

## Administration of the Government Generally

### Passed

**PHB1393 Virginia Truth in Revenue Service Report Act.** Requires the Comptroller to post on the website for the Department of Accounts the following: (i) no later than October 1 of each year, the total amount of each revenue service collected by the Commonwealth for the most recent six-month period ending June 30, and (ii) no later than April 1 of each year, the total amount of each revenue service collected by the Commonwealth for the most recent six-month period ending December 30. The Comptroller shall include in the information posted any Auditor of Public Accounts control findings that the amount of any such revenue service that was used for any purpose other than the purpose originally established in law for such revenue source.

*Patron - Lingamfelter*

**PHB1411 Vietnam War Memorial Dedication and Veterans' Recognition Week.** Designates the first full week of November of each year as Vietnam War Memorial Dedication Week and Veterans' Recognition Week in the Commonwealth. Currently, the second Saturday of November is designated as Vietnam War Memorial Dedication Day and Veterans' Recognition Day.

*Patron - Cosgrove*

**PHB1413 Department of Human Resource Management; duties.** Requires the Department of Human Resource Management to submit a report to the members of the General Assembly on or before September 30 of each year showing the total number of full- and part-time classified and contract state employees.

*Patron - Purkey*

**PHB1449 Compensation and expenses of members of collegial bodies.** Clarifies that the collegial body or the agency that provides support for the work of the collegial body is ultimately responsible for the payment of the compensation and expenses of the members of the collegial body. The bill also clarifies that any payment by the Clerk of the House or the Clerk of the Senate to his respective members for service on a collegial body will be reimbursed by the collegial body or the supporting agency. This bill is identical to SB 706.

*Patron - Hall*

**PHB1511 Blue Ridge Economic Development Advisory Council.** Abolishes the Blue Ridge Economic Development Advisory Council. The Council was established to enhance the economic development in the Blue Ridge region of the Commonwealth by assisting in the development of marketing initiatives, establishment of a pilot export program, and identification and implementation of affordable child-care options. The Council does not currently receive funding and has never been constituted. This bill is a recommendation of the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002).

*Patron - Cox*

**PHB1528 Albert G. Horton, Jr. Memorial Veterans' Cemetery.** Designates the state veterans' cemetery to be

established in Hampton Roads as the "Albert G. Horton, Jr. Memorial Veterans' Cemetery."

*Patron - Cosgrove*

**PHB1546 State and Local Conflict of Interest Act.** Amends several provisions of the State and Local Conflict of Interest Act including (i) adding definitions of "parent-subidiary" and "affiliated business entity" relationships (ii) providing that an option for ownership of a business or property and an employment contract with a governmental agency may also be a personal interest, (iii) requiring an officer to disclose that a party in a transaction is a client of his firm, (iv) authorizing localities to require their officers, appointees, and employees to disclose all gifts that they receive and to set a dollar limit on gifts that may be accepted, (vi) prohibiting attendance by an officer who has a personal interest in a transaction at any closed meeting where the transaction is discussed, and (v) clarifying that when an attorney for the Commonwealth provides a written opinion to a local government official under the Act, then such opinion is a public record that must be released upon request. The bill is the recommendation of the Joint Subcommittee Studying the State and Local Conflict of Interest Act, HJR 31, (2002).

*Patron - Marshall, R.G.*

**PHB1575 Review and approval of certain information technology projects.** Directs the Secretary of Technology to review all information technology projects regardless of whether the project is purchased by contract, agreement or some other financing agreement or such other arrangement that requires that the Commonwealth either pay for the contract by foregoing revenue collections, or allows or assigns to another party the collection on behalf of or for the Commonwealth any fees, charges, or other assessments or revenues to pay for the project. Requires approval by the Secretary of Technology for procurements in excess of one million dollars. Finally, requires the information provided by the Governor with the Budget Bill to include a schedule and description of all capital outlay, data processing, or other projects in which the Commonwealth has entered into or plans to enter into a contract, agreement or other financing agreement.

*Patron - Parrish*

**PHB1597 Workforce Transition Act; eligibility for transitional benefits.** 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 provided they were employed by the Commonwealth continuously on a full-time basis for 15 years prior to their appointment as agency head, chief deputy, or confidential assistant. The second enactment clause of the bill limits the extended eligibility to on and after July 1, 2003.

*Patron - Morgan*

**PHB1600 Budget bill; money diverted from Transportation Trust Fund and Highway Maintenance and Operating Fund.** The Budget Bill that the Governor is required to submit to the General Assembly must include the repayment, within three years, of any money that such Budget Bill proposes to be diverted from the Transportation Trust Fund or the Highway Maintenance and Operating Fund and used for other purposes.

*Patron - Marshall, D.W.*

**PHB1625 Virginia War Memorial Foundation; membership; removal.** Provides that trustees of the Virginia War Memorial Foundation who are appointed by the Governor shall serve at the pleasure of the Governor. Currently, the Gov-

error has the authority to remove any trustees regardless of who appoints them.

*Patron - Hargrove*

**PHB1651 Freedom of Information Act; record exemption for employment discrimination investigations conducted by certain local public bodies.** Expands the record exemption for investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation of individual employment discrimination complaints made to the Department of Human Resource Management to include any such investigations conducted by such personnel of the local governing body who are authorized by law to conduct these investigations in confidence, including local school boards.

*Patron - Albo*

**PHB1686 Governor; disposition of official correspondence and other records.** Attempts to tighten the provision that requires the Governor to deliver to The Library of Virginia all correspondence and other records of his office during his term. As to correspondence or other records of a strictly personal or private nature, the Governor must consult with the Librarian of Virginia before deciding which records are not required to go to The Library of Virginia.

*Patron - Landes*

**PHB1700 Health; regulations for restaurant and retail food establishments.** Provides that the provisions of the Administrative Process Act do not apply to the adoption of the federal Food and Drug Administration Food Code by the Department of Agriculture and Consumer Services and the Department of Health. Under the bill the provisions of the Administrative Process Act pertaining to publication and notice of proposed regulations are applicable to any adoption of the Food Code. Further, the Departments of Agriculture and Consumer Services and Health are required to publish, prior to adopting the Food code, a notice of opportunity for public comment containing certain specified information and to hold at least one public hearing prior to the adoption of the Food Code. The bill also provides that the provisions of the Food and Drug Administration's Food Code shall not apply to farmers selling their own farm-produced products directly to consumers for their personal use, whether such sales occur on such farmer's farm or at a farmers' market, unless such provisions are adopted in accordance with all requirements of the Administrative Process Act.

*Patron - McQuigg*

**PHB1709 Virginia Public Procurement Act; multiphase contracts for professional services for construction and infrastructure projects for localities.** Provides that multiphase contracts for professional services satisfactory and advantageous to a local public body for environmental, location, study, design, or inspection work relating to construction or infrastructure projects, may be negotiated and awarded based on a fair and reasonable price for the first phase only, when completion of the first phase is necessary to provide information critical to the negotiation of a fair and reasonable price for succeeding phases. Prior to the procurement of any such contract, the local public body shall determine in writing that the nature of the work is such that the best interests of such public body require awarding the contract.

*Patron - Purkey*

**PHB1714 Comprehensive Services Act; family assessment and planning team referral.** Clarifies that referrals and reviews of children and families under the Comprehensive Services Act may be done by the family and planning team (FAPT) or a collaborative, multidisciplinary team process

approved by the State Executive Council. The bill also states that the department of health representative on the FAPT will serve at the request of the chair of the local community policy and management team.

*Patron - Hogan*

**PHB1720 Office of Comprehensive Services for At-Risk Youth and Families; vendor management.** Requires the director of the Office of Comprehensive Service for At-Risk Youth and Families, in order to provide support and assistance to the Comprehensive Policy and Management Teams (CPMTs) and Family Assessment and Planning Teams (FAPTs) established pursuant to the Comprehensive Services Act (CSA) to (i) develop and maintain a statewide automated database, with support from the Department of Information Technology or its successor agency, of authorized vendors of CSA services that includes verification of a vendor's licensure status, each CSA service provided by the vendor, and the rate charged by the vendor for each service; (ii) negotiate statewide or regional rates with all vendors that shall be contained in the statewide automated database; (iii) develop, in consultation with the Department of General Services, standardized contracts that CPMTs may use to purchase services; (iv) develop and maintain a web-based CSA information system, with support from the Department of Information Technology or its successor agency, through which CPMTs and vendors report information about CSA clients and services to the Office; (v) develop and implement in collaboration with CPMTs and vendors a reasonable number of critical uniform statewide client outcome and vendor performance measures to be reported, beginning not later than July 1, 2004, by all CPMTs through the web-based CSA information system; and (vi) develop, in collaboration with the CPMTs, FAPTs, and vendors, the data collection tools needed to gather and report client outcome and vendor performance measurement information.

*Patron - Hogan*

**PHB1727 Protection of certain records in the possession of building officials.** Expands the current exemption under the Freedom of Information Act relating to building permit records to include critical structural components, security systems, telecommunications equipment, etc., submitted for the purpose of complying with the Uniform Statewide Building Code or the Statewide Fire Prevention Code, the disclosure of which would jeopardize the safety or security of any public or private commercial, multi-family residential or retail building or its occupants in the event of terrorism or other threat to public safety. The bill requires the owner or lessee to invoke these protections in writing, identify the drawings, plans, or other materials to be protected; and state the reasons why protection is necessary. The bill provides that nothing shall prevent disclosure of information relating to any building in connection with an inquiry into the performance of that building after it has been subjected to fire, explosion, natural disaster or other catastrophic event. The bill also requires building officials to institute procedures to ensure these sensitive records are securely stored, handled, and released in accordance with law.

*Patron - Sherwood*

**PHB1739 Government Data Collection and Dissemination Practices Act; exemption.** Grants an exemption to the Virginia Racing Commission from the provisions of the Government Data Collection and Dissemination Practices Act (formerly the Privacy Protection Act of 1976).

*Patron - McDougle*

**PHB1744 Government Data Collection and Dissemination Practices Act; social security numbers.** Prohibits agency-issued identification cards, student identification cards or license certificates issued or replaced after July 1, 2003,

from displaying an individual's entire social security number except as provided in § 46.2-342. Such cards or certificates issued prior to July 1, 2003, that include a social security number are required to be replaced no later than July 1, 2006. The bill exempts road tax licenses issued by the Department of Motor Vehicles motor carriers under the terms of the International Fuel Tax Agreement.

*Patron - Byron*

**PHB1761 Department of Information Technology; contracts for personal computers.** Authorizes the Department of Information Technology to establish contracts for the purchase of personal computers and related devices by public school teachers for use outside the classroom, provided that no more than one such computer and related device per year shall be so purchased.

*Patron - Amundson*

**PHB1774 Department of Veterans Services.** Consolidates veterans benefit claims support and veterans care center and cemetery services into the newly created Department of Veterans Services, headed by the Commissioner of Veterans Services. The bill also establishes the Veterans Service Board to advise and make recommendations to the Commissioner regarding future projects for the benefit of the State's veterans and to establish policies coordinating the delivery of veterans services. In addition, the bill establishes the Veterans Services Foundation to administer the Veterans Services Fund and the Joint Leadership Council of Veterans Service Organizations. The bill abolishes the Department of Veterans' Affairs, the Virginia Veterans Care Center Board of Trustees, the Board on Veterans' Affairs and the Virginia Veterans Cemetery Board. This bill is identical to SB 1092.

*Patron - Hargrove*

**PHB1776 Freedom of Information Act (FOIA): Unclaimed property; State Treasurer's records.** Provides an exemption from disclosure for records, investigative notes, correspondence, and information pertaining to the planning, scheduling and performance of examinations of holder records pursuant to the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.) prepared by or for the State Treasurer, his agents, employees or persons employed to perform an audit or examination of holder records.

*Patron - Woodrum*

**PHB1784 Administration; records on gubernatorial appointees.** Requires the Secretary of the Commonwealth to maintain and transfer to the Governor-elect certain records on collegial bodies and their members. The Secretary is required to keep records regarding contact information on the chairman, vice chairman and other current appointees and the staff to the collegial body. The database shall also list statutory provisions on terms and eligibility criteria. This bill is identical to SB 751.

*Patron - Miles*

**PHB1838 Taxpayer's Budget Bill of Rights.** Provides that the Executive Budget and the Budget Bill be set forth in a format and use language that is easily understood by the citizens of the Commonwealth. The bill also requires the Executive Budget and the Budget Bill include specific outcomes, functions, and goals that are related to expenditures and provisions for additional public access to information contained in the Executive Budget and the Budget Bill.

*Patron - Reese*

**PHB1844 Secretary of Health and Human Resources; adoption awareness campaign.** Requires the Secretary of Health and Human Resources to conduct an adoption

awareness campaign to expand the public's awareness of the benefits of adoption and to promote adoption as a positive alternative to abortion. The campaign shall include the dissemination to the public of information about the number of children in the Commonwealth who need permanent families and the experiences of adoptive families. The provisions of the bill are contingent upon an appropriation being included in the 2003 Appropriation Act to effectuate the purposes of the bill.

*Patron - Reese*

**PHB1872 Budget Bill; additional funds in the Revenue Stabilization Fund.** Requires the Governor to include in his annual Budget Bill certain additional deposits to the Revenue Stabilization Fund under certain conditions. This bill incorporates HB 2762.

*Patron - O'Bannon*

**PHB1916 Use of accrued annual leave for military service.** Requires the Department of Human Resource Management to develop personnel policies that permit any full-time state employee who is also a member of the organized reserve forces to carry forward from year to year his accrued annual leave time without regard to the regulation or policy of his agency regarding the maximum number of hours allowed to be carried forward. Any leave time over the usual amount allowed to be carried forward shall be reserved for use only as leave taken pursuant to active military service. Any leave carried forward remaining upon termination of employment shall not be paid or credited in any way to the employee.

*Patron - Almand*

**PHB1917 State grievance procedure.** Clarifies that each level of management review shall have the authority to provide the grieving employee with a remedy, subject to the agency head's approval. The bill also provides that the decision of a hearing officer is effective from the later of the date issued or the date of the conclusion of any administrative review and judicial appeal. This bill is in response to a circuit court holding in *Horner v. Department of Mental Health, Mental Retardation, and Substance Abuse Services*. The bill contains technical amendments.

*Patron - Almand*

**PHB1926 Information Technology Investment Board; Virginia Information Technologies Agency; Chief Information Officer.** Establishes the Information Technology Investment Board to oversee the Virginia Information Technologies Agency (VITA) in the planning, budgeting, acquiring, managing, and disposing of major information technology projects in the State. Under the bill the Board will hire a Chief Information Officer (CIO) of the State to serve as its chief administrative officer to oversee the day-to-day operations of VITA. The bill (i) abolishes the Department of Information Technology, the Department of Technology Planning and the Virginia Information Providers Network Authority, (ii) establishes the Division of Project Management within the VITA to assist the CIO in the development and implementation of a project management methodology to be used in the planning and development of information technology projects; (iii) establishes a project planning, development and approval process for major information technology projects; (iv) authorizes the Virginia Public Building Authority to issue debt to finance major information technology projects; and (v) provides for the consolidation of the procurement and operational functions of information technology for state agencies. The bill also provides an implementation schedule for the consolidation of operational functions, including but not limited to, servers and networks, for state agencies into VITA. This bill is identical to SB 1247.

*Patron - Nixon*

**PHB1927 Procurement of information technology; reverse auctioning.** Amends provisions related to information technology procurement. The bill removes the requirement that the Department of Information Technology (DIT) follow the Administrative Process Act (APA) when promulgating and adopting regulations governing the procurement of telecommunications and information technology and restores the exemption from the APA for "the award or denial of state contracts, as well as decisions regarding compliance therewith" (See § 2.2-4002(B)(2)). The bill amends § 2.2-1119, governing cases in which purchasing through the Division of Purchases and Supply is not mandatory, § 2.2-4304, governing cooperative procurement agreements, and § 53.1-52, governing purchases by state correctional facilities, to reflect the requirement in § 2.2-1303 that purchases of telecommunications and information technology be made through DIT. This bill does not affect any current delegation of authority either by DIT or to institutions of higher education through the 2002-2004 Appropriations Act (this second provision reiterates the second enactment of House Bill 519 from the 2002 Session). The bill also repeals the sunset of July 1, 2003, for reverse auctioning, making it a permanent method of procurement. The original version of this bill is a recommendation of the Joint Commission on Technology and Science.

*Patron - Nixon*

**PHB1955 Administration of government; State Executive Council for Comprehensive Services for At-Risk Youth and Families.** Designates the Secretary of Health and Human Resources, or a designated deputy, to chair the Executive Council. The chairman is currently elected from among its member representatives.

*Patron - Hamilton*

**PHB1956 Administration of government; Comprehensive Services for At-Risk Youth and Families (CSA).** Requires that the chairman of the state and local advisory team for CSA shall be elected from among the local government representatives.

*Patron - Hamilton*

**PHB2050 Virginia Public Procurement Act; payment bonds.** Clarifies that any claimant who has a direct contractual relationship with the contractor, regardless of any contractual relationship with a subcontractor, may bring an action on the contractor's payment bond.

*Patron - Woodrum*

**PHB2059 Governor; reestimate of general fund revenues.** Provides for the Governor to submit a reestimate of general fund revenues when the preliminary close of a given fiscal year indicates that the total of individual income, corporate income, and sales taxes collected is 1.0 percent or more below the estimated total amount of such taxes included in the budget estimate for that fiscal year.

*Patron - Callahan*

**PHB2062 Government Data Collection and Dissemination Practices Act; display of social security numbers prohibited.** Provides that after July 1, 2004, no agency, as defined in § 42.1-77, shall send or deliver or cause to be sent or delivered, any letter or package that displays a social security number on the face of the mailing envelope or package or from which a social security number is visible, whether on the outside or inside of the mailing envelope or package.

*Patron - Dudley*

**PHB2063 Government Data Collection and Dissemination Practices Act; social security numbers.** Prohibits

the display of a data subject's entire social security number on any student or employee identification card by public agencies on and after July 1, 2006.

*Patron - Dudley*

**PHB2075 Virginia Workforce Council; membership; powers and duties.** Reduces the membership of the Virginia Workforce Council from 43 to 29, and expands the duties of the Council in its implementation of the Workforce Investment Act ("WIA"). The Council is required to create procedures, guidelines, performance measures, and directives applicable to local workforce investment boards and the operation of one-stop centers required by the WIA. The bill also requires each local workforce investment board to develop and submit to the Council an annual workforce demand plan for its area based on a survey of local and regional businesses that reflects local employer needs and the availability of trained workers to meet those needs. Finally, the bill lists all programs that shall be mandatory partners in the one-stop centers under the WIA. This bill incorporates HB 2617.

*Patron - Hogan*

**PHB2079 State travel guidelines.** Requires the governing bodies of the Virginia Economic Development Partnership, the Virginia Tourism Authority, and the Virginia Port Authority shall establish policies on travel expenses that are substantially consistent with the policies on travel expenses established by the State Comptroller. The bill further provides that if a particular travel reimbursement situation is not covered by the policies or the amount of expense or reimbursement is greater than 10 percent of what is allowed by the policies, then approval must be obtained by the traveler from the cabinet secretary to which the governing body reports. This bill incorporates HB 2090.

*Patron - Gear*

**PHB2086 Freedom of Information Act; penalties for violation.** Increases the civil penalty for willful and knowing violations of the Freedom of Information Act from \$100 to \$250 for the first violation and from \$500 to \$1,000 for any subsequent violation.

*Patron - Abbitt*

**PHB2097 Administration of government; long-term planning; Roadmap for Virginia's Future.** Establishes long-term results-based planning for state government through the implementation of the "Roadmap for Virginia's Future" process that includes: (i) developing a set of guiding principles that are reflective of public sentiment and relevant to critical decision-making, (ii) establishing a long-term vision for the Commonwealth, (iii) conducting a situation analyses of core state service categories, (iv) setting long-term objectives for state services, (v) aligning state services to the long-term objectives, (vi) instituting a planning and performance management system consisting of strategic planning, performance measurement, program evaluation, and performance budgeting, and (vii) performing plan adjustments based on public input and evaluation of the results of the Roadmap. The bill also establishes the Council on Virginia's Future to advise the Governor and the General Assembly on the implementation of the Roadmap for Virginia's Future process and repeals the Performance Management Advisory Committee. In addition, the bill establishes the Government Performance and Results Act which requires each state agency to develop a strategic plan and provides for the Governor to develop an implementation plan for each agency. The bill contains a sunset provision of July 1, 2008.

*Patron - McQuigg*

**PHB2115 Creation of state boards and commissions; duration.** Provides that after January 1, 2003, all bills creating an advisory board, council, commission or other collegial body in the executive branch of state government shall contain a provision requiring the expiration of such body three years after its creation.

*Patron - Reid*

**PHB2131 Freedom of Information Act (FOIA); Board for Branch Pilots; confidentiality of information obtained from chemical testing.** Provides a FOIA exemption for records of the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

*Patron - Gear*

**PHB2135 Department of Treasury; risk management plan; inclusion of free clinics.** Makes free clinics eligible for participation in the State's risk management plan.

*Patron - Brink*

**PHB2192 Virginia Public Procurement Act; reverse auctioning.** Removes the sunset provision of July 1, 2003, for the use of reverse auctioning. As a result, reverse auctioning becomes an authorized method of procurement except that bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be procured by reverse auctioning.

*Patron - McQuigg*

**PHB2209 Freedom of Information Act (FOIA); closed meetings; State Lottery Board.** Allows the State Lottery Board to convene a closed meeting for its deliberations on a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent.

*Patron - Jones, S.C.*

**PHB2210 Emergency services and disaster law; release of records.** Provides that the Governor or agencies acting on his behalf may receive information, voluntarily submitted from both public and nonpublic entities, related to the protection of the nation's critical infrastructure sectors and components that are located in Virginia or affect the health, safety, and welfare of the citizens of Virginia. The bill provides that information submitted by any public or nonpublic entity in accordance with the procedures set forth in subdivision A 57 of § 2.2-3705 shall not be disclosed unless: (1) it is requested by law-enforcement authorities in furtherance of an official investigation or the prosecution of a criminal act; (2) the agency holding the record is served with a proper judicial order; or (3) the agency holding the record has obtained the written consent to release the information from the entity voluntarily submitting it.

*Patron - Jones, S.C.*

**PHB2211 Freedom of Information Act; critical infrastructure and vulnerability assessments.** Expands the current record exemption for engineering and architectural drawings to protect the safety of any public building or its occupants, by clarifying such records relating to critical infrastructure or structural components, security equipment and systems, ventilation systems, fire protection equipment, mandatory building emergency equipment or systems, elevators, electrical systems, telecommunications equipment and systems, and other utility equipment and systems, as well as vulnerability assessments are exempt. The bill applies to all buildings, whether public or private. The bill requires certain

procedures to be followed to protect such records. The bill also provides that nothing in this subdivision shall be construed to prohibit the disclosure of records relating to the structural or environmental soundness of any building, nor shall it prevent the disclosure of information relating to any building in connection with an inquiry into the performance of that building after it has been subjected to fire, explosion, natural disaster or other catastrophic event. The bill also contains a corollary open meeting exemption for the discussion of such records in a closed meeting. The bill consolidates two related exemptions and contains other technical amendments.

*Patron - Jones, S.C.*

**PHB2283 Conflict of interests in contracts for research and development or commercialization of intellectual property.** Authorizes the relevant board of visitors of a public institution of higher education in Virginia or the Eastern Virginia Medical School to delegate its authority to grant waivers to the conflict of interests statute for contracts between a business in which the employee has a personal interest and the institution for a contract for research and development or commercialization of intellectual property. If the board delegates this authority, it must include this delegation of authority in the formal policy required by clause (iii) of subdivision C 7. Additionally, if the board delegates this authority, the bill requires the president of the institution to file with the board of visitors by December 1 an annual report including the same information that the board of visitors is required to file with the Secretary of the Commonwealth under clause (v) of subdivision C 7.

*Patron - Devolites*

**PHB2284 Commonwealth Technology Research Fund continued.** Continues the Commonwealth Technology Research Fund originally established by subdivision J 1 of Item 548 of the 2000 Appropriation Act to help Virginia's institutions of higher education attract public and private research funding. The bill changes the agency responsible for the Fund from the Department of Planning and Budget to the Innovative Technology Authority, and expands it to include awards to help Virginia's institutions of higher education enhance their capabilities to commercialize resulting intellectual properties. The bill also requires the Authority to submit an annual report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees with detailed information on the awards committed and an evaluation of the Fund.

*Patron - Devolites*

**PHB2328 Virginia Investment Partnership Act; Virginia Investment Performance Grants.** Provides that any eligible manufacturer located in a fiscally distressed area of the State, as defined in the guidelines implementing the Virginia Investment Partnership Act, shall be eligible to begin receiving grants in the fourth year after the capital investment is completed and verified instead of the sixth year. The bill also amends the definition of "major eligible employer."

*Patron - Bland*

**PHB2380 Elimination and consolidation of certain duplicative and inactive collegial bodies and their programs.** Abolishes the Advisory Board on Medicare and Medicaid and the Economic and Employment Improvement Program for Disadvantaged Persons and its Grant Awards Committee and its program. This bill is similar in its objective to some of the legislation recommended by the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, and Councils and Other Governmental Entities pursuant to HJR 159 (2002). The elimination of the Advisory Board on Medicare and Medicaid and the Economic and Employment Improvement Pro-

gram for Disadvantaged Persons Grant Awards Committee was not a recommendation of the HJR 159 study this year.

*Patron - Petersen*

**PHB2470 Department of Minority Business Enterprise; reports.** Requires the Director of the Department of Minority Business Enterprise to report each year to the Governor and the General Assembly on the state departments and agencies failing to submit annual progress reports on minority business procurement required by § 2.2-4310.

*Patron - Crittenden*

**PHB2492 Freedom of Information Act; record exemption; investigative records of insurance claims.** Expands an existing exemption to include investigative notes, correspondence and information furnished in confidence with respect to an investigation of a claim or potential claim against a public body's insurance policy or self-insurance plan. The bill provides, however, that nothing shall prohibit the disclosure of information, taken from inactive reports upon expiration of the period of limitations for the filing of civil suits.

*Patron - Bolvin*

**PHB2519 Alzheimer's and Related Diseases.** Moves the staff responsibility for the Alzheimer's Disease and Related Disorders Commission (Commission) from the Department of Mental Health, Mental Retardation and Substance Abuse Services to the Department for the Aging (the "Department"). The Commission is reconstituted with an additional member bringing the number to 15 and providing for both gubernatorial and legislative appointees. Its expanded duties include developing a plan for meeting the needs of patients with Alzheimer's disease and related disorders and their caregivers, submitting an annual report to the Governor and General Assembly and making application for and expending grants, gifts or bequests. The bill charges the Department with providing referrals that link families caring for persons with Alzheimer's disease and related disorders with Virginia's chapters of the Alzheimer's Disease and Related Disorders Association. The Department also must provide information, counseling and referral about services and programs that may support individuals and families dealing with Alzheimer's disease and related disorders. Finally, the bill moves the existing Alzheimer's and Related Diseases Research Award Fund to this newly created article. This bill is identical to SB 969.

*Patron - Morgan*

**PHB2533 Virginia Public Procurement Act; certain transactions prohibited.** Prohibits state agencies from contracting for goods and services from vendors who are required to collect use tax on sales of goods delivered into Virginia but fail or refuse to do so. The bill would also prohibit such contracts with any affiliates of such vendor. The bill defines affiliate and requires the Department of Taxation to make a determination of whether a vendor or an affiliate of the vendor is a prohibited source. The bill provides for appeals of the Tax Department's determination and sets out the remedies. This bill incorporates HB 2822.

*Patron - Almand*

**PHB2550 Virginia Register of Regulations.** Codifies the current practice of publishing the Virginia Register of Regulations on the Internet and repeals the provision that the Register be provided to certain state and local entities free of charge. The bill also conforms the Code Commission's authority to contract for the printing of the Virginia Register with current authority to contract for the printing of the Code of Virginia and the Virginia Administrative Code, and repeals the provision that subscription fees for printing and distributing the

Register be approved by the Commission. In addition, the bill has an emergency clause.

*Patron - Landes*

**PHB2563 Virginia Department of Transportation; conveyance of right-of-way usage.** Provides that no land use permit will be issued by the Department of Transportation to any company other than a public service company or a company owning or operating an interstate natural gas pipeline or a franchised cable television systems operator unless the company has (i) registered as an operator with the appropriate notification center and (ii) notified the commercial and residential developer, owner of commercial or multifamily real estate, or local government entities with a property interest in any parcel of land located adjacent to the property over which the land use is being requested, that application for the permit has been made.

*Patron - Scott*

**PHB2571 Governor; six-year plan review; advisory board of economists.** Specifies the inclusion of transportation funds in the six-year revenue plan by the Governor. The bill also sets the number and qualifications of the members of the Advisory Board of Economists.

*Patron - Rollison*

**PHB2639 Virginia Research and Technology Advisory Commission (VRTAC); strategies for the incubation of science and technology industries; report.** Directs VRTAC to develop strategies for the incubation of new science and technology industries in the Commonwealth. The Commission is required to provide a report of such strategies to the Governor and the General Assembly by November 30, 2003.

*Patron - May*

**PHB2658 Freedom of Information Act; exemptions for the Commonwealth Health Research Board.** Adds an exemption for records submitted as a grant application, or accompanying a grant application, to the Commonwealth Health Research Board pursuant to Chapter 22 (§ 23-277 et seq.) of Title 23 to the extent such records contain proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical or scholarly issues, when such information has not been publicly released, published, copyrighted or patented, if the disclosure of such information would be harmful to the competitive position of the applicant. The bill also contains a closed meeting exemption for the Commonwealth Health Research Board for discussion of the above records.

*Patron - Woodrum*

**PHB2701 Virginia Public Procurement Act; cooperative procurement.** Clarifies that except for contracts for professional services, a public body may purchase from another public body's contract even if it did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was being conducted on behalf of other public bodies.

*Patron - Reid*

**PHB2731 Government Data Collection and Dissemination Practices Act; definition of agency.** Clarifies that the definition of "agency" in the Government Data Collection and Dissemination Practices Act includes constitutional officers, except as otherwise expressly provided by law. The bill contains a technical amendment. The bill is in response to a recent Virginia Supreme Court decision that held that the Gov-

ernment Data Collection and Dissemination Practices Act does not apply to constitutional officers.

*Patron - Woodrum*

**PHB2738 Virginia Freedom of Information Act exemption.** Allows the Virginia Museum of Natural History to hold closed meetings to discuss or consider matters relating to specific gifts, bequests, and grants. This exemption from the Freedom of Information Act currently extends to the Virginia Museum of Fine Arts and The Science Museum of Virginia.

