

ishment. Currently, a crematory offering services directly to the public must be licensed as a funeral service establishment and is subject to inspections and disciplinary sanction by the Board. This bill clarifies that registered crematories (those providing services only to a funeral home) must be registered and are subject to inspection and disciplinary sanctions for operating in a manner that may endanger the public health, safety or welfare.

*Patron - Reid*

**PHB2182 Health practitioner contact information for a public health emergency.** Grants the Department of Health Professions (Department) the authority to require certain health practitioners to report any E-mail address, telephone number and facsimile number that may be used to contact them in the event of a public health emergency. Such E-mail addresses, telephone numbers and facsimile numbers shall not be published, released or made available for any other purpose. The Director of the Department shall adopt emergency regulations to identify who must report and the procedures for reporting.

*Patron - O'Bannon*

**PHB2204 Pharmacists' compounding of drug products.** Revises the requirements for compounding of drugs by pharmacists. This bill provides, among other matters, clear parameters for permitted pharmacies in Virginia to engage in the compounding of drug products. The bill includes (i) definitions of "bulk drug substance," and "compounding," and modifications to other Drug Control Act definitions; (ii) clarification that pharmacists may compound pursuant to valid prescriptions or in anticipation of valid prescriptions according to historical prescribing patterns; (iii) labeling requirements for compounded drugs, both those drugs dispensed pursuant to single prescriptions and those drugs compounded in anticipation of receiving valid prescriptions; (iv) restrictions on distribution that clarify that pharmacists cannot distribute to other pharmacies or commercial entities but may deliver compounded products to alternative delivery locations and provide compounded products to practitioners to administer to their patients in the course of their professional practice; (v) requirements for performance and supervision of the compounding process; (vi) a requirement for a policy and procedure manual when the levels of compounding are associated with higher risk for contamination or radiopharmaceuticals or dosage forms that are dose-critical or specialized preparations, such as slow-release products or transdermal patches; (vii) rules for the use of bulk drug substances in compounding; (viii) restrictions on the compounding of drugs that have been removed from the market by the FDA or found to be unsafe and on the compounding of large amounts of any drug product that are essentially copies of commercially available; and (ix) strict recordkeeping criteria. Physicians who are permitted to dispense or who engage in compounding must also comply with the requirements. Permitted pharmacies will not be required to obtain licenses as wholesale distributors if the wholesale distributions do not exceed five percent of the gross annual sales of the pharmacy or the wholesale distributions of Schedules II through V controlled substances do not exceed five percent of the total dosage units of such substances dispensed annually by the pharmacy.

*Patron - Jones, S.C.*

**PHB2205 Health professions; physician assistant prescriptive authority.** Adds Schedule III controlled substances to the list of those substances that a licensed physician assistant may prescribe pursuant to regulations by the Board. Physician assistants currently may prescribe drugs from Schedules V and VI and Schedule IV, effective January 1, 2003. Nurse Practitioners already have this authority.

*Patron - Jones, S.C.*

**PHB2206 Health professions; pharmacy.** Provides that when a drug is dispensed in a hospital by a chart order, the pharmacist dispensing the drug does not have to indicate on the label the name of the prescriber by whom the prescription was written.

*Patron - Jones, S.C.*

**PHB2221 Health professions; acupuncture.** Clarifies that the Advisory Board on Acupuncture does not advise the Board of Medicine on matters relating to regulation of doctors of medicine, osteopathy, chiropractic, or podiatry who are qualified to practice acupuncture.

*Patron - Shuler*

**PHB2301 Licensure and other regulatory requirements of certain persons in the medical and healing arts.** Authorizes certain registered nurse agents of the Virginia Health Department to order tests of sputum for tubercle bacilli from the Division of Consolidated Laboratories.

*Patron - Devolites*

**PHB2414 Board for Contractors; prohibited acts.** Clarifies that no person shall be entitled to assert the lack of licensure or certification as a defense to any action at law or suit in equity if the party who seeks to recover from such person gives substantial performance within the terms of the contract in good faith and without actual knowledge that a license or certificate was required to perform the work for which he seeks to recover payment.

*Patron - Marrs*

**PHB2415 Board for contractors; prohibited acts by awarding authorities.** Clarifies that receiving or considering as the awarding authority a bid from anyone whom the awarding authority knows is not properly licensed or certified is prohibited.

*Patron - Marrs*

**PHB2418 Preneed funeral contracts through irrevocable trusts.** Clarifies that preneed funeral contracts executed through an irrevocable trust are not revocable and, therefore, qualify as a resource exclusion under Medicaid or other federal or state needs-based assistance programs. The bill creates an exception to the law that preneed funeral contracts shall be subject to termination if a person establishes an irrevocable burial trust, or an amount in an irrevocable trust that is specifically identified as available for burial expenses, where (i) a person irrevocably contracts for funeral goods and services, such person funds the contract by prepaying for the goods and service, and the funeral provider residing or doing business within the Commonwealth subsequently places the funds in a trust; or (ii) a person establishes an irrevocable trust naming the funeral provider as the beneficiary; however, such person shall have the right to change the beneficiary to another funeral provider. This bill is identical to SB 1261.

*Patron - Nixon*

**PHB2477 Registered nurses; delegation to conduct physical examinations of children.** Provides an exemption to the medical practice act authorizing physicians of medicine and osteopathy or nurse practitioners to delegate to registered nurses under their supervision the authority to screen and test children for elevated blood-lead levels when such tests are conducted in accordance with a written protocol between the physician or nurse practitioner and the registered nurse and in compliance with the Board of Health's regulations promulgated pursuant to §§ 32.1-46.1 and 32.1-46.2. Any follow-up testing must be done at the direction of a physician or a nurse practitioner. This bill is a recommendation of the Joint Sub-

committee Studying Lead Poisoning Prevention. In other states where this delegation is authorized, the elevated blood-lead screening is more effectively implemented. In addition, the screening may cost less than when conducted by a physician.

*Patron - Crittenden*

**PHB2605 Dialysis Patient Care Technicians.** Establishes the requirement for certification from an organization approved by the Board of Health Professions for a person to use the titles "dialysis patient care technician" or "dialysis care technician." Unregulated persons performing services relating to the technical elements of dialysis, such as equipment maintenance and preparation of dialysers for reuse by the same patient, will not be affected. The Board of Health Professions is charged with approving programs examining candidates for appropriate competency or technical proficiency to perform as dialysis patient care technicians or dialysis care technicians for state certification. Individuals who are currently employed as dialysis care technicians and are administering medications in the ordinary course of their duties in Medicare-certified renal dialysis facilities and have satisfactorily completed a training program in accordance with the Core Curriculum for Dialysis Technician, also known as the Amgen Core Curriculum, or a comparable education and training curriculum, are grandfathered and will be in compliance with the new certification requirement. Other national training and testing programs appear to be available for the Board of Health Professions to approve, including several programs that are recognized by the National Association of Nephrology Technicians/Technologists.

*Patron - Bryant*

**PHB2610 Foreign medical school graduates' requirements for admission to examination and licensure by the Board of Medicine.** Reduces the required postgraduate training in a hospital for certain foreign medical school graduates from three years to two years of such training. This provision also authorizes the foreign medical school graduates to sit for a medical licensing examination at any time during the required postgraduate training. Reportedly, the Virginia Board of Medicine's three-year requirement is among the most stringent in the country.

*Patron - Bryant*

**PHB2651 Health professions; licensing.** Provides an exemption from the requirement that an applicant for a license, certificate or other registration to practice a health profession provide a social security number or control number for those foreign nationals who are otherwise qualified but who cannot provide a social security number or control number at the time of application. The temporary license or authorization to practice shall be effective for no longer than 90 days. The bill has an emergency effective date.

*Patron - Cox*

**PHB2723 Real Estate Board; continuing education for licensees.** Increases the continuing education requirements for real estate licensees of the Real Estate Board from eight to 16 hours. The bill requires new licensees to complete 30 hours of specialized training in the first two years of licensure. The bill also requires that a portion of the continuing education hours occur in a classroom setting and not by correspondence or distance learning. The bill contains technical amendments.

*Patron - Reid*

**PHB2759 Department of Professional and Occupational Regulation; soil scientists.** Clarifies that the waiver of the examination for certification as a soil scientist ends on July 1, 2004, for those individuals with 10 years of experience.

*Patron - Rust*

**PHB2808 Regulation of pawnshops, etc.; records of secondhand goods; penalty.** Grants the authority to counties to regulate, among other things, the sale of property at auction; and the conduct of and prescribe the number of pawnshops and dealers in secondhand goods, wares and merchandise. Currently this authority is given only to cities. The bill also requires pawnbrokers to keep records of items purchased by them.

*Patron - Rapp*

**PHB2812 Department of Professional and Occupational Regulation; regulation of polygraph examiners.** Provides for the Director of the Department of Professional and Occupational Regulation to authorize the use by licensed polygraph examiners of instruments other than polygraphs that record physiological changes pertinent to the determination of truthfulness or the verification of the truth of statements. This bill is identical to SB 1296.

*Patron - Cosgrove*

**PHB2833 Athletic trainer certification; protective taping.** Exempts from the athletic trainer certification requirements the application of protective taping to an uninjured body part by any coach, physical education instructor or other person. Currently, these individuals may also conduct or assist with exercise or conditioning programs or classes within the scope of their duties as employees or volunteers without such certification.

*Patron - Reid*

**PSB761 Department of Professional and Occupational Regulation; Auctioneers Board.** Prohibits the use of advertisements containing false, misleading, or deceptive statements, with respect to types or conditions of merchandise offered at auction, why merchandise is being sold, who has ownership, where the merchandise was obtained, or the terms and conditions of the auction and sale. The bill also provides that if an auctioneer advertises an auction sale of real property as "absolute," all lots included in the sale must meet that criteria. "Absolute auction" is defined as an auction where at the time of the auction sale the real or personal property to be sold will pass to the highest bidder regardless of the amount of the highest and last bid.

*Patron - Wampler*

**PSB799 Transfer or copies of patient records upon the sale or relocation of a practice.** Requires practitioners who are relocating a professional practice to notify the patient at his last known address and by newspaper publication of such relocation. Present law requires this notice in the case of a sale of a practice. The notice must also disclose the charges, if any, that will be billed by the practitioner for providing the patient copies of his records. The charges for retrieval, copying, and mailing medical records set forth in § 8.01-413 shall not apply to requests for medical records because of a sale or relocation of a professional practice. This bill is identical to HB 1870.

*Patron - Reynolds*

**PSB920 Health regulatory board investigations.** Requires the executive officer and the chief of staff of every hospital or other health care institution to report to the Board of Medicine within 30 days the knowledge of any health impairment that may render a health professional a danger to himself, the public or his patients; any unethical, fraudulent or unprofessional conduct; any disciplinary action taken by the hospital or other health care institution; and any voluntary resignation from the staff. The hospitals and other health care institutions must make such reports within 30 days, except that reports concerning the commitment or admission of a health profes-

sional as a patient shall continue to be made within five days of when the chief administrative officer learns of the commitment or admission. Any person who fails to make a required report will be subject to a civil penalty not to exceed \$25,000, as assessed by the Director of the Department of Health Professions, and to denial of licensure or certification unless the penalty has been paid.

*Patron - Byrne*

**PSB1090 Dental hygienists' possession and administration of certain topical drugs.** Provides that, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, as well as any other Schedule VI topical drug approved by the Board of Dentistry. "General supervision" is defined as requiring the dentist to evaluate and prescribe the services but not to require the dentist to be present when the services are delivered. Currently, dentists may "cause" Schedule VI topical drugs to be administered under their "direction and supervision" by a dental hygienist or other authorized agent, i.e., when the dentist is present.

*Patron - Bolling*

**PSB1102 Department of Professional and Occupational Regulation; creation of Fair Housing Board.** Creates the Fair Housing Board at the Department of Professional and Occupational Regulation to administer and enforce the provisions of the Fair Housing Law. Currently, such authority is vested with the Real Estate Board. The bill sets out the membership and terms of the Fair Housing Board. The bill authorizes the Fair Housing Board to establish, by regulation, an education-based certification or registration program, as the Board deems appropriate. The Fair Housing Board has no authority to discipline persons licensed by the Real Estate Board who violate the Fair Housing Law, this authority will remain with the Real Estate Board. The bill contains technical amendments.

*Patron - Mims*

**PSB1261 Preneed funeral contracts through irrevocable trusts.** Clarifies that preneed funeral contracts executed through an irrevocable trust are not revocable and, therefore, qualify as a resource exclusion under Medicaid or other federal or state needs-based assistance programs. The bill creates an exception to the law that preneed funeral contracts shall be subject to termination if a person establishes an irrevocable burial trust, or an amount in an irrevocable trust that is specifically identified as available for burial expenses, where (i) a person irrevocably contracts for funeral goods and services, such person funds the contract by prepaying for the goods and service, and the funeral provider residing or doing business within the Commonwealth subsequently places the funds in a trust; or (ii) a person establishes an irrevocable trust naming the funeral provider as the beneficiary; however, such person shall have the right to change the beneficiary to another funeral provider. This bill is identical to HB 2418.

*Patron - Hawkins*

**PSB1293 Professions and occupations; prior criminal history.** Enumerates criteria a regulatory board must use to determine whether a person may be denied a professional license based on a prior criminal conviction. The bill also authorizes the regulatory board or department to request of applicants information and identifiers to perform a national and state criminal records check.

*Patron - Maxwell*

**PSB1296 Department of Professional and Occupational Regulation; Polygraph Examiners.** Provides for the Director of the Department of Professional and Occupational Regulation to authorize the use by licensed polygraph examiners of instruments other than polygraphs that record physiological changes pertinent to the determination of truthfulness or the verification of the truth of statements. This bill is identical to HB 2812.

*Patron - Blevins*

**PSB1324 Real Estate Board; continuing education for licensees.** Increases the continuing education requirements for real estate licensees of the Real Estate Board from eight to 16 hours. The bill requires new licensees to complete 30 hours of specialized training in the first two years of licensure. The bill also authorizes the Board to establish procedures to ensure the quality of the courses. This bill contains technical amendments and is identical to HB 2723.

*Patron - Bolling*

**PSB1327 Limited licenses to certain graduates of foreign medical schools.** Authorizes the Board of Medicine to issue a limited license to practice medicine to a person of professorial rank whose knowledge and special training will benefit a medical school or college or their affiliated hospitals. The foreign medical school graduate can only practice in the hospitals and outpatient clinics or affiliated hospitals for the length of his service as a full-time or adjunct faculty member. The limited licenses for faculty members may be renewed annually upon the recommendation of the dean of the medical school and the continued service of the relevant person as full-time or adjunct faculty. Present law authorizes the foreign graduates serving on medical school faculties to serve only in the hospitals and clinics of the medical school as full-time faculty members.

*Patron - Howell*

**PSB1329 Board of Accountancy; powers.** Amends several Code provisions relating to the Board of Accountancy. The bill provides for the Board to establish regulations requiring continuing professional education in ethics and to maintain a list of consultants to assist in investigations and to provide expert testimony in disciplinary proceedings. The bill (i) increases the maximum penalty that may be imposed for a regulatory violation from \$2,500 to \$100,000, (ii) requires a certified public accountant practicing in the Commonwealth under substantial equivalency to have an unrestricted license in the state of licensure, and (iii) changes the reporting year for continuing profession education from July 1 through June 30 to January 1 through December 31 for certain transition rules. A second enactment clause authorizing the promulgation of emergency regulations is also included.

*Patron - Stosch*

**PSB1334 Health regulatory boards; disciplinary procedures and reporting requirements.** Lowers the disciplinary standard for persons licensed by the Boards of Medicine and Physical Therapy from gross negligence to simple negligence. The bill creates a confidential consent agreement that may be used by a health regulatory board (board), in lieu of discipline, in cases involving minor misconduct where there is little or no injury to a patient or the public and little likelihood of repetition by the practitioner. A board shall not be able to use the confidential consent agreement if it believes there is probable cause to believe the practitioner has (i) demonstrated gross negligence or intentional misconduct in the care of patients or (ii) conducted his practice in a manner as to be a danger to patients or the public. Such agreements will include findings of fact and may include an admission or a finding of a

violation. Such agreements may be used by a board in future disciplinary proceedings. The bill provides that before reinstatement to practice, a three-year minimum period must elapse after the revocation of the certificate, registration or license of any person regulated by one of the boards; however, individuals who have had their licenses revoked by a health regulatory board are grandfathered and subject to provisions concerning reinstatement in effect prior to July 1, 2003. Existing reporting requirements by hospitals, health care institutions, health professionals and others concerning disciplinary actions, certain disorders, malpractice judgments, and settlements are clarified concerning timing for the reports, mandated reporters and the information required to be reported to the Board of Medicine. The bill excludes from reporting by hospitals and health care institutions certain health professional misconduct if it has been reported to a peer review panel. Civil penalties for failure to report are increased up to a maximum of \$25,000 for hospitals and health care institutions and \$5,000 for all others. Certification, registration and licensure are conditioned upon the payment of such penalties. The confidentiality of the reported information is clarified. In addition, the Department of Health Professions' biennial reporting requirements on disciplinary actions by each of the health regulatory boards is clarified. The Department is given increased authority to regulate unlicensed practice and is directed to investigate all complaints within the jurisdiction of the relevant health regulatory board. Finally, the bill requires the executive committee of the Board of Medicine to include at least two citizen members. This bill is identical to HB 1441.

*Patron - Bolling*

## Failed

**FHB1499 Notification to parents of certain health services to minors.** Requires, notwithstanding other law to the contrary and unless prohibited by federal law or regulation, any state or local government agency employee who provides services to a minor, for which such minor is deemed an adult for purposes of consent, to notify, within two business days of delivery of such services, a custodial parent, legal guardian or other person standing in loco parentis of any service and any reason, condition or diagnosis requiring such service when the service relates to sexually transmitted diseases, the provision of emergency contraception, pregnancy, illegal drug use, and the contemplation of suicide. The employee is required to provide notice in person or by telephone, or if those attempts are unsuccessful, by certified mail to the authorized person; however, notification shall not apply when the employee has knowledge that such notification would result in future physical or mental abuse.

*Patron - Lingamfelter*

**FHB1515 Rules of the Supreme Court regarding IOLTA (Interest on Lawyer's Trust Account) and CRESPA (Consumer Real Estate Settlement Protection Act) accounts.** Requires the Supreme Court to prescribe rules allowing attorneys or law firms to designate charities to which the interest or dividends from IOLTA and CRESPA accounts shall be paid according to the same procedures and requirements established for the transmission of interest or dividends to the Legal Services Corporation of Virginia.

*Patron - Albo*

**FHB1547 Minors' abortions; penalty.** Provides, notwithstanding the provisions of § 16.1-241, that, in the event an unemancipated minor who does not have a life-threatening medical condition receives an abortion for which no parent, legal guardian or other person standing in loco parentis has given consent and complications resulting from the abortion

require additional medical treatment for which a parent, legal guardian or other person standing in loco parentis is obligated to pay, if the practitioner who performed the abortion without such parental consent fails to treat the complications or to fund treatment provided by another practitioner, he will be guilty of a Class 6 felony.

*Patron - Marshall, R.G.*

**FHB1675 Information concerning health professionals; posting of home addresses on the Internet.** Mandates that, in order to protect the privacy and security of health professionals, every health regulatory board posting addresses of record for regulated persons to the on-line licensure lookup or the physician profile on the Internet shall provide every regulated person with the option of having his home, business or other address posted as his address of record or having his address of record omitted from such posting. Health regulatory boards may continue to require regulated persons to submit their current home and business addresses; however, in any case in which a regulated person states in writing that his home address is not to be disclosed on the Internet, another address must be posted as his address of record as designated by the regulated person or his address of record shall be omitted from the Internet posting.

*Patron - Petersen*

**FHB1895 Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; right-of-entry for land surveyor.** Provides a land surveyor and agents and employees under his direct supervision with a right-of-entry onto the property of another for the purpose of surveying the location of property corners, boundary lines, rights-of-way and easements. The bill also provides for injunctive relief in instances where access to the property has been denied.

*Patron - Stump*

**FHB1960 Health professions; practice of midwifery.** Provides for the licensure by the Board of Medicine of those persons who have obtained the Certified Professional Midwife credential to practice midwifery. Licensed midwives must disclose to clients certain background information, training and experience, malpractice or liability insurance coverage, and procedures to file complaints with the Board. Licensed midwives are not required to have any agreement or assessment of the potential client by another health care professional. This bill would leave in place current midwifery practice as governed by the Board of Health.

*Patron - Hamilton*

**FHB2060 Board of Veterinary Medicine; animal medical care facility disclosure forms.** Requires certain animal medical care facilities, in each instance that an animal has been left for overnight medical observation, to provide a disclosure form specifying the regular staffing hours of the facility and the hours and days when continuous medical care is not available at the facility. The disclosure form must be kept on file at the facility and updated if there are any subsequent overnight observations of the same animal.

*Patron - Callahan*

**FHB2413 Practice of law; definition for corporate counsel, etc.** Defines the practice of law as including furnishing of legal advice or legal services to an employer as in-house counsel, corporate counsel, general counsel, etc. Such employee is required under this bill to associate himself with the Virginia State Bar by either: (i) active membership; or (ii) registering for a corporate counsel certificate with the Virginia State Bar, paying an annual registration fee, and certifying that he is familiar with the Virginia Rules of Professional Conduct,

and agreeing to be subject to the disciplinary jurisdiction of the Virginia State Bar.

*Patron - Marrs*

**FHB2417 Health professions; guidance documents.** Requires the Director of the Department of Health Professions to publish, or cause to be published, law, regulation and guidance documents governing each healthcare profession for reference by practitioners. Documents will include topical areas such as unlicensed practice, requirements for licensure, standards of practice, delegation, continued competency requirements, facility requirements, and other areas determined by the Director.

*Patron - Welch*

**FHB2494 Health professions; treatment of breast cancer.** Requires any physician providing treatment for a diagnosis of breast cancer to provide to the patient, either orally or in writing, a complete description of all alternative treatments, including lumpectomy, and the relative benefits of each treatment prior to determining the course of treatment for that patient.

*Patron - Bolvin*

**FSB871 Health regulatory boards; disciplinary procedures and reporting requirements.** Lowers the disciplinary standard for persons licensed by the Board of Medicine from gross negligence to simple negligence. The bill creates a confidential consent agreement that may be used by a health regulatory board (board), in lieu of discipline, in cases involving minor misconduct where there is little or no injury to a patient or the public. A board shall not be able to use the confidential consent agreement if it believes there is probable cause to believe the practitioner has (i) demonstrated gross negligence or intentional misconduct in the care of patients or (ii) conducted his practice in a manner as to be a danger to patients or the public. Such agreements will include findings of fact and may include an admission or a finding of a violation. Such agreements may be used by a board in future disciplinary proceedings. The bill provides that before reinstatement to practice, a three-year minimum period must elapse after the revocation of the certificate, registration or license of any person regulated by one of the boards; however, individuals who have had their licenses revoked by a health regulatory board are grandfathered and subject to provisions concerning reinstatement in effect prior to July 1, 2003. Existing reporting requirements by hospitals, health care institutions, health professionals and others concerning disciplinary actions, certain disorders, malpractice judgments, and settlements are clarified concerning timing for the reports, mandated reporters and the information required to be reported to the Board of Medicine. The bill excludes from reporting by hospitals and health care institutions certain health professional misconduct if it has been reported to a peer review panel. Civil penalties for failure to report are a minimum of \$1,000 and are increased up to a maximum of \$25,000 for hospitals and health institutions and \$5,000 for all others. Certification, registration and licensure are conditioned upon the payment of such penalties. The confidentiality of the reported information is clarified. In addition, the Department of Health Professions' biennial reporting requirements on disciplinary actions by each of the health regulatory boards is clarified. Finally, the Director is required to investigate all complaints within the jurisdiction of the relevant health regulatory board and reports received.

*Patron - Deeds*

## Property and Conveyances

### Passed

**PHB1694 Virginia Condominium and Property Owners' Association Acts; meetings.** Provides that a unit owner or lot owner may record any portion of a meeting of the executive organ or board of directors.

*Patron - McQuigg*

**PHB1722 Condominium Act; meetings of subcommittees of executive organ; distribution of informational material by unit owners.** Provides that meetings of any subcommittee or other committee of the executive organ or the unit owners' association shall be open to members of the unit owners' association. The bill also provides that except as otherwise provided in the condominium instruments, no executive organ shall require prior approval of the dissemination or content of any material regarding any matter concerning the unit owners' association.

*Patron - Callahan*

**PHB1746 Virginia Real Estate Cooperative Act; taxation.** Provides that amendments enacted by the 2002 Session of the General Assembly are declaratory of existing law. The 2002 amendments to the Virginia Real Estate Cooperative Act provide (i) that owners of cooperative interests in a cooperative shall not be deemed to be a business for any state and local purposes and (ii) that any tangible personal property owned by a residential cooperative association that would be considered household goods and personal effects if owned and used by an individual or by a family or household incident to maintaining an abode shall be considered household goods and personal effects owned and used by an individual or by a family or household incident to maintaining an abode for purposes of § 58.1-3504 and any local ordinance authorized thereby.

*Patron - Suit*

**PHB1836 Recording certificate of satisfaction.** Provides that a civil penalty for not recording a certificate of satisfaction may be incurred if recordation is not accomplished within 30 days, rather than the current time period of 10 days, of receipt by the circuit court clerk. This extended period will sunset on July 1, 2004. Current staffing shortages and budget cuts have made the 10-day recordation requirement impracticable for many clerks' offices.

*Patron - Reese*

**PHB1939 Virginia Residential Landlord and Tenant Act; access to cable and other television facilities.** Authorizes a landlord to enter into a service agreement with a television service provider to provide marketing and other service to the television service provider and to receive compensation for the services. Compensation under such service agreement may also include the reasonable value of the landlord's property that is used by the television service provider. This bill is identical to SB 822 and SB 1188.

*Patron - Drake*

**PHB1942 Condominium Act; quorum requirements.** Reduces the minimum requirements that condominium bylaws may specify for a quorum from 25 percent to 10 percent.

*Patron - Drake*

**PHB1945 Ratio utility billing systems for commercial and residential rental units.** Defines the term "ratio util-

ity billing systems" and provides that ratio utility billing systems are permitted in commercial and residential buildings in addition to submetering or energy allocation, provided the landlord and tenant so state in a rental agreement or lease. The bill also eliminates the two dollar cap on the monthly administrative charges and replaces it with the actual cost being charged by the third-party provider of billing and administrative services.

*Patron - Drake*

**PHB1951 Virginia Residential Landlord Tenant Act; application fees.** Raises the amount of the application fee that a landlord may charge from \$20 to \$32.

*Patron - Drake*

**PHB2034 Virginia Property Owners' Association Act; amendment to declaration.** Allows the declaration of a property owners' association recorded prior to July 1, 1999, to be amended by agreement of two-thirds vote of the lot owners if the declaration is silent on how it may be amended. This bill is identical to SB 1122.

*Patron - McDougale*

**PHB2213 Condominium Act; responsibility for insurance deductibles.** Provides that except to the extent otherwise provided in the condominium instruments, any insurance deductible under the master casualty policy shall be paid by the unit owners' association as a common expense if the cause of the damage to or destruction of any portion of the condominium originated in or through the common elements. However, a unit owner shall pay such deductible if the cause of any damage to or destruction of any portion of the condominium originated in or through a unit or any component thereof without regard to whether the unit owner was negligent.

*Patron - Suit*

**PHB2216 Condominium Act; authority to levy additional assessments.** Authorizes the executive organ to levy additional assessments if the executive organ determines that the assessments levied by the unit owners' association are insufficient to cover the common expenses of the unit owners' association. The bill provides for written notice of the imposition of an additional assessment and provides that the unit owners' association may rescind or reduce the additional assessment. The bill is generally analogous to provisions in the Property Owners' Association Act that authorize the board of directors to levy special assessments and the association to rescind or reduce the special assessment.

*Patron - Suit*

**PHB2217 Property Owners' Association Act; applicability.** Removes the \$150 threshold for determining whether an association is subject to the Property Owners' Association Act (POAA). The bill defines when an association packet is not available.

*Patron - Suit*

**PHB2335 Virginia Residential Landlord and Tenant Act; terms of rental agreements.** Authorizes the inclusion in a rental agreement of a provision for the automatic renewal of the rental agreement and requirements for notice of intent to vacate or terminate the rental agreement.

*Patron - Reese*

**PHB2340 Virginia Residential Landlord and Tenant Act; definition of prepaid rent.** Clarifies that prepaid rent means rent paid more than one month in advance of the rent due date.

*Patron - Drake*

**PHB2341 Virginia Residential Landlord and Tenant Act; confidentiality of tenant records.** Prohibits a landlord or managing agent from releasing information about a tenant or prospective tenant except where: (i) the tenant or prospective tenant has given prior written consent; (ii) the information is a matter of public record as defined in § 2.2-3701; (iii) the information is a summary of the tenant's rent payment record, including the amount of the tenant's periodic rent payment; (iv) the information is a copy of a material noncompliance notice that has not been remedied or termination notice given to the tenant under § 55-248.31 and the tenant did not remain in the premises thereafter; (v) the information is requested by a local, state, or federal law-enforcement or public safety official in the performance of his duties; or (vi) the information is otherwise provided in the case of an emergency.

*Patron - Drake*

**PHB2342 Virginia Residential Landlord and Tenant Act; acceptance of rent with reservation.** Clarifies the responsibilities of a landlord to the tenant regarding the landlord's acceptance of rent with reservation. The bill provides that the landlord does not waive his right to terminate a tenancy when he accepts rent with reservation as to material noncompliance by the tenant that occurs during the pendency of any legal action by the landlord. This bill incorporates HB 2576.

*Patron - Drake*

**PHB2343 Writs of possession; unlawful detainer.** Clarifies that a sheriff shall evict, pursuant to a writ of possession, tenants named in the writ of possession and their authorized occupants, guests or invitees, and any trespassers in the premises.

*Patron - Drake*

**PHB2344 Virginia Residential Landlord and Tenant Act; bonds in lieu of security deposits.** Allows a landlord to accept both a bond and security deposit from a tenant as long as the total of the security deposit and the bond or insurance premium does not exceed the amount of two months' periodic rent.

*Patron - Drake*

**PHB2392 Virginia Residential Landlord and Tenant Act; award of attorneys' fees.** Provides that a landlord shall be entitled to recover reasonable attorneys' fees unless the tenant proves by a preponderance of the evidence that the failure of the tenant to pay rent or vacate the premises was reasonable. Currently, a landlord can recover attorneys' fees if the tenant's noncompliance was willful. The bill also allows a tenant to recover reasonable attorneys' fees unless the landlord can prove his actions were reasonable.

*Patron - Albo*

**PHB2462 Unclaimed property; demutualization proceeds.** Provides that unclaimed property that became payable or distributable in the course of the demutualization of an insurance company is presumed to be abandoned five years after the earlier of (i) the date of last contact with the policyholder or (ii) the date the property became payable or distributable. The annual report due November 1, 2003, shall include such information for the five years preceding 2003. This bill is identical to SB 1133.

*Patron - Hargrove*

**PHB2497 Virginia Residential Landlord and Tenant Act; security deposits and interest thereon.** Clarifies that the amount of the security deposit plus interest owed by a landlord to a tenant shall be offset by any amount due the landlord from the tenant. The bill also sets out a schedule of the interest

rates since July 1975 to make it easier for landlords to calculate interest owed on security deposits.

*Patron - Bolvin*

**PHB2498 Virginia Residential Landlord and Tenant Act; definition of rental application.** Adds a definition of "rental application," which means the written application or similar document used by a landlord to determine if a prospective tenant is qualified to become a tenant of a dwelling unit. The bill also authorizes a landlord to charge an application fee and to request a prospective tenant to provide information that will enable the landlord to make such determination. The landlord may photocopy each applicant's driver's license or other similar photo identification, containing either the applicant's social security number or control number issued by the Department of Motor Vehicles pursuant to § 46.2-342. The landlord may require that each applicant provide a social security number issued by the U.S. Social Security Administration or an individual taxpayer identification number issued by the U.S. Internal Revenue Service, for the purpose of determining whether each applicant is eligible to become a tenant in the landlord's dwelling unit.

*Patron - Bolvin*

**PHB2634 Condominium unit owners' associations; electronic voting and transmission of notices.** Authorizes notices of meetings of a condominium's unit owners' association to be sent by electronic transmission if consented to by the unit owner and permitted by the condominium instruments or rules. Votes and proxies also may be submitted by electronic transmission if authorized by the unit owner or the unit owner's proxy. An electronic transmission includes any form of communication, not directly involving the physical transmission of paper, that creates a record that may be retained, retrieved, and reviewed by a recipient thereof, and that may be directly reproduced in paper form by such a recipient through an automated process. Other changes (i) allow agents for officers of the association to send out meeting notices and (ii) eliminate the requirement that signatures of unit owners on proxies be witnessed.

