisions may temporarily relocate or remove a monument or memorial in order to perform necessary construction or maintenance on streets, highways or utilities. No street, bridge, structure, park, preserve, reserve, or other public area of the Commonwealth or any of its political subdivisions dedicated in memory of or named for any historic figure or historic event may be renamed or rededicated. No person may prevent the public body from taking proper measures and exercising proper means for the protection, preservation, and care of these monuments, memorials, or nameplates.

Patron - Reid

SB171 Compensation Board; allowance for deputy sheriffs. Provides that the Compensation Board shall increase its allowance for deputy sheriffs serving sheriffs concurrently with the appointment of an additional judge to the general district or circuit court served by such sheriff. This increase will allow sheriffs to hire an additional full-time deputy sheriff concurrent with the judicial appointment, with reimbursement from the Compensation Board. The bill also provides that in subsequent fiscal years, the allowance for deputy sheriffs for the respective sheriff's office shall provide for the compensation of the additional full-time deputy sheriff.

Patron - Colgan

SB384 Grants for home ownership. Allows localities to make grants of local funds to employees of the locality or of the school board for the purchase of a house, apartment or condominium in the locality. The house, apartment or condominium purchased must be used as the principal residence of the grant recipient.

Patron - Whipple

SB424 Possessing dangerous weapons in certain county facilities; penalty. Provides that the governing body of any county that has adopted the urban county executive form of government may, by ordinance, make it unlawful for any person to possess a dangerous weapon upon the property, including buildings and grounds, of any county-owned or county-operated facility, violation of the ordinance to be punishable as a Class 1 misdemeanor.

Patron - Byrne

SB427 County manager plan; employee benefits. Allows any county with the county manager plan of government (currently, only Arlington County) to (i) provide for the use of funds, other than state funds, to provide incentives for county and school board employees to purchase or rent residences for use as the employee's principal residence within the county, and (ii) offer health insurance benefits to other members of the county employee's households, as defined by ordinance.

Patron - Ticer

SB443 Regulation of commercial kennels. Requires localities adopting and enforcing zoning ordinances to provide that prior to approval of construction or expansion of any commercial kennel, a majority of property owners residing within a 1,500-foot radius of the kennel shall be required to approve of such use.

Patron - Williams

SB495 Civil penalties for violations of certain local ordinances. Provides for civil penalties, not to exceed \$100 for a single violation and \$3,000 for multiple violations, for violations of certain local ordinances related to removal of trash, cutting of weeds and the keeping of inoperable motor vehicles.

Patron - Edwards

SB626 Local telecommunications services. Allows a locality, electric commission or board, industrial development authority, or economic development authority in certain underserved areas to offer qualifying telecommunications services, or enter into public-private partnerships to offer such qualifying telecommunications services. A "qualifying telecommunications service" is defined as a telecommunications service, that shall include but is not limited to high-speed data service and Internet access service, of general application, that is not otherwise generally and competitively available in the geographic area in which the service will be offered by an entity other than the county, city, town, electric commission or board, industrial development authority, or economic development authority. Such services may be provided only after approval by the State Corporation Commission. This bill is incorporated into SB 245.

Patron - Hanger

SB630 Mandatory connection to water and sewage systems. Provides that an owner of undeveloped land, located in a county with the authority to require connection to the county's water and sewer systems, may elect to use private systems for providing a supply of water and for the disposal of sewage so long as such systems meet the requirements of the

Virginia Department of Health. Such owner shall not be required to pay a connection fee, a frontage fee, or a monthly nonuser service charge.

Patron - Hanger

Carried Over

☐HB16 Local government taxing authority. Equalizes city and county taxing authority by granting counties the same authority available to cities and towns through the uniform charter powers.

Patron - Hull

☐HB105 Conservation of trees during localities' development. Adds to current law provisions for the conservation and preservation of existing trees during the development process in localities with a population density of at least 75 persons per square mile.

Patron - Marshall, R.G.

☐HB122 Potomac Region Transportation Development Authority. Creates the Potomac Region Transportation Development Authority, representing the Counties of Arlington, Fairfax, Loudoun, and Prince William, and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park. The Authority is empowered to issue bonds in accordance with applicable law, including the issuance of bonds and other evidences of debt, in order to finance or assist in the financing of transportation projects undertaken pursuant to the Public-Private Transportation Act of 1995 (§ 56-556 et seq.) within one or more of the Potomac Region localities represented in the Authority.

Patron - Hull

☐HB131 Local government taxing authority. Equalizes city and county taxing authority by granting counties the same authority available to cities and towns through the uniform charter powers.

Patron - Darner

☐HB256 Rezoning property to previous zoning designation in counties. Allows a county to include in its zoning ordinance provisions that permit the county to grant any rezoning with a condition requiring that an approved site plan or final subdivision plan be obtained for the development within a specified period of not less than 10 years. If no such approval is obtained during the specified period, the county may rezone the property to its previous zoning designation. If a county rezones such property to its previous zoning designation, the county shall compensate the property owner through use of a tax credit equal to the amount of excess real estate taxes that the landowner has paid due to the higher zoning classification.

Patron - McQuigg

☐HB271 Local outdoor lighting standards and regulations. Grants all localities authority to establish by ordinance outdoor lighting standards and regulations for the purpose of controlling exterior illumination levels, incidence of glare, light trespass or urban sky-glow, or for the purpose of conserving energy.

Patron - Callahan

☐HB480 Mandatory connection to public water and sewer; attorneys' fees in Virginia Beach. Provides that when legal action is required to compel a property owner in Virginia Beach to comply with any mandatory water and sewer connection ordinance, a locality shall be entitled to recover its reason-

able attorneys' fees from hiring outside counsel in any action to compel such connection.

Patron - Suit

☐HB482 Disposal of trash or cutting of weeds. Allows localities to prescribe civil penalties for violations of ordinances related to the disposal of trash and the cutting of grass and weeds.

Patron - Suit

☐HB608 Lighting level ordinances; Augusta County. Grants Augusta County authority to provide by ordinance for the regulation of maximum upward exterior illumination levels of buildings and property zoned or used for commercial or business purposes. Exceptions are made for outdoor advertising and VDOT lighting.

Patron - Saxman

☐HB712 Virginia Shell Building Initiative. Provides that the Virginia Economic Development Partnership shall promulgate regulations whereby the state shall guarantee the interest on a locality-owned shell building up to one million dollars per year in economically stressed localities.

Patron - Armstrong

☐HB769 Restriction on number of adults residing in a dwelling unit. Provides that any locality may include in its zoning ordinance restrictions on the number of adults residing in a dwelling unit based on the lot size and the zoning category. Such an ordinance shall provide (i) exceptions for the temporary presence of adults who have a legal residence elsewhere, (ii) for at least three adults in any dwelling unit, (iii) for a cap of no less than eight adults in any dwelling unit in an area zoned for lots of one acre or larger; and (iv) that the provisions of such ordinance do not apply to group homes and residential facilities as defined in § 15.2-2291.

Patron - Watts

☐HB996 Plat approval. Requires the planning commission to identify all deficiencies in a plat that cause disapproval and identify all modifications or corrections as will permit approval of the plat. The local planning commission shall act on any proposed plat within 45 days of submittal, rather than 60 days. The failure to act within 45 days or to state the reasons for disapproval shall cause the plat to be deemed approved. The commission shall act on any proposed plat that it has previously disapproved within 30 days after the plat has been resubmitted for approval.

Patron - McDonnell

☐HB1013 Grants for home ownership. Allows localities to make grants of local funds up to \$3,000 to local employees for the purchase of a house, apartment or condominium in the locality. The house, apartment or condominium purchased must be used as the principal residence of the grant recipient.

Patron - Scott

☐HB1017 Prohibition on possession of handguns in certain county-owned buildings; penalty. Provides that any county with urban county executive form of government may, by ordinance, make it unlawful for any person to possess a handgun in any county-owned building, violation of the ordinance to be punished as a Class 1 misdemeanor.

Patron - Scott

☐HB1212 Zoning; manufactured housing. Provides, under certain circumstances, that certain manufactured

homes shall be deemed the same as site-built homes for purposes of zoning regulatory standards.

Patron - Suit

[C]HB1367 Zoning amendments. Provides that no amendment to the zoning map shall be instituted without the written consent of or just compensation to the landowner whose property is the subject of such amendment.

Patron - Black

[C]SB100 Local outdoor lighting standards and regulations. Grants all localities authority to establish, by ordinance, maximum outdoor lighting standards and regulations for the purpose of controlling exterior illumination levels, incidence of glare, light trespass or urban sky-glow. Such standards and regulations shall not affect or be applied to agricultural or silvicultural operations. The provisions of this act will expire on July 1, 2005.

Patron - Howell

[C]SB475 Lighting level regulations; City of Chesapeake. Grants the City of Chesapeake authority to provide by ordinance for the regulation of maximum exterior illumination levels of buildings and property. Such ordinances shall not apply to agricultural or silvicultural activities, or to outdoor advertising signs owned by a person licensed by the Department of Transportation.

Patron - Quayle

[C]SB484 Conservation of trees during localities' development. Increases current 20 percent tree canopy requirements for certain localities adopting local tree conservation and replacement ordinances from 15 to 20 percent tree canopy for residential sites zoned between 10 and 20 units per acre, and from 20 to 30 percent for residential sites zoned for 10 or less sites per acre. Permits localities to include tree conservation provisions in their ordinance and sets forth requirements for such provisions. Such tree conservation ordinances may include provisions for the reduction of tree canopy requirements or the granting of tree cover credit in consideration for the preservation of certain trees, and shall provide for exceptions to and deviations from tree preservation requirements where the locality determines the requirements would preclude or significantly hinder uses otherwise allowed by the local zoning ordinance. Locality may by ordinance disallow certain types of trees from being planted to meet minimum tree canopy requirements. Provides that new law does not invalidate 10-year minimum tree cover standards adopted by cities established before 1780, or 20 minimum tree cover replacement standards adopted by localities after July 1, 1990.

Patron - Howell

[C]SB566 Dog recreation facilities. Prohibits localities from establishing dog recreation facilities within 1,500 feet of public elementary schools. "Dog recreation facility" means any park, recreation facility or other property acquired for public use and established for the primary purpose of allowing dog owners or custodians to run dogs unrestricted or off-leash within the confines of such facility.

Patron - Byrne

[C]SB613 Inoperable motor vehicles. Defines "shielded or screened from view," for purposes of keeping inoperable vehicles, as shielded from ordinary public view by means of a solid rigid six-foot opaque fence composed of standard fencing materials, or a landscape arrangement of non-deciduous trees or shrubs, sufficient in height, spacing, density, and circumference to shield the vehicle, or any combination of fencing or landscaping that meets this definition. "Shielded from ordinary public view" means not visible by someone

standing at ground level from outside of the property on which the inoperable vehicle is located.

Patron - Trumbo

[C]SB616 Alleghany Highlands Economic Development Authority. Changes references to the City of Clifton Forge to the Town of Clifton Forge to reflect the Town's recent reversion. Also, provisions requiring contribution of a portion of the machinery and tools tax are made optional for a period of two years if Alleghany County and certain localities agree to commit resources to economic development in an amount greater than or equal to that required by current law.

Patron - Deeds

Courts not of Record

Passed

[P]HB3 Family courts. Repeals the jurisdiction and venue provisions of the experimental family court, which no longer exists, and the appeal provisions of the family court. This bill is a recommendation of the Virginia Code Commission.

Patron - Landes

[P]HB160 Denial of driver's license for truancy. Modifies the current statute regarding suspension of driver's licenses for truancy to authorize courts, upon a finding of a second or subsequent truancy offense, to order the denial of a driver's license for a period of one year or until the juvenile reaches the age of 18, whichever is longer, or delay the child's ability to apply for a driver's license for a period of one year following the date he reaches the age of 16 and three months, as may be appropriate. Under current law, the first such offense may warrant a 30-day denial or delay in license application.

Patron - Lingamfelter

[P]HB259 Criteria for detention or shelter care. Provides that a juvenile may be detained in a secure facility pursuant to a detention order or warrant when there is probable cause to believe that he violated the terms of his probation or parole and the charge for which he was originally placed on probation would have been a felony or Class 1 misdemeanor if committed by an adult. Currently, secure detention is allowed only when the juvenile is alleged to have committed an act that would be a felony or Class 1 misdemeanor if committed by an adult.

Patron - McQuigg

[P]HB298 Replacement intake officers; court services unit. Provides that the chief judge may make arrangements for a replacement intake officer from another court service unit to ensure the capability of a prompt response during hours the court is closed. Additionally, the bill sets forth the procedure for the appearance of a child before an intake officer by the use of two-way electronic video and audio communication.

Patron - McDonnell

[P]HB310 Access of juvenile record information. Allows pretrial services agencies and community-corrections probation officers access to juvenile court records without a court order for the purpose of preparing pre- and post-sentence reports.

Patron - Howell

HB314 Foster care plan. Modifies the current requirement that the agency consult with the child's parents in making a foster care plan to provide an exception when the agency has made diligent efforts to locate the parent(s) and the parent(s) cannot be located.

Patron - Howell

HB361 Jurisdiction of the small claims court. Raises the jurisdiction of the small claims court from \$1,000 to \$2,000.

Patron - Reese

HB420 Emergency protective orders. Requires the judge or magistrate who receives an electronic request and issues an oral order to verify the order when reduced to writing, and removes the requirement that the original copy of the order filed with the clerk be verified by the judge or magistrate who entered the order. This bill is a recommendation of the Committee on District Courts.

Patron - Johnson

HB488 Domestic violence; penalty. Creates a state-wide facilitator for victims of domestic violence within the Office of the Attorney General. The bill redefines family abuse to include reasonable apprehension of any bodily injury rather than serious bodily injury as under current law. The bill also requires that law-enforcement agencies enter information on protective orders into the Virginia Criminal Information Network immediately upon receipt. The bill removes the provision that marital rape cannot occur unless the spouses were living apart or there was bodily injury caused by force or violence. The bill also creates a protective order registry within the State Police to be made available to all criminal justice agencies in the Commonwealth. This bill is identical to SB 290.

Patron - Suit

HB589 Performance bonds for judges and court employees. Provides for a copy of the performance bond purchased for a judge or certain other court employees to be filed with the Division of Risk Management within the Department of Treasury rather than with the State Comptroller.

Patron - Reid

HB1000 Detention homes. Requires the Department of Juvenile Justice to establish a uniform risk assessment instrument for use when making detention decisions and when making recommendations at detention hearings for implementation by each court service unit and for distribution to each juvenile court judge by October 1, 2002.

Patron - McDonnell

HB1061 Termination of parental rights. Provides the following additional circumstance in which the local board or other child welfare agency having custody of the child shall not be required to make reasonable efforts to reunite the child with a parent: if the court finds that, based on clear and convincing evidence, the parent has subjected any child to aggravated circumstances, or abandoned a child under circumstances which would justify the termination of residual parental rights. "Aggravated circumstances" includes torture, chronic or severe abuse, or chronic or severe sexual abuse.

Patron - Moran

HB1205 Confidentiality of juvenile records. Allows the attorney for the Commonwealth and adult probation and parole officers access to an offender's juvenile criminal record without a court order in order to prepare presentence

reports, risk assessment instruments, and discretionary sentencing guidelines worksheets.

Patron - Marrs

HB1224 Child custody proceedings. Provides that the juvenile and domestic relations district court has the authority to order psychological or custody evaluations and drug tests of a parent, guardian, legal custodian or person standing in loco parentis to the child.

Patron - Jones, J.C.

HB1236 Juvenile detention; adults. Provides that predispositional detention of persons 18 years of age or older shall be in an adult facility unless ordered for a violation of the terms and conditions of release from a juvenile correctional center, in which case the judge may order such detention in a juvenile facility.

Patron - Jones, J.C.

HB1344 Confidentiality of juvenile court records; exceptions. Allows the attorneys for the Commonwealth and probation officers electronic access to offenders' juvenile delinquency records for the strictly limited purposes of preparing a presentence report, sentencing guidelines or transfer or sentencing hearing.

Patron - Hurt

SB130 Termination of parental rights. Provides the following additional circumstance in which the local board or other child welfare agency having custody of the child shall not be required to make reasonable efforts to reunite the child with a parent if the court finds that, based on clear and convincing evidence, the parent has subjected any child to aggravated circumstances, or abandoned a child under circumstances which would justify the termination of residual parental rights. "Aggravated circumstances" includes torture, chronic or severe abuse, or chronic or severe sexual abuse.

Patron - Ticer

SB290 Domestic violence; penalty. Creates a state-wide facilitator for victims of domestic violence within the Office of the Attorney General. The bill also redefines family abuse to include reasonable apprehension of any bodily injury rather than serious bodily injury as under current law. The bill also requires that law-enforcement agencies enter information on protective orders into the Virginia Criminal Information Network (VCIN) immediately upon receipt. The bill removes the provision that marital rape cannot occur unless the spouses were living apart or there was bodily injury caused by force or violence. The bill also creates a protective order registry within the State Police to be made available to all criminal justice agencies in the Commonwealth. This bill is identical to HB 488.

Patron - Norment

SB467 Criteria for detention or shelter care. Provides that a juvenile may be detained in a secure facility pursuant to a detention order or warrant when there is probable cause to believe that he violated the terms of his probation or parole and the charge for which he was originally placed on probation or parole would have been a felony or Class 1 misdemeanor if committed by an adult. Currently, secure detention is allowed only when the juvenile is alleged to have committed an act that would be a felony or Class 1 misdemeanor if committed by an adult.

Patron - Puller

SB474 General district courts; jurisdictional amounts; exception. Provides an exception to the \$15,000 jurisdictional limit in general district courts for cases involving

liquidated damages for violation of vehicle weight limits. In 2001 the General Assembly amended § 46.2-1135 (which refers to general district courts) to increase liquidated damages, which means that cases will more frequently exceed \$15,000.

Patron - Quayle

[P]SB533 Court services units. Allows localities with a state-operated juvenile court services unit to establish a locally operated unit instead.

Patron - Mims

[P]SB534 Violent juvenile felonies. Provides that the court may impose an adult sentence on a juvenile tried as an adult and convicted of a violent juvenile felony but may order that a portion of it be served in a juvenile correctional facility.

Patron - Mims

[P]SB537 Child dependency cases; appointment of counsel. Affords the right of counsel to a parent or guardian of a child who is alleged to be abused or neglected or at risk of abuse or neglect, a parent that could be subjected to the loss of residual parental rights, or any other adult charged with abuse or neglect of a child. If the identity or location of a parent or guardian is not reasonably ascertainable or if a parent or guardian fails to appear at one of the specified hearings, the court shall consider appointing an attorney-at-law to represent the interests of this absent party, and the hearing may be held. For proceedings related to a child's placement in foster care, the court is required to consider appointing counsel to represent the child's parent or guardian. The court currently has discretion to appoint counsel for these hearings. Existing law is also amended to match the current practice of appointment of a guardian ad litem for a child who is the subject of a petition filed in the juvenile court in connection with a parental placement adoption consent hearing. This bill has been endorsed by the Committee on District Courts.

Patron - Mims

[P]SB538 Permanency planning; children in foster care. Requires the court to make a finding concerning whether reasonable efforts have been made to place the child in a timely manner in accordance with the foster care plan and to take the steps necessary to finalize the permanent placement of the child at the actual hearing at which the court orders the child's permanent placement and annually thereafter. The bill requires an annual foster care review hearing for children in permanent foster care. Permanent foster care is given a higher priority than independent living, to promote attachment to an adult caregiver. This bill has been endorsed by the Committee on District Courts.

Patron - Mims

[P]SB655 Driving privileges. Amends provisions regarding the juvenile court's authority to deny driver's licenses for six months past the age of 16 years so that the court has the authority to deny a driver's license for six months past the age of 16 years and three months. The bill also changes provisions allowing nonresidents over the age of 16 years to drive in Virginia to reflect the 2001 change in the driving age to 16 years and three months.

Patron - Mims

Failed

[F]HB261 Incomplete appeal of a district court case. Provides that if a child or adult withdraws his appeal from any district court before final adjudication by the circuit court, the circuit court shall remand the person to the jurisdiction of the

juvenile and domestic relations district court for its supervision, under the terms of its original order or judgment.

Patron - McQuigg

[F]HB277 Juvenile fingerprinting. Allows police to fingerprint juveniles issued a summons for possession of marijuana.

Patron - Broman

[F]HB283 Failure to comply with court-ordered visitation. Provides that in cases involving failure to comply with court-ordered visitation, the aggrieved parent may initiate a complaint with the attorney for the Commonwealth in the jurisdiction where the order was entered or in the jurisdiction where the failure to comply occurred.

Patron - Louderback

[F]HB591 Child custody and visitation; education seminars. Amends provisions requiring parental education seminars in cases of contested custody or visitation to require any person who is a party, not just a parent, to attend an educational program on the effects of separation and divorce on children, parenting responsibilities, options for conflict resolution and financial responsibilities. The bill also allows the court to exempt low-income persons if there is no program available for such person.

Patron - Reid

[F]HB601 Parental consent for abortion. Requires a physician to obtain parental consent prior to performing an abortion on an unemancipated minor. Under current law, the parents of the minor must be notified of the abortion, but do not have to give consent.

Patron - Black

[F]HB702 Local judicial nominations committees. Establishes a judicial nominations committee in each circuit, composed of citizens and lawyers appointed by majority vote of the members of the General Assembly who represent any portion of the circuit. The committees are to investigate candidates (including incumbent judges) for circuit and district court vacancies and submit reports on up to three nominations per vacancy to the General Assembly. There is an opt-out provision for those delegations that already have nomination procedures in place.

Patron - Armstrong

[F]HB830 Juvenile and domestic relations district court; jurisdiction. Adds a preface to the jurisdictional statute of the juvenile and domestic relations district court that reads "after giving due regard to the primacy of the parent-child relationship and upon a showing by clear and convincing evidence that the best interests of the child would be served in protecting the child's health or welfare, the State has a compelling interest to act."

Patron - Nixon

[F]HB964 Local court service units; compensation of local probation officers, court service staff members, etc. Requires the State to pay the compensation of local court service unit personnel. Currently, the state share is one-half in certain localities that have chosen to retain a local court service staff.

Patron - Almand

[F]HB1142 Authority to hire court services staff and directors. Clarifies the roles of the Director of the Department of Juvenile Justice and the juvenile and domestic relations district court judges to hire, transfer and terminate probation officers and supervisors in state-operated court service units and

clarifies the juvenile court's authority to appoint a court services unit director for each locally operated court services unit. This bill passed during the 2001 General Assembly Session with a second enacting clause that provided that it must be reenacted by the 2002 Session of the General Assembly to become effective.

Patron - Dillard

[F]HB1218 Criteria for detention of juveniles. Provides that a juvenile who has run away from home on a previous occasion may be placed in shelter care until the initial court appearance.

Patron - Carrico

[F]HB1240 Assignment of judges. Authorizes the Chief Justice to designate and temporarily assign any judge or retired judge to sit at any trial court level. Current law allows circuit court judges (including retired judges) to sit on assignment in circuit court and district court judges (including retired judges) to sit on assignment in district court.

Patron - Johnson

[F]HB1309 Prepayable traffic infractions and non-traffic offenses. Removes the Supreme Court's authority to set the minimum fines for prepayable infractions and offenses and provides for these under statute instead. The bill also increases each minimum fine by \$10 except for those applicable to speeding, which are increased by one dollar to four dollars for each mile over the speed limit.

Patron - Barlow

[F]SB168 Affirmative defense to prosecution for abuse and neglect; infant-receiving facilities; emergency custody of abandoned children. Provides that when a parent voluntarily delivers a child no older than 72 hours to an infant-receiving facility, the parent will have an affirmative defense to prosecution for abuse or neglect, if the abuse or neglect prosecution is based solely upon the parent's delivery of the child to an infant-receiving facility. Infant-receiving facilities include hospitals, physicians' offices, local departments of health, local departments of social services, and rescue squads or fire departments that include emergency medical technicians. Acute care hospitals offering 24-hour emergency service are required to become infant-receiving facilities; becoming an infant-receiving facility is discretionary with the other entities listed. The parents may remain anonymous. However, the parents will be given a personal identification number and a toll-free telephone number so that they may contact social services to provide information about the health or family history of the infant. By delivering the child to an infant-receiving facility, the parents are presumed to have consented to termination of their parental rights. Personnel who accept these children would be immune from liability absent gross negligence or willful misconduct. The Department of Social Services, in conjunction with the Department of Health, is required to develop guidelines for establishing and maintaining an infant-receiving facility. The Department of Social Services is required to launch a media campaign to publicize the emergency custody procedures for abandoned children. The bill has an 8-year sunset clause.

Patron - Byrne

[F]SB278 Failure to pay child support. Provides that the failure to pay child or spousal support must be done knowingly, willfully or intentionally before penalties are imposed. The court must follow an order of preference in imposing penalties, and persons are to be confined in local correctional facilities only on days they are not scheduled to work. Continuous confinement in a local correctional facility will occur only if the court determines that no lesser punishment is proper. The

court is directed to endeavor to enable the party to work at his present job, attend school or secure employment.

Patron - Marsh

[F]SB381 Local court service units; compensation of local probation officers, court service staff members, etc. Requires the State to pay the compensation of local court service unit personnel. Currently, the state share is one-half in certain localities that have chosen to retain a local court service staff.

Patron - Whipple

[F]SB464 Withdrawn appeal of a district court case. Provides that if a child or adult withdraws his appeal from any district court before final adjudication by the circuit court, the circuit court shall remand the person to the jurisdiction of the district court for its supervision, under the terms of its original order or judgment.

Patron - Puller

[F]SB539 Permanent foster care; court review. Requires annual court review of permanent foster care cases.

Patron - Mims

[F]SB645 Parental consent for abortion. Requires a physician to obtain parental consent prior to performing an abortion on an unemancipated minor. Under current law the parents of the minor must be notified of the abortion but do not have to give consent.

Patron - Colgan

Carried Over

[C]HB25 Juvenile not guilty by reason of insanity. Recognizes the finding of "not guilty by reason of insanity" for a child charged with a delinquent act in juvenile court proceedings. The bill closely parallels the adult statute on not guilty by reason of insanity. If the court finds a child not guilty, and the child poses an unreasonable risk to the community, the court may commit the child to the Department of Mental Health, Mental Retardation and Substance Abuse Services for treatment. If the child does not pose a risk, the court may refer the child as one in need of services to the local family assessment and planning team for services under the Comprehensive Services Act for At-Risk Youth and Families. The bill adds such children to the mandated service pool under the Act. This bill is a recommendation of the Virginia Bar Association, which was requested by the General Assembly (see HJR 680, 1999) to review this area of the law. See also *Commonwealth v. Chapman*, 30 Va. App. 593, 601, 518 S.E.2d 847, 851 (1999) rev'd Virginia Supreme Court, November 3, 2000, Record No. 992706, where the Supreme Court held that the insanity defense is not available to juveniles absent specific statutory authority.

Patron - Darner

[C]HB311 Number of juvenile judges. Adds one judge each to the Fifteenth Judicial District (Fredericksburg, Caroline, Essex, Hanover, King George, Lancaster, Northumberland, Richmond County, Spotsylvania, Stafford, Westmoreland) and the Twenty-seventh Judicial District (Galax, Radford, Bland, Carroll, Floyd, Giles, Grayson, Montgomery, Pulaski, Wythe).

Patron - Howell

[C]HB424 Juveniles; duty of person taking child into custody. Requires that whenever a child who is under 15 years old is taken into custody regarding the commission or alleged commission of certain acts and such child is deprived of his

freedom, the person taking the child into custody shall (i) advise the child of such deprivation of freedom, (ii) advise the child that he has the right to counsel and to have present his parent, guardian, legal custodian or other person standing in loco parentis, (iii) notify such counsel or parent, guardian, legal custodian or other person standing in loco parentis, and (iv) not interrogate the child until such parent, guardian, legal custodian or other person standing in loco parentis is present.

Patron - McQuigg

[C]HB590 Minor children; custody and visitation. Removes the concepts of custodial parents, custody and visitation from the Code and replaces them with managing parent, associate parent and parenting arrangements.

Patron - Reid

[C]HB672 Court-appointed counsel. Provides for court-appointed counsel to represent a parent, guardian or other adult in an abuse and neglect case to receive compensation equivalent to that received by the guardian ad litem representing the child.

Patron - Watts

[C]HB920 Affirmative defense to prosecution for abuse and neglect; infant-receiving facilities; emergency custody of abandoned children. Provides that when any person voluntarily delivers a child no older than 72 hours to an infant-receiving facility, the person will have an affirmative defense to prosecution for abuse or neglect, if the abuse or neglect prosecution is based solely upon the delivery of the child to an infant-receiving facility. Infant-receiving facilities include hospitals and police departments. Other facilities may opt-in by complying with standards set up by the Department of Health and the Department of Social Services. The person may remain anonymous. Personnel who accept these children would be immune from liability absent gross negligence or willful misconduct. The Department of Social Services, in conjunction with the Department of Health, shall launch a media campaign to promote safe placement alternatives for newborn infants and publicize the emergency custody for certain abandoned children procedures.

Patron - Griffith

[C]HB953 Assault and battery against a family or household member; penalty. Provides that upon conviction for an assault and battery against a family or household member, where it is alleged that (i) such person has been previously convicted of assault and battery against a family member and (ii) within 72 hours of that person's release from incarceration serving a sentence for such conviction that person commits another such violation, such person shall be guilty of a Class 6 felony. The bill also requires trial for violation of a family protective order or family assault and battery within 45 days where practical.

Patron - Baskerville

[C]HB1246 Juvenile placement in a secure facility. Lowers the age from 14 to older than 10 in which a court may order a juvenile confined in a secure facility if found to have committed certain offenses.

Patron - Darner

[C]SB288 Appointment of counsel; compensation. Allows a court-appointed attorney representing a juvenile on a felony charge the same fee as if representing an adult on a felony charge and requires the court, when appointing counsel in an indigent case, to appoint an attorney who has been deemed qualified pursuant to established standards. The bill also

repeats in Title 19.2 those provisions from Title 16.1 governing standards for guardians ad litem.

Patron - Norment

[C]SB641 Protective orders; dating violence. Creates a provision for issuing protective orders to persons in a dating relationship. A dating relationship is defined as a romantic relationship between individuals that exists or has existed for a reasonably continuous period of time. Jurisdiction is in the general district court unless the respondent is a minor, in which case jurisdiction is in the juvenile and domestic relations district court.

Patron - Watkins

[C]SB653 Juvenile fingerprints and DNA. Requires, in cases where juvenile fingerprints are taken under current law, retention of the fingerprints if the original charge against the juvenile was reduced to a misdemeanor or if there was no finding of guilt pursuant to a deferred disposition. Under current law the only situation in which fingerprints retained on a juvenile who is found not guilty is if the juvenile is charged with a violent juvenile felony.

Patron - Mims

Courts of Record

Passed

[P]HB107 Posting of "In God We Trust". Provides that "In God We Trust" shall be posted in every courtroom in the Commonwealth when the General Assembly appropriates funds for such postings.

Patron - Marshall, R.G.

[P]HB151 Legal Aid Services Fund. Raises the additional fees collected in all cities and counties in which civil legal representation is provided for the poor, without charge, by a nonprofit legal aid program organized under the auspices of the Virginia State Bar, from two to four dollars in both district and circuit courts.

Patron - Bryant

[P]HB675 Clerks fees; information technology fee. Provides an exception where a clerk has implemented a technology plan approved by the Department of Technology Planning allowing allocations to exceed the pro rata share of the collections of the three-dollar fee relative to the chancery and law actions filed in that jurisdiction.

Patron - Reese

[P]HB782 Clerks of court; electronic filing. Allows a circuit court clerk to enter into an agreement with banks, mortgage companies or other lending institutions for the purpose of electronically recording certificates of satisfaction and assignments of the underlying notes secured by previously recorded deeds of trust.

Patron - Reese

[P]HB857 Technology Trust Fund fee; sunset. Extends the sunset from July 1, 2002, to July 1, 2004. This bill is identical to SB 83.

Patron - Phillips

[P]HB869 Grantor/grantee index; clerk's office. Allows a court clerk's office to maintain grantor/grantee indexes on paper.

Patron - Phillips

HB999 Judicial performance evaluation program. Requires the Supreme Court to establish a one-year pilot judicial performance evaluation program beginning January 1, 2003, if funds are appropriated by the general appropriation act. There is a January 1, 2004, effective date for the Supreme Court to establish and maintain a judicial performance evaluation program that will provide a self-improvement mechanism for judges and a source of information for the reelection process. By September 1 of each year, the Supreme Court will transmit a final evaluation of each justice and judge whose term expires during the next session to the Chairmen of the House and Senate Committees for Courts of Justice.

Patron - McDonnell

HB1186 Election of Chief Justice by the justices of the Court. Changes the manner in which the Chief Justice is chosen to a majority vote of the justices as opposed to the ascension of the most senior justice. The bill applies to the next Chief Justice of the Supreme Court and does not affect the current Chief Justice or his term. This bill is identical to SB 138.

Patron - Kilgore

HB1209 Clerk of circuit court; military service discharge records. Provides that discharge certificates and reports of separation from active duty recorded with the clerk of circuit court shall be open for inspection and copying only by (i) the subject of the record, (ii) the conservator or guardian of the subject, (iii) the executor or administrator of the subjects estate, (iv) representatives acting on behalf of or at the request of the subject, or (v) any agency of federal, state, or local government. The bill also provides that the clerk may permit the use of discharge certificates or reports of separation from active duty for bona fide research purposes if the subject of the record is deceased.

Patron - Cox

SB83 Technology Trust Fund fee; sunset. Extends the sunset from July 1, 2002, to July 1, 2004. This bill is identical to HB 857.

Patron - Wampler

SB138 Election of Chief Justice by the justices of the Court. Changes the manner in which the Chief Justice is chosen to a majority vote of the justices as opposed to the ascension of the most senior justice. The bill applies to the next Chief Justice of the Supreme Court and does not affect the current Chief Justice or his term. This bill is identical to HB 1186.

Patron - Stolle

SB150 Court fees. Establishes fixed fees for proceedings for misdemeanors, traffic infractions and other violations in district and circuit court. The fixed fees aggregate the most common costs to be collected by clerks of court, many of which are earmarked for distribution to specific funds. The fees are collected in the case of a conviction, certain deferred dispositions without a finding of guilt, or revocation of probation or a suspended sentence. The bill was recommended by the Committee on District Courts in order to more efficiently process cases, utilize automation and minimize inconvenience to the public.

Patron - Norment

SB153 Circuit court clerks. Makes various revisions to the duties and responsibilities of filings, etc., in the circuit court clerks' offices such as: clarifying the limitations on public access to social security numbers; authorizing localities to supplement clerks salaries; giving authority to clerks to sign prisoner transportation orders when authorized by the judge; providing for the disposition of original wills after microfilm-

ing; removing the reference to abstracts of executions on judgments that no longer have to be filed; clarifying that partial certificates of satisfaction are to be indexed; deleting obsolete references to fees for applications for tax deeds; clarifying procedure for filing requests for copies of certificates of analysis in criminal cases; requiring court orders to specifically identify the human biological evidence to be preserved in a criminal case; clarifying the fees payable on petitions for approval of proposed distributions from minors' estates; and waiving application fees for deputy circuit court clerks seeking appointment as notaries public.

Patron - Norment

SB676 Charitable corporations. Grants the Attorney General authority to act on behalf of the public with respect to charitable corporations and grants circuit courts subject matter jurisdiction over matters pertaining to assets of charitable corporations, thus overruling the decision in *Commonwealth of Virginia v. The JOCO Foundation*, Record No. 011794 (January 11, 2002).

Patron - Stosch

Failed

HB342 Court of Appeals of Virginia. Requires that opinions and decisions considered by the Court to have precedential value or significance to the legal system are to be designated as published opinions.

Patron - Albo

HB367 Number of circuit court judges. Adds one circuit court judge to Chesapeake. This bill contains an emergency clause.

Patron - Cosgrove

HB751 Judicial Qualifications Commission. Establishes a judicial qualifications commission to review and report on the qualifications of candidates for judicial office. The 17-member commission is composed of appointees of each branch of government. The bill includes qualification guidelines and procedures (including requiring public hearing on candidates prior to recommendation) for use by the Commission.

Patron - Plum

HB917 Drug Treatment Court. Allows for each jurisdiction to establish drug treatment courts.

Patron - Griffith

HB1219 Registry of special conservators of the peace. Directs the clerk of the appointing circuit court to record all orders of appointment applicable to that circuit, of special conservators of the peace and special police officers, in a book available for inspection in his office.

Patron - Woodrum

HB1223 Assignment of judges. Authorizes the Chief Justice to designate and temporarily assign any judge or retired judge to sit at any trial court level. Current law allows circuit court judges (including retired judges) to sit on assignment in circuit court and district court judges (including retired judges) to sit on assignment in district court.

Patron - Jones, J.C.

SB205 Number of circuit court judges. Adds one additional circuit court judge to the Fifteenth Judicial Circuit (Fredericksburg, Caroline, Essex, Hanover, King George, Lancaster, Northumberland, Richmond, Spotsylvania, Stafford and Westmoreland).

Patron - Houck

[F]SB404 Assessment for courthouse security. Allows localities to assess each criminal, civil and traffic case a fee of up to \$10 for courthouse security.

Patron - Rerras

[F]SB686 Assessment for law library. Clarifies that the full assessment allowed for law libraries is available without regard to a county or city's population.

Patron - Marsh

Carried Over

[C]HB258 Incorrect defendant named in civil cases. Provides a process for expungement of a civil record where a wrong defendant is named.

Patron - McQuigg

[C]HB719 Number of circuit court judges. Increases the number of circuit court judges by adding one to each of the following circuits: First Judicial Circuit (Chesapeake), Fourteenth Judicial Circuit (Henrico), Fifteenth Judicial Circuit (Fredericksburg, Caroline, Essex, Hanover, King George, Lancaster, Northumberland, Richmond County, Spotsylvania, Stafford and Westmoreland) and the Twenty-ninth Judicial Circuit (Buchanan, Dickenson, Russell and Tazewell).

Patron - Howell

[C]HB812 Electronic dissemination of public records. Requires that all personal information of law-enforcement officers (including names, addresses, telephone numbers and social security numbers) be redacted from records of the circuit courts and tax documents (including real property assessments) that are made public by means of display on the Internet.

Patron - Almand

[C]SB57 Mental health courts; pilot program. Directs the Office of the Executive Secretary of the Supreme Court to establish no less than two and no more than five mental health courts for nonviolent offenders with serious mental illnesses in Virginia by January 1, 2003.

Patron - Edwards

[C]SB294 Virginia Supreme Court; duties. Requires the Supreme Court to maintain in their voucher database system, for cases where counsel is appointed for an indigent defendant, the charges and corresponding sections of the Code for which payment was rendered, the dates of service, and hours per case as submitted by an attorney for all cases including those handled on appeal and for habeas petitions.

Patron - Norment

[C]SB550 Local judicial nominations committees. Establishes a judicial nominations committee in each circuit, composed of citizens and lawyers appointed by majority vote of the members of the General Assembly who represent any portion of the circuit. The committees are to investigate candidates (including incumbent judges) for circuit and district court vacancies and submit reports on up to three nominations per vacancy to the General Assembly. There is an opt-out provision for those delegations that already have nomination procedures in place.

Patron - Mims

Crimes and Offenses Generally

Passed

[P]HB67 Charging a violation of driving while intoxicated. Clarifies language in DUI law to require the warrant, information, or indictment on which a person is convicted to allege that such person has been previously convicted of an offense committed within the specified time period (five or 10 years). The bill also includes some clarifying, non-substantive changes.

Patron - Janis

[P]HB119 One-handgun-a-month. Provides that the one-handgun-a-month purchase limitation does not apply to a person who trades in a handgun at the same time he makes a handgun purchase and as a part of the same transaction, provided that no more than one transaction of this nature is completed per day.

Patron - Pollard

[P]HB223 Concealed weapons. Provides that no fee shall be charged for the issuance of a concealed weapon permit for a retired law enforcement officer after completing fifteen years of service with a police or sheriff's department within the United States, the District of Columbia or any of the territories of the United States.

Patron - Carrico

[P]HB260 Infectious biological substances. The bill defines "radiological agent" and provides that the possession, with the intent to injure another, of an infectious biological substance or radiological agent, capable of causing death or serious bodily injury, is a Class 5 felony. A person who manufactures, sells, gives, distributes or uses an infectious biological substance or radiological agent with the intent to injure another is guilty of a Class 4 felony. This bill is identical to the amendments to § 18.2-52.1 in HB 1120 and SB 514.

Patron - McQuigg

[P]HB300 Possession of stun weapons and tasers by convicted felons. Rewords last year's amendment to the law that prohibits a convicted felon from possessing a firearm to make it abundantly clear that he may possess only a stun weapon or taser as defined by § 18.2-308.1 in his residence or the curtilage thereof.

Patron - McDonnell

[P]HB304 Computer trespass. Provides that, with respect to the computer trespass Code section, nothing in the section shall be construed to prohibit a parent or legal guardian from monitoring the computer usage of a minor, denying the minor access to the computer or Internet or lawfully copying data.

Patron - McDonnell

[P]HB308 Reporting of criminal justice record information. Requires the use of Virginia crime code references on all reports to the Central Criminal Records Exchange and to any other criminal offense or offender database maintained by the State Police, the Supreme Court of Virginia, the Department of Corrections, the Department of Juvenile Justice, the Virginia Parole Board and the Department of Criminal Justice Services if reenacted in 2003. The Virginia crime code references are maintained by the Virginia Criminal Sentencing Commission. The bill designates affected agencies to meet and

submit a written plan for accomplishing these requirements to the Crime Commission by December 1, 2002.

Patron - McDonnell

[P]HB369 Obstructing justice by giving a false statement to a law-enforcement officer. Provides that any person who knowingly and willfully makes any materially false, statement or representation to a law-enforcement officer who is in the course of conducting an investigation of a crime by another is guilty of a Class 2 misdemeanor.

Patron - Cosgrove

[P]HB416 Violations of custody or visitation order. Increases the penalty for any person who knowingly, wrongfully and intentionally engages in conduct that constitutes a clear violation of a custody or visitation court order from a Class 4 to a Class 3 misdemeanor. Increases the penalty for a person who commits a second violation of this section within twelve months of a first conviction from a Class 3 to a Class 2 misdemeanor. The penalty for a third violation occurring within twenty-four months of the first conviction is increased from a Class 2 to a Class 1 misdemeanor.

Patron - Reese

[P]HB432 Carrying firearms during period of protective order. Clarifies that any person with a concealed handgun permit is prohibited from carrying any firearm, concealed or otherwise, for the duration of any protective order, and requires surrender of his permit to the court entering the order. A knowing violation is a Class 1 misdemeanor. This bill is substantially similar to SB 46.

Patron - Hurt

[P]HB455 Bad checks; notice of nonpayment. Allows an affidavit of service of mailing to be used when a notice to the drawer is sent by regular mail in a civil action for giving a bad check.

Patron - Griffith

[P]HB456 Crimes; stalking. Exempts law-enforcement officers and regulated private investigators, acting in the course of their business, from the provisions of the stalking statute.

Patron - Griffith

[P]HB565 Criminal solicitation; penalty. Increases the penalty for soliciting another person to commit a murder from the current Class 6 felony to a term not less than five years or more than 40 years. This bill is identical to SB 321.

Patron - Byron

[P]HB666 Impersonation of public safety personnel. Raises the punishment for impersonation of a firefighter or other public safety personnel from a Class 3 to a Class 1 misdemeanor.

Patron - Cox

[P]HB671 Forfeiture of driver's license for driving while intoxicated. Provides that a person loses his driver's license for three years if convicted of driving while intoxicated for the second time within ten years. Currently, apparently by error, there is no time limit and a license could be suspended no matter how many years later the second offense occurs.

Patron - Watts

[P]HB816 Employee court appearances. Expands the statutory protections currently available to employees who are summoned or subpoenaed to court to include persons "who, having appeared, are required in writing by the court to appear at any future hearing." People in this category would then have the protections of the current statute, which provides that an

employer who discharges, takes adverse personnel action, or requires the use of sick leave or vacation time regarding an employee who has given the employer notice of the court appearance is guilty of a Class 3 misdemeanor. This bill is a recommendation of the Committee on District Courts.

Patron - Almand

[P]HB931 Charitable Gaming Commission; fair market rental value. Adds a definition of "fair market rental value" and provides clarification of "winner-take-all" games.

Patron - Joannou

[P]HB951 Criminal background check required for employees of a gun dealer to transfer firearms; exemptions; penalties. Provides an exemption from the requirement of employees of a federally licensed firearms dealer to submit fingerprints if the employees submit a notarized affidavit that they have previously submitted fingerprints to the Bureau of Alcohol, Tobacco and Firearms and were approved by the Bureau. Punishes a false statement in the affidavit as a Class 5 felony.

Patron - Landes

[P]HB1058 Carrying concealed weapons. Provides that any person otherwise eligible, if he is a member of the United States armed forces, may apply for a concealed handgun permit in the county or city in which he is domiciled even though he may be a resident of another state.

Patron - Melvin

[P]HB1120 Terrorism. Broadens Virginia's capabilities to respond to terrorism. The bill defines terrorism and weapon of terrorism and punishes committing, aiding and abetting terrorism, manufacture and possession of terrorist and hoax devices, acts of bioterrorism against agricultural crops or animals and making terrorist threats. The bill makes murder in the furtherance of terrorism a capital crime. The bill defines "radiological agent" and provides that the possession, with the intent to injure another, of an infectious biological substance or radiological agent, capable of causing death or serious bodily injury, is a Class 5 felony. A person who manufactures, sells, gives, distributes or uses an infectious biological substance or radiological agent with the intent to injure another is guilty of a Class 4 felony. The bill adds search and rescue and emergency medical services personnel to the section that provides enhanced penalties for malicious bodily injury to law-enforcement officers and fire-fighters. The bill allows the Attorney General to prosecute money laundering with the concurrence of the attorney for the Commonwealth of the locality. The bill expands wiretap capabilities in response to terrorist activity and restricts admission to bail of a person charged with a terroristic crime. The bill also expands seizure and forfeiture law to include property associated with terrorism. The bill allows localities to be reimbursed for emergency response costs for terrorism hoaxes. This bill is identical to SB 514.

Patron - Albo

[P]HB1154 Medically induced infanticide; penalty. Creates a Class 4 felony for any person to cause the death of a living fetus by deliberately and intentionally performing either: (i) the delivery of a living fetus or a substantial portion thereof into the vagina for the purpose of performing a subprocedure intended to kill the fetus, performing the subprocedure and completing the delivery of the fetus regardless of whether death occurs before or after delivery or (ii) surgically accessing a living fetus by Caesarian section for the purpose of performing a subprocedure intended to kill the fetus, performing the subprocedure and delivering the fetus whether death occurs before or after delivery. The procedure is deemed necessary for the preservation of the life or health of the pregnant woman

only if it will avert her death or avoid a serious risk of substantial and irreversible impairment of a major bodily function. The bill includes a severability clause.

Patron - Marshall, R.G.

[P]HB1173 Burning object on property of another or public place with intent to intimidate; penalty. Creates a new section without amending existing language in the current cross-burning statute to provide that, without any reference to a cross, any person, with the intent of intimidating another, who burns an object on the private property of another, on a highway or other public place in a manner having a direct tendency to place another in reasonable fear or apprehension of death or bodily injury is guilty of a Class 6 felony. This is in response to the decision of the Virginia Supreme Court in *Black v. Commonwealth*, 2001 Va. Lexis 139 (2001), that found Virginia's cross-burning statute unconstitutional under the First Amendment. This bill is identical to SB 111.

Patron - Sears

[P]HB1233 Charitable gaming; definition of reasonable and proper business expenses. Provides that payments made pursuant to § 51.1-1204 to the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund shall be deemed a reasonable and proper business expense. As a result, a qualified organization may use proceeds from charitable gaming to make contributions to the Fund.

Patron - Gear

[P]HB1251 Interference with rescue squad workers; penalty. Increases the penalty for interfering with rescue squad workers performing their duties from a Class 4 misdemeanor to a Class 2 misdemeanor.

Patron - Armstrong

[P]HB1303 DUI; restricted license. Provides that the court that convicted a person of DUI has continuing jurisdiction over the person during any period of license revocation resulting from that conviction, for the purposes of referring the person to a certified alcohol safety action program and providing a restricted permit whether or not it took either such action at the time of the conviction.

Patron - Griffith

[P]SB23 Concealed weapon permits. Provides that concealed handgun permits issued by the state of Maryland are valid in the Commonwealth if the holder of the permit is licensed in Maryland to perform duties comparable to those performed by Virginia branch pilots licensed pursuant to Chapter 9 (§ 54.1-900 et seq.) of Title 54.1, is performing such duties in Virginia and the holder of the permit is 21 years of age or older. Branch pilots guide ships in and out of harbors. Additionally, the bill exempts certain retired State Corporation Commission special agents from the section.

Patron - Wagner

[P]SB44 Violation of court order regarding custody and visitation; penalty. Increases penalties for a person who knowingly, wrongfully and intentionally engages in conduct that constitutes a clear and significant violation of a court order respecting the custody or visitation of a child from a Class 4 to a Class 3 misdemeanor upon conviction of a first offense and from a Class 3 to a Class 2 misdemeanor for a second conviction within 12 months and from a Class 2 to a Class 1 misdemeanor for a third offense within 24 months.

Patron - Reynolds

[P]SB46 Carrying firearms during period of protective order. Clarifies that any person who is subject to a protective order is prohibited from carrying a concealed handgun

while the order is in effect, even if he holds a concealed handgun permit. The person shall surrender his permit to the court for the duration of the protective order. A violation is a Class 1 misdemeanor. This bill is substantially similar to HB 432.

Patron - Reynolds

[P]SB111 Burning object on property of another or public place with intent to intimidate; penalty. Creates a new section without amending existing language in the current cross-burning statute to provide that, without any reference to a cross, any person, with the intent of intimidating another, who burns an object on the private property of another, on a highway or other public place in a manner having a direct tendency to place another in reasonable fear or apprehension of death or bodily injury is guilty of a Class 6 felony. This is in response to the decision of the Virginia Supreme Court in *Black v. Commonwealth*, 2001 Va. Lexis 139 (2001), that found Virginia's cross-burning statute unconstitutional under the First Amendment. This bill is identical to HB 1173.

Patron - Miller, Y.B.

[P]SB221 Telecommunication devices; penalty. Broadens the definition of "telecommunication device" to include devices and software capable of receiving a variety of transmissions, including telephonic, electronic, Internet access, audio and video. The bill modifies the existing violation of selling or manufacturing unlawful telecommunication devices by adding the work "knowingly." Additionally, the bill provides that for the purposes of punishment, the unlawful activities of knowingly selling or manufacturing unlawful telecommunication devices are separate offenses for each device involved. The bill provides for both the forfeiture of unlawful telecommunication devices and the order of restitution. Finally, the bill provides civil relief for any party providing oil, electric, gas, water, telephone, telegraph, telecommunication or cable television service that is aggrieved by notation of certain sections.

Patron - Stolle

[P]SB321 Criminal solicitation; penalty. Increases the penalty for soliciting another person to commit a murder from the current Class 6 felony to a term not less than five years or more than 40 years.

Patron - Stolle

[P]SB355 Blood alcohol test admissibility. Provides that a blood alcohol test is admissible as a hospital business record in a prosecution for driving under the influence if the test was taken in a hospital emergency room. The bill also provides that such blood alcohol tests are not considered confidential medical records and that anyone who takes blood, conducts tests, or offers testimony is immune from civil liability for breach of confidentiality or unauthorized release of medical records.

Patron - Reynolds

[P]SB485 Issuance and violation of stalking protective orders; penalty. The bill provides that, except when necessary for conduct of the criminal proceeding, the address and telephone number of an allegedly stalked person may not be disclosed. The bill also requires that protective order information be entered into the Virginia Criminal Information Network (VCIN) upon receipt.

Patron - Howell

[P]SB514 Terrorism. Broadens Virginia's capabilities to respond to terrorism. The bill defines terrorism and weapon of terrorism and punishes committing, aiding and abetting terrorism, manufacture and possession of terrorist and hoax devices, acts of bioterrorism against agricultural crops or ani-

mals and making terrorist threats. The bill makes murder in the furtherance of terrorism a capital crime. The bill defines "radiological agent" and provides that the possession, with the intent to injure another, of an infectious biological substance or radiological agent, capable of causing death or serious bodily injury, is a Class 5 felony. A person who manufactures, sells, gives, distributes or uses an infectious biological substance or radiological agent with the intent to injure another is guilty of a Class 4 felony. The bill adds search and rescue and emergency medical services personnel to the section that provides enhanced penalties for malicious bodily injury to law-enforcement officers and fire-fighters. The bill allows the Attorney General to prosecute money laundering with the concurrence of the attorney for the Commonwealth of the locality. The bill expands wiretap capabilities in response to terrorist activity and restricts admission to bail of a person charged with a terroristic crime. The bill also expands seizure and forfeiture law to include property associated with terrorism. The bill allows localities to be reimbursed for emergency response costs for terrorism hoaxes. This bill is identical to HB 1120.

Patron - Stolle

[P]SB518 Family abuse protective orders; penalty. Provides that the name of a person protected by a protective order shall not be disclosed, unless required by law or necessary for law-enforcement purposes and that no fee shall be charged for filing or serving a protective order. Additionally, the bill requires law-enforcement agencies to enter certain information regarding the protective order, upon receipt, into the Virginia Criminal Information Network System (VCIN).

Patron - Howell

Failed

[F]HB12 Slander and libel. Repeals section providing that slanders and libels concerning chastity or virtue of a female constitutes a misdemeanor. This bill is a recommendation of the Virginia Code Commission.

Patron - Landes

[F]HB32 Knowingly harboring a terrorist. Defines knowingly harboring a terrorist. This bill is incorporated into HB 1120.

Patron - Purkey

[F]HB38 Definition of terrorism, criteria for requesting wiretaps, threats of bodily injury; penalties. Redefines terrorism beyond the existing Code definition of terroristic acts, to include actions typically deemed terroristic, i.e., activities or actions in violation of the criminal laws of the Commonwealth that are violent or are dangerous to human life and that appear to be intended to (i) threaten, intimidate or coerce the civilian population or a segment thereof, or (ii) influence the policy or affect the conduct of government. The bill also expands the law of wiretaps to enable an attorney for the Commonwealth to request a wiretap when he suspects criminal activity deemed terrorism. The bill also redefines the law of "threats of death or bodily injury" so that an oral threat is punishable even if not delivered to the actual intended "victim" and increases the penalty if the purpose of the threat is terrorism. This bill is incorporated into HB 1120.

Patron - Woodrum

[F]HB58 Accessories after the fact; terroristic acts. Provides that an accessory after the fact to a felony that is a "terroristic act," as defined by § 52-8.5, is guilty of a Class 3 felony. However, if the "terroristic act" results in death, the per-

son is guilty of a Class 2 felony. This bill is incorporated into HB 1120.

Patron - Purkey

[F]HB129 Violation of court order regarding custody and visitation; penalty. Raises the penalties for clear and significant violations of court ordered custody and visitation from a Class 4 to a Class 1 misdemeanor. Second or subsequent violations within 24 months are raised to a Class 6 felony.

Patron - Jones, J.C.

[F]HB132 Establishment of gun-free school zones; penalty. Provides that any school division may establish a "gun-free school zone" encompassing the physical boundaries of the school property and areas under exclusive use by the school division, provided that the local governing body has adopted an ordinance enabling the school division to establish such zones. The bill also provides that any person who knowingly possesses any firearm while within a gun-free school zone is guilty of a Class 4 misdemeanor.

Patron - Darner

[F]HB133 Crimes against nature. Reduces the penalty for crimes against nature, excluding bestiality, between consenting adults from a Class 6 felony to a Class 4 misdemeanor. This bill is incorporated into HB 1140.

Patron - Darner

[F]HB224 Death penalty. Abolishes the death penalty for Class 1 felonies committed on or after July 1, 2002, and mandates the punishment upon conviction as life imprisonment without the possibility of parole. By virtue of the second enactment clause, the bill does not affect anyone who was convicted of or committed a Class 1 felony prior to the effective date of the bill. The bill leaves the majority of death penalty-related statutes intact for the prosecution or appeal of a death sentence occurring prior to the change in the law.

Patron - Hargrove

[F]HB244 Certain premises deemed common nuisance; penalty. Provides that any office, store, shop, restaurant, dance hall, theater, poolroom, clubhouse, storehouse, warehouse, dwelling house, apartment, building of any kind, vehicle, vessel, boat, or aircraft, which with the knowledge of the owner, lessor, agent of any such lessor, manager, chief executive officer, operator, or tenant thereof, is frequented by persons engaged in prostitution or soliciting for prostitution as described in § 18.2-346, or which constitutes a bawdy place as defined in § 18.2-347, to be judicially declared a common nuisance. Any such owner, lessor, agent of any such lessor, manager, chief executive officer, operator or tenant who knowingly permits, establishes, keeps or maintains such a common nuisance and fails to take reasonable action to remedy the problem is guilty of a Class 1 misdemeanor. For a second or subsequent offense, a person is guilty of a Class 6 felony. After due notice and opportunity to be heard, a court may order such house, motor vehicle, aircraft, boat, vessel or other premises be closed but court may, upon owner or lessor giving bond in the penalty of not less than \$500 with security, turn the same over to its owner or lessor; or proceeding may be had in equity pursuant to § 18.2-354.1.

Patron - Drake

[F]HB269 Wharton's Rule abrogated in drug and munitions delivery cases; penalty. Provides that it is not a defense to an allegation of conspiracy in the law prohibiting the delivery of drugs or explosives to an inmate that all of the alleged conspirators are necessary to the commission of the crime of delivery.

Patron - Landes

HB343 Penalties for embezzlement; penalties. Provides that no person convicted of embezzlement shall be eligible for community service in lieu of other punishment, that any person convicted of misdemeanor embezzlement shall be sentenced to a minimum, mandatory sentence of five days in jail and that any person convicted of felony embezzlement and who is not committed to the Department of Corrections shall be sentenced to a minimum, mandatory sentence of 10 days in jail. This bill is incorporated into HB 360.

Patron - Albo

HB359 What constitutes grand larceny. Raises the minimum amount from \$200 to \$500 for a larceny to be considered grand larceny. This bill is incorporated into HB 360.

Patron - Reese

HB409 Assault and battery against a family member; penalty. Requires that a third conviction of assault and battery against a family member include a mandatory, minimum term of confinement of at least one year, which shall not be suspended, in whole or in part.

Patron - Weatherholtz

HB453 Virginia Comprehensive Terrorism Act; penalties. Defines "act of terrorism" and makes it a Class 2 felony for commission of the act and a Class 1 felony if someone dies as a result of the act. Additionally, the bill makes possession with the intent to injure of a chemical or nuclear substance a Class 3 felony, increases the penalties for possession or release of an infectious biological substance, increases the penalties for possession or manufacture of fire bombs and explosive devices (including "hoax explosive devices"), makes computer trespass in the commission of an act of terrorism a Class 5 felony, makes committing an act of terrorism with a firearm a separate offense, and makes obtaining unauthorized documents from DMV in conjunction with an act of terrorism a Class 4 felony. The bill also gives the Attorney General or his designee the authority to seek a wiretap for suspected terrorists, expands the applicability of pen registers and trap and trace devices, changes the definitions of "pen register" and "trap and trace" devices, removes physical location and geographic boundary requirements from wiretap applications, and adds to the definition of "electronic communication system." Multijurisdictional grand juries are given the authority to investigate terrorism and acts of terrorism are exempted from situations where an act is a violation of two or more laws and the conviction for one of those laws is a bar to prosecution for the others. The bill adds victims of terrorism to definition of "victims" for purposes of the victims rights provisions and adds search and rescue or EMS personnel to those law-enforcement officials in §18.2-51.1. This bill is incorporated into HB 1120.

Patron - Griffith

HB544 Crimes; peeping. Makes it a Class 6 felony for a third or subsequent conviction for an offense under the peeping or spying section or for certain other misdemeanor offenses. The bill also eliminates the requirement that the third or subsequent offense occur within 10 years of the conviction of the predicate offenses.

Patron - Bell

HB563 Abortion; conscience clause. Includes any physician, pharmacist or other medical or health care professional who is asked to dispense any birth-control pill or other medication for the purpose of performing an abortion within the provisions of the conscience clause. The conscience clause states that the objection, in writing, of any facility or practitioner or other person to participating in abortion procedures on

personal, ethical, moral or religious grounds will not be the basis for claims for damages or disciplinary or recriminatory actions or denial of employment.

Patron - Byron

HB582 Deadly physical force. Grants the occupant of a dwelling immunity from civil liability or criminal prosecution for any injury or death resulting from the occupant's use of force, including deadly physical force, against a person when the other person has unlawfully entered the dwelling, has committed an overt act toward the occupant or another person in the dwelling and the occupant reasonably believes he or another person in the dwelling is in imminent danger of bodily harm.

Patron - Welch

HB604 Carrying concealed weapons. Provides that a valid concealed handgun permit or license issued by another state shall be valid in the Commonwealth if the state issues a permit including a photograph of the permittee. The bill removes the requirement that other states maintain 24-hour accessible instant verification and names nine states that currently qualify. Transfers from the State Police to the Attorney General the authority to determine which states' concealed weapon permits are eligible to be recognized in Virginia.

Patron - Black

HB630 Creating false identification cards. Provides that if any person creates for another person any forged, false, altered, fictitious, facsimile or simulated identification document, including, but not limited to, a birth certificate, student identification card or motor vehicle operator's license, he shall be guilty of a Class 1 misdemeanor.

Patron - O'Brien

HB706 Carrying firearms during period of protective order. Clarifies that any person with a concealed handgun permit is prohibited from carrying any firearm, concealed or otherwise, for the duration of any protective order, and requires surrender of his permit to the court entering the order. This bill is incorporated into HB 432.

Patron - Armstrong

HB874 Drug-free day care zone; penalty. Prohibits sale, manufacture, etc. of illegal controlled substances upon the property of any licensed (i) child-caring institution, (ii) child day center or (iii) family day home as defined in § 63.1-195 or upon public property or property open to public use within 1,000 feet of such an institution. An offense would be a felony punishable by one to five years imprisonment and a fine of no more than \$100,000.

Patron - Phillips

HB903 Harboring a terrorist. Provides that the penalty for any person convicted as an accessory after the fact to a felony or misdemeanor that is a "terroristic act," as defined by § 52-8.5, is the same punishment as the underlying act. This bill is incorporated into HB 1120.

Patron - Purkey

HB915 Internet gambling. Clarifies that gambling through the Internet or by any other electronic means is a crime subject to the same prohibitions and penalties of live gambling. Such illegal gambling is punishable by Class 3 misdemeanor.

Patron - Marrs

HB952 Concealed handguns. Prohibits the carrier of a concealed handgun in a public place to consume alcohol or be under the influence of alcohol or illegal drugs and elimi-

brates the restriction on licensed, concealed handguns in restaurants that serve alcohol.

Patron - Ware

HB979 Threats to release infectious biological or chemical substances; penalty. Adds threats to release infectious biological or chemical substances or radioactive material to the existing section of the Code of Virginia related to bomb threats. This bill is incorporated into HB 260.

Patron - Pollard

HB1005 Burning object on property of another or public place with intent to intimidate; penalty. Rewrites the cross-burning statute, without any reference to a cross or other object and without any presumption of intent to intimidate, to provide that any person, with the intent of intimidating another, who burns an object on the property of another, on a highway or other public place is guilty of a Class 6 felony. This is in response to the decision of the Virginia Supreme Court in *Black v. Commonwealth*, 2001 Va. Lexis 139 (2001), that found Virginia's cross-burning statute unconstitutional under the First Amendment. This bill is incorporated into HB 1173.

Patron - McDonnell

HB1009 Violation of court order regarding custody and visitation; penalty. Raises the penalties for clear and significant violations of court ordered custody and visitation from a Class 4 to a Class 1 misdemeanor. Second or subsequent violations within 24 months are raised to a Class 6 felony.

Patron - Van Yahres

HB1059 Burning object on property of another or public place with intent to intimidate; penalty. Rewrites the cross-burning statute, without any reference to a cross or other object and without any presumption of intent to intimidate, to provide that any person, with the intent of intimidating another, who burns an object on the property of another, on a highway or other public place is guilty of a Class 6 felony. This is in response to the decision of the Virginia Supreme Court in *Black v. Commonwealth*, 2001 Va. Lexis 139 (2001), that found Virginia's cross-burning statute unconstitutional under the First Amendment. This bill is incorporated into HB 1173.

Patron - Melvin

HB1081 Sodomy between consenting adults; penalty. Decriminalizes sodomy between consenting adults with the exception that sodomy in public would remain a Class 6 felony. The bill also provides that solicitation of carnal knowledge would be a Class 6 felony. This bill is incorporated into HB 1140.

Patron - Brink

HB1140 Sodomy between consenting adults; penalty. Decriminalizes sodomy between consenting adults with the exception that sodomy in public would remain a Class 6 felony. The bill also provides that solicitation of carnal knowledge would be a Class 6 felony.

Patron - Dillard

HB1227 Infectious biological substances; penalty. Redefines the term "infectious biological substance" to mean any bacteria, viruses, fungi, protozoa, or rickettsiae capable of causing death or serious bodily injury and defines the term "imitation infectious biological substance" to mean any substance in any form whatsoever that is not an infectious biological substance, and which by overall appearance or by representations made, would cause the substance to be mistaken by a reasonable person for an infectious biological substance. The bill also punishes possession and use of an

imitation infectious biological substance and raises penalties for a violation of the law prohibiting possession and use of an infectious biological substance. This bill is incorporated into HB 260.

Patron - Purkey

HB1254 Forfeiture of driver's license for DWI. Reinserts a 10-year limitation period for the commission of a second offense in order for a person to forfeit his privilege to drive for three years. This limitation period was the law prior to July 1, 2001, and was deleted after this section was amended by legislation enacted by the 2001 Session.

Patron - Howell

HB1274 Out-of-state concealed handgun permits. Provides that concealed handgun permits issued by another state are valid in Virginia if the permit holder also carries valid, government-issued photo identification. This bill is incorporated into HB 604.

Patron - Abbitt

HB1281 Concealed handgun permit; retired law-enforcement officers. Provides that retiring law-enforcement officers who are domiciled and working in the Commonwealth and in good standing at the time of retirement may be granted, upon retirement, a concealed handgun permit without application. This bill is incorporated into HB 223.

Patron - Athey

HB1355 Possessing a dangerous weapon in a publicly owned recreation or community center; penalty. Allows the governing body of any county with an urban county executive form of government to adopt an ordinance making the possession of a dangerous weapon in a publicly owned recreation or community center a Class 1 (or less) misdemeanor. Exceptions are included for law enforcement personnel and court personnel.

Patron - Hull

SB25 DUI; penalty. Provides a minimum mandatory sentence of two days in jail for anyone convicted of DUI. This is in addition to penalties that currently exist in the Code of Virginia.

Patron - Reynolds

SB128 Hate crimes; penalty. Adds gender, physical disability and sexual orientation to the categories of acts for which a person may seek injunctive relief or file an action for damages. The bill also adds gender, physical disability and sexual orientation to the categories of victims whose selection for a "hate crime" involving assault or trespass amplifies the Class 1 misdemeanor or Class 6 felony penalty. The penalty includes a mandatory, minimum term. The bill also expands the terroristic act reporting requirements of the State Police.

Patron - Ticer

SB143 Sex Offender and Crimes Against Minors Registry. Requires registration of persons who have been convicted of unlawful photographing, videotaping or filming of a nonconsenting person who is nude or in a state of undress that exposes private body parts in circumstances where the person would have a reasonable expectation of privacy.

Patron - Ticer

SB196 Virginia Alcohol Safety Action Program (VASAP) eligibility for nonresidents. Provides that any person who has been convicted of driving under the influence in the Commonwealth and is domiciled in Virginia but has failed to establish residency or acquire a Virginia motor vehicle operator's license, may petition the general district court of the

county or city in which he is domiciled that he be given probation and assigned to a VASAP program.

Patron - Deeds

SB223 Terrorism; penalties. Defines terrorism to include activities or actions in violation of the criminal laws of the Commonwealth that are violent or are dangerous to human life and that appear to be intended to (i) threaten, intimidate or coerce the civilian population or a segment thereof, or (ii) influence the policy or affect the conduct of government. The bill also defines imitation infectious biological substances and redefines infectious biological substances, and raises penalties for use of infectious biological substances. The bill redefines the elements necessary for a prosecution under the "threats" statute to clarify that either oral or written threats do not have to be delivered to the intended victim to be punishable. The bill adds culpability for threatening to poison a place or compelling the evacuation of a place to the "bomb threat" statute that now punishes just bomb threats. The bill increases punishment under that same statute if the act is done in the furtherance of terrorism. The bill allows the Attorney General to apply for a wiretap if he suspects someone of felonious activity in furtherance of terrorism. The bill creates the rebuttable presumption that a terrorist is ineligible for bail. This bill is incorporated into SB 514.

Patron - Stolle

SB228 Carrying concealed weapons. Transfers from the State Police to the Attorney General the authority to determine which states' concealed weapon permits are eligible to be recognized in Virginia and to maintain that information on VCIN and to provide the VCIN information to law-enforcement. The bill also specifies that persons holding permits from the states of Arkansas, North Carolina, Tennessee, West Virginia and Washington may carry a concealed weapon in Virginia.

Patron - Trumbo

SB305 Use of firearm in committing felony. Provides that punishment for the use or display of a firearm in committing a felony must run consecutively with punishment for any other charge or offense. Under current law punishment cannot run consecutively with the punishment received for the primary offense.

Patron - Edwards

SB315 Virginia Comprehensive Terrorism Act; penalties. Defines "act of terrorism" and makes it a Class 2 felony for commission of the act and a Class 1 felony if someone dies as a result of the act. Additionally, the bill makes possession with the intent to injure of a chemical or nuclear substance a Class 3 felony, increases the penalties for possession or release of an infectious biological substance, increases the penalties for possession or manufacture of fire bombs and explosive devices (including "hoax explosive devices"), makes computer trespass in the commission of an act of terrorism a Class 5 felony, makes committing an act of terrorism with a firearm a separate offense, and makes obtaining unauthorized documents from DMV in conjunction with an act of terrorism a Class 4 felony. The bill also gives the Attorney General or his designee the authority to seek a wiretap for suspected terrorists, expands the applicability of pen registers and trap and trace devices, changes the definitions of "pen register" and "trap and trace" devices, removes physical location and geographic boundary requirements from wiretap applications, and adds to the definition of "electronic communication system." Multijurisdictional grand juries are given the authority to investigate terrorism and acts of terrorism are exempted from situations where an act is a violation of two or more laws and the conviction for one of those laws is a bar to prosecution for the others. The bill adds victims of terrorism to definition of

"victims" for purposes of the victims rights provisions and adds search and rescue or EMS personnel to those law-enforcement officials in §18.2-51.1. This bill is incorporated into SB 514.

Patron - Stolle

SB361 Blood alcohol test admissibility. Provides that a blood alcohol test is admissible in a prosecution for driving under the influence if that test was taken in an emergency room at the request of and for use by the emergency room physician for the purpose of assisting in diagnosis and treatment. Such a test would be admissible as a hospital business record. Physician-patient confidentiality regarding the test is negated, and civil immunity is provided to anyone who offers testimony pursuant to the blood test.

Patron - Reynolds

SB410 Burning object on property of another or public place with intent to intimidate; penalty. Rewrites the cross-burning statute, without any reference to a cross or other object and without any presumption of intent to intimidate, to provide that any person, with the intent of intimidating another, who burns an object on the property of another, on a highway or other public place is guilty of a Class 6 felony. This is in response to the decision of the Virginia Supreme Court in *Black v. Commonwealth*, 2001 Va. Lexis 139 (2001), that found Virginia's cross-burning statute unconstitutional under the First Amendment. This bill is incorporated into SB 111.

Patron - Rerras

SB418 Internet gambling. Clarifies that gambling through the Internet or by any other electronic means is a crime subject to the same prohibitions and penalties of live gambling. Such illegal gambling is punishable by Class 3 misdemeanor.

Patron - Rerras

SB420 Certain premises deemed common nuisance; penalty. Provides that any office, store, shop, restaurant, dance hall, theater, poolroom, clubhouse, storehouse, warehouse, dwelling house, apartment, building of any kind, vehicle, vessel, boat or aircraft that, with the knowledge of the owner, lessor, agent of any such lessor, manager, chief executive officer, operator or tenant thereof, is frequented by persons engaged in prostitution or soliciting for prostitution as described in § 18.2-346, or that constitutes a bawdy place as defined in § 18.2-347 be judicially declared a common nuisance.

Patron - Rerras

SB421 Bioterrorism. Strengthens the laws relating to possession, manufacture, storage, and release of pathogens, through the mail or by any other distribution or transmission method, with the intent to infect, injure or cause death to people or animals through the spread of infection with such pathogen. This bill provides for consistency in the penalty for such actions by increasing some penalties from a Class 5 felony to a Class 3 felony. "Pathogen" includes any bacteria, virus, spirochete, fungi, protozoa, rickettsiae, yeast or other living body or viable particle or other microorganism not perceptible to the naked eye that is capable of causing death. Thus, the definition of pathogen covers those microorganisms that are commonly known to cause disease as well as spores, virions, prions, etc. This bill is incorporated into SB 514.

Patron - Rerras

SB422 Terrorism; penalty. Provides that when a terroristic act results in the death of any person, the mastermind of such terroristic act shall be guilty of a Class 1 felony

and eligible for the death penalty. This bill is incorporated into SB 514.

Patron - Rerras

[F]SB461 Burning object on property of another or public place with intent to intimidate; penalty. Rewrites the cross-burning statute, without any reference to a cross or other object and without any presumption of intent to intimidate, to provide that any person, with the intent of intimidating another, who burns an object on the property of another, on a highway or other public place is guilty of a Class 6 felony. This is in response to the decision of the Virginia Supreme Court in *Black v. Commonwealth*, 2001 Va. Lexis 139 (2001), that found Virginia's cross-burning statute unconstitutional under the First Amendment. This bill is incorporated into SB 111.

Patron - Marye

[F]SB507 Criminal solicitation; penalty. Increases the penalty for soliciting another person to commit a murder from the current Class 6 felony to a term not less than five years or more than 40 years. This bill is incorporated into SB 321.

Patron - Newman

[F]SB571 Charitable Gaming Commission; appointment of Executive Secretary. Provides for the Governor to appoint the Executive Secretary of the Charitable Gaming Commission. The bill also provides for the Executive Secretary to appoint employees of the Commission. Under current law, the Commission appoints the Executive Secretary and employees.

Patron - Potts

[F]SB622 Gun-free school zones. Authorizes school divisions to establish "gun-free school zones" around school property if the local governing body adopts an ordinance enabling the school division to establish such zones. School boards are required to obtain public comment at a public hearing at least ten days after giving reasonable notice to the public in a newspaper of general circulation in the school division. No firearms will be allowed in a school division established "gun-free school zone" under any conditions or circumstances except when used in a school-sponsored curriculum or program or when in the possession of law-enforcement, military, or government officials authorized to carry firearms while engaged in their duties. A notice will be posted at all entrances to school property, around the perimeter of the property, and at all school-sponsored or extracurricular events under exclusive use by the school division. Violation of the prohibition in this act against carrying guns into the gun-free school zones would be Class 4 misdemeanors, i.e., a fine of not more than \$250.

Patron - Byrne

[F]SB635 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 detain the person 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 - Stolle

[F]SB665 Obstruction of justice. Adds clerks to list of officials protected under obstruction of justice and allows for punishment as contempt violence, threats of violence, and vile, contemptuous or insulting language against a clerk associated with a court proceeding.

Patron - Rerras

Carried Over

[C]HB142 Criminal possession of black powder. Makes the sale of black powder used in the manufacture of explosives punishable as a Class 1 misdemeanor if a chemical tag is not included for purposes of identifying the powder.

Patron - Purkey

[C]HB149 Feticide; penalty. Provides that it is a Class 4 felony if any person willfully and deliberately and unlawfully terminates the life of a fetus by serious bodily injury to the mother.

Patron - Kilgore

[C]HB210 Stalking; penalty. Expands conduct that is prohibited for the purposes of stalking to include repeatedly maintaining a visual or close physical proximity to a person or repeatedly conveying oral or written threats, threats implied by conduct or a combination of threats and conduct directed at a person and also means to annoy or alarm another person, communicating by mechanical or electronic means or otherwise with that person, communicating by telephone, telegraph, mail or any other form of written communication, communicating via computer, use of computer networking, electronic mail, and utilizing the Internet to gain unauthorized access to personal, medical, financial or other identifying information.

Patron - O'Bannon

[C]HB220 Assault and battery against a family or household member; penalty. Allows Class 6 felony punishment of a person convicted of three or more family assaults if the assaults involve two or more different victims. Currently, enhanced punishment is only made applicable when the assaults occur on different dates.

Patron - Carrico

[C]HB268 Concealing or compounding offenses. Raises the punishment for concealing or compounding offenses; if the offense is a felony, to a Class 6 felony from a Class 2 misdemeanor, and if the underlying offense is a misdemeanor, to the same punishment as the principal offender may receive.

Patron - Landes

[C]HB360 Petit and grand larceny; penalty. Provides that in those sections of the Code that refer to larceny punishments, larceny is punished in accordance with §§ 18.2-95 and 18.2-96.

Patron - Reese

[C]HB366 Crimes; impersonating an officer. Increases the penalty for impersonating a law-enforcement officer from a Class 1 misdemeanor to a Class 6 felony.

Patron - Cosgrove

[C]HB408 Protective orders. Makes it a Class 6 felony for violating certain protective orders that prohibit certain persons from going or remaining upon land, buildings or premises or from further acts of family abuse, or which prohibit contacts between that person and family or household members. The legislation also provides for a mandatory, minimum penalty of one year in prison, which shall not be suspended, in whole or in part.

Patron - Weatherholtz

[C]HB546 Controlled substances; penalty. Raises the penalty for illegally manufacturing, selling, distributing, etc., a

Schedule III or IV controlled substance from a Class 1 misdemeanor to a Class 6 felony.

Patron - Kilgore

[C]HB644 Capital murder; penalty. Adds burglary and attempted burglary to the list of offenses which, if committed in conjunction with the willful, deliberate, and premeditated killing of a person, constitutes capital murder.

Patron - O'Brien

[C]HB811 Definition of concealed weapon; penalty. Removes "by action of an explosion" from the definition of weapon for purposes of the concealed weapon prohibitions. Currently, in order to qualify as a concealed weapon, the weapon must propel a missile by explosion of a combustible material.

Patron - Almand

[C]HB838 Use of firearm in committing felony. Provides that punishment for the use or display of a firearm in committing a felony must run consecutively with punishment for any other charge or offense. Under current law, punishment cannot run consecutively with the punishment received for the primary offense.

Patron - Thomas

[C]HB893 Capital murder of a law-enforcement officer; penalty. Provides that the willful, deliberate, and premeditated killing of a law-enforcement officer because of his present or former status as a law-enforcement officer is punishable as capital murder.

Patron - McDougle

[C]HB932 Assault and battery against a family or household member; penalty. Expands the crime of assault and battery against a family or household member (Class 1 misdemeanor for a first offense) to include as a victim, a child of a family or household member.

Patron - Marrs

[C]HB956 Hate crimes; penalty. Adds sexual orientation, age, gender and mental or physical disability to categories of acts for which a person may seek injunctive relief or file an action for damages. The bill also adds sexual orientation, age, gender and mental or physical disability to the categories of victims whose selection for a "hate crime" involving assault or trespass amplifies the Class 1 misdemeanor or Class 6 felony penalty. The penalty includes a mandatory, minimum term. The bill also expands the terroristic act reporting requirements of the State Police.

Patron - Almand

[C]HB958 Carrying weapon into State Capitol; penalty. Provides that any person who possesses in or transports into the State Capitol Building or the General Assembly Building any (i) gun or other weapon designed or intended to propel a missile or projectile of any kind, (ii) frame, receiver, muffler, silencer, missile, projectile or ammunition designed for use with a dangerous weapon and (iii) any other dangerous weapon, is guilty of a Class 1 misdemeanor.

Patron - Almand

[C]HB1016 Possession of firearms following the conviction of certain crimes; penalty. Prohibits persons convicted of stalking, sexual battery or assault and battery on a family member (that results in serious bodily injury) from possessing or transporting firearms for a period of five years following conviction. There is a provision to allow the person to

petition the circuit court to reinstate the right to carry or transport firearms.

Patron - Scott

[C]HB1028 Computer fraud; penalties. Increases the penalty for computer fraud to a felony in cases where three or more persons are defrauded regardless of the amount involved.

Patron - Moran

[C]HB1100 Crimes; issuing bad check; penalty. Includes within the crime of issuing a bad check the payment of taxes, fees or other charges due a locality with a bad check.

Patron - Johnson

[C]HB1234 Suspension of driver's license upon conviction of a driving offense resulting in the death of any person. Suspends the driver's license for six months to 12 months of a person convicted of a traffic offense that results in death of any person.

Patron - Gear

[C]SB497 Death penalty. Prohibits the imposition of the death penalty on mentally retarded persons. The bill has a delayed effective date of July 1, 2003.