*Patron - Armstrong*

**PHB2742 Herbert H. Bateman Advanced Shipbuilding and Carrier Integration Center.** Provides that operations grants for activities of the Herbert H. Bateman Advanced Shipbuilding and Carrier Integration Center may be awarded up through June 30, 2008. Current law provides that such grants may be awarded up through June 30, 2006.

*Patron - Oder*

**PHB2746 Virginia Personnel Act; exemption.** Exempts employees of the Virginia Tobacco Settlement Foundation from the Virginia Personnel Act. However, the bill provides that such employees shall be treated as state employees for purposes of participation in the Virginia Retirement System, health insurance, and all other employee benefits offered by the Commonwealth to its classified employees.

*Patron - O'Bannon*

**PHB2760 Virginia Research and Technology Advisory Commission (VRTAC); strategic plan for research and development; report.** Directs VRTAC, in conjunction with the Secretaries of Technology, Commerce and Trade, and Education, to develop strategies for research and development in the Commonwealth. The Commission is required to provide a report of such strategies to the Governor and the General Assembly by November 30, 2003. The Innovative Technology Authority, Virginia Economic Development Partnership, and State Council of Higher Education shall provide staff support to the Commission.

*Patron - O'Bannon*

**PHB2804 Virginia Public Building Authority; Capitol Square Preservation Act of 2003.** Authorizes the Virginia Public Building Authority to issue bonds in a principal amount not to exceed \$118,570,000 to finance the improvement and furnishing of certain buildings located within the boundaries of Capitol Square that were originally built before 1950.

*Patron - Morgan*

**PSB695 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 meet certain requirements and 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.*

**PSB706 Compensation and expenses of members of collegial bodies.** Clarifies that the collegial body or the agency that provides support for the work of the collegial body is ultimately responsible for the payment of the compensation and

expenses of the members of the collegial body. The bill also clarifies that any payment by the Clerk of the Senate or the Clerk of the House of Delegates to their respective members for service on a collegial body will be reimbursed by the collegial body or the supporting agency. This bill is identical to HB 1449.

*Patron - Trumbo*

**PSB737 Virginia Freedom of Information Act; exemptions for contract negotiations.** Adds a record exemption for records relating to the negotiation and award of a specific contract where competition or bargaining is involved and where the release of such records would adversely affect the bargaining position or negotiating strategy of the public body. The bill provides that such records shall not be withheld after the public body has made a decision to award or not to award the contract and shall not apply to the release of records in connection with procurement transactions governed by the Virginia Public Procurement Act. The bill also provides an open meeting exemption for the discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body. The bill is a recommendation of the FOIA Council.

*Patron - Houck*

**PSB738 Freedom of Information Act (FOIA); payment of charges for record production.** Provides that before processing a request for records, a public body may require the requester to pay any amounts owed to the public body for previous requests for records that remain unpaid 30 days or more after billing. The bill also contains a technical amendment. The bill is a recommendation of the FOIA Council.

*Patron - Houck*

**PSB751 Administration; records on gubernatorial appointees.** Requires the Secretary of the Commonwealth to maintain and transfer to the Governor-elect certain records on collegial bodies and their members. The Secretary is required to keep records regarding contact information on the chairman, vice chairman and other current appointees and the staff to the collegial body. The database shall also list statutory provisions on terms and eligibility criteria. This bill is identical to HB 1784.

*Patron - O'Brien*

**PSB802 Maternal and Child Health Council.** Abolishes the Maternal and Child Health Council. The Council was established in 1992 to improve the health of the Commonwealth's mothers and children by promoting and improving programs and service delivery systems related to maternal and child health. The State Department of Health, the Department of Education and the Virginia Alliance of School Health currently address maternal and child health services, including perinatal, school health and teen pregnancy and represent a broad spectrum of public, private and academic input. This bill is a recommendation of the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Board, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002).

*Patron - Martin*

**PSB838 Small Business Financing Authority; not-for-profit entities.** Allows the Small Business Financing Authority the ability to be the statewide conduit issuer of private activity bonds to a 501 (c) (3) entity operating in Virginia. The bill also amends the definitions of "eligible small busi-



ness" and "small business enterprise." The bill contains technical amendments.

*Patron - Howell*

**PSB938 Virginia Public Procurement Act; certain transactions prohibited.** Prohibits state agencies from contracting for goods and services from vendors who are required to collect use tax on sales of goods delivered into Virginia but fail or refuse to do so. The bill would also prohibit such contracts with any affiliates of such vendor. The bill defines affiliate and requires the Department of Taxation to make a determination of whether a vendor or an affiliate of the vendor is a prohibited source. The bill provides for appeals of the Tax Department's determination and sets out the remedies. This bill is identical to HB 2533.

*Patron - Colgan*

**PSB941 Timelines for a fact-finding panel established to hear a teacher grievance.** Clarifies that the time limitations established for choosing the panel members, holding the hearing before the fact-finding panel, and making the findings and recommendations to the school board, the superintendent, and the teacher are "business" days. For purposes of this provision, "business days" means any day that the relevant school board office is open.

*Patron - Colgan*

**PSB951 Chippokes Plantation Farm Foundation.** Exempts the Board of the Chippokes Plantation Farm Foundation from the Virginia Public Procurement Act when entering into agreements with private persons for the construction, operation, and maintenance of projects that are (i) consistent with the Chippokes Plantation State Park Master Plan approved by the Director of the Department of Conservation and Recreation and (ii) designed to further an appreciation for rural living and the contributions of the agricultural, forestry, and natural resource based industries of the Commonwealth. Such project must be supported solely by nonstate funding sources.

*Patron - Quayle*

**PSB960 Revenue Stabilization Fund.** Provides for the Governor to make increased deposits into the Revenue Stabilization Fund during periods of increased revenue collection. This bill is identical to HB 1872.

*Patron - Chichester*

**PSB962 Department of Treasury; risk management plan; inclusion of free clinics.** Makes free clinics eligible for participation in the State's risk management plan. This bill is identical to HB 2135.

*Patron - Chichester*

**PSB963 Processing of payroll and other transactions of institutions of higher education.** Delegates to certain publicly supported institutions of higher education the authority to process payroll and nonpayroll disbursements, receipts, and expenditures. This authority is currently delegated from the Department of Accounts to certain institutions of higher education pursuant to the Appropriation Act, beginning in 1994. The bill codifies a pilot program that was first created in the 1994 budget bill.

*Patron - Chichester*

**PSB969 Alzheimer's Disease and Related Disorders.** Moves the staff responsibility for the Alzheimer's Disease and Related Disorders Commission (Commission) from the Department of Mental Health, Mental Retardation and Substance Abuse Services to the Department for the Aging (the "Department"). The Commission is reconstituted with an additional member bringing the number to 15 and providing for

both gubernatorial and legislative appointees. Its expanded duties include developing a plan for meeting the needs of patients with Alzheimer's disease and related disorders and their caregivers, submitting an annual report to the Governor and General Assembly and making application for and expending grants, gifts or bequests. The bill charges the Department with providing referrals that link families caring for persons with Alzheimer's disease and related disorders with Virginia's chapters of the Alzheimer's Disease and Related Disorders Association. The Department also must provide information, counseling and referral about services and programs that may support individuals and families dealing with Alzheimer's disease and related disorders. Finally, the bill moves and renames the existing Alzheimer's and Related Diseases Research Award Fund to this newly created article. This bill is identical to HB 2519.

*Patron - Houck*

**PSB1001 Administrative Process Act; fast-track rulemaking process.** Establishes an exemption from certain provisions of the Administrative Process Act for agency regulations deemed by the Governor to be noncontroversial. This legislation is a recommendation of the Virginia Code Commission.

*Patron - Mims*

**PSB1012 Department of Human Resource Management; criminal background checks for sensitive positions.** Requires the Department of Human Resource Management to develop a statewide policy for designating sensitive positions within each state agency. Such sensitive positions shall include positions generally described as directly responsible for the health, safety and welfare of the general populace or protection of critical infrastructures. Final candidates for employment in a position that has been designated as sensitive shall be required, as a condition of employment, to submit to a criminal background check, submit to fingerprinting and provide personal descriptive information, all of which will be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation.

*Patron - Howell*

**PSB1027 Division of Risk Management.** Obliges the Division to provide for the payment of attorney's fees and expenses awarded to any individual or entity against the Commonwealth for acts or omissions of any nature while acting in an authorized governmental or proprietary capacity, or in reliance upon any constitutional provision, law, or sanctioned practice of the Commonwealth. The bill specifies that, as a condition of coverage, the state entity must (i) promptly inform the Division when a claim has been initiated, (ii) provide the Division with nonprivileged information on the matter, and (iii) permit the Division to participate in the investigation.

*Patron - Chichester*

**PSB1044 Department of General Services, Division of Purchases and Supply; direct purchases.** Allows organizations providing transportation services in the Commonwealth and receiving funding from the Federal Transit Administration or the Commonwealth Transportation Board to purchase directly from state contracts established by the Division of Purchases and Supply. The bill also provides for the Department of Rail and Public Transportation to assist the Division in maintaining a list of organizations that would be authorized to make such purchases.

*Patron - Ruff*

**PSB1064 Department of General Services; Public Procurement Act; preference for businesses that hire ex-felons.** Prohibits discrimination by state agencies against a bidder



or offeror because the bidder or offeror employs ex-offenders unless the state agency, department or institution has made a written determination that employing ex-offenders on the specific contract is not in its best interest. The bill also exempts the Department of Corrections from the Public Procurement Act when in its selection of pre-release and post-incarceration services.

*Patron - Maxwell*

**PSB1092 Department of Veterans Services.** Consolidates veterans benefit claims support and veterans care center and cemetery services into the newly created Department of Veterans Services, headed by the Commissioner of Veterans Services. The bill also establishes the Veterans Service Board to advise and make recommendations to the Commissioner regarding future projects for the benefit of the State's veterans and to establish policies coordinating the delivery of veterans services. In addition, the bill establishes the Veterans Services Foundation to administer the Veterans Services Fund and the Joint Leadership Council of Veterans Service Organizations. The bill abolishes the Department of Veterans' Affairs, the Virginia Veterans Care Center Board of Trustees, the Board on Veterans' Affairs and the Virginia Veterans Cemetery Board. This bill is identical to HB 1774.

*Patron - Edwards*

**PSB1203 Virginia Freedom of Information Act; electronic communication meetings.** Extends the exemption of certain public bodies from the Virginia Freedom of Information Act's electronic communication meeting restrictions to public bodies in the legislative branch and any authority, board, bureau, commission, district or agency of the Commonwealth whose membership includes persons who reside or work more than 55 miles from the meeting location as stated in the required notice for such meeting. The bill also provides that these public bodies make an audio or audio/visual recording of the meeting that must be retained for three years. All authorized public bodies are required to submit a report detailing their experience with meetings held under this pilot program to the Freedom of Information Advisory Council and the Joint Commission on Technology and Science. The chairman of any meeting so held is required to make an announcement of the reporting provision during the course of such meeting. The bill also changes the required reporting date from April 15, 2003, to September 1 of each year and extends the sunset from July 1, 2003, to July 1, 2005. The bill contains an emergency clause.

*Patron - Newman*

**PSB1212 State mandates on local governments.** Provides that notwithstanding any application by a locality and without a determination of fiscal stress, during the fiscal year beginning July 1, 2003, and ending January 1, 2004, the Governor may suspend for good cause as determined by the Governor any local mandate that results from a regulation promulgated by an executive branch agency. In determining good cause, the Governor may consider relieving local fiscal stress, reducing unnecessary burdens to local governments, eliminating duplicative or unneeded reporting requirements, and other factors as may seem appropriate.

*Patron - Newman*

**PSB1247 Information Technology Investment Board; Virginia Information Technologies Agency; Chief Information Officer.** Establishes the Information Technology Investment Board to oversee the Virginia Information Technologies Agency (VITA) in the planning, budgeting, acquiring, managing, and disposing of major information technology projects in the State. Under the bill the Board will hire a Chief Information Officer (CIO) of the State to serve as its chief administrative officer to oversee the day-to-day operations of

VITA. The bill (i) abolishes the Department of Information Technology, the Department of Technology Planning and the Virginia Information Providers Network Authority, (ii) establishes the Division of Project Management within the VITA to assist the CIO in the development and implementation of a project management methodology to be used in the planning and development of information technology projects; (iii) establishes a project planning, development and approval process for major information technology projects; (iv) authorizes the Virginia Public Building Authority to issue debt to finance major information technology projects; and (v) provides for the consolidation of the procurement and operational functions of information technology for state agencies. The bill also provides an implementation schedule for the consolidation of operational functions, including but not limited to, servers and networks, for state agencies into VITA. This bill is identical to HB 1926 and incorporates SB 847.

*Patron - Stosch*

**PSB1275 Division of Consolidated Laboratory Services; environmental laboratory certification program.** Authorizes the Director of the Division of Consolidated Laboratory to provide variances to environmental labs if (i) the proposed variance will meet the goals and purposes of the provisions of this section or regulation promulgated under this section, and (ii) the variance does not conflict with federal or state law or regulations. The provisions of this bill will become effective on July 1, 2004.

*Patron - Hawkins*

**PSB1344 Electronic meetings of the Board of Visitors of the University of Virginia; authority for holding telephonic or video broadcast meetings.** Modifies the exception to the Freedom of Information Act requirements for holding telephonic or video broadcast meetings that has been accorded to the Board of Visitors of the University of Virginia. This exception currently requires that two-thirds of the board be physically assembled at its regular or primary location and that no more than 25 percent of all annual meetings be held via electronic means. This provision reduces the requirement for physical presence to a quorum of the Board and provides for electronic meetings to be held at locations other than the regular or primary location of the Board's meetings. The Board of Visitors of the University of Virginia consists of 16 members; however, § 23-74 provides that five members "constitute a quorum." In addition to these changes, public access is limited to hearing the participation during public sessions and the interruption of the telephonic or video broadcast of the meeting will result in suspension of public sessions. The original act authorizing the Board to hold electronic meetings that are removed from the Freedom of Information Act's general rules includes an enactment clause mandating that the Board keep a record of its electronic meetings, record complaints about such meetings, and report on these records to the Secretary of Education and the General Assembly. The bill also extends the sunset clause to July 1, 2005.

*Patron - Stolle*

**PSB1351 Procurement by the Department of Transportation; lighting systems.** Provides that for projects initiated on or after July 1, 2003, the Virginia Department of Transportation shall design all lighting systems in accordance with current Illuminating Engineering Society of North America standards and recommended practices. The lighting system shall utilize fixtures that minimize glare, light trespass, and skyglow while still providing a comfortable, visually effective, safe, and secure outdoor environment in a cost-effective manner over the life cycle of the lighting system.

*Patron - Whipple*

## Failed

**FHB1391 Secretary of Transportation; posting of certain transportation information related to transportation construction project funding.** Requires the Secretary of Transportation annually, on or before October 1, to post on VDOT's website information on the amount of local, state, and federal funding used to support transportation construction projects in each of the Department of Transportation's highway construction districts. This bill is incorporated into HB 2259.  
*Patron - Lingamfelter*

**FHB1427 Department of General Services; Virginia Distribution Center.** Requires the Department of General Services to cease operation of the Virginia Distribution Center by December 31, 2004.  
*Patron - Louderback*

**FHB1463 Economic development; Virginia Maritime Investment Act.** Establishes a grant program to be paid, subject to appropriation, from the Virginia Maritime Investment Partnership Grant Fund. The program provides grants to eligible ship repair companies making a capital investment of at least \$50,000. Eligible ship repair companies are companies that have continuously been repairing ships in Virginia for at least five years. The capital investment must increase the productivity of the ship repair company or result in the utilization of a more advanced technology by such company, or both. The Secretary of Commerce and Trade shall determine whether or not a grant is to be awarded to eligible ship repair companies based on guidelines establishing criteria for the awarding of a grant and based on recommendations of the Virginia Economic Development Partnership. In cases where a grant is awarded, the grant shall equal 10 percent of the cost of the capital investment. The guidelines for the awarding of a grant shall be reviewed by the chairmen of the House Appropriations and Senate Finance Committees before the Secretary of Commerce and Trade may award any grant. These guidelines must take into account the number of new jobs created, wages, the amount of the investment, the net present value of paid benefits to Virginia, and other factors. The amount of total grants any eligible ship repair company is eligible for shall not exceed \$25 million. 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 at least five installments beginning in the second year after the capital investment is completed and verified as such by the Virginia Economic Development Partnership.  
*Patron - Wardrup*

**FHB1467 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 appropriation 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 its adoption.  
*Patron - Purkey*

**FHB1512 Council on the Status of Women.** Abolishes the Council on the Status of Women. The Council was established to identify ways in which women can reach their

potential and make their full contributions to society and the Commonwealth as wage earners and citizens. The Council lost its independent staff in 1991 and does not currently receive funding. This bill is a recommendation of the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002).  
*Patron - Cox*

**FHB1529 Governor's Secretaries; Secretary of Finance and Secretary of Administration.** Merges the Office of the Secretary of Administration into the Office of the Secretary of Finance.  
*Patron - Landes*

**FHB1530 Governor's Secretaries; Secretary of Commerce and Trade and Secretary of Technology.** Merges the Office of the Secretary of Technology into the Office of the Secretary of Commerce and Trade.  
*Patron - Landes*

**FHB1531 Governor's Secretaries; Secretary of Public Safety and Secretary of Transportation.** Merges the Office of the Secretary of Transportation into the Office of the Secretary of Public Safety.  
*Patron - Landes*

**FHB1592 Department of General Services; Virginia Distribution Center.** Requires the Department of General Services to cease operation of the Virginia Distribution Center by July 31, 2003.  
*Patron - Louderback*

**FHB1647 Freedom of Information Act; legal opinions.** Provides that opinions rendered to the Governor relating to the constitutionality of pending legislation shall be released upon request. The bill contains a technical amendment.  
*Patron - Marshall, R.G.*

**FHB1648 Freedom of Information Act; working papers of the Office of the Governor; budget documents.** Provides that documents used in the preparation of "The Executive Budget" required by § 2.2-1508 shall not be deemed working papers of the Office of the Governor. The bill contains a technical amendment.  
*Patron - Marshall, R.G.*

**FHB1649 Freedom of Information Act; charges.** Provides that if a requester specifies in writing that he desires to be notified if the charges for his request exceed a specified amount, the public body shall suspend processing the request and notify the requester if the public body determines that the charges will exceed the specified amount. The period within which the public body shall respond under this section shall be tolled for the amount of time that elapses between the notice by the public body and the response of the requester.  
*Patron - Marshall, R.G.*

**FHB1708 Government Data Collection and Dissemination Practices Act; genetic information.** Amends the definition of "personal information" under the Government Data Collection and Dissemination Practices Act (formerly the Privacy Protection Act of 1976) to include genetic information, as defined in § 38.2-508.4.  
*Patron - Purkey*

**FHB1724 Governor; military aides.** Provides that commissions as military aides to the Governor shall be issued by the Secretary of the Commonwealth with the rank the Gov-

ernor deems appropriate and such military aides shall serve on detail to the Governor and perform such other duties as assigned by the Governor, including assignment to the Virginia state defense forces. The bill also provides that the commissions of the military aides shall constitute a commission in the state militia of the Commonwealth and shall entitle the recipients to the pay and benefits of their rank in the performance of their duties. Currently, these commissions are honorary and do not entitle the recipient to pay or benefits.

*Patron - Callahan*

**FHB1797 Freedom of Information Act; closed meetings; disclosure of closed meeting discussions.** Provides that a public body may, by agreement of a majority of its members, adopt a rule prohibiting and providing appropriate sanctions for the disclosure by any member of information discussed in a closed meeting of the public body lawfully convened in accordance with § 2.2-3711 and § 2.2-3712 until such time as the subject of the closed meeting is made public by the public body.

*Patron - Jones, D.C.*

**FHB1812 Genetic characteristics; discrimination.** Declares it to be the policy of the Commonwealth to safeguard individuals from unlawful discrimination based on genetic characteristics. Conduct that violates Virginia or federal law governing discrimination on the basis of genetic characteristics 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 based on a genetic characteristic that is not a bona fide occupational qualification reasonably necessary to perform the normal operation of the contractor. In addition, localities, if they enact ordinances prohibiting discrimination, must also include discrimination based on genetic characteristics.

*Patron - Welch*

**FHB1816 Center for Innovative Technology; duties; advanced electronic communications.** Confers upon the Center for Innovative Technology, created by the Innovative Technology Authority pursuant to § 2.2-2232, the responsibility of coordinating all efforts of public and quasi-public bodies within the Commonwealth to enhance or facilitate the prompt availability of and access to advanced electronic communications services, commonly known as broadband, throughout the Commonwealth, monitoring trends and advances in advanced electronic communications technology to plan and forecast future needs for such technology, and identifying funding options. The bill does not consolidate or otherwise transfer to the Center authority over advanced electronic communications projects being conducted by public or quasi-public bodies outside of the executive branch of government. The bill also requires updates on the deployment of advanced electronic communications services in the Center's reporting requirement to the Joint Commission on Technology and Science and establishes December 1 as the date by which the Center's president must issue his annual report. The bill moves the reporting requirement from § 2.2-2221.1 to the new § 2.2-2232.1.

*Patron - Scott*

**FHB1853 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 sub-

committee shall make recommendations to improve the efficiency of each agency by December 31, 2004.

*Patron - Lingamfelter*

**FHB1936 Prompt payment.** Increases the time that a contractor is allowed to make payments to subcontractors under a public contract's payment clause and interest clause. Currently, state and local government contracts are required to include provisions requiring such payments by contractors within seven days. This measure extends the period to 30 days or other period that is specified in the subcontract, not to exceed 90 days.

*Patron - Nixon*

**FHB1957 Secretary of Commerce and Technology.** Consolidates the Office of the Secretary of Technology with the Office of the Secretary of Commerce and Trade to create the Office of the Secretary of Commerce and Technology.

*Patron - Hamilton*

**FHB1958 Secretary of Administration; Secretary of the Commonwealth.** Merges the duties of the Office of the Secretary of the Commonwealth with the Secretary of Administration and changes the name of the Secretary of Administration to the Secretary of the Commonwealth.

*Patron - Hamilton*

**FHB2090 State travel guidelines.** Requires every authority, board, bureau, commission, district or agency of the Commonwealth that is supported wholly or principally by public funds to establish policies on allowable travel expenses that are consistent with the policies on travel expenses established by the State Comptroller. The bill requires that all such policies apply equally to all personnel, whether employed or appointed.

*Patron - Joannou*

**FHB2141 Governor; disposition of official correspondence and other records.** Attempts to tighten the provision that requires the Governor to deliver to The Library of Virginia all correspondence and other records of his office during his term. As to correspondence or other records of a strictly personal or private nature, the Governor must consult with the Librarian of Virginia before deciding which records are not required to go to The Library of Virginia. The bill requires the Librarian of Virginia to deliver to the Governor, on or before April 1 of the first year of each new gubernatorial administration, the applicable records retention and disposal schedules for such records developed in accordance with the Virginia Public Records Act.

*Patron - Brink*

**FHB2162 Leave for service on elected bodies.** Provides that employees of the Department of Corrections who are regularly employed full time on a salaried basis, whose tenure is not restricted as to temporary or provisional appointment, in the service of, and whose compensation is payable no more often than biweekly in whole or in part by the Commonwealth shall be allowed up to 30 days of unpaid leave in any calendar year to attend meetings of any local public body to which they have been elected. The Department of Human Resource Management shall develop personnel policies providing for the use of such leave.

*Patron - Phillips*

**FHB2207 Administration; prescription drugs.** Creates the Healthy Lives Prescription Fund under the Secretary of Health and Human Resources to accept and spend moneys appropriated to it by the General Assembly as well as any federal moneys, donations, grants and in-kind services in order to develop and implement programs to enhance current and

develop future programs to help the citizens of the Commonwealth purchase prescription drugs.

*Patron - Jones, S.C.*

**FHB2237 Local Taxpayer Protection Act.** Provides that any new program or mandate requiring a net additional expenditure by any locality shall not become effective unless an annual appropriation is made from the general fund to affected localities by the General Assembly at its next Session, such appropriation being sufficient to fund such program or mandate. However, notwithstanding such requirement, a new program or mandate requiring a net additional expenditure shall become effective if the General Assembly (i) passes such legislation with an emergency clause and provides an estimated amount to fund such mandate or program in the current budget, or (ii) affirmatively votes by a four-fifths vote to pass such legislation without sufficient funding. This bill does not apply to legislation that impacts traditional or constitutionally required local government responsibilities and functions.

*Patron - Pollard*

**FHB2273 Legal services to attorneys for the Commonwealth.** Provides that the Attorney General may at the request of an attorney for the Commonwealth provide legal service to such attorney for the Commonwealth in any proceedings brought against him seeking to overturn a criminal verdict or otherwise invalidate part or all of a successful criminal prosecution, regardless of the legal theory of the plaintiff's or petitioner's case. Currently the law provides for such representation of a Commonwealth's Attorney only in a lawsuit seeking to restrain the enforcement of any state law.

*Patron - Hurt*

**FHB2325 Government Data Collection and Dissemination Practices Act; social security numbers.** Prohibits the posting of the social security number of any data subject on the Internet.

*Patron - Bland*

**FHB2336 Attorney General.** Requires the court or tribunal to notify the Attorney General of any proceeding raising a question as to the constitutionality of state law, and permits the Commonwealth to intervene in such suit for presentation of evidence and for argument on the issue of constitutionality. The bill provides that the Commonwealth has all the "rights of a party to the extent necessary for a proper presentation of the facts and law relating to the question of constitutionality."

*Patron - Reese*

**FHB2422 Veterans Care Center; to be named after certain Medal of Honor recipients.** Provides that the second Virginia Veterans Care Center, to be constructed on the property of the McGuire V.A. Hospital, shall be named in the honor of Richmond-area Medal of Honor recipients Colonel Carl Sitter, U.S. Marine Corps, Retired and Colonel Van Barfoot, U.S. Army, Retired. The Virginia Veterans Care Center Board of Trustees shall place and maintain appropriate markers indicating this designation.

*Patron - Janis*

**FHB2468 Department of Minority Business Enterprise; powers and duties; certification of minority businesses.** Gives the Department of Minority Business Enterprise (the Department) the power to review and approve the minority business enterprise certification programs of other state departments and agencies to ensure that such programs are consistent with Department regulations. The bill also specifies that the Director of the Department has the authority to adopt regulations providing for the mandatory submission to and approval

by the Director of minority business enterprise certification programs of other state departments and agencies.

*Patron - Crittenden*

**FHB2481 Retirement Incentive Program Act of 2003.** Creates a voluntary retirement incentive program for state employees. Employees who elect to participate and have at least 27 years of creditable service but less than 30 years will be deemed for retirement purposes to have 30 years of creditable service, and those employees who have 30 or more years of creditable service will be awarded an additional year of creditable service. Employees must have the approval of their agency head in order to participate.

*Patron - Tata*

**FHB2482 Workforce Transition Act of 1995.** Deletes the requirement that state agencies must reimburse the Virginia Retirement System within 12 months of a layoff for certain retirement benefits provided under the Workforce Transition Act of 1995, in order to accelerate cost savings and therefore to reduce layoffs.

*Patron - Tata*

**FHB2526 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*

**FHB2547 Health insurance program for retirees of local governments.** Provides that effective July 1, 2003, retirees of local governments shall be given the option to participate in the Local Choice Health Insurance Programs offered by the Department without the approval of the participant's respective governing body, or by the local school board in the case of teachers.

*Patron - Byron*

**FHB2557 Prohibited discrimination; state 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.

*Patron - Scott*

**FHB2562 Virginia Workforce Council; membership.** Requires five of the 18 members of the Virginia Workforce Council representing the business community to be members of local workforce investment boards from different regions in the Commonwealth.

*Patron - Scott*

**FHB2577 Legal services to attorneys for the Commonwealth.** Provides that the Attorney General shall, at the request of an attorney for the Commonwealth, provide legal service to such attorney for the Commonwealth in any proceedings brought against him seeking to overturn a criminal verdict or otherwise invalidate part or all of a successful criminal prosecution, regardless of the legal theory of the plaintiff's or petitioner's case. Currently the law only provides for

representation of an attorney for the Commonwealth in a lawsuit seeking to restrain the enforcement of any state law.

*Patron - Armstrong*

**FHB2580 Freedom of Information Act; closed meeting exemption for Virginia Museum of Natural History.** Grants an open meeting exemption for discussion or consideration by the board of trustees of the Virginia Museum of Natural History of matters relating to museum fundraising activities or specific gifts, bequests, and grants.

*Patron - Armstrong*

**FHB2617 Workforce Development.** Increases the membership of the Virginia Workforce Council from 43 to 60 members, to include the chair of each of the 17 local workforce investment boards in the Commonwealth. The Virginia Employment Commission is charged with coordinating statewide workforce development activities. The VEC shall (i) administer all workforce investment programs and funding therefor, (ii) develop processes and procedures to monitor the one-stop centers mandated by the Workforce Investment Act, and (iii) monitor the effectiveness of local workforce investment boards. This bill is incorporated into HB 2075.

*Patron - Sears*

**FHB2626 Freedom of Information Act (FOIA); requests by inmates.** Removes the provision that denies access to records to persons incarcerated in any state, local or federal correctional facility. As a result, inmates will have a right of access to records under FOIA.

*Patron - Spruill*

**FHB2664 Freedom of Information Act; closed meeting procedures; notice.** Provides that the notice provisions of the Freedom of Information Act shall not apply to closed meetings of any public body held solely for the purpose of taking testimony or the presentation of evidence concerning the disciplining of any student or employee of any state school system. Currently, notice is not required for closed meetings of any public body held solely for the purpose of interviewing candidates for the position of chief administrative officer.

*Patron - Jones, S.C.*

**FHB2665 Freedom of Information Act; closed meetings to discuss threats to public safety.** Expands the closed meeting exemption for discussions relating to terrorist activity to include other types of threats to the public safety.

*Patron - Jones, S.C.*

**FHB2695 Administration of government; acceptance of foreign personal identification cards.** Provides that for the disbursement of those public services, including law-enforcement services, in the Commonwealth that require recipients to produce personal identification, no department, agency, commission, or other public entity in the Commonwealth, or a political subdivision thereof, shall accept or recognize any identification document unless such document was issued by a state or federal authority, and is verifiable by federal law enforcement, intelligence, or homeland security agencies. No public entity in the Commonwealth may authorize acceptance of other than such verifiable identification, nor may any public official acting in his capacity as a public official accept, acknowledge, or recognize other than such verifiable identification, nor may any public entity in the Commonwealth or political subdivision of the Commonwealth rely on or utilize in any manner other than such verifiable identification for the purpose of issuing to any person any form of identification, license, permit, or official document.