*Patron - Plum*

**PHB2653 Assignment of penalty for failure to properly release a deed of trust.** Provides that neither a settlement agent nor an attorney may take an assignment of the \$500 statutory penalty provided to the lien obligor for the failure of the lien creditor to properly file a release of a deed of trust or other lien against property.

*Patron - Albo*

**PSB882 Virginia Residential Landlord and Tenant Act; access to cable and other television facilities.** Authorizes a landlord to enter into a service agreement with a television service provider to provide marketing and other service to the television service provider and to receive compensation for the services. Compensation under such service agreement may also include the reasonable value of the landlord's property that is used by the television service provider. This bill is identical to SB 1188 and HB 1939.

*Patron - Wampler*

**PSB997 Mortgages; priority.** Provides that a subordinate mortgage that secures a promissory note payable to a locality or any agency, authority or political subdivision of the Commonwealth, which mortgage is financed pursuant to an affordable dwelling unit ordinance or a program for low- and moderate-income persons or households and contains a statement that it shall not be subordinated upon the refinancing of a prior mortgage without the secured party's consent, is not subject to the general provision that the refinancing of a prior

mortgage on a single-family home does not change the priority of a subordinate mortgage.

*Patron - Mims*

**PSB1122 Virginia Property Owners' Association Act; amendment to declaration.** Allows the declaration of a property owners' association recorded prior to July 1, 1999, to be amended by a two-thirds vote of the lot owners if the declaration is silent on how it may be amended. This bill is identical to HB 2034.

*Patron - Norment*

**PSB1133 Unclaimed property; demutualization proceeds.** Provides that unclaimed property that became payable or distributable in the course of the demutualization of an insurance company is presumed to be abandoned five years after the earlier of (i) the date of last contact with the policyholder or (ii) the date the property became payable or distributable. The annual report due November 1, 2003, shall include information for the five years preceding 2003. This bill is identical to HB 2462.

*Patron - Norment*

**PSB1188 Virginia Residential Landlord and Tenant Act; access to cable and other television facilities.** Authorizes a landlord to enter into a service agreement with a television service provider to provide marketing and other service to the television service provider and to receive compensation for the services. Compensation under such service agreement may also include the reasonable value of the landlord's property that is used by the television service provider. This bill is identical to SB 882 and HB 1939.

*Patron - Wagner*

**PSB1274 Easements; definition of enjoyment.** Provides that unless the terms of the easement specifically provide otherwise, the owner of a dominant estate shall not use an easement in any way that is not reasonably consistent with the uses contemplated by the grant of the easement and the owner of the servient estate shall not engage in any activity or cause to be present any objects upon the burdened land that interfere with the enjoyment of the easement by the owner of the dominant estate. A violation of this section may be deemed a private nuisance.

*Patron - Norment*

**PSB1354 Date and time stamp required to be affixed to recorded documents.** Requires the clerk to install a time stamp machine that shall affix the current date and time to every instrument -- except certificates of satisfaction or partial satisfaction or assignments of deeds of trust that are not hand-delivered -- delivered to the clerk's office for recording that is not immediately recorded and is not immediately entered into the general or daily index. The bill also defines the term "from the time it is duly admitted to record" to be the date and time affixed by the time stamp machine unless the clerk determines that the applicable requirements for recordation of the instrument have not been satisfied.

*Patron - Quayle*

**Failed**

**FHB1846 Deeds of trusts or mortgages; settlement agent certifications.** Requires settlement agents, other than those licensed as attorneys in the Commonwealth of Virginia, to certify under oath, on instruments refinancing or modifying debt, the amount of the original deed of trust or mortgage and

the nature of the instrument. The bill establishes financial penalties for false certifications.

*Patron - Reese*

**FHB2253 Warranties on new dwellings.** Expands a buyer's rights under a warranty on a new dwelling. The vendor is required to commence repair of any defects within 30 days of receipt of notice and complete such repair within 45 days of receipt of notice. If the vendor does not correct the defect, if the same nonconformity has been subject to repair three or more times or if the nonconformity is a serious safety defect, the buyer has the right to reconvey the dwelling to the vendor, in which event the vendor shall refund to the vendee and any lienholder the contract price, plus collateral charges and incidental damages, less a reasonable allowance for the vendee's use of the dwelling prior to the first notice of nonconformity.

*Patron - Watts*

**FHB2576 Virginia Residential Landlord and Tenant Act; acceptance of rent with reservation.** Clarifies the responsibilities of a landlord to the tenant regarding the landlord's acceptance of rent with reservation. The bill provides that the landlord does not waive his right to terminate a tenancy when he accepts rent with reservation as to material noncompliance by the tenant that occurs during the pendency of any legal action by the landlord.

*Patron - Armstrong*

**FHB2608 Rent-to-own contracts.** Provides that every rent-to-own contract for the purchase of a dwelling unit located in Virginia shall contain a legal description of the property offered for sale or disposition, together with the name and address of the seller. Such contract shall also have an escrow agreement companion document. The bill also provides that prior to executing any rent-to-own contract, the owner of the subject dwelling unit shall (i) cause the local building official of the jurisdiction in which such unit is located to inspect the premises for compliance with the Uniform Statewide Building Code and (ii) provide a copy of the inspection report to the prospective tenant. If, following the inspection, repairs or improvements are required to bring the subject premises into compliance with the Building Code, such repairs or improvements shall be completed prior to execution of the rent-to-own contract. The bill defines rent-to-own contracts.

*Patron - Bryant*

## Public Service Companies

### Passed

**PHB1545 Release of procurement records under the Public-Private Transportation Act of 1995 and the Public-Private Education Facilities and Infrastructure Act of 2002.** Provides that once a comprehensive agreement has been entered into under the Public-Private Transportation Act of 1995 and the Public-Private Education Facilities and Infrastructure Act of 2002, a responsible public entity shall make available, upon request, procurement records in accordance with § 2.2-4342. The bill provides that procurement records shall not be interpreted to include proprietary, commercial or financial information, balance sheets, financial statements, or trade secrets that may be provided by the private entity as evidence of its qualifications. The bill also contains a technical amendment.

*Patron - Marshall, R.G.*

**PHB1925 Technology infrastructure projects added to Public-Private Education Facilities and Infrastructure Act of 2002.** Amends the Public-Private Education Facilities and Infrastructure Act of 2002 to include technology infrastructure as a qualifying project. The original version of this bill was a recommendation of the Joint Commission on Technology and Science.

*Patron - Nixon*

**PHB2164 Virginia Wireless Service Authorities Act.** Authorizes any locality to create a wireless service authority, which may provide qualifying communications services as authorized by Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 of Title 56. The authority shall have many of the powers typically granted to authorities, including the issuance of revenue bonds.

*Patron - Phillips*

**PHB2318 Electric Restructuring; Legislative Transition Task Force.** Extends the sunset for the Legislative Transition Task Force from July 1, 2005, to July 1, 2008.

*Patron - Plum*

**PHB2319 Electric utility restructuring; pilot programs for aggregation.** Authorizes the State Corporation Commission to conduct pilot programs. The Commission may establish opt-in and opt-out municipal aggregation pilots and any other pilot program deemed to be in the public interest. The SCC is to report to the Legislative Transition Task Force on the status of the pilots each November through 2006.

*Patron - Plum*

**PHB2397 Public utilities; communications services.** Gives the State Corporation Commission the authority to enforce the provisions of law that permit a locality to offer communications services, including local telephone service, to customers. Localities that have obtained a certificate to offer local telephone service are required to file an annual report demonstrating that they have complied with the requirements of law regarding certain accounting practices. Localities offering qualifying communications services, including high-speed data and Internet services, are required to provide nondiscriminatory access to for-profit providers of communications services on a first-come, first-served basis, are prohibited from cross-subsidizing such services, and are prohibited from acquiring facilities for such services by eminent domain. The Commission may deem telephone services competitive on the basis of a category of customers, and the Commission may also determine bundles of competitive and noncompetitive services if the noncompetitive services are available separately.

*Patron - May*

**PHB2453 Electric utility restructuring; regional transmission entities.** Delays the date by which incumbent electric utilities with transmission capacity must join a regional transmission entity (RTE). The Electric Utility Restructuring Act originally required utilities to join an RTE by January 1, 2001. This measure provides that utilities shall not join an RTE prior to July 1, 2004. Utilities are required to file an application to join an RTE by July 1, 2003, and to transfer management and control of transmission assets to the RTE by January 1, 2005, subject to State Corporation Commission approval. Prior to approving a request to join an RTE, the Commission must determine that the action will (i) ensure that consumers' needs for economic and reliable transmission are met and (ii) meet the transmission needs of electric generation suppliers that do not own, operate, control or have an entitlement to transmission capacity. In addition, requests for approval shall include a study of comparative costs and benefits, including an analysis

of the economic effects of the transfer on consumers and the effects of transmission congestion costs.

*Patron - Parrish*

**PHB2637 Electric utility restructuring; suspension.** Suspends the application of the Virginia Electric Utility Restructuring Act to any investor-owned incumbent electric utility supplying electric service to retail customers on January 1, 2003, whose service territory is located entirely within five enumerated counties in Southwest Virginia. The suspension will continue so long as the utility does not provide retail electric services in any other service territory in any jurisdiction to customers who have the right to receive retail electric service from another supplier.

*Patron - Kilgore*

**PHB2721 Telecommunications services; arbitration.** Authorizes the State Corporation Commission to discharge the responsibilities of state commissions under the federal Telecommunications Act of 1996, including the arbitration of interconnection agreements between local exchange carriers. The Commission may defer selected issues. If additional costs incurred by the Commission cannot be recovered through the maximum levy currently authorized for telephone companies, the maximum levy will be increased to the extent necessary to recover the additional costs.

*Patron - Morgan*

**PSB875 Telecommunications services; certificate.** Creates a statutory procedure for cities and towns that operate a municipal electric utility and obtain a certificate to operate as a telephone utility to offer cable television services. Before offering cable television services, a locality is required to (i) hold a preliminary public hearing, (ii) hire a consultant to perform a feasibility study, (iii) hold public hearings on the feasibility study, (iv) determine whether such study finds that certain revenue requirements can be met, and (v) hold a referendum. The municipality shall establish a separate department for operation of cable television services, and establish an enterprise fund to account for the provision of such services, and cross-subsidization is prohibited. The requirements of clauses (i) through (v) will apply to a locality that had obtained a certificate to operate as a telephone utility and installed a cable television headend prior to December 31, 2002.

*Patron - Wampler*

**PSB942 Wireless enhanced 9-1-1 surcharge.** Specifies how CMRS providers can collect the wireless E-911 surcharge. Under the current statute, the surcharge is defined as a monthly charge billed monthly. Because prepaid wireless is not billed monthly, the bill provides that the surcharge may be collected either through monthly billing, adding the surcharge at the point of sale, or deducting an equivalent number of minutes.

*Patron - Colgan*

**PSB1094 Small Water or Sewer Public Utility Act rate increases.** Requires a small water or sewer utility that implements a rate increase of 50 percent or more to file its financial data with the Commission. If a hearing is ordered, the Commission shall expedite the hearing on the increase, and the funds produced by the increase shall be held in escrow by the utility until the Commission has rendered its decision.

*Patron - Edwards*

**PSB1199 Locomotives.** Establishes a procedure whereby locomotives may be required to sound bells and whistles or horns at private railroad grade crossings.

*Patron - Deeds*

**PSB1229 Public-Private Transportation Act of 1995 (PPTA).** Provides that, when a responsible public entity solicits proposals for the construction of a transportation facility under PPTA, the responsible public entity will not charge a fee to cover the costs of processing, reviewing, and evaluating proposals received in response to the solicitation for proposals.

*Patron - Williams*

**PSB1307 State Corporation Commission regulation of sewer utilities.** Limits the State Corporation Commission's jurisdiction to regulate the rates, terms and conditions of sewage treatment services that are provided by certain public utilities under the terms of a franchise agreement between such a public utility and a municipality established under the laws of the Commonwealth.

*Patron - Puckett*

**PSB1330 Public-Private Education Facilities and Infrastructure Act of 2002; definitions; unsolicited proposals.** Clarifies that a responsible public entity may reject any unsolicited proposal and that, if a proposal is rejected, any fees related to the proposal must be returned to the private entity. In addition, the bill requires a responsible public entity to advertise a private entity's request for approval of a qualifying project in the Virginia Business Opportunities publication and, in the case of a state agency, to also post a notice on the Commonwealth's electronic procurement website. The bill also (i) provides for a responsible public entity to post and publish a private entity's request for approval of a qualifying project for a period of time appropriate to encourage competition, and (ii) clarifies that a qualifying project must consist of a specific project and may not include multi-year arrangements related to unspecified projects.

*Patron - Stosch*

## Failed

**FHB2037 Virginia Multimodal Public-Private Partnership Act of 2003.** Provides a detailed mechanism by which the Department of Rail and Public Transportation is to solicit and undertake rail projects under the Public-Private Partnership Act of 1995.

*Patron - Marshall, R.G.*

**FHB2317 Electric utility restructuring; energy assistance assessment.** Requires each distributor of electric energy to collect from each residential distribution account \$.03 per month, or \$.36 per year, to be credited to the Home Energy Assistance Fund. Up to three percent of moneys collected may be used to pay the distributor's costs of collecting and transmitting such funds.

*Patron - Plum*

**FHB2771 Telephonic reading services.** Authorizes the State Corporation Commission to collect an assessment from each local telephone company in the Commonwealth for operation of telephonic reading services, similar to the current assessment for operation of telecommunications relay service for the deaf and hard-of-hearing. "Telephonic reading services" means audio information provided by telephone to the blind and visually impaired through a nationally available, multi-state service center to registered readers in all parts of the Commonwealth, including the interstate acquisition and distribution of daily newspapers and other information. The Department for the Blind and Visually Impaired is the state agency responsible for the administration and operation of telephonic reading services.

*Patron - Petersen*

**FSB873 Communications services; excess capacity.** Requires any public utility, cable television system or telecommunications service provider that owns the infrastructure used to provide its services to the general public to lease excess capacity to (i) any entity that holds a certificate of public convenience and necessity, (ii) a cable television system that has obtained a franchise from a locality, or (iii) any provider of communications services, including Internet and high-speed data services. A lessor shall permit the payment by the lessee of reasonable annual charges and the cost of any modifications to the lessor's infrastructure necessary for the lessee to provide its services.

*Patron - Wampler*

**FSB874 Telecommunications services; certificate.** Authorizes any county, city or town that has obtained a certificate to offer telecommunications services to construct, own, maintain, and operate a fiber optic or other communications infrastructure to provide consumers with Internet services, data transmission services, and any other communications services, except for cable television or other video programming services, that its infrastructure is capable of delivering.

*Patron - Wampler*

**FSB876 Electric utility restructuring; suspension.** Suspends the application of the Virginia Electric Utility Restructuring Act to any investor-owned incumbent electric utility that sells less than 10 percent of its total energy in Virginia. The suspension will cease when the State Corporation Commission determines that any other state in which the utility operates has instituted retail competition.

*Patron - Wampler*

**FSB891 Electric utility restructuring; wires charges.** Provides that if a commercial or industrial customer is willing to commit to market-based pricing should it ever return to its incumbent electric utility, that customer can switch to a competitive service provider without paying a wires charge. Customers who make this commitment and thereafter obtain power from suppliers without paying wires charges to their incumbent electric utilities may not be entitled to obtain power from their incumbent electric utility at its capped rates.

*Patron - Watkins*

**FSB892 Electric utility restructuring; minimum stay requirement.** Authorizes any commercial or industrial customer who is returning to its incumbent electric utility or default provider after purchasing power from a competitive supplier to elect to accept market-based pricing as an alternative to being bound to stay with its incumbent electric utility for a minimum 12-month period.

*Patron - Watkins*

## Religious and Charitable Matters; Cemeteries

### Passed

**PHB1858 Solicitation of contributions; terrorist organization.** Requires that every registration statement to solicit contributions have the following statement: "No funds solicited by this charitable organization have been or will knowingly be used, directly or indirectly, to benefit or provide support, in cash or in kind, to terrorists, terrorist organizations, terrorist activities, or the family members of any terrorist." The bill prohibits the licensing or permitting of any such organiza-

tion that has provided such support, and subjects any person who knowingly uses or permits the use of such funds to benefit or provide support for terrorists, terrorist organizations, terrorist activities or family members of any terrorist, to the fines and jail time currently established. Finally, the bill subjects the assets of any person who commits or attempts to commit an act of terrorism to forfeiture in accordance with § 18.2-46.9. This bill is identical to SB 954.

*Patron - Cox*

**PHB2603 Religious and charitable matters; quantity of real property a church may hold.** Repeals the limitation on the amount of real property that a church may hold. Under current law, churches are limited to holding up to 15 acres in a city or town and up to 250 acres in a county. Current law also provides for a city or town council to enact an ordinance authorizing up to 50 acres to be held if the property is devoted exclusively to certain specified uses. This bill incorporates HB 1584.

*Patron - Bryant*

**PSB954 Solicitation of contributions; terrorist organization.** Requires that every registration statement to solicit contributions have the following statement: "No funds solicited by this charitable organization have been or will knowingly be used, directly or indirectly, to benefit or provide support, in cash or in kind, to terrorists, terrorist organizations, terrorist activities, or the family members of any terrorist." The bill prohibits the licensing or permitting of any such organization that has provided such support, and subjects any person who knowingly uses or permits the use of such funds to benefit or provide support for terrorists, terrorist organizations, terrorist activities or family members of any terrorist, to the fines and jail time currently established. Finally, the bill subjects the assets of any person who commits or attempts to commit an act of terrorism to forfeiture in accordance with § 18.2-46.9. This bill is identical to HB 1858.

*Patron - Stosch*

**PSB1156 Solicitation of contributions; commercial co-venturers.** Defines a commercial co-venturer as any person who (i) is organized for profit, (ii) is regularly and primarily engaged in trade or commerce, other than in connection with soliciting for charitable or civic organizations or charitable purposes, and (iii) conducts an advertised charitable sales promotion for a specified limited period of time. The bill makes commercial co-venturers subject to the solicitation of contributions law, although it does not require registration of these entities. The bill sets out recordkeeping and other requirements for commercial co-ventures involved in the conduct of any charitable sales promotion. The bill also defines charitable sales promotion as advertised sales that feature the names of both the commercial co-venturer and the charitable or civic organization and which state that the purchase or use of the goods, services, entertainment, or any other thing of value that the commercial co-venturer normally sells, will benefit the charitable or civic organization or its purposes. The bill provides that to qualify as a charitable sales promotion, the consumer must pay the same price for the thing of value as the commercial co-venturer usually charges without the charitable sales promotion and the consumer retains the thing of value.

*Patron - Ticer*

**PSB1340 Solicitation of Contributions; federated fund-raising organizations.** Requires federated fund-raising organizations to clearly disclose on any registration filed with the Office of Consumer Affairs the percentage that is withheld from a donation designated for a member agency.

*Patron - Potts*

## Failed

**FHB1584 Religious and charitable matters; quantity of real property a church may hold.** Repeals the limitation on the amount of real property that a church may hold. Under current law, churches are limited to holding up to 15 acres in a city or town and up to 250 acres in a county. Current law also provides for a city or town council to enact an ordinance authorizing up to 50 acres to be held if the property is devoted exclusively to certain specified uses.

*Patron - Cole*

**FSB800 Access to private or family cemeteries.** Allows members of a deceased's immediate family to enter upon the land of a private or family cemetery where such deceased is interred during the hours between sunrise and sunset if (i) reasonable notice is provided to the property owner and (ii) the property owner does not communicate and objection. "Immediate family" as used in this section includes such deceased's spouse, parent or stepparent, children or stepchildren and their spouses, siblings and their spouses, grandparents, and grandchildren and their spouses.

*Patron - Martin*

## Taxation

## Passed

**PHB1558 Local consumer utility tax.** Allows the local governing bodies of the Towns of Gordonsville, Colonial Beach and Montross to impose the local consumer utility tax by adopting a local ordinance on or after July 1, 2003. When such ordinance is adopted, the county in which such town is located may no longer impose the tax within the limits of the town.

*Patron - Broman*

**PHB1564 Lottery; voluntary assignment of prizes or pledge as collateral.** Allows winners of the lottery to assign or pledge as collateral for a loan lottery prizes that are payable in installments over time, excluding prizes payable for the winner's life.

*Patron - Callahan*

**PHB1576 Fraudulent tax return; penalty.** Changes the penalty from a Class 1 misdemeanor to a Class 6 felony for an individual who, with the intent to defraud the Commonwealth, makes a false statement on an income tax return and for an officer of a corporation who makes a fraudulent return or statement with intent to evade the payment of taxes.

*Patron - Parrish*

**PHB1577 Motor fuels tax.** Makes several technical changes relating to licensees and their reporting/filing requirements with the Department of Motor Vehicles.

*Patron - Parrish*

**PHB1624 Individual income tax; subtraction for military death gratuity payments.** Allows a subtraction for the amount of military death gratuity payments made to survivors of military personnel who are killed in the line of duty when calculating Virginia taxable income. The subtraction only applies to payments received after September 11, 2001. Such subtraction amount must be reduced by the amount that is allowed as an exclusion from federal gross income to the survivor on his federal income tax return. Under current law, Vir-

ginia exempts \$3,000 and the federal military death gratuity payment is \$6,000. With this change, the additional \$3,000 will be exempt.

*Patron - Cox*

**PHB1630 Refund of taxes erroneously collected or paid.** Allows a refund to a claimant who pays a tax, either for the claimant or for the benefit of another on whose behalf the tax is paid, if he makes a sufficient showing that the tax was erroneously collected by providing an affidavit that (i) the vehicle identification information provided on the Application for Certificate of Title and Registration, the certificate of origin, manufacturer's statement of origin, or title was incorrect, or (ii) the transaction would have been exempt from taxation.

*Patron - Cosgrove*

**PHB1635 Income tax; voluntary contribution of tax refund to Virginia Federation of Humane Societies, and others.** Creates three additional income tax checkoffs beginning January 1, 2004, and ending January 1, 2009, for individuals to contribute all or part of their income tax refunds to the Virginia Federation of Humane Societies, the Tuition Assistance Grant Fund, and the Spay and Neuter Fund. This bill incorporates HBs 2326 and 2355.

*Patron - Morgan*

**PHB1673 Assessment of substantially completed buildings.** Allows the City of Fairfax (described by population) to provide by ordinance that all new buildings shall be assessed when substantially completed or fit for use and occupancy, regardless of the date of completion or fitness. This authority currently applies only to Fairfax County.

*Patron - Petersen*

**PHB1750 Property tax exemptions.** Specifies the process localities must follow to exempt from real or personal property taxes the property of certain charitable and other related organizations. The legislation stemmed from the constitutional amendment that took effect on January 1, 2003, giving localities the authority to grant such exemptions subject to restrictions and conditions set by the General Assembly. The bill has an emergency effective date of January 1, 2003.

*Patron - Parrish*

**PHB1754 Sales and use tax exemptions; omnibus extension bill.** Extends the sunset date to July 1, 2004, for numerous sales and use tax exemptions. This bill is identical to SB 742 and incorporates HBs 1537, 1713, 1755, 1867, and SB 862.

*Patron - Parrish*

**PHB1913 Individual income tax; refund checkoff for Historic Resources Fund.** Extends the sunset date from January 1, 2004, to January 1, 2009, for the refund checkoff for the Historic Resources Fund.

*Patron - Almand*

**PHB1914 Income tax; foreign source income.** Eliminates the subtraction for foreign source income for individuals when calculating their taxable income, for taxable years beginning on or after January 1, 2003.

*Patron - Almand*

**PHB1932 Local business taxes; appeals.** Requires the Tax Commissioner to determine within 30 days whether he has jurisdiction to hear an appeal of certain local business taxes, and restricts to 60 days the additional time (i.e., in addition to 90 days from the receipt of the appeal) within which the Tax Commissioner must make a final determination on the merits of the appeal when he does have jurisdiction; unless

additional time is needed because an affected party fails to supply necessary information, in which case, the Tax Commissioner shall issue his determination within 60 days of receipt of such information.

*Patron - Nixon*

**PHB2045 Local taxation; lower rate for admissions tax on certain events.** Allows any city or town that imposes the admissions tax to impose the tax at a lower rate on any event held in facilities that are not owned by the city or town than that which is imposed on events held in city- or town-owned civic facilities.

*Patron - Woodrum*

**PHB2056 Special land use assessment.** Permits localities to make land used for engaging in aquaculture or specialty crops may be eligible for local-option special agriculture land use assessments even if such land is less than the five acre minimum ordinarily applicable to agricultural or horticultural property.

*Patron - Cole*

**PHB2089 Food and beverage tax and meals tax; embezzlement.** Provides that the wrongful and fraudulent use of collected food and beverage tax or meals tax constitutes embezzlement under the criminal embezzlement statute.

*Patron - Joannou*

**PHB2277 Conveyance of real estate for delinquent taxes or certain liens.** Provides that real estate for which there are delinquent taxes may be conveyed to the locality if the real estate has a value of \$20,000 or less and such taxes alone exceed 25 percent of the value of the real estate. This bill is identical to SB 735.

*Patron - Hurt*

**PHB2323 Real estate tax; situs for assessment of motor vehicles.** Clarifies that the situs for assessment purposes of business vehicles is the locality in which the business' owner has a definite place of business and in which he directs or controls the use of such vehicles, provided he has sufficient evidence that he has paid the tax to such locality. This bill is identical to SB 1033.

*Patron - Drake*

**PHB2351 Withholding tax filing; electronic funds transfer.** Requires any firm that files withholding taxes on behalf of 100 or more taxpayers to remit such withholding payments via electronic funds transfer using automatic clearing-house credit transactions. This bill is identical to SB 833.

*Patron - Hull*

**PHB2400 Individual income tax; subtraction for the Peanut Quota Buyout Program.** Allows individuals and corporations who receive payments in accordance with the Peanut Quota Buyout Program of the Farm Security and Rural Investment Act of 2002 to subtract such payments when calculating their Virginia taxable income. The bill is retroactive to January 1, 2002, and has an emergency clause.

*Patron - Ingram*

**PHB2454 Virginia Tax Amnesty Program.** Authorizes the State Tax Commissioner to operate a tax amnesty program during the 2004 fiscal year. The program would be open to any individual, corporation, estate, trust or partnership required to but that has failed to file a return or to pay any tax administered by the Department of Taxation. All civil or criminal penalties assessed or assessable and one-half of the interest assessed or assessable, resulting from nonpayment, underpayment, nonreporting or underreporting of tax liabilities will be

waived upon payment of the taxes and interest. This bill is identical to SB 1030.

*Patron - Parrish*

**PHB2455 Income tax; conformity of terms to the Internal Revenue Code.** Selectively deconforms Virginia's tax code to the Internal Revenue Code (IRC) by advancing the fixed-date conformity by one year. Virginia will conform to all provisions of the IRC except the special 30-percent bonus depreciation and the five-year net operating loss carry-back for certain losses. This bill is identical to SB 1049.

*Patron - Parrish*

**PHB2456 Virginia Fuels Tax Refunds.** Requires the Department of Motor Vehicles to provide an explanation to the applicant if the refund amount requested differs from the amount actually paid.

*Patron - Parrish*

**PHB2490 Estate tax.** Conforms the amount of Virginia estate tax due from an estate to the maximum amount of the federal estate tax credit for state estate taxes, as permitted under federal estate tax law, as such law shall be amended from time to time. Under current law the amount of Virginia estate tax cannot be less than the federal credit under federal law as such law existed on January 1, 1978. This bill is identical to SB 1123.

*Patron - Tata*

**PHB2503 Real estate appeals to Boards of Equalization and circuit court.** Makes several changes to the current process for appealing real estate assessments. For purposes of appeals to a board of equalization, the bill provides that there shall be a presumption that the valuation of real estate as determined by the local assessing officer is correct, and the taxpayer must produce substantial evidence that the valuation of his real estate is erroneous and was not arrived at in accordance with generally accepted appraisal practice in order to receive relief from the board. The bill does not change current law in regard to the burden of proof and standard of proof that a taxpayer must produce in circuit court. The bill permits taxpayers to make fair market value appeals to a board of equalization. It also limits to nine the number of years of consecutive service that a person may sit as a member of a board of equalization. Thirty percent of the members of boards of equalization shall be commercial or residential real estate appraisers, other real estate professionals, builders, developers, or legal or financial professionals, and at least one member shall sit in all appeals involving commercial, industrial or multi-family residential property, unless waived by the taxpayer. The bill also requires each member of a board of equalization to take continuing education instruction at least once in every four years of service as a member of such board. The bill provides a three-year statute of limitations for appealing real estate tax assessments to all circuit courts. In general, there is a three-year statute of limitations under current law; however, in some localities there is a one-year statute of limitations pursuant to specific law. In those localities with the one-year statute of limitations, the new three-year requirement will be phased in over several years. The bill has an effective date of January 1, 2004.

*Patron - Griffith*

**PHB2525 Sales and use tax; exemptions for non-profit entities.** Alters the procedures for granting sales and use tax exemptions to nonprofit entities in conformity with recommendations of the Joint Subcommittee to Study and Revise Virginia's State Tax Code (HJR 685/SJR 387, 2001; HJR 60, 2002) by giving the Department of Taxation the administrative duty to grant such exemptions according to certain broad crite-

ria established by the bill. The bill has a delayed effective date of July 1, 2004. This bill is identical to SB 743.

*Patron - Orrock*

**PHB2537 Motor vehicle sales and use tax; casual sales.** Allows, in the case of a sale of a motor vehicle, which is not a new motor vehicle, between individuals who are not required to be licensed as dealers or salespersons, the Commissioner to collect the motor vehicle sales tax on the basis of the total sales price as established by evidence required by the Commissioner. However, if the auto is no more than five years old and is listed in a recognized pricing guide, then the trade-in value listed in such guide less \$1,500 shall be used unless the purchaser executes an affidavit stating a lesser value, which shall be used for sales tax purposes.

*Patron - Louderback*

**PHB2538 Tax administration; application to court for correction of state tax assessment.** Eliminates the current requirement that a taxpayer must pay the assessment in order to appeal to the circuit court. The Tax Commissioner would be authorized to petition the court to require the taxpayer to pay upon a showing that the Department is likely to prevail on the merits of the case. If the court grants such motion by the Tax Commissioner, the taxpayer must pay the assessment, post a bond, or offer a letter of credit.

*Patron - Louderback*

**PHB2554 Income tax; subtraction for payments received by contract poultry growers and table egg producers.** Allows a subtraction to contract poultry growers and table egg producers for indemnification payments received from the U.S. Department of Agriculture as a result of the depopulation of poultry flocks because of low pathogenic avian influenza in 2002. The deduction is allowed for taxable years beginning on and after January 1, 2002, but before January 1, 2005. This bill is identical to SB 1026.

*Patron - Landes*

**PHB2656 Local warrant books; limits on release of information.** Allows treasurers to limit the information released from the list of warrants only for use in establishing the status of a claim previously reported as paid when a person legally entitled to the funds provides evidence that such claim has not been paid.

*Patron - Ingram*

**PHB2659 Collection of local taxes.** Provides for an extension of time on the local treasurer's administrative remedies (lien, distress) where the tax due has been reduced to judgment. Currently, the time limitations do not effect a judgment lien so the local treasurer may continue to collect during the time the lien is valid.

*Patron - Johnson*

**PHB2726 Property tax; certified pollution control equipment and facilities.** Adds any equipment used to grind, chip, or mulch trees, tree stumps, underbrush, and other vegetative cover for reuse as mulch, compost, or fuel to the definition of certified pollution control equipment and facilities for property tax classification purposes. Such equipment shall not be exempt from sales and use taxes unless the equipment has been certified by the proper state authority as pollution control equipment.

*Patron - Ware*

**PHB2799 Northern Virginia Transportation District Program.** Designates one additional project to be financed by bonds authorized to be issued for certain projects

in the Northern Virginia Transportation District Program and reduces the funding for another project by an equal amount.

*Patron - Scott*

**PHB2827 Sales and Use Tax; Food Tax Reduction Program.** Eliminates a fund that was never used and provisions that were enacted because the Northern Virginia and Hampton Roads sales tax for transportation referendums are now unnecessary.

*Patron - Hull*

**PHB2828 Virginia Individual Income Tax.** Deletes obsolete language.

*Patron - Hull*

**PSB722 Transient occupancy tax.** Authorizes Cumberland County, King George County, and Prince Edward County to levy a transient occupancy tax at the rate of five percent. Any revenues attributable to the portion of the tax greater than two percent shall be spent for promoting tourism, travel or business that generates tourism or travel in the county.

*Patron - Chichester*

**PSB735 Conveyance of real estate for delinquent taxes or certain liens.** Provides that real estate for which there are delinquent taxes may be conveyed to the locality if the real estate has a value of \$20,000 or less and such taxes alone exceed 25 percent of the value of the real estate. This bill is identical to HB 2277.