Patron - Edwards

[C]SB591 Drug Treatment Court. Provides that the Department of Criminal Justice Services has administrative oversight for the establishment and operation of drug treatment courts with the assistance of a state drug treatment court advisory committee. The bill requires the establishment of local drug treatment advisory committees in jurisdictions that operate drug courts. Anyone convicted of a violent felony within ten years would not be eligible for participation in a drug treatment court. There are provisions to evaluate the effectiveness of the court.

Patron - Houck

Criminal Procedure

Passed

[P]HB18 Who are conservators of the peace. Adds any special agent of the Office of the Inspector General of the Department of Transportation to that list of persons considered conservators of the peace while engaged in the performance of their official duties.

Patron - Orrock

[P]HB41 Wiretaps. Allows officers from a town police department to observe or monitor an interception if that police department originated the investigation leading to the wiretap application.

Patron - Woodrum

[P]HB52 Deletion of obsolete Code references. Strikes cross-references to § 46.2-626, which was repealed in 1996. 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

[P]HB68 Appeal by the Commonwealth. Allows for an appeal from a circuit court in certain felony actions provided the Commonwealth certifies that the appeal is not taken for purpose of delay and that the evidence is substantial proof of a fact material in the proceeding. Under current law, the Com-

monwealth must certify that the evidence is essential to the prosecution.

Patron - Janis

HB242 Public defender's office. Establishes a public defender's office in the City of Norfolk.

Patron - Drake

HB370 Sealing of grand jury indictment. Specifies that upon ex parte motion by the Commonwealth and for good cause shown, the circuit court may seal an indictment until the defendant is arrested.

Patron - Cosgrove

HB405 Criminal history record information; Compeer. Allows volunteers of any Virginia affiliate of Compeer to obtain, at no cost, personal criminal history records in connection with a person's application to become a Compeer volunteer. Compeer brings trained volunteers together with adults and children receiving mental health services in one-on-one matches.

Patron - Weatherholtz

HB452 Sex Offender Registry. Requires persons convicted of a second or subsequent violation of an offense for which registration is required to continue to reregister for their lifetime. This provision is necessary to bring Virginia into compliance with the Jacob Wetterling Act and to avoid the loss of federal funds under that act.

Patron - Griffith

HB724 Confidentiality of pretrial and community-based probation records. Exempts any pretrial investigation report or other records of a local pretrial services agency and any report or other records of a local community-based probation agency from the Virginia Freedom of Information Act.

Patron - Howell

HB892 Saliva or tissue sample required for DNA analysis upon arrest for a violent felony. Requires every person arrested for a violent felony to submit a saliva or tissue sample for DNA analysis. The bill also requires that the sample and any record thereof be destroyed by the Division of Forensic Science if the person is found not guilty or the case is dismissed.

Patron - McDougle

HB1043 Criminal history records information. Provides that each local board of social services and licensed child-placing agency shall obtain and consider, in accordance with regulations adopted by the State Board of Social Services, criminal history record information from the Central Criminal Records Exchange and the results of a search of the child abuse and neglect central registry of any individual with whom the local board or agency is considering placing a child on an emergency, temporary or permanent basis, including the birth parent of a child in foster care placement. The local board or agency may also obtain such a criminal records or central registry search on all adult household members residing in the home of the individual with whom the child is to be placed. In emergency circumstances, each local board or licensed child-placing agency may obtain, from a criminal justice agency, criminal history record information through the Virginia Criminal Information Network. This bill is identical to SB 219.

Patron - Moran

HB1117 Sex offender registration; penalty. Requires any person under a duty to register as a sex offender to initially register or, upon change of residence, to reregister in

person with the law-enforcement agency of the jurisdiction in which the registrant resides. Upon registration or reregistration, the local law-enforcement agency shall obtain from the registrant two sets of fingerprints, proof of residency and two photographs of a type and kind specified by the State Police for inclusion in the Registry. The registrant must provide a governmental photo-ID to establish proof of residence. Under current law, the registrant may reregister by mail.

Patron - Janis

HB1230 DNA testing. Eliminates language in the section so that lawfully acquired DNA samples obtained in a criminal investigation can be used by law-enforcement officials for comparison with evidence obtained in other crimes.

Patron - Keister

SB97 Presentence mental evaluation of sex offenders. Requires the examiner's report to be confidential except as needed for the prosecution or defense of an offense or for assessment by the Attorney General for civil commitment and requires that it be sealed once the sentencing order is entered. The defendant is required to return to the court his copy of the report at the conclusion of sentencing.

Patron - Howell

SB135 Speedy trial. Provides that a criminal trial is commenced at the point when jeopardy would attach or when a plea of guilty or nolo contendere is tendered by the defendant. As introduced, this bill is a recommendation of the Judicial Council.

Patron - Stolle

SB136 Detention and Diversion Centers. Provides that an evaluation for participation in the Detention Center Incarceration Program or the Diversion Center Incarceration Program can occur upon motion of the attorney for the Commonwealth or the court's own motion, as well as the defendant's motion. This bill is a recommendation of the Judicial Council.

Patron - Stolle

SB137 Criminal Injuries Compensation Fund. Allows Virginia residents to access the Fund if victimized while traveling in another country or in a territory. The bill provides that the parent of a child victim may apply for compensation on behalf of the child, so the parent can get lost wages for medical and legal appointments, etc. The bill also allows the person who paid for the victim's funeral to be reimbursed rather than limiting funeral reimbursement to certain relatives. The top limit award for weekly wages is increased from \$200 to \$600 and for moving expenses is increased from \$500 to \$1,000. Attorneys for the Commonwealth are directed to request restitution when an award has been made from the Fund, so that the Fund can be reimbursed.

Patron - Stolle

SB219 Criminal history records information incident to placement of a foster child. Provides that each local board of social services and licensed child-placing agency shall obtain and consider, in accordance with regulations adopted by the State Board of Social Services, criminal history record information from the Central Criminal Records Exchange and the results of a search of the child abuse and neglect central registry of any individual with whom the local board or agency is considering placing a child on an emergency, temporary or permanent basis, including the birth parent of a child in foster care placement. The local board or agency may also obtain such a criminal records or central registry search on all adult household members residing in the home of the individual with whom the child is to be placed. In emergency circumstances,

each local board or licensed child-placing agency may obtain, from a criminal justice agency, criminal history record information through the Virginia Criminal Information Network. This bill is identical to HB 1043.

Patron - Ticer

SB291 Commonwealth's right to appeal in felony actions. Expands the Commonwealth's right to appeal by providing that any circuit court sentencing order that is contrary to statutory mandatory sentencing or restitution terms is appealable.

Patron - Norment

SB317 Public Defender Commission; duties. Requires the Public Defender Commission to (i) require and ensure that each public defender office collects and maintains caseload data and fields in a case management database on an annual basis, (ii) report annually on or before October 1 to the Virginia State Crime Commission, the House and Senate Committees for Courts of Justice, the House Committee on Appropriations, and the Senate Committee on Finance detailing Virginia's ranking amongst the 50 states in terms of pay allowed for court-appointed counsel, cost effectiveness of the various public defender offices and the cost effectiveness of establishing public defender offices in those localities that do not offer public defender services and (iii) establish four regional capital defense units by the end of fiscal year 2004. The bill also requires that in capital cases after July 1, 2004, one attorney in indigent capital cases be appointed from a capital defense unit established by the Public Defender Commission.

Patron - Stolle

SB353 DUI; blood alcohol test. Increases the time limit for implied consent in post-arrest chemical tests. Under current law a person arrested is deemed to have consented to breath and blood tests if the person is arrested within two hours of the alleged offense. This bill increases that time to three hours.

Patron - Reynolds

SB357 Venue in homicide cases. Provides that when it is unknown where the crime was committed and the victim is removed from the Commonwealth for medical treatment prior to death and dies outside the Commonwealth, venue exists in the jurisdiction where the victim was when removed for medical treatment.

Patron - Reynolds

SB419 DNA sample of felons; payment. Provides for a \$25 fee for withdrawal of the blood, saliva or tissue sample required to be taken from all felons. The fee will be taxed as part of the costs of the criminal case resulting in the felony conviction and one-half is to be paid into the general fund of the locality where the sample was taken and one-half into the general fund of the state treasury.

Patron - Rerras

SB482 Persons acquitted of misdemeanors by reason of insanity. Provides that a person found not guilty of a misdemeanor by reason of insanity shall remain in the custody of the Commissioner of Mental Health and Mental Retardation for a period not to exceed one year from the date of acquittal and also provides that prior to or at the conclusion of one year, if the Commissioner determines that the acquittee meets the criteria for release, emergency custody, temporary detention or involuntary commitment, he shall file a petition to accomplish same. The Commissioner must notify the committing attorney for the Commonwealth prior to release.

Patron - Howell

SB513 Costs of extradition. Requires a fugitive found guilty to pay the costs of extradition. Currently, only a fleeing probationer or parolee who must be extradited must pay the costs.

Patron - Reynolds

SB535 DNA analysis upon arrest for a violent felony. Requires a saliva or tissue DNA sample to be taken from every person arrested for a violent felony. If the charge is dismissed or the person is acquitted at trial the DNA sample must be destroyed by the Division of Forensic Science. The bill further provides for civil immunity for the sample taker unless he is negligent. The bill has an effective date of January 1, 2003.

Patron - Mims

SB633 DNA testing. Removes provision that prohibits inclusion of blood samples and results of analysis of the samples submitted to the Division of Forensic Science in the DNA data bank established by the Division.

Patron - Edwards

SB634 Revocation of suspended sentence. Rewrites statute governing revocation of suspended sentence and probation for clarity and to allow the court to issue process (a *capias* or show cause) to a defendant within one year of the expiration of the probationary period. Under current law the hearing itself must be held within one year of the expiration of the probationary period.

Patron - Stolle

Failed

HB69 Arrest in lieu of service of summons in minor misdemeanor case. Allows an officer who has temporary custody of a person who committed a minor misdemeanor to either arrest the person or issue a summons. Currently, only a summons can be issued unless the person refuses to sign it or presents some other danger that gives rise to the officer's right to place the individual under arrest.

Patron - Janis

HB306 Civil commitment of sexually violent predators. Extends the effective date of the Acts of Assembly that provide for the civil commitment of sexually violent predators from January 1, 2003, to January 1, 2005.

Patron - McDonnell

HB312 Confidentiality of pretrial records. Exempts any pretrial investigation report prepared by a local pretrial services officer or agency from the Virginia Freedom of Information Act.

Patron - Howell

HB355 Property forfeitures in drug cases. Allows all cash, negotiable instruments and proceeds from a sale after forfeiture to be retained by the local law-enforcement agency, at the option of the political subdivision primarily responsible for the forfeiture. Currently, all forfeitures must be paid over to Department of Criminal Justice Services for distribution in accordance with statutory scheme.

Patron - Sears

HB509 Competency of court-appointed counsel. Requires the Supreme Court and Public Defender Commission to establish minimum standards of competency for attorneys admitted to practice law in Virginia who are qualified to represent defendants charged with a crime the penalty for which may be incarceration.

Patron - Drake

HB527 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

HB549 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

HB594 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

HB595 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

HB767 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

HB768 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

HB788 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

HB815 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

HB959 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

HJ63 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

SB10 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

SB90 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

SB106 Public defender office; Montgomery County. Adds Montgomery County to the list of localities that have public defender offices.

Patron - Marye

SB210 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

SB227 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

SB273 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

SB434 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

[F]SB473 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

[C]HB292 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

[C]HB365 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

[C]HB454 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

[C]HB957 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

[C]HB1032 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

[C]HB1068 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

[C]HB1165 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

[C]HB1347 Criminal procedure; magistrates. Provides that upon request, magistrates shall provide information on the amount of a bond to the public.

Patron - Christian

[C]SB89 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

[C]SB155 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

[C]SB318 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

[C]SB532 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

[C]SB636 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

[P]HB1034 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

[F]HB296 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

HB417 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 depreciation 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

HB447 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.

HB458 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

HB600 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

HB831 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

HB998 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

HB1132 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 depreciation 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

HB1138 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

HB1143 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

SB277 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

SB545 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

HB610 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

HB626 **No fault divorce.** Provides that the court shall not order attorney's fees in any "no-fault" divorce.

Patron - O'Brien

SB98 **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

HB228 **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

HB46 **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

HB90 **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

HB108 **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.

HB159 **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

HB177 **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 - Abbott

HB295 **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

HB334 **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

HB335 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

HB357 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

HB427 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

HB434 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

HB435 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

HB493 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

HB498 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

HB686 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

HB692 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

HB695 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

HB696 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

HB710 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

HB734 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

HB755 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

HB794 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

HB884 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

HB886 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

HB966 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.

[P]HB991 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

[P]HB1136 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

[P]HB1141 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

[P]HB1206 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

[P]HB1272 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

[P]HB1277 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

[P]HB1338 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

[P]HB1346 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

[P]SB50 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

[P]SB92 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

[P]SB160 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

[P]SB191 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

[P]SB200 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

[P]SB201 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

[P]SB230 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

[P]SB236 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

[P]SB279 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

[P]SB295 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

[P]SB334 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

[P]SB350 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

[P]SB365 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

[P]SB373 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

[P]SB439 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

[P]SB442 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

[P]SB477 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

[P]SB559 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

[P]SB597 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

[P]SB604 System of accounting in public schools. Establishes contingency reserves as a major classification of school funds.

Patron - Potts

[P]SB608 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

[P]SB609 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

[P]SB625 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

[F]HB47 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 (8VAC 20-131-110 B). This bill is incorporated in HB 493.

Patron - Darner

[F]HB88 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

[F]HB135 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

[F]HB136 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

[F]HB158 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

[F]HB161 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

HB170 **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

HB189 **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

HB231 **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

HB307 **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

HB336 **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

HB358 **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

HB397 **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

HB460 **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

HB461 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

HB512 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

HB754 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

HB792 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

HB793 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

HB949 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

HB971 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.

HB1011 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

HB1110 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

HB1135 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

HB1162 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

HB1200 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

HB1217 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

HB1314 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

[F]HB1321 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

[F]HB1333 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

[F]HB1345 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

[F]HB1371 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

[F]SB51 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

[F]SB52 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

[F]SB55 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

[F]SB172 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

[F]SB217 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

[F]SB281 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 under-represented. 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

[F]SB364 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

[F]SB366 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

[F]SB409 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

[F]SB448 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

[F]SB494 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

[F]SB509 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

[F]SB570 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

[F]SB624 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

[F]SB644 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

[C]HB7 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

[C]HB45 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

[C]HB48 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

[C]HB250 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

HB330 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

HB333 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

HB443 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

HB517 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

HB642 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

HB756 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

HB758 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

HB795 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

HB1024 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

HB1038 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

HB1047 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 (8VAC 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

HB1049 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

HB1070 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.

HB1171 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

HB1262 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

HB1352 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

SB216 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 (8VAC 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

SB408 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

SB585 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

SB606 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

[C]SB631 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

[P]HB11 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

[P]HB19 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

[P]HB79 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

[P]HB95 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

[P]HB99 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

[P]HB100 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

[P]HB102 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

[P]HB200 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

[P]HB218 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

HB364 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

HB386 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

HB530 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

HB605 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.

HB688 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

HB691 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

HB938 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

HB1022 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

HB1079 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

HB1114 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

HB1284 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

HB1286 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

HB1370 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

SB31 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

SB32 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

SB35 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

SB124 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

SB237 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

SB270 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

[P]SB296 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

[P]SB342 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

[P]SB459 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

[P]SB572 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

[P]SB594 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

[P]SB627 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

[P]SB673 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

[F]HB384 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

[F]HB475 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

[F]HB538 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

[F]HB632 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

[F]HB648 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

[F]HB663 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

[F]SB49 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

[F]SB165 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

[C]HB28 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

[C]HB43 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

[C]HB152 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

[C]HB247 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

[C]HB1229 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

[P]HB66 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

[P]HB101 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

[P]HB163 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

[P]HB169 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

[P]HB378 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

[P]HB554 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.

HB556 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.

HB558 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.

HB640 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

HB641 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

HB878 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

HB901 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

HB985 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

HB1082 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

HB1256 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

HJ95 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

SB19 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.

[P]SB94 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

[P]SB112 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

[P]SB113 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

[P]SB177 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.

[P]SB328 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

[P]SB330 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

[P]SB586 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

[F]HB92 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

[F]HB125 Hours that polls are open for voting. Adds one hour to the time that the polls are open for voting by moving the closing time from 7:00 to 8:00 p.m. The bill also makes conforming changes to the absentee voting law.

Patron - Hull

[F]HB164 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

[F]HB339 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

[F]HB555 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.

HB599 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

HB635 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

HB752 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

HB797 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

HB974 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

HB1035 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

HB1036 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

HB1039 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

HB1040 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

HB1041 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

HB1083 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

HB1091 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

[F]HB1092 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

[F]HB1093 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

[F]HB1097 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

[F]HB1323 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

[F]SB27 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

[F]SB91 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

[F]SB144 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

[F]SB214 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

[F]SB329 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

[F]SB391 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

[F]SB403 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

[C]HB33 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

[C]HB263 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

[C]HB328 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

[C]HB381 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

[C]HB459 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

[C]HB515 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

[C]HB557 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.

[C]HB631 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

[C]HB753 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

[C]HB972 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.

[C]HB1099 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

[C]HB1158 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.

[C]HB1317 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

[C]HB1327 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

[C]HB1337 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

[C]SB6 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

[C]SB48 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

[C]SB58 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

[C]SB175 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.

[C]SB560 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

[C]SB615 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

[C]SB664 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

[P]HB843 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

[P]HB844 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

[P]HB918 Owners of fee interest, buildings and improvements. Adds the definition of "owner" to several Code sections that deal with eminent domain.

Patron - Griffith

[P]SB107 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

[F]HB982 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

[C]HB291 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

[P]HB720 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

[C]HB723 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

[P]SB683 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

[P]HB613 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

[P]HB646 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

[P]HB921 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

[P]HB978 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

[P]HB1293 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

[P]HJ164 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

[P]SB115 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

[P]SB326 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

[F]HB363 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

[F]SB319 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

[F]SB468 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

[C]HB975 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

[C]SB297 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

[P]SB60 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

[P]SB74 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

[P]SB341 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

[P]SB577 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

[P]SB581 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

[F]HB138 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

[F]HB850 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

[F]HB1241 Sunday hunting. Limits the Sunday hunting prohibition to areas east of the Blue Ridge Mountains.

Patron - Phillips

Carried Over

[C]HB201 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

[C]HB202 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

[C]SB47 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

[C]SB488 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

[P]HB13 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

HB329 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

HB733 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

HB1003 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

HB1245 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

SB28 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

SB252 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

SB415 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

SB431 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

SR13 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

HB111 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.

HB143 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

HB144 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

HB392 General Assembly; representation before state agencies. Prohibits members of the General Assembly from representing clients before state agencies.

Patron - Wardrup

HB559 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.

HB579 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

HB973 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

HB1096 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

HB1331 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

HB1349 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

SB103 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

SB132 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

SB500 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

SJ73 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

Carried Over

[C]HB1113 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

[C]HB1222 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

[C]HB1260 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.

[C]HJ128 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

Health

Passed

[P]HB10 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

[P]HB146 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

[P]HB153 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

[P]HB396 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

[P]HB471 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

[P]HB560 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.

[P]HB664 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

[P]HB790 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

[P]HB887 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

[P]HB1062 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

[P]HB1080 Health; patient data reporting. Extends the sunset provision for health care data reporting from July 1, 2003, to July 1, 2008.

Patron - Brink

[P]HB1161 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

[P]HB1283 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

[P]HB1369 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

[P]SB218 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

[P]SB264 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

SB371 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

SB414 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

SB426 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

SB465 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

SB490 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

[P]SB542 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

[P]SB573 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

[P]SB601 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

[P]SB629 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

[P]SB643 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

[F]HB191 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

[F]HB332 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

[F]HB639 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

[F]HB883 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

[F]HB890 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

[F]HB891 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

[F]HB1090 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

[F]HB1153 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.

[F]HB1204 Drainfield guidelines. Requires the Board of Health to issue standards in determining equivalency of drainfield sizes for types of onsite septic systems.

Patron - Parrish

[F]HB1273 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

[F]HB1312 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.

[F]HB1325 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

[F]HB1354 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

[F]SB192 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

[F]SB239 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

[F]SB392 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

[F]SB449 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

[F]SB505 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

Carried Over

[C]HB104 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

HB180 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

HB226 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

HB270 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

HB293 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

HB425 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

HB620 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

HB677 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

HB875 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

HB882 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

HB885 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

HB904 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

HB913 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

HB1086 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

HB1087 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

HB1088 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

HB1089 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

HB1105 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

HB1181 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

HB1201 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

HB1297 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

[C]HB1319 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

[C]SB73 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

[C]SB161 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

[C]SB428 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

[C]SB478 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

P HB22 HOV lanes; taxicabs. Allows taxicabs to use HOV lanes if they have two or more occupants, including the driver.

Patron - Rollison

P HB297 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

P HB426 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

P HB518 Hunter Mill Road. Designates the entire length of Hunter Mill Road in Fairfax County a Virginia byway.

Patron - Devolites

P HB614 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

P HB667 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

P HB1006 Waiver of certain statutory mandates and regulations by Governor. Allows the Governor, when 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

P HB1196 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

P HB1244 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

[P]HB1247 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

[P]HB1248 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

[P]HB1326 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

[P]SB4 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

[P]SB77 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

[P]SB226 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

[P]SB251 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

[P]SB262 Obsolete highways. Allows the Commonwealth Transportation Board to convey to local governing bodies portions of state highways that are no longer necessary.

Patron - Lambert

[P]SB382 VDOT pedestrian and bicycle projects. Allows VDOT to fund and undertake pedestrian and bicycle projects apart from highway projects.

Patron - Whipple

[P]SB569 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

[P]SB674 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

[F]HB184 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

[F]HB404 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

[F]HB433 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

[F]HB569 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

[F]HB715 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

[F]HB759 Drainage easements. Requires the Virginia Department of Transportation to maintain highway drainage easements, both on and off highway right-of-way.

Patron - Rapp

[F]HB764 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

[F]HB933 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

[F]HB947 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

[F]HB1184 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

[F]HB1289 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

[F]HB1295 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

[F]HB1340 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

[F]HB1353 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

[F]HB1366 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

[F]HJ132 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

[F]HJ160 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

[F]SB26 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

[F]SB33 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

[F]SB34 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

[F]SB43 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

[F]SB166 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

[F]SB397 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

[F]SB501 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.

[F]SB582 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

[C]HB109 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.

[C]HB110 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.

[C]HB130 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

[C]HB264 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

[C]HB382 Logo sign program. Provides that businesses cannot be "bumped" from VDOT logo sign program because of relocation or reconstruction of highway interchanges.

Patron - Wardrup

[C]HB510 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

[C]HB772 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

[C]HB895 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

[C]HB1249 Commonwealth Transportation Commissioner. Requires the Commonwealth Transportation Commissioner to appoint an inspector general.

Patron - Rust

[C]HB1252 Highway construction districts; Commonwealth Transportation Board (CTB). Replaces the present nine highway construction districts with seven regions, as recommended by the Joint Legislative Audit and Review Commission. The bill also reduces the membership of the CTB by two members, with the members hitherto appointed on a district basis replaced by members appointed on a regional basis. The five at-large members of the CTB would be elected by the General Assembly (three by the House of Delegates and two by the Senate) instead of being appointed by the Governor.

Patron - Rollison

[C]HB1253 State highway systems; allocation of funds for highway construction, reconstruction, and maintenance. Replaces the state primary, secondary, and urban highway systems with statewide, regional, and local highway systems and revises the system of allocating state funding to those highway systems.

Patron - Rollison

[C]HB1276 Urban and secondary highway system construction allocations. Allocates urban system and secondary system highway construction funds among affected jurisdictions on the basis of (i) area, (ii) vehicle miles traveled per lane-mile, and (iii) population, with area being weighted 15 percent, vehicle miles traveled per lane-mile weighted 25 percent, and population weighted 60 percent.

Patron - Rust

[C]HB1330 Commonwealth Transportation Board contracts. Requires that contracts of the Commonwealth Transportation Board or the Department of Transportation make contractors responsible for keeping the projects graffiti-free until they are turned over to the Commonwealth.

Patron - Bolvin

[C]SB204 Evaluation of highway construction impacts. Requires the Department of Transportation to evaluate the effectiveness and impact of all proposed highway projects estimated to cost \$100 million or more.

Patron - Houck

[C]SB320 High-occupancy vehicle (HOV) lanes. Prohibits the designation of HOV lanes on any portion of Interstate Route 264 in the City of Virginia Beach. The bill also repeals Chapter 914 of the Acts of Assembly of 1999, which prohibited HOV lane designations on several controlled access highways in southside Hampton Roads, but never became effective.

Patron - Stolle

[C]SB332 High-speed passenger rail transportation systems. Requires that no agency, instrumentality, or political subdivision of the Commonwealth construct, reconstruct, improve, or contribute to the improvement of tracks, signals, highway crossings, or passenger facilities of any kind intended to provide or facilitate the provision of any high-speed passenger rail transportation system unless the tracks over which such service is provided through a corridor that passes through, adjacent to, or within no more than 20 miles of localities whose combined population, based on the 2000 Census, equals at least 50 percent of the total population of the Commonwealth.

Patron - Wagner

[C]SB352 Fund to expedite construction of I-73 in Henry County. Establishes a special fund to expedite construction of I-73 in Henry County. The Fund consists of the first \$3 million of annual collections of state taxes on motor fuels, fees and charges on motor vehicle registrations, road taxes or any other state revenue allocated for highway purposes.

Patron - Reynolds

[C]SB444 Commonwealth Transportation Board; selection of at-large members. Provides that the five at-large members of the Commonwealth Transportation Board (CTB) will be elected by the House of Delegates and the Senate, instead of being appointed by the Governor. Three at-large members (at least one "urban" at-large member and at least one "rural" at-large member) will be elected by the House of Delegates, and two (one "urban" at-large member and one "rural" at-large member) will be elected by the Senate. CTB members elected by the House or Delegates or the Senate would not be removable by the Governor. The bill does not apply to members appointed prior to July 1, 2002.

Patron - Williams

Homestead and Other Exemptions

Passed

[P]HB20 Poor debtor's exemption; funeral expenses. Allows an exemption, not to exceed \$5,000, for preneed funeral contracts. A plot in a burial ground is already exempt under the law.

Patron - Sherwood

Housing

Passed

[P]HB813 Department and Board of Housing and Community Development; affordable housing for older Virginians and Virginians with disabilities. Requires the Board of Housing and Community Development to advise the Governor and Housing and Community Development on the expansion of affordable, accessible housing for older Virginians and Virginians with disabilities, including supportive services. The bill also requires the Department of Housing and Community Development to develop a strategy concerning the expansion of affordable, accessible housing for older Virginians and Virginians with disabilities, including supportive services.

Patron - Almand

[P]HB835 Uniform Statewide Building Code; inspections. Allows local building officials to perform inspections of rental properties for specific property, but not more than once each calendar year upon a separate finding that such additional inspections are necessary to protect the public health, safety or welfare. If, however, an inspection has been conducted within the last 12-month period, no inspection shall occur upon the termination of a rental tenancy or upon a change in ownership. The provisions of this bill shall not in any way alter the rights and responsibilities of landlords or tenants pursuant to applica-

ble provisions of Chapters 13 (§§ 55-217 et seq.) or 13.2 (§§ 55-248.2 et seq.) of Title 55.

Patron - Thomas

[P]HB845 Housing authorities; eminent domain. Provides that notwithstanding the provisions of § 36-27, no housing authority transacting business and exercising powers as provided in § 36-4 in the City of Norfolk shall be authorized after July 1, 2007, to acquire by the exercise of the power of eminent domain, any real property located within the boundaries set forth in the Conservation and Redevelopment Plan for the East Ocean View Conservation and Redevelopment Project adopted July, 1989, as amended by Amendment No. 1 to such plan adopted September, 1992. The bill provides that this limitation shall not apply to any such real property for which an offer has been made by such housing authority or for which such authority has initiated condemnation proceedings prior to July 1, 2007.

Patron - Drake

[P]HB1023 Local housing authorities; powers. Authorizes local housing authorities to refinance loans for assistance in planning, development, acquisition, construction, repair, rehabilitation, equipping or maintenance of commercial, residential or other buildings.

Patron - Scott

[P]HB1211 Uniform Statewide Building Code; rehabilitation of existing buildings; fire prevention. Replaces the standards of the Southern Building Code Congress and the Building Official Conference of America with the International Code Council for formulating building code provisions by the Board of Housing and Community Development. The bill also (i) declares the intent of the General Assembly to improve the condition of existing, commercial properties, (ii) expands persons to be trained in the building code to include contractors and other code enforcement personnel such as fire prevention persons, (iii) adds fire prevention to the subject areas of competency for which the HCD Board may issue certificates, (iv) increases the building permit fee levy for support of the Virginia Building Code Academy from one percent to two percent, (v) removes the \$500,000 "carry" cap for the training academy, and (vi) clarifies that the training done by the Building Code Academy may include fire prevention regulations. The bill also contains a technical amendment.

Patron - Van Landingham

[P]SB396 Virginia Housing Development Authority (VHDA); appointment of commissioners. Provides for the appointment by the Governor, subject to confirmation by the General Assembly, of an additional VHDA commissioner, who shall be a "Section 8" tenant.

Patron - Whipple

[P]SB525 Department of Housing and Community Development and Virginia Housing Development Authority; Consolidated Plan. Changes the name of the "Comprehensive Housing Affordability Strategy" to the "Consolidated Plan" and expands the plan to include community development goals, objectives and strategies.

Patron - Mims

Failed

[F]HB842 Uniform Statewide Building Code; expiration of permits. Provides that permits issued under the Uniform Statewide Building Code are valid for one year from the date of issuance. Under the bill, requests for extension of the permit must be received within 30 days after the expiration

date and be reviewed by the local building official prior to an extension being granted. No extension may be granted by the local building official after three years from the date of the original issuance of the permit.

Patron - Drake

[F]HB1187 Uniform Statewide Building Code; effect on local energy efficiency ordinances. Provides that the Uniform Statewide Building Code shall not supercede the building codes and regulations of counties, municipalities and other political subdivisions related to increased energy efficiency.

Patron - May

[F]SB311 Uniform Statewide Building Code; inspections. Allows local building officials to perform inspections of rental properties at intervals established by ordinance.

Patron - Edwards

Carried Over

[C]HB175 Uniform Statewide Building Code; use of "slag." Directs the Board of Housing and Community Development to adopt regulations prohibiting the use of slag as a fill material in construction. The bill defines "slag" as the nonmetallic byproduct from the production of iron ore.

Patron - Woodrum

[C]HB233 Redevelopment and housing authorities. Provides that no city after July 1, 2002, may appoint more than one member of city council, or other officer or employee of the city, as a commissioner of a redevelopment and housing authority.

Patron - Gear

[C]HB255 Uniform Statewide Building Code; separation distances between single-family homes. Requires the Board of Housing and Community Development to promulgate regulations by October 1, 2003, for establishment of performance-based standards for separation distances between single-family homes and property lines to promote and enhance public safety.

Patron - McQuigg

[C]HB1306 Virginia Housing Development Authority; regulations. Requires the Housing Development Authority to develop regulations providing that single-family mortgage loans may be made to more than one person only if the persons to whom the loan is to be made are related by blood, marriage or adoption.

Patron - McDougle

Institutions for the Mentally Ill; Mental Health Generally

Passed

[P]HB8 Inspector General for Mental Health, Mental Retardation and Substance Abuse Services. Requires the written reports of the Inspector General concerning facility inspections to be transmitted to the Governor for his review and comment, as deemed necessary, and deletes the requirement that, prior to release of the Inspector General's reports, the Inspector General must obtain assurances from the Attorney General that the reports do not violate confidentiality laws.

The Inspector General must, insofar as feasible, provide copies of the semiannual reports to the Governor in advance of the date for their submission to the General Assembly to provide a reasonable opportunity for comments of the Governor to be appended to the reports when submitted to the General Assembly. The Department of Mental Health, Mental Retardation and Substance Abuse Services must comment on any recommendations made by the Inspector General.

Patron - Hamilton

HB658 Criminal background checks; substance abuse treatment professionals. Permits community services boards, behavioral health authorities and agencies licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services to hire for adult substance abuse treatment programs persons who were convicted of a broader list of crimes: a misdemeanor violation relating to (i) unlawful hazing as set out in § 18.2-56; or (ii) reckless handling of a firearm as set out in § 18.2-56.1; any misdemeanor or felony violation related to (a) reckless endangerment of others by throwing objects as set out in § 18.2-51.3; (b) threat as set out in § 18.2-60; (c) breaking and entering a dwelling house with intent to commit other misdemeanor as set out in § 18.2-92; or (d) possession of burglarious tools as set out in § 18.2-94; or any felony violation relating to the distribution of drugs as set out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, except an offense pursuant to subsection H. 1. or H. 2. of § 18.2-248 (drug lord offenses); or an equivalent offense in another state. The hiring provider must determine, based upon a screening assessment, that the criminal behavior was related to the applicant's use of substances, and that the person has been successfully rehabilitated.

Patron - Devolites

HB840 State facility directors. Amends the provision that required all state facility directors hired by the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services after July 1, 1999, to be employed under a two-year contract, with provisions for annual renewals thereafter to allow facility directors to also be employed as classified employees. Further, any facility director hired under a contract shall remain subject to the provisions of the State Grievance Procedure.

Patron - Thomas

HB888 Community services boards; services. Clarifies that the services that may be available through a community services board are to be provided to "adults, children and adolescents" rather than to "persons."

Patron - Hamilton

HB995 Restructuring of mental health care system. Provides that for any restructuring of the system of mental health services involving an existing state mental health facility, the Commissioner must establish a state and community consensus and planning team. Each team must develop a plan that addresses (i) the types, amounts, and locations of new and expanded community services that would be needed; (ii) the development of a detailed implementation plan designed to build community mental health infrastructure for current and future capacity needs; (iii) the creation of new and enhanced community services; (iv) the transition of state facility patients to community services in the locality of their residence prior to institutionalization or the locality of their choice; (v) the resolution of issues relating to the restructuring implementation process, including employment issues involving state facility employee transition planning and appropriate transitional benefits; and (vi) a six-year projection comparing the cost of the current structure and the proposed structure. In addition, the bill requires the Commissioner to ensure that each plan

includes the following components: (a) a plan for community education; (b) a plan for the implementation of required community services, including state-of-the-art practice models and any models required to meet the unique characteristics of the area to be served, which may include models for rural areas; (c) a plan for assuring the availability of adequate staff in the affected communities, including specific strategies for transferring qualified state-facility employees to community services; (d) a plan for assuring the development, funding, and implementation of individualized discharge plans for individuals discharged; and (e) a provision for suspending implementation of the plan if the total general funds appropriated to the Department for state facility and community services decrease in any year of plan implementation by more than 10 percent from the year in which the plan was approved by the General Assembly. Further, the bill states that at least nine months prior to any proposed facility closure or conversion to any use other than the provision of mental health services, the state and community consensus and planning team must submit a plan to the Joint Commission on Health Care and the Governor for review and recommendation. The Joint Commission on Health Care will then make a recommendation to the General Assembly. Upon approval by the General Assembly and the Governor of such recommendation, the Commissioner may implement the proposed facility closure or conversion of the facility to any use other than the provision of mental health service. Any funds saved by the closure or conversion of the facility to any use other than the provision of mental health services, and not allocated to individualized services plans for patients being transferred or discharged as a result of the closure or conversion, will be invested in the Mental Health Trust Fund. Further, concurrent with the development of any required plan for restructuring Eastern State Hospital, the Commissioner, in consultation with the Chancellor of the Community College System, the President of Thomas Nelson Community College, and the President of the College of William and Mary or their designees, and with the advice of the state and community consensus and planning team, must assess the impact and feasibility of using a portion of the property now occupied by Eastern State Hospital located in James City County for the placement of a new campus of Thomas Nelson Community College and the development of a Center for Excellence in Aging and Geriatric Health. The Commissioner is authorized, upon completion of the feasibility study and a plan, and, with the consent of the Governor, to transfer to Thomas Nelson Community College a portion of the Eastern State Hospital property known as the Hancock Geriatric Treatment Center. This transfer will be subject to the following conditions: (i) the college operating a school of allied health professions and (ii) funds equal to the assessed value of the property being deposited in the Mental Health, Mental Retardation and Substance Abuse Services Trust Fund.

Patron - McDonnell

HB1213 Guardianship and conservatorship; costs and fees. Authorizes the court to provide for payment from the respondent's estate for costs and fees incurred by petitioners even if a guardian or conservator is not appointed if the court finds that the petition is brought in good faith and for the benefit of the respondent.

Patron - Thomas

HB1228 Discharge of patients and residents from state facilities. Requires directors of training centers for persons with mental retardation to prepare a predischarge plan for residents in conjunction with the community services board that serves the political subdivision where the resident resided prior to admission or by the board that serves the political subdivision where the resident or legally authorized representative chooses to reside if the resident or his legally authorized repre-

sentative on his behalf chooses to be discharged. The bill states that no resident of a training center who is enrolled in Medicaid will be discharged if the resident or his legally authorized representative on his behalf chooses to continue in the training center. Legally authorized representatives will make this decision if the resident lacks the mental capacity to do so. Finally, the bill requires that predischarge plans for all individuals discharged to an assisted living facility from state hospitals or training centers must identify the facility, document its appropriateness for housing and capacity to care for the individual, contain evidence of the facility's agreement to admit and care for the individual, and describe how the community services board will monitor the individual's care in the facility. The bill also contains technical changes.

Patron - Thomas

[P]SB400 Mental Health; board membership. Adds a practicing psychiatrist to the State Board of Mental Health, Mental Retardation and Substance Abuse Services.

Patron - Martin

[P]SB413 Community services boards; services. Clarifies that the services that may be available through a community services board are to be provided to "adults, children and adolescents" rather than to "persons."

Patron - Rerras

[P]SB661 Discharge of patients and residents from state facilities. Clarifies that directors of training centers for persons with mental retardation must prepare a predischarge plan for residents in conjunction with the community services board that serves the political subdivision where the resident resided prior to admission or by the board that serves the political subdivision where the resident or legally authorized representative (if the resident lacks the mental capacity to do so) chooses to reside if the resident or his legally authorized representative on his behalf chooses to be discharged. The bill states that no resident of a training center who is enrolled in Medicaid shall be discharged if the resident or his legally authorized representative on his behalf chooses to continue in the training center. Finally, the bill requires that predischarge plans for all individuals discharged to an assisted living facility from state hospitals or training centers shall identify the facility, document its appropriateness for housing and capacity to care for the individual, contain evidence of the facility's agreement to admit and care for the individual, and describe how the community services board will monitor the individual's care in the facility. The bill also contains technical changes.

Patron - Hawkins

Failed

[F]HB1007 Guardians, conservators and attorneys-in-fact. Permits the court during a proceeding to terminate a guardianship, conservatorship or power-of-attorney to order the adult protective services unit of the local department of social services to determine whether the incapacitated person or principal is abused, neglected or exploited.

Patron - McDonnell

[F]HJ119 Collection and dissemination of information on effective treatment for children. Directs the Virginia Commission on Youth to coordinate the collection and dissemination of empirically-based information that would identify the treatment modalities and practices recognized as effective for the treatment of children, including juvenile offenders, with mental health treatment needs, symptoms and disorders. This initiative is a recommendation of the Virginia Commission on Youth's Study of Children and Youth with Serious Emotional

Disturbance Requiring Out-of-Home Placement (HJR 119, 2000) and the Committee Studying Treatment Options for Offenders with Mental Illness or Substance Abuse Disorders (SJR 440, 2001). This resolution incorporates HJR 165.

Patron - Tata

[F]HJ165 Collection and dissemination of information on effective treatment for children. Directs the Virginia Commission on Youth to coordinate the collection and dissemination of empirically-based information that would identify the treatment modalities and practices recognized as effective for the treatment of children, including juvenile offenders, with mental health treatment needs, symptoms and disorders. This initiative is a recommendation of the Virginia Commission on Youth's Study of Children and Youth with Serious Emotional Disturbance Requiring Out-of-Home Placement (HJR 119, 2000) and the Committee Studying Treatment Options for Offenders with Mental Illness or Substance Abuse Disorders (SJR 440, 2001). This resolution is incorporated into HJR 119.

Patron - Darner

[F]SB336 Involuntary commitment hearings; written transcript of proceedings. Requires the judge to provide for the recording and transcription of the evidence in an involuntary commitment hearing by a court reporter. The court reporter's transcription shall include the original or copies of all documents, reports or other evidence presented. Currently, the law provides for only a tape or other audio recording of such hearings.

Patron - Wagner

Carried Over

[C]HB678 Involuntary temporary detention; medical screenings. Requires that each order for involuntary temporary detention of a person (i) include a medical certificate signed by a psychiatrist or physician within the previous 72 hours documenting that a medical examination was performed and the results thereof, including any significant or life-threatening medical conditions that require immediate treatment, or (ii) require that the person receive an emergency medical evaluation by a psychiatrist or physician within four hours and, as may be necessary, receive treatment of any significant or life-threatening medical conditions that require immediate treatment. The bill permits a magistrate to issue an order of temporary detention without a prior in-person evaluation only if (a) the person was examined within the previous 72 hours by both an employee or designee of the local community services board (CSB) and by a psychiatrist or physician or (b) there is a significant risk associated with conducting such examinations. The facility of temporary detention shall be identified by the employee or designee of the local CSB on the prescreening report and temporary detention order unless the results of the emergency medical evaluation performed within four hours of temporary detention require admission to a medical facility prior to placement.

Patron - Watts

Insurance

Passed

[P]HB140 Insurance fraud; delegation of related duties to the Department of State Police. Eliminates the sunset provision on the act that created an Insurance Fraud Investigation Unit within the Department of State Police's Bureau of

Criminal Investigation. The Unit conducts independent inquiries and investigations into fraudulent acts involving property and casualty insurance transactions. The Unit's activities are funded by premium assessments on all property and casualty insurance companies writing policies in the Commonwealth.

Patron - Abbitt

HB199 Change of insurance agent of record. Requires insurers to accept and honor a request by a policyholder to change the insurance agent of record to a new agent, who must be a duly appointed agent of the insurer. The change is effective on the date of the next renewal of the policy, unless the request is withdrawn. The new agent shall be paid all commissions payable on the policy, excluding commissions or other compensation payable under a retirement or deferred compensation plan with the insurance agent. This provision applies only to limited lines property and casualty agents, property and casualty insurance agents, personal lines agents, restricted nonresident property and casualty agents, and restricted nonresident personal lines agents. It does not apply to insurers that permit insureds to change the insurance agent of record under terms that are at least as favorable as provided by this measure, and equitably allocate commissions between the current and new insurance agents. The measure will be effective September 1, 2002.

Patron - Callahan

HB414 Insurance; medical savings accounts. Revises the Virginia Medical Savings Account Program by deleting references to the Workers' Compensation Commission and the Department of Medical Assistance Services. The plan would now be developed and implemented by the Department of Taxation and the Bureau of Insurance. The Department of Taxation is to report to the Joint Commission on Health Care by November 1, 2002. This is a recommendation of the Joint Commission on Health Care.

Patron - Hamilton

HB580 Motor vehicle insurance; notice of claim settlement. Requires motor vehicle insurers to advise the named insured on a policy, upon request, of any settlement of a claim made by a person other than the named insured that arose in connection with a motor vehicle accident involving a covered automobile.

Patron - Welch

HB662 Health insurance; reconstructive breast surgery. Amends the statute mandating reconstructive breast surgery coincident with or after a mastectomy for breast cancer to render Virginia's law consistent with the federal Women's Health and Cancer Rights Act of 1998, which was incorporated into Title I of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 300gg, et seq.). An existing provision that limits the mandate to policies, contracts or plans delivered, issued for delivery or renewed on or after July 1, 1998, is removed, and the mandate will apply to surgeries performed on or after October 21, 1998, which is the effective date of the federal law. An enactment clause provides that the amendments do not adversely affect the rights of any covered person that existed under the mandate as it previously existed. The measure also (i) provides that reconstructive breast surgery includes coverage for prostheses and physical complications, (ii) requires written notice of the coverage be provided to the enrollee, and (iii) prohibits denial of eligibility for coverage solely for the purpose of avoiding the requirements of the mandate.

Patron - May

HB704 Fire Services Grant Program; expenditure of funds. Provides that moneys allocated from the Fire Pro-

grams Fund to the Fire Services Grant Program and the Dry Hydrant Grant Program shall be used as grants to provide regional fire services training facilities, to finance the Virginia Fire Incident Reporting System and to build or repair burn buildings, and for no other purpose.

Patron - Armstrong

HB1125 Long-term care insurance. Requires the State Corporation Commission to issue amended regulations that provide standards for initial filing requirements and premium rate schedule increases for long-term care insurance. Such standards shall be similar to standards set forth in model regulations developed by the National Association of Insurance Commission. The regulations shall be effective no later than April 1, 2003.

Patron - Bryant

HB1195 Insurance agents; termination of license and contracts. Requires that any appeal by insurance agents whose licenses are terminated for failure to comply with continuing education requirements be filed within 60 days of notification of the termination. The measure also provides that an agent who has not complied with the continuing education requirements and who voluntarily surrendered his license prior to the expiration of the appeal period shall not be permitted to apply for another such license until he has complied with the continuing education requirements. Finally, the measure extends the confidential treatment required of documents acquired by the State Corporation Commission in connection with investigations of insurance agents.

Patron - Hargrove

HB1294 Life insurance; accelerated payment of benefits. Allows insurers who issue life insurance policies to provide for the accelerated payment of benefits to the insured during the life of the insured (i) if the insured is unable to perform two major activities of daily living, or (ii) if the insured requires substantial supervision by another person to protect the health and safety of the insured or any other person. The measure does not apply to credit life insurance policies.

Patron - Rollison

HB1307 Discrimination on the basis of genetic information. Prohibits employers from (i) requiring a genetic test as a condition of employment and (ii) refusing to hire, failing to promote, discharging or otherwise adversely affecting any term or condition of employment, other than a long-term care, life or disability insurance policy, an employee or prospective employee solely on the basis of the results of a genetic characteristic or genetic test. Violators are subject to actual or punitive damages, including back pay with interest, or injunctive relief. This bill is identical to SB 102.

Patron - Watts

SB151 Uninsured motorist coverage; rates and refunds. Eliminates the requirement that the State Corporation Commission grant prior approval of uninsured motorist rates. Instead, insurers will be authorized to use the "file and use" procedure. The bill also changes the distribution of refunds from the Uninsured Motorists Fund, basing the distribution in the proportion that each reporting insurer's written car years bear to the total number of written car years by all participating insurers in Virginia. Currently, refunds are distributed in the proportion that each insurer's premium income bears to the total premium income for basic uninsured motorists coverage.

Patron - Norment

SB154 Insurance rates; large commercial risks. Includes the premiums paid for professional liability and workers' compensation insurance in calculations of the amount a

person or entity pays in annual aggregate nationwide insurance premiums. Payment of annual aggregate nationwide insurance premiums in excess of \$100,000 is one criterion for determining whether a person or entity is a large commercial risk. Insurers are not required to file or obtain approval for insurance policies and rates used in the insurance of large commercial risks.

Patron - Norment

[P]SB182 Insurance; countersignature requirement prohibited. Prohibits the inclusion in an insurance policy of a provision that deems the policy to be invalid if it is not signed or countersigned by an insurance agent or company representative.

Patron - Colgan

[P]SB183 Health insurance; external review of adverse decisions. Authorizes a designee of the Commissioner of Insurance to act on his behalf in exercising certain powers pertaining to the Bureau of Insurance's conduct of independent external reviews of adverse utilization review decisions.

Patron - Colgan

[P]SB187 Credit life and credit accident and sickness insurance. Recognizes the 1980 Standard Ordinary Mortality Table as an acceptable basis for the establishment of reserves for credit life insurance policies. The actuarial method is established as the minimum standard for calculating the gross unearned premium reserve for credit accident and sickness insurance policies. Insurers are authorized to use a flexible valuation interest rate schedule. Refund formulas for credit accident and sickness insurance policies are required to be at least as favorable to the debtor as such refunds would be if based on the actuarial method. Other changes confirm that use of the Rule of 78 is not appropriate in determining reserves and refunds.

Patron - Stosch

[P]SB188 Insurance; investments. Increases the amount of assets a domestic insurer can invest in cash, cash equivalents, and certain short-term investments of one depository, obligor or issuer from five percent to 10 percent of its total admitted assets. The restriction that investments per obligor or per issuer do not exceed 20 percent of the insurer's surplus to policyholders is unchanged.

Patron - Stosch

[P]SB199 Insurance regulation. Simplifies and clarifies the responsibilities of burial societies regarding surety bonds, and authorizes the State Corporation Commission to require certification of compliance with these bonding requirements. Other housekeeping amendments (i) make the requirement that foreign or alien fraternal benefit societies file copies of amendments to charters and bylaws optional at the Commission's request; (ii) correct reference to the Investment Company Act of 1940; (iii) delete an obsolete reference to an earnings test; and (iv) simplify filing requirements by allowing attestations to be made by an executive officer rather than by the chief executive officer.

Patron - Miller, Y.B.

[P]SB240 Insurance transactions; privacy. Requires a depository institution selling insurance to provide purchasers with a statement that the insurance policy is not a deposit, is not FDIC insured, is not guaranteed by the bank, and involves investment risk, where appropriate. Currently, the requirement applies only where the insurance is sold in connection with the lending of money or extension of credit. The measure also clarifies that the simplified notice of the insurer's privacy policy must be sent both at issuance of the policy and annually there-

after. The provision regarding giving annual notices is amended to be consistent with the Gramm-Leach-Bliley Act. Finally, duplicative language is deleted.

Patron - Wampler

[P]SB289 Health maintenance organizations; reinsurance. Authorizes health maintenance organizations to engage in reinsurance transactions, provided that significant transactions are subject to approval by the State Corporation Commission.

Patron - Norment

[P]SB438 Insurance agents; business entities. Eliminates the requirement that the articles of incorporation or other organizational document of a business entity specify that the entity is authorized to act as an insurance agent. The measure also clarifies requirements for nonresident business entities to act as an agent in the Commonwealth.

Patron - Williams

[P]SB670 Workers' compensation insurance; review of rates. Authorizes the Attorney General to conduct investigations of possible violations of statutory requirements regarding the experience data of members of rate service organizations.

Patron - Wampler

[P]SB678 Motor vehicle insurance; installment payments. Requires every insurer issuing and renewing a policy of motor vehicle insurance that permits payments in installments to disclose in boldface type each installment amount and due date upon issuance or renewal. If the insurer changes the due dates, the insurer must issue a separate disclosure.

Patron - Watkins

[P]SB689 Birth-Related Neurological Injury Compensation Program; investment reports. Requires the board of directors of the Birth-Related Neurological Injury Compensation Program to report annually on the investment of the assets of the Birth-Related Neurological Injury Compensation Fund to the Clerk of the House of Delegates and the Clerk of the Senate. Currently, such reports are made only to the Speaker of the House of Delegates and to the Chairman of the Senate Rules Committee.

Patron - Trumbo

Failed

[F]HB84 Accident and sickness insurance; coverage for polypeptide-based or amino acid-based formulas. Requires health insurers, health care subscription plans and health maintenance organizations to provide coverage for the expense of polypeptide-based or amino acid-based formulas whose protein source has been extensively or completely hydrolyzed. This benefit is to be available if the formula is required to treat either a diagnosed inborn error of amino acid or organic acid metabolism or a diagnosed disease or disorder of the gastrointestinal tract that leads to malnutrition or malabsorption due to inflammation, protein sensitivity, or inborn errors of digestion, and is the primary source of nutrition as certified by the treating physician by diagnosis.

Patron - Orrock

[F]HB139 Insurance fraud; delegation of related duties to the Department of State Police. Eliminates the sunset provision on the act that created an Insurance Fraud Investigation Unit within the Department of State Police's Bureau of Criminal Investigation to initiate independent inquiries and conduct independent investigations into fraudulent acts involving property and casualty insurance transactions. The act pro-

vides that such activity will be funded by premium assessments on all property and casualty insurance companies writing policies in the Commonwealth. The provisions of this bill became effective on January 1, 1999, and are scheduled to expire on January 1, 2003.

Patron - Abbitt

HB383 Accident and sickness insurance; coverage for lymphedema. Requires health insurers, health care subscription plans and health maintenance organizations to provide coverage for equipment, supplies, complex decongestive therapy, and outpatient self-management training and education for the treatment of lymphedema.

Patron - Wardrup

HB422 Health insurance; reimbursement to dietitians and nutritionists. Prohibits health insurers and health service plan providers from denying reimbursement for covered services of a dietitian or nutritionist when the services are provided in connection with care for diabetes. Dietitians and nutritionists are authorized to provide in-person outpatient self-management training and education for diabetes.

Patron - McQuigg

HB442 Motor vehicle insurance; information cards. Requires insurers issuing motor vehicle insurance policies to provide the named insured with an information card that includes information about the insurer, the insured, the period of coverage, and the policy number.

Patron - Hull

HB476 Motor vehicle insurance; exclusion of named unlicensed persons. Allows a named insured to exclude from his motor vehicle insurance policy a person, who would otherwise be covered under the policy, if the excluded person is unlicensed or his driving privileges are cancelled, revoked or suspended throughout the term of the policy. The exclusion may be made only with the permission of the named insured and the person to be excluded.

Patron - Suit

HB553 Health insurance; assignment of benefits; chiropractors and physical therapists. Prohibits any health insurance plan from refusing to accept or make reimbursements pursuant to an assignment of benefits made to a chiropractor or physical therapist by an insured, subscriber or plan enrollee. Such a prohibition currently exists for assignments of benefits made to a dentist or oral surgeon.

Patron - Sears

HB624 Third party administrators; penalties. Regulates the business of administrators of certain insured or self-insured employee health benefits plans. Administrators are required to be licensed by the State Corporation Commission, post a surety bond, and pay an annual fee. Agreements between an administrator and the principal sponsoring the benefits plan must be in writing and set forth the underwriting standards under the plan. Premiums and contributions held by an administrator must be held in fiduciary accounts. Administrators are prohibited from engaging in certain practices, including misrepresenting facts relating to coverage, failing to act reasonably and promptly upon communications with respect to a claim for benefits, and failing to adopt reasonable standards for the prompt investigation of a claim for benefits. Administrators may not be compensated based on the plan's loss experience. Violators are subject to fines of up to \$2,500. Acting as an administrator without obtaining a license is punishable as a Class 1 misdemeanor.

Patron - Morgan

HB960 Insurance; Fire Programs Fund. Increases from one to three percent, the amount of the annual assessment against all licensed insurance companies doing business in Virginia for the Fire Programs Fund. The bill provides that this increased assessment shall only be effective for five years. The bill also (i) provides that the Fund shall be used to provide staffing to meet national standards for homeland defense, (ii) increases from \$10,000 to \$30,000 the minimum amount an eligible city or county may receive from the Fund, (iii) increases from \$4,000 to \$12,000 the minimum amount an eligible town may receive from the Fund, and (iv) requires that certain moneys from the Fund be used for a state fire academy, replacement of unsafe fire trucks, and administrative support services for nonfunded training to localities, to include an emergency vehicle operator's course and the development of a mandatory firefighters training curriculum. The bill also contains a technical amendment.

Patron - Almand

HB1010 Health insurance coverage; reconstructive breast surgery. Includes the deep inferior epigastric artery and vein, or DIEP, procedure in the definition of reconstructive breast surgery for purposes of mandated benefit coverage.

Patron - Van Yahres

HB1126 Insurance policies; creditors claims. Exempts the cash surrender or loan value of any life insurance policy or annuity contract from the claims of creditors without regard to whether the owner of the policy has the right to change the beneficiary. The exemption from claims of creditors is inapplicable to any portion of the cash surrender or loan value in excess of \$100,000 that accumulated during the 24 months preceding the person's insolvency or bankruptcy. A creditor named as a beneficiary of a policy or contract is entitled only to the cash or loan value to the extent that will satisfy the indebtedness. The measure also repeals an existing provision that protects the cash surrender or loan value of a policy from creditors' claims only if the insured cannot change the beneficiary.

Patron - Bryant

HB1348 Accident and sickness insurance; coverage for alpha-1 antitrypsin deficiency. Requires health insurers, health care subscription plans and health maintenance organizations to provide coverage for the treatment of alpha-1 antitrypsin deficiency. Alpha-1 antitrypsin is a protein that protects the lungs.

Patron - Reid

SB272 Insurance; use of credit history. Prohibits insurers and agents from setting rates or making policy issuance and renewal decisions for motor vehicle insurance, homeowners insurance, and renters insurance on the basis of a person's credit history, lack of credit history, or credit score.

Patron - Puckett

SB302 Uninsured motorist insurance coverage. Requires insurers providing uninsured motorist coverage to offer increased uninsured motorist coverage, up to a maximum of twice the limits of the liability coverage in the policy.

Patron - Deeds

SB335 Medical malpractice insurance; policy exclusions. Prohibits medical malpractice insurance policies from excluding or limiting coverage for liability arising from the rendering of professional services solely on the basis that such services are rendered at a correctional facility or to persons incarcerated in a correctional facility.

Patron - Wagner

[F]SB401 Health care coverage; hearing aids. Requires health insurers, health maintenance organizations and corporations providing health care coverage subscription contracts to provide coverage for hearing aids and related services. Such coverage shall include one hearing aid per hearing-impaired ear, up to a cost of \$1,200, every 48 months. The insured may choose a higher priced hearing aid and pay the difference in cost above \$1,200, with no penalty to the insured or the hearing aid provider. The mandate does not apply to individual or small group policies, and does not cover aids for impaired ears that do not indicate a hearing loss of 30 dB or greater for at least one frequency between 500 Hz and 4,000 Hz. Insurers are prohibited from charging a copayment or fee exceeding \$100 per hearing aid.

Patron - Houck

[F]SB466 Health insurance; coverage for chiropractic care. Requires health insurers, health maintenance organizations and corporations providing health care coverage subscription contracts to provide coverage for chiropractic care. Chiropractic care is defined as the adjustment of the 24 movable vertebrae of the spinal column, and assisting nature for the purpose of normalizing the transmission of nerve energy, but does not include the use of surgery, obstetrics, osteopathy or the administration or prescribing of any drugs, medicines, serums or vaccines.

Patron - Puller

[F]SB487 Health maintenance organizations; powers. Permits a health maintenance organization to offer to its subscribers deductibles, copayments, and cost-sharing provisions provided they comply with applicable state law.

Patron - Newman

[F]SB619 Health insurance; exclusion for preventive treatments; genetic predisposition. Prohibits health insurers, corporations providing accident and sickness subscription contracts, and health maintenance organizations from excluding coverage for services to prevent, eliminate or reduce the likelihood of the development of an illness, disease or condition solely on grounds that signs or symptoms of the illness, disease or condition have not yet presented. The coverage shall be provided if the insured's treating physician has determined that the person has a genetic factor or family history indicating a predisposition to such illness, disease or condition and that the risks to the covered person resulting from such predisposition render such services medically appropriate.

Patron - Deeds

[F]SB690 Property and Casualty Insurance Guaranty Association; payment of claims. Provides that the Property and Casualty Insurance Guaranty Association shall pay to a claimant the full amount of a covered claim for benefits arising out of a policy providing coverage to the Virginia Commonwealth University Health System Authority, the Eastern Virginia Medical School or the University of Virginia Medical Center. These medical schools are also excluded from the provision that makes entities with one-half million dollars in net worth ineligible to recover funds from the Association. The bill is effective retroactive to September 1, 2001, and has an emergency clause.

Patron - Wagner

Carried Over

[C]HB194 Health insurance credit; retired teachers. Increases the health insurance credit for retired teachers from \$2.50 to four dollars per month for teachers for each full year of creditable service, not to exceed a maximum monthly credit

of \$120 for teachers with 30 or more years of creditable service.

Patron - Morgan

[C]HB622 Insurance; fair carrier business practices. Requires carriers to pay, within 10 days of receipt, any "clean" claim pertaining to prescription drug benefits that is submitted electronically by a pharmacist and that includes all information and documentation that are customarily required by the carrier to process and pay claims of the type submitted. Currently, carriers are required to pay claims within 40 days of receipt of the claim. If such a claim is submitted electronically by a pharmacist, the carrier shall, within five days after receipt of such material, request any additional information and documentation that the carrier reasonably requires to process and pay the claim or to determine if the claim is a clean claim. Currently, a carrier's post-submission requests for such information and documentation must be made within 30 days after receipt of the claim.

Patron - Morgan

[C]HB623 Pharmacy provider panels. Prohibits health insurers and other carriers from requiring a pharmacist to participate in any other provider panel as a condition of the pharmacist's participation on a specific provider panel. Carriers are also prohibited from conditioning their consent to allowing a pharmacist to participate in a preferred provider organization or other preferred provider network arrangement upon the pharmacist's agreeing to enter into contracts or arrangements with the carrier that are not part of the preferred provider organization or network organization. A carrier also shall not contract with an unaffiliated carrier to include such pharmacist on the provider panel of the unaffiliated carrier.

Patron - Morgan

[C]HB902 Bureau of Insurance; Catastrophic Event Reinsurance Fund. Establishes the Catastrophic Event Reinsurance Fund to be administered by the Bureau of Insurance. The bill defines catastrophic event as either (i) a man-made disaster including any condition following an attack by any enemy or foreign nation upon the United States resulting in substantial damage of property or injury to persons in the United States and may be by use of bombs, missiles, shell fire, nuclear, radiological, chemical or biological means or other weapons or by overt paramilitary actions; terrorism, foreign and domestic, or (ii) a natural disaster including any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire or other natural catastrophe resulting in damage, hardship, suffering or possible loss of life. The Fund will include moneys received from premiums paid by subscribing insurance companies. The Bureau is directed to establish guidelines for administration of the Fund.

Patron - Purkey

[C]HB1131 Health maintenance organizations (HMO); powers. Permits a health maintenance organization to offer to its subscribers deductibles, copayments, and cost-sharing provisions provided they comply with applicable state law.

Patron - Bryant

[C]SB293 Health maintenance organizations; dental care; net worth. Revises the minimum net worth requirement for any health maintenance organization that provides only dental care services. Such HMOs shall be required to have a net worth at least equal to the greater of (i) the lesser of \$4 million or two percent of their annual gross premium income or (ii) \$600,000. Currently, all HMOs must have a minimum net worth equal to the sum of their uncovered expenses, but not less than \$600,000, up to a maximum of \$4 million.

Patron - Norment

CSB526 Title insurance; definitions and requirement of title search. Includes products known as "mortgage impairment" in the definition of "title insurance." The bill also requires the performance of a title search before any binder, commitment or preliminary report, or policy or contract of title insurance, is issued.

Patron - Mims

Labor and Employment

Passed

PHB186 Wages; time of payment for highly compensated employees. Permits employers to pay monthly any hourly employee who earns more than 150 percent of the average weekly wage of the Commonwealth, with the agreement of the affected employee.

Patron - Parrish

PHB668 Civil immunity; employees reporting threats. Immunizes an employee from civil liability that might result from his truthfully reporting a co-employee's threatening conduct. Threatening conduct is defined as conduct that would place a person in reasonable apprehension of death or bodily injury.

Patron - Cox

PHB814 Labor unions; abstention requirement. Prohibits employers from requiring a person to abstain or refrain from holding office in a labor union or labor organization as a condition of gaining or continuing employment.

Patron - Almand

PSB102 Discrimination on the basis of genetic information. Prohibits employers from (i) requiring a genetic test as a condition of employment and (ii) refusing to hire, failing to promote, discharging or otherwise adversely affecting any term or condition of employment, other than a long-term care, life or disability insurance policy, an employee or prospective employee solely on the basis of the results of a genetic characteristic or genetic test. Violators are subject to actual or punitive damages, including back pay with interest, or injunctive relief. This bill is identical to HB 1307.

Patron - Howell

Failed

FHB145 Labor and employment; governmental employee associations. Permits employees of the Commonwealth, its political subdivisions, or any governmental agency of any of them, to form associations for the purpose of discussing their interests with their employing agencies whenever such agencies agree to engage in such discussions. Current law permits these governmental employees to form such associations for the purpose of promoting their interests before their employing agencies.

Patron - Darner

FHB867 Employment; leave for volunteer fire and rescue service. Requires employers to allow employees unpaid leave to serve with a volunteer fire department or rescue squad, if the unit has been recognized by an ordinance or resolution of the political subdivision where the volunteer fire department or rescue squad is located as being a part of the safety program of

such political subdivision. Employers are required to develop personnel policies allowing for the use of the leave.

Patron - Phillips

Carried Over

CHB581 Genetic characteristics; discrimination. Declares it to be the policy of the Commonwealth to safeguard individuals from unlawful discrimination based on genetic characteristic. Conduct that violates Virginia or federal law governing discrimination on the basis of a genetic characteristic is defined to be an unlawful discriminatory practice. Contracting agencies entering into procurement contracts with the Commonwealth are required to agree that they will not discriminate against employees or applicants on the basis of a genetic characteristic that is not a bona fide occupational qualification reasonably necessary to perform the normal operation of the contractor.

Patron - Welch

Libraries

Passed

PHB282 Library boards. Excludes Shenandoah County from the requirement that management and control of its public library system be vested in a library board. The exclusion currently exists for any town or city with a manager, and the Counties of Henrico, Albemarle, Prince William, Arlington, Fairfax and Chesterfield.

Patron - Louderback

Carried Over

CHB514 Library systems that access the Internet as a nonpublic forum. Declares that any public-owned system that accesses the Internet is a nonpublic forum and affords library boards and governing bodies authority to take the steps necessary to limit library access to the Internet.

Patron - Marrs

CHB602 Children's Internet Protection; public libraries. Requires the library board or governing body of a library to select a technology for its computers that are accessible to children and have Internet access to filter or block Internet access through such computers to child pornography, obscenity and materials deemed harmful to juveniles as defined in Title 18.2. This bill requires the library board or governing body to certify compliance with these provisions to the Librarian of Virginia along with the filing of the acceptable use policy, which is already required.

Patron - Black

Mechanics' and Certain Other Liens

Passed

PHB490 Liens; enforcement of storage liens. Increases from \$3,000 to \$5,000 the value of certain personal property affected by a storage lien. As a result, the lien may be

enforced against any personal property stored with a value that does not exceed \$5,000.

Patron - Reid

[P]HB854 Lien for work done or materials furnished. Includes within the \$50 floor amount necessary to file and perfect a lien for materials furnished or work done the amount of the reasonable rental or use value of equipment.

Patron - Albo

[P]HB855 Liens for materials or labor. Provides for a second notice of actual amount due to be given to a general contractor or subcontractor in order for the general contractor or subcontractor to be personally liable for the actual amount due for the materials or labor.

Patron - Albo

Military and Emergency Laws

Passed

[P]HB536 Employees of localities on military leave. Provides that any local government may pay an employee when activated for federally funded military duty all or any portion of the difference between his regular pay and the military pay received during all or any part of the term of active federally funded duty.

Patron - Devolites

[P]HB1372 Active duty National Guard, militia, etc. Guarantees a member of the Virginia National Guard, Virginia State Defense Force or naval militia called to active state duty by the Governor the right to take leave without pay from his civilian employment. The bill also guarantees that, after his service, if the employee is still qualified for his previous employment, he shall be immediately restored to his previous position or to a position of like seniority, status and salary, unless the employer's circumstances now make the restoration unreasonable and that if the employee is no longer qualified for his previous position, he shall be placed in another position, for which he is qualified, and that will give him appropriate seniority, status and salary, unless the employer's circumstances now make the placement unreasonable.

Patron - Weatherholtz

Failed

[F]HB462 Camp Pendleton Fund. Creates the Camp Pendleton Fund from all moneys paid by the City of Virginia Beach for the lease of property at Camp Pendleton along General Booth Boulevard for use as a parking lot. All amounts in the Fund shall be used solely for facilities and activities at Camp Pendleton.

Patron - Suit

[F]HB1044 Unauthorized waste or oil discharges; notification requirements. Requires a person who without authorization discharges sewage, waste or any noxious or deleterious substance into state waters, or with a reasonable expectation of entering state waters, to notify the emergency services director or coordinator of the affected locality within 24 hours of the discharge. Under current law, the person can notify either the Director of the Department of Environmental Quality or the local emergency services coordinator. The bill changes current law to subject certain underground storage tanks to statutory discharge notification requirements from which they

were previously excluded. This bill also requires the local emergency services director or his designee to notify in writing all local neighborhood or civic associations whose members' property could reasonably be foreseen to be affected by certain unauthorized waste or oil discharges. The local emergency services director shall keep such associations informed until such time as the site has been remediated or the State Water Control Board determines that no further action is needed.

Patron - Darner

Carried Over

[C]HB800 Department of Emergency Management; Office of Preparedness and Coordination. Creates, within the Department of Emergency Management, an Office of Preparedness and Coordination (the "Office"). The Office shall be responsible for coordinating with local governments and private industry to ensure the Commonwealth has the most up-to-date preparedness plans to respond to and prevent acts of terrorism. The bill defines "private industry."

Patron - Bolvin

Mines and Mining

Passed

[P]HB881 Location of drilling gas and oil wells. Allows an interstate park commission, if it is the surface owner, to raise objections to gas and oil well permits. However, the location of the well or pipeline must not unreasonably infringe on the park's use of the surface, a reasonable alternative site must be available within the drilling unit, and granting the objection must not materially impair any right contained in an agreement between the park and the operator.

Patron - Phillips

Failed

[F]SB639 Coalbed methane; miner safety. Requires the Department of Mines, Minerals and Energy to review the minimum distance limitations of coalbed methane wells to ensure (i) the safety of persons engaged in coal mining and gas production and (ii) the minimal adverse effect on existing or planned coal mining operations.

Patron - Wampler

Motor Vehicles

Passed

[P]HB4 High-occupancy vehicle (HOV) lanes. Authorizes the lifting of HOV limitations by the Virginia Department of Transportation on HOV facilities in the Hampton Roads Planning District when restricting use of HOV facilities becomes impossible or undesirable. The bill also repeals Chapter 914 of the Acts of Assembly of 1999, which prohibited HOV lane designations on several controlled access highways in southside Hampton Roads, but never became effective.

Patron - Wardrup

[P]HB35 Special license plates. Repeals authorization for issuance of special license plates as to which insufficient applications have been received within the time (three years;

see subdivision 1 of subsection B of § 46.2-725) provided by law. The affected plates are those for participants in Operation Desert Shield/Desert Storm; those for Virginia Scuba divers, law-enforcement officers, persons once declared missing in action, employees of the Virginia Department of Transportation, returned Peace Corps volunteers; those celebrating the 250th anniversary of the County of Culpeper; those bearing the legends: GLOUCESTER COUNTY, WILDLIFE FOUNDATION OF VIRGINIA, VIRGINIA WILDLIFE FEDERATION, and HISTORIC YORKTOWN; those for members of the Loyal Order of Moose, the American Radio Relay League, the National Speleological Society, the Disabled American Veterans organization, the Gold Wing Road Riders Association, the Old Dominion Boat Club, the State Fire Chiefs Association of Virginia, and the Virginia State Firefighters Association; and those for supporters of the American Automobile Association, Great Meadow, the Richmond Braves, the Salem Avalanche, the Norfolk Tides, the Prince William Cannons, the Pulaski Rangers, the Lynchburg Hillcats, the Martinsville Phillies, the Danville Braves, the Bristol Tigers, D.A.R.E., Inc., parental involvement in local public school programs, Operation Smile, the Virginia Education Foundation, the Virginia's Western Highlands Travel Council, and the Washington D.C. United Soccer team.

Patron - Landes

[P]HB51 Deletion of obsolete cross-references. Strikes references to special magistrates and other obsolete Code sections. 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

[P]HB82 Four-for-life. Increases, effective July 1, 2002, from two dollars per year (two-for-life) to four dollars per year (four-for-life) the motor vehicle registration surcharge used to support emergency medical services. From July 1, 2002, through June 30, 2004, the additional two dollars per year will be used for emergency medical services, first responders, and public safety purposes, with the existing two dollars per year continuing to be used to support emergency medical services. On and after July 1, 2004, all revenues will be used to support emergency medical services.

Patron - Orrock

[P]HB85 Roadside memorials. Requires the Virginia Department of Transportation to establish regulations for placement of roadside memorials to persons killed in highway crashes. Any person who places within the right-of-way of any VDOT-controlled highway any roadside memorial that does not conform to those regulations would be subject to a civil penalty of \$100. This is the same penalty provided for placing illegal signs and advertising within highway rights-of-way under § 33.1-373.

Patron - Orrock

[P]HB89 Special license plates; United We Stand. Authorizes the issuance of special license plates whose design incorporates the flag of the United States of America and the legend: United We Stand. Issuance of these plates would be subject to an annual surcharge of \$25. For each set of plates issued beyond 1,000 sets, \$15 of each \$25 fee would be paid to the Rewards for Justice Fund and used solely as reward payments to informants with information about known terrorists or terrorist plans. The bill also authorizes special license plates (i) for supporters of the councils of the Girls Scouts of the USA serving Virginia Girl Scouts, (ii) depicting a Holstein dairy cow, (iii) with the legend EDUCATION BEGINS AT HOME, (iv) for supporters of the NASA Langley Research Center, (v) for supporters of the Relay for Life, and (vi) bearing the leg-

end: "God Bless America." This bill incorporates HB 63, HB 114, HB 402, HB 444, HB 492, HB 597, SB 370, and SB 437.

Patron - Welch

[P]HB115 Golf carts. Allows operation of golf carts on highways other than Virginia Route 205 in Colonial Beach. The bill also allows the Town Council to place further limitations on over-the-road operation of golf carts within the Town. This bill is identical to SB 157.

Patron - Pollard

[P]HB128 Overweight vehicles; liquidated damages; ability to shift load of certain overweight vehicles. Provides that motor vehicles that qualify for weight extensions under § 46.2-1129 and whose load can be shifted by sliding the axle or axles of the semitrailer or the fifth wheel of the tractor truck and motor vehicles transporting off-the-road mobile construction equipment will be assessed liquidated damages after load shifting rather than prior to shifting. This bill is identical to SB 63.

Patron - Rollison

[P]HB167 Law-enforcement notices sent through the mail. Revises the printing specifications for the words "Law-Enforcement Notice" on official mailing envelopes so that the words are no smaller than the print size of the primary address on the envelope. The bill also requires that the words be clearly visible through "window" envelopes.

Patron - Petersen

[P]HB196 Vehicle safety inspections and emissions inspections; maximum fees. Increases "cap" on motor vehicle safety inspection fees for passenger cars and pickup or panel trucks from \$10 to \$15 and increases "cap" on emission inspection fees from \$20 to \$28.

Patron - Callahan

[P]HB254 Child restraint devices. Provides for a mandatory \$50 civil penalty for violations of laws that require use of child restraint devices or safety belt systems when transporting children less than 16 years old in motor vehicles, except that a court may still waive or suspend the imposition of the penalty if it finds that the violation occurred because of the defendant's financial inability to acquire a child restraint system.

Patron - McQuigg

[P]HB265 Disabled parking placards. Allows persons to whom disabled parking placards are issued to cover their age as shown on the placard with opaque removable tape.

Patron - McQuigg

[P]HB272 Laser speed detection devices. Allows Culpeper County and towns located therein to use laser speed detection devices.

Patron - Broman

[P]HB278 Automated agencies of the Department of Motor Vehicles. Replaces the two-tier compensation scheme for automated DMV agencies with a single-tier system where the agency annually receives three and one-half percent of its gross collections.

Patron - Broman

[P]HB286 Blue Ridge Parkway, Skyline Drive, George Washington Memorial Parkway, and Colonial Parkway. Declares the Blue Ridge Parkway, Skyline Drive, George Washington Memorial Parkway, and Colonial Parkway to be scenic highways and Virginia byways.

Patron - O'Bannon

HB301 Sight-seeing carriers by boat; special or charter party carriers by boat; motor carriers by launch. Repeals regulation of sight-seeing carriers by boat, special or charter party carriers by boat, and motor carriers by launch by the Department of Motor Vehicles except for insurance requirements.

Patron - McDonnell

HB345 Duty of driver to stop; hit and run. Provides that any person convicted of hit and run is guilty of (i) a Class 5 felony if the accident results in injury to or the death of any person, or if the accident results only in damage to property and the damage is at least \$1,000 or (ii) a Class 1 misdemeanor if the accident results only in damage to property less than \$1,000. Under current law, anyone convicted of hit and run is guilty of a Class 5 felony, regardless of the extent of injury or damage.

Patron - Albo

HB362 General district courts; jurisdictional amounts; exception. Provides an exception to the \$15,000 jurisdictional limit in general district courts for cases involving liquidated damages for violation of vehicle weight limits. In 2001 the General Assembly amended § 46.2-1135 (which refers to general district courts) to increase liquidated damages, which means that cases will more frequently exceed \$15,000. This bill is identical to SB 474.

Patron - Cosgrove

HB385 Special license plates; supporters of the Motorcycle Rider Safety Training Program; fees. Authorizes the issuance of special license plates to supporters of the Motorcycle Rider Safety Training Program. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. The bill also provides that persons awarded multiple Bronze Star, Bronze Star with a "V" for valor, or Silver Star medals can obtain special license plates that indicated their multiple awards. The bill authorizes the issuance of special license plates to: persons awarded the Air Medal or the Air Medal with a "V" for valor, the Combat Infantry Badge, members and former members of the 173rd Airborne Brigade, members of Rotary International, members of Optimist International, supporters of the Shenandoah National Park Association, printers, supporters of Big Brothers Big Sisters of America, Rocky Mountain Elk Foundation volunteers, members of BoatU.S., members and associates of the Virginia Court Appointed Special Advocate Association, supporters of the American Cancer Society, beekeepers and supporters of beekeepers, Pony Club members, Parrothead Club members, 1600 Communications Association members, Blue Knights organization members, supporters of professional motor sports, supporters of Virginia's zoos, supporters of the Washington Redskins football team, supporters of youth soccer, supporters of crime prevention, and retired member of the U.S. Air Force. In addition, the bill authorizes special license plates celebrating the 250th anniversary of the Town of Smithfield, the 200th anniversary of the City of Salem, the 250th anniversary of the City of Portsmouth, the values of diversity and the contributions of African-American communities, and Virginia's Indian tribes. Also authorized are special license plates displaying the following mottos: fox hunting, unlock autism, fight terrorism, and proud to be an American. It also provides for special license plates commemorating: the victims of the bombing of the USS Cole, the September 11, 2001, attack on the Pentagon, and the coming of the first Africans to Virginia in 1619. The bill also authorizes issuance of a special license plate to promote childhood cancer awareness. This bill incorporates HBs 34, 40, 62, 65, 96, 113, 123, 134, 212, 230, 237, 281, 441, 445, 492, 521, 522, 584, 597, 598, 634, 674,

680, 803, 1051, 1133, 1182, 1198, 1210, 1232, and 1280 and SBs 7, 22, 213, 282, 340, 368, 455, 498, 583, and 657.

Patron - Wardrup

HB407 Department of Motor Vehicle (DMV) Records. Provides that, on the written request of any person who has applied to be a volunteer with a Virginia affiliate of Compeer, the DMV Commissioner will (i) compare personal information supplied by a Virginia affiliate of Compeer with that contained in the Department's records and, when the information supplied by a Virginia affiliate of Compeer is different from that contained in the Department's records, provide the Virginia affiliate of Compeer with correct information as contained in the Department's records and (ii) provide driver information (in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses). This information will be provided free of charge if the request is accompanied by evidence that the person receiving the information has applied to be a Compeer volunteer.

Patron - Weatherholtz

HB430 Parking ordinances; Pittsylvania County. Adds Pittsylvania County to the list of counties that may by ordinance provide for the regulation of parking, stopping, and standing of vehicles within its boundaries (including the installation and maintenance of parking meters). This bill is identical to SB 287.

Patron - Hurt

HB439 Disabled parking placards. Provides that no physician's certification of an applicant's disability will be required for the renewal of any disabled parking placard of an applicant to whom disabled parking license plates have been issued.

Patron - Woodrum

HB486 Local vehicle licenses; fees. Authorizes any county, city, or town to enter into an agreement with the Department of Motor Vehicles Commissioner whereby the Commissioner will refuse to issue or renew any vehicle registration of any applicant who has not paid (i) the locality's vehicle license (decals) fee or (ii) tangible personal property taxes. Current provisions exempting delinquent personal property taxes of \$50 or less and requiring that the tax be levied against the vehicle whose registration is being denied are eliminated.

Patron - Reid

HB499 Air bags. Provides that any person who, without the vehicle owner's knowledge, knowingly installs or reinstalls as part of the vehicle inflatable restraint system of a motor vehicle any air bag that was not designed in accordance with federal safety regulations for that make, model, and year of motor vehicle is guilty of a Class 1 misdemeanor (jail for up to 12 months and/or a fine up to \$2,500) and that any person, without the vehicle owner's knowledge, installs or reinstalls an air bag that was previously installed in another motor vehicle is guilty of a Class 2 misdemeanor.

Patron - Albo

HB539 Emergency vehicles; exceeding speed limits. Allows law-enforcement vehicles to exceed speed limits, without displaying warning lights or sounding sirens, for the purpose of "pacing" vehicles suspected of speeding.

Patron - Landes

HB541 Property and passenger carriers. Clarifies legislation enacted by the 2001 Session to correct an erroneous cross-reference and to establish the procedure by which to

appeal a denial by the Department of Motor Vehicles of an application for a license or certificate as a broker or a motor carrier of property or passengers.