*Patron - Hogan*

## **FHB2699 Teacher liability insurance program.**

Directs the Division of Risk Management within the Department of Treasury, from such funds as may be appropriated and from such gifts, donations, grants, bequests, and other funds as may be received for such purpose, to administer a liability insurance program for public school teachers in the Commonwealth. The program is to include coverage for professional liability, reimbursement of attorney's fees for criminal defense, bail bonding, and assault-related personal property damage for classroom teachers. Under current law (§ 22.1-83), school boards may pay the legal fees and expenses for employees, which would include teachers who have been arrested, indicted, or "otherwise prosecuted on any charge arising out of any act committed in the discharge of his duties as such employee"; significantly, this authority is limited to those instances in which the charge is "subsequently dismissed or a verdict of not guilty is rendered...." In addition, a school board may pay legal fees and expenses for any employee made a defendant in a civil action arising from school employee duties, regardless of the outcome of the action. Local school boards are not statutorily required to provide liability insurance. Pursuant to § 22.1-84, school boards may provide this coverage, or self-insurance, for "certain or all of its officers and employees and for student teachers and other persons performing functions for any school in the school division...." The insurance may cover "costs and expenses incident to liability, arising from their conduct in discharging their duties or in performing functions or services for a school."

*Patron - Lingamfelter*

## **FHB2762 Deposits into the Revenue Stabilization Fund.**

Requires deposits made by the General Assembly to the Revenue Stabilization Fund to equal 66.7 percent (instead of 50 percent) of the product of the certified tax revenues collected in the most recently ended fiscal year times the difference between the annual percentage increase in such certified tax revenues and the average annual percentage increase in the certified tax revenues collected in the six fiscal years immediately preceding the most recently ended fiscal year; subject only to the 10 percent limitation in Article X, Section 8 of the Constitution of Virginia.

*Patron - Armstrong*

## **FHB2792 Electronic Government Services Act created.**

Prohibits a public body from providing electronic commerce services that duplicate or compete with similar services provided by the private sector unless the public body provides notice and a hearing for the public to submit comments. The notice must include proposed findings of fact and law, costs, a statement of the public benefit and unmet need, and a statement describing the impact of such services on the private sector. The public body must sign factual and legal conclusions addressing the public comments and the factors required by the Act. Where competition exists, the public body must file an annual report. The bill also creates a cause of action for any private entity engaged in the electronic commerce business to challenge the sufficiency of the factual and legal conclusions, as well as to challenge the provision of services in general. Finally, the bill applies to state agencies, political subdivisions, and certain private/public entities that are established by an order or action of a state agency or political subdivision.

*Patron - Devolites*

## **FHB2800 Secretary of Administration; telecommuting reports.**

Requires the Secretary in his annual report to the General Assembly on the status and efficiency of telecommuting to also report to the Joint Commission on Technology and Science. The report must also include, at a minimum, the number of state employees that telecommute; the localities and

types of companies that the Secretary has advised or assisted pursuant to this section; the types of incentives offered by the Commonwealth, localities or companies; the changes that may be needed in state law to reduce barriers; and the success of telecommuting programs around the Commonwealth.

*Patron - Scott*

**FHB2822 Virginia Public Procurement Act; prohibited procurements.** Provides that no state agency shall contract for goods or services with a dealer if the dealer, or any affiliate of the dealer, meets one or more of the conditions set forth in § 58.1-603 or § 58.1-604 and fails or refuses to collect and remit the tax on its sales delivered by any means to locations within the Commonwealth. The Secretary of Finance shall provide the Secretary of Administration with a list of dealers to which this section applies. The bill defines dealer and state agency.

*Patron - Crittenden*

**FHB2823 Virginia Public Procurement Act; preference for Virginia products and firms.** Provides that in awarding contracts for the procurement of goods or services, state public bodies shall give consideration to the beneficial effect of the award on Virginia's economy. If stated in the terms and conditions of the solicitation, state public bodies shall award evaluation points, not to exceed the points awarded for the price of such goods or services, to any person with facilities located in Virginia that manufacture, develop, produce, grow, mine, or make such goods or services. The bill also contains technical amendments.

*Patron - Crittenden*

**FHB2825 Department of Law; Division of Human Rights.** Creates the Division of Human Rights within the Department of Law which shall exercise the duties of the Human Rights Council, which is abolished by this bill.

*Patron - Jones, D.C.*

**FHB2829 Display of the flag of the Republic of Vietnam.** Requires that the only flag depicting the country of Vietnam that school boards, community colleges, and public institutions of higher education may display at state-sponsored public functions be the flag of the former Republic of Vietnam. The bill expresses that the only flag displayed depicting Vietnam be the flag of the former Republic of Vietnam in deference to the refugees from that country who sacrificed and resisted communist aggression, emigrated to the United States, and settled in Virginia.

*Patron - Hull*

**FSB784 Health benefits for Medicare-eligible retirees.** Requires the Department of Human Resource Management (Department) to establish a plan providing health benefits for current and future Medicare-eligible retired employees of local government or local public school boards and their Medicare-eligible spouses. Participation in the plan shall be (i) voluntary, (ii) approved by the participant's respective local government or by the local public school board, and (iii) subject to regulations adopted by the Department. Approval by the local government or by the local school board means that the local government or local school board agrees to certify eligibility of the participants in the plan and assist in enrollment. The plan established by the Department shall require a mandatory minimum participation of 2000 members by the end of the second year and 5000 members at the end of five years to maintain the plan. If these minimums are not met, the Department shall terminate the plan after providing six months' notice to all enrolled members. The bill creates the Health Benefits for Medicare Eligible Retired Employees Fund to be used solely for the plan operation and claims, and requires the Com-

monwealth's protection against unforeseen liabilities. The bill requires an appropriation of \$150,000 for implementation expenses six months prior to the effective date of the plan.

*Patron - Deeds*

**FSB830 Equal Education Opportunity Plan.** Requires the Secretary of Education to develop and implement a statewide plan to provide for equal education opportunity for all students in Virginia. The Plan must include, but not be limited to, (i) an annual report of the percentage of minority students enrolled in the public schools by grade, and in undergraduate, graduate, professional, and postdoctoral degree programs by discipline; (ii) strategies to increase college admissions, retention, and graduation rates of minority students at the undergraduate and graduate degree levels; (iii) an analysis of the preparation of minority students for college-level work; (iv) an evaluation of the impact of financial assistance and tuition rates as inducements and obstacles to college education; (v) a summary of existing programs in Virginia and nationally that have proven effective in providing equal education opportunity; and (vi) an evaluation of the effectiveness of the Plan. The Secretary shall modify the Plan as necessary and recommend appropriate and feasible strategies and alternatives, including the projected costs of implementing the Plan, to address issues and policies identified by the Secretary as essential to the furtherance of the objectives of the Plan. Effective on December 1, 2004, and biennially thereafter, the Secretary must submit to the Governor and the General Assembly an executive summary of the Equal Education Opportunity Plan no later than the first day of each regular session of the General Assembly. The executive summary must state whether the Secretary intends to submit his findings and recommendations for publication as a state document. The executive summary and report must be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and will be posted on the General Assembly's website. 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, which was a part of the legislative initiatives of the Commission on Access and Diversity in Higher Education during the 2002 Session of the General Assembly, was favorably considered by the Commission this year.

*Patron - Marsh*

**FSB836 Virginia Human Rights Act; discrimination in employment on the basis of genetic testing or genetic characteristics.** Provides that "unlawful discriminatory practice" under the Virginia Human Rights Act includes discrimination in employment based on genetic tests or genetic characteristics. The bill also authorizes a county to enact an ordinance prohibiting such discrimination and for local commissions on human rights to investigate alleged violations of the ordinance.

*Patron - Howell*

**FSB847 Information Technology Investment Board; Virginia Information Technologies Agency; Chief**

**Information Officer.** Establishes the Information Technology Investment Board to oversee the planning, budgeting, acquiring, managing, and disposing of major information technology projects in the State. In addition, the bill establishes the Virginia Information Technologies Agency (VITA) to replace the Department of Information Technology and the Department of Technology Planning, which are abolished. Under the bill an independent Chief Information Officer (CIO) of the State, hired by the Board, will lead VITA. The bill (i) establishes the Division of Project Management within the VITA to assist the CIO in the development and implementation of a project management methodology to be used in the planning and development of information technology projects; (ii) establishes a project planning, development and approval process for major information technology projects; (iii) authorizes the Virginia Public Building Authority to issue debt to finance major information technology projects; and (iv) provides for the consolidation of the procurement and operational functions of information technology for state agencies. The bill also provides an implementation schedule for the consolidation of operational functions, including but not limited to, servers and networks, for state agencies into VITA. This bill is identical to SB 1247.

*Patron - Howell*

**FSB1017 Representation of state agencies.** Permits employees of a state agency, who are not attorneys but are acting in the matter at the direction of the attorney general, to represent state agencies in various civil proceedings pending before, or which may be instituted in, courts not of record, including filing suit against a negligent party to collect the costs of fire suppression. The bill amends the definition of "practice of law" to provide that such representation does not constitute the unauthorized practice of law.

*Patron - Reynolds*

**FSB1023 Legal services to attorneys for the Commonwealth.** Provides that the Attorney General shall at the request of an attorney for the Commonwealth, provide legal service to such attorney for the Commonwealth in any proceedings brought against him seeking to overturn a criminal verdict or otherwise invalidate part or all of a successful criminal prosecution, regardless of the legal theory of the plaintiff's or petitioner's case. Currently the law only provides for representation of a Commonwealth's Attorney in a lawsuit seeking to restrain the enforcement of any state law.

*Patron - Reynolds*

**FSB1028 Attorney General.** Authorizes the Attorney General to enter in any action where the constitutionality of a state law or regulation is questioned. The bill also allows the Attorney General to collect attorney's fees for services provided to certain entities of the Commonwealth when the legal service provided relates to financial transactions.

*Patron - Chichester*

**FSB1037 Health insurance; independent living centers.** Provides that the Department of Human Resource Management shall establish a health insurance plan for employees of independent living centers and their families or dependents. The plan shall be rated separately from all other health insurance plans administered by the Department.

*Patron - Trumbo*

**FSB1080 Advisory Council on Actuarial Assumptions.** Establishes the Advisory Council on Actuarial Assumptions to review actuarial assumptions developed by actuaries employed by state agencies, boards, or commissions and pro-

vide advice to the Governor and the General Assembly on such assumptions. The provisions of the act expire on July 1, 2006.

*Patron - Lambert*

**FSB1320 Biennial appropriation act.** Provides that the Commonwealth's biennial appropriations shall start on July 1 of odd-numbered years beginning with the biennial appropriation act for the period July 1, 2007, through June 30, 2009. The bill would require that the fiscal year beginning July 1, 2006, would not be a part of any biennial appropriation act (it would be a single-year budget).

*Patron - Cuccinelli*

**FSB1321 Virginia Public Procurement Act; prohibited procurements.** Provides that no state agency shall contract for goods or services with a dealer if the dealer, or any affiliate of the dealer, meets one or more of the conditions set forth in § 58.1-603 or § 58.1-604 and fails or refuses to collect and remit the tax on its sales delivered by any means to locations within the Commonwealth. The Secretary of Finance shall provide the Secretary of Administration with a list of dealers to which this section applies. The bill defines dealer and state agency.

*Patron - Williams*

**FSB1322 Virginia Public Procurement Act; preference for Virginia products and firms.** Provides that in awarding contracts for the procurement of goods or services, state public bodies shall give consideration to the beneficial effect of the award on Virginia's economy. If stated in the terms and conditions of the solicitation, state public bodies shall award evaluation points, not to exceed the points awarded for the price of such goods or services, to any person with facilities located in Virginia that manufacture, develop, produce, grow, mine, or make such goods or services. The preference would not be applicable to such persons engaged in services, construction and commodities. The bill also contains technical amendments and includes a sunset of July 1, 2004.

*Patron - Williams*

## Agriculture, Horticulture and Food

### Passed

**PHB1598 Confinement of animals exposed to rabies.** Reduces the confinement period for exposure to rabies for dogs and cats that are currently vaccinated for rabies from 90 days to 45 days. The Center for Disease Control recommends dogs and cats with current vaccinations be kept under observation for 45 days if they are exposed to rabies.

*Patron - Morgan*

**PHB1831 Dogs injuring or killing other companion animals.** Adds to the definition of "dangerous dog" a dog that attacks or bites another dog and causes serious physical injury to the other dog. Dogs that injure (i) dogs owned by the same person, (ii) dogs engaged in lawful hunting, or (iii) dogs participating in an organized, lawful handling event are excluded. In localities that regulate dangerous dogs, owners of dogs found to be dangerous must obtain a special registration certificate, confine the dog in a specified way, and follow other requirements. The current definition of "dangerous dog" includes dogs that attack companion animals other than dogs. This bill entitles the owner of any companion animal that is injured or killed by a dog to recover damages if (i) the injury



occurred on the companion animal owner's premises and (ii) the owner of the offending dog did not have permission from the companion animal's owner to have his dog on the premises.

*Patron - Morgan*

**PHB1861 Dangerous or vicious dogs.** Adds animal control officers' previous findings of dangerous dogs to the list of factors in determining if a dog is a vicious dog. This bill removes the \$50 cap on the dangerous dog registration fee and authorizes the localities to set the fee at an amount not to exceed the costs of administering the dangerous dog ordinance. The bill also increases from \$50,000 to \$100,000 the amount of liability insurance that a locality could require for animal bites if it has adopted the permissive insurance provision as part of its dangerous dog ordinance.

*Patron - O'Bannon*

**PHB1865 Abandoning or dumping companion animals.** Removes abandoning and dumping any companion animal as animal cruelty. The bill adds disposal of a companion animal to the littering section of the highway laws, which carries a penalty of confinement in jail for not more than 12 months and a fine of not less than \$250 or more than \$2,500, either or both. However, the court may suspend the imposition of any sentence on the condition that the defendant volunteer his services to remove litter from the highway.

*Patron - O'Bannon*

**PHB1866 Possession and ownership of companion animals.** Gives judges the authority to ban any person convicted of animal cruelty from owning other companion animals.

*Patron - O'Bannon*

**PHB2074 Food inspections.** Exempts nonprofit organizations holding one-day food sales from inspections by the Virginia Department of Agriculture and Consumer Services.

*Patron - Dudley*

**PHB2527 Virginia Organic Food Act.** Repeals the Virginia Organic Food Act to comply with a recent federal law prohibiting states from having separate organic standards.

*Patron - Orrock*

**PHB2536 Enforcement of requirements for tobacco product manufacturers; penalty.** Includes a number of procedural enhancements in order to aid enforcement and thereby prevent violations of the Model Act. The enhancements include: (i) a requirement that every tobacco product manufacturer whose cigarettes are sold in the Commonwealth certify to the Tax Commissioner and Attorney General that it is either a participating manufacturer for purposes of the Master Settlement Agreement or is in full compliance as a nonparticipating manufacturer; (ii) a requirement that the Attorney General develop and publish on the Attorney General's website a directory listing all tobacco product manufacturers that have provided current and accurate certifications; (iii) a prohibition against stamping, selling, or importing cigarettes not in the directory; (iv) the appointment of an agent in the Commonwealth for service of process for any nonresident or foreign nonparticipating manufacturer and notice of such agent's termination; (v) reporting quarterly information by the stamping agent as the Tax Commissioner and Attorney General require to facilitate compliance with this act; (vi) proof from the financial institutional that the nonparticipating manufacturer has established a qualified escrow fund; and (vii) a penalty not to exceed the greater of 500 percent of the retail value of the ciga-

rettes sold or \$5,000, for any violation involving stamping, selling or importing cigarettes not in the directory.

*Patron - Byron*

**PHB2641 Avian influenza.** Authorizes the State Veterinarian to require that any chicken, turkey, waterfowl, game bird, or other avian that is susceptible to avian influenza be tested for avian influenza before importation into Virginia from another state if (i) avian influenza has been found in that state, (ii) conditions in that state render the importation of any specific type of subject avian a menace to the health of any animal in the Commonwealth, or (iii) the protection of any animal in the Commonwealth from avian influenza so requires. This bill establishes a testing protocol for such birds, and provides several exemptions from testing requirements. This bill is identical to SB 1249.

*Patron - Weatherholtz*

**PHB2689 Dog fighting.** Adds possessing, owning, training, transporting, or selling dogs for the purpose of dogfighting to the dogfighting prohibitions. These acts are Class 6 felonies, as are the acts currently included in the dogfighting section. Any person who violates the dogfighting statute is required to pay the costs incurred in housing or euthanizing the confiscated dogs. The bill also prohibits attendance at dogfighting events and subjects violators to a Class 1 misdemeanor.

*Patron - Bell*

**PHB2703 Humane investigators.** Phases out the humane investigator program but allows those appointed prior to July 1, 2003, to be reappointed for three-year terms by the circuit court. The bill also provides for circuit court appointment of humane investigators to fill vacancies when those appointed prior to July 1, 2003, are no longer willing or eligible to serve. A person may be eligible for such appointment if he (i) receives written recommendation from the local animal control administrative entity, (ii) passes a criminal background check, and (iii) completes an animal control course. The bill requires humane investigators to report to the local animal control administrative agency instead of the State Veterinarian.

*Patron - Suit*

**PHB2705 Animal control officers.** Authorizes animal control officers to obtain a felony warrant as necessary to enforce the Comprehensive Animal Laws provided that the execution of the warrant is carried out by a law-enforcement officer as defined by the Commonwealth Public Safety Title 9.1 of the Code of Virginia.

*Patron - Suit*

**PHJ574 Secretariat of Agriculture and Forestry.** Expresses the General Assembly's support for the creation of a Secretariat of Agriculture and Forestry as soon as fiscally prudent or through appropriate restructuring within state government.

*Patron - Putney*

**PSB950 Animal rescues.** Amends the Comprehensive Animal Laws by adding: (i) definitions of facility, foster care provider and home-based rescue; (ii) requirements for pounds and animal shelters to provide a signed statement to the State Veterinarian certifying that none of the directors, operators, staff, or animal caregivers has ever been convicted of animal cruelty, neglect, or abandonment; (iii) a section providing for the confinement and disposition of companion animals by entities other than pounds and animal shelters; (iv) requirements for foster homes; and (v) various notification requirements regarding found companion animals. This bill also clarifies the definition of animal shelter by specifically excluding residen-

tial dwellings and their surrounding property. This bill deletes language providing the State Veterinarian with the authority to conduct inspections of companion animal foster homes, the registration requirements for companion animal rescue agencies and foster homes, and all references to companion animal rescue agencies. This bill incorporates SB 895.

*Patron - Quayle*

**PSB1045 Pounds and animal shelters; penalties.** Amends sections of the Comprehensive Animal Laws to provide consistency and eliminate duplicative subsections. This bill changes who may assess civil penalties for animal shelters that violate the Comprehensive Animal Laws from the Department of Agriculture and Consumer Services to the Board of Agriculture and Consumer Services, to be consistent with the penalties provided for pounds in § 3.1-796.96. This bill deletes the penalty and injunctive relief subsections in § 3.1-796.120 because they are duplicative of subsections E and F of § 3.1-796.96:2.

*Patron - Hanger*

**PSB1048 Equine Liability.** Expands the group of people afforded liability protection under the Equine Activity Liability Act to include any person, a corporation, partnership, or limited liability company. This bill limits liability for injury to a person resulting from the "intrinsic dangers of equine activities" and bars claims or recovery for injury, loss, damage, or death of a person resulting from the "intrinsic dangers of equine activities." "Intrinsic dangers of equine activities" is defined as those dangers or conditions that are an integral part of equine activities, including but not limited to, (i) the propensity of equines to behave in ways that may result in injury, harm, or death to persons on or around them; (ii) the unpredictability of an equine's reaction to such things as sounds, sudden movement, and unfamiliar objects, persons, or other animals; (iii) certain hazards such as surface and subsurface conditions; (iv) collisions with other animals or objects; and (v) the potential of a participant acting in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the equine or not acting within the participant's ability. Currently, equine activity sponsors and equine professionals are not liable for injury to a person who directly engages in an equine activity.

*Patron - Hanger*

**PSB1052 Preservation of important farmlands.** For the purposes of receiving federal funds, authorizes state agencies and local governments, with the cooperation of the United States Department of Agriculture, to designate state and locally important soils, which include prime, unique, and locally important farmland. The bill also defines farmland, prime farmland and unique farmland. In addition, the bill requires landowner consent for individual participation in any state program that is based on such designation.

*Patron - Hanger*

**PSB1249 Avian influenza.** Authorizes the State Veterinarian to require that any chicken, turkey, waterfowl, game bird, or other avian that is susceptible to avian influenza be tested for avian influenza before importation into Virginia from another state if (i) avian influenza has been found in that state, (ii) conditions in that state render the importation of any specific type of subject avian a menace to the health of any animal in the Commonwealth, or (iii) the protection of any animal in the Commonwealth from avian influenza so requires. This bill establishes a testing protocol for such birds, and provides several exemptions from testing requirements. This bill is identical to HB 2641.

*Patron - Hanger*

## Failed

**FHB2474 Animal license fees.** Allows localities to increase license fees (i) for nonneutered and nonspayed dogs and cats from \$10 per year to up to \$30 per year, and (ii) for kennels from \$50 per year to up to \$150 per year.

*Patron - Crittenden*

**FHB2704 Holding period and methods of disposal for certain stray animals.** Excludes "collar" as a form of identification for the purpose of determining the holding period for stray animals. This bill allows pounds to dispose of animals with collars, but not with tags, tattoos, or other forms of identification, after the initial five-day holding period. Also, this bill allows pounds to dispose of animals with collars, but no other form of identification, by sale or gift to a governmental agency, institution, or dealer, or to a humane society, animal shelter, or companion animal rescue agency in another state. The law currently limits these methods of disposal only to animals that did not bear a collar, tag, license, tattoo, or other form of identification when delivered to the pound.

*Patron - Suit*

**FHB2805 Agricultural Enterprise Zone Act.** Allows the Governor to establish agricultural enterprise zones upon application by localities with established agricultural or forestal districts, or purchase of development rights programs. "Qualified farm businesses" located in such zones may apply to the Department of Agriculture and Consumer Services for certain state business tax credits and sales tax exemptions. "Qualified farm businesses" are businesses establishing agricultural or forestal operations and making a net investment of at least \$250,000 and creating at least five new full-time jobs, or such operations already established if they have increased the number of full-time employees by at least 10 percent over the preceding two years.

*Patron - Saxman*

**FSB895 Companion animal rescues.** Amends the Comprehensive Animal Laws by: (i) clarifying the definition of animal shelter as a nonresidential facility; (ii) shortening the name of companion animal rescue agency to companion animal rescue; (iii) adding requirements for pounds and animal shelters to secure signed statements specifying that none of the directors, operators, staff, or animal caregivers has ever been convicted of animal cruelty, neglect, or abandonment; (iv) removing the State Veterinarian's authority to conduct inspections of companion animal rescue agencies and foster homes; (v) deleting registration requirements and fees for companion animal rescue agencies and foster homes; and (vi) stipulating that release of an animal from a pound to an animal shelter or companion animal rescue shall be considered a custody transfer and not an adoption in order to develop more accurate state records. This bill limits animal shelter notification and public accessibility requirements to those animal shelters that confine any animal not received from its owner or a releasing agency. This bill also limits companion animal rescue notification and public accessibility requirements to those companion animal rescues that confine any animal not received from its owner or a releasing agency. These requirements have been modified to clarify that such a companion animal rescue must (a) be accessible to the public at reasonable hours or at a mutually agreeable time; (b) post its name and contact telephone number in pounds in the localities it serves; and (c) respond to inquiries regarding lost or stolen animals within 48 hours. The current provision requiring companion animal rescues to list their address and telephone number in a telephone directory is removed. This bill clarifies that the Board of Agriculture and Consumer Services or its designee may assess civil penalties

for pounds and animal shelters that violate the Comprehensive Animal Laws. This bill is incorporated into SB 950.

*Patron - Watkins*

**FSB976 Virginia Cattle Industry Board; subsequent referenda.** Increases the assessment on cattle sold in Virginia from 25 cents to 50 cents, subject to a referendum to be held by the Board of Agriculture and Consumer Services upon a petition by at least 10 percent of the cattle producers in the Commonwealth. Any such referenda would be for the consideration of continuing the Virginia Cattle Industry Board and for continuing the tax of 50 cents per head of cattle sold in Virginia. The tax, raised from 15 cents to 25 cents in 1983, does not apply to dairy cows going to farms for milk production or to cows selling for less than \$20. Money collected from collection of the tax goes to the Virginia Cattle Industry Board, which was established in 1970 for the purpose of engaging in research, education, and promotion of the use and sale of beef and beef products.

*Patron - Trumbo*

**FSB1109 Noxious weeds.** Declares English ivy, and its hybrids and cultivars, a noxious weed and requires the Commissioner and the Board of Agriculture and Consumer Services to regulate the transport and sale of this weed under the Noxious Weed Law.

*Patron - Whipple*

**FSB1300 English ivy.** Adds English ivy to the list of invasive plant species that localities are authorized to control through abatement ordinances. The Virginia Department of Agriculture and Consumer Services is authorized to provide financial and technical assistance to, and enter into agreements with, any locality that adopts an ordinance for the control of English ivy.

*Patron - Whipple*

## Alcoholic Beverage Control Act

### Passed

**PHB1601 Alcoholic beverage control; wine and beer licenses; outdoor performing arts facility.** Authorizes the granting by the ABC Board of a retail wine and beer license to persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility in the City of Charlottesville.

*Patron - Van Yahres*

**PHB1652 Alcoholic beverage control; wine and beer shippers' licenses.** Provides for licensure by the ABC Board of wineries, farm wineries and breweries located within and outside of the Commonwealth to sell, deliver or ship by common carrier no more than two cases of wine or beer per consumer per month, in closed containers, to persons to whom alcoholic beverages may be lawfully sold in the Commonwealth for their personal use only and not for resale. Persons within or outside the Commonwealth, who are not wineries, farm wineries, or breweries may also apply for wine and/or beer shippers' licenses. Wineries, farm wineries, or breweries that apply for a shippers' license or that authorize any other person, other than retail off-premises licensees, to apply for a license shall notify any wholesale licensees that have been authorized to distribute such brands that an application has been filed for a shipper's license. Any applicant for a shipper's license must obtain the written consent of the winery, farm winery or brewery whose brands they propose to ship. Written

authorization by the winery, farm winery or brewery may be withdrawn at any time. Such licensees are required to affix a conspicuous notice in 16-point type or greater to the outside of each shipping container of wine so shipped stating: "CONTAINS ALCOHOL BEVERAGES; SIGNATURE OF PERSON AGED 21 YEARS OR OLDER REQUIRED FOR DELIVERY." The bill provides that each shipment of wine or beer by a licensed shipper to a person in the Commonwealth shall be deemed to be sold in Virginia. Licensees collect taxes and remit such taxes to the Commonwealth on a monthly basis and are required to meet recordkeeping requirements. All deliveries of wine, farm wine and/or beer shall be performed by the owner or any agent, officer, director, shareholder or employee of the licensee. The Board may engage the services of alcoholic beverage control authorities in any state to assist with the inspection of the premises of a wine or beer shipper licensee or any applicant for such license.

*Patron - Albo*

**PHB1775 Alcoholic beverage control; grounds for which ABC Board may suspend or revoke licenses.** Clarifies that the ABC Board may suspend or revoke a retail license if the place occupied by the licensee has become a place where illegal drugs are regularly used or distributed.

*Patron - Woodrum*

**PHB1918 Certificate of forensic scientist as evidence.** Removes references to "chemist" in section involving analysis of alcohol samples, correcting them to forensic scientist. The bill also allows a forensic scientist's certificate of analysis of alcohol into evidence without being sworn, only signed.

*Patron - Almand*

**PHB2000 Underage alcohol possession.** Provides that prosecution for underage possession of alcohol may occur either in the county or city in which the alcohol was consumed or in the county or city in which the person exhibited evidence of prior consumption.

*Patron - Bell*

**PHB2229 Probation for underage alcohol possession.** Provides that a person convicted of underage possession of alcohol or using a false identification to purchase alcohol may be placed on probation pursuant to deferred disposition and referred to a community-based probation program if such program has been established as an alternative to a referral to a Virginia Alcohol Safety Action program or Department of Mental Health, Mental Retardation and Substance Abuse Services program if a community-based program is available.

*Patron - Cline*

**PHB2540 Erroneous cross references.** Eliminates two cross references to a section repealed in 2002.

*Patron - McDonnell*

**PHB2652 Alcoholic beverage control; gifts of alcoholic beverages by licensees.** Allows retail licensees of the Alcoholic Beverage Control (ABC) Board to give gifts of alcoholic beverages under certain circumstances outlined in the bill. The bill also authorizes the ABC Board, by regulation, to establish limitations on the quantity and value of any such gifts.

*Patron - Albo*

**PSB798 Alcoholic beverage control; wine licenses; off-premises bonded warehouses.** Expands the privileges of a winery and farm winery licensee to store wine in bonded warehouses on or off the licensed premises, provided such licensees obtain a permit from the ABC Board. The bill requires such

licensees to post a bond to cover the tax liability of such licensee. The bill contains technical amendments related to this change.

*Patron - Reynolds*

**PSB1117 Alcoholic beverage control; wine and beer shippers' licenses.** Provides for licensure by the ABC Board of wineries, farm wineries and breweries located within and outside of the Commonwealth to sell, deliver or ship by common carrier no more than two cases of wine or beer per consumer per month, in closed containers, to persons to whom alcoholic beverages may be lawfully sold in the Commonwealth for their personal use only and not for resale. Persons within or outside the Commonwealth, who are not wineries, farm wineries, or breweries may also apply for wine and/or beer shippers' licenses. Wineries, farm wineries, or breweries that apply for a shippers' license or that authorize any other person, other than retail off-premises licensees, to apply for a license shall notify any wholesale licensees that have been authorized to distribute such brands that an application has been filed for a shipper's license. Any applicant for a shipper's license must obtain the written consent of the winery, farm winery or brewery whose brands they propose to ship. Written authorization by the winery, farm winery or brewery may be withdrawn at any time. Such licensees are required to affix a conspicuous notice in 16-point type or greater to the outside of each shipping container of wine so shipped stating: "CONTAINS ALCOHOL BEVERAGES; SIGNATURE OF PERSON AGED 21 YEARS OR OLDER REQUIRED FOR DELIVERY." The bill provides that each shipment of wine or beer by a licensed shipper to a person in the Commonwealth shall be deemed to be sold in Virginia. Licensees collect taxes and remit such taxes to the Commonwealth on a monthly basis and are required to meet recordkeeping requirements. All deliveries of wine, farm wine and/or beer shall be performed by the owner or any agent, officer, director, shareholder or employee of the licensee. The Board may engage the services of alcoholic beverage control authorities in any state to assist with the inspection of the premises of a wine or beer shipper licensee or any applicant for such license. This bill is identical to HB 1652.