*Patron - Reynolds*

**PSB742 Sales and use tax exemptions; omnibus extension bill.** Extends the sunset date for numerous sales and use tax exemptions. This bill is identical to HB 1754 and incorporates HBs 1713, 1755, 1867, and SB 862.

*Patron - Miller, K.G.*

**PSB743 Sales and use tax; exemptions for non-profit entities.** Alters the procedures for granting sales and use tax exemptions to nonprofit entities in conformity with recommendations of the Joint Subcommittee to Study and Revise Virginia's State Tax Code (HJR 685/SJR 387, 2001; HJR 60, 2002) by giving the Department of Taxation the administrative duty to grant such exemptions according to certain broad criteria established by the bill. The bill has a delayed effective date of July 1, 2004. This bill is identical to HB 2525.

*Patron - Miller, K.G.*

**PSB809 Motor vehicle sales and use tax.** Provides an exemption from the motor vehicle sales and use tax for vehicles titled in the name of a deceased person and transferred to the spouse or heir, or under the will, of such deceased person.

*Patron - Stolle*

**PSB833 Withholding tax filing; electronic funds transfer.** Requires any firm that files withholding taxes on behalf of 100 or more taxpayers to remit such withholding payments via electronic funds transfer using automatic clearing-house credit transactions. This bill is identical to HB 2351.

*Patron - Howell*

**PSB854 Gross premium license tax on insurance companies.** Specifies that penalties owed for failure to pay license taxes timely are due within 14 days of the date of the notice to the delinquent insurer. If such additional amounts are not paid when due, the State Corporation Commission may suspend or revoke the insurer's license. The measure also provides for refunds of overpayments of penalties, and defines the terms "preceding year's tax" and "tax."

*Patron - Stosch*

**PSB858 Telecommunications taxes; taxation of bundled transactions.** Allows nontaxable services to continue to be nontaxable when bundled with taxable communications services if the provider can identify the nontaxable portion from its books and records. In addition, if the services are taxable at different rates, they will not be taxed at the highest rate if the provider again can identify the services subject to a lower rate from its books and records.

*Patron - Stosch*

**PSB859 Enterprise zone business tax credit.** Adds a definition for "high investment/limited job creation qualified business firms" for purposes of enterprise zone tax credits. Such a firm is a qualified business firm making qualified zone investments of \$50 million or more but creating fewer than 50 permanent full-time positions. Such firms shall be allowed a business tax credit provided (i) the amounts shall not exceed those allowed to small qualified business firms, and (ii) the credit amount shall not exceed the amount recovered by the Commonwealth through revenues generated from new state income tax collections resulting from the new, permanent full-time positions within a five-year period. The bill is effective for taxable years beginning on and after January 1, 2003.

*Patron - Stosch*

**PSB935 Change in filing date; nonprofit corporations.** Changes the income tax report filing date for nonprofit corporations with unrelated business taxable income from the fifteenth day of the fourth month following the close of the taxable year to the fifteenth day of the sixth month following the close of the taxable year. Applies to taxable years beginning on or after January 1, 2003.

*Patron - Edwards*

**PSB956 Sales of cigarettes; penalties.** Revises and graduates penalties for the illegal use of Virginia cigarette revenue stamps. The bill allows seizure and forfeiture of counterfeit cigarettes, stamps and related equipment and property and authorizes enforcement of the provisions by the Attorney General. The bill also imposes requirements for delivery sales to consumers. The requirements relate to minimum age verification, disclosure, shipping, registration and reporting and tax collection. The Attorney General is authorized to enforce the delivery sale requirements, and the penalties are fines, forfeitures and, if the violation is made knowingly, civil penalties of up to \$50,000.

*Patron - Stosch*

**PSB1026 Income tax; subtraction for payments received by contract poultry growers and table egg producers.** Allows a subtraction to contract poultry growers and table egg producers for indemnification payments received from the U.S. Department of Agriculture as a result of the depopulation of poultry flocks because of low pathogenic avian influenza in 2002. The deduction is allowed for taxable years beginning on and after January 1, 2002, but before January 1, 2005. This bill contains an emergency clause and is identical to HB 2554.

*Patron - Houck*

**PSB1030 Virginia Tax Amnesty Program.** Authorizes the State Tax Commissioner to operate a tax amnesty program during the 2004 fiscal year. The program would be open to any individual, corporation, estate, trust or partnership required to but that has failed to file a return or to pay any tax administered by the Department of Taxation. All civil or criminal penalties assessed or assessable and one-half of the interest assessed or assessable, resulting from nonpayment, underpayment, nonreporting or underreporting of tax liabilities will be

waived upon payment of the taxes and interest. This bill is identical to HB 2454.

*Patron - Chichester*

**PSB1033 Real estate tax; situs for assessment of motor vehicles.** Clarifies that the situs for assessment purposes of business vehicles is the locality in which the business owner has a definite place of business and from which place he controls or directs the use of the vehicles, provided he has sufficient evidence that he has paid the tax to such locality. This bill is identical to HB 2323.

*Patron - Colgan*

**PSB1049 Income tax; conformity of terms to the Internal Revenue Code.** Selectively deconforms Virginia's tax code from the Internal Revenue Code by deconforming from the special 30-percent bonus depreciation and the five-year net operating loss carry-back for certain losses provided in the Job Creation and Worker Assistance Act of 2002, P. L. 107-147. The bill applies to taxable years beginning on or after January 1, 2001. This bill contains an emergency clause and is identical to HB 2455.

*Patron - Hanger*

**PSB1095 City of Roanoke real estate tax rates.** Authorizes the City of Roanoke to impose a tax rate on improvements to real property that is equal to or less than the City's tax rate on the land upon which the improvements are located. The City of Fairfax has been given this same authority effective July 1, 2003.

*Patron - Edwards*

**PSB1096 Income tax; voluntary contribution of tax refund to the Virginia Commission for the Arts.** Creates an additional income tax checkoff beginning January 1, 2004, and ending January 1, 2009, for individuals to contribute all or part of their income tax refunds to the Virginia Commission for the Arts.

*Patron - Edwards*

**PSB1123 Estate tax.** Conforms the amount of Virginia estate tax due from an estate to the maximum amount of the federal estate tax credit for state estate taxes, as permitted under federal estate tax law, as such law shall be amended from time to time. Under current law the amount of Virginia estate tax cannot be less than the federal credit under federal law as such law existed on January 1, 1978. This bill is identical to HB 2490.

*Patron - Norment*

**PSB1125 Income tax returns of affiliated corporations.** Provides that a group of affiliated corporations may change from filing (i) a consolidated return to separate returns or (ii) separate or combined returns to a consolidated return, provided that the affiliated group has filed on the same basis for at least the preceding 20 years. Permission shall be granted if (i) for the taxable year immediately preceding the taxable year of such change, there would have been no decrease in tax liability computed under the proposed change and (ii) the affiliated group or corporations agrees to file returns computing its income tax liability under both the new filing method and the former method and to pay the greater of the 2 amounts for the taxable year in which such change is effective and for the immediately succeeding taxable year.

*Patron - Stosch*

**PSB1183 Real property tax; installment agreements to pay delinquent taxes.** Eliminates the requirement under current law for the recording of installment agreements

between local officers and owners of real property for the payment of delinquent real estate taxes.

*Patron - Puckett*

**PSB1227** **Local taxes; administrative fees to collect delinquent taxes or other delinquent charges.** Increases the fees that may be charged by local governments for administrative costs incurred in collecting delinquent taxes or other delinquent charges. The fees are increased from \$20 to \$30 for delinquent taxes and other charges collected before judgment is taken, and from \$25 to \$35 for such taxes and charges collected subsequent to a judgment.

*Patron - Williams*

**PSB1285** **Local real estate assessments; buildings substantially completed or fit for use and occupancy.** Authorizes Arlington County, Loudoun County, Prince William County, and the Cities of Alexandria, Falls Church, Fairfax, Manassas, and Manassas Park to assess real estate tax on new buildings when substantially complete or fit for use and occupancy, regardless of the date of completion or fitness. Under current law, (i) any county, city, or town may assess real estate tax on new buildings that are substantially complete or fit for use and occupancy prior to November 1 of the tax year, and (ii) Fairfax County may assess real estate tax on new buildings when substantially complete or fit for use and occupancy, regardless of the date of completion or fitness.

*Patron - Saslaw*

## Failed

**FHB1387** **Local business license fees; telecommuting enhancement exemption.** Provides an exemption from local business license fees to any person, firm, or corporation whose annual gross receipts do not exceed \$250,000 and at least 75 percent of whose business operations are carried out through telecommuting. To qualify, the distance from the telecommuter's home to the central worksite must be at least 50 miles except in areas designated as nonattainment for one-hour ozone and severe traffic congestion pursuant to the federal Clean Air Act. In addition, an alternate worksite must be at least 50 percent closer to the individual's home than the central worksite is to his home.

*Patron - Lingamfelter*

**FHB1390** **Individual income tax; credit as an incentive to use high-occupancy vehicle (HOV) lanes.** Provides a nonrefundable tax credit to any taxpayer who occupies any vehicle, as driver or passenger, while such vehicle is driven on at least 75 different occasions in HOV lanes. The amount of the credit is equivalent to the total amount the taxpayer paid for (i) a state motor vehicle safety inspection, (ii) a state motor vehicle emissions inspection, and (iii) a Virginia motor vehicle registration for individuals claiming the tax credit. Individuals claiming the credit must certify their use of HOV lanes to the Department of Taxation. The Department of Taxation shall develop appropriate procedures and forms to administer the credit.

*Patron - Lingamfelter*

**FHB1408** **Individual income tax; indexing personal exemption amount.** Beginning January 1, 2004, requires the \$800 personal exemption to be indexed annually based on the consumer price index.

*Patron - Black*

**FHB1414** **Personal property tax; privately owned vehicle.** Adds language to the definition of the term "privately

owned" so that a vehicle held in trust for a natural person will qualify for the car tax phaseout.

*Patron - Janis*

**FHB1420** **Property tax exemption; Cartersville Medical Center, Incorporated.** Grants an exemption from real property tax to Cartersville Medical Center, Incorporated, a nonprofit, charitable and benevolent organization, for property it owns in Cumberland County.

*Patron - Abbitt*

**FHB1426** **Corporate income tax; Virginia Entrepreneurial Encouragement Act.** Creates the Virginia Entrepreneurial Encouragement Act that provides tax incentives to start-up businesses during the first three years of their existence. The incentives are the exemption from income tax for the first two years and a reduced income tax rate (one-half of the corporate income tax rate) for the third year. The program applies to businesses created on or after January 1, 2003, but no later than December 31, 2005.

*Patron - Purkey*

**FHB1453** **Cigarette tax; increase in state tax.** Increases the state tax on cigarettes from one and one-quarter mills per cigarette to one cent per cigarette or 20 cents per pack.

*Patron - Melvin*

**FHB1517** **Transient occupancy tax.** Requires those counties that are authorized to impose a transient occupancy tax up to a rate of five percent to spend the revenue resulting from any rate in excess of two percent on tourism promotion as determined in conjunction with local tourism industry organizations, but not on the acquisition of development rights or open space except under certain conditions.

*Patron - Black*

**FHB1519** **Real estate tax; limitation on tax rate.** Provides that an annual assessment, biennial assessment or general reassessment of real property may not result in more than a five-percent increase in the total real estate tax levies, with two exceptions. The first exception allows the locality to raise the property tax rate by the rate of population growth plus inflation in the locality for the immediately preceding year. The second exception allows the locality to raise the rate above the five-percent limit if approved by the voters in a local referendum. Under current law, (i) the annual growth in a locality's total real estate taxes from an annual assessment, biennial assessment or general reassessment is not capped, provided the locality holds a public hearing in regard to its real property tax rate; and (ii) there is no cap on real property tax rates.

*Patron - Black*

**FHB1537** **Sales and use tax medical-related exemptions.** Extends the sunset date from July 1, 2003, to July 1, 2008, for tissue banks such as Lifenet. This bill is incorporated into HB 1754 and SB 742.

*Patron - Purkey*

**FHB1552** **Motor fuels; information return on number of gallons transferred to retailers.** Provides that any person selling or transferring motor fuels to a retailer for sale at retail shall file a quarterly information return with the Department of Motor Vehicles identifying the retailer to whom the motor fuel was provided, the number of gallons sold or transferred to each retailer for sale at retail, and the number of gallons sold or transferred to retailers for sale at retail in each county and city. The return shall be filed by the twentieth of the month following the end of each quarter beginning with the quarter ending March 31, 2004. Any person failing to file the

return or filing a false or fraudulent return shall be subject to a civil penalty of \$500 for his first violation and a penalty of \$1,000 for each subsequent violation.

*Patron - Marshall, R.G.*

**FHB1566 Taxation; Revenue Revitalization Act of 2003.** Eliminates the state two percent sales and use tax on food purchased for human consumption, leaving the half percent for transportation, the one percent based on average daily membership and the one percent local option. The bill also increases the sales and use tax rate to nine percent on alcohol, beer and wine with all the revenues going to the general fund until such time as the Public Safety Trust Fund is created following the approval by a majority of the voters in a general election of a constitutional amendment requiring the Fund's creation. The bill allows the Commonwealth to impose a tax on all tobacco products (cigarettes, cigars, snuff, chewing tobacco, and smoking tobacco) at the rate of 50 cents per pack or package and five cents per cigar. The revenues generated by the tobacco products tax shall be deposited into the general fund until such time as the Health Care Trust Fund is created following the approval by a majority of the voters in a general election of a constitutional amendment requiring the Fund's creation. Finally, the bill allows all localities to impose a local option tobacco products tax at a rate not to exceed 25 cents per pack or package and three cents per cigar. Localities that imposed a cigarette tax at a higher rate as of January 1, 2003, may maintain that rate but shall not increase it. The cap on the local option tobacco products tax rate shall remain in effect until January 1, 2008.

*Patron - Hamilton*

**FHB1582 Car tax relief; vehicles held in trust.** Permits non-business vehicles held through an inter vivos trust to be eligible for car tax relief. This bill incorporates HBs 1414 and 2244.

*Patron - Cole*

**FHB1583 Real property tax; exemptions for elderly and handicapped persons.** Modifies the conditions under which localities may exempt or defer real property taxes of certain elderly and handicapped persons by (i) increasing the maximum combined net worth from \$100,000 to \$500,000; (ii) increasing the number of acres excluded from net worth from one acre to 10 acres; and (iii) increasing the maximum amount of income of a relative of the property owner living on the property that may be excluded from the maximum income calculation from \$8,500 to \$10,000.

*Patron - Cole*

**FHB1602 Individual income tax; additional surtax.** Requires Virginia individual income taxpayers to pay an additional 5 percent surtax on their tax liability for taxable years beginning January 1, 2003, through December 31, 2004.

*Patron - Van Yahres*

**FHB1603 Corporate income tax; additional surtax.** Requires Virginia corporate income taxpayers to pay an additional five percent surtax on their tax liability for taxable years beginning January 1, 2003, through December 31, 2004.

*Patron - Van Yahres*

**FHB1604 Individual income tax; age deduction based on federal adjusted gross income (FAGI).** Changes the age deduction beginning in 2003 based on FAGI as follows:

FAGI	Taxpayer's age 62 through 64 years	Taxpayer's age 65 years and over
\$40,000 or less	\$6,000	\$12,000
\$40,001- 50,000	\$4,500	\$9,000
\$50,001 - 60,000	\$3,000	\$6,000
\$60,001 - 70,000	\$1,500	\$3,000
\$70,001 and above	0	0

*Patron - Van Yahres*

**FHB1605 Personal Property Tax Relief Act of 1998; repeal.** Repeals the Personal Property Tax Relief Act of 1998 effective January 1, 2004.

*Patron - Van Yahres*

**FHB1646 Classification of land and improvements for tax purposes.** Provides that in Prince William County improvements to real property are declared to be a separate class of property and shall constitute a separate classification for local taxation of real property. The County may levy a tax on such property at a different rate than the tax imposed upon the land on which it is located. This section, which currently applies only to the City of Fairfax, was enacted during the 2002 Session with a delayed effective date of July 1, 2003.

*Patron - Marshall, R.G.*

**FHB1654 Sales and use tax exemption; Fellowship Health Resources, Inc.** Provides a sales and use tax exemption beginning July 3, 2003, and ending July 1, 2008, to a 501 (c) (3) corporation organized to improve the quality of life of persons suffering from mental or emotional disturbances, through the operation of group homes, day programs, social activity programs, and a network of supervised apartments.

*Patron - Darner*

**FHB1655 Sales and use tax exemption; Fairfax Central Baptist Sunday School Union.** Provides a sales and use tax exemption beginning July 1, 2003, and ending July 1, 2006, to a 501 (c) (3) organization located in northern Virginia and established to assist students in college, build confidence in students of all ages, promote spiritual growth through study, enhance mastery and knowledge of the Bible, strengthen academic skills, and develop confidence and poise.

*Patron - Darner*

**FHB1656 Sales and use tax exemption; The Society of St. Andrew, Inc.** Provides a sales and use tax exemption beginning July 1, 2003, and ending July 1, 2005, to a 501 (c) (3) organization established to provide food for those in need, whether by giving the food directly to those in need or packing, loading, and transporting food to food banks, flood-ravaged areas, Indian reservations, etc.

*Patron - Putney*

**FHB1658 Tax administration; filing tax returns.** Clarifies that state tax returns may be filed with the commissioner of the revenue in the locality where the taxpayer resides or with the State Tax Commissioner, effective for taxable years beginning on and after January 1, 2004, and allows the Department of Taxation to request, promote or solicit the filing of returns directly with the Department.

*Patron - Wardrup*

**FHB1672 Sales and use tax exemption; Christian Friends Ministries, Inc.** Provides a sales and use tax exemption beginning July 1, 2003, and ending July 1, 2006, to a 501 (c) (3) corporation organized to provide seminars, conferences, retreats, and various trips to strengthen, empower, teach, and build up the body of Christ, thereby eliminating denominational barriers, religious doctrine, and traditions of man in order to build Christian unity based on the word of God.

*Patron - Petersen*

**FHB1701 Individual income tax; subtraction for certain local school board employees.** Allows a subtraction when calculating taxable income of the first \$15,000 of salary for each local school board employee whose annual salary is \$15,000 or less, for taxable years beginning on and after January 1, 2004.

*Patron - Ware*

**FHB1710 Admissions tax; events to which admission charged.** Adds as an additional class admissions charged for entry into motion picture theaters to the list of events to which the local admissions tax is charged.

*Patron - Darner*

**FHB1711 Watercraft and aircraft sales and use tax rate increase.** Increases the sales and use tax rate on watercraft and aircraft from two percent to three percent.

*Patron - Darner*

**FHB1712 Taxes on food for human consumption and cigarettes.** Reduces the state sales and use tax on food to 2.5 percent and increases the state tax on cigarettes from 2.5 cents to 50 cents per pack.

*Patron - Darner*

**FHB1713 Sales and use tax exemption; MacCallum More Museum and Gardens.** Provides a sales and use tax exemption beginning July 1, 2003, and ending July 1, 2006, to a 501 (c) (3) corporation operating as a museum and gardens (i) to promote the appreciation of the fine arts; (ii) to establish, own, maintain, and operate an arts center to conform to standard museum practices; (iii) to display, sell, purchase, and own articles of art; (iv) to support the arts in the local school system; and (v) to encourage local artists' participation in its programs. This bill is incorporated into HB 1754 and SB 742.

*Patron - Wright*

**FHB1721 Sales and use tax exemption; Airways and Air Communications Service Alumni Association Reunion.** Provides a sales and use tax exemption beginning July 1, 2003, and ending July 1, 2006, to a 501 (c) (19) corporation organized as an association to foster common awareness of the United States Air Force Communications and Air Traffic Control missions previously performed by members of the association, and to provide the membership a forum for educational and humanitarian services to exchange news of common interest.

*Patron - Callahan*

**FHB1723 Recordation tax and refinanced mortgages.** Eliminates from the recordation tax the exemption for mortgages that are refinanced with the same lender. The purpose is to eliminate the fraud that is currently taking place because there is no way for the circuit court clerks to be sure that the same lender is actually providing the refinancing when the deed is filed with the clerk.

*Patron - Callahan*

**FHB1725 Sales and use tax exemption; The Montpelier Foundation.** Provides a sales and use tax exemption beginning July 1, 2003, and ending July 1, 2006, to a 501 (c) (3) corporation to promote and support, for the benefit of the public, the preservation and administration of a Virginia Historic Landmark and National Historic Landmark located in the central Piedmont region of the State and family home of a former President of the United States.

*Patron - Broman*

**FHB1726 Sales and use tax exemption; Mini-Pigs, Inc.** Provides a sales and use tax exemption beginning July 1, 2003, and ending July 1, 2006, to a 501 (c) (3) corporation organized as a nonlethal animal sanctuary specializing in the rescue and care of miniature (often called potbellied) pigs.

*Patron - Broman*

**FHB1742 Sales and use tax exemption; Lake Christian Ministries, Inc.** Provides a sales and use tax exemption beginning July 1, 2003, and ending July 1, 2005, to a 501 (c) (3) corporation organized to promote benevolent activities, including providing food, clothing, household items, and financial aid to certain Smith Mountain Lake area residents.

*Patron - Byron*

**FHB1755 Educational sales and use tax exemptions; omnibus extension bill.** Extends the sunset date to July 1, 2004, for numerous educational sales and use tax exemptions due to expire on July 1, 2003. This bill is incorporated into HB 1754 and SB 742.

*Patron - Parrish*

**FHB1762 Sales and use tax exemption; International Police Association Region #60, Inc.** Provides a sales and use tax exemption beginning July 1, 2003, and ending July 1, 2006, to a 501 (c) (3) corporation serving the western 33 counties and independent cities of Virginia and organized to carry on and operate a fraternal organization dedicated to uniting in service and fellowship all active and retired members of law-enforcement service, striving to enhance the image of police, and facilitating cooperation through friendly contact among police officers.

*Patron - Putney*

**FHB1763 Sales and use tax exemption; Christmas in April of Bedford, Inc.** Provides a sales and use tax exemption beginning July 1, 2003, and ending July 1, 2005, to a 501 (c) (3) corporation located in Bedford County, and organized to improve housing for the elderly, handicapped, and poor.

*Patron - Putney*

**FHB1772 Sales and use tax exemption; ArtInPlace Foundation.** Provides a sales and use tax exemption beginning July 1, 2003, and ending July 1, 2006, to a 501 (c) (3) corporation organized to promote civic pride through the creation of public art, fountains, cultural improvements, attractive architecture, and urban design in the Charlottesville-Albemarle area.

*Patron - Van Yahres*

**FHB1779 Admissions tax; Charles City County.** Permits Charles City County to impose an admissions tax.

*Patron - Miles*

**FHB1785 Sales and use tax exemption; Harvest Free Will Baptist Childcare Ministries, Inc.** Provides a sales and use tax exemption beginning July 1, 2003, and ending July 1, 2005, to a 501 (c) (3) corporation organized to provide a lov-

ing, homelike atmosphere for abused, abandoned, and neglected children.

*Patron - Kilgore*

**FHB1852 Sales and use tax distribution; transportation.** Returns a portion of the current state sales and use tax revenue generated through sales in certain regions back to those regions for transportation projects that will reduce poor air quality, reduce traffic congestion, and aid the safety of motorists or pedestrians as follows: (i) revenues attributable to a one-half percent rate, up to \$50 million annually, for transportation projects in Arlington County, Fairfax County, Loudoun County, Prince William County, the City of Alexandria, the City of Fairfax, the City of Falls Church, the City of Manassas, and the City of Manassas Park; (ii) revenues attributable to a one-half percent rate, up to \$50 million annually, for transportation projects in Isle of Wight County, James City County, York County, the City of Chesapeake, the City of Hampton, the City of Newport News, the City of Norfolk, the City of Poquoson, the City of Portsmouth, the City of Suffolk, the City of Virginia Beach, and the City of Williamsburg; and (iii) revenues attributable to a one-half percent rate, up to \$20 million annually for transportation projects in Augusta County, Botetourt County, Frederick County, Montgomery County, Pulaski County, Roanoke County, Rockbridge County, Rockingham County, Shenandoah County, Smyth County, Warren County, Washington County, Wythe County, the City of Bristol, the City of Harrisonburg, the City of Radford, the City of Salem, the City of Staunton, and the City of Winchester.

*Patron - Lingamfelter*

**FHB1867 Sales tax exemption; Virginia Primary Care Association, Inc.** Retroactively extends the sunset date to July 1, 2008, for a sales and use tax exemption that had expired on July 1, 2002, which exempts from sales and use tax § 501 (c) (3) organizations organized to improve access to primary health care for all Virginians by, including but not limited to, providing technical assistance to communities in developing not-for-profit primary care medical practices. This bill is incorporated into HB 1754 and SB 742.

*Patron - O'Bannon*

**FHB1873 Sales and use tax exemption; Cystic Fibrosis Foundation.** Provides a sales and use tax exemption beginning July 1, 2003, and ending July 1, 2005, to a 501 (c) (3) organization established for the benefit of and in aid of scientific research, study training, and the dissemination of information with respect to the disease known as "mucoviscidosis" (otherwise known as "cystic fibrosis") and related diseases; to provide indirect patient services to victims of such diseases; and to solicit contributions to support research programs.

*Patron - O'Bannon*

**FHB1883 Deed recordation fee for open-space preservation.** Imposes a one-dollar fee on every deed admitted to record as of July 1, 2003. The bill requires the Comptroller to distribute on a monthly basis the revenue from such collected fees to the Virginia Outdoors Foundation. The Foundation, established to promote the preservation of open-space lands and to encourage private gifts of money, securities, land or other property to preserve the natural, scenic, historic, scientific, open-space and recreational areas of the Commonwealth, shall hold and administer these funds in accordance with its statutory purpose and powers.

*Patron - May*

**FHB1993 State recordation tax; additional distribution to localities.** Provides that 50 percent of the amount of state recordation tax collected in excess of \$80 million shall be distributed, beginning June 30, 2004, and each year thereafter,

to the counties and cities based on the percentage of recordation taxes collected in each county and city. The remaining 50 percent would be deposited in the state's general fund. The additional amount above \$80 million distributed to counties and cities would be used for land preservation.

*Patron - Bloxom*

**FHB1994 Land gains tax.** Creates a land gains tax to be paid by the seller on the sale or exchange of land in excess of 10 acres according to the following:

#### Tax Rates for Individuals

Holding Period	Over 400% Net Gain	300%-400% Net Gain	200%-299% Net Gain	100%-199% Net Gain	Less Than 100% Net Gain
Less than 1 year	20%	18%	16%	14%	12%
1-2 years	18%	16%	14%	12%	10%
2-3 years	16%	14%	12%	10%	8%
3-4 years	14%	12%	10%	8%	6%
4-5 years	12%	10%	8%	6%	5.75%
5-6 years	10%	8%	6%	5.75%	5.75%
6-7 years	8%	6%	5.75%	5.75%	5.75%
7-8 years	6%	5.75%	5.75%	5.75%	5.75%
Over 8 years	5.75%	5.75%	5.75%	5.75%	5.75%

#### Tax Rates for Corporations

Holding Period	Over 400% Net Gain	300%-400% Net Gain	200%-299% Net Gain	100%-199% Net Gain	Less Than 100% Net Gain
Less than 1 year	21%	19%	17%	15%	13%
1-2 years	19%	17%	15%	13%	11%
2-3 years	17%	15%	13%	11%	9%
3-4 years	15%	13%	11%	9%	7%
4-5 years	13%	11%	9%	7%	6%
5-6 years	11%	9%	7%	6%	6%
6-7 years	9%	7%	6%	6%	6%
7-8 years	7%	6%	6%	6%	6%
Over 8 years	6%	6%	6%	6%	6%

*Patron - Bloxom*

**FHB1998 Local business taxes; appeals.** Takes away the right of the locality to appeal to the circuit court from an adverse ruling of the Tax Commissioner regarding the assessment of a local business tax. The bill also removes the burden of proof from the taxpayer when he appeals such a ruling.

*Patron - Ware*

**FHB2025 Local cigarette tax; counties use revenues for public school capital projects.** Allows all counties to

impose a local cigarette tax at a rate not to exceed 50 cents per pack. All additional revenues shall be used solely for capital projects for public schools.

*Patron - Petersen*

**FHB2026 Cigarette tax; Counties of Fairfax and Arlington.** Increases the maximum authorized cigarette tax rate from five cents per pack to 50 cents per pack in the Counties of Fairfax and Arlington. In the event that either county chooses to impose such tax in excess of five cents per pack, all revenues resulting from that portion of the tax in excess of five cents per pack shall be used solely for capital projects for public schools.

*Patron - Petersen*

**FHB2035 Real estate tax; limitation on tax rate.** Provides that an annual assessment, biennial assessment or general reassessment of real property may not result in more than a five percent increase in the total real estate tax levies for a county, city or town, with one exception. The bill also provides that a county, city or town may not set its real property tax for any tax year at a rate that would produce more than 105 percent of the previous year's total real property tax levies for such county, city or town, with one exception. The exception would allow a locality to set its property tax rate at a rate not to exceed the rate of population growth plus the rate of inflation in the locality for the immediately preceding year. The average tax increase on individuals would not exceed five percent. However, some taxpayers could be above the average while others could fall below the average. Under current law, (i) the annual growth rate in a locality's total real estate taxes from an annual assessment, biennial assessment or general reassessment is not capped, provided the locality holds a public hearing in regard to its real property tax rate; and (ii) there is no cap on real property tax rates.

*Patron - Marshall, R.G.*

**FHB2047 Omnibus Fiscal Emergency Recovery Act of 2003.** Reduces car tax relief from 70 percent to 59.5 percent, increases the state cigarette tax from 2.5 cents to 7.5 cents per pack, increases the beer and beverage tax the equivalent of one cent per 12 ounce container, increases the motor fuel tax by two cents per gallon, and caps the commission/discount that dealers receive for collecting and remitting the sales and use tax to \$400 per month for each certificate of registration. The bill will be effective for two years from July 1, 2003, to July 1, 2005.

*Patron - Woodrum*

**FHB2054 Individual income tax; indexing tax brackets and personal exemptions.** Requires that the individual income tax brackets and personal exemption amounts be indexed annually by the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U), for taxable years beginning on and after January 1, 2004.

*Patron - Cole*

**FHB2067 Income tax; major business facility job tax credit.** Repeals the sunset clause for the major business facility job tax credit and lowers the threshold amount of jobs that must be created from 50 to 25 in distressed areas and from 100 to 50 in other areas. The reduced threshold amounts are only applicable to businesses that satisfy these amounts for the first time after January 1, 2004.

*Patron - Dudley*

**FHB2070 Sales and use tax exemption; Chesapeake Bay Division of the International Association for Identification, Inc.** Provides a sales and use tax exemption for a federally tax-exempt organization, from July 1, 2003,

through June 30, 2005, that is organized to assist persons who are actively engaged in the profession of forensic identification, investigation, and scientific examination of physical evidence to become an organized body, so that the profession, in all of its branches, may be standardized and effectively and scientifically practiced.

*Patron - Dudley*

**FHB2084 Personal Property Tax Relief Act of 1998; percentage of reimbursement.** Allows for the reduction of the percentage amount to be reimbursed in tax year 2003 to such an amount that would not cause a decrease in the amount of revenues appropriated for K-12 education and law enforcement in 2002, adjusted for inflation. The Governor and the chairmen of the House and Senate Finance Committees would determine that percentage and adjust it annually if necessary. The percentage would return to the next highest percentage no later than 2006. This bill has an emergency clause.

*Patron - Abbutt*

**FHB2107 Recordation tax increase; City of Alexandria.** Permits the City of Alexandria, by local ordinance, to increase its recordation tax from an amount equal to one-third of the amount of state recordation tax to two-thirds. Moneys collected that are attributable to such increase shall be used to finance affordable housing or the acquisition or preservation of open-space land.

*Patron - Van Landingham*

**FHB2117 Sales and use tax; absorption of the tax.** Allows merchants to absorb the sales and use tax on behalf of consumers for a week during the month of August beginning in 2003 and ending in 2004.

*Patron - Reid*

**FHB2148 Reduced sales and use tax for certain clothing, footwear, and computers.** Establishes a state sales and use tax exemption during the period from August 16 through August 22, 2003, and every August 16 through August 22 thereafter, for "clothing and footwear" costing less than \$200 per article; "computer systems" costing less than \$1,250; and "computers," "computer hardware," and "computer software" costing less than \$500. The bill also requires the Department of Taxation to promulgate regulations that implement the temporary exemption program by August 1, 2003.

*Patron - Rust*

**FHB2160 Sales and use tax exemption; Southwest Virginia Workforce Investment Board.** Provides a sales and use tax exemption beginning July 1, 2003, and ending July 1, 2006, to a 501 (c) (3) organization established to promote a well-trained, well-educated, highly skilled, and qualified workforce in southwest Virginia that is actively engaged in lifelong learning. Such a workforce is critical to the attraction and retention of successful business and industry to southwest Virginia and will ensure a desirable quality of life.