Patron - Landes

HB564 Driver's licenses; use of social security numbers. Requires the Department of Motor Vehicles to assign to applicants for driver's licenses driver's license numbers that are not social security numbers, except when applicants request in writing that their social security numbers be used as their driver's license numbers. This bill incorporates HB 542.

Patron - Byron

HB570 Records of the Department of Motor Vehicles; on-road testing of motor vehicle emissions by Department of Environmental Quality; subsidies to owners of certain motor vehicles found not in compliance with motor vehicle emissions requirements. Authorizes the Department of Motor Vehicles to release vehicle owner data to the Department of Environmental Quality in connection with enforcement actions involving on-road testing of motor vehicles. The bill also requires the State Air Pollution Control Board to establish separate and distinct emissions standards applicable to on-road testing of motor vehicles, with such criteria being applicable to all motor vehicles manufactured for a model year 25 years prior to January 1 of the present calendar year or any more recent model year and criteria for each model year being appropriate to that model year. Further provision is made for the expedited identification of "gross violators" of motor vehicle emissions inspection standards. Vehicles registered as "antique" vehicles are exempt. The bill reduces from 90 days to 30 calendar days the time given to owners of vehicles found by on-road testing to be not in compliance with emissions standards to either show that the vehicles have passed a subsequent emissions inspection, qualify for waivers, or have been given waivers. The bill also makes the Department of Environmental Quality responsible for the establishment and operation of a program to subsidize repairs of vehicles that fail to meet emissions standards, when the owner of the vehicle is financially unable to have the vehicle repaired. The costs of implementing and operating this program are to be borne by the Vehicle Emissions Inspection Program Fund.

Patron - May

HB571 Low-speed vehicles. Authorizes limited over-the-highway operation of low-speed vehicles, defined as four-wheeled electrically-powered vehicles, other than golf carts, whose maximum speed is greater than 20 miles per hour but not greater than 25 miles per hour, that are manufactured to comply with safety standards contained in Title 49 of the Code of Federal Regulations, section 571.500. Low-speed vehicles may be operated on public highways with speed limits of no more than 35 miles per hour by licensed drivers or learner's permit holders accompanied by licensed drivers. The same registration and insurance requirements applicable to passenger cars apply also to low-speed vehicles. This bill is identical to SB 44.

Patron - May

HB606 Speeding; prepayment of fines. Requires the Traffic Infractions and Uniform Fine Schedule adopted by the Supreme Court for the prepayment of fines to include a fine of not less than five dollars per mile over the posted speed limit for speeding on certain roads where the maximum speed limit is 55 or 65 miles per hour.

Patron - Saxman

HB637 Cooperation of Department of Motor Vehicles and Department of State Police with certain fed-

eral agencies. Provides that the Department of State Police and the Department of Motor Vehicles are to enter into agreements with the United States Department of State, the Immigration and Naturalization Service, and other federal law-enforcement agencies to bring about the interchange of information concerning those aliens residing in the United States who hold or apply for Virginia driver's licenses, commercial driver's licenses, temporary driver's permits, learner's permits, motorcycle learner's permits, or special identification cards in order (i) to ensure that persons who hold or apply for these documents are lawfully entitled to do so and (ii) to facilitate the detection and prevention of criminal activity and the identification and apprehension of persons engaged in criminal activity. This bill will not become effective unless reenacted by the 2003 Regular Session of the General Assembly.

Patron - O'Brien

HB638 Driver's licenses, etc. Provides that obtaining, aiding in obtaining, or possessing a Virginia driver's license, special identification card, vehicle registration, certificate of title or other document issued by the Department of Motor Vehicles (DMV) constitutes a Class 2 misdemeanor if the violation involved obtaining or possession of the document for purposes of engaging in an age-limited activity (such as obtaining, possessing, or consuming alcoholic beverages) but constitutes a Class 6 felony if the violation was committed for other purposes. The bill also allows persons moving to Virginia from another state or country sixty days (instead of thirty days) to obtain Virginia driver's licenses. The bill prohibits the use of immigration visas and written statements (whether notarized or not) wherein another person "vouches" for the Virginia residency of an applicant for a Virginia driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card. For applicants less than nineteen years old, however, proof that the applicant's parent or guardian is a Virginia resident may be accepted as evidence of the applicant's Virginia residency. With certain exceptions (most notably for military personnel stationed outside Virginia and persons residing outside of Virginia in connection with their employment), the bill requires DMV to cancel the Virginia driver's licenses, commercial driver's license, and special identification cards or persons who change their address to a non-Virginia address. Under this legislation, no persons who holds a Virginia driver's license, commercial driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit would be allowed to hold a special identification card issued by DMV. The legislation requires the DMV Commissioner, no later than December 1, 2002, to report to the Chairmen of the House and Senate Transportation Committees regarding the need for further modification or enhancement to the identity and residency requirements in the application process for Virginia driver's licenses, commercial driver's licenses, learner's permits, temporary driver's permits and special identification cards. The report specifically must include an assessment of the feasibility and effectiveness of requiring applicants for DMV documents to prove their legal presence in the United States. This bill incorporates HB 14 and HB 415 and is identical to SB 162.

Patron - O'Brien

HB655 Driver's licenses for persons 19 years old and younger. Requires all applicants (rather than only unlicensed ones) for driver's licenses who are less than 19 years old to furnish proof that they have successfully completed a driver education program approved by the State Department of Education. The bill also requires persons under 19 (rather than those under 18) to hold learner's permits at least nine months before applying for a driver's license, and authorizes the issuance of temporary driver's licenses, valid for six months, to

persons who are 18 years old and hold valid driver's licenses issued in another state.

Patron - O'Brien

[P]HB659 Rustic Road Program. Provides for a Rustic Road Program by the Virginia Department of Transportation, beginning July 1, 2003. At the request of a county board of supervisors, the Department may designate a road or road segment as a Rural Rustic Road if it (i) is located in a low-density development area and has an average daily traffic volume of no more than 500 vehicles per day and (ii) has a posted speed limit consistent with the topography and features along the road. For a road or road segment so designated, improvements must utilize a paved surface width based on reduced and flexible standards that leave trees, vegetation, side slopes, and open drainage abutting the roadway undisturbed to the maximum extent possible without compromising public safety.

Patron - May

[P]HB669 Applications for learner's permits, driver's licenses, commercial driver's licenses, and special identification cards. Requires that every male applicant for a learner's permit, driver's license, commercial driver's license, special identification card, or renewal of any such permit, license, or card who is less than 26 years old and is either a citizen of the United States or an immigrant shall, at the time of his application, be registered in compliance with the requirement of section 3 of the Military Selective Service Act, 50 U.S.C. App. 451 et seq. The data pertaining to any person less than 18 years old will not be used by Selective Service to register him with Selective Service until he turns 18.

Patron - Cox

[P]HB679 Drivers required to attend driver improvement clinics. Allows the DMV Commissioner, for a good cause shown, to extend the time limit for attending a driver improvement clinic when the person required to attend the clinic is (i) attending an institution of higher education outside Virginia or (ii) in the military and stationed outside the U.S. or is the dependant of a person in the military stationed outside the U.S.

Patron - Watts

[P]HB705 "Apportioned" license plates. Provides that failure to display "apportioned" license plates or a trip permit constitutes prima facie evidence that apportioned or allocated fees as to the vehicle have not been paid.

Patron - Armstrong

[P]HB708 Disabled parking ordinances; enforcement by owners. Authorizes Henry County (in addition to Franklin County, Danville and Martinsville) by ordinance to provide that a summons for disabled parking ordinances may be issued by any owner of a private parking area of a nursing home, provided the owner has registered his intention to issue summonses with the chief law-enforcement officer of the locality.

Patron - Armstrong

[P]HB771 Statewide Transportation Plan. Expresses the intent of the General Assembly that the Statewide Transportation Plan be produced with a statewide focus, and not as the result of an aggregation of smaller local, district, or regional plans.

Patron - Watts

[P]HB817 Restoration of suspended driver's license; fines. Provides for automatic restoration of a driver's license when a defendant enters into a deferred or installment payment agreement that is acceptable to the court. Under current law only the court can restore the driver's license. This bill amends

a provision added to the Code of Virginia by the 2000 General Assembly (HB 355, SB 183), which provided that a person with a suspended license could have the license restored if he paid the reinstatement fee to DMV and entered into an agreement acceptable to the court to make deferred or installment payments. The 2000 bill stated that the court shall restore the defendant's license and an Attorney General's Opinion issued on December 29, 2001, stated that the court must enter an order for restoration to occur. This bill is a recommendation of the Committee on District Courts.

Patron - Almand

[P]HB836 Board of Transportation Safety. Requires that the interests of pedestrians and bicyclists be represented by the members of the Board of Transportation Safety.

Patron - Thomas

[P]HB896 Passing stopped school buses. Adds passing a school bus on a private road to the existing language, which only includes highway or school driveway.

Patron - McDougale

[P]HB905 Electric personal assistive mobility device. Defines "electric personal assistive mobility device" and provides, generally, for its treatment as an electric power-assisted bicycle, except that it is explicitly limited to speeds of no more than 15 miles per hour.

Patron - Rollison

[P]HB934 Commercial motor vehicles; alcohol and grade crossing violations; civil penalties. Provides for disqualification of a person holding a commercial driver's license for certain alcohol-related offenses committed in other states where disqualification was imposed through a civil or administrative hearing without any court proceedings. The bill further provides for disqualification of a commercial driver's license holder for 60 days for violations committed at railroad/highway grade crossings. Longer disqualifications are authorized for repeat offenses. In addition, it authorizes imposition of civil penalties up to \$10,000 for employers who allow or require an employee to operate a commercial motor vehicle in violation of any law or regulation pertaining to railroad/highway grade crossings and provides that no court may reduce, dismiss, or defer the conviction of a person charged with any offense committed while operating a commercial motor vehicle because the person has attended a driver improvement clinic.

Patron - Wardrup

[P]HB955 Department of Motor Vehicles (DMV); abstracts of records conviction. Requires the courts to forward abstracts of conviction to DMV within 18 days instead of the current 15 days.

Patron - Petersen

[P]HB1027 Failure to yield to pedestrians. Allows Fairfax County the same ability as Arlington and Alexandria to provide for enhanced penalties for motorists who fail to yield the right-of-way to pedestrians in specially marked crosswalks.

Patron - Moran

[P]HB1030 Speed limits in cities. Expands the provisions of § 46.2-878.2 to apply the penalties presently applicable only to speeding in residence districts (fine up to \$200) to all roads and streets in residence districts in counties, cities, and towns.

Patron - Moran

[P]HB1060 Suspension of operator's license and tags for failure to satisfy judgment. Expands the definition of judgment to include a civil action filed pursuant to § 15.2-1716

(reimbursement of expenses incurred in responding to DUI incident). This expansion allows the Commissioner, pursuant to § 46.2-417, to suspend the driver's license and all of the registration certificates and license plates for any person who has failed to satisfy the judgment resulting from emergency response expenses incurred on his behalf in response to his DUI.

Patron - Moran

HB1102 "Out-of-service" inspections. Allows specially trained law-enforcement officers of Washington County and Portsmouth to perform "out-of-service" inspections of trucks. HB 1242 adds Pulaski County; SB 108 adds Portsmouth and Pulaski County.

Patron - Johnson

HB1183 Motor carriers. Provides that DMV will not hear protests by aggrieved parties in cases where an applicant for licensure as a common carrier has received notice of intent to award a contract under the Virginia Public Procurement Act for irregular route services to or from Norfolk Airport. This bill is identical to SB 435.

Patron - Welch

HB1188 Vanpools and ridesharing. Revises several Code sections to eliminate conflicts and inconsistencies that arose as the result of 2001 legislation revising Virginia's motor carrier laws. Specifically, the bill (i) amends several statutes so that definitions and provisions applicable to small vanpool vehicles conform to federal regulations and other provisions of Virginia law; (ii) clarifies the use and cost of "PV" license tags for small vanpool vans; (iii) removes a meaningless reference to ridesharing in the shared ride taxi statute (§ 15.2-949) and substitutes language authorizing vanpool capital assistance by a locality, in lieu of establishing a shared ride taxi service; (iv) authorizes localities to give personal property tax breaks to all small non-profit vanpool vans; and (v) provides statutory recognition of the State Corporation Commission's interpretation view that the vanpool notice requirement for insurance purposes, applicable to vanpools using vehicles seating ten or more, includes the driver in the count.

Patron - Darner

HB1192 Parking fines; personal property taxes on vehicles. Allows local governing bodies to enter into regional compacts for the inter-jurisdictional enforcement of local parking and vehicular personal property tax ordinances assessed against vehicles of persons.

Patron - Almand

HB1242 "Out-of-service" inspections. Adds Pulaski County to the list of localities whose specially trained law-enforcement officers are authorized to conduct "out-of-service" inspections of vehicles subject to federal motor carrier safety requirements. HB 1102 adds Washington County and Portsmouth; SB 108 authorizes Portsmouth and Pulaski County.

Patron - Keister

HB1243 Trucks hauling gravel, sand, or crushed stone. Extends to July 1, 2007, the temporary application of coal truck weight limits to trucks hauling gravel, sand, or crushed stone in counties authorized to impose a coal severance tax.

Patron - Stump

HB1255 Parking. Prohibits localities to adopt ordinances prohibiting parking of two motorcycles in single parking spaces marked or sized for single four-wheel vehicles.

Counties, cities, and towns may adopt ordinances permitting parking of three or more motorcycles in single parking spaces.

Patron - Nixon

HB1261 Approaching stationary emergency vehicles on highways. Requires drivers, when approaching stationary emergency vehicles on highways, where reasonable, to change lanes or, when lane changing is either unreasonable or unsafe, to proceed with caution. Violations are Class 1 misdemeanors. However, if a violation results in damage to property of another person, the court may order the suspension of the driver's privilege to operate a motor vehicle for not more than one year. If the violation resulted in injury to another person, the court may, in addition to any other penalty, order the suspension of the driver's privilege to operate a motor vehicle for not more than two years. If the violation resulted in the death of another person, the court may, in addition to any other penalty, order the suspension of the driver's privilege to operate a motor vehicle for two years. This bill is modeled on "Scott's Law" from Illinois and is identical to SB 367.

Patron - Rapp

HB1328 Child restraint devices. Increases the maximum age of children that must be secured in child restraint devices when traveling in motor vehicles. The bill also allows restraining a child who is at least four years old but less than six years old with a standard automobile seat belt instead of a child restraint device, if the weight and size of the child is such as to make the use of such seat belt practical and the use of an approved child restraint impractical. This bill is identical to SB 395.

Patron - Bolvin

HB1342 Aggressive Driving; offense and penalty. Creates the new offense of aggressive driving and provides that a person is guilty of aggressive driving if he violates one or more of an enumerated list of traffic violations, e.g., following too closely, failure to observe lanes marked for traffic, stopping on highway, etc., with the intent to harass, intimidate, injure or obstruct another person. Aggressive driving shall be punished as a Class 2 misdemeanor, however, aggressive driving with the intent to injure another person shall be punished as a Class 1 misdemeanor. This bill is identical to SB 522.

Patron - O'Brien

HB1358 Driver improvement clinics. Allows persons under 18 to receive good driving points for attending driver improvement clinics if they have not been directed to attend by the DMV Commissioner or required to attend by a court.

Patron - O'Bannon

HJ200 Dulles Corridor rapid transit project. Encourages the Virginia Department of Rail and Public Transportation, in cooperation with the Secretary of Transportation and the Commonwealth Transportation Board, to work towards developing innovative alternative management strategies for transportation facilities and revenues in the Dulles Corridor. The resolution also provides that the analysis of alternative management strategies must ensure that in no event shall the Commonwealth set aside its fiduciary responsibilities to bondholders or others who have a legal interest in the Dulles Toll Road or to impair any outstanding statutory, contractual, or other legal obligation.

Patron - Plum

SB63 Overweight vehicles; liquidated damages; ability to shift load of certain overweight vehicles. Provides that motor vehicles that qualify for weight extensions under § 46.2-1129 and whose load can be shifted by sliding the axle or

axles of the semitrailer or the fifth wheel of the tractor truck and motor vehicles transporting off-the-road mobile construction equipment will be assessed liquidated damages after load shifting rather than prior to shifting. This bill is identical to HB 128.

Patron - Watkins

[P]SB68 Motor vehicle titles; joint owners. Clarifies that the issuance by the Department of Motor Vehicles of a certificate of title to two natural persons, jointly with right of survivorship, shall not be used by one of the joint owners as a defense to the lienor's enforcement of a security interest in the vehicle that was granted by one or both of the joint owners of the vehicle on the same date or prior to the issuance of the certificate of title.

Patron - Watkins

[P]SB108 "Out-of-service" inspections. Allows specially trained law-enforcement officers of Portsmouth and Pulaski County to conduct "out-of-service" inspections of vehicles subject to federal motor carrier safety requirements.

Patron - Marye

[P]SB148 Possession of open container of alcohol in a motor vehicle; penalty. Creates a rebuttable presumption that the driver has consumed an alcoholic beverage in violation of § 18.2-323.1 if (i) an open container is located in the passenger area of a motor vehicle, (ii) the alcoholic beverage has been at least partially removed and (iii) the appearance, conduct, odor of alcohol, speech or other physical characteristic of the driver may be reasonably associated with the consumption of an alcoholic beverage. A violation of § 18.2-323.1 is punishable as a Class 4 misdemeanor.

Patron - Norment

[P]SB157 Golf carts. Allows operation of golf carts on highways other than Virginia Route 205 in Colonial Beach. The bill also allows the Town Council to place further limitations on over-the-road operation of golf carts within the Town. This bill is identical to HB 115.

Patron - Chichester

[P]SB162 Driver's licenses, etc. Provides that obtaining, aiding in obtaining, or possessing a Virginia driver's license, special identification card, vehicle registration, certificate of title or other document issued by the Department of Motor Vehicles (DMV) constitutes a Class 2 misdemeanor if the violation involved obtaining or possession of the document for purposes of engaging in an age-limited activity (such as obtaining, possessing, or consuming alcoholic beverages) but constitutes a Class 6 felony if the violation was committed for other purposes. The bill also allows persons moving to Virginia from another state or country sixty days (instead of thirty days) to obtain Virginia driver's licenses. The bill prohibits the use of immigration visas and written statements (whether notarized or not) wherein another person "vouches" for the Virginia residency of an applicant for a Virginia driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card. For applicants less than nineteen years old, however, proof that the applicant's parent or guardian is a Virginia resident may be accepted as evidence of the applicant's Virginia residency. With certain exceptions (most notably for military personnel stationed outside Virginia and persons residing outside of Virginia in connection with their employment), the bill requires DMV to cancel the Virginia driver's licenses, commercial driver's license, and special identification cards or persons who change their address to a non-Virginia address. Under this legislation, no persons who holds a Virginia driver's license, commercial driver's license, temporary driver's per-

mit, learner's permit, or motorcycle learner's permit would be allowed to hold a special identification card issued by DMV. The legislation requires the DMV Commissioner, no later than December 1, 2002, to report to the Chairmen of the House and Senate Transportation Committees regarding the need for further modification or enhancement to the identity and residency requirements in the application process for Virginia driver's licenses, commercial driver's licenses, learner's permits, temporary driver's permits and special identification cards. The report specifically must include an assessment of the feasibility and effectiveness of requiring applicants for DMV documents to prove their legal presence in the United States. This bill is identical to HB 638.

Patron - Byrne

[P]SB256 Motor carriers; registration. Prohibits the Department of Motor Vehicles from registering or reregistering motor vehicles owned by a motor carrier if the State Corporation Commission notifies the Department that the motor carrier has not filed an annual report or paid taxes due to the State Corporation Commission.

Patron - Watkins

[P]SB287 Parking ordinances; Pittsylvania County. Adds Pittsylvania County to the list of counties that may by ordinance provide for the regulation of parking, stopping, and standing of vehicles within its boundaries (including the installation and maintenance of parking meters). This bill is identical to HB 430.

Patron - Hawkins

[P]SB358 Proof of insurance, etc., for vehicles involved in accidents. Authorizes law-enforcement officers present at the scene of reportable motor vehicle accidents to require the operators of motor vehicles involved to furnish proof that, at the time of such accident, either (i) the vehicles they were operating were insured motor vehicles as defined in § 46.2-705 or (ii) the fee required by § 46.2-706 for registration of uninsured vehicles had been paid. Failure to furnish proof of such within 30 days would constitute a Class 2 misdemeanor (jail up to six months and/or a fine up to \$1,000).

Patron - Reynolds

[P]SB367 Approaching stationary emergency vehicles on highways. Requires drivers, when approaching stationary emergency vehicles on highways, where reasonable, to change lanes or, when lane changing is either unreasonable or unsafe, to proceed with due caution. Violations are Class 1 misdemeanors. However, if a violation results in damage to property of another person, the court may, in addition, order the suspension of the driver's privilege to operate a motor vehicle for not more than one year. If the violation resulted in injury to another person, the court may, in addition to any other penalty, order the suspension of the driver's privilege to operate a motor vehicle for not more than two years. If the violation resulted in the death of another person, the court may, in addition to any other penalty, order the suspension of the driver's privilege to operate a motor vehicle for two years. This bill is modeled on "Scott's Law" from Illinois and is identical to HB 1261.

Patron - Blevins

[P]SB393 Statewide Pedestrian Plan. Requires the Commonwealth Transportation Board to develop a Statewide Pedestrian Plan.

Patron - Whipple

[P]SB395 Child restraint devices. Increases the maximum age of children who must be secured in child restraint devices when traveling in motor vehicles. The bill also allows

restraining a child who is at least four years old but less than six years old with a standard automobile seat belt instead of a child restraint device, if the weight and size of the child is such as to make the use of such seat belt practical and the use of an approved child restraint impractical. This bill is identical to HB 1328.

Patron - Whipple

[P]SB405 Eluding police; penalty. Provides for mandatory suspension of a driver's license for not less than 30 days and no more than one year when a person is convicted of an offense for eluding police. Currently, the court has the discretion to suspend a person's license for that period of time, unless the person exceeded the speed limit by 20 miles an hour, in which case the court is required to suspend the license for not less than 90 days.

Patron - Rerras

[P]SB435 Motor carriers. Provides that DMV will not hear protests by aggrieved parties in cases where an applicant for licensure as a common carrier has received notice of intent to award a contract under the Virginia Public Procurement Act for irregular route services to or from Norfolk Airport. This bill is identical to HB 1183.

Patron - Williams

[P]SB447 Low-speed vehicles. Authorizes limited over-the-highway operation of low-speed vehicles, defined as four-wheeled electrically-powered vehicles, other than golf carts, whose maximum speed is greater than 20 miles per hour but not greater than 25 miles per hour, that are manufactured to comply with safety standards contained in Title 49 of the Code of Federal Regulations, section 571.500. Low-speed vehicles may be operated on public highways with speed limits of no more than 35 miles per hour by licensed drivers or learner's permit holders accompanied by licensed drivers. The same registration and insurance requirements applicable to passenger cars apply also to low-speed vehicles. This bill is identical to HB 57.

Patron - Williams

[P]SB521 Ignition interlock and review of DMV order for manifest injustice; commercial driver's license. Removes judicial discretion to allow a DUI second offender to drive his vehicle without an ignition interlock. Currently, the court may allow such person to drive without the interlock if the court states in its order why the interlock is not required. The bill also provides that administrative revocation or suspension of a person's driver's license by the DMV is not subject to judicial review on the basis of manifest injustice unless the Commissioner's revocation order was the result of an error or was issued without authority. The bill also provides, in a provision that appears only in the enactment clause and not in the Code, that a judge shall send a second or third DUI conviction order to the DMV only if the defendant was convicted on a process alleging second or third DUI.

Patron - Mims

[P]SB522 Aggressive Driving; offense and penalty. Creates the new offense of aggressive driving and provides that a person is guilty of aggressive driving if he violates one or more of an enumerated list of traffic violations, e.g., following too closely, failure to observe lanes marked for traffic, stopping on highway, etc., with the intent to harass, intimidate, injure or obstruct another person. Aggressive driving shall be punished as a Class 2 misdemeanor, however, aggressive driving with the intent to injure another person shall be punished as a Class 1 misdemeanor. This bill is identical to HB 1342.

Patron - Mims

[P]SB602 Conviction of a serious driving offense. Provides that a conviction for certain traffic offenses resulting in death may include suspension of the driver's license for not more than 12 months.

Patron - Williams

[P]SB656 Youthful drivers. Makes it clear that volunteer firefighters and volunteer rescue squad personnel responding to emergency calls are exempt from the midnight-to-4:00 a.m. "curfew" for drivers under 18.

Patron - Mims

Failed

[F]HB14 Driver's licenses, commercial driver's licenses, and special identification cards. Provides that unlawfully obtaining, or aiding any person to obtain, a Virginia driver's license, special identification card, vehicle registration, certificate of title or other document issued by the Department of Motor Vehicles (DMV) constitutes a Class 4 felony (imprisonment for two to 10 years and a fine up to \$100,000), (presently such offenses are only Class 2 misdemeanors -- jail for up to six months and/or a fine up to \$1,000), unless they involve aid to five or more persons); extends from 30 days to 60 days the time during which a new resident may operate a motor vehicle in Virginia without having a Virginia driver's license; requires that applications for driver's licenses, commercial driver's licenses, learner's permits and renewals thereof be accompanied by certification and proof that the applicant's presence in the United States is in conformity with federal law; requires that no driver's license, commercial driver's license, or special identification card shall be valid for a length of time that exceeds the length of time during which the holder of the license or special identification card is permitted by federal law to be present in the United States; and provides that minors can be issued replacement driver's licenses and learner's permits for those that are lost, stolen, or destroyed, but requires that adults whose driver's licenses are lost, stolen, or destroyed to apply for a renewal of the lost, stolen, or destroyed licenses. This bill is incorporated into HB 638.

Patron - Rollison

[F]HB34 Special license plates; members of the 1600 Communications Association. Authorizes the issuance of special license plates to members of the 1600 Communications Association. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - Callahan

[F]HB40 Special license plates; supporters of Virginia zoos. Authorizes the issuance of "revenue sharing" license plates to supporters of Virginia zoos. For each set of plates issued (after the first 1,000 sets) \$15 will go, in equal shares, to the Blue Ridge Zoological Society and the Virginia Zoological Society to be spent at their discretion to support their programs and activities. This bill is incorporated into HB 385.

Patron - Woodrum

[F]HB59 Possession of open container of alcohol in a motor vehicle; penalty. Provides that no person shall possess an alcoholic beverage in the passenger area of a motor vehicle upon a public highway of the Commonwealth in other than the manufacturer's unopened, original container. The bill punishes violation with a civil penalty of \$25.

Patron - Purkey

HB62 Special license plates; Rotary International. Authorizes issuance of special license plates for members of Rotary International. This bill incorporates HB 521 and HB 634 and is incorporated into HB 385.

Patron - Morgan

HB63 Special license plates; God Bless America. Authorizes the issuance of special license plates whose design incorporates the flag of the United States of America and the legend "God Bless America." This bill is incorporated into HB 89.

Patron - Marshall, R.G.

HB64 Special license plates; "One Nation Under God." Authorizes the issuance of special license plates whose design incorporates the flag of the United States of America and the legend "One Nation Under God."

Patron - Marshall, R.G.

HB65 Special license plates; Proud to be an American. Authorizes the issuance of special license plates whose design incorporates the flag of the United States of America and the legend: Proud to be an American. This bill is incorporated into HB 385.

Patron - Marshall, R.G.

HB83 Special license plates; World War II veterans; fees. Provides for a one-time surcharge of \$15 for issuance of World War II veteran license plates. This one-time surcharge would replace the present \$10 annual surcharge.

Patron - Orrock

HB96 Special license plates; supporters of professional motor sports. Authorizes the issuance of special license plates to supporters of professional motor sports. The annual surcharge for these plates would be \$25, instead of the standard \$10 for most other non-revenue-sharing special license plates. This bill is incorporated into HB 385.

Patron - Dudley

HB113 Special license plates; Parrothead Club. Authorizes issuance of special license plates for members and supporters of the Parrothead Club. Standard requirements as to fees and minimum number of applications required, contained in § 46.2-725, apply to license plates authorized by this bill. This bill is incorporated into HB 385.

Patron - Marshall, R.G.

HB114 Special license plates; education begins at home. Authorizes the issuance of special license plates bearing the legend: EDUCATION BEGINS AT HOME. This bill is incorporated into HB 89.

Patron - Marshall, R.G.

HB123 Special license plates; members of Virginia affiliates of the United States Pony Clubs. Authorizes the issuance of special license plates to members of Virginia affiliates of the United States Pony Clubs. This bill is incorporated into HB 385.

Patron - Hull

HB134 Special license plates; USS Cole. Authorizes the issuance of special license plates honoring persons injured or killed in the bombing of the USS Cole on October 12, 2000. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - Hargrove

HB168 Speeding in residence districts. Allows Fairfax City to prohibit the operation of a motor vehicle at a speed of 15 miles per hour or more in excess of the applicable maximum speed limit in a residence district and, when indicated by appropriately placed signs displaying the maximum speed limit and the penalty for violations, subjects violators to a civil penalty of \$100, in addition to any other penalty provided by law but no other civil penalty.

Patron - Petersen

HB212 Special license plates; beekeepers and their supporters. Authorizes the issuance of special license plates to beekeepers and supporters of beekeepers. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - O'Bannon

HB229 Special license plates; members of the Virginia General Assembly. Provides that General Assembly members' special license plate numbers will be the same as their House or Senate district number.

Patron - Ware

HB230 Special license plates; 173rd Airborne Brigade. Authorizes issuance of special license plates to members and former members of the 173rd Airborne Brigade, instead of to members of the Society of the 173rd Airborne Brigade. These license plates would be exempt from minimum order requirements generally applicable to special license plates provided a one-time fee of \$3,500 has been paid to the DMV Commissioner. This bill is incorporated into HB 385.

Patron - Ware

HB237 Special license plates American Cancer Society. Authorizes the issuance of special license plates to supporters of the American Cancer Society. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - Gear

HB253 Teen drivers; passenger limitations. Allows drivers under 17 to transport up to three passengers under 18 when driving to or from school or a school-sponsored activity.

Patron - McQuigg

HB266 Special license plates. Returns responsibility for issuing special license plates to the DMV Commissioner. The bill retains provisions for minimum numbers of prepaid applications received prior to production and issuance and minimum numbers of active plates to keep series open. No authority is given the Commissioner to issue "revenue-sharing" plates.

Patron - McQuigg

HB267 Special license plates; plates available to military veterans. Changes the annual \$10 surcharge for these plates to a one-time \$10 surcharge. This bill does not affect veteran-related special license plates that presently are not subject to the standard annual \$10 surcharge.

Patron - Landes

HB280 Vehicle license plates. Provides for only one license plate on registered vehicles.

Patron - Louderback

HB281 Special license plates; persons awarded the Combat Infantryman Badge. Authorizes the issuance of special license plates to persons awarded the Combat Infantryman Badge. This bill is incorporated into HB 385.

Patron - Louderback

HB305 Special license plates; veterans of World War II. Eliminates all fees for issuance of special license plates for World War II veterans.

Patron - McDonnell

HB327 Teen drivers; passenger limitations. Allows drivers under 17 who attend a Governor's School to transport up to three passengers under 18 when driving to or from the Governor's School that they attend.

Patron - Griffith

HB350 Special license plates; supporters of public schools; fees. Exempts special license plates for supporters of public schools from the 350 prepaid application requirement contained in § 46.2-725.

Patron - Rapp

HB390 Special license plates. Provides that, for special license plates authorized or reauthorized on or after July 1, 2002, none will be issued until the Commissioner receives (i) an administrative fee, in an amount not to exceed \$2,000, as determined by the Commissioner, from the person, organization, or group seeking the special license plates or (ii) at least 350 prepaid applications therefor within two years. It also provides that no additional license plates shall be issued or reissued in any series that, after five or more years of issuance, has fewer than 200 active sets of plates. This bill is incorporated into HB 385.

Patron - Wardrup

HB402 Special license plates; Holstein dairy cow. Authorizes issuance of special license plates depicting a Holstein dairy cow. Standard requirements as to fees and minimum number of applications required, contained in § 46.2-725, apply to license plates authorized by this bill. This bill is incorporated into HB 89.

Patron - Weatherholtz

HB415 Driver's licenses, commercial driver's licenses, temporary driver's permits, learner's permits, motorcycle learner's permits, and special identification cards. Requires applicants for driver's licenses, commercial driver's licenses, temporary driver's permits, learner's permits, motorcycle learner's permits, and special identification cards to submit documentary proof of their name, date of birth, and Virginia residency. This bill is incorporated into HB 638.

Patron - Hamilton

HB423 "Photo-red" traffic light signal enforcement programs. Allows any county, city, or town to have a "photo-red" traffic light signal enforcement program. No such program shall be instituted solely to generate revenue. Certain functions hitherto authorized to be performed by technicians or employees must now be performed by law-enforcement officers. Photo-monitoring system cameras may not record the image of a vehicle proceeding legally through an intersection during the green phase of a signal, unless the image appears incidental to the recorded image of a vehicle illegally entering an intersection during the red phase of a signal. When selecting intersections for a traffic light signal violation photo-monitoring system, localities must consider factors such as the accident rate for the intersection, the number of red light violations occurring at the intersection, the difficulty experienced by law-

enforcement officers in patrol cars or on foot in apprehending violators and the ability of law-enforcement officers to apprehend violators safely within a reasonable distance of the violation. The timing of the yellow phase of the signal at intersections being monitored must meet or exceed the minimum time recommended by the Institute of Transportation Engineers. Localities that use photo-monitoring systems must place conspicuous signs indicating this at or near the boundary of the locality on all primary highways. Prior to or coincident with implementation or expansion of a "photo-red" program, a locality must implement a public awareness program. The July 1, 2005, "sunset" on "photo-red" programs is repealed.

Patron - McQuigg

HB441 Special license plates; Childhood Cancer Awareness. Authorizes the issuance of "revenue sharing" license plates to promote childhood cancer awareness. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Candlelighters Childhood Cancer Foundation to be spent in promoting childhood cancer awareness in Virginia. This bill is incorporated into HB 385.

Patron - Landes

HB444 Special license plates; Girl Scouts. Authorizes the issuance of "revenue sharing" license plates to supporters of the Girl Scouts of America. For each set of plates issued (after the first 1,000 sets), \$15 will go to the councils of the Girl Scouts of the USA serving Virginia Girl Scouts to be spent in support of their programs and activities. This bill is incorporated into HB 89.

Patron - Hull

HB445 Special license plates whose design incorporates the flag of the United States; FIGHT TERRORISM. Authorizes the issuance of special license plates whose design incorporates the flag of the United States and the legend: FIGHT TERRORISM. This bill is incorporated into HB 385.

Patron - Hull

HB470 Standing or parked vehicles. Requires that persons having control of motor vehicles must stop the motors and remove the ignition keys when the vehicles are parked or standing unattended. The bill does not apply to certain emergency vehicles or to vehicles parked or standing on their owners' residential property.

Patron - Suit

HB472 Notification by law-enforcement officers and Department of Motor Vehicles to parents and guardians of certain minors. Provides for notification of the parents or guardians of minors who are arrested or issued summonses or citations for driving while intoxicated or motor vehicle code violations. Similar notification is provided for convictions of such offenses and for suspensions, revocations, or cancellations of driver's licenses and learner's permits.

Patron - Suit

HB491 Motorcycles; helmets. Limits the application of the "motorcycle helmet law" to operators and passengers less than 21 years old.

Patron - Reid

HB492 Special license plates; United We Stand. Authorizes the issuance of special license plates whose design incorporates the flag of the United States of America and the legend: United We Stand. This bill is incorporated into HB 385.

Patron - Reid

HB521 Special license plates; Rotary International. Authorizes issuance of special license plates for members of Rotary International. This bill is incorporated into HB 385.

Patron - Devolites

HB522 Special license plates to benefit the children of the victims of the September 11, 2001, attack on the Pentagon. Authorizes the issuance of "revenue sharing" license plates to benefit the children of the victims of the September 11, 2001, attack on the Pentagon. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Board of Directors of the Federal Employees Education and Assistance Fund to be used in providing educational scholarships for the children of the victims of the September 11, 2001, attack on the Pentagon. This bill is incorporated into HB 385.

Patron - Devolites

HB542 Driver's licenses; use of social security numbers. Requires the Department of Motor Vehicles to assign to applicants for driver's licenses driver's license numbers that are not social security numbers, except when applicants request in writing that their social security number be used as their driver's license numbers. This bill is incorporated into HB 564.

Patron - Bell

HB584 Special license plates; persons awarded the Bronze Star, Bronze Star with a "V" for valor, or the Silver Star. Provides that the design of plates issued to persons who have been awarded more than one of these decorations shall indicate the number of these decorations. This bill is incorporated into HB 385.

Patron - Ingram

HB597 Special license plates; United We Stand. Authorizes the issuance of special license plates whose design incorporates the flag of the United States of America and the legend: United We Stand. This bill is incorporated into HB 89.

Patron - Black

HB598 Special license plates; unlocking autism. Authorizes the issuance of special license plates bearing the legend: UNLOCKING AUTISM. This bill is incorporated into HB 385.

Patron - Black

HB634 Special license plates; Rotary International. Authorizes issuance of special license plates for members of Rotary International. This bill is incorporated into HB 385.

Patron - O'Brien

HB643 "Photo-red" traffic light signal enforcement programs. Provides that the amount of the penalty for "photo-red" violations will be \$150 for a first offense, \$75 for a second offense, and \$100 for a third or subsequent offense, and authorizes localities with "photo-red" programs to exchange information necessary to determine the appropriate amount of the penalty.

Patron - O'Brien

HB674 Special license plates; members and associates of the Virginia Court Appointed Special Advocate Association. Authorizes the issuance of special license plates to members and associates of the Virginia Court Appointed Special Advocate Association. These plates would be subject

to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - Watts

HB676 Motor vehicle dealers; buyers' orders and personal property tax forms. Requires motor vehicle, motorcycle, T&M vehicle and trailer dealers to provide a personal property tax form to purchasers at the time of the sale or exchange.

Patron - Watts

HB680 Special license plates bearing the legend: FOX HUNTING. Authorizes the issuance of special license plates bearing the legend: FOX HUNTING. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - Wright

HB693 Local ordinances incorporating state laws relating to operation of motor vehicles; disposition of fines imposed for violations. Provides that fines imposed for violations of local ordinances incorporating provisions of the Code of Virginia relating to operation of motor vehicles must be deposited into the Literary Fund (and not into the treasury of the county, city, or town) when the violations are committed on interstate highways.

Patron - Tata

HB701 Four-for-life. Increases, effective July 1, 2002, from two dollars per year (two-for-life) to four dollars per year (four-for-life) the motor vehicle registration surcharge used to support emergency medical services. This bill is incorporated into HB 82.

Patron - Armstrong

HB716 Vehicle registration fees. Imposes an additional annual fee of one dollar per year on motor vehicle registration. This fee, however, will be refunded to the registered owner of the vehicle if requested in writing. All remaining funds will be used by the Jamestown-Yorktown Foundation in the planning, promotion, and commemoration of the 400th anniversary of the Jamestown Settlement in the year 2007.

Patron - Howell

HB745 "Photo-red" traffic light signal enforcement programs. Authorizes James City County and York County to have "photo-red" traffic light signal enforcement programs. This bill is incorporated into HB 423.

Patron - Barlow

HB765 Parking trucks in residential zones. Allows Fairfax and Prince William Counties to prohibit parking of nonfarm trucks and tractor trucks for which plates have been issued under § 46.2-712 in areas zoned for residential use.

Patron - Watts

HB780 Motorcycle helmets. Provides that the motorcycle helmet law will expire on July 1, 2004, unless reenacted prior to that date.

Patron - Stump

HB796 Wireless telecommunications devices. Prohibits use of wireless telecommunications devices by persons less than 18 years old while operating motor vehicles.

Patron - Bolvin

HB803 Special license plates; Optimist International. Authorizes the issuance of special license plates to members of Optimist International. These plates would be sub-

ject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - Almand

HB806 Regional bicycle pedestrian advisory committees. Requires the Virginia Department of Transportation to develop and implement a program to establish regional bicycle pedestrian advisory committees.

Patron - Almand

HB821 Motorcycle helmets. Repeals the motorcycle helmet law, effective July 1, 2004.

Patron - Black

HB833 Motorcycle helmets. Exempts motorcyclists operating on scenic highways and Virginia byways from the motorcycle helmet law.

Patron - Nixon

HB925 Removal of unsafe vehicles. Adds law-enforcement officers in Portsmouth to the list of law-enforcement officers certified to perform vehicle safety inspections.

Patron - Joannou

HB936 Overweight vehicles. Provides for civil penalties for repeat violations of vehicle weight limits: \$1,000 for a second offense within a 12-month period, \$5,000 for a third offense within a 12-month period, and \$10,000 for a fourth or subsequent offense within a 12-month period. These penalties are in addition to all other penalties and fees imposed or assessed for such violations, and may be assessed by the court against the operator of the vehicle, the owner or lessee of the vehicle, or the owner or consignor of the good being shipped, as the interests of justice may appear. The bill also provides for transmission to the Department of Motor Vehicles of records or abstracts of convictions for overweight violations so as to create a record of convictions that courts can use in assessing the additional penalties for repeat violations.

Patron - Morgan

HB945 Reckless driving; penalty. Provides that if a person is guilty of reckless driving and such reckless driving results in the death of another, the person is guilty of a Class 6 felony. Currently, the penalty is a Class 1 misdemeanor regardless of whether the conduct results in a death.

Patron - Hull

HB967 Driver education programs; slower traffic to keep right. Requires driver education programs to include the desirability of slower traffic keeping to the right on multi-lane highways.

Patron - Jones, D.C.

HB987 Commercial vehicle load covers. Requires that every vehicle load cover be adequately maintained.

Patron - Morgan

HB1014 Parking. Authorizes localities to adopt ordinances to prohibit parking commercial vehicles where they block passing traffic or so restrict the view of oncoming and cross-traffic as to interfere with traffic safety.

Patron - Scott

HB1051 Special license plates celebrating Virginia's Indian tribes. Authorizes the issuance of special license plates celebrating Virginia's Indian tribes. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - Darner

HB1056 Hit and run; duty of driver to stop. Provides that any person convicted of hit and run is guilty of (i) a Class 5 felony if the accident results in injury to or the death of any person, or (ii) a Class 1 misdemeanor if the accident results only in damage to property. Under current law, anyone convicted of hit and run is guilty of a Class 5 felony, regardless of the extent of injury or damage.

Patron - Melvin

HB1057 Aggressive driving; offense and penalty. Makes driving with the intent to annoy, harass, molest, intimidate, injure or obstruct another vehicle a Class 1 misdemeanor punishable by a mandatory fine of \$500 and mandatory attendance at a driver improvement clinic. This bill is incorporated into HB 1342

Patron - Melvin

HB1133 Special license plates; Rocky Mountain Elk Foundation volunteers. Authorizes the issuance of special license plates to Rocky Mountain Elk Foundation volunteers. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - Dillard

HB1176 Turns by trucks on Fullerton Road and Rolling Road in Fairfax County. Prohibits turns by trucks (including combinations with trailers and semitrailers) traveling on Rolling Road in Fairfax County onto Fullerton Road in Fairfax County and vice versa.

Patron - Albo

HB1182 Special license plates; values of diversity; contributions of African-American communities. Authorizes the issuance of special license plates commemorating the values of diversity and the contributions of African-American communities around the Commonwealth. This bill is incorporated into HB 385.

Patron - Bland

HB1198 Special license plates; members of BoatU.S. Authorizes the DMV Commissioner to issue to members of BoatU.S. special license plates bearing the legend: BoatU.S. Member. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - Moran

HB1199 Approaching stationary emergency vehicles on highways. Requires drivers, when approaching stationary emergency vehicles on highways, where possible, to change lanes or, when lane changing is either impossible or unsafe, to reduce speed. Violations are Class 1 misdemeanors. However, if a violation results in damage to property of another person, the court must, in addition, order the suspension of the driver's privilege to operate a motor vehicle for 90 days to a year. If the violation resulted in injury to another person, the court must, in addition to any other penalty, order the suspension of the driver's privilege to operate a motor vehicle for 180 days to two years. If the violation resulted in the death of another person, the court must, in addition to any other penalty, order the suspension of the driver's privilege to operate a motor vehicle for two years. This bill is modeled on "Scott's Law" from Illinois and is incorporated into HB 1261.

Patron - Jones, S.C.

HB1210 Special license plates commemorating the 250th anniversary of the Town of Smithfield. Authorizes the issuance of special license plates commemorating the 250th

anniversary of the town of Smithfield, the 200th anniversary of the City of Salem, and the 250th anniversary of the City of Portsmouth. These authorizations expire in five years. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - Barlow

[F]HB1232 Special license plates; Big Brothers Big Sisters of America. Authorizes the issuance of special license plates to supporters of Big Brothers Big Sisters of America. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - Gear

[F]HB1280 Special license plates; Supporters of the Shenandoah National Park Association. Authorizes issuance of special license plates for supporters of the Shenandoah National Park Association. Standard requirements as to fees and minimum number of applications required, contained in § 46.2-725, apply to license plates authorized by this bill. This bill is incorporated into HB 385.

Patron - Athey

[F]HB1324 Definitions of certain terms as used in Title 46.2; speed limits in business and residence districts. Provides definitions of "arterial highways," "collector highways," and "local highways," and revises the definition of "residence district" as those terms are used in Title 46.2 of the Code of Virginia and provides how the maximum speed limit is to be determined for certain highways that divide business and residence districts. The purpose of the bill is to bring the Code into compliance with the opinion of the Virginia Supreme Court in *Brooks v. Painter* (225Va 400).

Patron - Petersen

[F]HB1329 Parking in Fairfax and Prince William Counties. Allows governing bodies of Fairfax County and towns within it and Prince William County by ordinance to regulate or prohibit parking of trailers or semitrailers (regardless of whether they are attached to another vehicle) and vehicles primarily used for commercial purposes if they have a registered gross weight of 6,000 pounds or more.

Patron - Bolvin

[F]HB1334 "Photo-red programs." Allows Fredericksburg to have a "photo-red" traffic light signal enforcement program. This bill is incorporated into HB 423.

Patron - Orrock

[F]HJ250 Motor vehicle safety inspection. Establishes a joint subcommittee to study the Commonwealth's system of motor vehicle safety inspection. In conducting its study, the joint subcommittee may consider all aspects of the safety inspection system, related laws and regulations as it deems necessary, including but not limited to, the following: (i) training required of safety inspectors, (ii) scope of the safety inspection, (iii) costs typically incurred by inspection station operators in performing the inspection, (iv) propriety of the safety inspection fees, (v) propriety of the present rules and regulations governing inspection station operators, and (vi) state oversight of safety inspection stations.

Patron - Byron

[F]SB3 Four-for-life. Increases, effective July 1, 2002, from two dollars per year (two-for-life) to four dollars per year (four-for-life) the motor vehicle registration surcharge used to

provide funding for public safety and emergency response purposes.

Patron - Reynolds

[F]SB7 Special license plates commemorating the coming of the first Africans to Virginia in 1619. Authorizes the issuance of special license plates commemorating the coming of the first Africans to Virginia in 1619. This bill is incorporated into HB 385.

Patron - Miller, Y.B.

[F]SB22 Special license plates; printers. Authorizes the issuance of special license plates for printers. This bill is incorporated into HB 385.

Patron - Stosch

[F]SB41 "Photo-red" traffic light signal enforcement program. Adds Blacksburg, Charlottesville, Newport News, Manassas, Manassas Park, Fredericksburg, James City County, York County, and Albemarle County to the list of localities authorized to have "photo-red" traffic light signal enforcement programs. This bill requires a law-enforcement officer of the locality to certify a traffic light violation. It prohibits use of a monitoring system that records a vehicle lawfully entering an intersection, unless this recording is incidental to the recording of a violation using video. It requires localities to maintain a minimum timing for yellow lights and to notify citizens prior to the implementation of such a system. This bill removes the sunset date.

Patron - Marye

[F]SB62 Driver's licenses, commercial driver's licenses, and special identification cards; use of thumbprints or other biometric identifiers required. Requires use of thumbprints or other biometric identifiers (as determined by the DMV Commissioner) in connection with driver's licenses, commercial driver's licenses, and special identification cards. These provisions would only apply to driver's licenses, commercial driver's licenses, special identification cards, and applications therefor issued or submitted on or after July 1, 2004. This bill incorporates SB 376.

Patron - Watkins

[F]SB163 Motor vehicle registration. Requires applicants for registration of insured motor vehicles to provide the Department of Motor Vehicles with the insurance policy numbers applicable to those vehicles.

Patron - Byrne

[F]SB213 Special license plates; members of BoatUS. Authorizes the DMV Commissioner to issue to members and supporters of BOAT US special license plates bearing the legend: BOATUS MEMBER. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - Ticer

[F]SB282 Special license plates; members of the Blue Knight organization. Authorizes the issuance of special license plates to members of the Blue Knight organization. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - Hawkins

[F]SB340 Special license plates bearing the legend: FOX HUNTING. Authorizes the issuance of special license plates bearing the legend: FOX HUNTING. These plates would be subject to standard fees and prepaid application

requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - Ruff

[F]SB348 Failure to exhibit driver's license; fingerprint. Requires the owner or operator of a motor vehicle to allow the imprinting of his finger on a summons if he fails to exhibit his driver's license when requested to do so by a law-enforcement officer and the officer has reason to question the proof of identity offered by the person. The bill also provides that the officer shall remove the fingerprint from the summons six months from the date of issuance of the summons or case disposition whichever is later.

Patron - Potts

[F]SB368 Special license plates; retired members of the United States Air Force. Authorizes the issuance of special license plates for retired members of the United States Air Force. These plates would be distinct from the plates already authorized for active duty and reserved armed forces members and would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - Blevins

[F]SB370 Special license plates; Relay for Life. Authorizes the issuance of special license plates to supporters of the Relay for Life. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 89.

Patron - Blevins

[F]SB376 Driver's licenses. Requires a driver's license application to include the applicant's county, city, or town of residence, whether he is a U.S. citizen, and his thumbprints or index fingerprints. This bill is incorporated into SB 62.

Patron - Norment

[F]SB437 Special license plates; members and supporters of the NASA Langley Research Center. Authorizes the issuance of special license plates to members and former members of the NASA Langley Research Center. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 89.

Patron - Williams

[F]SB452 Injuring signs. Clarifies that "legally posted sign" includes street signs and raises the punishment for injuring or stealing the signs from a Class 2 to a Class 1 misdemeanor.

Patron - Puckett

[F]SB455 Special license plates; supporters of youth soccer. Authorizes the issuance of special license plates for supporters of youth soccer. These plates would be subject to standard fees and prepaid application requirements contained in § 46.2-725. This bill is incorporated into HB 385.

Patron - Saslaw

[F]SB498 Special license plates; Rotary International. Authorizes issuance of special license plates for members of Rotary International. This bill is incorporated into HB 385.

Patron - Watkins

[F]SB548 "Photo-red" traffic light signal enforcement programs. Authorizes the Town of Leesburg to establish a "photo-red" traffic light signal enforcement program.

Patron - Mims

[F]SB583 Special license plates; crime prevention. Authorizes the issuance of special license plates bearing the Internet address of the Virginia Crime Prevention Association and the legend: CRIME PREVENTION. This bill is incorporated into HB 385.

Patron - Barry

[F]SB598 School buses. Eliminates the requirement that school buses be yellow.

Patron - Hawkins

[F]SB603 Special license plates; recipients of the Air Medal or Air Medal with "V" for valor. Authorizes the issuance of special license plates for recipients of the Air Medal or Air Medal with "V" for valor. Standard requirements as to fees and minimum number of applications required, contained in § 46.2-725, apply to license plates authorized by this bill. This bill is incorporated into HB 89.

Patron - Williams

[F]SB657 Special license plates; supporters of the Washington Redskins football team. Authorizes the issuance of "revenue sharing" license plates to supporters of the Washington Redskins football team. For each set of plates issued (after the first 1,000 sets), \$15 will go to the Washington Redskins Leadership Council to be spent on community programs. This bill is incorporated into HB 385.

Patron - Mims

[F]SJ234 Data collection methodology. Requests the Virginia Department of Motor Vehicles, working in conjunction with the Department of State Police and other law-enforcement agencies, to develop a data collection methodology that will make it possible to create a better reporting mechanism to accurately capture the contributing factors in crashes resulting from drivers who are inattentive or distracted, or both.

Patron - Norment

[F]SR5 Data collection methodology. Requests the Virginia Department of Motor Vehicles, working in conjunction with the Department of State Police and other law-enforcement agencies, to develop a data collection methodology that will make it possible to create a better reporting mechanism to accurately capture the contributing factors in crashes resulting from inattentive and/or distracted drivers.

Patron - Norment

Carried Over

[C]HB116 Sale of motor vehicles by unlicensed persons. Provides that prohibition on sale of motor vehicles by persons not licensed as motor vehicle dealers or salespersons does not apply to owners of parking lots and other real property who have taken reasonable steps to prevent the use of their property for the display and sale of motor vehicles by unlicensed persons.

Patron - Pollard

[C]HB236 Colored warning lights on law-enforcement vehicles. Eliminates the requirement that colored warning lights on Department of Corrections vehicles and law-enforcement vehicles be of types approved by the Superintendent of State Police.

Patron - Gear

[C]HB348 Flashing of headlights on certain vehicles. Allows emergency vehicles to use flashing headlights when-

ever their warning lights are activated. Under current law, they cannot use flashing headlights at night.

Patron - Rapp

[C]HB368 Disregarding signal by law-enforcement officer to stop; eluding police; penalty. Provides that any person who, having received a visible or audible signal from any law-enforcement officer to bring his motor vehicle to a stop, drives such motor vehicle in a willful and wanton disregard of such signal or who attempts to escape or elude such law-enforcement officer, is guilty of a Class 6 felony (formerly a Class 3 misdemeanor) and provides further that if an injury results from the offense, the person is guilty of a Class 5 felony, and if a death results from the offense, the person is guilty of a Class 4 felony.

Patron - Cosgrove

[C]HB393 Salvage vehicles. Requires that all salvage vehicles that are repaired or rebuilt for over-the-road use have titles permanently branded to show that they are "rebuilt vehicles." There are also editorial and technical changes.

Patron - Wardrup

[C]HB421 Motor vehicle dealers. Repeals the provision of § 46.2-1500 that exempts persons who sell and distribute fire-fighting equipment, ambulances, and funeral vehicles from having to be licensed as motor vehicle dealers.

Patron - McQuigg

[C]HB798 Driver's license; fingerprinting non-U.S. citizens. Requires non-U.S. citizens who wish to obtain a driver's license to submit to a computerized scan of their finger image at the Department. The Department is required to implement a system to carry out this provision.

Patron - Bolvin

[C]HB807 Speeding; use of "photo-radar" technology. Authorizes the use of photo-radar technology in identifying and prosecuting persons for speeding. The structure and provisions of the bill very closely parallel use of "photo-red" technology to identify and prosecute persons who fail to comply with traffic light signals, except that this bill applies to all counties, cities, and towns, whereas the "photo-red" program is authorized only for a limited number of localities.

Patron - Almand

[C]HB808 Use of certain wireless communication devices by drivers while vehicle is in motion; civil penalty; reporting requirement. Provides that the driver of a motor vehicle is prohibited from using any hand-held wireless communication device while his vehicle is in motion, unless the device is equipped for hands-free operation and the driver is so operating the hands-free equipment. Anyone violating this section is subject to a \$25 civil penalty. Law-enforcement agencies are required to maintain a record of hand-held wireless communication device-related accidents.

Patron - Almand

[C]HB809 Vehicle safety inspections. Provides that making appointments to have safety inspections performed by authorized stations is neither required nor prohibited.

Patron - Plum

[C]HB871 Overweight permits for vehicles hauling timber. Applies, mutatis mutandis, the provisions of § 46.2-1143 (overweight permits for coal haulers), including penalties, to overweight permits for timber haulers.

Patron - Phillips

[C]HB872 Salvage vehicles. Requires that the title of any vehicle declared a total loss by an insurance company as part of the claims process must be branded by DMV to indicate that it is a salvage vehicle.

Patron - Phillips

[C]HB1029 Restoration of privilege of operating motor vehicle to persons convicted under the Habitual Offender Act. Provides that a nonresident of Virginia may petition any circuit court for restoration of his driving privilege. The current option for the filing of the petition is the court where he was declared an habitual offender.

Patron - Moran

[C]HB1231 Vehicle safety inspections. Allows any person who is a student in good standing attending a training program in automotive mechanics certified by either the Automotive Youth Education Systems or the National Automotive Technicians Education Foundation to be approved by the Department of State Police to perform safety inspections.

Patron - Amundson

[C]HB1310 Damaging highway signs; penalty. Provides that if a person willfully damages any legally posted highway sign and the damage results in or contributes to a motor vehicle accident that results in the death of any person, he is guilty of a Class 5 felony (imprisonment for one to 10 years or jail for up to 12 months and/or a fine of up to \$1,500). This is the same penalty as that provided for involuntary manslaughter.

Patron - Barlow

[C]SB87 Hand-held mobile telephones. Prohibits the use of hand-held mobile telephones by operators of motor vehicles while the vehicles are in motion. Exceptions are made for emergencies and use of mobile telephones by law-enforcement and emergency service personnel. The bill does not become effective until August 1, 2002, but provides for warnings during July, 2002. This bill is based on legislation passed by the State of New York.

Patron - Marsh

[C]SB283 Special license plates; Purple Heart. Eliminates all fees for issuance of Purple Heart special license plates.

Patron - Hawkins

[C]SB456 Special license plates; supporters of the Girl Scouts of America. Authorizes the issuance of special license plates for supporters of the Girl Scouts of America.

Patron - Saslaw

[C]SB499 Special license plates; military combat units with at least 50 but no more than 350 members; fees. Provides for the issuance by DMV of special license plates for current or former members of current or former military combat units that have at least 50 but fewer than 350 members. In addition to the prescribed registration fee, such special license plates would be subject to an annual fee of ten dollars and an additional one-time fee of \$10.

Patron - Watkins

Notaries and Out-of-State Commissioners

Passed

[P]HB469 Notary public. Requires that the identity of each person subject of a notarial act be identified by passport, certificate of citizenship or naturalization, alien registration card, driver's license, state-issued identification card, or military identification card unless such person is known by the notary.

Patron - Suit

Failed

[F]HB627 Notaries public; educational requirements. Requires applicants for notary public to, within one year of making application, complete at least three hours of interactive or classroom instruction, including electronic notarization, covering the duties of the notary public. Courses satisfying this requirement may be offered by any public or private institution or entity registered with the Secretary of the Commonwealth and shall include a core curriculum approved by the Secretary of the Commonwealth.

Patron - O'Brien

Oaths, Affirmations and Bonds

Passed

[P]HB55 Deletion of obsolete references. Strikes obsolete references to the Chancery Court of the City of Richmond and changes obsolete reference to "county or corporation" to "county or city." 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

Partnerships

Passed

[P]SB244 Partnerships. Clarifies and corrects various provisions of the Virginia Revised Uniform Limited Partnership Act and the Virginia Uniform Partnership Act. An obsolete provision regarding the conversion of a general partnership to a limited partnership is repealed. The identity and capacity of persons executing statements is required to be included on the statement. Several requirements for registration of foreign limited partnerships are conformed to corresponding requirements imposed on other types of foreign business entities. The payment of outstanding penalties is made a condition to the filing of limited partnership documents, and payment of annual continuation report filing fees is made a condition to the filing of limited liability partnership documents.

Patron - Wampler

Pensions, Benefits and Retirement

Passed

[P]HB26 Virginia Retirement System; employer payment of member contributions. Increases from three years to six years (or for such other period of time as approved by VRS upon request) the period of time within which employers choosing to pay a portion of members' contributions must begin paying the entire amount of members' contributions.

Patron - Callahan

[P]HB71 Virginia Retirement System; deferred compensation plan and cash match plan. Makes numerous technical amendments to the Government Employees' Deferred Compensation Plan and creates a new, separate chapter for state and local cash match plans.

Patron - Putney

[P]HB80 Virginia Retirement System; payment of life insurance and retirement benefits. Makes technical changes to the life insurance and retirement programs administered by the Virginia Retirement System.

Patron - Tata

[P]HB197 Virginia Sickness and Disability Program. Enrolls certain state employees into the Virginia Sickness and Disability Program (VSDP) unless such employees opt not to be enrolled. Members of the Virginia Retirement System, the State Police Officers' Retirement System, the Virginia Law Officers' Retirement System, certain part-time employees of the Commonwealth, and employees of higher education participating in the Retirement System, who are not already participating in the program, will be automatically enrolled into the VSDP unless such persons provide written notice to VRS of their decision not to participate. In general, the opt-out period will run from October 1, 2002, through December 31, 2002, and VSDP coverage will be effective January 10, 2003. Employees of higher education commencing employment on or after October 1, 2002, who are employed in a faculty position performing teaching, research or administrative duties, who elect to participate in VRS for their pension plan, have 60 days to elect participation VSDP or the institution's sickness and disability program beginning with their first date of employment. Any person enrolled into the VSDP will have his sick leave balances converted to disability credits at the rate of one hour of disability credit for each hour of sick leave. The bill only applies to employees who currently are not participating in the VSDP; the bill does not affect employees who previously elected to enroll in the VSDP or who were enrolled by effect of law. The bill also authorizes VRS to provide a long-term care insurance program for members of the VSDP.

Patron - Callahan

[P]HB578 Virginia Retirement System; partial lump-sum payment option. Provides that lump-sum distributions of retirement benefits, elected by certain eligible retirees under VRS, shall be paid without regard to limitations on the annual benefit amount that can be received under VRS. The bill also provides that no member of VRS may make an election for a lump-sum distribution more than once in his lifetime.

Patron - May

[P]HB1137 Retirement; teachers. Changes the conditions under which retired teachers are permitted to return to

teaching without interrupting their retirement benefits by (i) permitting such even if the retiree is receiving retirement benefits from an early retirement incentive program, (ii) specifying that such retirees must have been receiving retirement benefits for a period of at least 30 days before returning to a teaching position, and (iii) requiring that the teacher be hired pursuant to a contract that does not exceed one year in duration. Current law (a) prohibits such continuation of retirement benefits if any portion of the retirement benefits is based on an early retirement incentive program, (b) directs the Joint Legislative and Audit Review Commission and the Board of Trustees of the Virginia Retirement System to determine the period of time for eligibility that a retiree must have received retirement benefits before returning to teach; and (c) does not specify the duration of the teacher's contract. The provisions of the bill are made subject to the receipt of a written ruling from the Internal Revenue Service that affirmatively states that the provisions of the bill will not in any way adversely affect the qualified plan status of the Virginia Retirement System under federal law.

Patron - Dillard

[P]HB1320 Retirement; teachers. Changes the conditions under which retired teachers are permitted to return to teaching without interrupting their retirement benefits by (i) permitting such even if the retiree is receiving retirement benefits from an early retirement incentive program, (ii) specifying that such retirees must have been receiving retirement benefits for a period of at least 30 days before returning to a teaching position, and (iii) requiring that the teacher be hired pursuant to a contract that does not exceed one year in duration. Current law (a) prohibits such continuation of retirement benefits if any portion of the retirement benefits is based on an early retirement incentive program, (b) directs the Joint Legislative and Audit Review Commission and the Board of Trustees of the Virginia Retirement System to determine the period of time for eligibility that a retiree must have received retirement benefits before returning to teach; and (c) does not specify the duration of the teacher's contract. The provisions of the bill are made subject to the receipt of a written ruling from the Internal Revenue Service that affirmatively states that the provisions of the bill will not in any way adversely affect the qualified plan status of the Virginia Retirement System under federal law.

Patron - Christian

[P]HB1332 Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund. Makes several changes to the Fund including (i) providing that general fund contributions made on behalf of members shall be distributed based upon the number of years of a member's service as a volunteer rescue squad member or firefighter; (ii) changing from 20 to 10 the years of service required for maximum distributions from the Fund; (iii) changing the cost to purchase prior service from \$10 per month for every month purchased to an amount as established by the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board; and (iv) eliminating the requirement that prior eligible service be purchased within 180 days of the date of the establishment of the Fund.

Patron - Bolvin

[P]SB120 Virginia Sickness and Disability Program. Enrolls certain state employees into the Virginia Sickness and Disability Program (VSDP) unless such employees opt not to be enrolled. Members of the Virginia Retirement System, the State Police Officers' Retirement System, the Virginia Law Officers' Retirement System, certain part-time employees of the Commonwealth, and employees of higher education participating in the Retirement System, who are not already participating in the program, will be automatically enrolled into the VSDP unless such persons provide written notice to VRS of their decision not to participate. In general, the opt-out period

will run from October 1, 2002, through December 31, 2002, and VSDP coverage will be effective January 10, 2003. Employees of higher education commencing employment on or after October 1, 2002, who are employed in a faculty position performing teaching, research or administrative duties, who elect to participate in VRS for their pension plan, have 60 days to elect participation VSDP or the institution's sickness and disability program beginning with their first date of employment. Any person enrolled into the VSDP will have his sick leave balances converted to disability credits at the rate of one hour of disability credit for each hour of sick leave. The bill only applies to employees who currently are not participating in the VSDP; the bill does not affect employees who previously elected to enroll in the VSDP or who were enrolled by effect of law. The bill also authorizes VRS to provide a long-term care insurance program for members of the VSDP.

Patron - Stosch

[P]SB121 Pensions; Virginia Retirement System. Makes technical changes to the retirement plans administered by the Virginia Retirement System to comply with federal tax and pension laws.

Patron - Stosch

[P]SB176 Retirement; defined contribution plan. Eliminates (i) the requirement that withdrawals from the plan must be made within 90 days of termination by participating political appointees and (ii) the requirement that newly hired school superintendents must make their elections to participate in the plan within 30 days of being hired.

Patron - Miller, K.G.

[P]SB565 Virginia Retirement System; retirement benefits for law-enforcement employees. Clarifies (i) that the enhanced retirement benefits for a law-enforcement employee are available only after the employee has earned five or more years of creditable service in a law-enforcement position and (ii) that a retired law-enforcement officer cannot return to work as a law-enforcement officer and then choose to retire with different retirement benefits, unless he returns to work for at least five years. The bill also conforms the death in service benefits for local law-enforcement and fire employees with those provided to state law-enforcement employees.

Patron - Stolle

Failed

[F]HB682 Virginia Retirement System; purchase of service credit. Permits any member in service who (i) is involuntarily terminated from his job with a county for any reason other than for his own conduct, (ii) is within five years of being eligible for an unreduced service retirement allowance at the time of such termination, and (iii) at the time of such termination, is employed by a county that has suffered job losses of 10 percent or more due to federal trade policies since 1993, to purchase up to five years of creditable service at the rate of five percent of his creditable compensation or five percent of his average final compensation, whichever is greater, for each year purchased.

Patron - Hurt

[F]HB873 State Police Officers' Retirement System. Increases from 1.70 to two, at the election of the member, the percentage of average final compensation that is multiplied by the amount of creditable service in determining the amount of the retirement allowance for certain members of the State Police Officers' Retirement System. Any member who elects the higher percentage becomes ineligible to receive the supplemental allowance now provided from the date of his retirement

until his retirement age as defined under the Social Security Act.

Patron - Phillips

[F]HB1046 Disability benefits; firefighters. Requires localities to provide cost of living adjustments to firefighters' disability allowances.

Patron - Darner

[F]HB1111 Deferred retirement option program. Establishes a deferred retirement option program for teachers eligible to retire under VRS with unreduced benefits. Under the program, a teacher will continue working during the period of his participation in the program, not to exceed five years, during which time a percentage of the amount of the monthly retirement benefits that he would have received if he had retired instead of enrolling in the program is deposited in an account. The percentage, determined at an amount that ensures that the program does not affect employer contribution rates, shall not exceed 100 percent. The account balance, with interest, shall be paid to a participating teacher when he retires. This is an optional program.

Patron - Christian

[F]SB80 Virginia Law Officers' Retirement System; deputy sheriffs. Makes deputy sheriffs members of the Virginia Law Officers' Retirement System under certain conditions, including the election of such by the respective sheriff. Funding for such membership shall be provided by the Compensation Board.

Patron - Wampler

[F]SB491 Virginia Law Officers' Retirement System (VaLORS); membership. Adds as members in VaLORS probation and parole officers of the Department of Juvenile Justice and security or investigative officers of the State Lottery Department.

Patron - Newman

Carried Over

[C]HB141 Virginia Law Officers' Retirement System; membership. Expands membership in the Virginia Law Officers' Retirement System to include sworn members of the enforcement division of the Department of Motor Vehicles.

Patron - Abbitt

[C]HB221 Virginia Law Officers' Retirement System; deputy sheriffs. Expands the definition of "employee" to include deputy sheriffs, making such individuals members of the Virginia Law Officers' Retirement System.

Patron - Carrico

[C]HB241 Disability benefits; state employees. Excludes military disability benefits from offsetting the amount of disability benefits due state employees.

Patron - Cox

[C]HB321 Virginia Retirement System. Increases the retirement allowance for all state and local members of the Virginia Retirement System by increasing the percentage of average final compensation that is multiplied by the amount of creditable service (i) from two percent to 2.5 percent for certain members of the Virginia Law Officers' Retirement System who are not eligible for the supplemental allowance and (ii) from 1.7 percent to two percent for all others.

Patron - Callahan

[C]HB525 Virginia Law Officers' Retirement System. Increases from two to 2.7, the percentage of average final compensation that is multiplied by the amount of creditable service in determining the amount of the retirement allowance for certain members of the Virginia Law Officers' Retirement System.

Patron - Devolites

[C]HB526 Retirement benefits; local police departments. Provides that members of local police retirement systems may retire after 25 years of service regardless of age, and provides an additional retirement allowance for each year served in excess of 25 years. Current law permits retirement with 20 years of service and at least 50 years of age, and provides an additional allowance for such individuals for each year in excess of 20 years of service.

Patron - Devolites

[C]HB690 Deferred compensation plan for government employees. Provides that the Commonwealth shall transfer funds to teachers' deferred compensation accounts in the same amounts and pursuant to the same conditions that such transfers and credits are available at the time for state employees and directs the Virginia Retirement System to work with local school superintendents to develop appropriate procedures.

Patron - Tata

[C]HB877 Retirement; creditable compensation for teachers. Provides that creditable compensation for teachers may include remuneration for extra duties and remuneration for teaching on a contractual basis during the summer or after normal daytime school hours.

Patron - Phillips

[C]HB927 Retirement benefits; state and local law-enforcement employees and fire fighters. Provides that the supplemental allowance given to most state and local law-enforcement and fire-fighting employees from the date of retirement until the age of 65 (or the age of retirement for social security purposes) shall continue for the life of such members. The bill also removes the requirement that biennial adjustments to the amount of such supplemental allowance must be based upon increases in Social Security benefits.

Patron - Joannou

[C]HB928 Virginia Retirement System. Increases the retirement allowance for all state and local members of the Virginia Retirement System by increasing the percentage of average final compensation that is multiplied by the amount of creditable service (i) from two percent to 2.5 percent for certain members of the Virginia Law Officers' Retirement System who are not eligible for the supplemental allowance and (ii) from 1.7 percent to two percent for all others.

Patron - Joannou

[C]HB946 Virginia Law Officers' Retirement System; deputy sheriffs. Makes deputy sheriffs members of the Virginia Law Officers' Retirement System under certain conditions, including the election of such by the respective sheriff. Funding for such membership shall be provided by the Compensation Board.

Patron - Weatherholtz

[C]HB950 Virginia Law Officers' Retirement System; Department of Corrections special agents. Expands the definition of "employee" to include special agents of the

Department of Corrections, making such individuals members of the Virginia Law Officers' Retirement System.

Patron - Landes

[C]HB968 Virginia Law Officers' Retirement System; Department of Corrections special agents. Expands the definition of "employee" to include special agents of the Department of Corrections, making such individuals members of the Virginia Law Officers' Retirement System.

Patron - Jones, D.C.

[C]HB1048 Retirement; teachers. Changes a condition under which retired teachers are permitted to return to teaching without interrupting their retirement benefits specifying that such retirees must have been receiving retirement benefits for a period of at least 30 days before returning to a teaching position. Current law directs the Joint Legislative and Audit Review Commission and the Board of Trustees of the Virginia Retirement System to determine the period of time for eligibility that a retiree must have received retirement benefits before returning to teach.

Patron - Darner

[C]HB1050 Health insurance credits; retired local school division employees. Provides the health insurance credit currently provided to retired teachers to all local school board employees retired under the Virginia Retirement System.

Patron - Darner

[C]SB79 Virginia Retirement System. Increases from the average final compensation used in determining the retirement allowance of members of VRS, including members retiring under a disability.

Patron - Wampler

[C]SB351 Creditable service; purchased by local governments terminating employment positions. Authorizes any locality (i) in which the civilian labor force equals less than 90 percent of the civilian labor force in the locality in 1993, as determined by the Virginia Employment Commission, and (ii) that is participating directly in the Virginia Retirement System ("VRS"), to purchase up to five years of creditable service for any of its employees, concurrently with the termination of the employee's employment by the locality. The bill only applies to employees whose employment position is terminated on or before July 1, 2004. Creditable service may be purchased only for employees whose position is terminated in the implementation of a plan to reduce the locality's workforce. The plan must be filed with the Virginia Employment Commission. For each year of service purchased, the locality shall pay the sum of the member contribution charged pursuant to § 51.1-144 plus the employer contribution charged pursuant to § 51.1-145, both as in effect at the time of purchase. The locality may not rehire the employee until a period of at least two years has expired subsequent to the employee's termination. The provisions of the bill will become effective only if an Internal Revenue Service ruling determines that the qualified plan status of VRS is not adversely affected by the provisions of the bill.

Patron - Reynolds

[C]SB430 Retirement allowances and benefits; certain employees of the Virginia Department of Transportation. Provides that any employee of the Department of Transportation whose normal duties require him, on a regular basis, to construct, repair or maintain transportation facilities in Virginia shall be eligible to receive the retirement allowances, benefits, and options provided to law-enforcement officers under the Virginia Law Officers' Retirement System.

Patron - Ruff

[C]SB517 Virginia Retirement System; normal retirement for local police officers. Provides that local police officers who are members of the Virginia Retirement System with 25 or more years of creditable service in VRS may retire with no actuarial reduction in their retirement benefits and shall receive the annual supplement currently being provided to state police officers.

Patron - Norment

Persons with Disabilities

Passed

[P]HB9 Persons with mental retardation, developmental disabilities, or mental illness. Revises the external human rights system for persons with mental retardation, developmental disabilities, or mental illness. The Department for Rights of Virginians with Disabilities is removed from the executive branch and becomes an independent state agency renamed the Virginia Office for Protection and Advocacy. The bill creates a governing board for the Office, consisting of 11 members who are appointed by the Governor and the General Assembly for staggered terms. No such appointments shall be members of the General Assembly. This board shall hire the agency director, who shall be an attorney in good standing licensed to practice in Virginia. The Office is given the authority to access facilities and programs, receive notification of deaths in state facilities and to protect the confidentiality of records. The bill establishes an ombudsman program, within the new office, to become effective July 1, 2004, and creates the Protection and Advocacy Fund.

Patron - Hamilton

[P]HB832 Rehabilitative services; assistive loan fund. Permits the Assistive Technology Loan Fund Authority to make loans available to people with disabilities for entrepreneurial purposes.

Patron - Nixon

[P]HJ218 Research and new technologies for persons with disabilities. Requests the Secretaries of Technology and Health and Human Resources to work with representatives of technology industries to develop an action plan prescribing renewed partnerships among the Center for Innovative Technology (CIT), the Department of Information Technology (DIT) and rehabilitation agencies, including the Department of Rehabilitation Services, the Department for the Blind and Vision Impaired, the Department for the Deaf and Hard-of-Hearing and the Woodrow Wilson Rehabilitation Center, to strengthen cooperation in advancing research and new technologies to respond to the talents and needs of persons with disabilities. The Secretaries must report their written findings and recommendations to the Governor and the 2003 Session of the General Assembly. This resolution is a recommendation of the Disability Commission.

Patron - Van Landingham

[P]HJ251 Housing opportunities for persons with disabilities. Encourages the Virginia Disability Commission to make the identification of improved housing opportunities for citizens with disabilities its top priority for the 2002-2003 interim session and to facilitate collaboration among stakeholders to develop recommendations for strengthening intergovernmental and interagency coordination of housing programs for people with disabilities. The Commission is requested to expand its work group to include the participation

and involvement of all federal, state, local and community agencies, organizations and individuals concerned about housing for people with disabilities. In addition, the Commission and its work group are encouraged to develop a Housing Action Plan that (i) identifies the mission, composition, responsibilities, and funding for an intergovernmental, interagency coordinating body on housing and disability issues; (ii) identifies actionable strategies consistent with the mission and responsibilities of state housing agencies for the maximizing use of Section 8 programs and other federal housing and housing production programs for individuals with disabilities in Virginia; and (iii) develops a system of incentives and rewards for building accessible housing. The Commission is also encouraged to make use of existing research and presentation opportunities, including the annual state housing conference, to bring about optimal statewide attention to the housing needs of people with disabilities and available federal opportunities. This resolution is identical to HJR 236.

Patron - Bloxom

[P]SB231 Rehabilitative services; vocational. Revises state code language to reflect changes made in 1998 to the Rehabilitation Act of 1973, as amended. The changes update the list of vocational rehabilitation services, add the new consumer option to develop all or part of the written plan for services with or without the Department of Rehabilitative Services assistance, revise the name of the written plan for services to "Individualized Plan for Employment" to emphasize the plan's goal to achieve an employment outcome and replace the outdated term "sheltered workshop" with "community rehabilitation program."

Patron - Hanger

[P]SB504 Licensure of providers of services. Grants the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services the authority to issue licenses to providers of day support, in-home support or crisis stabilization services funded through the Individual and Families Developmental Disabilities Support Waiver. The Department of Rehabilitative Services shall collaborate with the Department of Mental Health, Mental Retardation and Substance Abuse Services in activities related to licensing providers of services under such waiver. These activities include involving advocacy and consumer groups who represent persons with developmental disabilities in the regulatory process; training the Department of Mental Health, Mental Retardation and Substance Abuse Services, local human rights committees and the State Human Rights Committee on the unique needs and preferences of individuals with developmental disabilities; assisting in the development of regulatory requirements for such providers; and providing technical assistance in the regulatory process and in performing annual inspections and complaint investigations.

Patron - Bolling

[P]SB620 Commonwealth Neurotrauma Initiative. Moves the statutory language and responsibilities for the Commonwealth Neurotrauma Initiative from the Commonwealth Neurotrauma Advisory Board and Department of Health to the Commissioner and the Department of Rehabilitative Services. The provisions of the program remain the same except that the Commonwealth Neurotrauma Initiative Trust Fund will be allocated forty-seven and one-half percent for research on neurotrauma, forty-seven and one-half percent for rehabilitative services, and five percent for the Department of Rehabilitative Services' costs for administering and staffing the Commonwealth Neurotrauma Initiative Advisory Board. Enactment clauses repeal the present health provisions, continue the previously appointed Commonwealth Neurotrauma Initiative Advisory Board, and preserve the Board of Health's regulations and

grant application, review, and award procedures until the Commissioner of Rehabilitative Services promulgates regulations.

Patron - Puller

Failed

[F]HJ253 Joint ventures in technology and rehabilitation. Requests the Secretary of Technology, the Secretary of Health and Human Resources, and representatives of technology industries to develop an action plan prescribing renewed partnerships among the Center for Innovative Technology (CIT), the Department of Information Technology (DIT) and rehabilitation agencies (Departments of Rehabilitative Services, Blind and Vision Impaired and Deaf and Hard-of-Hearing and the Woodrow Wilson Rehabilitation Center) to strengthen cooperation in advancing research and new technology to respond to the talents and needs of persons with disabilities. This initiative is a recommendation of the Disability Commission. This resolution is incorporated into HJR 218.

Patron - McQuigg

Police, State

Passed

[P]SB39 State Police. Makes certain that the Superintendent of State Police has the authority to promulgate regulations covering a commercial motor vehicle that has a gross vehicle weight or gross combination weight of 10,000 pounds or more. Currently, the Superintendent has the authority on such a vehicle if it has a gross vehicle weight rating or gross combination weight rating of 10,000 pounds or more. The bill also makes a change to reflect the name change of a federal agency.

Patron - Puckett

Carried Over

[C]HB876 Establishment of State Police special unit for terrorism law enforcement and investigation within Department. Establishes a State Police special unit for terrorism law enforcement and investigation.

Patron - Phillips

[C]SB280 Virginia Racial Profiling and Traffic Statistics Reporting Act. Requires the Superintendent of State Police to require each local and state police officer, during the course of his official duties, to collect certain information pertaining to traffic stops, including the race, ethnicity, color, age and gender of the alleged traffic offender, and to record the specific reason for the stop, whether the person was interrogated, charged or arrested, and whether a written citation or warning was issued. Police officers must also indicate the specific traffic violation committed. Police officers participating in the collection of such traffic data and information have been granted civil immunity for acts and omissions during the performance of their official duties, absent gross negligence or willful misconduct. The bill also requires the development of a statewide database for collecting, correlating, analyzing, interpreting, and reporting data and information generated through such traffic stop reports. The Superintendent may engage any accredited public institution of higher education in the Commonwealth or an independent body with the experience, expertise, and technical capacity to conduct such research to assist in designing the database, and the collection, analysis, and interpretation of the data. The Superintendent must report the findings and recommendations annually to the Governor, the

General Assembly, and the Attorney General and provide copies to each attorney for the Commonwealth. This act expires on July 1, 2006. Previously, this bill was a recommendation of the Joint Subcommittee Studying the Status and Needs of African American Males in the Commonwealth and the House Committee on Transportation's Special Subcommittee on Racial Profiling and Pretextual Traffic Stops.