*Patron - Hanger*

**PSB1200 Alcoholic beverage control; farm winery licenses.** Increases from two to five the number of additional retail outlets at which a holder of a farm winery license may sell such wine. The bill also provides that it is the intent of the General Assembly that any provision of this act shall be severable if a court of competent jurisdiction renders a final, nonappealable decision that it is unconstitutional to confer the licensed privileges afforded by this act while simultaneously withholding comparable privileges from wineries located out of state.

*Patron - Deeds*

**PSB1201 Alcoholic beverage control; farm wineries; shipments to other farm wineries.** Authorizes any farm winery licensee to sell and ship or deliver its wine in closed containers to another farm winery licensee, the wine so sold and shipped or delivered to be used by the receiving farm winery licensee in the manufacture of wine. Any wine received under this bill shall be deemed an agricultural product produced in the Commonwealth for the purposes of § 4.1-219. Provides for recordkeeping as to the source of such fruit or agricultural products transferred.

*Patron - Deeds*

**PSB1202 Alcoholic beverage control; Class A farm wineries.** Provides that, upon petition of the Department of Agriculture and Consumer Services (VDACS), the ABC

Board may also permit the use by a Class A farm winery of a lesser percentage of products grown or produced on the farm if unusually severe weather or disease conditions cause a significant reduction in the availability of fruit or other agricultural products grown or produced on the farm to manufacture wine during a given license year. Currently, upon a petition by VDACS, the ABC Board may permit the use of a greater quantity of out-of-state products if supplies grown or produced in the Commonwealth are insufficient for a farm winery licensee, whether Class A or Class B, to achieve the level of production that otherwise could be anticipated during a given license year.

*Patron - Deeds*

## Failed

**FHB1653 Alcoholic beverage control; operation of government stores.** Provides an exception to the general rule that ABC stores are not to be open on Sunday. The bill provides that certain government stores, as determined by the Board, may be kept open on Sunday for the sale of alcoholic beverages during hours designated by the Board. The bill requires the Board to adopt regulations to implement the provisions of the bill.

*Patron - Albo*

**FHB1796 Alcoholic beverage control (ABC); local licenses.** Requires each locality to issue local ABC licenses in addition to state licenses, including the levy and collection of local taxes. Currently, each locality has the authority to issue local licenses, but are not required to do so.

*Patron - Jones, D.C.*

**FHB1985 Alcoholic beverage control (ABC); retail franchising of government stores by the ABC Board.** Provides for the granting of retail franchises by the ABC Board for the sale of spirits, farm winery wine, vermouth, and mixers by retail franchisees. Mixed beverage licensees may purchase alcoholic beverages from the retail franchisees. The bill provides that at least 20 government stores that show the lowest revenues for the immediately preceding year, as reported in the Board's annual report, must be franchised to applicants meeting the requirements for licensure generally. The bill provides that the Retail Franchising Act shall not apply to retail franchises granted by the ABC Board. The bill requires the ABC Board to complete an implementation study by October 1, 2003, and to submit an implementation plan to the Governor and the Chairs of the House Committee on General Laws and the Senate Committee on Rehabilitation and Social Services by December 31, 2003. The bill contains an emergency clause. The bill contains numerous technical amendments to achieve the complete retail franchising of all government stores by July 1, 2009.

*Patron - Louderback*

**FHB1997 Concealed handguns in "entertainment establishments."** Defines an entertainment establishment as an establishment that provides entertainment and whose sale of alcohol constitutes more than 30 per cent of total sales. The bill requires that such an establishment clearly post the fact at its entrances and removes the prohibition on taking an otherwise legally concealed handgun into a restaurant, replacing it with a prohibition on taking an otherwise legally concealed handgun into an entertainment establishment.

*Patron - Ware*

**FHB2224 Alcoholic Beverage Control; licenses for certain properties.** Provides that an alcoholic beverage license may be granted for property at an altitude of approximately 1800 feet or more above sea level on land containing at least

130 acres used for recreational purposes (Thorn Springs Golf Club) and located approximately 4,500 feet from a town with a population of between 9,000 and 10,000 (Pulaski).

*Patron - Keister*

## Aviation

### Passed

**PSB998 Metropolitan Washington Airports Authority.** Provides that the Commonwealth agrees to a limited waiver of its sovereign immunity so as to indemnify the Authority against claims resulting from the Commonwealth's use of Authority property on which transportation facilities are constructed, to the extent required in any agreement between the Virginia Department of Transportation and the Authority.

*Patron - Mims*

### Failed

**FHB2785 Metropolitan Washington Airports Authority; access to records.** Provides that all records of the Authority shall be open to inspection and copying in accordance with the federal Freedom of Information Act (5 U. S. C. § 552 et seq.).

*Patron - Griffith*

## Banking and Finance

### Passed

**PHB1769 Payday loan advertising.** Requires a payday lender to include in any advertising materials that include the amount of any payment, or amount of any finance charge, a statement of the fees and charges, expressed as an annual percentage rate, on such loans. The statements shall use as an example a \$300 loan payable in 14 days. The disclosure statements shall be conspicuous. The measure also makes several technical amendments regarding persons required to be licensed under the Payday Loan Act.

*Patron - Nutter*

**PHB1930 Real estate brokerage subsidiaries of banks.** Establishes conditions under which state banks are authorized to own a real estate brokerage firm. The measure also provides that a real estate broker is not prohibited from owning or operating a state bank. This bill is identical to Senate Bill 1194.

*Patron - Nixon*

**PHB2488 Opening of safety deposit box.** Removes the requirement that a bank, trust company, or other corporation, retain an outside notary public to be present with a bank officer for the opening of a safe deposit box due to nonpayment of rent. Only two bank employees, one of whom is a notary, must be present at the opening of the box.

*Patron - Tata*

**PHB2579 Exceptions to legal rate of interest; exercising stock options.** Excludes loans that fund the exercise of stock options from the general prohibition on contracts that

require the payment of interest at rates exceeding 12 percent annually.

*Patron - Armstrong*

**PHB2648 Limited access to safe-deposit box; possession of advance medical directives; possession of powers of attorney.** Requires a letter from a physician documenting the mental incapacity of the sole lessee of the safe-deposit box before allowing access to the spouse or next-of-kin to look for a power of attorney or advance medical directive. The letter must state that the lessee is incapable of receiving and evaluating information effectively or responding to people, events or environments to such an extent that the individual lacks certain specified capacities. Under current law it is within the bank or company's discretion whether to require a letter and the contents are not specified. The bill further provides that persons dealing with an attorney-in-fact or agent shall have no obligation to inquire into the manner or circumstances by which possession of the power of attorney or advance medical directive was acquired, provided that a court may consider such manner or circumstances as relevant factors in any proceeding brought to terminate, suspend or limit the authority of the attorney-in-fact or other agent or revoke the directive.

*Patron - Janis*

**PHB2748 Private Trust Company Act.** Establishes criteria under which a private trust company may obtain authorization to engage in the private trust business in Virginia. A private trust company is a corporation or limited liability company authorized by the State Corporation Commission to perform the duties of a fiduciary for members of the family that created the private trust company, but not for members of the general public. The private trust company may act as a trustee of family trusts and as executor of a deceased family member.

*Patron - Suit*

**PSB1103 Mortgage Lender and Broker Act; predatory practices.** Contains recommendations of the Virginia Housing Study Commission to strengthen consumer protection measures in the Mortgage Lender and Broker Act. The State Corporation Commission (SCC) may suspend individuals convicted of fraud or other crimes from working in the mortgage lending industry, and registered lenders and brokers must file with the SCC a notice of the filing of bankruptcy, denial or revocation of opportunity to engage in business in another state, or felony indictments.

*Patron - Whipple*

**PSB1194 Real estate brokerage subsidiaries of banks.** Establishes conditions under which state banks are authorized to own a real estate brokerage firm. The measure also provides that a real estate broker is not prohibited from owning or operating a state bank. This bill is identical to HB 1930.

*Patron - Wagner*

## Boundaries, Jurisdiction and Emblems of the Commonwealth

### Failed

**FHB2219 Emblems of the Commonwealth; official historic skipjack oyster fleet.** Designates the "Virginia W," built in 1904 in Guilford, Virginia; the "Claud W. Sommers,"

built in 1911 in Young's Creek, Virginia; and the "Wilma Lee," built in Wingate, Maryland, as the official historic skipjack oyster fleet of the Commonwealth.

*Patron - Lingamfelter*

**FHB2667 Emblems of the Commonwealth; official state mineral.** Designates gooseneck as the official mineral of the Commonwealth.

*Patron - Welch*

**FHB2668 Emblems of the Commonwealth; official state rock.** Designates coal as the official rock of the Commonwealth.

*Patron - Welch*

**FHB2669 Emblems of the Commonwealth; official state gem.** Designates kyanite as the official gem of the Commonwealth.

*Patron - Welch*

## Civil Remedies and Procedure

### Passed

**PHB1425 Civil remedies; suit for bad check.** Increases the processing fee for bad checks from \$25 to \$35 and allows the holder to recover reasonable attorney's fees if awarded by the court.

*Patron - Albo*

**PHB1458 Wage garnishments.** Provides that wage garnishments are permitted to last up to 180 days, and that a writ of fieri facias issued in a wage garnishment shall be returnable not more than 180 days after the date of issuance.

*Patron - Reese*

**PHB1477 Medical malpractice; former rate review board.** Repeals an obsolete code provision that gave immunity to members of the rate review board established by the Virginia Hospital Association. The board is no longer in existence. This legislation is a recommendation of the Virginia Code Commission.

*Patron - Landes*

**PHB1770 Medical malpractice action limitation; private emergency medical care attendants or technicians.** Adds emergency medical care attendants or technicians who provide fee-based emergency medical services to the definition of health care providers for purposes of the limitation on liability for medical malpractice actions.

*Patron - Nutter*

**PHB1840 Lost evidences of debt.** Adds "contract" and "open account agreement" to documents evidencing debt upon which a civil action may be maintained where no written evidence of those documents exists. The bill requires the plaintiff to verify under oath that the evidence of debt has been lost or destroyed and eliminates the requirement for a bond. This modification is consistent with current procedure in many Virginia courts. Where a copy of the lost original exists, the bill requires the court to give effect to the copy as if the original had been placed in evidence.

*Patron - Reese*

**PHB1864 Medical malpractice; independent contractors.** Adds independent contractors to the definition of

health care provider for purposes of medical malpractice claims.

*Patron - O'Bannon*

**PHB1906 Medical malpractice; expert witnesses.** Limits the number of expert witnesses a party may designate, identify, or call to testify to no more than two per medical discipline on any issue presented. The bill does not limit the number of treating health care providers who may be called as witnesses. The bill permits the court to waive any limitations on medical experts, so long as the calling party pays all the costs incurred in their discovery, and to limit the number of other experts a party may designate, identify, or call to testify in the action.

*Patron - Melvin*

**PHB1921 Fiduciary duties; probate tax.** Amends sections that pertain to the administration of small amounts of money (payment into court, fiduciary may qualify without security, surrender of incapacitated person's estate) to increase the dollar amount to \$15,000. Raises from \$10,000 to \$15,000 the value of an estate that is subject to probate tax. This bill is a recommendation of the Judicial Council.

*Patron - Almand*

**PHB2184 Certain immunity for health care providers during man-made disasters under specific circumstances.** Provides, in the absence of gross negligence or willful misconduct, any health care provider who responds to a man-made disaster by delivering health care to persons injured in such man-made disaster immunity from civil liability for any injury or wrongful death arising from abandonment by such health care provider of any person to whom such health care provider owes a duty to provide health care when (i) a state or local emergency has been or is subsequently declared relating to such man-made disaster; and (ii) the provider was unable to provide the requisite health care to the person to whom he owed such duty of care as a result of the provider's voluntary or mandatory response to the relevant man-made disaster. This provision also provides, in the absence of gross negligence or willful misconduct, any hospital or other entity credentialing health care providers to deliver health care in response to a man-made disaster immunity from civil liability for any cause of action arising out of such credentialing or granting of practice privileges if (i) a state or local emergency has been or is subsequently declared relating to such man-made disaster; and (ii) the hospital has followed procedures for such credentialing and granting of practice privileges that are consistent with the Joint Commission on Accreditation of Healthcare Organizations' standards for granting emergency practice privileges. This bill notes that "health care provider" means those professions defined in the medical malpractice law and "man-made disaster" means the circumstances described in the emergency services and disaster law. Further, the immunity provided by the new section in this bill will be in addition to, and not be in lieu of, any immunities provided in other state or federal law, including, but not limited to, Virginia's Good Samaritan law and emergency services and disaster law.

*Patron - O'Bannon*

**PHB2305 Name change; preventing identity theft.** Provides that the court order granting a name change contains only the person's old name or names, new name, and address, and not the sensitive information (such as the applicant's mother's maiden name and possibly the applicant's social security number) required for the name change application. The bill thus protects sensitive information from being included in the public order and deed books, while ensuring that all necessary information is retained in the person's complete court file and is transmitted, as necessary, to the State Registrar of Vital

Records and the Central Criminal Records Exchange. The bill also requires that name changes ordered as part of a decree of divorce are issued as separate orders, so that detailed and sensitive information contained within the decree of divorce (such as the names of minor children, and custody and support arrangements) is not disclosed in the order or deed books.

*Patron - Devolites*

**PHB2741 Personal injury claims; Commonwealth's lien.** Adds nursing homes to the medical service providers that have liens on an injured person's personal injury claim. The bill provides that in any action against a nursing home for personal injuries or wrongful death, the injured party or his personal representative must give notice of the suit to the Department of Medical Assistance Services (DMAS) if DMAS has paid for any health care services. Notice must be provided within 60 days of filing the lawsuit or within 21 days of determining that DMAS has paid for health care services, whichever is later. The bill requires that DMAS respond in writing to requests for lien amounts within 60 days of receipt of any such request.

*Patron - Kilgore*

**PSB788 Incarcerated felon divorce; guardian ad litem.** Provides that the guardian ad litem that must be appointed for an incarcerated felon in a divorce action will be paid for out of the criminal fund in certain limited circumstances involving domestic physical or sexual assault. The guardian ad litem fee will be taxed against the felon as a part of the costs of the proceeding and, if collected, repaid to the Commonwealth.

*Patron - Deeds*

**PSB815 General receivers; use of social security numbers, etc., on affidavits.** Deletes requirement that beneficiary's social security number and birthdate and the proposed dates of final and periodic disbursements routinely be included in the court order and provides that instead the general receiver file a sealed affidavit with this information.

*Patron - Norment*

**PSB856 Rules of Court.** Provides that the Supreme Court will no longer have to distribute the Rules of Court to certain parties listed in the Code. Amendments to the Rules of Court are placed on the Supreme Court's Internet site as soon as they are adopted and this is the primary source for the bench, bar and public to become aware of new Rules. The Rules are also published in Virginia Lawyer's Weekly and included in the Code of Virginia when it is updated. The bill also deletes the requirement that circuit court clerks keep a special book of Rules and amendments to the Rules. The bill will save approximately \$7,500 in printing costs and was recommended by the Judicial Council for this reason.

*Patron - Stosch*

**PSB897 Hospital and health care worker immunity; smallpox vaccine.** Provides that, in the absence of gross negligence or willful misconduct, (i) a health care provider that administers the smallpox vaccine to health care workers is not civilly liable for vaccine-related injuries to its health care workers or to third parties who are injured by close contact with the vaccinated health care workers and (ii) the immunized health care worker is not liable for any injuries sustained by a person who has indirect or direct contact with the worker. A "health care provider" is one participating in a smallpox preparedness program pursuant to a declaration by the Department of Health and Human Services through which individuals associated with the health care provider have received the smallpox vaccine or other smallpox countermeasure. A "health care worker" means a health care worker to whom a smallpox vac-

cine or other smallpox countermeasure has been administered as part of a smallpox preparedness program pursuant to a declaration by the Department of Health and Human Services. In order for immunity to attach, the vaccine must be administered in accordance with the recommendations of the Centers for Disease Control and Prevention relating to immunization of health care workers. The act is in force from the date of its passage, and the immunity provisions expire on July 1, 2005.

*Patron - Watkins*

**PSB970 Court interpreters.** Provides that the court shall fix the compensation of qualified interpreters, appointed by the court in civil and criminal cases for non-English speaking parties or witnesses, in accordance with guidelines set by the Judicial Council. This bill is a recommendation of the Judicial Council.

*Patron - Trumbo*

**PSB984 Lawyers Helping Lawyers; civil immunity.** Revises statute that grants civil immunity for persons assisting in Lawyers Helping Lawyers to reflect its change in status from an entity of the Virginia Bar Association to a free-standing Virginia nonprofit, nonstock corporation. Lawyers Helping Lawyers provides help to members of the legal profession who have substance abuse problems or are suffering from mental illness.

*Patron - Mims*

**PSB985 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. Where a party is proceeding anonymously, the court shall ensure that the parties are afforded all the rights, procedures, and discovery to which they are otherwise entitled. This bill is a recommendation of the Boyd-Graves Conference.

*Patron - Mims*

**PSB1243 Class and beneficiaries; when determined.** Adds as a new class of beneficiaries under the Virginia wrongful death act the beneficiaries who inherit when a person dies intestate.

*Patron - Trumbo*

## Failed

**FHB1456 Adverse possession.** Provides that the nonpayment of real estate taxes by an adverse claimant/plaintiff on land that is the subject of an adverse possession claim shall serve as a bar to the claim, if real estate taxes were paid on the land by the owner/defendant.

*Patron - Albo*

**FHB1616 Civil remedies; consolidation of asbestos cases.** Provides that interlocutory orders entered in mass claim cases against manufacturers or suppliers of asbestos or products for industrial use that contain asbestos may be appealed pursuant to the procedures established in § 8.01-670.1. That Code section establishes a process for interlocutory appeal of questions of law during the pendency of certain civil cases.

*Patron - Albo*

**FHB1629 Sheriffs' fees.** Increases and clarifies some of the fees charged by sheriffs for (i) out of state service, (ii)



sheriff's commission on executing a writ, and (iii) collection of expenses of advertising.

*Patron - Cosgrove*

**FHB1691 Punitive damages for driving while intoxicated.** Provides that the plaintiff may offer competent evidence, not limited to the test results following an arrest for drunk driving, to rebut the defendant's evidence that the defendant's blood alcohol concentration was less than 0.15 percent or more by weight by volume or 0.15 grams or more per 210 liters of breath. The amount necessary to establish punitive damages culpability is 0.15 percent or more by weight by volume or 0.15 grams or more per 210 liters of breath. The bill also clarifies that exemplary damages may be awarded for willful and wanton conduct that is not specifically described in the section.

*Patron - McQuigg*

**FHB1705 Physician liability for uncompensated care to the indigent; immunity.** Provides that any licensed physician who delivers health care services without charge to individuals who are indigent shall not be liable for any civil damages for any act or omission resulting from the rendering of such services in good faith unless such act or omission was the result of such physician's gross negligence or willful misconduct.

*Patron - Purkey*

**FHB1715 Medical malpractice actions; venue.** Requires that venue for medical malpractice actions shall lie in the city or county in which the majority of the allegedly defective medical care was provided.

*Patron - Hogan*

**FHB1835 Eliminating immunity of physicians; tests not authorized by physicians.** Eliminates the immunity of a physician from civil liability for his failure to review, or respond to, results of tests he neither requested nor authorized.

*Patron - Reese*

**FHB1850 Persons providing on-call services in hospital emergency rooms.** Provides for immunity from liability for acts or omissions resulting from the rendering of emergency care in hospital emergency rooms by persons agreeing to be on call in a hospital emergency room in the absence of gross negligence or willful misconduct, under the following circumstances: (i) such person is licensed by a health regulatory board and is acting within his scope of practice; (ii) the emergency care is rendered to a person who has not previously been cared for by the person or by another person professionally associated with the person for the illness or injury causing the emergency; and (iii) the medical records of the person receiving treatment are not reasonably available to the person rendering the care. The immunity herein granted shall apply only to the emergency medical care provided.

*Patron - Lingamfelter*

**FHB1892 Service on petit juries.** Strengthens requirements for service on a petit jury by (i) stating service as an obligation; (ii) limiting the automatic disqualifications from jury service, removing lawyers from the list of persons automatically exempted from jury service and limiting exemptions from jury service by request to people aged 70 years or older or whose spouse is summoned to serve on the same jury panel; (iii) specifying requirements for postponing jury service and providing that failure to appear is a Class 2 misdemeanor; (iv) specifying grounds for authorizing excuses from jury service; (v) establishing the rights of petit jurors, including wage payment requirements for employers with more than five employees, and limiting service periods to one day except where a

juror is selected for jury service; and (vi) establishing a "Lengthy Trial Fund," supported by fees on civil cases, to provide wage supplementation or replacement of up to \$500 per day per juror when the period of jury service reaches 11 days. The bill repeals § 8.01-341.2, which allowed deferral or limitation of jury service on the grounds that service on specific dates or during a specific term would cause "particular occupational inconvenience." The bill's effective date is October 1, 2003.

*Patron - Albo*

**FHB1965 State-funded mediation.** Eliminates practice of state payment for mediation services in child custody, support, and visitation cases except where both parties are deemed indigent per the guidelines used for court-appointed counsel in criminal cases. The bill clarifies that the \$100 fee is for all services provided in the course of a mediator's single appointment to a family.

*Patron - Athey*

**FHB1966 State-funded mediation.** Eliminates establishment of set fee for mediators and practice of state payment for mediation services in child custody, support and visitation cases.

*Patron - Athey*

**FHB1981 Discovery of expert witness testimony.** Permits the court in medical malpractice actions to establish a scheduling order that requires the plaintiff to designate his expert witnesses no later than 120 days before trial and the defendant to designate his expert witnesses 90 days before trial. The standard timeframes in civil actions now are 90 days and 60 days, respectively. The bill is intended to ensure that in complicated medical malpractice cases medical experts are disclosed sufficiently early to permit more educated settlement discussions.

*Patron - Athey*

**FHB1982 Testimony by treating physicians; consent of patient required.** Prevents a plaintiff's treating physician from offering any testimony as to the standard of care, breach of standard, or causation without the patient's consent. The bill also prevents testimony by any other members of that treating physician's practice without the patient's consent, regardless of whether the individual treated plaintiff. Under current law, there are no explicit obstacles to such testimony but because of the patient-physician privilege, circuit courts are split on whether testimony without plaintiff's consent (potentially adverse to plaintiff) is admissible.

*Patron - Athey*

**FHB2111 Enforcement of recorded private restrictions.** Provides that no action shall be brought to enforce a private restriction recorded in the land records of a locality in which the property is located or a notation on a filed map pertaining to the use of privately owned land, the type of structures that may be erected thereon or the location of such structures unless such action or proceeding is commenced within 10 years of the time that the person seeking to enforce such restriction had actual or constructive knowledge of such violation. This section shall not apply to any private restriction or notation pertaining to (i) any public utility easement; (ii) any right-of-way; (iii) any park or open space land; (iv) any private driveway, roadway or street; or (v) any sewer line or water line.

*Patron - Barlow*

**FHB2278 Exception to hearsay rule for recent complaint of a crime against a person.** Provides that statements made by an alleged victim of a crime against a person soon after the commission of the offense to a law-enforcement

officer investigating the crime shall be admissible as an exception to the rule against hearsay, not as independent evidence of the offense, but for the purpose of corroborating the testimony of the complaining witness, provided that the person who made the statement is present at the trial or hearing and is available for cross-examination.

*Patron - Hurt*

**FHB2391 Parental liability for actions by minors.** Increases the liability for parents for acts by minors from \$2,500 to \$5,000, unless the owner has insurance, then the amount recovered is limited to any and all deductibles not recoverable by the owner from the insurance company.

*Patron - Albo*

**FHB2499 Returns by person serving process.** Provides that private process servers shall be exempt from the requirement to notarize returns if such server has provided the court a copy of his current errors and omissions insurance policy of \$1 million or more.

*Patron - Griffith*

**FHB2520 Medical malpractice; limit on attorney fees.** Provides that beginning with medical malpractice actions accruing on or after July 1, 2003, attorney fees shall be limited in accordance with the following fee schedule: 33 and one-third percent of the first \$150,000 of the sum recovered; 25 percent of the next \$150,000 recovered; 20 percent of the next \$500,000 recovered; 15 percent of the next \$150,000 recovered; and 10 percent of any amount over \$950,000 of the sum recovered. The bill applies the percentage limitations to the sum recovered by the plaintiff through trial, settlement, or arbitration, less the expenses related to the action but including any liens for medical care or treatment. On application of the attorney, and with notice to the plaintiff, the court in which the action is pending may adjust the compensation that would be awarded by the fee schedule on the basis of specific factors, including the extent to which the sum recovered, less any legal fees, compensates the plaintiff for his damages.

*Patron - Morgan*

**FHB2586 Future potential liability.** Provides that claims, counterclaims, cross-claims and third-party claims may be based on future potential liability regardless of whether the claim is stated in the alternative, or whether any demand for payment has been asserted against, or any payment or other discharge of liability made by, the person asserting such claim. This bill thus creates a new code section to clarify the ability to sue for future potential liability under § 8.01-281. The bill overrules the Supreme Court's decision in *Charles Rutter, Executor of the Estate of Mildred Duncan v. Jones, Blechman, Woltz & Kelly, PC, et al.*, 2002 Va. LEXIS 101. In *Rutter*, plaintiff executor sought to assert a claim of malpractice against the attorneys who prepared a will on the grounds that negligent drafting cost the estate over \$600,000 in tax liability. The Supreme Court held that no cause of action could have accrued during decedent's lifetime because damages were not sustained until her death triggered execution of the will. In effect, the Supreme Court held that decedent could not have asserted a claim for future potential liability before she died. Because no cause of action existed during decedent's life, § 8.01-25 directed that no cause of action survived her death, and the judgment for defendants was affirmed.

*Patron - Armstrong*

**FHB2744 Garnishment; service of process on garnishee.** Provides that the failure of the judgment creditor to effect service of process in accordance with the requirements of the garnishment statute shall be a defense to any proceedings by the judgment creditor to obtain a judgment against the

garnishee for failure to garnish wages or other assets of the judgment debtor that are in the garnishee's possession. The bill provides that such defense may be asserted before or after the court enters judgment against a garnishee, and directs that the 21-day period during which a judgment remains within the breast of the court does not begin until the judgment creditor has served the garnishee with a copy of the judgment. The bill is intended to provide an explicit remedy where the judgment creditor fails to make proper service of process and a responsible representative of the garnishee accordingly does not realize that the garnishment has been instituted until the judgment creditor seeks to collect against the garnishee.

*Patron - Gear*

**FHB2754 Limitation on recovery from public transportation operators.** Limits damages in suits for personal injuries to, or death of, a person caused by a Virginia public transportation operator, that are not otherwise barred by the doctrine of immunity, to two million dollars. The bill defines "public transportation operator" as a political subdivision pursuant to § 15.2-2701 or any other entity, which also (i) provides transportation services to the general public on Virginia's roads; and (ii) is funded in whole or in part by public funds. The bill does not affect any defense of immunity applicable to a public transportation operator.

*Patron - Weatherholtz*

**FHB2778 Evidence in products liability actions.** Provides that evidence of similar incidents may be admissible as evidence or corroboration of a product defect.

*Patron - Moran*

**FHB2815 Registered nurses operating automated external defibrillators; immunity from liability.** Amends the Good Samaritan law to provide that any registered nurse who operates an automated external defibrillator in an emergency will not be liable for civil damages for any personal injury that results from any act or omission in the use of an automated external defibrillator in such emergency when an ordinary, reasonably prudent person other than a registered nurse would have so acted under the same or similar circumstances, unless such act or omission was the result of such registered nurse's gross negligence or willful misconduct.

*Patron - Bolvin*

**FHB2830 Jury service.** Exempts from jury service upon request any person who is solely responsible for the daily care of a person with a permanent disability, whether or not living in the disabled person's household, and whose performance of jury duty would cause substantial risk to the health of the person with a disability; provided, that such person is not regularly employed at a location other than the household of the person with a disability, and any mother of a breast-fed child who is responsible for the daily care of the child.

*Patron - Baskerville*

**FSB739 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 must report the findings and recommendations annually to the Governor, the General Assembly, the Attorney General and each attorney for the Commonwealth. This act expires on July 1, 2007. 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*

**FSB770 Civil remedies; use of depositions.** Allows motions for summary judgment to be based, in whole or in part, upon pleadings, depositions, answers to interrogatories, admissions on file, or affidavits.

*Patron - Cuccinelli*

**FSB821 Rules of the Supreme Court; preservation by clerks of court.** Eliminates the requirement that the clerks of court preserve the Rules of the Supreme Court in a special book. This bill is incorporated into SB 856.

*Patron - Norment*

**FSB824 Statute of limitations; death of defendant.** Changes "before" to "after" in the portion of the statute of limitations that describes what happens when the person against whom an action may be brought dies. Currently the Code states that if a person against whom a personal action may be brought dies before suit is filed, the papers may be amended to substitute the decedent's personal representative as party defendant.

*Patron - Norment*

**FSB865 Punitive damages for driving while intoxicated.** Provides that the plaintiff may offer competent evidence, not limited to the test results following an arrest for drunk driving, to rebut the defendant's evidence that the defendant's blood alcohol concentration was less than 0.15 percent or more by weight by volume or 0.15 grams or more per 210 liters of breath. The amount necessary to establish punitive damages culpability is 0.15 percent or more by weight by volume or 0.15 grams or more per 210 liters of breath. The bill also clarifies that exemplary damages may be awarded for willful and wanton conduct that is not specifically described in the section.

*Patron - Puller*

**FSB986 Jury interrogatories.** Allows the court to submit written interrogatories to the jury together with forms for a general verdict in certain cases where complex issues of fact must be decided in order to arrive at a verdict. The provision does not apply to personal injury or wrongful death negligence cases unless otherwise specifically authorized by law, comparative negligence applies or all parties agree. When answers to the interrogatories are inconsistent with the verdict, the court shall either order the jury to reconsider its answers and verdict or order a new trial.

*Patron - Mims*

**FSB1184 Limiting awards for medical malpractice for emergency assistance.** Limits awards for medical malpractice against physicians to \$50,000 where injury or death results from ordinary negligence in the provision of emergency medical assistance necessitated by a traumatic injury demanding immediate medical attention.

*Patron - Wagner*

**FSB1335 Punitive damages paid to Commonwealth.** Requires that a defendant against whom a judgment

for punitive damages has been entered pay 50 percent of any such judgment into the general fund of the state treasury.

*Patron - Cuccinelli*

## Commercial Code/General Provisions

Passed

**PHB1778 Uniform Commercial Code; general provisions.** Replaces current Title 8.1 of the Uniform Commercial Code with the revision approved by the National Conference of Commissioners on Uniform State Laws in 2001. The revisions are intended to update the law and are in recognition of changes in business practices, including the increased use of electronic media. The bill is recommended by the National Conference of Commissioners on Uniform State Laws.