*Patron - Phillips*

**FHB2163 Local coal and gas severance tax; Dickenson County.** Permits Dickenson County to use for any purpose up to one million dollars per year from the special one percent severance tax on coal and gas. Under current law all such revenues are to be paid into a special fund and used solely for road improvement, water quality improvement, and economic development.

*Patron - Phillips*

**FHB2167 Severance tax; gases.** Provides that in calculating the fair market value of gases for severance tax purposes, no deductions shall be allowed except for marketing and

transportation charges after the gases leave the geographic boundaries of the locality from which they were severed.

*Patron - Phillips*

**FHB2170 Personal Property Tax Relief Act of 1998; reduce reimbursement amount.** Reduces the current car tax reimbursement amount from 70 percent to 27.5 percent, for tax year beginning January 1, 2003. The reimbursement amount will remain at 27.5 percent until the general fund revenues, including transfers, for the most recently ended fiscal year after 2004 equal or exceed the amount of such revenues collected in tax year 2000 and adjusted for inflation.

*Patron - Phillips*

**FHB2238 Sales and use tax exemption; Colonial Beach Historical Society, Inc.** Provides a sales and use tax exemption beginning July 1, 2003, and ending July 1, 2006, to a 501 (c) (3) corporation organized to preserve the history of the town of Colonial Beach and the surrounding area, and to promote public understanding and appreciation of the contributions by the town and its citizens to the Northern Neck area.

*Patron - Pollard*

**FHB2244 Personal property tax; privately owned vehicle.** Adds language to the definition of the term "privately owned" so that a vehicle held in trust for a natural person will qualify for the car tax phaseout.

*Patron - Watts*

**FHB2247 State and local cigarette tax; higher rates.** Increases the state cigarette tax from 2.5 cents per pack to 25 cents per pack and allows all counties, cities and towns to impose a local cigarette tax. The bill limits the rate that localities may levy to 50 cents per pack except any localities that imposed the tax at a higher rate prior to January 1, 2003, may continue to impose the tax at that higher rate.

*Patron - Watts*

**FHB2250 Local piggyback income tax.** Allows localities to impose a local income tax at a rate of either one-half or one percent upon the Virginia taxable income of individuals, trusts, estates, and corporations. The Tax Commissioner collects the tax and returns it to localities based on taxpayers' residences. The provisions of the act will take effect January 1, 2005, if a constitutional amendment eliminating the property tax on motor vehicles is approved in a referendum to be held during the general election in November 2004.

*Patron - Watts*

**FHB2272 Sales and use tax exemption; Al-Anon Family Group Headquarters, Inc.** Provides a sales and use tax exemption beginning July 1, 2003, and ending July 1, 2005, to a 501 (c) (3) corporation organized to encourage, assist, and serve the families and friends of alcoholics in dealing with the problems concerning and attendant on alcoholism; to reinforce their efforts to understand the alcoholic and to foster his or her restoration to normal life; to disseminate information in relation thereto and to conduct, and participate in, any other classes of service to assist families and friends of alcoholics in dealing with their problems.

*Patron - Purkey*

**FHB2306 Sales and use tax; exemption for certain contractors.** Exempts from paying the sales and use tax any person who contracts to perform services for and provides tangible personal property for consumption or use by the Commonwealth, any political subdivision of the Commonwealth, or the United States, if the Commonwealth, political subdivision,

or the United States certifies that title to such tangible personal property will pass to such governmental entity.

*Patron - Devolites*

**FHB2313 Cigarette manufacturing tax.** Imposes a state tax on cigarette manufacturers in the amount of 25 hundredths of a cent per cigarette manufactured or produced in Virginia on or after January 1, 2004, (the tax is five cents per pack of cigarettes, based on 20 cigarettes in a pack). The moneys collected from such tax, including penalties and interest, shall be credited to a special fund titled "Medical Assistance Services Fund." Beginning with the 2004 calendar year, moneys in the Fund shall be distributed solely for the provision of medical assistance services pursuant to Virginia's Medicaid Program authorized under Title XIX of the Social Security Act. The Department of Medical Assistance Services shall administer the moneys in the Fund.

*Patron - Plum*

**FHB2320 Sales and use tax exemption; Reston Children's Center, Inc.** Provides a sales and use tax exemption beginning July 1, 2003, and ending July 1, 2007, to a 501 (c) (3) corporation located in northern Virginia and organized to promote innovative learning opportunities and individual creativity, while maintaining high standards of care and fostering equal opportunity in learning and education for all children regardless of race, creed, sex, religion, national origin, disability, or economic status.

*Patron - Plum*

**FHB2326 Income tax; voluntary contribution of tax refund to the Tuition Assistance Grant Fund.** Creates an additional income tax checkoff beginning January 1, 2004, and ending January 1, 2009, for individuals to contribute all or part of their income tax refunds, but not less than \$5.00, to the Tuition Assistance Grant Fund.

*Patron - Bland*

**FHB2347 Sales and use tax exemption; Harrisonburg-Rockingham Child Day Care Centers, Inc.** Provides a sales and use tax exemption beginning July 1, 2003, and ending July 1, 2007, to a 501 (c) (3) corporation organized to provide the Harrisonburg-Rockingham areas full-day child care and learning opportunities for children ages two to eight years in a secure and nurturing environment, regardless of families' financial resources, race, or religious affiliation, and to foster opportunities for children's physical, social, emotional, and intellectual growth.

*Patron - Weatherholtz*

**FHB2355 Income tax; voluntary contribution of tax refund to the Spay and Neuter Fund.** Creates an additional income tax checkoff beginning January 1, 2004, and ending January 1, 2009, for individuals to contribute all or part of their income tax refunds to the Spay and Neuter Fund.

*Patron - Shuler*

**FHB2358 Sales and use tax exemption; Langley Residential Support Services, Inc.** Provides a sales and use tax exemption beginning July 1, 2003, and ending July 1, 2005, to a 501 (c) (3) corporation organized to provide mentally retarded citizens in the Northern Virginia area with education, training, housing, and services especially designed to meet their physical, social, and psychological needs, and to promote their health, security, happiness, and usefulness in longer living.

*Patron - Callahan*

**FHB2363 Personal Property Tax Relief Act of 1998; reduce reimbursement amount.** Reduces the current

car tax reimbursement amount from 70 percent to 50 percent, for tax years beginning on and after January 1, 2003. The reimbursement amount will remain at 50 percent until the general fund revenues, including transfers, for the most recently ended fiscal year after 2004 equal or exceed the amount of such revenues collected in tax year 2000 and adjusted for inflation.

*Patron - Shuler*

**FHB2433 Sales and use tax; rate increase.** Increases the state sales and use tax one percent from 3.5 percent to 4.5 percent. One-half of the one percent increase will be appropriated (i) for salary increases for teachers in public schools, and (ii) to address the problems in public education identified in a recent study by the Joint Legislative and Review Commission. The remaining one-half percent of the increase will be distributed to localities to be used for education purposes according to the following formula (i) one-third based on point of sale; (ii) one-third based on a set per pupil amount, based on the latest actual adjusted average daily membership, and adjusted by the locality's composite index of ability to pay; and (iii) one-third in the same manner that one percent of the current state sales and use tax is distributed among localities.

*Patron - Dillard*

**FHB2472 Sales and use tax rate increase; revenues used for K-12 public education.** Increases the state sales and use tax from three and one-half percent to four percent and requires the revenues generated by such increase to be used solely for K-12 public education. A special K-12 Public Education Fund is created to hold the revenues generated by the increased rate.

*Patron - Crittenden*

**FHB2522 Local tax for enhanced 911 service.** Provides that the E-911 tax shall not exceed three dollars per residential consumer, regardless of the number of subscriber lines assigned to such consumer.

*Patron - Morgan*

**FHB2531 Increases in certain local cigarette taxes.** Authorizes Fairfax and Arlington Counties to increase their local cigarette taxes from the current five cents per pack to 30 cents per pack.

*Patron - Almand*

**FHB2532 Motor vehicle fuel sales tax.** Increases the rate of the motor vehicle fuel sales tax from two percent to four percent. The tax is currently imposed only in the Northern Virginia Transportation District.

*Patron - Almand*

**FHB2555 Individual income taxes; credit for purchase of long-term care insurance.** Provides a credit against individual income taxes for long-term care insurance premiums paid by the individual during the taxable year beginning with the 2003 taxable year. The amount of the credit for a taxable year shall equal 100 percent of the amount in long-term care insurance premiums paid during the taxable year. If the amount of the credit exceeds the individual's income tax liability for a taxable year, such excess shall be refunded to the taxpayer.

*Patron - Landes*

**FHB2561 Sales and use tax exemption; Baptist World Alliance.** Provides a sales and use tax exemption beginning July 1, 2003, and ending July 1, 2006, to a 501 (c) (3) organization established to promote Christian fellowship and cooperation among Baptists throughout the world; promote understanding and cooperation among Baptist bodies and with other Christian groups; act as an agency for the expression of biblical faith and historically distinctive Baptist principles and

practices; act as an agency of reconciliation seeking peace for all persons; and uphold the claims of fundamental human rights, including full religious liberty.

*Patron - Scott*

**FHB2599 Sales and use tax exemption; Refugee and Immigration Services of the Catholic Diocese of Richmond, Inc.** Provides a sales and use tax exemption beginning July 1, 2003, and ending July 1, 2005, to a 501 (c) (3) corporation organized to resettle refugees and assist immigrants, empowering them to build new lives in a welcoming community.

*Patron - Hall*

**FHB2607 Sales and use tax exemption; Amaze-ment Square, Inc.** Provides a sales and use tax exemption beginning July 1, 2003, and ending July 1, 2006, to a 501 (c) (3) corporation located in Lynchburg and organized to educate and inform children and adults of all backgrounds about the arts, humanities, world cultures, science, technology, and their interdisciplinary relationships; to offer interactive exhibits and programs in these areas; to display and preserve hands-on learning objects and materials related to these subjects; and to stimulate further desire for future exploration.

*Patron - Bryant*

**FHB2611 Taxation of certain telecommunications companies.** Clarifies the definition of gross receipts for cellular companies that are subject to the minimum tax on telecommunications companies and the special regulatory revenue tax and to conform to recently enacted federal legislation known as the Mobile Telecommunications Sourcing Act.

*Patron - Bryant*

**FHB2645 Local consumer utility tax; Town of St. Paul.** Allows the Town of St. Paul to impose the local consumer utility tax beginning July 1, 2003, at which time Wise County may no longer impose such tax.

*Patron - Phillips*

**FHB2655 Processing fee for collection of certain local taxes.** Allows localities to impose a processing fee, not to exceed \$25, when delinquent taxes and charges are collected by legal action.

*Patron - Johnson*

**FHB2687 Sales and use tax; automobile refinishing.** Provides that the sales and use tax on the paint and other materials that are separately stated that are applied to or affixed to an automobile that is being repaired is to be borne by the person for whom the repair is made.

*Patron - Petersen*

**FHB2688 State recordation tax.** Increases the state recordation tax from 15 cents to 30 cents per \$100.

*Patron - Spruill*

**FHB2693 Income tax; employer-provided commuting benefits tax credit.** Grants an income tax credit to employers who pay eligible commuting expenses of their employees for taxable years beginning on and after January 1, 2004. Eligible commuting expenses are those costs that cover travel between an employee's residence and place of employment by means of multiple-occupancy vehicle transportation and mass-transit transportation. The maximum annual credit for commuting expenses is the lesser of \$240 per employee or the employer's tax liability for the tax year. Unused credits are not refundable, and they may not be carried over or back to a different taxable year. An employer may not claim a tax credit

for the expenses to the extent he has taken a deduction for such expenses for federal income tax purposes.

*Patron - Bryant*

**FHB2713 Business, professional and occupational license (BPOL) tax; limitations on localities.** Prohibits any county, city or town from imposing the BPOL tax on any person, firm or corporation engaging in the business of renting real property and having more than one definite place of business in different localities, provided such person, firm or corporation can produce sufficient evidence that the license tax has been paid on such income to the county, city or town in which it conducts the majority of its business. The bill has a retroactive effective date of January 1, 1998.

*Patron - Drake*

**FHB2725 Individual income taxes; exemption for victims of terrorist attacks.** Provides an exemption from individual income tax and from filing an individual income tax return for victims of the September 11, 2001, terrorist attacks on or involving the World Trade Center Towers in New York, New York, the Pentagon, or the crash of United Airlines Flight 93 southeast of Pittsburgh. The exemption is limited to (i) income earned or realized by such persons in the taxable year in which they die, or (ii) income earned or realized by the spouses of such individuals in such taxable year. "Victims" of the terrorist attacks includes individuals who were killed as a result of such terrorist attacks or killed in attempting to rescue or recover other persons injured or killed by such attacks.

*Patron - Watts*

**FHB2729 Local cigarette tax.** Allows Accomack, Isle of Wight, James City, Northampton, Southampton, and Surry Counties to impose a local cigarette tax. The bill also arranges the names alphabetically. Currently, only Fairfax and Arlington Counties may impose the tax.

*Patron - Bloxom*

**FHB2730 County recordation tax; Northampton County.** Allows the Northampton County governing board to impose an additional county recordation tax in an amount equal to three percent of the amount of the state recordation tax collectible for the Commonwealth, upon the first recordation of each taxable instrument in such county, beginning July 1, 2003, and ending July 1, 2005. Currently, every city and county may impose a local recordation tax equal to one-third of the amount of the state recordation tax.

*Patron - Bloxom*

**FHB2735 Business, Professional and Occupational Licensing (BPOL) Tax; license fees, rates and requirements.** Requires localities that impose the BPOL tax to (i) eliminate license fees by January 1, 2005, (ii) exempt the first \$100,000 of gross receipts from taxation by January 1, 2005, and (iii) reduce the several different rates currently in the Code to a flat rate of 20 cents per \$100 of gross receipts for license years beginning on and after January 1, 2005.

*Patron - Shuler*

**FHB2761 Children At Risk in Education Tax Credit.** Creates a tax credit to promote educational opportunities for children who are at risk of educational failure. Tax credits will be awarded to business entities for eligible contributions made to eligible nonprofit scholarship-funding organizations (NSFO). The amount of the credit is 25 percent of the eligible contribution, but may not exceed 75 percent of the tax liability of the business entity. The contributions to NSFO's may be awarded for students' tuition in public and nonpublic

schools and their tutoring expenses. The credit would be effective for taxable years beginning on and after January 1, 2004.

*Patron - Cox*

**FHB2769 Virginia Estate Tax.** Allows estates that are valued at \$3 million or less, the majority of which consists of either farm assets and real property or a closely held small business, to have an additional three years to pay the Virginia Estate Tax under an installment plan approved by the Department of Taxation.

*Patron - Watts*

**FHB2774 Remote access to nonconfidential public records maintained by the treasurer; fee.** Allows treasurers to impose a user fee, not to exceed \$25 per month, for providing remote access to nonconfidential public records.

*Patron - Ingram*

**FHB2780 The Virginia Educational Quality Act of 2003.** Creates the Virginia Educational Quality Act of 2003 which (i) declares that funding for public education shall be the first budget priority of the Commonwealth, (ii) increases the state sales and use tax from three and one-half percent to four and one-half percent with the revenues dedicated to public education, (iii) authorizes the Virginia Public School Authority to issue bonds to fund grants to local school divisions in the total amount of \$1 billion to pay the costs of school construction, school renovation, and other school infrastructure projects, and (iv) requires the Governor to report to the General Assembly on the status of educational funding to localities at the levels mandated by the Constitution of Virginia and the laws of the Commonwealth. One-half of the additional revenues from the increase in the sales and use tax is to be distributed among all counties and cities based upon point of sale and used solely for public school purposes, and the remaining one-half of such revenues is to be appropriated by the General Assembly (a) toward the fulfillment of standards of quality for public elementary and secondary schools, and (b) for obligations and priorities for higher education. The distributions to localities based on point of sale is conditioned on schools participating in a statewide distance learning system whereby the school interacts with colleges and universities, private businesses, and national centers of learning to bring students the benefits of the knowledge and skills of these diverse public and private entities. Appropriations by the General Assembly for elementary and secondary schools shall include (i) funding for the distance learning system and (ii) funding to create a Virginia Apprenticeship System Team ("VAST") that will provide on-the-job training for students through partnerships with private businesses. A portion of the appropriations for higher education is conditioned upon and used to help create a program whereby each institution of higher education, including community colleges, will be paired with divisions of state government to provide institutions of higher education the challenge and opportunity of thinking in partnership with the Commonwealth's state agencies. One-half of the grants from the Virginia Public School Authority (\$500 million) shall be distributed to each school division in an equal amount of \$3,676,471. The remaining one-half shall be distributed to each local school division on a set per pupil amount based on each school division's actual September 30, 2002, fall membership data as a proportion of total actual September 30, 2002, fall membership data for all school divisions. The portion of the bill increasing the sales and use tax is effective January 1, 2004, and only if approved at a statewide referendum on November 4, 2003.

*Patron - Shuler*

**FHB2782 Service charge in lieu of real property taxes.** Allows the service charge in lieu of property taxes for

property owned by the Commonwealth to include lease/purchase and other similar arrangements to which the Commonwealth is a party.

*Patron - Kilgore*

**FHB2796 Cigarette tax.** Increases the state cigarette tax rate from two and one-half cents per pack to 60 cents per pack. One-half of the additional revenue generated by the increase is to be used solely to fund the Virginia Medicaid Program. The remaining one-half of such revenues is to be distributed to all of the counties and cities of the Commonwealth based upon the number of school aged children in each locality.

*Patron - Van Yahres*

**FSB704 Sales tax on motor fuels.** Provides for a statewide sales tax beginning July 1, 2004, on the sale of motor fuels in the Commonwealth. The tax would be imposed at the rate of four and one-half percent of the retail price of motor fuels sold in the Commonwealth and would be added to the per gallon or per unit price of motor fuel. All revenues generated and collected from the tax would be deposited into the Transportation Trust Fund of the state treasury and distributed in the manner currently provided for the one-half percent sales and use tax enacted by the 1986 Special Session of the General Assembly. Current law provides for a two percent sales tax on motor fuels in certain localities in the Commonwealth. The sales tax on motor fuels in these localities would increase to six and one-half percent.

*Patron - Miller, K.G.*

**FSB773 Real estate tax; limitation on tax rate.** Provides that an annual assessment, biennial assessment or general reassessment of real property may not result in more than a five percent increase in the total real estate tax levies for a county, city or town, with one exception. The bill also provides that a county, city or town may not set its real property tax for any tax year at a rate that would produce more than 105 percent of the previous year's total real property tax levies for such county, city or town, with one exception. The exception would allow a locality to set its property tax rate at a rate not to exceed the rate of population growth plus the rate of inflation in the locality for the immediately preceding year. The average tax increase on individuals would not exceed five percent. However, some taxpayers could be above the average while others could fall below the average. Under current law, (i) the annual growth rate in a locality's total real estate taxes from an annual assessment, biennial assessment or general reassessment is not capped, provided the locality holds a public hearing in regard to its real property tax rate; and (ii) there is no cap on real property tax rates.

*Patron - Cuccinelli*

**FSB783 Sales and use tax exemption; Benevolent and Protective Order of Elks, Clifton Forge Lodge, No. 1065.** Provides a sales and use tax exemption beginning July 1, 2003, and ending July 1, 2005, to a 501 (c) (8) corporation organized to inculcate the principles of charity, justice, brotherly love, and fidelity; to promote the welfare and enhance the happiness of its members; to quicken the spirit of American patriotism; and to cultivate good fellowship in Clifton Forge and neighboring areas.

*Patron - Deeds*

**FSB789 Sales and use tax; limited time exemption for school supplies and certain articles of clothing.** Provides a sales and use tax exemption for school supplies and certain clothing and footwear that are purchased during the third weekend in August beginning in 2004 and each year thereafter.

*Patron - Deeds*

**FSB790 Sales and use tax; food for human consumption.** Exempts food for human consumption from the state sales and use tax.

*Patron - Deeds*

**FSB794 Local transient occupancy tax.** Provides that revenues generated from the local transient occupancy tax shall be used for "tourism promotion," in consultation with local tourism industry organizations and in direct support of the local tourism industry. Tourism promotion includes direct funding to a local tourism promotion agency, financial support for advertising or marketing activities, publishing and distributing pamphlets and similar materials, conducting research, or engaging in similar promotional activities that attract tourists or business travelers to the area.

*Patron - Miller, K.G.*

**FSB832 Sales and use tax; sales tax exemptions for organizations authorized to apply for a refund of tax.** Provides that certain organizations that are authorized under current law to apply for a refund of sales and use taxes shall be exempt from such taxes beginning July 1, 2003. Organizations that (i) acquire land and purchase materials to erect or rehabilitate low-cost homes and then sell such homes at cost or (ii) repair or rehabilitate homes owned and occupied by low-income persons who could not otherwise afford to finance such rehabilitation or repair are authorized under current law to apply for a refund of sales and use taxes. These organizations would be exempt from such taxes beginning July 1, 2003.

*Patron - Marsh*

**FSB835 Cigarette manufacturing tax.** Imposes a state tax on cigarette manufacturers in the amount of twenty hundredths of a cent per cigarette manufactured or produced in Virginia on or after January 1, 2004 (the tax is four cents per pack of cigarettes, based on 20 cigarettes in a pack). The moneys collected from such tax, including penalties and interest, shall be credited to a special fund titled "Local Government School Construction Fund." All such moneys shall be distributed quarterly to counties and cities within 30 days after the end of each calendar quarter beginning with the calendar quarter ending March 31, 2004. Moneys in the Fund shall be distributed to counties and cities on a set per pupil amount, based on the latest actual adjusted average daily membership as determined by the Department of Education. All moneys distributed to localities shall be used solely for public school construction, public school additions and renovations, including retrofitting and enlarging public school buildings; public school infrastructure, including technology infrastructure; site acquisition for public school buildings and public school facilities; or debt service payments on such projects completed subsequent to December 31, 1993.

*Patron - Howell*

**FSB862 Sales and use tax exemption; advertising businesses.** Provides an exemption from sales and use tax beginning July 1, 2003, and ending July 1, 2008, for the purchase of printing materials by advertising businesses when the printed material is distributed outside the Commonwealth. This bill is incorporated into HB 1754 and SB 742.

*Patron - Stosch*

**FSB887 Sales and use tax exemption; Veterans of Foreign Wars of the United States.** Provides a sales and use tax exemption beginning July 1, 2003, and ending July 1, 2005, to a 501 (c) (3) corporation organized for the purposes of, including but not limited to, organized for the purposes of including, but not limited to, preserving and strengthening comradeship among veterans of foreign wars of the United

States; providing assistance to veterans of foreign wars; preserving and perpetuating the memory and history of veterans of foreign wars and assisting the widows and orphans of such persons; maintaining true allegiance to the government of the United States and fidelity to its Constitution and laws; and maintaining and extending the institutions of American freedom and defending the United States from all her enemies.

*Patron - Ruff*

**FSB900 Local cigarette tax.** Allows all counties, cities and towns to impose a local cigarette tax.

*Patron - Quayle*

**FSB901 Local cigarette tax.** Allows Isle of Wight County to impose a local cigarette tax. Currently, only Fairfax and Arlington Counties may impose the tax.

*Patron - Quayle*

**FSB916 Sales and use tax exemption; MacCallum More Museum and Gardens.** Provides a sales and use tax exemption beginning July 1, 2003, and ending July 1, 2006, to a 501 (c) (3) corporation operating as a museum and gardens (i) to promote the appreciation of the fine arts; (ii) to establish, own, maintain, and operate an arts center to conform to standard museum practices; (iii) to display, sell, purchase, and own articles of art; (iv) to support the arts in the local school system; and (v) to encourage local artists' participation in its programs.

*Patron - Ruff*

**FSB927 Self-employed writers; license tax rate limitation.** Limits the license tax rate for self-employed writers providing services from their homes. The license tax levied on self-employed writers by a county, city or town with a population of 2,000 or less shall not exceed \$10 per year. In a county, city or town with a population greater than 2,000 the tax shall not exceed \$30 per year.

*Patron - Byrne*

**FSB932 Sales and use tax exemption; Loudoun Healthcare Foundation.** Provides a sales and use tax exemption beginning July 1, 2003, and ending July 1, 2008, to a 501 (c) (3) corporation organized to monitor, assess, and advise a health care company on all fundraising and donor-related matters, and to attain the fundraising goals established by the Loudoun Healthcare, Inc., Board of Directors.

*Patron - Mims*

**FSB936 Sales and use tax exemption; DePaul Family Services, Inc.** Provides a sales and use tax exemption beginning July 1, 2003, and ending July 1, 2005, to a 501 (c) (3) corporation organized to establish, operate, and supervise programs for the placement of children, adolescents, and adults with special needs into family foster homes, to provide for the personal and social needs of such persons either directly or by purchase of services, and to provide other services that recognize the dignity of every person and enhance the functioning of individuals and families.

*Patron - Edwards*

**FSB949 Personal property tax relief on passenger cars, motorcycles, and pickup or panel trucks.** Sets personal property tax relief under the Personal Property Tax Relief Act of 1998 to 47.5 percent for calendar year 2003. The level of tax relief is set at 70 percent for calendar year 2004 and 100 percent for calendar year 2005 and thereafter, subject to the conditions described under § 58.1-3524. The bill provides that the General Assembly intends that the savings from the reduction of personal property tax relief from 70 percent to 47.5 percent shall be appropriated for educational purposes, which shall

include, but are not limited to, appropriations for public education, higher education, public libraries, cooperative extension service programs, teacher salaries, and law-enforcement and security in public schools. The bill contains an emergency clause.

*Patron - Houck*

**FSB955 Income tax; conformity of terms to the Internal Revenue Code.** Selectively deconforms Virginia's tax code to the Internal Revenue Code (IRC) by advancing the fixed-date conformity by one year. Virginia will conform to all provisions of the IRC except the special 30-percent bonus depreciation and the five-year net operating loss carry-back for certain losses.

*Patron - Stosch*

**FSB1015 Real estate tax; use value assessment and taxation.** Provides that local governments by ordinance may limit use value assessment and taxation to owners of real estate having a minimum percentage of their total income derived from the real estate for which use value assessment is to apply. Such minimum percentage shall not exceed 20 percent of total income.

*Patron - Reynolds*

**FSB1020 Local taxes; waiver of penalty and interest.** Authorizes local governments to enact ordinances for the waiver of penalty and interest imposed for the failure to file a return or to pay a tax. Such ordinance shall provide that penalty and interest may be waived in circumstances where the payment of all penalty and interest would result in an undue hardship on the taxpayer. If a local governing body enacts such ordinance, the treasurer shall have the discretion to determine if an undue hardship exists and to waive all or a portion of interest and penalty.

*Patron - Reynolds*

**FSB1073 Local meals and lodging taxes limitations.** Prohibits any city or town from imposing a meals tax or increasing such a tax unless the tax or its rate increase is approved by voter referendum. No city or town may impose a lodging tax at a rate in excess of two percent unless used for tourism promotion when the rate is limited to five percent. The limitations apply only to those cities and towns that do not have a meals or lodging tax as of January 1, 2003.

*Patron - Rerras*

**FSB1084 Sales and use tax exemption; Falcon Conference Facility, Inc.** Provides a sales and use tax exemption beginning July 1, 2003, and ending July 1, 2005, to a 501 (c) (3) organization established to provide educational programs, resources, and youth services that will improve the life of the youth's academic and spiritual needs and enable the youth to become civic-minded by providing a facility where organizations can sponsor retreats, seminars, and conferences that will nurture and strengthen life and enhance the social betterment of all youth.

*Patron - Lambert*

**FSB1086 Individual income tax; subtraction for certain public school board employees.** Provides a subtraction from taxable income to each employee of a county, city, or other local public school board whose annual salary is \$15,000 or less. Such employees may reduce their taxable income for individual income tax purposes by the amount of their annual salary. The subtraction is effective for taxable years beginning on or after January 1, 2004.

*Patron - Lambert*

**FSB1113 State cigarette tax.** Increases the state cigarette tax rate from two and one-half cents per pack to 60 cents per pack.

*Patron - Whipple*

**FSB1163 Sales and use tax exemption; Community Anti-Drug Coalitions of America.** Provides a sales and use tax exemption beginning July 1, 2003, and ending July 1, 2005, to a 501 (c) (3) organization established to build and strengthen the capacity of community coalitions to create safe, healthy, and drug-free communities, and provide public advocacy, training, and research in methods of substance abuse prevention to coalitions nationally.

*Patron - Ticer*

**FSB1176 Personal Property Tax Relief Act of 1998; reduce reimbursement amount.** Reduces the current car tax reimbursement amount from 70 percent to 47.5 percent for qualifying vehicles with a value greater than \$1,000 for tax years beginning on and after January 1, 2003. The reimbursement amount will remain at 47.5 percent until the general fund revenues, including transfers, for the most recently ended fiscal year after 2004 equal or exceed the amount of such revenues collected in tax year 2000 and adjusted for inflation.

*Patron - Puckett*

**FSB1208 Sales and use tax exemption; Virginia Elks Youth Camp.** Provides a sales and use tax exemption beginning July 1, 2003, and ending July 1, 2006, to a 501 (c) (3) corporation serving Bedford County and surrounding areas, and organized to provide a camping experience to children eight to 13 years old, including band and scout camps.

*Patron - Newman*

**FSB1215 Sales and use tax exemption; Virginia Center for the Creative Arts.** Provides a sales and use tax exemption beginning July 1, 2003, and ending July 1, 2006, to a 501 (c) (3) corporation organized to promote the arts of music, literature and drama, architecture, painting and sculpture, and the other fine arts throughout Virginia; and to encourage study, research, and production in all branches of art and to develop and encourage sympathetic understanding of their correlation and an appreciation of their value.

*Patron - Newman*

**FSB1217 Appeals of state tax assessments.** Provides that the Commonwealth has the burden of proof to show that a state tax assessment is correct or proper in an appeal to circuit court of such assessment. If the Commonwealth fails to carry this burden, the state tax assessment shall be overturned. Current law provides that the taxpayer appealing a state tax assessment to circuit court has the burden of proof to show that the assessment is erroneous or otherwise improper.

*Patron - Cuccinelli*

**FSB1257 Fuels taxes; indexed to the rate of inflation.** Increases the tax imposed on fuels every July 1, beginning in 2004, by the percentage increase in the Consumer Price Index for all items, all urban consumers (CPI-U).

*Patron - Miller; K.G.*

**FSB1266 Personal Property Tax Relief Act of 1998.** Repeals the Personal Property Tax Relief Act of 1998 effective January 1, 2004.

*Patron - Reynolds*

**FSB1273 Real estate tax; limitation on tax rate.** Provides that an annual assessment, biennial assessment or general reassessment of real property may not result in more

than a five percent increase in the total real estate tax levies for a county, city or town, with one exception. The bill also provides that a county, city or town may not set its real property tax for any tax year at a rate that would produce more than 105 percent of the previous year's total real property tax levies for such county, city or town, with one exception. The exception would allow a locality to set its property tax rate at a rate not to exceed the rate of population growth plus the rate of inflation in the locality for the immediately preceding year. The average tax increase on individuals would not exceed five percent. However, some taxpayers could be above the average while others could fall below the average. Under current law, (i) the annual growth rate in a locality's total real estate taxes from an annual assessment, biennial assessment or general reassessment is not capped, provided the locality holds a public hearing in regard to its real property tax rate; and (ii) there is no cap on real property tax rates.

*Patron - O'Brien*

**FSB1309 Virginia Estate Tax.** Exempts estates from the Virginia estate tax if the majority of the total estate is comprised of agricultural property, a closely held business or a non-corporate business.

*Patron - Deeds*

**FSB1319 Individual income tax; indexing personal exemption amount.** Beginning January 1, 2005, requires the \$800 personal exemption amount to be indexed annually based on the consumer price index.

*Patron - Rerras*

**FSB1348 Virginia taxes; restructuring.** Provides numerous changes to Virginia's taxes including eliminating the old-age deduction, changing individual income tax brackets with a top rate of seven percent on income greater than \$100,000, increasing the corporate income tax from six percent to eight percent, eliminating the sales and use tax on food, increasing the personal exemption amount to \$2,500, increasing the standard deduction for married persons to \$7,000 and for single individuals to \$3,500, applying the sales and use tax to amusement and personal services, establishing a refundable earned income tax credit equal to 20 percent of the federal earned income tax credit, and establishing a sales tax credit equal to \$100 for each personal exemption claimed.

*Patron - Lucas*

## Trade and Commerce

### Passed

**PHB1889 Virginia Petroleum Products Franchise Act.** Clarifies that the minimum distance of one and one-half miles between a refiner-operated service station and one operated by a franchised dealer is measured from the gas pump on the refiner's facility that is nearest a gas pump at the dealer's facility. The bill also changes the threshold for defining a "newly remodeled facility" to one that has a minimum cost of \$560,000 until January 1, 2004, and thereafter a minimum cost of \$560,000 plus an amount reflecting the annual rate of inflation based on changes in the Consumer Price Index. Finally, civil liability for violating the act is increased from liquidated damages of \$2,500 to \$10,000.