Patron - Marsh

Prisons and Other Methods of Correction

Passed

[P]HB540 Sheriffs; courthouse and courtroom security. Provides that each sheriff shall ensure that the courthouses and courtrooms within his jurisdiction are secure from violence and disruption and shall designate deputies for this purpose.

Patron - Landes

[P]HB543 Work release; home/electronic incarceration. Eliminates the blanket authority of a jail administrator to assign a person to a work release or home/electronic incarceration program, and instead provides that a sheriff may designate a deputy sheriff or regional jail administrator to assign offenders to work release or home/electronic incarceration programs.

Patron - Bell

[P]HB596 Department of Corrections; duties. Requires the Department of Corrections to maintain, on each prisoner sentencing information data form, the name of the defendant, the criminal sentencing guideline score, and the criminal sentencing guideline worksheet.

Patron - Moran

[P]HB711 Transportation of prisoners. Provides that the Department of Corrections shall provide all transportation to and from court for any prisoner in connection with a crime committed within a state correctional facility, or a facility operated pursuant to the Corrections Private Management Act (§ 53.1-261 et seq.), unless the affected sheriff and the Department agree on other transportation.

Patron - Armstrong

[P]HB1179 Superintendents and jail officers; fees for transportation, etc. Allows superintendents and jail officers to charge reasonable fees for security, supervision and transportation provided for prisoners taken to a funeral or graveside service.

Patron - Hurt

[P]HB1288 Sheriffs; payment to defray cost of jail confinement. Clarifies that payments made to defray costs of weekend and nonconsecutive days in jail are to be remitted to the treasurer of the appropriate county or city and that such assessment is in addition to any other fees prescribed by law.

Patron - Purkey

[P]HB1298 Processes for notification regarding restoration of civil rights. Requires the Director of the Department of Corrections to provide notice to felons on completion of sentence of the processes to apply for restoration of voting rights and civil rights. The bill requires the Director to compile information on the Department's compliance with the notification requirements on an annual basis, and it requires the

Supreme Court to ensure that standardized petition forms are available at all circuit court clerks' offices.

Patron - Moran

[P]HJ99 Department of Corrections Academy for Staff Development. Requests the State Board of Corrections to name the Department of Corrections Academy for Staff Development located at 1900 River Road West in Crozier, Virginia in honor of the late Paul W. Keve. Mr. Keve had a distinguished career in the field of corrections as a scholar, instructor, and administrator.

Patron - Bloxom

[P]SB587 Board of Corrections; extraordinary service credits for prisoners. Allows the Board of Corrections to grant extraordinary service credits to state-responsible prisoners confined in local correctional facilities in the same manner as those confined in state correctional facilities.

Patron - Norment

[P]SB647 Parole Board. Allows the Parole Board to be composed of up to five members (currently, it is five members), requires that the Chairman be a full-time state employee, and allows the Governor to designate no more than two other members as full-time state employees. The other members, if any, are part-time state employees. The bill also requires the Board to notify the attorney for the Commonwealth of the sentencing jurisdiction by certified mail at least 21 business days prior to release on parole of any inmate convicted of a felony and sentenced to a term of 10 or more years, and to endeavor diligently to contact the victim prior to making any decision to release any inmate on discretionary parole. However, in the case of parole granted for medical reasons, where death is imminent, the attorney for the Commonwealth may be notified by telephone or other electronic means prior to release.

Patron - Miller; Y.B.

[P]SB687 Stores or commissaries in local correctional facilities. Clarifies that funds from the operation of a store, commissary or inmate telephone program in local correctional facilities shall be considered public funds.

Patron - Stolle

[P]SB693 Courthouse and courtroom security; assessment. Provides that each sheriff shall designate deputies for the purpose of ensuring that the courthouses and courtrooms within his jurisdiction are secure from violence and disruption. Additionally, the bill provides that any county or city may assess a sum not in excess of five dollars as part of the costs in each criminal or traffic case in its district or circuit court in which the defendant is convicted. The assessment shall be collected by the clerk of the court, remitted to the treasurer and held by the treasurer subject to appropriation by the governing body to the sheriff's office for the funding of courthouse security. The assessment provision shall expire on July 1, 2004.

Patron - Stolle

Failed

[F]HB633 Virginia Correctional Enterprises; purchases by certain state entities. Provides that departments, institutions and agencies of the Commonwealth are required to purchase articles and services manufactured or produced by state inmates if the articles have been determined by these entities to be available and of a competitive quality and price.

Patron - O'Brien

[F]SB605 Parole Board; membership. Reduces the Parole Board to three members. This bill contains technical amendments consistent with the recodification of Title 2.2. This bill is incorporated into SB 647.

Patron - Marye

[F]SB649 Interstate Compact for the Supervision of Adult Offenders. This bill establishes a new interstate compact to replace the existing Compact. The Compact takes effect on the later of July 1, 2002, or the date that 35 states adopt the Compact. Under the new Compact, an Interstate Commission is created. The Commission's duties include establishing uniform procedures to manage the movement of adult offenders under community supervision between participating states; ensuring the opportunity for input and providing a timely notice to victims and jurisdictions where offenders are authorized to travel or relocate across state lines; establishing a uniform data collection system; monitoring compliance of interstate movement of offenders and initiating interventions to address noncompliance; and coordinating training programs regarding interstate movement for officials involved in such activities. Each Compacting State is responsible for supervision of adult offenders in its communities who are authorized by the Compact to travel across state lines. Such responsibilities include tracking the location of offenders, transferring supervision, and returning offenders to originating jurisdictions. The bill also creates a council to oversee the operations of the compact within Virginia.

Patron - Rerras

Carried Over

[C]HB60 Restoration of the civil right to be eligible to register to vote to certain persons. Revises the procedure for seeking restoration through a petition to the circuit court by eliminating the requirement that the petitioner wait five or more years after completion of sentence, probation, and parole before filing the petition.

Patron - Jones, J.C.

[C]HB70 Corrections; medical costs. Requires the State, in its annual appropriation to local correctional facilities, to compensate localities for two-thirds of the extraordinary medical costs incurred for treatment provided to state-responsible inmates. Such costs will be determined by the excess over the average medical cost per inmate day as determined by the Compensation Board.

Patron - Jones, J.C.

[C]HB805 Department of Corrections; inmate collect call system. Provides that any commission or rebate received or realized by the Department of Corrections from a contractor providing inmate telephone services shall be used to reduce the surcharge or rates paid for inmate calls under any inmate collect call system beginning July 1, 2003. The Department of Corrections is required to negotiate a plan to reduce the surcharge or rates without costs to the contractor providing inmate telephone services.

Patron - Almand

[C]HB1115 Department of Corrections; inmate collect call system. Provides that any commission or rebate received or realized by the Department of Corrections, or by any state, local or regional correctional facility from a contractor providing inmate telephone services shall be used to reduce the surcharge or rates paid for inmate calls under any inmate collect call system.

Patron - Crittenden

[C]SB642 Deferral and dismissal; community-based corrections program. Expands the section allowing a misdemeanor charge to be discharged and dismissed if the defendant fulfills the terms and conditions of his probation even though the facts justify a finding of guilt. The bill allows discharge and dismissal for any misdemeanor whereas current law includes certain property crimes only. The bill also allows a judge to order successful completion of a community-based corrections program as a term or condition of probation for discharge and dismissal. Under current law a person must be convicted before being sentenced to a community corrections program.

Patron - Watkins

Professions and Occupations

Passed

[P]HB44 Health professions; pronouncement of death. Allows registered nurses, in situations meeting explicit criteria, to pronounce death when they are employed by a hospital or nursing home. State-operated hospitals are to be considered hospitals for these purposes. Registered nurses employed by home health organizations, hospices or the Department of Corrections may already pronounce death. Specific criteria are established in this law for those patients who may be pronounced dead by registered nurses, i.e., those patients whose deaths were expected, who had valid do not resuscitate orders and who were under the care of a physician who could not be present within a reasonable period of time. The nurse is required to notify the patient's attending and consulting physicians as soon as practical.

Patron - Hamilton

[P]HB127 Minors' consent to treatment for substance abuse. Provides that a parent, legal guardian or person standing in loco parentis will not be prevented from obtaining the results of a minor's nondiagnostic drug test when the minor is not receiving care, treatment or rehabilitation for substance abuse.

Patron - Rollison

[P]HB154 Health; certain unused drugs provided to free clinics. Permits nursing homes to enter into voluntary agreements with pharmacists to return any drugs that are no longer necessary for their residents in order that the pharmacy may dispense such drugs to the indigent, free of charge, subject to certain restrictions. The drugs must be in the manufacturers' original sealed containers or sealed individual dose or unit dose package and the return must comply with federal law. Only an authorized person will accomplish the physical transfer, consent must be obtained from the relevant patient or his authorized representative for return of the medication, the expiration date remains, all identifying data relating to the patient for whom the drug was dispensed must be removed, inventories must accompany the transferred drugs, and outdated drugs cannot be transferred and must be destroyed according to the Board's regulations. The pharmacist-in-charge at the participating pharmacy will be responsible for determining the suitability of the drug for redispensing. Prescriptions dispensed for Medicaid or children's health insurance program recipients cannot be donated. The Board of Pharmacy shall promulgate emergency regulations to implement the program.

Patron - Van Yahres

[P]HB213 Board of Medicine regulations. Requires the Board of Medicine to promulgate regulations governing the

practice of medicine related to the administration of anesthesia in physicians' offices. This bill notes the Boards authority, pursuant to § 54.1-2400, to establish the qualifications for registration, certification or licensure that is necessary to ensure competence and integrity to engage in the regulated practice. In compliance with the second enactment, the Board is required to promulgate emergency regulations to implement this provision. In doing so, the Board must solicit and respond to public comment prior to adoption.

Patron - O'Bannon

[P]HB217 Advisory boards to the Board of Medicine and membership on certain disciplinary committees and panels. Revises the names, appointing authority, and membership of various advisory boards to the Board of Medicine to provide consistency. All statutorily established "committees" are renamed as advisory boards with five members to be appointed by the Governor. In addition, various statutes are amended to provide for inclusion of one member of the relevant advisory board on the disciplinary body when the respondent holds a license or certificate authorizing practice in the profession represented by the relevant advisory board. The advisory board member of the disciplinary committee or panel will have full voting privileges.

Patron - O'Bannon

[P]HB337 Professions and occupations; wax technicians. Provides a definition and license program for wax technicians (persons who remove hair from the follicle using a wax depilatory or by tweezing), waxing salons, and waxing schools, and provides procedures for endorsement based on training or practical experience.

Patron - Hamilton

[P]HB375 Pawnbrokers; daily reports. Allows the Town of Front Royal, described by population, to require a pawnbroker to electronically maintain and file the mandated daily report consisting of goods, articles or things pawned or pledged.

Patron - Athey

[P]HB487 Practice of pharmacy. Provides two exceptions from the requirements for the practice of pharmacy for practitioners of medicine or osteopathy relating to obtaining prescription drugs without charge for indigent patients, i.e., through pharmaceutical manufacturers' indigent programs and through donations from other entities. Practitioners who participate in pharmaceutical manufacturers' indigent programs in which the manufacturer donates a stock bottle of the prescription drug that is to be dispensed to an indigent patient are provided authority to dispense such drugs. The labeling and packaging standards will apply (packaging can be changed by the practitioner or the patient) and the drug cannot be used for any other purpose, unless the manufacturer authorizes dispensing to another indigent patient. Practitioners may, in lieu of dispensing directly to the patient, transfer the stock bottle to a pharmacy participating in the indigent program. The participating practitioner and the pharmacy are prohibited from charging the patient a fee for the medication. A reasonable dispensing or administrative fee to offset the cost of dispensing may be charged, not to exceed the comparable allowable fee reimbursed by the Virginia Medicaid program; however, if the patient is unable to pay the dispensing or administrative fee, this fee must be waived. In addition, practitioners of medicine or osteopathy are authorized to provide controlled substances to their own patients in free clinics without charge when the drugs have been donated by an entity other than a pharmaceutical manufacturer. The practitioner must first obtain a controlled substances registration and will be required to comply with the existing labeling and packaging requirements. Enactment

clauses require emergency regulations and mandate that the Board of Pharmacy advise and assist free clinics in revolving issues relating to the practice of pharmacy and the Drug Control Act. This bill is identical to SB 145.

Patron - Broman

[P]HB494 Professions and occupations; itinerant merchants; sale of regulated products; penalty. Provides that no itinerant merchant shall offer for sale or knowingly permit the sale of baby food, infant formula, or any nonprescription drug. The provisions of this section shall not apply to a person who keeps available for public inspection a written authorization identifying himself as an authorized representative of the manufacturer or distributor of such product, provided such authorization is not false, fraudulent, or fraudulently obtained. The bill defines "baby food" and "non-prescription drug" and provides for the penalty for violation.

Patron - Reid

[P]HB531 Department of Professional and Occupational Regulation; tattoo parlors and body-piercing salons. Provides for the licensure of tattoo parlors, body-piercing salons and those individuals who practice tattooing or body piercing by the Board of Barbers and Cosmetology. The bill requires the Board to adopt regulations establishing the requirements for licensure of any tattoo parlor, body-piercing salon and those individuals who practice tattooing or body piercing. Currently, these establishments are regulated at the local level. The bill removes the authority of localities to regulate tattoo parlors and body-piercing salons.

Patron - Devolites

[P]HB534 Health professions; substance abuse counselors. Removes the deemed certification language for those persons who meet the certification standards for a certified substance abuse counselor in effect prior to July 1, 2001. Current law provides that those persons who are certified under the standards in effect prior to July 1, 2001, will be deemed to hold certification at the appropriate level under the new provisions, when adopted, unless such certification is suspended or revoked. This language is struck; however, retained language requires the Board to certify individuals who applied before the new certification regulations became effective if they met the requirements in place prior to July 1, 2001. Thus, the deeming language is no longer necessary.

Patron - Devolites

[P]HB625 Practice of pharmacy. Provides greater flexibility in the practice of pharmacy to be consistent with current health care practice trends while still providing sufficient safeguards for the integrity of controlled substances and patient safety. This bill changes the definition of the "pharmacy" to include any establishment in which drugs, medicines or medicinal chemicals are dispensed or offered for sale and, thereby, authorizes pharmacists to practice in locations other than permitted pharmacies, e.g., in a clinical oncology practice providing chemotherapy; softens the restrictions on the use of chart orders with multiple prescriptions to allow for such orders for home infusion and hospice patients; clarifies that a combination of manual and automated recordkeeping may be used, so long as the required prescription information is maintained and retrievable; and authorizes alternate delivery sites for prescriptions, such as "drop stations" where patients may pick up the drugs from a central location.

Patron - Morgan

[P]HB629 Department of Professional and Occupational Regulation; summary suspension of boxing license. Authorizes the Department of Professional and Occupational Regulation to suspend the license of a boxer without a hearing

or informal fact-finding conference when warranted by the medical condition of the boxer or when there is substantial danger to the public health or safety. The hearing or conference must be initiated simultaneously with the summary suspension and be scheduled within a reasonable time of the date of the summary suspension.

Patron - O'Brien

[P]HB665 Health professions; nursing. Provides an exemption from the nursing licensure requirements for a period of 30 days pending licensure in Virginia for nurses holding a current unrestricted license in Canada whose training was obtained in a nursing school in Canada where English was the primary language and requires the Board of Nursing to issue licenses by endorsement to applicants who hold current unrestricted licenses in Canada whose training was obtained in a nursing school in Canada where English was the primary language and who have passed the Canadian Registered Nurses Examination (CRNE). Current law already provides for licensure by endorsement for nurses licensed in other states, the District of Columbia, and any U.S. possession or territory if the applicant meets the qualifications required of nurses in the Commonwealth.

Patron - Cox

[P]HB687 Physician assistants. Clarifies that the physician must provide continuous supervision of the assistant; however, the requirement for physician supervision of assistants must not be construed as requiring the physical presence of the supervising physician during all times and places of service delivery by an assistant. Further, this bill details that each team of supervising physician and physician assistant must identify the relevant physician assistant's scope of practice, including, but not limited to, the delegation of medical tasks as appropriate to the physician assistant's level of competence, the physician assistant's relationship with and access to the supervising physician, and an evaluation process for the physician assistant's performance. The Board of Medicine is required, pursuant to a second enactment clause, to promulgate emergency regulations to implement this provision.

Patron - Tata

[P]HB837 Board of Funeral Directors and Embalmers; continuing education. Establishes continuing education requirements for funeral service licensees, funeral directors and embalmers. The bill also authorizes the Board for Funeral Directors and Embalmers to establish an inactive status for licensees and registrants of the Board and prohibits the practice as a funeral service licensee, funeral director or embalmer in the Commonwealth without a current and active license or registration. In addition, the bill requires the Board to promulgate regulations for implementing the act within 280 days of its effective date.

Patron - Thomas

[P]HB1055 Health professions; temporary permits for dentists. Expands the authority of the Board of Dentistry to issue a temporary license to dentists providing services in free clinics and community health centers. Temporary permits are already granted to dentists not licensed in the State who meet certain criteria and provide services in dental clinics operated by the Departments of Health and Mental Health, Mental Retardation and Substance Abuse Services. This bill is a recommendation of the Joint Commission on Health Care.

Patron - Melvin

[P]HB1085 Health professions; nursing workforce. Authorizes the Board of Nursing to accept private grants or donations in addition to any licensure or certification fee for

the purposes of collecting and utilizing nursing workforce information.

Patron - Brink

[P]HB1151 Board for Contractors; exemptions. Exempts from the licensure or certification requirement of the Board for Contractors any person licensed as a private security services business by the Department of Criminal Justice Services.

Patron - Marshall, R.G.

[P]HB1318 Volunteer services by certain providers of health care. Exempts from the Virginia licensure or certification requirements of the Board for Opticians and the Boards of Dentistry, Medicine, Nursing, Optometry, Pharmacy, and Veterinary Medicine certain out-of-state practitioners who (i) do not regularly practice in Virginia, (ii) hold current valid licenses or certificates to practice in another state, territory, district or possession of the United States, (iii) volunteer to provide free health care to an underserved area of this Commonwealth under the auspices of a publicly supported all-volunteer, nonprofit organization with no paid employees that sponsors the provision of health care to populations of underserved people throughout the world, (iv) file copies of the licenses or certificates issued in such other jurisdiction with the appropriate board, (v) notify the appropriate board, within 15 days prior to the voluntary provision of services of the dates and location of such services, and (vi) acknowledge in writing that such licensure exemption shall only be valid during the limited period that such free health care is made available on the dates and at the location filed with the various boards. Enactment clauses require emergency regulations and authorize the various boards to require the sponsoring organization to register and pay a fee prior to delivering services in Virginia.

Patron - Stump

[P]SB24 Itinerant merchants; prohibited sale of certain merchandise; penalty. Prohibits the sale by an itinerant merchant of infant formula or nonprescription drugs unless the seller maintains for public inspection a valid authorization identifying that such person is an authorized representative of the manufacturer or distributor of the prohibited merchandise. "Infant formula" is defined as any food manufactured, packaged and labeled specifically for sale for consumption by a child under the age of two. "Nonprescription drug" is defined as any substances or mixture of substances containing medicines or drugs for which no prescription is required and which are generally sold for internal or topical use in the cure, mitigation, treatment, or prevention of disease in human beings. Under the bill any person convicted of violating this provision is guilty of a Class 3 misdemeanor on the first offense and a Class 2 misdemeanor upon conviction of any subsequent offense.

Patron - Wagner

[P]SB53 Regulatory authority of the Board of Counseling. Requires the Board of Counseling to promulgate regulations establishing requirements for evidence of continued competency as a condition of licensure renewal. The Board is authorized to approve persons who provide or accredit continuing education programs in order to accomplish this purpose and to grant waivers and reduce the number of continuing education hours in certain cases.

Patron - Edwards

[P]SB59 Board of Medicine. Revises the statute that sets forth the data required for the profiles of doctors of medicine, osteopathy, and podiatry. The Board will require telephone numbers and access to translating services for all practice settings, and will remove the mandatory reporting of

insurance participation while allowing voluntary reporting of this information. For the sole purpose of expedited dissemination of information about a public health emergency, doctors must also provide any e-mail addresses or facsimile numbers. The e-mail addresses and facsimile numbers will not be published on the profile database or released or made available for any other purpose other than the public health emergency. In addition, the scope of data to be made available on malpractice claims has been clarified to prohibit the release of specific numeric values of reported paid claims in any individually identifiable manner under any circumstances. This bill has numerous technical amendments to change references to "physicians" to the more accurate term "doctor." A second enactment clause requires the Board of Medicine to promulgate emergency regulations and a provision for the display of final disciplinary orders of the Board together with notices thereof and any summary suspension of a license.

Patron - Watkins

[P]SB61 Department of Professional and Occupational Regulation; Board for Professional Soil Scientists and Wetland Professionals; penalty. Adds certified professional wetland delineators to the current Board for Soil Scientists. The bill also (i) establishes certification standards for "certified professional wetland delineators," (ii) prohibits a certified professional wetland delineator from performing professional engineering, landscape architecture and land surveying, and (iii) provides that any person practicing or offering to practice wetland delineation who represents himself as a certified professional wetland delineator without holding such a certificate shall be guilty of a Class 1 misdemeanor. The bill has a delayed effective date of July 1, 2004.

Patron - Watkins

[P]SB101 Practice of physical therapy. Adds nurse practitioners as authorized in their practice protocols to the list of health care professionals who may order physical therapy services. At this time, physical therapy orders may be issued by doctors of medicine, osteopathy, chiropractic, podiatry, or dental surgery.

Patron - Howell

[P]SB145 Practice of pharmacy. Provides two exceptions from the requirements for the practice of pharmacy for practitioners of medicine or osteopathy relating to obtaining prescription drugs without charge for indigent patients, i.e., through pharmaceutical manufacturers' indigent programs and through donations from other entities. Practitioners who participate in pharmaceutical manufacturers' indigent programs in which the manufacturer donates a stock bottle of the prescription drug that is to be dispensed to an indigent patient are provided authority to dispense such drugs. The labeling and packaging standards will apply (packaging can be changed by the practitioner or the patient) and the drug cannot be used for any other purpose, unless the manufacturer authorizes dispensing to another indigent patient. Practitioners may, in lieu of dispensing directly to the patient, transfer the stock bottle to a pharmacy participating in the indigent program. The participating practitioner and the pharmacy are prohibited from charging the patient a fee for the medication. A reasonable dispensing or administrative fee to offset the cost of dispensing may be charged, not to exceed the comparable allowable fee reimbursed by the Virginia Medicaid program; however, if the patient is unable to pay the dispensing or administrative fee, this fee must be waived. In addition, practitioners of medicine or osteopathy are authorized to provide controlled substances to their own patients in free clinics without charge when the drugs have been donated by an entity other than a pharmaceutical manufacturer. The practitioner must first obtain a controlled substances registration and will be required to comply with the

existing labeling and packaging requirements. Enactment clauses require emergency regulations and mandate that the Board of Pharmacy advise and assist free clinics in revolving issues relating to the practice of pharmacy and the Drug Control Act. This bill is identical to HB 487.

Patron - Norment

[P]SB179 Conservators of the peace; Department of Professional and Occupational Regulation. Designates as conservators of the peace investigators of the Criminal Investigative section of the Department of Professional and Occupational Regulation. The bill also creates a registry of all conservators of the peace with the Department of State Police. The bill has a delayed effective date of July 1, 2003.

Patron - Trumbo

[P]SB398 Disciplinary proceedings of health regulatory boards. Revises the authority of health regulatory boards relating to disciplinary proceedings to (i) amend the present FOIA exemption to authorize closed meetings of health regulatory boards or conference committees to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties; (ii) authorize health regulatory boards to meet by telephone conference call to consider settlement proposals in matters pending before special conference committees or matters referred for formal proceedings or to consider modifications of previously issued board orders when such considerations have been requested by either of the parties; (iii) correct references to court or agency orders to more accurately refer to "documentation" of the order; and (iv) authorize, if reasonable notice of the information is given to the person, the health regulatory boards to consider other information concerning possible violations of Virginia law in hearings relating to suspensions because of felony convictions or adjudications of incapacity.

Patron - Martin

[P]SB425 Prescription Monitoring Program established. Requires the Director of the Department of Health Professions to establish the Prescription Monitoring Program, which will require reports to the Department from dispensers of certain drugs (to be called "covered substances") that will include detailed information on the recipient of the prescription and the drug prescribed as the result of a specific investigation of a recipient dispenser or prescriber by the State Police, a grand jury, or by the board regarding any allegation of misconduct by a dispenser. The "covered substances" will include all Schedule II controlled substances as defined in the Drug Control Act. Certain dispensing circumstances are exempted, for example, the dispensing of manufacturers' samples. The information in possession of the Program is exempted from the Freedom of Information Act; however, the Director is authorized to disclose information under limited circumstances to prescribers, dispensers, the Department of State Police and others. The Director is also authorized to notify the Attorney General or the appropriate attorney for the Commonwealth of possible violations of law and to disclose information to dispensers and prescribers that indicates a potential detriment to a recipient. In addition, the Director is authorized to contract for the implementation and maintenance of the Prescription Monitoring Program. Immunity from liability is provided to the Director and the Department's employees for the accuracy or lack thereof of the data reported. Penalties for violations of this act will be Class 1 misdemeanors. Licensees may be subject to disciplinary action by the relevant board for failure to report or for unauthorized use or disclosure of the confidential information. Pursuant to enactment clauses, (i) the Director is required to promulgate emergency regulations; (ii) the reporting requirements will not be implemented until the date specified in the regulations; and (iii) all dispensers and prescribers must

be notified of the implementation date. The fourth enactment clause provides that these provisions will be implemented with federal funds or other federal grants that may become available for these purposes and the last enactment requires the program to be implemented solely in State Health Planning Region III for two years after which time an evaluation will be prepared by the superintendent of State Police and the director and forwarded to the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health.

Patron - Wampler

[P]SB483 Medical treatment of incapacitated persons. Expands medical treatment statute that applies to incapacitated patients and residents of state mental health and mental retardation facilities to apply to incapacitated community services board consumers and to include dental treatment. A licensed health professional or licensed hospital will not be subject to liability arising from a claim based on lack of informed consent or be prohibited from providing services when a delay in treatment might adversely affect the recovery of an individual who has no guardian or committee and who is receiving community mental health services from a community services board or behavioral health authority if two physicians (or dentists in the case of dental treatment) document this in writing. This bill is a recommendation of the Select Committee on Substitute Consent for People with Mental Disabilities.

Patron - Howell

[P]SB503 Health professions; dental hygienists. Requires the Board of Dentistry to adopt regulations to allow for the "general supervision" of dental hygienists by dentists. "General supervision" means that a dentist has evaluated the patient and prescribed authorized services to be provided by a dental hygienist; however, the dentist need not be present in the facility while the authorized services are being provided. This bill is a recommendation of the Joint Commission on Health Care.

Patron - Bolling

[P]SB651 Health professions; physical therapy. Adds to the list of persons who make referrals to physical therapists a licensed physician assistant acting under the supervision of a licensed physician. Referrals are currently made by a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery.

Patron - Blevins

Failed

[F]HB76 Health professions; chiropractors. Clarifies that chiropractors may continue to provide physical therapy modalities to their patients. When the Board of Physical Therapy was created in 2001, questions arose as to whether chiropractors would be able to provide physical therapy to their patients. The Attorney General opined that legislation "was not intended to change, and did nothing to change the scope of practice of chiropractors, and . . . [that] chiropractors may lawfully provide physical therapy modalities. . ."

Patron - Hamilton

[F]HB787 Health professions; chiropractic. Creates an independent Board of Chiropractic by incorporating current statutory language regarding the regulation of chiropractors into a separate board.

Patron - Purkey

[F]HB889 Health professions; practice of midwifery. Provides for the licensure by the Board of Medicine of those persons who have obtained the Certified Professional Midwife

credential to practice midwifery. The bill also creates the Advisory Council on Midwifery to provide consultation to the Board in the development of regulations regarding the licensure and practice of midwives. Licensed midwives must disclose to clients certain background, training and experience, malpractice or liability insurance coverage, and procedures to file complaints with the Board. Licensed midwives are not required to have any agreement or assessment of the potential client by another health care professional. This bill would leave in place current midwifery practice as governed by the Board of Health.

Patron - Hamilton

[F]HB1263 Health professions; dispensing of emergency contraceptives. Establishes procedures by which a physician, in accordance with a protocol developed by the Board of Medicine, may authorize a licensed pharmacist to dispense emergency contraception to women. Pharmacists may dispense such emergency contraception according to regulations adopted by the Board of Pharmacy. This is similar to current law that allows a practitioner to permit pharmacies to dispense immunizations even to persons who are not patients of the physician who initiates the authorization. The bill also provides that nurse practitioners, physician assistants, and physicians may dispense emergency contraceptives at any time according to procedures developed by the Board. The bill also contains technical amendments.

Patron - Baskerville

[F]HB1360 Health professions; chiropractic. Creates an independent Board of Chiropractic by incorporating current statutory language regarding the regulation of chiropractors into a separate board.

Patron - Griffith

[F]HB1368 Duty to disclose certain drug's contraindications. Requires every physician who prescribes or administers misoprostol and every pharmacist who fills a prescription for misoprostol to disclose to any woman to whom the drug is prescribed or administered the manufacturers' contraindications, specifically noting the warnings regarding pregnancy and miscarriage. Misoprostol is a synthetic prostaglandin and is also known as Cytotec. This drug can cause uterine contractions that may lead to miscarriage and the risk of complications therefrom. This bill is incorporated into HB 1290.

Patron - Black

[F]SB180 Professions and occupations; unlawful acts; penalties. Provides that the third or subsequent conviction of certain enumerated misdemeanors relating to specified professions and occupations shall constitute a Class 6 felony. Under current law, the penalty increases only if the three or more convictions occur within 36 months of each other.

Patron - Trumbo

[F]SB623 Health professions; dispensing of emergency contraceptives. Establishes procedures by which a physician, in accordance with a protocol developed by the Board of Medicine, may authorize a licensed pharmacist to dispense emergency contraception to women. Pharmacists may dispense such emergency contraception according to regulations adopted by the Board of Pharmacy. This is similar to current law that allows a practitioner to permit pharmacies to dispense immunizations even to persons who are not patients of the physician who initiates the authorization. The bill also provides that nurse practitioners, physician assistants, and physicians may dispense emergency contraceptives at any time according to procedures developed by the Board. The bill also contains technical amendments.

Patron - Barry

Carried Over

HB126 Arborists; title protection. Prohibits any person from using the titles "arborist" and "consulting arborist" unless he possesses the proper certification. The bill provides for injunctive relief to restrain the invalid use of the titles and exempts any person who is not certified from performing arboriculture, defined as the specialized field involving the cultivation of trees and shrubs especially for ornamental purposes, if the person does not represent himself to the public as being an arborist or a consulting arborist.

Patron - Hull

HB299 Health professions; director. Includes in the powers of each health regulatory board the ability to issue advisory opinions to members of that profession pursuant to the system established by the Director of the Department of Health Professions with regard to requests by individual practitioners for guidance on questions as to whether the facts of a particular case would constitute a violation of provisions governing the practice of that profession. The Director would review each opinion, with the assistance of the Office of the Attorney General, if necessary, prior to the issuance of such opinion. If a complaint is filed against the practitioner involving such actions, the practitioner may introduce the advisory opinion into evidence at his hearing.

Patron - McDonnell

HB545 Prescription Monitoring Program established. Requires the Director of the Department of Health Professions to establish the Prescription Monitoring Program, which will require reports to the Department from dispensers of certain drugs (to be called "covered substances") that will include detailed information on the recipient of the prescription and the drug prescribed. The "covered substances" will include all Schedule II through Schedule IV controlled substances as defined in the Drug Control Act and may include, pursuant to the Department's regulations, substances designated by the Director from Schedules V and VI. Certain dispensing circumstances are exempted, for example, the dispensing of manufacturers' samples. The information in possession of the Program is exempted from the Freedom of Information Act; however, the Director is authorized to disclose information under limited circumstances to prescribers, dispensers, the Department of State Police and others. The Director is also authorized to notify the Attorney General or the appropriate attorney for the Commonwealth of possible violations of law and to disclose information to dispensers and prescribers that indicates a potential detriment to a recipient. Immunity from liability is provided to the Director and the Department's employees for the accuracy or lack thereof of the data reported. Penalties for violations of this act will be Class 1 misdemeanors. Licensees may be subject to disciplinary action by the relevant board for failure to report or for unauthorized use or disclosure of the confidential information. Pursuant to enactment clauses, the Director is required to promulgate emergency regulations and the reporting requirements will not be implemented until the date specified in the regulations. All dispensers and prescribers must be notified of the implementation date. The Director is authorized to contract for the implementation and maintenance of the Prescription Monitoring Program.

Patron - Kilgore

HB1128 Board of Nursing. Requires the Board of Nursing to collect, store and make available aggregate nursing workforce information electronically, to implement an online nursing workforce information website, and to implement an electronic system for certification, registration, and licensure application, renewal and fee collection. This bill also strikes

the language requiring appropriation of funds for the implementation of the workforce information system. The health regulatory boards and the Department of Health Professions are self-funded entities that are required to analyze their budgets at the end of every biennium and to revise their fees in the event their revenues are more or less than 10 percent of their expenditures. Thus, in 2004, this bill could result in a revision in the Board's fee structure.

Patron - Bryant

HB1129 Department of Professional and Occupational Regulation; regulation of land surveyor photogrammetrists. Provides for the licensure of land surveyor photogrammetrists by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects. The bill defines "land surveyor photogrammetrists" and sets the criteria for licensure.

Patron - Bryant

HB1177 Minors' abortions; penalty. Provides, notwithstanding the provisions of § 16.1-241, that, in the event an unemancipated minor who does not have a life-threatening medical condition receives an abortion for which no custodial parent has given consent and complications resulting from the abortion require additional medical treatment for which a custodial parent is obligated to pay, if the practitioner who performed the abortion without such parental consent fails to treat the complications, he shall be guilty of a Class 6 felony.

Patron - Marshall, R.G.

HB1259 Health professions; surgical assistants. Defines a "nonphysician surgical assistant" and "intraoperative surgical care" and requires the Board of Medicine to establish a procedure for the certification of such individuals who meet the requirements established by the Board. Nonphysician surgical assistants are certified individuals who provide such services, under the direction of a physician or, in the absence of a physician, that of a registered nurse, as positioning and draping the patient, observing the operative site, assisting in incision closing or wound dressing, and any other task that may be delegated by the physician or, in the absence of a physician, by a registered nurse that is within the scope of practice of a certified nonphysician surgical assistant.

Patron - Jones, S.C.

HB1290 Administration of pharmaceuticals. Requires, prior to administering any pharmaceutical to any patient, every person licensed or certified by a health regulatory board whose scope of practice includes administration of drugs must disclose the name of the pharmaceutical and obtain informed consent for administration of the relevant pharmaceutical from the patient or the patient's authorized representative. These requirements will not apply in a medical emergency.

Patron - Devolites

SB261 Health professions; chiropractic. Creates an independent Board of Chiropractic by incorporating current statutory language regarding the regulation of chiropractors into a separate board.

Patron - Lambert

Property and Conveyances

Passed

HB15 Solicitation of Contributions Act; exemptions. Exempts from registration requirements organizations that have been granted tax-exempt status under § 501 (c) (3) of the Internal Revenue Code and are organized wholly as Area Health Education Centers in accordance with § 32.1-122.7. The bill also makes some technical changes.

Patron - Morgan

HB150 New home breach of warranty. Provides that in the event of a breach of warranty on a new home for any defect discovered after July 1, 2002, such vendee shall first provide the vendor, at his last known address, a notice sent by registered or certified mail stating the nature of the warranty claim. After such notice, the vendor shall have a reasonable period of time, not to exceed one year, to cure the defect, which is the subject of the warranty claim. Under current law there is no statutory opportunity to cure; there is only a cause of action created on behalf of the purchaser.

Patron - Bryant

HB198 Virginia Condominium Act; officers. Provides that if the condominium instruments provide that any officer or officers of the executive organ of a unit owners' association must be unit owners, an officer may be disqualified from serving unless he disposes of all of his units in fee. Under current law such officer may be disqualified if his units are disposed of in fee and/or for a term or terms of six months or more.

Patron - Callahan

HB243 Virginia Residential Landlord Tenant Act; early termination of rental agreements by military personnel. Prohibits a landlord from requiring a tenant to pay liquidated damages if the tenant has resided in the property for more than 12 months.

Patron - Drake

HB245 Virginia Residential Landlord Tenant Act; abandonment. Establishes a process to be followed by the landlord if he is unable to determine whether a tenant has abandoned the premises.

Patron - Drake

HB246 Virginia Residential Landlord Tenant Act; disposal of property abandoned by tenants. Allows a landlord to dispose of abandoned personal property after the rental agreement has terminated and delivery of possession has occurred provided the landlord gives certain notice to the tenant.

Patron - Drake

HB302 Release of deed of trust or other lien. Clarifies that a release of a deed of trust may be delivered by courier.

Patron - McDonnell

HB478 Virginia Property Owners' Association Act; association disclosure packet. Provides that the contents of the association disclosure packet include the fully completed one-page form the Real Estate Board is required to develop containing certain information about property owners' associations.

Patron - Suit

HB502 Virginia Residential Landlord and Tenant Act; definitions; prepaid rent. Allows a tenant to offer and a landlord to accept prepaid rent and requires such prepaid rent to be placed in an escrow account by the end of the fifth business day following receipt and remain in that account until such time as the rent becomes due. The bill also provides that a bond or commercial insurance policy purchased by a tenant to secure the performance of the terms or conditions of a rental agreement shall not be considered as a security deposit as defined by the Act. In addition, the bill adds prepaid rent and nonrefundable pet fees to the definition of rent and provides that the definition of "tenant" does not include (i) an authorized occupant, (ii) a guest or invitee, or (iii) any person who guarantees or cosigns the payment of the financial obligations of a rental agreement but has no right to occupy a dwelling unit. "Authorized occupant" is defined as a person entitled to occupy a dwelling unit with the consent of a landlord under a rental agreement with a tenant.

Patron - Drake

HB647 Virginia Real Estate Cooperative Act; taxation. Provides that a residential cooperative association shall not be deemed to be a business for certain state and local taxation purposes. Also, the bill requires that any tangible personal property owned by such associations that would be considered household goods and personal effects if owned by an individual to be considered as such for local property tax purposes. The bill also classifies certain tangible personal property of residential cooperative associations as household goods and personal effects making such property eligible for exemption from local tangible personal property taxes.

Patron - Suit

SB519 Condominium and Property Owners' Associations; preparation of disclosure information, rule enforcement, and resale by purchasers. Allows, with the consent of the purchaser, the electronic delivery of the resale certificate in the case of a condominium, and the disclosure package for property owners' associations. The bill also (i) allows these associations to provide the required disclosures by electronic means with the consent of the seller and purchaser and (ii) authorizes these associations to charge certain additional costs for providing the required disclosures. The bill further provides for the settlement agent, when transmitting funds to an association to provide either the HUD-1 settlement statement or the name of the seller, the name and address of the purchaser, the address of the subject property, the date of settlement, and a brief explanation of the application of any funds transmitted.

Patron - Mims

SB523 Condominium and Property Owners' Association Acts; reserves for capital components. Provides that except to the extent otherwise provided in the governing document for condominiums or property owners' associations and unless such governing documents impose more stringent requirements, these associations are required to (i) conduct at least once every five years a study to determine the necessity and amount of reserves required to repair, replace and restore the capital components; (ii) review the results of that study at least annually to determine if reserves are sufficient; and (iii) make any adjustments the executive organ deems necessary to maintain reserves, as appropriate. The bill also requires these associations to provide a copy or summary of the reserve study report to prospective purchasers. "Capital components" are defined as items, whether or not a part of the common elements, for which the unit owners' association has the obligation for repair, replacement or restoration and for which the

executive organ determines funding is necessary. The bill is a recommendation of the Housing Study Commission.

Patron - Mims

[P]SB527 Property; release of liens. Clarifies that the obligor may provide the lien creditor with the name and address of the person to whom a certificate of satisfaction or of partial satisfaction shall be sent, and that if no such notice is provided, the certificate shall be delivered to the appropriate clerk's office. The bill provides that courier hand delivery with written proof of receipt from the clerk's office is an additional method of delivery for certificates of satisfaction. The bill also conforms the procedures applicable to the filing of such certificates when releases are made by original lien creditors or by subsequent note holders.

Patron - Mims

[P]SB549 Property; subordinate mortgages. Includes in the definition of "subordinate mortgage" a mortgage that is subordinate in priority as the result of a previous refinancing.

Patron - Mims

[P]SB680 Property of nonprofit health care entities. Provides that the conversion of a nonprofit entity to a for-profit entity constitutes a disposition of assets that must be reported to the Attorney General. The measure also provides that a "nonprofit entity" includes any foreign or domestic nonstock corporation licensed and subject to regulation under Chapter 42 of Title 38.2, which generally refers to health services plans, i.e., "Blue Shield" plans.

Patron - Stosch

Failed

[F]HB74 Application of the rule against perpetuities to nondonative transfers. Permits waiver of the rule against perpetuities in all forms of property held in trust in force on or after July 1, 2002.

Patron - Howell

[F]HB464 Virginia Residential Landlord Tenant Act; required terms and conditions of rental agreement. Requires a landlord to provide a written notice, signed by the tenant as a separate part of the rental agreement or if no rental agreement in a separate document, that the landlord provides no insurance coverage for the loss of the tenant's personal property and other possessions or any relocation costs in the event of a natural or man-made disaster. "Natural disaster" is defined as any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire or other natural catastrophe resulting in damage, hardship, suffering or possible loss of life. "Man-made disaster" is defined as any condition following an attack by any enemy or foreign nation upon the United States resulting in substantial damage of property or injury to persons in the United States.

Patron - Suit

[F]HB775 Virginia Residential Landlord Tenant Act; waiver of landlord's right to terminate lease. Clarifies that when a landlord accepts rent with reservation he is reserving the right to proceed with lease termination. The bill defines "knowledge of material noncompliance" to mean when the landlord has actual knowledge of a material noncompliance or, from all the facts and circumstances known to the landlord at the time in question, he has reason to know that a material noncompliance exists. This bill is identical to SB 265.

Patron - Hall

[F]HB846 Commercial real estate broker's lien. Provides that any broker who has provided services that result in the procuring of a tenant of commercial real estate shall have a lien, in the amount of the compensation agreed upon by and between the principal broker and the owner, upon the real property itself or upon rent paid by the tenant. Currently the lien extends only to the rent paid by the tenant.

Patron - Drake

[F]HB1045 Condominium Act; officers. Provides that the only condition where unit owners serving as officers of a condominium association are disqualified from holding office in the association is when they dispose of all of their units in fee simple. Currently, the law provides that if such person disposes of his interest in the unit for a period of six months or more (i.e., a lease), he shall also be disqualified from serving.

Patron - Darner

[F]HB1071 Virginia Condominium Act and Virginia Property Owner's Association Act; employee records. Provides for the release of the unit owners' associations and property owner associations employees' salaries to members of the association. Under current law such salary information is releasable to members only in aggregate form.

Patron - Darner

[F]SB528 Certificates of satisfaction. Provides that by signing a certificate of satisfaction the signor certifies that (i) he is the creditor or his duly authorized agent, attorney or attorney-in-fact or a person to whom the instrument evidencing the indebtedness has been endorsed or assigned, (ii) he possesses a full beneficial interest and (iii) the certificate of satisfaction is fully valid. If any of these provisions are not true, the signor is liable to any person who relies thereon to his detriment for a \$500 penalty, and for court costs and reasonable attorney's fees that resulted from the misstatement.

Patron - Mims

[F]SB600 Recordation of plats. Provides that all plats submitted for recordation must be signed by the landowner.

Patron - Trumbo

Carried Over

[C]HB585 Virginia Property Owners Association Act; flag display. Provides that any provision in a declaration and any related interest or any bylaw, or rule enacted by a board of directors, purporting to restrict or impede the display of the American flag by a lot owner in a manner consistent with the guidelines established by the Federal Flag Code (36 U.S.C. §§ 171 et seq.) on such lot are declared to be void and unenforceable as against public policy. The bill does not apply to declarations recorded or bylaws or rules enacted prior to July 1, 2002.

Patron - Ingram

[C]HB1116 Recordation of documents; acknowledgments. Clarifies that a person taking an acknowledgment shall certify that the person acknowledging appeared before him and acknowledged the executed instrument. This is in accordance with the Virginia Notary Act, which states that the person whose signature is the subject of the notarial act must personally appear before the notary.

Patron - McDougle

[C]HB1122 Rent-to-own contracts. Requires that all rent-to-own contracts be recorded in the land records where the property is located, together with any financing statement. The

bill requires the seller to have the premises inspected prior to executing any such contract and to provide the tenant with a copy of the inspection report. The bill defines "rent-to-own contracts."

Patron - Bryant

[C]SB265 Virginia Residential Landlord Tenant Act; waiver of landlord's right to terminate lease. Clarifies that when a landlord accepts rent with reservation he is reserving the right to proceed with lease termination. The bill defines "knowledge of material noncompliance" to mean when the landlord has actual knowledge of a material noncompliance or, from all the facts and circumstances known to the landlord at the time in question, he has reason to know that a material noncompliance exists. This bill is identical to HB 775.

Patron - Lambert

[C]SB590 Virginia Residential Landlord and Tenant Act; access to cable and other television facilities. Repeals the provision of the Virginia Residential Landlord Tenant Act (VRLTA) that prohibits a landlord from demanding or accepting any fee or other thing of value from any provider of cable television service or satellite television service for giving a tenant access to such service. The bill also removes corollary language from another section of the VRLTA. As a result of the bill, there will be no limitation on landlords from receiving compensation from cable and other like companies for providing access to the landlord's property.

Patron - Wagner

Public Service Companies

Passed

[P]HB1021 Local telecommunications services. Provides that any certificate for local exchange service or interexchange service granted by the SCC after July 1, 2002, shall be for service throughout the Commonwealth. Each local exchange carrier that was certificated before July 1, 2002, to provide service in part of the Commonwealth shall be certificated to provide local exchange service throughout the Commonwealth beginning September 1, 2002. The bill authorizes any county, city or town that operates an electric distribution system to provide telephone services within any locality in which it has electric distribution system facilities as of March 1, 2002, if the locality obtains a certificate for such service from the SCC and complies with all applicable laws and regulations for the provision of competitive telecommunications services. A county, city or town that does not obtain a certificate to provide telephone services may offer qualifying telecommunications services, including high-speed data service and Internet access service, upon application to the SCC. The SCC shall approve such a petition if it is in the public interest, and if the proposed services are not available in quantity, quality, and price from three or more providers in the proposed geographic area. This bill is identical to SB 245.

Patron - Marshall, D.W.

[P]HB1373 Public-Private Transportation Act. Authorizes the operator to impose tolls for the use of Interstate 81 by vehicles other than passenger cars, pickup or panel trucks, and motorcycles, in connection with a facility operated under the Public-Private Transportation Act (PPTA) of 1995. The bill also allows a responsible public entity to enter into a comprehensive agreement in accordance with procedures consistent with procurement through "competitive sealed bidding" as defined in the Public Procurement Act (PPA). Currently, a

responsible public entity may enter into a comprehensive agreement only in accordance with procedures that are consistent with the procurement of "other than professional services" through competitive negotiation. The bill also supplies definitions of "asset management" and "maintenance" as used in the PPTA.

Patron - Thomas

[P]SB122 Local tax on mobile telecommunications services. Incorporates uniform federal sourcing laws that determine which jurisdictions may impose taxes on local mobile telecommunications services. Beginning August 1, 2002, federal law provides that taxes on mobile telecommunications services may be imposed by a jurisdiction only if the customer's place of primary use is within the jurisdiction. The "place of primary use" is defined as the street address representative of where the customer's use of the mobile telecommunications service primarily occurs, which must be the residential street address or the primary business street address of the customer and within the licensed service area of the provider of the telecommunications service.

Patron - Stosch

[P]SB156 Telecommunications services; state agencies. Eliminates State Corporation Commission jurisdiction over rates for services provided pursuant to any contract for telecommunications service provided to the public by virtue of a contract between a public utility and the Commonwealth or a state agency.

Patron - Norment

[P]SB245 Local telecommunications services. Provides that any certificate for local exchange service or interexchange service granted by the SCC after July 1, 2002, shall be for service throughout the Commonwealth. Each local exchange carrier that was certificated before July 1, 2002, to provide service in part of the Commonwealth shall be certificated to provide local exchange service throughout the Commonwealth beginning September 1, 2002. The bill authorizes any county, city or town that operates an electric distribution system to provide telephone services within any locality in which it has electric distribution system facilities as of March 1, 2002, if the locality obtains a certificate for such service from the SCC and complies with all applicable laws and regulations for the provision of competitive telecommunications services. A county, city or town that does not obtain a certificate to provide telephone services may offer qualifying telecommunications services, including high-speed data service and Internet access service, upon application to the SCC. The SCC shall approve such a petition if it is in the public interest, and if the proposed services are not available in quantity, quality, and price from three or more providers in the proposed geographic area. This bill is identical to HB 1021.

Patron - Wampler

[P]SB257 Electric utility restructuring; electric energy emergencies. Authorizes the Governor to declare an electric energy emergency upon finding that an unplanned interruption in the generation or transmission of electricity, resulting from a hurricane, ice storm, windstorm, earthquake or similar natural phenomena, or from a criminal act affecting generation or transmission, act of war or act of terrorism, so imminently and substantially threatens the health, safety or welfare of residents of this Commonwealth that immediate action of state government is necessary to prevent loss of life, protect the public health or safety, and prevent unnecessary or avoidable damage to property. Upon declaring an emergency, the Governor may require a generator or municipal electric utility to generate, dispatch or sell to the Commonwealth electricity from a facility that it operates within the Common-

wealth, for distribution within the areas of the Commonwealth designated in the declaration. The Commonwealth shall compensate generators, dispatchers or sellers of electricity. The Governor is also authorized to request the Secretary of the United States Department of Energy to invoke section 202(C) of the Federal Power Act.

Patron - Watkins

SB259 Public service corporation taxation; electric suppliers. Exempts all persons who own or operate facilities for the generation, transmission or distribution of electricity for sale that have a capacity of 25 megawatts or less from the definition of an "electric supplier." Currently, a person who owns or operates a solar, wind or hydroelectric facility with a capacity of 25 megawatts or less is not included in the definition of an electric supplier. The measure also clarifies that electric suppliers whose facilities have a capacity of 25 megawatts or less are not required to report their property to the State Corporation Commission, but shall be assessed and taxed by the local assessing officer. The bill contains an emergency clause.

Patron - Watkins

SB433 Underground Utility Damage Prevention Act. Creates a procedure for excavators to request a special project notice from the notification center for the purpose of notifying the operators of the excavator's desire to enter into an agreement for locating and protecting the operator's underground utility lines for a specific, unique or long-term project. The measure also exempts hand digging performed by an operator to locate the operator's utility lines in response to a notice of excavation from the notification center, if all reasonable precaution has been taken to protect the underground utility lines, from the provisions of the Underground Utility Damage Prevention Act. The 48-hour waiting period required before an excavator may commence work starts at 7:00 a.m. on the next working day following notice to the notification center, rather than 48 hours after giving notice to the notification center. The extent of an excavator's proposed work is limited to an area that can be excavated within 15 working days beginning 7:00 a.m. on the next working day following notice to the notification center, and the area covered under each notice is limited to one mile. Additional provisions (i) authorize designers who prepare drawings and plans for projects requiring excavation or demolition work to provide the notification center with underground utility line information; (ii) require project owners to provide copies of those portions of the drawings that affect the respective operator to all operators with underground utility lines in the project area who receive notification from a designer; (iii) establish standards for line locator training; (iv) require operators to make a reasonable attempt to keep records of certain abandoned utility lines; (v) require operators to respond to an emergency notice as soon as possible but no later than three hours from the excavator's call to the notification center; (vi) require plastic or other nonmetallic utility lines to be installed so they can be locatable by the operator; (vii) adopt the American Public Works Association color codes for marking the approximate location of underground utility lines or proposed excavation; (viii) require the notification center to notify excavators of any responses placed on the excavator-operator information exchange system by a locator by use of facsimile or other mutually acceptable means of automatically transmitting and receiving this information; (ix) requiring excavators who cannot provide the notification center with an acceptable means of automatically transmitting and receiving this information to contact the excavator-operator information exchange system in order to determine if any responses to the notice have been recorded; (x) establish procedures for meetings between excavators and operators to discuss the marking of lines; (xi) establish examples of reasonable steps that may

be taken by persons making excavations not parallel to an existing underground utility line; (xii) require persons performing excavation or demolition to give the operator or the appropriate regulatory authority, upon request, the number issued by the notification center for that site; (xiii) prohibit excavators from removing an abandoned line without first receiving authorization to do so by the operator; (xiv) prohibits persons, other than designers requesting marking of a site, to request marking of a site through a notification center unless excavation commences within 30 days from the date of the original notification to the center; and (xv) require operators to install underground utility lines at depths required by accepted industry standards. Finally, the State Corporation Commission is required to convene a task force to study the operation and effectiveness of certain amendments to the act. The Commission shall report the results of the task force's study to the 2005 Session of the General Assembly.

Patron - Williams

SB554 Permits for power plants. Provides that any valid permit or approval required for an electric generating plant and associated facilities issued or granted by federal, state, and local governmental entities charged by law with responsibility for issuing permits or approvals regulating environmental impact and mitigation of adverse environmental impact or for other specific public interest issues such as building codes, transportation plans and public safety, shall be deemed to satisfy requirements for SCC consideration of the effect of the facility on the environment with respect to matters that are governed by the permit or approval or are within the authority of and were considered in the issuance of the permit or approval. The measure also grants to the DEQ and the Air Pollution Control Board the authority to consider the cumulative impact of new and proposed electric generating facilities on attainment of national ambient air quality standards. The SCC and DEQ are also required to enter into a memorandum of agreement to govern their coordination of reviews of the environmental impacts of such facilities.

Patron - Norment

SB681 The Public-Private Education Facilities and Infrastructure Act of 2002. Authorizes private entities to acquire, design, construct, improve, renovate, expand, equip, maintain or operate qualifying projects after obtaining approval of a public entity that has the power to take such actions with respect to such projects. A "qualifying project" is (i) any facility that is operated as part of the public school system or as an institution of higher education; (ii) any building for principal use by any public entity; (iii) any equipment or improvements necessary to enhance public safety and security of buildings to be principally used by a public entity; (iv) utility and telecommunications and other communications infrastructure; or (v) a recreational facility. A responsible public entity may approve such a facility if it determines that (i) there is a public need for or benefit derived from the qualifying project of the type proposed by the private entity; (ii) the estimated cost of the qualifying project is reasonable in relation to similar facilities; (iii) the private entity's plans will result in the timely acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, or operation of the qualifying project. Prior to commencing the qualifying project, the private entity shall enter into a comprehensive agreement with the responsible public entity. The bill exempts such projects from the Virginia Public Procurement Act. The provisions for the approval and operation of such projects are similar to those in the Public-Private Transportation Act of 1995.

Patron - Stosch

SB682 Companies providing sewage services. Provides that any governmental entity established pursuant to the

laws of another state or other entity that owns, manages or controls any plant or equipment located within the Commonwealth that is used to provide sewage treatment services to a Virginia public service authority shall be subject to regulation as a public utility.

Patron - Puckett

[P]SB684 Virginia's energy infrastructure. Requests the State Corporation Commission to convene a work group to study the feasibility, effectiveness, and value of collecting, for the period commencing January 1, 1996, and ending December 31, 2001, and for periods subsequent to December 31, 2001, certain data pertaining to Virginia's energy infrastructure. The work group shall consist of representatives of electricity generators, incumbent electric utilities, gas transmission companies, gas local distribution companies, State Corporation Commission staff, and other appropriate persons. The Commission shall report the results of the work group's study, not later than December 1, 2002, to the Legislative Transition Task Force.

Patron - Watkins

Failed

[F]HB240 Railroads; utility crossings. Limits the amount that a railroad company can charge a county, city, town, or other political subdivision for allowing its water or sewer utility facilities to cross the railroad's facilities to \$500 per crossing. The measure also prohibits a railroad company from thereafter charging an annual or other periodic payment for the crossing.

Patron - Kilgore

[F]HB429 Electric utility restructuring; service territories. Allows an electric utility owned or operated by a municipality to remain exempt from the provisions of the Electric Utility Restructuring Act if it commences providing service to areas outside its service area as of July 1, 1999, that were (i) not part of an exclusive service territory established by the State Corporation Commission as of such date and (ii) were served by a company that allows the municipal electric utility to acquire its distribution facilities and to distribute electric energy within the area. Currently, a municipal electric utility that sells electricity to retail customers outside the boundary of the municipality or other area that it was serving on July 1, 1999, will be subject to the provisions of the Restructuring Act.

Patron - Hurt

[F]HB709 Electric utility restructuring; service territories. Allows an electric utility owned or operated by a municipality to remain exempt from the provisions of the Electric Utility Restructuring Act if it commences providing service to areas outside its service area as of July 1, 1999, that were (i) not part of an exclusive service territory established by the State Corporation Commission as of such date and (ii) were served by a company that allows the municipal electric utility to acquire its distribution facilities and to distribute electric energy within the area. Currently, a municipal electric utility that sells electricity to retail customers outside the boundary of the municipality or other area that it was serving on July 1, 1999, will be subject to the provisions of the Restructuring Act. This bill is incorporated into HB 429.

Patron - Armstrong

[F]HB866 Consumer protection; personal information. Adds to prohibited practices in the Consumer Protection Act the selling, exchanging or disclosing of personal information. "Personal information" includes name, address, phone number, and any other information identifying an individual.

Patron - Phillips

[F]HB1098 Telephonic reading services. Requires the State Corporation Commission to collect an assessment from each local telephone company in the Commonwealth for operation of telephonic reading services, similar to the current assessment for operation of telecommunications relay service for the deaf and hard of hearing. "Telephonic reading services" means audio information provided by telephone to the blind and visually impaired through a nationally available, multi-state service center to registered readers in all parts of the Commonwealth, including the interstate acquisition and distribution of daily newspapers and other information. The Department for the Blind and Visually Impaired is the state agency responsible for the administration and operation of telephonic reading services.

Patron - Brink

[F]HB1302 Public-Private Transportation Act; tolls. Eliminates the prohibition on the imposition of tolls or user fees by an operator on any existing interstate highway in connection with a project under the Public-Private Transportation Act of 1995. An operator cannot impose tolls or user fees on an interstate highway unless it is reconstructed to provide for increased capacity. This bill is incorporated into HB 1373.

Patron - Griffith

[F]SB354 Interstate natural gas pipeline companies; powers. Deprives any public service corporation that is organized to acquire, develop, or operate an interstate natural gas pipeline that is or will be subject to federal regulation under the Natural Gas Act of the power to enter upon property to make examinations and surveys for a proposed line.

Patron - Reynolds

[F]SB356 Electric utility restructuring; service territories. Allows an electric utility owned or operated by a municipality to remain exempt from the provisions of the Electric Utility Restructuring Act if it commences providing service to areas outside its service area as of July 1, 1999, that were (i) not part of an exclusive service territory established by the State Corporation Commission as of such date and (ii) were served by a company that allows the municipal electric utility to acquire its distribution facilities and to distribute electric energy within the area. Currently, a municipal electric utility that sells electricity to retail customers outside the boundary of the municipality or other area that it was serving on July 1, 1999, will be subject to the provisions of the Restructuring Act.

Patron - Reynolds

[F]SB640 Public-Private Transportation Act; tolls. Eliminates the prohibition on the imposition of tolls or user fees by an operator on any existing interstate highway in connection with a project under the Public-Private Transportation Act of 1995. An operator cannot impose tolls or user fees on an interstate highway unless it is reconstructed to provide for increased capacity.

Patron - Trumbo

Carried Over

[C]HB436 Overhead High Voltage Line Safety Act. Establishes the Overhead High Voltage Line Safety Special Fund to be used by the Commissioner of Labor and Industry for public awareness programs about overhead high voltage line safety, training programs, and incentives. The Special Fund shall be composed of civil penalties collected from enforcement of the Overhead High Voltage Line Safety Act.

Patron - Hull

[C]HB551 Public Rights-of-Way Use Fee. Provides that the Public Rights-of-Way Use Fee does not preempt cities, those towns where public streets and roads are not maintained by the Virginia Department of Transportation, and counties that have withdrawn or elect to withdraw from the secondary system of state highways from assessing street opening permit fees. The measure also allows such municipalities to impose a locally-negotiated franchise fee on any telecommunications provider that maintains no or a nominal number of access lines in the municipality. The amount of the locally negotiated franchise fee shall not exceed the statewide Public Rights-of-Way Use Fee multiplied by 25 percent of the average number of access lines of each certificated provider of telecommunications service maintained in the municipality.

Patron - Rust

[C]HB697 Arbitration of telecommunications billing disputes. Prohibits telecommunications service contracts from requiring arbitration of billing disputes unless the customer is given written notice of such requirement, printed in bold type and at least in 10-point type, prior to or at the time of formation of the contract. The Uniform Arbitration Act shall apply to such proceedings.

Patron - Tata

[C]HB732 Electric utility restructuring; generation facilities of default service providers. Authorizes the State Corporation Commission to require a distributor that becomes obligated to provide default service, or an affiliate formed by the distributor, to (i) purchase, through nondiscriminatory competitive procurement, generation services or (ii) acquire or build electric energy production facilities as the Commission deems will satisfy all or a portion of the distributor's obligation to provide generation services.

Patron - Woodrum

[C]HB746 Grants using clean and efficient energy. Provides grants to individuals and corporations equal to 15 percent of the cost incurred in installing photovoltaic property, up to a maximum of \$2,000, or solar water heating property, up to a maximum of \$1,000. The eligible equipment must be placed in service between January 1, 2002, and December 31, 2006. The measure will become effective only if the Department of Mines, Minerals, and Energy is appropriated funding in the 2002-2004 appropriations act for the administrative costs incurred in implementing the program.

Patron - Plum

[C]HB859 Railroads; utility crossings. Limits the amount that a railroad company can charge a county, city, town, or other political subdivision for allowing its water or sewer utility facilities to cross the railroad's facilities to \$1,000 per crossing. The measure also prohibits a railroad company from thereafter charging an annual or other periodic payment for the crossing.

Patron - Phillips

[C]HB929 Public-Private Transportation Act; imposition of tolls on certain facilities. Limits the number of Public-Private Transportation Act facilities that may be tolled by defining "reconstructed to provide for increased capacity."

Patron - Joannou

[C]HB989 Coin-operated telephones; removal when nuisance. Authorizes the State Corporation Commission to order the removal of, or cessation of dial tone for, any outdoor coin-operated telephone equipment that has been found by a circuit court to constitute a public or common nuisance. Failure to remove the equipment or terminate dial tone to such tele-

phone equipment within 10 days following the Commission's order shall subject the public service corporation to a fine of not less than \$100 and not more than \$500.

Patron - Hall

[C]HB1042 Underground utility damage prevention; utility easements on state property. Requires any state department, agency or institution responsible for the construction, maintenance or operation of public roads, streets or highways to maintain current and accurate maps or plats depicting the location of the right-of-way easement and of any buried wires, pipes, conduits, and similar facilities. Copies of the maps or plats shall be given to Underground Utility Damage Prevention Act notification centers. The notification centers shall provide maps or plats to persons intending any excavation or demolition, and to all operators whose underground lines are located, in the relevant area.

Patron - Scott

[C]HB1300 Public-Private Transportation Act of 1995; General Assembly approval; utility crossings. Provides that General Assembly approval shall not be required for qualifying transportation facilities that will be financed directly or indirectly by state appropriations where such financing is conditioned upon future appropriations. Such financing shall not constitute a debt or obligation of the Commonwealth Transportation Board or the Commonwealth of Virginia. Further, the costs of moving or relocating facilities owned by public service companies, public utilities, railroads, or cable television providers shall be paid for in accordance with policies of the public entity that has entered into a contract for the building of the transportation facility. Current law provides that the costs of moving or relocating such facilities shall be paid for by the private operator responsible for the acquisition, construction, improvement, maintenance and/or operation of the qualifying transportation facility.

Patron - Armstrong

[C]SB118 Public-Private Transportation Act of 1995; financing of and costs incurred in the implementation of transportation facilities. Provides that debt obligations and other financing instruments issued by tax-exempt corporations or public authorities to finance transportation facilities shall not constitute a debt or obligation of the Commonwealth and, therefore, are not subject to review by the Department of the Treasury. The bill also provides that the costs involved in moving or relocating facilities owned by public service companies, public utilities, railroads, or cable television providers shall be paid for in accordance with policies of the public entity that has entered into a contract for the building of the transportation facility. Current law provides that the costs of moving or relocating such facilities shall be paid for by the private entity responsible for the acquisition, construction, improvement, maintenance and/or operation of the qualifying transportation facility.

Patron - Stosch

[C]SB612 Unsolicited facsimile transmissions. Makes the unsolicited transmission of advertising materials by facsimile a prohibited practice under the Consumer Protection Act. The bill eliminates the requirement that the unsolicited facsimile be advertising goods or services for sale or lease. Enforcement provisions under the Consumer Protection Act (i) permit the Attorney General to issue civil investigative demands and assurances of voluntary compliance, (ii) create an individual action for damages, and (iii) permit aggrieved parties or the Attorney General to seek injunctive relief to prevent further violations.

Patron - Trumbo

[C]SB637 Electricity utility restructuring; functional separation. Provides that following the separation of its generation, retail transmission and distribution functions, an incumbent electric utility shall continue to be deemed an electric utility that purchases fuel for the generation of electricity for purposes of fuel cost recovery. The measure further provides that an incumbent electric utility shall continue to be deemed an incumbent electric utility for purposes of payment of wires charges, and that the incumbent electric utility is authorized to pay wires charges to a generation affiliate of such incumbent electric utility created to accomplish functional separation.

Patron - Stolle

Religious and Charitable Matters; Cemeteries

Passed

[P]HB183 Religious and charitable matters; quantity of real property trustees may hold. Authorizes trustees of a church to take and hold in any city or town not more than 50 acres of land at any one time, provided such acreage is to be devoted exclusively, and is subsequently so devoted, to (i) a church building, chapel, cemetery; (ii) offices exclusively used for administrative purposes of the church; (iii) a Sunday school or parochial school building or playgrounds thereof; (iv) parking lots for the convenience of those attending any of the foregoing; (v) administrative offices located on such church property leased by the church to a nonprofit hospital; or (vi) a church manse, parsonage or rectory. The bill also provides for the Office of the Attorney General to intervene on behalf of any city, town or county to enforce the statutory provisions limiting the real and personal property that churches may own.

Patron - Parrish

[P]HB739 Religious and charitable matters; quantity of land benevolent and other associations may hold. Provides that groups organized for rural community civic purposes or improvement of farm life or operations of like purposes and not for profit (i.e., Ruritan Clubs) may hold no more than 35 acres of land. The bill contains a savings clause for previously acquired land under certain circumstances.

Patron - Barlow

[P]HB1350 R. E. Lee Camp; Pelham Chapel. Provides that the provisions relating to the temporary transfer of use of property between state agencies and institutions shall not apply to the Pelham Chapel. The bill also provides that such property may be leased for increments of five years and that the lease shall only be revoked or terminated if the lessee willfully fails to abide by the terms of the lease.

Patron - Reid

State Corporation Commission

Carried Over

[C]SB375 State Corporation Commission membership. Increases the number of members of the State Corporation Commission from three to five, effective February 1, 2003.

Patron - Norment

Taxation

Passed

[P]HB1 Lottery. Repeals the obsolete transitional provisions for implementing the lottery. This bill is a recommendation of the Virginia Code Commission.

Patron - Landes

[P]HB6 Motor fuels tax; alternative fuels retailer definition. Provides that a retailer of alternative fuels includes only those persons maintaining alternative fuel storage facilities and selling or dispensing such fuel "to be used to generate power to operate a highway vehicle."

Patron - Bryant

[P]HB23 Sales and use tax exemptions; textbooks for free distribution to professors. Extends the sunset date to July 1, 2004, for the sales and use tax exemption for textbooks withdrawn from inventory at book-publishing distribution facilities for free distribution to professors.

Patron - Broman

[P]HB39 Individual income tax; refunds. Provides that interest shall accrue, which shall be paid to the taxpayer, on individual income tax refunds beginning (i) 30 days after the payment of such tax if the individual filed via electronic means; or (ii) 60 days after payment if the individual filed using a method other than electronic means. The provisions of the bill are effective for taxable years beginning on or after January 1, 2003.

Patron - Woodrum

[P]HB86 Sales tax reduction program on food; definition of food. Excludes from the definition of food, for purposes of the sales tax reduction program, food sold by any retailer where the gross receipts derived from the sale of food prepared by such retailer for immediate consumption on or off the premises constitutes more than 80 percent of the total gross receipts of that retail establishment.

Patron - Orrock

[P]HB181 Personal property tax; classification of horse trailers. Adds horse trailers to the separate classification for personal property taxation now reserved for camping trailers and travel trailers.

Patron - Parrish

[P]HB187 Recordation tax; leases for outdoor advertising signs. Provides that tax on the recordation of leases of outdoor advertising signs owned by a person engaged in the business of outdoor advertising licensed by the Virginia Department of Transportation shall not exceed 25 dollars.

Patron - Parrish

[P]HB188 Motor fuels tax; corrections to chapter. Makes several technical corrections to certain sections of the motor fuels tax chapter that became effective January 1, 2001.

Patron - Parrish

[P]HB192 Real property tax; partial exemption for certain rehabilitated, renovated or replacement commercial or industrial structures. Removes the total square footage limitation for replacement commercial and industrial structures for which a partial exemption from the real property tax may be granted by local ordinance. Currently, such replacement structures may not exceed the total square footage of the

replaced structures by more than 110 percent if they are in enterprise zones and 100 percent in all other areas.

Patron - Parrish

HB193 Soft drink excise tax. Increases the amount of tax in the current top bracket from \$6,000 to \$7,200 for gross receipts exceeding \$10,000,000 but not more than \$25,000,000. It also adds two additional brackets: for gross receipts exceeding \$25,000,000 but not more than \$50,000,000, the tax is \$18,000 and for gross receipts exceeding \$50,000,000 the tax is \$33,000. The soft drink excise tax is imposed on every wholesaler or distributor of carbonated soft drinks.

Patron - Parrish

HB208 Real property tax; restrictions on partial exemptions and deferrals. Increases from \$6,500 to \$8,500 the amount of income of each relative living in the dwelling who is not the spouse of an owner that may be excluded from the total combined income calculation when determining if the owner of the dwelling qualifies for the partial exemption or deferral of the real property tax.

Patron - Cole

HB239 Classification of real property; land and improvements. Permits the City of Fairfax to tax improvements to real property at a lower tax rate than that imposed on the land on which the improvements are located by creating a separate classification for taxation purposes. The bill has a delayed effective date of July 1, 2003.

Patron - Petersen

HB274 Local consumer utility tax; Town of Orange. Allows the local governing body of the Town of Orange to impose the local consumer utility tax by adopting a local ordinance on or after July 1, 2002. When such ordinance is adopted, Orange County may no longer impose the tax within the limits of the Town of Orange.

Patron - Broman

HB303 Business, professional, and occupational license tax; exemption for condominium assessments. Exempts from the BPOL tax total assessments paid by condominium unit owners for common expenses.

Patron - McDonnell

HB316 Commissioners of Revenue; penalties for failure to abide by summons. Provides that no person other than the taxpayer shall be convicted for refusing to furnish certain information requested by the commissioner of the revenue unless such person willfully fails to comply with a properly issued summons.

Patron - Howell

HB317 BPOL tax appeals. Allows a person assessed with a license tax to apply within one year, instead of 90 days, from the last day of the tax year for which the assessment is made or within one year from the date of the appealable event, whichever is later, to the assessor for a correction. Also allows any person assessed with a local license tax as a result of a determination that is adverse to such person to apply within 90 days to the Tax Commissioner for a correction. The bill also allows any person assessed with a local license tax who has filed an application with a local assessing officer and has not received a final determination within two years of such filing, at his option upon not less than 30 days written notice to the assessor, to treat such lack of action as an adverse determination and seek review of the assessment by the Tax Commissioner. An "appealable event" means an increase in the local license tax assessment payable by a taxpayer, the denial of a

refund, or the assessment of a local license tax where none was previously assessed.

Patron - Howell

HB318 Taxation; local business tax appeals. Extends the time for taxpayers seeking initial review of the assessment of business taxes by the local assessing officer from 90 days to one year from the last day of the tax year for which such assessment is made or from the date of such an assessment. In addition, any taxpayer whose application for a correction of assessment has been denied may apply within 90 days to the Tax Commissioner for correction. The bill also permits a taxpayer to seek review from the Tax Commissioner without a final determination from the local assessing officer if the taxpayer's application for correction to the local assessing officer has been pending for more than two years without a final determination.

Patron - Howell

HB319 Bank franchise tax; definition of bank. Adds to the definition of "bank" for purposes of being subject to the bank franchise tax, any savings bank that is a member of the Federal Reserve System.

Patron - Howell

HB438 State Lottery Fund. Creates the Lottery Proceeds Fund as a special nonreverting fund to which the Comptroller deposits the audited balances of the State Lottery Fund, less a special reserve fund, to be used for public education. The bill also deletes an obsolete provision. This bill is identical to SB 50.

Patron - Woodrum

HB503 BPOL tax; exemption for certain receipts of real estate brokers and agents. Allows real estate brokers to claim an exclusion for commissions paid to agents provided the agent has paid the BPOL tax on such commissions. The bill also allows agents to exclude desk fees and other overhead costs paid to a broker provided the agent identifies the broker to whom such fees have been paid and the broker includes them in its license application.

Patron - Drake

HB574 Personal property tax; separate classification for biotechnology equipment. Provides a separate classification for tangible personal property tax purposes for equipment used primarily in biotechnology research and development and the production of related products, but not for human cloning purposes or for products or purposes related to human embryo stem cells.

Patron - May

HB645 Income tax; voluntary contribution cost of administration and voluntary contribution to the Virginia War Memorial Foundation and the National D-Day Memorial Foundation. For all taxable years beginning on or after January 1, 2003, provides that the Department of Taxation may retain up to five percent of all voluntary contributions made on individual income tax returns in a taxable year, not to exceed \$50,000, to defray the Department's costs of administering voluntary contributions. Each organization receiving voluntary contributions will have a pro rata share deducted from its voluntary contribution payment from the Department. Also, for all taxable years beginning on or after January 1, 2003, but before January 1, 2008, allows any individual receiving a tax refund to designate at the time of filing his return a specified dollar amount of such refund, not less than one dollar, to be used by the Virginia War Memorial Foundation and the National D-

Day Memorial Foundation. Any donations will be divided equally between the two foundations.

Patron - O'Brien

HB721 Taxation; approval of interim and final accountings by commissioner of accounts. Provides that the commissioner of accounts shall not approve interim or final accountings of fiduciaries until he finds that all state, county and city taxes chargeable upon the property in the hands of such fiduciaries have been paid.

Patron - Howell

HB727 Property tax exemptions; omnibus bill. Grants a property tax exemption to the following organizations: Stafford Recreational Soccer League; Lake Ridge Community Swim Club, Inc.; Running Man Recreation Association, Inc.; Gemeinschaft Home; STEPS, Inc.; Winchester-Frederick County Conservation Club, Inc.; Caritas of Yorktown, Virginia; Vienna Aquatic Club, Inc.; Tysons-Briar, Inc.; T/A Cardinal Hill Swim and Racquet Club, Inc.; Hunter Mill Swim and Racquet Club, Inc.; Cottontail Swim and Racquet Club, Inc.; Lutheran Social Services of the National Capital Area, Inc.; Branch 99 Fleet Reserve Association, Inc.; Friends of Crossroads, Inc.; Harry Wyatt Family Life Center, Inc.; Sullivan House, Inc.; Transcendental Arts Council; The Conspiracy of Silence; Foodbank of the Virginia Peninsula; Arlington Foundation, Incorporated; Mathews Maritime Foundation, Inc.; Marian Homes; Woodmen of the World Ironwood Camp 269 and Lodge 6035; CAMG-J, Inc.; Heart Havens, Inc.; Richmond Hill, L.P.; The Willis Wharf Village Trust, Inc.; Kiwanis Club of Chester, Inc. Foundation; and Chinese Community Association of Hampton Roads, Inc., and Hottel-Keller Memorial, Inc.

Patron - Howell

HB748 Income tax; voluntary contribution cost of administration and income tax refund check-off for Home Energy Assistance Fund. For all taxable years beginning on or after January 1, 2003, provides that the Department of Taxation may retain up to five percent of all voluntary contributions made on individual income tax returns in a taxable year, not to exceed \$50,000, to defray the Department's costs of administering voluntary contributions. Each organization receiving voluntary contributions will have a pro rata share deducted from its voluntary contribution payment from the Department. Also, creates an income tax refund check-off for voluntary contributions to the Home Energy Assistance Fund.

Patron - Plum

HB853 Local real estate taxes; exemption and deferral of tax for the elderly and permanently and totally disabled. Increases from one acre to 25 non-income producing acres the maximum number of acres that may be excluded in determining the combined financial worth limitation for an exemption or deferral of local real estate taxes in the counties, cities, and towns of the Eighth Planning District. Persons at least 65 years of age or permanently and totally disabled are eligible for an exemption or deferral of real estate taxes under local government programs provided such persons fall below certain income and financial worth limitations. In determining the combined financial worth limitation, current law excludes the value of the dwelling and land, not exceeding one acre.

Patron - May

HB862 Local coal and gas road improvement tax; sunset date. Extends the sunset date for the local coal and gas road improvement tax from December 31, 2002, to December 31, 2007.

Patron - Phillips

HB909 Taxation; tobacco sales and tax information; penalty. Authorizes the Tax Commissioner to disclose any information collected by or reported to him on the sales or purchases of cigarettes or other tobacco products, and tax information relating to such sales or purchases to any federal, state, or local agency, including any agency of another state or local agency thereof, or any national or regional association of federal, state, or local agencies or to any tobacco product manufacturer required to establish a qualified escrow fund under the Master Settlement Agreement. The bill also requires tobacco product manufacturers to file a monthly report with the Department of Taxation identifying all purchasers of cigarettes by name and address with the quantities and brands of cigarettes purchased during the preceding month, including wholesalers and retailers or any other person within the Commonwealth. Such manufacturers are also subject to audit by the Department. Any manufacturer who fails or refuses to file the report or fails or refuses to allow such an audit will be guilty of a Class 2 misdemeanor and may be subject to a \$5,000 civil penalty. Finally, the bill prohibits any person from purchasing Virginia revenue stamps from anyone other than the Department, or from using, affixing or causing to be used or affixed, Virginia revenue stamps purchased from anyone other than the Department and makes such unlawful activities a Class 6 felony. The Department may revoke the permit issued to any person who violates this section.

Patron - Dudley

HB911 Real property tax; partial exemption for certain rehabilitated, renovated or replacement residential structures. Removes the requirement that the total square footage of the replacement structures cannot exceed 30 percent of the replaced structure. Instead, the bill allows the locality to establish requirements for the square footage of replacement structures. Incorporates HB 465.

Patron - Oder

HB963 Transient occupancy tax; additional for any county with the county manager plan of government. Allows any county with the county manager plan of government to impose an additional transient occupancy tax at a rate not to exceed two percent, provided the county's governing body approves the construction of a county conference center. The revenues collected from the additional tax will be designated and spent for the design, construction, operation and debt payment for such conference center.

Patron - Almand

HB965 Arlington County's authority to impose transient occupancy tax; elimination of sunset provision. Extends the sunset on Arlington County's authority to impose a transient occupancy tax that will expire on December 31, 2002, to January 1, 2006.

Patron - Almand

HB1054 Misuse of tax preferences. Provides that any organization that knows or should have known that an associate, employee, volunteer, other individual or entity has used its sales tax exemption certificate/letter to make unlawful purchases in the aggregate in excess of \$1,000 in any calendar year shall have its tax exemption certificate/letter suspended by the Tax Commissioner.

Patron - Melvin

HB1101 Local taxation; treasurers and directors of finance. Makes several purely technical changes recommended by county and city treasurers and directors of finance

to various local revenue statutes. No policy changes are intended or effected.

Patron - Johnson

[P]HB1118 Sales and use tax exemption; film and audiovisual works. Extends the sunset date from June 30, 2002, to July 1, 2004, for the sales and use tax exemption allowed for certain tangible personal property and services used in the production of audiovisual work.

Patron - Janis

[P]HB1160 Personal property tax; refund or credit for vehicles sold. Provides that the amount of tax relieved when a vehicle is disposed of after tax day shall be (i) refunded or (ii) credited against other personal property taxes owed by the taxpayer, at the option of the locality. Under current law, the taxpayer is afforded this option.