*Patron - Woodrum*

## Commercial Code/Negotiable Instruments

Passed

**PSB999 Negotiable instruments; return of paid instruments.** Requires the holder of a negotiable instrument to return the instrument to its maker or his agent within 90 days following payment in full of the obligation. If the instrument is no longer in existence, the holder can satisfy this obligation by giving written confirmation to that effect within 90 days of the request.

*Patron - Mims*

## Commercial Code/Sales

Failed

**FHB2564 E-mail transactions; place of contract formation.** Provides that a credit card transaction in which the buyer transmits the communications required for the formation of the contract to the seller by electronic mail shall be presumed to have occurred in the state from which the buyer sent his final electronic mail message. The place where such a credit card transaction occurred is relevant in a determination of whether a credit card purchaser is able to assert certain claims and defenses pursuant to the federal Fair Credit Billing Act.

*Patron - Scott*

## Commonwealth Public Safety

Passed

**PHB1684 Line of Duty Act; definitions.** Extends coverage of the Line of Duty Act to employees of the Department of Emergency Management who are performing official duties related to a major disaster or emergency and employees

of any county, city or town who perform emergency management or emergency services duties in cooperation with the Department of Emergency Management. This bill is identical to SB 822.

*Patron - McDougale*

**PHB1817 Private security services.** Redefines "armed security officer" as someone who (i) safeguards and protects persons and property or (ii) deters theft, loss, or concealment of any tangible or intangible personal property on the premises he is contracted to protect, and who carries or has access to a firearm in the performance of his duties. Redefines "unarmed security officer" as someone who performs the functions of observation, detection, reporting, or notification of appropriate authorities or their designated agents regarding persons or property on the premises he is contracted to protect, and who does not carry or have access to a firearm in the performance of his duties. Removes definition of "security officer."

*Patron - Scott*

**PHB1952 Virginia State Crime Commission.** Provides that the Commission is a criminal justice agency. The bill is a recommendation of the Commission. This bill is identical to SB 1145.

*Patron - Albo*

**PHB2121 Requirement that accident reconstructionists also be licensed private investigators.** Provides that a person whose occupation is limited to the technical reconstruction of the cause of motor vehicle accidents, regardless of whether the information resulting from the investigation is to be used before a court, board, officer or investigative committee, and who is not otherwise a private investigator as defined in § 9.1-138, need not be a licensed private investigator.

*Patron - Reid*

**PHB2230 Local probation officers.** Sets out the duties and responsibilities of local probation officers (e.g., supervise local-responsible adult offenders and ensure compliance with all orders of the court; conduct random drug and alcohol tests and facilitate placement in substance abuse programs), including those optional duties which may be provided if funds and resources are available.

*Patron - Cline*

**PHB2486 Line of Duty Act; chaplains.** Adds police chaplains to the list of people who are covered under the Line of Duty Act.

*Patron - Tata*

**PHB2511 Criminal justice training academies; fees.** Allows fees collected to support regional criminal justice training academies to be used to support local criminal justice training academies where the locality does not participate in a regional academy and if the locality was operating a certified independent criminal justice academy as of January 1, 2003. This bill is identical to SB 1345.

*Patron - McDonnell*

**PHB2529 Uniform Statewide Building Code; installation of communication equipment for emergency public safety personnel.** Requires the Board of Housing and Community Development to promulgate regulations as part of the Building Code requiring the installation in new commercial, industrial, and multi-family buildings of emergency communications equipment for emergency service personnel to facilitate effective communication between emergency public safety personnel involved in emergency situations. The bill

defines emergency communications equipment and emergency public safety personnel.

*Patron - Almand*

**PHB2612 Conservation officer defined as law-enforcement officer; training exemption.** Redefines "law-enforcement officer" to include a conservation officer of the Department of Conservation and Recreation and exempts such officers appointed prior to July 1, 2003, from minimum training standards for law-enforcement officers. Defining conservation officers as law-enforcement officers includes them in the capital murder statute and has other consequences throughout the Code.

*Patron - Bryant*

**PHB2671 School safety personnel.** Delays for one year, until September 15, 2004, the date upon which training and employment standards for persons employed as school security officers will be applicable. These standards were to be developed by the Department of Criminal Justice Services, in consultation with the Department of Education and the Virginia State Crime Commission, pursuant to HB 498 and SB 295 (Chapters 868 and 836 of the Acts of Assembly of 2002, respectively).

*Patron - Hamilton*

**PSB822 Line of Duty Act; definitions.** Extends coverage of the Line of Duty Act to any employee of the Department of Emergency Management and any employee of any county, city or town performing emergency management or emergency services duties when those duties are related to a major disaster or emergency that has been or is later declared to exist under the authority of the Governor or a local emergency declared by a local governing body. This bill is identical to HB 1684.

*Patron - Norment*

**PSB952 Line of Duty Act; chaplains.** Adds all police chaplains to the list of people who are covered under the Line of Duty Act. Currently, only police chaplains in the City of Virginia Beach are covered. This bill is identical to HB 2486.

*Patron - Blevins*

**PSB1145 Virginia State Crime Commission.** Provides that the Commission is a criminal justice agency and is a recommendation of the Commission. This bill is identical to HB 1952.

*Patron - Stolle*

**PSB1332 Sex Offender and Crimes Against Minors Registry.** Moves current law provisions regarding the Registry into Title 9.1 (Commonwealth Public Safety) from Title 19.2 (Criminal Procedure). The bill breaks the Code provisions into shorter, more readable sections. The offenses for which registration is required and the registration requirements are not changed from current law. The bill states more explicitly than current law that July 1, 1994, is the trigger date for registration. The bill adds a provision that registrants who are enrolled or employed by an institution of higher education must indicate the name of the institution on their registration form and that the State Police must notify the chief law-enforcement officer of the institution of the person's registration. The institution of higher education provision is a requirement that Virginia must comply with by October 1, 2003, in order to avoid a possible reduction in Byrne grant funds.

*Patron - Houck*

**PSB1345 Criminal justice training academies; fees.** Allows fees collected to support regional criminal justice training academies to be used to support local criminal justice

training academies where the locality does not participate in a regional academy and the locality was operating a certified independent criminal justice academy as of January 1, 2003. This bill is identical to HB 2511.

*Patron - Stolle*

## Failed

### **FHB1415** Line of Duty Act; disability benefits.

Deletes the requirement that payments for continued health care coverage be retroactive to the date that the disability first existed.

*Patron - Janis*

### **FHB1759** Review of Law-Enforcement Employee Records Act; penalty.

Provides a right of access by law-enforcement employees to review and correct any personnel files maintained by their employer agency related to such employees. The bill provides for sanctions in the event there is a violation by a law-enforcement employer.

*Patron - Amundson*

### **FHB1880** Review of Law-Enforcement Employee Records Act; penalty.

Provides a right of access by law-enforcement employees to review any personnel files maintained by their employer agency related to such employees. The bill provides for sanctions in the event there is a violation by a law-enforcement employer.

*Patron - Amundson*

### **FSB759** 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 - Wampler*

### **FSB814** 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 - Stolle*

### **FSB1144** Criminal intelligence.

Places in the Code of Virginia criminal intelligence systems operating policies that are currently in the Code of Federal Regulations. The bill governs the collection, maintenance, dissemination and review of intelligence information by any department or agency of the Commonwealth or any political subdivision. Violation of the requirements is a Class 1 misdemeanor. This bill is a recommendation of the Crime Commission.

*Patron - Stolle*

## Conservation

## Passed

### **PHB1419** Department of Historic Resources; disbursements for Confederate cemeteries and graves.

Adds the Trinity Lutheran Church Cemetery in Augusta County, which maintains 13 Confederate graves, to the list of those cemeteries receiving funds from the Department of Historic Resources for the care of such graves.

*Patron - Landes*

**PHB1451** Staunton State Scenic River. Corrects the length of the Staunton State Scenic River from 40.5 river miles to 51.3 river miles.

*Patron - Hogan*

### **PHB1459** Erosion and Sediment Control; requirements for plan approval.

Removes the requirement to provide the name of an individual holding a certificate of competence as a prerequisite for approval of erosion and sediment control land-disturbing activity plans. The bill requires instead that the name of such certificate holder must be provided to the plan-approving authority prior to actual engagement in land-disturbing activity shown on the approved site plan. If the name is not provided prior to engaging in the land-disturbing activity the plan's approval may be revoked and the person responsible for carrying out the plan would be subject to penalties under the Erosion and Sediment Control Law.

*Patron - Oder*

### **PHB1532** Landfill siting.

Allows Halifax County to site a landfill closer than five-miles upgradient from a water source, if the Director of the Department of Environmental Quality determines that such distance would not be detrimental to human health and the environment. Currently, only Mecklenburg has an exemption that allows it to construct a landfill closer than the statewide five mile upgradient separation requirement.

*Patron - Hogan*

### **PHB1627** Virginia Scenic River Board.

Creates the Virginia Scenic River Board, eliminates the Virginia Scenic River Advisory Boards, which shall have a broad geographical representation, corrects a mileage error related to the Staunton State Scenic River, codifies the St. Mary's River as a river segment worthy of designation, and requires Department of Conservation and Recreation to submit a report in 2009 evaluating the effectiveness of the new state board. This bill incorporates HB 1970.

*Patron - Cox*

### **PHB1671** Virginia Envirothon Program.

Authorizes Soil and Water Conservation Districts to coordinate and implement the Virginia Envirothon natural resource conservation program for high school students.

*Patron - Orrock*

### **PHB1875** Virginia Soil and Water Conservation Board.

Reduces the total membership of the Board from 12 to 10 members, eliminates the ex officio voting members except for the Director of the Department of Conservation and Recreation, and adds two additional members appointed by the Governor from the Commonwealth at-large.

*Patron - Thomas*

### **PHB1953** Creation of the Low Impact Development Assessment Task Force.

Requires the Director of the Department of Environmental Quality to appoint a Low Impact Development Assessment Task Force. The 11-member task force shall operate as an entity within the Department. The task force shall (i) develop a certification process for low impact development techniques in achieving quantifiable pollution prevention or abatement results, (ii) develop such other guidance for local governments and the general public as necessary to promote a more complete understanding of the most effective use of low impact development techniques, (iii) recommend changes to existing statutes and regulations to facilitate the use of low impact development techniques, and (iv) develop a model ordinance for use by local governments. For purposes of this section, "low impact development" means a

site-specific system of design and development techniques that can serve as an effective, low-cost alternative to existing storm-water and water quality control methods and that will reduce the creation of storm runoff and pollution and potentially reduce the need to treat or mitigate water pollution. The Task-force shall continue in existence until it has submitted its final report.

*Patron - Albo*

**PHB2236 Water quality reports.** Requires the Department of Conservation and Recreation to submit its report on the impacts of nonpoint source pollution on water quality to the Department of Environmental Quality for inclusion in Virginia's water quality report that is submitted to the U.S. Environmental Protection Agency. The report, as a minimum, has to include water quality data from the previous five years.

*Patron - Pollard*

**PHB2314 Erosion and Sediment Control Law.** Clarifies that shoreline erosion control projects involving land-disturbing activities in those tidal waters that are under the regulatory authority of local wetlands boards, the Virginia Marine Resources Commission, and the U.S. Army Corps of Engineers are not subject to the Virginia Erosion and Sediment Control Law. However, any land-disturbing activities outside this exempted area are subject to this law.

*Patron - Plum*

**PHB2376 Cathode ray tube recycling program.** Requires the Virginia Waste Management Board to adopt regulations to encourage cathode ray tube and electronics recycling. The bill also authorizes localities to prohibit the disposal of cathode ray tubes in any privately operated landfill within its jurisdiction, so long as the locality has implemented a recycling program that is capable of handling all cathode ray tubes generated within the jurisdiction. This bill incorporates HB 2375.

*Patron - Moran*

**PHB2393 Department of Conservation and Recreation Board consolidation.** Creates special funds, reorganizes the Board of Conservation and Recreation as a policy board, and merges the Board on Conservation and Development of Public Beaches and the Virginia State Park Foundation into the Board of Conservation and Recreation. This bill is identical to SB 914 that was recommended by the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002).

*Patron - Athey*

**PHB2396 Virginia Outdoors Foundation's regional open-space preservation advisory boards.** Eliminates the Virginia Outdoors Foundation's regional open-space preservation advisory boards and requires a broad geographical representation for the members of the Virginia Outdoors Foundation board of trustees. This bill is identical to SB 766.

*Patron - May*

**PHB2434 Silvicultural Activities; best management practices.** Provides that a notice, special order, or emergency special order issued by the State Forester regarding the conduct of silvicultural activities shall remain in effect until the State Forester determines that the corrective measures specified therein have been implemented.

*Patron - Dillard*

**PHB2436 Invasive Species Council established.** Establishes the nine-member Invasive Species Council. The

Council, which is composed of executive branch agency heads, and chaired by the Secretary of Natural Resources, is charged with providing state leadership regarding prevention and control of invasive species and preparation of an invasive species management plan. Invasive species are species that are not native to an ecosystem and whose introduction causes or is likely to cause economic or environmental harm or harm to human health. There is a 2006 sunset on the Council.

*Patron - Dillard*

**PHB2631 Soil and Water Conservation District Boards.** Specifies that vacant soil and water conservation district director positions will not be considered in what constitutes a quorum for a district board to conduct business.

*Patron - Sherwood*

**PHB2789 Trichloroethylene prohibited; penalty.** Adds trichloroethylene (TCE) to the list of hazardous household chemicals identified by the Department of Environmental Quality and as of January 1, 2006, prohibits the sale or distribution of any household product containing TCE. The bill also prohibits the sale or distribution of products containing TCE as of July 1, 2004, if such products are used as adhesives in residential hardwood floor installation. Violations are Class 3 misdemeanors.

*Patron - Amundson*

**PHJ610 Naming of new state park in Powhatan County.** Requests the Virginia Department of Conservation and Recreation when designating the new state park in Powhatan County to include as part of its name the name of E. Floyd Yates, in appreciation of Mr. Yates' outstanding contributions to the community and to the Commonwealth in the areas of government, natural resources, and community service.

*Patron - Ware*

**PSB766 Virginia Outdoors Foundation's regional open-space preservation advisory boards.** Abolishes the six regional open-space preservation advisory boards and requires a broad geographical representation for the members of the Virginia Outdoors Foundation board of trustees. Each advisory board evaluates grant applications from applicants proposing to convey easements located within its region; identifies applications that will provide the most significant open-space preservation benefits according to guidelines and timetables developed by the Foundation; and forwards these recommendations to the Foundation. The boards have not been active recently. This bill is a recommendation of the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002).

*Patron - Ruff*

**PSB884 Property conveyance.** Authorizes the Department of Conservation and Recreation to convey approximately 15 acres in Fairfax County, adjacent to George Washington's gristmill, to the Mount Vernon Ladies' Association of the Union. The conveyed property must be open to the public or ownership will revert to the Department.

*Patron - Puller*

**PSB913 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*

**PSB914 Department of Conservation and Recreation Board consolidation.** Creates special funds, reorganizes the Board of Conservation and Recreation as a policy board, and merges the Board on Conservation and Development of Public Beaches and the Virginia State Park Foundation into the Board of Conservation and Recreation. This bill is a recommendation of the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002). This bill is identical to HB 2393.

*Patron - Ruff*

**PSB965 Waste tire piles and tire recycling fee.** Strengthens the Department of Environmental Quality's (DEQ) ability to clean up the 339 remaining tire piles throughout the state. The civil and criminal liability provisions of the bill are conformed to the penalties of other environmental statutes. The bill authorizes the establishment of tire convenience centers, which are collection points for the temporary storage of tires. To be classified as a convenience center, the collection point cannot receive waste tires from collection vehicles that have collected waste from more than one real property owner. The bill exempts (i) Department of Motor Vehicle licensed salvage yards that are holding fewer than 300 waste tires and (ii) convenience centers having up to 1,500 tires from having to obtain a permit from DEQ. The bill also establishes a strict liability standard for damages incurred by neighboring property owners and other third parties when a tire pile burns. Strict liability would apply in the case of an unpermitted tire pile of more than 100 tires. Currently, strict liability applies when there are more than 50,000 tires. The strict liability would apply to the pile owner when he knows about the pile or if the property owner consented to the disposal of the tires on his property. The bill grants the agency the authority to enter property and remove a tire pile if the owner refuses an order to remove the tires. Under the legislation, the agency would be able to obtain a lien against the property for the amount expended from the Waste Tire Fund to clean up the tire pile. To expedite the cleanup of these tire piles, a three-year increase in the tire recycling fee from \$.50 per new tire sold to \$1.00 is proposed. The revenue generated by the increased fee is required to be used solely for the removal of tire piles.

*Patron - Watkins*

**PSB1053 Conservation easements; requirements to be a holder.** Allows organizations that have been in existence for at least five years and are registered and in good standing with the State Corporation Commission to be sole holders of conservation easements if they also meet the other existing criteria. Currently, such entities can only co-hold conservation easements. Current law also requires a sole holder of a conservation easement to have had its principal office in the Commonwealth for at least five years.

*Patron - Hanger*

**PSB1137 Transporting wastes on state waters.** Eliminates the stacking limitation for containers on barges and the prohibition on transporting waste on the Rappahannock, James, and York Rivers. This bill broadens the Board's authority to establish a waste barging fee to fund not only administration and enforcement costs, but to also fund activities for abating pollution caused by barging of waste, for improving

water quality, or for other waste related purposes. This bill exempts from regulation recyclable construction demolition debris being transported on state water directly to a processing facility.

*Patron - Stolle*

## Failed

**FHB1442 Virginia Conservation Easement Act; requirements for easement holders.** Decreases the time that a prospective holder must have had a principal office in the Commonwealth before holding a conservation easement without a co-holder from five years to three.

*Patron - Callahan*

**FHB1476 Rudee Inlet Authority.** Repeals the 1960 act that created such an authority. The duties of the Rudee Inlet Authority have been taken over by the Virginia Beach Erosion Committee and the Beaches and Waterways Commission. This is a recommendation of the Virginia Code Commission.

*Patron - Landes*

**FHB1809 Landfill permit exemption.** Exempts wood and timber processing facilities from having to obtain a landfill permit to store the wood waste byproduct. The exemption would be extended to only those facilities that are in compliance with all state and federal stormwater laws and regulations and those that had implemented a stormwater pollution prevention plan.

*Patron - Carrico*

**FHB1963 Solid waste landfills; permit requirements.** Exempts public service authority-owned or operated solid waste landfills from the permit requirements of (i) local government certification of consistency with all applicable ordinances, and (ii) local government host agreement certification when permit applications are for new or expanded solid waste landfills on property contiguous to existing permitted landfills owned or operated by such authority.

*Patron - Carrico*

**FHB1970 Virginia Scenic River Board.** Creates the Virginia Scenic River Board, eliminates the Virginia Scenic River Advisory Boards, corrects a mileage error related to the Staunton State Scenic River, designates the Historic Lower James River as a state scenic river, codifies the St. Mary's River as a river segment worthy of designation, and requires a report by the Department of Conservation and Recreation in 2009 to evaluate the effectiveness of the new state board. This bill is identical to legislation recommended by the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils and Other Governmental Entities pursuant to HJR 159 (2002). This bill is incorporated into HB 1627.

*Patron - Athey*

**FHB2315 Environmental permit fees.** Directs the Virginia Waste Management Board and the State Water Control Board to establish a schedule of fees that recovers the full costs for operating the solid and hazardous waste programs and the water programs. During the 2002 Session, legislation was enacted that directed the Virginia Waste Management Board to develop a new permit fee schedule 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 could increase more than 300 percent. That legislation also tripled the statutory caps on water permit fees. There was a July 1, 2004, sunset on this new fee structure. However,



this new measure would do away with the sunset and impose a new fee structure that will make the waste and water programs self-sufficient by assessing permit holders the full cost of administering the programs.

*Patron - Plum*

**FHB2375 Electronic equipment recycling program.** Requires the Department of Environmental Quality to adopt regulations to provide for an electronic equipment recycling program. The bill requires the program to work with local governments and businesses in determining how to recycle electronic equipment and to promote recycling and donating electronic equipment. The bill also requires the Department, by July 1, 2004, to develop a list of electronic equipment and organizations that accept it for donation or recycling. Beginning July 1, 2004, the bill bans the disposal of cathode ray tubes in mixed solid waste, prohibits solid waste management facilities from accepting cathode ray tubes, and only allows disposal of cathode ray tubes in accordance with the Department's regulations. For purposes of this bill, "cathode ray tube" means an intact glass tube used to provide the visual display in televisions, computer monitors, oscilloscopes and similar scientific equipment, and "electronic equipment" means devices that contain complex circuitry, circuit boards or signal processing, and that contain hazardous materials that may pose a risk to public health or the environment if discarded as part of mixed solid waste or disposed of in a solid waste management facility. Electronic equipment includes, but is not limited to, cathode ray tubes, computers, televisions and cell phones. This bill is incorporated into HB 2376.

*Patron - Moran*

**FHB2582 Conservation; State Forester.** Allows the State Forester or any forest warden to file suit on a negligent party to collect the costs of fire suppression. Currently, the attorney for the Commonwealth is required to institute such action.

*Patron - Armstrong*

**FHB2781 Chesapeake Bay Local Assistance Department.** Authorizes the Chesapeake Bay Local Assistance Department to administer the Virginia Coastal Resources Management Program. The purpose of the program is to coordinate efforts by state agencies and Tidewater localities to develop and implement coastal policies. The Department is also empowered to administer the program's annual grant award received from the National Oceanic and Atmospheric Administration.

*Patron - Dillard*

**FHB2783 Financial assurance for landfills.** Requires the Virginia Waste Management Board, when calculating the amount to be set aside by an owner for assuring the proper closure of a landfill, to include the interest earned by an escrow account. Currently, those local governments using the financial test mechanism as the means of assuring they have enough funds to properly close their landfill have to meet a liquidity and debt service ratio. If these ratios are not met, the locality has to set the required amount aside in an escrow account; however, in calculating the amount to be set aside no credit is given for interest earned by the escrow account. This bill would include the amount of interest earned by the escrow account in calculating the amount to be set aside.

*Patron - Kilgore*

**FSB886 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 Envi-

ronmental Quality pursuant to the Virginia Landfill Clean-up and Closure Fund.

*Patron - Ruff*

**FSB898 Diversion of property from open-space land use.** Authorizes the conversion of certain real property in Chesterfield County from open-space land use for substituted other certain real property in Giles County.

*Patron - Watkins*

**FSB1116 Chesapeake Bay Preservation Act.** Abolishes the Chesapeake Bay Local Assistance Department and places responsibility for administering the Chesapeake Bay Preservation Act with the Department of Conservation and Recreation. The Chesapeake Bay Local Assistance Board continues as the policy-making board for implementation of the Chesapeake Bay Preservation Act.

*Patron - Whipple*

**FSB1282 Revolutionary War cemeteries and graves.** Allows associations that receive funds from the Commonwealth for the care of Revolutionary War graves to spend such funds for the maintenance of cemeteries and graves not specifically identified in the Code but otherwise identified as a Revolutionary War cemetery or grave. Currently, such associations or organizations may only spend these funds on cemeteries or graves set forth in statute.

*Patron - Edwards*

**FSB1350 State park.** Designates a site in the Seven Bends area of Shenandoah County as the John O. Marsh State Park.

*Patron - Potts*

## Contracts

### Failed

**FHB1543 Sale of material harmful to juveniles; debt collection; age verification devices.** Requires persons who wish to collect, assess or recover anything of value from any other person for providing any material that is harmful to juveniles, as that term is defined in subdivision (6) of § 18.2-390, to attempt in good faith to verify the age of the recipient by employing an age verification device prior to providing the material.

*Patron - Marshall, R.G.*

## Corporations

### Passed

**PHB1753 Names of business entities.** Requires that the name of any corporation, limited liability company, business trust, or limited partnership be distinguishable upon the records of the State Corporation Commission from the name of any of these types of business entities.

*Patron - Parrish*

**PHB1827 Virginia Securities Act.** Permits Virginia churches to offer securities to its members who live outside Virginia, provided the security is offered and sold only by its members who are Virginia residents. The bill also makes technical corrections to the Act, and repeals an obsolete provision

of the Code requiring registration statements for certain securities, which is preempted by federal law.

*Patron - Morgan*

**PHB1828 Nonstock corporations; articles of dissolution.** Requires that articles of dissolution of a nonstock corporation filed with the State Corporation Commission set forth, if applicable, a statement that there are no members or no members with voting rights. In addition, the statement is required to recite the date of the meeting of the board of directors at which the dissolution was authorized and a statement of the fact that dissolution was authorized by the vote of a majority of the directors in office.

*Patron - Morgan*

**PHB1829 Business entities; articles of merger.** Requires that articles of merger be signed by all parties to a merger of various business entities, including stock corporations, nonstock corporations, limited liability companies, and limited partnerships. The provision also applies to articles of share exchange. In the case of the merger of parent and subsidiary corporations, the articles need be executed only on behalf of the surviving corporation. The measure also establishes procedures for updating registered agent information when the agent changes its name or is the nonsurviving party to a merger.

*Patron - Morgan*

**PHB1830 Corporations and limited liability companies; entity conversions.** Requires that the articles of incorporation or articles of organization of the surviving entity of a conversion from a corporation to a limited liability company, or vice versa, be included as a separate attachment to the plan of entity conversion. The articles of incorporation or articles of organization of the surviving entity are required to comply with the applicable provisions of the Virginia Stock Corporation Act or Virginia Limited Liability Company Act.

*Patron - Morgan*

**PHB1863 Professional services; independent contractors.** Permits professional corporations and limited liability companies to use independent contractors to render the professional services of such entities.

*Patron - O'Bannon*

**PSB851 Foreign limited liability companies and limited partnerships.** Clarifies that the Secretary of State or other official with custody of records in the state or other jurisdiction of formation must authenticate the records of foreign limited liability companies and foreign limited partnerships. The amendments conform the authentication requirements with corresponding provisions of the Virginia Stock and Nonstock Corporation Acts.

*Patron - Miller, Y.B.*

**PSB855 Business trusts.** Makes certain provisions of the Virginia Business Trust Act, which was enacted in 2002, consistent with analogous provisions of other business entity acts, and corrects several oversights in existing law. The measure (i) adds business trusts to the entities that are deemed to have received tax assessments mailed by the State Corporation Commission; (ii) establishes the fee for filing articles of restatement; (iii) specifies who has authority to correct the articles of trust and the method for their approval; (iv) conforms business trust name distinguishability requirements to those of other business entities; (v) allows for the cancellation of a certificate of a business trust that does not maintain a registered agent; and (vi) makes the provisions regarding mergers consistent with the parallel provisions for articles of merger of other

business entities. The Business Trust Act, and the amendments made by this measure, will become effective October 1, 2003.

*Patron - Stosch*

**PSB860 Virginia Stock Corporation Act.** Allows "householding" of notices to shareholders of public corporations, which means that a corporation may, with the consent of the affected shareholders, send a single notice of shareholders' meetings when there are multiple record shareholders at a single address. A public corporation is defined as having 300 or more shareholders. Other changes allow investment companies to avoid having annual meetings unless required by the corporation's documents or the Investment Company Act of 1940, and allow shareholders to participate in meetings via telephone if authorized in the articles of incorporation or bylaws.

*Patron - Stosch*

**PSB861 Limited liability companies; business entities.** Incorporates conforming provisions into the Limited Liability Company Act and analogous provisions of other business entity statutes to enable those entities to merge with business trusts. Other provisions (i) clarify the authority of limited liability companies to convert into stock corporations and vice versa, (ii) provide that when the operating agreement of a limited liability company contains an agreement among members that restricts their ability to pledge or transfer their ownership interests, they will be given effect as a matter of freedom of contract notwithstanding contrary provisions of the Uniform Commercial Code, and (iii) clarify who signs State Corporation Commission filings for limited liability companies that are formed without members.

*Patron - Stosch*

**PSB879 Professional corporations; professional limited liability companies.** Provides that, unless otherwise prohibited by law or regulation, professional services may be rendered by either a professional corporation or a general business corporation. Parallel provisions are added to the Limited Liability Company Act. A provision corrects existing language that states that all shareholders of a foreign professional stock corporation be licensed to render the professional service in Virginia, because currently accounting, architecture, professional engineering, and land surveying can be rendered by domestic professional corporations with unlicensed shareholders. Other changes clarify that nurse practitioners may organize to the same extent as other professionals, by inserting language omitted from the 1999 legislation that authorized them to so organize. The bill has an emergency clause.

*Patron - Wampler*

**PSB880 Corporations; domestication and conversion; fees.** Establishes procedures by which (i) a domestic nonstock corporation that is not legally required to be a domestic corporation may domesticate as a foreign nonstock corporation and (ii) a foreign nonstock corporation may domesticate as a Virginia nonstock corporation.

*Patron - Wampler*

**PSB946 Limited liability companies; corrections and amendments.** Authorizes the organizer of a limited liability company to sign articles of amendment or correction. References to certificates of correction are changed to articles of correction. The manner in which a correction may be adopted is specified, and a requirement is added that the articles of correction include a statement of the manner of their adoption.

*Patron - Colgan*

## Failed

**FHB1890 Corporations; dissolution.** Eliminates the requirement that a corporation pay delinquent taxes and fees before the SCC may issue a certificate of dissolution.

*Patron - Albo*

## Costs, Fees, Salaries and Allowances

## Passed

**PSB1333 Departments of real estate; Goochland County.** Authorizes Goochland County to establish a department of real estate. Under current law, departments of real estate are required to assess all real estate within the locality on an annual or biennial basis.

*Patron - Stosch*

## Counties, Cities and Towns

## Passed

**PHB1375 Notice of annexation.** In addition to current advertisement requirements, provides that at least 10 days' written notice be given to the owner or agent of each parcel subject to a proposed annexation under an agreement defining annexation rights.

*Patron - Landes*

**PHB1475 Richmond-Henrico Metropolitan Area Commission.** Repeals the Act of Assembly that established this Commission. The Commission was to have studied the feasibility of annexation of all or a part of the County of Henrico by the City of Richmond and also study the advantages and disadvantages of merging the County and the City. The Act of Assembly required that the Commission be appointed and meet no later than October 1, 1960. Since neither of these events has occurred, the Act of Assembly is obsolete. This legislation is a recommendation of the Virginia Code Commission.

*Patron - Landes*

**PHB1516 Control of firearms by local ordinance.** Provides that no person may be prosecuted or convicted of a violation of any ordinance regulating the possession, carrying, or transportation of a firearm if he is (i) in possession of the firearm not in violation of any provision of Title 18.2 and he has a valid concealed handgun permit issued pursuant to § 18.2-308 or (ii) otherwise possessing, carrying, or transporting the firearm in a lawful manner. This provision was formerly limited only to transporting the weapon. The provisions applicable to a locality shall also apply to any authority or to a local governmental entity, including a department or agency, but not including any local or regional jail or juvenile detention facility.