*Patron - Albo*

**PHB1935 Extended Service Contract Act.** Permits a third party extended service contract obligor to demonstrate

proof of its financial security by showing that the obligor or its parent company has a net worth of at least \$100 million.

*Patron - Nixon*

**PHB1988 Enterprise zone designation period.** Provides that if the designation of a state enterprise zone is scheduled to expire prior to the expiration date of a federal empowerment zone designation of the same area, the state designation expiration date shall be extended to conform to the expiration date of the federal designation. This bill is identical to Senate Bill 903.

*Patron - Bloxom*

**PHB2193 Credit Services Businesses Act.** Clarifies that the Virginia Credit Services Businesses Act does not apply to any person selling personal, family, or household goods to a consumer who, in connection with the seller's sale of its goods to the consumer, assists the consumer in obtaining a loan or extension of credit or extends credit to the consumer.

*Patron - McQuigg*

**PHB2212 Virginia Racing Commission; acquisition of interest in licensee; new application required.** Provides that if an applicant proposes to acquire actual control of a licensee such person shall submit such information as required by law and the Commission in its discretion. Such person may submit any other information to assure the Commission that the licensee, under the actual control of such person, the licensee will have the experience, expertise, financial responsibility, and commitment to be and remain in compliance with horse racing laws, the Commission's regulations and orders, and the conditions required by the Commission for the issuance and continued operation of the owner's and operator's license or both such licenses. The bill requires the Commission to approve any such application under certain circumstances.

*Patron - Suit*

**PHB2266 Motor vehicle glass.** Prohibits any person selling, installing or replacing motor vehicle glass from advertising, promising to provide, or offering any coupon, credit or rebate to pay all or part of an insurance deductible under a motor vehicle insurance policy unless the person charges no more than the prevailing market rate for such services.

*Patron - Hargrove*

**PHB2539 Overhead High Voltage Line Safety Act.** Increases the minimum clearance distance from an overhead high voltage line within which a person is prohibited from performing work from six feet to 10 feet. The owner or operator of overhead high voltage lines is exempted from liability for damages resulting from work within 10 feet of overhead high voltage lines, unless the required notice has been given and such owner or operator does not provide required temporary safety arrangements. A person who violates the minimum clearance requirements and whose activities damage utility facilities or cause other injury or damage is required to indemnify the line's owner or operator against all claims including service interruptions and costs incurred in defending any claims. Except for the indemnification obligations imposed on persons who violate the minimum clearance requirements, this measure does not affect the exclusive remedy provisions of the Virginia Workers' Compensation Act. Other provisions clarify the required contents of a notice required when a person intends to work in closer proximity to a power line than the statutory minimum clearance distance. Exemptions are established for (i) certain covered equipment used in agricultural or silvicultural activities and (ii) owners or leaseholders of real estate devoted to agricultural or silvicultural activities beneath a high voltage line, unless otherwise required by state or federal law.

*Patron - McDonnell*

**PHB2618 Unsolicited facsimile transmissions.** Makes the unsolicited transmission of advertising materials by facsimile a prohibited practice under the Consumer Protection Act. The bill eliminates the requirement that the unsolicited facsimile be advertising goods or services for sale or lease. Enforcement provisions under the Consumer Protection Act (i) permit the Attorney General to issue civil investigative demands and assurances of voluntary compliance, (ii) create an individual action for damages, and (iii) permit aggrieved parties or the Attorney General to seek injunctive relief to prevent further violations.

*Patron - Nutter*

**PHB2749 Virginia Racing Commission; Live Horseracing Compact.** Amends the Live Horseracing Compact to authorize the compact committee, which consists of officials from all states that are a party to the compact, to determine which categories of certain participants in live racing with pari-mutuel wagering where authorized in two or more states should be licensed by the committee. The bill also authorizes the Virginia Racing Commission to designate a representative to serve in the event the Commission member appointed to serve on the compact committee is unable to serve. Under the rules of the current compact, another member of the commission must be designated.

*Patron - Suit*

**PSB903 Enterprise zone designation period.** Provides that if the designation of a state enterprise zone is scheduled to expire prior to the expiration date of a federal empowerment zone designation of the same area, the state designation expiration date shall be extended to conform to the expiration date of the federal designation. This bill is identical to HB 1988.

*Patron - Quayle*

**PSB1034 Virginia Health Spa Act.** Makes several technical and clarifying amendments to the Virginia Health Spa Act. The buyer may cancel a contract if the health spa relocates and fails to provide comparable alternate facilities within five driving miles of the original location. Refunds shall be calculated by dividing the contract price by the term of the contract in days, multiplying that number by the number of days the contract was in effect, and subtracting that amount from the total price paid on the contract. A health spa contract is considered terminated automatically if the health spa permanently closes and does not provide a comparable alternate facility. Health spas are also required to notify the buyer, either in the contract or in a separate notice, that the Office of Consumer Affairs regulates health spas.

*Patron - Byrne*

**PSB1076 Purchase of service handgun.** Provides that local police departments and sheriffs may allow auxiliary law-enforcement officers with more than 20 years of service to purchase their service handgun for a sum equivalent to or less than its fair market value.

*Patron - Rerras*

**PSB1152 Virginia Racing Commission; powers; local referenda; prohibitions; criminal penalties.** Authorizes the Commission to regulate and establish fees for account wagering. The bill also (i) removes the 2005 sunset on the Commission's authority to alter the required number of live-racing days and (ii) allows towns to conduct referenda on the question of whether pari-mutuel wagering should be allowed.

*Patron - Stolle*

## Failed

### **FHB1386 Telecommuting Enhancement Act.**

Establishes the Telecommuting Enhancement Act prohibiting establishment of different standards between or among telecommuting worksites and traditional central worksites. Under the Act, no state law or regulation or local ordinance shall be construed to discriminate or create such a different standard. In the addition, the bill amends the Virginia Public Procurement Act to prohibit discrimination against a bidder or offeror in the solicitation, evaluation or awarding of contracts because such bidder or offeror allows its employees to telecommute. The Act has a delayed effective date of July 1, 2004. The bill also establishes a joint task force to identify the barriers and impediments to telecommuting and recommend changes to existing law to increase the opportunity for telecommuting in the Commonwealth.

*Patron - Lingamfelter*

### **FHB1618 Virginia Consumer Protection Act.**

Requires transferors of certain used motor vehicles to disclose certain facts concerning the vehicle to the transferee.

*Patron - Marshall, D.W.*

### **FHB1894 Equal access to public accommodations.**

Prohibits any person who owns or operates a place of public accommodation from restricting an individual from access or admission to the place of public accommodation or otherwise preventing the individual from using the place of public accommodation solely because the individual wears clothing that displays the name of a social or fraternal organization or association. The bill defines "public accommodation" as a business or other entity that offers to the general public food, shelter, recreation, or amusement, or any other goods, services, privilege, facility, or accommodation. The bill also permits individuals to sue to enjoin violations, recover damages in the amount of \$500 per violation, or up to \$1,500 for willful violations, and recover attorney's fees and court costs.

*Patron - Stump*

**FHB2046 Virginia Antitrust Act; manipulation of electricity prices.** Makes it an unlawful violation of the Virginia Antitrust Act for the operator of an electric power generation facility who generates electricity for sale to manipulate electricity prices by withholding power that has been committed to satisfy reserve requirements from the relevant market.

*Patron - Woodrum*

### **FHB2073 Insurance; use of social security number.**

Prohibits an insurer from using an insured's social security number as the insured's account number with the insurer, and from including the insured's social security number on any written or electronic correspondence, if the consumer has requested in writing that the supplier use a different number.

*Patron - Dudley*

**FHB2255 Personal Goods Sales Act.** Requires any person offering to sell or donate personal goods on behalf of the owner of such goods to enter into a written agreement prior to the sale that includes an inventory of the items to be sold or donated, the estimated value of those goods, and the means of compensating the seller for conducting the sale. Within 10 days of completion of the sale, the seller must provide the owner with the proceeds from the sale, an inventory of all goods sold or donated, the purchase price received for goods sold, the name and address of each recipient of a donation, the total proceeds received in the sale, and the amount of compensation taken by the seller.

*Patron - Watts*

**FHB2311 Telephone Privacy Protection Act; Do-Not-Call List.** Prohibits telephone solicitors from making telephone solicitation calls to persons who are included on a Do-Not-Call List of persons who do not wish to receive telephone solicitations. The Office of Consumer Affairs in the Department of Agriculture and Consumer Services will contract with a nonprofit organization qualifying as a list administrator to maintain the Do-Not-Call List.

*Patron - Plum*

### **FHB2334 Virginia Travel Agency Act; penalty.**

Establishes a system of annual licensure for travel agencies that provide travel or accommodation services on a prearranged basis to individuals or groups. Travel agencies are required to obtain a bond or letter of credit in the amount of \$50,000 securing the travel agency's liability to claimants. Travel agencies must also place all deposits paid in connection with travel services agreements in escrow, and obtain a fidelity bond for the escrowed deposits, in an amount equal to the greater of the amount of the deposits in escrow or \$25,000. The Act also prohibits travel agents from making certain misrepresentations and requires disclosures. Travel agencies must refund to any person with whom it contracts for a trip, moneys lost by that person as a result of the breach of duty by the travel agent. Violations of the Act are subject to the enforcement provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq.).

*Patron - Miles*

**FHB2523 The Virginia Anti-Spamming Act.** Prohibits sending unsolicited commercial electronic mail to persons if the sender uses a third party's domain name without permission; contains false or forged transmission information; contains false or misleading information in the subject line or if the person notifies the sender that he does not wish to receive commercial electronic mail from the sender. The bill requires the sender to identify the message as an advertisement or solicitation; provide notice of the right to decline to receive further unsolicited commercial electronic mail messages from the sender; provide information for sending requests to not receive further unsolicited commercial electronic mail messages from the sender. Individuals may recover damages of \$500 per violation or up to \$1,500 for willful violations, plus attorneys' fees and costs. The Attorney General, attorney for the Commonwealth or attorney for a locality may bring an action to enforce these provisions and collect civil penalties of \$500 for each violation or, if a willful violation, \$1,500 for each violation.

*Patron - Morgan*

### **FHB2717 Redesignation of enterprise zones.**

Removes the requirement limiting the redesignation of an enterprise zone as a joint enterprise zone only in counties with the county manager form of government thereby allowing such redesignations in any localities.

*Patron - Nutter*

**FSB918 Telephone Privacy Protection Act.** Prohibits telephone solicitors from making telephone solicitations to persons who are included on a database of persons who do not wish to receive telephone solicitations. The Department of Information Technology will maintain the database and provide copies to telephone solicitors for a 10 dollar annual fee. Persons may be placed on the database upon written notice and payment of a 10 dollar registration fee and a five dollar annual renewal fee. Violations of the Telephone Privacy Protection Act are a prohibited practice under, and are subject to the enforcement provisions of, the Virginia Consumer Protection Act. Telephone companies are required to notify customers about the database and their rights under the Act. The measure also prohibits telephone solicitors from using a predictive auto-

mated dialing system to make a telephone solicitation if a telephone call generated by such system does not immediately connect the person answering the telephone call with an individual who is the telephone solicitor or an employee or agent of the telephone solicitor.

*Patron - Byrne*

**FSB924 Commercial electronic mail; prohibitions; penalties.** Prohibits sending commercial electronic mail to persons if the sender uses a third party's domain name or electronic mail address without permission, contains false, misleading or no information in the subject line or if the intended recipient has indicated that he does not wish to receive commercial electronic mail from the sender. The bill requires the sender to (i) identify the message as an advertisement or solicitation; (ii) provide notice of the right to decline to receive further commercial electronic mail messages from the sender; (iii) provide a valid, cost-free method of contacting the sender; and (iv) provide at a minimum a valid return electronic mail address and a valid postal address for receiving requests to not receive further commercial electronic mail messages from the sender. The bill provides immunity from liability for interactive computer service providers that in good faith block commercial electronic mail sent in violation of this chapter. The bill also provides relief to an injured recipient, third party whose domain name or electronic mail address was used without permission, and interactive service provider. The Attorney General, an attorney for the Commonwealth or an attorney for a locality may bring an action to enforce these provisions. This bill does not include provisions regarding falsifying transmission or routing information that are included in the Virginia Computer Crimes Act (§ 18.2-152.1 et seq.). The purpose of this bill is to give consumers more power to control commercial electronic mail messages, which constitute an overwhelming majority of unwanted mail messages known as spam. Violations of this statute are also violations of the Virginia Consumer Protection Act.

*Patron - Byrne*

**FSB925 Unsolicited text message advertisements.** Expands the Telephone Privacy Protection Act to prohibit, subject to certain exceptions, a person conducting business in the Commonwealth from transmitting or causing to be transmitted a text message advertisement to a cellular telephone, pager or other wireless device equipped with short message or a similar capability. "Text message advertisement" means any message transmitted to a telephone number assigned for cellular telephone, pager or other similar wireless service, the principal purpose of which is to advertise, promote, market or otherwise attempt to solicit interest in any property, goods, services or enterprise for sale, lease, license, gift offer or other disposition. "Text message advertisement" shall not include a text message that is transmitted (i) to a subscriber with the subscriber's prior express invitation or permission; (ii) at the direction of a person offering cellular telephone, pager or other similar wireless service if the subscriber is offered an option not to receive those text messages and the subscriber has not exercised such option; or (iii) by a person that has an existing relationship with the subscriber if that relationship has not been terminated by either party, the subscriber is offered an option not to receive text messages from that person prior to receiving any such messages, and the subscriber has not exercised such option.

*Patron - Byrne*

**FSB1228 Roller Skating Safety Act.** Establishes duties and responsibilities for the operators of roller skating rinks and skaters. The bill provides that any operator or skater who violates these duties and responsibilities shall be subject to a civil penalty not to exceed \$500. The bill was prompted by

the tragic death of five-year-old Clark Andrew Guye in a roller skating accident in Newport News, Virginia.

*Patron - Williams*

## Unemployment Compensation

### Passed

**PHB1431 Unemployment compensation; social security benefit.** Provides that weekly unemployment compensation benefits will be reduced by an amount equal to 50 percent of the Social Security Act or Railroad Retirement Act retirement benefits received by the individual and attributable to such week. This bill is identical to SB 1014.

*Patron - Johnson*

**PHB1929 Unemployment compensation; weekly benefit amount.** Changes the basis for calculating weekly unemployment benefits. Beginning July 6, 2003, an individual's benefit will be 52 percent of his previous weekly wages during the two highest quarters in his base period, not to exceed the maximum weekly benefit amount of \$316. For claims filed on or after July 4, 2004, the maximum weekly benefit amount shall be \$326. This bill is identical to SB 890.

*Patron - Nixon*

**PHB2484 Unemployment compensation; exclusion for independent clinical service providers.** Provides that services performed by a licensed clinical social worker, licensed psychologist, licensed professional counselor or licensed psychiatrist do not constitute "employment," for purposes of unemployment compensation, if the individual providing the services (i) operates under a contract specifying that he is free from control or direction over the performance of the services, (ii) is licensed to perform independent clinical services, (iii) is compensated solely from fees charged for the services that he performs, and (iv) has a valid business license issued by the locality where he performs the services.

*Patron - Tata*

**PHB2722 Unemployment compensation; records and reports.** Permits the Virginia Employment Commission, when sending information for the purpose of collecting fines, penalties, and costs owed to the Commonwealth or its political subdivisions, to send such information to a designated agent of the Commonwealth or political subdivision.

*Patron - Reid*

**PSB1014 Unemployment compensation; social security benefit.** Provides that weekly unemployment compensation benefits will be reduced by an amount equal to 50 percent of the Social Security Act or Railroad Retirement Act retirement benefits received by the individual and attributable to such week. This bill is identical to HB 1431.

*Patron - Watkins*

**PSB1039 Notice of unemployment benefit charges and taxes.** Requires the Virginia Employment Commission (VEC) by December 31 of each year to send to every covered employer a notice of unemployment benefit charges and taxes for the preceding fiscal year. Currently, the VEC sends such notice by July 1 of each year for the preceding calendar year.

*Patron - Watkins*

**PSB1040 Unemployment compensation; base period.** Provides that if an individual earned insufficient wages in the first four of the last five completed calendar quarters to

become eligible for benefits, then such claimant's "base period" shall be the four most recent completed calendar quarters immediately preceding the first day of the claimant's benefit year.

*Patron - Watkins*

## Failed

**FHB2264 Unemployment compensation; responsibility for benefit charges.** Eliminates the provisions in Virginia's unemployment compensation law that makes the employer who employed a benefits-eligible individual for at least 30 days or 240 hours responsible for benefit charges. The last employer of an eligible individual will be assessed benefit charges relating to such individual's benefit claim, regardless of the duration of employment.

*Patron - Abbitt*

**FHB2485 Unemployment compensation; responsibility for benefit charges.** Provides that all employers who paid wages in a claimant's base period will be responsible for the benefit charges. The amount of each employer's allocation of benefit charges is based on the ratio that the total base period wages paid to the individual by the employer bears to the total base period wages paid to the individual by all of his base period employers. Currently, the most recent 30-day employer is charged for all of the claimant's unemployment insurance benefits.

*Patron - Tata*

**FHB2559 Unemployment compensation; shared work programs.** Establishes a shared work program that provides employers with the option of reducing the hours worked by employees, while permitting the employees whose hours are reduced to receive partial compensation for lost wages. Program participation requires Virginia Employment Commission approval of a plan, which must provide that the reduction in hours of work is in lieu of a layoff of an equivalent percentage of employees, and that employees' fringe benefits cannot be reduced or eliminated during the plan. Employees must be available to work and available for full-time work with a participating employer.

*Patron - Scott*

**FHB2770 Unemployment compensation; weekly benefit amount.** Changes the basis for calculating weekly unemployment benefits and taxes. For claims filed on or after July 6, 2003, the maximum weekly benefit amount shall be 50 percent of the statewide average weekly wage. The average weekly wage is determined by (i) dividing the total number of taxable workers for the preceding calendar year by 12, (ii) dividing that number into the total wages of taxable employees for that calendar year, and (iii) dividing that number by 52 and rounding to the next lower whole dollar. The bill also raises the taxable wage base from \$8,000 per employee to \$12,000.

*Patron - Hull*

**FSB890 Unemployment compensation; weekly benefit amount.** Changes the basis for calculating weekly unemployment benefits. Beginning July 6, 2003, an individual's benefit will be 52 percent of his previous weekly wages during the two highest quarters in his base period, not to exceed the maximum weekly benefit amount of \$316. For claims filed on or after July 4, 2004, the maximum weekly benefit amount shall be \$326. This bill is identical to HB 1929.

*Patron - Watkins*

**FSB1021 Unemployment compensation; waiting week.** Provides that unemployment compensation benefits for

a claimant's waiting week will be paid when the claimant has been paid four weeks of benefits.

*Patron - Reynolds*

**FSB1041 Unemployment insurance; fund balance factor.** Amends the 20-year period of time for including the three years of highest benefit ratios in calculating the adequate balance of the unemployment trust fund to a time period from July 1, 1982, through June 30 of the year in which the calculation is made.

*Patron - Watkins*

**FSB1114 Unemployment compensation; weekly benefit amount.** Changes the basis for calculating weekly unemployment benefits. For claims filed between July 6, 2003, and July 4, 2004, benefit levels shall be equal to those in effect before September 9, 2001, except the maximum weekly benefit amount is increased from \$268 to \$318. For claims filed on or after July 4, 2004, the maximum weekly benefit amount shall be 50 percent of the statewide average weekly wage. The average weekly wage is determined by (i) dividing the total number of taxable workers for the preceding calendar year by 12, (ii) dividing that number into the total wages of taxable employees for that calendar year, and (iii) dividing that number by 52 and rounding to the next lower whole dollar.

*Patron - Saslaw*

## Waters of the State, Ports and Harbors

### Passed

**PHB1505 Emergency water supply permit.** Authorizes the State Water Control Board to issue an emergency Virginia Water Protection Permit (VWPP). If the Board finds that there is an insufficient drinking water supply for the area served by a public water system, an emergency permit would be issued to an applicant seeking to develop an additional source of water supply. The amount of water that could be withdrawn under the permit is limited to the amount necessary to protect public health and safety. The emergency permit would be valid (i) until the Board either denied or approved a regular VWPP or (ii) for one year, whichever occurs sooner. The fee charged by the Board for the emergency permit would be 50 percent of the amount charged for a comparable water project seeking a VWPP.

*Patron - Bryant*

**PHB1748 Virginia Water Facilities Revolving Fund; brownfields remediation.** Allows the State Water Control Board to extend loans from the Virginia Water Facilities Revolving Fund to localities, public authorities, partnerships or corporations for brownfields remediation activities. A brownfield is real property for which expansion, redevelopment, or reuse may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

*Patron - Suit*

**PHB2156 Water supply fund.** Authorizes the Virginia Board of Health to enter into an agreement with the State Water Control Board to manage certain aspects of the Virginia Water Supply Revolving Fund, such as reviewing of financial assistance applications and project bid documents, monitoring projects, and ensuring compliance with environmental review.

*Patron - Phillips*

**PSB774 Virginia Resources Authority.** Adds airport facilities to the types of facilities that the Virginia Resources Authority ("Authority") may help local governments finance, and enhances the ability of the Authority to collect local obligations due the Commonwealth by broadening the types of agreements that the Authority and localities may enter into.

*Patron - Lambert*

**PSB896 Confined animal feeding operations.** Authorizes the State Water Control Board to promulgate regulations requiring VPDES permits for confined animal feeding operation to the extent necessary to comply with § 402 of the federal Clean Water Act. Certain confined animal feeding operations will be covered under Virginia Pollutant Discharge Elimination System permits as opposed to General Virginia Pollutant Abatement permits. The bill also requires the State Water Control Board to impanel an advisory group.

*Patron - Watkins*

**PSB1051 Virginia Water Facilities Revolving Fund.** Allows the State Water Control Board to make loans from the Virginia Water Facilities Revolving Fund to local governments or "holders" for purchasing or acquiring an interest in real property. The Board must consult with the Department of Conservation and Recreation to verify that the purchase protects or improves water quality and prevents the pollution of state waters and protects the natural or open-space values of the property or assures its availability for agricultural, forestal, recreational, or open-space use.

*Patron - Hanger*

**PSB1221 Water supply planning.** Requires the State Water Control Board, in consultation with the State Health Commissioner, local governments, public service authorities, and other interested parties, to establish a comprehensive water supply planning process for the development of local, regional and state water supply plans. The planning process should (i) ensure that adequate and safe drinking water is available, (ii) encourage and protect all beneficial uses, and (iii) encourage, promote and develop incentives for alternative water sources. A citizens' technical advisory committee is to continue to advise DEQ and the Health Department regarding any changes needed in the Commonwealth's water resources policies and programs. The Board is to prepare a preliminary state water resources plan and proposed draft criteria for development of the local and regional plans by December 1, 2003. The preliminary plan, which will include information from existing local and regional water supply plans, is to be submitted to the Governor and the legislative committees with jurisdiction over the subject matter and the State Water Commission. This bill incorporates SBs 1245 and 1259.

*Patron - Williams*

## Failed

**FHB2083 Sewage sludge.** Authorizes localities to adopt an ordinance that requires sewage sludge that is being applied to the land contain between 1,001 and 50,000 fecal coliform counts per gram of dry weight. This amount is within the range classified as a Class B biosolid.

*Patron - Abbitt*

**FHB2401 Comprehensive water supply plan.** Requires the State Water Control Board to develop a comprehensive state water supply plan that includes a plan for each of Virginia's major river basins, such information as the projected water need for a 25-year period, demand management and supply alternatives, conservation measures during drought and nondrought periods, and provisions for the protection of

ground water, headwaters and estuaries. Local governments are to work together to develop regional watershed plans that will be part of the state plan.

*Patron - Van Yahres*

**FHB2832 No discharge zone.** Removes the restriction on the State Water Control Board that prohibits it from promulgating no discharge regulations that are more restrictive than federal law. Removing this restriction on the Board's authority will enable the Commonwealth to enforce the Commonwealth's no discharge regulations at Smith Mountain Lake.

*Patron - Byron*

**FSB1245 Comprehensive water supply plan.** Requires the State Water Control Board to develop a comprehensive state water supply plan that includes a plan for each of Virginia's major river basins, such information as the projected water need for a 25-year period, demand management and supply alternatives, conservation measures during drought and nondrought periods, and provisions for the protection of ground water, headwaters and estuaries. Local governments are to work together to develop regional watershed plans that will be part of the state plan. This bill is incorporated into SB 1221.

*Patron - Edwards*

**FSB1259 Water supply planning.** Requires the State Water Control Board, in consultation with the State Health Commissioner, local governments, public service authorities, and other interested parties, to establish a comprehensive water supply planning process for the development of local, regional and state water supply plans. The planning process should (i) ensure that adequate and safe drinking water is available, (ii) encourage and protect all beneficial uses, and (iii) encourage, promote, and develop incentives for alternative water sources. A citizens' technical advisory committee is to continue to advise the Department of Environmental Quality and the Health Department regarding any changes needed in the Commonwealth's water resources policies and programs. The Board is to prepare a preliminary state water resources plan and proposed draft criteria for development of the local and regional plans by December 1, 2003. The preliminary plan, which will include information from existing local and regional water supply plans, is to be submitted to the Governor and the legislative committees with jurisdiction over the subject matter and the State Water Commission. This bill is incorporated into SB 1221.

*Patron - Norment*

**FSB1349 Environmental permit fees.** Modifies the permit fee exemption for farming operations engaged in production for market to include the washing and packing of produce by the grower for shipment to market.

*Patron - Rerras*

## Welfare (Social Services)

### Passed

**PHB1514 Parental placement adoptions.** Provides that when a licensed child-placing agency or a local board of social services accepts custody of a child for the purpose of placing the child with adoptive parents designated by the birth parent, such agency or local board may give consideration for placement of the child to the designated adoptive parents if the agency or local board finds the placement in the best interest of the child.

*Patron - Albo*

**PHB1764 Health professions; donation of services.** Adds professional counselors, clinical social workers, clinical psychologists, marriage and family therapists, and physical therapists to the list of health professionals eligible for a tax credit for donated services when such services are provided at a clinic where such services are provided at no charge or on a sliding fee.

*Patron - Nutter*

**PHB2009 Adoption; birth parent physical and mental history.** Requires the child-placing agency or local director of social services to document in the court report all efforts made to encourage birth parents to share information related to their physical and mental history in all adoption proceedings.

*Patron - Bell*

**PHB2187 Human Services Information and Referral Advisory Council.** Abolishes the Human Services Information and Referral Advisory Council and its Technical Assistance Committee. The Council recommends standards and policies for the development and implementation of a statewide human services information and referral system to provide information on or referral to appropriate public and private agencies at the state, local and regional levels. In 1995, the Joint Legislative Audit and Review Commission conducted a study on the Council and recommended that the Council move to a self-sustaining operation. The Council has been moving in this direction. 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).

*Patron - Saxman*

**PHB2233 Recognition of foreign adoption decrees.** Provides that adoptive parents who are residents of the Commonwealth may petition the circuit court in the city or county where they reside for a report of adoption when the adoptive parents are seeking a Virginia certificate of birth for a child adopted in a foreign country that has post-adoption reporting requirements and with whom the United States has diplomatic relations. The adoptive parents must provide the circuit court with the immediate relative immigrant visa (IR-3), a report of adoption on a form furnished by the State Registrar of Vital Records, completed post-adoption reports, and a signed affidavit stating that any outstanding post-adoption requirements shall be met as required by the foreign country. The affidavit shall also include the name by which the child is to be known. The circuit court will review all documents provided by the adoptive parents. If the circuit court finds that all requirements have been met, the circuit court may issue the report of adoption to the State Registrar for issuance of a Virginia certificate of birth. Adoptive parents seeking to have a child from a foreign country adopted or who choose to readopt a child from a foreign country in Virginia must comply with all statutory adoption requirements in order to get a Virginia certificate of birth.

*Patron - Cline*

**PHB2288 Child protective services; school personnel investigation procedures.** Requires each local department of social services and school division to adopt a written inter-agency agreement as a protocol for investigating child abuse and neglect reports against school personnel. When the subject of the child abuse or neglect complaint is an employee of a local school board or employed in a school operated by the Commonwealth, the local department of social services must conduct a face-to-face interview with the employee, and must

notify the employee at the onset of the interview of the general nature of the complaint, of the identity of the alleged victim and of his right to have an attorney or other representative present during any interview. The local department must give the employee a written summary of the investigation and an explanation of how the information gathered supports the disposition. This bill is identical to SB 1043.

*Patron - Devolites*

**PSB803 Human Services Information and Referral Advisory Council.** Abolishes the Human Services Information and Referral Advisory Council and its Technical Assistance Committee. The Council recommends standards and policies for the development and implementation of a statewide human services information and referral system to provide information on or referral to appropriate public and private agencies at the state, local and regional levels. In 1995, the Joint Legislative Audit and Review Commission conducted a study on the Council and recommended that the Council move to a self-sustaining operation. The Council has been moving in this direction. 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 - Martin*

**PSB1043 Child protective services; school personnel investigation procedures.** Requires each local department of social services and school division to adopt a written inter-agency agreement as a protocol for investigating child abuse and neglect reports against school personnel. When the subject of the child abuse or neglect complaint is an employee of a local school board or employed in a school operated by the Commonwealth, the local department of social services must conduct a face-to-face interview with the employee, and must notify the employee at the onset of the interview of the general nature of the complaint, of the identity of the alleged victim and of his right to have an attorney or other representative present during any interview. The local department must give the employee a written summary of the investigation and an explanation of how the information gathered supports the disposition. This bill is identical to HB 2288.

*Patron - Blevins*

**PSB1101 Recodification of Title 63.2; corrections bill.** Makes housekeeping amendments to several sections that were recodified in former Title 63.1. These amendments include correcting names of organizations, definitions and cross references; restoring court venues for adoption procedures, old language inadvertently dropped and a right of appeal to the Commissioner for certain social services programs; and moving a provision regarding the authority of the Department to access records to assist in locating persons liable for support from Title 20 to this title. The bill is a recommendation of the Virginia Code Commission.

*Patron - Edwards*

**PSB1157 Child support income withholding; service of process.** Permits the Division of Child Support Enforcement in the Department of Social Services to issue income withholding orders and notices by first-class mail. The bill states that a noncustodial parent's employer issued an income withholding order by first-class mail shall not be liable to the Department unless the employer had actual notice of the order.

*Patron - Ticer*

**PSB1298 Parental rights.** Clarifies that a "party with a legitimate interest" in a child, for purposes of making custody and visitation determinations, does not include persons whose

interest in the child is derived from a parent (e.g., grandparents and other relatives) whose rights have been terminated if the child subsequently has been legally adopted, except in cases of stepparent adoption. The bill also clarifies that only such grandparents and other relatives are not divested of all legal rights in cases of stepparent adoption. This bill is not a change in current law and seeks to clarify current practice.

*Patron - Newman*

**PSB1306 Child protective services; retention of records.** Requires that the records of family assessments shall be retained for three years after the date of the complaint or report, rather than the current one year retention period. The records will be purged after such three year period if there are no subsequent complaints or reports regarding the same child or the person who is the subject of the report in that three year period.

*Patron - Ticer*

**PSJ428 Playground guidelines.** Encourages the Department of Social Services to promote public playground safety through the use of technical assistance, seminars, conferences, the dissemination of published materials, or other forms of encouragement. Such guidelines are nonmandatory and nonenforceable and no violation notices shall be issued.

*Patron - Hanger*

## Failed

**FHB1489 Mandatory reporting of child abuse and neglect.** Requires any regular minister, priest, rabbi, or accredited practitioner, including a duly accredited Christian Science practitioner, to report suspected child abuse or neglect to a local department of social services or the Department of Social Services' toll-free child abuse and neglect hotline. The bill does not require the reporting of privileged communications between such individuals and the persons they counsel or advise.

*Patron - Black*

**FHB1669 Foster and adoptive homes; uniform standards.** Requires the State Board of Social Services to adopt uniform standards for the approval of foster and adoptive homes by local boards or licensed child-placing agencies in order to provide for the concurrent approval of a person to be both a foster and adoptive parent.

*Patron - Orrock*

**FHB1703 Social services; Virginia Caregiver Grant.** Increases the grant available to a caregiver of a mentally or physically impaired relative from \$500 to \$3,000 if the caregiver can provide appropriate documentation that without such care, the relative would be domiciled in a nursing facility. Grants from this fund shall not exceed the amount appropriated by the General Assembly to the Caregiver Grant Fund.

*Patron - Purkey*

**FHB1740 Mandatory reporting of child abuse and neglect.** Requires any accredited practitioner, including a duly accredited Christian Science practitioner, to report suspected child abuse or neglect to a local department of social services or the Department of Social Services' toll-free child abuse and neglect hotline. The bill does not require the reporting of privileged communications between such individuals and the persons they counsel or advise.