Patron - Tata

[P]HB1202 Electric utility consumption tax. Allows any locality not currently receiving the revenues generated by the local consumption tax component paid by the citizens of such locality, to receive such revenues. Currently, such localities do not receive those revenues because they did not impose the license tax as of December 31, 2000.

Patron - Morgan

[P]HB1221 Cigarette tax; sale of cigarettes produced for export. Requires the Tax Department to maintain for at least three years information identifying the wholesale or retail dealer who affixed the revenue stamps to the cigarettes.

Patron - Albo

[P]HB1268 Sales and use tax exemptions; omnibus extension bill. Extends the sunset date through June 30, 2003, for several education-related sales and use tax exemptions due to expire on June 30, 2002.

Patron - Parrish

[P]HB1304 Donations to the general fund. Allows taxpayers to make donations to the Commonwealth's general fund in excess of their tax liability. The Tax Commissioner is directed to list the names of such donors on the Tax Department's website, with the consent of the donor.

Patron - Cox

[P]HB1322 Income tax; land preservation tax credit. Allows a taxpayer entitled to a land preservation tax credit to transfer such credit to any other taxpayer. The bill also allows the taxpayer a subtraction for any gain or income recognized when calculating Virginia taxable income.

Patron - Howell

[P]SB15 Property tax exemption; Stafford Recreational Soccer League and others. Provides a property tax exemption to each of the following organizations: Stafford Recreational Soccer League, Friends of Chevre Thelie, Inc., Arlington Foundation, Incorporated, Unified Human Services Transportation System, Inc., Winchester-Frederick County Conservation Club, Inc., Instructive Visiting Nurse Association ("IVNA"), IVNA Home Health Care and IVNA Health Services, Woodmen of the World Ironwood Camp #269 and Lodge 6035, Harry Wyatt Family Life Center (HWFLC), Inc., Heart Havens, Inc., Trevilian Station Battlefield Foundation, STEPS, Inc., Augusta Regional Free Clinic, Inc., Rockbridge Area Free Clinic, Inc., Appalachian Agency for Senior Citizens, Inc., Beth Shalom Terrace, UJFT Community Campus, L.L.C., Shenandoah Arts Council, Fraternal Order of Police.

Patron - Chichester

[P]SB18 Real property tax; partial exemption for certain rehabilitated, renovated or replacement commercial or industrial structures. Removes the total square footage limitation for replacement commercial and industrial structures for which a partial exemption from the real property tax may be granted by local ordinance. Currently, such replacement structures may not exceed the total square footage of the replaced structures by more than 110 percent if they are in enterprise zones and 100 percent in all other areas.

Patron - Colgan

[P]SB20 Sales and use tax exemptions; omnibus extension bill. Extends the sunset date through June 30, 2003, for several education-related sales and use tax exemptions due to expire at 12:00 a.m. on June 30, 2002.

Patron - Miller, K.G.

[P]SB65 Local tax administration; checks payable to treasurer. Requires taxpayers to make checks payable to "Treasurer or the title of other officer who performs the duty of treasurer of (name of political subdivision) or to the political subdivision" for state and local taxes and other amounts that the local treasurer collects.

Patron - Watkins

[P]SB78 Local severance taxes. Clarifies that in computing severance taxes no deductions are to be made from the fair market value component, including but not limited to, depreciation, compression, marketing fees, overhead, maintenance, transportation fees, and personal property taxes.

Patron - Wampler

[P]SB119 Real estate tax; partial exemption for structures substantially rehabilitated, renovated or replaced. Removes the restriction that a multifamily-use structure may exceed the multifamily residential unit that it has replaced by no more than 30 percent of the total square footage of the multifamily residential unit to qualify for a partial exemption from local real estate tax.

Patron - Stosch

[P]SB174 Bank franchise tax. Provides a deduction for a portion of goodwill created in connection with the acquisition or merger of a bank for purposes of determining a bank's capital subject to bank franchise taxes. The deduction applies for bank franchise tax returns required to be filed annually by March 1, beginning with the bank franchise tax return required to be filed by March 1, 2002. The bill also allows banks to file an amended tax return for the bank franchise tax return due by March 1, 2002, in order to reflect the deduction for goodwill.

Patron - Stosch

[P]SB203 Sales and use tax exemptions; textbooks for free distribution to professors. Extends the sunset date to July 1, 2004, for the sales and use tax exemption for textbooks withdrawn from inventory at book-publishing distribution facilities for free distribution to professors.

Patron - Houck

[P]SB209 Personal property tax; separate classification for biotechnology equipment. Provides a separate classification for tangible personal property tax purposes for equipment used in biotechnology research and development and the production of related products but not for human cloning purposes or for purposes related to human embryo stem cells.

Patron - Ticer

SB246 Tangible personal property tax in Alleghany County. Authorizes Alleghany County to retain one-half of the tangible personal property taxes collected, or due and owing, from residents of the Town of Clifton Forge for tax year 2001. The remaining one-half shall be exonerated. If the taxpayer has already paid more than one-half of such taxes, any overpayment shall be refunded and shall include interest as provided under applicable law. Alleghany County levied its 2001 tangible personal property tax on residents of the Town of Clifton Forge, but on January 1, 2001, such persons were still residents of the independent City of Clifton Forge. The City reverted to Town status effective July 1, 2001. Because the tangible personal property tax levied by Alleghany County on Clifton Forge residents was for the entire 2001 tax year, the bill prorates the tax levied and requires an exoneration for that portion of the tax attributable to the period from January 1, 2001, through June 30, 2001. The County may retain that portion of the tax prorated for the period from July 1, 2001, through December 31, 2001. The bill contains an emergency clause.

Patron - Trumbo

SB255 Public service corporation taxation. Authorizes the State Corporation Commission to audit the books and records of providers of competitive services and billing services. Such providers will be allowed to collect and remit electricity consumption taxes beginning in 2003. If there is an acquisition, consolidation or merger of businesses subject to the special regulatory revenue tax, the acquiring or surviving entity is required to include the gross receipts of the acquired, consolidated or merged entity. The provisions regarding calculation of gross receipts when corporations are acquired is expanded to address acquisitions of any type of taxpayer. The threshold for paying quarterly estimated license tax payments is increased from \$500 to \$5,000. References to the license tax on pipeline distribution companies, which tax was eliminated as of January 1, 2001, are deleted. The measure also deletes redundant language regarding the Commission's duty to adjust rates charged by public utility companies. Finally, the bill requires electric suppliers to report to the SCC all property that they own, lease for more than one year, or operate.

Patron - Watkins

SB258 Public service corporation taxation; cogenerators. Reenacts the definition of a cogenerator that was in effect until December 31, 2001. The reenactment of the definition of "cogenerator" will be effective retroactive to December 31, 2001.

Patron - Watkins

SB343 Local enterprise zone program for technology zones. Authorizes the governing body of any county, city, or town to adopt a local enterprise zone development taxation program for any technology zone located within its boundaries, regardless of whether the technology zone has been designated by the Governor as an enterprise zone. The development taxation program shall be adopted by local ordinance. Current provisions for such programs for local enterprise zones shall be applicable to any development taxation program adopted for a technology zone. Under current law, a locality may adopt a local enterprise zone development taxation program for any zone located within its boundaries that is declared by the Governor to be an enterprise zone.

Patron - Ruff

SB390 Arlington County's authority to impose transient occupancy tax; extension of sunset provision. Extends the sunset on Arlington County's authority to impose

transient occupancy tax that will expire on December 31, 2002, to December 31, 2006.

Patron - Whipple

SB451 Taxation; tobacco sales and tax information; penalty. Authorizes the Tax Commissioner to disclose any information collected by or reported or provided to him on the sales or purchases of cigarettes or other tobacco products, and tax information relating to such sales or purchases to any federal, state, or local agency, including any agency of another state or local agency thereof, or any national or regional association of federal, state, or local agencies or to any tobacco product manufacturer required to establish a qualified escrow fund under the Master Settlement Agreement. The bill also requires tobacco product manufacturers to file a monthly report with the Department of Taxation identifying all purchasers of cigarettes by name and address with the quantities and brands of cigarettes purchased during the preceding month. Such manufacturers are also subject to audit by the Department. Any manufacturer who fails or refuses to file the report or fails or refuses to allow such an audit will be guilty of a Class 2 misdemeanor and may be subject to a \$5,000 civil penalty. Finally, the bill prohibits any person from purchasing Virginia revenue stamps from anyone other than the Department, or from using, affixing or causing to be used or affixed, Virginia revenue stamps purchased from anyone other than the Department and makes such unlawful activities a Class 6 felony. The Department may revoke the permit issued to any person who violates this section.

Patron - Puckett

SB524 Income tax; sunset date for voluntary contributions for certain housing programs. Eliminates the January 1, 2003, sunset date for voluntary contributions made from tax refunds for certain Department of Housing and Community Development programs.

Patron - Mims

SB530 State taxes; accrual and payment of interest on refunds. Requires that interest on refunds of state income taxes accrue 30 days after payment of the tax if the income tax return was filed via electronic means and 60 days if such tax return was filed by other than electronic means. Current law provides that interest accrue 60 days after payment of the tax or 60 days after the last day prescribed by law for such payment, whichever is later. The bill's provisions are effective beginning with taxable year 2003.

Patron - Mims

SB544 Local real estate taxes; exemption and deferral of tax for the elderly and permanently and totally disabled. Increases from one acre to 25 non-income producing acres the maximum number of acres that may be excluded in determining the combined financial worth limitation for an exemption or deferral of local real estate taxes in the counties, cities, and towns of the Eighth Planning District. Persons at least 65 years of age or permanently and totally disabled are eligible for an exemption or deferral of real estate taxes under local government programs provided such persons fall below certain income and financial worth limitations. In determining the combined financial worth limitation, current law excludes the value of the dwelling and land, not exceeding one acre.

Patron - Mims

SB557 Motor vehicle sales and use tax; exemption for vehicles purchased by non-Virginia dealers. Provides an exemption from the motor vehicle sales and use tax for motor vehicles purchased by non-Virginia dealers for future resale. In addition, the requirement that dealer's license plates be displayed for dealer vehicles operating upon the public highways

is eliminated. This is currently a condition for maintaining the tax exemption on motor vehicles titled in a dealer's name. The act becomes effective March 1, 2003.

Patron - Stosch

[P]SB562 Transient occupancy tax; additional for any county with the county manager plan of government. Allows any county with the county manager plan of government to impose an additional transient occupancy tax at a rate not to exceed two percent, provided the county's governing body approves the construction of a county conference center. The revenues collected from the additional tax will be designated and spent for the design, construction, operation and debt payment for such conference center.

Patron - Ticer

[P]SB668 Eastern Virginia Regional Transportation Program. Authorizes the Hampton Roads Planning District Commission to issue debt in a principal amount not exceeding \$5,990,000,000 to finance the costs of an adequate, modern, safe and efficient transportation network in Hampton Roads. The principal and interest on the bonds shall be paid from an additional one percent retail sales and use tax in the Counties of Isle of Wight, James City, and York and the Cities of Chesapeake, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg (identified by reference to attainment for the one-hour ozone standard pursuant to the Federal Clean Air Act). The sales and use tax shall end upon final payment of the principal and interest on all bonds and other indebtedness issued for the transportation projects. The additional tax and the issuance of the bonds shall only be effective if approved by the voters of such counties and cities in a regional referendum to be held in November 2002. A simple majority of the voters voting at such election in the entire region constituted by such counties and cities is required for the tax to become effective. The bill does not require the affirmative vote of a majority of those voting in any individual county or city for the tax to become effective.

Patron - Williams

[P]SB685 Local real estate taxes; use value assessment. Provides that for real estate adjacent to a scenic river, a scenic highway, a Virginia Byway or public property in the Virginia Outdoors Plan or for any real estate in any city, county or town having a density of population greater than 5,000 per square mile, for any real estate in any county operating under the urban county executive form of government, or the unincorporated Town of Yorktown, the real estate shall consist of at least one quarter of an acre to be eligible for use value assessment and taxation. This would change current law, which provides that such real estate shall consist of a minimum of two acres.

Patron - Ticer

[P]SB688 Participation in multistate discussions concerning retail sales and use tax. Provides for the appointment of a delegation of members of the General Assembly to participate in multistate discussions regarding the simplification and modernization of tax administration. The Virginia delegation must report to the 2003 and 2004 Sessions of the General Assembly concerning the issues that they are required to consider, including their recommendations, and any other related issues that the delegation deems advisable.

Patron - Hanger

[P]SJ59 Streamlined Sales Tax Project. Encourages the Governor to provide for the executive branch to participate in the Streamlined Sales Tax Project by appointing the Tax Commissioner as its representative. In addition, the resolution provides that the Joint Rules Committee shall appoint a staff of the

House and Senate Committees on Finance to monitor discussions of the project.

Patron - Hanger

Failed

[F]HB17 Local option sales tax. The bill imposes local option sales and use taxes of one-half percent to be used for school construction, additions, infrastructure, site acquisition for public school buildings and facilities, renovations, including the costs of retrofitting or enlarging public school buildings, and debt service payments on such school projects that have been completed during the past 10 years. The bill also contains some technical corrections. This bill is incorporated into HB 1170.

Patron - Hull

[F]HB21 Property tax exemption; Winchester-Fredrick County Conservation Club, Inc. Grants a real property tax exemption to Winchester-Fredrick County Conservation Club, Inc., a charitable and benevolent nonprofit corporation, for real property located in Frederick County. This bill is incorporated into HB 727.

Patron - Sherwood

[F]HB75 Income tax; qualifying steam producers tax credit. Extends the sunset date from January 1, 2001 to January 1, 2008, for the qualifying steam producers tax credit.

Patron - Putney

[F]HB117 Property tax exemption; Heart Havens, Inc. Grants an exemption from real property tax to Heart Havens, Inc. for real property located in Westmoreland County and identified as Lot 1 D 3A4 1 and Lot 2 D 3A4 1. This bill is incorporated into HB 727.

Patron - Pollard

[F]HB162 Income tax; calculating taxable income; age deduction. Increases the age deduction from \$6,000 to \$7,500 for taxpayers ages 62 through 64 and from \$12,000 to \$15,000 for taxpayers 65 years of age and older.

Patron - Lingamfelter

[F]HB172 Admissions tax; City of Roanoke. Allows the City of Roanoke to levy a higher rate of tax on admissions paid for events held in city-owned facilities. The higher rate of tax may not exceed 10 percent of the admission fee.

Patron - Woodrum

[F]HB203 Income tax; subtraction for certain third party disability payments. Provides a subtraction for disability benefits paid by a third party insurer to the victim of a crime when the disability resulted from such criminal act, for taxable years beginning on or after January 1, 2003.

Patron - Cox

[F]HB215 Property tax exemption; Fan Free Clinic. Grants a property tax exemption to Fan Free Clinic, a charitable nonprofit corporation, for property located in the City of Richmond.

Patron - O'Bannon

[F]HB216 Motor vehicle sales and use tax. Exempts from the motor vehicle sales and use tax vehicles purchased or leased by a non-resident of the Commonwealth outside the Commonwealth.

Patron - O'Bannon

HB232 Property tax exemption; Sunrise House; Gloria Dei Ministries, Inc. Provides a property tax exemption for the Sunrise House, owned by Gloria Dei Ministries, Inc., used by it partially for charitable purposes on a nonprofit basis.

Patron - Gear

HB347 Motor fuels tax; exemption for volunteer rescue squads. Exempts from taxation the motor fuel used to operate or propel the equipment used by volunteer rescue squads for rescue purposes.

Patron - Wright

HB465 Real property tax; partial exemption for certain rehabilitated, renovated or replacement residential structures. Removes the requirement that the total square footage of the replacement structures cannot exceed 30 percent of the replaced structure. Instead, the bill allows the locality to establish requirements for the square footage of replacement structures. This bill is incorporated into HB 911.

Patron - Suit

HB516 Property tax exemption; Richmond Hill, L.P. Grants a property tax exemption to Richmond Hill, L.P., a charitable nonprofit organization, for property located in the City of Richmond. This bill is incorporated into HB 727.

Patron - Baskerville

HB532 Electronic dissemination of public records. Requires that all personal information of law-enforcement officers (including names, addresses, telephone numbers and social security numbers) be redacted from records of the circuit courts and tax information (including real property assessments) that are made public by means of display on the Internet.

Patron - Devolites

HB616 Property tax exemption; The Willis Wharf Village Trust, Inc. Grants a real and personal property tax exemption to The Willis Wharf Village Trust, Inc., a nonprofit, charitable, historical, benevolent, cultural and public park organization for property it owns in Northampton County. This bill is incorporated into HB 727.

Patron - Bloxom

HB656 Sales and use tax. Authorizes counties and cities to levy an additional local sales and use tax at a rate of one-half of one percent with the revenues generated from such tax reserved solely for public education purposes. The tax shall be adopted by local ordinance only after prior approval by the voters at a local referendum. The ordinance shall become effective on the first day of a month at least 60 days after its adoption, but in no event, prior to April 1, 2003. The bill also increases the state sales and use tax by one percent in all cities and counties within the Eighth Planning District. One-half of the revenues from such increase shall be distributed to such counties and cities based on point-of-sale and may only be used for transportation or education-related purposes. The remainder of such revenues shall be distributed to the Northern Virginia Transportation Authority ("Authority"). The Authority is authorized to issue bonds in the principal amount of \$2,380,000,000 for transportation projects in the Northern Virginia Regional Transportation Program. The additional state sales and use tax would be effective April 1, 2003, but is contingent upon approval of the additional tax by a majority of persons voting in a joint referendum of all the cities and counties in the Eighth Planning District on November 5, 2002.

Patron - Dillard

HB657 Sales and use tax; additional tax in Eighth Planning District to fund education and transportation projects. Increases the state sales and use tax by one percent in all cities and counties within the Eighth Planning District. One-half of the revenues from such increase shall be distributed to such counties and cities based on point-of-sale and may only be used for transportation or education-related purposes. The remainder of the revenues shall be distributed to the Northern Virginia Transportation Authority ("Authority"). The Authority is authorized to issue bonds in the principal amount of \$2,380,000,000 for transportation projects in the Northern Virginia Regional Transportation Program. The additional sales and use tax would be effective April 1, 2003, but is contingent upon approval of the additional tax by a majority of persons voting in a joint referendum of all the cities and counties in the Eighth Planning District on November 5, 2002.

Patron - Dillard

HB717 Sales and use tax; direct payment permits. Broadens the group of taxpayers, under certain circumstances, that the Tax Commissioner may allow to pay the sales and use tax directly to the Commonwealth thereby waiving collection of the tax by the dealer.

Patron - Howell

HB741 Local cigarette tax; authority to impose extended to all localities. Provides counties the same authority to levy the local cigarette tax that cities and towns currently enjoy, subject to approval by voter referendum. Repeals the section that allows only Fairfax and Arlington Counties to impose the tax.

Patron - Barlow

HB742 Local cigarette tax; authority to impose extended to all localities. Provides counties the same authority to levy the local cigarette tax that cities and towns currently enjoy. Repeals the section that allows only Fairfax and Arlington Counties to impose the tax.

Patron - Barlow

HB743 Severance tax; sand, marl, and gravel. Authorizes the governing body of any county or city to impose a license tax, if approved in a local referendum, on persons engaged in the business of severing sand, marl, or gravel from the earth at a rate not to exceed one percent of the gross receipts from the sale of sand, marl, or gravel severed within such county or city.

Patron - Barlow

HB744 Severance tax; sand, marl, and gravel. Authorizes any county or city to impose a license tax on persons engaged in the business of severing sand, marl, or gravel from the earth at a rate not to exceed one percent of the gross receipts from the sale of sand, marl, or gravel severed within such county or city.

Patron - Barlow

HB749 Motor vehicle sales and use tax; reduced rate for certain vehicles. Reduces the sales and use tax from three percent to one and one-half percent on motor vehicles (i) running on a fuel that results in lower emissions of oxides of nitrogen, volatile organic compounds, carbon monoxide or particulates or any combination thereof and includes compressed natural gas, liquified natural gas, liquified petroleum gas, hydrogen, and hythane or (ii) propelled primarily by electric charge.

Patron - Plum

HB860 Local severance taxes; additional one percent; revenues used for construction of water systems. Authorizes counties and cities to impose an additional local severance tax on persons engaging in the business of severing gases from the earth. A county or city may impose this additional tax at a rate not to exceed one percent of the gross receipts from the sale of gases severed within the county or city. The effective date of the bill is July 1, 2002, and the increase is applicable for license years beginning on or after January 1, 2002. The revenues from this increase shall be used for constructing new and improved water systems and lines in areas with natural water supplies that are insufficient in quality or quantity. This bill would increase the total license tax rate that counties and cities may currently levy on businesses severing gases from three percent to four percent.

Patron - Phillips

HB861 Motor fuels tax; exemptions. Provides an exemption from the motor fuels tax for any nonprofit charitable organization that is exempt from taxation under § 501 (c) (3) of the Internal Revenue Code and that is organized and operated for the purpose of providing public transportation for counties, cities or towns.

Patron - Phillips

HB864 Taxation of public service corporations; sunset date extension for Virginia Coal Employment and Production Incentive Tax Credit. Extends the sunset date for the Virginia Coal Employment and Production Incentive Tax Credit from January 1, 2005, to January 1, 2007.

Patron - Phillips

HB1026 Reduced sales and use tax for certain clothing, footwear, and computers. Establishes a state sales and use tax exemption during the period from August 31 through September 6, 2002, and every August 31 through September 6 thereafter, for "clothing and footwear" costing less than \$500 per article; "computer systems" costing less than \$1,500; and "computers," "computer hardware," and "computer software" costing less than \$500. The bill also requires the Department of Taxation to promulgate regulations that implement the temporary exemption program by August 15, 2002.

Patron - Moran

HB1052 Sales and use tax on food purchased for human consumption. Exempts food purchased for human consumption, as defined in the Food Stamp Act of 1977, 7 U.S.C. § 2012, as amended, from state and local sales and use taxes, effective July 1, 2002. The bill provides for a General Fund reimbursement for the current (i) one-half percent of the state sales and use tax paid into the Transportation Trust Fund, (ii) one percent local sales and use tax, and (iii) one percent sales and use tax distributed to localities by school population.

Patron - Darner

HB1095 Local cigarette tax; authority to impose extended to all localities. Provides counties the same authority to levy the local cigarette tax that cities and towns currently enjoy. Repeals the section that allows only Fairfax and Arlington Counties to impose the tax.

Patron - Brink

HB1163 Sales and use tax; additional tax in Eighth Planning District to fund education and transportation projects. Increases the state sales and use tax by one percent in all cities and counties within the Eighth Planning District. One-half of the revenues from such increase shall be

distributed to such counties and cities based on point-of-sale and may only be used for education-related purposes. The remainder of the revenues shall be distributed to the Northern Virginia Transportation Authority ("Authority"). The Authority is authorized to issue bonds in the principal amount of \$2,380,000,000 for transportation projects in the Northern Virginia Regional Transportation Program. The additional sales and use tax would be effective January 1, 2003, but is contingent upon approval of the additional tax by a majority of persons voting in a joint referendum of all the cities and counties in the Eighth Planning District on November 5, 2002. This bill is incorporated into HB 1296.

Patron - Hull

HB1170 Sales and use tax; rate increase. Increases the state sales and use tax one-half percent from 3.5 percent to four percent. The one-half percent increase will be distributed to counties and cities based on school-age population and used solely for capital projects for public school construction and public school infrastructure improvements including, but not limited to, technology infrastructure; additions, renovations, and retrofitting of existing school buildings; new school construction; and site acquisition.

Patron - Dillard

HB1172 Tax assessment appeals process. Establishes a new appeals process for taxpayers assessed with individual and corporate income tax and aggrieved by any such assessment or by the Tax Commissioner's determination. Taxpayers may file an appeal with an independent hearing examiner appointed by the Attorney General from a list of experienced tax attorneys. The bill also eliminates the requirement that a taxpayer must first pay a contested tax assessment or post a bond before he may challenge in circuit court concerning an income tax assessment. Finally, the bill allows for a protective claim for refund of the income tax to be filed within one year after either the Tax Commissioner's or independent hearing examiner's determination.

Patron - Howell

HB1194 Property tax exemption; Kiwanis Club of Chester, Inc. Foundation. Grants a real property tax exemption to the Kiwanis Club of Chester, Inc. Foundation, a public park and playground nonprofit corporation, for real property located at 4001 Gill Street, Chester, Virginia, in Chesterfield County. This bill is incorporated into HB 727.

Patron - Nixon

HB1265 Income tax; voluntary contribution of refund to Pre-Release and Post-Incarceration Services (PAPIS) Fund. Allows individuals entitled to an income tax refund to contribute a portion, at least \$1.00, or all of the refund to the Department of Criminal Justice Services for the Pre-Release and Post-Incarceration Services program, for taxable years beginning on and after January 1, 2003, but before January 1, 2008. The program provides support by means of grants to public or private nonprofit organizations for pre-release and post-incarceration professional services and guidance that increase the opportunity for successful reentry and reintegration into local society by incarcerated adult offenders.

Patron - Baskerville

HB1296 Sales and use tax; additional tax in Northern Virginia Highway Construction District to fund transportation projects. Increases the state sales and use tax by one-half percent in all cities and counties within the Northern Virginia Highway Construction District. The revenues from such increase shall be deposited into the Northern Virginia Transportation Fund to fund transportation projects in such cities and counties. The bill also increases the maximum

principal amount of transportation revenue bonds that may be issued for the Northern Virginia Transportation District Program from \$471.2 million to \$2,746,200, specifies additional transportation projects to be funded by such bonds, and authorizes the Northern Virginia Transportation Authority to designate additional transportation projects to be paid for from the Northern Virginia Transportation Fund under certain conditions. The bill repeals the right of certain localities to impose a local income tax, and also requires an annual independent analysis and evaluation of the Department of Transportation's performance in each locality in the Northern Virginia highway construction district. The bill has a delayed effective date of July 1, 2003, and is contingent upon approval by a majority of persons voting in a joint referendum on November 5, 2002, of all the cities and counties in the Northern Virginia highway construction district. Incorporates HB 1163.

Patron - Rollison

[F]HB1356 Income tax credits for school tuition organization contributions; the Virginia Children's Educational Opportunity Act 2002. Establishes an income tax credit for cash donations to a charitable tax-exempt corporation in Virginia that (i) provides financial assistance of up to \$3,100 per child for the education of children from low-income and non low-income households, and (ii) expends all of certain cash contributions as grants to cover qualifying educational expenses of such children. Support for home schooling is limited to \$550 per child. The maximum amount of the annual credit is \$500 or the amount of tax owed by the taxpayer, whichever is less. Such contributions cannot be designated for the direct benefit of a specific child and all contributions cannot be expended on students of one school. The tax credit becomes effective for taxable years beginning on or after January 1, 2003. The Department of Taxation is required to promulgate regulations to implement these credits, including providing the format for a standardized receipt to be issued by school tuition organizations and qualifying schools.

Patron - Cox

[F]HJ77 Historic preservation tax credits. Urges the Congress to expand use of federal historic preservation tax credits to qualified owner-occupied structures. This resolution is identical to HR 22 (Suit).

Patron - Suit

[F]HJ133 Administrative procedures of the Department of Taxation. The Joint Legislative Audit and Review Commission (JLARC) is requested to examine (i) the Department of Taxation's new enhanced computer system and its impact on collections of both the state income tax and the sales and use tax; (ii) the problems arising from the new income tax return form; (iii) how the new computer system and the new tax return impacted the refund procedure during the past two years; and (iv) any other information regarding the administration of state taxes by the Department that would assist the General Assembly in its tax policy decisions. The Commission must report its written findings and recommendations to the Governor and the 2003 General Assembly.

Patron - Phillips

[F]SB2 Sales and use tax exemption; MacCallum More Museum and Gardens. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2006, to a 501 (c) (3) corporation operating as a museum and gardens (i) to promote the appreciation of the fine arts; (ii) to establish, own, maintain, and operate an arts center to conform to standard museum practices; (iii) to display, sell, purchase and own articles of art; (iv) to support the arts in the local school system; and (v) to encourage local artists' participation in its programs.

Patron - Ruff

[F]SB9 Property tax exemption; Friends of Chevre Thelie, Inc. Grants a property tax exemption to Friends of Chevre Thelie, Inc. for real property owned by the organization and located at 607 Effingham Street in the City of Portsmouth. This bill is incorporated into SB 15.

Patron - Lucas

[F]SB11 Sales and use tax exemption; Danville Community College Educational Foundation, Inc. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2005, to a 501 (c) (3) corporation organized to promote the growth, progress and general welfare of a community college located within the boundaries of the Twelfth Planning District established pursuant to § 15.2-4203 through, including but not limited to, providing funds, personnel or other aids for the strengthening, development and enlargement of the college and its programs; making donations or contributions to, or assisting in the support of, college activities; or purchasing or making contributions toward the acquisition of books, materials and equipment or the erection and construction of college buildings and facilities.

Patron - Hawkins

[F]SB14 Property tax exemption; Arlington Foundation, Incorporated. Grants a property tax exemption to Arlington Foundation, Incorporated, a historical nonprofit corporation, for real property known as the Custis Tombs and identified as Tax Map Nos. 0097A-((02))-00-000A and 0097A-((02))-00-001 and personal property thereon located in Northampton County. This bill is incorporated into SB 15.

Patron - Norment

[F]SB16 Sales and use tax; refunds. Provides that all nonprofit organizations exempt under §§ 501 (c) (3) or (c) (4) of the Internal Revenue Code may apply for a refund of retail sales and use tax on purchases made on and after January 1, 2003. Certain educational, medical-related, nonprofit civic and community service, nonprofit cultural, and miscellaneous organizations that were exempt from sales and use tax as of July 1, 2002, will also be required to apply for a refund for any purchases made on and after January 1, 2003. The amount of the refund shall equal 100 percent of the amount of tax paid. Applications for refunds may be filed quarterly with the Department of Taxation beginning with calendar year 2003. If the amount to be refunded is at least \$5,000, the organization may apply for the refund at any time during the calendar year. Most nonprofit organizations will no longer be subject to review by the General Assembly for sales and use tax purposes. The amount of the refund attributable to the local sales and use tax shall be deducted from the monthly distributions of sales tax revenues to localities. Interest shall accrue and be paid on any refund not paid within 59 days after an application for a refund is filed with the Department. Interest shall begin to accrue on the sixtieth day and shall end on the date that the refund is issued. There is no sunset date for the refund provisions of the bill.

Patron - Miller, K.G.

[F]SB37 Local income tax; authority for cities to impose. Authorizes cities to impose a local income tax in increments of one-quarter percent up to a maximum rate of one percent with the revenues from such tax to be used for education or transportation purposes. The tax may be levied upon passage of a duly adopted ordinance by the governing body of the city. Any local income tax adopted by ordinance may be levied for a period not to exceed 10 years.

Patron - Miller, Y.B.

SB54 Property tax exemption; Unified Human Services Transportation System, Inc., transacting business as RADAR. Grants real property tax exemption status to Unified Human Services Transportation System, Inc., a charitable nonprofit corporation, for real property owned by them and located in the City of Roanoke. This bill is incorporated into SB 15.

Patron - Edwards

SB56 Sales and use tax exemption; Bethany Hall, Inc. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2005, to a 501 (c) (3) corporation organized for the purpose of providing a residential treatment program for women with alcohol and other chemical addictions.

Patron - Edwards

SB66 Personal property tax; situs for assessment. Provides that if it cannot be determined where a motor vehicle or boat is normally garaged, docked or parked, the situs shall be the county or city in which such motor vehicle or boat is registered. The bill goes on to provide that if it cannot be determined where travel trailers and airplanes are normally garaged, stored or parked, the situs will be the domicile of the owner of such personal property.

Patron - Watkins

SB70 Property tax exemption; Winchester-Frederick County Conservation Club, Inc. Grants an exemption from real property tax for real property located in the County of Frederick in Gainesboro Magisterial District and identified as Tax Map 29A, Lot 37B; Tax Map 29A, Lot 43B; Tax Map 19A, Lot 53A; Tax Map 19A, Lot 81A; Tax Map 19A, Lot 49; Tax Map 19A, Lot 52E; and Tax Map 29A, Lot 38; and owned by Winchester-Frederick County Conservation Club, Inc. This bill is incorporated into SB 15.

Patron - Potts

SB75 Sales and use tax exemption; Justice, Unity, Generosity & Service, Inc. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2005, to a 501 (c) (3) corporation organized for the purpose of (i) supporting programs, institutions and organizations designed to aid in the physical development and health improvement of members of the community, with special emphasis on children and youth, and (ii) participating in local, national, civic and educational activities.

Patron - Colgan

SB85 Property tax exemption; Instructive Visiting Nurse Association ("IVNA"), IVNA Home Health Care and IVNA Health Services. Grants an exemption effective January 1, 2002, from real and personal property tax for property located in Henrico County, owned by the Instructive Visiting Nurse Association ("IVNA"), IVNA Home Health Care or IVNA Health Services. This bill is incorporated into SB 15.

Patron - Stosch

SB86 Sales and use tax exemption; Beth Shalom Housing Corporation. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2004, to a 501 (c) (3) corporation organized for purposes including but not limited to receiving federal grant assistance under the Department of Housing and Urban Development Section 8 programs.

Patron - Stosch

SB93 Sales and use tax exemption; WorldWide-Word, Inc. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2005, to a 501 (c) (3) corpora-

tion organized for the purpose of assisting and equipping churches and organizations to more effectively share the Gospel of Jesus Christ, nurture and serve their members, and foster community through the Internet and other cyberspace media.

Patron - Howell

SB96 Sales and use tax exemption; Diabetes Research and Wellness Foundation, Inc. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2005, to a 501 (c) (3) corporation organized for purposes including but not limited to (i) providing funds for scientific research into treatments and a cure for diabetes, (ii) educating and counseling persons with diabetes via a toll-free help line, and (iii) providing diabetes self-management education.

Patron - Howell

SB104 Sales and use tax on food. Decreases the state sales and use tax on food purchased for human consumption to one and one-half percent beginning April 1, 2003. The state sales tax on such food for the period from April 1, 2002, through March 30, 2003, shall remain at its current level, three percent. Current law provides for a gradual decrease in the state sales and use tax on such food to a rate of one and one-half percent. The tax currently is scheduled to decrease by one-half percent increments. Any decrease in the tax is dependent upon the realization of a certain level of general fund revenue growth for the fiscal year immediately preceding a scheduled decrease in the tax rate. This bill would eliminate all such general fund revenue growth requirements and would automatically decrease the tax to one and one-half percent beginning April 1, 2003.

Patron - Marye

SB105 Personal property tax relief on passenger cars, motorcycles, and pickup or panel trucks. Sets personal property tax relief under the Personal Property Tax Relief Act of 1998 to 55 percent for calendar year 2002. The level of tax relief is set at 70 percent for calendar year 2003 and 100 percent for calendar year 2004 and thereafter, subject to the conditions described under § 58.1-3524. The bill contains an emergency clause.

Patron - Marye

SB123 Sales and use tax exemption; Trailview Development Corporation. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2005, to a 501 (c) (3) organization organized to provide clean, decent, and safe housing to low-income persons over the age of 55.

Patron - Wampler

SB125 Property tax exemption; Woodmen of the World Ironwood Camp #269 and Lodge 6035. Grants an exemption from real and personal property tax for property located in the City of Bristol and owned by Woodmen of the World Ironwood Camp #269 and Lodge 6035 effective January 1, 2002. This bill is incorporated into SB 15.

Patron - Wampler

SB126 Property tax exemption; Harry Wyatt Family Life Center (HWFLC), Inc. Grants an exemption from real and personal property tax for real property located in Halifax County, and the personal property thereon, owned by the Harry Wyatt Family Life Center (HWFLC), Inc. This bill is incorporated into SB 15.

Patron - Ruff

SB139 Individual income tax; structure. Makes three changes to the structure of the individual income tax beginning with the 2002 taxable year: (i) adding a new income tax bracket of six percent on taxable income in excess of

\$30,000; (ii) eliminating the additional \$800 personal exemption currently benefiting blind or aged taxpayers; and (iii) providing an individual income tax deduction for the amount of social security taxes paid in the taxable year (i.e., federal taxes withheld for old age, survivors, disability insurance, and hospital insurance) up to a maximum deduction of \$6,000 in any taxable year. The bill also provides that any person claiming Virginia's deduction for the elderly (\$6,000 for taxpayers age 62 through 64 and \$12,000 for taxpayers 65 or older) may not also claim the deduction for social security taxes withheld.

Patron - Miller, K.G.

SB159 Property tax exemption; Heart Havens, Inc. Grants an exemption from real property tax to Heart Havens, Inc. for real property located in Westmoreland County and identified as Lot 1 D 3A4 1 and Lot 2 D 3A4 1. This bill is incorporated into SB 15.

Patron - Chichester

SB164 Sales and use tax exemption; Al-Anon.

Retroactively extends the sunset date to July 1, 2005, for a sales and use tax exemption that expired on June 30, 2001, which exempts from sales and use tax § 501 (c) organizations organized for the purpose of providing support services at no cost to Al-Anon family groups and to families and friends of alcoholics within the Commonwealth, including operating an information clearinghouse, staffing a volunteer telephone hotline, providing speakers and literature to promote public awareness of alcoholism, and coordinating Al-Anon public service activities for the general public, schools, hospitals, churches, professional community, and industry.

Patron - Byrne

SB170 Sales and use taxes; statewide and regional taxes to fund public education and transportation. Provides for three referendum questions to be voted on at the November 5, 2002 election, each question being mutually exclusive and asking the sense of the voter on additional sales and use taxes. The additional sales and use taxes become effective if the referendum question on the additional tax is affirmed by the voters. One question asks the voters of the Eighth Planning District if there should be an additional one-half of one-percent sales and use tax in the counties and cities of such district with the revenues from the tax to be used for regional transportation projects and programs in Northern Virginia. A second question asks the voters in several counties and cities of the Hampton Roads Planning District if there should be an additional one-percent sales and use tax in such counties and cities with the revenues from the tax to be used for regional transportation projects and programs in Hampton Roads. Both referendum questions are contingent upon approval by a majority of persons voting in a joint referendum of all the cities and counties in the Eighth Planning District and several of the cities and counties in the Hampton Roads Planning District, respectively. The last referendum question asks all persons in the Commonwealth voting on November 5, 2002, if there should be an additional one-half of one-percent sales and use tax in all jurisdictions in the Commonwealth with the revenues to be used for expenses incurred in the operation of public schools and capital projects for public schools. The additional sales and use taxes associated with each referendum question would become effective July 1, 2003.

Patron - Colgan

SB173 Sales and use tax increase; exemption of certain motor vehicles and boats from tangible personal property taxation. Provides for a one and one-half percent increase in the retail sales and use tax and exempts certain motor vehicles and boats from local tangible personal property taxation, provided that a constitutional amendment exempting

such motor vehicles and boats is ratified by a majority of voters voting on such measure in November 2004. The tax exemptions and the additional one and one-half percent sales and use tax are effective January 1, 2005. The revenue from the increase in the sales and use tax shall be used to make payments to localities in lieu of the current funding processes to reimburse localities under the Personal Property Tax Relief Act of 1998. The new funding mechanism will begin in calendar year 2005. In general, the amount funded to (i) a county shall be the amount funded to the county in the preceding calendar year plus 15 percent of any increase in the state sales and use tax revenue over the preceding fiscal year; (ii) a city shall be the amount funded to the city in the preceding calendar year plus 11 percent of any increase in the state sales and use tax revenue over the preceding fiscal year; and (iii) a town shall be the amount funded to the town in the preceding calendar year plus five percent of any increase in the state sales and use tax revenue over the preceding fiscal year. Each locality will have a base year funding amount. The base year funding amount shall equal (a) for a county, 15 percent of its total local tax revenues collected in fiscal year 1997; (b) for a city, 11 percent of its total local tax revenues collected in fiscal year 1997; and (c) for a town, five percent of its total local tax revenues collected in fiscal year 1997. The base year amount is used for purposes of determining initial funding amounts to counties, cities, and towns in calendar year 2005.

Patron - Colgan

SB178 State fuels tax; increase in tax on gasoline, diesel fuel, and liquid alternative fuel. Increases the fuels tax on (i) gasoline and gasohol from 17 and one-half cents to 22 and one-half cents per gallon, (ii) diesel fuel from 16 cents to 18 cents per gallon, and (iii) liquid alternative fuels used to operate a highway vehicle from 16 cents to 22 and one-half cents per gallon. The tax increases are effective January 1, 2003, and all revenues attributable to the increases shall be paid into the Transportation Trust Fund.

Patron - Miller, K.G.

SB189 Sales and use tax; food for human consumption. Exempts food for human consumption from the state sales and use tax.

Patron - Deeds

SB190 Motor vehicle sales and use tax. Reduces the sales and use tax from three percent to one and one-half percent on motor vehicles (i) running on fuel that results in lower emissions of oxides of nitrogen, volatile organic compounds, carbon monoxide or particulates or any combination thereof and includes compressed natural gas, liquified natural gas, liquified petroleum gas, hydrogen, and hythane, or (ii) propelled primarily by electric charge.

Patron - Deeds

SB193 Sales and use tax exemption; Recording for the Blind and Dyslexic, Inc. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2005, to a 501 (c) (3) corporation organized for the purpose of (i) serving people who cannot effectively read standard print because of a visual, perceptual or other physical disability and (ii) creating opportunities for individual success by providing and promoting the effective use of accessible educational materials.

Patron - Deeds

SB194 Sales and use tax exemption; George C. Marshall Research Foundation. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2006, to a 501 (c) (3) organization established primarily for the purpose

of operating a museum and providing educational programs on the life and times of General George C. Marshall.

Patron - Deeds

[F]SB195 Sales and use tax exemption; Cowpasture River Preservation Association. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2006, to a 501 (c) (3) organization organized for the purpose of preserving the Cowpasture River in its natural state and presenting educational programs about the environment.

Patron - Deeds

[F]SB202 Sales and use tax exemption; Ceres Alumni Association LLC. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2006, to a 501 (c) (3) organization organized for the purposes of, including but not limited to, (i) establishing and maintaining a recreational center, (ii) establishing and maintaining an agriculture museum exhibiting Future Farmers of America memorabilia and objects related to the history of agriculture, and (iii) participating in fundraising and promoting historical, cultural, and health programs.

Patron - Houck

[F]SB207 Property tax exemption; Trevilian Station Battlefield Foundation. Grants a property tax exemption for real property identified as Tax Map Parcels 24-27, 24-28, 24-33, 24-123, 24-124, 24-133, and 24-134 and personal property located in the County of Louisa, owned by Trevilian Station Battlefield Foundation. This bill is incorporated into SB 15.

Patron - Houck

[F]SB212 Individual income taxes; exemption for victims of terrorist attacks. Provides an exemption from individual income tax and from filing an individual income tax return for (i) victims of the September 11, 2001, terrorist attacks on or involving the World Trade Center Towers in New York, New York, the Pentagon, or the crash of United Airlines Flight 93 southeast of Pittsburgh, or (ii) any individual who dies as a result of anthrax that is released into the environment by another person with the intent to kill. The exemption is limited to (a) income earned or realized by such persons in the taxable year in which they die, or (b) income earned or realized by the spouses of such individuals in such taxable year. "Victims" of the terrorist attacks includes individuals who were killed as a result of such terrorist attacks or killed in attempting to rescue or recover other persons injured or killed by such attacks. The bill contains an emergency clause.

Patron - Ticer

[F]SB224 Property tax exemption; STEPS, Inc. Grants an exemption from real and personal property tax for property owned by STEPS, Inc. and located in Lunenburg County. This bill is incorporated into SB 15.

Patron - Ruff

[F]SB225 Sales and use tax exemption; Southside Training, Employment and Placement Services, Inc. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2005, to a 501 (c) (3) corporation organized for the purpose of providing job training and employment opportunities to individuals with disabilities, welfare recipients and others with barriers to employment.

Patron - Ruff

[F]SB229 Property tax exemption; Augusta Regional Free Clinic, Inc. Grants a property tax exemption, effective January 1, 2002, to Augusta Regional Free Clinic, Inc., a charitable nonprofit corporation, for real and personal property

owned by the organization and located in Augusta County. This bill is incorporated into SB 15.

Patron - Hanger

[F]SB232 Sales and use tax exemption; Greene County Child Care Association, Inc. Provides a sales and use tax exemption to an organization exempt from federal income tax under § 501 (c) (3) of the Internal Revenue Code and organized primarily for the purpose of operating a state-licensed day-care center or a preschool that hires only certified public school teachers and that has a regularly prescribed curriculum.

Patron - Hanger

[F]SB233 Property tax exemption; Rockbridge Area Free Clinic, Inc. Grants an exemption from real and personal property tax for property located in Rockbridge County and owned by Rockbridge Area Free Clinic, Inc. This bill is incorporated into SB 15.

Patron - Hanger

[F]SB238 Transient occupancy tax; additional for Arlington County. Allows Arlington County to impose an additional transient occupancy tax at a rate not to exceed two percent, provided the Arlington County Board of Supervisors approves the construction of the Arlington Conference Center. The revenues collected from the additional tax will be designated and spent for the design, construction and debt payment for the Arlington Conference Center.

Patron - Ticer

[F]SB263 Sales and use tax exemption; Human Resources, Inc. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2003, to a 501 (c) (3) organization organized for the purpose of providing a comprehensive network of medical and psycho-social treatment to adults, on both an inpatient and outpatient basis, or to adolescent patients in a residential setting, within the boundaries of the Fifteenth Planning District established pursuant to § 15.2-4203.

Patron - Lambert

[F]SB274 Property tax exemption; Appalachian Agency for Senior Citizens, Inc. Grants an exemption from real and personal property tax, effective January 1, 2002, for property located in Tazewell County and owned by the Appalachian Agency for Senior Citizens, Inc. This bill is incorporated into SB 15.

Patron - Puckett

[F]SB286 State Lottery Fund. Permits the State Lottery Board to expend funds to inform the public that net proceeds from the Lottery are used entirely and solely for the purpose of public education and creates the Lottery Proceeds Fund as a special nonreverting fund to which the Comptroller deposits the audited balances of the State Lottery Fund, less a special reserve fund, to be used for public education. The bill also deletes an obsolete provision. This bill is incorporated into SB 50.

Patron - Hawkins

[F]SB298 Estimated withholding taxes; accelerated payment by employers. Requires employers to accelerate estimated withholding tax liability payments for the last filing period of the month ending June 30. Such payments must be made on or before June 25 and must be at least 90 percent of the withholding tax liability for the period. A credit will be given on the return due July 31 for the payment made by June 25. Failure to make the payment by June 25 will result in a

penalty equal to 30 percent of the tax that should have been paid.

Patron - Chichester

[F]SB299 Sales and use tax; returns and payments by dealers. Requires dealers to accelerate the June sales and use tax payment by making them pay an amount equal to the sales and use tax liability for the month of May as the estimated amount of sales and use tax liability for the month of June. Such payment must be made by the 25th of June. Failure to make such payment subjects the dealer to an additional penalty of 30 percent of the amount that should have been paid. The bill contains an emergency clause.

Patron - Chichester

[F]SB312 Property tax exemption; Beth Sholom Terrace. Grants an exemption from local property taxes for real and personal property located in the City of Virginia Beach and owned by Beth Sholom Terrace. This bill is incorporated into SB 15.

Patron - Stolle

[F]SB313 Sales and use tax exemption; Kids Voting Virginia, Inc. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2005, to a 501 (c) (3) corporation organized for purposes including but not limited to promoting greater voter participation and educating children regarding the voting process.

Patron - Stolle

[F]SB314 Sales and use tax exemption; American Environment Foundation. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2004, to a 501 (c) (3) organization organized exclusively for the purpose of promoting and supporting conservation and environmental issues throughout the Commonwealth by encouraging the protection and restoration of waters, wildlife and land; safeguarding the public health by eliminating pollution; nurturing and improving wildlife stocks; promoting the highest standards of sportsmanship and strengthening farmer-sportsmen understanding; and performing other environmental services.

Patron - Stolle

[F]SB324 Sales and use tax exemption; Council of United Filipino Organizations of Tidewater Virginia, Inc. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2005, to a 501 (c) (3) corporation organized for the purpose of fostering, promoting, cherishing and preserving the traditions and cultural heritage of Filipinos in the Commonwealth through means including but not limited to assembly, friendship, education and exchange of ideas.

Patron - Wagner

[F]SB325 Property tax exemption; UJFT Community Campus, L.L.C. Grants an exemption from real and personal property tax for property located in the City of Virginia Beach and owned by UJFT Community Campus, L.L.C. This bill is incorporated into SB 15.

Patron - Wagner

[F]SB339 Virginia Tiered Incentive Program. Establishes a program for providing corporate income tax credits for creation of jobs in economically distressed localities. The amount of the credit will be based on factors such as median household income and rates of unemployment. The Tax Commissioner shall promulgate regulations that are necessary or desirable to carry out the provisions of the act. This bill is a recommendation of the Rural Virginia Prosperity Commission.

Patron - Ruff

[F]SB346 Sales and use tax; limited time exemption for school supplies and certain articles of clothing. Provides a sales and use tax exemption for school supplies and certain clothing and footwear that are purchased during the third weekend in August beginning in 2002 and each year thereafter.

Patron - Potts

[F]SB347 Property tax exemption; Shenandoah Arts Council. Grants an exemption from real property tax for real property located at 811-813 South Loudoun Street in the City of Winchester and owned by the Shenandoah Arts Council. This bill is incorporated into SB 15.

Patron - Potts

[F]SB349 Sales and use tax exemption; Feltner Community Foundation. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2006, to a 501 (c) (3) organization organized for purposes including, but not limited to, operating a museum for the display of local original art, original art depicting local historic events, significant collections of historic interest, and significant collections of interest for public viewing.

Patron - Potts

[F]SB377 Grants and tax refunds for producing and using clean and efficient energy. Provides tax refunds and grant awards for using clean and efficient energy including (i) grant awards in the amount of 0.85 cents for each kilowatt of electricity produced by a corporation from certain renewable energy resources; (ii) grants to individuals and corporations equal to 15 percent of the cost incurred in installing photovoltaic property, solar water heating property, or wind-powered electrical generators (grants are limited to \$2,000 for each system of photovoltaic property, \$1,000 for each system of solar water heating property, and \$1,000 for each system of wind-powered electrical generators); (iii) a refund of sales and use tax paid on certain appliances meeting energy star efficiency requirements developed by the federal government and for heat pumps, air conditioners, and natural gas water heaters meeting specified performance measures; and (iv) a refund of one-half of the sales and use tax paid on motor vehicles using clean fuel sources as a source of propulsion. Refunds of sales and use taxes on appliances, heat pumps, air conditioners, natural gas water heaters, and motor vehicles using clean fuel sources as a source of propulsion are limited to a maximum of \$500 in tax paid per item. In addition, no person shall receive more than \$5,000 in refunds in any calendar year for each of the appliances, heat pumps, air conditioners, natural gas water heaters, and motor vehicles covered under the bill. The tax refunds and grants programs sunset in 2007.

Patron - Whipple

[F]SB380 Individual income tax; distribution of a portion of individual income tax revenues to localities; Localities' Share of Individual Income Tax Revenue Fund. Establishes the Localities' Share of Individual Income Tax Revenue Fund into which two percent of individual income tax revenues shall be deposited in 2003 for distribution to localities. The percentage increases two percent each year until it reaches a maximum of 10 percent in 2007. The amount in the fund is to be distributed annually to counties and cities as follows: (i) 50 percent distributed based on the relative share of the total state income tax paid by taxpayers filing returns in each locality; (ii) 40 percent distributed based on where wages are earned; and (iii) 10 percent divided equally among all 135 counties and cities. The amount distributed to counties is then to be shared with towns located within the counties based on the towns' relative share of total population within the county. Fifty percent of the amount distributed to any county with

towns would be divided among the county and its towns based on population. If a county has no towns within its boundaries, the county keeps the entire distribution of individual income tax revenue. Distributions are to be made by the State Treasurer to localities no later than September 1, with the first one beginning in 2003. Any corrections in the amount of distributions will be made in the fiscal year immediately following the year in which the incorrect distribution was made.

Patron - Whipple

SB385 Local cigarette tax; authority to impose extended to all localities. Provides counties the same authority to levy the local cigarette tax that cities and towns currently enjoy. Repeals the section that allows only Fairfax and Arlington Counties to impose the tax.

Patron - Whipple

SB386 Sales and use tax exemption; Zoroastrian Association of Metropolitan Washington. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2005, to a 501 (c) (3) organization organized for purposes including but not limited to (i) conducting religious, cultural, educational, and social activities, (ii) providing greater opportunities to learn, understand and assimilate the teachings and precepts of Prophet Zarathushtra, and (iii) helping Zoroastrians to acquire a broader sense of identity based on their religious and cultural background.

Patron - Whipple

SB387 Sales and use tax exemption; Workforce Organizations for Regional Collaboration, Inc. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2005, to a 501 (c) (3) corporation organized for purposes including but not limited to the coordination and facilitation of workforce development and placement activities, in an area including but not limited to some or all of the localities composing Planning District No. 8, that serve unemployed and underemployed individuals.

Patron - Whipple

SB388 Sales and use tax exemption; Culpepper Gardens I, II, and III, Inc. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2004, to a 501 (c) (3) corporation organized for purposes including but not limited to receiving federal grant assistance under the Department of Housing and Urban Development Section 8 programs.

Patron - Whipple

SB399 Income tax; refund of surplus revenues. Requires the refund of surplus revenues when they exceed the amount required to be deposited in the Revenue Stabilization Fund by at least \$50 million. The Department of Taxation shall make refunds based on each taxpayer's pro rata share of excess revenues collected in the calendar year in which the fiscal year surplus is determined. The taxpayer must have filed an income tax return for such calendar year.

Patron - Martin

SB407 Income tax; personal exemption amount. Increases, beginning with the January 1, 2002, taxable year, the personal exemption for Virginia taxable income purposes from \$800 to \$1,200 for each personal exemption allowable to the taxpayer for federal income tax purposes. For taxable years beginning on or after January 1, 2003, the \$1,200 personal exemption will increase based upon annual increases in the Consumer Price Index.

Patron - Rerras

SB411 Property tax exemption; Fraternal Order of Police. Grants an exemption from local property taxes for property located at 5552 Raby Road and 1111 Harmony Road in the City of Norfolk and owned by the Fraternal Order of Police (Commodore Lodge No. 3). This bill is incorporated into SB 15.

Patron - Rerras

SB412 Sales and use tax exemption; American Friends of Women for Israel's Tomorrow, Inc. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2005, to a 501 (c) (3) corporation organized for purposes including but not limited to (i) the support and enhancement of the image of the State of Israel as a strong, secure, democratic, benevolent and humane nation and (ii) the promotion and support of Jewish education at all levels.

Patron - Rerras

SB440 Property tax exemption; Gloria Dei Ministries, Inc. Grants an exemption from real property tax for real property in the City of Hampton, located at 1310 Todds Lane and occupied by Sunrise House. The real property is owned by Gloria Dei Ministries, Inc.

Patron - Williams

SB458 Motor fuels tax; below-cost sales; penalty. Prohibits a person who sells motor fuel at a retail outlet in Virginia from selling such fuel below cost unless the sale is (i) made in good faith to meet competition; (ii) an isolated and inadvertent sale; (iii) a bona fide clearance sale for the purpose of discontinuing trade in such motor fuel; (iv) a final business liquidation sale; (v) of the refiner's motor fuel by a fiduciary or other officer under the order or direction of any court; or (vi) made during a grand opening to introduce a new or remodeled business. Any person found by the Commissioner of the Department of Motor Vehicles to be in violation shall be subject to a civil penalty of \$5,000 for the first offense and \$10,000 for each violation thereafter.

Patron - Hawkins

SB463 Income tax; long-term care facility volunteers' tax credit. Provides a tax credit of one dollar for each hour that a taxpayer volunteers in a long-term care facility in Virginia. The maximum amount allowed annually is \$100 or the amount of tax owed by the taxpayer, whichever is less. Any excess amount may be carried over for the next five taxable years. The taxpayer must include with his tax return a letter or written statement from the administrator, director or owner of the facility indicating the total hours served.

Patron - Puller

SB472 Sales and use tax exemption Chippokes Plantation State Park, Inc. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2005, to a 501 (c) (3) corporation organized for the purpose of providing funds and assistance to the Chippokes Plantation State Park in operating, maintaining and preserving its historical and natural resources for recreational and educational purposes.

Patron - Quayle

SB476 Property tax exemption; Friends of Chevra Thelim, Inc. Grants a property tax exemption to Friends of Chevra Thelim, Inc. for real property owned by the organization and located at 607 Effingham Street in the City of Portsmouth.

Patron - Quayle

SB480 Sales and use tax exemption; Zion Place, Incorporated and Shenandoah Valley Lutheran Housing,

Incorporated. Provides a sales and use tax exemption to a § 501 (c) (3) nonprofit corporation organized to provide elderly persons and handicapped persons generally in the Shenandoah Valley or in the Norfolk peninsula with housing facilities and services specially designed to meet their physical, social and psychological needs, and to promote the health, security, happiness and usefulness in the longer lives of such persons.

Patron - Edwards

SB481 Entitlement to certain sales tax revenues; City of Roanoke's new stadium/amphitheater. Adds amphitheater and stadium to "public facility" as defined as relating to entitlement to certain sales tax revenues by qualifying municipalities. This change in definition will entitle the City of Roanoke to the sales tax revenues generated by the city's new stadium/amphitheater.

Patron - Edwards

SB486 Sales and use tax; newspapers. Provides that counties and cities may impose sales and use taxes at the rate of one percent on newspapers, upon petition of such taxes by a publisher of a newspaper with sales to residents of such county or city, but shall not apply to newsstand sales. The tax may be imposed by adoption of a local ordinance. The tax shall apply to all newspapers serving the county or city.

Patron - Newman

SB506 Sales and use tax; limited exemption for tangible personal property. Exempts tangible personal property from the state sales and use tax for a nine-day period each August, provided the article costs \$1,000 or less. The sales tax holiday will begin in calendar year 2002. Sales of tangible personal property at theme parks shall not be exempt.

Patron - Newman

SB529 Temporary sales and use tax exemption for certain clothing and footwear. Establishes a state sales and use tax exemption for a period beginning August 9, 2002, and ending August 16, 2002, for certain clothing and footwear costing less than \$100 per article. The bill also requires the Department of Taxation to (i) promulgate regulations that implement the temporary exemption program by July 15, 2002, and (ii) assess the fiscal impact and present their findings to the Senate and House Finance Committees and the House Appropriations Committee, no later than December 1, 2002.

Patron - Mims

SB531 Sales and use taxes; refunds. Provides refunds of sales and use taxes to an industrial development authority that has reimbursed its contractors for such taxes imposed on tangible personal property for use in the Advanced Shipbuilding and Carrier Integration Center. The industrial development authority may apply for the refund beginning on or after July 1, 2002. An application for refund shall be made within three years from the date of reimbursement.

Patron - Norment

SB547 Administration of taxes; reciprocal agreement with the State of Maryland. Instructs the Governor to make every effort to enter into a reciprocal agreement for the collection of taxes on behalf of the Commonwealth with the appropriate authorities from the State of Maryland, no later than July 1, 2004. The Governor will report on his progress to the chairmen of the House and Senate Committees on Finance by the first day of the 2003 and 2004 Sessions.

Patron - Mims

SB561 Sales and use tax exemption; Scottsville Council for the Arts. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2006, to a 501 (c)

(3) organization located within the boundaries of the Tenth Planning District established pursuant to § 15.2-4203, and organized for the purpose of (i) forming a united, independent, nonpartisan organization for the validation and promotion of performing and visual arts activities in the community, (ii) offering an opportunity to participate in learning, attending, enjoying and participating in the arts, and (iii) assisting all civic organizations, churches, schools, and outreach programs who need knowledge and assistance in the performing and visual arts.

Patron - Deeds

SB564 Sales and use tax exemption; Phi Beta Kappa Society. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2007, to a 501 (c) (3) organization organized for the purpose of being an advocate for the liberal arts and sciences at the undergraduate level. This bill is incorporated into SB 20.

Patron - Norment

SB574 Cigarette tax; Master Settlement Agreement enforcement. Provides that a cigarette dealer shall not affix tax stamps to a package of cigarettes if the manufacturer has not complied with the provisions of § 3.1-336.1 or § 3.1-336.2, as they relate to implementation of the Master Settlement Agreement. A dealer who affixes stamps to a package of cigarettes in reliance on a certification by the manufacturer that it has placed moneys in an escrow fund as required by § 3.1-336.2, which certification is subsequently found by the Attorney General to be false, has lawfully affixed such stamps and shall not be subject to any penalty. The bill also provides that no person may sell or distribute in the Commonwealth, acquire, hold, own, possess, or transport for sale or distribution in the Commonwealth, or import, or cause to be imported, into the Commonwealth for sale or distribution in the Commonwealth, any cigarettes for which the manufacturer has not complied with the provisions of § 3.1-336.1 or § 3.1-336.2. The bill contains an emergency clause.

Patron - Ruff

SB578 Sales and use tax exemption; Black Data Processing Associates of Richmond, Virginia. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2007, to a 501 (c) (6) organization organized for the purpose of (i) developing a pool of data processing professionals who will share their knowledge and business expertise with members of the organization and other members of the community who are evaluating information technology for ongoing endeavors, (ii) sponsoring high school computer competitions, community computer training camps, and free data processing workshops and classes, and (iii) providing college scholarships to computer competition team members.

Patron - Marsh

SB579 Sales and use tax exemption; Faithful Interventions. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2005, to a 501 (c) (3) corporation organized for the purpose of providing case management services, pastoral counseling, housing and referral services for individuals infected with and families affected by Acquired Immuno-Deficiency Syndrome (AIDS) and other sexually transmitted diseases, individuals with chemical dependencies and pregnant teens.

Patron - Marsh

SB632 Income tax; different tax rate on income derived from sale of certain real estate. Provides for the imposition of a two and three-tenths percent tax rate on the taxable proceeds of a sale of an apartment building or complex to its tenant organization or to a nonprofit organization, effective

for taxable years beginning on and after January 1, 2003, but before January 1, 2006, provided the owners of the apartment building or complex have maintained at least 20 percent of the units for low- and moderate-income taxpayers. Low- and moderate-income tenants are tenants whose annual income is no higher than 40 percent of the median regional income.

Patron - Whipple

[F]SB666 Funding state, local or regional needs. Provides that the General Assembly shall take such measures, including revenue-producing measures, as necessary to fund or finance a state, local or regional need.

Patron - Williams

[F]SB667 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; 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 - Williams

[F]SB692 Local income tax. Authorizes counties and cities in the Eighth Planning District (described by reference to attainment of federal ozone standards) to impose a local income tax of one-half of one percent, subject to voter referendum. Individuals and corporations would be subject to the tax. An amount equal to seven and one-half percent of the revenues collected from the tax would be deposited into a Disparity Educational Fund for distribution to counties and cities of the Commonwealth for nonrecurring public school expenditures. Only counties and cities with a composite index under .32 would receive a distribution from the Fund. Fifty percent of the revenues collected from the tax would be used for transportation purposes. Forty-two and one-half percent of the revenues collected from the tax would be used for nonrecurring public school expenditures in the county or city imposing the tax.

Patron - Saslaw

Carried Over

[C]HB31 Reduced sales and use tax for certain clothing, footwear, and computers. Establishes a state sales and use tax exemption during the period from August 17 through August 23, 2002, and every August 17 through August 23 thereafter, for "clothing and footwear" costing less than \$200 per article; "computer systems" costing less than \$1,250; and "computers," "computer hardware," and "computer software" costing less than \$500. The bill also requires the Department of Taxation to promulgate regulations that implement the temporary exemption program by August 1, 2002.

Patron - Purkey

[C]HB56 Virginia Technology and Biotechnology Research and Development Act created. Creates the Virginia Technology and Biotechnology Research and Development Act. This bill creates a tax credit for qualified research expenses, which is defined by § 41 of the Internal Revenue Code as in-house expenses or contract research expenses, paid

by a technology or biotechnology company. This credit is for an amount equal to 50 percent of the qualified research expenses paid in excess of the base amount, calculated in accordance with § 41 of the Internal Revenue Code. Also created is a credit for basic research payments, which, in accordance with § 41 of the Internal Revenue Code and modified to benefit the Commonwealth, means payments made to companies and nonprofit research institutions and organizations located in the Commonwealth for research in technology and biotechnology. Neither credit is to exceed 50 percent of the tax liability due nor exceed \$500,000. Any unusable tax credit may be carried over for 10 succeeding taxable years. Each tax credit is capped at \$5 million per taxable year. However, if the cap is not reached in a given taxable year, any amount left over shall be utilized in the succeeding taxable year, in addition to that year's caps of \$5 million. The bill also creates the "Corporation Tax Benefit Certificate Program" to be administered by the Department of Taxation in cooperation with the Innovative Technology Authority. Under the program, technology or biotechnology companies may transfer their unused but otherwise allowable qualified research expenses tax credits for a minimum of 75 cents for every dollar to another corporation taxpayer provided neither is an affiliate or a subsidiary of the other. The proceeds from the transfer can be used for a broad range of "costs" associated with operating a technology or biotechnology company. These tax credits and the Corporation Tax Benefit Certificate Program are for taxable years beginning on or after January 1, 2003.

Patron - Purkey

[C]HB94 Income tax; major business facility job tax credit. Repeals the sunset clause for the major business facility job tax credit and lowers the threshold amount of jobs that must be created from 50 to 25 in distressed areas and from 100 to 50 in other areas.

Patron - Dudley

[C]HB156 Income tax; refund of surplus revenues. Requires the refund of surplus revenues when they exceed the amount required to be deposited in the Revenue Stabilization Fund by at least \$50 million. The Department of Taxation shall make refunds based on each taxpayer's pro rata share of excess revenues collected in the calendar year in which the fiscal year surplus is determined. The taxpayer must have filed an income tax return for such calendar year.

Patron - Lingamfelter

[C]HB157 Income tax; credit for purchase of teacher's instructional materials. Provides a credit against the individual income tax to teachers in the Commonwealth in grades K through 12, both public and private, who purchase instructional materials and supplies for use in their classrooms. The credit is limited to the lesser of \$200 or the tax liability of the individual during the year of the purchase, and any excess may be carried over for five years. The effective date for the credit is January 1, 2003. The legislation will be delayed if any of the events that would delay the car tax relief occurs in calendar year 2002. If such a delay occurs, the law shall become effective January 1 of the first year thereafter in which none of the delaying events occur.

Patron - Lingamfelter

[C]HB195 Sales and use tax exemption; The Samaritan Group, Inc. Provides a sales and use tax exemption for a federally tax-exempt nonprofit organization, from July 1, 2002, through July 1, 2004, which is organized to provide needy individuals with financial assistance for rent and mortgage payments, utilities payments, medical bills, and some home repair.

The previous exemption for such an organization had expired July 1, 2001.

Patron - Morgan

☐HB209 Car tax relief; vehicles held in trust. Permits nonbusiness vehicles held through an inter vivos trust to be eligible for car tax relief.

Patron - Cole

☐HB214 Income tax; standard deduction for married taxpayers. Increases the standard deduction for married taxpayers calculating their Virginia taxable income from \$5,000 to \$6,000 beginning January 1, 2003, thereby eliminating any "marriage penalty." The standard deduction for single taxpayers is \$3,000.

Patron - O'Bannon

☐HB219 Income tax; major business facility job tax credit; reduction in job creation requirement. Changes the number of jobs from 100 to 50 that a company must create in order to be eligible for the major business facility job tax credit.

Patron - Carrico

☐HB279 Sales and use tax exemption; Culpeper Cavalry Museum T/A The Museum of Culpeper History. Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2006, that is organized to collect, preserve, and exhibit significant artifacts and memorabilia reflecting the people, places, and events that shaped the character of a region of the Commonwealth.

Patron - Broman

☐HB285 Sales and use tax exemption; Association of Free Clinics, Inc. (dba Virginia Association of Free Clinics). Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2005, that is organized to provide networking opportunities and other assistance to free medical clinics that provide medical assistance to needy individuals.

Patron - O'Bannon

☐HB313 Sales and use tax exemption; Jamestown-Yorktown Foundation, Inc. Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2006, that is organized to solicit charitable contributions to the benefit of the Jamestown-Yorktown Foundation, an agency of the Commonwealth of Virginia.

Patron - Howell

☐HB320 Sales and use tax exemption; Colonial Italian American Organization Education Fund. Provides a sales and use tax exemption for a federally tax-exempt nonprofit organization, from July 1, 2002, through June 30, 2007, that is organized to give cash awards to high school seniors to help them further their education.

Patron - Rapp

☐HB323 Sales and use tax exemption; New Dominion Women's Club. Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2005, that is organized to provide volunteer hours and financial assistance to individuals and organizations working to improve the quality of life in the community.

Patron - Callahan

☐HB325 Sales and use tax exemption; Cave Spring Softball League, Inc. Provides a sales and use tax exemption for a federally tax-exempt nonprofit organization, from July 1,

2002, through July 1, 2004, which is organized to promote character development and citizenship training for youth by providing a supervised physical education program through softball teams and leagues.

Patron - Griffith

☐HB341 Virginia Land Conservation Foundation; dedication of recordation taxes. Dedicates to the Virginia Land Conservation Foundation, on a phased-in schedule, the amount by which annual state recordation taxes exceed \$91.4 million. In 2002, 25 percent of such funds are so dedicated; in 2003, 50 percent of such funds are so dedicated; in 2004, 75 percent of such funds are so dedicated; and in 2005 and thereafter, 100 percent of such funds are so dedicated.

Patron - Albo

☐HB351 Enterprise zone designation. Increases the number of zones that may be designated from 60 to 70 and provides that 10 of the areas designated as enterprise zones on or after July 1, 2002, will be located in localities that do not have an enterprise zone as of that date. However, up to three designations for special economic development shall be exempt from this requirement.

Patron - Rapp

☐HB352 Sales and use tax exemption; Our Health, Inc. Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2005, that is organized to improve the health of the residents of an area of the Commonwealth through enhancing the service capacity, resources, coordination, and collaboration of community health resources.

Patron - Sherwood

☐HB354 Sales and use tax; exemption for construction materials purchased by churches. Provides an exemption from sales and use tax for construction materials to be incorporated into realty when sold to and used by any church, rather than a contractor, in the construction, maintenance, or repair of its property.

Patron - Sears

☐HB356 Sales and use tax exemption; Shenandoah Valley Community Residences, Inc. Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2007, that is organized exclusively for the purpose of providing education, training and services to retarded citizens of the Commonwealth, provided that such property is used exclusively for the purpose set forth herein and that such organization receives more than 50 percent of its total funding from federal, state, or local governments. The exemption for such an organization expired July 1, 2001.

Patron - Sherwood

☐HB371 Local E-911 tax; allowable exemption. Allows the local governing body to exempt subscribers 65 years of age and older from the local E-911 tax.

Patron - Cole

☐HB373 Cultural sales and use tax exemptions; Native American Heritage Association. Renews a sales and use tax exemption that expired July 1, 2001, for a tax-exempt nonprofit corporation organized to (i) care for the spiritual needs of American Indians, (ii) communicate to the non-Indian the values, customs, philosophy and special needs of the American Indian, (iii) meet the urgent needs of American Indians through nationwide charitable distribution programs, and (iv) encourage awareness of American Indian arts, crafts and customs provided such property is distributed by the organization

through its nationwide charitable distribution program. The exemption begins July 1, 2002, and ends July 1, 2006.

Patron - Athey

☐HB380 Civic and community service sales and use tax exemptions; Good News Network. Grants a sales and use tax exemption, beginning July 1, 2002, and ending July 1, 2005, for purchases made by a tax-exempt nonprofit corporation organized as a ministry of encouragement that provides humanitarian aid in support of ministries and other nonprofit organizations.

Patron - Van Yahres

☐HB394 Sales and use tax exemption; Woodbridge Crew, Inc. Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2005, that is organized to develop leadership, character, athleticism, scholarship, and team play in high school boys and girls through scholastic rowing.

Patron - Lingamfelter

☐HB410 Sales and use tax exemption; Harrisonburg-Rockingham Child Day Care Centers, Inc. Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2005, that is organized to provide full-day child-care services and learning opportunities for children ages two to eight in a secure and nurturing environment.

Patron - Weatherholtz

☐HB411 Sales and use tax exemption; Gemeinschaft Home. Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2005, that is organized to provide a disciplined, spiritual environment through a nonprofit halfway house for nonviolent offenders being discharged or diverted from prisons. The exemption for such an organization expired on July 1, 2001.

Patron - Weatherholtz

☐HB412 Miscellaneous sales and use tax exemptions; Shenandoah Valley Teen Challenge, Inc. Grants a sales and use tax exemption, beginning July 1, 2002, and ending July 1, 2006, for purchase made by a tax-exempt nonprofit corporation organized to (i) evangelize people with drug and alcohol addictions and other life-controlling problems, (ii) initiate the discipleship process to assist others so they can function in society, (iii) apply spiritually motivated principles to relationships in the family, places of worship, vocation, and community, and (iv) help individuals become mentally sound, emotionally balanced, socially adjusted, physically well, and spiritually alive.

Patron - Weatherholtz

☐HB413 Sales and use tax exemption; Brown Memorial Child Care Program. Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2005, that is organized to provide working parents in the community a safe, supervised, licensed, and quality after-school care option.

Patron - Weatherholtz

☐HB418 Aircraft sales and use tax; options for certain air charter service operators. Allows any owner or operator of an aircraft that leases and uses such aircraft for charter service to (i) pay the sales and use tax at a rate of two percent on the sales price of the aircraft, or (ii) collect the tax at a rate of two percent on the gross receipts generated by the use of the aircraft through the charter service. Any aircraft subject to the tax subject to the gross receipts generated by its use in charter

service that ceases to be used for charter service shall be immediately subject to the tax on the sales price of the aircraft.

Patron - Parrish

☐HB428 Sales and use tax exemption; Chesterbrook Academy at Sterling Parent Teacher Organization. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2007, to a 501 (c) (3) organization organized for purposes including but not limited to (i) supporting elementary school programs, (ii) promoting the welfare of children and youth in the home, school and community and (iii) promoting understanding between parents, schools and students through an exchange of ideas and topics of mutual interest.

Patron - Black

☐HB446 Income tax; Broadband Internet Access Tax Credit. Provides an individual and corporate income tax credit to taxpayers in order to accelerate deployment of (i) current generation broadband access to the Internet for users located in certain low-income and rural areas and (ii) next generation broadband access for all users. The tax credit for any taxable year equals the sum of (a) the current generation broadband credit, plus (b) the next generation broadband credit. The current generation broadband credit for any taxable year equals 10 percent of the qualified expenditures incurred with respect to qualified equipment offering current generation broadband services to rural subscribers or underserved subscribers. The next generation broadband credit for any taxable year shall equal 20 percent of the qualified expenditures incurred with respect to qualified equipment offering next generation broadband services to all rural subscribers, all underserved subscribers, or any other residential subscribers. The credit in the aggregate for any taxable year will not exceed \$750,000. If the amount of credits applied for exceed that limit, the Tax Department will allocate the credits on a pro rata basis. The credit applies to taxable years beginning on or after January 1, 2003, but before January 1, 2006.

Patron - Hull

☐HB451 Sales and use tax; optional local tax for education. Authorizes counties and cities to levy an additional local sales and use tax at a rate of one-half of one percent with the revenues generated from such tax reserved solely for public education purposes. The tax shall be adopted by local ordinance only after prior approval by the voters at a local referendum. The ordinance shall become effective on the first day of a month at least 60 days after its adoption, but in no event, prior to April 1, 2003.

Patron - Dillard

☐HB468 Sales and use tax exemption; Youth Services Corporation. Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2005, that is organized to design, develop, and administer programs for youth and families, and to provide consultant services and programs in the areas of counseling, education, and employment and training.

Patron - Suit

☐HB484 Tax exemptions for certain rehabilitated, renovated or replacement structures. Changes the exemption amount for such structures from an amount equal to the increase in assessed value resulting from the rehabilitation, renovation or replacement of a commercial or industrial structure to 50 percent of the total assessed value of the rehabilitated, renovated or replaced structure.

Patron - Suit

☐HB504 Medical-related sales and use tax exemptions; Norfolk City Union of the King's Daughters, Inc.

Grants a sales and use tax exemption, beginning July 1, 2002, and ending July 1, 2003, to a tax-exempt nonprofit corporation organized to promote optimum pediatric care at and support through fund-raising activities for hospitals dedicated to the care of children.

Patron - Drake

HB523 Sales and use tax exemption; Tysons-Briar T/A Cardinal Hill Swim & Racquet Club, Vienna Aquatic Club, and Hunter Mill Swim and Racquet Club. Provides a sales and use tax exemption from July 1, 2002, through June 30, 2006, for: (i) a federally tax-exempt organization that is organized to provide swimming, diving, tennis and other general recreational and team sports for the common good; (ii) a federally tax-exempt organization that is organized to provide playground and swimming facilities to individuals and families; and (iii) a federally tax-exempt organization that is organized to provide swimming, tennis, and other recreational facilities for members, their families, and guests.

Patron - Devolites

HB524 Sales and use tax exemption; The Catholic Charities of the Diocese of Arlington, Inc. Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2005, that is organized to conduct, coordinate, develop, and promulgate programs and activities concerned with the personal, economic, and social welfare needs of families, children, and individuals within an area of the Commonwealth.

Patron - Devolites

HB548 Sales and use tax exemption; Greater Richmond Youth Hockey Association. Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2005, that is organized to provide a fun, safe, and competitive travel ice hockey program for youth in an area of the Commonwealth.

Patron - Hargrove

HB561 Sales and use tax exemption; Young Women's Christian Association of South Hampton Roads. Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2005, that is organized to develop the spiritual, mental, social, and physical condition of young women.

Patron - Jones, S.C.

HB562 Sales and use tax exemption; Hampton Roads Youth Center, Inc. Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2005, that is organized to provide residential, counseling, and educational services to underprivileged youth and their families.

Patron - Jones, S.C.

HB567 Sales and use tax; exemption for flags. Exempts from sales and use tax the official flags of the United States, the Commonwealth, and of any county, city, or town. Under current law such flags are exempt only when they are sold by a government agency.

Patron - Byron

HB573 Sales and use tax exemption; Friends of the Shenandoah River, Inc. Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2005, that is established to organize and maintain a citizens' volunteer program for monitoring the water quality and instream flow of one or more rivers in the Commonwealth and their tributaries.

Patron - May

HB575 Individual income tax; distribution of a portion of individual income tax revenues to localities; Localities' Share of Individual Income Tax Revenue Fund. Establishes the Localities' Share of Individual Income Tax Revenue Fund into which two percent of individual income tax revenues shall be deposited in 2003 for distribution to localities. The percentage increases two percent each year until it reaches a maximum of 10 percent in 2007. The amount in the fund is to be distributed annually to counties and cities as follows: (i) 50 percent distributed based on the relative share of the total state income tax paid by taxpayers filing returns in each locality; (ii) 40 percent distributed based on where wages are earned; and (iii) 10 percent divided equally among all 135 counties and cities. The amount distributed to counties is then to be shared with towns located within the counties based on the towns' relative share of total population within the county. Fifty percent of the amount distributed to any county with towns would be divided among the county and its towns based on population. If a county has no towns within its boundaries, the county keeps the entire distribution of individual income tax revenue. Distributions are to be made by the State Treasurer to localities no later than September 1, with the first one beginning in 2003. Any corrections in the amount of distributions will be made in the fiscal year immediately following the year in which the incorrect distribution was made.

Patron - May

HB577 Sales and use tax exemption; Loudoun Symphony Association, Inc. Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2006, that is organized to provide musical concerts to the public and to support the training of student musicians.

Patron - May

HB586 Sales and use tax exemption; Hopewell Food Pantry, Inc. Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2004, that is organized to provide emergency food and supplies for a limited period of time to needy recipients in the Commonwealth. The exemption for such an organization expired on July 1, 2001.

Patron - Ingram

HB607 Sales and use tax exemption; Kid's Co-Op Educational Cooperative. Provides a sales and use tax exemption for a federally tax-exempt nonprofit organization, from July 1, 2002, through June 30, 2007, which is organized to assist parents in the academic and social development of home schooled students.

Patron - Saxman

HB609 Sales and use tax exemption; Historic Staunton Foundation, Inc. Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2005, that is organized to assist with the preservation and restoration of historical architecture in the Commonwealth.

Patron - Saxman

HB651 Sales and use tax exemption; Chesapeake Bay Division of the International Association for Identification, Inc. Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2005, that is organized to assist persons who are actively engaged in the profession of forensic identification, investigation, and scientific examination of physical evidence to become an organized body, so that the profession, in all of its

branches, may be standardized and effectively and scientifically practiced.

Patron - Dudley

☐HB681 Sales and use tax exemption; Southside Training, Employment and Placement Services, Inc. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2005, to a 501 (c) (3) corporation organized for the purpose of providing job training and employment opportunities to individuals with disabilities, welfare recipients and others with barriers to employment.

Patron - Wright

☐HB683 Educational sales and use tax exemption; Canterbury Community Nursery School, Inc. Renews a sales and use tax exemption that expired July 1, 2001, for purchases made by a tax-exempt nonprofit corporation that is organized for the purpose of operating a state-licensed day-care center or a preschool that hires only certified public school teachers or teachers who are college graduates holding a degree from an accredited four-year institution of higher education and certified by an organization recognized by the U.S. Department of Education or by some other nationally recognized organization, and which has a regularly prescribed curriculum. The exemption begins July 1, 2002, and ends July 1, 2007.