*Patron - Black*

**PHB1628 Southside Virginia Business and Education Commission.** Abolishes the Southside Virginia Business and Education Commission. The Commission was established in 1991 to enhance the economic development of the Southside

region for the benefit of all citizens of the Commonwealth. In 2002, the Council lost all its funding and staff. This bill is a recommendation of the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002).

*Patron - Cox*

**PHB1664 Payments to volunteer rescue squads by localities.** Provides that a locality may make appropriations of money to volunteer fire companies or rescue squads in an amount sufficient to enroll any qualified member of such volunteer fire company or rescue squad in any program available within the locality intended to defray out-of-pocket expenses for emergency ambulance transportation.

*Patron - Cox*

**PHB1679 Meetings of the planning commission and board of zoning appeals.** Provides that the planning commission and board of zoning appeals may by resolution fix the day to which any meeting shall be continued if weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting shall be conducted at the continued meeting and no further advertisement is required. This authority is similar to that which currently exists for local governing bodies.

*Patron - Rapp*

**PHB1738 Economic development authorities.** Adds the counties of Charles City, Greene, New Kent, and Patrick to those localities that may choose to refer to their industrial development authority as an economic development authority. This bill incorporates HB 1781, HB 2022, and HB 2583.

*Patron - McDougle*

**PHB1752 Local "Crime Stoppers" programs.** Grants authority for local "Crime Stoppers" programs. Such programs are defined as a private, nonprofit Virginia corporation governed by a civilian volunteer board of directors that is operated on a local or statewide level that (i) offers anonymity to persons providing information to the organization, (ii) accepts and expends donations for cash rewards to persons who report to the organization information about alleged criminal activity and that the organization forwards to the appropriate law-enforcement agency and (iii) is established as a cooperative alliance between the news media, the community, and law-enforcement officials. This bill is identical to SB 1032.

*Patron - Parrish*

**PHB1767 Certain duties of the commissioner of the revenue and treasurer; extensions to complete work.** Allows the Department of Taxation to extend the time of delivery of personal property books by the commissioner of revenue for good cause and upon written notice to the county or city treasurer and local governing body.

*Patron - Nutter*

**PHB1788 Activities of former local officers and employees.** Adds the City of Virginia Beach (described by population) to those localities that may prohibit former officers and employees from providing personal and substantial assistance for remuneration of any kind to any party, in connection with any proceeding, application, case, contract, or other particular matter involving the City or an agency thereof, if that matter is one in which the former officer or employee partici-

pated personally and substantially as a city officer or employee through decision, approval, or recommendation.

*Patron - Tata*

**PHB1805 Compliance with subdivision ordinance.** Clarifies that in addition to fines of up to \$500 for each lot or parcel of land that is subdivided, transferred or sold in violation of certain provisions of the subdivision ordinance, the owner shall continue to be required to comply with all provisions of the subdivision ordinance.

*Patron - Carrico*

**PHB1808 Treasurer; City of Galax.** Abolishes the elected office of the treasurer at the conclusion of the current term, January 1, 2006. All duties of the office shall be assumed by the City's Director of Finance. City voters, in a May 2002 referendum, voted to abolish the office.

*Patron - Carrico*

**PHB1821 Replacement of manufactured housing.** Amends the existing statute related to replacement of nonconforming manufactured housing to provide that either the landowner or homeowner may remove such nonconforming home and replace it with another comparable manufactured home. In a mobile or manufactured home park, a single-section home may replace a single-section home, and a multi-section home may replace a multi-section home. The owner of a valid nonconforming mobile or manufactured home not located in a mobile or manufactured home park may replace that home with a newer manufactured home, either single or multi-section, that meets the current HUD manufactured housing code.

*Patron - Scott*

**PHB1851 Development of former federal areas.** Allows an authority created from a former federal area to change the name of the authority from the name chosen by the Governor.

*Patron - Lingamfelter*

**PHB1876 Water and sewer charges.** Adds the City of Roanoke to the list of localities that may by ordinance provide that taxes or charges imposed for water or sewers or use thereof within or outside the locality shall be a lien on the real estate served by such waterline or sewer.

*Patron - Thomas*

**PHB1881 Service districts.** Expands the power of service districts to include the control of insects that may carry diseases that are dangerous to humans.

*Patron - Amundson*

**PHB1885 Local government health insurance programs; volunteer fire and rescue company members.** Authorizes any locality that provides a group health insurance program for its officers and employees to allow eligible members of approved volunteer fire or rescue companies, as determined by the locality, to participate in such program, subject to the eligibility criteria established by the locality. A participating volunteer shall pay the full cost of his participation in the health insurance program.

*Patron - May*

**PHB1888 Civil penalties for zoning violations.** Raises the maximum civil penalty for second and subsequent violations of the zoning ordinance from \$150 to \$250. The civil penalty for an initial summons remains unchanged at \$100. Also, a series of specified violations arising from the same operative set of facts shall not result in civil penalties that exceed a total of \$5,000, rather than the current total of \$3,000.

*Patron - May*

**PHB1967 Duties of the Commission on Local Government.** Transfers the Commission on Local Government to the Department of Housing and Community Development and provides that the Director of the Department shall serve as the Executive Director of the Commission. Also, provisions related to certain voluntary agreements between localities are amended to clarify that such agreements shall be binding on future local governing bodies.

*Patron - Athey*

**PHB1974 Installment payment of assessments for local improvements; interest.** Clarifies that such interest rate shall not exceed the index of average yield on U.S. Treasury securities adjusted to a constant maturity of one year.

*Patron - Athey*

**PHB1992 Fees for solid waste disposal.** Restates a population bracket, originally intended to apply to Accomack County, based on 2000 census figures. The existing language authorizes certain counties to impose fees related to the disposal of solid waste. Accomack County is also granted additional authority related to charging and collecting the fee, such as fee prorating, late penalties, and discounts. This bill is identical to SB 1075.

*Patron - Bloxom*

**PHB2031 Background checks in localities.** Allows localities to require applicants for employment to submit to fingerprinting and to provide information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange and the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant. If an applicant is denied employment because of information appearing in his criminal history record, the locality shall notify the applicant that information obtained from the Central Criminal Records Exchange contributed to such denial. The information shall not be disseminated except as provided for in this section.

*Patron - Petersen*

**PHB2058 Local codification of ordinances.** Provides that at least one copy, rather than three copies, of any codification or recodification, and at least one copy, rather than three copies, of every supplement thereto shall be kept in the office of the clerk of the governing body and shall be available for public inspection during normal business hours.

*Patron - Cole*

**PHB2104 Economic development authorities.** Provides that the authority jointly created by the Town of South Boston and Halifax County may be named the Economic Development Authority of Halifax, Virginia, and specifies how appointments to such authority are to be made.

*Patron - Hogan*

**PHB2118 County manager form of government; background checks.** Provides that as a condition of employment, any applicant in such county who is offered or accepts employment at the county's water treatment facility after September 1, 2001, shall be required to submit to fingerprinting and to provide personal descriptive information to be forwarded along with his fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant. If an applicant is denied employment because of the information appearing in his criminal history record, the county shall notify the applicant that information obtained from the Central Criminal Records Exchange

contributed to such denial. The information shall not be disseminated except as provided for in this section.

*Patron - Reid*

**PHB2270 Local employee bonuses.** Grants localities greater flexibility in the awarding of bonuses.

*Patron - Rust*

**PHB2362 Repair of deteriorating buildings.** Allows localities to prescribe civil penalties, not to exceed a total of \$1,000, for violations of ordinances related to the repair of deteriorating buildings.

*Patron - Shuler*

**PHB2373 Background checks required for certain local employees or licensees.** Provides that certain localities shall require any (i) applicant who is offered or accepts employment with the locality or (ii) prospective licensee for any categories of license designated by ordinance to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the applicant's or licensee's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant or licensee. Such applicant or licensee shall pay the cost of the fingerprinting or a criminal records check or both. The Central Criminal Records Exchange, upon receipt of an applicant's or licensee's record or notification that no record exists, shall make a report to the locality. If an applicant is denied employment or a licensee is denied a license because of the information appearing in his criminal history record, the locality shall notify the applicant or licensee that information obtained from the Central Criminal Records Exchange contributed to such denial. The information shall not be disseminated except as provided for in this section.

*Patron - Sherwood*

**PHB2395 Volunteer firefighter and emergency medical technician tuition reimbursement.** Provides that any locality may by ordinance establish and administer a tuition reimbursement program for eligible volunteer firefighters or emergency medical services personnel, or both, for the purposes of recruitment and retention.

*Patron - May*

**PHB2406 Comprehensive plan; affordable housing.** Requires localities, as part of their comprehensive plan, to designate areas and implement measures for the construction, rehabilitation and maintenance of affordable housing, that is sufficient to meet the current and future needs of residents of all levels of income in the locality.

*Patron - Oder*

**PHB2423 Community development authorities.** Declares that a community development authority is a public body and corporate and political subdivision of the Commonwealth.

*Patron - Janis*

**PHB2429 Advisory Committee for the Regional Competitiveness Act.** Abolishes an advisory committee to the Department of Housing and Community Development known as the Advisory Committee for the Regional Competitiveness Act. The Committee was established in 1996 to develop recommendations for the distribution of funds to be used to encourage and reward regional strategic economic development planning and joint activities. The Committee has not been very active, and the program is not funded for the 2002-2004 biennium. This bill is identical to SB 806 that was recommended by the Joint Subcommittee Studying the Operations,

Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002).

*Patron - Hugo*

**PHB2473 Removal of abandoned nonconforming signs.** Provides that a locality may order the removal of a nonconforming sign that has been abandoned. For purposes of this section, a sign shall be considered abandoned if the business for which the sign was erected has not been in operation for a period of at least two years. This bill is identical to SB 820.

*Patron - Crittenden*

**PHB2476 Disposal of trash or cutting of weeds.** Allows localities to regulate the times and placement of waste and waste containers set out for collection. The bill requires the locality to notify the owner of the waste or waste container to allow removal prior to imposing a civil penalty.

*Patron - Crittenden*

**PHB2505 Expenses incurred in responding to DUI incident.** Expands current provisions allowing reimbursement of expenses incurred in responding to DUI incidents by adding incidents related to other serious traffic offenses such as reckless driving and driving on a suspended license.

*Patron - Griffith*

**PHB2509 Plat approval.** Requires the planning commission to make a good faith effort 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 previously disapproved plat within 45 days of resubmittal. A circuit court petition pursuant to this section shall be given first priority on the civil docket.

*Patron - McDonnell*

**PHB2600 Disclosure of proffered cash payments and expenditures by localities.** Excludes localities with a population of 3,500 or less from certain reporting requirements related to cash proffers. Also, localities will be required to break down reported information by category.

*Patron - Hall*

**PHB2642 Community development authority.** Reduces the minimum tract acreage size from 3000 to 250 acres for certain counties with a population of less than 50,000 that want to create a community development authority.

*Patron - McDougle*

**PHB2647 Lighting level regulation; Augusta County.** Allows Augusta County to regulate the maximum upward exterior illumination levels of buildings and property zoned or used for commercial or business purposes. Such ordinance shall only apply to lighting installed after the effective date of the ordinance and shall not affect or be applied to agricultural or silvicultural operations, utility companies, facilities owned by the Department of Corrections, to lighting regulated by the Uniform Statewide Building Code or to premise security lighting for certain multi-family residential or commercial office buildings.

*Patron - Cline*

**PHB2694 Voluntary settlements among local governments; acceptance of proffers.** Allows certain localities to include provisions for the acceptance of proffered conditions on behalf of other localities pursuant to voluntary settlement agreements.

*Patron - Hargrove*

**PHB2702 Mandatory connection to water and sewage systems in certain counties.** Adds Wythe County to the list of counties that may require mandatory connection to their water and sewage systems by certain owners of property that may be served by such systems, but that may not charge a nonuser service charge.

*Patron - Carrico*

**PHB2707 Community centers in certain towns.** Allows any town in which a private movie theater has not been in operation for three years to operate a community center that includes a movie theater for the exhibition of motion pictures produced expressly for commercial exhibition.

*Patron - Stump*

**PHB2715 Discount for early payment of taxes.** Allows localities to establish discounts for the early payment of taxes.

*Patron - Phillips*

**PHB2716 Auxiliary police forces.** Allows the use of certain auxiliary police forces to transport prisoners with the concurrence of the sheriff.

*Patron - Phillips*

**PHB2807 Transferring the property, duties, rights, and contractual obligations of the trustees of any unincorporated area commonly referred to as a town to the board of supervisors of the county in which the area is located.** Transfers the property, duties, rights, and contractual obligations of trustees to the board of supervisors of the county where the area is located, confirms that any such unincorporated area is part of the county in which it is located, and provides that the trustees shall be deemed to have completed their terms of service and be dissolved.

*Patron - Rapp*

**PHB2834 Biennial election of county supervisors in Gloucester County; initial terms.** Allows Gloucester County to stagger the terms of its at-large members of the board of supervisors.

*Patron - Morgan*

**PSB696 Jail processing fee.** Authorizes the collection of jail processing costs incurred by a regional jail pursuant to a local ordinance. The General Assembly authorized these fees in 2002 applicable to local sheriffs' offices to defray the costs of processing arrested persons.

*Patron - Deeds*

**PSB765 Southside Virginia Development Authority.** Abolishes the Southside Virginia Development Authority. The Authority was established in 1992 to enhance the economic development of the Southside region of the Commonwealth and to provide financial support for the purchase of real estate construction of buildings, the installation of utilities, and other improvements. The Authority is not currently funded, and the Board has met since its organizational meeting. This bill is a recommendation of the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002).

*Patron - Ruff*

**PSB806 Advisory Committee for the Regional Competitiveness Act.** Abolishes an advisory committee to the Department of Housing and Community Development known as the Advisory Committee for the Regional Competitiveness Act. The Committee was established in 1996 to develop rec-

ommendations for the distribution of funds to be used to encourage and reward regional strategic economic development planning and joint activities. The Committee has not been very active, and the program is not funded for the 2002-2004 biennium. This bill is a recommendation of the Joint Subcommittee Studying the Operations, Practices, Duties, and Funding of the Commonwealth's Agencies, Boards, Commissions, Councils, and Other Governmental Entities pursuant to HJR 159 (2002). This bill is identical to HB 2429.

*Patron - Martin*

**PSB820 Removal of abandoned nonconforming signs.** Provides that a locality may order the removal of a nonconforming sign that has been abandoned. For purposes of this section, a sign shall be considered abandoned if the business for which the sign was erected has not been in operation for a period of at least two years. This bill is identical to HB 2473.

*Patron - Norment*

**PSB823 Economic development authorities.** Adds New Kent County to those localities that may choose to refer to their industrial development authority as an economic development authority.

*Patron - Norment*

**PSB850 Local government group self-insurance pools.** Corrects a reference to State Corporation Commission regulations regarding the investment of a group self-insurance pool's assets. The existing reference to regulations for group self-insurance workers' compensation plans is outdated, as the Commission promulgated specific regulations concerning the investment of local government self-insurance pools in 1987.

*Patron - Miller, Y.B.*

**PSB904 Southeastern Public Service Authority of Virginia.** Amends the original act creating the Southeastern Public Service Authority of Virginia to add the County of Isle of Wight to the list of cities that are authorized to contract obligations over a period of more than one year to guarantee indebtedness of the Authority. Pursuant to Article VII, § 10(b) of the Constitution of Virginia, the County of Isle of Wight has elected to be treated as a city for purposes of Article VII, § 10(a) regarding the issuance of bonds. The bill also authorizes the Authority to indemnify and hold harmless purchasers of Authority-owned interests in property for certain liabilities when the Authority leases back such property.

*Patron - Quayle*

**PSB967 Board of zoning appeals.** Provides that in the case of an appeal from the board of zoning appeals to the circuit court, from an order, requirement, decision or determination of a zoning administrator or other administrative officer in the administration or enforcement of any ordinance or provision of state law, the decision of the board shall be presumed correct. The appealing party may rebut the presumption by proving by a preponderance of evidence that the board erred in its decision. Current case law provides that a decision of the board is presumed to be correct and can be reversed or modified only if the trial court determines that the board applied erroneous principles of law or was plainly wrong and in violation of the purposes and intent of the zoning ordinance. The bill further provides that in the case of an appeal from any decision of the board that denied an application for a variance or an application for a special exception, there shall be a presumption that the decision of the board is correct, but the petitioner may rebut that presumption by showing to the satisfaction of the court that the board applied erroneous principles of law, or where the discretion of the board is involved, that the decision

was plainly wrong and in violation of the purpose and intent of the zoning ordinance.

*Patron - Watkins*

**PSB973 Virginia Regional Industrial Facilities Act.** Redefines "facility" to include any structure or park, including real estate and improvements for manufacturing, warehousing, distribution, office, or other industrial or commercial purposes. Currently, the Act limits "facility" to industrial parks used for these purposes. The bill also grants such authorities the power to enter into certain cooperative arrangements.

*Patron - Trumbo*

**PSB981 Public Finance Act; appeals from bond validation proceedings.** Allows appeals from circuit court bond validation proceedings if a notice of appeal is filed with the circuit court within 15 days of the final judgment and if a petition is filed with the Supreme Court of Virginia within 30 days of the final judgment. Currently, a petition must be filed with the Court within 15 days of the final judgment. The bill shifts the burden from appellant to the clerk of the circuit court for transmitting a certified copy of the circuit court record to the Supreme Court of Virginia within 30 days of the final judgment when a notice of appeal is properly filed. The bill clarifies that failure of the clerk to do so will not affect the jurisdiction of the Supreme Court to hear the appeal.

*Patron - Mims*

**PSB982 Public Finance Act; applicability.** Provides that the provisions of the Public Finance Act apply to all suits, actions and proceedings involving the validity of bonds of any "instrumentality" of localities. The Act currently applies to any agency or instrumentality of the Commonwealth, but not of localities.

*Patron - Mims*

**PSB990 Condemnation; reimbursement of property taxes.** Directs localities in condemnation proceedings to reimburse owners of real property, or other person legally obligated to pay the real property taxes, for the pro rata portion of real property taxes paid for the period of time subsequent to the date of title vesting in the locality or the effective date of possession of such real property by the locality, whichever is earlier.

*Patron - Mims*

**PSB1013 Conservation of trees during localities' development.** Amends current provisions that allow localities to provide by ordinance for the planting and replacement of trees during the development process. Such tree conservation ordinances shall include provisions for the reduction of tree canopy requirements or the granting of tree cover credit in consideration for the preservation of certain trees. Localities may designate certain types of undesirable trees that shall not be used to meet minimum tree canopy requirements. The bill also provides that the 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*

**PSB1018 Economic development authorities.** Adds Patrick County to those localities that may choose to refer to their industrial development authority as an economic development authority.

*Patron - Reynolds*

**PSB1032 Local "Crime Stoppers" programs.** Grants authority for local "Crime Stoppers" programs. Such programs are defined as a private, nonprofit Virginia corpora-

tion governed by a civilian volunteer board of directors that is operated on a local or statewide level that (i) offers anonymity to persons providing information to the organization, (ii) accepts and expends donations for cash rewards to persons who report to the organization information about alleged criminal activity and that the organization forwards to the appropriate law-enforcement agency and (iii) is established as a cooperative alliance between the news media, the community, and law-enforcement officials. This bill is identical to HB 1752.

*Patron - Colgan*

**PSB1047 Economic development authorities.** Adds Greene County to those localities that may choose to refer to their industrial development authority as an economic development authority.

*Patron - Hanger*

**PSB1066 Disposal of trash or cutting of weeds.** Allows localities to prescribe civil and criminal penalties for violations of ordinances related to the disposal of trash and the cutting of grass and weeds. The penalties may be up to \$50 for the first violation and up to \$200 for subsequent violations within one year of the first violation. Total civil penalties shall not exceed \$3,000 in a 12-month period. These penalties are in lieu of criminal penalties, except that localities may prescribe a Class 3 misdemeanor in the event of three civil assessments against the same defendant in a 24-month period. The bill adds these same provisions to the laws authorizing localities to restrict or remove inoperable motor vehicles on residential or commercial property.

*Patron - Maxwell*

**PSB1075 Fees for solid waste disposal.** Restates a population bracket, originally intended to apply to Accomack County, based on 2000 census figures. The existing language authorizes certain counties to impose fees related to the disposal of solid waste. Accomack County is also granted additional authority related to charging and collecting the fee, such as fee prorating, late penalties, and discounts. This bill is identical to HB 1992.

*Patron - Rerras*

**PSB1168 Mandatory connection to water and sewage systems in certain counties.** Adds Bland County to the list of counties that may require mandatory connection to their water and sewage systems by owners of property that may be served by such systems and further provides that Bland County, in assuming the obligations of a public service authority, may assume such obligations under the same conditions as applicable to the public service authority.

*Patron - Puckett*

**PSB1174 Buchanan County Tourist Train Development Authority.** Creates the Authority and its board, which will consist of two representatives from the governing body of Buchanan County, five citizen members, three of whom shall be from Buchanan County, and one legislator. The Authority's powers are similar to those that other authorities possess. The Authority may also cooperate with any private or governmental entity in the state of West Virginia, Kentucky, Tennessee, or North Carolina in the development of a tourist train.

*Patron - Puckett*

**PSB1189 Economic development authorities.** Permits the Virginia Beach City Council to appoint 11 rather than seven commissioners to the economic development authority.

*Patron - Wagner*

**PSB1193 Regulation of stormwater.** Allows localities to provide full or partial waivers of stormwater storm



drainage and facilities fees to any person who develops, redevelops or retrofits outfalls, discharges or property so that there is a permanent reduction in post-development stormwater flow and pollutant loading. Under current law, such waivers are available only to persons who have obtained permits from the Department of Environmental Quality (DEQ) for complete private maintenance of storm drainage and stormwater facilities. Such permits apply only to city and county stormwater systems serving more than 100,000 people, or to companies that have stormwater discharges entering streams directly from industrial facilities. This bill is intended to provide more flexibility to localities in encouraging development that reduces stormwater drainage in instances that are not currently subject to DEQ permitting requirements.

*Patron - Wagner*

**PSB1244 Industrial development authorities; Russell County.** Allows Russell County to appoint nine members to its industrial development authority, rather than seven, with two of the members coming from a town that has used its borrowing capacity to borrow \$2 million or more for industrial development.

*Patron - Puckett*

**PSB1291 Industrial development authorities; bonds.** Clarifies the role of the board of directors in approving the terms of bonds.

*Patron - Stosch*

**PSB1295 Voluntary settlements among local governments; acceptance of proffers.** Allows certain localities to include provisions for the acceptance of proffered conditions on behalf of other localities pursuant to voluntary settlement agreements.

*Patron - Bolling*

## Failed

**FHB1397 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*

**FHB1538 Adequate public facilities.** Allows any locality with a population of at least 55,000 and an annual growth rate of at least one percent for three of the previous five years to adopt provisions in its subdivision ordinance for deferring the approval of subdivision plats or site plans when it determines that existing schools, roads, public safety, sewer or water facilities are inadequate to support the proposed development. Such deferrals cannot extend beyond 12 years, and applicants are entitled to approval of subdivision plats during the deferral period at the lowest density permitted in the locality for any zoning district.

*Patron - Marshall, R.G.*

**FHB1539 Adequate public facilities.** Allows any locality with a population of at least 55,000 and an annual growth rate of at least one percent for three of the previous five years to adopt provisions in its subdivision ordinance for deferring the approval of subdivision plats or site plans when it determines that existing schools, roads, public safety, sewer or water facilities are inadequate to support the proposed development. Applicants are entitled to approval of subdivision plats during the deferral period at the lowest density permitted in the locality for any zoning district. The bill specifies that any appraisal of property subject to a deferral under this subsection

shall reflect the effect of such deferral on the fair market value of the property.

*Patron - Marshall, R.G.*

**FHB1540 Adequate public facilities.** Allows any locality with a population of at least 55,000 and an annual growth rate of at least one percent for three of the previous five years to adopt provisions in its subdivision ordinance for deferring the approval of subdivision plats or site plans when it determines that existing schools, roads, public safety, sewer or water facilities are inadequate to support the proposed development. Such deferrals cannot extend beyond 12 years, and applicants are entitled to approval of subdivision plats during the deferral period at the lowest density permitted in the locality for any zoning district. This bill deems infrastructure inadequate if at the time of plat or plan submission it would cost the locality more than \$100,000 to provide the infrastructure necessary to serve the proposed development.

*Patron - Marshall, R.G.*

**FHB1544 Road impact fees.** Eliminates the contingent expiration date on road impact fee authority and removes the prohibition on assessing road impact fees upon a development if certain proffered conditions have previously been accepted by a locality.

*Patron - Marshall, R.G.*

**FHB1578 Maximum occupancy of certain dwellings.** Provides that any locality that has a population greater than 30,000, and has an established program to provide low-income housing through a trust fund or other rental housing program, may adopt an ordinance that provides that the occupancy limitations of the maintenance provisions of the Uniform Statewide Building Code shall apply to dwelling units within the jurisdiction, except that such ordinance may require that habitable spaces such as kitchens, living rooms, dining rooms and family rooms shall not be occupied for sleeping purposes or used in calculating the maximum occupancy of the building.

*Patron - Parrish*

**FHB1581 Control of firearms by localities.** Deletes provisions that allow localities to enforce certain ordinances adopted prior to 1987, related to control of firearms.

*Patron - Cole*

**FHB1676 Local limitations as to number of tattoo parlors and body-piercing salons.** Provides that any locality may reasonably limit the number of tattoo parlors and body-piercing salons that may be operated at any one time within its territorial limits. This is similar to existing authority related to limiting the number of pawnshops that may exist in a locality.

*Patron - Petersen*

**FHB1699 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. However, a county may not rezone the property if the rezoning would adversely impact the terms of a loan that the property owner has obtained at least one year prior to a proposed county-initiated rezoning. 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*

**FHB1729 Chesapeake Bay Resource Protection Areas; density credits.** Provides that a locality shall not grant a density credit to a developer during the zoning process or in connection with any other land use matter if the land in question is part of a Chesapeake Bay Resource Protection Area as determined by localities pursuant to Chesapeake Bay Preservation Act regulations.

*Patron - Albo*

**FHB1781 Economic development authorities.** Adds Charles City County to those localities that may choose to refer to their industrial development authority as an economic development authority.

*Patron - Miles*

**FHB1799 Vested rights; manufactured housing.** Limits the circumstances under which certain valid nonconforming manufactured housing units that have been removed from property may be replaced with another comparable manufactured housing unit to instances where removal is caused by fire or act of God and replacement is made within 60 days of the event that caused such removal.

*Patron - Jones, D.C.*

**FHB1803 Appointments to planning commissions and boards of zoning appeals.** Provides that no member of a planning commission or board of zoning appeals may be a member of the governing body or a member of the administrative branch of the locality, and no father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, brother-in-law, or sister-in-law of a member of the governing body or administrative branch may, during his term in office, be appointed as a member of the planning commission or board of zoning appeals.

*Patron - Carrico*

**FHB1975 Assessments for local improvements.** Provides that the Town of Front Royal (described by population) may impose taxes or assessments upon the owners of abutting property for constructing, improving and paving to the town's standards roads that have been in existence and use since prior to 1978 and that do not meet the town's standards for acceptance and maintenance, provided not less than 50 percent of such abutting property owners who own not less than 50 percent of the property abutting such street request the improvement or paving.

*Patron - Athey*

**FHB1984 Referendum in Page County on election of the county chairman from the county at large.** Provides that on or before August 15, 2003, the circuit court for Page County shall order a referendum to be held on the question of whether the qualified voters of the county shall elect a chairman of the board of supervisors from the county at large to serve as chairman and as an additional member of the board. The referendum shall be held at the time of the 2003 November general election. If a majority of the voters voting in the referendum vote in favor of the election of a chairman at large, the first election for a chairman shall be held at the November 2004 general election, and the candidate elected shall serve for a term of three years. Thereafter, the chairman shall be elected for a four-year term beginning with the November 2007 general election.

*Patron - Louderback*

**FHB2022 Economic development authorities.** Adds Greene County to those localities that may choose to

refer to their industrial development authority as an economic development authority.

*Patron - Bell*

**FHB2039 Adequate public facilities; residential development impact fees.** Allows localities to adopt provisions in subdivision ordinances for the assessment of impact fees when existing schools, roads, public safety, sewer or water facilities are inadequate to support a proposed residential development. Such fees shall be a pro rata share of the costs of reasonable and necessary capital improvements attributable to the proposed development. Prior to any such assessment, the locality shall have in place a capital facilities plan that provides a reasonable basis for determining the extent or level of inadequacy of such facilities in the area of the proposed development. Localities may only assess impact fees under this subdivision against persons constructing five or more residential structures per calendar year in such locality.

*Patron - Marshall, R.G.*

**FHB2040 Subdivision ordinances; road impact fees.** Allows localities in the Eighth Planning District to adopt in their subdivision ordinances provisions for the payment by a subdivider or developer of land, or by a subsequent owner of such development, of a pro rata share of the costs of reasonable and necessary off-site road improvements attributable to the traffic impacts caused by any free-standing retail store that has at least 100,000 square feet in retail floor space, and that generates a daily average of at least 46 vehicle trips per hour on weekdays. Such provisions may apply to new and existing developments.

*Patron - Marshall, R.G.*

**FHB2041 Subdivision ordinances; road impact fees.** Allows localities to adopt in their subdivision ordinances provisions for the payment by a subdivider or developer of land, or by a subsequent owner of such development, of a pro rata share of the costs of reasonable and necessary off-site road improvements attributable to the traffic impacts caused by any free-standing retail store that has at least 100,000 square feet in retail floor space, and that generates a daily average of at least 46 vehicle trips per hour on weekdays. Such provisions may apply to new and existing developments.

*Patron - Marshall, R.G.*

**FHB2055 Suspension of water and sewer connections.** Provides that a locality or a water and waste authority may suspend connections to its water and sewer systems during periods when mandatory water conservation measures have been imposed by the locality or by the Commonwealth in the area of the proposed connection.

*Patron - Cole*

**FHB2057 Road impact fees.** Extends the current sunset clause from July 1, 2003, to July 1, 2004, and caps the maximum road impact fee that a locality can charge at \$10,000 or five percent of the sale price of each individual home or building within the development, whichever is less. Road impact fee authority currently only applies to the localities of Northern Virginia and Stafford County.