*Patron - Byron*

**FHB1800 Mandatory reporting of child abuse and neglect.** Requires any regular minister, priest, rabbi, or accredited

practitioner, including a duly accredited Christian Science practitioner, to report suspected child abuse or neglect to a local department of social services or the Department of Social Services' toll-free child abuse and neglect hotline. The bill excepts from the mandatory reporting requirement information required by the doctrine of the religious organization or denomination to be kept in a confidential manner. However, the privilege accorded such confidential communications shall not apply if the minister, priest, rabbi, or accredited practitioner, including a duly accredited Christian Science practitioner, also acquires the information from a source other than the confidential communication.

*Patron - Jones, D.C.*

**FHB2010 Child protective services appeals.** Provides that if persons who are accused of child abuse or neglect are represented by an attorney in the appeal process, they must notify the local department of social services in writing no less than seven days prior to the informal conference or hearing. Failure to do so may result in a continuance.

*Patron - Bell*

**FHB2289 Child protective services; investigation procedures.** Requires the local department of social services to conduct a face-to-face interview of the person who is the subject of the complaint during the course of an investigation of child abuse or neglect. Prior to this interview, the local department shall provide written notice to such person of the charge being investigated and his right to the presence of an attorney during the interview. Upon written request of the person who is the subject of the complaint, the local department shall provide such person all information in the investigative record for his review and response. The bill requires child abuse investigations to terminate if the local department fails to meet time or these procedural requirements. Finally, the bill requires the local department to determine that a complaint of abuse or neglect is unfounded if the person who is the subject of the complaint is acquitted of criminal charges for the same conduct involving the same victim as investigated by the local department.

*Patron - Devolites*

**FHB2372 Mandatory reporting of child abuse and neglect.** Requires any regular minister, priest, rabbi, or accredited practitioner, including a duly accredited Christian Science practitioner, to report suspected child abuse or neglect to a local department of social services or the Department of Social Services' toll-free child abuse and neglect hotline. The bill does not require the reporting of privileged communications between such individuals and the persons they counsel or advise.

*Patron - Marshall, R.G.*

**FHB2469 Social Services; Virginia Initiative for Employment Not Welfare (VIEW).** Exempts persons from the VIEW work requirements if the individual is enrolled full-time in and making satisfactory progress toward the completion of a secondary or postsecondary educational program other program that provides training and results in certification by the Commonwealth and is a prerequisite for employment and designed to result in self-sufficiency.

*Patron - Crittenden*

**FHB2549 Subsidized guardianship of children living with relative caregivers; pilot program.** Directs the Department of Social Services to establish a subsidized guardianship pilot program that expires on July 1, 2006, in at least three but no more than five areas of the Commonwealth selected by the Department, for the benefit of children in the custody of a local board of social services or other child wel-

fare agency who are living with relative caregivers and who have been in foster care or living with relatives other than natural parents for not less than 18 months. A relative caregiver means a person who is caring for a child related to such person where the option of the child's reunification with his natural parents is eliminated and termination of parental rights is not appropriate. The subsidized guardianship program shall include a special-need subsidy, which shall be a onetime lump sum payment for expenses resulting from the assumption of care of the child, a medical subsidy, and a monthly subsidy on behalf of the child payable to the relative caregiver that shall be equal to the prevailing foster care rate. The Department may establish an asset test for eligibility under the program. The relative caregiver receiving a guardianship subsidy shall submit annually to the Department a sworn statement that the child is still living with and receiving support from the guardian. The Department shall evaluate and report to the General Assembly on the impact and effectiveness of the subsidized guardianship program.

*Patron - Christian*

**FHB2820 Social services; adoption.** Directs the Department of Social Services to develop and implement a program of transition services for older children in foster care as well as those children age 18-23 who were formerly in foster care to enable them to obtain life skills and education for independent living and employment and to become self-sufficient adults. Such services are not a substitute for continued attempts at placement with adoptive parents for those older children still in foster care, but can occur concurrently. Performance outcome measures must be adopted and the Department must work with other state agencies to maximize the funding for such services and provide interagency cooperation.

*Patron - Christian*

**FHB2831 Child protective services; standard of proof.** Provides that the standard of proof for a local department of social services to use in determining whether a reported case of child abuse or neglect is founded is by clear and convincing evidence. Currently, the standard of proof is preponderance of the evidence and is set by State Board of Social Services' regulation. The bill requires that any determination that a complaint or report is founded shall be based primarily on first source evidence; in no instance shall a determination that a complaint or report is founded be based solely on indirect evidence or an anonymous complaint.

*Patron - Sears*

**FSB727 Temporary Assistance to Needy Families (TANF); child care.** Requires the Department of Social Services to provide child-care services for the children of TANF recipients, participants in the Virginia Initiative for Employment Not Welfare (VIEW), and former VIEW participants for 12 months after termination of TANF financial assistance if such services are needed to (i) fulfill a VIEW requirement, (ii) enable the individual to seek or retain employment, or (iii) attend a job training or educational program that has been approved by the local department of social services, unless the local department subsequently determines that the person is not making satisfactory progress toward completion of such job training or educational program. The bill also requires such services for those individuals who are otherwise eligible for child care pursuant to State Board of Social Services regulations.

*Patron - Miller, Y.B.*

**FSB728 Subsidized guardianship of children living with relative caregivers.** Directs the Department of Social Services to establish a subsidized guardianship program for the benefit of children in the custody of a local board of social ser-

vices or other child welfare agency who are living with relative caregivers and who have been in foster care or living with relatives other than natural parents for not less than 18 months. A relative caregiver means a person who is caring for a child related to such person where the option of the child's reunification with his natural parents is eliminated and termination of parental rights is not appropriate. The subsidized guardianship program shall include a special-need subsidy, which shall be a one-time lump sum payment for expenses resulting from the assumption of care of the child, a medical subsidy, and a monthly subsidy on behalf of the child payable to the relative caregiver that shall be equal to the prevailing foster care rate. The Department may establish an asset test for eligibility under the program. The relative caregiver receiving a guardianship subsidy shall submit annually to the Department a sworn statement that the child is still living with and receiving support from the guardian.

*Patron - Miller, Y.B.*

**FSB745 Mandatory reporting of child abuse and neglect.** Requires any regular minister, priest, rabbi, or accredited practitioner, including a duly accredited Christian Science practitioner, to report suspected child abuse or neglect to a local department of social services or the Department of Social Services' toll-free child abuse and neglect hotline. The bill does not require the reporting of privileged communications between such individuals and the persons they counsel or advise.

*Patron - O'Brien*

**FSB749 Subsidized guardianship of children living with relative caregivers; pilot program.** Directs the Department of Social Services to establish a subsidized guardianship pilot program that expires on July 1, 2006, in at least 3 but no more than 5 areas of the Commonwealth selected by the Department, for the benefit of children in the custody of a local board of social services or other child welfare agency who are living with relative caregivers and who have been in foster care or living with relatives other than natural parents for not less than 18 months. A relative caregiver means a person who is caring for a child related to such person where the option of the child's reunification with his natural parents is eliminated and termination of parental rights is not appropriate. The subsidized guardianship program shall include a special-need subsidy, which shall be a onetime lump sum payment for expenses resulting from the assumption of care of the child, a medical subsidy, and a monthly subsidy on behalf of the child payable to the relative caregiver that shall be equal to the prevailing foster care rate. The Department may establish an asset test for eligibility under the program. The relative caregiver receiving a guardianship subsidy shall submit annually to the Department a sworn statement that the child is still living with and receiving support from the guardian. The Department shall evaluate and report to the General Assembly on the impact and effectiveness of the subsidized guardianship program.

*Patron - Miller, Y.B.*

**FSB907 Temporary Assistance to Needy Families (TANF); child care subsidies.** Provides for up to 24 months of transitional child care for persons whose TANF financial assistance is terminated, either voluntarily or involuntarily, if such assistance enables the individual to work.

*Patron - Miller, Y.B.*

**FSB1011 Mandatory reporting of child abuse and neglect.** Requires any regular minister, priest, rabbi, or accredited practitioner to report suspected child abuse or neglect to a local department of social services or the Department of Social Services' toll-free child abuse and neglect hotline. The bill excepts from the mandatory reporting requirement information

required by the doctrine of the religious organization or denomination to be kept in a confidential manner and information that the practitioner would not be required to disclose in court testimony pursuant to other Code provisions.

*Patron - Howell*

**FSB1042 Child protective services; investigation procedures.** Requires the local department of social services to conduct a face-to-face interview of the person who is the subject of the complaint during the course of an investigation of child abuse or neglect. Prior to this interview, the local department shall provide written notice to such person of the charge being investigated and his right to the presence of an attorney during the interview. Upon written request of the person who is the subject of the complaint, the local department shall provide such person all information in the investigative record for his review and response. The bill requires child abuse investigations to terminate if the local department fails to meet time or these procedural requirements. Finally, the bill requires the local department to determine that a complaint of abuse or neglect is unfounded if the person who is the subject of the complaint is acquitted of criminal charges for the same conduct involving the same victim as investigated by the local department.

*Patron - Blevins*

**FSB1063 Temporary Assistance for Needy Families (TANF); drug-related felonies.** Provides that a person who is otherwise eligible to receive TANF and food stamp benefits shall not be denied such public assistance because the person has been convicted of a drug-related felony. While the Temporary Assistance for Needy Families federal legislation bars public assistance to such persons, the law permits states to opt out of this provision. This bill is a recommendation of the Subcommittee of Senate Rehabilitation and Social Services Studying the Collateral Consequences of Felony Convictions.

*Patron - Maxwell*

**FSB1214 Social services; adoption.** Adds an additional exemption from the requirement for the consent of the birth father for an entrustment agreement or consent to adoption if the birth father commits assault and battery against the birth mother while pregnant with the child and the entrustment agreement or adoption consent is signed by the birth mother within 24 months of the birth of the child. Current statute does not require the consent of the birth father if he has been convicted of certain other crimes such as rape and carnal knowledge of a minor and the child was conceived as a result.

*Patron - Newman*

**FSB1346 Investigations by local departments of social services.** Provides that no child may be removed from the custody of his parent(s) or caretaker(s) in the absence of an investigation.

*Patron - Cuccinelli*

## Wills and Decedents' Estates

### Passed

**PHB1976 Uniform Disclaimer of Property Interests Act.** Repeals Chapter 8 of Title 64.1, dealing with disclaimer of property passing under testamentary interests by descent or distribution and replaces it with the Uniform Disclaimer of Property Interests Act (UDPIA), which was adopted by the National Conference of Commissioners on Uniform State Laws in 1978 and revised in 1999. The current Virginia

disclaimer statute focuses on estate and gift tax consequences. The UDPIA broadens the situations in which disclaimers can be used and details the exercise and effect of disclaimers, including that acceptance is the only bar to a valid disclaimer and specifying the effects of a disclaimer.

*Patron - Athey*

**PHB1977 Incorporating powers of fiduciary into will or trust instrument; definition of estate.** Defines "estate" to include all interests in the property of an individual that passes by will or intestacy. The bill's purpose is to ensure that the fiduciary has access to property other than that to which he has title as fiduciary, for the purposes of paying any debts of the estate. This bill is identical to SB 980.

*Patron - Athey*

**PHB1978 Wills and decedents' estates; presumption of death.** Provides a "specific peril" exception to the Enoch Arden statute that presumes that an individual who is absent or has disappeared for at least seven years has died.

*Patron - Athey*

**PHB2516 Wills and decedents' estates; administrator.** Authorizes the court to appoint an administrator solely for the purpose of prosecuting a personal injury or wrongful death action on behalf of an estate or the beneficiaries of the estate when there has been no such appointment or qualification.

*Patron - Griffith*

**PSB980 Incorporating powers of fiduciary into will or trust instrument; definition of estate.** Defines "estate" to include all interests in the property of an individual that passes by will or intestacy. The bill's purpose is to ensure that the fiduciary has access to property other than that to which he has title as fiduciary, for the purposes of paying any debts of the estate. This bill is identical to HB 1977.

*Patron - Mims*

### Failed

**FSB1238 To whom administration of will may be granted.** Removes the authority of the clerk to grant administration of a will where no executor has been named by the will or those named refuse to serve. The authority is reserved for the court alone.

*Patron - Norment*

## Workers' Compensation

### Passed

**PHB1877 Workers' compensation; infectious disease presumption.** Provides that the existing provision that delays, until six months after an employee has undergone a preemployment physical examination, the presumption that certain diseases causing the death or disability of a firefighter or certain other employees who have a documented occupational exposure to blood or body fluids are presumed to be occupational diseases does not apply if a person entitled to invoke the presumption demonstrates a documented exposure during the six-month period.

*Patron - Amundson*

**PHB2451 Workers' compensation; notice procedures.** Requires decisions of the Workers' Compensation

Commission to be sent by priority mail with delivery confirmation or equivalent mailing option. Currently, such notices must be sent by registered or certified mail. The measure also provides that if a party is represented by counsel, the counsel's receipt of the decision will be deemed to be receipt by the party. This bill is identical to SB 1132.

*Patron - Griffith*

**PHB2728 Workers' compensation; smallpox vaccine.** Expands the definition of "injury," for purposes of the workers' compensation, to include any injury, disease or condition that (i) arises out of and in the course of employment of an employee of a hospital, health care provider, or state or local health department or of a firefighter, emergency medical technician or other specified provider, and (ii) results from the administration of the vaccinia vaccine, Cidofivir, or Vaccinia Immune Globulin, as part of federal smallpox countermeasures, or from the transmission of vaccinia in the course of employment from an employee participating in such countermeasures to a co-employee of the same employer.

*Patron - O'Bannon*

**PSB1132 Workers' compensation; notice procedures.** Requires decisions of the Workers' Compensation Commission to be sent by priority mail with delivery confirmation or equivalent mailing option. Currently, such notices must be sent by registered or certified mail. The measure also provides that if a party is represented by counsel, the counsel's receipt of the decision will be deemed to be receipt by the party. This bill is identical to HB 2451.

*Patron - Norment*

## Failed

**FHB1964 Workers' compensation; occupational disease presumption.** Provides that a person whose hypertension or heart disease is presumed to be an occupational disease is eligible for medical benefits under the Workers' Compensation Act, notwithstanding that he is not yet totally or partially disabled. The medical benefits include entitlement to an annual medical examination to measure the progress, if any, of the hypertension or heart disease, and to any other prescribed treatment for the condition.

*Patron - Carrico*

**FHB2159 Workers' Compensation Commission; approval of agreements.** Authorizes deputy commissioners of the Workers' Compensation Commission to approve agreements compromising or settling claims for compensation.

*Patron - Phillips*

**FHB2171 Workers' compensation insurance rates for coal mining firms.** Requires any rate service organization designated by the State Corporation Commission to gather and compile experience data for any classification of workers' compensation insurance that includes bituminous coal mining shall report such data annually to the Commission for the preceding five years. Group self-insurance associations and individual self-insurers for firms engaged in bituminous coal mining shall submit experience data to the Commission or a designated rate service organization. Workers' compensation rates for such firms shall reflect prospective loss costs data provided by such individual self-insurers and group self-insurance associations.

*Patron - Phillips*

**FHB2747 Workers' compensation payments to professional football players.** Provides that workers' compensation benefits to which an injured professional football player

is entitled shall be reduced or offset by injury benefits or wages paid to the professional football player by his employer after the date of injury under any contract or collective bargaining agreement.

*Patron - Bryant*

**FSB909 Workers' compensation; occupational disease presumption; mold exposure.** Establishes a presumption that an immunologic or allergic reaction, toxic effect or infectious respiratory or pulmonary disease that results in the death or total or partial disability of a claimant shall be presumed to be an occupational disease that is covered by the Virginia Workers' Compensation Act, if the claimant establishes by a preponderance of the evidence that the condition resulted from mold exposure that occurred during the course of the claimant's employment within a building that is determined to be contaminated by the presence of mold.

*Patron - Miller, Y.B.*

**FSB953 Physician assistants; medical malpractice and workers' compensation.** Adds physician assistants to the list of professionals defined as a health care provider for purposes of medical malpractice liability limitations. The measure also recognizes physician assistants under the supervision of a licensed physician as covered providers under the Workers' Compensation Act, and authorizes the Workers' Compensation Commission or a member of the Commission to appoint a physician assistants to conduct a medical examination.

*Patron - Blevins*

**FSB1130 Workers' compensation; permanent loss and disfigurement.** Postpones the awarding of compensation for permanent loss and disfigurement until maximum medical improvement has been reached. Maximum medical improvement is reached when (i) the anatomical effects of injury or illness are permanent and (ii) all reasonable and necessary medical interventions, including but not limited to the implantation of artificial devices, have occurred.

*Patron - Norment*

**FSB1323 Workers' compensation payments to professional football players.** Provides that workers' compensation benefits to which an injured professional football player is entitled shall be reduced or offset by injury benefits or wages paid to the professional football player by his employer after the date of injury under any contract or collective bargaining agreement.

*Patron - Williams*

## Constitutional Amendment Resolutions

### Passed

**PHJ635 Constitutional amendment (first resolution); restoration of civil rights for certain felons.** Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of nonviolent felonies who meet the conditions prescribed by law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law for persons convicted of nonviolent felonies. This resolution is identical to SJR 283.

*Patron - Moran*

**PHJ641 Constitutional amendment (first resolution); succession to the office of Governor.** Expands the list of successors to the office of Governor that presently includes the Lieutenant Governor, Attorney General, and Speaker of the House of Delegates, in case of an emergency or enemy attack that prevents the House of Delegates from meeting to elect a governor. The successors would include successor speakers, the President pro tempore of the Senate, and the majority leader of the Senate. The successor would be Acting Governor until the House of Delegates convened to elect a Governor. The amendment also includes authority for the General Assembly, by law, to provide for a waiver of certain eligibility requirements for the Attorney General and Speaker to succeed to the office of Governor in the event of an emergency or enemy attack upon the soil of Virginia.

*Patron - Putney*

**PSJ283 Constitutional amendment (first resolution); restoration of civil rights for certain felons.** Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of nonviolent felonies who meet the conditions prescribed by law. The present Constitution provides for restoration of rights by the Governor. The amendment retains the right of the Governor to restore civil rights and adds the alternative for restoration of rights pursuant to general law for persons convicted of nonviolent felonies. This resolution is identical to HJR 635.

*Patron - Miller, Y.B.*

**PSJ417 Constitutional amendment (first resolution); effective dates of decennial redistricting measures; vacancies.** Continues the requirement that decennial reapportionment or redistricting measures shall be enacted in the first year after the decennial census (2011, etc.). The proposed amendment spells out that the new lines will be implemented for the first November general election held just prior to the expiration of the term being served in the year of the redistricting. The new language, in effect, continues the existing practice and understanding that there will be regular November elections from new districts in 2011 for the House of Delegates and Senate, in 2012 for the United States House of Representatives, in 2021 for the House of Delegates, in 2022 for the House of Representatives, in 2023 for the Senate, and so forth. The proposed amendment further provides explicitly that the members in office when a decennial reapportionment law is enacted shall complete their terms of office and continue to represent the districts from which they were elected for the duration of those terms of office. Another new provision specifies that any vacancy occurring during such terms will be filled from the preexisting district, i.e., the same district that elected the member whose vacancy is being filled. The proposed amendment continues the present provision that reapportionment laws take effect "immediately" without being subject to the usual requirement for a four-fifths vote in each house of the General Assembly to approve an emergency measure. This exception to the emergency vote requirement remains necessary. There is usually only a short time available to draw new lines after the release of census redistricting data early in the year following the census, and before the nomination and election timetable begins for that year's November election.

*Patron - O'Brien*

**Failed**

**FHJ515 Constitutional amendment (first resolution); Governor's term of office.** Permits the Governor to succeed himself in office. The amendment allows two terms (either in succession or not in succession) but prohibits election

to a third term. The amendment allows Governors elected in 2005 and thereafter to serve two successive terms.

*Patron - Purkey*

**FHJ522 Constitutional amendment (first resolution); surplus revenues; refunds to taxpayers.** Provides for a refund to taxpayers of surplus revenues remaining at the end of each biennium, as long as requisite deposits are made to the Revenue Stabilization Fund and the remaining surplus exceeds \$50 million. The refunds to income taxpayers will be based on the taxpayer's share of the total income tax revenues for the year of the surplus. This resolution is incorporated into HJR 592.

*Patron - Purkey*

**FHJ545 Constitutional amendment (first resolution); appropriation of public funds to Virginia students and parents of Virginia students.** Authorizes the General Assembly to appropriate public funds to Virginia students, and the parents of Virginia students, for assistance in the payment of tuition or other costs for the students' education in elementary, secondary, collegiate or graduate education in public and private schools and institutions of learning. The proposed amendment permits the General Assembly to provide vouchers or tax credits to parents and students in public and private schools, including sectarian and nonsectarian private schools. Such appropriations remain subject to federal constitutional constraints on aid to sectarian schools.

*Patron - Lingamfelter*

**FHJ551 Constitutional amendment (first resolution); Transportation Trust Fund.** Provides that the Transportation Trust Fund established in 1986 will be a permanent fund and be funded annually by the General Assembly by appropriations equivalent to the revenues generated by the 1986 package of tax and fee increases or the appropriation for the fiscal year ending June 30, 2002, whichever is greater. The amendment limits the use of Trust Fund moneys to highway construction, reconstruction, maintenance, and improvements, public transportation, railways, seaports, and airports. The General Assembly may borrow from the Fund for other purposes or reduce the level of required appropriations to the Fund only by a two-thirds-plus-one vote of members in each house and the loan or reduction must be repaid within four years. This resolution is identical to SJR 301 and is incorporated into HJR 645.

*Patron - Marshall, R.G.*

**FHJ555 Constitutional amendment (first resolution); Public Safety Trust Fund.** Establishes the Fund to consist of the revenues generated by doubling the 4.5 percent tax on retail sales of alcohol, beer, and wine beginning July 1, 2005. Proceeds from the Fund are to be appropriated only for public safety purposes and must serve to supplement, but not replace, current revenues appropriated for public safety purposes. Any reduction in current revenue appropriations or appropriations from the Fund for other purposes must be approved by an at least four-fifths majority in each house.

*Patron - Hamilton*

**FHJ556 Constitutional amendment (first resolution); Health Care Trust Fund.** Establishes the Fund to consist of the revenues generated by increasing the tax on cigarettes from one and 1/4 mills per cigarette to 11 and 1/4 mills per cigarette beginning July 1, 2005. Proceeds from the Fund are to be appropriated only for health care purposes and must supplement, but not replace, current revenues appropriated for health care purposes. Any reduction in current revenue appropriations or appropriations from the Fund for other pur-

poses must be approved by an at least four-fifths majority in each house.

*Patron - Hamilton*

**FHJ557 Constitutional amendment (first resolution); election of Lieutenant Governor.** Provides that the Governor and Lieutenant Governor shall run for election on one ticket and that the candidate for Lieutenant Governor on the ticket with the winning candidate for Governor will also be elected.

*Patron - Cole*

**FHJ558 Constitutional amendment (first resolution); spending limits.** Caps the annual increase in state spending at inflation plus the percentage change in state population in the prior calendar year. In the event that actual revenues exceed expenditures for any fiscal year, the amount of such excess is to be used solely for transportation and education capital projects. This resolution is incorporated into HJR 592.

*Patron - Marshall, R.G.*

**FHJ569 Constitutional amendment (first resolution); Public Education Trust Fund.** Establishes the Fund to consist of the revenues generated by an additional one-half cent tax on retail sales (excepting alcohol, beer, and wine) beginning July 1, 2005. Proceeds from the Fund are to be appropriated only for the purposes of public education in grades pre-kindergarten through 12 and must supplement, but not replace, current revenues appropriated for public education purposes. Any reduction in current revenue appropriations or appropriations from the Fund for other purposes must be approved by at least a four-fifths majority in each house.

*Patron - Hamilton*

**FHJ570 Constitutional amendment (first resolution); school board authority.** Authorizes the General Assembly to prescribe by law the delegation of school board authority for the hiring and termination of instructional personnel. This measure is a recommendation of the HJR 20/SJR 58 Commission to Review, Study, and Reform Educational Leadership. Various Virginia constitutional and statutory provisions as well as judicial precedent acknowledge the "exclusive" and "final" authority of the local school board over employment matters (seen as "essential" to board supervisory authority). Section 22.1-28 vests the "supervision of schools in each school division" in the local school board, while § 22.1-313 states that the local school board retains "exclusive final authority over matters concerning employment and supervision of its personnel, including dismissals, suspensions and placing on probation." Passage of a constitutional amendment is required to permit the General Assembly to provide by statute for the possible delegation of certain hiring and termination authority of instructional personnel by some other entity.

*Patron - Hamilton*

**FHJ577 Constitutional amendment (first resolution); limit on growth in state general fund appropriations and revenues.** Limits general fund growth in any fiscal year to the preceding year's general fund appropriation plus the percentage increase in gross state product for the most recently available year plus a factor for population increases. The General Assembly may exceed this limitation with a two-thirds vote of each house. The amendment also provides that 50 percent of general fund revenues in excess of the limitation is to be returned to the citizens of Virginia and 50 percent goes into the Revenue Stabilization Fund. This resolution is incorporated into HJR 592.

*Patron - Ware*

**FHJ585 Constitutional amendment (first resolution); spending limits.** Caps the annual increase in state spending at inflation plus the percentage change in state population in the prior calendar year. In the event that actual revenues exceed expenditures for any fiscal year, the amount of such excess is to be refunded to taxpayers. This resolution is incorporated into HJR 592.

*Patron - Purkey*

**FHJ590 Constitutional amendment (first resolution); Transportation Trust Fund.** Provides that the Transportation Trust Fund established in 1986 will be a permanent fund and be funded annually by the General Assembly by appropriations equivalent to the revenues generated by the 1986 package of tax and fee increases. The amendment limits the use of Trust Fund moneys to current highway construction, reconstruction, maintenance, and improvements. The General Assembly may borrow or transfer monies from the Fund for other purposes only by a four-fifths vote of members in each house and the monies must be repaid within four years. This resolution is incorporated into HJR 645.

*Patron - Albo*

**FHJ592 Constitutional amendment (first resolution); Budget Bill.** Requires the Governor to submit an annual Budget Bill that (i) appropriates at least two percent of the general fund revenues for capital improvements in any fiscal year where the general fund revenues are projected to increase by more than eight percent over the immediately preceding fiscal year, and (ii) appropriates any surplus income tax and sales tax revenues in a fiscal year, less certain required expenditures, for nonrecurring expenditures in the next fiscal year. This resolution incorporates HJRs 522, 558, 577, 585, 644, 758, and 760.

*Patron - Callahan*

**FHJ598 Constitutional amendment (first resolution); state and local funding for public education.** Requires the General Assembly, in apportioning the state and local share for supporting an educational program meeting the Standards of Quality, to ensure that the state share is no less than 55 percent of the total costs.

*Patron - Scott*

**FHJ630 Constitutional amendment (first resolution); property exempt from taxation.** Amends the Constitution of Virginia to exempt privately owned motor vehicles used for nonbusiness purposes from state and local taxation.

*Patron - Watts*

**FHJ634 Constitutional amendments (first resolution); Virginia Redistricting Commission.** Establishes the Virginia Redistricting Commission to redraw Congressional and General Assembly district boundaries after each decennial census. Appointments to the 13-member Commission are to be made in the census year as follows: two each by the President pro tempore of the Senate, Speaker of the House of Delegates, minority leader in each house, and the state chairman of each of the two political parties receiving the most votes in the prior gubernatorial election. The 12 partisan members then select the thirteenth member by a majority vote; or, if they cannot agree on a selection, they certify the two names receiving the most votes to the Supreme Court, which will name the thirteenth member. The Commission is directed to certify district plans for the General Assembly within one month of receipt of the new census data or by March 1 of the year following the census, whichever is later, and for the House of Representatives within three months of receipt or by June 1 of the year following the census, whichever is later. The plans shall be effective for the next regular general election for the Senate, House of

Delegates, or House of Representatives. Members in office when a new plan is certified complete their terms and continue to represent the district as constituted when they were elected. Vacancies occurring before the next general election for the office are to be filled, if filled, from the district as constituted when the member, whose vacancy is being filled, was elected to office. The standards to govern redistricting plans include the current Constitution's standards on population equality, compactness, and contiguity and additional standards to minimize splits of localities and to prohibit consideration of incumbency and political data. The amendments also provide for 40 senators and 100 delegates rather than the present ranges of 33 to 40 senators and 90 to 100 delegates.

*Patron - Shuler*

**FHJ644 Constitutional amendment (first resolution); spending requirements and restrictions.** Requires the General Assembly to appropriate Virginia tax revenues that exceed an annual growth rate of seven percent for (i) a new INVEST Fund, to be used solely for capital infrastructure projects and (ii) tax refunds to taxpayers. The amount attributable to the first two percentage points of growth in excess of such seven percent shall be deposited into the newly created INVEST Fund and all revenues attributable to any additional rate of growth shall be refunded to taxpayers. In addition, regardless of revenue projections, at least two percent of tax revenues must be deposited into the INVEST Fund every year. This resolution is incorporated into HJR 592.

*Patron - McDonnell*

**FHJ645 Constitutional amendment (first resolution); highway and transportation trust funds.** Provides that the Highway Maintenance and Operating Fund and the Transportation Trust Fund established in 1986 will be permanent and separate funds and be funded annually by the General Assembly by appropriations equivalent to the revenues generated by the 1986 package of tax and fee increases and other revenues dedicated to the funds. The amendment limits the use of Trust Fund moneys to transportation and related purposes. The General Assembly may borrow from the Fund for other purposes or reduce the level of required appropriations to the Fund only by a vote of two-thirds plus one of the members voting in each house, and the loan or reduction must be repaid within four years. This resolution incorporates HJRs 551, 590, 711, and 746.

*Patron - McDonnell*

**FHJ652 Constitutional amendment (first resolution); Virginia Redistricting Commission.** Establishes the Virginia Redistricting Commission to redraw congressional and General Assembly district boundaries after each decennial census. Appointments to the 11-member Commission are to be made in the census year by the most recently retired living Chief Justice of the Virginia Supreme Court. Appointments are to be made to represent each congressional district. Persons to be appointed to the Commission shall be retired justices or judges of the Supreme Court, Court of Appeals, or circuit courts. The Commission is directed to certify district plans for the General Assembly within one month of receipt of the new census data or by March 1 of the year following the census, whichever is later, and for the House of Representatives within three months of receipt or by June 1 of the year following the census, whichever is later. The plans shall be effective for the next general election for the Senate, House of Delegates, or House of Representatives. Members in office when a new plan is certified complete their terms and continue to represent the district as constituted when they were elected. Vacancies occurring before the next general election for the office are to be filled, if filled, from the district as constituted when the member, whose vacancy is being filled, was elected to that

office. The amendment also provides for 40 senators and 100 delegates rather than the present ranges of 33 to 40 senators and 90 to 100 delegates.

*Patron - Barlow*

**FHJ655 Constitutional amendment (first resolution); state debt.** Reduces the maximum amount of permissible general obligation debt (Section 9 (b) debt) that may be authorized by the General Assembly and submitted to the voters for approval. The formula to set the maximum is revised to equal 25 percent of an amount calculated by multiplying the average annual amount of state tax revenues from income and retail sales taxes for the most recent three fiscal years by a factor of 1.075 rather than the present factor of 1.15.

*Patron - Saxman*

**FHJ656 Constitutional amendment (first resolution); payment of sales and use taxes in advance of collections.** Prohibits any law that requires a person to pay to the State funds in anticipation of the collection of sale and use taxes by that person on behalf of the Commonwealth.

*Patron - Saxman*

**FHJ658 Constitutional amendment (first resolution); appropriation of public funds to Virginia students and parents of Virginia students.** Provides that those prohibited appropriations of state funds to schools or institutions of learning not owned or exclusively controlled by the State or some political subdivision include any and all public financial assistance to organizations or individuals, whether parents or students, for educational purposes, in the form of direct payments, loans, grants, in-kind assistance, exemptions and deductions from taxation, and credits against taxes owed.

*Patron - Amundson*

**FHJ700 Constitutional amendment (first resolution); Standards of Quality (SOQ); State and local support of public schools.** Requires the Board of Education to determine and prescribe the Standards of Quality every two years and to design the SOQ to ensure an effective educational system of high quality throughout the Commonwealth. In addition, the Commonwealth and the local units of government shall be obligated to fully fund their portion of such cost by taxes or from other available funds. The current provision requires the Board to revise the SOQ "from time to time" and provides that "[e]ach unit of local government shall provide its portion of such cost by local taxes or from other available funds." This resolution is identical to SJR 418.

*Patron - Plum*

**FHJ701 Constitutional amendment (first resolution); county and city officers.** Deletes the constitutional requirement that a treasurer and commissioner of the revenue be elected in each county and city. The amendment (i) authorizes the governing body of each county and city to decide whether there will be a treasurer or commissioner of the revenue, or both, either elected or appointed by the governing body, for the county or city and (ii) provides that the county or city will pay the costs of such offices. Treasurers and commissioners of the revenue elected to four-year terms in 2003 will be allowed to complete their terms of office.