Patron - Reid

☐HB684 Major business facility job tax credit; reduction in threshold amount. Reduces the threshold amount of qualified full-time jobs under § 58.1-439. To qualify for the major business facility job tax credit under § 58.1-439, the newly established or expanding company generally must create at least 100 new full-time jobs. For taxable years beginning on and after January 1, 2002, the bill would reduce this threshold amount to 50; if the company is located in an economically distressed area or in an enterprise zone, the bill would further reduce the threshold amount to 25; and if the company is engaged in providing information technology services that locate within an urban area that the local governing body has designated by ordinance as an area needing revitalization, the threshold amount is reduced to 20.

Patron - Amundson

☐HB685 Major business facility job tax credit; reduction in threshold amount. Reduces the threshold amount of qualified full-time jobs under § 58.1-439. To qualify for the major business facility job tax credit under § 58.1-439, the newly established or expanding company generally must create at least 100 new full-time jobs. For taxable years beginning on and after January 1, 2002, the bill would reduce this threshold amount to 50; if the company is located in an economically distressed area or in an enterprise zone, the bill would further reduce the threshold amount to 25; and if the company is engaged in providing information technology services, the bill would reduce the threshold amount to 20.

Patron - Amundson

☐HB689 Medical sales and use tax exemptions; United Cerebral Palsy of Southern and Central Virginia, Inc. Grants a sales and use tax exemption, beginning July 1, 2002, and ending July 1, 2003, for purchases of tangible personal property made by a tax-exempt nonprofit corporation that is organized to affect positively the quality of life for persons with cerebral palsy and also others with severe disabilities and multiple service needs and the families of both, and (ii) prevent cerebral palsy and minimize its effects.

Patron - Tata

☐HB694 Estate tax. Conforms the amount of Virginia estate tax due from an estate to the maximum amount of the federal estate tax credit for state estate taxes, as permitted under federal estate tax law, as such law shall be amended from time to time. Under current law the amount of Virginia estate tax cannot be less than the federal credit under federal law as such law existed on January 1, 1978.

Patron - Tata

☐HB699 Local tax on motor vehicles; supplanting lost local revenues. Repeals the local property tax on motor vehicles used for nonbusiness purposes and replaces the local revenue stream with a fifteen percent distribution of the state individual income taxes or the amount of local revenues derived from the taxation of motor vehicles in 2004, whichever is greater. All is contingent upon the adoption of a constitutional amendment that exempts motor vehicles used for non-business purposes from the personal property tax to be effective by January 1, 2005.

Patron - Byron

☐HB718 Property tax exemption by classification; YoungLife. Classifies YoungLife and its subsidiaries as religious and benevolent organizations, which exempts them from property tax statewide.

Patron - Howell

☐HB740 Individual income tax; Virginia taxable income; military retirement income subtraction. Allows a subtraction in the amount of two percent multiplied by the number of years of active duty in the armed forces with the product multiplied by the first \$30,000 of military retirement income when calculating Virginia taxable income for taxable years beginning on and after January 1, 2003.

Patron - Barlow

☐HB770 Local piggyback income tax. Allows localities to impose a local income tax at a rate of either one-half or one percent upon the Virginia taxable income of individuals, trusts, estates and corporations. The Tax Commissioner collects the tax and returns it to localities based on taxpayers' residences. The provisions of the act will take effect January 1, 2005, if a constitutional amendment eliminating the property tax on motor vehicles is approved in a referendum to be held during the general election in November 2004.

Patron - Watts

☐HB778 Sales and use tax exemption; Virginia Center for the Creative Arts. Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2006, that is organized to provide a supportive environment for superior visual artists, writers, and composers of all cultural and economic backgrounds to pursue their creative work without distraction, and to present art exhibits, readings and concerts to the public.

Patron - McDougle

☐HB779 Sales and use tax exemption; Chickahominy Indian Tribe, Inc. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2005, to a 501 (c) (3) corporation organized exclusively for the purpose of promoting the welfare of the Chickahominy Indian Tribe through educational, economic, social and cultural advancement.

Patron - McDougle

☐HB801 Sales and use tax exemption; the Harris Group. Grants a sales and use tax exemption for purchases made by a nonprofit corporation organized to educate, perform research and provide community outreach through visual and

print media in order to impart information to all persons about agencies, programs and other resources available to disabled persons to improve the quality of their lives and secure their civil rights.

Patron - Bolvin

☐HB802 Sales and use tax exemption; DOT Child Development Center, Inc. Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2005, that is organized to provide a child-care program that fosters the total social, emotional, intellectual, and physical development of children while providing a safe environment and quality care.

Patron - Bolvin

☐HB804 Sales and use tax exemption; Alumni & Friends of Yorktown High School, Inc. Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2005, that is organized to develop alumni support for a public high school, its alumni, faculty, and current students through reunions, scholarships, career development, and other special activities.

Patron - Almand

☐HB810 Sales and use tax exemption; Tuskegee Airmen, Inc. Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2005, that is organized to join together those Americans who dedicated or are dedicating themselves to the defense of the United States through aviation, including civilian as well as military personnel who pioneered the aviation development at Tuskegee, Alabama, and other locations, and to assist minority youth toward military aviation and aerospace careers.

Patron - Almand

☐HB834 Sales and use tax exemption; The Conservation Council of Virginia/dba Virginia Conservation Network. Provides a sales and use tax exemption for a federally tax-exempt nonprofit organization, from July 1, 2002, through July 1, 2004, that is organized for the purposes of (i) advancing a common, environmentally sound vision for Virginia; (ii) coordinating a network among member organizations; (iii) providing information to its member organizations and to Virginia citizens on environmental and conservation issues; (iv) conducting and promoting research and study of environmental problems and promulgating the results thereof; and (v) promoting and supporting sound environmental protection policies. The previous exemption for such an organization expired July 1, 2001.

Patron - Thomas

☐HB841 Sales and use tax exemption; Roanoke Symphony Society. Provides a sales and use tax exemption for a federally tax-exempt nonprofit organization, from July 1, 2002, through July 1, 2006, that is organized to afford citizens opportunities for musical entertainment and enjoyment and to offer assistance and encouragement to deserving young persons in the study of music.

Patron - Thomas

☐HB863 Local severance tax; gross receipts. Disallows any deduction for depreciation, marketing fees, overhead, maintenance, transportation fees, and personal property taxes in calculating fair market value for gross receipts subject to the local severance tax.

Patron - Phillips

☐HB898 Sales and use tax exemption; Colonial Beach Historical Society, Inc. Provides a sales and use tax exemption for a federally tax-exempt organization, from July

1, 2002, through June 30, 2006, that is organized to assist in the preservation, perpetuation, publication, or display of manuscripts, books, relics, pictures, and all other things relevant to the history and traditions of an area of the Commonwealth.

Patron - Pollard

☐HB908 Cigarette tax; prohibition against stamping, transferring, or selling certain cigarettes. Requires every tobacco product manufacturer whose cigarettes are sold in the Commonwealth to certify annually such manufacturer is (i) a participating manufacturer, as defined in the Master Settlement Agreement; or (ii) in full compliance with § 3.1-336.2. The certification must be delivered annually to the Tax Commissioner, the Attorney General and wholesale or retail dealers who affix Virginia revenue stamps to cigarettes of such manufacturer. The bill also prohibits every wholesale or retail dealer from affixing, or causing to be affixed, Virginia revenue stamps on the cigarette products of any tobacco product manufacturer if the Tax Commissioner has notified the wholesale or retail dealers that such manufacturer has failed to comply with certain Master Settlement Agreement requirements or the certification required by this section. The Tax Commissioner may impose a civil penalty not to exceed \$5,000 against any tobacco product manufacturer and wholesale or retail dealer who violates this prohibition. The bill has an emergency clause.

Patron - Dudley

☐HB926 BPOL tax; rates and fees. Requires localities that elect to impose a fee on licensable businesses to impose it on all businesses that are subject to the same licensing provisions.

Patron - Joannou

☐HB961 Individual income tax; distribution of a portion of individual income tax revenues to localities; Localities' Share of Individual Income Tax Revenue Fund. Establishes the Localities' Share of Individual Income Tax Revenue Fund into which two percent of individual income tax revenues shall be deposited in 2003 for distribution to localities. The percentage increases two percent each year until it reaches a maximum of 10 percent in 2007. The amount in the fund is to be distributed annually to counties and cities as follows: (i) 50 percent distributed based on the relative share of the total state income tax paid by taxpayers filing returns in each locality; (ii) 40 percent distributed based on where wages are earned; and (iii) 10 percent divided equally among all 135 counties and cities. The amount distributed to counties is then to be shared with towns located within the counties based on the towns' relative share of total population within the county. Fifty percent of the amount distributed to any county with towns would be divided among the county and its towns based on population. If a county has no towns within its boundaries, the county keeps the entire distribution of individual income tax revenue. Distributions are to be made by the State Treasurer to localities no later than September 1, with the first one beginning in 2003. Any corrections in the amount of distributions will be made in the fiscal year immediately following the year in which the incorrect distribution was made.

Patron - Almand

☐HB983 Sales and use tax exemption; Eastern Henrico FISH Organization. Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2005, that is organized to design, develop, and administer programs for youth and families, and to provide short-term emergency service or help to those in need, including, but not limited to, food, clothing, housewares, medicine,

emergency shelter, and financial assistance for housing or utilities.

Patron - Jones, D.C.

[C]HB984 Income tax; tax credit for purchase of conservation tillage equipment. Adds sub-soiler equipment designed with coulter openers in front of all shanks capable of leaving at least 80 percent pre-tillage residues in no-till cropping systems to the type of conservation tillage equipment for which, if purchased, the taxpayer would receive an income tax credit.

Patron - Pollard

[C]HB988 Medical-related sales and use tax exemption; Richmond Area Association for Retarded Citizens. Grants a sales and use tax exemption, beginning July 1, 2002, and ending July 1, 2003, for purchases of tangible personal property by a tax-exempt nonprofit organization organized to (i) aid and promote the general welfare of the mentally retarded, (ii) further the advancement of all ameliorative and preventive study, research and therapy in the field of mental retardation, (iii) develop a better understanding among the public of mental retardation by gathering and disseminating pertinent information, (iv) further the training and education of personnel working in the field of mental retardation, and (v) solicit and receive funds for the accomplishment of these purposes.

Patron - Hall

[C]HB1018 Local income tax. Provides that imposition of the local income tax permitted in certain localities after a local referendum may be set forth on the referendum ballot in one-quarter percent increments not to exceed one percent. The local tax shall be used for (i) transportation projects for certain localities that are part of a plan approved in December 1999 by a transportation council consisting of state and local elected officials; and (ii) public education purposes including the construction of, renovation of, technology for and debt service for public schools. However, at least 55 percent of revenues from the local income tax must be expended for transportation purposes. The taxing authority expires on July 1, 2004, if no locality has imposed the tax by that date. The bill repeals current law that restricts any such local income tax to a duration of five years.

Patron - Scott

[C]HB1019 Sales and use tax; rate increase. Increases the state sales and use tax one percent from 3.5 percent to 4.5 percent. The one-percent increase will be distributed to counties and cities with revenues generated by one-half percent distributed based on school age population and one-half percent distributed based on point of sale.

Patron - Scott

[C]HB1025 Income tax; state earned income tax credit. Allows a refundable earned income tax credit against the state income tax for individuals qualifying for the federal earned income tax credit, for taxable years beginning on or after January 1, 2002. The amount of the state credit is 10 percent of the federal credit. The bill also repeals the income tax credit for low-income taxpayers.

Patron - Moran

[C]HB1033 Sales and use tax exemption; Stop Child Abuse Now of Northern Virginia (SCAN). Provides a sales and use tax exemption, beginning July 1, 2002, and ending July 1, 2005, to a tax-exempt nonprofit corporation that is dedicated to the well-being of children, the improvement of parent-

child relations, and the prevention of child abuse and neglect through advocacy, public awareness, and education.

Patron - Moran

[C]HB1073 Sales and use tax exemption; Empowerment 2010, Inc. Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2005, that is organized to create an environment that enhances the quality of life for individuals, families, and communities within an area of the Commonwealth through comprehensive education, social, and economic opportunities.

Patron - Jones, J.C.

[C]HB1075 Sales and use tax exemption; International Black Women's Congress (IBWC). Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2005, that is organized to empower women to build and sustain healthy families through rites of passage programs, health initiatives, HIV/AIDS awareness and education, and service delivery to people who are directly impacted by HIV.

Patron - Jones, J.C.

[C]HB1104 Nonprofit civic and community service sales and use tax exemption; Spotsylvania Emergency Concerns Association, Inc. Grants a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2005, to a nonprofit tax-exempt corporation organized to provide emergency assistance in the form of food, clothing, household articles, and payments for rent, electricity, water, medicine, and fuel to needy individuals who are ineligible for assistance from the Department of Social Services.

Patron - Orrock

[C]HB1106 Sales and use tax exemption; Kidtech, Inc. Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2005, that is organized to make information technology available to a socio-economically and culturally diverse cross-section of the Commonwealth's citizens.

Patron - Christian

[C]HB1108 Sales and use tax exemption; Hampton Branch of the National Association for the Advancement of Colored People. Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2005, that is organized to improve the political, educational, social, and economic status of minority groups; to eliminate racial prejudice; and to keep the public aware of the adverse effects of racial discrimination.

Patron - Christian

[C]HB1109 Sales and use tax exemption; Y. H. Thomas Youth Athletic Association. Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2005, that is organized to provide boys and girls opportunities to participate in a comprehensive youth sports program.

Patron - Christian

[C]HB1119 Income tax credits for school tuition organization contributions; the Virginia Children's Educational Opportunity Act 2002. Establishes an income tax credit for cash donations to a charitable tax-exempt corporation in Virginia that (i) provides financial assistance up to \$3,100 per child for the education of children from low-income and non-low-income households, and (ii) expends all of certain cash contributions as grants to cover qualifying educational expenses of such children. Support for home schooling is limited to \$550 per child. Each child receiving a scholarship must

provide a progress report annually to the school tuition organization and will lose the scholarship if such requirements are not met. The maximum amount of the annual credit begins at \$200 per taxpayer for taxable year 2003 and increase \$100 annually until 2006 and thereafter when it is \$500 or the amount of tax owed by the taxpayer, whichever is less. Such contributions cannot be designated for the direct benefit of a specific child. The tax credit becomes effective for taxable years beginning on or after January 1, 2003. The Department of Taxation is required to promulgate regulations to implement these credits, including providing the format for a standardized receipt to be issued by school tuition organizations and qualifying schools.

Patron - Lingamfelter

[C]HB1123 Sales and use tax exemption; Crisis Line of Central Virginia, Inc. Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2005, that is organized to support, refer, assist in prevention and provide educational services to individuals seeking community information or help for their own or their family's emotional, physical, and mental well-being.

Patron - Bryant

[C]HB1124 Sales and use tax exemption; Academy of Music Theatre, Inc. Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2006, that is organized to preserve, restore, renovate, and operate an academy of music in an historical building to be used to educate people in an area of the Commonwealth in history, architecture, and culture.

Patron - Bryant

[C]HB1139 Educational sales and use tax exemptions; Spring-Mar Preschool Association, Inc. Grants a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2007, to a nonprofit corporation organized to provide the best educational program for preschool children and parents by (i) owning, maintaining, and operating a private, nonprofit cooperative school, (ii) offering regular parent education on child-rearing issues, and (iii) conducting public seminars at local libraries on topics of interest to families with preschool-age children.

Patron - Dillard

[C]HB1150 Educational sales and use tax exemptions; Tensley Study Center, Inc. Provides a sales and use tax exemption, beginning July 1, 2002, and ending July 1, 2007, to a nonprofit corporation that is organized to receive, administer, and expend funds for charitable, religious, educational, scientific and literary purposes in connection with (i) teaching and instructing individuals irrespective of their race, color, creed, or nationality in the arts, sciences, and letters, and (ii) fostering their ethical and character development through group and individual activities such as personal counseling, classes, seminars, sports and other activities.

Patron - Marshall, R.G.

[C]HB1159 Sales and use tax exemption; International Police Association Region #60, Inc. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2005, to a 501 (c) (3) corporation located and operating within the boundaries of the First, Second, Third, Fourth, Fifth, Eleventh and Twelfth Planning Districts established pursuant to § 15.2-4203, and organized for the purpose of (i) carrying on and operating a fraternal organization dedicated to uniting in service and friendship all active and retired members of the law-enforcement service within its operating area, (ii) striving

to enhance the image of the police, and (iii) facilitating cooperation through friendly contacts among police officers.

Patron - Putney

[C]HB1167 Sales and use tax exemption; Woodstock Museum of Shenandoah County, Inc. Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2006, that is organized to stimulate interest in the early history of a region of the Commonwealth, and in the manners and customs of the people who lived there, and to collect, preserve, and display visible documentation of their way of life.

Patron - Louderback

[C]HB1169 Civic and community service sales and use tax exemptions; Deer Rapids Road Fund Trustees, Inc. Renews a sales and use tax exemption, beginning July 1, 2002, and ending July 1, 2004, for purchases made by a tax-exempt nonprofit corporation organized to maintain 4.9 miles of public roads for safe access by the public to a state river, a national forest and two public lots located in a vacation subdivision. The exemption expired July 1, 2001.

Patron - Louderback

[C]HB1191 Sales and use tax exemption; Prevent Child Abuse Now of Montgomery County/Radford. Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2002, through June 30, 2005, that is organized to educate and advocate for the prevention of child abuse and neglect.

Patron - Shuler

[C]HB1235 Virginia Tiered Incentive Program. Establishes a program for providing corporate income tax credits for creation of jobs in economically distressed localities. The amount of the credit will be based on factors such as median household income and rates of unemployment. The Tax Commissioner shall promulgate regulations that are necessary or desirable to carry out the provisions of the act. This bill is a recommendation of the Rural Virginia Prosperity Commission.

Patron - Nutter

[C]HB1238 Imposition and administration of income and property taxes. Increases the individual income tax rate by one percent at each level (from two percent to three percent, three percent to four percent, five percent to six percent, and five and three-quarters percent to six and three-quarters percent) and the corporate income tax rate from six percent to seven percent, effective January 1, 2003. The bill also limits the rate localities may levy for the personal property tax to \$0.01 per \$100 of assessed value for tax years beginning on and after January 1, 2003. The Tax Commissioner will administer the additional income tax revenues and distribute them to the localities based on the residence of each individual taxpayer and each locality's share of total full-time employees.

Patron - Parrish

[C]HB1266 Sale price of motor vehicles subject to the motor vehicle sales and use tax; reductions. Reduces the taxable price of a motor vehicle for purposes of determining motor vehicle sales and use tax liability by the value of any motor vehicle taken in trade and by the amount of all rebates. The amount of credit for a vehicle taken in trade is the lesser of the allowance given by the seller or the wholesale value of the vehicle as specified in a recognized pricing guide.

Patron - Byron

[C]HB1311 Sales and use tax revenue; distribution. Provides that tax revenue generated by a one-half percent sales

and use tax on sales in the cities and counties in the Eighth Planning District shall be distributed to each such city and county based upon the city or county in which the sale was made. The revenue must be used solely for transportation projects in the 2020 Plan of the Transportation Coordinating Council of Northern Virginia that are scheduled to be completed by 2010.

Patron - Lingamfelter

SB64 Sales and use tax exemption; civic, community service and cultural exemptions. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2005, to American Legion, Department of Virginia, a 501 (c) (19) organization organized for purposes including but not limited to (i) upholding and defending the Constitution of the United States of America, (ii) maintaining law and order, (iii) preserving the memory of historically significant wartime events, and (iv) inculcating a sense of individual obligation to the community, Commonwealth and nation. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2005, to the National White Collar Crime Center, Inc., a 501 (c) (3) corporation organized for the purpose of providing a nationwide support system for the prevention, investigation, and prosecution of economic crime. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2006, to the Virginia Orchid Society, Inc., a 501 (c) (3) corporation organized for the purpose of (i) bringing together persons interested in orchids, (ii) promoting interest in and dissemination of information about orchid culture, and (iii) encouraging all orchid activities of interest to the enthusiast including the holding of shows.

Patron - Watkins

SB95 Sales and use tax exemption; Corporation for National Research Initiatives. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2007, to a 501 (c) (3) corporation organized for purposes including but not limited to the fostering and carrying on of research, studies, programs and educational activities relating to measures to stimulate the conduct of scientific research and development in information processing in areas of national importance and the furthering of public interest by fostering research initiatives that will contribute to the leadership and productivity of the United States in these and other fields.

Patron - Howell

SB110 Tax credits; child day-care facilities. Increases the percentage of expenditures made by child day-care facilities eligible for the day-care facility investment tax credit from 25 percent of expenditures to 35 percent of expenditures. The bill also increases the aggregate amount of the tax credit allowed to child day-care facilities from \$25,000 to \$30,000 and provides that the Department of Taxation may approve in each fiscal year up to \$150,000 in day-care facility investment tax credits, which is an increase over the present maximum amount of \$100,000. The bill is effective for taxable years beginning on or after January 1, 2002.

Patron - Miller, Y.B.

SB149 Sales and use tax exemption; Virginia Opera Association, Inc. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2006, to a 501 (c) (3) corporation organized for the purpose of (i) creating high quality productions of a broad range of opera, (ii) providing training of qualified persons in the production and performance of opera, and (iii) promoting appreciation and understanding of opera through performances, education and community outreach throughout the Commonwealth.

Patron - Norment

SB167 Administration of state taxes. Requires the Department of Taxation to establish, maintain, and publicize a toll-free telephone number for taxpayers to contact the Department on tax matters including, but not limited to, the taxpayer's account information, tax liability, or tax refund.

Patron - Byrne

SB169 Sales and use tax; exemption for certain property used by service providers. States that a service provider is the user and consumer of all tangible personal property purchased for use in providing exempt services, but not of tangible personal property that is (i) purchased for resale to, or for incorporation into personal property sold to, the United States pursuant to a contract that expressly references the provisions of the Walsh-Healey Public Contracts Act, 41 U.S.C. § 35 et seq., and (ii) not actually used or consumed in the performance of services. This exemption from sales and use tax does not apply to contractors performing real property construction, reconstruction, installation, repair, or any other services with respect to real estate or fixtures thereon, for the federal government or any of its instrumentalities.

Patron - Colgan

SB253 Real estate tax; assessments. Provides that assessments of personal residences shall not increase if the residence is used exclusively and continuously as the primary personal residence of the owner or the owner's spouse, provided that the assessed value of the real estate shall be increased by the fair market value of any improvement, renovation, or reconstruction made by the owner or the owner's spouse. The bill also provides several different measures and procedures for determining the assessed value of real estate for tax purposes, each of which would provide a different result from fair market value. The bill's provisions are effective January 1, 2005, only if the voters of Virginia have ratified a constitutional amendment providing that the General Assembly may prescribe a measure or process other than fair market value to be used for the assessment of personal residences.

Patron - Miller, K.G.

SB266 Property tax exemption; Fan Free Clinic. Grants a property tax exemption to the Fan Free Clinic, a charitable nonprofit corporation, for property located in the City of Richmond.

Patron - Lambert

SB309 Income tax; voluntary contribution of tax refund to the Art Museum of Western Virginia. Creates an additional income tax checkoff beginning January 1, 2003, and ending January 1, 2008, for individuals to contribute all or part of their income tax refunds to the Art Museum of Western Virginia. The bill also provides that the Department of Taxation may retain up to 10 percent of the amount of annual contributions of individual income tax refunds, but not to exceed \$75,000 for any taxable year. The amount to be retained is to pay the costs of administering the voluntary contributions program. Such amount shall be deducted on a pro-rata basis from the individual income tax refunds designated as voluntary contributions.

Patron - Edwards

SB333 Marine Patrols Fund; portion of sales and use tax revenues. Provides for an amount generated by a two percent sales and use tax and collected from the sale of fishing and auxiliary fishing equipment purchased for saltwater use to be deposited into the Marine Patrols Fund, beginning July 1, 2002. The amount to be deposited is determined by multiplying a ratio, the numerator of which is the number of saltwater fishing days for the immediately preceding year and the

denominator of which is the number of saltwater and freshwater fishing days for the same year, by the total amount of the two percent sales and use tax collected in the Commonwealth on all fishing and auxiliary fishing equipment for that year. The remaining amount is deposited into the Game Protection Fund. Currently, all such revenues are deposited into the Game Protection Fund.

Patron - Wagner

CSB378 Sales and use tax exemption; Restore America's Estuaries. Provides a sales and use tax exemption beginning July 1, 2002, and ending July 1, 2005, to a 501 (c) (3) corporation organized for purposes including but not limited to preserving the nation's network of estuaries by protecting and restoring the lands and waters essential to their richness and diversity of life by (i) increasing public support for estuary habitat restoration at the national and regional levels, (ii) facilitating implementation of hands-on restoration and preservation activities, and (iii) promoting the advancement of the science and art of restoration.

Patron - Whipple

CSB441 Local taxes; administrative fees to collect delinquent taxes or other delinquent charges. Increases the fees that may be charged by local governments for administrative costs incurred in collecting delinquent taxes or other delinquent charges. The fees are increased from \$20 to \$30 for delinquent taxes and other charges collected before judgment is taken, and from \$25 to \$35 for such taxes and charges collected subsequent to a judgment.

Patron - Williams

CSB453 Transient occupancy tax; Henry County. Authorizes Henry County to impose a transient occupancy tax at a rate not to exceed five percent of the charge for lodging at hotels, motels, boarding houses, travel campgrounds, and other facilities offering rooms for rent. The revenues attributable to any portion of the tax greater than two percent shall be spent for promoting tourism, travel or business that generates tourism in Henry County.

Patron - Reynolds

CSB479 Service charge in lieu of real property taxation. Increases the rate of taxation that the Commonwealth must pay to local governments for fire, police and refuse collection services in lieu of paying real estate taxes by five cents beginning January 1, 2003, and by an additional 10 cents beginning January 1, 2005.

Patron - Watkins

CSB502 Claims; David Brooke Miller, M.D. Provides relief to David Brooke Miller, M.D. in the amount of \$20,000 for costs incurred in installing a driveway for a single-family dwelling. The Virginia Department of Transportation issued a permit to Dr. Miller to install the driveway but subsequently revoked the permit. Dr. Miller incurred \$20,000 in construction costs before the work stoppage order was issued.

Patron - Miller, K.G.

CSB508 Income tax credit for purchase of machinery and equipment for processing recyclable materials. Extends the current credit for the purchase of machinery and equipment used in a recycling business to include machinery and equipment that is not physically located in or on the premises of manufacturing facilities. Current law provides an income tax credit for the cost of machinery and equipment that is physically located in manufacturing facilities and that is used to manufacture, process, compound, or produce goods from recyclable materials (the credit may not exceed 40 percent of the corporation's Virginia income tax liability). This bill allows

the credit for machinery and equipment located off-site of the corporation's manufacturing facilities provided that (i) the corporation owns, leases, or uses manufacturing facilities within the Commonwealth that manufacture, process, compound, or produce goods from recyclable materials, (ii) the machinery and equipment is used exclusively within the Commonwealth, and (iii) the machinery and equipment is integral to the recycling process.

The bill provides that its provisions are declaratory of existing law.

Patron - Newman

CSB511 Cigarette tax; prohibition against stamping, transferring, or selling certain cigarettes. Requires every tobacco product manufacturer whose cigarettes are sold in the Commonwealth to certify annually such manufacturer is (i) a participating manufacturer, as defined in the Master Settlement Agreement; or (ii) in full compliance with § 3.1-336.2. The certification must be delivered annually to the Tax Commissioner, the Attorney General and wholesale or retail dealers who affix Virginia revenue stamps to cigarettes of such manufacturer. The bill also prohibits every wholesale or retail dealer from affixing, or causing to be affixed, Virginia revenue stamps on the cigarette products of any tobacco product manufacturer (if the brand is not required to be certified) if the Tax Commissioner has notified the wholesale or retail dealers that such manufacturer has failed to comply with certain Master Settlement Agreement requirements or the certification required by this section. The Tax Commissioner may impose a civil penalty not to exceed \$5,000 against any tobacco product manufacturer and wholesale or retail dealer who violates this prohibition. The bill has an emergency clause.

Patron - Puckett

Trade and Commerce

Passed

P HB118 Purchase of handguns of certain officers. Allows a regional jail officer and any former Superintendent of the Department of State Police who leaves service after a minimum of five years to purchase the service handgun issued to him by the agency or institution at a price of one dollar.

Patron - Pollard

P HB251 Septic system inspectors. Changes the effective date for the imposition of minimum requirements for a person to use the title "accredited septic system inspector" from July 1, 2002, to July 1, 2003.

Patron - McQuigg

P HB576 Uniform Computer Information Transactions Act. Amends the provisions relating to transferability of a contractual interest in computer information. This amendment would remove the prohibition on limiting the transferability in the case of a merger or acquisition or sale of a subsidiary or affiliate.

Patron - May

P HB652 Consumer Protection Act; use of social security number. Prohibits a supplier from using a consumer's social security number as the consumer's account number with the supplier, if the consumer has requested in writing that the supplier use a different number. A violation of this provision is a violation of the Consumer Protection Act.

Patron - Dudley

[P]HB1271 Doing business under a fictitious name; registered agent. Eliminates requirements that (i) persons doing business under a fictitious name appoint a resident attorney as a registered agent and (ii) service of process against the owner of a business operating under a fictitious name be filed in the circuit court where the business is located if the owner has not appointed a registered agent.

Patron - Abbitt

[P]HB1292 Equipment dealers protection act. Expands protections afforded to retail dealers of farm and other types of equipment with respect to their agreements with wholesalers, manufacturers, or distributors by whom they sell or distribute goods or services or otherwise use a trade name or other commercial symbol. The existing provisions regarding farm machinery dealerships are repealed. Dealer protections include (i) prohibiting suppliers from terminating, failing to renew or substantially changing the competitive circumstances of a dealer agreement without good cause; (ii) requiring a dealer who terminates an agreement with a supplier to give the supplier at least 90 days notice of the termination; (iii) requiring suppliers to give dealers at least ninety days' written notice of termination of the agreement and a sixty-day right to cure any deficiency, or 12 months to cure if the cancellation is based upon the dealer's failure to capture the share of the market required in the agreement; (iv) requiring the supplier to repurchase the dealer's inventory within 90 days following cancellation of the agreement unless the dealer chooses to keep the inventory; and (v) giving the heir of a deceased dealer the option to require the supplier to repurchase the inventory from the heir of the dealer. Suppliers are required to pay warranty claims made by the dealer thirty days after its approval, and to approve or disapprove a warranty claim within 30 days after receipt. Suppliers are also prohibited from coercing a dealer to accept delivery of equipment, parts, or accessories that the dealer has not ordered voluntarily, conditioning the sale of additional equipment to a dealer upon a requirement that the dealer also purchase other goods or services, coercing a dealer into refusing to purchase equipment manufactured by another supplier, and terminating, canceling, or failing to renew or substantially changing the competitive circumstances of the retail agreement based on circumstances beyond the dealer's control.

Patron - Morgan

[P]SB323 Amusement Device Rider Safety Act; penalty. Establishes a code of conduct for riders of amusement devices. Riders are required to report injuries sustained on an amusement device before leaving the premises, and are required to obey posted rules and warnings and to refrain from acting in a manner that may cause or contribute to injuring the rider or others. Violators are subject to a civil penalty not to exceed \$500. The measure states that it shall not repeal or diminish in any respect common law doctrines, which shall continue in full force and effect nor shall a violation constitute negligence per se in any civil action.

Patron - Stolle

[P]SB436 Roller Skating Safety Act. Establishes duties and responsibilities for the operators of roller skating rinks and skaters. The bill provides that any operator or skater who violates these duties and responsibilities may be subject to a civil penalty not to exceed \$500. The bill requires DPOR to examine the feasibility and appropriateness of regulating such skating rinks. The bill will not become effective unless reenacted in the 2003 Session of the General Assembly. The bill was prompted by the tragic death of five year-old Clark Andrew Guye in a roller skating accident in Newport News, Virginia.

Patron - Williams

[P]SB646 Virginia Breeders Fund; Virginia-sired horses. Allows "Virginia-sired" horses to receive disbursements from the Virginia Breeders Fund. The bill also provides for owners of Virginia-bred horses to receive disbursements from the Fund if their horses earn purse money in nonrestricted races at racetracks in Virginia licensed by the Commission. Currently, these owners are only eligible for such distributions if their horses win races.

Patron - Wagner

Failed

[F]SB638 Virginia Racing Commission; powers; local referenda. Allows the Virginia Racing Commission to issue provisional licenses to own or operate racetracks or licenses to own satellite wagering facilities to an applicant prior to the applicant securing the approval through the local referendum required by law. The provisional licenses issued by the Commission shall only become effective upon the approval of the racetrack or satellite wagering facility in a referendum conducted in the jurisdiction in which the racetrack or satellite wagering facility is to be located. The bill also (i) removes the limit of six satellite facilities that the Commission is authorized to license, (ii) allows towns to conduct referenda on the question of whether pari-mutuel wagering shall be permitted at a licensed racetrack in (name of such county, city or town) on live horse racing at, and on simulcast horse racing transmitted from another jurisdiction to, the licensed racetrack on such days as may be approved by the Virginia Racing Commission, (iii) authorizes the Commission to regulate and establish fees for account wagering, and (iv) removes the 2005 sunset on the Commission's authority to alter the required number of live racing days.

Patron - Stolle

Carried Over

[C]HB466 Enterprise zones. Allows business tax credits that are not usable by a small qualified business firm in the year granted to be applied to future tax years, not to exceed five years.

Patron - Suit

[C]HB467 Residential uses within enterprise zone project. Provides that enterprise zone projects that consist of up to 80 percent residential usage shall be eligible for enterprise zone incentives in the same manner as other qualifying projects.

Patron - Suit

[C]HB485 Enterprise zone real property investment tax credit. Eliminates the requirement that the owner or tenant who is paying for the real property improvement must operate the business benefiting from the improvements.

Patron - Suit

[C]HB533 Unsolicited commercial electronic mail; prohibitions; penalties. Prohibits sending unsolicited commercial electronic mail to persons if it uses a third party's domain name without permission; contains false or forged transmission information; contains false or misleading information in the subject line or if the person indicates that he does not wish to receive commercial electronic mail from the sender. The bill requires the sender to identify the message as an advertisement or solicitation; provide notice of the right to decline to receive further unsolicited commercial electronic mail messages from the sender; provide a valid physical address; and provide a valid return electronic mail address for

receiving requests to not receive further unsolicited commercial electronic mail messages from the sender. The bill allows interactive service providers to block commercial electronic mail sent in violation of this chapter and provides immunity from liability for such actions taken in good faith. This bill provides relief to an injured person for actual damages or the lesser of \$10 for each unsolicited bulk e-mail message or \$25,000 per day and states that the injured person shall not have a cause of action against an interactive computer service provider that merely transmits the e-mail message. The Attorney General, or attorney for the Commonwealth or attorney for a locality may bring an action to enforce these provisions. The purpose of the bill is to curb a practice known as "spamming," the sending of unsolicited commercial e-mail to unsuspecting recipients. This bill does not include provisions regarding falsifying transmission or routing information that are included in the Virginia Computer Crimes Act (§ 18.2-152.1 et seq.).

Patron - Devolites

HB774 Personal Goods Sales Act. Requires any person offering to sell or donate personal goods on behalf of the owner of such goods to enter into a written agreement prior to the sale that includes a listing of the items to be sold or donated, the estimated value of those goods, and the means of compensating the seller for conducting the sale. Within 10 days of completion of the sale, the seller must provide the owner with the proceeds from the sale, an inventory of all goods sold or donated, the purchase price received for goods sold, the name and address of each charity that received a donation and the value of each donated item, the total proceeds received in the sale, and the amount of compensation taken by the seller.

Patron - Watts

HB849 Equal access to public accommodations. Prohibits any person who owns or operates a place of public accommodation from restricting an individual from access or admission to the place of public accommodation or otherwise preventing the individual from using the place of public accommodation solely because the individual (i) operates a motorcycle, (ii) is a member of an organization or association that operates motorcycles, or (iii) wears clothing that displays the name of a motorcycle organization or association. The bill defines "public accommodation" as a business or other entity that offers to the general public food, shelter, recreation, or amusement, or any other goods, services, privilege, facility, or accommodation. The bill also permits individuals to sue to enjoin violations, recover damages in the amount of \$500 per violation, or up to \$1,500 for willful violations, and recover attorneys' fees and court costs.

Patron - Stump

HB1064 Enterprise zone designations. Allows the Governor to designate up to 65 areas as enterprise zones beginning July 1, 2002, and up to 70 areas beginning July 1, 2003, and thereafter. Under current law, he may designate up to 60 areas.

Patron - Bland

HB1112 Telephone Privacy Protection Act; Do-Not-Call List. Prohibits telephone solicitors from making telephone solicitation calls to persons who are included on a Do-Not-Call List of persons who do not wish to receive telephone solicitations. The Office of Consumer Affairs in the Department of Agriculture and Consumer Services will contract with a nonprofit organization qualifying as a list administrator to maintain the Do-Not-Call List.

Patron - Plum

HB1363 Unsolicited facsimile transmissions. Makes the unsolicited transmission of advertising materials by

facsimile a prohibited practice under the Consumer Protection Act. The bill eliminates the requirement that the unsolicited facsimile be advertising goods or services for sale or lease. The State Corporation Commission is empowered to block access to any telephone number used in connection with such transmissions. Enforcement provisions under the Consumer Protection Act (i) permit the Attorney General to issue civil investigative demands and assurances of voluntary compliance, (ii) create an individual action for damages, and (iii) permit aggrieved parties or the Attorney General to seek injunctive relief to prevent further violations.

Patron - Nutter

SB423 Telephone Privacy Protection Act. Prohibits its telephone solicitors from making telephone solicitations to persons who are included on a database of persons who do not wish to receive telephone solicitations. The Office of Consumer Affairs in the Department of Agriculture and Consumer Services will maintain the database and provide copies to telephone solicitors for a \$10 annual fee. Persons may be placed on the database upon written notice and payment of a \$10 registration fee and a five dollar annual renewal fee. Violations of the Telephone Privacy Protection Act are a prohibited practice under the Consumer Protection Act and are subject to the enforcement provisions of the Virginia Consumer Protection Act, except that private actions for damages are set at \$500 per violation, which may be increased, in the court's discretion, to an amount not exceeding \$1,500. Telephone companies are required to notify customers about the database and their rights under the Act. The measure also prohibits telephone solicitors from using a predictive automated dialing system to make a telephone solicitation if a telephone call generated by such system does not immediately connect the person answering the telephone call with an individual who is the telephone solicitor or an employee or agent of the telephone solicitor.

Patron - Byrne

SB567 Unsolicited commercial electronic mail; prohibitions; penalties. Prohibits sending unsolicited commercial electronic mail to persons if it uses a third party's domain name without permission; contains false or forged transmission information; contains false or misleading information in the subject line or if the person indicates that he does not wish to receive commercial electronic mail from the sender. The bill requires the sender to identify the message as an advertisement or solicitation; provide notice of the right to decline to receive further unsolicited commercial electronic mail messages from the sender; provide a valid physical address; provide a valid return electronic mail address for receiving requests to not receive further unsolicited commercial electronic mail messages from the sender. The bill allows interactive service providers to block commercial electronic mail sent in violation of this chapter and provides immunity from liability for such actions taken in good faith. This bill provides relief to an injured person for actual damages or the lesser of \$100 for each unsolicited bulk e-mail message or \$25,000 per day and states that the injured person shall not have a cause of action against an interactive computer service provider that merely transmits the e-mail message. The Attorney General or attorney for the Commonwealth or attorney for a locality may bring an action to enforce these provisions. The purpose of the bill is to curb a practice known as "spamming," the sending of unsolicited commercial e-mail to unsuspecting recipients. This bill does not include provisions regarding falsifying transmission or routing information that are included in the Virginia Computer Crimes Act (§ 18.2-152.1 et seq.).

Patron - Byrne

Unemployment Compensation

Passed

[P]HB1336 Unemployment compensation; weekly benefit amount. Increases the weekly benefit amount for recipients of unemployment compensation by 37.3 percent for claims filed between September 9, 2001, and January 1, 2003, and for claimants who had established a benefit year as of September 9, 2001. For claims filed between January 1, 2003, and January 1, 2004, the weekly benefit amount is increased by 18.65 percent above the levels in effect prior to September 9, 2001. For claims filed on or after January 1, 2004, the weekly benefit amounts revert to the levels in effect prior to September 9, 2001. The measure has an emergency clause. This bill is identical to SB 663.

Patron - Armstrong

[P]SB663 Unemployment compensation; weekly benefit amount. Increases the weekly benefit amount for recipients of unemployment compensation by 37.3 percent for claims filed between September 9, 2001, and January 1, 2003, and for claimants who had established a benefit year as of September 9, 2001. For claims filed between January 1, 2003, and January 1, 2004, the weekly benefit amount is increased by 18.65 percent above the levels in effect prior to September 9, 2001. For claims filed on or after January 1, 2004, the weekly benefit amounts revert to the levels in effect prior to September 9, 2001. The measure has an emergency clause. The bill incorporates SB 72 and SB 141. This bill is identical to HB 1336.

Patron - Hawkins

Failed

[F]HB944 Unemployment compensation; weekly benefit amount. Increases the weekly benefit amount for recipients of unemployment compensation by 37.3 percent for claims filed on or after September 9, 2001. Also, an error in the existing benefits table is corrected. This bill is incorporated into HB 1336.

Patron - Hull

[F]SB42 Unemployment compensation; weekly benefit amount. Increases the weekly benefit amount for recipients of unemployment compensation by 37.3 percent for claims filed on or after September 9, 2001.

Patron - Miller, Y.B.

[F]SB72 Unemployment compensation; weekly benefit amount. Increases the weekly benefit amount for recipients of unemployment compensation by 37.3 percent for claims filed on or after September 9, 2001. This bill is incorporated into SB 663.

Patron - Reynolds

[F]SB141 Unemployment compensation; weekly benefit amount. Increases the weekly benefit amount for recipients of unemployment compensation by 37.3 percent for claims filed on or after September 9, 2001. This bill is incorporated into SB 663.

Patron - Ticer

Carried Over

[C]HB943 Unemployment compensation; waiting week. Eliminates the requirement that applicants for unemployment benefits wait one week prior to receiving benefits.

Patron - Hull

[C]SB45 Unemployment compensation; waiting week. Eliminates the requirement that applicants for unemployment benefits wait one week prior to receiving benefits. The measure becomes effective on July 7, 2002, and expires July 6, 2003.

Patron - Reynolds

[C]SB127 Unemployment compensation; employee misconduct. Provides that an employee's misconduct includes testing positive for a nonprescribed controlled substance as established by a confirmed positive test conducted pursuant to a drug testing program conducted in conjunction with a rehabilitation agreement, by personnel of a probation agency or personnel of any program or agency approved by a probation agency, or pursuant to any other drug testing program administered pursuant to an order of a court of competent jurisdiction requiring the employee to remain drug-free and to submit to such tests. The drug test results shall be available to the Virginia Employment Commission.

Patron - Ruff

Waters of the State, Ports and Harbors

Passed

[P]HB91 Virginia Water Protection Permit; dredging project mitigation; financial responsibility requirements. Allows for the State Water Control Board to require demonstration of financial responsibility for the completion of compensatory mitigation requirements for dredging projects. Financial responsibility may be demonstrated by letter of credit, certificate of deposit, or performance bond. When the U.S. Army Corps of Engineers requires demonstration of financial responsibility, then the mechanism and amount approved by the Corps shall be used to meet this requirement. Directs the Board to promulgate such regulations to be effective within 280 days of enactment. This bill is identical to SB 327.

Patron - Welch

[P]HB276 Rappahannock River Basin definition. Updates, because of redistricting, the definition of the Rappahannock River Basin to reflect the new legislative districts. The Rappahannock River Basin Commission is composed, in part, of members of the House of Delegates and Senate whose legislative districts include a portion of the Basin. This bill is identical to SB 116.

Patron - Broman

[P]HB497 Water quality analysis. Requires the Department of Environmental Quality to establish a citizen water quality monitoring program and authorizes the agency to provide grants to support water quality monitoring organizations. An organization would be eligible to receive a grant if (i) the monitoring activity is done under a memorandum of agreement with the Department, (ii) the activity is consistent with the agency's monitoring program and the monitoring methods manual, and (iii) the monitoring location is part of the agency's

water quality control plan. The results of the citizen monitoring are prohibited from being used as evidence in any enforcement action.

Patron - Orrock

HB1002 Nontidal wetlands program. Eliminates any duplication of state and federal permitting requirements for those activities covered by a federal nationwide or regional permit. Once the State Programmatic General Permit is approved by the U.S. Army Corps of Engineers, only a state permit will be required for activities in nontidal wetlands.

Patron - McDonnell

HB1103 Regulation of sewage sludge. Moves responsibility to regulate the land application of sewage sludge to the State Water Control Board and the Department of Environmental Quality (DEQ). Currently, the Department of Health is responsible for regulating the land application, marketing and distribution of sewage sludge by entities that contract with a treatment plant to dispose of the sludge. The DEQ has oversight of the land application of sludge when the sludge is applied by the owner of a sewage treatment works. This bill brings all land applications of sewage sludge under the regulatory authority of DEQ effective May 1, 2004. The new DEQ regulations will be the same as the Board of Health's Biosolids Use Regulations, to the extent that such regulations are consistent with the State Water Control Board's statutory authority. The bill will not become effective unless reenacted by the 2003 Session of the General Assembly.

Patron - Orrock

HB1279 Virginia Roanoke River Basin Advisory Committee and the Roanoke River Basin Bi-State Commission. Establishes the Virginia Roanoke River Basin Advisory Committee and the Roanoke River Basin Bi-State Commission. The Roanoke River Basin Bi-State Commission is composed of 18 members, with nine members representing Virginia and nine members representing North Carolina. The Virginia delegation to the Bi-State Commission includes two members of the Senate and four members of the House of Delegates, whose districts include a portion of the Roanoke River Basin, and three members of the Virginia Roanoke River Basin Advisory. State and federal legislators from both states, who are not appointed to the Commission, may be nonvoting, ex-officio members of the Commission. All persons appointed to the Commission must live within the Basin's watershed. The Commission has no regulatory authority. Its purposes include: (i) providing guidance and making recommendations to local, state and federal legislative and administrative bodies on the use, stewardship, and enhancement of the water and other natural resources within the Basin; (ii) providing a forum for discussion of issues affecting the Basin's water quality, water quantity, and natural resources; (iii) promoting communication, coordination, and education among stakeholders; and (iv) identifying Basin-related problems and recommending solutions. The Virginia Roanoke River Basin Advisory Committee is composed of the six legislative members of the Virginia delegation to the Bi-State Commission, eleven persons selected by the six legislative members from among a pool of candidates recommended by the local planning district commissions within the Roanoke River Basin, and the Virginia member of the U.S. House of Representatives, whose district includes the largest portion of the Basin. The advisory committee will advise and assist the Virginia delegation to the Bi-State Commission in performing its duties. This bill also provides that (i) provisions pertaining to the State of North Carolina will become effective upon the enactment of comparable legislation by the North Carolina General Assembly; (ii) the Virginia Roanoke River Basin Advisory Committee may organize and commence its work, notwithstanding any inaction by the State

of North Carolina; and (iii) the Virginia Roanoke River Basin Advisory Committee will assume the powers and duties of the Bi-State Commission, if the General Assembly of North Carolina fails to enact or repeals legislation creating the Roanoke River Basin Bi-State Commission. This bill is identical to SB 460.

Patron - Hogan

SB116 Rappahannock River Basin definition. Updates, because of redistricting, the definition of the Rappahannock River Basin to reflect the new legislative districts. The Rappahannock River Basin Commission is composed, in part, of members of the House of Delegates and Senate whose legislative districts include a portion of the Basin. This bill is identical to HB 276.

Patron - Bolling

SB327 Virginia Water Protection Permit; dredging project mitigation; financial responsibility requirements. Allows the Water Control Board to require demonstration of financial responsibility for the completion of compensatory mitigation requirements for dredging projects. Financial responsibility may be demonstrated by letter of credit, certificate of deposit, performance bond, or pursuant to Army Corps of Engineer approval. When the U.S. Army Corps of Engineers requires demonstration of financial responsibility then the mechanism and amount approved by the Corps shall be used to meet this requirement. Directs the Board to promulgate such regulations to be effective within 280 days of enactment. This bill is identical to HB 91.

Patron - Wagner

SB460 Virginia Roanoke River Basin Advisory Committee and the Roanoke River Basin Bi-State Commission. Establishes the Virginia Roanoke River Basin Advisory Committee and the Roanoke River Basin Bi-State Commission. The Roanoke River Basin Bi-State Commission is composed of 18 members, with nine members representing Virginia and nine members representing North Carolina. The Virginia delegation to the Bi-State Commission includes two members of the Senate and four members of the House of Delegates, whose districts include a portion of the Roanoke River Basin, and three members of the Virginia Roanoke River Basin Advisory. State and federal legislators from both states, who are not appointed to the Commission, may be nonvoting, ex-officio members of the Commission. All persons appointed to the Commission must live within the Basin's watershed. The Commission has no regulatory authority. Its purposes include: (i) providing guidance and making recommendations to local, state and federal legislative and administrative bodies on the use, stewardship, and enhancement of the water and other natural resources within the Basin; (ii) providing a forum for discussion of issues affecting the Basin's water quality, water quantity, and natural resources; (iii) promoting communication, coordination, and education among stakeholders; and (iv) identifying Basin-related problems and recommending solutions. The Virginia Roanoke River Basin Advisory Committee is composed of the six legislative members of the Virginia delegation to the Bi-State Commission, eleven persons selected by the six legislative members from among a pool of candidates recommended by the local planning district commissions within the Roanoke River Basin, and the Virginia member of the U.S. House of Representatives, whose district includes the largest portion of the Basin. The advisory committee will advise and assist the Virginia delegation to the Bi-State Commission in performing its duties. This bill also provides that (i) provisions pertaining to the State of North Carolina will become effective upon the enactment of comparable legislation by the North Carolina General Assembly; (ii) the Virginia Roanoke River Basin Advisory Committee may organize and

commence its work, notwithstanding any inaction by the State of North Carolina; and (iii) the Virginia Roanoke River Basin Advisory Committee will assume the powers and duties of the Bi-State Commission, if the General Assembly of North Carolina fails to enact or repeals legislation creating the Roanoke River Basin Bi-State Commission. This bill is identical to HB 1279.

Patron - Hawkins

Failed

[F]HB1278 Roanoke River Basin Commission. Establishes the Virginia Roanoke River Basin Commission, which is composed of the representatives of planning district commissions located within the Basin, state legislators, a member of Congress, and nonvoting ex officio members representing the interests of North Carolina. The Commission is advisory and has no regulatory authority. Its purposes include: (i) providing guidance and making recommendations to local, state and federal legislative and administrative bodies on the use, stewardship, and enhancement of the water and other natural resources within the Basin; (ii) providing a forum for discussion of issues affecting the Basin's water quality, water quantity, and natural resources; (iii) promoting communication, coordination, and education among stakeholders; (iv) identifying Basin-related problems and recommending solutions; and (v) conducting joint meetings and communicating with North Carolina legislative and administrative bodies. Five voting members of the Virginia Commission shall serve as members of the Roanoke River Basin Bi-State Commission.

Patron - Hogan

[F]SB142 Water permit fees. Removes the caps on the amount the State Water Control Board can charge for the processing of an application for the various types of water permits.

Patron - Ticer

[F]SB553 Roanoke River Basin Commission. Establishes the Roanoke River Basin Commission, which is composed of the representatives of planning district commissions located within the Basin, state legislators, a member of Congress, and nonvoting ex officio members representing the interests of North Carolina. The Commission is advisory and has no regulatory authority. Its purposes include: (i) providing guidance and making recommendations to local, state and federal legislative and administrative bodies on the use, stewardship, and enhancement of the water and other natural resources within the Basin; (ii) providing a forum for discussion of issues affecting the Basin's water quality, water quantity, and natural resources; (iii) promoting communication, coordination, and education among stakeholders; (iv) identifying Basin-related problems and recommending solutions; and (v) conducting joint meetings and communicating with North Carolina legislative and administrative bodies. This bill is incorporated into the substitute for SB 460.

Patron - Hawkins

Carried Over

[C]SB331 Virginia Water Protection Permit; maintenance dredging. Exempts maintenance dredging undertaken to mitigate the adverse impact of sedimentation and to restore the natural contours of Virginia's waterways from additional wetlands compensation in Virginia Water Protection Permits.

Patron - Wagner

[C]SB618 Sewage sludge; local authority; fees. Provides authority for localities to enact ordinances that prohibit, restrict, or regulate the land application of sewage sludge.

Allows for the collection of local fees to cover testing and monitoring costs. Removes certain provisions requiring the Board of Health to adopt regulations concerning the payment, collection, and disbursement of sludge land application permit fees by the Department of Health.

Patron - Deeds

Welfare (Social Services)

Passed

[P]HB5 Participation in the Virginia Independence Program; exceptions. Provides that registered nurses who are the physicians' designees or licensed nurse practitioners may sign the pregnancy statements for women who are in their fourth through ninth month of pregnancy for the purpose of obtaining an exception to the requirement to participate in the employment provisions of the Virginia Independence Program. At this time, only a physician can sign the written pregnancy statement.

Patron - Bryant

[P]HB179 Neighborhood Assistance Plan; donation. Adds nurses to the list of medical professionals who may donate time and services to an approved clinic that provides health care services without charge, or the basis of the patients' ability to pay, and receive a tax credit under the Neighborhood Assistance Plan.

Patron - Sherwood

[P]HB284 Child support enforcement; automated administrative enforcement in interstate cases. Requires the Department of Social Services to use high-volume administrative support enforcement in response to requests from other states in accordance with the Social Security Act § 466. "High volume automated administrative enforcement" in interstate cases means, on the request of another state, the identification by the Department, through automated data matches with financial institutions and other entities where assets may be found, of assets owned by persons who owe child support in other states, and the seizure of such assets by the Department, through levy or other appropriate processes.

Patron - O'Bannon

[P]HB289 Public assistance programs; investments for purposes of self-sufficiency. Subject to appropriation in the 2002 Appropriation Act, permits public assistance recipients to have or establish one savings or other investment account in the amount of \$5,000. Any such account including interest or appreciation in value, shall not be considered in eligibility calculations as long as no funds are withdrawn.

Patron - McDonnell

[P]HB294 Child abuse and neglect investigations. Requires all mandatory reporters of child abuse and neglect who maintain a record on the alleged victim to make information, records and reports that are relevant to the investigation available to the child protective services investigator. The bill adds immunity from civil or criminal prosecution or administrative penalty or sanction for persons providing information or records in good faith. Both amendments parallel provisions already existing in the adult abuse reporting statute. The bill also clarifies that this information may be provided irrespective of the prohibition against disclosing communications between physicians and patient. Finally, the bill has technical amendments.

Patron - McDonnell

HB406 Child protective services' central registry. Permits Virginia affiliates of Compeer to screen potential volunteers through the central registry at no charge. Compeer is a not-for-profit organization that matches community volunteers in supportive friendship relationships with children and adults receiving mental health treatment.

Patron - Weatherholtz

HB513 Child welfare agencies; licensure periods. Provides that licenses for child day centers shall have a duration of two years from date of issuance. Currently, the Department of Social Services issues licenses for periods of one, two or three years for child day centers based on compliance with standards and regulations.

Patron - Marrs

HB747 Home Energy Assistance Program. Requires the Department of Social Services (DSS) to (i) facilitate meetings with the Department of Housing and Community Development, the Department of Mines, Minerals and Energy, and other agencies of the Commonwealth, as well as any non-state programs that elect to participate in the Home Energy Assistance Program, for the purpose of sharing information directed at alleviating the seasonal energy needs of low-income Virginians, including needs for weatherization assistance services; (ii) collect and analyze data regarding the amounts of energy assistance provided through the Department, categorized by fuel type in order to identify the unmet need for energy assistance in the Commonwealth; and (iii) develop and maintain a statewide list of available private and governmental resources for low-income Virginians in need of energy assistance. In its annual report, DSS shall (a) conduct a survey biennially beginning in 2002, regarding the extent to which the Commonwealth's efforts in assisting low-income Virginians are adequate and are not duplicative of similar services provided by utility services providers, charitable organizations and local governments; (b) obtain information on energy programs in other states; and (c) obtain necessary information from the Department of Housing and Community Development, the Department of Mines, Minerals and Energy, and other agencies of the Commonwealth, as well as any non-state programs that elect to participate in the Home Energy Assistance Program, to complete the biennial survey and to compile the required annual report. The Department of Housing and Community Development, the Department of Mines, Minerals and Energy, and other agencies of the Commonwealth, as well as any non-state programs that elect to participate in the Home Energy Assistance Program, shall provide the necessary information to DSS. DSS' annual reporting requirement shall cease October 1, 2007.

Patron - Plum

HB828 Child protective services differential response system. Requires an oral explanation of the family assessment procedure used by child protective services workers. The bill clarifies that reports handled by a family assessment shall not be entered into the central registry and families can decline services offered as a result of a family assessment. Finally, the bill requires the Department of Social Services to report on the effectiveness of the initial assessment in determining the appropriate level of intervention.

Patron - Nixon

HB829 Child protective services; family assessments. Provides that a local department of social services shall generally petition the court for services deemed necessary when conducting family assessments, and deletes the more

specific language:] "including, but not limited to, removal of the child or siblings from their home."

Patron - Nixon

HB1008 Social services; faith-based liaison. Locates the responsibilities for faith-based and community initiatives within the Department of Social Services. The responsibilities include the provision of technical assistance and information to those faith-based, volunteer, charitable and private organizations that wish to compete for social services contracts under TANF and other eligible programs.

Patron - McDonnell

HB1084 Mental health; assisted living. Adds the option of evaluation by a licensed clinical psychologist to determine if a resident has a serious cognitive impairment prior to placement in an assisted living facility.

Patron - Brink

HB1164 Social services; privatization of child support enforcement programs. Eliminates the reporting requirement regarding the privatization of child support enforcement programs.

Patron - McDonnell

HB1208 Licensed child day center regulations. Provides that regulations for licensed child day centers adopted by the State Board of Social Services or the Child Day-Care Council shall not require the membership, affiliation or accreditation services of any single, private accreditation or certification agency.

Patron - Nixon

HB1362 Social services; Neighborhood Assistance Act. Reduces the minimum monetary donation eligible for a tax credit from \$900 to \$500 and removes the \$1 million cap on tax credits available to individuals.

Patron - Nutter

SB117 Virginia Caregivers Grant Program; unpaid grant amounts. Eliminates unpaid grant amounts carried forward from prior years because caregivers did not receive the full amount of any grant to which they were eligible in a prior year.

Patron - Stosch

SB197 Assisted living facilities. Clarifies that assisted living facilities must post the rights and responsibilities of residents of assisted living facilities rather than the implementing policies and procedures.

Patron - Deeds

SB303 Recodification of Title 63.1; public assistance; social services; child support; persons with disabilities. Recodifies Title 63.1 as Title 63.2. In accordance with § 30-152, the Virginia Code Commission, in 2000, undertook the recodification of Title 63.1. Title 63.1 is the legal authority for three departments under the Secretariat of Health and Human Resources: the Department of Social Services, the Department for the Blind and Vision Impaired, and the Department for the Deaf and Hard-of-Hearing. Title 63.1 was last recodified in 1968. During the past 34 years, much has happened to affect laws governing social services programs and the two disability programs. The Virginia Code Commission has rewritten and combined sections or parts of sections to clarify provisions and to eliminate archaic, obsolete or redundant language. Additionally, certain substantive changes are made, many of which reflect current practices, delete eliminated programs, or conform provisions to other statutes and regulations. The Virginia Code Commission has divided Title

63.2 into six subtitles. Subtitle I contains general provisions applicable to the entire title. The title-wide definitions and confidentiality provisions are included as general provisions. Subtitle II deals with public assistance programs. Subtitle III contains chapters related to social services programs. Two newly created chapters within Subtitle III consolidate sections related to foster care and adult services that were previously scattered throughout Title 63.1. Subtitle IV contains licensure provisions for assisted living facilities, adult day care centers, and child welfare agencies. Subtitle V reorders child support enforcement provisions, and Subtitle VI groups grant programs and funds. Existing Chapters 5 and 8 of Title 63.1, relating to the Virginia Department for the Blind and Vision Impaired, and current Chapter 5.1, relating to the Department for the Deaf and Hard-of-Hearing, are relocated to Title 51.5 (Persons with Disabilities) as part of the title revision. Current Chapter 15 (Pilot Programs for the Delivery of Human Services) is relocated to Title 15.2, because this is clearly a general local government matter. The human services that could be included in a pilot program are broader than just social services; they also include employment, health, mental health and mental retardation, rehabilitation, nursing, information and referral and such other related services. Existing Article 2 (District Homes for Aged, Indigent, Infirm, and Incapacitated Persons) of Chapter 9 of Title 63.1 will not be codified, but will be contained in an enactment clause in the title revision bill with a sunset of two years. Three current chapters are not carried forward as part of Title 63.2 and will be repealed: Chapter 6.2 (Employment Opportunities), Chapter 6.3 (Community Work Experience Programs) and Chapter 6.4 (The Virginia Welfare Reform Demonstration Project). All three chapters are early welfare reform efforts that are now obsolete.

Patron - Edwards

[P]SB470 Child support orders; health care coverage. Requires health care coverage provisions in all child support orders and defines "reasonable cost" as an insurance premium that does not exceed five percent of the parents' gross income unless otherwise ordered by the court as in the best interest of the child and mandates that the Department of Social Services (DSS) use the National Medical Support Notice (NMSN), which is intended to provide a standardized means of communication between DSS, employers and administrators of group health plans regarding the health care support obligations of noncustodial parents. The NMSN facilitates the process of enrolling children in the group health plans for which their noncustodial parents are eligible and its use is mandated by the Social Security Act § 466. The bill states that DSS shall use the NMSN to enforce the provision of health care coverage through an employment-related group health plan pursuant to a child support order if available at a reasonable cost, unless a court or administrative order stipulates alternative health care coverage to employer-based coverage. The bill enumerates procedures for the use of the NMSN pursuant to federal requirements. If health care is unavailable at a reasonable cost through employment, DSS shall refer dependent children to the FAMIS Plan.

Patron - Quayle

[P]SB595 Child Day-Care Council; membership. Adds the following members to the Child Day-Care Council: one representative of the National Association for the Education of Young Children; one representative of the National Academy of Early Childhood Programs; one representative of the Association of Christian Schools International; one representative of the American Association of Christian Schools; one representative of the National Early Childhood Program Accreditation; one representative of the National Accreditation Council for Early Childhood Professional Personnel and Programs; one representative of the International Academy for

Private Education; one representative of the Standards for the American Montessori Society Accreditation; one representative of the International Accreditation and Certification of Childhood Educators, Programs, and Trainers; and one representative of the National Accreditation Commission. The bill limits reimbursement for travel expenses of members to in-state travel.

Patron - Hanger

[P]SB596 Licensed child day centers; approved credential. Provides that the individuals directly supervising children in licensed child day centers may possess an approved credential awarded by an accrediting authority. The bill lists the accrediting authorities issuing such approved credential: the National Association for the Education of Young Children; the National Academy of Early Childhood Programs; the Association of Christian Schools International; the American Association of Christian Schools; the National Early Childhood Program Accreditation; the National Accreditation Council for Early Childhood Professional Personnel and Programs; the International Academy for Private Education; Standards for the American Montessori Society Accreditation; the International Accreditation and Certification of Childhood Educators, Programs, and Trainers; the National Accreditation Commission; or the Virginia Community College System or other institution of higher learning or its equivalent as determined by the Department. Currently, the licensed child day center regulations adopted by the Child Day-Care Council state that the accrediting authority is to be approved by the Department of Social Services.

Patron - Hanger

Failed

[F]HB970 Social services; Temporary Assistance for Needy Families (TANF) benefits. Provides an exemption for those persons receiving TANF benefits who, subsequent to termination of benefits after 24 months, become disabled. Such persons would be eligible for continued benefits without the required two-year waiting period just as disabled persons are now exempt from the employment provisions.

Patron - Jones, D.C.

[F]HB1037 Social services; VIEW. Exempts eligible persons participating in the Virginia Initiative for Employment Not Welfare (VIEW) from work requirements if the person is enrolled in a program of study at an accredited public or private secondary or public or private two-year or four-year institution of higher education in the State as long as the person continues to be enrolled in such program, provided the person is making satisfactory progress in such study.

Patron - Crittenden

[F]HB1175 Adoption; consent of the birth father. Nullifies paternal consent-to-adoption requirement if the father has been convicted of assault and battery against the birth mother while pregnant with the child.

Patron - Wright

[F]HJ168 Early childhood educational and developmental initiatives. Requests the Secretary of Health and Human Resources to study early childhood educational and developmental initiatives. The study shall include (i) an examination of currently successful child development programs in the Commonwealth and other states, (ii) recommendations for the development of statewide programs to reach at-risk youth and provide them with a good start in life, (iii) strategies for financing quality child care such as business involvement

through public-private partnerships, and (iv) such other issues as the Secretary deems appropriate.

Patron - Van Landingham

[F]SB268 Social services; auxiliary grants. Makes the auxiliary grants program completely state-funded by eliminating the local share of the program. This is a recommendation of the Joint Commission on Health Care.

Patron - Lambert

[F]SB454 Adult protective services registry. Establishes the adult protective services registry, which shall contain a listing of any person employed by a facility licensed or funded by the Departments of Health, Social Services, or Mental Health, Mental Retardation or Substance Abuse Services who has abused, neglected or exploited a person who is incapacitated or 60 years of age or older, when that abuse, neglect or exploitation resulted in a local department of social services' determination that such person had or has need of protective services. Applicants for employment at nursing homes, assisted living facilities, mental health, mental retardation and substance abuse programs and facilities are required to obtain a search of the adult protective services registry for a record of any investigation of adult abuse, neglect or exploitation undertaken on the applicant. The adult protective services registry is to be maintained by the Adult Protective Services Unit of the Department of Social Services.

Patron - Puller

[F]SB607 Adoption; consent of the birth father. Nullifies paternal consent-to-adoption requirement if the father has been convicted of assault and battery against the birth mother while pregnant with the child and the birth mother signs the entrustment agreement or consents to the adoption of the child within twenty-four months of the birth of the child. This bill is identical to SB 628.

Patron - Newman

[F]SB628 Adoption; consent of the birth father. Nullifies paternal consent-to-adoption requirement if the father has been convicted of assault and battery against the birth mother while pregnant with the child and the birth mother signs the entrustment agreement or consents to the adoption of the child within twenty-four months of the birth of the child. This bill is identical to and is incorporated into SB 607.

Patron - Saslaw

Carried Over

[C]HB42 Social services; auxiliary grants. Makes the auxiliary grants program completely state-funded by eliminating the local share of the program.

Patron - Hamilton

[C]HB766 Temporary Assistance for Needy Families (TANF); child support disregard. Returns child support collected by the Department of Social Services on behalf of recipients of TANF cash assistance pursuant to the assignment required as a condition of eligibility to such recipient. Such child support payments shall be disregarded in determining (a) eligibility for TANF cash assistance and medical assistance services and (b) the amount of the TANF cash assistance payment.

Patron - Watts

[C]SB36 Subsidized guardianship of children living with relative caregivers. Directs the Department of Social Services to establish a subsidized guardianship program for the benefit of children in the custody of a local board of social ser-

vices or other child welfare agency who are living with relative caregivers and who have been in foster care or living with relatives other than natural parents for not less than 18 months. A relative caregiver means a person who is caring for a child related to such person for whom the option of reunification has been eliminated and termination of parental rights is not appropriate. The subsidized guardianship program shall include a special-need subsidy, which shall be a one-time lump sum payment for expenses resulting from the assumption of care of the child, a medical subsidy, and a monthly subsidy on behalf of the child payable to the relative caregiver that shall be equal to the prevailing foster care rate. The Department may establish an asset test for eligibility under the program. The relative caregiver receiving a guardianship subsidy shall submit annually to the Department a sworn statement that the child is still living with and receiving support from the guardian.

Patron - Miller, Y.B.

[C]SB109 Temporary Assistance to Needy Families (TANF); day care. Requires the Department of Social Services to provide child day care services for the children of TANF recipients, participants in the Virginia Initiative for Employment Not Welfare (VIEW), and former VIEW participants for 12 months after termination of TANF financial assistance if such services are needed to (i) fulfill a VIEW requirement, (ii) enable the individual to seek or retain employment, or (iii) attend a job training or educational program that has been approved by the local department of social services, unless the local department subsequently determines that the recipient is not making satisfactory progress toward completion of such job training or educational program. The bill also requires such services for those individuals who are otherwise eligible for child day care pursuant to State Board of Social Services regulations. The bill contains technical amendments.

Patron - Miller, Y.B.

[C]SB129 Temporary Assistance to Needy Families (TANF); child care subsidies. Provides for up to 24 months of transitional child care for persons whose TANF financial assistance is terminated, either voluntarily or involuntarily, if such assistance enables the individual to work.

Patron - Ticer

Wills and Decedents' Estates

Passed

[P]HB73 Incorporation by reference; letter of instruction or memorandum into a will, power of attorney or trust instrument. Clarifies language of a provision of the Code enacted during the 2001 Session to assure that incorporation into irrevocable trust or later documents does not cause adverse income, estate or gift tax results.

Patron - Howell

[P]HB315 Appointment of administrator of estate. Clarifies the rules and order for appointment of an administrator of an intestate estate. Existing law leaves it unclear how the court is to select among multiple distributees applying for letters of administration over a decedent's estate. The bill confirms priority for the surviving spouse, if a sole distributee, and establishes that the first suitable distributee to seek to qualify after 30 days after the decedent's death should be qualified by the clerk.

Patron - Howell

[P]HB489 Presumption of death exception. Provides an exception to the Commonwealth's presumption of death law for any person, (i) who has been documented to have been in that portion of the Pentagon damaged by the terrorist attack of September 11, 2001, or on American Airlines Flight 77 on September 11, 2001, when it was flown into the Pentagon; (ii) who has disappeared as a result of this terrorist attack and has not been heard from in three or more months since such terrorist attack; and (iii) whose body has not been found or whose remains have not been identified through scientific testing. Such a person shall be presumed dead in any instance or cause in which his death shall be a question. The present law relating to the disappearance of and wills and estates of such persons will apply. A petition may be filed in the Circuit Court of Arlington County to have such person declared deceased. An emergency clause is included. This bill is identical to SB 575.

Patron - Hamilton

[P]HB722 Wills, trusts and estates; notice of probate. Requires notice of probate to be given within four months of qualification and allows the Commissioner of Accounts to enforce compliance.

Patron - Howell

[P]SB152 Wills, trusts and estates; small estates. Redefines small estates from those valued at \$10,000 or less to those valued at \$15,000 or less in some sections of the Code. This bill is identical to HB 720.

Patron - Norment

[P]SB575 Presumption of death exception. Provides an exception to the Commonwealth's presumption of death law for any person (i) who has been documented to have been in that portion of the Pentagon damaged by the terrorist attack of September 11, 2001, or on American Airlines Flight 77 on September 11, 2001, when it was flown into the Pentagon; (ii) who has disappeared as a result of this terrorist attack and has not been heard from in three or more months since such terrorist attack; and (iii) whose body has not been found or whose remains have not been identified through scientific testing. Such a person shall be presumed dead in any instance or cause in which his death shall be a question. The present law relating to the disappearance of and wills and estates of such persons will apply. A petition may be filed in the Circuit Court of Arlington County to have such person declared deceased. An emergency clause is included, making this provision effective upon passage.

Patron - Barry

Failed

[F]HB1341 Presumption of death exception. Provides an exception to the Commonwealth's presumption of death law for any person (i) who has been documented to have been in that portion of the Pentagon damaged by the terrorist attack of September 11, 2001, or on American Airlines Flight 77 on September 11, 2001, when it was flown into the Pentagon; (ii) who has disappeared as a result of this terrorist attack and has not been heard from in three or more months since such terrorist attack; and (iii) whose body has not been found or whose remains have not been identified through scientific testing. Such a person shall be presumed dead in any instance or cause in which his death shall be a question. The present law relating to the disappearance of and wills and estates of such persons will apply. A petition may be filed in the Circuit Court of Arlington County to have such person declared deceased. An emergency clause is included, making this provision effective upon passage.

Patron - O'Brien

[F]SB469 Wills and estates; presumption of death. Creates a presumption of death for any person who was in any building or any aircraft that was damaged or destroyed by the terrorist attack that occurred on September 11, 2001, when American Airlines Flight 77 was flown into the Pentagon and whose body has not been found or identified within three months of such attack and who has not been heard from within three months of the attack. This is emergency legislation. This bill is incorporated into SB 575.

Patron - Quayle

Workers' Compensation

Passed

[P]HB50 Workers' compensation; occupational disease presumption; police officers of Metropolitan Washington Airports Authority. Establishes a presumption that hypertension or heart disease causing the death or disability of an officer of the police department established and maintained by the Metropolitan Washington Airports Authority is an occupational disease compensable under the Workers' Compensation Act. This presumption applies only for periods that the Authority voluntarily subjects itself to the provisions of the Workers' Compensation Act.

Patron - Black

[P]HB78 Workers' Compensation Commission; availability of records to the Virginia Retirement System. Requires that records of the Workers' Compensation Commission be made available to the Virginia Retirement System upon request.

Patron - Bryant

[P]HB568 Workers' compensation; disallowance of compensation. Provides that clear and convincing evidence is required to overcome the presumption that an employee who either had a blood alcohol level equal to or greater than 0.08 percent or yields a positive test result for use of a nonprescribed controlled substance from a Substance Abuse and Mental Health Services Administration (SAMSHA) certified laboratory was intoxicated due to consuming alcohol or using a nonprescribed controlled substance at the time of his injury. The measure also provides that the presumption of intoxication shall not be available if the employee dies as the result of his injuries. Currently, an injury or death is not compensable under the Workers' Compensation Act if it is caused by the employee's intoxication or use of a nonprescribed controlled substance.

Patron - Byron

[P]HB757 Workers' compensation; infectious disease presumption. Creates a presumption that hepatitis, meningococcal meningitis, tuberculosis or HIV causing the death or disability of firefighters, paramedics, emergency medical technicians, members of the State Police Officers' Retirement System, members of county, city or town police departments, sheriffs and deputy sheriffs, city sergeants or deputy city sergeants of the City of Richmond, Virginia Marine Patrol officers, certain game wardens, and Capitol Police officers who are exposed to blood or body fluids are occupational diseases for the purposes of workers' compensation. The presumptions shall apply only if persons entitled to invoke them have, if requested, undergone preemployment physical examinations,

and the presumptions shall be effective until six months following the examinations.

Patron - Amundson

[P]HB761 Workers' compensation; claims administration. Requires the Commission, by July 1, 2003, to institute an expedited calendar for the administration of workers' compensation claims where an employer's denial of benefits satisfies criteria establishing that the delay will cause an injured employee to incur severe economic hardship.

Patron - Watts

[P]HB1237 Workers' compensation; occupational disease. Grants to commercial vehicle enforcement officers and motor carrier safety troopers employed by the Department of State Police and full-time sworn members of the enforcement division of the Department of Motor Vehicles the presumption that certain cancers are occupational diseases under the Workers' Compensation Act. The bill also includes in the definition of "firefighter" any person who is employed by or contracts with any private employer primarily to provide fire-fighting services.

Patron - Jones, J.C.

[P]HB1239 Workers' Compensation; payments to minor. Permits periodic weekly, monthly or quarterly payments to be made to a surviving spouse or parent for the use and benefit of a minor child upon the written receipt of the surviving spouse or parent. The Workers' Compensation Commission may require the surviving spouse or parent to file an annual written certification confirming that the payments were used for the benefit of the minor. Also, the bill increases from \$10,000 to \$15,000 the amount a parent may receive in a lump sum payment on behalf of a minor compensated for injuries under Workers' Compensation. This applies to payments made after the effective date of this act.

Patron - Suit

[P]SB158 Workers' compensation; covered employees. Clarifies that secretaries and administrative assistants of members and officers of the General Assembly who are compensated pursuant to the general appropriation act are deemed to be employees of the Commonwealth for purposes of the Workers' Compensation Act.

Patron - Chichester

[P]SB588 Professional employer organizations; notice of insurance cancellation. Reduces the required time period for professional employer organizations to notify client companies of cancellation of insurance by the insurer from 15 to seven calendar days.

Patron - Wagner

[P]SB669 Workers' compensation; proof of insurance coverage. Permits an employer who provides proof of insurance coverage to the Workers' Compensation Commission to have his insurance carrier make such a filing. The filing requirement shall be satisfied if proof of coverage includes the insured's name, address, employer identification number, policy number, dates of insurance coverage, and the insurer's name, address and identification number. Proof of coverage filed by an insurance carrier or rate service organization shall not be aggregated with proof of coverage filed by or on behalf of other employers.

Patron - Williams

Failed

[F]HB273 Workers' compensation; payment of medical expenses after award. Requires the Workers' Compensation Commission, if it finds that the employer or insurer unreasonably delayed or denied payment of the employee's medical expenses, to award interest on the amount paid for such medical attention, to the employee, or health care provider if the health care provider has not been paid, at the judgment rate of nine percent from the date the Commission deems the delay or denial unreasonable until the date paid.

Patron - Broman

[F]HB762 Workers' compensation; health insurance benefits. Requires any employer that provided a health insurance benefit to an employee who is totally incapacitated as a result of an injury to either (i) pay the amount of the health insurance benefit to the employee, (ii) allow the employee to continue to participate in the employer's health insurance plan and receive the same benefit that he received when he was injured, or (iii) reimburse the employee's costs of COBRA continuation of coverage under the health insurance plan.

Patron - Watts

[F]HB763 Workers' compensation; bad faith non-payment of claims; claims administration. Requires an employer who denies, fails or refuses to pay a claim to pay interest on the amount due at double the judgment rate from the date the employer denied, failed or refused to make the payment, if the Workers' Compensation Commission finds that the denial, refusal or failure to pay was not made in good faith. The measure also requires the Commission, by July 1, 2003, to institute an expedited calendar for the administration of workers' compensation claims where an employer's denial of benefits is alleged to cause an injured employee to incur severe economic hardship.

Patron - Watts

[F]HB848 Workers' compensation; permanent partial impairment of spine. Provides that an employee who suffers a permanent impairment to the neck, back or spinal column that is not otherwise compensable for loss of use of a limb is entitled to lifetime benefits at the rate of 66 2/3 percent of the injured employee's average weekly wage multiplied by the percentage of the impairment.

Patron - Stump

[F]HB865 Workers' compensation; termination of benefits. Requires the filing of an agreement between the employer and the employee or, in absence of such an agreement, the entering of an order by the Commission before workers' compensation benefits may be terminated.

Patron - Phillips

[F]HB879 Workers' compensation; change in condition. Limits the period for which the Workers' Compensation Commission may retroactively increase an injured employee's benefit as the result of a change in condition to the 120 days preceding the filing of the application for increase. Currently, the rules of the Workers' Compensation Commission limit the period to 90 days, and provide that the limitation does not apply to requests for cost of living supplements.

Patron - Phillips

[F]HB930 Workers' compensation; permanent loss of teeth. Provides compensation for an employee's permanent loss of a tooth. The amount of compensation is two-thirds of

the employee's average weekly wage for a period of five weeks.

Patron - Joannou

Carried Over

[C]HB714 Virginia Birth-Related Neurological Injury Compensation Act. Transfers jurisdiction to determine eligibility and make awards regarding birth-related neurological injuries from the Workers' Compensation Commission to circuit courts. The board of directors of the Birth-Related Neurological Injury Compensation Program is eliminated, and management of the Birth-Related Neurological Injury Compensation Fund is transferred to the Virginia Retirement System. Participation in the Program by physicians and hospitals is mandatory, and failure to pay assessments will waive liability limits currently applicable to medical malpractice claims. The measure also provides that the Act does not deprive a parent of the right to bring a wrongful death action if a child who would be eligible for benefits under the Program dies shortly after birth.

Patron - Armstrong

Constitutional Amendment Resolutions

Passed

[P]HB36 Constitutional amendment (voter referendum); property tax exemptions. Provides for a referendum at the November 5, 2002, election to approve or reject an amendment allowing local governing bodies to grant tax exemptions for property used for charitable and certain other purposes by local ordinance subject to restrictions and conditions provided by general law enacted by the General Assembly. The present Constitution allows the General Assembly to exempt such property by classification or by designation by a three-fourths vote in each house. See also HJR 13, companion resolution.

Patron - Howell

[P]HJ13 Constitutional amendment (second resolution); property tax exemptions. Allows local governing bodies to grant tax exemptions for property used for charitable and certain other purposes by local ordinance subject to restrictions and conditions as provided by general law enacted by the General Assembly. The present Constitution allows the General Assembly to exempt such property by classification or by designation by a three-fourths vote in each house. See also HB 36, companion referendum bill.

Patron - Howell

[P]SB131 Constitutional amendment (voter referendum); claims of actual innocence. Provides for a referendum at the November 5, 2002, election to approve or reject an amendment to permit the Supreme Court to consider, as part of its original jurisdiction, claims of actual innocence presented by convicted felons in the cases and manner provided by the General Assembly. See, also, SJR 42, companion resolution.