*Patron - Cole*

**FHB2112 Nonconforming buildings and land uses.** Provides that when a building is so situated on a lot that it violates a zoning requirement of a locality that prescribes the location of such a building in relation to the boundaries of the lot or when a building is situated on a lot that violates a zoning requirement of a locality that prescribes the minimum area of the lot, and when such building has been so situated for at least 10 years without the institution of an action to enforce such

zoning requirement, such building shall be deemed a valid non-conforming building in relation to such boundaries or to the area of such lot, as the case may be. Further amendments provide that when a use of certain land or buildings on parcels that are 15 or more acres is not permitted by the zoning ordinance of a locality but has been established and continued in reasonable reliance on the actions of the locality, and have been in existence for 20 years without the institution of court action to enforce the ordinance regarding the use, such use shall be deemed a valid nonconforming use and may be continued.

*Patron - Barlow*

**FHB2119 Criminal history record information for employees involved with the provision and operation of the public water supply.** Allows localities to require criminal history record information on employees hired after September 11, 2001, who are involved with providing and operating the public water supply.

*Patron - Reid*

**FHB2129 Mandatory connection to water and sewage systems in certain counties.** Adds Montgomery County to the list of counties that may require mandatory connection to their water and sewage systems by owners of property that may be served by such systems.

*Patron - Nutter*

**FHB2215 Permanent manufactured houses.** Defines a permanent manufactured house as a manufactured home, as defined in § 36-85.3, that meets the following criteria: (i) is new; (ii) is multi-sectioned; (iii) is owned by the owner of the lot where the house is to be placed; (iv) has a minimum width of 24 feet; (v) has a minimum 5/12 roof pitch; (vi) is on an individual lot; (vii) is on a permanent foundation of brick or block set in mortar or dry stacked masonry piers with surface bonding and with masonry skirting; and (viii) has a finished floor area that is no less than 80 percent of the average finished floor area of all single-family residential structures within a one-half mile radius of the lot on which the house is to be placed. Localities adopting and enforcing zoning ordinances shall provide that any permanent manufactured house meeting the criteria of this section shall be permitted in at least two residential zoning districts that are not specifically designed or designated for permanent manufactured houses and subject to the same zoning regulatory standards applicable to a site-built, single-family dwelling within such zoning district or districts. Such regulatory standards shall not have the effect of excluding permanent manufactured housing from the locality. Local zoning ordinances adopting provisions consistent with this section shall not relieve lots or parcels from the obligations relating to permanent manufactured housing units imposed by the terms of a recorded declaration containing conditions, covenants or restrictions in any restrictive covenant. The provisions of this section shall not supersede any provisions in any historic district created pursuant to § 15.2-2306.

*Patron - Suit*

**FHB2242 Restriction on number of adults residing in a dwelling unit.** Provides that any locality may pass an ordinance limiting the number of adults residing in a dwelling unit. Such an ordinance shall include exceptions for: (i) the temporary presence of adults who have a legal residence elsewhere; (ii) adult children, stepchildren, grandchildren, and step-grandchildren; (iii) the parents and stepparents and the grandparents and step-grandparents of adult children; and (iv) caregivers who provide assistance with two or more activities of daily living during more than half the year for another adult residing in the dwelling unit. The provisions of such ordinance shall not

apply to certain group homes and residential facilities. Violations of such an ordinance shall be a civil offense.

*Patron - Watts*

**FHB2271 Cutting of grass and weeds.** Broadens local authority with regard to the cutting of grass, weeds and foreign growth by expanding existing authority to include occupied property. Also, localities are given authority to impose civil penalties for violations of such provisions. A section containing similar provisions applicable to certain counties is repealed.

*Patron - Rust*

**FHB2338 Condemnation powers.** Permits localities to obtain possession of land prior to the completion of a condemnation proceeding for sidewalks along public streets and roads and for walkways leading to public transportation facilities.

*Patron - Reese*

**FHB2354 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*

**FHB2420 Urban county executive form of government; commission on human rights.** Adds "sexual orientation" as prohibited discrimination and for action against such discrimination by a human rights commission in a county with the urban county executive form of government (Fairfax County.)

*Patron - Plum*

**FHB2475 Human rights ordinances.** Allows the City of Newport News to prohibit discrimination on the basis of sexual orientation.

*Patron - Crittenden*

**FHB2583 Economic development authorities.** Adds Patrick County to those localities that may choose to refer to their industrial development authority as an economic development authority.

*Patron - Armstrong*

**FHB2589 Attorneys for the Commonwealth; assistants.** Authorizes that, beginning July 1, 2003, the attorney for the Commonwealth in any city or county that requires assistants to the attorney for the Commonwealth to serve on a full-time basis to allow such assistants to engage in the part-time practice of law, provided that such part-time practice of law does not include criminal defense or any activity that would create a conflict of interest for the office of such attorney for the Commonwealth.

*Patron - Armstrong*

**FHB2591 Zoning; water resources.** Provides that the general purpose of promoting the health, safety or general welfare of the public shall explicitly include the authority, through zoning, subdivision, site plan and building permit actions, to regulate, restrict, permit, prohibit and determine the uses of land based upon the present availability of drinking

water resources and upon objective measures of future water resource availability.

*Patron - Pollard*

**FHB2640** **Centralized competitive purchasing by counties.** Provides that school boards are to be included in counties' centralized competitive purchasing system only by mutual agreement.

*Patron - Reese*

**FHB2714** **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 - Hargrove*

**FHB2755** **Annexation moratorium for towns.** Provides for a five-year annexation moratorium for towns. Such a moratorium currently exists for cities until July 1, 2010. Any annexation initiated, but not finalized, by a town prior to July 1, 2003, shall be stayed until July 1, 2008.

*Patron - Phillips*

**FHB2756** **Towns may provide certain telecommunications services.** Provides that a town may provide and operate telecommunication and related services, including without limitation cable television, Internet, and such other services as the town by its council shall determine are necessary or expedient to its citizens and may acquire, own, and operate all properties necessary and expedient to the provision of such services. Towns may establish, impose, and enforce rates and charges for such services that are operated, rendered, or furnished by the town.

*Patron - Phillips*

**FHB2794** **Rezoning of certain residential property.** Allows high-growth localities to reduce the intensity or density of a residential zoning classification, including rezoning to a nonresidential use, on a property that has not begun significant development within eight years of being zoned for residential use.

*Patron - Barlow*

**FHB2813** **Monuments or memorials for war veterans.** Expands existing protections for such monuments to include those erected by the Commonwealth.

*Patron - Nixon*

**FSB781** **Regulation of outdoor lighting near public waterways.** Allows localities east of the fall line to regulate by ordinance outdoor lighting near public waterways so as to minimize glare and water surface reflections that may interfere with the ability of boat operators to maintain visual contact with illuminated navigation aids. The ordinance may require property owners near public waterways to shield their outdoor lighting on piers, wharves, port facilities, outdoor structures, bridges, and other property features. Property zoned or used for

industrial or agricultural purposes is excluded from such ordinances.

*Patron - Blevins*

**FSB843** **Criminal justice training academies.** Requires criminal justice training academies to provide all graduates with the publication "Police, Crimes and Offenses and Motor Vehicle Laws of Virginia."

*Patron - Quayle*

**FSB888** **Quorum of a local governing body.** Provides that, notwithstanding any other provision of law, general or special, a majority of the governing body shall constitute a quorum. However, at its annual organizational meeting, a governing body may, by affirmative vote of a majority of elected members, choose a quorum of greater than a simple majority with such greater quorum requirement effective only until the following year's annual organizational meeting.

*Patron - Ruff*

**FSB964** **Urban county executive form of government; possessing dangerous weapons in certain county-owned or county-operated facilities; penalty.** Provides that notwithstanding certain provisions of general law, the governing body of any county that has adopted the urban county executive form of government (Fairfax County) may, by ordinance, make it unlawful for any person to possess a dangerous weapon upon the property, including buildings and grounds thereof, of any county-owned or county-operated facility. Any such ordinance shall provide for appropriate exemptions for educational, instructional, theatrical, and historical events. Any such ordinance shall not apply to public streets, roads, or highways that are within such a county, but such an ordinance may be made applicable to the access roads and parking areas for the facilities that are subject to the ordinance. Notice of any such ordinance shall be posted at each public entrance of every county facility that is within the scope of the ordinance. A violation of such an ordinance shall be punishable as a Class 1 misdemeanor.

*Patron - Byrne*

**FSB968** **Adequate public facilities related to water supply.** Provides that a subdivision ordinance may include reasonable provisions allowing the locality to determine whether public facilities related to water supply are adequate to support the services that will be required by a proposed subdivision. Prior to adopting such provisions, a locality shall clearly identify in its comprehensive plan the (i) public facilities related to water supply whose adequacy will be used in making such determination; (ii) areas of potential growth where such provisions are applicable; and (iii) existing public facilities related to water supply and public facility needs in those potential growth areas.

*Patron - Houck*

**FSB1022** **Attorneys for the Commonwealth; assistants.** Authorizes that, beginning July 1, 2003, the attorney for the Commonwealth in any city or county that requires assistants to the attorney for the Commonwealth to serve on a full-time basis to allow such assistants to engage in the part-time practice of law, provided that such part-time practice of law does not include criminal defense or any activity that would create a conflict of interest for the office of such attorney for the Commonwealth.

*Patron - Reynolds*

**FSB1029** **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 ser-

vices that will be required by a proposed development. Approval of a site plan or preliminary subdivision plat may be made contingent upon a finding by a governing body of adequate public facilities. For purposes of this bill, high-growth locality means a locality that has had an annual growth rate in excess of one percent for at least three of the previous four years and is located in the Rappahannock-Rapidan Planning District No. 9 or RADCO Planning District No. 16.

*Patron - Chichester*

**FSB1070 Hampton Roads Sports Facility Authority.** Makes several amendments to address an issue raised by the 2002 Code Commission. Chapters 651 and 689 of the 2002 Acts of Assembly were not fully printed in the 2002 State Code due to the 2002 Code Commission's opinion that these chapters were partially ineffective because the enacting legislation did not include an emergency retroactive clause. The 2002 Code Commission was of the opinion that an emergency retroactive clause needed to accompany Chapters 651 and 689 in order to prevent the sunset of certain provisions on January 1, 2002. This 2003 bill is substantively identical and would have the same effect as the provisions of Chapter 651 and 689 of the 2002 Acts of Assembly. The provisions of the bill will sunset on January 1, 2005, if the Authority has not executed a lease with a team that is a member of the National Hockey League or the National Basketball Association.

*Patron - Rerras*

**FSB1072 Commissioners of the revenue.** Authorizes commissioners of the revenue, when so requested by their local governing bodies, to enter into agreements with the Commissioner of the Department of Motor Vehicles (DMV) to act as agents of DMV in certain matters. Such agreements are not to include issuance of or processing of applications for driver's licenses, commercial driver's licenses, temporary driver's permits, learner's permits, motorcycle learner's permits, or special identification cards.

*Patron - Rerras*

**FSB1111 Local government taxing authority.** Equalizes city and county taxing authority by granting counties the same authority available to cities.

*Patron - Whipple*

**FSB1126 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 proposed subdivision. Prior to adopting such provisions, a locality shall clearly identify in its comprehensive plan the (i) public facilities whose adequacy will be used in making such determination; (ii) areas of potential growth where such provisions are applicable; and (iii) existing public facilities and public facility needs in those potential growth areas. Approval of a proposed subdivision may be made contingent upon a finding by a governing body of adequate public facilities. However, such locality's current comprehensive plan shall clearly identify public facility needs in a given area prior to disapproval of any subdivision request based upon the provisions of this subdivision. If a governing body finds that public facilities are inadequate to support the services that will be required by a proposed subdivision, and delays the proposed subdivision solely for that reason, the proposed subdivision shall be delayed only until such time as the governing body determines that public facilities are adequate. For purposes of this bill, high-growth locality means a locality that has had an annual growth rate in excess of one percent for at least three of the previous four years and has a population of at least 48,000.

*Patron - Norment*

**FSB1175 Vested rights; manufactured housing.** Limits the circumstances under which certain valid nonconforming manufactured housing units that have been removed from property may be replaced with another comparable manufactured housing unit to instances where removal is caused by fire or act of God and replacement is made within 60 days of the event that caused such removal.

*Patron - Puckett*

**FSB1262 Inoperable motor vehicles.** Requires localities to allow at least three inoperable motor vehicles to be kept on residential or commercial property provided they are shielded from ordinary public view.

*Patron - Trumbo*

**FSB1292 Adequate public facilities.** Allows any locality to adopt provisions in its subdivision ordinance for deferring the approval of subdivision plats or site plans when it determines that existing schools, roads, public safety, sewer or water facilities are inadequate to support the proposed development. Such deferrals cannot extend beyond 12 years, and applicants are entitled to approval of subdivision plats during the deferral period at the lowest density permitted in the locality for any zoning district. The bill specifies that any appraisal of property subject to a deferral under the bill shall reflect the effect of such deferral on the fair market value of the property. A locality may also consider the adequacy of public facilities in the preparation of its zoning ordinance. Also, the purposes of zoning ordinances are amended to include protection against undue rate of development in relation to existing or available public facilities.

*Patron - Byrnes*

**FSB1297 Northern Virginia Transportation Program Bond Act of 2003.** Authorizes the Northern Virginia Transportation Authority to issue bonds in an aggregate principal amount not to exceed \$1 billion to complete and implement certain transportation projects included in the Northern Virginia Transportation Program Bond Act of 2003. In general, the first \$50 million available for allocation in each fiscal year to the Northern Virginia construction district shall be credited to a special nonreverting fund in the state treasury titled the Northern Virginia Transportation Authority Fund, for use by the Authority. Moneys in the Fund shall be used solely for paying the costs to complete and implement such transportation projects including, but not limited to, the costs associated with issuing bonds and other obligations and with entering into contracts or other agreements as provided under the Act.

*Patron - Colgan*

**FSB1299 School security officers.** Provides that local school boards that established school security officers before 1998 may continue to employ school security officers as special police officers or conservators of the peace for maintaining safety in the public schools.

*Patron - Marsh*

**FSB1301 Outdoor lighting standards.** Allows localities by ordinance to establish outdoor lighting standards. Such ordinance shall apply only to new outdoor lighting and shall not require the replacement of a lighting system or fixture installed prior to the effective date of the ordinance. The ordinance shall not require any person or business to install outdoor lighting. Illumination levels specified in the ordinance may be tied to the most current standards and recommended practices established by the Illumination Engineering Society of North America but shall not be lower than such current standards and recommended practices. The ordinance shall contain the following exemptions from lighting standards: (i) lighting associ-

ated with maintenance or construction performed by the Virginia Department of Transportation; (ii) emergency lighting, used by, or at the direction of, police or fire-fighting, public service company, or emergency medical personnel; (iii) all lighting fixtures associated with agricultural activities; (iv) lighting used to illuminate a flag; (v) decorative holiday lighting; and lighting regulated by the Uniform Statewide Building Code.

*Patron - Whipple*

**FSB1311 Special police officers.** Provides that in any county with an environmental enforcement unit, the circuit court for such county may, upon the application of, and a showing by the governing body of a necessity for the security of property or the peace, appoint special police officers for that locality.

*Patron - Deeds*

**FSB1347 Southside-Southwest Fiber Optic Network Authority.** Creates the Southside-Southwest Fiber Optic Network Authority for the purpose of developing a fiber optic network to serve persons in the Southside region. The Authority will be governed by an 11-member board of directors, a majority of whom will also be members of the Tobacco Indemnification and Community Revitalization Commission. The Authority's powers include (i) issuing bonds, (ii) leasing capacity to retail providers of broadband and other telecommunications services, and (iii) applying for and accepting grants or loans of money or property from the Tobacco Indemnification and Community Revitalization Endowment.

*Patron - Hawkins*

## Courts not of Record

### Passed

**PHB1402 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*

**PHB1520 Juvenile and domestic relations court expanded jurisdiction.** Expands the definition of "child in need of services" to mean a child under the age of 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child or any other person. This legislation is in response to the beating of a three year-old girl by two boys, ages five and six, in Loudoun County. This bill is identical to SB 991.

*Patron - Black*

**PHB1527 Juvenile DUI and refusal.** Gives the court the discretion to discharge and dismiss DUI and refusal proceedings against a juvenile. Under current law when a juvenile is found to have committed a violation of the DUI statute or to have unlawfully refused a blood test the court must dismiss the proceedings when the license has been restored and the terms and conditions have been met unless the violation resulted in the injury or death of any person.

*Patron - Purkey*

**PHB1533 Juvenile court; definition of family and household member.** Adds half-siblings to the definition of

family or household member under the juvenile and domestic relations district court.

*Patron - Melvin*

**PHB1559 Truancy court.** Permits an intake officer to defer filing a truancy complaint petition for 90 days and to proceed informally by developing a truancy plan, provided the juvenile has not previously been proceeded against informally or adjudicated in need of supervision for failure to comply with compulsory school attendance. The juvenile and relevant adult must agree in writing to the development of a truancy plan and may participate in the plan. The intake officer may refer the juvenile to an appropriate public agency for development of a plan employing an interagency approach. If the juvenile does not complete the plan successfully within the 90-day period, the intake officer shall file the petition.

*Patron - Orrock*

**PHB1572 Juvenile criminal information; schools.** Rewrites provisions regarding the notification to a school division superintendent or school principal of criminal involvement of students. Current law requires division superintendents be notified when a petition is filed for certain crimes, but there is no follow-up as to the disposition of the charges unless there is a conviction. This bill requires notification when the juvenile is found not guilty or the charges are dismissed, withdrawn or reduced. This bill is a recommendation of the Youth Commission.

*Patron - Hamilton*

**PHB1599 Restoration of competency to stand trial.** Amends two of the statutes in the provisions regarding the defendant's competency to stand trial to provide that those statutes apply whether the defendant is a juvenile who is being tried as an adult or is an adult. The statutes amended govern raising the question of incompetency to stand trial and evaluation, and disposition and treatment when the defendant is found incompetent..

*Patron - Melvin*

**PHB1842 Retention of district court records.** Allows the destruction of documents in civil proceedings in which no service of process is had 24 months after the last return date.

*Patron - Reese*

**PHB1915 Jurisdiction of juvenile court; when divested.** Clarifies that the juvenile and domestic relations district court is divested of jurisdiction over the custody, guardianship, visitation or support when such issues are raised in the circuit court in a pendente lite hearing and where the circuit court is set to hear the issue on a date certain, including on a motions docket.

*Patron - Almand*

**PHB2012 Notice of juvenile detention review hearing.** Provides that notice of a juvenile detention review hearing shall be given to the probation and parole department of the local or state court services unit, as well as to the currently authorized parent, guardian, legal custodian or other person standing in loco parentis, the child's attorney, the child if 12 years of age or over, and to the attorney for the Commonwealth.

*Patron - Bell*

**PHB2128 Parent education; custody, visitation, and support.** Eliminates the 2003 sunset and modifies the existing requirements that parents attend educational seminars addressing the effects of separation or divorce on children, parenting responsibilities, etc. Under the bill the parties to any

petition for custody, visitation or support shall show proof that they have attended within 12 months before their first court appearance or shall attend within 45 days thereafter an educational seminar which is at least four hours in length. Once a party has completed one educational program, the required completion of additional programs is at the court's discretion. Such programs are to be completed, where possible, prior to participating in mediation or alternative dispute resolution, and the court may grant an exemption from attendance of such program for good cause shown or if there is no program reasonably available. Parties include natural or adoptive parents, or any person with a legitimate interest as defined in § 20-124.1. The fee for such programs shall be based on ability to pay, but shall in no cases exceed \$50. This bill is identical to SB 1097 and incorporates HB 2029.

*Patron - Reid*

**PHB2155 Juvenile medical records.** Entitles a secure facility (most often a detention home) to obtain the medical records of a juvenile in its care directly from a health care provider if consent for release is refused or not readily obtainable from the parent or guardian. The records may be obtained only if necessary (i) for the provision of health care to the juvenile, (ii) to protect the health and safety of the juvenile or other residents or staff of the facility or (iii) to maintain the security and safety of the facility. Redisclosure of the records by facility staff is prohibited. This bill is a recommendation of the Youth Commission.

*Patron - Hamilton*

**PHB2188 Emergency removal of abused and neglected children.** Requires a petitioner who fails to obtain an emergency removal order after four hours have elapsed following taking custody of the child to state the reasons therefor. The bill also states that the parents or guardians shall be given notice as soon as practicable and every effort shall be made to provide such notice in person.

*Patron - Saxman*

**PHB2231 Access to juvenile's court records.** Grants greater access to otherwise confidential records of the juvenile court and the Department of Juvenile Justice, including electronic access, to pretrial services officers and community-based probation officers for the purpose of preparing pretrial investigations, risk assessment instruments and post-sentence investigation reports.

*Patron - Cline*

**PHB2274 Trial of juveniles as adults.** Provides that an order terminating the juvenile court's jurisdiction after a juvenile has been transferred and tried as an adult shall not apply to any allegations of criminal conduct that would properly be within the jurisdiction of the juvenile and domestic relations district court if the defendant were an adult. Currently, upon conviction of the juvenile following transfer or certification and trial as an adult, the circuit court terminates the juvenile court's jurisdiction over that juvenile with respect to any future criminal acts alleged to have been committed by such juvenile and with respect to any pending allegations of delinquency that have not been disposed of by the juvenile court at the time of the criminal conviction.

*Patron - Hurt*

**PHB2282 Predispositional detention of juveniles.** Makes it clear that a juvenile and domestic relations district court judge has the authority to order a juvenile into detention prior to final disposition even if the juvenile was not ordered into detention when first taken into custody. This bill does not change the statutory criteria that must be met before detention is ordered. An August 2002 Attorney General Opinion stated

that a judge has no authority to temporarily detain a juvenile after an adjudication hearing but pending the disposition hearing when the juvenile was not originally taken into custody and detained. This bill is identical to SB 1060.

*Patron - Hurt*

**PHB2405 Child support and enforcement; lien on personal injury and wrongful death awards; publication of delinquent parent list.** Clarifies that a court may issue a show cause order or *capias* for failure to pay child or spousal support where personal or substitute service has been obtained. A lien on personal injury and wrongful death awards is created for child and spousal support and given priority over other liens except those established on behalf of (i) health care providers who treated the injured person; (ii) the Commonwealth; (iii) the attorney representing the injured person; and (iv) a health insurance provider (statutory right of subrogation). The bill requires the Division of Child Support Enforcement to publish a list of the most delinquent parents, as determined by the Commissioner, and gives the Commissioner of the Department of Social Services access to information held by criminal justice agencies for use in locating delinquent parents. This bill is identical to SB 1206.

*Patron - Oder*

**PHB2431 DNA samples.** Clarifies that DNA samples of juveniles charged with felonies can be taken from blood, saliva or tissue.

*Patron - Hugo*

**PHB2444 Fees for services of juvenile and domestic relations district court judges and clerks in certain civil cases.** Establishes a \$25 filing fee for child custody or visitation cases in the juvenile and domestic relations district court.

*Patron - Griffith*

**PHB2518 Court services units; personnel.** Clarifies the authority of the (i) Director of Juvenile Justice to hire, transfer, and terminate probation officers and supervisors in state-operated court services units, and (ii) juvenile and domestic relations district court judges to appoint court services unit directors. The bill also clarifies the Director's control over state-operated units and the localities' control of locally operated units.

*Patron - McDonnell*

**PHB2624 General district court pleadings; limited liability companies.** Authorizes a limited liability company, limited partnership, professional corporation, business trust and other legal entities to prepare, execute, file, and have served on other parties certain pleadings in general district court proceedings without the intervention of an attorney. The bill also allows a resident manager employed by such a legal entity licensed as a real estate firm to obtain a judgment for possession, rent or damages. Partnerships and corporations currently have the authority extended to other legal entities by this bill. This bill is identical to SB 732 and incorporates HB 2546.

*Patron - Marrs*

**PSB732 General district court pleadings; limited liability companies.** Authorizes a limited liability company, limited partnership, professional corporation, business trust and other legal entities to prepare, execute, file, and have served on other parties certain pleadings in general district court proceedings without the intervention of an attorney. The bill also allows a resident manager employed by such a legal entity licensed as a real estate firm to obtain a judgment for possession, rent or damages. Partnerships and corporations



currently have the authority extended to other legal entities by this bill. This bill is identical to HB 2624.

*Patron - Reynolds*

**PSB825 Appointment of lawyers in juvenile court.** Provides that when the juvenile and domestic relations district court deems it necessary, the court may appoint both counsel and a guardian ad litem for a party. This bill reflects what historically has been the practice in juvenile courts. An Attorney General's Opinion issued on July 16, 2002, interpreted the statute as allowing a party a right to representation either by a guardian ad litem or by counsel in particular categories of cases and as not conferring upon the court the discretionary authority to appoint either counsel or guardian ad litem in addition to the specified type of appointment. This bill makes it clear that the court has the discretionary authority to appoint both when necessary. The bill is a recommendation of the Committee on District Courts.

*Patron - Marsh*

**PSB834 Violation of protective orders.** Provides that when a defendant is convicted of violating a domestic or stalking protective order, the court must issue a new protective order for a specified period not to exceed two years from the date of conviction.

*Patron - Howell*

**PSB893 Protective orders when warrant issued for perpetrator.** Includes in the provisions that allow for the issuance of protective orders following incidents of stalking, provisions that allow for the issuance of protective orders following incidents of acts of violence resulting in serious bodily injury to a person. In order to obtain a protective order under these provisions an arrest warrant must have been issued for the alleged perpetrator.

*Patron - Watkins*

**PSB971 Court system; designation of circuit judge to sit in district court.** Allows the Chief Justice of the Supreme Court to designate a circuit court judge, with the judge's consent, to sit in district court. The bill also removes an old reference to a single district court judge serving the courts of the Eastern Shore.

*Patron - Trumbo*

**PSB988 Prepayable fines for traffic infractions.** Allows fines for violating the maximum speed limits in certain residence districts of counties, cities and towns to be prepayable.

*Patron - Mims*

**PSB991 Juvenile and domestic relations court expanded jurisdiction.** Expands the definition of "child in need of services" to mean a child under the age of 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child or any other person. This legislation is in response to the beating of a three year-old girl by two boys, ages five and six, in Loudoun County. This bill is identical to HB 1520.

*Patron - Mims*

**PSB1060 Predispositional detention.** Makes it clear that a juvenile and domestic relations district court judge has the authority to order a juvenile into detention prior to the final disposition even if the juvenile was not ordered into detention when first taken into custody. This bill does not change the statutory criteria that must be met before detention is ordered. An August 2002 Attorney General Opinion stated that a judge has no authority to temporarily detain a juvenile for the period after an adjudication hearing and prior to the disposition hear-

ing when the juvenile was not originally taken into custody and detained. This bill is identical to HB 2282.

*Patron - O'Brien*

**PSB1077 Juvenile criminal records.** Authorizes the release of juvenile information in the Central Criminal Records Exchange (CCRE) to certain State Police, sheriff and police department employees for purposes of the administration of criminal justice. Under the Code, fingerprints and disposition must be forwarded to CCRE for a juvenile of any age found guilty of a felony, misdemeanors under Title 54.1, and misdemeanors punishable by confinement in jail except for trespassing, DUI and disorderly conduct. However, fingerprints are only required to be taken for juveniles aged 14 and older charged with a violent juvenile felony. Taking fingerprints for other charges is discretionary by law enforcement. The purpose of the bill is to allow law-enforcement officers and federal probation officers access to a juvenile's criminal history record. The introduced bill was a recommendation of the Youth Commission.

*Patron - Rerras*

**PSB1078 Confidentiality of Department of Juvenile Justice records.** Provides that a person who has reached the age of majority and requests his Department of Juvenile Justice records has access to those records even if he was not a ward of the Department. The bill also expands the Department's authority to withhold information contained in its records from inspection by the child's parent or guardian when Department staff determine that disclosure would be detrimental to a third party. Currently, the Department is able to withhold these records only when the disclosure would be detrimental to the child.

*Patron - Rerras*

**PSB1097 Parent education; custody, visitation, and support cases.** Eliminates the 2003 sunset and modifies the existing requirements that parents attend educational seminars addressing the effects of separation or divorce on children, parenting responsibilities, etc. Under the bill the parties to any petition for custody, visitation or support shall show proof that they have attended within 12 months before their first court appearance or shall attend within 45 days thereafter an educational seminar which is at least four hours in length. Once a party has completed one educational program, the required completion of additional programs is at the court's discretion. Such programs are to be completed, where possible, prior to participating in mediation or alternative dispute resolution, and the court may grant an exemption from attendance of such program for good cause shown or if there is no program reasonably available. Parties include natural or adoptive parents, or any person with a legitimate interest as defined in § 20-124.1. The fee for such programs shall be based on ability to pay, but shall in no cases exceed \$50. This bill is identical to HB 2128.

*Patron - Edwards*

**PSB1124 Parental consent for abortion; penalty.** Requires a physician to obtain parental consent prior to performing an abortion on an unemancipated minor. This provision sets out the procedures required for the minor to seek judicial authorization for an abortion if the minor does not elect to seek consent of an authorized person. Under current law, the parents of the minor must be notified of the abortion, but do not have to give consent. The bill requires the court on a petition seeking judicial authorization to find the minor to be capable of emancipation when deciding whether the minor is "mature" or not. If authorization for the abortion is given by the judge, the physician or his agent will be required to notify the parent; however, no notice will be required if the judge finds that the notice would not be in the best interest of the minor. Further, no

consent or judicial bypass decision will be required if the minor "declares that she is abused or neglected" and "the attending physician has reason to suspect that the minor may be an abused or neglected child . . . and reports the suspected abuse or neglect." Consent is defined as the physician has given notice of intent to perform the abortion and has received authorization from an authorized person, or at least one authorized person is present with the minor seeking the abortion.

*Patron - Stolle*

**PSB1129 Court fees and costs.** Implements amendments made by the 2002 Session of the General Assembly to the fixed-fee provisions for misdemeanors, traffic infractions, and other violations in circuit and district court.

*Patron - Norment*

**PSB1206 Child support and enforcement; lien on personal injury and wrongful death awards; publication of delinquent parent list.** Clarifies that a court may issue a show cause order or *capias* for failure to pay child or spousal support where personal or substitute service has been obtained. A lien on personal injury and wrongful death awards is created for child and spousal support and given priority over other liens except those established on behalf of (i) health care providers who treated the injured person; (ii) the Commonwealth; (iii) the attorney representing the injured person; and (iv) a health insurance provider (statutory right of subrogation). The bill requires the Division of Child Support Enforcement to publish a list of the most delinquent parents, as determined by the Commissioner, and gives the Commissioner of the Department of Social Services access to information held by criminal justice agencies for use in locating delinquent parents. This bill is identical to HB 2405.

*Patron - Newman*

**PSB1246 Support payments to Department of Juvenile Justice.** Provides that the Department of Juvenile Justice can apply to the Department of Social Services for child support when a juvenile is committed to its custody. The amount of child support a parent or other responsible party has to pay would be determined in accordance with the child support guideline. Under current law, the juvenile court must conduct an investigation and separate hearing to determine how much the responsible person should pay, and then must order such payment. The bill's purpose is to streamline the system by permitting payments to be established and obtained through the existing system afforded by the Division of Child Support Enforcement in the Department of Social Services, rather than on a case-by-case court adjudication. The bill also eliminates the roster now required to track children's whereabouts.