*Patron - Gear*

**FHJ711 Constitutional amendment (first resolution); special transportation funds.** Provides that the Highway Maintenance and Operating Fund and Transportation Trust Fund will be permanent funds and be funded annually by the General Assembly by appropriations equivalent to the revenues appropriated to the Funds for fiscal year ending June 30, 2002. The amendment limits the use of Fund moneys to vari-

ous transportation purposes. The General Assembly may borrow from the Fund for other purposes only by a two-thirds vote of members in each house and the loan must be repaid within four years. Any reduction in appropriations to either Fund will be treated as a borrowing from the Fund. This resolution is incorporated into HJR 645.

*Patron - Black*

**FHJ746 Constitutional amendment (first resolution); Transportation Trust Fund.** Provides that the Transportation Trust Fund established in 1986 will be a permanent fund and be funded annually by the General Assembly by appropriations equivalent to the revenues generated by the 1986 package of tax and fee increases or the appropriation for the fiscal year ending June 30, 2002, whichever is greater. The amendment limits the use of Trust Fund moneys to highway construction, reconstruction, maintenance, and improvements, public transportation, railways, seaports, and airports. The amendment prohibits any borrowing from the Fund for other purposes. This resolution is incorporated into HJR 645.

*Patron - Hugo*

**FHJ755 Constitutional amendment (first resolution); revenues, tax relief and special funds.** Requires (i) any law that negatively impacts revenues to take effect in the year following the year of enactment; (ii) a recorded vote of any future General Assembly equal to or greater than two-thirds of the members voting in each house, including a majority of the members elected to that house, to delay any tax-relief legislation; and (iii) a recorded vote equal to or greater than two-thirds of the members voting in each house, including a majority of the members elected to that house, to appropriate revenues for purposes other than those originally adopted when any special fund is created.

*Patron - Pollard*

**FHJ758 Constitutional amendment (first resolution); spending limits.** Caps the annual increase in state spending at inflation plus the percentage change in state population in the prior calendar year. In the event that actual revenues exceed expenditures for any fiscal year, the amount of such surplus is to be used solely for transportation and education capital projects on an equal basis. This resolution is incorporated into HJR 592.

*Patron - Hugo*

**FHJ760 Constitutional amendment (first resolution); limit on appropriations.** Limits total appropriations in any fiscal year to the preceding year's total appropriations plus a percentage increase equal to the past two years' average rate of inflation plus rate of population growth. The amendment provides that any revenues collected in excess of the limitation shall be distributed: 25 percent for debt reduction; 50 percent divided into thirds for programs in the Secretariats of Education, Public Safety, and Transportation; and 25 percent to be refunded to individual income taxpayers. "Total appropriations" is defined to exclude moneys appropriated that are received from the federal government or an agency or unit thereof. The General Assembly may appropriate funds in excess of the stated limitation by a vote of two-thirds of the members elected to each house. If the amount in excess of the limitation is less than or equal to one percent of the limitation, the total excess shall be deposited to the Revenue Stabilization Fund. This resolution is incorporated into HJR 592.

*Patron - Saxman*

**FSB1067 Constitutional amendment (first resolution); Standards of Quality (SOQ); state and local support**

**of public schools.** See SJR 418 for this resolution in proper format.

*Patron - Saslaw*

**FSJ281 Constitutional amendment (first resolution); Virginia Redistricting Commission.** Establishes the Virginia Redistricting Commission to redraw congressional and General Assembly district boundaries after each decennial census. Appointments to the 13-member Commission are to be made in the census year as follows: two each by the President pro tempore of the Senate, Speaker of the House of Delegates, minority leader in each house, and the state chairman of each of the two political parties receiving the most votes in the prior gubernatorial election. The 12 partisan members then select the thirteenth member by a majority vote; or, if they cannot agree on a selection, they certify the two names receiving the most votes to the Supreme Court, which will name the thirteenth member. The Commission is directed to certify district plans for the General Assembly within one month of receipt of the new census data or by March 1 of the year following the census, whichever is later, and for the House of Representatives within three months of receipt or by June 1 of the year following the census, whichever is later. The plans shall be effective for the next general election for the Senate, House of Delegates, or House of Representatives. Members in office when a new plan is certified complete their terms and continue to represent the district as constituted when they were elected. Vacancies occurring before the next general election for the office are to be filled, if filled, from the district as constituted when the member, whose vacancy is being filled, was elected to office. The amendment also provides for 40 Senators and 100 Delegates rather than the present ranges of 33 to 40 Senators and 90 to 100 Delegates.

*Patron - Deeds*

**FSJ301 Constitutional amendment (first resolution); Transportation Trust Fund.** Provides that the Transportation Trust Fund established in 1986 will be a permanent fund and be funded annually by the General Assembly by appropriations equivalent to the revenues generated by the 1986 package of tax and fee increases or the appropriation for the fiscal year ending June 30, 2002, whichever is greater. The amendment limits the use of Trust Fund moneys to highway construction, reconstruction, maintenance, and improvements, public transportation, railways, seaports, and airports. The General Assembly may borrow from the Fund for other purposes or reduce the level of required appropriations to the Fund only by a two-thirds-plus-one vote of members in each house and the loan or reduction must be repaid within four years. This resolution is identical to HJR 551.

*Patron - O'Brien*

**FSJ302 Constitutional amendment (first resolution); establishment of special funds.** Authorizes the General Assembly to establish a special fund for specified purposes and to dedicate a revenue stream to the fund by a four-fifths vote of each house. Thereafter, the General Assembly must continue appropriating the dedicated revenues to the fund until it abolishes the fund or borrows from it for other purposes by a four-fifths vote of each house.

*Patron - O'Brien*

**FSJ311 Constitutional amendment (first resolution); assessment of real property.** Provides that beginning with the 2006 tax year, real property shall be assessed for tax purposes at no more than 105 percent of the assessed value of such property in the preceding tax year. However, if real property is sold or improved, it shall be assessed at fair market value for the tax year in which such transaction or improvement occurs. Such fair market value assessment shall then be

subject to the five percent limitation in subsequent tax years until such time as the property is again sold or improved.

*Patron - Reynolds*

**FSJ326 Constitutional amendment (first resolution); powers of certain counties.** Amends Section 3 of Article VII to provide that in counties with a population of more than 200,000, upon a majority vote of all members elected to the county governing body, the county is vested with the same powers and authority as cities and towns by virtue of this Constitution of the Commonwealth of Virginia or the Acts of the General Assembly passed in pursuance thereof.

*Patron - Byrne*

**FSJ328 United States Constitution; Equal Rights Amendment.** Ratifies the Equal Rights Amendment to the United States Constitution that was proposed by Congress in 1972. This joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress.

*Patron - Byrne*

**FSJ353 Constitutional amendment (first resolution); establishment of special funds.** Authorizes the General Assembly to establish a special fund for specified purposes and to dedicate a revenue stream to the fund. If the General Assembly establishes a special fund and dedicates to it income, sales and use, recordation, fuels, or insurance license taxes or vehicle registration fees, the General Assembly must continue appropriating the dedicated revenues to the fund. However, by a two-thirds vote of the members in each house, such special fund may be abolished, the purposes for which such fund is established may be changed, the minimum annual appropriation to such fund may be decreased, and the proceeds in such fund may be used for purposes other than for which the fund is established.

*Patron - Norment*

**FSJ361 Constitutional amendment (first resolution); spending requirements and restrictions.** Requires the General Assembly to appropriate Virginia tax revenues that exceed an annual growth rate of 6.9 percent for specified purposes or for tax relief. The amount attributable to the first two percentage points of growth in excess of such 6.9 percent shall be used solely for public school capital construction projects and transportation capital projects; and all revenues attributable to any additional rate of growth shall be used (i) to reduce the debt of the Commonwealth; (ii) to increase the deposit to the Revenue Stabilization Fund; (iii) to fund nonrecurring capital projects; or (iv) to provide tax relief by the reduction of taxes or by the refund of tax revenues to taxpayers. These spending requirements may be altered only upon a two-thirds vote of all members elected to each house. The Governor is required to adhere to the spending requirements in the Budget Bill that he submits annually.

*Patron - Newman*

**FSJ362 Constitutional amendment (first resolution); limit on appropriations.** Limits total appropriations in any fiscal year to the preceding year's total appropriations plus a percentage increase equal to the rate of inflation plus a factor for population increases. The amendment also provides that any revenues collected in excess of such limitation less than or equal to one percent of such limitation shall be deposited in the Revenue Stabilization Fund. Any excess revenues greater than such one percent shall be returned to individual income taxpayers. "Total appropriations" is defined as not to include moneys

appropriated that are received from the federal government or an agency or unit thereof.

*Patron - Cuccinelli*

**FSJ399 Constitutional amendment (first resolution); powers of the Governor with respect to bills; vetoes, item vetoes, and amendments.** Provides that the Governor may veto a specific dollar amount for a specific program within an item in an appropriation bill when the item provides funds for two or more programs.

*Patron - Cuccinelli*

**FSJ418 Constitutional amendment (first resolution); Standards of Quality (SOQ); State and local support of public schools.** Requires the Board of Education to determine and prescribe the Standards of Quality every two years and to design the SOQ to ensure an effective educational system of high quality throughout the Commonwealth. In addition, the Commonwealth and the local units of government shall be obligated to fully fund their portion of such cost by taxes or from other available funds. The current provision requires the Board to revise the SOQ "from time to time" and provides that "[e]ach unit of local government shall provide its portion of such cost by local taxes or from other available funds." This resolution is identical to HJR 700.

*Patron - Saslaw*

**FSJ427 Constitutional amendment (first resolution); Revenue Stabilization Fund.** Increases the maximum balance of the "rainy day" fund from 10 percent to 12.5 percent of the Commonwealth's average annual tax revenues from income and sales taxes for the three fiscal years immediately preceding a current fiscal year.

*Patron - Rerras*

**FSJ429 Constitutional amendment (first resolution); length of regular sessions of the General Assembly.** Provides that beginning with the 2005 regular session of the General Assembly, sessions beginning in odd-numbered years shall be long sessions and sessions beginning in even-numbered years shall be short sessions.

*Patron - Cuccinelli*

## Other Resolutions

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### Passed

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**PHJ532 Take Your Kids to Vote Day in Virginia.** Designates November 4, 2003, Election Day, as Take Your Kids to Vote Day in Virginia.

*Patron - Saxman*

**PHJ549 Backpack safety.** Designates the month of April, in 2003 and in each succeeding year, as Backpack Safety Awareness Month in Virginia.

*Patron - Cox*

**PHJ640 Volunteering.** Encourages the citizens of the Commonwealth to volunteer through participation in meaningful community service activities and through local and community service organizations. This resolution is a recommendation of the Dr. Martin Luther King, Jr. Memorial Commission. This resolution is identical to SJR 314.

*Patron - Crittenden*

**PHJ649 National Marrow Awareness Month in Virginia.** Designates November, in 2003 and in each succeeding

year, as National Marrow Awareness Month in Virginia. This resolution is identical to SJR 319.

*Patron - Christian*

**PHJ720 Preventing teen pregnancy.** Supports the National Day to Prevent Teen Pregnancy, sponsored by the National Campaign to Prevent Teen Pregnancy.

*Patron - Amundson*

**PHJ752 Memorializing Congress concerning the reauthorization of the Carl D. Perkins Vocational and Applied Technology Act.** Entreats the Congress of the United States to continue the funding for career and technical education in public secondary and postsecondary schools when reauthorizing the Carl D. Perkins Vocational and Applied Technology Act in 2003. Federal funding for career and technical education, formerly known as vocational/technical education, has been continuous since 1917. In fiscal year 2003, Virginia receives nearly \$25 million in basic grant funds, and another \$2.5 million in tech prep grant funds, with 85 percent of the funding being distributed to local school divisions, more than \$3.1 million being distributed to the Virginia Community College System, and \$3.7 million allocated for administration to the Department of Education. These funds are used to strengthen students' academic, vocational, and technical skills, implement industry certification programs, expand the use of technology, provide professional development to career and technical teachers, and involve parents, local businesses, and labor and industry leaders in the design, implementation, and evaluation of career and technical programs to meet the needs of the local economy and to comply with nationally adopted standards. Congress will take up reauthorization of the Carl D. Perkins Act in the coming months and proposals have been made that indicate the consideration may be given to diverting the federal dollars to other priorities. The Congress is also urged to continue this funding in an amount that will continue Virginia's \$27 million in funding or will increase this amount.

*Patron - Bloxom*

**PHJ759 Bataan Day of Valor.** Designates April 9th, in 2003 and in each succeeding year, as the Bataan Day of Valor. This resolution is identical to SJR 360.

*Patron - McDonnell*

**PHR38 Nitrogen reduction in the Chesapeake Bay.** Memorializes Congress to adopt legislation in support of nitrogen reduction technology in order to help reduce nitrogen pollution of the Chesapeake Bay and its tributaries. This resolution is identical to SJR 424.

*Patron - Pollard*

**PHR40 Missile defense for the East Coast.** Urges the President of the United States to continue to take all actions necessary, directing the considerable scientific and technological capability of this great Union, to protect all 50 states and their people, our allies, and our armed forces abroad from the threat of missile attack.

*Patron - Cosgrove*

**PHR47 Gambling on the Potomac River.** Urges the General Assembly of the State of Maryland to refrain from authorizing its state entities or political subdivisions to allow gambling in or on the shores of the Potomac River.

*Patron - Marshall, R.G.*

**PSJ314 Volunteering.** Encourages the citizens of the Commonwealth to volunteer through participation in meaningful community service activities and through local and community service organizations. This resolution is a recommendation

of the Dr. Martin Luther King, Jr. Memorial Commission. This resolution is identical to HJR 640.

*Patron - Marsh*

**PSJ319 National Marrow Awareness Month in Virginia.** Designates November, in 2003 and in each succeeding year, as National Marrow Awareness Month in Virginia. This resolution is identical to HJR 649.

*Patron - Miller, Y.B.*

**PSJ327 Mental Illness Awareness Week.** Designates the second full week in October, in 2003 and in each succeeding year, as Mental Illness Awareness Week in Virginia.

*Patron - Byrne*

**PSJ330 Satellite transportation museum.** Requests the Virginia Museum of Transportation and the Town of Clifton Forge to consider the establishment of a satellite transportation museum in Clifton Forge. A satellite transportation museum could advance the travel and tourism interests of the Clifton Forge community and capitalize upon the natural relationship the community has with the railroad industry.

*Patron - Deeds*

**PSJ360 Bataan Day of Valor.** Designates April 9, 2003, and each succeeding April 9, as the Bataan Day of Valor in Virginia. This resolution is identical to HJR 759.

*Patron - Wagner*

**PSJ424 Nitrogen reduction in the Chesapeake Bay.** Urges the Congress of the United States to adopt legislation in support of funding for nitrogen reduction technology in the 108th Congress. The Commonwealth is a signatory to the Chesapeake 2000 Agreement, in which Virginia pledges to significantly reduce nitrogen to levels sufficient to remove the Chesapeake Bay from the Environmental Protection Agency's impaired or "dirty waters" list by 2010. This resolution is identical to HR 38.

*Patron - Whipple*

**PSJ459 Aviation Centennial Year in Virginia.** Designates 2003 as Aviation Centennial Year in Virginia in honor of the 100th anniversary of the first powered flight by Orville and Wilbur Wright on December 17, 1903, in Kitty Hawk, North Carolina.

*Patron - Colgan*

## Failed

**FHJ541 Persecution of Falun Gong.** Urges the government of the People's Republic of China to end persecution of practitioners of Falun Gong or Falun Dafa.

*Patron - Baskerville*

**FHJ609 Pledge of Allegiance.** Encourages the United States Court of Appeals for the Ninth Circuit to uphold the Pledge of Allegiance in its current form.

*Patron - Cole*

**FHJ612 Freedom Flag.** Designates the Freedom Flag as Virginia's official symbol of remembrance of September 11, 2001.

*Patron - Baskerville*

**FHJ753 Standard market design of electricity markets.** Urges the Federal Energy Regulatory Commission not to adopt its proposed rulemaking for standard market design of electricity markets.

*Patron - Louderback*

**FHJ754 Memorializing Congress; federal burial allowance.** Memorializes the Congress of the United States to increase the federal burial allowance for veterans from \$300 to \$750.

*Patron - Albo*

**FHJ820 Upholding civil liberties.** Urges all state law-enforcement agencies to strive to protect the civil liberties and human rights of all Virginians.

*Patron - Moran*

**FSJ313 Encouraging sacrifice and exercise of personal fiscal restraint.** Encourages the members of the General Assembly to sacrifice and exercise personal fiscal restraint during the Commonwealth's period of fiscal exigency. The Clerk of the Senate is requested to transmit a copy of the resolution to the Speaker of the House of Delegates and the President Pro Tempore of the Senate, requesting that they encourage the members of the respective bodies to observe the intent and spirit of the resolution, and to the Governor, the Lieutenant Governor, and the Attorney General, requesting that they further disseminate copies of the resolution to their respective constituents so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

*Patron - Marsh*

**FSJ404 Lorton Workhouse Arts Center; sense of the General Assembly.** Supports the establishment of the Lorton Workhouse Arts Center at the former D.C. Prison Facility.

*Patron - O'Brien*

## Miscellaneous (Including Budget and Bonds)

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### Passed

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**PHB1400 Budget Bill.** Appropriation of the public revenue for the two years ending respectively, on the thirtieth day of June, 2003, and the thirtieth day of June, 2004.

*Patron - Callahan*

**PHB1478 Space Radiation Effects Laboratory.** Repeals the authorization to enter into a joint agreement to operate and manage such a laboratory because the laboratory was decommissioned around 1980 and sold. This bill is a recommendation of the Virginia Code Commission.

*Patron - Landes*

**PHB1536 Bonds; Longwood College.** Authorizes the treasury board to issue bonds in the amount of \$10,500,000 pursuant to Article X, Section 9(c) of the Constitution of Virginia, for paying costs of renovating housing facilities at Longwood College.

*Patron - Callahan*

**PHB1793 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 - Jones, D.C.*

**PHB2071 Claims; Deborah G. Wheeling.** Provides relief to Deborah G. Wheeling by allowing her to submit additional medical records to the Virginia Retirement System for review regarding her application for disability retirement. Ms. Wheeling must provide the medical records within 60 days of the effective date of the act.

*Patron - Dudley*

**PHB2161 Claims; McCowan, Owens, et al.** Provides relief for Rocky McCowan, Michael Owens, Steve Farmer, James Lee, and Robert Hicks. The five individuals were shareholders of a subchapter S corporation operating in Kentucky. An audit conducted by tax officials in Kentucky determined that the individuals owed varying amounts in income taxes for taxable years 1992 through 1996. The bill directs the Department of Taxation to review the amended income tax returns submitted by each of the individuals for taxable years 1992 through 1996 and provide them the out-of-state tax credit that they would have received on their Virginia income tax returns for those years. Any amount refunded by the Department of Taxation shall be without interest, and any amended income tax returns are required to be filed by October 1, 2003, as a condition of any refund being issued.

*Patron - Phillips*

**PHB2630 Claims; Elmo and Mary Lawrence.** Provides relief to Elmo and Mary Lawrence who sustained more than \$40,000 in damages from Carl E. Thacker, a licensed Virginia contractor hired by the Lawrences to renovate a house. The Lawrences fired Mr. Thacker from the project and were unable to obtain a judgement against Mr. Thacker before he committed suicide. The bill directs the State Board for Contractors to review the Lawrences' claim under the Contractor Transaction Recovery Act and determine if the conduct of the contractor amounted to improper or dishonest conduct. If the Board finds improper or dishonest conduct, the bill further directs the Board to allocate from the Contractor Transaction Recovery Fund the Lawrences' claim, subject to the limitations of the Act.

*Patron - Spruill*

**PSB746 Bonds; Longwood College.** Authorizes the treasury board to issue bonds in the amount of \$10,500,000 pursuant to Article X, Section 9(c) of the Constitution of Virginia, for paying costs of renovating housing facilities at Longwood College.

*Patron - Chichester*

**PSB863 Claims; Marvin Lamont Anderson.** Provides relief for Marvin Lamont Anderson who was incarcerated between 1983 and 1997 for a crime that scientific evidence later revealed he did not commit. Governor Warner granted him a full and absolute pardon on August 22, 2002. Under the bill, the Commonwealth will provide a lump-sum payment to Mr. Anderson of \$200,000 to be paid by August 1, 2003, and pay \$460,000 to purchase a non-assignable annuity for the benefit of Mr. Anderson providing for equal monthly payments to him for the remainder of his life commencing on or before September 1, 2003.

*Patron - Lambert*

**PSB1180 Property conveyance; National Guard Armory.** Conveys the organizational maintenance shop (OMS) and the land within the fenced-in area around the OMS located at the former National Guard Armory building in the Town of Richlands, to the Town of Richlands. This portion was excluded from the original conveyance to the Town of Richlands of the existing National Guard Armory in 1998.

*Patron - Puckett*

**PSB1231 Peninsula Airport Commission.** Provides that the chairman of the Commission will be paid \$200 per month, and other members of the Commission will be paid \$175 per month.

*Patron - Williams*

**PSB1305 Conveyance of easement.** Authorizes the Department of General Services to negotiate with all necessary parties regarding the security of the alley running between 8th and 9th Streets in Richmond, separating the Supreme Court of Virginia Building and St. Paul's Episcopal Church, and if determined appropriate, to acquire the alley and convey an easement to St. Paul's Episcopal Church to permit vehicles parked in the church's parking garage to enter and exit the parking garage.

*Patron - Lambert*

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## Failed

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**FHB1732 Claims; relief for Daniel M. Zacharias.** Provides for the payment of \$12,000 from the Onsite Sewage Indemnification Fund to Daniel M. Zacharias to cover the additional cost of an alternative waste disposal system required for a lot he purchased in Mount Jackson, Virginia. Mr. Zacharias purchased the lot based on the report of an authorized onsite soil evaluator indicating that the lot would support an onsite sewage disposal system and that the lot was located in a subdivision that had previously been approved for septic systems by the Health Department. Subsequent review by the Health Department, which did not occur until after Mr. Zacharias' purchase, determined that the lot would not support the system and that an alternative system was required.

*Patron - Louderback*

**FHB2065 Claims: Sergeant Kermit Johnson.** Provides relief to Sergeant Kermit Johnson, an employee of the Virginia Department of State Police. Sergeant Johnson was injured while on duty. Though he was able to return to work, he subsequently had recurring medical problems related to his injury that caused him to almost exhaust his available sick leave. The bill (i) directs the Superintendent of the Virginia State Police to restore the sick and annual leave balances of Sergeant Johnson to the amount existing as of May 15, 1998, and (ii) provides that Sergeant Johnson shall have all benefits provided pursuant to the Virginia Workers' Compensation Act.

*Patron - Dudley*

**FHB2166 Claims; Hubert Garl Mullins.** Provides \$50,000 in relief to Hubert Garl Mullins. Mr. Mullins was incarcerated for approximately two years and four months before his conviction was overturned by the Court of Appeals of Virginia based on abuse of discretion by the trial judge.

*Patron - Phillips*

**FHB2632 Conveyance of Tidewater Correctional Unit 22 building and property.** Authorizes the Commonwealth to convey the Tidewater Correctional Unit 22 building and surrounding property to the City of Chesapeake upon terms to be agreed upon by the parties. The property would be used by the City solely for parks and recreational purposes.

*Patron - Cosgrove*

**FHB2662 Claims; Earl Washington, Jr.** Provides \$1,000,000 in relief to Earl Washington, Jr. He was incarcerated for more than 16 years for crimes that DNA testing proved he did not commit. Of the amount awarded, \$550,000 is payable over 10 years through an annuity.

*Patron - Christian*

**FHB2727 Diversion of property from open-space land use.** Directs the Virginia Outdoors Foundation to divert certain real property in Chesterfield County from open-space land use for other substituted real property in Giles County.

*Patron - Ware*

**FSB700 Budget Bill.** Appropriation of the public revenue for the two years ending respectively, on the thirtieth day of June, 2003, and the thirtieth day of June, 2004.

*Patron - Chichester*

**FSB1196 Claims; Daniel and Brenda Brewer.** Provides relief in the amount of \$132,300 to Daniel and Brenda Brewer to correct structural problems with their home. The home contains several structural problems that were not noted by the local building official during any of the inspections conducted by the Uniform Statewide Building Code. In addition, the building official issued a certificate of occupancy despite the existence of the structural problems.

*Patron - Reynolds*

**FSB1197 Claims; Shirley Dillon Roark.** Provides relief for Shirley Dillon Roark, consisting of a lump-sum payment of \$7,235.29 to be paid by August 1, 2003. Department of Transportation improvements damaged Ms. Roark's home and the surrounding property.

*Patron - Reynolds*

**FSB1242 Claims; Clinton and CoraLou Carter.** Provides for the payment of \$76,740 to Clinton and CoraLou Carter to repair a failed septic system for their home, to be paid from the Onsite Sewage Indemnification Fund.

*Patron - Watkins*

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## Study Resolutions

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### Passed

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**PHJ516 Virginia-Maryland-District of Columbia Joint Legislative Commission on Interstate Transportation.** Continues the Virginia-Maryland-District of Columbia Joint Legislative Commission on Interstate Transportation for three years. The Commission provides a forum in which Virginia and Maryland legislators and representatives from the District of Columbia can identify opportunities for and barriers to improved transportation links between the two states and the District of Columbia.

*Patron - Callahan*

**PHJ518 State vehicle fleet management.** Directs the Joint Legislative Audit and Review Commission to study management of the Commonwealth's centralized vehicle fleet and use of government-owned motor vehicles by state employees.

*Patron - Lingamfelter*

**PHJ588 Reliable radio communications for emergency public safety personnel.** Requests the Virginia Department of Fire Programs to study the feasibility of adopting requirements within the Commonwealth that will ensure that buildings are constructed and equipped in such a way that will permit emergency public safety personnel to utilize effective and reliable radio communications while they are within buildings. The Department of Fire Programs shall complete its work by December 1, 2003, and shall submit an executive summary

and report of its written findings and recommendations to the Governor and the 2004 Session of the General Assembly.

*Patron - Callahan*

**PHJ604 Acclimation of the Commonwealth's ethnically diverse population.** Directs the Joint Legislative Audit and Review Commission to study the acclimation of the Commonwealth's ethnically diverse populations. The Commission is specifically directed to (i) identify the potential needs for State, regional, and local government services to the immigrant populations in the Commonwealth that are unique or typically exceed those of the total general population; (ii) examine the benefits and the costs of the major immigrant populations to the Commonwealth and the Commonwealth's economy; (iii) review federal government policies and programs that affect the immigrant populations in the Commonwealth and that could have an impact on State or local initiatives; (iv) examine options for local, regional, and State governments to facilitate acclimation of the immigrant populations into the Commonwealth's economy and social fabric while preserving ethnic and cultural identity (including a review of initiatives other states have taken in assisting ethnically diverse populations); and (v) recommend changes in the Commonwealth's laws and regulations, as appropriate, to ensure equal opportunity for all ethnic groups.

*Patron - Cox*

**PHJ631 Court records.** Continues the joint subcommittee studying the protection of court records. The joint subcommittee shall review the findings and recommendations of the Executive Secretary of the Supreme Court concerning information in court records and recommend necessary changes in the statutory law.

*Patron - Devolites*

**PHJ633 Collection of rents and royalties for the use of state-owned bottomlands.** Directs the Virginia Delegation to the Chesapeake Bay Commission to study the collection of rents and royalties for the use of state-owned bottomlands. In conducting its study, the Virginia Delegation is to examine (i) the current moratorium on the collection of rents and royalties, (ii) establishment of a regulatory framework for use of state waters and bottomlands, and (iii) proposals by the Virginia Institute of Marine Science regarding shallow water management.

*Patron - Bloxom*

**PHJ646 Disparity assessment of minority-owned businesses.** Requests the Department of Minority Business Enterprise, in conjunction with the Department of General Services, the Virginia Employment Commission and the Department of Transportation, to direct the development of a disparity assessment to determine the status of minority-owned business participation in the State's procurement transactions. This bill also requires that the Department must obtain nonstate funds to provide financial support for the disparity assessment. This resolution is identical to SJR 359.

*Patron - McDonnell*

**PHJ648 I-73 Communications Committee.** Continues the Committee for two years to receive and disseminate information concerning I-73 construction projects.

*Patron - Armstrong*

**PHJ651 Taxation of telecommunications industry.** Continues the Joint Subcommittee to Study the State and Local Taxation of the Entire Telecommunications Industry and Its Customers within the Commonwealth for one year. The joint subcommittee shall complete its work begun in 2002 and present recommendations to the joint subcommittee to study

and revise Virginia's State Tax Code or any similar group created during the 2003 session by August 1, 2003, and to submit its written findings and recommendations to the Governor and 2004 Session of the General Assembly.

*Patron - Bryant*

**PHJ653 Development of an Internet II Advanced Performance Standard Initiative.** Directs the Joint Commission on Technology and Science to determine what public resources, including but not limited to public-private partnerships, other public and private resources, taxation policies, and direct financial assistance may be used to further the development of an Internet II, advanced, high-speed telecommunications backbone network with the capability of transmitting a minimum of one gigabyte per second (OC-24) utilizing the IPv6 Internet Protocol to all workstations within the Commonwealth; and monitor, cooperate, and coordinate with other agencies of the Commonwealth and committees of the General Assembly to ensure a sound, progressive statewide program is in place and being actively pursued. The Internet II project is a collaborative effort among a number of universities, federal R&D agencies, and private sector firms to develop a next generation Internet for research and education, including both enhanced network services as well as the multimedia applications that will be enabled by those services. As part of its ongoing mandate, the Joint Commission on Technology and Science currently works with other state agencies to monitor broadband deployment.

*Patron - Rust*

**PSJ312 Suicide prevention across the life span.** Requests the Secretary of Health and Human Resources, in cooperation with the Secretaries of Education and Public Safety, to formulate a comprehensive Suicide Prevention Across the Life Span Plan for the Commonwealth. This resolution is a recommendation of the Joint Commission on Behavioral Health Care (SJR 108).

*Patron - Martin*

**PSJ324 Reporting dates for certain legislative studies.** Amends and reenacts House Joint Resolution 125 (2000), which established the Hampton Roads Third Crossing Bridge-Tunnel Commission, to set out the total membership of the Commission appropriately in order to properly amend and reenact Senate Joint Resolution 38 (2001), which increased the membership of the Commission. Senate Joint Resolution 38 (2001) is also amended to add a reporting date. The resolution also amends and reenacts House Joint Resolution 684 (2001), which established the U.S. Route 460 Communications Committee, to provide a reporting date for the Committee. This resolution also includes technical amendments to conform SJR 38 (2001) and HJR 684 (2001) to the new legislative guidelines adopted by the Joint Rules Committee, which require specificity regarding composition of membership, increasing the membership, number of meetings, compensation, funding, staff support, adoption of recommendations, the executive summary, and report.

*Patron - Trumbo*

**PSJ347 Commission on the Revision of Virginia's State Tax Code and the Streamlined Sales Tax Project Agreement.** Establishes the Commission on the Revision of Virginia's State Tax Code and the Streamlined Sales Tax Project Agreement. In conducting the study, the Commission shall (i) examine the allocation of state and local government services and responsibilities; (ii) conduct a comprehensive review of the revenue impact of all tax preferences, including subtractions, deductions, credits, and exemptions; (iii) evaluate the tax rates for all major state taxes to determine their sufficiency and appropriateness in the modern economy; and (iv)

consider the appropriateness of adopting the policies in the Streamlined Sales Tax Project Agreement and identify and evaluate changes that may be needed in Virginia's sales and use tax laws to facilitate Virginia's compliance with the agreement should the General Assembly decide to adopt such policies. The Commission must complete its meetings by November 30, 2003, and submit an executive summary of its findings and recommendations no later than the first day of the 2004 Regular Session of the General Assembly.

*Patron - Hanger*

### **PSJ349 Best practices of high-performing schools.**

Directs the Joint Legislative Audit and Review Commission (JLARC) to collect data and information regarding best practices at high-performing public schools in the Commonwealth. In collecting such data and information, JLARC is to identify and examine (i) those schools that have performed successfully in meeting the Standards of Accreditation and those who have achieved marked improvement in student and school performance; (ii) specific demographic and other factors that may influence academic success; (iii) practices and demographic information of the best- and poorest-performing school divisions; (iv) successful practices in those high-performing school divisions with marked fiscal or other challenges; and (v) such related issues as it deems appropriate.