Patron - Stolle

[P]SJ42 Constitutional amendment (second resolution); claims of actual innocence. Provides that the Supreme Court may consider, as part of its original jurisdiction, claims of actual innocence presented by convicted felons in the cases

and manner provided by the General Assembly. Senate Bill 131 is the companion referendum bill.

Patron - Stolle

Failed

[F]HJ11 United States Constitution; Equal Rights Amendment. Ratifies the Equal Rights Amendment to the United States Constitution that was proposed by Congress in 1972. This joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress.

Patron - Darner

[F]HJ92 Constitutional amendment (first resolution); county, city, and town governing bodies and school boards. Provides that the General Assembly may spell out by statute how local redistricting changes will be determined when redistricting affects both the governing body and an elected school board. The present Constitution requires the local governing body to redistrict each 10 years. The proposed amendment gives the General Assembly latitude to have the local governing body, elected school board, a combination of both, or an alternative entity redraw local district lines after each census.

Patron - Ingram

[F]SJ49 United States Constitution; Equal Rights Amendment. Ratifies the Equal Rights Amendment to the United States Constitution that was proposed by Congress in 1972. This joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress.

Patron - Byrne

Carried Over

[C]HJ1 Constitutional amendment (first resolution); Governor's term of office. Permits the Governor to succeed himself in office. The amendment allows two terms (either in succession or not in succession) but prohibits election to a third term. The amendment allows Governors elected in 2005 and thereafter to serve two successive terms.

Patron - Purkey

[C]HJ16 Constitutional amendment (first resolution); restoration of civil rights for felons. Authorizes the General Assembly to provide by law, or establish a process by law, for the restoration of civil rights for felons who meet the conditions prescribed by law.

Patron - Jones, J.C.

[C]HJ17 Constitutional amendment (first resolution); restoration of civil rights by operation of law for certain felons. Provides that the General Assembly shall provide for the restoration of civil rights by operation of law to any person who has been convicted of a non-violent felony, as defined by law, and who has completed service of sentence and any modification of sentence, including probation, parole, and suspension of sentence.

Patron - Jones, J.C.

[C]HJ96 Constitutional Amendment (first resolution); postponement of elections. Allows the General Assembly to provide by law for the postponement of elections due to an emergency. Because the Constitution requires that elections for

Governor, Lieutenant Governor, Attorney General and General Assembly members be held on the first Tuesday following the first Monday in November, these elections cannot be postponed by law. Times for primaries, special elections, general elections for local or constitutional office and referenda and elections for federal office to fill vacancies in the United States Senate or the United States House of Representatives are currently set by law and can be postponed without a constitutional amendment. This bill is a recommendation of the Joint Subcommittee Studying Virginia's Election Process and Voting Technologies (HJR681/SJR 363 -- 2001).

Patron - O'Brien

[C]HJ117 Constitutional amendment[HKB1]; taxation of certain motor vehicles. Exempts motor vehicles used for nonbusiness purposes from the property tax and provides that general law shall provide for at least 15 percent of the state individual income tax to be distributed to local governments.

Patron - Byron

[C]HJ126 Constitutional amendment (first resolution); property exempt from taxation. Exempts privately owned motor vehicles used for nonbusiness purposes from state and local taxation.

Patron - Watts

[C]HJ131 Constitutional amendment (1st resolution); authorization to grant certain taxing powers to school boards. Authorizes the General Assembly, by general law or special act, to grant one or more elected school boards the power to impose real estate taxes and appropriate the funds derived from the taxes for the educational program of the district. The present Constitution in Article VII, Section 7, states that taxes are imposed by an ordinance or resolution adopted by the local governing body and has been construed to prevent the granting of taxing powers to local school boards.

Patron - Stump

[C]HJ144 Constitutional amendment; limits growth of state budget. Limits general fund growth in any fiscal year to the preceding year's general fund appropriation plus the percentage increase in gross state product for the most recently available year plus a factor for population increases. The General Assembly may exceed this limitation with a two-thirds vote of each house. Also provides that 50 percent of the increased revenues is to be returned to the citizens of Virginia and 50 percent goes into the Revenue Stabilization Fund.

Patron - Ware

[C]HJ146 Constitution; property segregated for local taxation. Provides that any law proposing to reimburse or otherwise substitute state funds for a local tax so segregated shall provide for the full reimbursement of the local revenues, including administrative and other ancillary governmental costs.

Patron - Almand

[C]SJ10 Constitutional amendment (first resolution); restoration of civil rights for felons. Authorizes the General Assembly to provide by law, or establish a process by law, for the restoration of civil rights for felons who have completed service of sentence, probation, and parole and met such other conditions or limitations as may be prescribed by law.

Patron - Miller; Y.B.

[C]SJ40 Constitutional Amendment (first resolution); postponement of elections. Allows the General Assembly to provide by law for the postponement of elections due to an emergency. Because the Constitution requires that elections for Governor, Lieutenant Governor, Attorney General and General

Assembly members be held on the first Tuesday following the first Monday in November, these elections cannot be postponed by law. Times for primaries, special elections, general elections for local or constitutional office and referenda and elections for federal office to fill vacancies in the United States Senate or the United States House of Representatives are currently set by law and can be postponed without a constitutional amendment. This bill is a recommendation of the Joint Subcommittee Studying Virginia's Election Process and Voting Technologies (HJR681/SJR 363, 2001).

Patron - Bolling

[C]SJ51 Constitutional amendment (first resolution); taxation; exemptions. Exempts from taxation motor vehicles and boats, as provided by general law.

Patron - Colgan

[C]SJ70 Constitutional amendment (first resolution); taxation; assessments. Provides that the General Assembly may prescribe a measure other than fair market value to be used in determining assessments of personal residences.

Patron - Miller; K.G.

[C]SJ92 Constitutional amendment (first resolution); property segregated for local taxation. Provides that any law proposing to reimburse or otherwise substitute state funds for a local tax so segregated shall provide for the full reimbursement of the local revenues, including administrative and other ancillary governmental costs.

Patron - Whipple

Other Resolutions

Passed

[P]HJ2 Brunswick Stew Day. Designates the fourth Wednesday in January as Brunswick Stew Day at the General Assembly.

Patron - Wright

[P]HJ18 Asian/Pacific American Heritage Month. Designates May as Asian/Pacific American Heritage Month in Virginia in recognition of the contributions of Asian/Pacific Americans to Virginia's cultural diversity.

Patron - Lingamfelter

[P]HJ19 Virginia Police, Fire, and Rescue Services Memorial Day. Designates September 11, in 2002 and in each succeeding year, as Virginia Police, Fire, and Rescue Services Memorial Day to honor those Virginians who have given their lives to protect the lives of their fellow citizens.

Patron - Lingamfelter

[P]HJ100 MyVirginia PIN. Supports the leadership of the Office of the Secretary of Technology, the Council on Technology Services, the Department of Motor Vehicles and the Department of Information Technology and their efforts to develop the My Virginia Personal Identification Number (MyVirginia PIN), thus enabling citizens to conduct secure online transactions with multiple agencies across multiple levels of government.

Patron - Devolites

[P]HJ112 Virginia victims of terrorist attacks of September 11. Honors the Virginians who were killed as a result

of the terrorist attacks of September 11, 2001, and expresses condolences to their families.

Patron - O'Brien

[P]HJ130 Children of America Finding Hope Day in Virginia. Designates October 16 as Children of America Finding Hope Day in Virginia and encourages Virginia families to observe the day with family-centered activities.

Patron - Stump

[P]HJ143 Volunteer Rescue Squad and Fire Departments. Encourages the Virginia Municipal League and the Virginia Association of Counties to communicate to the legislature strategies to effect a better partnership between local and state governments in securing resources to assist volunteer rescue squads and fire departments and in developing strategies for provider recruitment and retention.

Patron - Landes

[P]HJ145 Breast-feeding. Encourages employers to recognize the benefits of breast-feeding and to provide unpaid break time and appropriate space for employees who need to breast-feed or express their milk for their infant children.

Patron - Baskerville

[P]HJ158 Principles of freedom in Standards of Learning. Supports the Board of Education's efforts to ensure that the principles of freedom and individual rights are reflected in the Standards of Learning for the elementary and secondary school curriculum in an age-appropriate manner, and that local school boards seek to ensure that such principles are included within public school instruction.

Patron - McDonnell

[P]HJ161 Mentoring Month. Designates January 2002 and each succeeding January as Virginia Mentoring Month to encourage the participation of Virginians in the mentoring of the Commonwealth's youth.

Patron - Scott

[P]HJ169 Acknowledging and supporting the Accord Between the Commonwealth of Virginia and the United States Department of Education Office for Civil Rights. Acknowledges and supports the agreement reached and signed by the Governor, Virginia Secretary of Education, and the Office of the Attorney General, on behalf of the Commonwealth, and the U. S. Secretary of Education and other federal officials on November 7, 2001, to conclude the five-year federal compliance review contingent upon Virginia's good faith efforts to comply with the terms of the Accord. The 30-year period of litigation, reviews, and agreements began in 1970 with a class action suit, *Adams v. Richardson*, 480 F. 2d 1159, 1164 (D.C. Cir. 1973) (en banc), that was brought by the NAACP Legal Defense Fund against the United States Department of Health, Education, and Welfare, charging it with non-enforcement of Title VI of the Civil Rights Act of 1964 with regard to 17 southern and border states. Virginia and nine other states (i.e., Louisiana, Mississippi, Oklahoma, North Carolina, Florida, Arkansas, Pennsylvania, Georgia, and Maryland) were found to be operating segregated systems of higher education between January 1969 and February 1970, and had to submit plans to desegregate their higher education systems. In 1992, the U. S. Supreme Court held in *Ayers v. Fordice*, (505 US 717, 112 S.Ct. 2727, 1992) that the state of Mississippi had not met its duty to remedy the effects of past de jure segregation in higher education, prompting the U.S. Department of Education to direct the Office for Civil Rights to review the desegregation efforts of the 10 southern and border states relative to the Court's decision in *Fordice*. Between 1995 and 2001, an investigatory team of the Office for Civil Rights conducted a federal

compliance review of the Commonwealth's higher education system. The agreement, signed on November 7, 2001, requires substantial funding, beginning in the 2002-2004 biennium, to provide parity between Norfolk State University and Virginia State University and the other senior state-supported four-year institutions, and to allow Virginia to comply with other points of the agreement. With the signing of the agreement, the Commonwealth will enter a five-year monitoring and reporting phase required by the U.S. Department of Education to ensure continuous progress towards the goals enumerated in the Accord, whereby failure of the Commonwealth to adhere to the terms of the agreement will result in the loss of federal funds and costly litigation brought by the U. S. Department of Justice. This resolution is a recommendation of the Commission on Access and Diversity in Higher Education.

Patron - Jones, J.C.

[P]HJ172 P3P and government websites. Encourages all state and local government agencies and individuals to incorporate machine-readable privacy policies and the Platform for Privacy Preferences Project specification (P3P) into all agency and personal government websites. This resolution also requests VIPNet to work with its parent company, NIC, to encourage other governments to adopt P3P into their websites.

Patron - Brink

[P]HJ183 Korean-American Immigration. Commemorates the 100th anniversary of Korean-American Immigration.

Patron - Petersen

[P]HJ199 Licensing residential placements. Requests that the Departments of Mental Health, Mental Retardation and Substance Abuse Services, Health, Medical Assistance Services, and Social Services to work together to develop a joint or cooperative methodology or a singular licensing entity for residential services for individuals with mental disabilities or substance abuse problems. The Departments shall seek participation and input from representatives of appropriate stakeholder groups, including representatives from the Community Services Boards, NAMI-Virginia, the Substance Abuse and Addiction and Recovery Association, the ARC of Virginia, the Parents and Associates of the Institutionalized Retarded, the Virginia Hospital and Healthcare Association, the Virginia Health Care Association, the Virginia Association of Nonprofit Homes for the Aging, and the Association of Assisted Living Facilities.

Patron - Watts

[P]HJ235 Traumatic Brain Injury (TBI) Programs. Urges the Department of Medical Assistance Services to develop a plan by July 1, 2002, in collaboration with the Department of Rehabilitative Services and the Brain Injury Association of Virginia, to consider amending the admission criteria of nursing facility Traumatic Brain Injury (TBI) programs to include persons diagnosed with nondegenerative, nontraumatic injury to the brain or otherwise develop a plan to improve access for persons with TBI. This resolution is a recommendation of the Disability Commission.

Patron - Broman

[P]HJ249 Cold War Museum. Expresses the sense of the General Assembly in support of the establishment of a permanent home for the Cold War Museum at the former Nike Missile Base in Lorton, Virginia.

Patron - Petersen

[P]HJ252 Virginia National Guard and reserve components of the Armed Forces. Encourages employers to continue salary compensation and employee benefits for members of the Virginia National Guard and any reserve components of

the armed forces of the United States during Operation Enduring Freedom, the military action launched in response to the September 11, 2001 terrorist attacks.

Patron - Marshall, D.W.

[P]HJ254 Green Spring plantation site. Supports the opening of the Green Spring plantation site as a unit of the Colonial National Historical Park by the year 2007. The Green Spring plantation was owned by the 17th century royal Governor, Sir William Berkeley, who served two terms in the capital of Jamestown between the years 1641 and 1677, established Virginia's bicameral legislative assembly and played a pivotal role in developing a civil society in America based upon English law.

Patron - Rapp

[P]HJ256 Health care costs. Supports the effort to preserve access to affordable, quality health care and the continuation in refraining from enacting health care laws and regulations without adequate analysis and careful consideration of their impact on health care costs and the uninsured.

Patron - Bryant

[P]HJ258 Coal miner's stamp. Urges the United States Postal Service to issue a stamp commemorating the contributions of American coal miners. This resolution is identical to SJR 170.

Patron - Stump

[P]HJ259 Polycystic Kidney Disease. Designates the week of May 12-18, 2002, as Polycystic Kidney Disease Awareness Week in Virginia.

Patron - Ware

[P]HJ261 Health; prenatal testing. Requests the Board of Medicine and physicians across the Commonwealth to provide full information to their patients about the nature of the Alpha-fetoprotein test and Multiple Marker Screens so as to reduce anxiety among expectant parents and provide them with an accurate understanding of the risks of fetal abnormality.

Patron - Saxman

[P]HJ428 Greek Independence Day. Designates March 25, 2002, as Greek Independence Day in Virginia, in honor of the 181st anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire. This resolution is identical to SJR 255.

Patron - Joannou

[P]HR18 Veterans Day Observance. Expresses the opposition of the House of Delegates to any attempt to move the observance of Veterans Day from November 11th. This resolution is identical to HJR 48.

Patron - Gear

[P]HR19 Medicare coverage for anti-cancer drugs. Memorializes Congress to enact legislation requiring Medicare to cover all oral anti-cancer drugs. This resolution is identical to HJR 335, SJR 216, and SR 2.

Patron - Gear

[P]HR21 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 envi-

ronmental and other regulations to expedite project review and highway construction. This resolution is identical to HJR 160.

Patron - McDonnell

[P]HR22 Historic preservation tax credits. Urges the Congress to expand use of federal historic preservation tax credits to qualified owner-occupied structures. This resolution is identical to HJR 77.

Patron - Suit

[P]SJ29 National Army Museum. Welcomes the National Museum of the United States Army to Fort Belvoir, which was chosen as the museum's site in October 2001.

Patron - Puller

[P]SJ39 Critical infrastructure protection. Encourages the Secretary of Technology and Secretary of Public Safety, in cooperation with other appropriate state agencies, to develop policies, procedures and standards for the analysis of the Commonwealth's critical infrastructure and coordinate this analysis with the federal government and the private sector.

Patron - Bolling

[P]SJ65 Cooperation in educating the medical profession concerning certain laws and programs relating to lead poisoning prevention. Encourages the Board of Medicine, the Medical Society of Virginia, and the Old Dominion Medical Society to cooperate in educating the medical profession concerning certain laws and programs relating to lead poisoning prevention. The Joint Subcommittee Studying Lead Poisoning Prevention requests that this cooperation include (i) the requirements of §§ 32.1-46.1 and 32.1-46.2 relating to the Board of Health's protocol for identification of children with elevated blood-lead levels and the requirement to test children in accordance with such protocol for elevated blood-lead levels or to obtain a determination that the children are at low risk for elevated blood-lead levels, (ii) the activities of Lead-Safe Virginia and Bright Futures, and (iii) the partnership between the Departments of Health and Medical Assistance Services to prevent lead poisoning and to improve children's health. This resolution is a recommendation of the Joint Subcommittee Studying Lead Poisoning Prevention.

Patron - Lambert

[P]SJ68 "Friendship Through Education Initiative." Requests the Board of Education to encourage the public schools of the Commonwealth to participate in the "Friendship Through Education Initiative" to promote an understanding of citizenship, appreciation for community service, and a culture of peace that respects the worth and dignity of all persons. The "Friendship Through Education Initiative" is a consortium of international organizations designed to combat terrorism by building strong and lasting relationships between American children and those of other countries and cultures, particularly Islamic countries. The "Friendship Through Education Initiative" was announced by the President on October 25, 2001, in his appeal to the American people to fight terrorism on the homefront with courage, patience, community service, and humanitarian outreach to the people of Afghanistan. This resolution is a recommendation of the Dr. Martin Luther King, Jr. Memorial Commission.

Patron - Marsh

[P]SJ74 Healthy Heart Day. Designates February 14, in 2002 and in each succeeding year, as Healthy Heart Day in Virginia.

Patron - Potts

[P]SJ99 Collection and dissemination of information on effective treatment for children. Directs the Virginia

Commission on Youth to coordinate the collection and dissemination of empirically-based information that would identify the treatment modalities and practices recognized as effective for the treatment of children, including juvenile offenders, with mental health treatment needs, symptoms and disorders. This initiative is a recommendation of the Virginia Commission on Youth's Study of Children and Youth with Serious Emotional Disturbance Requiring Out-of-Home Placement (HJR 119, 2000) and the Committee Studying Treatment Options for Offenders with Mental Illness or Substance Abuse Disorders (SJR 440, 2001). The resolution is identical to HJR 119 and HJR 165). The Commission, or its successor in interest, must submit a copy of the information directed to be collected and disseminated to the General Assembly through the Senate Committee on Education and Health, the Senate Committee on Rehabilitation and Social Services, the House Committee on Health, Welfare and Institutions, and to the Division of Legislative Services, no later than November 30, 2002.

Patron - Houck

[P]SJ129 Legal Professionals' Day. Designates the Wednesday of the second full week of October, in 2002 and in each succeeding year, as Legal Professionals' Day in Virginia.

Patron - Houck

[P]SJ133 Virginia Transplant Council. Requests the Virginia Transplant Council to encourage all donor families to become involved in its interagency donor family activities. This resolution noted that the Virginia Transplant Council was established for the purpose of educating the public about the importance of organ and tissue donation and the contributions such donations make to the health and lives of thousands of people. Further, the transplant community depends on the public and its good will and altruism to obtain organ and tissue donations and the blood donations that support transplantation. The Virginia Transplant Council has pulled together an umbrella organization with representation from its members' donor family programs.

Patron - Martin

[P]SJ137 National Vietnamese Remembrance Day in Virginia. Designates April 30 as National Vietnamese Remembrance Day in Virginia. This resolution is identical to SJR 171.

Patron - Byrne

[P]SJ139 Vietnamese Americans Freedom Fighters Day. Designates June 19 as Vietnamese Americans Freedom Fighters Day in Virginia.

Patron - Byrne

[P]SJ141 Confirming Governor's appointments to various positions and entities. Confirms appointments made by Governor James S. Gilmore III to various positions and entities with certain exceptions.

Patron - Miller, K.G.

[P]SJ177 Confirming Governor's appointments to various positions. Confirms appointments made by Governor Mark R. Warner of cabinet secretaries and chief of staff.

Patron - Miller, K.G.

[P]SJ178 Confirming appointment of Chairman, Virginia Criminal Sentencing Commission. Confirms appointment by the Chief Justice of the Supreme Court of Virginia of the Honorable Robert Stewart to a four-year term as Chairman.

Patron - Miller, K.G.

[P]SJ227 Confirming Governor's appointments to various positions. Confirms appointments made by Governor Mark R. Warner of certain agency heads and board, committee, and commission members.

Patron - Miller, K.G.

[P]SJ228 Women and Girls' Wellness Month. Designates April, in 2002 and in each succeeding year, as Women and Girls Wellness Month in Virginia. This resolution is identical to HJR 328.

Patron - Whipple

[P]SJ255 Greek Independence Day. Designates March 25, 2002, as Greek Independence Day in Virginia, in honor of the 181st anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire. This resolution is identical to HJR 428.

Patron - Rerras

[P]SJ279 Appointment; Commonwealth Health Research Board. Confirms the appointment to the Board by the Joint Rules Committee of the Honorable Hunter B. Andrews for a five-year term beginning April 1, 2002, to succeed himself.

Patron - Trumbo

[P]SR21 Medicare coverage for anti-cancer drugs. Urges Congress to enact legislation requiring Medicare to cover all oral anti-cancer drugs. This resolution is identical to SJR 216, HJR 335, and HR 19.

Patron - Williams

Failed

[F]HJ12 Documentation required of aliens seeking to attend U.S. flight schools. Urges Congress to require additional proof of identity and other documentation from aliens who seek to undergo flight instruction in the United States, in order to reduce the possibility that American flight schools will again be used to train terrorists.

Patron - Tata

[F]HJ36 Constitution on the one-dollar bill. Urges Congress to support the Liberty Dollar Bill Act (H.R. 1021 and S. 1225), which redesigns the one-dollar bill to include a summary of the United States Constitution on its reverse side.

Patron - Hargrove

[F]HJ48 Veterans Day Observance. Expresses the opposition of the General Assembly to any attempt to move the observance of Veterans Day from November 11th. This resolution is identical to HR 18.

Patron - Gear

[F]HJ68 Adequate funding for children of foreign nationals. Urges the Congress of the United States to provide adequate financial impact aid to the Commonwealth of Virginia and its localities that reflects the actual costs to provide education and other services to children of foreign nationals who do not enjoy a recognized immigration status.

Patron - Reese

[F]HJ115 National identification cards. Urges Congress to propose state issuance of national identification cards under a federal standard.

Patron - Watts

[F]HJ127 Volunteer rescue squads and fire departments. Urges Congress to appropriate funds needed for the

support of volunteer rescue squads and fire departments that service localities located along the national highway system.

Patron - Rapp

[F]HJ155 TV-Turn-Off Week 2002. Designates the week of April 22-28, 2002, as Virginia TV Turn-Off Week 2002 and encourages Virginians to explore alternatives to watching television.

Patron - Pollard

[F]HJ171 Communication, collaboration, and cooperation among the public and higher education systems and the Virginia General Assembly. Requests the Secretary of Education to facilitate communication, collaboration, and cooperation among the public and higher education systems, and the Virginia General Assembly to establish a K-20 continuum. The Secretary of Education is also requested to apprise the Commission on Access and Diversity in Higher Education regarding progress toward accomplishing initiatives that promote the K-20 continuum, dialogue with citizens and the business community to strengthen support for public and higher education, and efforts to ensure better articulation and alignment of curricula between public and higher education. The Secretary is also requested to recommend to the Commission by November 30, 2002, any changes to existing state laws that may be necessary to assist public and higher education agencies in accomplishing their individual missions and the objectives of this resolution. This resolution is a recommendation of the Commission on Access and Diversity in Higher Education.

Patron - Jones, J.C.

[F]HJ328 Women and Girls Wellness Month. Designates April, in 2002 and in each succeeding year, as Women and Girls Wellness Month in Virginia. This resolution is identical to SJR 228.

Patron - Van Landingham

[F]HJ335 Medicare coverage for anti-cancer drugs. Urges Congress to enact legislation requiring Medicare to cover all oral anti-cancer drugs. This resolution is identical to HR 19, SJR 216, and SR 21.

Patron - Gear

[F]SJ170 Coal miner's stamp. Memorializes the United States Postal Service to issue a stamp commemorating the contributions of American coal miners. This resolution is identical to HJR 258.

Patron - Puckett

[F]SJ171 National Vietnamese Remembrance Day in Virginia. Designates April 30 as National Vietnamese Remembrance Day in Virginia. This resolution is identical to SJR 137.

Patron - Byrne

[F]SJ216 Medicare coverage for anti-cancer drugs. Urges Congress to enact legislation requiring Medicare to cover all oral anti-cancer drugs. This resolution is identical to SR 21, HJR 335, and HR 19.

Patron - Williams

Carried Over

[C]SJ142 Health care; costs. Expressing the sense of the General Assembly that, in an effort to preserve access to affordable, quality health care, the General Assembly shall refrain from enacting health care laws and regulations without adequate analysis and careful consideration of the impact on

health care costs and the uninsured. This resolution is identical to HJR 256.

Patron - Rerras

Miscellaneous (Including Budget and Bonds)

Passed

[P]HB27 Claims; Kingdom Communications Group, LLC. Provides relief in the amount of \$4,410.50 to Kingdom Communications Group, LLC for the cost of performance incurred by the company after a contract that had been awarded to the company by the State Board of Elections was terminated.

Patron - Callahan

[P]HB29 Budget bill. Amends Appropriations Act of 2000, Chapter 1073.

Patron - Callahan

[P]HB30 Budget Bill. Makes appropriations for the 2002-04 biennium.

Patron - Callahan

[P]HB789 Claims; Jeffrey D. Cox. Provides \$750,000 in relief for Jeffrey D. Cox. Mr. Cox was incarcerated from 1990 to 2001 for a crime that newly discovered evidence revealed he did not commit. The Virginia Supreme Court entered an order vacating the conviction on November 14, 2001. This bill is identical to SB 267.

Patron - Miles

[P]HB1107 Claims; Mary E. Ferguson. Directs the Virginia Retirement System to allow Mary E. Ferguson to apply for disability retirement benefits based on an effective date of July 1, 1994. The bill, however, does not automatically grant such relief. Ms. Ferguson's initial application for disability retirement was denied by the Virginia Retirement System, which took the position that Ms. Ferguson had been on leave without pay for a period exceeding 24 months. A hearing officer concluded that Ms. Ferguson was entitled to file for disability but the VRS rejected the finding. Ms. Ferguson decided to appeal the decision pursuant to the Administrative Process Act. She believed that the attorney who represented her at the hearing would handle the appeal. The attorney did not handle the appeal, which was never perfected, resulting in Ms. Ferguson being unable to contest the decision of the VRS to deny the application. The bill contains an emergency clause.

Patron - Christian

[P]HB1157 Claims; Flory Small Business Development Center, Inc. Provides \$33,333 in relief to the Flory Small Business Development Center, Inc. to reimburse the Center for small business counseling, training and other services it provided to the Virginia Small Business Development Center program of the Virginia Department of Business Assistance for 1999.

Patron - Marshall, R.G.

[P]HB1166 Claims; Paul E. Johnson. Provides \$842 in relief to Paul E. Johnson to reimburse legal fees paid by Mr. Johnson to hire an attorney to represent him during the investigation of possible environmental violations in connection with the 460 Bypass construction project in Montgomery County. While Mr. Johnson was an employee of the Virginia Depart-

ment of Transportation at the time, he was required to hire an attorney because legal counsel hired by the VDOT could not represent him regarding any potential personal criminal liability.

Patron - Griffith

[P]SB211 Alexandria Historical Restoration and Preservation Commission. Expands the membership of the Commission from seven to nine members beginning July 1, 2002. In addition, the bill allows the definition of restoration period to include a period of 50 years from the date that the Commission determines to restore a facility. The bill also includes a technical amendment.

Patron - Ticer

[P]SB267 Claims; Jeffrey D. Cox. Provides relief for Jeffrey D. Cox, consisting of a lump-sum payment of \$350,000 to be paid by August 1, 2002, and an annuity that will pay out \$400,000 over a ten-year period beginning in 2002. Mr. Cox was incarcerated between 1990 and 2001 for a crime that newly discovered evidence revealed he did not commit. The Virginia Supreme Court entered an order vacating the conviction on November 13, 2001. The bill is identical to House Bill 789.

Patron - Lambert

[P]SB471 Conveyance of certain lands to the City of Portsmouth. Authorizes the Commonwealth to convey certain lands to the City of Portsmouth. The bill contains an emergency clause.

Patron - Quayle

Failed

[F]HB617 Claims; Ricki A. Vick, Michele S. Vick and Caroline E. Vick. Provides relief for Ricki and Michele Vick and their daughter Caroline Vick. Caroline Vick suffers from spastic quadriplegia and cerebral palsy as a result of oxygen deprivation during birth. Under the bill, the Birth-Related Neurological Injury Compensation Program is directed to provide, from funds within the Birth-Related Neurological Injury Compensation Fund, a trust for Caroline E. Vick for the purchase of a residence (i) sufficient for a residence in a comparable neighborhood to that in which the Vicks now reside, (ii) commensurate with the real estate market conditions, and (iii) to fully accommodate any special needs.

Patron - Devolites

[F]HB654 Claims; Sergeant Kermit Johnson. Provides relief to Sergeant Kermit Johnson, an employee of the Virginia Department of State Police. Sergeant Johnson was injured while on duty. Though he was unable to return to work, he subsequently had recurring medical problems related to his injury that caused him to almost exhaust his available sick leave. The bill (i) directs the Superintendent of the Virginia State Police to restore the sick and annual leave balances of Sergeant Johnson to the amount existing as of May 15, 1998, and (ii) provides that Sergeant Johnson shall have all benefits provided pursuant to the Virginia Workers' Compensation Act.

Patron - Dudley

[F]HB736 Claims; Daniel and Brenda Brewer. Provides relief in the amount of \$132,300 to Daniel and Brenda Brewer to correct structural problems with their home. The home contains several structural problems that were not noted by the local building official during any of the inspections conducted by the Uniform Statewide Building Code. In addition,

the building official issued a certificate of occupancy despite the existence of the structural problems.

Patron - Carrico

[F]HB986 Claims; Victor Mottley. Provides \$599 in relief for Victor Mottley. Mr. Mottley was forced to incur legal expenses and other costs to expunge a conviction that erroneously remained on his record after he had been acquitted.

Patron - Hall

[F]SB29 Budget bill. Amends Appropriations Act of 2000, Chapter 1073.

Patron - Chichester

[F]SB30 Budget Bill. Makes appropriations for the 2002-04 biennium.

Patron - Chichester

[F]SB88 Claims; Jeffrey D. Cox. Provides \$750,000 in relief for Jeffrey D. Cox. Mr. Cox was incarcerated from 1990 to 2001 for a crime that newly discovered evidence revealed he did not commit. The Virginia Supreme Court entered an order vacating the conviction on November 14, 2001. This bill is incorporated into SB 267.

Patron - Marsh

[F]SB338 Claims; Sharon Dalton. Provides \$69,820 in relief for Sharon Dalton. Mrs. Dalton was injured in December 1996 while performing her work duties for the Department of Alcohol Beverage Control when a stack of liquor cases fell on her head and neck, injuring her neck. This relief is for lost wages from February 2000. The Workers' Compensation Commission denied Mrs. Dalton's claim for part of the period in question; however, Mrs. Dalton questions the sufficiency of the evidence relied upon by the Commission in deciding to deny her claim.

Patron - Ruff

[F]SB462 Claims; Millard "Junior" Poff. Provides relief to Millard "Junior" Poff, in an amount not to exceed \$30,000, for physical and financial injuries arising from an accident caused by the lack of an adequate shoulder on a highway in Montgomery County. The claim is for (i) the replacement value of Mr. Poff's truck and fertilizer spreader, less any amount received by Mr. Poff as the result of insurance moneys related to the truck and accident in question, and (ii) the medical bills arising from the injuries he sustained from the accident, less any amount received by Mr. Poff as the result of insurance moneys.

Patron - Marye

Charters and Authorities

Passed

[P]HB24 Charter; Town of Vienna. Updates old Code references, provides that candidates for town offices shall not be identified on the ballot by political affiliation, removes salary cap for mayor and members of council, deletes an outdated provision that allows the town clerk to serve as the clerk of the municipal court, and clarifies that the town manager need not be domiciled in the town at the time of, and for six months after, his appointment. This bill is identical to SB 1.

Patron - Devolites

HB165 **Charter; City of Fairfax.** Updates the City's boundaries.

Patron - Petersen

HB238 **Charter; City of Poquoson.** Provides for municipal elections to be held in November. This bill is identical to SB 446.

Patron - Gear

HB275 **Charter; Town of Orange.** Updates the town boundary description.

Patron - Broman

HB374 **Charter; Town of Front Royal.** Amends current penalty provisions to conform with general law.

Patron - Athey

HB401 **Charter; City of Harrisonburg.** Provides that the council may act by ordinance, resolution or motion and ratifies certain previous council acts.

Patron - Weatherholtz

HB419 **Charter; City of Manassas Park.** Deletes or updates obsolete provisions.

Patron - Parrish

HB431 **Charter; Town of Chatham.** Provides for the powers of the chief of police and police force, corrects outdated references regarding election dates, provides that the mayor and council members may receive an annual salary not to exceed \$1,200 and \$600, respectively, states that the town clerk shall serve at the pleasure of the council and deletes numerous outdated provisions. This bill is identical to SB 285.

Patron - Hurt

HB552 **Charter; Town of Herndon.** Provides that candidates for town council shall not be identified on the ballot by political affiliation. The bill also requires candidates to be nominated by petition. This bill is identical to SB 99.

Patron - Rust

HB611 **Charter; Town of Cape Charles.** Changes council terms from two-year terms to four-year staggered terms. Other charter amendments (i) update the town boundaries, (ii) correct several outdated Code references, (iii) clarify the duties of the town manager and the town treasurer, (iv) state that the police force shall be under the control of the chief of police, (v) give the Town the power to engage in revenue-generating activities not prohibited by the laws of the Commonwealth and (vi) repeal provisions related to a public school system for the Town. The bill contains an emergency clause.

Patron - Bloxom

HB612 **Charter; Town of Exmore.** Repeals the current charter for the town, which contains many outdated provisions, and grants a new charter containing powers traditionally given to towns. The terms of council members will change from two-year terms to four-year staggered terms. The emergency clause will allow such change to take place beginning in May 2002.

Patron - Bloxom

HB660 **Charter; Town of Purcellville.** Provides that closed meetings of the council shall be held in accordance with general law. Other amendments to the charter will grant the Town all powers conferred on municipalities by the Code of Virginia, provide that compensation for council members and employees shall be set by the council, eliminate the residency requirement for the public works superintendent, wastewater

treatment plant superintendent and the water plant superintendent, delete provisions requiring council consent prior to hiring and firing employees, and delete outdated references regarding the commissioner of revenue.

Patron - May

HB661 **Charter; Town of Leesburg.** Eliminates the requirement that the town council offer advice and consent on the town manager's appointment of the director of finance.

Patron - May

HB916 **Charter; Chesterfield County.** Eliminates duplicate zoning review for certain public projects.

Patron - Marrs

SB1 **Charter; Town of Vienna.** Updates old code references, provides that candidates for town offices shall not be identified on the ballot by political affiliation, removes salary cap for mayor and members of council, deletes an outdated provision that allows the town clerk to serve as the clerk of the municipal court, and clarifies that the town manager need not be domiciled in the town at the time of, and for six months after, his appointment. This bill is identical to HB 24.

Patron - Howell

SB99 **Charter; Town of Herndon.** Provides that candidates for town council shall not be identified on the ballot by political affiliation. The bill also requires candidates to be nominated by petition. HB 552 is identical to this bill.

Patron - Howell

SB220 **Charter; City of Alexandria.** Allows the City to alter from between seven and nine the number of members comprising the board of directors of the Alexandria Redevelopment and Housing Authority. An additional charter amendment will clarify when the organizational meeting of a newly elected council will be held.

Patron - Ticer

SB284 **Charter; Town of Brookneal.** Changes the date of the Town's municipal elections from May to November. The bill provides for an emergency enactment.

Patron - Hawkins

SB285 **Charter; Town of Chatham.** Provides for the powers of the chief of police and police force, corrects outdated references regarding election dates, provides that the mayor and council members may receive an annual salary not to exceed \$1,200 and \$600, respectively, states that the town clerk shall serve at the pleasure of the council and deletes numerous outdated provisions. The bill provides for an emergency enactment. This bill is identical to HB 431.

Patron - Hawkins

SB345 **Charter; Town of Clifton Forge.** Repeals the charter of the former City of Clifton Forge and grants a new charter to the Town of Clifton Forge. The charter grants powers typically found in municipal charters and continues the council for the former city as the council for the new town.

Patron - Trumbo

SB446 **Charter; City of Poquoson.** Provides for municipal elections to be held in November. This bill is identical to HB 238.

Patron - Williams

SB496 **Charter; City of Roanoke.** Extensively updates and reorganizes the City's charter. Substantive changes include (i) conforming penalties with amounts permitted by state law, (ii) requiring certain city officers to live within the

city limits within three months of their election, and (iii) increasing the number of members on the board of zoning appeals from five to seven.

Patron - Edwards

Failed

[F]HB171 Charter; City of Roanoke. Extensively updates and reorganizes the City's charter. Substantive changes include (i) conforming penalties with amounts permitted by state law, (ii) requiring certain city officers to live within the city limits within three months of their election, (iii) modifying the method of making modifications to city contracts, and (iv) increasing the number of members on the board of zoning appeals from five to seven.

Patron - Woodrum

[F]HB379 Charter; City of Charlottesville. Allows the City, in accordance with the provisions of general law, to hold its municipal elections in November.

Patron - Van Yahres

[F]HB992 Charter; Town of Boykins. Deletes outdated provisions from the Town's charter.

Patron - Council

Study Resolutions

Passed

[P]HJ5 Medicaid; transfer of assets, land-use assessments, and eligibility for Medicaid. Requests the Department of Medical Assistance Services to examine its transfer of assets rule as such rule relates to land-use assessments and eligibility for Medicaid. This resolution notes that Medicaid requires that applications for eligibility be reviewed to determine whether property has been transferred for less than the full assessed value or meets a federal exception to this rule. Further, a penalty period is calculated if the applicant has sold or otherwise transferred property for less than its full assessed value. In areas where land-use valuations are the standard, this rule has the unfortunate result of making it difficult for rural property owners with farm or other land-use property to maintain the current land use and contributes to increases in urban sprawl. The Department of Medical Assistance Services is requested to identify various designs for allowing land-use assessments to be substituted for fair market value under specific circumstances that will require, as a condition of Medicaid eligibility, current owners to preserve the land-use of their property for at least a period of 10 years beyond the transfer, restrain urban sprawl, and sustain rural family land use businesses. The Department, within the parameters of federal requirements, shall consider the feasibility of a revised methodology for determining the fair market value of property in areas applying land-use assessments in relationship to transfer of assets and eligibility for Medicaid long-term care. The Department must complete its work and submit a final report to the Governor and the 2003 Session of the General Assembly.

Patron - Orrock

[P]HJ20 Commission on reform of educational leadership. Creates a two-year, 21-member commission to review, study and reform educational leadership. In conducting its study, the commission shall, among other things, (i) evaluate the policy environment for educational leadership; (ii) propose necessary statutory amendments or changes based on research,

surveys, analysis and review of pertinent laws, guidelines, policies, regulations and practices; (iii) communicate regularly to the Board of Education any relevant findings with recommendations for needed regulatory action; and (iv) provide a forum for educational leaders to report to the commission the challenges of, and impact on, their work. The Commission must submit an interim report to the Governor and the 2003 Session of the General Assembly, and submit its final report to the Governor and the 2004 Session of the General Assembly. This resolution incorporates HJR 147 and is identical to SJR 58.

Patron - Hamilton

[P]HJ23 Crashes involving trucks and other large vehicles stopped on highways. Requests the Crash Investigation Team of Virginia Commonwealth University's Transportation Safety Training Center and the Virginia Transportation Research Council to study why other motorists collide with trucks and other large vehicles stopped on the roadways and shoulders of highways and make recommendations as to how the frequency and severity of such crashes may be reduced. The Council must report its findings and recommendations to the Governor and the 2003 Session of the General Assembly.

Patron - Marshall, R.G.

[P]HJ31 State and Local Government Conflict of Interests Act. Establishes a joint subcommittee to review the State and Local Government Conflict of Interests Act. In the study, the joint subcommittee shall review (i) the definitions of "personal interest in a transaction" and "personal interest in a contract", (ii) requirements for filing disclosure statements, (iii) rules regarding the disqualification of officials and employees from participating in a transaction when a conflict exists, and (iv) any other areas of confusion or inconsistency in terms of Act application. The joint subcommittee must report its findings and recommendations to the Governor and the 2003 Session of the General Assembly. This resolution incorporates HJR 61.

Patron - Marshall, R.G.

[P]HJ32 Magistrates. Requests the Committee on District Courts of the Supreme Court of Virginia to study the magistrate system in Virginia. In conducting the study, the Committee shall review the laws and administrative policies governing the selection, training, oversight and evaluation of magistrates to ensure that magistrates have a basic competency in law and court procedures that is uniform and consistent across the Commonwealth. The Committee shall also review magistrate policies and operations within judicial circuits to ensure that there is accountability for the actions of magistrates, and that there is a uniform statewide system for taking and resolving complaints and inquiries about the actions of magistrates, particularly in the decision-making process used for determining bail and setting bond in domestic and family violence cases. The Committee must report its findings and recommendations to the Governor and the 2003 Session of the General Assembly.

Patron - Sherwood

[P]HJ34 Best practices in public school operations. Directs the Joint Legislative Audit and Review Commission to examine best administrative, fiscal, and service practices in the Commonwealth's public school divisions. In conducting the study, the Commission shall select from among the several school divisions, a sample that is representative of urban, suburban, and rural school divisions in the Commonwealth. The Commission shall also (i) consider, among other things, the work of the Commission on Efficiency in the Use of Public School Funds; (ii) identify those programs and services that might be consolidated, are not achieving their intended purpose, or for which the mission is no longer relevant or discern-

ible; (iii) identify those services, such as transportation, maintenance, food service, and other initiatives that might be effectively out-sourced; and (iv) develop recommendations regarding revenue-saving initiatives and practices. The Commission must submit an interim report to the Governor and the 2003 Session of the General Assembly, and must submit its final written findings and recommendations to the Governor and the 2004 Session of the General Assembly.

Patron - Lingamfelter

[P]HJ37 Epidemiological survey of elderly patients in long-term care facilities. Continues the epidemiological survey of the elderly population in Virginia's long-term care facilities to develop a screening methodology that will identify patients with suspected Normal Pressure Hydrocephalus (NPH) who could benefit from medical therapy.

Patron - Hargrove

[P]HJ44 Funding for nonstate agencies. Establishes a joint subcommittee to study alternative funding sources for nonstate agencies. In conducting its study, the joint subcommittee shall (i) catalog and distribute information regarding alternative sources of funding and (ii) recommend ways in which nonstate agencies may strengthen their respective boards, such as how to select qualified board members, provide training for members of the boards of directors, improve the board's fund-raising expertise, and determine the need to employ a person with expertise in planning and development and fund-raising. The joint subcommittee must report its findings and recommendations to the Governor and the 2003 Session of the General Assembly.

Patron - O'Bannon

[P]HJ60 Revision of state tax code. Continues a joint subcommittee that began to examine the revision of the state tax code. In continuing its work, the joint subcommittee shall (i) continue the work it began in 2001; (ii) ensure that Virginia's tax code is fair, uniform, understandable, and contemporary; (iii) examine the report and recommendations of the Commission on Virginia's State and Local Tax Structure for the 21st Century; (iv) seek broad input from all levels of government, the private sector, and citizens concerning the sufficiency of the Commonwealth's current tax system; (v) consider the necessity and sufficiency of current taxes, fees, deductions and credits as well as the rates of taxation; (vi) consider current revenue capacity of localities and the sufficiency of their revenue tools; (vii) examine the number and costs of tax preferences including income tax subtractions, deductions and exemptions, and income tax credits currently in the tax code; (viii) estimate the loss in sales tax due to electronic commerce; (ix) evaluate the real estate assessment appeals process, the need for any changes to the process, and the effect that such changes would have on taxpayers and local governments; (x) consider the long-term effect on the Commonwealth's revenues from the phase-out of the personal property tax; (xi) evaluate the appropriateness of the merchants' capital tax and the business, professional and occupational license tax; (xii) consider a plan to more equitably address tax preferences and rates for personal and business income taxes; (xiii) determine the equitable division of support to be assumed by the state and localities for education and mandated services in light of the reforms recommended by the Commission; and (xiv) review the current method of imposing taxes on farm real estate and alternative methods for imposing farm real estate taxes, including the feasibility of replacing the current method with a tax on the value of what is produced by farms. The joint subcommittee shall submit its written findings and recommendations to the Virginia Code Commission, and to the Governor and the

2003 Session of the General Assembly. This resolution incorporates HJR 150.

Patron - McDonnell

[P]HJ73 Department of Taxation to collect information pertaining to the methods utilized for approving and administering sales and use tax exemption by the States of Maryland and North Carolina. Requests the Department of Taxation to collect information pertaining to the methods utilized for approving and administering sales and use tax exemptions by the States of Maryland and North Carolina. Specifically, the Department is requested to collect information on each state's procedures for (i) granting sales and use tax exemptions, (ii) issuing certificates or letters of exemption, (iii) ensuring proper use of such certificates, and (iv) dealing with the administration of the program. The Department shall primarily seek information pertaining to tax exemptions for non-profit organizations but any information concerning other organizations' exemptions that would assist the General Assembly in policy decisions regarding sales and use tax exemptions should also be obtained. The Department of Taxation shall provide no later than August 1, 2002, the information it has collected to the joint subcommittee to study and revise Virginia's state tax code, for inclusion in the joint subcommittee's report of its findings and recommendations to the Governor and the 2003 Session of the General Assembly.

Patron - Parrish

[P]HJ76 Guardians ad litem. Establishes a joint subcommittee to study the effectiveness and costs of the guardian ad litem program. In conducting its study, the joint subcommittee shall (i) review the role and authority of guardians ad litem throughout the Commonwealth; (ii) ascertain whether the guardian ad litem functions and duties have become more judicial than originally intended; (iii) determine whether courts are delegating decision-making authority to guardians ad litem over issues, such as visitation and counseling, that the Legislature never anticipated; (iv) determine whether or not fees should be limited or whether standardization of the guardian ad litem program is warranted to facilitate consistency, or both; and (v) consider such other related matters as the joint subcommittee may deem necessary to the furtherance of its work. The joint subcommittee must report its written findings and recommendations to the Governor and the 2003 Session of the General Assembly.

Patron - Griffith

[P]HJ88 Incentives to commercialize research and development. Requests the Secretary of Technology, in cooperation with the Center for Innovative Technology and the Virginia Research and Technology Advisory Commission, to recommend incentives necessary to encourage the commercialization of university research and development. The Secretary must report his written findings and recommendations to the Governor and the 2003 Session of the General Assembly.

Patron - Devolites

[P]HJ89 Court files. Establishes a joint subcommittee to study protection of information contained in the records, documents and cases filed in the courts of the Commonwealth. The joint subcommittee shall submit its written findings and recommendations to the Governor and the 2003 Session of the General Assembly.

Patron - Devolites

[P]HJ90 Prescription drugs. Continues the Joint Commission on Prescription Drug Assistance. In continuing its deliberations, the joint subcommittee shall consider (i) the feasibility of strengthening the Commonwealth's pharmacy purchasing ability for state programs, (ii) using the savings

generated to create and fund a pharmacy benefits program for low-income and uninsured elderly persons, such as lowering the cost of existing pharmacy benefit programs for which state general funds are expended by consolidating pharmacy purchases, and (iii) pursuing cooperative arrangements with other states to pool pharmacy purchases. The Commission shall report its written findings and recommendations to the Governor and the 2003 Session of the General Assembly. This resolution incorporates HJR 129.

Patron - Jones, S.C.

[P]HJ91 Independent school evaluation services. Creates a joint subcommittee to study the use of independent educational performance assessment services. In conducting the study, the joint subcommittee shall consider, among other things, the use of Standard and Poor's School Evaluation Services (SES) in other states, ongoing school accountability efforts within the Commonwealth, the feasibility and appropriateness of implementing an independent school evaluation service within Virginia, and such other issues as it deems necessary. The joint subcommittee shall report its written findings and recommendations to the Governor and the 2003 Session of the General Assembly.

Patron - Byron

[P]HJ94 Indigent defense commission. Directs the Virginia State Crime Commission to establish an indigent defense study committee to study and examine whether the establishment of a statewide indigent defense commission would improve the quality and efficiency of the Commonwealth's indigent defense services. The Crime Commission must report his written findings and recommendations to the Governor and the 2004 Session of the General Assembly. This resolution is identical to SJR 43.

Patron - Kilgore

[P]HJ118 Future of Virginia's Environment. Continues the Commission Studying the Future of Virginia's Environment. In conducting its study, the Commission shall continue to monitor the implementation of its recommendations and create opportunities for the members of the Commission to become educated on environmental issues that may require legislative action. This resolution is identical to SJR 117.

Patron - Cox

[P]HJ122 Collection of data pertaining to the prevalence of methylphenidate and amphetamine prescriptions in the Commonwealth. Requests the Department of Health to collect data to determine the prevalence of methylphenidate and amphetamine prescriptions in the Commonwealth. In collecting the data, the Department shall confer with the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Department of Education, the Board of Pharmacy, the Board of Medicine, and the Virginia Chapter of the American Academy of Pediatricians. The Department shall review existing health and prescription databases, obtain information accessible pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), and federal laws and regulations, and may contract for services with appropriate private research organizations for services to facilitate the collection of necessary data. The Department shall submit a copy of its findings regarding data collected on the prevalence of methylphenidate and amphetamine prescriptions for school age children in the Commonwealth, pursuant to this resolution, with the Division of Legislative Services, no later than November 30, 2003. This resolution 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 Hyperactivity Disorder on Student Performance.

Patron - Tata

[P]HJ124 Economic development for economically stressed communities. Requests the Department of Business Assistance and the Virginia Economic Development Partnership to redouble their efforts to enhance the growth and prosperity of economically stressed communities in the Commonwealth.

Patron - Armstrong

[P]HJ142 Treatment Needs of Offenders with Mental Illness or Substance Abuse Disorders. Continues the study of certain mental health needs, training, and treatment issues begun by Committee Studying Treatment Options for Offenders with Mental Illness or Substance Abuse Disorders, under the auspices of the Joint Commission on Behavioral Health Care, the Virginia State Crime Commission and the Commission on Youth. The resolution also requests certain Secretaries and state agencies to provide information or commence specific action related to such issues. Specifically, the resolution requests the (i) Secretary of Public Safety, in conjunction with the Secretary of Health and Human Resources and the Secretary of Administration to evaluate the effectiveness of treatment services provided to and needed by state responsible offenders; (ii) the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services to examine access to medications and the management of medications for released offenders; (iii) the Office of the Executive Secretary of the Supreme Court to examine the development of a model court order that addresses mental health services; (iv) the Department of Mental Health, Mental Retardation and Substance Abuse Services to explore ways to communicate information to offenders about innovative practices among providers of mental health and substance abuse treatment services; (v) the Department of Medical Assistance Services, in conjunction with the Department of Corrections and the Department of Juvenile Justice, to examine the accessibility to Medicaid benefits by eligible offenders immediately upon their release; (vi) the Department of Juvenile Justice to design and implement a uniform mental health screening instrument for juvenile offenders admitted to secure detention facilities and the feasibility of implementing a uniform screening and interview process for pre-dispositional investigations; and (vii) the Department of Mental Health, Mental Retardation and Substance Abuse Services, in conjunction with the Office of the Executive Secretary of the Virginia Supreme Court, the Department of Criminal Justice Services and the Department of Juvenile Justice to develop and recommend ways to implement a curriculum for cross-training law-enforcement officers, judges, jail and detention home staff, and community mental health treatment staff in security and treatment services. All agencies must report their findings and recommendations to the Committee Studying Treatment Options for Offenders with Mental Illness or Substance Abuse Disorders by September 30, 2002. The Committee Studying Treatment Options for Offenders with Mental Illness or Substance Abuse Disorders shall report its written findings and recommendations, including the reports of the Secretaries and state agencies referenced herein, to the Governor and the 2004 Session of the General Assembly. The resolution is the recommendation of the Committee Studying Treatment Options for Offenders with Mental Illness or Substance Abuse Disorders (SJR 440, 2001). This resolution incorporates HJR 84, HJR 121, HJR 140, HJR 14, SJR 83, SJR 84, SJR 95, SJR 96, SJR 97, SJR 100, and SJR 101, as amended. This resolution is identical to SJR 97 as passed.

Patron - Weatherholtz

PHJ156 Growth and Economic Development. Continues the Commission on Growth and Economic Development. In conducting its study, the Commission shall continue to encourage the participation of all interested groups, organizations and individuals, including those associated with local governments, business interests, the development community, and environmental causes. Issues to be examined by the Commission may include: (i) the need for new or additional funding for programs such as the Derelict Structure Fund, the Weed and Seed Program, Housing Revitalization Zone Program, Urban Public-Private Partnership Redevelopment Fund, housing tax credits, public transportation needs, brownfields site assessment, Agricultural Vitality Program and state and local important soil surveys; (ii) the need for a dedicated source of funding to preserve open space; (iii) a study of the local government tax authority and structure to determine what may be a hindrance to preserving open space; (iv) the creation of a statewide housing policy to address issues such as homeownership trends, barriers to homeownership, and the need for local government accommodation of the housing needs of the entire spectrum of potential home buyers; (v) reform of VDOT funding methods, including increased flexibility to localities in the use of state street maintenance and construction funding; (vi) changes to VDOT minimum street width standards to allow greater local flexibility; (vii) enhancement of the use of various state tax credits and development of a tax credit program for brownfields; (viii) issues surrounding the leasing versus purchasing of educational facilities; (ix) issues related to local revenue shortfalls including proposals to return a portion of future growth in state income tax revenue and use of the referendum process to allow citizens to determine whether a locality should adopt new local taxes to address such shortfalls; and (x) methods for addressing the state transportation funding shortfall. The Commission must report its interim findings and recommendations to the Governor and the 2003 Session of the General Assembly, and must submit its written final report to the Governor and the 2004 Session of the General Assembly.

Patron - Hall

PHJ159 Existing agencies. Establishes a joint subcommittee to study the operations, practices, duties, and funding of the Commonwealth's boards, commissions, councils and other governmental entities in the legislative and executive branches. The joint subcommittee shall (i) examine the history, budget, and current activities of each governmental entity; (ii) determine whether critical functions are being performed as efficiently and cost-effectively as possible; (iii) identify duplicative functions and activities; (iv) determine whether the entity is funded at appropriate levels; (v) compare and evaluate the entity's work and results with its stated statutory mission; and (vi) make recommendations for consolidation, elimination, reduction, or increase of activities and funding of each entity based upon the review. This resolution incorporates HJR 125 and HJR 154.

Patron - McDonnell

PHJ162 Continuing the Rural Virginia Prosperity Commission for the purpose of establishing the Center for Rural Virginia. Continues the Commission for the purpose of establishing the Center for Rural Virginia. The Commission shall monitor the Center's implementation of the Commission's recommendations, including those related to (i) capital access for rural areas, (ii) adult education and workforce enhancement, (iii) the digital economy, (iv) incentives for economic and rural development, (v) infrastructure, (vi) K-12 education, and (vii) primary industries. In addition, the Commission shall assist the Center in exploring the numerous issues considered by the Commission but requiring further study. The Commission must submit an interim report of its

findings and recommendations to the Governor and the 2003 Session of the General Assembly, and its written final report to the Governor and the 2004 Session of the General Assembly.

Patron - Hogan

PHJ163 Advancing affordable, high-bandwidth electronic networks in rural Virginia. Requests the Center for Innovative Technology and the Secretary of Technology to study the means for advancing affordable, high-bandwidth electronic networks in rural Virginia. The Center for Innovative Technology and the Secretary of Technology shall coordinate meetings with public and private stakeholders to achieve the following goals: (i) evaluate the present state and need for new infrastructure in rural Virginia to fill strategic gaps in present commercial networks and coordinate plans to fill the gaps; (ii) set bandwidth goals with a timetable for achieving the goals; and (iii) encourage private development and, where necessary, facilitate the extension of advanced networks throughout the state to serve rural counties, cities and towns with affordable, high-bandwidth connections for businesses, local governments, education, health care and citizens. The Center for Innovative Technology and the Secretary of Technology shall further recommend a means or criteria by which areas that are not sufficiently served by the private sector at minimally-established data rates, be permitted to create public-private partnerships to provide the necessary services or, alternatively, to create the necessary services themselves with such services to be offered to the private sector at fair market value at the appropriate time. The Center for Innovative Technology and the Secretary of Technology shall coordinate their work with the Tobacco Commission and the E-58 project. The Center for Innovative Technology and the Secretary of Technology shall report their written findings and recommendations to the Governor and the 2003 Session of the General Assembly.

Patron - Saxman

PHJ166 Early and Periodic Screening, Diagnosis and Treatment. Requests the Department of Medical Assistance Services to continue its efforts to provide information to physicians and mental health providers about the comprehensive services available through the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) component of the Medicaid program. The Department must report its progress to the Commission on Youth by November 30, 2002 and to the Governor and the 2003 Session of the General Assembly.

Patron - Darner

PHJ170 Continuing the Commission on Access and Diversity in Higher Education. Continues the Commission on Access and Diversity in Higher Education. The Commission is directed to continue its work on objectives pertaining to the supply and demand of classroom teachers, closing the academic achievement gap, the Virginia Plan for Equal Opportunity in State-Supported Institutions of Higher Education, the diversity of faculty and staff at public colleges and universities, campus climate, admission and retention rates of minority students, related socioeconomic, political and legal issues that the Commission has been directed to address to ensure equal education opportunity for all students, and such other related issues as the Commission may deem appropriate. The Commission shall also collaborate and work cooperatively with relevant state agencies and representatives of the U.S. Department of Education Office for Civil Rights, acting as liaison between the General Assembly and OCR, during the monitoring and reporting phase of the implementation of the agreement between the Commonwealth and the U.S. Department of Education Office for Civil Rights. The membership of the Commission has been reduced from 15 members to ten members. The Commission must submit its written findings and recommendations to the Governor and the 2004 Session of

the General Assembly. This resolution is a recommendation of the Commission on Access and Diversity in Higher Education.

Patron - Jones, J.C.

[P]HJ201 Bail bondsmen. Directs the Virginia State Crime Commission to study certain issues pertaining to bail bondsmen, bounty hunters, and bond payment to the court. In conducting the study, the Commission shall (i) determine the need for regulation, training and oversight of bail bondsmen and bounty hunters; (ii) examine the feasibility and methods of providing for a percentage of bond payment to the court; and (iii) determine whether the certification and supervision of bail bondsmen and bounty hunters should be transferred from the judicial branch to the executive branch of state government. The Commission shall, at a minimum, solicit input and assistance from representatives of the Department of Criminal Justice Services, the Office of the Executive Secretary of the Supreme Court, and local pretrial services agencies. The Commission must report its findings and recommendations to the Governor and the 2003 Session of the General Assembly. This resolution incorporates HJR 62, HJR 63, and HJR 93.

Patron - Melvin

[P]HJ202 State water policies. Directs the State Water Commission to conduct a two-year study of the effectiveness of the Commonwealth's water policies. In conducting the study, the State Water Commission shall examine (i) Virginia's current water laws and policies; (ii) the adequacy of such laws and policies in providing adequate water supplies; (iii) the role the state should play in data collection, water supply planning, water allocation, dispute resolution, and water development; and (iv) the role of the state in watershed planning to provide quality raw water, both surface and groundwater, for water supplies. The Commission must report its written findings and recommendations to the Governor and the 2004 Session of the General Assembly.

Patron - Landes

[P]HJ206 Commercialization of intellectual property; Seed capital and angel investor. Requests the Secretary of Technology, in conjunction with the Secretary of Commerce and Trade, to establish a task force to study best practices for assisting the development of technology-based businesses that will produce jobs and other economic benefits throughout the Commonwealth. The task force shall (i) focus on best practices designed to assist in the development of a business environment and infrastructure conducive to the discovery and commercialization of new technologies and the development and growth of technology-based businesses throughout the Commonwealth; (ii) review existing initiatives in other states, including best practices being defined and followed in those states; (iii) seek the voluntary participation of representatives of the House of Delegates and Senate of Virginia, Virginia-based technology businesses, Virginia-based investors, and Virginia's institutions of higher education; and (iv) submit periodic progress reports to the Joint Commission on Technology and Science (JCOTS) and a final progress report in time for JCOTS to finalize its legislative recommendations for the 2003 Session of the General Assembly. The task force must submit its written findings and recommendations to the Governor and the 2003 Session of the General Assembly.

Patron - Nixon

[P]HJ209 Local taxation of the entire telecommunications industry and its customers. Establishes a joint subcommittee to study the local taxes imposed on the entire telecommunications industry and its customers within the Commonwealth. The joint subcommittee shall examine local taxes imposed on the telecommunications industry to ensure that the taxes imposed on this complex industry are fair and

equitable to all elements of the telecommunications industry, and its customers, and are relatively easy to administer and collect. The joint subcommittee must submit its written findings and recommendations no later than August 1, 2002, to the joint subcommittee established to study and revise Virginia's state tax code, and to the Governor and the 2003 Session of the General Assembly.

Patron - Bryant

[P]HJ210 Future of the Chesapeake Bay Bridge Tunnel. Requests the Joint Legislative Audit and Review Commission to study the future of the Chesapeake Bay Bridge Tunnel. In conducting its study, the Joint Legislative Audit and Review Commission shall examine the findings of all recent studies relative to the Chesapeake Bay Bridge and Tunnel and issue recommendations regarding the appropriate state role in determining the future of the CBBT. In its examination, the Commission shall pay attention to the: (i) appropriate role for the CBBT in the economic growth and development generally in the Commonwealth and especially on the Eastern Shore; (ii) appropriate toll structure to ensure proper maintenance, sustain CBBT operations, meet debt obligations, and plan for needed capital improvements; and (iii) efficiency and efficacy of overall Commission management policy, practices, salary structure, and operations.

Patron - Bloxom

[P]HJ211 Implementation of recommendations of the Joint Legislative Audit and Review Commission (JLARC) on aspects of Virginia's transportation programs. Establishes a joint subcommittee to study the implementation of recommendations of the Joint Legislative Audit and Review Commission on aspects of Virginia's transportation programs, and the efficacy of transferring certain responsibilities of the Virginia Department of Transportation and local governments. In conducting the study, the joint subcommittee shall also determine (i) the level of responsibility that the Department of Transportation should bear for the maintenance of roads in private developments; (ii) the desirability and feasibility of shifting the primary responsibility for mass transit programs in Northern Virginia from local governments to the Department of Transportation; and (iii) the desirability and feasibility of shifting the primary responsibility for construction and maintenance of secondary roads from the Department of Transportation to local governments. The work of the joint subcommittee shall be assisted by a technical advisory committee, appointed by the chairman, to address the highway classification and allocation recommendations made by JLARC. The technical advisory committee shall include, but not be limited to, representatives of the Virginia Department of Transportation (VDOT); a representative of the Virginia Department of Rail and Public Transportation; staff to the Commonwealth's metropolitan planning organizations; local government representatives having experience with the transportation needs of rural, suburban, and urban areas; representatives of AAA of Virginia, the highway construction industry, and environmental organizations; and interested citizens. Members of the Technical Advisory Committee shall serve without compensation and voting privileges. The joint subcommittee must report its written findings and recommendations to the Governor and the 2004 Session of the General Assembly. This resolution incorporates HJR 97.

Patron - Callahan

[P]HJ215 Sentencing of misdemeanor crimes. Directs the Virginia State Crime Commission to study the sentencing of misdemeanor crimes. The Commission shall give particular attention to (i) the sentences imposed by judges and juries in misdemeanor cases; (ii) the length of time actually served by defendants given jail sentences; and (iii) any differences that

result from variations based on the type of jail authority (single county or regional) and geographical location. The Commission must report its written findings and recommendations to the Governor and the 2003 Session of the General Assembly.

Patron - Bell

[P]HJ219 Medicaid Buy-In program. Requests the Department of Medical Assistance Services, in collaboration with the Department of Rehabilitative Services and the Department for Rights of Virginians with Disabilities, or its successor in interest, to proceed with the development of Medicaid Buy-In opportunity for working Virginians with disabilities. In developing the opportunity, the Department of Medical Assistance Services must utilize the Medicaid Infrastructure grant to identify the steps needed to implement an effective Medicaid Buy-In Program for Virginia, with the goal of utilizing data to develop initial legislation and budgetary recommendations that will be necessary to implement the Buy-In. The Department must report its written findings and recommendations to the Governor and the 2003 Session of the General Assembly. This resolution is a recommendation of the Disability Commission and is identical to SJR 128.

Patron - Van Landingham

[P]HJ236 Housing for persons with disabilities. Encourages the Virginia Disability Commission to make the identification of improved housing opportunities for citizens with disabilities its top priority for the 2002-2003 interim session and to facilitate collaboration among stakeholders to develop recommendations for strengthening intergovernmental and interagency coordination of housing programs for people with disabilities. The Commission is requested to expand its work group to include the participation and involvement of all federal, state, local and community agencies, organizations and individuals concerned about housing for people with disabilities. In addition, the Commission and its work group are encouraged to develop a Housing Action Plan that (i) identifies the mission, composition, responsibilities, and funding for an intergovernmental, interagency coordinating body on housing and disability issues; (ii) identifies actionable strategies consistent with the mission and responsibilities of state housing agencies for the maximizing use of Section 8 programs and other federal housing and housing production programs for individuals with disabilities in Virginia; and (iii) develops a system of incentives and rewards for building accessible housing. The Commission is also encouraged to make use of existing research and presentation opportunities, including the annual state housing conference, to bring about optimal statewide attention to the housing needs of people with disabilities and available federal opportunities. This resolution is identical to HJR 251.

Patron - Van Landingham

[P]HJ255 Conservation of open space. Requests the Secretary of Natural Resources to examine options for providing a stable source of funding for conservation of open space, including options for additional grant support and public-private partnerships, and other issues as may seem appropriate regarding land conservation. This resolution is identical to SJR 159.

Patron - Bryant

[P]SJ33 Relocation of state government functions. Requests the Secure Virginia Panel, pursuant to Executive Order 7 (2002), to study the feasibility of relocating state government functions and agencies to enhance safety and security. In conducting the study, the Secure Virginia Panel shall examine state facilities and operations to determine which facilities and operations may be relocated based on the following factors: (i) enhancement to safety and security, (ii) disruption in

state services that may be caused by relocation, (iii) potential relocation costs, and (iv) potential economic impact of relocation.

Patron - Marye

[P]SJ35 Virginia-North Carolina Interstate High-Speed Rail Commission. Extends the mandate of the Virginia-North Carolina Interstate High-Speed Rail Commission for two additional years, with a final report to the Governor and the 2005 Session of the General Assembly. The Virginia delegation to the joint panel consists of eight members, four members of the Senate and four members of the House of Delegates.

Patron - Watkins

[P]SJ43 Indigent defense commission. Directs the Virginia State Crime Commission to establish an indigent defense study committee to study and examine whether the establishment of a statewide indigent defense commission would improve the quality and efficiency of the Commonwealth's indigent defense services. The Commission must submit its report to the Governor and the 2003 Session of the General Assembly. This resolution is identical to HJR 94.

Patron - Stolle

[P]SJ45 Regulatory responsibilities, policies, and activities of the State Corporation Commission. Continues the joint subcommittee to study the regulatory responsibilities, policies, and activities of the State Corporation Commission. The joint subcommittee shall complete its objectives pursuant to Senate Joint Resolution 173 (2000) and House Joint Resolution 187 (2000). The joint subcommittee must submit its report to the Governor and the 2003 Session of the General Assembly.

Patron - Norment

[P]SJ57 Commission on Educational Accountability. Continues the Commission on Educational Accountability. Initially created in 1999 pursuant to SJR 498 and continued in 2000 pursuant to SJR 385, the Commission examined recent legislative actions addressing multiple criteria for school accreditation, graduation, and promotion and retention; the effectiveness of remediation efforts and year-round schools; test security procedures; the efforts of academic review teams in assisting schools accredited with warning; and recent developments in career and technical education in 2001. Senate Joint Resolution 13, which provided for an examination of the feasibility and appropriateness of providing universal, voluntary education for four-year olds, and Senate Joint Resolution 75, which proposed a study regarding the recruitment and retention of classroom teachers, were informally forwarded to the Commission on Educational Accountability. The Commission is to report to the Governor and the 2003 Session of the General Assembly.

Patron - Hanger

[P]SJ58 Commission on reform of educational leadership. Creates a 21-member commission to review, study and reform educational leadership. In conducting its study, the commission shall, among other things, (i) evaluate the policy environment for educational leadership; (ii) propose necessary statutory amendments or changes based on research, surveys, analysis and review of pertinent laws, guidelines, policies, regulations and practices; (iii) communicate regularly to the Board of Education any relevant findings with recommendations for needed regulatory action; and (iv) provide a forum for educational leaders to report to the commission the challenges and the effect of their work. This resolution is identical to HJR 20. The Commission must submit an interim report to the Governor and the 2003 Session of the General Assembly. The Com-

mission's final report must be submitted to the Governor and the 2004 Session of the General Assembly.

Patron - Hanger

[P]SJ64 Transit service for the U.S. 1 corridor. Encourages the Department of Rail and Public Transportation to work towards the development of a U.S. Route 1 Corridor Transit Plan. Specifically, the Department is requested to work with VDOT, Fairfax County, Prince William County, the Washington Metropolitan Area Transit Authority, the Northern Virginia Transportation Commission, the Potomac and Rappahannock Transportation Commission, the Ft. Belvoir Army Base, and the Quantico Marine Corps Base, towards developing a plan for short- and long-term transit improvements in the Route 1 Corridor, including advanced traffic signal technologies, and specific implementation timetables and funding options.

Patron - Puller

[P]SJ66 Lead-poisoning prevention. Continues the Joint Subcommittee Studying Lead-Poisoning Prevention. The joint subcommittee is directed to (i) continue working on a blueprint for consumers regarding lead programs; (ii) stimulate the development of a needed secure system for patient data sharing between relevant state agencies in order to ameliorate concerns about compliance with certain new federal regulations; and (iii) provide written support for the state grant application efforts, as appropriate. The joint subcommittee must submit its report to the Governor and the 2003 Session of the General Assembly.

Patron - Lambert

[P]SJ69 Special conservators of the peace and special police. Directs the Virginia State Crime Commission to study special conservators of the peace and special police. The study shall include, but not be limited to, (i) the chronicity and rationale for current appointments of conservators and special police officers statewide, (ii) training needs of appointees to ensure understanding of constitutional and criminal law, (iii) proper search and seizure techniques, (iv) proper manner of executing arrest, and (v) personal safety concerns and issues when exercising conservator powers.

Patron - Norment

[P]SJ77 Services provided by out-of-network health care providers in certain Virginia localities. Requests the Department of Human Resource Management and the Secretary of Administration to study issues relating to services provided by out-of-network health care providers in certain localities. This resolution calls for an examination of (i) the availability of participating specialty physician and hospital care in rural or sparsely populated areas of the Commonwealth that are located on or near the state line; (ii) ways to resolve patients' financial concerns about accessing available specialty physician and hospital care, particularly, in rural Virginia areas with shortages of health care providers and in state-line jurisdictions; (iii) the feasibility of providing an exception from the pre-approval rule for special circumstances that do not rise to the level of a life-threatening emergency but are exigent medical necessities for patients living in localities near the state line; (iv) the feasibility of contracting with out-of-state physicians and hospitals that are located in close proximity to the Virginia state line; (v) the possibility of providing a grace period for pre-approval of out-of-network care in state-line jurisdictions under specific circumstances; and (vi) ways to improve patient knowledge and understanding of the out-of-network penalty and when it applies and physician awareness of the need for pre-approval for out-of-network care in terms of reimbursement levels. The Department and the Secretary must

submit their report to the Governor and the 2003 Session of the General Assembly.

Patron - Puckett

[P]SJ80 Personal Electric Rapid Transit System technology. Requests the Secretary of Transportation to study the use of Personal Electric Rapid Transit System Technology (PERTS). In conducting the study, the Secretary shall determine the desirability and feasibility of establishing (PERTS) technology, currently housed at Virginia Polytechnic Institute and State University, in an effort to decrease Virginia's highway traffic volumes through shifting occupants to the passenger rail or transit. The Secretary must submit his report to the Governor and the 2003 Session of the General Assembly.

Patron - Edwards

[P]SJ82 Private sector sponsorship funds on government websites. Requests the Secretary of Technology, in consultation with the Joint Commission on Technology and Science, to study and develop guidelines for the use of private sector sponsorship funds on government websites. The Secretary of Technology must submit his report to the Governor and the 2003 Session of the General Assembly.

Patron - Newman

[P]SJ85 Paradise Creek. Requests the Department of Conservation and Recreation to study future land use along Paradise Creek and to recommend ways the Commonwealth might participate in the development of a public park, a recreational area, and a wildlife preserve. The Department must submit its report to the Governor and the 2003 Session of the General Assembly.

Patron - Quayle

[P]SJ87 State funding formula for educational technology and technology support personnel. Directs the Joint Legislative Audit and Review Commission to recommend a state funding formula for educational technology and technology support personnel. In conducting this study, the Joint Legislative Audit and Review Commission shall (i) seek to place few restrictions on local school divisions except that they adhere to their locally developed technology plans; (ii) examine the possibility of expanding the high school technology resource assistant initiative to include elementary, middle, and adult education schools, (iii) recognize the state share of the costs of support staff required to maintain equipment in schools that is necessary to meet the requirements of the Standards of Quality, other state law, or the Board of Education's regulations; (iv) evaluate the feasibility of support for teacher training, including the development of an online instructional and testing program to facilitate the achievement of technological competencies and assess such proficiencies; and (v) examine the integration of the technology replacement program into such formula. In addition, the Joint Legislative Audit and Review Commission is requested to study ways to enhance the use of federal assistance for educational technology, such as continuation of the E-rate program and the implementation of state tax credits for businesses that contribute technology resources to schools. The Commission must submit its report to the Governor and the 2004 Session of the General Assembly.

Patron - Puller

[P]SJ91 Shipbuilding industry. Continues the Joint Subcommittee Studying Economic Incentives to Promote the Growth and Competitiveness of Virginia's Shipbuilding Industry. The joint subcommittee shall continue to examine (i) the development of a water treatment process that consistently meets Virginia's 50 parts per trillion TBT discharge standard, (ii) additional methods for providing better training to and reducing turnover among shipyard workers, and (iii) promotion

of Norfolk's piers as an original point of departure for cruise ships as a means of developing new business for Virginia's shipyard companies. The joint subcommittee must submit its written report to the Governor and the 2003 Session of the General Assembly. This resolution is identical to HJR 69.

Patron - Norment

[P]SJ94 Hospital Bed Shortage for Mental Health Treatment. Directs the Joint Commission on Behavioral Health Care, in conjunction with the Joint Commission on Health Care, or their successors in interest, to study and recommend long-term solutions to the shortage of inpatient psychiatric beds and the adequacy of access to outpatient mental health treatment. The Commissions must submit their report to the Governor and the 2003 Session of the General Assembly.

Patron - Martin

[P]SJ97 Certain mental health needs, training, and treatment issues and information or action by certain Secretaries and state agencies. Continues the study of certain mental health needs, training, and treatment issues, and requests certain Secretaries and state agencies to provide information or commence specific action related to such issues. The Secretariats and state agencies are requested to undertake studies or perform certain actions relating to (i) the evaluation of the effectiveness of treatment services provided to and needed by state responsible offenders, (ii) access to medications and the management of medications for released offenders, (iii) cross-training of law-enforcement officers, judges, jail and detention home staff, and community mental health treatment staff in security and treatment services, (iv) the development of a model court order that addresses mental health services, (v) ways to communicate information to offenders about innovative practices among providers of mental health and substance abuse treatment services, (vi) the accessibility to Medicaid benefits by eligible offenders immediately upon their release, (vii) the design and implementation of uniform mental health screening instrument for juvenile offenders admitted to secure detention facilities and the feasibility of implementing a uniform screening and interview process for pre-dispositional investigations. The resolution is the recommendation of the Committee Studying Treatment Options for Offenders with Mental Illness or Substance Abuse Disorders (SJR 440, 2001). The Joint Commission on Behavioral Health Care and the Virginia Commission on Youth, or their successors, must submit their report to the Governor and the 2004 Session of the General Assembly. This resolution incorporates SJR 83, SJR 84, SJR 95, SJR 96, SJR 100, and SJR 101, as amended, and is identical to HJR 142.

Patron - Martin

[P]SJ108 Suicide prevention. Directs the Joint Commission on Behavioral Health Care, or its successor in interest, in cooperation with the Department of Mental Health, Mental Retardation and Substance Abuse Services and the State Health Department, to develop a plan and strategy for suicide prevention in the Commonwealth. The Commission, or its successor in interest, must submit its report to the Governor and the 2003 Session of the General Assembly.

Patron - Mims

[P]SJ110 Driver education programs. Requests the Department of Motor Vehicles, with the assistance of the Superintendent of Public Instruction, to study the adequacy of driver education programs available to youthful drivers. The study shall include, but not be limited to, an examination of the desirability and feasibility of incorporating driving simulators and related technologies into the driver training curricula of in-school programs and commercial driver training schools. The

Department must report to the Governor and the 2003 Session of the General Assembly.

Patron - Mims

[P]SJ111 Housing issues. Directs the Virginia Housing Study Commission, with the assistance of the Virginia Housing Development Authority and the Virginia Department of Housing and Community Development, to study certain housing issues. Specifically, the Commission will examine (i) strategies for increasing homeownership opportunities in the Commonwealth among minorities and new immigrants, (ii) the desirability and feasibility of reimbursement of certain litigation-related expenses in certain condemnation cases, (iii) the feasibility and appropriateness of requiring warranties or some form of insurance on new building products introduced into the housing construction market, and (iv) enforcement of fair housing laws and regulations in Virginia. The Commission must report to the Governor and the 2003 Session of the General Assembly.

Patron - Mims

[P]SJ116 Electricity generation facilities. Continues the study by the Legislative Transition Task Force, established under the Virginia Electric Utility Restructuring Act, concerning the procedures applicable to the construction of new electric generation facilities within the Commonwealth. The scope of the study will include an examination of the effects of emissions credit trading on the statewide cap on nitrous oxide emissions. The Task Force is directed to report its findings and recommendations to the Governor and the 2003 Session of the General Assembly.

Patron - Norment

[P]SJ117 Future of Virginia's Environment. Continues the Commission Studying the Future of Virginia's Environment. The Commission is directed to continue to monitor the implementation of its recommendations and create opportunities for the members of the Commission to become educated on environmental issues that may require legislative action. The Commission must submit its written findings and recommendations to the Governor and the 2003 Session of the General Assembly. This resolution is identical to HJR 118.

Patron - Bolling

[P]SJ120 Standards of Quality. Requests the Board of Education to revise the Standards of Quality to ensure that these statutory standards are realistic vis-a-vis the Commonwealth's current educational needs and practices. The Board is requested to (i) examine the organization and details of the Standards of Quality in relation to other statutory law governing public education in Virginia, the Commonwealth's Appropriation Act, and the Board's regulations on school accreditation, (ii) identify current provisions of the Standards of Quality that would be more appropriately included in other law or regulation and vice versa; (iii) prescribe provisions that more accurately reflect the efforts of Virginia's school divisions; and (iv) identify any funding provided outside the Standards of Quality framework that might be used to provide part or all of the funding to support any such revised provisions. The Board must report its findings and recommendations to the Governor and the 2003 Session of the General Assembly.

Patron - Marye

[P]SJ128 Medicaid Buy-In opportunity. Requests the Department of Medical Assistance Services, in collaboration with the Department of Rehabilitative Services and the Department for the Rights of Virginians with Disabilities, or its successor in interest, to proceed with the development of Medicaid Buy-In opportunity for working Virginians with disabilities. Prior to implementation of a program, the Department

of Medical Assistance Services is requested to conduct certain research, including surveying potential recipients, delineating financing for the program, and assessing the cost-effectiveness, availability of funding, and economic benefits. The Department of Medical Assistance Services must submit its report to the Governor and the 2003 Session of the General Assembly. This resolution is identical to HJR 219.

Patron - Puller

Failed

[F]HJ14 Legislative Support Commission. Directs the Legislative Support Commission and other members from certain standing committees of the General Assembly to examine the educational activities, including Capitol tours, that take place in and around the Capitol for school groups, individual students, seniors, and other visitors.

Patron - Hamilton

[F]HJ15 Effect of terrorist attacks on insurance industry. Requests the Bureau of Insurance of the State Corporation Commission to study the effects of the events of September 11 and other terrorist acts on consumers, producers, and underwriters of insurance in the Commonwealth. The study is required to address the effect of the September 11 tragedies upon the cost and availability of various types of insurance in the Commonwealth and on the ability of Virginia insurers and self-insurers, including governmental entities, to obtain reinsurance for risks. It is also to address the ability of the existing insurance guaranty associations to address insurer insolvencies triggered by terrorist attacks, the likelihood that property and casualty insurance policies issued in Virginia will continue to provide coverage for losses resulting from terrorist acts, proposals pending in Congress that would provide for federal involvement in the reinsurance of risks associated with terrorist attacks, and the extent to which property and casualty insurance policies issued in Virginia should be required to insure against damage caused by terrorist acts.