*Patron - Mims*

**PSB1251 Fee for failure to appear.** Raises from \$10 to \$20 the fee assessed when a guilty defendant fails to appear in a misdemeanor or traffic infraction case in district court.

*Patron - Stolle*

## Failed

**FHB1612 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. The Department is required to report to the General Assembly by December 1, 2003, and by December 1 in each of the five years following implementation of the law. 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. Chatman*, 260 Va. 562, decided November 3, 2000, where the Supreme Court held that the insanity defense is not available to juveniles absent specific statutory authority.

*Patron - Darner*

**FHB1690 Juveniles; duty of person taking child into custody.** Requires that whenever a child who is under 14 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 reasonable efforts are made to notify such parent, guardian, legal custodian or other person standing in *loco parentis* and that person is given an opportunity to be present.

*Patron - McQuigg*

**FHB1879 Teen court program.** Authorizes the use of teen court programs as diversion programs in relatively minor cases involving juvenile offenders who volunteer to participate in a peer trial and sentencing process. The program must be approved by the juvenile court of the jurisdiction.

*Patron - Amundson*

**FHB2029 Education in custody and visitation cases.** Modifies the 2000 provisions that required the court to order parent education in contested cases. Under this bill the court must order attendance of an educational program for parents, guardians, legal custodians and persons serving in *loco parentis* who petition for custody or visitation, not just parents and not just in contested cases as in current law. The fee remains the same as in current law, which is a sliding scale, not to exceed \$50. Under current law, the court may excuse participation in the educational program for good cause shown. This bill excuses participation for compelling circumstances and requires written documentation of the reason for the exemption. The bill requires attendance of the educational program before participating in mediation or other alternative dispute resolution method, unless the court allows the sequence to be reversed for good cause shown. The 2000 bill had a sunset clause and expires on July 1, 2003. This bill amends the Code as it is without the 2000 amendments, so some of the provisions that are new language in this bill are actually current law that will be repealed by the sunset clause on July 1, 2003. In order to give effect to this bill the sunset clause should not be repealed this session. This bill is incorporated into HB 2128.

*Patron - Petersen*

**FHB2051 Hours of operation of district court clerks' offices.** Provides that the chief judge shall require that the clerks' offices for all divisions of district courts shall remain open during hours established by Supreme Court Rule and that the hours shall be uniform throughout the Commonwealth.

*Patron - Woodrum*

**FHB2095 Removal to circuit court.** Amends provision that allows a defendant to remove an action from district court to circuit court if he has a substantial defense. Under current law the substantial defense must be exclusive of the sole issue of the amount or computation of damages; this bill adds causation of damages.

*Patron - Joannou*

**FHB2276 Nondisclosure of protective orders.** Provides that for the purposes of protective orders generally, if the person protected by the order requests nondisclosure, neither a law-enforcement agency, the attorney for the Commonwealth, a court or the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause. Currently, the nondisclosure is automatic, without regard to request by the person protected by the order.

*Patron - Hurt*

**FHB2291 Circuit court clerks; recordation of documents.** Allows the clerk to refuse to file any instrument that includes a grantor's, grantee's or trustee's social security number.

*Patron - Devolites*

**FHB2378 Appointment of counsel for detention hearings.** Requires the appointment of an attorney for a child prior to a detention hearing unless an attorney has been retained and appears on behalf of the child. The bill requires the child's attorney to be notified of the detention hearing and specifies that the attorney may be given the opportunity to be heard at the detention hearing. If it is determined that the child is not indigent, the parents must pay the costs of the attorney. There are provisions for a child to waive representation.

*Patron - Moran*

**FHB2411 Disposition of delinquent juveniles.** Allows the juvenile and domestic relations district court to defer disposition pending completion of a social history or substance abuse evaluation and place the juvenile in a secure facility for up to 60 days and to extend for another 30 days for good cause shown.

*Patron - Marrs*

**FHB2448 Affirmative defense to prosecution for abuse and neglect; infant-receiving facilities; emergency custody of abandoned children.** Provides that when any person voluntarily delivers a child no older than 72 hours to an infant-receiving facility, the person will have an affirmative defense to prosecution for abuse or neglect, if the abuse or neglect prosecution is based solely upon the delivery of the child to an infant-receiving facility. Infant-receiving facilities include hospitals and police departments. Other facilities may opt in by complying with standards set up by the Department of Health and the Department of Social Services. The person may remain anonymous. Personnel who accept these children would be immune from liability absent gross negligence or willful misconduct. The Department of Social Services, in conjunction with the Department of Health, shall launch a media campaign to promote safe placement alternatives for newborn infants and publicize the emergency custody for certain abandoned children procedures. This bill is incorporated into HB 2447.

*Patron - Griffith*

**FHB2542 Abuse and lose; deferred findings.** Makes discretionary the provisions requiring deferred finding in juvenile cases of drunk driving and refusal to submit to blood or breath tests. This bill is incorporated into HB 1527.

*Patron - McDonnell*

**FHB2546 General district court pleadings; limited liability companies.** Authorizes a limited liability company to prepare, execute, file, and have served on other parties certain pleadings in general district court proceedings without the intervention of an attorney. Partnerships and corporations currently have the same authority. This bill is incorporated into HB 2624.

*Patron - McDonnell*

**FHB2590 General district court pleadings; limited liability companies.** Authorizes a limited liability company to prepare, execute, file, and have served on other parties certain pleadings in general district court proceedings without the intervention of an attorney. Partnerships and corporations currently have the same authority. This bill is incorporated into HB 2624.

*Patron - Armstrong*

**FHB2686 Address confidentiality program for victims.** Provides an address confidentiality program to allow certain victims, including victims of identity theft and domestic violence, to use an address designated by the Secretary of the Commonwealth for the purpose of receiving mail. Participants in the program would provide a confidential address to the Secretary to keep on file. The legislation provides certain application and certification procedures, as well as a penalty for providing false information to the Secretary. Additionally, the program allows participants to vote as absentee voters, provides that all records are confidential and not subject to the Virginia Freedom of Information Act and provides that the Secretary shall identify agencies that provide counseling and shelter services to participants.

*Patron - Amundson*

**FHB2712 Court-ordered visitation; failure to comply.** Provides that where there is a failure to comply with court-ordered visitation, the aggrieved parent may initiate a complaint with the Department of Social Services in the jurisdiction where the order was entered or where the failure to comply occurred.

*Patron - Louderback*

**FSB1057 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 14 days to an approved 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 approved facility. The person may remain anonymous. Approved facilities include hospitals and police departments. Personnel who accept these children are 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. The Department of Social Services is required to make an annual report to the General Assembly compiling the number of children abandoned. This bill is incorporated into SB 1151.

*Patron - Williams*

**FSB1098 Mental health courts; pilot program.** Authorizes localities to seek federal funding for mental health court pilot projects and requires any pilot projects established to report to the General Assembly on their effectiveness and utilization by December 1, 2004.

*Patron - Edwards*

**FSB1147 Fees for services of juvenile and domestic relations district court judges and clerks in certain civil cases.** Creates a filing fee in the juvenile court for petitions involving custody, visitation or support.

*Patron - Stolle*

**FSB1148 Predispositional detention.** Makes it clear that a juvenile and domestic relations district court judge has the authority to order a juvenile into detention prior to the final disposition even if the juvenile was not ordered into detention when first taken into custody. This bill does not change the statutory criteria that must be met before detention is ordered. An August 2002 Attorney General Opinion stated that a judge has no authority to temporarily detain a juvenile after an adjudication hearing but pending the disposition hearing when the juvenile was not originally taken into custody and detained. The bill is a recommendation of the Committee on District Courts. This bill is incorporated into SB 1060.

*Patron - Stolle*

## Courts of Record

### Passed

**PHB1845 Electronic filing of court documents.** Expands the provisions for recording documents electronically to anyone who has entered into such an agreement with the court clerk. The bill makes technical changes to refer to the Uniform Electronic Transactions Act and the Rules of the Supreme Court of Virginia regarding electronic filing and electronic signatures. The bill makes permanent these provisions by repealing the sunset.

*Patron - Reese*

**PHB2179 Criminal sentencing commission; modifications to discretionary sentencing guidelines.** Imports into § 17.1-803 the requirement from § 17.1-806 that the Commission's annual report shall include any modifications to the discretionary sentencing guidelines that the Commission has adopted, and requires identification of the reasons supporting the modifications.

*Patron - Kilgore*

**PHB2226 Supreme Court; distribution of reports.** Authorizes the Court to distribute the published reports of the decisions of the Supreme Court and the Court of Appeals either in print or in electronic format.

*Patron - Cline*

**PHB2294 Remote access to land records.** Requires remote access to land records to be by paid subscription service through circuit court clerk's offices or designated application service providers.

*Patron - Devolites*

**PHB2426 Posting certain information on the Internet; prohibitions.** Provides that beginning January 1, 2004, no court clerk shall post on a court-controlled website any document that contains the following information: (i) an actual sig-

nature; (ii) a social security number; (iii) a date of birth identified with a particular person; (iv) the maiden name of a person's parent so as to be identified with a particular person; (v) any financial account number or numbers; or (vi) the name and age of any minor child. The bill also provides an exception for court clerks providing remote access to their records if their network or system that is used to provide the access has been certified by the Department of Technology Planning. It also requires the Department to establish security standards that must be followed by court clerks providing remote access to records in consultation with circuit court clerks, the Supreme Court, the Compensation Board, users of land and other court records, and other interested citizens. The bill has a July 1, 2005, sunset provision.

*Patron - Nixon*

**PSB714 Circuit court clerks; recordation of documents.** Allows the clerk to refuse to file any instrument that includes a grantor's, grantee's or trustee's social security number.

*Patron - Wampler*

**PSB740 Fees collected by circuit court clerks; information technology fee.** Extends the sunset on the collection of the Technology Trust Fund Fee from July 1, 2004, to July 1, 2008.

*Patron - Marsh*

**PSB1258 Fees for driving under the influence conviction.** Adds a fee of \$100 for driving under the influence convictions.

*Patron - Norment*

### Failed

**FHB1682 Days of operation of clerks' offices.** Provides that, for the purposes of closing circuit court clerks' offices, the authorization of the chief judge is sufficient in all cases. Currently, in some cases, the joint authorization by all judges in the circuit is required.

*Patron - McDougle*

**FHB1847 Courts of record; fees.** Repeals the statute imposing the penalty against any clerk, sheriff or other officer who fails to comply with his legal duties regarding receipt of fees for services.

*Patron - Reese*

**FHB1898 Circuit court clerks; recordation of documents.** Allows the clerk to refuse to file any instrument that includes a grantor's, grantee's or trustee's social security number. This bill is incorporated into HB 2291.

*Patron - Stump*

**FHB2052 Assessments for courthouse construction, etc., and law libraries.** Increases from two dollars to four dollars the sum assessed for courthouse construction on each civil action filed, and removes the cap on the collection of fees in a civil action, which are used for courthouse construction, etc., and for support of a local law library.

*Patron - Ingram*

**FHB2165 Circuit court clerks; recordation of documents.** Allows the clerk to refuse to file any instrument that includes a grantor's, grantee's or trustee's social security number. This bill is incorporated into HB 2291

*Patron - Phillips*

**FHB2292 Confidential information in divorce cases; summary orders.** Requires that the record of any divorce suit not contain the social security number of any party or of any minor child, or any financial information. This type of information, to the extent required by law to be provided to a governmental agency, shall be contained in a summary order. Such summary order can be used to distribute the information as required by law (e.g., to the Bureau of Vital Statistics) but shall otherwise be confidential except for the parties, their attorneys, and by court order.

*Patron - Devolites*

**FHB2360 Courthouse construction.** Provides for an additional six dollars to be available for courthouse construction by increasing the maximum assessment for costs in civil cases or an additional \$10 for such construction by increasing the maximum assessment for costs in criminal and traffic cases.

*Patron - Shuler*

**FHB2425 Fees collected by circuit court clerks.** Adds a \$10 fee to each filing of an action at law and each chancery case to be used for payment of juror fees through a local nonreverting fund, and provides that no clerks' fee is to be charged on estates under \$15,000 (currently \$5,000).

*Patron - Marrs*

**FHB2458 Modification of sentencing guidelines for cocaine.** Provides that for any conviction involving distribution of cocaine, when a determination of sentence under sentencing guidelines is made, that determination shall not be limited to a recommendation of detention center incarceration, but shall include other incarceration alternatives.

*Patron - McDougale*

**FHB2614 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 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 - Petersen*

**FHB2672 Excess fees collected by clerks.** Requires the Commonwealth to disburse to any locality its share of excess clerks' fees if the budget for clerks' offices is reduced and if that locality generates excess fees.

*Patron - Drake*

**FHB2766 Modification of sentencing guidelines for embezzlement.** Provides that for any conviction under § 18.2-111 involving an embezzlement valued at more than \$100,000, the discretionary sentencing guidelines worksheets shall require the entry of a score that precludes a recommendation for alternative punishment.

*Patron - Armstrong*

**FSB741 Fees collected by clerks of circuit courts.** Increases the following fees: (i) in actions at law, those fees for suits greater than \$150,000, (ii) for docketing judgments, (iii) for filing attorney-issued subpoenas, (iv) in chancery suits, (v) recordation and grantor tax, (vi) for recording a deed of trust or mortgage or deed of release, (vii) for recording deeds of partition and deeds transferring property upon divorce, (viii) for recording a contract or memorandum relating to real property, and (ix) for recording the sale of rolling stock; and increases

the local recordation fees to equal the fee charged by the State (currently only one-third of the state's fee).

*Patron - Marsh*

**FSB780 Assessments for courthouse construction, etc., and law libraries.** Removes the cap on the collection of fees in a civil action, which are used for courthouse construction, etc., and for support of a local law library. This bill is incorporated into SB 1277.

*Patron - Blevins*

**FSB818 Destruction of will files.** Allows the clerk to destroy a will's file along with the original will after five years have passed since probate or recordation and allows destruction of originals of instruments which have been recorded and remained unretrieved by the recording party after six months, if the documents are no longer of any value and have been micro-filmed.

*Patron - Norment*

**FSB819 Court fees and costs.** Implements amendments made by the 2002 Session of the General Assembly to the fixed-fee provisions for felonies, misdemeanors, traffic infractions, and other violations in circuit and district court.

*Patron - Norment*

**FSB983 Clerks' fees; what is taxed as costs.** Clarifies what court costs are taxable in an attempt to make statewide practice more uniform. This is a recommendation of the Boyd-Graves Conference.

*Patron - Mims*

**FSB1219 Recordation of plats.** Allows the clerk to refuse to accept any plat for filing or recordation until such plat has been approved by the appropriate local governing body.

*Patron - Williams*

**FSB1232 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 - Williams*

**FSB1277 Courthouse construction.** Provides for up to an additional two dollars to be available for courthouse construction by increasing the maximum assessment for civil filing fees and removes the four dollar cap on the assessment for courthouse construction and public law library fees.

*Patron - Rerras*

**FSB1310 Circuit court clerks; filing of documents.** Allows a circuit court clerk to refuse to accept an instrument if the first page of the document does not contain the name of the title insurance underwriter and the policy number or a statement that there is no title insurance or that the policy number is not available or is unknown.

*Patron - Deeds*

## Crimes and Offenses Generally

### Passed

**PHB1399 Blood samples taken from DUI accuseds.** Eliminates the requirement that the officer give the accused information on how to obtain an independent analysis of the second vial of blood. The accused may, within 90 days after the blood sample is taken, request a court order directing the Division of Forensic Science to transmit the remaining sample to an independent laboratory for analysis. This bill is identical to SB 972.

*Patron - Janis*

**PHB1403 Prohibiting attempted purchase of tobacco products by minors.** Prohibits attempted purchase of tobacco products by minors. Currently, only the completed purchase is a civil offense. The bill provides a specific exception for purchases associated with law-enforcement activities.

*Patron - Wright*

**PHB1454 Embezzlement and larceny the same.** Provides that proof of embezzlement shall be sufficient to sustain the charge of larceny and that any person convicted of embezzlement shall be deemed guilty of larceny and may be indicted as for larceny, and upon conviction shall be punished as for larceny. This bill returns to and replaces some of the language appearing in the pre-1994 version of this section to clarify that if embezzlement is proven, a charge and conviction for larceny are sustained. Language in the pre-1994 version requiring the Commonwealth to elect which statute to proceed under is not replaced. This bill addresses the decision in *Bruhn V. Commonwealth*, 35 Va. App. 339, 544 S.E.2d 895 (Ct. App. 2001), wherein neither a conviction for embezzlement nor larceny was found when the defendant was charged with larceny and shown to have committed embezzlement.

*Patron - Janis*

**PHB1501 Definition of antique and curio firearms.** Redefines definition of antique firearm to follow the definition in federal law and includes them as antique firearms. The bill adds a definition of curio (and relic) firearms taken from the Code of Federal Regulations. Under current law a person does not have to have a criminal background check to purchase an antique firearm and antique firearms are not subject to the one handgun per month restrictions.

*Patron - Lingamfelter*

**PHB1541 Partial birth infanticide.** Defines "partial birth infanticide" as any deliberate act that (i) is intended to kill a human infant who has been born alive, but who has not been completely extracted or expelled from its mother, and that (ii) does kill such infant, regardless of whether death occurs before or after extraction or expulsion from its mother has been completed. The term "partial birth infanticide" will not include (i) the suction curettage abortion procedure, (ii) the suction aspiration abortion procedure, (iii) the dilation and evacuation abortion procedure involving dismemberment of the fetus prior to removal from the body of the mother, or (iv) completing delivery of a living human infant and severing the umbilical cord of any infant who has been completely delivered. "Human infant who has been born alive" is defined as a product of human conception that has been completely or substantially expelled or extracted from its mother, regardless of the duration of pregnancy, which after such expulsion or extraction breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of volun-

tary muscles, whether or not the umbilical cord has been cut or the placenta is attached. "Substantially expelled or extracted from its mother" is defined as, in the case of a headfirst presentation, the infant's entire head is outside the body of the mother, or, in the case of breech presentation, any part of the infant's trunk past the navel is outside the body of the mother. The bill punishes the act of "partial birth infanticide" as a Class 4 felony. This provision will not prohibit the use by a physician of any procedure that, in reasonable medical judgment, is necessary to prevent the death of the mother, so long as the physician takes every medically reasonable step, consistent with such procedure, to preserve the life and health of the infant. A procedure will not be deemed necessary to prevent the death of the mother if completing the delivery of the living infant would prevent the death of the mother. The mother cannot be prosecuted for any criminal offense based on the performance of any act or procedure by a physician in violation of this section. This provision also amends vital statistics law to modify the definition of "live birth" to include substantial expulsion or extraction of the product of human conception from its mother and to add a definition of "substantial expulsion or extraction." A second enactment clause repeals the partial birth abortion provision.

*Patron - Marshall, R.G.*

**PHB1594 Crimes; peeping.** Makes it unlawful for a landlord, without just cause, to enter upon property leased or rented to a tenant and secretly or furtively peep, spy or attempt to peep or spy into or through a window, door or other aperture of any building, structure, or other enclosure under circumstances that would violate the occupant's reasonable expectation of privacy. The bill provides a "just cause" exception to peeping by a landlord. This bill is identical to SB 1210.

*Patron - Byron*

**PHB1617 Hazing.** Defines hazing to mean recklessly or intentionally endangering the health or safety of or inflicting bodily injury on a student in connection with or for the purpose of initiation, admission into or affiliation with, or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body, whether or not the victim student voluntarily participated in the activity. The bill eliminates the references to "otherwise mistreating" in favor of the single term "hazing" and substitutes the policies and procedures used by the institution for the former sole remedy of expulsion. This bill is identical to SB 864.

*Patron - Albo*

**PHB1619 Fraudulent use of birth certificates.** Makes it unlawful for any person to sell or transfer the birth certificate of another for the purpose of establishing a false identity for himself or for another person. Currently it is unlawful to obtain or possess the birth certificate of another for such purpose.

*Patron - Byron*

**PHB1702 Penalty for driving while intoxicated (DUI).** Imposes minimum fines of \$250, \$500 and \$1,000 for first, second and third offense DUI convictions, respectively.

*Patron - Purkey*

**PHB1833 Information to be provided prior to abortion; adoption.** Clarifies that the written materials required to be offered for review as part of the basic information for informed written consent for abortion must be provided "in a respectful and understandable manner, without prejudice" and must be intended to give the woman the opportunity to make an informed choice and that the information on services will characterize adoption as a positive alternative and will include information on counseling services, benefits,

financial assistance, medical care and contact persons or groups.

*Patron - Reese*

**PHB1856 Definition of a firearm.** Revises the definition of "firearm," "handgun" and "assault rifle" where they are defined in various sections in Title 18.2 (except for brandishing) and Title 22.1 with terms used in the definition of "firearm" in Title 29.1 (Game, Inland Fisheries and Boating). The word "explosion" is replaced with "by action of an explosion of a combustible material," and "projectile" with "single or multiple projectiles."

*Patron - Lingamfelter*

**PHB1928 Crimes; money laundering.** Requires a financial institution or credit card issuer to disclose bank records or credit card information concerning a customer upon the issuance of a subpoena duces tecum. Provision is made for the financial institution or credit card issuer to move to quash or modify the subpoena duces tecum if compliance would cause an undue burden and for holding harmless the financial institution or credit card issuer or its employees for releasing such information or records pursuant to an order. The statement of facts documenting the reasons the records or information are sought will be sealed upon issuance of the subpoena duces tecum, and the use of such records or information is limited to the investigation and legitimate law-enforcement purposes. At the end of the investigation the records or information will be sealed. A provision is added allowing seizure of certain property used in money laundering and punishable as a felony under the laws of another state or territory of the United States, the District of Columbia, or the United States. This bill is identical to SB 1135.

*Patron - Nixon*

**PHB1931 Electronic communications devices.** Replaces the term telecommunications with electronic communications, which is more accurate, and streamlines the definition of that term. Electronic communication includes all transfers of information, which the statute addresses. The new definitions of "electronic communication device," "electronic communication service," and "electronic communication service provider" are equivalent to the old definitions of "telecommunication device," "telecommunication service," and "telecommunication service provider" except for the above-mentioned changes.

*Patron - Nixon*

**PHB2061 Identity theft.** Clarifies that the identities of dead, as well as living, people are protected and that the theft of the identity of a dead person is punishable.

*Patron - Dudley*

**PHB2109 Fraudulent account entries.** Adds corporations to the list of entities for which it is a Class 4 felony for an officer or clerk to make, alter or omit to make an entry in an account kept in or by such entity with the intent of concealing the true state of the account or to defraud the entity or to enable or assist any person to obtain money to which the person is not entitled. The bill also replaces the words "banks and savings institutions" with "financial institutions."

*Patron - Barlow*

**PHB2175 Identity theft.** Limits the appearance of social security numbers on identification cards and parcels. The bill punishes the distribution or possession with intent to distribute another's personal identifying information or the distribution of the means by which personal information may be stolen. The bill creates a mechanism whereby a victim may expunge a criminal charge resulting from identity theft. The

bill punishes obtaining goods and services, and identification documents and information of another. The bill requires the Library Board to develop regulations providing for the destruction of social security numbers in public records. The bill allows a clerk of court to refuse to record a document upon which there appears a grantor's or grantee's social security number. The bill sets up a procedure for blocking credit misinformation appearing in a credit report. This bill is identical to SB 979.

*Patron - Bell*

**PHB2181 Possession of firearm while in possession of certain drugs.** Revises statute penalizing possession of a firearm while in possession of Schedule I or II drugs to provide that possession of both is a Class 6 felony with no mandatory minimum. A person who possesses a firearm "on or about his person" while in possession of Schedule I or II drugs is subject to a Class 6 felony with a two-year mandatory minimum term of imprisonment. The possession of a firearm with intent to manufacture or distribute such drugs or more than one pound of marijuana remains a Class 6 felony with a minimum, mandatory term of imprisonment of five years.

*Patron - Melvin*

**PHB2275 First domestic assault; deferral and probation.** Makes discretionary with the court, where the court is deferring proceedings, the provisions for evaluating and ordering participation in an education or treatment program for persons charged with a first domestic assault. The bill also provides that the term of probation is two years from the date the court makes findings of facts that would support a finding of guilt. Under current law, probation runs for a two-year period following completion of local probation supervision, and evaluation and participation in an education or treatment program is mandatory where the court defers findings. This bill is identical to SB 826.

*Patron - Hurt*

**PHB2290 Computer crimes; enhanced penalties; forfeiture; etc.** Provides that certain obscenity violations are, when accomplished with a computer, subject to separate and distinct punishment. Adds enhancements for punishment of computer fraud based on volume of e-mail and revenue generated. Raises penalty for computer trespass. Raises penalty for theft of computer services based on value of services. Establishes an alternate method for calculating statutory civil damages for a person who is injured by reason of any violation of the Computer Crimes Act, based on the number of complaints, degree of culpability, amount of economic gain, and prior history. The bill also adds a seizure and forfeiture provision allowing for forfeiture of all proceeds and equipment received from violations of the Computer Crimes Act. This bill is identical to SB 1139.

*Patron - Devolites*

**PHB2324 Drivers' license suspension; underage drinking and driving.** Adds an automatic seven-day administrative license suspension as a penalty when a person under the age of 21 operates a motor vehicle after consuming alcohol and has a blood alcohol concentration (BAC) of 0.02. This makes the BAC for the seven-day administrative drivers' license suspension for persons under 21 consistent with the violation for driving after consuming alcohol underage, which is 0.02.

*Patron - Albo*

**PHB2390 Drug Offender Assessment Fund.** Provides that part of the monies available from the Drug Offender Assessment Fund shall be appropriated to the Department of Criminal Justice Services for the support of community-based probation and local pretrial services agencies, in addition to the



current appropriations to the Department of Corrections, the Department of Juvenile Justice and the Commission on the Virginia Alcohol Safety Action Program (VASAP).

*Patron - Albo*

**PHB2440 Violation of court order regarding custody and visitation; penalty.** Modifies statute that makes it a Class 6 felony to withhold a child outside the Commonwealth in violation of a custody or visitation order by adding the child's parents or other legal guardian to the class of people who would have to be protected. Currently the protected individual is the custodial parent.

*Patron - Dillard*

**PHB2447 Abandoned babies; affirmative defense to prosecution.** Provides that when a parent voluntarily delivers a child no older than 14 days to a hospital or rescue squad, the parent will have an affirmative defense to prosecution for abuse or neglect, if the abuse or neglect prosecution is based solely upon having left the baby at such facility. Personnel who accept babies under these conditions are immune from liability absent gross negligence or willful misconduct. This bill is identical to SB 1151.

*Patron - Griffith*

**PHB2457 Child Pornography Images Registry; child pornography; penalties.** Establishes a Child Pornography Registry that includes images of sexually explicit visual material presented as evidence and used in a conviction for a child pornography offense. The bill increases the penalties for child pornography possession to a Class 6 felony (from a Class 1 misdemeanor) and second and subsequent offenses to a Class 5 felony (from a Class 6 felony). This bill is identical to SB 1153.

*Patron - McDougale*

**PHB2615 Sale of drugs on or near certain properties; penalty.** Clarifies that the prohibition against possessing drugs with intent to distribute on school properties, recreation centers, libraries, and hospitals applies regardless of where the person intended to distribute the drugs. This bill is identical to SB 1071.

*Patron - Sears*

**PHB2616 Sale of "wrappings" to minors prohibited.** Prohibits the sale or purchase of wrappings to minors. This bill defines "wrappings" as including papers made or sold for covering or rolling tobacco or other materials for smoking in a manner similar to a cigarette or cigar. The penalties for retailers and for minor purchasers provided under present law for sale or purchase of tobacco products would apply to the sale or purchase of such wrappings.

*Patron - Sears*

**PHB2649 Obstructing justice by giving false information to police.** 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 1 misdemeanor. Currently it is a Class 2 misdemeanor. This bill is identical to SB 1234.

*Patron - Cosgrove*

**PHB2763 Firearms on school property and locked vehicle trunks.** Clarifies an exception for a person possessing an unloaded firearm on school property in a "closed container" by providing that the definition of "closed container" includes a locked vehicle trunk.

*Patron - Hurt*

**PHB2764 Fees for driving under the influence conviction.** Adds a fee of \$100 for driving under the influence convictions.

*Patron - Hurt*

**PHB2826 Resisting arrest.** Provides that any person who intentionally prevents or attempts to prevent a law-enforcement officer from lawfully arresting him, with or without a warrant, is guilty of a Class 1 misdemeanor. The crime is defined as fleeing from a law-enforcement officer when (i) the officer applies physical force to the person, or (ii) the officer communicates to the person that he is under arrest and (a) the officer has the legal authority and the immediate physical ability to place the person under arrest, and (b) a reasonable person who receives such communication knows or should know that he is not free to leave. This bill is identical to SB 1336.

*Patron - McDougale*

**PSB826 Family abuse.** Amends the statute that permits a deferred disposition for a first offense of assault and battery against a family or household member so that the judge may order the defendant directly into an educational and treatment program. Current law suggests that an evaluation must be conducted to determine if the defendant should enter such a program. The bill also specifies the first date on which the minimum two-year deferral period may end. The bill also adds "if available" after local probation in recognition of the fact that not all jurisdictions have local probation services. This bill was introduced as a recommendation of the Committee on District Courts. This bill is identical to HB 2275.

*Patron - Marsh*

**PSB846 Bigamy.** Provides that venue for a bigamy prosecution may be where the subsequent marriage occurred or where the parties to the subsequent marriage cohabited.

*Patron - Quayle*

**PSB864 Hazing.** Defines hazing to mean recklessly or intentionally endangering the health or safety of or to inflict bodily injury on a student in connection with or for the purpose of initiation, admission into or affiliation with, or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body, whether or not the victim student voluntarily participated in the activity. The bill eliminates the references to "otherwise mistreating" in favor of the single term "hazing" and substitutes the policies and procedures used by the institution for the former sole remedy of expulsion. This bill is identical to HB 1617.

*Patron - Saslaw*

**PSB972 Blood samples taken from DUI accuseds.** Eliminates the requirement that the officer give the accused information on how to obtain an independent analysis of the second vial of blood. The accused may, within 90 days after the blood sample is taken, request a court order directing the Division of Forensic Science to transmit the remaining sample to an independent laboratory for analysis. This bill is identical to HB 1399.

*Patron - Trumbo*

**PSB979 Identity theft.** Limits the appearance of social security numbers on identification cards and parcels. The bill expands limits on acquisition and use of the personal identifying information of another, including use of identifying information of a dead person. The bill requires the Library Board to develop regulations providing for the destruction of social security numbers in public records. The bill sets up a procedure for blocking credit misinformation appearing in a