*Patron - Hanger*

### **PSJ354 Railroad freight and passenger transportation in Virginia.**

Requests the Virginia Department of Rail and Public Transportation to study the Virginia Rail Transportation Development Authority. In conducting its study, the Department shall (i) analyze the feasibility of various options to finance improvements to railroad freight and passenger transportation in Virginia, including strategies that may be considered by the Virginia Rail Transportation Development Authority, pursuant to SB 1279 (2003); (ii) conduct a literature search of national best practices relative to creating rail authorities and other relevant issues; (iii) examine how the Virginia Rail Transportation Development Authority can finance and facilitate financing of the acquisition, construction, repair, improvement, and extension of rail facilities, including rolling stock and infrastructure that the Authority determines to be in the public interest; and (iv) recommend the appropriate structure, powers and duties of the Authority, and revenue and sources of revenue needed to perform its responsibilities. The Virginia Department of Rail and Public Transportation must complete its meetings by November 30, 2003, and submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a document.

*Patron - Edwards*

### **PSJ355 Local delinquent tax sale process.**

Directs the Commission on Growth and Economic Development to study the local delinquent tax sale process to examine ways in which the existing state statutes may be unnecessarily complicated, time-consuming, or costly to localities. The Commission shall submit its findings and recommendations to the Governor and the 2004 Session of the General Assembly.

*Patron - Edwards*

### **PSJ356 Lead poisoning prevention.**

Continues the Joint Subcommittee Studying Lead Poisoning Prevention to (i) cooperate with the executive agencies in the implementation of an expanded data sharing initiative upon the passage of a legislative proposal to so expand the activity; (ii) seek ways to assist state agencies in the delivery of lead poisoning prevention services in as cost-effective or cost neutral a way as may be possible; (iii) support and contribute, in any way feasible and appropriate, to the Department of Health's efforts to maintain

federal support for the Lead-Safe Virginia program; (iv) support the implementation of the Department of Housing and Community Development's new federal grant in any way necessary and appropriate for a legislative group; and (v) continue to strive for ways to educate and encourage parents, particularly those individuals living in housing with lead risks, in the prevention of lead poisoning of their children. The Joint Subcommittee must complete its meetings by November 30, 2003, and submit an executive summary of its findings and recommendations to the 2004 Session of the General Assembly.

*Patron - Lambert*

### **PSJ357 Housing related-issues.**

Directs the Virginia Housing Study Commission to study (i) the report of the Housing Needs Assessment Project conducted by the Virginia Housing Development Authority and the Department of Housing and Community Development to address issues raised in such report; (ii) the development of a statewide housing policy; (iii) the mechanisms by which commercial and residential real estate transactions address the amelioration of mold and mildew; (iv) the mechanisms by which housing that promotes the concept of visitability can be incorporated into programs that utilize public funding to foster the production of single family housing; and (v) the need to establish a comprehensive elevator safety program to protect the safety of, and prevent serious injury to, the public using elevators and employees performing services to elevators in the Commonwealth.

*Patron - Mims*

### **PSJ359 Disparity assessment of minority-owned business participation in state's procurement transactions.**

Requests the Department of Minority Business Enterprise, in conjunction with the Department of General Services, the Virginia Employment Commission and the Department of Transportation, to direct the development of a disparity assessment to determine the status of minority-owned business participation in the State's procurement transactions. This resolution is identical to HJR 646.

*Patron - Stolle*

### **PSJ381 Desalinization.**

Requests the Virginia Water Resources Research Center at the Virginia Polytechnic Institute and State University to study desalinization as part of a strategy to meet Virginia's drinking water needs. The study will examine the costs and benefits of this technology and whether it would be cost-effective for those localities located near the ocean or a brackish water source to develop this technology.

*Patron - Hawkins*

## **Failed**

### **FHJ517 Telecommuting.**

Establishes a joint subcommittee to study barriers and impediments to telecommuting in the public and private sectors of the Commonwealth.

*Patron - Lingamfelter*

### **FHJ520 Establishment of Battle of Great Bridge State Park.**

Requests the Department of Conservation and Recreation to study the feasibility of establishing a Battle of Great Bridge State Park. In conducting the study, the Department should determine the historical and cultural significance of the battlefield area, identify available funding sources for its preservation, evaluate the costs of establishing a state park at the location, and examine similar landmarks and parks to determine the most appropriate means for preserving the Battle of Great Bridge area.

*Patron - Cosgrove*

**FHJ521 Sheriffs' staffing standards.** Creates a joint subcommittee to study staffing standards for sheriffs' departments.

*Patron - Cosgrove*

**FHJ562 Standards of Quality (SOQ) funding.** Creates a 10-member joint subcommittee to study the allocation of funding for the Standards of Quality in the Commonwealth. In conducting its study, the joint subcommittee shall examine, among other things, current statutory, constitutional, and budget provisions governing the calculation of SOQ costs and funding; the recommendations of the 2002 JLARC review of elementary and secondary school funding; local revenues supporting public education and the current allocation formula; school funding formulas and equalization plans in other states; the work of recent and ongoing study committees relevant to school funding concerns; and such other issues as it deems appropriate.

*Patron - Petersen*

**FHJ564 Youth Commission.** Directs the Commission on Youth to study the foster care payment rates in the Commonwealth.

*Patron - Darner*

**FHJ565 Housing for students with handicaps.** Requests the State Council for Higher Education (SCHEV), in conjunction with the Department of Education and the Board for the Rights of Virginians with Disabilities, to study the need for housing at state facilities for higher education that is not only handicapped-accessible but also provides accommodations for personal attendants to enable students with handicaps to attend college as part of the college community.

*Patron - Darner*

**FHJ566 School safety plan.** Directs the Commission on Youth to study the efficacy and appropriateness of establishing a statewide school safety plan in the Commonwealth. In conducting its study, the Commission shall consider, among other things, (i) other states' comprehensive safety plans that incorporate prevention, intervention, crisis response, and post-crisis recovery; and (ii) the operation and coordination of current school safety initiatives in the Commonwealth.

*Patron - Darner*

**FHJ571 Faculty tenure practices.** Directs the Joint Legislative Audit and Review Commission to study tenure practices at the Commonwealth's colleges and universities. In conducting the study, the Commission shall consider, among other things, the effect of tenure practices on college and university faculty productivity and on the quality of instruction and programming for undergraduates, any tenure studies conducted by the State Council of Higher Education, the ongoing implementation of post-tenure review in Virginia, tenure practices in other states' colleges and universities, the recommendations of the Governor's Blue Ribbon Commission on Higher Education, and related issues as the Commission deems appropriate.

*Patron - Hargrove*

**FHJ572 Effects of school vouchers and tuition tax incentives on school enrollment.** Establishes a joint subcommittee to study the effects of school vouchers and tuition tax credits and deductions on school enrollment. In conducting its study, the joint subcommittee shall (i) consider the issues associated with school vouchers and tuition tax credits and deductions; (ii) review other states' voucher or tax credit or deduction programs and relevant court decisions; and (iii) contract, with such private funds as may be contributed for this

purpose, with a public entity for the performance of a survey of parents and students and other persons, as necessary, across the Commonwealth to determine the potential effects on school enrollments of vouchers or tuition tax credits or deductions. The joint subcommittee must provide appropriate opportunities for public participation in the study to the extent practicable, taking care to ensure the broadest participation possible. The joint subcommittee must submit an executive summary of its findings and recommendations no later than the first day of the 2004 Regular Session of the General Assembly, indicating whether it intends to submit to the Governor and the General Assembly a report of its findings and recommendations for publication as a document.

*Patron - Marshall, R.G.*

**FHJ573 Medical, ethical, and scientific issues relating to stem cell research conducted in the Commonwealth.** Establishes a joint subcommittee to study stem cell research in Virginia. In conducting its study, the joint subcommittee shall examine the medical, ethical and scientific policy implications of prohibiting the creation of embryos in vitro for any purpose other than bringing them to birth, and criminalizing the transfer of compensation, in cash or in-kind, to induce any person to donate sperm or eggs for any purpose other than procreation. The joint subcommittee shall also examine the efficacy of research using adult stem cells rather than embryonic stem cells. The chairman must submit an executive summary of the joint subcommittee's findings and recommendations no later than the first day of the 2004 Regular Session of the General Assembly to the Division of Legislative Automated Systems. The executive summary shall state whether the joint subcommittee intends to submit to the Governor and the General Assembly a report of its findings and recommendations for publication as a document. The executive summary and the report shall be posted on the General Assembly's website.

*Patron - Marshall, R.G.*

**FHJ576 Absentee voting eligibility criteria.** Requests the State Board of Elections to study absentee voting eligibility criteria. The Board shall examine absentee ballot eligibility requirements in other states and determine the rationale for the inclusion or exclusion of certain groups and circumstances not currently covered by Virginia law, including, but not limited to, persons who are 65 years of age or older. The Board shall evaluate the current criteria and determine if any changes to the criteria are needed to better serve the needs of the citizens of the Commonwealth.

*Patron - Orrock*

**FHJ584 Public-private funding of studies.** Directs the Joint Legislative Audit and Review Commission, with the assistance of the Attorney General, to study the appropriateness and feasibility of creating public-private partnerships for funding studies that benefit the Commonwealth. The Commission shall examine (i) public-private study partnerships in other states; (ii) the feasibility and appropriateness of implementing any such partnerships in the Commonwealth on a pilot project basis; and (iii) constitutional, financial, and policy issues regarding the creation of hybrid public-private studies. The Commission shall develop criteria for determining what studies should receive public-private funding and a process and criteria for soliciting, accepting and distributing private funds.

*Patron - Purkey*

**FHJ586 Accounting reporting standards.** Establishes a 10-member joint subcommittee to study how the Commonwealth's financial accounting reporting standards relate to comparable standards implemented by the Securities and Exchange Commission.

*Patron - Purkey*

**FHJ587 In-state tuition for certain immigrant students.** Creates a 10-member joint subcommittee to study the feasibility of permitting certain immigrant students who have not yet attained legal permanent resident status to receive in-state tuition to attend Virginia public institutions of higher education. The joint subcommittee is to consider current federal immigration law and regulation, judicial precedent, current in-state tuition practices addressing immigrant and nonresident students in the Commonwealth and other states, fiscal and policy implications of extending in-state tuition to such students, and such other matters as it deems appropriate. Modeled after a resolution adopted by the Hawaii legislature in April 2002, the resolution also directs the joint subcommittee to specifically examine the feasibility of permitting alien students to pay resident tuition fees if the student (i) has obtained a diploma from a Virginia public or private high school following three years enrollment, or obtained a general education diploma in Virginia; and (ii) files an affidavit with the enrolling institution stating that an application to legalize the student's resident status has been filed or will be filed when eligible to do so. In addition, the joint subcommittee shall identify practices at Virginia public and private institutions of higher education addressing the admission of and financial assistance to undocumented immigrant students; and estimate the number of undocumented immigrant students in Virginia public secondary schools and how many of these students might wish to pursue higher education in the Commonwealth.

*Patron - Darner*

**FHJ593 School bus safety.** Requests the Department of Education to study school bus safety in the Commonwealth. In conducting its study, the Department shall consider (i) current state and federal school bus safety requirements; (ii) the work and recommendations of other transportation safety agencies and organizations, such as the National Highway Traffic Safety Administration; (iii) school bus safety initiatives in other states; (iv) fiscal and policy issues concerning the installation of various safety features in public school buses; and (v) such other matters as it deems appropriate.

*Patron - Jones, D.C.*

**FHJ599 Hunting with dogs.** Requests the Department of Game and Inland Fisheries to study hunting with dogs, including the training of dogs with live wild animals, with particular attention paid to the bear hound training season.

*Patron - Abbitt*

**FHJ600 Hunting and fishing license exemptions; report.** Requests the Virginia Department of Game and Inland Fisheries to study the various exemptions from hunting and fishing license requirements to determine the potential financial impact that these exemptions have on Department revenue. The Department shall complete its meetings by November 30, 2003, and the Director shall submit an executive summary and a document of its findings to the Governor and the General Assembly by the first day of the 2004 Regular Session of the General Assembly.

*Patron - Abbitt*

**FHJ601 Tennessee's Growth Policy Law.** Establishes a joint subcommittee to study Tennessee's Growth Policy Law in order to determine whether such an approach to planning in Virginia is feasible or desirable.

*Patron - Marshall, R.G.*

**FHJ602 Rehabilitation Building Code.** Requests the Department of Housing and Community Development to study

the feasibility and appropriateness of adopting a rehabilitation building code in the Commonwealth.

*Patron - Woodrum*

**FHJ603 Prostitution.** Directs the Commission to study issues relative to prostitution and the operation of bawdy places.

*Patron - Drake*

**FHJ605 Midwifery.** Requests the Board of Health Professions to recommend to the General Assembly a regulatory system to establish the appropriate degree of regulation for direct-entry midwives. The report shall be submitted to the 2004 General Assembly.

*Patron - Hamilton*

**FHJ606 Statewide high school to community college articulation agreement in the Commonwealth.** Directs the Advisory Council on Career and Technical Education to study the efficacy of developing and implementing a statewide high school to community college articulation agreement in the Commonwealth. The Advisory Council is requested to examine (i) the appropriate parties for developing a draft statewide articulation agreement in Virginia; (ii) the extent of existing concurrent enrollment initiatives in the Commonwealth; (iii) existing articulation agreements and their operation; (iv) ways to encourage local flexibility and response to emerging or new business and industry needs; (v) issues concerning superceding local articulation agreements, particularly relating to local school boards and their vested constitutional authority to "supervise" their schools; (vi) ways to simplify the transition between public high schools and community colleges and make this process more uniform; and (vii) criteria and responsibility for award of college credit for high school courses and for recommending courses or a matrix of courses for inclusion in any statewide articulation agreement. The Advisory Council is required to submit an executive summary and report on these directives by January 1, 2004, in accordance with the procedures of the Division of Legislative Automated Systems.

*Patron - Joannou*

**FHJ632 Comprehensive plan for school health services.** Requests the Department of Education, Virginia Department of Health, and the Virginia Center for School Safety to study current data collection efforts and to design a plan to provide comprehensive information on the provision of medical and mental health services in public schools.

*Patron - Devolites*

**FHJ636 Issues relating to dentists' participation in Virginia Medicaid and the Family Access to Medical Insurance Security (FAMIS) Plan.** Requests the Department of Medical Assistance Services to convene a task force to study issues relating to dentists' participation in Virginia Medicaid and FAMIS. Low-income children in Virginia are frequently unable to obtain dental care and frequently suffer from severe emotional and physical pain from poor oral health. The Department is required to include representatives of the Virginia Dental Association and the Old Dominion Dental Association and to report in 2004 on its findings and recommendations.

*Patron - Van Yahres*

**FHJ638 Virginia compliance with federal education records laws.** Directs the Commission on Youth to study the Commonwealth's compliance with federal laws addressing education records, including the Family Educational Rights and Privacy Act (FERPA), the No Child Left Behind Act of 2001, and the Individuals with Disabilities Education Act. The Commission is to (i) evaluate the advantages and disadvantages of adopting the FERPA as Virginia's student records provisions

versus maintaining Virginia's current statutory scheme with steps to reconcile it with federal law and regulations; (ii) evaluate Virginia's compliance with the education records provisions of the No Child Left Behind Act of 2001 and the Individuals with Disabilities Education Act; and (iii) recommend appropriate and feasible changes to the Code of Virginia to resolve conflicts with federal law. The Commission may establish an advisory group to provide oversight and direction in the process.

*Patron - Tata*

**FHJ643 Potential cost savings and benefits vis-a-vis the new disaggregated data and reporting requirements of No Child Left Behind and the use of independent educational performance assessment services.** Requests the Board of Education to assess the potential cost-savings and benefits vis-a-vis the new disaggregated data and reporting requirements of the federal law, No Child Left Behind, and the use of independent educational performance assessment services. This resolution notes that the Joint Subcommittee to Study the use of Independent Educational Performance Assessment Services (HJR 91 of 2002) has examined the efficacy of independent educational performance assessment services and is convinced that economies of scale can be accomplished by the development of comprehensive data systems and that objective evaluation of comprehensive academic data can be used to compare previous years' performance in each school and each school division. The resolution notes the limited resources in Virginia and the need to seek the most cost-effective and efficacious way of providing the data required by No Child Left Behind. Comprehensive data could identify the gravest gaps in student achievement, the most effective programs, characteristics of competent teachers, what professional development needs are most important, and where funds could be well-spent to improve public education in Virginia. The Board of Education is requested, in the conduct of this study, to review potential funding sources for the engagement of independent educational performance assessment services, including, but not limited to, No Child Left Behind moneys and other federal or foundation grant funding.

*Patron - Byron*

**FHJ650 Computer physician order entry systems as a means of reducing medication errors.** Directs the Joint Commission on Health Care to study computer physician order entry systems as a means of reducing medication errors. This resolution notes that more than one million serious medication errors are believed to occur annually in hospitals across the country and that many of these errors result in adverse drug reactions, with 20 percent being life-threatening. The many reasons for medication errors are acknowledged, particularly illegible handwriting, decimal point errors resulting in overdoses, unknown drug interactions, drug allergies, and confusion of drugs because of similar names. Computer physician order entry systems are said to reduce these medication errors by integrating the patient's test results and medication history, detecting possible drug interactions, warning of allergies and overdosing, assisting the physician with information about new drugs, and providing drug-specific information. In conducting this study, the Joint Commission on Health Care is requested to examine (i) the benefits of computer physician order entry systems in hospitals; (ii) any legal impediments to implementation of such systems in Virginia; (iii) the cost benefits of purchasing and implementing computer physician order entry systems in hospitals vis-a-vis the initial substantial investment; (iv) and any professional issues relating to implementation of computer physician order entry systems in hospitals, including physicians' computer skills and any cultural avoidance of such systems.

*Patron - Brink*

**FHJ654 Higher education operations.** Creates a 10-member joint subcommittee to study administration and operations of Virginia's public institutions of higher education. In conducting its study, the joint subcommittee shall examine, among other things, (i) the establishment and implementation of guidelines for funding higher education in Virginia, (ii) development of measures to ensure Virginia's public institutions of higher education are cost-competitive regionally and nationally, (iii) development of a system of institutional performance agreements that address major funding, quality, and accountability issues on an institution-specific basis, (iv) establishment of a long-term plan to meet the capital construction requirements of higher education, and (v) review of the appropriateness of centralized controls and requirements for advance approval that the Commonwealth imposes upon Virginia's public institutions of higher education.

*Patron - Rust*

**FHJ657 Streamlined Sales Tax Project agreement.** Creates a joint subcommittee consisting of four members (two delegates, one senator, and the State Tax Commissioner or his designee) to examine, compare, and determine the impact of the Streamlined Sales Tax Project agreement on Virginia's sales and use tax laws. The joint subcommittee shall complete its work no later than November 30, 2003. The direct costs of the study shall not exceed \$3,000.

*Patron - Watts*

**FSJ303 Increasing membership of HJR 159 joint subcommittee.** Increases the membership 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) by adding one member of the Senate and one member of the House of Delegates. The increase in membership is needed to retain the services of a former member of the House of Delegates and the joint subcommittee who was recently elected to the Senate. The resolution also incorporates standard provisions of the legislative drafting guidelines adopted by the Joint Rules Committee.

*Patron - O'Brien*

**FSJ304 Kinship care study.** Requests the Department of Social Services to study the formulation of a formal kinship care program in the Commonwealth. The Department of Social Services shall determine the extent to which children in foster care are placed with relatives, the costs and sources of funds for kinship care, the current and future policy of the Commonwealth regarding kinship care, the characteristics of kinship caregivers and their households, conditions under which children enter kinship care, services provided to kinship caregivers and to birth parents, birth parents' access to their children in kinship care, and permanency plans for children in kinship care.

*Patron - Miller, Y.B.*

**FSJ315 Mental health needs and treatment of young minority adults in the Commonwealth.** Directs the Joint Commission on Behavioral Health Care, or its successor in interest, to study the mental health needs and treatment of young minority adults in the Commonwealth. In conducting its study, the Joint Commission on Behavioral Health Care shall (i) estimate the number of mentally disabled young adults in the Commonwealth by gender, race and ethnic group; (ii) identify the most prevalent mental disorders and their etiology among such groups; (iii) determine, to the extent possible, the number of racial and ethnic minority persons who receive mental health treatment each year and the facilities providing such care; (iv) determine whether mental health care providers are

trained to provide culturally competent mental health treatment; (v) assess the need for culturally competent mental health treatment in Virginia; (vi) review federal and state laws and regulations governing the confidentiality of health care, mental health treatment, and medical records and identify the conditions and the extent to which medical records information may be disclosed to parents and family members to assist them in obtaining health, social services, and mental health treatment for mentally disabled young adults; (vii) recommend ways and alternatives, within the law, to provide parents and family members of mentally disabled young adults the ability to obtain needed health, social services, and mental health treatment for such persons without involuntary commitment; and (viii) consider such other related matters as the Commission determines necessary to address the objectives of this resolution. The Joint Commission on Behavioral Health Care, or its successor in interest, must complete its meetings by November 30, 2003, and submit an executive summary of its findings and recommendations no later than the first day of the 2004 Regular Session of the General Assembly, indicating whether the Commission intends to submit to the Governor and the General Assembly a report of its findings and recommendations for publication as a document.

*Patron - Marsh*

**FSJ317 Access to and costs of oral health care.** Establishes a joint subcommittee to study access to and the costs of oral health care. In conducting its study, the joint subcommittee shall (i) ascertain the state of oral health in Virginia; (ii) identify and evaluate oral health care needs by demographic characteristics in the Commonwealth; (iii) determine the number of persons without adequate or any dental insurance; (iv) determine the number of dental visits each year by age, gender, services rendered, and costs of services; and (v) recommend strategies to promote and increase good oral health in the Commonwealth, including, but not limited to, issues relating to access to oral care by poor, low-income, and minority persons, and ways to provide affordable oral health care for all persons. The joint subcommittee shall submit an executive summary of its findings and recommendations no later than the first day of the 2004 Regular Session of the General Assembly, indicating whether the joint subcommittee intends to submit to the Governor and the General Assembly a report of its findings and recommendations for publication as a document.

*Patron - Marsh*

**FSJ329 Treatment of nursing home residents in hospital emergency rooms.** Directs the Joint Commission on Health Care to study treatment of nursing home residents in hospital emergency rooms. This resolution notes that Virginia has significant law relating to abuse and neglect of the elderly and the disabled; however, Adult Protective Services does not have legal tools comparable to those of Child Protective Services because adults are presumed, under most circumstances, to be capable of protecting themselves. Nursing home residents are, however, among the most vulnerable and fragile of adults and are the least able to protect their rights and to file complaints. Noting that statistics on the number and kinds of treatment that nursing home residents receive in hospital emergency rooms could identify problems that need to be resolved before crises occur, the resolution directs the Joint Commission to examine available reports in the Department of Health and to request the cooperation of the Virginia Hospital and Health Care Association and the Virginia Health Care Association in collecting the most recent available data on injuries and illnesses among nursing home patients and emergency room visits. The Joint Commission must report its findings and recommendations by the first day of the 2004 Session.

*Patron - Byrne*

**FSJ348 Revision of state tax code.** Continues the Joint Subcommittee to Study and Revise Virginia's State Tax Code established by House Joint Resolution No. 685 (2001), Senate Joint Resolution 387 (2001), and House Joint Resolution No. 60 (2002).

*Patron - Hanger*

**FSJ352 Alternative water sources.** Directs the State Water Commission to study alternative technologies to develop additional water supplies and determine whether incentives could be provided to those localities that implement alternative water source plans.

*Patron - Norment*

**FSJ426 Hearing aids for small children.** Directs the Joint Commission on Health Care to study the costs and benefits of requiring insurers to cover hearing aids for children under age five. In conducting its study, the Commission shall examine (i) the cost of providing hearing aids to children under age five, including the effect on health insurance premiums, (ii) the effects on the speech, language, and emotional development of children who have not had hearing aids before age five, (iii) the costs of providing special services to children who are deaf and hard-of-hearing, (iv) the additional costs of education of children who are deaf and hard-of-hearing, and (v) any other matter the Commission deems relevant.

*Patron - Ticer*

## Charters and Authorities

### Passed

**PHB1471 Alexandria Port Commission.** Repeals the Act of Assembly (as amended) that created the Alexandria Port Commission. The Commission does not exist and this Act of Assembly is obsolete. This legislation is a recommendation of the Virginia Code Commission.

*Patron - Landes*

**PHB1472 Bristol Parking Authority.** Repeals the 1968 act that allows creation of such an authority. The authority is not in existence. This is a recommendation of the Virginia Code Commission.

*Patron - Landes*

**PHB1473 Martinsville Parking Authority.** Repeals the 1968 act that allows creation of such an authority. The authority is not in existence. This is a recommendation of the Virginia Code Commission.

*Patron - Landes*

**PHB1474 Peninsula Civic Recreation Center Authority.** Repeals the 1960 act that allows creation of such an authority. The authority is not in existence. This is a recommendation of the Virginia Code Commission.

*Patron - Landes*

**PHB1479 Pulaski and Wytheville Parking Authority; repeal.** Repeals the 1968 act that allows creation of such an authority. The authority is not in existence. This is a recommendation of the Virginia Code Commission.

*Patron - Landes*

**PHB1556 Charter; Town of Orange.** Updates the town boundary description.

*Patron - Broman*

**PHB1665** **Charter; City of Newport News.** Corrects a problem with current charter provisions that prevents the payment of pension funds, deemed marital property, to the surviving spouse.

*Patron - Oder*

**PHB1719** **Charter; City of Bristol.** Changes the composition of the utilities board and the youth services board. This bill is identical to SB 796.

*Patron - Johnson*

**PHB1731** **Charter; Town of Damascus.** Changes references to the town sergeant to the chief of police and deletes references to a maximum salary for council members.

*Patron - Johnson*

**PHB1736** **Charter; Town of Dumfries.** Provides that candidates for town offices shall not be identified on the ballot by political affiliation. Other changes (i) clarify the method of filling council vacancies; (ii) provide that the seat of a council member who voluntarily misses three consecutive council meetings shall be deemed vacant; (iii) simplify the procedure for passing a town ordinance; (iv) delete definitions for "publish" and "posting"; (v) provide that the town manager shall have those powers and duties granted by the council; (vi) amend the listing of town departments; and (vii) correct outdated references.

*Patron - Rollison*

**PHB2044** **Charter; Town of Vinton.** Provides that the mayor or a councilman shall not be eligible during his term of office, or for one year thereafter, for any compensated town employment.

*Patron - Woodrum*

**PHB2068** **Charter; Town of Floyd.** Moves the election date for the mayor and town council from May to November. The current mayor and town council members will have their terms reduced by six months. This bill is identical to SB 736.

*Patron - Dudley*

**PHB2069** **Charter; Town of Gretna.** Provides for staggered terms for the town council. This bill is identical to SB 1235.

*Patron - Dudley*

**PHB2077** **Charter; City of Poquoson.** Expands the duties of the city clerk to include the administering of the oath of office to certain local officials and to include the hiring of a deputy clerk and assistants. This bill is identical to SB 1256.

*Patron - Gear*

**PHB2177** **Charter; Town of Wise.** Provides that candidates for election to town council shall not be identified by political affiliation on the ballot. This bill is identical to SB 715.

*Patron - Kilgore*

**PHB2228** **Charter; City of Lexington.** Amends Lexington's charter to prohibit candidates for city offices from being identified on the ballot by political affiliation. This bill is identical to SB 1055.

*Patron - Cline*

**PHB2279** **Charter; Town of Chatham.** Provides for staggered terms for council members beginning with the 2004 election. This bill is identical to SB 1236.

*Patron - Hurt*

**PHB2322** **Charter; City of Norfolk.** Provides that no candidate may seek election for more than one seat in an election. A sitting member of council who files for election to a council seat other than reelection to the member's own seat and so appears on the ballot shall be deemed to have resigned his seat effective July 1 of the year in which the election is held whether or not he is elected to the new seat sought.

*Patron - Drake*

**PHB2356** **Charter; Town of Blacksburg.** Provides that candidates for town council shall not be identified on the ballot by political affiliation. This is consistent with the town's current practice of nonpartisan council elections. This bill is identical to SB 934.

*Patron - Shuler*

**PHB2619** **Charter; Town of Boykins.** Provides a new charter for the Town of Boykins and repeals the existing charter, enacted in 1884. The new charter contains powers typically granted to towns.

*Patron - Council*

**PSB715** **Charter; Town of Wise.** Provides that candidates for election to town council shall not be identified by political affiliation on the ballot. This bill is identical to HB 2177.

*Patron - Wampler*

**PSB718** **Charter; City of Norton.** Provides that no candidate for election to city council shall be identified on the ballot by political affiliation.

*Patron - Wampler*

**PSB723** **Charlottesville-Albemarle Airport Authority.** Replaces the present "charter" of the Charlottesville-Albemarle Airport Authority with a new one.

*Patron - Deeds*

**PSB736** **Charter; Town of Floyd.** Moves the election date for the mayor and town council from May to November. The current mayor and town council members will have their terms reduced by six months. This bill is identical to HB 2068.

*Patron - Reynolds*

**PSB762** **Charter; Town of La Crosse.** Provides a new charter for the Town of La Crosse, in Mecklenburg County, and repeals the current charter, passed in 1901. The new charter contains provisions typically found in town charters and does not grant unusual powers.

*Patron - Ruff*

**PSB775** **Charter; City of Chesapeake.** Renames the department of personnel as the department of human resources and provides that the director of audit services shall be recommended for appointment by the city manager subject to ratification by a majority vote of the council. The director of audit services shall be subject to removal from office by a majority vote of the council.

*Patron - Blevins*

**PSB796** **Charter; City of Bristol.** Makes changes to the composition of the utilities board and the youth services board. This bill is identical to HB 1719.

*Patron - Wampler*

**PSB813** **Charter; City of Virginia Beach.** Updates the charter by replacing outdated Code of Virginia references,

replacing "borough" with "district" and deleting provisions that are no longer applicable.

*Patron - Stolle*

**PSB931** **Charter; Roanoke County.** Renames the social services board as the social services advisory board and expands the number of members of the board from three to at least seven. The bill also clarifies that the county administrator or his designee shall act as the local board of social services.

*Patron - Edwards*

**PSB934** **Charter; Town of Blacksburg.** Provides that candidates for town council shall not be identified on the ballot by political affiliation. This is consistent with the town's current practice of nonpartisan council elections. This bill is identical to HB 2356.

*Patron - Edwards*

**PSB1055** **Charter; City of Lexington.** Amends Lexington's charter to prohibit candidates for city offices from being identified on the ballot by political affiliation. This bill is identical to HB 2228.

*Patron - Hanger*

**PSB1172** **Charter; Town of Bluefield.** Provides that the town treasurer shall be appointed by the town manager rather than elected by the voters of the town, and shall serve as the town's director of finance. The bill also adds certain duties to the treasurer regarding land and personal property books and taxation.

*Patron - Puckett*

**PSB1235** **Charter; Town of Gretna.** Provides for staggered terms for the town council. This bill is identical to HB 2069.

*Patron - Hawkins*

**PSB1236** **Charter; Town of Chatham.** Provides for staggered terms for council members beginning with the 2004 election. This bill is identical to HB 2279.

*Patron - Hawkins*

**PSB1256** **Charter; City of Poquoson.** Expands the duties of the city clerk to include the administering of the oath of office to certain local officials and to include the hiring of a deputy clerk and assistants. This bill is identical to HB 2077.

*Patron - Williams*

## Failed

**FHB1631** **Charter; City of Chesapeake.** Deletes the requirement that a member of council who decides to run for mayor must first resign from council. Any vacancy created when a council member is elected mayor shall be filled by the candidate in such election receiving the next-highest vote to those candidates declared elected to the office of council member.

*Patron - Cosgrove*

**FHB1634** **Charter; City of Chesapeake.** Renames the department of personnel as the department of human resources and provides that the director of audit services shall be recommended for appointment by the city manager subject to ratification by a majority vote of the council. The director of audit services shall be subject to removal from office by a majority vote of the council.

*Patron - Cosgrove*

**FHB2625** **Charter; City of Chesapeake.** Provides for the division of the City into six districts with council members elected from each district. The mayor and two additional members shall be elected at large. These amendments have not gone through the typical charter amendment process as specified in Chapter 2 (§ 15.2-200 et seq.) of Title 15.2.

*Patron - Spruill*

**FSB795** **Charter; City of Bristol.** Makes changes to the composition of the youth services board.

*Patron - Wampler*

**FSB844** **Charter; City of Chesapeake.** Renames the department of personnel as the department of human resources and provides that the director of audit services shall be recommended for appointment by the city manager subject to ratification by a majority vote of the council. The director of audit services shall be subject to removal from office by a majority vote of the council.

*Patron - Quayle*

**FSB929** **Charter; County of Roanoke.** Provides that the County shall have authority to levy upon the sale or use of cigarettes a tax at a rate not to exceed 0.75 cents per cigarette sold or used, such tax to be collected pursuant to Article 7 (58.1-3830 et seq.) of Chapter 38 of Title 58.1 of the Code of Virginia. Further amendments change the name of the social services board to the social services advisory board and increase the membership of the board from three to at least seven members.

*Patron - Edwards*