Patron - Purkey

[F]HJ30 Effects on school enrollment of school vouchers and tuition tax credits and deductions. Establishes a 10-member joint subcommittee to study the effects of school vouchers and tuition tax credits and deductions on school enrollment. The joint subcommittee is authorized to accept contributions from any organization or individual in order to contract with a public entity to conduct a survey of parents, students, and, as necessary, other persons, across the Commonwealth to determine the potential effects of school vouchers and tuition tax credits and deductions on school enrollment.

Patron - Marshall, R.G.

[F]HJ43 Delivery of emergency medical services and emergency mental health services in the public schools of the Commonwealth. Directs the Joint Commission on Health Care to study emergency medical and mental health services in public schools. This bill directs attention to the components of the school crisis and emergency management plans to prevent, manage, and respond to critical events or emergencies in light of the present heightened sense of security and vulnerability. The bill also notes that the numbers and severity of school children's special health care needs have increased, including asthma, diabetes, technological dependence, behavioral and emotional disturbance, and other serious medical and mental health needs. The Joint Commission is directed to (i) review the delivery of emergency medical services and emergency mental health services in the public schools; (ii) evaluate the evolving need for nursing and mental health care in the public schools; (iii) evaluate the staffing patterns for school health

providers, particularly school nurses and school psychologists; (iv) recommend the staffing patterns needed to result in the greatest benefits to and improvements in the physical and mental health of Virginia's school children; and (v) estimate the cost to the Commonwealth and the localities of any new staffing patterns.

Patron - O'Bannon

[F]HJ45 Arsenic risks associated with certain pressure-treated wood. Requests the Board and Commissioner of Health to study the arsenic risks associated with wood treated with chromated copper arsenate (CCA), a pesticide. Many of the nation's outdoor wood structures are composed of CCA-treated wood; for example, decks, park benches, picnic tables, school and park playscapes, stadium bleachers, treehouses, boat decks, gazebos, and boardwalks. Recent studies indicate that the arsenic containing pesticide leaches out of the wood over time and weather exposure and that residue remains on the structure and contaminates the nearby soil. When CCA-treated wood is sawed or burned, arsenic is released and the risk of poisoning is enhanced. The symptoms of acute arsenic poisoning which can result in coma, convulsions, and death are known; however, as this resolution describes, there is an increased risk of cancer from low-dose, long-term exposure to arsenic. The Board and Commissioner of Health are directed to (i) examine the available studies relating to the arsenic risks from CCA-treated wood and other states' activities to prevent these risks; (ii) assess the arsenic risks from CCA-treated wood in the Commonwealth, e.g., from residue, burning, sawing, or otherwise; (iii) determine feasible and effective ways to publicize the safe handling of CCA-treated wood to minimize the arsenic risks; (iv) evaluate ways to inform the public about the long-term benefits of purchasing and building with products that do not contain arsenic; and (v) consider the efficacy of adding arsenic poisoning to the list of reportable diseases which, as authorized by § 32.1-35, may include exposure to toxic substances.

Patron - O'Bannon

[F]HJ46 Appointive powers of the Governor. Establishes a commission to examine the appointive powers of the Governor. The commission shall examine (i) the government as presently structured, (ii) the appointive and removal power of the Governor for each board, commission, council, or other governmental entity, (iii) the number of staggered terms versus the number of uniform terms, (iv) the average length of service of members appointed, (v) the confirmation process of the General Assembly, (vi) the appointive and removal power of the governor and the confirmation process in other states, and (vii) any other aspect of the appointive or confirmation process that would assist the commission in determining the proper balance of the executive prerogative. This resolution is incorporated into HJR 197.

Patron - Purkey

[F]HJ47 Study: Qualifications of boards of visitors. Creates a six-member joint subcommittee to study the feasibility and appropriateness of developing guidelines for appointments and terms for the governing boards of the Commonwealth's public institutions of higher education. In conducting the study, the joint subcommittee shall consider, among other things, appointment and term requirements for boards of visitors in other states; current training efforts for boards of visitors in the Commonwealth and other states; the recommendations of the Governor's Blue Ribbon Commission on Higher Education; and such other issues as it deems necessary. The joint subcommittee is to submit its written findings and recommendations to the Governor and the 2003 Session of the General Assembly.

Patron - Purkey

FHJ49 Virginia Retirement System. Creates the Joint Subcommittee Studying the Virginia Retirement System. The joint subcommittee shall examine, in addition to such other issues it deems advisable, (i) the present benefit structure of the Virginia Retirement System; (ii) whether the benefits provided are competitive with other public and private sector entities; and (iii) whether members are prepared for retirement by ensuring that there is a basic understanding of benefits by members for retirement financial planning purposes.

Patron - Putney

FHJ51 Community health. Requests the Joint Commission on Health Care, in consultation with other stakeholders, to develop a plan for implementing a community-based health improvement initiative to enhance the health of Virginians.

Patron - Broman

FHJ59 Employment discrimination based on genetic information. Establishes a joint subcommittee to study employment discrimination based on genetic information. The joint subcommittee shall consider (i) the extent to which existing federal laws protect employees from employment discrimination based on genetic information; (ii) whether other states have enacted legislation to address employment discrimination based on genetic information; (iii) the extent to which employment discrimination based on genetic information occurs within the Commonwealth; and (iv) the impact of anti-discrimination legislation on employment practices and costs within the Commonwealth.

Patron - O'Bannon

FHJ61 Conflict of Interests Act. Establishes a joint subcommittee to examine the State and Local Government Conflict of Interests Act. In conducting its study, the joint subcommittee shall examine (i) the definitions of "personal interest in a transaction" and "personal interest in a contract", (ii) requirements for filing disclosure statements, (iii) rules regarding the disqualification of officials and employees from participating in a transaction when a conflict exists, and (iv) any other provision of the Act that needs clarification or revision to effectuate the original intent of the conflict laws. This resolution is incorporated into HJR 31.

Patron - McDonnell

FHJ62 Bail bond procedures. Directs the Crime Commission to conduct a study examining the feasibility of and methods of providing for a percentage bond payment to the court. This resolution is incorporated into HJR 201.

Patron - Howell

FHJ64 Study; persons with disabilities. Requests the Secretary of Health and Human Resources to convene a task force to develop a plan for persons with disabilities to implement the recommendations of the Olmstead decision. In the Olmstead decision, the United States Supreme Court ruled that the unnecessary segregation of individuals with disabilities in institutions may constitute discrimination based on disability, and that states may be required to provide community-based services rather than institutional placements for these individuals.

Patron - Hamilton

FHJ66 Sheriffs' staffing standards. Creates a joint subcommittee to study staffing standards for sheriffs' departments. This resolution incorporates HJR 220.

Patron - Cosgrove

FHJ67 Establishment of Battle of Great Bridge State Park. Requests the Department of Conservation and Recreation to study the feasibility of establishing a Battle of Great Bridge State Park. In conducting the study, the Department should determine the historical and cultural significance of the battlefield area, identify available funding sources for its preservation, evaluate the costs of establishing a state park at the location, and examine similar landmarks and parks to determine the most appropriate means for preserving the Battle of Great Bridge area.

Patron - Cosgrove

FHJ69 Shipbuilding industry. Continues the Joint Subcommittee Studying Economic Incentives to Promote the Growth and Competitiveness of Virginia's Shipbuilding Industry. The joint subcommittee shall continue to examine (i) development of a water treatment process that consistently meets Virginia's 50 parts per trillion TBT discharge standard, (ii) additional methods for providing better training to and reducing turnover among shipyard workers, and (iii) promotion of Norfolk's piers as an original point of departure for cruise ships as a means of developing new business for Virginia's shipyard companies. The joint subcommittee must submit its written report to the Governor and the 2003 Session of the General Assembly. This resolution was identical to SJR 91, as introduced.

Patron - Wardrup

FHJ70 Commissioners in chancery; commissioners of accounts. Establishes a joint subcommittee to study the powers, duties, and fees of commissioners of accounts and commissioners in chancery. This resolution is incorporated into HJR 75.

Patron - Wardrup

FHJ72 Confidentiality of juvenile records. Directs the Virginia Commission on Youth to study the need for consistency in state laws governing the collection, dissemination, and disclosure of confidential juvenile records. In conducting its study, the Commission shall (i) identify and review current mandatory state and federal privacy, confidentiality, and disclosure laws; (ii) determine the circumstances under which disclosure laws supersede confidentiality laws; (iii) identify inconsistencies in state laws governing privacy, collection, dissemination, and disclosure of confidential juvenile records information; (iv) recommend appropriate and feasible changes to the Code of Virginia to clarify conflicts in state laws, while maintaining compliance with federal laws and regulations governing such areas; and (v) evaluate the need for standardized guidelines that protect the confidentiality of juvenile records during information sharing, while facilitating access to juvenile records by authorized persons and state and local agencies. The Virginia Commission on Youth must submit its written report to the Governor and the 2003 Session of the General Assembly.

Patron - Hamilton

FHJ74 Needs of youth. Requests the Virginia Commission on Youth to identify all current state-funded initiatives that attempt to address the needs of our youth to enable them to become productive citizens and provide guidance on how to facilitate the coordination of existing services and programs, analyze the effectiveness of current efforts, and promote identification and implementation of successful initiatives.

Patron - McQuigg

FHJ75 Appointments by circuit courts. Establishes a joint subcommittee to study circuit courts' powers of appointment, and the powers, duties, and fees of commissioners of accounts and commissioners in chancery. In conducting the

study, the joint subcommittee shall (i) prepare a comprehensive list of positions appointed by circuit court judges under various conditions and circumstances; (ii) determine whether circuit courts' appointive powers are appropriate for the judiciary and whether such appointive powers would be more appropriately the responsibility of another branch of government, such as the General Assembly or Governor; (iii) identify the potential conflicts of interest posed by such judicial appointments, and determine whether some judicial appointments are necessary; (iv) examine the role and duties of commissioners of accounts and commissioners in chancery throughout the Commonwealth; (v) assess the need for consistency in the duties of commissioners of accounts and in the duties of commissioners in chancery in the state; and (vi) ascertain the need for commissioners of accounts and commissioners in chancery, determine which powers can be appropriately delegated to them, review the fee structure for the services that they provide, and consider whether parameters should be established on the powers and duties that they perform. This resolution incorporates HJR 70.

Patron - Janis

FHJ84 Effectiveness of mental health and substance abuse treatment services for offenders. Requests the Secretary of Public Safety, in conjunction with the Secretary of Health and Human Resources and the Secretary of Administration, to develop a plan, including the estimated cost, for the collection of data on treatment services provided to and needed by state responsible offenders and for the evaluation of the effectiveness of treatment services. This study is a recommendation of the Committee Studying Treatment Options for Offenders with Mental Illness or Substance Abuse Disorders (SJR 440, 2001). This resolution is incorporated into HJR 142.

Patron - Albo

FHJ86 Faculty tenure practices. Requests the Joint Legislative Audit and Review Commission (JLARC) to study tenure practices at the Commonwealth's colleges and universities. In conducting the study, the Commission shall consider, among other things, the effect of tenure practices on college and university faculty productivity and on the quality of instruction and programming for undergraduates, any tenure studies conducted by the State Council of Higher Education, the ongoing implementation of post-tenure review in Virginia, tenure practices in other states' colleges and universities, the recommendations of the Governor's Blue Ribbon Commission on Higher Education, and related issues as the Commission deems appropriate.

Patron - Hargrove

FHJ87 Women-owned businesses. Requests JLARC to study the effectiveness of the Virginia Women's Business Advocate and the Women's Business Enterprise Programs in helping to eliminate barriers to the formation, financing, operation and growth of women-owned businesses within Virginia.

Patron - Baskerville

FHJ93 Bail bondsman. Directs the Virginia State Crime Commission to study the need for regulation, training and oversight of bail bondsman. This resolution is incorporated into HJR 20.

Patron - Howell

FHJ97 Responsibilities of the Department of Transportation and local governments for maintenance of roads in private developments, mass transit, and maintenance and construction of secondary roads. Creates an eight-member joint subcommittee to study (i) what level of responsibility the Department of Transportation should bear for the maintenance of roads in private developments and (ii) the desirability and feasibility of shifting the primary responsibility for mass

transit programs in Northern Virginia from local governments to the Department of Transportation and shifting from the Department of Transportation to local governments the primary responsibility for construction and maintenance of secondary roads. This resolution is incorporated into HJR 211.

Patron - O'Brien

FHJ98 Higher education reporting requirements. Requests the Joint Legislative Audit and Review Commission to examine the number, type, appropriateness, and use of reports required of the Commonwealth's public institutions of higher education. In conducting the study, the Commission shall consider, among other things, state-imposed reporting requirements in other states, federal reporting requirements, the recommendations of the Governor's Blue Ribbon Commission on Higher Education, and related issues as the Commission deems appropriate. The Commission shall complete its work no later than November 30, 2002, and shall submit its written findings and recommendations to the Governor and the 2003 Session of the General Assembly.

Patron - O'Brien

FHJ116 Mass transit. Establishes a joint subcommittee to study new approaches for moving people through mass transit and volunteer organizations. The subcommittee shall examine existing communications systems, how new and emerging technologies can be incorporated into those systems, how volunteer organizations can utilize such technology and the liability of volunteer organizations that offer transit services. It shall complete its work by November 30, 2002, and shall submit its written findings and recommendations to the Governor and the 2003 Session of the General Assembly.

Patron - Purkey

FHJ120 Mental health and substance abuse assessment and treatment services for juveniles. Requests the Department of Juvenile Justice, the Department of Mental Health, Mental Retardation and Substance Abuse Services, and the Department of Criminal Justice Services to examine opportunities to leverage non-general fund sources of funding to meet the need for mental health and substance abuse assessment and treatment services accessible to juveniles, including those in local detention homes.

Patron - Tata

FHJ121 Uniform mental health screening and assessment. Requests the Department of Juvenile Justice to design and implement a uniform mental health screening instrument and interview process for juvenile offenders identified by probation officers as needing a mental health screening. This initiative is a recommendation of the Committee Studying Treatment Options for Offenders with Mental Illness or Substance Abuse Disorders (SJR 440, 2001). This resolution is incorporated into SJR 97.

Patron - Tata

FHJ123 Reimbursement for behavioral evaluations. Requests the Special Advisory Commission on Mandated Health Insurance Benefits to examine and encourage continuing education of third party payers regarding adequate reimbursement for behavioral evaluations and ADHD and study the feasibility and appropriateness of expanding reimbursement for child evaluations to address an appropriate range of mental health services, including comprehensive assessment by clinical psychologists. In conducting the study, the Commission shall seek the input and expertise of child health and psychology professionals and shall address, among other things, the feasibility of providing reimbursements for child evaluative services without tying such reimbursement to a specific, final diagnosis. The Commission shall report its written findings

and recommendations to the Governor and the 2003 Session of the General Assembly. This bill is a recommendation of 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 Hyperactivity Disorder on Student Performance.

Patron - Tata

FHJ125 Independent boards and commissions. Directs the Joint Legislative Audit and Review Commission to study the operations, practices and duties of the state's independent boards and commissions. This resolution is incorporated into HJR 159.

Patron - Amundson

FHJ129 Prescription drugs. Establishes a joint subcommittee to study the feasibility of strengthening the Commonwealth's pharmacy purchasing power for state programs and using savings generated to create and fund a pharmacy benefits program for low-income and uninsured elderly persons. This resolution is incorporated into HJR 90.

Patron - Thomas

FHJ134 Direct entry midwives. Directs the Board of Health Professions to recommend to the General Assembly a regulatory system to establish the appropriate degree of regulation for direct entry midwives who primarily serve clients in out-patient settings.

Patron - Hamilton

FHJ136 Economic development programs that assist existing businesses within the Commonwealth. Creates a joint subcommittee to examine (i) what kinds of economic development programs currently exist that provide incentives to existing businesses within the Commonwealth, (ii) whether many existing businesses are leaving or contemplating leaving the Commonwealth and why; and (iii) what measures other states take, particularly those surrounding the Commonwealth, to retain their existing businesses and how successful the states are in such retention.

Patron - Purkey

FHJ137 Mistaken identity. Establishes a joint subcommittee to study mistaken identification in criminal cases.

Patron - Purkey

FHJ138 State police. Requests the Joint Legislative Audit and Review Commission to conduct an organizational and management review of the Virginia Department of State Police.

Patron - Cox

FHJ139 Consolidation of cities in South Hampton Roads. Establishes a joint subcommittee to study the feasibility of city consolidation in South Hampton Roads, including the Cities of Chesapeake, Norfolk, Portsmouth, Suffolk and Virginia Beach. In conducting its study, the joint subcommittee shall examine the feasibility of consolidating the Cities of Chesapeake, Norfolk, Portsmouth, Suffolk and Virginia Beach into a single city. The joint subcommittee shall examine other models whereby localities were consolidated into a single city that operates under the strong mayor/council form of government, and determine whether such a system, with a directly elected mayor, would be feasible in South Hampton Roads, to be phased in over a period of 10 to 20 years. The joint subcommittee shall further study the feasibility of permitting the consolidation of a particular city only upon a favorable vote by referendum in such city and the procedure by which the consolidation may go forward with fewer than five cities if the referendum was rejected in one or more cities. The joint

subcommittee shall examine the feasibility of allowing the constitutional officers of each of the consolidating cities to retain their individual positions during an interim period of time or until the retirement of such an officer and shall further explore an efficient method of eventually transferring the duties of such officers to a single office for the consolidated city. Other issues to be examined by the joint subcommittee shall include (i) the method by which the individual debts and obligations of the consolidating cities shall become the debts and obligations of the consolidated city; (ii) the feasibility of providing for oversight by an outside entity of new local debt of the consolidating cities during the transition period between the time of voter approval of the consolidation and the actual consolidation; (iii) the means by which utility systems within the consolidating cities may be efficiently combined or coordinated so as to provide cost-effective and uninterrupted service to the region; (iv) the feasibility of phasing in a consolidated school system under the leadership of a single school board; and (v) whether an amendment to the Constitution of Virginia will be required in order to implement a proposed consolidation.

Patron - Joannou

FHJ140 Cross-training programs for criminal justice professionals and mental health providers. Requests the Department of Mental Health, Mental Retardation and Substance Abuse Services, in conjunction with the Office of the Executive Secretary of the Supreme Court, the Department of Criminal Justice Services and the Department of Juvenile Justice, to develop and make recommendations for implementing a curriculum for cross-training law enforcement officers, judges, jail and detention home staff, and community mental health treatment staff in security and treatment services. This study is the recommendation of the Committee Studying Treatment Options for Offenders with Mental Illness or Substance Abuse Disorders (SJR 440, 2001). This resolution is incorporated into HJR 142.

Patron - Weatherholtz

FHJ141 Access to medications and management of medications for offenders with mental illness. Requests the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services to examine ways to ensure access by offenders to appropriate medications and management of medications when they are released from state correctional facilities. This study is a recommendation of the Committee Studying Treatment Options for Offenders with Mental Illness or Substance Abuse Disorders (SJR 440, 2001). This resolution is incorporated into HJR 142.

Patron - Weatherholtz

FHJ147 Commission on reform of educational leadership. Creates a two-year, 27-member commission to review, study and reform educational leadership. In conducting its study, the commission shall, among other things, (i) evaluate the policy environment for educational leadership; (ii) propose necessary statutory amendments or changes based on research, surveys, analysis and review of pertinent laws, guidelines, policies, regulations and practices; (iii) communicate regularly to the Board of Education any relevant findings with recommendations for needed regulatory action; and (iv) provide a forum for educational leaders to report to the commission the challenges of, and impact on, their work. This resolution is incorporated into HJR 20.

Patron - Dillard

FHJ149 Sunday hunting ban. Requests the Department of Game and Inland Fisheries to study Virginia's Sunday hunting ban and determine whether such a ban is still appropri-

ate. The Department, in conducting its study, is directed to review other states' laws on Sunday hunting, including any pending legislation that would end or limit such bans. The Department is to complete the study by November 30, 2002, and submit written findings to the Governor and the 2003 Session of the General Assembly.

Patron - Marshall, R.G.

FHJ150 Taxation of farm lands. Requests the Department of Taxation, with the assistance of the Department of Agriculture and Consumer Services, to study the feasibility of replacing the current method of taxing real estate used for farming. In conducting the study, the Department is directed to review the current method for assessing taxes for farm real estate, and alternative methods for assessing taxes including the feasibility of replacing the current method with a tax on income produced by farms. This resolution is incorporated into HJR 60.

Patron - Marshall, R.G.

FHJ151 New home construction requirements to include wiring for certain telecommunications services. Requests the Department of Housing and Community Development to issue the written results of such a study to the 2003 Session of the General Assembly.

Patron - Marshall, R.G.

FHJ152 Continuation of health insurance coverage. Directs the Joint Commission on Health Care to study measures to facilitate continuation of health insurance coverage. In conducting its study, the Joint Commission on Health Care shall consider the feasibility of a program whereby an employer that provides a health insurance benefit to an employee may be required to pay the amount of the health insurance benefit to an employee who has elected COBRA continuation of coverage under his former employer's health insurance plan, particularly in cases where coverage has been provided for chronic health conditions.

Patron - Marshall, R.G.

FHJ153 Concentration of growth, development and revitalization in transit station areas. Establishes a joint subcommittee to study the concentration of growth, development and revitalization in transit station areas and along current and proposed rail lines and the means of overcoming obstacles to such growth, development and revitalization.

Patron - Marshall, R.G.

FHJ154 Governmental efficiency. Establishes a joint subcommittee to study and monitor all state agencies to ensure that they are operating as efficiently and cost-effectively as possible and that state agencies are eliminating unnecessary functions. This resolution is incorporated into HJR 159.

Patron - Marshall, R.G.

FHJ157 Commission on School Dropout Prevention. Establishes the Commission on School Dropout Prevention. In conducting its study, the Commission shall (i) review national and state data concerning school dropout and completion rates; (ii) consider school dropout prevention efforts of other states and other programs considered to be among the best practices to address the problem; (iii) evaluate the factors and issues associated with the problem of school dropout, including the effect of public policies, family violence and dysfunction, drug abuse, teen pregnancy and other health problems, suspensions and expulsions, teacher and parent expectations, school organization and structure, chronic absences, and economic exigency on school attendance and school completion rates; and (iv) such other issues as the Commission may deem appropriate. The Commission shall submit

its written report to the Governor and the 2003 Session of the General Assembly.

Patron - Hall

FHJ173 Indoor plumbing installation. Requesting the Virginia Department of Housing and Community Development, with assistance from the Virginia Housing Study Commission, to study the need for and make recommendations to foster the improvement of organizational infrastructure, outreach efforts, technical assistance, and construction services for indoor plumbing installation in the homes of those Virginians living without indoor plumbing.

Patron - Orrock

FHJ197 Appointive powers of the Governor. Establishes a commission to examine the appointive powers of the Governor. In conducting its study, the commission shall examine (i) the government as presently structured; (ii) the appointive and removal power of the Governor for each board, commission, council, or other governmental entity; (iii) the number of staggered terms versus the number of uniform terms; (iv) the average length of service of members appointed; (v) the confirmation process of the General Assembly; (vi) the appointive and removal power of the governor and the confirmation process in other states; and (vii) any other aspect of the appointive or confirmation process that would assist the commission in determining the proper balance of the executive prerogative. This resolution also provides that if the Governor fails to make one or more appointments by April 1, 2002, such appointments shall become vacancies to be appointed as follows: the Speaker of the House shall appoint to fill the first and third vacancies and the Senate Committee on Privileges and Elections shall appoint to fill the second and fourth vacancies. The commission must submit a report of its findings and recommendations to the Governor and the 2003 Session of the General Assembly. This resolution incorporates HJR 46.

Patron - Cole

FHJ204 Redistricting commission. Establishes a joint subcommittee to study the desirability of creating a Virginia Redistricting Commission.

Patron - Moran

FHJ212 Toll-free local calling. Requests the State Corporation Commission to study the feasibility of toll-free calling in areas within the political boundaries of localities.

Patron - Janis

FHJ220 Sheriffs' staffing standards. Creates a joint subcommittee to study staffing standards for sheriffs' departments. This resolution is incorporated into HJR 66.

Patron - Ingram

FHJ244 DMV evaluation. Requests the Joint Legislative Audit and Review Commission to study the Department of Motor Vehicles, including but not limited to the Department's costs and expenses, its staffing and budget, the desirability and feasibility of funding its operation from the General Fund rather than through a special fund, its fee structure and the services it provides or could provide on a no-fee basis, its information processing systems and on-line computer interface with its customers, and the possibility for increased efficiency of operation as the result of restructuring and/or decentralization of operations.

Patron - Phillips

FSJ2 Automobile title service agents. Requests the Department of Motor Vehicles to study the appropriateness and feasibility of regulating automobile title service agents and

requiring the use of private title service agents in transactions involving the transfer of vehicles titles.

Patron - Puller

[F]SJ13 Voluntary, universal preschool programs. Creates a legislative study committee to examine the feasibility and appropriateness of providing universal, voluntary education for four-year-olds in the public schools. The joint subcommittee shall consider, among other things, (i) the work and recommendations of the Commission on Early Childhood and Child Day Care Programs; (ii) the administration, implementation, and funding of the current program for at-risk four-year-olds; (iii) current participation levels by local school divisions; (iv) relevant federal laws and regulations relating to preschool education and development; and (v) other issues as it deems appropriate. The joint subcommittee shall complete its work by November 30, 2002, and submit its findings and recommendations to the Governor and the 2003 Session of the General Assembly. The Senate Rules Committee agreed to informally forward this resolution to the Commission on Educational Accountability for consideration during the 2002 interim session of the issues raised by the resolution.

Patron - Puller

[F]SJ32 Grandparents raising children. Establishes a joint subcommittee to examine the issue and problems associated with grandparents who take on the responsibility of raising their grandchildren rather than placing them in foster care.

Patron - Miller, Y.B.

[F]SJ36 Land takings. Establishes a joint subcommittee to study illegal and unethical land takings.

Patron - Miller, Y.B.

[F]SJ37 Redistricting and voting behavior. Directs the Division of Legislative Services, in consultation with the Center for Governmental Studies at the University of Virginia, Norfolk State University, Old Dominion University, and Virginia State University, to study the historical effect of redistricting on the voting behavior and candidate choice in the Commonwealth since the adoption of the 1902 Constitution. In conducting this study, the Division shall examine the history of (i) the redistricting process of Virginia, (ii) voter registration and turnout, (iii) voting trends, (iv) turnover rates and tenure of members, (v) demographics of voters and elected officials, and (vi) the competitiveness of districts. The Division shall review publications by academic researchers, state and local historians and archivists, teachers, and students on the redistricting process and its effects on voter behavior and candidate choice.

Patron - Miller, Y.B.

[F]SJ50 Licensing of public adjusters. Establishes a joint subcommittee to study the licensing of public adjusters. Public adjusters investigate, negotiate, and provide advice to insured persons in their first-party claims arising under real or personal property insurance policies.

Patron - Byrne

[F]SJ53 Commissioners in chancery; commissioners of accounts. Establishes a joint subcommittee to study the powers, duties, and fees of commissioners of accounts and commissioners in chancery. This resolution is identical to SJR 104 and HJR 70.

Patron - Hawkins

[F]SJ54 Criminal history records check requirements. Establishes a joint subcommittee to study criminal history records check requirements for volunteer and service providers

to vulnerable adults and children, with the goal of developing a uniform and consistent state policy in this area.

Patron - Ticer

[F]SJ62 Minority Certification Program. Establishes a joint subcommittee to study the elimination of duplicative effort and requirements within the minority certification program administered by the Department of Minority Business Enterprise (DMBE). In the study, the joint subcommittee shall (i) review the minority certification process administered by the Department of Minority Business Enterprise, (ii) review efforts taken by other state agencies relating to the minority certification process, and (iii) determine whether there is unnecessary duplication of effort in the process.

Patron - Hanger

[F]SJ71 Sheriffs' staffing standards. Creates a joint subcommittee to study staffing standards for sheriffs' departments. This resolution is identical to HJR 66 and HJR 220. The Senate Rules Committee agreed to informally forward this resolution to the Senate Finance Subcommittee on Public Safety for consideration during the 2002 interim session of the issues raised by the resolution.

Patron - Blevins

[F]SJ75 Teacher recruitment and retention. Establishes a joint subcommittee to study the recruitment and retention of classroom teachers. In conducting its study, the joint subcommittee shall project the number of classroom teachers needed in Virginia over the next 10 years by region and discipline; review the teacher education process and assess the need for change; evaluate the ability and progress of alternative teacher licensure paths to supply additional qualified teachers; identify the instructional staffing needs of rural and small school divisions and recommend appropriate strategies to address the shortage of teachers in these areas; assess recruitment and retention efforts among school divisions, particularly in rural and urban underserved areas; evaluate procedures for awarding continuing contracts, including how Virginia may retain the most capable teachers and replace teachers who do not meet the qualifications, standards, and expectations set for teachers; address the issues associated with compensation of teachers; determine the adequacy of pre-service and in-service professional development of teachers; review and assess the recruitment and retention efforts of adjoining states for possible adaptation in Virginia; and, recommend ways to attract and retain an adequate supply of qualified teachers in Virginia. The Senate Rules Committee agreed to informally forward this resolution to the Commission on Educational Accountability for consideration during the 2002 interim session of the issues raised by the resolution.

Patron - Ruff

[F]SJ78 Appointments by circuit courts. Establishes a joint subcommittee to study circuit courts' powers of appointment. This resolution is identical to HJR 75, as introduced.

Patron - Hawkins

[F]SJ83 Model court order. Requests the Office of the Executive Secretary of the Supreme Court to examine the feasibility of designing and implementing a model court order that addresses mental health services. This study is the recommendation of the Committee Studying Treatment Options for Offenders with Mental Illness or Substance Abuse Disorders (SJR 440, 2001). This resolution is incorporated into SJR 97.

Patron - Howell

[F]SJ84 Information-sharing about innovative practices among treatment providers. Requests the Department of Mental Health, Mental Retardation and Substance Abuse

Services to explore ways to communicate information about innovative practices among providers of mental health and substance abuse treatment services to offenders. This study is a recommendation of the Committee Studying Treatment Options for Offenders with Mental Illness or Substance Abuse Disorders (SJR 440, 2001). This resolution is incorporated into SJR 97.

Patron - Howell

[F]SJ90 Family Access to Medical Insurance Security (FAMIS). Directs the Joint Commission on Health Care, in cooperation with the Department of Medical Assistance Services, to review the regulatory, statutory, and administrative provisions of the (FAMIS) Program to determine how to improve the effectiveness and efficiency of the program, and to increase enrollment. This is a recommendation of the Joint Commission on Health Care.

Patron - Bolling

[F]SJ93 State police. Requests the Joint Legislative Audit and Review Commission to conduct an organizational and management review of the Virginia Department of State Police. This resolution is identical to HJR 138. The Senate Rules Committee agreed to informally forward this resolution to the Senate Finance Subcommittee on Public Safety for consideration during the 2002 interim session.

Patron - Stolle

[F]SJ95 Effectiveness of mental health and substance abuse treatment services for offenders. Requests the Secretary of Public Safety, in conjunction with the Secretary of Health and Human Resources and the Secretary of Administration, to develop a plan, including the estimated cost, for the collection of data on treatment services provided to and needed by state responsible offenders and for the evaluation of the effectiveness of treatment services. This study is a recommendation of the Committee Studying Treatment Options for Offenders with Mental Illness or Substance Abuse Disorders (SJR 440, 2001). This resolution is incorporated into SJR 97.

Patron - Martin

[F]SJ96 Access to medications and management of medications for offenders with mental illness. Requests the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services to examine ways to ensure access by offenders to appropriate medications and management of medications when they are released from state correctional facilities. This study is a recommendation of the Committee Studying Treatment Options for Offenders with Mental Illness or Substance Abuse Disorders (SJR 440, 2001). This resolution is incorporated into SJR 97.

Patron - Martin

[F]SJ100 Access to Medicaid benefits for offenders. Requests the Department of Medical Assistance Services, in conjunction with the Department of Corrections and the Department of Juvenile Justice, to examine ways to provide immediate access to Medicaid benefits for eligible offenders when they are released from prisons, jails, juvenile correctional centers or detention homes. This study is a recommendation of the Committee Studying Treatment Options for Offenders with Mental Illness or Substance Abuse Disorders (SJR 440, 2001). This resolution is incorporated into SJR 97.

Patron - Houck

[F]SJ101 Uniform mental health screening and assessment. Requests the Department of Juvenile Justice to design and implement a uniform mental health screening instrument and interview process for juvenile offenders identi-

fied by probation officers as needing a mental health screening. This initiative is a recommendation of the Committee Studying Treatment Options for Offenders with Mental Illness or Substance Abuse Disorders (SJR 440, 2001). This resolution in an amended form is incorporated into SJR 97.

Patron - Houck

[F]SJ104 Commissioners in chancery; commissioners of accounts. Establishes a joint subcommittee to study the powers, duties, and fees of commissioners of accounts and commissioners in chancery. This resolution is identical to SJR 53 and HJR 70.

Patron - Hawkins

[F]SJ124 Virginia's transportation programs. Establishes an eight-member joint subcommittee (assisted by a technical advisory committee appointed by the chairman of the joint subcommittee) to conduct a two-year study of the implementation of JLARC's recommendations on aspects of Virginia's transportation programs. This resolution is identical to HJR 211, as introduced.

Patron - Whipple

[F]SJ125 Noncontracting ancillary services providers. Establishes a joint subcommittee to study issues relating to noncontracting ancillary services providers. This resolution describes situations whereby a consumer receives services, primarily surgery, within a participating hospital from a participating physician and assumes that all services in this setting will be provided by participating providers. Frequently, although health carriers notify consumers that coverage may be limited in situations requiring specialty care or hospital services, consumers are surprised and chagrined to receive unexpectedly large bills from noncontracting providers. In conducting its study, the joint subcommittee must (i) examine the circumstances that result in the provision of services in participating facilities by noncontracting providers; (ii) determine the pervasiveness of these circumstances within the Commonwealth; (iii) research other states' laws regarding the issues; and (iv) evaluate potential solutions. In pursuing these directives, the joint subcommittee will seek input from consumers, employers, physicians, including hospital-based physicians, hospitals and health systems, health maintenance organizations, other managed care organizations, and health insurance companies, insurance brokers, medical and other health care associations, and the Office of The Managed Care Ombudsman within the Bureau of Insurance. The Senate Rules Committee agreed to informally forward this resolution to the Joint Commission on Health Care for consideration during the 2002 interim session of the issues raised by the resolution.

Patron - Ticer

Carried Over

[C]HJ24 Electronic communications infrastructure study. Requests the Department of Information Technology (DIT) to study broadening the electronic communication infrastructure across northern Virginia and report the findings and recommendations to the Governor and the 2003 General Assembly. This resolution was continued to the 2003 Session of the General Assembly in the House Committee on Rules.

Patron - Marshall, R.G.

[C]HJ25 Electronic communications infrastructure study. Requests the Department of Information Technology (DIT) to study broadening the electronic communication infrastructure across the Commonwealth and report the findings and recommendations to the Governor and the 2003 General

Assembly. This resolution was continued to the 2003 Session of the General Assembly in the House Committee on Rules.

Patron - Marshall, R.G.

[C]HJ26 Electronic communications infrastructure study. Directs the Joint Commission on Technology and Science to study broadening the electronic communication infrastructure across the Commonwealth and report the findings and recommendations to the Governor and the 2003 General Assembly. This resolution was continued to the 2003 Session of the General Assembly in the House Committee on Rules.

Patron - Marshall, R.G.

[C]HJ27 Electronic communications infrastructure study. Creates a joint legislative subcommittee to study broadening the electronic communication infrastructure across the Commonwealth and report the findings and recommendations to the Governor and the 2003 General Assembly. This resolution was continued to the 2003 Session of the General Assembly in the House Committee on Rules.

Patron - Marshall, R.G.

[C]HJ28 Electronic communications infrastructure study. Creates a joint subcommittee to study broadening the electronic communication infrastructure across northern Virginia and report the findings and recommendations to the Governor and the 2003 General Assembly. This resolution was continued to the 2003 Session of the General Assembly in the House Committee on Rules.

Patron - Marshall, R.G.

[C]HJ29 Electronic communications infrastructure study. Directs the Joint Commission on Technology and Science to study broadening the electronic communication infrastructure across northern Virginia and report the findings and recommendations to the Governor and the 2003 General Assembly. This resolution was continued to the 2003 Session of the General Assembly in the House Committee on Rules.

Patron - Marshall, R.G.

[C]HJ42 Medicaid reimbursement. Directs the Joint Legislative Audit and Review Commission (JLARC) to study Medicaid reimbursement of physicians. The Commission's study shall include, but need not be limited to, an analysis of (i) the appropriateness of current reimbursement levels and methods of payment for the various physician specialties; (ii) how physician reimbursement in Virginia compares to that in other states; (iii) whether changes in the amount and method of reimbursement are needed to compensate physicians adequately for their services; and (iv) the estimated cost, if any, of any recommended changes in the amount of physician reimbursement. The Commission must complete its work and provide a preliminary report to the Governor and the chairmen of the Senate Committee on Finance, the House Committee on Appropriations, and the Joint Commission on Health Care by November 1, 2002. Thereafter, the Commission will submit its formal and written report to the Governor and the 2003 Session of the General Assembly. This resolution was continued to the 2003 Session of the General Assembly in the House Committee on Rules.

Patron - Bryant

[C]HJ65 Requesting the Joint Legislative Audit and Review Commission (JLARC) to review certain subdivision street standards. Requests JLARC to review subdivision street standards and the consistency of the statewide application of those standards as they relate to the goal of increasing open space and providing low-impact development. This reso-

lution was continued to the 2003 Session of the General Assembly in the House Committee on Rules.

Patron - Albo

[C]HJ78 Health Caregivers. Establishes a Joint Subcommittee on Health Caregivers to study the geographic and socioeconomic prevalence and financial impacts of health caregivers who misuse the finances of those for whom they care. This resolution was continued to the 2003 Session of the General Assembly in the House Committee on Rules.

Patron - Nutter

[C]HJ83 Waterfowl Blind Licensing Statutes. Requests that a joint subcommittee be established to study the waterfowl blind licensing statutes. In conducting its study, the subcommittee should consider how other states provide for the hunting of waterfowl in their public waters and recommend any changes to Virginia law that it deems appropriate to maximize waterfowling opportunities for all Virginians. This resolution was continued to the 2003 Session of the General Assembly in the House Committee on Rules.

Patron - Cox

[C]HJ85 Database of available inpatient psychiatric beds for children and adolescents. Requests the Department of Mental Health, Mental Retardation and Substance Abuse Services, in conjunction with the Virginia Hospital and Healthcare Association and private providers, to study the feasibility of developing a web-based system for providing daily updated information on licensed and available acute psychiatric inpatient beds for children and adolescents. This study is a recommendation of the Committee Studying Treatment Options for Offenders with Mental Illness or Substance Abuse Disorders (SJR 440, 2001). This resolution was continued to the 2003 Session of the General Assembly in the House Committee on Rules.

Patron - Albo

[C]HJ135 Accounting reporting requirements. Establishes a joint subcommittee to study how the Commonwealth's financial accounting reporting standards relate to comparable standards implemented by the Securities and Exchange Commission. This resolution was continued to the 2003 Session of the General Assembly in the House Committee on Rules.

Patron - Purkey

[C]HJ148 Stem cell research. Establishes a 17-member joint subcommittee to study the medical, ethical, and scientific issues relating to stem cell research conducted within the Commonwealth. The joint subcommittee must examine the medical, ethical and scientific policy implications of prohibiting the creation of embryos in vitro for any purpose other than bringing them to birth, and the criminalizing of the transfer of compensation, in cash or in-kind, to induce any person to donate sperm or eggs for any purpose other than procreation. The joint subcommittee will also study the efficacy of research using adult stem cells rather than embryonic stem cells. The work of the joint subcommittee must be completed by November 30, 2002, and a written report submitted to the Governor and the 2003 Session of the General Assembly. This resolution was continued to the 2003 Session of the General Assembly in the House Committee on Rules.

Patron - Marshall, R.G.

[C]HJ167 Construction, renovation and maintenance of local law enforcement facilities. Creates the Joint Subcommittee Studying Local Law Enforcement Construction, Renovation and Maintenance of local law enforcement facilities to review and evaluate the use of competitive federal, state and private grant funds awarded to local law enforcement depart-

ments to support construction, renovation and maintenance of police facilities. The joint subcommittee must submit its written findings and recommendations to the Governor and the 2003 Session of the General Assembly. This resolution was continued to the 2003 Session of the General Assembly in the House Committee on Rules.

Patron - Melvin

[C]HJ203 Sex offenses against children. Directs the Virginia State Crime Commission to study all penalties for crimes involving sexual offenders and crimes against children. This resolution was continued to the 2003 Session of the General Assembly in the House Committee on Rules.

Patron - Albo

[C]HJ205 Biodiesel fuel. Requests the Secretary of Administration to study the feasibility of using biodiesel fuel in state-owned vehicles and equipment and recommend ways the Commonwealth could assist the private sector in the establishment of a biodiesel fuel refinery in Virginia. This resolution was continued to the 2003 Session of the General Assembly in the House Committee on Rules.

Patron - Pollard

[C]SJ11 Prevalence of Ritalin and other psychotropic drug prescriptions. Requests the Department of Health to conduct a study to determine the prevalence of prescription and use of Ritalin and other psychotropic medications among school-aged children in the Commonwealth. In conducting the study, the Department may contract for services with appropriate private research organizations with public health expertise. The Department shall complete its work in time to submit its findings and recommendations to the Governor and the 2003 Session of the General Assembly.

Patron - Miller, Y.B.

[C]SJ38 Medicaid reimbursement. Requests the Joint Legislative Audit and Review Commission (JLARC) to study Medicaid reimbursement of physicians. This resolution is identical to HJR 42, as introduced.

Patron - Bolling

[C]SJ60 Adoption. Establishes a joint subcommittee to study the adoption system in the Commonwealth.

Patron - Hanger

[C]SJ67 Sharing protected health information. Directs the Departments of Health, Mental Health, Mental Retardation and Substance Abuse Services, Medical Assistance Services, and Social Services, in cooperation with the Office of the Attorney General, to develop a secure system for sharing protected health information. This resolution notes the prevalence of lead poisoning among children and that lead poisoning is preventable and yet, because it causes irreversible neurological damage, affects the functioning and health of children throughout their lives. The resolution states that lead poisoning prevention and other state activities relating to the prevention and control of disease and health care benefits require the sharing of patient data in order to track, treat, follow-up and provide services to affected persons, particularly children. The regulations promulgated pursuant to the federal Health Insurance Portability and Accountability Act of 1996 relating to standards for security and privacy of health information and the concerns these regulations are generating among state agencies are described. The Departments are directed to design the secure system for sharing data to authorize covered entities to disclose protected health information without consent or authorization from the patient and to comply with the requirements of the HIPAA regulations. They are also directed to examine the preemption rule within the HIPAA privacy regulations,

which validates state laws that deal with reporting of certain matters, the exceptions to the consent rule and exceptions to the requirements for authorization and notice relating to public health activities, health oversight activities, and prevention of serious harm to as well as serious threats to the health and safety of individuals and the public at large. The feasibility of integrating a referral or notice procedure or network into the secure system must be examined. This resolution is a recommendation of the Joint Subcommittee Studying Lead-Poisoning Prevention.

Patron - Lambert

[C]SJ72 Establishment of Battle of Great Bridge State Park. Requests the Department of Conservation and Recreation to study the feasibility of establishing a Battle of Great Bridge State Park. In conducting the study, the Department should determine the historical and cultural significance of the battlefield area, identify available funding sources for its preservation, evaluate the costs of establishing a state park at the location, and examine similar landmarks and parks to determine the most appropriate means for preserving the Battle of Great Bridge area.

Patron - Blevins

[C]SJ81 Survivor benefit for the health insurance credit program. Directs the Virginia Retirement System to study the feasibility, cost and impact of a survivor benefit for the health insurance credit program.

Patron - Newman

[C]SJ86 Criminal convictions. Creates a joint subcommittee to study the collateral consequences of criminal convictions. Some of these consequences are restrictions on voting, owning a gun, adopting a child, pursuing certain occupations, serving in the military, receiving public assistance, and receiving student loans

Patron - Maxwell

[C]SJ88 Public/private partnerships for innovations in school construction. Establishes a commission to study public/private partnerships for innovations in school construction. This 21-member commission will be charged with examining (i) the current Virginia law vis-a-vis the authority to enter into public/private partnerships for school construction, including contracts to benefit both parties relating to innovations in energy conservation, flexible building, design and building uses, leasing of facilities, and design-build contracts, and (ii) funding mechanisms for K-12 education and school construction in relationship to local governments' fiscal integrity and the constitutional restraints on local debt capacity.

Patron - Puller

[C]SJ98 Medicaid reimbursement. Requests Joint Legislative Audit and Review Council (JLARC) to review the Medicaid reimbursement rates for services provided to clients of community services boards to determine their adequacy and the need for regular adjustment. Prior to voting to continue the resolution to the 2003 Session, the Senate Rules Committee adopted amendments that would request the Department of Medical Assistance Services to conduct the review.

Patron - Martin

[C]SJ112 Construction, renovation and maintenance of local law-enforcement facilities. Creates the Joint Subcommittee Studying Local Law Enforcement Construction, Renovation and Maintenance of local law-enforcement facilities to review and evaluate the use of competitive federal, state and private grant funds awarded to local law-enforcement depart-

ments to support construction, renovation and maintenance of police facilities. This resolution is identical to HJR 157.

Patron - Lucas

[C]SJ113 Marriage and fatherhood. Establishes the Commonwealth Marriage and Parenting Skills Commission to promote marriage education in the schools, responsible fatherhood, and related family-strengthening measures.

Patron - Hanger

[C]SJ123 Interstate Route 81 reconstruction and widening. Establishes an 18-member advisory task force to serve as an institutional link between the Department of Transportation and affected communities, businesses, and citizens during the reconstruction and widening of Interstate Route 81.

Patron - Hanger

[C]SJ127 Virginia's Home and Community Based Waiver Program. Requests the Joint Legislative Audit and Review Commission (JLARC), the Secretary of Health and Human Resources, and the Department of Medical Assistance Services to study Virginia's Home and Community Based Services Waiver Program. The study group shall review and make recommendations to improve the program's policies, manuals, procedures and regulations, and the State Medicaid Plan to make them more responsive to consumers needs by utilizing external, expert input from other effective state programs, the Virginia Statewide Independent Council's CIRCLE report, 2001, and JLARC's interim report on the Department of Medical Assistance Services. Prior to voting to continue the resolution to the 2003 Session, the Senate Rules Committee adopted a substitute to limit the study to a JLARC review of the CIRCLE recommendations.

Patron - Puller

Index of House Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
House Bills							
HB1	143	HB51	111	HB103	9	HB155	7
HB2	22	HB52	49	HB104	93	HB156	158
HB3	35	HB53	12	HB105	34	HB157	158
HB4	111	HB54	16	HB106	27	HB158	61
HB5	172	HB55	125	HB107	39	HB159	55
HB6	143	HB56	158	HB108	55	HB160	35
HB7	67	HB57	16	HB109	100	HB161	61
HB8	102	HB58	44	HB110	100	HB162	148
HB9	128	HB59	118	HB111	86	HB163	76
HB10	88	HB60	131	HB112	9	HB164	78
HB11	71	HB61	27	HB113	118	HB165	185
HB12	44	HB62	118	HB114	118	HB166	32
HB13	85	HB63	118	HB115	111	HB167	111
HB14	117	HB64	118	HB116	124	HB168	118
HB15	137	HB65	118	HB117	148	HB169	76
HB16	34	HB66	76	HB118	167	HB170	62
HB17	148	HB67	41	HB119	41	HB171	186
HB18	49	HB68	49	HB120	19	HB172	148
HB19	71	HB69	51	HB121	32	HB173	1
HB20	101	HB70	131	HB122	34	HB174	16
HB21	148	HB71	125	HB123	118	HB175	102
HB22	97	HB72	16	HB124	27	HB176	24
HB23	143	HB73	175	HB125	78	HB177	55
HB24	184	HB74	138	HB126	136	HB178	22
HB25	38	HB75	148	HB127	131	HB179	172
HB26	125	HB76	135	HB128	111	HB180	94
HB27	183	HB77	9	HB129	44	HB181	143
HB28	75	HB78	176	HB130	100	HB182	27
HB29	183	HB79	71	HB131	34	HB183	143
HB30	183	HB80	125	HB132	44	HB184	98
HB31	158	HB81	17	HB133	44	HB185	27
HB32	44	HB82	111	HB134	118	HB186	109
HB33	81	HB83	118	HB135	61	HB187	143
HB34	118	HB84	106	HB136	61	HB188	144
HB35	111	HB85	111	HB137	22	HB189	62
HB36	178	HB86	143	HB138	85	HB190	7
HB37	17	HB87	25	HB139	106	HB191	91
HB38	44	HB88	61	HB140	104	HB192	144
HB39	143	HB89	111	HB141	127	HB193	144
HB40	118	HB90	55	HB142	48	HB194	108
HB41	49	HB91	170	HB143	86	HB195	159
HB42	175	HB92	78	HB144	86	HB196	111
HB43	76	HB93	32	HB145	109	HB197	125
HB44	131	HB94	158	HB146	88	HB198	137
HB45	67	HB95	71	HB147	22	HB199	105
HB46	55	HB96	118	HB148	22	HB200	71
HB47	61	HB97	16	HB149	48	HB201	85
HB48	67	HB98	16	HB150	137	HB202	85
HB49	22	HB99	71	HB151	39	HB203	148
HB50	176	HB100	71	HB152	76	HB204	32
		HB101	76	HB153	88	HB205	32
		HB102	71	HB154	131	HB206	32

Index of House Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
HB207	32	HB259	35	HB311	38	HB363	84
HB208	144	HB260	41	HB312	51	HB364	72
HB209	159	HB261	37	HB313	159	HB365	53
HB210	48	HB262	32	HB314	36	HB366	48
HB211	22	HB263	81	HB315	176	HB367	40
HB212	118	HB264	100	HB316	144	HB368	124
HB213	132	HB265	112	HB317	144	HB369	42
HB214	159	HB266	119	HB318	144	HB370	50
HB215	149	HB267	119	HB319	144	HB371	160
HB216	149	HB268	48	HB320	159	HB372	17
HB217	132	HB269	44	HB321	127	HB373	160
HB218	71	HB270	94	HB322	1	HB374	185
HB219	159	HB271	34	HB323	159	HB375	132
HB220	48	HB272	112	HB324	17	HB376	32
HB221	127	HB273	177	HB325	159	HB377	28
HB222	21	HB274	144	HB326	17	HB378	76
HB223	41	HB275	185	HB327	119	HB379	186
HB224	44	HB276	170	HB328	81	HB380	160
HB225	28	HB277	37	HB329	86	HB381	81
HB226	94	HB278	112	HB330	68	HB382	100
HB227	28	HB279	159	HB331	7	HB383	107
HB228	55	HB280	119	HB332	91	HB384	74
HB229	118	HB281	119	HB333	68	HB385	112
HB230	118	HB282	109	HB334	55	HB386	72
HB231	62	HB283	37	HB335	56	HB387	24
HB232	149	HB284	172	HB336	62	HB388	10
HB233	102	HB285	159	HB337	132	HB389	24
HB234	26	HB286	112	HB338	10	HB390	119
HB235	1	HB287	10	HB339	78	HB391	25
HB236	124	HB288	7	HB340	7	HB392	86
HB237	118	HB289	172	HB341	159	HB393	124
HB238	185	HB290	1	HB342	40	HB394	160
HB239	144	HB291	83	HB343	45	HB395	1
HB240	141	HB292	53	HB344	28	HB396	88
HB241	127	HB293	94	HB345	112	HB397	62
HB242	50	HB294	173	HB346	28	HB398	10
HB243	137	HB295	55	HB347	149	HB399	22
HB244	44	HB296	53	HB348	124	HB400	19
HB245	137	HB297	97	HB349	28	HB401	185
HB246	137	HB298	35	HB350	119	HB402	119
HB247	76	HB299	136	HB351	159	HB403	22
HB248	14	HB300	41	HB352	159	HB404	98
HB249	14	HB301	112	HB353	10	HB405	50
HB250	67	HB302	137	HB354	159	HB406	173
HB251	167	HB303	144	HB355	51	HB407	112
HB252	9	HB304	41	HB356	159	HB408	48
HB253	119	HB305	119	HB357	56	HB409	45
HB254	111	HB306	51	HB358	62	HB410	160
HB255	102	HB307	62	HB359	45	HB411	160
HB256	34	HB308	41	HB360	48	HB412	160
HB257	17	HB309	1	HB361	36	HB413	160
HB258	41	HB310	35	HB362	112	HB414	105

Index of House Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
HB415	119	HB468	160	HB520	21	HB572	1
HB416	42	HB469	125	HB521	120	HB573	161
HB417	54	HB470	120	HB522	120	HB574	144
HB418	160	HB471	88	HB523	161	HB575	161
HB419	185	HB472	120	HB524	161	HB576	168
HB420	36	HB473	14	HB525	127	HB577	161
HB421	124	HB474	28	HB526	127	HB578	126
HB422	107	HB475	75	HB527	52	HB579	87
HB423	119	HB476	107	HB528	1	HB580	105
HB424	38	HB477	28	HB529	7	HB581	109
HB425	94	HB478	137	HB530	72	HB582	45
HB426	97	HB479	28	HB531	132	HB583	19
HB427	56	HB480	34	HB532	149	HB584	120
HB428	160	HB481	32	HB533	169	HB585	138
HB429	141	HB482	34	HB534	132	HB586	161
HB430	112	HB483	32	HB535	7	HB587	1
HB431	185	HB484	161	HB536	110	HB588	28
HB432	42	HB485	168	HB537	19	HB589	36
HB433	98	HB486	112	HB538	75	HB590	39
HB434	56	HB487	132	HB539	113	HB591	37
HB435	56	HB488	36	HB540	130	HB592	1
HB436	142	HB489	176	HB541	113	HB593	2
HB437	14	HB490	110	HB542	120	HB594	52
HB438	144	HB491	120	HB543	130	HB595	52
HB439	112	HB492	120	HB544	45	HB596	130
HB440	16	HB493	56	HB545	136	HB597	120
HB441	119	HB494	132	HB546	48	HB598	120
HB442	107	HB495	28	HB547	17	HB599	79
HB443	68	HB496	32	HB548	161	HB600	54
HB444	119	HB497	171	HB549	52	HB601	37
HB445	119	HB498	56	HB550	7	HB602	109
HB446	160	HB499	113	HB551	142	HB603	32
HB447	54	HB500	17	HB552	185	HB604	45
HB448	23	HB501	12	HB553	107	HB605	72
HB450	1	HB502	137	HB554	76	HB606	113
HB451	160	HB503	144	HB555	78	HB607	161
HB452	50	HB504	161	HB556	77	HB608	34
HB453	45	HB505	10	HB557	81	HB609	162
HB454	53	HB506	22	HB558	77	HB610	54
HB455	42	HB507	1	HB559	87	HB611	185
HB456	42	HB508	20	HB560	88	HB612	185
HB457	17	HB509	51	HB561	161	HB613	83
HB458	54	HB510	100	HB562	161	HB614	97
HB459	81	HB511	20	HB563	45	HB615	7
HB460	62	HB512	63	HB564	113	HB616	149
HB461	63	HB513	173	HB565	42	HB617	184
HB462	110	HB514	109	HB566	28	HB618	2
HB463	23	HB515	81	HB567	161	HB619	28
HB464	138	HB516	149	HB568	176	HB620	94
HB465	149	HB517	68	HB569	98	HB621	2
HB466	168	HB518	97	HB570	113	HB622	108
HB467	168	HB519	1	HB571	113	HB623	108

Index of House Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
HB624	107	HB676	120	HB728	7	HB780	121
HB625	132	HB677	94	HB729	2	HB781	20
HB626	55	HB678	104	HB730	8	HB782	39
HB627	125	HB679	114	HB731	2	HB783	14
HB628	7	HB680	120	HB732	142	HB784	15
HB629	133	HB681	162	HB733	86	HB785	15
HB630	45	HB682	127	HB734	57	HB786	14
HB631	81	HB683	162	HB735	29	HB787	135
HB632	75	HB684	162	HB736	184	HB788	52
HB633	131	HB685	162	HB737	10	HB789	183
HB634	120	HB686	56	HB738	18	HB790	89
HB635	79	HB687	133	HB739	143	HB791	25
HB636	19	HB688	72	HB740	162	HB792	63
HB637	113	HB689	162	HB741	149	HB793	63
HB638	113	HB690	127	HB742	149	HB794	57
HB639	91	HB691	72	HB743	149	HB795	69
HB640	77	HB692	57	HB744	149	HB796	121
HB641	77	HB693	120	HB745	121	HB797	79
HB642	68	HB694	162	HB746	142	HB798	124
HB643	120	HB695	57	HB747	173	HB799	15
HB644	49	HB696	57	HB748	145	HB800	110
HB645	145	HB697	142	HB749	150	HB801	163
HB646	84	HB698	12	HB750	32	HB802	163
HB647	137	HB699	162	HB751	40	HB803	121
HB648	75	HB700	2	HB752	79	HB804	163
HB649	7	HB701	120	HB753	81	HB805	131
HB650	7	HB702	37	HB754	63	HB806	121
HB651	162	HB703	19	HB755	57	HB807	124
HB652	168	HB704	105	HB756	68	HB808	124
HB653	12	HB705	114	HB757	177	HB809	124
HB654	184	HB706	45	HB758	68	HB810	163
HB655	114	HB707	13	HB759	99	HB811	49
HB656	149	HB708	114	HB760	10	HB812	41
HB657	149	HB709	141	HB761	177	HB813	101
HB658	103	HB710	57	HB762	177	HB814	109
HB659	114	HB711	130	HB763	177	HB815	52
HB660	185	HB712	34	HB764	99	HB816	42
HB661	185	HB713	10	HB765	121	HB817	114
HB662	105	HB714	178	HB766	175	HB818	18
HB663	75	HB715	99	HB767	52	HB819	18
HB664	88	HB716	120	HB768	52	HB820	25
HB665	133	HB717	149	HB769	34	HB821	121
HB666	42	HB718	162	HB770	162	HB822	11
HB667	97	HB719	41	HB771	114	HB823	2
HB668	109	HB720	83	HB772	100	HB824	3
HB669	114	HB721	145	HB773	13	HB825	3
HB670	2	HB722	176	HB774	169	HB826	3
HB671	42	HB723	83	HB775	138	HB827	3
HB672	39	HB724	50	HB776	10	HB828	173
HB673	19	HB725	2	HB777	19	HB829	173
HB674	120	HB726	2	HB778	162	HB830	37
HB675	39	HB727	145	HB779	163	HB831	54

Index of House Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
HB832	128	HB884	57	HB936	121	HB988	164
HB833	121	HB885	94	HB937	11	HB989	142
HB834	163	HB886	57	HB938	72	HB990	29
HB835	101	HB887	89	HB939	29	HB991	58
HB836	114	HB888	103	HB940	16	HB992	186
HB837	133	HB889	135	HB941	13	HB993	29
HB838	49	HB890	91	HB942	26	HB994	29
HB839	21	HB891	92	HB943	170	HB995	103
HB840	103	HB892	50	HB944	170	HB996	34
HB841	163	HB893	49	HB945	121	HB997	26
HB842	102	HB894	29	HB946	128	HB998	54
HB843	82	HB895	100	HB947	99	HB999	40
HB844	83	HB896	114	HB948	18	HB1000	36
HB845	102	HB897	3	HB949	63	HB1001	18
HB846	138	HB898	163	HB950	128	HB1002	171
HB847	29	HB899	11	HB951	42	HB1003	86
HB848	177	HB900	11	HB952	45	HB1004	11
HB849	169	HB901	77	HB953	39	HB1005	46
HB850	85	HB902	108	HB954	18	HB1006	97
HB851	3	HB903	45	HB955	115	HB1007	104
HB852	19	HB904	94	HB956	49	HB1008	173
HB853	145	HB905	114	HB957	53	HB1009	46
HB854	110	HB906	3	HB958	49	HB1010	107
HB855	110	HB907	14	HB959	52	HB1011	63
HB856	25	HB908	163	HB960	107	HB1012	14
HB857	39	HB909	145	HB961	163	HB1013	34
HB858	8	HB910	3	HB962	21	HB1014	121
HB859	142	HB911	145	HB963	145	HB1015	8
HB860	150	HB912	3	HB964	37	HB1016	49
HB861	150	HB913	95	HB965	145	HB1017	34
HB862	145	HB914	8	HB966	57	HB1018	164
HB863	163	HB915	45	HB967	121	HB1019	164
HB864	150	HB916	185	HB968	128	HB1020	8
HB865	177	HB917	40	HB969	11	HB1021	139
HB866	141	HB918	83	HB970	174	HB1022	72
HB867	109	HB919	23	HB971	63	HB1023	102
HB868	29	HB920	39	HB972	81	HB1024	69
HB869	39	HB921	84	HB973	87	HB1025	164
HB870	23	HB922	18	HB974	79	HB1026	150
HB871	124	HB923	18	HB975	84	HB1027	115
HB872	124	HB924	18	HB976	32	HB1028	49
HB873	127	HB925	121	HB977	29	HB1029	124
HB874	45	HB926	163	HB978	84	HB1030	115
HB875	94	HB927	127	HB979	46	HB1031	29
HB876	129	HB928	128	HB980	33	HB1032	53
HB877	127	HB929	142	HB981	33	HB1033	164
HB878	77	HB930	178	HB982	83	HB1034	53
HB879	177	HB931	42	HB983	164	HB1035	79
HB880	20	HB932	49	HB984	164	HB1036	79
HB881	110	HB933	99	HB985	77	HB1037	174
HB882	94	HB934	114	HB986	184	HB1038	69
HB883	91	HB935	26	HB987	121	HB1039	79

Index of House Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
HB1040	79	HB1092	80	HB1145	15	HB1197	17
HB1041	79	HB1093	80	HB1146	15	HB1198	122
HB1042	142	HB1094	29	HB1147	15	HB1199	122
HB1043	50	HB1095	150	HB1148	15	HB1200	64
HB1044	110	HB1096	87	HB1149	15	HB1201	95
HB1045	138	HB1097	80	HB1150	165	HB1202	146
HB1046	127	HB1098	141	HB1151	133	HB1203	3
HB1047	69	HB1099	81	HB1152	8	HB1204	92
HB1048	128	HB1100	49	HB1153	92	HB1205	36
HB1049	69	HB1101	146	HB1154	42	HB1206	58
HB1050	128	HB1102	115	HB1155	15	HB1207	19
HB1051	121	HB1103	171	HB1156	15	HB1208	173
HB1052	150	HB1104	164	HB1157	183	HB1209	40
HB1053	21	HB1105	95	HB1158	81	HB1210	122
HB1054	146	HB1106	164	HB1159	165	HB1211	102
HB1055	133	HB1107	183	HB1160	146	HB1212	34
HB1056	121	HB1108	164	HB1161	89	HB1213	103
HB1057	121	HB1109	165	HB1162	64	HB1214	4
HB1058	42	HB1110	64	HB1163	150	HB1215	4
HB1059	46	HB1111	127	HB1164	173	HB1216	16
HB1060	115	HB1112	169	HB1165	53	HB1217	64
HB1061	36	HB1113	88	HB1166	184	HB1218	38
HB1062	89	HB1114	72	HB1167	165	HB1219	40
HB1063	33	HB1115	131	HB1168	23	HB1220	25
HB1064	169	HB1116	139	HB1169	165	HB1221	146
HB1065	3	HB1117	50	HB1170	150	HB1222	88
HB1066	3	HB1118	146	HB1171	69	HB1223	40
HB1067	3	HB1119	165	HB1172	150	HB1224	36
HB1068	53	HB1120	42	HB1173	43	HB1225	22
HB1069	8	HB1121	16	HB1174	29	HB1226	8
HB1070	69	HB1122	139	HB1175	175	HB1227	46
HB1071	138	HB1123	165	HB1176	121	HB1228	103
HB1072	29	HB1124	165	HB1177	136	HB1229	76
HB1073	164	HB1125	105	HB1178	29	HB1230	50
HB1074	15	HB1126	107	HB1179	130	HB1231	124
HB1075	164	HB1128	136	HB1180	29	HB1232	122
HB1076	15	HB1129	136	HB1181	95	HB1233	43
HB1077	11	HB1130	33	HB1182	121	HB1234	49
HB1078	29	HB1131	108	HB1183	115	HB1235	165
HB1079	72	HB1132	54	HB1184	99	HB1236	36
HB1080	89	HB1133	121	HB1185	18	HB1237	177
HB1081	46	HB1134	26	HB1186	40	HB1238	165
HB1082	77	HB1135	64	HB1187	102	HB1239	177
HB1083	79	HB1136	58	HB1188	115	HB1240	38
HB1084	173	HB1137	126	HB1189	30	HB1241	85
HB1085	133	HB1138	54	HB1190	30	HB1242	115
HB1086	95	HB1139	165	HB1191	165	HB1243	115
HB1087	95	HB1140	46	HB1192	115	HB1244	97
HB1088	95	HB1141	58	HB1193	14	HB1245	86
HB1089	95	HB1142	37	HB1194	150	HB1246	39
HB1090	92	HB1143	54	HB1195	105	HB1247	98
HB1091	79	HB1144	23	HB1196	97	HB1248	98

Index of House Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
HB1249	101	HB1301	30	HB1353	99	HJ43	194
HB1250	4	HB1302	141	HB1354	92	HJ44	187
HB1251	43	HB1303	43	HB1355	46	HJ45	194
HB1252	101	HB1304	146	HB1356	151	HJ46	194
HB1253	101	HB1305	14	HB1357	13	HJ47	194
HB1254	46	HB1306	102	HB1358	116	HJ48	182
HB1255	115	HB1307	105	HB1359	8	HJ49	195
HB1256	77	HB1308	11	HB1360	135	HJ51	195
HB1257	23	HB1309	38	HB1361	26	HJ59	195
HB1258	23	HB1310	124	HB1362	173	HJ60	187
HB1259	136	HB1311	166	HB1363	169	HJ61	195
HB1260	88	HB1312	92	HB1364	11	HJ62	195
HB1261	115	HB1313	8	HB1365	14	HJ63	52
HB1262	70	HB1314	64	HB1366	99	HJ64	195
HB1263	135	HB1315	27	HB1367	35	HJ65	201
HB1264	4	HB1316	11	HB1368	135	HJ66	195
HB1265	150	HB1317	82	HB1369	89	HJ67	195
HB1266	166	HB1318	133	HB1370	73	HJ68	182
HB1267	16	HB1319	96	HB1371	65	HJ69	195
HB1268	146	HB1320	126	HB1372	110	HJ70	195
HB1269	8	HB1321	65	HB1373	139	HJ72	195
HB1270	11	HB1322	146			HJ73	187
HB1271	168	HB1323	80			HJ74	195
HB1272	58	HB1324	122			HJ75	196
HB1273	92	HB1325	92			HJ76	187
HB1274	46	HB1326	98			HJ77	151
HB1275	21	HB1327	82			HJ78	201
HB1276	101	HB1328	115			HJ83	201
HB1277	58	HB1329	122			HJ84	196
HB1278	172	HB1330	101			HJ85	201
HB1279	171	HB1331	87			HJ86	196
HB1280	122	HB1332	126			HJ87	196
HB1281	46	HB1333	65			HJ88	187
HB1282	30	HB1334	122			HJ89	187
HB1283	89	HB1335	11			HJ90	188
HB1284	4, 72	HB1336	170			HJ91	188
HB1285	4	HB1337	82			HJ92	178
HB1286	73	HB1338	58			HJ93	196
HB1287	18	HB1339	26			HJ94	188
HB1288	130	HB1340	99			HJ95	77
HB1289	99	HB1341	176			HJ96	179
HB1290	137	HB1342	115			HJ97	196
HB1291	4	HB1343	30			HJ98	196
HB1292	168	HB1344	36			HJ99	130
HB1293	84	HB1345	65			HJ100	179
HB1294	105	HB1346	58			HJ112	180
HB1295	99	HB1347	53			HJ115	183
HB1296	151	HB1348	107			HJ116	196
HB1297	95	HB1349	87			HJ117	179
HB1298	130	HB1350	143			HJ118	188
HB1299	30	HB1351	33			HJ119	104
HB1300	142	HB1352	70			HJ120	196

Index of House Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
HJ121	196	HJ173	198				
HJ122	188	HJ181	23				
HJ123	196	HJ183	180				
HJ124	188	HJ197	198				
HJ125	197	HJ199	180				
HJ126	179	HJ200	116				
HJ127	183	HJ201	190				
HJ128	88	HJ202	190				
HJ129	197	HJ203	202				
HJ130	180	HJ204	198				
HJ131	179	HJ205	202				
HJ132	99	HJ206	190				
HJ133	151	HJ209	190				
HJ134	197	HJ210	190				
HJ135	201	HJ211	190				
HJ136	197	HJ212	198				
HJ137	197	HJ215	191				
HJ138	197	HJ218	128				
HJ139	197	HJ219	191				
HJ140	197	HJ220	198				
HJ141	197	HJ235	180				
HJ142	188	HJ236	191				
HJ143	180	HJ244	198				
HJ144	179	HJ249	180				
HJ145	180	HJ250	122				
HJ146	179	HJ251	129				
HJ147	197	HJ252	181				
HJ148	201	HJ253	129				
HJ149	198	HJ254	181				
HJ150	198	HJ255	191				
HJ151	198	HJ256	181				
HJ152	198	HJ258	181				
HJ153	198	HJ259	181				
HJ154	198	HJ260	25				
HJ155	183	HJ261	181				
HJ156	189	HJ328	183				
HJ157	198	HJ335	183				
HJ158	180	HJ373	13				
HJ159	189	HJ428	181				
HJ160	99						
HJ161	180						
HJ162	189						
HJ163	189						
HJ164	84						
HJ165	104						
HJ166	189						
HJ167	202						
HJ168	175						
HJ169	180						
HJ170	189						
HJ171	183						
HJ172	180						

Index of Senate Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
Senate Bills							
SB1	185	SB52	65	SB104	152	SB156	139
SB2	151	SB53	134	SB105	152	SB157	116
SB3	122	SB54	152	SB106	52	SB158	177
SB4	98	SB55	65	SB107	83	SB159	153
SB5	11	SB56	152	SB108	116	SB160	59
SB6	82	SB57	41	SB109	175	SB161	96
SB7	122	SB58	82	SB110	166	SB162	116
SB8	8	SB59	134	SB111	43	SB163	123
SB9	151	SB60	85	SB112	78	SB164	153
SB10	52	SB61	134	SB113	78	SB165	75
SB11	151	SB62	122	SB114	23	SB166	100
SB12	4	SB63	116	SB115	84	SB167	166
SB13	12	SB64	166	SB116	171	SB168	38
SB14	151	SB65	146	SB117	173	SB169	166
SB15	146	SB66	152	SB118	142	SB170	153
SB16	151	SB67	17	SB119	146	SB171	33
SB17	18	SB68	116	SB120	126	SB172	65
SB18	146	SB69	23	SB121	126	SB173	153
SB19	77	SB70	152	SB122	139	SB174	146
SB20	146	SB71	21	SB123	152	SB175	82
SB21	4	SB72	170	SB124	73	SB176	126
SB22	122	SB73	96	SB125	152	SB177	78
SB23	43	SB74	85	SB126	153	SB178	153
SB24	133	SB75	152	SB127	170	SB179	134
SB25	46	SB76	30	SB128	46	SB180	136
SB26	99	SB77	98	SB129	175	SB181	30
SB27	80	SB78	146	SB130	36	SB182	106
SB28	86	SB79	128	SB131	178	SB183	106
SB29	184	SB80	127	SB132	87	SB184	20
SB30	184	SB81	16	SB133	13	SB185	27
SB31	73	SB82	23	SB134	4	SB186	5
SB32	73	SB83	40	SB135	50	SB187	106
SB33	100	SB84	20	SB136	50	SB188	106
SB34	100	SB85	152	SB137	50	SB189	153
SB35	73	SB86	152	SB138	40	SB190	153
SB36	175	SB87	124	SB139	153	SB191	59
SB37	152	SB88	184	SB140	26	SB192	92
SB38	4	SB89	53	SB141	170	SB193	154
SB39	129	SB90	52	SB142	172	SB194	154
SB41	122	SB91	80	SB143	46	SB195	154
SB42	170	SB92	59	SB144	80	SB196	46
SB43	100	SB93	152	SB145	134	SB197	173
SB44	43	SB94	78	SB146	24	SB198	12
SB45	170	SB95	166	SB147	25	SB199	106
SB46	43	SB96	152	SB148	116	SB200	59
SB47	85	SB97	50	SB149	166	SB201	59
SB48	82	SB98	55	SB150	40	SB202	154
SB49	75	SB99	185	SB151	105	SB203	147
SB50	58	SB100	35	SB152	176	SB204	101
SB51	65	SB101	134	SB153	40	SB205	40
		SB102	109	SB154	105	SB206	5
		SB103	87	SB155	53	SB207	154

Index of Senate Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
SB208	5	SB260	13	SB312	155	SB364	66
SB209	147	SB261	137	SB313	155	SB365	60
SB210	52	SB262	98	SB314	155	SB366	66
SB211	184	SB263	154	SB315	47	SB367	117
SB212	154	SB264	89	SB316	18	SB368	123
SB213	123	SB265	139	SB317	51	SB369	31
SB214	80	SB266	166	SB318	53	SB370	123
SB215	30	SB267	184	SB319	84	SB371	90
SB216	70	SB268	175	SB320	101	SB372	12
SB217	66	SB269	30	SB321	43	SB373	60
SB218	89	SB270	73	SB322	5	SB374	14
SB219	50	SB271	20	SB323	168	SB375	143
SB220	185	SB272	107	SB324	155	SB376	123
SB221	43	SB273	52	SB325	155	SB377	155
SB222	21	SB274	154	SB326	84	SB378	167
SB223	47	SB275	30	SB327	171	SB379	6
SB224	154	SB276	30	SB328	78	SB380	155
SB225	154	SB277	54	SB329	80	SB381	38
SB226	98	SB278	38	SB330	78	SB382	98
SB227	52	SB279	59	SB331	172	SB383	9
SB228	47	SB280	129	SB332	101	SB384	33
SB229	154	SB281	66	SB333	167	SB385	156
SB230	59	SB282	123	SB334	60	SB386	156
SB231	129	SB283	125	SB335	107	SB387	156
SB232	154	SB284	185	SB336	104	SB388	156
SB233	154	SB285	185	SB337	5	SB389	26
SB234	30	SB286	154	SB338	184	SB390	147
SB235	13	SB287	116	SB339	155	SB391	80
SB236	59	SB288	39	SB340	123	SB392	93
SB237	73	SB289	106	SB341	85	SB393	117
SB238	154	SB290	36	SB342	74	SB394	22
SB239	93	SB291	51	SB343	147	SB395	117
SB240	106	SB292	19	SB344	5	SB396	102
SB241	27	SB293	108	SB345	185	SB397	100
SB242	27	SB294	41	SB346	155	SB398	134
SB243	27	SB295	59	SB347	155	SB399	156
SB244	125	SB296	74	SB348	123	SB400	104
SB245	139	SB297	84	SB349	155	SB401	108
SB246	147	SB298	155	SB350	60	SB402	6
SB247	5	SB299	155	SB351	128	SB403	81
SB248	30	SB300	30	SB352	101	SB404	41
SB249	24	SB301	24	SB353	51	SB405	117
SB250	5	SB302	107	SB354	141	SB406	31
SB251	98	SB303	173	SB355	43	SB407	156
SB252	86	SB304	21	SB356	141	SB408	70
SB253	166	SB305	47	SB357	51	SB409	66
SB254	27	SB306	13	SB358	116	SB410	47
SB255	147	SB307	20	SB359	31	SB411	156
SB256	116	SB308	5	SB360	8	SB412	156
SB257	140	SB309	166	SB361	47	SB413	104
SB258	147	SB310	5	SB362	5	SB414	90
SB259	140	SB311	102	SB363	31	SB415	86

Index of Senate Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
SB416	6	SB468	84	SB520	18	SB572	74
SB417	13	SB469	176	SB521	117	SB573	91
SB418	47	SB470	174	SB522	117	SB574	157
SB419	51	SB471	184	SB523	138	SB575	176
SB420	47	SB472	156	SB524	147	SB576	31
SB421	47	SB473	53	SB525	102	SB577	85
SB422	47	SB474	36	SB526	109	SB578	157
SB423	169	SB475	35	SB527	138	SB579	157
SB424	33	SB476	157	SB528	138	SB580	31
SB425	134	SB477	60	SB529	157	SB581	85
SB426	90	SB478	96	SB530	147	SB582	100
SB427	33	SB479	167	SB531	157	SB583	123
SB428	96	SB480	157	SB532	53	SB584	9
SB429	9	SB481	157	SB533	37	SB585	70
SB430	128	SB482	51	SB534	37	SB586	78
SB431	86	SB483	135	SB535	51	SB587	130
SB432	31	SB484	35	SB536	12	SB588	177
SB433	140	SB485	43	SB537	37	SB589	31
SB434	52	SB486	157	SB538	37	SB590	139
SB435	117	SB487	108	SB539	38	SB591	49
SB436	168	SB488	85	SB540	20	SB592	24
SB437	123	SB489	26	SB541	19	SB593	31
SB438	106	SB490	90	SB542	91	SB594	74
SB439	60	SB491	127	SB543	9	SB595	174
SB440	156	SB492	31	SB544	147	SB596	174
SB441	167	SB493	31	SB545	54	SB597	60
SB442	60	SB494	66	SB546	19	SB598	123
SB443	33	SB495	33	SB547	157	SB599	12
SB444	101	SB496	186	SB548	123	SB600	138
SB445	18	SB497	49	SB549	138	SB601	91
SB446	186	SB498	123	SB550	41	SB602	117
SB447	117	SB499	125	SB551	12	SB603	123
SB448	66	SB500	87	SB552	14	SB604	60
SB449	93	SB501	100	SB553	172	SB605	131
SB450	6	SB502	167	SB554	140	SB606	70
SB451	147	SB503	135	SB555	19	SB607	175
SB452	123	SB504	129	SB556	16	SB608	60
SB453	167	SB505	93	SB557	148	SB609	60
SB454	175	SB506	157	SB558	20	SB610	6
SB455	123	SB507	48	SB559	60	SB611	20
SB456	125	SB508	167	SB560	82	SB612	143
SB457	13	SB509	66	SB561	157	SB613	35
SB458	156	SB510	31	SB562	148	SB614	9
SB459	74	SB511	167	SB563	25	SB615	82
SB460	171	SB512	27	SB564	157	SB616	35
SB461	48	SB513	51	SB565	126	SB617	26
SB462	184	SB514	43	SB566	35	SB618	172
SB463	156	SB515	26	SB567	169	SB619	108
SB464	38	SB516	22	SB568	12	SB620	129
SB465	90	SB517	128	SB569	98	SB621	25
SB466	108	SB518	44	SB570	67	SB622	48
SB467	36	SB519	137	SB571	48	SB623	136

Index of Senate Bills

Bill Number	Page	Bill Number	Page	Bill Number	Page	Bill Number	Page
SB624	67	SB676	40	SJ67	202	SJ142	183
SB625	61	SB677	14	SJ68	181	SJ159	24
SB626	33	SB678	106	SJ69	192	SJ170	183
SB627	74	SB679	32	SJ70	179	SJ171	183
SB628	175	SB680	138	SJ71	199	SJ177	182
SB629	91	SB681	140	SJ72	202	SJ178	182
SB630	33	SB682	141	SJ73	87	SJ216	183
SB631	71	SB683	83	SJ74	182	SJ227	182
SB632	158	SB684	141	SJ75	199	SJ228	182
SB633	51	SB685	148	SJ77	192	SJ234	123
SB634	51	SB686	41	SJ78	199	SJ255	182
SB635	48	SB687	130	SJ80	192	SJ279	182
SB636	53	SB688	148	SJ81	202		
SB637	143	SB689	106	SJ82	192		
SB638	168	SB690	108	SJ83	200		
SB639	110	SB691	6	SJ84	200		
SB640	141	SB692	158	SJ85	192		
SB641	39	SB693	130	SJ86	202		
SB642	131			SJ87	192		
SB643	91			SJ88	202		
SB644	67			SJ90	200		
SB645	38			SJ91	193		
SB646	168			SJ92	179		
SB647	130			SJ93	200		
SB648	9			SJ94	193		
SB649	131			SJ95	200		
SB650	19			SJ96	200		
SB651	135			SJ97	193		
SB652	31			SJ98	202		
SB653	39			SJ99	182		
SB654	20			SJ100	200		
SB655	37			SJ101	200		
SB656	117			SJ102	6		
SB657	123			SJ104	200		
SB658	97			SJ108	193		
SB659	97			SJ110	193		
SB660	31			SJ111	193		
SB661	104			SJ112	203		
SB662	19			SJ113	203		
SB663	170			SJ116	193		
SB664	82			SJ117	193		
SB665	48			SJ120	193		
SB666	158			SJ123	203		
SB667	158			SJ124	200		
SB668	148			SJ125	200		
SB669	177			SJ127	203		
SB670	106			SJ128	194		
SB671	16			SJ129	182		
SB672	24			SJ133	182		
SB673	6, 74			SJ137	182		
SB674	98			SJ139	182		
SB675	24			SJ141	182		